



Update on the Shadow Report On Palestine's Implementation of SDG 16

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Update on the Shadow Report On Palestine's Implementation of SDG 16

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Table of Contents

Executive summary and key findings	4
Introduction	8
Methodology	9
Justification for the shadow report	9
National progress report	10
Findings on national progress towards achieving SDGs 16.4, 16.5, 16.6, 16.7, 16.10	11
Target 16.4: By 2030, substantially reduce illicit financial flows and enhance the recovery of stolen assets <ul style="list-style-type: none"> • Combat money laundering. • Transparency of beneficial ownership. • Recovery of stolen assets. 	14 14 15 17
Target 16.5: Substantially reduce corruption and bribery in all their forms <ul style="list-style-type: none"> • Experience and perceptions of corruption. • Anti-corruption framework and institutions. • Private sector corruption. • Transparency of parties and electoral campaigns. 	20 20 20 23 24
Target 16.6: Develop effective and accountable institutions at all levels <ul style="list-style-type: none"> • Transparency and integrity in public administration. • Financial transparency. • Public procurement. • Mechanisms for reporting violations. 	26 26 28 28 30
Target 16.7: Responsive, inclusive and participatory decision-making <ul style="list-style-type: none"> • Proportion of positions (by age, sex, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, judiciary) relative to national distribution. • Proportion of population who believe that decision-making is inclusive and responsive. 	33 33 39
Target 16.10: Protect fundamental freedoms and access to information <ul style="list-style-type: none"> • Protect fundamental rights and freedoms. • Access to information. 	41 41 42
Recommendations	44
Sources and references	48

● Executive Summary:

Over the past few years, the Palestinian government has made several efforts to enhance integrity and combat corruption, including¹:

Latest Developments:

- A number of anticorruption plans and strategies, the latest of which was the National Cross-Sectoral Strategy to Enhance Governance and Combat Corruption 2025-2030, which was officially adopted for the first time by the Council of Ministers and circulated to ministries for implementation.
- The government program of the nineteenth government (the government of Dr. Mohamed Mustafa) included plans for institutional reform, restructuring, and unification of institutions between the two parts of the country, combating corruption, raising the level of services, and digital transformation. The Council of Ministers formed a permanent committee for government reform and established a special office for reform attached to the Prime Minister's Office.

Target 16.4: By 2030, significantly reduce illicit financial flows and enhance the recovery of stolen assets:

- Anti-money laundering legislation has been updated and unified in a new anti-money laundering and anti-terrorism law decree, which has become more responsive to international standards, in addition to completing a large system of regulations and instructions in this regard, such as Instructions No. (4) of 2022 AD on combating money laundering and terrorist financing for financial institutions, Instructions No. (3) of 2022 AD on combating money laundering and terrorist financing for specified non-financial businesses and professions, the system for determining the supervisory authorities over financial institutions, specified non-financial businesses and professions, and non-profit organizations for the purposes of combating money laundering and terrorist financing No. (1) of 2023 AD, and others.
- Despite updating the national assessment report, the State of Palestine has not published any summaries or outputs of this report.
- Regarding the recovery of criminal proceeds, no data has been published during the past two years.
- The State of Palestine still lacks specific legislation that addresses the issues of recovering criminal proceeds and clarifying the methods of international cooperation and providing mutual legal assistance in this regard.

Target 16.5: Substantially reduce corruption and bribery in all their forms:

- The latest opinion polls indicate that the level of corruption in the institutions of the Palestinian National Authority is still high, and that nepotism, favoritism, embezzlement of public funds, abuse of trust, and abuse of power are the most widespread forms of corruption.
- Although the Palestinian legal framework criminalizes all corruption crimes, the promise of bribery in the private sector has not been criminalized.
- Many indicators indicate a weakness in the independence enjoyed by the Anti-Corruption Commission, the Financial and Administrative Control Bureau, the judiciary, and the Public Prosecution, and that there are facts confirming external interference in their work.

¹ To view progress in achieving Goal 16 since the State of Palestine signed the commitment to the Sustainable Development Plan, see the shadow reports issued by AMAN on Palestine's implementation of Goal 16 of the Sustainable Development Goals in the years 2019, 2020, and 2022.

- As for the transparency of parties and electoral campaigns, no progress has been made in this regard, as any changes in this area are intertwined with the presence of the Israeli occupation on the one hand and the weakness of the powers of the bodies supervising the elections in monitoring their funding on the other hand.

Target 16.6: Develop effective and accountable institutions at all levels:

- Enacting legislation regulating the transfer of senior officials between the public and private sectors has not progressed.
- Palestinian legislation does not require the president, prime minister, ministers, members of the Legislative Council, judges, and prosecutors to file financial disclosure statements on a regular basis but only requires them to file once upon assuming office.
- No competent or judicial body examines and scrutinizes the information and data contained in financial disclosure statements.
- Palestine slipped in the 2023 International Open Budget Survey, receiving a score of 0% for public participation in budget making, 17% for budget oversight, and 8% for transparency. According to the index, the Ministry of Finance published 3 out of 8 documents to the public.
- The High Procurement Council (HPC) has made progress in incorporating many of the centers of excellence for public procurement. There has been no progress in attracting purchases for government contracts related to the exploitation of public resources such as telecommunications, water, and electricity, which have not been subject to tenders and whose contracts signed with the private sector have not been published to the public. with the private sector to the public, and the government has not worked to finalize an e-procurement strategy that will enhance the transparency and integrity of the procurement process in central and local government bodies.

Target 16.7: Ensure responsive, inclusive and participatory decision-making

- The Palestinian government has made progress in appointing some senior positions, as it has subjected 12 positions of vice ministers to competition and is awaiting an evaluation of the effectiveness, transparency and integrity of the procedures. At the same time, this progress has not extended to appointments in special positions such as the presidency of non-ministerial institutions.
- Women still face the same problems in appointments to scarce leadership positions, as they constitute only 18.50% of senior positions, despite a slight improvement in numbers compared to last year, in the executive authority, the civil service, and the judiciary. There has also been no progress in government policies to end women's professional stereotyping. The fact that public schools are segregated for males and females has allowed the appointment of female teachers at the same rate as males, which are the most numerous and most appointed positions annually.
- The absence of legislation or written general policy from official bodies that regulate the relationship between civil society and official bodies, within the framework of partnership in making public policies, despite the inclusion of official discourse and statements of many indications of the involvement of civil society in preparing documents and plans.
- The nineteenth government has recorded progress regarding the participation of civil society and citizens in formulating public policies, as it launched a public consultation platform on the Ministry of Justice website to present draft laws and decisions for opinion before they are approved. For example:
- The percentage of the population who believe that decision-making is an inclusive process for all and meets needs has declined in recent years in surveys by the Palestinian Central Bureau of Statistics. At the same time, the number of those who indicated using connections to obtain public services has increased in opinion polls conducted annually by AMAN.

Target 16.10: Protect fundamental freedoms and the right to access information

- Despite repeated demands by civil society organizations and government institutions, the government has not worked to pass legislation on the right to access information and the National Archives Law.
- The State of Palestine lacks a national strategy to protect human rights defenders, although the Palestinian legal system includes several provisions in this regard.
- Palestine/West Bank received a score of 22/100 in the World Freedom Index for 2024 issued by Freedom House. Palestine also ranked 157th globally in the World Press Freedom Index issued by Reporters Without Borders in 2024. The MADA report indicated a decrease in the number of Palestinian violations of media freedoms during the first half of 2024 if the numbers are viewed in isolation from other factors accompanying their occurrence, namely the war on the Gaza Strip.
- Cases of restricting the freedom of those who expose some cases of major corruption were monitored, and cases of breaching the privacy of Palestinian citizens also appeared.

Recommendations:

Target 16.4: Significantly reduce illicit financial flows by 2030 and enhance the recovery of stolen assets:

- The competent authorities, in cooperation with the Palestinian Ministry of Foreign Affairs and Palestinian representations, should conclude bilateral agreements with various countries to exchange information, recover stolen assets, extradite criminals, and facilitate investigation and litigation in accordance with the law.
- Take into account the standards related to the independence and effectiveness of the unit for coordinating and following up on efforts to recover stolen assets.
- Pass a special legislation that addresses the issues of recovering the proceeds of crime and stipulates the methods of international cooperation and mutual legal assistance in this regard.

Target 16.5: Significantly reduce corruption and bribery in all their forms:

- Include all acts criminalized in accordance with the Convention among the predicate crimes of money laundering, including trading in influence and abuse of functions, and in particular the crime of sexual harassment in public office.
- Criminalize the promise, offer, grant, request, or acceptance of bribery in the private sector.
- Criminalize the use of physical force, threats, intimidation, or the promise, offer, or grant of undue benefits to induce false testimony or to interfere in the giving of testimony or the presentation of evidence in proceedings related to the commission of criminal acts under the Convention, whether or not the perpetrator has achieved his goal, or the interference in the exercise of official duties by any judicial or law enforcement official, in accordance with the provisions of the Convention.

Target 16.6: Develop effective and accountable institutions at all levels:

- Adopt a national plan to reform the judicial system by reviewing the legal and institutional reality of the judiciary and the public prosecution.
- Establish a system/regulation to organize the procedures for transferring officials from the public sector (ministers, representatives, tax and customs officers, etc.) to work in the private sector.
- Have a competent or judicial body to examine and audit the information and data contained in financial disclosure statements, and to free itself from the principle of absolute confidentiality in dealing with financial disclosure statements and move towards public disclosure for senior positions at least and publish them to the public, and activate and strengthen penalties on violators, whether those who refrain from submitting the statements, or those who do not adhere to the deadlines for submitting them, or those who provide false and misleading information in the statements, and expand these penalties to include all taxpayers.

- Disclosure of detailed financial data in accordance with the General Budget and Financial Affairs Regulation Law No. (7) of 1998.
- Completing the institutional requirements for implementing the Public Procurement Law, and striving for the government to complete the integration of all entities (government responsibility centers and local authorities) into the unified portal for public procurement, and the necessity of attracting the rest of the purchasing operations to join the portal, especially government contracts related to the exploitation of public resources such as communications, water and electricity that were not subject to tenders and whose contracts signed with the private sector were not published to the public, and working to complete the electronic procurement strategy that will enhance the transparency and integrity of public procurement operations for government institutions and local government bodies.
- Preparing a special system to monitor the financing of candidates and electoral campaigns, obligating the candidate or list to open a bank account in which the amounts allocated to the electoral campaign are allocated and from which all expenses are disbursed, and giving the Elections Committee the right to view this account at any time, with a maximum limit for donations to the candidate or list, and obligating each list or candidate to submit a comprehensive account statement that includes the transactions that took place during the electoral campaign period, and publishing it to the public.
- Consider taking measures to disqualify persons convicted of committing corruption crimes from holding a position in an establishment owned wholly or partially by the state.
- Take measures to address the consequences of corruption, which may include considering corruption as a factor for the cancellation or termination of a contract, the withdrawal of a concession or other similar instrument, or taking any other remedial action.

Target 16.7: Make decisions responsive, inclusive and participatory

- Adopt a women's quota system for appointments and promotions in the judiciary, taking into account professionalism and competence requirements.
- Provide for a women's quota in the government formation, taking into account competence and professionalism, to allow society to accept the presence of women in government.
- Subject the special category of senior positions (heads of non-ministerial institutions) in the civil service to the principle of equal opportunities in general and to allow for reducing the gender gap in holding public office. And work to help women exit the stereotypes in assuming professions. And enhance government policies based on empowering women in the public sector, the judiciary, and the police to assume advanced leadership positions, and enhance government policies based on changing the cultural pattern of society that places women in certain professional molds that lead to their exclusion from decision-making positions.
- Enact provisions in specialized Palestinian legislation on the obligation of civil society participation in making public policies and decisions, and establish solid principles of partnership in decision-making and openness to society and its components.
- Establish the principles of the rule of law and apply them to citizens alike so that government decisions and procedures are comprehensive and do not discriminate against any group to prevent the spread of corruption such as nepotism and bribery to obtain public services.

Target 16.10: Protecting basic freedoms and the right to access information

- Abolish the penalty of detention and imprisonment related to publishing and expressing opinions crimes against journalists and replace them with financial fines, and stop blocking media websites without a judicial order.
- Expedite the enactment of the Right to Access Information Law and the National Archives Law.
- Review the Cybercrimes Law so as to lift restrictions on the principle of freedom of expression and opinion regarding everything related to the management of public affairs and money.

● Introduction

The United Nations has adopted the “2030 Agenda: Towards Sustainable Development to Transform Our World” by setting 17 Sustainable Development Goals (SDGs) with 169 targets to be implemented by 2030 covering three aspects of development: economic prosperity, social development, and environmental protection: Economic Prosperity, Social Development, and Environmental Protection. At the national level, countries and governments are encouraged to integrate these goals into their plans and policies and to develop national targets and indicators tailored to their specific circumstances. Governments are expected to take the lead in reviewing progress on the SDGs voluntarily through the preparation of National Voluntary Review reports. In addition, civil society organizations and other stakeholders are expected to accompany the government's efforts through national monitoring and follow-up.

The shadow report for Goal 16 “Peace, Justice and Institutions”: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels”, contributes to supporting governments to monitor national progress in the fight against corruption, as it covers several themes related to the anti-corruption framework to help governments identify areas where the national anti-corruption system leaves room for improvement and collect data and information that serve as the basis for the shadow report.

The Shadow Report reflects civil society's view of the achievements and challenges facing the implementation of national plans, as the Shadow Report is based on a number of pillars and foundations, the most important of which are:

- The report focuses on providing an assessment from a societal perspective on the progress made in implementing the themes and areas of national sustainable development and translating the development goals into national policies, and how to implement and measure the success of the implementation mechanisms, including reviewing the achievement of goals/objectives holistically, especially since governments will focus on some goals and neglect others based on their priorities, which constitutes a gap that civil society reports can fill.
- This report is parallel to the government's report and is essentially independent, reflecting civil society's vision of the extent of commitment to the goals of the national plan on the implementation of the Sustainable Development Goals adopted by the United Nations.
- Providing applicable recommendations based on a “grassroots” societal perspective and using various quantitative and qualitative data, statistics, and indicators.

Civil society organizations working to promote integrity and active in the fight against corruption, such as AMAN, play a role in achieving UN Development Goal 16 “Peace, Justice and Institutions”: “To achieve peace, justice and institution-building that promotes peaceful societies in which no one is marginalized, to achieve sustainable development, to provide access to justice for all and to build effective, accountable and inclusive institutions at all levels”, by focusing on the following targets in particular:

Target 16.4: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.”

Target 16.5: “Substantially reduce corruption and bribery in all their forms.”

Target 16.6: “Develop effective, accountable and transparent institutions at all levels.”

Target 16.7: “Ensure responsive, inclusive, participatory and representative decision-making at all levels.”

