
Advance unedited versionDistr.: General
26 July 2023

Original: English

Human Rights Committee**Concluding observations on the initial report of the State of Palestine***

1. The Committee considered the initial report of the State of Palestine¹ at its 4007th and 4008th meetings,² held on 5 and 6 July 2023. At its 4030th meeting, held on 21 July 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial periodic report of the State of Palestine and the information presented therein. It expresses appreciation for the opportunity to engage in constructive dialogue with the State party's high-level delegation on the measures taken to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues⁴, which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided in writing.

3. The Committee recognizes that the ongoing Israeli occupation and partial annexation of the territory of the State party, the expansion of settlements and the continued blockade of the Gaza Strip, which are illegal under international law,⁵ pose severe challenges for the State party in fully implementing its obligations under the Covenant. This results in grave violations of the rights of Palestinians, such as arbitrary detention, torture and ill-treatment, excessive use of force and abuse by Israeli security forces, acts of violence by Israeli settlers, restrictions on freedom of movement, freedom of association, freedom of expression, forced displacement and evictions, seizure of private land, house demolitions and illegal settlements, restrictions on gaining access to health-care services and denial of access to humanitarian aid.⁶ The Committee recalls the obligations of Israel, as the occupying Power, under international humanitarian law and international human rights law.⁷ It recognizes that the above-mentioned challenges limit the State party's effective control of its jurisdiction over its own territory and its capacity to uphold the Covenant. However, it reminds the State party that the Covenant is applicable in its entire territory and that the State party should take all possible measures to implement it in all parts of the territory. In that regard, the Committee regrets that, notwithstanding the agreement between the Fatah and Hamas movements to end

* Adopted by the Committee at its 138th session (26 June to 26 July 2023).

¹ [CCPR/C/PSE/1](#)

² See [CCPR/C/SR.4007](#) and [CCPR/C/SR.4008](#).

³ [CCPR/C/PSE/RQ/1](#)

⁴ [CCPR/C/PSE/Q/1](#)

⁵ See Security Council resolution [2334 \(2016\)](#) and other relevant Security Council resolutions, including resolutions [242 \(1967\)](#), [338 \(1973\)](#), [446 \(1979\)](#), [452 \(1979\)](#), [465 \(1980\)](#), [476 \(1980\)](#), [478 \(1980\)](#), [1397 \(2002\)](#), [1515 \(2003\)](#), [1850 \(2008\)](#) and [1860 \(2009\)](#). See also the [Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory \(2004\)](#); and Human Rights Council resolutions [S-9/1](#) and [S-12/1](#).

⁶ See CCPR's concluding observations on Israel from 2-3 March 2022: [CCPR/C/ISR/CO/5](#)

⁷ See CCPR's concluding observations on Israel from 2-3 March 2022: [CCPR/C/ISR/CO/5](#)

Palestinian division signed on 12 October 2017, the State party has made limited progress in resolving internal political issues that negatively affect the full enjoyment by Palestinians in the West Bank, including East Jerusalem, and the Gaza Strip of their rights under the Covenant and contribute to the political and geographic fragmentation of the State party's territory. It notes that, owing to this fragmentation, Palestinians continue to be subjected to multiple legal systems that impede the full realization of their rights under the Covenant.⁸

B. Positive aspects

4. The Committee welcomes the accession to or ratification of the following international instruments by the State party since its accession to the Covenant:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 10 April 2019;

(b) The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, on 2 April 2014 and 10 April 2019, respectively;

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 2 April 2014 and 10 April 2019, respectively;

(d) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 18 March 2019;

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 29 December 2017;

(f) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, on 29 December 2017;

(g) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 29 December 2017;

(h) The United Nations Convention against Transnational Organized Crime, on 2 January 2015;

(i) The Rome Statute of the International Criminal Court, on 2 January 2015;

(j) The International Convention on the Suppression and Punishment of the Crime of Apartheid, on 2 April 2014;

(k) The International Convention on the Elimination of All Forms of Racial Discrimination, on 2 April 2014;

(l) The International Covenant on Economic, Social and Cultural Rights, on 2 April 2014;

(m) The Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, on 2 April 2014;

(n) The Convention against Torture and Other Cruel, Degrading or Inhuman Treatment or Punishment on 1 April 2014.

