



Surviving Marginalization and Challenges

An Analytical Study on the Shrinking Civic Space and Its Impact on Youth and Women Organizations

Ms. Lubna Al-Ashqar

Dr. Issam Abdeen



November 2024



Surviving Marginalization and Challenges An Analytical Study on the Shrinking Civic Space and Its Impact on Youth and Women Organizations

Prepared By:
Ms. Lubna Al-Ashqar
Dr. Issam Abdeen

November 2024

All CopyRights Reserved©
The Palestinian NGOs Network

 PANGO.net      PANGOnetps

رام الله، المصايف، شارع إمبيل توما، عمارة زهرة المصايف، طابق (1-)
Ramallah, Al-Masayef, Emile Touma St., Zahrat Al-Masayef Building, Floor(-1)

 +970 2 2975321  +970 2 2950704  P.O.Box: 2232  info@Pngo.net

Contents

Executive Summary	5
1. Introduction	13
2. Objectives of the Study	14
3. Methodology	15
3.1 Challenges Faced in the Study.....	17
4. Survey Results	18
4.1 Survey Response Rate	18
4.2.1 Youth in Organizations.....	18
4.2.2 Membership in Networks	19
4.2.3 Funding Sources	20
4.3 Analysis of Survey Dimensions	20
4.3.1 Political Dimension	20
4.3.2 Legislative Dimension	22
4.3.3 Economic Dimension.....	24
4.3.4 Cultural Dimension.....	27
4.3.5 Digital Space	29
5. Study Components: Causes and Motivations behind the Shrinking Civic Space	30
5.1 Political Dimension	31
5.1.1 The Impact of Colonial Occupation.....	31
5.1.2 Impact of Internal Factors	40
5.2 Legislative Dimension	44
5.2.1 Apartheid Legislations.....	44
5.2.2 Palestinian Legislations	47
5.3 The Economic Dimension	78
5.3.1 Colonial Financial Blockade	78
5.3.2 Politically Conditional Funding	79
5.3.3 The Monetary Authority and Banks	91
5.4 The Cultural Dimension	96

5.4.1 Gender-Based Violence	96
5.4.2 Weak Democratization	99
5.5 The Digital Space.....	102
5.5.1 Occupation and the Digital Space	102
5.5.2 Companies and the Digital Space	105
6. Conclusions and Recommendations.	108
6.1 Study Conclusions.....	108
A. Political Dimension	108
B. Legislative Dimension	109
C. Economic Dimension	110
D. Cultural Dimension	111
E. Digital Dimension.....	112
6.2 Study Recommendations.....	113
A. At the Political Level.....	113
B. At the Legislative Level.....	114
C. At the Economic Level	115
D. At the Cultural Level.....	116
E. At the Digital Level	117

Executive Summary

This study sheds light on the causes of the shrinking civic space in the occupied Palestinian territory (OPT) and examines its implications for public rights, freedoms, and civil society work as a whole, with a particular focus on youth and women organizations due to the compounded effects of marginalization and persistent challenges. As the first of its kind, this study provides a comprehensive and specialized analysis of the multifaceted dimensions of the crisis, presenting practical and sequential conclusions and recommendations that outline a “roadmap” for revitalizing the political system, advancing the rule of law and good governance, and supporting the sustainability of civil society work within the unique Palestinian context. The study underscores the importance of ensuring the role of youth in leading civil society work after years of marginalization and alienation, empowering women, and reinstating the values of community solidarity.

The study employed multiple research tools, most notably in-depth interviews with civil society leaders, detailed case studies, and a comprehensive survey distributed to 580 civil society organizations, achieving a response rate of 23.7% despite the escalating political and human rights challenges stemming from the ongoing aggression since October 7, 2023. These tools facilitated a clearer understanding of the dynamics of civil society work and the perceptions of civil society organizations regarding political, legislative, economic, cultural, and digital dimensions, including the protection of digital space. This methodological approach enabled an accurate diagnosis and in-depth analysis, contributing to the development of well-considered recommendations aimed at enhancing civic space, ensuring the vitality of civil society work, empowering youth, and advancing feminist initiatives.

