

**‘Musawa’- The Palestinian Center for the Independence of
Judiciary and the Legal Profession**

**Proposal regarding the Regulation on rights and freedoms
and the Judicial Authority**

In the future constitution of the state of Palestine

July 2015.

Thanks and Appreciation

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Introduction

We, at the Palestinian Center for the Independence of the Judiciary and the Legal profession “Musawa”, are pleased to introduce to the political, legislative, executive and judicial decision makers, representatives of the social activities, unions, women and youth organizations, law practitioners, and to our people of all groups, interests, backgrounds, and professions, our proposal on “Regulating provisions For Rights, Freedoms and the Judicial Authority” that we see fit and demand to include in the State of Palestine Constitution.

Our proposal comes as the result of the work and scientific research of over six months, and was based on a number of studies of which a specialized study issued by the center “the constitutional regulation in Palestine”, followed by 6 workshops and focus group discussions in Gaza, Khanyounis, Rafah, Ramallah, Nablus, and Hebron, where they tackled the Basic law and the need to amend or replace it, the proposal was completed in partnership with the Ministry of Justice and support of the Human Rights and International Humanitarian Law Secretariat.

This was followed by the formation of a joint committee in partnership with the Ministry of Justice; the committee included experts in political and elections laws and regulations, and University professors, and was responsible for preparing the first draft of the proposal, which was then presented for a broad social discussion in 6 workshops and focus group discussions in the same districts. The discussions tackled the content and the drafting of the proposal, with participation of the committee members who met after that to discuss the participants’ recommendation and reflect to the proposal. Two radio segments were organized and broadcasted through Ajyal Radio Network, in addition to a TV show recorded at Maan Space Channel for the same purpose.

The second draft was sent to an Egyptian Constitutional expert for revision and strengthening of the legislative writing, and then it was uploaded to the center’s website, the Palestinian Human Rights defenders website, in addition to other social networks, for public consultation.

We, at the Palestinian Center for the Independence of the Judiciary and the Legal profession “Musawa”, believe that the endorsement and enactment of a new constitution not only responds to the requirements of international recognition of the State of Palestine and its membership in many of the international agreements and conventions, but also requires a political will, to draft a new constitution, and to choose the best time to do it, because taking into consideration the experiences of drafting constitutions throughout the history of humanity, those experiences proofed that the availability of the right timing for such an act doesn’t necessarily means the availability of the political will needed to carry it out. In addition human experiences demonstrate the importance of the political players’ roles at that time, which exceed the roles of specialist and experts who are able to draft and propose systemic and rational provisions, leading to the creation of democratic constitutional system. In addition the recruitment of both participants and experts to draft the constitution is not necessarily the best solution for drafting and

endorsement of the constitution, even if it is the right timing if there was no political will that reflects a real consensus within the society, that is why most of the attempts to adopt good constitutional provisions have failed in post-conflict context. Because of the impact political circumstances, conflict of powers and the personal factor have on such process that exceeds logic and common sense.

Although we are fully aware of the challenges that might face the process of drafting and endorsement of a new constitution for the state of Palestine, most importantly the inapplicability of the constitution under the ongoing Occupation, the fact that the Palestinian State is not really independent, concerns regarding the current authorities, the internal conflict within the Palestinian people, the weakness if not the absence of political will of some of the leaders and influential individuals, in addition to the reality of the Diaspora, the international and regional interferences, opposition of the occupation authorities and its ability to hinder such efforts, the absence of political parties and democratic environment, the absence of peaceful transfer of power, the possibility to rely on the Basic Law despite of its shortcomings and imperfections, and other challenges and justifications that can be used to prevent, postpone or stop the process of enactment of a democratic modern constitution, despite the national need and the good timing for such a step, in addition some powers use other means and alternative legislations such as amendments to the Basic Law and issuance of constitutional declaration.

Out of our independent professional belief of the importance of a new democratic constitution, to serve as the basis to the State of Palestine institutions and powers, and the guarantor for the non-deviation of the performance of all authorities, as they fall under its umbrella and jurisdiction, we demand and call for the approval of our proposal in any legislative form appropriate, because of the pressing national need to overcome the shortcomings and gaps of the Basic law, provide guarantees to protect and maintain the rights and freedoms, build an effective efficient capable and independent judicial authority, adopt a social contract that is capable of protecting the civil peace, social and national unity, prevent internal conflicts, devote the culture of peaceful transfer of powers, and principles of rule of the constitution and the rule of law on all, rulers and ruled alike, and to achieve sustainable development, security and freedom to all citizens.