C. Principal matters of concern and recommendations

Legal framework

5. The Committee is concerned about the multiple non-unified legal systems in the West Bank and the Gaza strip, and regrets that lack of clarity during the dialogue as to why the Covenant and its Second Optional Protocol have not been publicized in the Official Gazette and have not been promulgated under domestic law. The Committee is also concerned that

⁸ CERD/C/PSE/CO/1-2, paras. 3-4; CRC/C/PSE/CO/1, paras. 4-5; CEDAW/C/PSE/CO/1, paras. 9-10, and CAT/C/PSE/CO/1 para 4

the interpretation of the Supreme Constitutional Court, in its decisions No. 4 (2017) of 19 November 2017 and No. 5 (2018) of 12 March 2018, according to which international treaties acceded to by the State party take precedence over national legislation only insofar as they are consistent with the national, religious and cultural identity of the Palestinian Arab people, may impede the enjoyment of the rights set forth in the Covenant (art. 2).

6. The State party should enact legislation to ensure the unification of its legal systems. It should also publicize the Covenant and its Second Optional Protocol in the Official Gazette and promulgate those under domestic law. The State party should also revise existing legislation with a view to prevent legal uncertainty or ambiguity that could provide grounds for legal interpretations contradictory to the State party's legal obligations.

Anti-corruption measures

7. The Committee is concerned about reports that corruption, including nepotism, remain pervasive in many sectors of public life, particularly in appointing and promoting government officials and members of the judiciary. The Committee also regrets the lack of specific information provided by the State party on the effectiveness of its National Cross-Sectoral Strategy for Integrity and Anti-Corruption (2020-2022) and on the concrete measures in place to ensure the independence, transparency, effectiveness and accountability of anti-corruption bodies such as the Anti-Corruption Commission, the Anti-Corruption Court, and the special prosecutors. The Committee is also concerned about reports of arrests of anti-corruption protesters and the lack of protection of whistle-blowers (arts. 2 and 25).

8. The State party should intensify its efforts to prevent and eradicate corruption and impunity at all levels, including by:

(a) Promptly, thoroughly, independently and impartially investigating and prosecuting all cases of corruption, particularly those involving high-level public officials and, if a person is convicted, applying penalties commensurate with the seriousness of the offence;

(b) Ensuring the independence, transparency, effectiveness and accountability of all anti-corruption bodies, including the Anti-Corruption Commission the Anti-Corruption Court, and the special prosecutors;

(c) Revising and supplementing the legal framework to better protect anti-corruption activists and whistle-blowers, preventing undue harassment of lawful anti-corruption activities and ensuring access to publicly held information;

(d) Expanding training and awareness-raising campaigns to inform judges and prosecutors, public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it.

States of emergency

9. The Committee is concerned about the far-reaching powers conferred on the Government by Decree No. 7 of 2020 in the context of the coronavirus disease (COVID-19) pandemic, which allowed restrictions on the right to peaceful assembly. The Committee is also concerned that the state of emergency under the decree was extended beyond the lawful period as per Article 110 of the Basic Law (art. 4).

10. In the light of the Committee's General Comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency and its statement on derogations from the Covenant in connection with the COVID-19 pandemic,⁹ the State party should:

(a) Guarantee that any measures introduced to protect the population in the context of a state of emergency, including a pandemic, are temporary, proportionate, strictly necessary and subject to judicial review;

⁹ CCPR/C/128/2.

(b) Ensure that legislation is not used in times of emergency to unduly restrict the right to assembly, recognizing that this right constitute important safeguards for ensuring that the State party's use of emergency powers, including during pandemics, complies with its obligations under the Covenant.

Non-discrimination

11. The Committee takes note of the information provided by the State party that a definition of discrimination has been included in the draft decree-law on protection of the family from violence, and also in the recommendations by the Legislative Harmonization Committee following its review of the Labour Code. It however remains concerned about the absence of a comprehensive anti-discrimination legislation providing full and effective protection against all forms of discrimination prohibited under the Covenant, including direct, indirect and multiple discrimination, and effective remedies in judicial and administrative proceedings for victims. The Committee is also concerned about reports of discrimination, stigmatization, harassment and violence, including by law enforcement officials, against persons on the basis of their real or perceived sexual orientation or gender identity, Bedouins, and persons with disabilities, and the lack of adequate investigations conducted into these actions (arts. 2, 3, 7, 17 and 26).

