

The Independent Commission for Human Rights

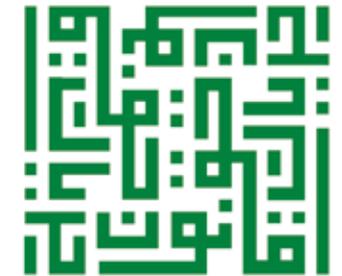


By Ola Adawi

The Independent Commission for Human Rights (ICHR) is the national human rights institution in Palestine with the function of an ombudsman. Upon a presidential decree issued by the late President Yasser Arafat in 1993, ICHR was founded (by no coincidence) alongside the establishment of the Palestinian Authority. With a vision that stresses the importance of establishing a Palestinian state that is rooted in the values of justice, freedom, and protection of human rights, ICHR was officially launched at the beginning of 1994.

Since its establishment, ICHR has operated within a unique and complicated political atmosphere compared to other national human rights institutions (NHRIs), given that it specifically operates in a conflict zone without a Palestinian sovereign state and under a prolonged Israeli military occupation. ICHR's work is further complicated by the internal political division that has existed since 2007 and led to the presence of two governments, one in the West Bank and another in the Gaza Strip. These realities have multiplied the events in Palestine that ICHR must respond to and has made the outcome of future situations unpredictable. Nonetheless, ICHR has successfully maintained its independence and effectiveness in fulfilling a broad mandate on the national level. This success also reflects on the international level, where ICHR received "A" status accreditation within the Global Alliance for National Human Rights Institutions, underscoring the full independence of the commission. Furthermore, ICHR is an active member in several international and regional networks: the Arab Network for Arab National Human Rights Institutions, the Asia Pacific Forum (APF) for NHRIs, and the Mediterranean Ombudsmen Association.

To apply the rule of law and justice, ICHR receives and follows up on citizens' individual or collective complaints that are specifically related to human rights violations or attacks on public freedoms that occur in areas under Palestinian Authority jurisdiction, including the security services, institutions, and official or semi-official bodies. ICHR handles 2,500 to 3,000 complaints annually by conducting investigations, collecting the necessary data and information, following up with concerned authorities, and working on settling these complaints as quickly as possible. There has been an improvement in the level of satisfaction of solved issues. In the past, only up to 20 percent of the complaints had been solved in a satisfactory manner. This percentage has now increased to 45 to 50 percent and hopefully will continue to improve.



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Furthermore, ICHR monitors the places of freedom deprivation to protect the rights of their inhabitants. ICHR visits and prepares reports on all places of freedom deprivation,

■ An advocacy workshop at ICHR.



including detention centers, prisons, shelters, and protection centers, to monitor the treatment, physical safety, and living and health conditions of inhabitants, as well as to ensure the integrity of legal procedures. ICHR's field researchers conduct about 1,300 annual regular and special (emergency) visits to places of liberty deprivation in the West Bank and the Gaza Strip.

In 2018, for the first time in Palestine, ICHR conducted an evaluation of the compliance of rehabilitation centers with relevant international standards. The evaluation data served as baseline data for the following years. In 2018, rehabilitation center compliance with international standards reached 54.3 percent in the West Bank and 65.1 percent in the Gaza Strip.

At a higher level, ICHR monitors national legislation and policies, including laws and legislation, public policies, national development plans, and public budgets, in addition to analyzing them from the perspective of international human rights standards and international human rights treaties and conventions. ICHR also plays an advisory role in suggesting new laws or modifying existing ones for better compliance with human rights standards as well as lobbying and encouraging the state of Palestine to accede to human rights treaties, conventions, and protocols. For example, ICHR persuaded the Ministry of Foreign Affairs and the President's Office to join the Optional Protocol to the Convention against Torture through which torture prevention mechanisms will be established and, accordingly, prison torture will expectedly decline.

ICHR thrives in promoting a human rights culture in Palestine through strategic efforts that aim to train duty bearers to understand their human rights roles and obligations. ICHR also aligns strategic direction on public awareness-raising in order to provide knowledge and tools to rights holders to enable them to exercise their rights and learn how to claim these rights. ICHR's public awareness strategy is implemented through awareness messages that are sent through traditional media tools and social media, open awareness meetings, specialized seminars, and scientific conferences. In addition, public meetings that are organized to address citizen concerns and issues have been effective in addressing local violations, given the ICHR's distinguished position among the state and citizens.

At the overall level, ICHR monitors the human rights situation in Palestine, documents human rights violations against Palestinian citizens, analyzes their patterns, and monitors the interventions of duty bearers to stop these violations. Through its monitoring, ICHR makes sure to highlight the impact of the Israeli human rights violations on the ability of the State of Palestine to fulfill its human rights obligations. ICHR also issues monthly and periodic reports that document human rights violations in order to highlight the human rights situation and focus on specific legal and human rights issues. To disseminate information regarding this work, ICHR publishes annual reports on the status of human rights in Palestine as well as monthly reports, field reports, truth-seeking reports on specific human rights violations, legal and special reports, and shadow reports to the UN human rights treaties.



■ Artwork by Manal Deeb.

ICHR's role as one of the important early-warning mechanisms for human rights violations in the State of Palestine was demonstrated in 2021 through its successful treatment of volatile files that arose, including the president's announcement and postponement of presidential and legislative elections, the Israeli aggression on the Gaza Strip in May 2021, the procurement and distribution of COVID-19 vaccines, and the Doctors Syndicate strike and its implications on citizens' rights to health care and changes in legislation and laws affecting human rights, in addition to the most recent killing of the political activist Nizar Banat while in the custody of the Preventive Security Service in Hebron, and the subsequent peaceful demonstrations and gatherings of citizens to protest the circumstances of his death and to demand that the killers be held accountable.

Under these circumstances, ICHR has continued to deal positively with duty bearers, whether in the West Bank or in Gaza, focusing on providing advice and consultations, strengthening, encouraging, and promoting positive trends, opening relations on the political, administrative, and security levels in the West Bank and Gaza, and benefiting from these relations in strengthening ICHR's ability to resolve complaints, access detainees, bridge the gap between civil society and the government, and influence public policies and legislation.

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