It is worth noting that our proposal tackles two constitutional issues, the standard constitutional principles require consistency and conformity of its provisions and texts with the provisions of the constitutional document in all other constitutional issues, and this is what we hope will be taken into account when drafting the constitutional provisions, especially those relating to the organization of governing authorities, the general constitutional principles, because the constitution and the law are one unit, therefore it must be consistent, harmonized and conformed with the underpinning and guiding legislative philosophy.

To reach the Constitution of consensus that seeks to achieve the constitutional principles of our proposal, and not to be subject to compromises between the existing authorities, holding influence, power and rooted interests on the one hand, and other counterparts, with presence and representation that are of imbalance

with the existing authorities and their influence, we believe it is very important to consider the following measures that should be pre- approved and agreed upon to facilitate the accomplishment of a democratic modern constitution, that responds to the elements of an effective proactive international presence of the State of Palestine: -

1. Election of a real representative founding council to prepare the constitution, it would be preferred that the Council will be elected according to the principle of proportional representation, to ensure the representation of all political forces, a number of membership of the council shall be allocated to the trade unions, universities and civil society organizations.
2. This council shall work in accordance with objective principles, that shall be included in the constitutional document (the objective principles/ standards), and formalities that would grant the approval of the constitution from no less than three quarters of participants.
3. Dedicate a reasonable budget for the council that would not affect its independency during its work period.
4. To guarantee the independency of the council and not to interfere in its work during its term.
5. The council shall be authorized to form committees of experts selected on criteria that is based on competence, qualifications, impartiality, and independence.
6. The council term shall be limited to a reasonable time period that is not to be exceeded.
7. The council shall grant the participation of individuals and groups through actual and realistic consultancy mechanisms that consider their opinions in the drafting of the provisions of the constitution.
8. The council shall have the authority to call for referendum on the draft constitution through an impartial and independent elections committee that is formed with consensus for this purpose, and shall operate according to international mechanisms and standards, this referendum shall ensure an efficient and real percentage of participation, and a pre-determined percentage of votes in order to be considered.
9. In case the draft constitution pass- result is "Yes"- the results are declared and the constitution shall be immediately published in the official gazette, enforcement period shall be determined and shall not exceed six months from its enactment.
10. The council shall be resolved as soon as the referendum results are declared, and remains functional until new public authorities are elected within a specific timeline.

11. The existent central and local authorities to be unraveled/ dissolved as soon as the constitution is declared, and remain functional until new public authorities are elected.

12. Local and central public authorities' election shall be conducted by the election committee in accordance with this constitution in no longer than six months.

We, at the Palestinian Center for the Independence of the Judiciary and the Legal profession "Musawa", have the right as Palestinian citizens to dream and work to achieve our people's dream in building a fair democratic modern State of Palestine, we also have the right to raise our voices and pressure all decision makers to adopt and approve our proposal the guarantor of human rights and freedoms, relying on our confidence and conviction that the Palestinian people with all their rights, human dignity, and immense sacrifices, deserve to live in free country and a democratic modern.

Rights, freedoms and public duties

Article (1) Citizens are equal under the law and judiciary, and they are equal in rights, freedoms and public duties.

Article (2) The State shall guarantee public rights and freedoms of all citizens on the basis of justice, freedom, equality, human dignity, and equal opportunities without discrimination because of religion, creed, sex, origin, race, color, language, or disability, or cultural or social level or career, or political affiliation or ideological and organizational or geographical orientation, or for any other reason.

Article (3) human dignity is a natural right rooted for every human being, has the right to respect, protect and enjoy it, it may not be compromised, the State shall be committed with all of its powers and in particular the legislative, executive and judicial institutions, all of its military, security and police institutions responsible for law enforcement, to respect and protect human dignity, any action that detracts from the human dignity is considered a crime punishable by law with no statute of limitations.

Article (4) The State is obliged to join the regional and international conventions and declarations protecting human rights and public freedoms, the State shall organize their legal status on this basis, consistent with the provisions of the Constitution.

Article (5) Human rights and fundamental freedoms and dignity according to international conventions and declarations shall be ratified by the State of Palestine, and shall not be violated or abandoned, the legislative, executive and judicial authorities shall be committed to respect as part of the domestic law and shall have a higher ranking from law and lower from the Constitution.

Article 6: Every person has the right to life and to his body, dead or alive, sanctity protected by the law. Any abuse, distortion, deformation, or trafficking of its organs is considered a crime punishable by law.

Article (7) Public rights and freedoms inherent in the human person and that are consistent with international standards of human rights and freedoms shall not accept disruption or detraction, and no public authority may be regulate them in a way prejudice to their origin and essence as long as are in conformity with the constitutional system.