12. **The Committee recommends that the State party:**

(a) Consider enacting comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination in line with the Covenant, including sexual orientation and gender identity, and provides for effective remedies in cases of violations;

(b) Take steps to combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity, Bedouins, and persons with disabilities including training and awareness-raising programmes for law enforcement officials;

(c) Ensure that all acts of discrimination, stigmatization, harassment and violence against persons due to their sexual orientation or gender identity, Bedouins, and persons with disabilities are promptly and effectively investigated, and that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences and that victims receive full reparation.

Violence against women and domestic violence

13. The Committee is concerned that a number of gaps remain in the scope and coverage of legislation on violence against women and girls and domestic violence as well as in enforcement mechanisms. The Committee is further concerned that domestic violence, including marital rape, is still not explicitly criminalized in national legislation, and that legal amendments removing lenient penalties and excuses for killing of women have proven ineffective in combatting femicide. The Committee is also concerned about reports that women are pressured by their families, often by the use of violence, torture, ill-treatment and/or threats hereof, to commit suicide to protect the so-called "honour" of the family. The Committee is also concerned that women who pursue complaints through the courts are often re-victimized by intrusive and negative media attention, including in the public space through smear campaigns, intimidation by defendants, by the prosecution, and by drawn-out investigations. It is also concerned that administrative detention is used against women and girls who are victims of gender-based violence, under the pretext of protecting them, the so-called "protective custody" (arts. 2, 3, 7, 23 and 26).

14. **The State party should:**

(a) Adopt and enforce a comprehensive law criminalizing all forms of violence against girls and women, explicitly addressing domestic violence, marital rape and crimes committed in the name of so-called "honour";

(b) Repeal laws discriminating against women and pass legislation and reinforce public policies to protect women from violence;

(c) Ensure that cases of violence against women and girls, in the public space as well as domestic violence, are promptly and thoroughly investigated, that steps are taken during investigations to avoid the re-victimization of victims, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences and that victims receive full reparation;

(d) Enhance its efforts to provide training for law enforcement officials, members of the judiciary, prosecutors and other stakeholders on how to detect, investigate and handle cases of violence against women and girls, including domestic and sexual violence, effectively and in a gender-sensitive manner;

(e) Conduct public education programmes on discriminatory norms and beliefs to combat the stigmatization and re-victimization of women seeking help through the existing services of the national authorities, including for judges, prosecutors, law enforcement authorities and media;

(f) Abolish the practice of so-called “protective custody” in cases of gender-based violence and instead adopt protective measures, such as, for example, increasing the number of shelters, that ensure full protection of women’s rights;

(g) Encourage the reporting of violence against women, inter alia, by reinforcing existing or creating new reporting mechanisms and informing women and girls of their rights as well as the existence of legal assistance and other services through which they can receive protection and compensation;

(h) Strengthen awareness-raising among women and girls, including in rural areas, about the legal remedies available to ensure protection of their rights.

Voluntary termination of pregnancy and sexual and reproductive rights

15. The Committee is concerned about the highly restrictive legal framework for accessing abortion legally, which subjects both doctors and patients to criminal prosecution under the articles 321, 322 and 324 of the Jordanian Penal Code, and is also concerned that this results in a high number of unsafe abortions being carried out clandestinely. The Committee is also concerned about reports that many women and girls experience barriers to accessing a range of methods of contraception also due to their socioeconomic status (arts. 2, 3, 6, 7, 17 and 26).

16. In light of paragraph 8 of the Committee’s General Comment No. 36 (2018) on the right to life, the State party should:

(a) Amend parts of the domestic legal and institutional framework, including articles 321, 322 and 324 of the Jordanian Penal Code of 1960 as incorporated by the State party, to ensure that women and girls who have recourse to abortion and the doctors or others who attend to them are not subject to criminal penalties, and lift barriers, such as those relating to medical, as well as religious, authorizations, also since the existence of such penalties and barriers compel women and girls to resort to unsafe abortions;

(b) Take appropriate measures to facilitate women’s access to information about voluntary termination of pregnancy and strengthen the provision of sexual and reproductive health services, including equal and affordable access to contraceptive methods, especially for women and girls experiencing unfavourable socio-economic circumstances.