One of the most striking findings after analyzing the research results is the significant gap between the declared ambitions of civil society organizations and their active leaders, and the reality and practical practices on the ground across various dimensions addressed by the study. This gap is most evident in the cultural dimension related to democratization, leadership turnover, and the role of youth, particularly their representation and engagement at the level of general and executive managers and boards of directors, since it is perceived as a pioneering and ambitious effort, that seeks to introduce new blood into the old and nonfunctioning Palestinian political system and fulfill the aspirations of the younger generation to influence and drive change. The results also underscored the need to improve decision-making mechanisms and actively involve staff, particularly youth, in these processes to ensure their effectiveness and smooth implementation. This calls for a comprehensive evaluation of performance after years of civil society work, enabling the extraction of valuable lessons and the promotion of best practices moving forward.

The political dimension, which plays the most significant role in restricting civic space, examines the impact of the illegal colonial occupation in the OPT and its systematic policies aimed at suppressing civil society, public rights, and freedoms. These policies have escalated to unprecedented levels since the aggression began on October 7. The study highlights the most egregious crimes of genocide in the Gaza Strip, along with other international crimes committed against the West Bank and occupied Jerusalem. These include extrajudicial killings, arbitrary arrests, forced displacement, and military targeting of civil society workers and human rights defenders, as well as the destruction and closure of offices, economic and financial blockades in Gaza, and the storming and shutdown of civil society offices, coupled with the detention of activists and leaders in Jerusalem and the West Bank.

Justified under the pretext of counterterrorism, these actions constitute severe violations of international humanitarian law applicable in armed conflicts and military occupations, as well as human rights law, particularly regarding the right to freedom of association, the independence of civil society activities, and access to financial resources. The study also explores the challenging working conditions and severe psychological distress faced by human rights defenders in the OPT.

Additionally, internal factors have significantly contributed to the shrinking civic space and the decline of civil society in recent years. These included the prolonged and deepening political division, the accelerated fragmentation of the Palestinian political system due to the absence of public institutions - stemming from the marginalization of the legislative authority, the judiciary's subjugation, and the monopolization of power and decision-making. These conditions have led to the erosion of good governance, the weakening of community and civil participation in decision-making, and the absence of accountability and effective redress for victims of human rights violations.

The legislative dimension, which poses the greatest threat to civic space and civil society, analyzes Israeli apartheid legislation aimed at suppressing Palestinian civil society, restricting the activities of civil society organizations, and repressing Palestinian rights, of which the inherent and inalienable right to self-determination is the most important one. A common feature of Israeli laws and military orders is their role in entrenching a deep-rooted apartheid system designed to politically and geographically fragment the Palestinian people, thereby weakening their capacity to resist, challenge realities on the ground, and dismantle Zionist domination. This objective is consistently reaffirmed through statements by Israeli officials, legislative frameworks, and judicial rulings.

The study examines key apartheid legislation directly targeting Palestinian civil society, including the 2016 Counter-Terrorism Law and its amendments, the 1945 Emergency Regulations, and the 2016 Transparency Law, which specifically

targets civil society organizations in Jerusalem and Palestinian communities within the 1948 territories. Additionally, it reviews other legal instruments such as the Law of Return and the Nationality Law, which serve to deepen the apartheid system, reflecting the historical pattern of colonial powers repressing indigenous peoples striving for self-determination.

Palestinian legislation enacted during the years of political division - in the absence of the Palestinian Legislative Council, the primary regulatory body of the Palestinian political system - has been one of the most significant internal factors contributing to the shrinking of civic space and the restriction of civil society activities. The study provides a comprehensive analysis of Palestinian laws introduced since the onset of the division and the declaration of a state of emergency in mid-2007, offering a “roadmap” for dismantling these legal frameworks, which facilitate human rights violations and undermine civic engagement. Key examples include the Charitable Associations and Civil Society Organizations Law of 2000 and its subsequent amendments after 2007, the 2022 Non-Profit Companies Law, and the broader and more restrictive 2022 Anti-Money Laundering and Counter-Terrorism Financing Law, which was imposed without civil society participation and remains beyond its oversight. This legislation has aborted the relative progress in stopping the enforcement of some provisions of the Charitable Associations and Civil Society Organizations Law as it reproduced them in full, often in a more severe manner in the Anti-Money Laundering and Counter-Terrorism Financing Law.