Article (8): Any assault, hindering or restriction on the fundamental human rights and freedoms guaranteed by the Constitution, the law or international declarations, conventions, and agreements, shall be subject to the supervision of the judiciary, and is considered a crime with no statute of limitations for the criminal and civil suits arising from, the State shall guarantee fair compensation for those who suffered the damage

Article (9) Laws shall determine controls related to public rights and freedoms guaranteed in this Constitution and there practice without prejudice to their core, these controls shall only be set in response to the needs and requirements of the principles of a democratic state and in order to protect the rights, defend the

homeland, or the public health, considering the need to respect the balance between controls and their obligations.

Article (10): Under no circumstances shall any right; freedom or any of the rights and freedoms as set forth in the Constitution, declarations, conventions or international agreements that free peoples have achieved, and that became entrenched in the human conscious, shall be hindered, without the need to be stated clearly in text.

Article (11): No law, amendment to the law, or any legal rules issued by the public authorities shall include any restriction to public rights and freedoms guaranteed in this Constitution or the imposition of conditions, financial implications, or requirements that may hinder the exercise of the rights and freedoms, the judicial authorities shall provide protection of the public rights and freedoms from any violation.

Article (12): Taking into account the constitutional system and respect for human rights and public freedoms are the obligation and duty of all who are in Palestine, the state shall be responsible to achieve.

Article (13): No law, legislation or any other procedure issued and related to the declaration of a state of emergency, shall allow the derogation of the rights and freedoms set forth in the Constitution, except in accordance with international standards and principles, international law, and human rights law, the judiciary shall monitor the need for such measures taken and the period of their validity.

Article (14): The interpretation of the laws related to fundamental rights and freedoms recognized by the Constitution in accordance with the Universal Declaration of Human Rights and international treaties and conventions ratified by the State in this regard.

Article (15): Liability, transparency, accountability and the rule of law and the maintenance of public rights and freedoms to all is guaranteed, all authorities shall be committed to strengthen the national responsibility, democratic life, political pluralism and the principle of the rule of law.

Article (16): All forms of slavery, enslavement, oppression, exploitation, forced concealment of human persons, engagement in prostitution, sex trade, and other forms of human and human organs trafficking, are prohibited and criminalized by law.

Article (17): Every citizen has the right to live in safety and in his environment, no citizen shall be deported from the territory of the State nor shall he be prevented from returning to it, he shall not be deported from his place of residence to another part of the territory, prevented from leaving, put under house arrest, deprived of citizenship or handed over to any party or a foreign country, any agreement or doing to the contrary of this is a crime punishable by law with no statute of limitations.

Article (18): the expulsion of citizens from their towns and villages and whereabouts in all forms and manifestations is prohibited, whether the

displacement is to the inside or outside of Palestine, such doing in any way or form is a crime punishable by law with no statute of limitations.

Article (19): Every person shall have the right to freedom of thought, conscience and expression, and shall have the right to publish his opinion orally, in writing, or in any form of art, or through any other form of expression, provided that it does not contradict with the provisions of the constitution.

Article (20): (A) Personal freedom is a natural right, and shall be guaranteed and not robbed, except in the case of flagrante delicto, no one may be arrested or detained, searched, detained or his freedom restricted or prevented from free movement except by a reasoned judicial order issued by a competent court and is required by the investigation. (B) Political or administrative arrest, confinement of freedom or illegal detention are crimes punishable by law with no statute of limitations; the State shall guarantee compensation to the affected party.

Article (21): Imprisonment, detention restriction of freedom in places other than those subject to laws related to the organization of prisons. Is a crime punishable by law with no statute of limitation.

Article (22): any arrested, imprisoned or whose freedom is restricted shall be treated in a way that preserve his human dignity, and shall not be tortured, intimidated, compelled, or harmed physically or morally, and his detention or imprisoned shall not be except in accordance with the law and otherwise is considered a crime with no statute of limitations.

Article (23): Every arrested, detained or imprisoned person shall be immediately informed of the reasons for his arrest or detention. He shall be promptly informed, in a language he understands, of the nature of the charges brought against him, the right to remain silent and the consequences of not remaining silent, he shall not be forced to any confession or admission that can be used against him, and shall be immediately allowed to contact a lawyer and to be fairly tried without delay in no more than 48 hours from arrest, detention or imprisonment, any action in violation of these measures stated in this text, and its implication is considered absolutely null and void.