Right to life

17. The Committee is deeply concerned that, despite the State party’s accession to the Second Optional Protocol to the Covenant, the death penalty continues to be applied in the State party. Furthermore, the Committee is deeply concerned by reports of the high and rising number of cases in which the death penalty is imposed in the Gaza Strip, the frequency of its application, and the lack of judicial guarantees, particularly when civilians are prosecuted in

military courts. In this regard, the Committee is also concerned that a revision of the Draft Penal Code has been pending since 2010 (arts. 6, 7 and 14).

18. The State party should immediately take all necessary measures to ensure its implementation of the Second Optional Protocol to the Covenant, including by effectively abolishing the death penalty within its jurisdiction and ensuring that no one within the jurisdiction of the State party shall be executed, including in the Gaza Strip as well as providing all required judicial guarantees, as well as refraining from prosecuting civilians in military courts. The State party should also finalize the revision of the Draft Penal Code.

19. The Committee is concerned about reports that in many cases the use of force and firearms by law enforcement officials generally, and particularly during the protests in 2021 following the postponement of elections, have been incompatible with the fundamental principles of legality, necessity, proportionality and accountability. The Committee is also concerned about lack of independent monitoring mechanisms (art. 6).

20. The State party should take all necessary measures to prevent the excessive use of force during law enforcement operations, including by:

(a) Ensuring that Minister of the Interior Decree No. 187 of 2020 concerning instructions and procedures for the use of force and firearms by police officers is in conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;

(b) Strengthening its regular training of law enforcement officials on the use of force and ensuring that the principles of legality, necessity and proportionality are strictly adhered to in practice;

(c) Establishing an oversight mechanism independent from the Ministry of Interior to ensure that all reports of excessive use of force by law enforcement officers are investigated promptly, effectively and impartially, that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences and that victims of such violations receive full reparation and redress.

21. Noting the continued occupation of the State party's territory, the Committee is concerned by the lack of health services for patients of chronic and terminal diseases, as well as the suspension by the State party of its coordination agreement with Israel regarding medical referrals. The Committee is equally concerned about reports of a decrease in the coordination among the competent authorities of the State party and hospitals to facilitate the medical referral system for patients living in the Gaza Strip seeking medical treatment outside the Gaza Strip (art. 6).

22. The State party should take all necessary measures to ensure that everyone, especially residents of the Gaza Strip, has adequate access to healthcare services, particularly life-saving medical treatment and support. To this end, it should review the suspension of its coordination agreement with Israel and take measures to increase the coordination among the competent authorities and hospitals to facilitate the medical referral system for patients living in the Gaza Strip seeking medical treatment outside the Gaza Strip, as well as implement the recommendations of the WHO of 2023.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

23. The Committee is deeply concerned about reports that confessions have been obtained under duress, coercion, ill-treatment and/or torture, and that, despite article 13.2 of the Basic Law prohibiting this, these are admitted as evidence in court (art. 7).

24. **Following the concluding observations of CAT,¹⁰ article 15 of the CAT¹¹, and the Mendez principles on effective interviewing for investigations and information gathering¹², the State party should ensure in practice that confessions obtained through torture or ill-treatment are ruled inadmissible, and that such cases are investigated.**

Liberty and security of person

25. The Committee is concerned about the use of administrative detention by the State party under the Jordanian Crimes Prevention Act of 1954, which is applicable in the West Bank and allows for detention without charges. The Committee is further concerned about the increasing number of persons held in administrative detention, often on Governors' orders, and for long periods, during which detainees are deprived of basic procedural guarantees. The Committee is also concerned about reports of widespread use of detention in cases of non-payment of debt. The Committee is moreover seriously concerned about reports that individuals are held in unlawful and incommunicado detention by armed non-state actors, including for "collaboration with the enemy" and for criticizing armed groups (arts. 7 and 9).

26. **In light of Article 9 and the General Comment No. 35 (2014) on liberty and security, the State party should:**

(a) **Take immediate measures to amend the Jordanian Crimes Prevention Act of 1954 with a view to abolishing administrative detention without charges;**

(b) **Use administrative detention only as a last resort, when necessary and proportionate, for as short a period as possible and subject to judicial review; and not for a period beyond the legal limits whilst respecting all procedural guarantees;**

(c) **Take all necessary measures, including reviewing legislation, regulations, administrative orders and practices, to ensure that detention is only used in cases commensurate with the gravity of the offence, and not in cases of non-repayment of debt;**