Target 16.10: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

Methodology

The Shadow Report's methodology is based on information gathering and analysis, focusing on the extent to which Goal 16 and related targets are translated into policies, procedures, and harmonization of national legislation.

First: Collect data and information on the progress toward achieving the targets from different sources (including reviewing the official report).

Second: Analyze the data and data to realistically describe the results and challenges, identify conclusions, and provide actionable recommendations.

Third: Preparing a draft report for discussion in a stakeholders' focus group session.

Fourth: Preparing the final report after making the accepted amendments.

Rationale for an independent professional report

Governments usually prepare their national reports based on data from official government parties such as the centralized official statistical agencies or data extracted from the reports of government parties involved in implementing plans related to the SDG follow-up process. Therefore, it is necessary to take into account the determinants of the local reality regarding the SDGs, which include:

1. The multidimensionality of the SDGs.
 2. Availability of data.
 3. The credibility of the data prepared by government institutions.
- Together, these determinants constitute a strong justification for an independent assessment of the government's anti-corruption efforts in the context of the SDGs, as follows:

I. The Multidimensionality of SDG Targets

Many of the targets under Goal 16 are multidimensional in the sense that they measure broad concepts such as corruption that cannot be adequately captured by a single indicator. Moreover, the indicators available in the official international package do not sufficiently cover the various ambitions that the targets seek to achieve. For example, Target 16.5 seeks to significantly reduce all forms of corruption and bribery, but the officially adopted indicators measure bribery among public officials and between citizens and businesses, while there are no tools to measure intra- or inter-governmental bribery or other forms of non-governmental corruption.

Other selected international indicators also fail to reveal some sensitive aspects. For example, target 16.4 seeks to combat all forms of organized crime, but there is no official indicator to measure organized crime or promote the recovery and return of stolen assets. This report seeks to provide a more comprehensive picture of national progress in the fight against corruption.

II. Availability of Data

Even if official indicators can monitor progress on SDG 16, the data to address these indicators may not be available, as many of the indicators related to SDG 16 rely on data that is not systematically prepared and does not follow an established methodology or standards in its collection. Therefore, this report aims to compensate for the lack of data publication or availability in a way that covers the goals and indicators of SDG 16 by providing other indicators and alternative data sources.

III. Credibility of Data

The official assessment of progress in achieving the SDGs will rely on data prepared by government institutions, especially national statistical bureaus², but the credibility of official data may be questionable for two reasons: (i) the high pressure that can be placed on statistical offices due to

² It should be noted that this report is based on official statistics issued by the Palestinian Central Bureau of Statistics (PCBS), which Palestinian civil society organizations widely trust.

the preparation of data for all 169 targets, and (ii) the fact that politically sensitive targets, such as those for the SDGs, require specialized data: Politically sensitive targets such as those related to corruption and governance require governments to assess their effectiveness; illicit financial flows may involve government officials 16.4; corruption may involve ruling elites while the government may withhold information or even target journalists, trade unionists, or civil society activists 16.10; and corruption may involve ruling elites while the government may withhold information or even target journalists, trade unionists, or civil society activists 16.10.

Considering the above challenges, independent analysis is necessary to support and complement the picture of reality that voluntary government reports on SDG 16.4, 16.5, 16.6, 16.7, and 16.10 may not reveal, especially since many of those preparing them are already tasked with implementing policies and decisions related to these targets, which is what this shadow report seeks to do.

The information contained in this shadow report could be useful for the voluntary national review during the High-Level Political Forum, or the information provided by the shadow report could be used in the governmental review process of the SDGs that countries carry out on an ongoing basis, but most importantly to help decision-making centers in the field develop national plans to address the challenges that prevent the achievement of the development goals.

Methodology

The information and data included in the report were collected for the period between September 2020 and May 2022 based on a desk review of relevant Palestinian policies, legislation, and institutional structures, data issued by the Central Bureau of Statistics, information from research references, government websites, news websites, and a set of reports issued by the Coalition for Integrity and Accountability (AMAN) on the reality of corruption and the fight against it in Palestine.

National Progress Report on Goal 16*

The National Team for the Follow-up and Implementation of the Sustainable Development Goals continued its work, as it reviewed the interventions and achievements achieved until August 2023 in an unpublished report to date, and since that date, the team has not resumed its work due to the war on Gaza and the change in government work priorities, as indicated by the head of the national team, Engineer Samah Nasser³.

The report reviewed the reality of progress in achieving the anti-corruption targets (16.4, 16.5, 16.6, 16.7 and 16.10) and the challenges they face, explaining the priority targets for the years 2024-2029, in addition to the proposed policy interventions to enhance the inclusion of priority targets in government strategic plans.

Although the report elaborates on many aspects of target (16.6), which relates to the establishment of accountable, effective and transparent institutions, it did not provide any information regarding (major government expenditures as a percentage of the original approved budget or by sector or by budget codes or similar for the year 2022, although the report was issued in 2023). The report does not address issues related to the weak independence of public oversight bodies or the effectiveness of anti-corruption plans and strategies, nor does it provide convincing justifications for not issuing legislation that guarantees the public's right to access information and withholding this information from the public, nor does the report refer to the set of laws that restrict rights and freedoms, or why the government has not taken any measures to stop attacks on citizens' basic rights and freedoms through arbitrary detention, especially against journalists, although the report provides details regarding the incidence of arbitrary detentions⁴.

* For more information on the national Goal 16 team, its formation mechanism, and the national progress report, see the Coalition for Integrity and Accountability (AMAN) report. 2022 . Shadow Report on Palestine's Implementation of Goal 16 of the Sustainable Development Goals. Ramallah, Palestine.

3 Samah Nasser. Head of the national team for Goal 16. Phone call on 10/21/2024

4 Unpublished report of the national team to follow up on Goal 16 for 2023.

● Findings on national progress in achieving SDGs 16.4, 16.5, 16.5, 16.6, 16.7, 16.10

Recent Developments:

	(0.50)	The existence of a national anti-corruption plan
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The Palestinian Anti-Corruption Commission (PACC) prepared the National Cross-Sectoral Strategy for Strengthening Governance and Combating Corruption 2025-2025 According to the strategy, the cross-sectoral strategic planning process was participatory in its preparation and utilized several tools to follow up on the website, and participated in the website's social media channels, and participated in the website's social media channels The Commission indicated that the first draft of the strategy was published on the Commission's website to make it available for consultation. in addition to holding an international consultation session with the presence of (13) experts. a number of international organizations, a number of Palestinian officials and a number of international institutions, and blinds the final draft of the strategy to the needs of the Palestinian people and a number of international institutions⁵. **For the first time since it launched its strategies, the Council of Ministers, in its session No. 30 held on 10/29/2024, adopted this plan and assigned all ministries and state institutions to cooperate with the Anti-Corruption Commission in completing the strategy's action plan. The decision did not clarify whether financial budgets were allocated to implement the strategy.**

The nineteenth government headed by Dr. Mohammed Mustafa announced its program, which included plans for institutional reform, restructuring and unifying institutions, fighting corruption, raising the level of services and digital transformation, unifying institutions and restructuring institutions between the two parts of the country, and implementing the rule of law, strengthening the integrity of the financial sector, including empowering the judiciary, promoting security and safety, and ensuring public freedoms. Implementing the rule of law, strengthening the integrity of the financial sector, including empowering the judiciary, enhancing security and safety, and ensuring public freedoms.

The General Personnel Council has finalized 7069 job description cards for supervisory positions for 34 government departments⁶. For the first time since the establishment of the Palestinian Authority, the General Personnel Council (GPC) announced, based on Cabinet Decision No. (19/06/03/MM/MW) of 2024, issued on 07/05/2024, that it opened the application process for the position of "Deputy Minister" in (12) ministries⁷. However, to date, the General Personnel Council has not announced a competition to fill any of the special category positions of heads of non-ministerial institutions.

The public consultation platform was activated to involve citizens, the public, civil society organizations, and the public and private sectors, and receive their feedback on public policies, acts, laws, regulations, and the like before they are duly approved⁸.

On the other hand, the national integrity system in the Palestinian justice sector is compromised by several challenges including those related to the right of access to information, and the publication of cabinet decisions. The granting of concessions to private sector companies in Palestine is still carried out without a comprehensive legal framework given the lack of a comprehensive relevant

5 Anti-Corruption Commission. The National Cross-Sectoral Strategy to Promote Governance and Combat Corruption 2025-2030. 2020, p. 6-10.
6 General Personnel Council. Report 2021-2023. Ramallah, Palestine. 12.9.2024 at <https://www.gpc.pna.ps/diwan/viewPublicReportList.gpc>
7 IGeneral Secretariat of the Council of Ministers. The performance report of the nineteenth government's one hundred days of work. July. 2024, and the Staff Bureau's announcement on Al-Hadath newspaper dated 10.7.2024 <https://2u.pw/sdhLyKb2>
8 On the website of the Palestinian Ministry of Justice <https://econsultation.moj.pna.ps/#/speakup/main>

law. The rules for granting concessions in the management and operation of vital service facilities remain unclear although these utilities have been privatized for management or operation. The absence of concession and monopoly prevention legal framework has weakened the regulatory role of regulatory bodies while board of directors of many public shareholding companies that manage public utilities still do not apply a mandatory disclosure of conflicts of interest to its members⁹.

In addition, the government continues to withhold the publication of concession agreements, the most recent of which was the concession agreement signed with the Sorouh Energy Company for renewable energy production in the Zahrat Al-Finjan landfill. The name of the Company's real owner has not been disclosed, although there are influential people in the company. This indicates a suspicion of conflict of interest and raises doubts about the justification for granting undeserved privileges¹⁰.

The number of Palestinian violations against media freedoms in the West Bank and Gaza Strip during the year 2023 increased slightly by 16 points, or 29%, compared to what was documented in the previous year, 2022¹¹. During the first half of the year 2024, the number of Palestinian violations decreased after it had recorded a significant increase in the same period of the previous year 2023, which is a positive indicator of the state of Palestinian media freedoms, if the figures are considered separately from other factors accompanying their occurrence, namely the war on the Gaza Strip, which affected the decrease in the number of documented Palestinian violations, especially in the Gaza Strip, as the war has preoccupied the Palestinian security services operating in the West Bank or the Gaza Strip in the ongoing assault¹².

With regard to self-censorship among journalists, Mada Center's annual report for the year 2023 referred to the smart policy that the official authorities and security services in the Gaza Strip began to apply two years ago through their dealings with journalists, as they resorted to referring journalists to the courts if they committed any offense from their point of view, which led to prolonging the time to reach settlements between journalists and the courts and thus the spread of self-censorship more widely among journalists and their reluctance to address and publish about many topics that could pose difficulties and difficulties for them. In the West Bank, summonses and interrogations constitute one of the most important and dangerous violations that may be practiced against journalists and media freedoms, which necessarily leads to self-censorship and thus restricts media freedoms¹³.

The Government and Quality of Governance Report conducted by the Palestinian Center for Policy and Survey Research in 2024 indicated that the percentage of belief in the existence of corruption in PA institutions is (85%)¹⁴.

The Anti-Corruption Commission receives hundreds of reports and complaints about suspected corruption. ACC 2023 Annual Report indicates that the Commission dealt with (1392) complaints and reports, of which (499) were filed, and (32) were referred to the public prosecutor. The report indicated that the total number of investigative cases registered in the record of the Corruption Crimes Prosecution from 2010 to 2023 (334) cases, and the same report indicated that the crime of

9 Coalition for Integrity and Accountability (AMAN) 2023.

Review of the State of Palestine regarding implementing the second chapter (Preventive Measures) and fifth chapter (Recovery of Assets) of the United Nations Convention Against Corruption. Ramallah-Palestine

10 Coalition for Integrity and Accountability Aman. Fifteenth Annual Report on the Reality of Integrity and Anti-Corruption in Palestine, 2022

11 Palestinian Center for Development and Media Freedoms (MADA). Violations of Media Freedoms in Palestine Annual Report 2023. 2023

12 The Palestinian Center for Development and Media Freedoms (MADA). Violations of media freedoms in Palestine during the first half of 2024. 2024

13 MADA, Annual Report, op. cit.

14 The Palestinian Center for Development and Media Freedoms (MADA). Violations of media freedoms in Palestine during the first half of 2024. 2024. <https://www.pcpsr.org/ar/node/976>

abuse of power had (78%) of the cases received by the Commission, while the number of reports and complaints recorded a decline compared to the previous year as a result of the exceptional circumstances, namely the war on Gaza, which harmed the organization's ability to fulfill its mandate. Gaza, which negatively affected the Authority's work and limited its ability to carry out its activities and priorities¹⁵.

According to AMAN's annual report "The Reality of Integrity and Anti-corruption 2022", the public prosecutor's office in the West Bank refused to publish data on the corruption crimes it dealt with or on the type and nature of these crimes and the positions of the suspects. It also refused to share information on the size and nature of corruption crimes and the parties investigated or on the size of economic crimes in 2022. The report also indicated that the public prosecutor's office holds 86% of these files without adjudication until 2022. The cases include unsolved files from previous years. AMAN Coalition has confirmed information that in some cases the accused are bargained with to reach an illegal settlement. In other cases, the accused are blackmailed to obtain gains for unofficial interests (private companies) registered for them or to settle old accounts with some of them¹⁶. In the same context, the AMAN Coalition's annual report for the year 2022 on economic crimes related to corruption crimes registered with the Public Prosecution indicated that cases of promoting spoiled food, tax evasion and money laundering are still the most widespread cases of economic corruption; Economic corruption issues receive wide attention from citizens, as the poor marginalized segments of society are the most victims of corruption in food and medicine. The Public Prosecution report for 2021 in the West Bank showed that the number of economic crime cases referred to it and related to corruption crimes amounted to 185 cases, including 90 cases related to the circulation of spoiled or expired food, 64 cases related to tax evasion, in addition to 31 cases related to money laundering¹⁷.

¹⁵ PACC, annual report 2023

¹⁶ Coalition for Integrity and Accountability (AMAN), Annual Report, "Reality of Integrity and Anticorruption", 2022

¹⁷ Coalition for Integrity and Accountability (AMAN), Annual Report, op. cit.

- **Target 16.4: By 2030, substantially reduce illicit financial flows and enhance the recovery of stolen assets**

I: Combatting money laundering

	(1)	Having a money laundering law that complies with international standards
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In efforts to amend the anti-money laundering law, the State of Palestine issued a decree-law (39) of 2022 on combating money laundering and terrorism financing as amended. This is an attempt to comply with the financial action task force's recommendations. Additionally, it issued secondary legislation, guidance, and instructions to promote compliance with the law and fulfill the requirements of the third recommendation on criminalizing money laundering. Moreover, it promulgated decree #14 of 2022 to implement Security Council resolutions^{18*}.

