



**Coalition for Accountability and Integrity (AMAN)**

**Transparency Palestine**

**Parallel Report on Palestine's implementation of  
Sustainable Development Goal 16 (SDG16)**

**2018**

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## **Executive Summary and Major Findings**

Over the past few years, the Palestinian Government has employed extensive efforts to combat corruption, including the promulgation of the Anti-Corruption Law in 2010 and its amendments in 2017, and the establishment of the Anti-Corruption Commission in 2010 as stipulated by the Law. The Anti-Corruption Commission drafted several plans and strategies to combat corruption, last of which was the National Anti-Corruption Strategy 2015-2018.

Many reforms were introduced to the Civil Service System by the government, including the use of a computerized placement system in 2016 which enhanced transparency in the hiring process of public jobs. The Public Procurement Law was promulgated and implemented in 2016. Numerous amendments were made to the Money Laundering Law of 2007, where the Law was amended in 2015 and 2016.

The Anti-Corruption Commission receives hundreds of complaints annually<sup>1</sup> about possible corruption cases. Investigations are carried out and many cases are referred to the Anti-Corruption Prosecutor and thereafter to the Anti-Corruption Court which has decided on 153 corruption cases since 2010 and up until the end of 2017.<sup>2</sup>

AMAN sees that this issue is not measured by the number of the cases that is being closed. It is measured by the nature of the cases received by the court from ACC and the rank of people involved in corruption cases. since most of the 153 cases are related to junior employee with simple corruption crimes, which reflects the lack of real political will to prevent impunity.

Progress was made in the area of international coordination for the recovery of stolen assets and the enforcement of sentences and extradition of criminals, especially after Palestine joined Interpol in 2017. The Palestinian Anti-Corruption Commission was able to recover 70 Million Dollar within the last five years.

The Palestinian Government approved the National Policies' Agenda 2017-2022 "Putting Citizens First"<sup>3</sup>, which included a number of SDGs and targets, of those are a number of targets from Goal 16, such as enhancing accountability and transparency in public institutions, and the efficiency and effectiveness of the administration of public funds, and the ways to achieve justice.

Despite all the above-mentioned efforts, many challenges remain persistent regarding the anti-corruption efforts. The Justice Sector, especially the Judiciary and Prosecution suffer from a lack of independence due to the Executive authority's interference in their affairs, which compromises the public's trust in them.

The plans and strategies pertaining to Anti-Corruption efforts are flawed in many aspects: the preparation, adoption, implementation and follow-up processes have not been inclusive and

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<sup>1</sup> Palestinian Anti-corruption Commission annual report 2017, [www.pacc.pna.ps](http://www.pacc.pna.ps)

<sup>2</sup> Palestinian Anti-corruption Commission annual report 2017, [www.pacc.pna.ps](http://www.pacc.pna.ps)

<sup>3</sup> [https://palaestina.org/uploads/media/NPA\\_Arabic\\_Final\\_Approved\\_20\\_2\\_2017\\_Printed.pdf](https://palaestina.org/uploads/media/NPA_Arabic_Final_Approved_20_2_2017_Printed.pdf)

ineffective. These flaws manifest themselves in the absence of a Comprehensive National Plan for combatting corruption. This absence results into scattered anti-corruption efforts and individual and incomplete initiatives, the plan focuses primarily on criminalization, not on prevention, limiting the focus of the Anti-Corruption Plan to incriminating corrupt individuals, while not giving enough attention to empowering the community to prevent and reduce the occurrence of corruption in public, civil, and private sectors, or to handle cases and establish a public opinion to stand up against this phenomenon.

In addition to this, and to date, much important legislation necessary for a comprehensive anti-corruption framework has yet to be passed, such as a witness and whistle-blower protection law, the criminalizing of all corruption crimes in accordance with the United Nations Convention Against Corruption (UNCAC), and regulation concerning matters of conflict of interest and the revolving door, when officials transfer between the Public Sector and the Private Sector. In addition, the financial disclosure statement system is ineffective and is in need of important amendments to increase its effectiveness, the same goes for the control measures regulating party finances and elections campaigns.

There is a general set-back in Palestine regarding the status of transparency of information and withholding information from the public by the government, especially information pertaining to contracts regulating essential services. The government has stopped publishing its decisions on its website in 2017, has not included representatives of the civic society in the discussing the Public Budget and has not published most of the documents pertaining to the budget discussions. It has also failed to promulgate the Right to Access Information Law or the National Archives Law.