Additionally, the 2018 Cybercrimes Law and its amendments in the West Bank - as well as parallel amendments to the 1936 Penal Code enacted in Gaza in 2009 - have played a central role in shrinking civic space. The study also highlights the impact of recent security legislation, particularly the 2024 amendment to the 2005 Palestinian Security Forces Service Law, which has undermined longstanding efforts to reform the Palestinian security sector since 2002. By consolidating authority over the security forces under the President - contrary to constitutional principles and international standards - this amendment has further weakened accountability mechanisms.

The amendments to the 2002 Judicial Authority Law, enacted by the Legislative Council through Law by Decree No. (40) of 2020, have effectively undermined the judiciary and the justice system, reversing years of efforts toward judicial reform. These changes have severely restricted civic space, weakened public rights and freedoms, and eroded judicial protections.

The study also highlights the dangers of recent amendments to security legislation, particularly the 2024 Law by Decree amending the 2005 Palestinian Security Forces Service Law and its subsequent modifications. This amendment has undone nearly two decades of efforts to reform and govern the Palestinian security sector since 2002. It significantly deepens the lack of accountability

by placing security forces under the direct authority of the President, in clear violation of the constitution and international standards.

The economic dimension examines the impact of the economic and financial blockade imposed by the occupation, alongside the military targeting of Gaza and the entire occupied territory. These measures have become key tools for suppressing civil society, obstructing its activities, and undermining the broader human rights framework. The study also explores the politically conditional funding policies imposed by donor countries and entities, which have escalated to unprecedented levels since the onset of the aggression on October 7, 2023. These policies exacerbate the crisis of double standards and disregard for international law, further constraining civic space and threatening the sustainability of civil society work. Additionally, this section reviews restrictive banking measures imposed on the financial accounts of civil society organizations and individuals, particularly in the besieged Gaza Strip, as well as the ineffective or marginalized role of the Palestinian Monetary Authority in regulating banks to prevent such restrictions. These actions run contrary to the Palestinian Basic Law (Constitution), international agreements, established standards, and best practices, and are compounded by the absence of sound governance principles in financial oversight.

The cultural dimension focuses on gender-based violence targeting women organizations, women human rights defenders, and youth cultural and artistic centers, which have faced systematic violations from both official institutions and community-based entities opposed to gender rights. The study underscores the urgent need to raise awareness of gender issues and the dangers of gender-based violence, emphasizing its contradiction with fundamental human and religious principles. Strengthening resilience in the face of these challenges requires a critical reassessment of human rights and women discourse to ensure it effectively reaches all segments of society. This responsibility extends beyond women organizations to include broader civil society actors. The study also calls for collective solidarity in the face of attacks targeting feminist work, women human rights defenders, and youth and artistic organizations subjected to hate speech and repression. It stresses the necessity of holding perpetrators accountable, securing justice for victims and survivors, and ensuring that such violations are not repeated.

The cultural dimension examines the critical issue of limited democratization and leadership turnover within civil society organizations, a reflection of the broader structural crisis and stagnation in the Palestinian political system. This stagnation has significantly hindered youth participation in shaping the future of Palestinian civil society, amid the erosion of its role, discourse, tools, and aspirations for change.

Finally, the digital dimension reviews four main and interrelated challenges

affecting the shrinking of civic and digital space in the complex Palestinian context: the Israeli occupation and its systematic suppression of the digital sphere; the ruling authority in the West Bank and its restrictions on digital space and content; the authority in the Gaza Strip and its similar approach in targeting digital space and content; and commercial companies (digital platform companies) that have played a significant role in restricting Palestinian digital content and its supporters on the internet in a discriminatory and oppressive manner, intensifying since the beginning of the aggression, amid the continued absence of accountability and redress. Artificial intelligence (AI) technologies have been used as a tool to target civilians in multiple ways through AI-based target generation systems in Gaza, constituting a massive criminal tool in committing international crimes directed against civilians and protected civilian objects, systematically and on a wide scale, resulting in the killing of thousands of civilians and the destruction of thousands of protected civilian objects. Despite this, these challenges have not received the necessary serious follow-up in civil society work at the level of advocacy and accountability, despite their importance in enhancing evidence of crimes of genocide, crimes against humanity, and war crimes committed and being committed in Gaza since the beginning of the aggression on October 7.