	(0.50)	There is a national report on the assessment of money laundering risks
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The Financial Monitoring Unit indicated that the State of Palestine conducted a national assessment of money laundering risks in 2016, and the report was approved in 2018, and its results were shared with the competent authorities. Then in 2023, in coordination with the World Bank, it updated the national risk assessment based on the tools and methodology of the World Bank. However, the process stopped due to the political and economic conditions in the State of Palestine, and the difficulty of accessing the required data and statistics. Later, the update process was completed by a Council of Ministers' decision No. (02/14/19/MW/MM) of 11/7/2024, which provides for creating a national team to assess the risk of money laundering, terrorist financing, and proliferation financing to monitor the risk assessment update. 90% of the national risk assessment update report was completed and is currently in the completion stage. Regarding the publication of the National Money Laundering Risk Assessment Report, the Financial Monitoring Unit indicated that this report is considered limited access not all the outputs of the report are published, and only a summary of the most important results that resulted from the assessment process is published¹⁹.

To date, the national report on money laundering risk assessment or its summary has not been published

	1	Banning anonymous accounts and requiring due diligence
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Decree Law No. (39) of 2022 prohibits dealing with anonymous accounts in Article 10 on Know Your Customer measures, where financial institutions and specified non-financial businesses and professions are required to take the following due diligence measures for permanent or occasional natural or legal customers or legal arrangements²⁰. In addition to the issuance of Directive No. (4) of 2022 on combating money laundering and terrorist financing for financial institutions, in which many instructions were issued to prohibit dealing with anonymous accounts²¹.

18 Financial Follow-up Unit. Written response to the researcher's inquiries in this regard. 4/11/2024. See also Palestinian Chronicle. Law No. 39 of 2022 on Combating Money Laundering and Terrorist Financing. No. 193. 8/14/2022. The Palestinian Facts. Decree-Law No. (45) of 2022 amending Decree-Law No. (39) of 2022 on Combating Money Laundering and Terrorist Financing No. 194, 9/25/2022. The Palestinian Chronicle. No. 193, Decree No. (14) of 2022 on the Implementation of Security Council Resolutions. 8/14/2022.

* The UN Security Council resolutions on terrorist financing related to ISIS, Al-Qaeda and their associates, the Taliban and their associates, and on preventing, suppressing and disrupting the proliferation of weapons of mass destruction and its financing issued under Chapter VII of the UN Charter.

19 Financial Follow-up Unit, op. cit.

20 Decree Law No. (39) of 2022 on Combating Money Laundering and Terrorist Financing, Article 10

21 Official Gazette. Directive No. 4 of 2022 on combating money laundering and terrorist financing for financial institutions. No. 198. 1/25/2023.

	1	Obligation to report suspected cases
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Article 25 of Decree-Law no. (39) of 2022 covers reporting and related matters.

	1	Non-financial institutions' obligation to apply (know your customer)
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Decree-Law No. (39) of 2022 specified in Article (3) the specific non-financial businesses and professions, and added another clause giving the National Anti-Money Laundering and Terrorism Financing Committee the right to specify any other profession. In addition to the issuance of the system of determining the supervisory authorities over financial institutions, specified non-financial businesses and professions, and non-profit organizations for the purposes of combating money laundering and terrorism financing No. (1) of 2023²².

	1	Due diligence of a politically exposed customer or beneficiary
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Article (12) of Law No. (39) of 2022 stipulates due diligence measures for politically exposed persons by providing appropriate risk management systems to determine whether the client or the real beneficiary is a politically exposed person. In addition to what is stipulated in Article (12), Regulation No. (1) of 2018 was issued for politically exposed persons, where it defined a politically exposed person as A person, his family members, his related persons and his partner who holds or has held, whether in Palestine or abroad, public political positions or high positions. The regulations defined the scope of application to financial institutions, specified non-financial businesses and professions, and their branches operating abroad, to the extent permitted by the laws and regulations applicable in the countries in which these branches operate. As for the due diligence procedures, in addition to what is stipulated in Article 6 of the Decree Law, the regulation emphasizes that financial institutions and specified non-financial businesses and professions must take a set of measures regarding politically exposed persons, such as establishing appropriate risk management systems and policies to determine whether the client or the real beneficiary is a politically exposed person, whether local or foreign, or their family members and related persons²³.

II: Beneficial Ownership Transparency

	1	Definition of beneficial (real) ownership
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Decree Law No. (39) on Combating Money Laundering and Preventing Terrorism of 2022 defines the real beneficiary as the natural person who owns or has ultimate effective control over the client and/or the natural person on whose behalf the operations are carried out, including the person who exercises ultimate effective control over a legal arrangement or a legal person or its management.

²² Official Gazette. The Law on Identifying the Supervisory Authorities of Financial Institutions, Specified Non-Financial Businesses and Professions, and Non-Profit Organizations for the Purpose of Combating Money Laundering and Terrorist Financing No. (1) of 2023. No. 198. 1/25/2023

²³ The Official Gazette, Issue 149, November 28, 2018. p. 119.

	1	The law requires identifying the beneficial owners
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Law No. 39 of 2022 stipulates the requirement to identify beneficial owners in more than one article as follows: Article (8) Transparency of legal persons and legal arrangements, Article (10) Customer due diligence measures, Article (11) Timing of customer due diligence, Article (12) Due diligence measures for political risk representatives, Article (13) Due diligence measures for life insurance policies, Article (14) Enhanced measures for high risk associated with money laundering and terrorist financing, Article (81) Permitted information to be exchanged between supervisory authorities.

	1	Authorities with a mandate on access to information
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Article 8 of Law No. 39 of 2022 on Transparency of Legal Persons and Legal Arrangements provides for ensuring sufficient transparency regarding the true beneficiary of legal persons, non-profit organizations and legal arrangements that can be established in the country, and enabling the Unit, the Public Prosecution and law enforcement officers to obtain the information referred to in this article and available in the possession of the relevant parties as soon as possible.

Article 25 of the Decree-Law requires financial institutions and non-financial businesses and professions, if they suspect or have reasonable grounds to suspect that the funds represent the proceeds of a crime or are related to money laundering or terrorist financing, or have knowledge of a fact or activity that may constitute an indication of money laundering or terrorist financing or any of the associated predicate offenses, to report this immediately to the Unit, in accordance with the instructions issued by the Unit in this regard. The article requires financial institutions and specified non-financial businesses and professions to immediately report all suspicious operations and activities, including attempts to conduct such operations, regardless of their value.

	0	Public access to information
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The law does not allow for public access to information on beneficial ownership; such information or any part thereof are not published either.

	0.50	Updating information
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The Anti-Money Laundering and Combating the Financing of Terrorism Directive No. (4) of 2022 requires financial institutions to periodically update the identification data of the customer and the real beneficiary, or to update more frequently according to the level of risk²⁴.

The webpage of the Ministry of National Economy, the body responsible for registering companies in Palestine, shows that there is a publicly available register of companies created in 2022 under the name of the Companies Portal²⁵, after the issuance of Companies Law No. (42) of 2021, which stipulates in Article (14) regarding the register of companies the set of data, documents, and information required from companies, which the article emphasized to be public and available to the public through the website of the register of companies²⁶. However, upon scrutinizing the

²⁴ The Official Gazette. Issue No. 198. Directive No. (4) of 2022 on Combating Money Laundering and Terrorist Financing for Financial Institutions. 2023/01/25. For more information, see the Coalition for Integrity and Accountability (Aman). 2022. Shadow Report on Palestine's Implementation of Goal 16 of the Sustainable Development Goals. Ramallah - Palestine

²⁵ <http://www.mne.gov.ps:9095/ords/f?p=103:298>.

²⁶ Decree-law No. (42) of 2021 on Companies. Issued in Premium Issue No. 25, dated December 30, 2021.

published register, it turns out that it contains only the general information (nature of the trader, company number, name of the trader or company, trade name, status, date of registration, country, governorate, directorate, and the purposes of establishing the company).

However, the published register did not show a number of the following information stipulated by the law, such as (the names of the authorized signatories of the company, the company's authorized capital, all reservations and mortgages on the company's shares unless they are documented in the Depository and Transfer Center, any additional contributions in limited liability companies, the names of directors and board members in a private joint stock company, the name of the general manager and board members in a public joint stock company, the company's financial statements, the names of auditors and any information regarding their removal or resignation, and the capital of the subscribed joint stock company.

The law did not provide for specifying or publishing beneficial ownership. After the law was passed, the lack of legal control of the real beneficiary continued, allowing wanted criminal individuals or those associated with the authorities to seek financial services under the name of a legal entity or arrangement that they operate in secret.

Instructions No. (1) of 2018 on politically exposed persons were issued by the National Anti-Money Laundering and Terrorist Financing Committee²⁷. Instruction No. (1) of 2019 was issued by the National Anti-Money Laundering and Terrorism Financing Committee²⁸ amending Instruction No. (3) of 2016 on combating money laundering and terrorism financing in importing second-hand cars from outside the State of Palestine.

Companies Law No. 42 of 2021 stipulates that the companies' register will be made available to the public. Moreover, the Ministry of Economy established an online companies portal in 2022. However, the law does not require the specification of beneficial ownership.

The Financial Follow-up Unit in the State of Palestine was accepted as a member of the Egmont Group of Anti-Money Laundering and Combating the Financing of Terrorism Units in 2019, during the group's 26th meeting held in The Hague, the Netherlands. This membership allows the FIU to exchange intelligence information on money laundering and terrorism financing crimes with more than 159 counterpart units around the world, and facilitates the flow of information, capacity building and operational efficiency in the field of combating, tracking and tracing criminal funds and proceeds, and contributing to the recovery process at the international level²⁹.

III: Recovery of Stolen Assets

	0.50	Recovery of Stolen Assets
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The Palestinian Anti-Corruption Law No. (1) of 2005 and its amendments³⁰ in Article (9) Item (5) specifies the powers of the Anti-Corruption Commission to coordinate with the competent authorities to trace, seize, confiscate and recover funds and proceeds obtained from corruption offenses. The National Cross-Sectoral Strategy to Promote Governance and Combat Corruption 2025-2030, includes a special item as the fifth priority in the strategy on strengthening Arab and international cooperation agreements and tools and international cooperation related to the fight against corruption and the exchange of knowledge through the role of the Ministry of Foreign Affairs.

27 Palestinian Official Gazette, Issue 163, 1/30/2020. p. 52.
28 Palestinian Gazette, Issue 149, 11/28/2018. p. 119.
29 Palestinian Monetary Authority Page: <https://www.pma.ps/ar>.
30 Law No. (1) of 2005 and its amendments. On the Anti-Corruption Commission page <https://www.pacc.ps/library/viewbook/10277>.

Ministry of Foreign Affairs. Palestine's role in Arab and Islamic conventions, forums and networks related to the Arab and Islamic world. Combating corruption and recovering criminals fleeing from justice and criminal proceeds resulting from corruption cases³¹.

However, there are still many issues facing the Palestinian side in the legislative and practical field, namely the conclusion of bilateral agreements and accession to international agreements in the field of international judicial cooperation, whether in terms of recovering stolen assets, enforcing judgments or extraditing criminals³². In addition, there is no separate special legislation that addresses the issues of recovering criminal proceeds and clarifies the methods of international cooperation and mutual legal assistance in this regard. The lack of Palestine's status as a full-fledged member state of the United Nations, which has limited the ability of the State of Palestine to receive the proceeds of crime from the proceeds of crime, as well as from the proceeds of crime³³.

	0.50	Measures in place to seize criminal proceeds
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Article 55 of the Anti-Money Laundering and Terrorism Prevention Law No. 39 of 2022 provides for the confiscation of funds that constitute the proceeds of crime, funds that constitute the object of the crime, and funds that constitute income or other benefits obtained from such funds. This article includes many relevant details. Article 52 also stipulates that anyone who commits the money laundering offense stipulated in the law shall be punished with a prison term of not less than three years and not more than seven years, and a fine of not less than the value of the proceeds and not more than twice the value of the proceeds. Article 93 on penalties for human trafficking offenses provides for the confiscation of money, belongings, means of transportation or tools obtained from any of the crimes stipulated in this article or used in their commission, without prejudice to the rights of bona fide third parties.

Article 47 stipulates that the Public Prosecution and the competent court, according to the circumstances, shall entrust whoever it deems appropriate with the management of funds, receipts and means that have been seized, frozen or subject to confiscation related to money laundering crimes or any of the original crimes or terrorism financing in order to preserve their value and dispose of them or sell them at a public auction, and provided many procedures and details in this regard. Article 67 stipulates that the judicial authorities in the state may implement final judgments issued by foreign competent judicial authorities that require the confiscation of the means and proceeds of the crime of money laundering or terrorism financing.

Article (9) item (5) of the Anti-Corruption Law grants the Anti-Corruption Commission the authority to coordinate with the competent authorities to track, seize, confiscate and recover funds and proceeds obtained from corruption offenses, provided that the confiscation decision is issued by the court competent to hear the case. Article (9) item (2) deals with the recovery of stolen assets in the domestic sphere, as the Anti-Corruption Commission was granted the authority to issue a decision to seize movable and immovable assets, prevent travel, suspend the accused from working, and stop his salary, allowances, and benefits. This means that there are many legal rules laid down by the Palestinian legislator to recover funds obtained from corruption offenses, whether internal or external, provided that the accused is convicted by the Corruption Crimes Court, and in these cases, the burden of proof is on the prosecution and not on the accused.

31 Anti-Corruption Commission. National Cross-Sectoral Strategy to Enhance Governance and Combat Corruption 2023-2025.
32 Coalition for Integrity and Accountability (AMAN) 2023. Review of the State of Palestine in the implementation of Chapters Two (Preventive Measures) and Five (Asset Recovery) of the United Nations Convention against Corruption. Ramallah - Palestine.
33 Anti-Corruption Commission. Annual Report 2023.

Palestine's review report on the implementation of the United Nations Convention against Corruption in the second chapter on preventive measures and the fifth chapter on asset recovery, 2021, indicated that with regard to asset recovery, Palestine has not adopted a law on mutual legal assistance and relies on the provisions contained in the anti-money laundering law in this regard, and the mechanism for receiving requests for legal assistance is through the Ministry of Foreign Affairs and then to the Ministry of Justice, which refers them to the Public Prosecution or the judiciary for processing, and Palestine has not adopted measures that allow the automatic exchange of information without prior request from Framework States³⁴.

	0.50	Assets Recovery Unit designated
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The International Cooperation Unit was established at the Ministry of Justice as a specialized unit for asset recovery. It was tasked with all cases related to mutual legal assistance and international judicial cooperation, including following up on extradition requests, recovering stolen assets and enforcing judicial rulings. The procedures consist of the Anti-Corruption Commission referring the file to the Anti-Corruption Prosecution to carry out investigation procedures, and the prosecution prepares the memorandum for recovery or the request to seize the defendant's assets, which is forwarded to the International Cooperation Unit, which coordinates at the international level through the Ministry of Foreign Affairs and Maghreb³⁵.

PACC 2022 and 2023 annual reports do not include data on criminal proceeds recovery. Following communications with PACC, no relevant information has been obtained.