(d) **The State party should take all possible measures to ensure that no one is held in unofficial places of detention on its territory, including by non-State actors. The Committee urges the State party to investigate the existence of any unofficial detention places and identify and punish those who establish and maintain them.**

Treatment of persons deprived of their liberty

27. The Committee is gravely concerned about consistent reports indicating that persons in custody, including in the facilities under the authority of the security forces and intelligence services, are subjected to torture or ill-treatment, in particular during the investigation stage of proceedings, and that detainees are denied access to legal aid, to their family and to medical assistance. The Committee is also concerned about reports that fundamental legal safeguards are often not respected. The Committee is further concerned about reports that only a few complaints of torture and ill-treatment in places of deprivation of liberty have led to prosecution and even fewer to conviction of the perpetrators, which contributes to a climate of impunity. It is moreover concerned that a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has not yet been established. The Committee is similarly concerned about reports that existing investigation bodies, principally the Public Prosecutor, lack the necessary independence (arts. 7, 9 and 10).

28. **The State party should:**

¹⁰ CAT/C/PSE/CO/1 para 31.

¹¹ See the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

¹² Principles on Effective Interviewing for Investigations and Information Gathering

(a) Ensure that conditions of detention are compatible with such international standards as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);¹³

(b) Ensure that all detainees, irrespective of the offence for which they have been charged, have prompt and regular access to their legal representatives, families and any medical assistance they may require;

(c) Ensure that all detainees are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty;

(d) Investigate promptly, thoroughly and effectively all cases of torture and ill-treatment in all places of deprivation of liberty, to ensure that perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences and that victims of such violations receive full reparation and are provided with redress;

(e) Ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism for the investigation of allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the monitoring bodies responsible for handling such complaints and to the remedies referred to in article 2 (3) of the Covenant;

(f) Publish findings of related investigations and outcomes of cases of torture and ill-treatment with a view to strengthen transparency and accountability;

(g) Establish a national preventive mechanism and ensure its full operational independence and financial autonomy in line with its obligations under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

(h) Implement governance reforms to ensure the institutional and functional independence of investigative bodies.

Elimination of slavery, servitude and trafficking in persons

29. The Committee is concerned that various forms of labour exploitation remain prevalent, including of children, particularly in the Gaza Strip. Furthermore, the Committee is concerned about reports of trafficking, and about the delay in enacting the law on said issue. Moreover, it is concerned about the extremely low wages, which are insufficient for workers to obtain a minimum acceptable standard of living (arts. 2, 7, 8, 24 and 26).

30. **The State party should intensify its efforts to eliminate trafficking forced labour, including by increasing labour inspections, and ensuring continued accountability including follow-up and sanctions particularly in the Gaza Strip, paying specific attention to labour performed by children. The State party should also consider the enactment of the law on human trafficking. The State Party should take measures aiming at significantly improving working and living conditions, including through targeted measures to raise wages for workers.**

Right to freedom of movement

31. The Committee is concerned about the incompatibility of the legal grounds for issuing travel bans under the General Intelligence Service Act with the right to freedom of movement under the Covenant. The Committee is also concerned about reports that the Ministry of Interior in the West Bank refuses to issue passports to Palestinian citizens residing in the Gaza Strip, including for activists, human rights defenders and opposition leaders, and that women in the Gaza Strip are subjected to discriminatory restrictions on their freedom of movement, such as the practice of male guardians preventing women from traveling (arts. 3, 9, 12, 17 and 26).

32. **Considering the Committee's General Comment No. 27 (1999) on freedom of movement, the State party should ensure that its national legislation as well as its**

¹³ [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#)

practical application guarantee freedom of movement without discrimination, including based on gender, and avoid any restrictions incompatible with article 12 of the Covenant.

Treatment of refugees and internally displaced persons

33. The Committee is concerned about the high level of poverty and poor living conditions in refugee camps, which are not suitable for long-term accommodation and are often without running water, electricity or sewage systems as well as being overcrowded, and about a general widespread lack of adequate access to healthcare services within and outside refugee camps (arts. 2, 7, 9, 12, and 26).

34. The State party should provide durable housing solutions in a timely manner and improve the dire living conditions in refugee camps, provide sustainable income-generating opportunities and other livelihood measures, and revisit and strengthen current financial assistance schemes to ensure that the basic needs of refugees and internally displaced persons are met, paying particular attention to adequate access to healthcare services. To this end, the State should increase its coordination with international partners, including UNRWA.