Article (24): prisons and detention centers shall be subject to judicial supervision, all that occurs in these locations in contrast to humane treatment and dignity or that endangers the health of the sentenced is prohibited; the law shall regulate the provisions of the reform and rehabilitation of sentenced persons, and the facilitation of dignified life for them after their release.

Article (25): No person shall be subject to any duress, torture, disgraceful treatment. All detained and persons deprived of their freedom shall receive proper treatment. All statements or confessions obtained through violation of this shall be considered null and void. The law shall criminalize any abuse of power and all action contrary to this be null and void and shall hold the responsible accountable.

Article (26): The accused is innocent until proven guilty in a court of law that guarantees fair trial and the right to defend himself. Any accused of a felony shall be represented by a lawyer to defend him.

Article (27): No crime and no punishment except in accordance to the law (Crime and punishment shall only be determined by law), punishment shall only be imposed upon individuals, collective punishment is prohibited. Punishment shall be imposed only by judicial order, and shall apply only to actions committed after the promulgation of law

Article (28): The right to litigation is guaranteed by the state to all. Each person shall have the right to resort to its natural judge (in the legal system) and public figure or individual shall have immunity of habeas corpus except in accordance with the provisions of the Constitution.

Article (29): The verdicts (decisions) of the judiciary shall be in effect and must be respected and enforced as a basic guarantee for the protection of rights and freedoms and realization of the principle of the rule of law and respect for the supremacy of the Constitution, failure to enforce, or impede their enforcement is a crime punishable by law.

Article (30): It is unlawful to conduct any medical or scientific experiment on any person except in accordance with law. And with prior legal consent. No person shall be subject to medical examination, treatment, or surgery, except in accordance with the law. The law shall guarantee compensation for medical errors.

Article (31): Each person shall have the right to provide protection to his body in order to preserve their human dignity, and has the right to donate the organs of his body during his lifetime or after death in accordance to an approval or documented will, the State is committed to establish a mechanism to regulate the rules of donating tissues and organs and other technological innovations and scientific progress for humanitarian purposes, in accordance with the law.

Article (32): the State solely monopolize the establishment and management of military and security forces in accordance with the law, to serve the common good, defense of the country within the framework of respect for the rights and freedoms and full neutrality between the various agencies and authorities.

Article (33): formation of unions or groups of any kind is prohibited in the various branches of the army and the security forces institutions; strike is prohibited in all branches, sections and institutions of the army, internal and external security forces.

Article (34): Freedom of belief, worship, performance of religious rituals, and establishment of places of worship for people of all religions is guaranteed without coercion and regulated by law without violation to the public order.

Article (35): Homes shall be inviolable; thus, they shall not be subject to surveillance, entrance or search, except in case of danger or distress, in accordance with a valid judicial order from a competent court. Any consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from

such violation shall be entitled to fair compensation guaranteed by the Palestinian National Authority., the order shall specify the place and time, and the purpose of the procedure.

Article (36): the private life is of sanctity, which shall not be touched, Correspondence; mailed, telegraphic or electronic, telephone conversations, and other ordinary and technological means of communication are inviolable and their secrecy, may not be confiscated, monitored or controlled except with reasoned judicial order issued by a competent court, and for a specified period in accordance to the cases specified by law.

Article (37)

1_ Each Person has the right to hold opinions without hindrance.

2_ Each person has the right to freedom of opinion and expression; this right includes freedom to access/ request various forms of information and ideas, receipt of information and transfer to others, regardless of limitations, either orally, in writing, in print form, in the form of art or through any other media of their choice.

3_ A. The exercise of the rights provided for in paragraph 2 of this article may be subject to certain restrictions, provided that those restrictions are provided by law and are necessary to the respect of the rights and reputations of others.

B_ Any calls for religious or racial hatred or incitement to discrimination, hostility or internal violence are prohibited by law.

Article (38): A_ Freedom of press, printing and paper, audio-visual, electronic publication and advertising, the establishment of newspapers and other technological audio-visual media sites and other innovations in communication resulting from the information revolution, are guaranteed rights, and may not be impeded unless a valid judicial order is issued by a competent court, the law governing it shall ensure its integrity and the expression of different views encouraging scientific, artistic, literature and creativity and guarantee freedom of opinion, constructive criticism and dissemination of the values of moderation and tolerance and rejection of the values of internal violence, and prohibits offending religions and religious symbols.

B_ The State shall guarantee the impartiality of official media institutions and towards other institutions and political parties, and that it shall not serve the interests of the ruling party, official media shall be impartial (neutral) and shall provide equal opportunities for all.