In AMAN's annual report on the state of integrity and anti-corruption in Palestine in 2023, the organization announced the existence of a public policy that allows it to make financial settlements with those accused of suspected corruption outside the framework of exercising the provisions of the law, and it is unclear to whom these funds or assets are returned (Abdulmalek Jaber case).

34 Palestine review report on the implementation of the United Nations Convention against Corruption in the second chapters on preventive measures and the fifth chapter on asset recovery, 2021

35 Nermin Marmesh, Mazen Lahham and Ismat Sawalha, The Framework Regulating Asset Recovery at the Local and International Levels, Institute of Law: Birzeit University, 2015. pp. 60-63.

● **Target 16.5: Eliminate corruption and bribery in all its forms**

I. Experience and perceptions of corruption

The survey of citizens' attitudes towards national priorities within the framework of the Sustainable Development Goals published by the Palestinian Central Bureau of Statistics (PCBS) indicated that 2.8% (3. 7%) in the West Bank said that they paid a bribe or were asked to pay a bribe for any of their transactions in government institutions during the past 12 months. 7%) in the West Bank said that they paid a bribe or were asked to pay a bribe for any of their transactions in government institutions during the past twelve months, as reported in the 2023 SDGs statistical survey³⁶.

The AMAN survey conducted in 2023 also indicated that 63% of the respondents believe that the level of corruption in the country's public sector is still high, including corruption in the form of nepotism, favoritism, misappropriation of public funds and abuse of trust and power Corruption is the most prevalent form of corruption (18%, 15%, 15%, 13%, and 11%, respectively). The percentage of those who said they paid or gave a gift to themselves or a loved one to an employee of the organization reached 29%, and compared to the to the previous year's results in 2022, there was an increase in this percentage by 5 points (29% compared to 24%)³⁷.

II: Anticorruption regulatory framework and institutions

	75	Regulatory framework criminalizes all crimes of corruption
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Article 1 of the Anti-Corruption Law No. 1 of 2005 defines corruption for the purpose of applying the provisions of the law as the following: 1. Offenses that violate the duties of public office and offenses that violate public trust stipulated in the applicable penal codes. 2. Crimes resulting from money laundering stipulated in the Money Laundering Law. 3. Any act that leads to the compromise of public funds. 4. Abuse of authority in violation of the law. 5. Accepting wasta and favoritism that eliminates a right and realizes a wrong. 6. Illegal gain. 7. All criminalized acts included in the Arab and international anti-corruption conventions ratified or acceded to by the national authority.

The Penal Code of 1960 in force in the West Bank and Penal Code No. 69 and Law No. 74 in force in the Gaza Strip criminalize the crimes of bribery and trading in influence in the public sector. The Anti-Corruption Law Decree No. 37 of 2018 subjected foreign public officials and employees of public international organizations to its provisions, but Palestinian legislation did not criminalize bribery and passive bribery in the private sector.

Article 5 of the AML/CFT Law Decree No. 39 of 2022 criminalizes the laundering of criminal proceeds and various forms of criminal participation in addition to the attempt to commit these crimes. The 1960 Penal Code in force in the West Bank and Penal Codes No. (69) and (74) in force in the Gaza Strip also criminalize the misappropriation by a public official of what has been entrusted to him by virtue of his job without explicitly covering the misappropriation in favor of another person or entity or the acts of waste and diversion, and the abuse of office by certain categories of public officials.

36 Palestinian Central Bureau of Statistics. 2023. Statistical Survey of Sustainable Development Goals/Goal 1.5.16 <https://pcbs.maps.arcgis.com/apps/dashboards/4c9b3c213766401ab03e4460f99d7b4a>

37 Coalition for Integrity and Accountability (AMAN). Annual Palestinian citizens' opinion poll on the reality of corruption and combating it in Palestine for the year 2023

Article 1 of the Anti-Corruption Law criminalizes the crime of graft, and the Penal Code in force in the West Bank and the two penal codes in force in the Gaza Strip criminalize the embezzlement of property in the public sector. Palestinian legislation does not criminalize incitement to obstruct the course of justice through the use of physical force or the promise or offer of undeserved benefits, and Palestinian legislation does not penalize preparatory acts to commit the crime³⁸. Article 9 of the Anti-Corruption Law and Article 39 of the Anti-Money Laundering Law provide for the civil and criminal liability of legal persons for money laundering offenses.

Decree Law No. (37) of 2018 on amending the Anti-Corruption Law No. (1) of 2005 and its amendments was issued to amend, among a set of articles, the conditions for appointing the head of the Commission to be Palestinian instead of the previous text in the original law that "he is a Palestinian of Palestinian parents and grandparents and does not enjoy any other nationality. On March 25, 2019, the President issued Decree-Law No. (9) of 2019 amending the Anti-Corruption Law No. (1) of 2005 and its amendments to determine the salary of the head of the commission equivalent to the salary allocated to the minister, and to enjoy the privileges granted to him, as the original law did not specify this³⁹.

The Anti-Corruption Commission receives hundreds of reports and complaints about suspicions of corruption, as the annual report for the year 2023 indicates that the Commission dealt with (1392) complaints and reports, of which a total of (499) complaints and reports were filed, and (32) were referred to the Public Prosecutor, and the total number of investigation cases recorded in the record of the Corruption Crimes Prosecution from 2010 to 2023 amounted to (334) cases. The total number of investigative cases registered in the record of the Corruption Crimes Prosecution from 2010 to 2023 (334) cases, as the same report indicated. The same report also indicated that the crime of abuse of power had the highest percentage of cases, with 78% of the reports⁴⁰.

As for the extent of independence enjoyed by the Anti-Corruption Commission, the Financial and Administrative Control Bureau, the Judiciary and the Public Prosecution, it can be summarized as follows:

Article 3 of the Anti-Corruption Law stipulates that the Anti-Corruption Commission enjoys legal personality and financial and administrative independence, and Article 7 of the law stipulates that the head of the Commission and its employees enjoy immunity for all acts related to the execution of their duties. Also, canceling the Legislative Council's ratification of the authority to appoint the head of the Anti-Corruption Commission and making the decision by the Head of State on the recommendation of the Council of Ministers is considered to be a matter that is considered to be prejudicial to the interests of the state. In addition to some references to external interference in the work of the commission, which was mentioned in the report on the reality of integrity and anti-corruption issued by the Aman Foundation in 2022.

Where the report referred to some cases related to influential figures that were frozen, or agreed upon without trials, while other corruption cases were opened to settle political accounts with opponents, the report added that Although the Anti-Corruption Commission referred eight files of officials from the categories of corruption in 2022, the The General Prosecutor's Office has only solved one corruption case in 2022, i.e. 12%. 5% of the total number of members of the Legislative Council, not counting the number of members of the Legislative Council from previous years.

38 Anti-Corruption Commission, State of Palestine Review Report on the Implementation of the United Nations Convention against Corruption: Review Cycle 2010-2015

http://www.pacc.pna.ps/ar/files/reports/2015_10_14_Palestine_Final_Country_Report_Arabic.pdf.

39 Decree Law No. (9) of 2019 amending the Anti-Corruption Law No. (1) of 2005 and its amendments. Official Gazette No. 154, dated 4/16/2019

40 Anti-Corruption Commission. Annual Report 2023. Previous source

Considering the total number of cases referred by the General Prosecutor's Office in 2022, the total number of cases referred by the General Prosecutor's Office in 2022 is estimated to be more than the total number of cases referred by the General Prosecutor's Office in 2022. The percentage of officials in the upper echelons is only about 3%, while the percentage of those in the lower echelons is 97%. This has shown the inaction of the government, the lack of will to prosecute corrupt cases, and the lack of will to prosecute major corruption and the subjection of its proceedings to political settlements outside the scope of the institutions of the International Criminal Police Organization⁴¹.

The percentage of those who believe in the independence of anti-corruption agencies in the West Bank has doubled in 2022 and 2023, respectively, compared to the results of surveys in the past five years. However, 46% of citizens are not convinced of the effectiveness and adequacy of the efforts of the anti-corruption authorities in the West Bank. They still doubt their independence and believe that influential political parties interfere in their work. Citizens believe that the party that interfered most in the work of the anti-corruption agencies were, according to the surveyed opinions, as follows: 1. Security agencies, 2. President's office, 3. The Prime Minister's Office, 4. Governors and mayors, 5. Party leaders. A large majority of citizens (87%) believe that the efforts made to combat corruption are insufficient, and citizens believe that the importance of the inadequacy of the efforts made to combat corruption is due to several reasons, primarily the weakness of the political will to hold the corrupt accountable⁴².

As for the judiciary, despite explicit provisions in the Basic Law and the Judicial Authority Law on the independence of the judiciary, the independence of the judiciary has been called into question in recent years after several interventions by the executive branch. A public opinion poll conducted by the Coalition for Integrity and Accountability (AMAN) in 2023 indicated that 73% of respondents in the West Bank believe that there is corruption in the judiciary⁴³. The Rule of Law and Access to Justice Survey, conducted by the Palestinian Statistical Authority in 2023, indicated that the percentage of those who trust that the judicial system is independent of any external influences was 41.4% in 2021, while it decreased to (33.9) in 2023⁴⁴.

On August 16, 2023, President Mahmoud Abbas issued a decree amending the composition of the Supreme Coordinating Council for the Official Justice Sector formed by Presidential Decree No. 7 of 2019 issued on 07/31/2019. Mossawa Center indicated in a statement in this regard that, according to the new amended decree, the membership of the Justice Sector Coordinating Council was added to the membership of the Justice Sector Coordinating Council as follows: The Chief Justice "Sharia Judiciary", the President of the Supreme Administrative Court "Administrative Judiciary", and the President of the Security Forces Judiciary Authority "Military Judiciary". The new decree was issued shortly after the issuance of a presidential decree canceling the formation of a higher council for judicial bodies and authorities, No. 17 of 2022, issued on 10/28/2022 and published on 11/23/2022, which was canceled by presidential decree No. 2 of 2023, issued on 12/07/2023. In its statement, Mossawa Center believed that the new amendment keeps the justice system under the umbrella of the president, as evidenced by the membership of his legal advisor in the council, in addition to keeping the membership of the police in the Supreme Coordinating Council for the Official Justice Sector, knowing that its powers do not go beyond being a law enforcement agency, and its work is devoid of any judicial character, in addition to its presence imparts a security presence on the council's work and reinforces the executive authority's dominance over all pillars of the official

41 Coalition for Integrity and Accountability (AMAN) 2023. Public opinion poll on: The reality of corruption and combating it in Palestine for the year 2023, Ramallah - Palestine.

42 Coalition for Integrity and Accountability (AMAN) 2023. Public opinion poll on: The reality of corruption and combating it in Palestine for the year 2023, Ramallah - Palestine.

43 Coalition for Integrity and Accountability (AMAN), citizens' opinion poll on the reality of corruption and combating it in Palestine, 2023, previous source.

44 Palestinian Central Bureau of Statistics, 2024. Rule of Law and Access to Justice Survey, 2023. Main Findings. Ramallah - Palestine.

justice system through the membership of the legal advisor to the president and the director general of police in it. The statement added that the failure of the Constitutional Court to become a member of the Council, although it is part of the official justice system, as well as the failure of the administrative and military prosecutions to become members of the Council, although the Supreme Administrative Court and the Security Forces Judiciary Authority have joined the Council, which may indicate an upcoming amendment that allows them to become members of the Supreme Coordinating Council for the Justice Sector⁴⁵.

As for the Financial and Administrative Control Bureau in Palestine, it enjoys independence in accordance with the Basic Law and the Financial and Administrative Control Bureau Law No. (15) of 2004, as amended⁴⁶, Article 4 of the law stipulates that the appointment of the head of the Bureau is made by a decision of the President based on the recommendation of the Council of Ministers and after the Legislative Council approves the appointment by an absolute majority. Article 11 of the law also stipulates that the head of the Bureau and his employees enjoy immunity for all actions related to the execution of their duties, and Article 12 emphasizes that there is no interference in any of the Bureau's work. Article (12) of the law also emphasizes that it is not permissible to interfere in any of the Bureau's work and that all entities subject to its oversight are obligated to cooperate fully and completely with what the Bureau requests of them⁴⁷. This law was amended by Decree Law No. (93) issued in 2021 by extending the term of the head of the Bureau and granting him the powers and competencies granted to the minister under all applicable legislation.

III: Private sector corruption

	1	Criminalizing bribery of a foreign public official
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The categories subject to the Anti-Corruption Law were amended in Decision No. (37) of 2018 to include any non-Palestinian person holding a position in any of the state's legislative, executive and judicial institutions, and any person exercising a public function for any public agency, public enterprise or civil organization of a foreign country or institution of an international character, and thus Palestinian legislation has criminalized the bribery of a foreign public official⁴⁸.

	0	Preventing monopoly
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A competition and antitrust law and a concession law have not been issued despite the existence of several drafts of the law in the Legislative Council and the government since 2003.

The majority of Palestinian companies listed on the financial market are committed to disclosing financial statements on the dates specified by law, and the commitment rate to submit periodic financial statements reached 94% in the third quarter of 2023⁴⁹.

⁴⁵ The Palestinian Center for the Independence of the Legal Profession and the Judiciary "Musawah". Position paper on a decree issued by the President on August 16, 2023. Dated 8/22/2023.
<https://2u.pw/iMrHREbU>

⁴⁶ Financial and Administrative Control Bureau Law No. (15) of 2004, The Palestinian Gazette, No. 53, 2/28/2005. Also, Decree Law No. (18) of 2017 amending the Law of the Financial and Administrative Control Bureau No. (15) of 2004, The Palestinian Gazette, No. 136, 9/25/2017.

⁴⁷ For indicators of the independence of the judiciary, see Aman Foundation's 2022 Shadow Report, op. cit.

⁴⁸ See the Anti-Corruption Law and its amendments.

⁴⁹ Capital Market Authority. Annual report 2023

A series of legal provisions in the Companies Law, the Money Laundering Law, the Monetary Authority Law, and the Capital Market Authority Law stipulate rules governing data transparency in companies and require that accurate records be kept and available for inspection. Several bodies are responsible for monitoring and auditing companies according to the financial sector they are responsible for (the Monetary Authority is responsible for monitoring financial institutions, banks, and exchange houses, the Capital Market Authority is responsible for monitoring non-bank financial sectors, and the Comptroller of Companies at the Ministry of National Economy as a general framework for monitoring companies). There is also the Code of Corporate Governance, which most public shareholding companies adhere to⁵⁰.

IV: Transparency of Parties and Electoral Campaigns

The issue of legal regulation of the financing of electoral campaigns in Palestine is a thorny issue in practice for several reasons, including the existence of the occupation, the absence of real Palestinian sovereignty over the Palestinian territories, and the consequent great reservation of the political forces to adopt a law for political parties, considering that these forces are still national liberation movements and not political parties, especially since the Israeli occupation still prohibits the work of most of these movements and considers them outside its laws, and therefore they work within a semi-secret framework regarding membership and funding sources, and the existence of extensions for most Palestinian forces and movements outside of Palestine.