The study presents its conclusions, distilled from the overlapping and interacting issues that have led to the accelerated shrinking of Palestinian civic space and the compounded impact on youth and women organizations for various reasons, including societal culture, weak institutional structures, the novelty of the experience, limited resources, their representation of marginalized groups, or their focus on change in issues related to gender dimensions, equality, and social justice. This in turn, facilitates the convergence of authority with influential community entities opposed to gender rights and others who still believe in their extended role led by youth to make change. The study concludes with numerous recommendations that, based on the findings, could form a “roadmap” for dismantling the impasse in civic space and restoring the vital role of civil society work in facing the escalated challenges and promoting rights and freedoms.

In the political dimension, we recommend focusing efforts within civil society organizations to strengthen and unify actions in advocating for the enforcement of the historic advisory opinion issued by the International Court of Justice (2024) regarding the illegality of the occupation in the Occupied Palestinian Territories (OPT). This opinion, alongside the historic UN General Assembly resolution (2024) which is based on the advisory opinion on Israel's policies and practices in the OPT and the crucial mechanisms outlined in the resolution, outlines crucial mechanisms aimed at ending the occupation. These efforts impose clear responsibilities on the occupation, the international community, the United Nations, and relevant regional and international organizations. The ultimate goal is to completely end the occupation in the OPT, which is vital for protecting civic and civil space and promoting fundamental rights and freedoms, particularly the Palestinian people's right to self-determination. Additionally,

we urge a strategic focus on developing a “comprehensive national initiative to end the division and restore the political system”, grounded in human rights, transitional justice, constitutional principles, good governance and international covenants. Such an initiative would contribute to revitalizing civil society’s role in protecting civic space and public freedoms, while enhancing its capacity to support Palestinian to face the increasing challenges.

In the legislative dimension, we recommend developing a clear and unified vision for addressing “division legislation,” which represents the greatest threat to civic space, civil society work, and rights and freedoms. This necessitates efforts to confront and nullify the effects of such legislation by developing a “comprehensive action plan” to review division legislation that has targeted the undermining of civic space, civil society work, and Palestinian human rights, as analyzed in this study. This review should be based on respect for the Basic Law (Constitution) and the agreements Palestine has joined and their entitlements. The proposed review plan should include clear implementation mechanisms, defined roles and responsibilities, a monitoring mechanism, and success indicators.

Additionally, it is essential to establish a strategic partnership with the Ministry of Justice (the Minister of Justice), the entity currently tasked by the government with determining the priorities of legislative reviews on the Council of Ministers’ agenda. The Ministry is also responsible for following up on the implementation of the “concluding observations” issued by the United Nations Human Rights Committee on Palestine’s obligations under the International Covenant on Civil and Political Rights, which are closely related to the aforementioned legislation, within the framework of its clear openness to civil society.

In the economic dimension, we recommend developing a unified policy and comprehensive action plan to address politically conditional funding in accordance with international law, the Basic Law (Constitution), and Palestinian legislation, as detailed in the study. This would ensure a unified and solidified stance, outlining appropriate mechanisms to confront such funding practices and exploring available options for maintaining financial sustainability. There is an urgent need for an inclusive dialogue among civil society organizations to develop this policy and plan in a participatory and unified manner.

Another critical dialogue should take place between representatives of civil society and the Palestinian Monetary Authority, along with the banking sector, regarding the restrictive measures imposed by banks on civil society organizations and individuals, including the Gaza Strip. The study detailed the legal position and international standards on these violations, and the obligations of banks and the Palestinian Monetary Authority in this regard. It is also essential to enhance the Monetary Authority’s oversight of banks in this area, ensuring the principles of governance, transparency, and respect for the rule of law.