Access to justice, independence of the judiciary and fair trial

35. The Committee is concerned about reports of the persistent lack of independence and impartiality in the prosecution service and the judiciary of the State party. It is particularly concerned about the lack of transparency in the procedure for the selection and appointment of prosecutors and judges, including the presidents of the Supreme Court and Constitutional Court. It is also concerned about the executive branch of government's establishment and control of the Supreme Council of Judicial Bodies and Authorities, which significantly hampers the independence of the judicial system. The Committee is also concerned about allegations of politically motivated arrests and trials and violations of fair trial guarantees (art. 14).

36. The State party should:

(a) Safeguard, in law and in practice, the full independence, impartiality and safety of judges and prosecutors and prevent them from being influenced in their decision-making by any form of undue political pressure;

(b) Ensure that procedures for the selection, appointment, suspension, removal and disciplining of judges and prosecutors comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary¹⁴ and the UN Guidelines on the Role of Prosecutors;¹⁵

(c) Take all necessary measures to prevent and sanction any abuse of powers granted to the Supreme Council of Judicial Bodies and Authorities caused by undue interference from the executive branch undermining the independence of this body;

(d) Ensure that all defendants are afforded all fair trial guarantees in practice, regardless of their political affiliation or opinion, including equality of arms and presumption of innocence, in line with article 14 of the Covenant and the Committee's General Comment No. 32 (2007).

Right to privacy

37. The Committee is concerned about the incompatibility of the Decree No. 10 (2018) (the Cybercrimes Law) with the Covenant, including that electronic search and wiretapping can be authorized by the Attorney General, and are not subject to judicial review. The Committee is also concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities and access to personal data, as well as diffusion of personal data with a view to discredit opposition leaders, activists, and individuals on the basis of their gender, gender identity and

¹⁴ [Basic Principles on the Independence of the Judiciary | OHCHR](#)

¹⁵ [Guidelines on the Role of Prosecutors | OHCHR](#)

sexual orientation. It is particularly concerned about reports that the Palestinian Preventive Security, which conducts electronic surveillance, is granted extensive monitoring powers, and that the existing oversight mechanism over its activities is not effective (art. 17).

38. In light of the Committee's General Comment No. 16 (1988) on right to privacy, the State party should:

(a) Ensure that any interference with the right to privacy, including activities carried out by the Palestinian Preventive Security under Decree No. 10 (2018) (the Cybercrimes Law) is subject to judicial review and to effective and independent oversight mechanisms;

(b) Bring regulations governing data retention and access, surveillance and interception activities into conformity with the Covenant, and ensure strict adherence to the principles of legality, proportionality and necessity;

(c) Ensure that no personal data is shared arbitrarily;

(d) Strengthen existing monitoring mechanisms to ensure that all allegations of abuse are thoroughly investigated and that such investigations, where warranted, lead to appropriate sanctions, and that victims have access to effective remedies in cases of abuse.

Freedom of expression

39. The Committee is concerned that certain provisions in the Jordanian Penal Code of 1960 unduly criminalize the freedom of expression in the State party, particularly restrictions under articles 144 (insulting a public official), 150 (inciting sectarian strife), 191 (slandering a public official) and 195 (insulting a higher authority). The Committee is deeply concerned about reports that these provisions have been used as legal grounds for intimidation, attacks, arbitrary arrests and prolonged detention of journalists, human rights defenders, including women defending women's rights, corruption whistle-blowers, as well as government critics (arts. 19 and 20).

40. The State party should redouble its efforts to prevent and prohibit public officials from interfering with the legitimate exercise of the right to freedom of expression of journalists, human rights defenders, women defending women's rights, corruption whistle-blowers and government critics, including through:

(a) Bringing parts of the domestic legal and institutional framework that may unduly restrict media freedom, including the Jordanian Penal Code of 1960, into full conformity with article 19 of the Covenant, as well as the principles of legal certainty, predictability and proportionality, taking into account the Committee's General Comment No. 34 (2011);

(b) Refraining from the use of criminal provisions as a tool to suppress critical reporting on matters of public interest;

(c) Strengthening the protection of journalists, human rights defenders, women defending women's rights, corruption whistle-blowers, and government critics against any kind of threat, pressure, intimidation, or attack;

(d) Ensuring that all violations are promptly, effectively and impartially investigated and that those responsible are appropriately prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the offences and that the victims obtain redress and full reparation.