Despite the specificity of the Palestinian situation, an internal dialogue was held about adhering to a set of principles that were considered a charter related to a minimum level of transparency and equal opportunities in the use of funding in elections, so as to deal with this specificity and at the same time establish a democratic system; therefore, for the purposes of holding elections, these movements and forces were registered as electoral lists.

	0.50	Financing parties and election campaigns
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There are many legislative texts that deal with the financing of electoral campaigns, some of which directly address this issue, as is the case in the General Elections Law No. 9 of 2005, whose provisions do not differ from those of the General Elections Law Decree No. 1 of 2007 and its amendments, and the Local Authorities Elections Law No. 10 of 2005 and its amendments. Article (100) of the General Elections Law⁵¹ defines the sources of funding for election campaigns as follows Any electoral list or candidate participating in the elections is prohibited from obtaining campaign funds from any foreign or external non-Palestinian source, directly or indirectly.

According to the law, the role of the electoral commission is limited to providing financial reports from candidates and electoral lists, with the possibility for the student to be audited by a legal auditor, and the law does not give the committee the authority to investigate violations related to campaign finance and spending.

⁵⁰ Public companies, Ministry of National Economy. <http://www.pex.ps/PSEWebsite/aboutPSE.aspx-?tabIndex=0>.

⁵¹ Law No. (9) of 2005 regarding elections

	0.0	Providing detailed reports on election campaign financing and disseminating them to the public
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Article 100 stipulates that each electoral list that participated in the elections and each candidate must submit to the Election Commission, within a maximum period of one month from the date of the announcement of the final election results, a detailed statement of all sources of funding obtained and amounts spent during the election campaign. However, the law does not stipulate specific ceilings for donations to candidates and does not require the candidate to publish details of revenues and expenses to the public, which would make election campaigns subject to public scrutiny.

	0.50	Spending ceilings on electoral campaigns and the presence of an independent body to monitor their financing
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Article 101 sets the limits for spending on election campaigns for a candidate for president or an electoral list at one million US dollars or its equivalent in the legally circulated currency, and sixty thousand US dollars or its equivalent in the legally circulated currency for a candidate for a member of the Legislative Council in the electoral district. The CEC is responsible for monitoring the extent of compliance with campaign finance ceilings and its sources, and the CEC has the authority to request an audit of financial statements related to campaign spending from a statutory auditor. There are also legal references for oversight bodies that play a role in this field, such as the Anti-Corruption Law No. (1) of 2005 and the Financial and Administrative Control Bureau Law No. (15) of 2004, but Palestinian law does not require candidates to disclose their financial assets when they register for elections or to publish them to the public⁵².

Article 105 of the Palestinian Elections Law criminalizes the violation of the provisions regulating the electoral campaign, especially those related to the sources of spending on the electoral campaign or violating the established spending ceilings by imprisonment for a period not exceeding 6 months or a fine of not less than 6,000 US dollars, or both, and allows the court to exclude the name of the violator from the list of candidates and confiscate those funds. However, the penalties stipulated in the General Elections Law do not constitute a real deterrent to the manipulation of spending on the electoral process and do not constitute sufficient guarantees for the transparency and integrity of the elections in this aspect. The law does not stipulate that the candidate or list that violates the law must be excluded from the register of candidates, but rather gives the court the power to allow them to run, nor does it stipulate that the expenses of candidates and lists prior to the election campaigning phase are subject to monitoring or spending ceilings⁵³.

The Election Commission did not issue any manuals or detailed procedures regarding mechanisms for auditing campaign spending, or models for financial reports or statements that must be submitted by lists and candidates for elections, nor did the law require candidates for election campaigns to open a special bank account for the campaign, and Palestinian legislation does not include a provision requiring candidates to submit a financial disclosure statement.

52 Anan Jabaiti and Lutfi Bilal, Integrity and Transparency in Financing Election Campaign Spending, Coalition for Integrity and Accountability (AMAN), Ramallah, 2016, pp. 17-18.

53 Anan Jabaiti and Lutfi Bilal, previous source, pp. 23-24.

● Objective 16.6: Develop effective and accountable institutions at all levels

I: Transparency and integrity in public administration

	1	The existence of a code of conduct that includes transparency and integrity requirements for public sector employees
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In 2012, the Council of Ministers issued the Code of Conduct and Ethics for the Public Service⁵⁴ In coordination with governmental and private organizations that participated in preparing and discussing the Code, the General Personnel Council formed a supreme national committee to oversee its implementation. A series of training workshops were held for public servants on how to adhere to and apply the Code. The code addresses integrity, transparency, objectivity, and dealing with gifts and conflicts of interest.

	0	The existence of legal provisions regulating the transition from the public sector to the private sector
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In general, there are no legal provisions regulating the transfer of senior officials between the public and private sectors, neither for ministers and members of the Legislative Council, nor for government officials, tax and customs officers, and therefore there is no revolving door policy that covers all decision-makers, nor is there a mandatory period before moving from the public to the private sector or vice versa. In addition to the lack of a public body responsible for advising and overseeing the revolving door regulations in Palestine, the revolving door is being implemented without any progress to end the phenomenon to date.

	0.25	The existence of legislation regulating the periodic disclosure of financial assets
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The Palestinian Basic Law in Article 11, Article 54(2), Article 80(1), the Judicial Authority Law in Article 28(2), Article 71, the Law on the Rights and Duties of Legislative Council Members⁵⁵ in Article 12, and the Anti-Corruption Law in Article 2 contains provisions regarding the submission of financial disclosure statements by those charged with submitting them.

Previous Palestinian legislation does not stipulate that the president, prime minister, ministers, members of the Legislative Council, judges, and public prosecutors must submit financial disclosure statements periodically, as these parties submit the statement once upon assuming office, while other positions whose statements are regulated by the Anti-Corruption Law are required according to Article 13 of the law to submit statements within two months of assuming office, one month after leaving office, and periodically every three years.

The legal framework does not require high-level public officials and senior civil servants to regularly declare their interests, including any paid or unpaid positions and financial interests in companies and other entities.

⁵⁴ Cabinet Resolution No. (04/23/14/MW/SF) of 2012 regarding the Code of Conduct and Ethics for the Public Service.

⁵⁵ The Amended Basic Law of 2003, Judicial Authority Law No. (1) of 2002, Law of Duties and Rights of Members of the Legislative Council No. (10) of 2004.

	1	Comprehensive submission of declarations to all branches of authorities
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The legal provisions specify the public positions whose holders are required to file financial disclosure statements, namely: The President of the National Authority, his advisors, heads of institutions affiliated with the Presidency, the President and members of the Council of Ministers and their equivalent, the President and members of the Legislative Council, members of the judiciary and the Public Prosecution and their employees, heads of bodies and agencies of the National Authority, governors and public servants, heads and members of local councils and their employees, heads and members of boards of directors of public joint stock companies and their employees in which the Authority or any of its institutions are shareholders, collectors and their delegates, custodians of deposits and banks, arbitrators, experts, receivers, creditors' agents, liquidators, heads and members of boards of directors, and other public officials who are responsible for the administration of the National Authority.

There is high compliance by the above-mentioned parties in submitting their financial disclosures, considering that this step is not of great importance, as all data related to the disclosures are kept in closed files and are only opened in case of corruption charges against the person in charge of submitting the disclosure.

	0	Publicizing Disclosures for Public Access
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The Anti-Corruption Law does not provide for the publication of financial disclosure statements filed by taxpayers and they are not made public.

	0.25	There is a body that examines and audits the declarations
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In accordance with the applicable legislation and after approval and authorization from the competent court, the authority to view financial disclosure statements is limited to the Anti-Corruption Commission in the event that the Commission suspects the taxpayer⁵⁶.

	0.25	There are penalties for failure to file returns
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Palestinian law does not impose penalties for failure to submit financial disclosure statements on time or at all, or for the incorrectness of the data contained therein for the positions of President, Prime Minister, ministers, members of the Legislative Council, judges and prosecutors, although the submission of statements is a condition of appointment for judges and prosecutors. On the other hand, the law includes penalties for other categories of mandated persons in accordance with Article (28) of the Anti-Corruption Law, which consists of a fine of not less than JD 100 and not more than JD 1000 or its equivalent in legal currency for each month of delay in submitting a financial disclosure statement. However, these penalties have not been applied to violators to date, despite the passage of eight years since the law came into force.

⁵⁶ Anti-Corruption Law No. (1) of 2005 AD and its amendments, Anti-Corruption Law with its amendments combined, Article (8) and Article (16).

The asset disclosure mechanism in Palestine can be described as ineffective and does not play an important role in combating corruption due to the absence of penalties that ensure that it is compulsory to submit it in most cases, and because it is not subject to examination and audit, and remains secret from both the competent authorities and the public, except in exceptional cases and with prior permission from the competent court.

II: Financial Transparency

	0.50	Publication of budget documents, 8 documents
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According to Article (38) of the law, the government must publish the General Budget Law of the National Authority to the media, the public and the Official Gazette after its approval by the Palestinian Legislative Council. Article (58) of the law also stipulates that any borrowing conditions or guaranteeing transactions must be published in the Official Gazette. Except for this, the law does not include a provision that obliges the government to publish any other documents such as the final account report or periodic reports on the implementation of the general budget.

In practical terms, the semi-annual report of the Civil Group for Supporting Budget Transparency for the year 2024 indicated that the Ministry of Finance published the pre-budget statement on its official website, and published the approved budget law in a fragmented manner without clarifying the detailed budgets of the responsibility centers, and also published the citizen's budget on its website in August, which included most of the best practice requirements except for publishing it in conjunction with the presentation of the draft general budget law to the Legislative Council or representative bodies, and while the Ministry of Finance published the monthly reports on its website, the semi-annual report was not published for the current year, nor was the summary of the budget law published⁵⁷.

As for Palestine's ranking in the International Open Budget Survey 2023, Palestine received a score of 0% in public participation in budget making, 17% in budget oversight, and 8% in transparency. The indicator's results showed that the Ministry of Finance published 3 out of 8 documents for the public (annual report, year-end report, and audit report). However, the following documents were not published online, produced for internal purposes, or published late (preliminary budget statement, planned budget, and citizen budget). On the other hand, the following documents were not produced (budget proposal for the executive authority, and semi-annual review)⁵⁸.

III: Public Procurement

	1	The law sets thresholds for direct purchases
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Procurement Law and its Executive Regulations⁵⁹ set ceilings or thresholds for public procurement through direct procurement. Annex A of the Public Procurement Law⁶⁰ regulations set this threshold at \$3,000 for the purchase of supplies, \$5,000 for public works, and \$100,000 for consultancy services.

57 The civil team to support public budget transparency. Semi-annual report on the general budget 2024. September 2024
58 International Budget Partnership. Results of the Open Budget Survey for the State of Palestine 2023. At the link <https://internationalbudget.org/ar/open-budget-survey/country-results/2023/flstyn>
59 Public Procurement Law No. (8) of 2014, Palestinian Gazette, No. 107, 5/28/2014. Also, Cabinet Resolution No. (5) of 2014 regarding the public procurement system
60 Cabinet Resolution No. (3) of 2016 amending some provisions of the Public Procurement Regulation No. (5) of 2014.

	0.50	Provides exceptions that may be subject to abuse
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Article 3 of the Public Procurement Law specifies the exceptions for public procurement in which direct contracting is permitted above the specified ceilings. Article 3 excludes the application of the provisions of the law to the purchase of supplies of a high-security nature to be specified by the Council of Ministers by decision, the printing and issuance of currency, currency conversion and mutual purchasing between procuring entities. Article 28 of the Law provides for another set of exceptions to the direct procurement method, namely: If the required supplies, works or services are only available from one bidder; if the procurement is for replacement parts, parts or complementary services; in the case of standardization or compatibility with existing goods or services; in cases of extreme necessity and natural disasters; if the estimated cost of the supplies, works or services is very small; or in the case of purchasing scientific and cultural materials such as films, manuscripts and the like.

Article (105) of the executive regulations of the law imposes further restrictions and conditions on the direct procurement processes included in Article (28) of the law. The exceptions are a gateway to abuse when some public institutions resort to obtaining decisions from the Council of Ministers, even though these purchases do not fall under the exceptions referred to in the law⁶¹. Annex A of the regulation amending Cabinet Decision No. 3 of 2016 specifies the possibility of using the direct procurement method in supplies and services if the estimated purchase price does not exceed three thousand dollars, and one hundred thousand dollars in the purchase of consulting services without advertising a request for interest. Despite the issuance of Law No. (7) of 2021 amending the Public Procurement Law No. (5) of 2014 and its amendments, it kept these ceilings for direct procurement. In another context, in 2022, the Council of Ministers approved the National Strategy for Capacity Building and Professionalization in the field of public procurement⁶².

	0.50	Publish complete information about tenders
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Article (33) of the Public Procurement Law and Article (62) of the Executive Regulations of the Law stipulate that the procuring entity, the Public Supplies Department or the Central Tenders Committee must advertise tenders or pre-qualify bidders in two local newspapers of wide circulation, on at least two consecutive days and advertise the call for tenders on the unified public procurement portal. Bidders must be given 30 days from the date of the advertisement to prepare and submit their bids and a period of not less than 10 days in urgent or compulsory cases. Article (66) of the regulations stipulates that the advertisement shall include the minimum qualifications required to participate in the tender with the provision of all tender documents by the procuring entity to tenderers who respond to the invitation to tender.

To date, information and documents related to tenders for public procurement and government contracts have been published on the webpage of the Public Supplies Department , with the publication of these documents starting on the unified public procurement portal. The official page of the public procurement portal shows that there is a demand by government institutions to advertise on the portal, as the last amendment to the list on 12/10/2024 shows about 6423 records on the list of purchasing operations published on the portal, but the portal still needs to attract the rest of the purchasing operations to join it⁶⁴, and it should be noted here that many government contracts

61 Coalition for Integrity and Accountability (AMAN). 2018. Exceptions for direct purchase in light of the Public Procurement Law. Ramallah – Palestine. P.6

62 Decision of the Council of Ministers in its session on 12/19/2022

63 See the General Supplies Directorate website, <http://www.gs.pmf.ps>.

64 <https://www.shiraa.gov.ps/ProcurementList> Access date 12/10/2024.

related to the use of public resources such as telecommunications, water and electricity have not been subject to tenders and their contracts signed with the private sector have not been published to the public.

Notwithstanding the evolution of the public procurement system, the High Council for Public Procurement Policy continues to face challenges related to requests for exception for direct procurement from certain bodies. These cases are covered under article 28 of Law-Decree No. 8 of 2014. Moreover, the decisions of the Council of Ministries regarding tenders are not regularly shared with the High Procurement Council which hinders the aggregation of public procurement data on the designated portal. On another note, the government has not added all “relevant governmental centers of responsibility and local authorities on the portal”. Additionally, the e-procurement strategy that enhances public procurement transparency and integrity in central and local governments has not been completed yet. Although the High Procurement Council published the blacklisted companies on its website in 2022, it is unclear if it complies with the list and does not allow for their participation indirectly through a third party⁶⁵.