In the cultural dimension, we recommend enhancing collective efforts to raise societal awareness of the gender dimensions and the dangers of gender-based violence to human and religious principles and values. Additionally, we recommend reviewing human rights and feminist discourse to ensure its effective reach to all segments of society as a shared responsibility that extends beyond women organizations and involves all sectors of society. It is crucial to declare “solidarity” in the face of any attacks targeting feminist work, youth, and artistic organizations that have faced serious violations due to hate speech. Efforts must be made to hold perpetrators accountable, ensuring prompt justice and preventing recurrence. Moreover, we recommend starting a serious and responsible dialogue within civil society to bridge the significant gap between the readiness for democratization and youth leadership in human rights work, and the contradictory practices on the ground, without excuses. This dialogue should aim to identify effective mechanisms to ensure democratization and youth leadership in executive management and boards of directors, as well as integrating these principles into key civil society documents such as codes of conduct, charters of honor, and a basis for joining networks and alliances. This dialogue on democratization and the future of civil society work in Palestine must be a top priority, as it is directly linked to the significant decline in civil society’s influence, tools, and discourse, and its connection to the current state of the political system.

In the digital dimension, we recommend enhancing the efforts of civil society organizations, particularly specialized youth organizations, in seeking accountability for the occupation’s grave violations and international crimes, especially the use of artificial intelligence technologies as tools for targeting civilians through AI-based military targeting systems. These systems, which function as a “factory for mass assassinations,” and the destruction of civilian infrastructure, should be addressed by submitting complaints to the Office of the Prosecutor of the International Criminal Court based on universal jurisdiction, seeking individual international criminal responsibility to achieve effective redress for Palestinian victims.

Regarding the accountability of commercial companies (digital platform companies) for systematically discriminating against digital content related to the Palestinian cause and its supporters, we recommend enhancing efforts to hold them accountable by filing criminal lawsuits in countries that adopt universal jurisdiction in their penal legislation. These countries are more flexible in terms of jurisdiction, and filing civil lawsuits against these companies as legal entities would seek financial compensation and redress for victims.

Additionally, these companies should be pursued under the United Nations Special Procedures (Special Rapporteurs) and the International Independent Commission of Inquiry, established by the United Nations Human Rights Council to investigate violations of international humanitarian law and human rights law in

the OPT, currently headed by a prominent figure, Navi Pillay, a veteran in opposing apartheid system in South Africa.

Civil society organizations, particularly youth organizations, must develop strategic plans for accountability to confront the serious violations of these companies and activate their role in pursuing them internationally, ensuring redress for Palestinian victims. It is also essential for Palestinian civil society leaders to recognize the decisive role of the younger Palestinian generation in leading civil society work and shaping its future.

1. Introduction

As part of its efforts to examine the causes and motivations behind the shrinking of civic space and its impact on civil society work - particularly on youth and women organizations, driven by their compounded effects - the Palestinian Non-Governmental Organizations Network (PNGO) has conducted a comprehensive, focused, and in-depth analysis of this issue. The objective is to examine the dimensions of the ongoing and escalating restrictions on civic space and their impact on civil society and Palestinian human rights. This process has led to specific conclusions and practical recommendations that form a “roadmap” for overcoming the impasse in civic space, safeguarding the crucial role of civil society, and advancing rights and freedoms, all within the broader context of revitalizing the Palestinian political system as a whole.

To this end, PNGO contracted a consulting team consisting of Ms. Lubna Al-Ashqar and Dr. Issam Abdeen, along with a field research team in Gaza and the West Bank. The team included field researchers: “Badera Al-Shaer, Buthaina Hamdan, Nardin Shuqeir, and Muhammad Al-Nator”, to conduct an analytical study on the shrinking of Palestinian civic space and its repercussions on youth and women organizations.

The study examines civil society organizations operating in Gaza, the West Bank, and occupied Jerusalem, with a particular focus on youth and women organizations and the growing challenges they face due to the rapid shrinking of civic space. These challenges arise from deep-rooted societal norms, institutional constraints, the nature of their advocacy, their representation of marginalized groups, and the transformative change they seek - often met with deliberate resistance from both official and unofficial actors. Feminist organizations, in particular, encounter opposition driven by gender-related biases, while youth-led initiatives face skepticism from an older generation reluctant to cede leadership. Having long endured exclusion and marginalization, the younger generation is now emerging as a crucial force for breaking entrenched patterns within civil society. Amid an unprecedented wave of aggression and systematic international crimes targeting both people and land through colonization and displacement, there is an urgent need for young leaders to spearhead meaningful change.