Article (39): Information, data, statistics and official documents belong to the people, disclosure of such documents various sources is a guaranteed right for every citizen, all authorities are committed to provide and make available transparently, the law ensures access to such documents, and determines the punishment for withholding information or intentionally providing false Information.

Article (40): Intellectual property rights of all kinds, in all areas is guaranteed, all the authorities shall be committed to its protection, a competent body shall be formed to take care of and protect those rights regulated by law.

Article (41): The State shall protect the Islamic and Christian Waqf, it is also committed to promoting charitable waqf system to establish, administer and care for scientific, cultural, health, and social institutions, and others. And shall ensure their independence, and they shall be managed in accordance with the terms of the responsible for Waqf, the law shall regulate all of that.

Article (42): citizen participation in public life is a national duty, each citizen has the right to vote and stand as candidates in the general periodic election and shall express opinion in public referenda. The law guarantees the exercise of these rights. The state shall organize a regular periodic record of those who have the right to exercise these rights, exemptions from performing this duty is possible in cases specified by law.

Article (43): The State is committed to safeguard the interests of the Palestinians living abroad, to protect them, ensure their rights and freedoms and interests and enable them to perform public duties towards their homeland, the law also guarantees their participation in elections and referendums and their contribution to the development of Palestine in accordance with their special conditions.

Article (44): It is prohibited to expel any citizen from his home, homes may not be demolished without a final reasoned judgment issued by a competent ordinary Palestinian court, and after taking into account all relevant circumstances. No legislation leading to arbitrary expulsion shall be issued or applied.

Article (45): Each citizen a man / or woman has the right to assume public office in accordance with the principle of equality, equal opportunity and the basis of merit. The laws governing public office positions shall ensure these rights..

Article (46): The State is committed to protecting the acquired rights of women, and shall work to develop and support women, and ensure equal opportunities between women and men in carrying different responsibilities, the State shall endeavor to achieve equal shares between women and men in elected assemblies.

Article 47: The State shall take all necessary measures to encounter violence against women and the accountability of the perpetrators responsible for it.

Article (48): the law ensures: -

1_ establishment of civil society organizations, charities, trade unions to be managed on a democratic basis, in a way that ensures its independence, determines its financial resources, announces them to the public, its membership requirements, and hold them accountable for their behavior in the practice of professional and financial activities in order to achieve justice and serve the Palestinian society in accordance with the codes of ethics and professional conduct. Only one union shall be created to regulate each profession.

2- It is prohibited to dissolve associations and institutions or to stop their activities, except in accordance with a reasoned court order rendered by a competent court.

3_ civil society organizations, charities, clubs and associations are considered established by mere notification.

Article 49: Citizens have the right to participate in political and public life, as individuals and groups and they particularly have the following rights:

- (1) To establish and join political parties
- (2) To establish unions, guilds, associations, societies, clubs, public and civil society organizations
- (3) To vote and nominate for election, representatives among them by ballot and public election
- (4) To hold public office and positions in accordance with the principle of equality, justice, equal opportunities, merit, competence and impartiality.
- (5) To organize public meetings, processions, assemblies, and all forms of peaceful protests quietly without arms, or sharp tools of any type and without damage to public and private property in accordance to a prior notice, special meetings are granted without prior notice.
- (6) The right to submit petitions and complaints and the right to receive replies and responses.

Article (50): parties, unions, associations, guilds, associations, clubs and institutions are committed in their bylaws and statutes in performing all of their activities to the democratic principles, provisions of the Constitution, financial transparency, and renouncement of internal violence, incitement to hatred, and to periodic peaceful rotation and transfer of power for their boards and their leaders.

Article (51): political parties shall reflect political and intellectual pluralism; they shall contribute to the formation of the public will and shall be established and operated within the framework of freedom as long as they abide by the constitution and principles of democracy.

Article (52): The state has the right to grant political asylum to any foreigner persecuted for defending the people's interests, human rights, peace or justice. Extradition of political refugees is prohibited.

Article 53: Each citizen has the right to non-harmful, balanced, and clean environment and shall protect the environment for the benefit of present and future generations through legislative measures that limit the pollution and degradation and promote the preservation of environmental resources and guarantees the development and use of natural resources in a sustainable way that enhances the achievement of economic and sound social development.

Article (54): public ownership of properties is regulated by law in order to ensure their protection and to serve the public interest, private property is inviolable and shall not be disarmed or seized except for public interest and in accordance to the law or in exchange for fair satisfactory compensation with specified time and payment method.