	0.0	Disclosure of beneficial owners
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The law does not require tenderers to disclose the beneficial owners. On the other hand, the Public Procurement Law specifies in its Chapter VI (Articles 56- 58) the mechanisms for complaints and review. 58), where the law guarantees tenderers the right to submit written complaints to the procuring entity, the Department of Supplies or the Central Tenders Committee if they have suffered or are likely to suffer losses or damages as a result of its failure to fulfill its obligations or about the conditions of prequalification or the preparation of shortlists of tenderers or The complaint must be reasoned and specify the action that was neglected or constitutes a violation of law and order, and the complainant must consider the complaint and notify the complainant of the result within seven working days of submitting the complaint, and the procuring entity shall not take any steps in the tender during that time. The complainant has the right to appeal to the Dispute Review Unit of the Supreme Council for Public Procurement if the decision issued by the entity to which the complaint was submitted is rejected or if the entity fails to process the complaint and issue its decision within the period specified by law. Article 58 of the law stipulates that the decisions issued by the procurement authorities, the Public Procurement Council and its Dispute Review Unit are subject to judicial appeal.

Articles 138-152 in Chapter 8 of the Law's Executive Regulations include details regarding the submission of complaints, deadlines, and decision-making mechanisms, whether at the procuring entity or at the Dispute Review Unit of the Supreme Procurement Council.

IV: Mechanisms for reporting violations:

	1	Legislation to protect whistleblowers
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Article (18) of the Anti-Corruption Law No. (1) of 2005 stipulates that the Anti-Corruption Commission shall provide legal, functional and personal protection for witnesses, experts and whistleblowers of corruption crimes, provided that their protection procedures and measures are determined by a regulation prepared by the Commission and issued by the Council of Ministers. The Council of Ministers issued Decision No. (7) of 2019 on the Protection of Whistleblowers, Witnesses, Informants and Experts in Corruption Cases and their relatives and persons closely related to them⁶⁶.

⁶⁵ Coalition for Integrity and Accountability. Fifteenth Annual Report, op. cit.

⁶⁶ Al-Waqa'i Magazine, Issue (161), dated 11/28/2019.

	1	Definition of whistleblowers
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Article (19) of the Anti-Corruption Law affirms that any public official who learns of a corruption offense must report it to the Commission, and the report submitted by the employee may not be a reason to take any disciplinary measures against him or take any measures that jeopardize his job status. Article (22) of the law provides for the confidentiality of complaints submitted, which also represents a form of protection for whistleblowers. The Anti-Corruption Commission is tasked with receiving and investigating reports of corruption offenses, and it has the necessary resources to fulfill this role.

Article 24 of the Code of Criminal Procedure No. 3 of 2001 authorizes anyone who knows of a crime (including corruption crimes) to report it, and Article 25 of the Code requires public officials or those entrusted with a public service, if a crime occurs during their work, to report it to the competent authorities. To complement these provisions, the Law on the Protection of Whistleblowers, Witnesses, Informants and Experts in Corruption Cases, their relatives and persons closely related to them provides a clear definition of each (whistleblower, informant, witness, expert and applicant for protection)⁶⁷.

	1	Providing protection for whistleblowers
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The Law on the Protection of Whistleblowers, Witnesses, Informants and Experts in Corruption Cases, their relatives and persons closely related to them in Article No. (10) on personal protection stipulates that the Authority shall provide personal protection for the persons covered by the protection decision in cooperation with the police and the competent authorities of the security forces, and protection shall be as follows: 1. Protecting places of residence or providing shelters when necessary. 2. Taking measures to ensure the safety of transportation, especially when attending court hearings and investigations. 3. Protecting housing, property and workplaces. 4. Change residence and/or workplace temporarily or permanently, and provide appropriate alternatives depending on the circumstances. 5. Changing or monitoring phone numbers at the request of the owner in accordance with the legislation in force and providing a 24-hour emergency phone number to receive relief requests. 6. Use modern communication technologies to ensure the safety of statements and testimonies. 7. Hide all information related to identity and personal data, and replace it with non-significant symbols or nicknames. 8. Take any action or measure and do any necessary work to ensure safety.

Thus, Palestine has taken sufficient measures to provide effective protection for witnesses, experts and whistleblowers, and thus the commitment in this area is consistent with the UNCAC.

	1	There is an entity that supervises and investigates reports
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The Anti-Corruption Commission and the prosecution are responsible for receiving and investigating complaints and reports. The Anti-Corruption Commission also provides the necessary addresses for reporting corruption crimes on its website, and publishes advertisements in newspapers and various media outlets to urge the public to report corruption crimes. The Anti-Corruption Commission publishes in its annual reports the number of complaints and reports it receives about corruption offenses and the procedures and measures taken regarding them, including investigation and referral to the Corruption Crimes Court.

⁶⁷ Resolution No. (7) of 2019 regarding the system for protecting whistleblowers, witnesses, informants, and experts in corruption cases, their relatives, and people closely related to them. Al-Waqa'i Magazine No 161.

	1	Compensation for damages
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According to Articles (194), (195) and (228) of the Code of Criminal Procedure, the victim may claim a civil right before the Public Prosecution or the court, and the complainant may present his testimony and request compensation for the damage he suffered. However, the Anti-Corruption Law does not include provisions related to the right of the complainant to request compensation for the damage he suffered.

However, the Witness Protection Law stipulates in Article 15 on compensation in case of disability or death that the protected person has the right to request compensation from the Authority if he/she is subjected to a physical or material assault, resulting in functional disability, and the right of the heirs of the protected person to request compensation, assistance and expenses, if the assault results in the death of the protected person.

● **Target 16.7: Responsive, inclusive and participatory decision-making**

Indicator 16.7.1

Proportion of positions (by age, gender, persons with disabilities and population groups) in public institutions (national and local legislative bodies, public service, judiciary) compared to national distribution levels.

	0.25	A legal framework that guarantees women's participation in the three authorities
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The Palestinian Basic Law obligates all authority officials not to discriminate in appointments, and that positions must be filled on the basis of equal opportunity. Most of the legislation pertaining to the three branches of government provides for this in general, especially those that are mandatory, but are characterized by formality.

Legislation related to the participation of women in running for membership of the legislative authority is mandatory, as stipulated in the General Elections Law, which sets a minimum number of seats for women on lists of candidates running for membership of the Legislative Council, resulting in a relative representation of women reaching 24% as a result of recent amendments to the General Elections Law.

On the other hand, most legislation on women's participation in the executive branch is general, making it less binding. Most of the legislation falls below the level of "law." It is either a presidential decree or a cabinet decision. For example, Presidential Decree No. 24 of 2005, Article 1 stipulates that the State of Palestine's institutions support and implement the full and equal participation of women in efforts to maintain and promote peace and security, and Article 2 stipulates that they support the full and equal participation of women in efforts to maintain and promote peace and security. Article 2 of the decree stipulates that the State of Palestine supports the participation of Palestinian women in the International Women's Authority to provide good offices within the framework of the United Nations and to participate in negotiations and make real, just, and lasting peace in the Palestinian-Israeli conflict.

Cabinet Decree No. 366 of 2005 also included articles on strengthening the protection of battered women. Article 2 of the decree mandated the Ministry of Interior to provide qualified female officers in police stations to deal with cases of violence against women.

Membership in standing committees of the executive branch:

Cabinet Decision No. 20 of 2023 on the formation of permanent ministerial committees also included the membership of female ministers in the ministerial committees, the Minister of Women and Health in the Social Committee, and the Minister of Tourism in the Economic Committee⁶⁸. The nineteenth government issued Decision No. (01) dated 02/04/2024 on the formation of ministerial committees without disclosing their members⁶⁹.

Although there is no law stipulating that the Minister of Women's Affairs must be a woman, the position has been filled by a woman in every successive government and has become a legal tradition to date.

68 <http://muqtafi.birzeit.edu/pg/getleg.asp?id=14592>
69 <https://pmo.gov.ps/portal/Decree/Details/dd0fa73e-c1fa-404f-bafa-050a03145c79>

Membership on the boards of directors of public institutions and organizations:

There is no binding legislation specifying the percentage of women on the boards of directors of public institutions. However, the membership of the Ministry of Women's Affairs, which is included in several laws, has led to the indirect involvement of women, even though the Ministry of Women's Affairs is not required to be represented by a woman. Article 5 of the Alimony Fund Law No. 6 of 2005 stipulates that a representative of the Ministry of Women's Affairs shall be a member of the board of directors of the fund, along with six other members from other ministries. The law was amended by Decree-Law No. 12 of 2015, which stipulated that the representative of the Ministry of Women's Affairs should be at the level of director general. In addition to Cabinet Decision No. 18 of 2005 on the formation of the National Anti-Poverty Commission, which included the undersecretary of the Ministry of Women's Affairs as a member of the commission. In addition to Decree No. 31 of 2005 on the reconstitution of the Supreme National Committee for the Prevention of Narcotic Drugs and Psychotropic Substances, which includes a representative from the Ministry of Women's Affairs in its membership, as the committee consists of nineteen members. Cabinet Decision No. (198) of 2004 to form the Advisory Council for Official Statistics included a member from the Ministry of Women's Affairs and a member from the General Union of Palestinian Women.

Cabinet Decision No. (9) of 2011 regulating the Center for the Protection of Battered Women included in Article (11) that the center's committee includes a representative of the Ministry of Women's Affairs. Article 5 of Cabinet Decision No. 5 of 2014 on the Scientific Research Council explicitly stipulates that women's representation shall be taken into account when nominating the members of the council based on the recommendation of the Minister of Higher Education and Scientific Research, but it does not specify the minimum threshold for women's representation, rather the text is open-ended. This is also included in Cabinet Decision No. 5 of 2020 on the National Authority for Accreditation, Quality and Quality of Higher Education Institutions, where Article 5 stipulates that the representation of women and the private sector must be taken into account when forming the board of the National Authority for Accreditation, Quality and Quality of Higher Education Institutions. In addition, Cabinet Decision No. 7 of 2019 was issued to establish the Gender Policy Institute, but although it included the issuance of a special regulation for the institute, this regulation was not issued.

Decree No. (1) of 2018 was issued to form the national team to discuss the State of Palestine's reports on the implementation of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article (1) of the decree includes the membership of the Ministry of Women's Affairs, and Article (3) stipulates that the national team will be headed by a partnership between the Ministry of Women's Affairs and the Ministry of Foreign Affairs and Expatriates, with the Minister of Women's Affairs personally heading the national team participating in periodic reports with CEDAW Committee.

Decree No. (6) of 2019 was also issued to form the national team to discuss the State of Palestine's reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which included a representative of the Ministry of Women's Affairs.

Cabinet membership:

There is no legislation that guarantees women a certain percentage in the composition of the Council of Ministers, so the statistics of the Palestinian Statistical Center indicate fluctuations in the number of women members of the government. The percentage of women in the thirteenth government recorded 21.7%, while that percentage reached 20.8% in the fourteenth government, and 12% in the fifteenth government, while the percentage of women in the sixteenth government reached 12.5%, and in the seventeenth government 17.6%, while in the eighteenth government that percentage reached 11.5%, and in the nineteenth government it reached 16.0%⁷⁰.

Judicial authority:

The judicial system in Palestine is based on four types of judicial systems: The regular judiciary, which is regulated by the Judicial Authority Law No. (1) of 2002, the sharia judiciary, the constitutional judiciary, and the military judiciary. Each judicial pattern is followed by an independent administrative body. Each judicial administration is considered autonomous and subject to its own law, including the conditions of appointment and promotion. Although there is no prohibition on the appointment of women to the judiciary, there are no specific quotas for women to hold senior positions in the judiciary and they are present in limited numbers.

Legislative authority

The indicator on the percentage of women and youth participation in the legislative authority cannot be applied due to the paralysis of the legislative authority since 2007 and the Constitutional Court's decision to dissolve the Legislative Council in 2018, although the Palestinian Elections Law guarantees women a quota within the Legislative Council. Decree Law No. (1) of 2021 on amending Decree Law No. (1) of 2007 on General Elections and its amendments included an amendment to Article (5) regarding the percentage of women's representation in electoral lists; where no less than one woman in the first three names, and then one woman in every four names after that⁷¹.

	0.25	Appointments in the public service
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Based on population estimates prepared by the Palestinian Central Bureau of Statistics (PCBS), there are about 14.8 million Palestinians in the world by mid-2024, half of whom are outside historic Palestine, with about 5.61 million Palestinians in the State of Palestine, including 2.85 million males and 2.76 million females (49%), 1948⁷².

The Palestinian Central Bureau of Statistics (PCBS) adopted the age group 18-29 years to represent the Palestinian youth⁷³. As for the indicator being applied for the Shadow Report, its methodology adopted the age of youth in the labor sector who are under the age of 45, which will be taken into account during data collection.

70 Palestinian Central Bureau of Statistics. Percentage of women in government, administration, or senior positions in Palestine. Publication date: 11-08-2024
https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=ar&table_id=3610

71 Masarat Center. Fact sheet: The impact of disrupting legislative elections on women's political participation. December 26, 2022

72 Palestinian Central Bureau of Statistics. Population conditions in Palestine on the occasion of World Population Day, 07/11/2024
<https://www.pcbs.gov.ps/postar.aspx?lang=ar&ItemID=5792>

73 See: The Palestinian Central Bureau of Statistics reviews the conditions of youth in Palestinian society on the eve of International Youth Day, 08/12/2021.
<https://www.pcbs.gov.ps/postar.aspx?lang=ar&ItemID=4045>.

First: Key indicators of women and men in Palestine in decision-making positions⁷⁴

Table 1: Women's participation in decision-making positions

Location	Women's participation	Men's participation	Average age
Members of the National Council in 2024	10.9%	89.1%	Unavailable
Members of the Executive Committee in 2024	0%	100%	Unavailable
Members of the Central Council in 2024	22.3%	77.7%	Unavailable
Members of the nineteenth government in 2024	16.7%	83.3%	Unavailable
Conservatives in the West Bank in 2024	9.1%	90.9%	Unavailable
Members of the Public Prosecution in the West Bank in 2023	24.8%	75.2%	Unavailable
Judges in the West Bank in 2023	23.2%	72.8%	Unavailable

Women's participation in decision-making positions in the civil service and the police

The percentage of females in the public service is 49.6%, while the percentage of males is 50.4% for the year 2024, according to data from the Palestinian Statistical Center (PSC) in⁷⁵ 2024. Despite the convergence of the ratios between males and females in joining the public service, the gap between them appears when talking about those who hold the degree of general manager and above, which are advanced decision-making positions, where the percentage of women who hold positions in the special category in 2022 (4 women) amounted to (4 women) (12 males) and in 2023 the number decreased to (3 women) and increased to (13 males) in 2023, while the percentage of those holding positions in the senior category (Director General - Assistant Undersecretary - Undersecretary) was in 2022 (103 females and 608 males), and the numbers decreased in 2023 to (92 females and 554 males)⁷⁶. As for the year 2024, women working in the civil public sector constitute only 18.5% of general managers and above, compared to 81.50% of men for the same level*, a slight improvement compared to last year⁷⁷.