Right of peaceful assembly

41. The Committee is concerned that the Bylaw of the Public Meetings Law No. 1 of 2000 may unduly restrict the right of peaceful assembly, and about reports that its provisions have been invoked by police and law enforcement to hamper the organisation of peaceful assemblies. The Committee is also concerned about reports of arrests and ill-treatment of peaceful protestors and excessive use of force in dispersing peaceful assemblies by the Palestinian security forces, and Gaza Strip security forces, along with non-uniformed individuals, against activists, journalists and protestors, particularly in the aftermaths of the

postponement of national elections in April 2021. The Committee also regrets the lack of information provided by the State party regarding the status of the anti-corruption demonstrators arrested in July 2020 (art. 21).

42. **In accordance with article 21 of the Covenant and in light of the Committee's General Comment No. 37 (2020) on the right of peaceful assembly, the State party should:**

(a) **Consider reviewing the Bylaw of the Public Meetings Law No. 1 of 2000 to ensure its conformity with the Covenant;**

(b) **Promptly, thoroughly and impartially ensure that all allegations of excessive use of force and arbitrary arrest and detention by law enforcement officials during peaceful assemblies are investigated, that those responsible are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the offences and that the victims obtain redress and full reparation;**

(c) **Ensure the protection of peaceful demonstrators, human rights defenders, including women, and journalists covering peaceful demonstrations from threats, intimidation, harassment and attacks, including by private actors;**

(d) **Ensure that any potential proceedings against the 2020 anti-corruption demonstrators are fully in line with the Covenant.**

Freedom of association

43. The Committee is concerned that the Law on Charitable Associations and Civil Society Organizations No. 1 of 2000 may unduly restrict the right to freedom of association. The Committee is also concerned about reports that the requirement for civil society organisations in the Gaza Strip to submit their funding documents to the Ministry of National Economy de facto restricts the freedom of association by significantly delaying the disbursement of funds and hampering their operations. The Committee is also concerned about the dissolution of the Union of Public Employees (art. 22).

44. **The State party should take appropriate measures to ensure a safe and enabling environment for civil society organizations, including considering reviewing the Law on Charitable Associations and Civil Society Organizations No. 1 of 2000 regulating civil society activities, with a view to removing unduly restrictive requirements regarding their funding and operation. The State party should also consider reviewing the decision to dissolve the Union of Public Employees.**

Participation in public affairs

45. The Committee is concerned about the legal and institutional framework governing the holding of national parliamentary and presidential elections, notably as provided for by the Presidential Decree on 30 April 2021 postponing said elections, as well as the compatibility of the 2018 dissolution of the Palestinian Legislative Council with the Covenant. The Committee is particularly concerned about reports of cases of intimidation, attacks, arbitrary arrests and detention, and killings of opposition candidates and politicians, prior to and following the above-mentioned postponement, and during the local elections in 2022 in the West Bank. The Committee is concerned about reports of the lack of adequate guarantees for ensuring the true and effective independence of the Central Elections Commission. The Committee is also concerned about prohibitively high financial fees and administrative barriers preventing potential election candidates from presenting themselves (arts. 2, 18, 22, 25 and 26).

46. **The State party should review the legal and institutional framework governing the holding of elections, notably as provided for by the Presidential Decree on 30 April 2021, to ensure that the postponement of elections is in line with the Covenant, including its articles 2, 18, 22 and 25. The State party should also take all necessary measures to prevent all cases of intimidation, attacks, arbitrary arrests and detention, and killings of opposition candidates and politicians, and ensure that such cases are promptly and thoroughly investigated, that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the offences, and that victims**

receive full reparation. The State party should also take all necessary measures to ensure that the Central Elections Commission is impartial and independent of the executive and can exercise its role as a guardian of democratic pluralism. The State party should also remove prohibitively high financial fees and administrative barriers preventing potential election candidates from presenting themselves.

D. Dissemination and follow-up

47. The State party should widely disseminate the Covenant, its two Optional Protocols, its initial report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the initial report and the present concluding observations are translated into the official language of the State party.

48. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2026, information on the implementation of the recommendations made by the Committee in paragraphs 14 (violence against women and domestic violence), 36 (access to justice, independence of the judiciary and fair trial) and 46 (participation in public affairs) above.

49. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its second periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2031 in Geneva.