Article (55): confiscation of private property is prohibited except by a reasoned judicial order issued by a competent court, the public confiscation is banned. The law regulates and organizes the terms of the disposition of the real estate property to foreigners in accordance with the public interest.

Article 56: The State guarantees citizens the right to adequate, safe and healthy housing in order to preserve human dignity, achieve social justice and shall be consistent with the conditions of the state, the State is committed to developing a national housing plan taking into account privacy, and ensuring the contribution of the cooperative and self-initiatives in its implementation

Article (57): A_ freedom of residence, movement and the choosing profession are rights guaranteed for all citizens.

B_ Work is a right for each citizen, it is a duty and honor the State seeks to provide for all and organizes labor relations ensuring justice and fair practices that offer workers equality with their peers, security, health and social care, a decent life and participation in the activities and programs of the unions and employers.

Article (58): Economic activity of individuals and collective groups is based on freedom, and promotion of equality between members of the community to live in dignity, sustainable development and social justice.

Article (59): The right to conduct strike is guaranteed and shall be practiced without prejudice to the provision of public service and good functioning of public facilities and the provision of care to all public.

Article (60) A- Social, health, disability, and retirement insurance services shall be granted to all.

B_ The welfare of families of martyrs', prisoners, the injured, the disabled, and those affected by the national struggle is a duty of the state. Housing and education services, health and social insurance and a quota in each profession and work opportunities shall be granted to them.

Article (61): to exercise and practice sports is a right for all, the state and community organizations shall discover talented athletes and take care of them, and shall take the necessary measures to promote sports internally and externally in accordance with the requirements and conditions of international standards, the law shall ensure all matters pertaining to sports and sports bodies.

Article (62): Every citizen has the right to education. It shall be compulsory until at least the end of general high school (secondary school), The law shall grant independency of universities, colleges, higher education institutes and scientific research centers, to encourage and support them and raise the emerging generation

on the Arab and Islamic identity, belonging to the homeland, and consolidation of the Arabic language with openness to foreign languages, human civilizations and dissemination of a culture of human rights.

Article (63): freedom of scientific research, artistic, literature and creativity is guaranteed, the state shall be committed to the sponsor researchers, inventors and protect their innovations, and shall work on their application and advancement, and on caring for and providing the means to encourage artistic and intellectual and literature works.

Article (64): special education is regulated by law, supervised and organized by the State to best serve the public interest.

Article (65): the State is committed to ensure the health, economic, social, cultural, entertainment, educational and sports rights of persons with disabilities, with the allocation of special quota of job opportunities for them, and to create appropriate public and environment facilities to facilitate their needs.

Article (66): maternal and child welfare is a national duty, a child is every person who has not reached eighteen years of age, children, male and female- shall have-

1. The right to nationality, to be given to each child born to a Palestinian father and a Palestinian mother regardless of the place of birth.
2. The right to identification papers proving name, nationality and country of origin since birth.
3. Comprehensive protection and welfare, and alternative care if deprived from family environment. The state shall provide children with basic nutrition, shelter, health and social services.
4. The right to protection from abuse and cruel treatment and accountability of the perpetrators.
5. Prohibit use of children for any military or political purposes, they shall not be allowed to do work that might harm their physical or psychological safety, health, education, or their future.
6. Prohibit use of children in any internal or external armed conflict, and they shall have priority, along with their mothers, to enjoy protection in times of armed conflicts.
7. Parents and business owners are prohibited from assigning any tasks or providing age- inappropriate services, or that puts his dignity, interests, education, health or moral or social development at risk.
8. If a child was sentenced to deprivation of liberty, he shall be separated from adults, and shall be treated in a manner that is designed to reform him and that suits his age.

Article (67): The state guarantees the welfare of, male and female, youth and young people, and shall work to discover their talents, and develop their cultural, scientific, psychological, physical and creative abilities, encourage them to teamwork and volunteerism, and enable them to participate in public life.

Article (68): The State shall be committed to ensuring the health, economical, social, cultural, and entertainment rights of older people, and to provide appropriate pension to ensure them a decent life, and enable them to participate in public life, and finally to take into account the needs of the elderly in planning public facilities.

Article 69: The State shall safeguard health as a fundamental right of individuals, and in the interest of the community, and shall ensure free medical care for children, the poor and marginalized groups.

Article (70): Anti-corruption is a national duty and responsibility, corruption crimes are punishable by law with no statute of limitations.

Article (71): Payment of taxes and contribution to the overhead costs is a duty regulated by law in accordance with rules that ensure social justice, and economic development.

Article (72): Natural resources and wealth belong to the Palestinian people and its future generations, the State shall exercise the ownership rights on its behalf, the law regulates and ensures how to manage, maintain and invest these properties.