Participation of Persons with Special Needs in the Public Service

The annual report of the General Personnel Council (GPB) for the years 2021-2023 2023, the office took some measures to increase the number of applicants for jobs for people with disabilities and to increase their chances of employment, such as advertising the job openings for people with disabilities, such as advertising the job openings for people with disabilities, as well as advertising the job openings for people with disabilities, in order to increase their chances of being hired. for selection in specialized and standardized jobs, and the report states that the appointments of people with special needs in the public service amounted to in the public service amounted to 516 appointments during the years 2021-2023, and this percentage is in line with the law⁷⁸. The total number of people with special needs in government departments is (1480), of whom 41% are women, and 4 (males) in the higher category^{*79}.

⁷⁴ Palestinian Central Bureau of Statistics, 2024. Women and Men in Palestine - Issues and Statistics, 2024. Ramallah - Palestine.

⁷⁵ Palestinian Central Bureau of Statistics, 2024. Women and Men in Palestine - Issues and Statistics, 2024. Ramallah - Palestine.

⁷⁶ General Personnel Office. Annual report 2021-2023. Palestine 2023

* These figures include the West Bank only

⁷⁷ General Personnel Council data dated 12/31/2024

⁷⁸ General Personnel Office. Annual Report 2021-2023, previous source

* These numbers include the West Bank only

⁷⁹ This data was obtained from the General Personnel Office - Internal Report, dated 12/22/2024

As for jobs that deal with citizens directly:

The Central Statistical Organization's statistics on women and men's issues for the year 2023 indicated that the number of women working in the public education sector amounted to (25,965), while the number of men working in the same sector amounted to (17,143), and these latest statistics indicated that the percentage of female teachers is increasing, reaching (60.2%) in the academic year 2023/2022 compared to (55.6%) in the academic year 2012/2011 of those working in the public education sector⁸⁰.

The following is the latest data on some of the jobs that deal with citizens, which includes the West Bank only and shows the participation of women and the percentage of youth, which was obtained from the General Personnel Council and the Police Authority for the preparation of this paper:

Scope of Work	Total	Women's percentage	Youth percentage less than 45
Director category	4092	35%	41%
Education Field	39443	63%	60%
Medicine	1625	21%	66%
Dentist	71	31%	56%
Pharmacy	774	57%	59%
Nursing	3078	58%	72%
Police ⁸¹	9500	7.21%	69.7%

The above information provides some indications of the government's policy trends in promoting the presence of women, people with special needs, and youth in the civil service. Despite the government's continuous development in the field of appointments of people with special needs, which meets the requirements of the law, the gender gap still exists in the field of decision-making positions. In the senior category (Director General - Undersecretary), despite a slight improvement this year, the percentage of women in this category does not exceed (18%). On the other hand, the percentage of women's presence in some sectors according to the sample selected in the table is still high, such as education and nursing (63% and 58%), which are professions associated with the traditional role of women in society, while it decreases in other professions such as human medicine and dentistry, which are the lowest among the government professions listed in the table (21% and 31%), while the police force recorded the lowest percentage of women participation (7.21%), and these professions are more socially associated with men as they require long hours outside the home.

This data reflects the need for the government and the authorities specialized in women's affairs to exert more effort to formulate new policies that work on societal change towards professions associated with women and men, in addition to developing policies on the presence of women in decision-making positions until society becomes accustomed to their presence in advanced positions in the country.

80 Palestinian Central Bureau of Statistics, 2023. Women and Men in Palestine - Issues and Statistics, 2023. Ramallah - Palestine.

81 Palestinian Police Service. Human resources management data. October 17, 2024

	0.50	Appointments to the judiciary
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The Status of Women in the Judiciary

This data is as reported in the annual reports (2020 and 2023) of the Higher Judicial Council

Court	Percentage of women per year 2020	Percentage of women in 2023	Percentage of people with special needs
Director category	10%	4%	Not available
Education Field	22%	17%	Not available
Medicine	25%	4%	Not available
Dentist	18.2%	34%	Not available
Pharmacy	8.7% ⁸²	10.4% ⁸³	Not available

The 2020 annual report of the Supreme Judicial Council indicates that the number of regular judges in Palestine amounted to 264, including 51 female judges, 47 in the West Bank, and 4 in the Gaza Strip⁸⁴, or 19% of the total number of judges. As for the annual report for the year 2023, it indicated that the number of judges amounted to (227) judges, including (53) female judges⁸⁵.

The status of women, youth and people with special needs in the judiciary

According to the letter of the Secretary General of the Supreme Judicial Council to AMAN Coalition dated 2/6/2022, the percentage of young judges under the age of 45 is 61%⁸⁶.

As for the percentage of young judges under the age of 45, women and people with special needs, according to the letter of the Secretary-General of the Supreme Judicial Council to AMAN dated 10/22/2024, it is as follows⁸⁷:

Total number of Judges	Female judges and their percentage	Male judges and their percentage	Number and percentage of judges with special needs
832	57 23.95% بنسبة	143 60.08% بنسبة	Not available

⁸² Website of the Palestinian Central Bureau of Statistics, publication date: 1/23/2022.

⁸³ Palestinian Central Bureau of Statistics. Number of Sharia judges in the West Bank by gender, 2022. Publication date: 09-11-2023

⁸⁴ Supreme Judicial Council (2020), "Annual Report 2020", Ramallah: Palestine, pp. 25-26.

⁸⁵ Supreme Judicial Council. Annual Report 2023. 8/29/2024

⁸⁶ Letter from the Secretary General of the Supreme Judicial Council to the AMAN Coalition dated 6/2/2022

⁸⁷ I Judge Muhammad Al-Ajlouni, Secretary General of the Supreme Judicial Council. A message listing the numbers of judges according to the classification in the table. On 10/22/2024.

Indicator 16.7.2

Proportion of the population who believe that decision-making is inclusive and responsive:

	0.50	Involving civil society
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The nineteenth government, headed by Dr. Mohammad Mustafa, has shown positive trends towards partnership with civil society in implementing the government's work program. The prime minister indicated in his program that in the difficult situation and the enormous challenges in which the government is working, the government will implement its program in partnership with the private sector, civil society and local authorities. He referred to the principle of partnership with civil society organizations in more than one sector, such as institutional reform, fighting corruption, strengthening the steadfastness of citizens and their presence in important areas: Institutional reform, fighting corruption, strengthening the resilience of citizens and their presence in critical areas⁸⁸.

The results of the survey conducted by the Palestinian Central Bureau of Statistics (PCBS) over three years (2018, 2021 and 2023) to answer this indicator (16.7.2) showed that the percentage of the population who answered the question I am confident in my ability to participate politically in the country was as follows: In 2018, it amounted to 48.6% of the population of Palestine (West Bank and Gaza), in 2021 it amounted to 39.2%, and in 2023 it decreased to 20.5% of the population of Palestine⁸⁹.

The fifteenth annual report issued by the Aman Foundation, the reality of integrity and anti-corruption in 2022, indicated that continuous attempts were made in 2022 to restrict civil liberties and narrow the work space of civil society organizations with the aim of withdrawing the role of these institutions in community oversight and participation in the management of public affairs⁹⁰.

In a study published by AMAN on assessing the space available to the Palestinian civil space to participate in public policy-making and accountability for its implementation, and after conducting many interviews with representatives of civil society in various sectors and different geographical areas, the study revealed the absence of a written public policy from the official authorities, which regulates the relationship between civil society and the official authorities in the framework of partnership in public policy-making, despite the inclusion of many references to involving civil society in the preparation of documents and plans. Despite the formation of more than one committee by successive governments for dialogue and institutionalizing work with civil society, these committees did not result in a consistent approach to the relationship between official bodies and civil society, which means that the trends of institutionalizing the relationship with civil society are only seasonal and according to need, not an approach. In addition, despite the progress made in the participation of civil society organizations in public policymaking, it has not risen to effective, full and representative participation. Most of the participation begins and stops when discussing the draft public policies, and the official authorities do not require, when inviting networks or coalitions of civil society organizations, that their participants include representatives of all social groups, such as women, people with special needs, or youth, among others. Officials are wary of civil society's participation in sensitive public policies, such as financial policies such as the state's general budget: financial policies, such as the state budget, or security policies. Official bodies temporarily respond if the issue becomes

88 Palestinian News and Information Agency (WAFA). The Prime Minister-designate presents the government's work program and composition to the president to gain confidence. (Wafa), 3/28/2024

89 Palestinian Central Bureau of Statistics. Objective 2.2.7.16
<https://pcbs.maps.arcgis.com/apps/dashboards/c9235f3b7f6b4d639046396615ceab88>

90 AMAN's fifteenth annual report, previous source

a matter of public opinion, after the formation of pressure groups from civil society organizations. Official bodies stop responding to the recommendations of oversight reports and shadow reports issued by civil society if they entail financial, social, religious or security obligations ⁹¹.

	0.50	The existence of laws or legislation stipulating that the decision-making process is a participatory process with all relevant parties
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Palestinian laws or legislation do not require civil society organizations to participate in the government's decision-making processes, whether at the level of formulating public policies or proposing and drafting draft laws before submitting them to the Legislative Council for discussion and approval. Although the Law on Charitable Associations and NGOs does not explicitly include the right of civil society to participate in the preparation of national or sectoral development plans or community oversight of public institutions, it does not prevent them from doing so. There are several presidential decrees and cabinet decisions that provide for the representation of relevant civil society organizations on the boards of directors of some public and semi-public institutions and bodies.

The representation of civil society organizations in the boards of directors of public institutions, committees, national teams, etc. ranges from 8%, as in the Palestinian National Foundation for Economic Empowerment, to 48%, as in the Advisory Council for Official Statistics. The number of boards or committees formed by the government that did not stipulate the representation of civil society organizations is 15 out of a total of 48 public institutions or bodies⁹².

	0.50	Comprehensiveness of the decision
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Having decisions that are inclusive and cater to everyone's needs
Wasta in accessing services:

The results of a public opinion poll on: Corruption Prevention and Combating Corruption in 2023 on having to use wasta to obtain a public service, 43% of respondents who went to public institutions to request a service during the year 2023 had to resort to using a middleman to obtain the service. As for the public services that were an area of widespread corruption, the survey shows that promotions, appointments and health services were the first area most affected by corruption, with 20% opinion for each of them. Followed by humanitarian and social assistance in kind and cash (17%), then permits, licenses and permissions services (12%), while other services (10%) and other services (10%)⁹³.

The results of the survey conducted by the Palestinian Central Bureau of Statistics (PCBS) at the level of Palestine over three years (2018, 2021, and 2023) to answer the percentage of the population who believe that decision-making is an inclusive and responsive process, the percentage was respectively (653, 105, and 186) out of 1000⁹⁴.

91 Coalition for Integrity and Accountability (AMAN). 2024. Assessing the space available to the Palestinian civil sphere to participate in public policy making and accountability for its implementation. Ramallah - Palestine.
92 For details of civil society representation on the boards and committees of some public and semi-public institutions and bodies, see the shadow report issued by the Aman Foundation 2022, a previous source, where this participation was monitored in 48 institutions
93 Coalition for Integrity and Accountability (AMAN) 2023. Public opinion poll on: The reality of corruption and combating it in Palestine for the year 2023, Ramallah - Palestine.
94 Palestinian Central Bureau of Statistics. Scan target 3.2.7.16 on link <https://pcbs.maps.arcgis.com/apps/dashboards/3b601853c1174abdb5fc1d9506a78c7f>

● Objective 16.10: Protect public freedoms and access to information

I. Protecting fundamental freedoms

The twenty-eighth annual report issued by the Independent Commission for Human Rights indicated that a review of legislative frameworks on freedoms shows that a national strategy to protect human rights defenders has not been developed, and that the Palestinian legal system includes a set of legal provisions that provide general protection for many human rights defenders, and that the Palestinian legal system provides general protection for many human rights defenders, and that the Palestinian legal system provides general protection for many human rights defenders⁹⁵.

In this context, it must be noted that the Palestinian Basic Law and the Declaration of Independence emphasize the importance of respecting and protecting fundamental freedoms⁹⁶.

Based on the monitoring of violations against journalists during 2023, the Independent Commission for Human Rights did not record any case of killing, kidnapping, or enforced disappearance of journalists or human rights defenders. (32) complaints related to the refusal to implement court decisions to release them, of which (27) complaints in the West Bank, whose owners reported that they did not know the reasons for their arrest or detention. The Commission also received (28) reports, including 26 in the West Bank, whose owners reported that they were detained without being subjected to any form of detention, in addition to (73) reports of (73) reports of detention without being subjected to any form of interrogation. In addition to (73) victims of administrative detention on behalf of the governor, while (11) persons were reported, two of them in the West Bank, while (11) persons were reported to the security services in the West Bank, while (11) persons were reported to the security services in the West Bank, in addition to the security services in the West Bank⁹⁷.

Palestine / West Bank in the Global Freedoms Index for the year 2024 issued by Freedom House received a score of 22/100⁹⁸. Palestine also ranked 157th globally in the World Press Freedom Index issued by Reporters Without Borders in 2024⁹⁹.

The Palestinian Center for Development and Media Freedoms (MADA) monitored in its annual report during the year 2023 a slight increase in the number of Palestinian violations against media freedoms in the West Bank and Gaza Strip by 16 points, or 29%, compared to what was documented in the previous year 2022¹⁰⁰. During the first half of the year 2024, the number of Palestinian violations decreased after it had recorded a significant increase in the same period of the previous year 2023, which is a positive indicator of the state of Palestinian media freedoms, if the figures are considered separately from other factors accompanying their occurrence, namely the war on the Gaza Strip, which affected the decrease in the number of documented Palestinian violations, especially in the Gaza Strip, as the war led to the preoccupation of the Palestinian security services operating in the West Bank or in the Gaza Strip in various events¹⁰¹.