Furthermore, the government has increased restrictions on rights and public liberties, especially the right to freedom of expression and the freedom of peaceful assembly. Arbitrary arrests have increased against political activists, journalists, and bloggers on the grounds of alleged violations of publishing rules. The arrests increased after the promulgation of the Cyber Crimes Law, which includes stringent punishments in this regard, has bolstered self-censorship related to reporting on corruption cases, and expanded state censorship of mass media outlets and social media.<sup>4</sup> Opinion polls in the past few years showed a steady increase in the public opinion's belief that corruption is increasing year after year<sup>5</sup>.

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<sup>4</sup> [https://rsf.org/en/barometer?year=2018&type\\_id=235#list-barometre](https://rsf.org/en/barometer?year=2018&type_id=235#list-barometre)

<sup>5</sup> <https://www.aman-palestine.org/ar/reports-and-studies/sec-15-24>

## **Main recommendations:**

- The need for competent authorities and in cooperation with the Palestinian Ministry of Foreign affairs and Palestinian Representative Offices to reach bilateral agreements with the various countries to exchange information and the extradition of criminals, and to facilitate the investigation and litigation process in accordance with the law.
- Formation of a special unit that enjoys independence and with the necessary resources to coordinate efforts and follow up on matters of recovery of stolen assets.
- Criminalization of the act of bribing a foreign public servant or employees of international public organizations.
- Criminalization of the promise, offering, request, or acceptance of a bribe in the private sector.
- Criminalization of the abuse of functions in accordance with the provisions of the United Nations Convention against Corruption (UNCAC).
- Including all actions criminalized according to the Convention as predicate offence of money-laundering, including trading in influence and abuse of functions.
- Criminalization of the use of physical strength or threat or intimidation, or the promise of undue benefits, or offering/granting them to instigate perjury or to interfere in a testimony, or to provide evidence in proceedings pertaining to committing offences established in the convention, whether the offender achieved his/her intent or not, or interference in the practice of the official duties of any judicial or law enforcement official in accordance with the provisions of the convention.
- To consider the disqualification of persons convicted of corruption crimes in assuming any position in an establishment owned partially or fully by the state.
- Putting measures in place that deal with consequences of corruption, measures may include considering corruption as a factor for cancelation or termination of a contract, or the withdrawal of privileges, or take any other remedial action.
- Adoption of a national plan for reform of the judicial system including the Public Prosecutor through the legal and organizational revision of the judiciary and the Public Prosecution.
- Adoption by the government of a National Plan for integrity and combating corruption in participation with all official, civic, public, and private sectors to define priorities and necessary executive steps and the responsibilities of each party or organization in the implementation of the National Plan in accordance with a clear and specified timeframe where the Anti-Corruption Commission (being the relevant body) coordinates efforts, and the appropriation of the funds necessary for its implementation.
- Development of a special system for monitoring campaigns funding, by which each candidate is required to open up a bank account in which funds for the campaign shall be deposited. All campaign expenditures are conducted through this account and the elections commission shall have the right to access and examine this account at any time, and has the right to set a ceiling for campaign donations per candidate or list, and each list or candidate shall be obliged to provide a comprehensive account including all transactions that transpired throughout the election campaign and to disclose it to the public.
- The importance of putting in place a system to regulate procedures of the transfer of public sector officials (ministers, members of legislative council, officials of the tax department etc.) to work in the private sector.

- It is important that a specialized or judicial department examine and scrutinize information and data included in the financial disclosure statements, and to break free of the principle of absolute secrecy in dealing with financial disclosure statements , and to adopt a more open and transparent approach and public disclosure at least when dealing with top positions, and to activate and enhance penalties on violators be it for abstaining from presenting or delaying presentation of financial disclosure statements, or those who provide false or erroneous in their disclosures, and to broaden the scope of penalties to include duty bearers.
- Disclosure of detailed financial statements in accordance to the Law for Regulation of the Public Budget and Financial Affairs number (7) 1998.
- Completion of the organizational requirements pertaining to the implementation of the Public Procurement Law, and in specific the requirements of activating the Higher Council for Public Procurement for it to perform its duties in accordance with the law, and defining the necessary procedures for the use of electronic means in public procurement processes.
- The government must the regulation pertaining to protection of whistleblowers of corruption cases as stipulated in the Anti-Corruption Law and develop a clear definition of whistleblowers.
- Cancellation of detention and imprisonment related to publishing and freedom of expression crimes imposed on journalists and substituting those with a financial fine, and to stop blocking media websites without a court order.
- Expedite the adoption of the Freedom of Access to Information Law and National Archives Law.