Article (73): defending the State of Palestine, and its historical and religious heritage, national slogans and symbols is a sacred right and duty, and the commitment of all Palestinians to observe this duty is a national responsibility.

Article (74): the Palestinians shall primarily the assume the duty of honoring their ancestral lands, defend its sovereignty, preserve its national security and respect fundamental values of the Palestinian people.

Article (75) The State shall guarantee the defense and protection of Palestine, the State shall organize compulsory recruitment to military service and organize bearing of arms in accordance with to the law.

Article (76): Followers of the heavenly religions shall organize their personal and religious affairs in accordance with their rituals and religious denominations, under the law in order to preserve the unity of the Palestinian people and its independence.

Article (77): Independent non-governmental bodies for human rights and freedoms shall be established by law, and shall be responsible for following up and observation of respect of human rights and freedoms, and the assumption of any proceedings to protect those rights and to join the existing ones

Judicial Authority

Article (1) - The Judiciary is an independent authority administering justice and ensuring supremacy of the Constitution, the rule of law and respect for rights and freedoms.

Article (2): A - The judicial authority is a unified and independent authority, the judiciary is professionally and administratively and financially independent.

B - Courts, which types, levels, and jurisdiction are determined by law, shall assume, review, and decide on disputes

C – A judge should be competent, and should not have affiliation with any political party, and shall abide impartiality and integrity, any prejudice from his duties requires accountability.

Article (3) The judicial authority assumes deciding on all conflicts and crimes, interpretation of texts and provisions relevant to the rights and freedoms to enhance and promote values of democracy, principles of human dignity, justice, equality and freedom.

Article (4) Court hearings shall be public, unless a court decides to make them in camera due to considerations related to public order, litigants' rights, or in accordance to request of the litigants. In all cases, the sentence shall be pronounced in a public hearing.

Article (5) Judicial rulings shall be announced and executed in the name of the Palestinian people.

Article (6) Any order or ruling issued by competent courts is abiding and enforceable, any attempts to impede or hinder the implementation of the measure, order, judicial decision, judgment or procrastination in the implementation is considered a crime punishable by law by imprisonment, dismissal from office and to compensate the affected.

Article (7) The State guarantees compensation for judicial error according to the law.

Article (8) Immunization of any decision, legal action or physical acts of any of the public administrations and powers from judicial control and jurisdiction is prohibited, the law regulates the proceedings to ensure justice and equality and prompt settlement of cases.

Article (9) A - A High Judicial Council shall be established by a law, the council shall have 12 members half of which are from judges hired by the president (head of the state) and the legislative council by two thirds majority.

B - The law shall specify the jurisdiction of the high judicial council and its operating rules.

C - The council shall supervise the work of the judicial authority and shall be consulted on draft laws which regulate the affairs of the Judicial Authority and the Public Prosecution.

Article (10) A – the judicial authority shall be headed by the chief justice, and shall nominated by the High Judicial council and appointed by the president of the state with the endorsement and approval of the Legislative Authority with a majority of two thirds, given he shall be a judge.

B – Intervening in the judiciary work by any person, body, government agency is prohibited, and shall be held accountable.

C - Courts are independent and rule in accordance to the constitution and the law without bias/ favoritism

D - The state shall assist the courts through the legislative and administrative procedures and other supporting procedures to assure efficiency and to facilitate access to justice.

Article (11) Judges shall be independent, and shall not be subject to any authority other than the authority of constitution and law while exercising their duties. No other authority may interfere in the judiciary or in the justice affairs; interference is considered a crime punishable by law with no statute of limitation.

Article (12) A – Judges are appointed by the president based on nomination from the High judicial council and approval of the legislative authority with two thirds majority

B - Appointment, transfer, secondment, delegation, promotion, and management of judges affairs shall be by law, judges are prohibited from affiliation with any party, organization, group, consortium, military or political activity, they shall combine between the judicial position and any other profession, or membership in the parliament, political parties, or pressure groups except for the judges group (society/ union)

Article (13) the law guarantees promotion of judges on periodic basis in accordance to specific rules and criteria regardless of the type of court they work in.

Article (14) Judges dismissal, referral to retirement, transfer from court to court, secondment or delegation, is prohibited without their written consent even if the transfer, secondment or delegation is because of promotion.

Article (15) The judge is responsible to the High Judicial Council on how to perform his duties according to law, the law protects litigants against any abuse or deviation by the judge or court officers

Article (16) It is permissible to second a judge temporarily with his consent in writing to carry out judicial work other than his duties or in addition to his work or to perform legal tasks for the public interest, by a decision of the Minister of Justice and approval of the High Judicial Council.