95 Independent Commission for Human Rights. The human rights situation in Palestine, the twenty-eighth annual report, January 1 - December 31, 2022. Ramallah 2023

96 To learn about the legal framework regulating freedoms, see the shadow reports for Goal 16 issued by the Aman Foundation for the years 2020 and 2022
97 Independent Commission for Human Rights. Twenty-eighth report, previous source

98 <https://freedomhouse.org/country/west-bank/freedom-world/2024>

99 Reporters Without Borders. World Press Freedom Rankings 2024 <https://2u.pw/oYC0xcaw>

100 The Palestinian Center for Development and Media Freedoms "MADA". Violations of media freedoms in Palestine, annual report 2023. 2023

101 The Palestinian Center for Development and Media Freedoms "MADA". Violations of media freedoms in Palestine during the first half of 2024. 2024

On June 5 and 6, 2023, the Palestinian Public Prosecution summoned the Advisor to the Board of Directors of the Coalition for Integrity and Accountability (AMAN) for Anti-Corruption Affairs, Dr. Azmi Shuaibi, and the Executive Director of the Coalition, Mr. Issam Haj Hussein, for investigation, after the Presidential Court filed a complaint against them, using the provisions of the Cybercrime Law and the issue of abuse of investigation or higher categories, following the publication of AMAN's annual report, which addressed several corruption cases in the Palestinian Authority, including the so-called "Settlement Dates Whitening" case, which includes the involvement of Palestinian and Israeli merchants in exporting settlement dates under the FL label. The report referred to the involvement of influential people in the PA in this case and in influencing the investigations¹⁰². Against the backdrop of the referral of Shuaibi and Hussein to the court, activists and human rights defenders organized a protest in front of the court complex in Ramallah to protest against this measure, and called for holding corrupt people accountable, stopping the trial of human rights defenders and activists, stopping intimidation methods, releasing freedom of opinion and expression and applying laws, stressing the independence of the judiciary¹⁰³.

In terms of violating the privacy of Palestinian citizens, a report prepared by journalist Firas Al-Tawil indicated that a number of female journalists were exposed during the popular protests that followed the killing of political activist Nizar Banat by members of the Preventive Security Service, during his arrest in 2021, as those protests were subjected to repression, as on June 27, 2021, security elements in civilian clothes attacked demonstrators in the city of Ramallah, that day. The theft of the phones of protesters and journalists on a large scale, and the focus was on stealing the phones of female journalists and protesters, and later, private photos of female journalists and protesters, which were saved in their phones, were published on WhatsApp groups and Facebook pages, and some of them were blackmailed and threatened, in order to discourage them from going out in the protests or covering them¹⁰⁴.

II: Access to information

	0	Constitutional legislation affirms the right of access to information
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There is no provision in the Palestinian Basic Law that obliges officials to provide access or information to citizens, nor has a right to information law been issued to date, although a draft law has existed since 2005 and has been revised several times.

	0.0	Regulating the right to obtain information
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As a result of the absence of a law regulating the right of access to information, the exercise of this right has not been regulated in its various aspects. There are no comprehensive and clear legal provisions that define the information that can be accessed and those that can be classified as confidential, or the government agencies whose files are considered open and those whose files are confidential, or the identification of an independent official body that oversees the implementation of this right, or the existence of procedures regarding the time periods for responding to a citizen's

102 Network of Palestinian NGOs. Press release dated 07 June 2023 <https://2u.pw/cceEgasC>

103 Al-Quds newspaper. The court postpones hearing the case of Al-Shuaibi and Haj Hussein. On June 6, 2023. <https://alquds.com/ar/posts/74937>

104 Firas Al-Taweel and Buthaina Saffarini. Arab Center for Social Media Development. The privacy and personal data file in Palestine: double violations and an absent law. June 2022. <https://cutt.ly/MKgWvPN>

request for information, or determining the costs and burdens that the citizen must bear, or the official authorities must publish information on their own initiative Therefore, some governmental decisions have been issued that restrict freedom of expression¹⁰⁵.

Legal regulation of the right to access information

	0	Are there any bodies or agencies that regulate the implementation of the right to information?
	0	Are there maximum, clear and reasonable time limits for responding to a request for information, regardless of how the request is fulfilled?
	0	Are exceptions to the right of access to information in line with international standards?
	0	Is the harm test applied to all exceptions, so that disclosure is denied only when it poses an actual risk to a protected interest?
	0	Is there a mandatory override of the public interest for information to be disclosed, when it is in the public interest, even if it harms a protected interest? Are there absolute overrides, for example for information on human rights, corruption, or crimes against humanity?
	0	Is there an independent information authority, or similar oversight body, for which applicants have the right to file an external appeal?
	0	Does the law/policy on access to information contain minimum standards on mandatory (automatic, without the need for a request) dissemination of information?
	Not Applicable	How does the country score in the Right to Information ranking? (http://www.rti-rating.org/country-data/)
	Not Applicable	What are the shortcomings of accessing the information system?
	Not Applicable	Are there any factors that, in practice, create an undue burden and make it difficult to request or access information?
	Not Applicable	How many requests for information were submitted to the competent authorities each year in the previous two years?
	Not Applicable	Have there been any developments in the past two years that indicate an improvement or decline in the public access to information framework and/or its implementation?

105 See security. Shadow Report for Goal 16. 2022

● Recommendations

I: Anti-Money Laundering:

- The competent authorities, in cooperation with the Palestinian Ministry of Foreign Affairs and Palestinian representations, conclude bilateral agreements with various countries to exchange information, extradite criminals, and facilitate the task of investigation and litigation in accordance with the law.
- Intensify training and qualification programs for employees in government departments, companies and private institutions that may face money laundering operations or whose activities may be used in money laundering operations, and create programs to raise public awareness and spread a general culture on the subject of the dangers of money laundering and the need to combat it.
- The need for official and unofficial institutions to cooperate with the competent and relevant authorities in combating the crime of money laundering in the easy flow of information when requested in terms of accuracy and speed.

II: Recovery of stolen assets:

- Enact special legislation to address the recovery of criminal proceeds, clarify the methods of international cooperation and mutual legal assistance in this regard, and specify the parties to whom the recovered proceeds will be returned.
- Allow for the possibility of confiscating criminal proceeds derived from acts criminalized in accordance with the Convention against Corruption in the Gaza Strip, or the confiscation of property equal in value to the value of such property, as well as items that were used or intended to be used in the commission of these acts, the property transferred to the criminal families and the proceeds, income and benefits derived therefrom. Revenues and benefits derived from these families (beyond the crimes of money laundering, bribery and embezzlement).
- Conclude bilateral agreements and cooperation protocols with regional and international parties to enhance cooperation between these countries and Palestine in the field of international judicial cooperation, whether in terms of procedures for the recovery of stolen assets, execution of judgments, or extradition of criminals.
- Take into account the criteria related to the independence and effectiveness of the unit for coordinating and following up efforts in the field of recovering stolen assets.
- Prepare a procedural guide on the formal and substantive controls and conditions stipulated in Arab and international agreements on extradition and cooperation in terms of procedures, investigation and execution of judgments.

III. Developing anti-corruption institutions

- Amend Article 174 of the Penal Code in force in the Gaza Strip to explicitly cover embezzlement for the benefit of another person or entity and the acts of diversion and dissipation.
- Criminalizing the use of physical force, threats, intimidation, or the promise of an improper advantage, offer, or offer of an improper advantage, giving false testimony testifying or providing evidence in proceedings relating to the commission of acts criminalized in accordance with the Convention, whether or not the perpetrator reaches his or her destination.

- Criminalize the use of physical force, threats or intimidation to interfere with a judicial or law enforcement officer in the exercise of his or her official duties.
- Consider taking action to disqualify persons convicted of corruption offenses from holding a position in a public or private organization.
- Take measures to address the consequences of corruption, which may include considering such persons as a factor for the cancellation or dissolution of a contract, suspension, termination, expulsion, or other remedial action.
- The government adopts a national plan for integrity and anti-corruption in which the various official and private sectors and the private sector participate to identify priorities, implementation steps, and the responsibilities of each party or institution in implementing the national plan according to a clear and specific timetable, in which the Anti-Corruption Commission coordinates efforts as the competent authority and an adequate budget is adopted for its implementation.
- The government adopts a national plan to reform the judiciary, including the public prosecution, by reviewing the legal and institutional realities of the judiciary and the public prosecution.

IV: Private Sector Corruption

- Criminalize the promise, offering, offering, giving, requesting or accepting a bribe in the private sector.
- Expand the powers of the Anti-Corruption Commission, the Anti-Corruption Prosecution and the Anti-Corruption Court to include corruption crimes in the private sector, and activate the follow-up of suspicions of corruption of employees of international organizations operating in Palestine, and ensure the integrity and transparency of their work and hold them accountable.

V: Transparency of Political Parties and Campaigns

- Requiring the candidate or list to open a bank account in which the amounts allocated for the election campaign are monitored and from which all expenses are disbursed, and giving the Election Commission the right to access this account at any time.
- Prepare a standardized form on the financing of election campaigns, which will be handed over to the candidates to fill out and return it for review.
- Setting a maximum limit on donations from the same donor to the same candidate.
- Requiring the Election Commission to publish audited financial reports submitted by candidates on their campaign finances and expenditures on advertising activities so that voters can see them.
- Strengthen the penalties in the law to deter violators of campaign finance provisions.

VI: Transparency and Integrity in Public Administration

- The need to develop a system/regulation to regulate the procedures for public sector officials (ministers, MPs, tax and customs officials, etc.) to work in the private sector.
- Adopting a code of conduct for ministers and members of the Legislative Council that outlines conflicts of interest and how to deal with gifts.
- The need for a competent or judicial body to examine and scrutinize the information and data contained in the financial disclosure statements, and to break free from the principle of absolute

- secrecy in dealing with financial disclosure statements and move towards publicity for senior positions at least, and to activate and strengthen penalties for violators, whether those who refrain from submitting disclosure statements, those who do not comply with the deadlines for submitting them, or those who provide false information in the statements, and include all categories of taxpayers in these penalties.
- Establishing a mechanism to monitor appointments to senior positions to ensure compliance with the conditions and criteria for filling these positions and the right to object to them.

VII: Financial transparency:

- Disclosure of detailed financial statements in accordance with the Law on the Organization of Public Budget and Financial Affairs No. 7 of 1998.
- The Ministry of Finance and Planning should adhere to the provisions for issuing and publishing the final accounts on time in accordance with the law.

VIII: Public procurement

- Establish the necessary procedures for the use of electronic means in public procurement processes.
- Adhere to the provisions of the law when using exceptions in direct public procurement.
- The government should issue a regulation that clearly defines the supplies of a high security nature that are excluded from the public procurement procedures in the Public Procurement Law and the contracting procedures for them.

IX: Mechanisms for reporting violations:

- Article (18) of the Palestinian Anti-Corruption Law should be amended or replaced with more detailed articles, such as not limiting the authority to report corruption to the Anti-Corruption Commission only and the possibility of hearing witnesses, experts and whistleblowers using modern technological methods.
- The Anti-Corruption Commission should take the necessary measures to implement the system for the protection of whistleblowers, their relatives and other closely related persons.

X: Protection of Fundamental Freedoms

- Review the Press and Publications Law and the Cybercrime Law to amend provisions that restrict the exercise of public rights and freedoms.
- Clearly define the broad concepts contained in the Press and Publications Law and the Cybercrime Law, such as public order, public morals, national security, etc. that can be misused to restrict press freedoms.
- Remove the penalty of detention and imprisonment for publication and expression offenses against journalists and replace it with fines.

XI: Access to Information

- Make the necessary amendments to the Palestinian Basic Law to incorporate concepts related to the right of access to information and explicitly stipulate the right of citizens to obtain information from public bodies.
- Expedite the passage of the Access to Information Law and the National Archives Law.
- Establish a financially and administratively independent public body to administer and regulate the right of access to information, to be managed by a public information commissioner.
- Sensitize employees and officials to the close relationship between the right to access information and the promotion of a culture of transparency, openness, and accountability.
- Amend the Companies Law to require private limited companies to identify and declare the real owners and beneficiaries of the company.

XII: Responsive, inclusive and participatory decision-making

- Adopting a quota system for women in appointments and promotions in the judiciary, taking into account the conditions of professionalism and competence.
- Providing for a women's quota in the composition of the government, taking into account competence and professionalism, to allow society to accept the presence of women in government.
- Formulate governmental policies that work on societal change related to occupations associated with women and men
- Subjecting senior positions, especially the presidency of non-ministerial institutions in the public service, to the principle of equal opportunity to minimize the gap between women and men in holding public office, and working to help women break out of the stereotypical image of women in professions.
- Stipulate in Palestinian legislation in its various specializations the mandatory participation of civil society in making public policies and decisions, and establish firm principles based on partnership in decision-making and openness to society and its components.
- Establish the principles of the rule of law and apply it to all citizens equally, so that government decisions and procedures are inclusive and do not discriminate between groups to prevent the spread of corrupt practices such as wasta and bribery to obtain public services.

XIII: International coordination

There is a need to promote more cooperation between the Palestinian Anti-Corruption Commission and other anti-corruption bodies, especially foreign ones, as the Commission is a member of the Arab Network of Anti-Corruption Authorities, and it is important to seek to establish and strengthen channels of communication with foreign authorities to implement the law and enhance the work of the competent bodies and agencies. to enforce the law and strengthen the work of specialized bodies and agencies. Palestine also needs international legal assistance to draft a law on international cooperation and assistance in drafting requests for mutual legal assistance in general and asset recovery in particular.

● List of references

Legislation:

- The amended Basic Law of 2003, the Judicial Authority Law No. (1) of 2002, and the Law on the Duties and Rights of Members of the Legislative Council No. (10) of 2004.
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- Public Procurement Law No. (8) of 2014, Palestinian Facts, No. 107, 5/28/2014.
- Palestinian Facts. Law No. (39) of 2022 on Combating Money Laundering and Terrorist Financing. No. 193. 8/14/2022
- Law No. (15) of 2004 on the Financial and Administrative Control Bureau, Palestinian Facts, No. 53, February 28, 2005. Also, Decree Law No. (18) of 2017 amending Law No. (15) of 2004, Palestinian Facts, No. 136, September 25, 2017.
- Law No. (9) of 2005 on Elections.
- Decree Law No. (42) of 2021 on Companies. Issued in the Premium Issue No. 25, dated 12/30/2021.
- Cabinet Decree No. (5) of 2014 on the Public Procurement System.
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- Cabinet Resolution No. (3) of 2016 amending some provisions of the Public Procurement Law No. (5) of 2014.
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- The Palestinian Facts, Issue 163, 01/30/2020. Page 52.
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AMAN was established in 2000 as a civil society organization that seeks to combat corruption and promote integrity, transparency and accountability in the Palestinian society. The Coalition was first formed by an initiative from a number of civil society organizations working in the field of democracy, human rights and good governance. In 2006, the Coalition was accredited as a national chapter for Transparency International.

AMAN is a Palestinian think tank and a specialized body providing knowledge on corruption at the local and regional level through producing specialized reports and studies. The periodic publications include: The annual Integrity and Anti-Corruption Report, the annual Palestinian Integrity Index and the National Integrity System studies and reports, in addition to the Coalition's continued contributions to produce reports and studies on the status of corruption in the Arab region.

As part of the global anti-corruption movement - and of international alliances and partnerships with relevant specialized coalitions and organizations - AMAN plays a key role in the transfer and contextualization of necessary international knowledge and tools to combat corruption in all sectors.

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