Article (17) it is not permissible to appoint someone who held an executive, elected, political position prior to his appointment in the function of a judge unless four years have passed from the date he left that position, in any case it is not permissible to appoint such judges in exceptional or special courts.

Article (18) Before assuming his duties as a judge, a judge is sworn as stated in the Judicial authority act.

Article (19) Before assuming duties, the judge shall make a financial declaration for himself, his spouse and minor children, the declaration shall be kept at the High Judicial Council and can only be viewed by a decision of the competent court.

Article (20) Retirement age for judges and members of the High Judicial Council is seventy years, their work shall not be extend under any circumstances.

Article (21): A judge shall not be suspended from work except in accordance with the provisions of the Judicial Authority Law, and taking into account all of their constitutional rights.

Article (22) A judge may not be dismissed or excused from office except in the following cases:

1. If the High Judicial Council felt that the judge has lost his eligibility or became completely inept in accordance with a decision issued by a competent, specialized medical committee, or if convicted under judicial judgment that was rendered by a competent court for misconduct, breach of honor or reputation crime.
2. If the legislative authority requested the judge to be suspended from work by a decision approved with two-thirds of its members

Article (23) The following courts shall be established in the State of Palestine:

1. Independent constitutional court shall adjudicate the constitutionality of laws and regulations disputes at the request of the executive and legislative authorities or other stakeholders, and in the jurisdiction conflict between the judicial authorities and administrative bodies with judicial jurisdiction, it shall also be competent to hear and determine appeals in the validity of the election of the head of state and members of the legislation authority, it will also look into the constitutionality of laws and other acts issued by the legislative authority before publication if referred to the court by the president within 30 days of their referral to him for revision and endorsement, in addition to the laws when one third of the legislative authority member refer to the constitutional court before the president endorsement and within 15 days from its referral to the court, the period may shortened to one week in case of urgent laws, no law shall be issued and enacted shall the court decide it is contrary to the constitution, and shall be considered void, the court is solely competent to look into and decide on conflicts related to the procedures dissolution of parties, and in interpretation of constitutional provisions and other legislations.

A – the Constitutional court has an independent judicial committee (bench) of 12 competent specialized members, three quarters of which are specialized in law with an experience of no less than fifteen (15) years.

B – the president and the legislative authority, with the majority of two thirds, shall appoint the members of the constitutional court, the appointment shall be limited to one term of nine (9) years.

C – One third of the members of the constitutional court are renewed every three years, members of the constitutional court elect the president of the court and the deputy from the specialized members every three years.

2. Court of Cassation is competent to hear and decide on appealed judgments of the courts of appeal in civil and criminal issues as a court of law, the law shall determine the structure, the standards and working procedures of the court.

3. Supreme (High) Court of Justice is competent to hear and decide on appeals judgments of administrative courts; the law shall determine the structure, the standards and working procedures of the court.

4. Administrative courts shall hear and decide in administrative disputes and disciplinary proceedings, the law shall determine the structure, competence, the standards and working procedures followed in the court.

5. The law defines the types of regular courts, their structure, scope, terms of reference and levels, and the standard procedures for litigation

6. Establishment of military courts shall be by law, the court is prohibited in all cases from trying of civilians or considering any matter outside the military circle, if one of the parties is civilian then the jurisdiction shall be for regular civilian courts.

7. Sharia courts and the courts of personal status of the various religions are regulated by law, which shows their composition, structure, scope, terms of reference, levels, and their litigation procedure.

Article (24) A - the age for appointing a judge or member of the public prosecutor shall at least be thirty years.

B - the age for appointing a member of the constitutional court shall be at least fifty years.

Article (25) the law shall regulate the formation, structure, competence, recruitment requirements, transfer, secondment, delegation, promotion, accountability, inspection procedures and financial status of the public prosecution and its members.

Article (26) The Attorney General shall be appointed to head the public prosecution through a decision approved by the President, and endorsed by the Legislative Authority, the Attorney General and his assistants shall handle and assume public

cases in the name of the People. The law shall determine their jurisdiction, functions and duties.

Article (27): the legal profession is a free, independent profession, and it participate in the administration of justice and the defense of public rights and freedoms, the law guarantees the organization of the profession to achieve the necessary legal guarantees to protect the lawyer and enable him/ her to perform their duties.

Article (28): Subject to the provisions in the Constitution, the judicial authority law shall not be amended except by the legislative authority and by a majority of two-thirds of its members.