This study is set against the backdrop of the ongoing and widespread aggression by the Israeli occupation against the besieged Gaza Strip - an assault of unprecedented scale since World War II in terms of its systematic targeting of civilians, particularly children and women, as well as civilian infrastructure. The scope of international crimes committed, including genocide, crimes against humanity, and war crimes, has reached an alarming magnitude in Gaza. These violations have also extended to the West Bank and occupied Jerusalem, where the colonial occupation has openly declared its intent to impose full “sovereignty” over the West Bank. However, the study firmly asserts that true sovereignty

belongs to the people and will remain so, as history has demonstrated through the struggles of nations and liberation movements resisting occupation in their pursuit of self-determination.

The comprehensive aggression since October 7 has further exacerbated the already fragile Palestinian civic space. Analyzing the political, legislative, economic, financial, cultural, and digital dimensions reveals a systematic “convergence” aimed at suppressing Palestinian civic space, civil society work, and fundamental rights and freedoms. The severity and complexity of this situation are unparalleled globally, as the world witnesses an unfolding genocide amid a prevailing culture of impunity and double standards. Yet, hope remains vested in the young Palestinian generation as a driving force in confronting these escalating challenges - not only within civil society but also in fostering unity, resilience, and cohesion among Palestinians in their homeland. This generation, caught between marginalization and challenges, holds the potential to reclaim the sacred and inalienable right to self-determination.

2. Objectives of the Study

This study, both practical and analytical in nature, aims to examine and interpret the factors driving the rapid shrinking of Palestinian civic space, the state of rights and freedoms, and the overall landscape of civil society work - with a particular focus on youth and women’s organizations. It analyzes these challenges across multiple, interwoven dimensions: the political dimension, shaped by the colonial occupation and the fragmentation of the Palestinian political system; the legislative dimension, marked by severe violations and legal constraints; the economic and financial dimensions, which impose tightening restrictions on civil society operations; the cultural dimension, influencing the role and challenges faced by youth and women’s organizations; and the digital dimension, where cybersecurity threats pose escalating risks. Collectively, these factors create an increasingly hostile environment for civic engagement and activism.

The study aims to provide a comprehensive analysis of legislation that has played a pivotal role in the rapid and systematic shrinking of Palestinian civic space. This includes laws imposed by the colonial occupation to reinforce policies of oppression and institutionalized apartheid targeting the Palestinian people and their civic space. Additionally, it examines the extensive body of Palestinian legislation enacted since the onset of political division in mid-2007 - widely regarded as the most significant internal threat to civic space, civil society work, and public rights and freedoms. These laws have fostered an environment conducive to widespread violations, undermining civic engagement, the rule of law, and principles of good governance. Through an in-depth examination, the study seeks to deconstruct and assess these legal frameworks while outlining a clear “roadmap” to mitigate their harmful impact. Furthermore, it proposes practical solutions for addressing these legislative challenges, emphasizing

the need for a serious and constructive partnership with relevant authorities to restore and safeguard civic space.

The study examines the policy of “politically conditional funding” through a legal and analytical framework grounded in international law and the amended Palestinian Basic Law (Constitution). Its objective is to develop clear and effective mechanisms based on principles of international law, the rule of law, and good governance. This analytical approach is also applied to assess the financial restrictions imposed by Palestinian banks on the accounts of civil society organizations and individuals in Gaza, the West Bank, and Jerusalem. These restrictions, often justified under the pretext of “counterterrorism,” lack a solid legal foundation in the amended Palestinian Basic Law, international agreements and standards, and the framework of the United Nations Special Procedures on human rights. The study critically evaluates these measures, highlighting their implications for civic space and proposing strategies to address and counteract them.

One of the study’s key objectives is to underscore the pivotal role of the young Palestinian generation in revitalizing civil society work, which has witnessed a significant decline amid mounting challenges. It also seeks to examine the stance of civil society organizations and their leadership on democratization and youth leadership, particularly after years of marginalization. The study aspires to foster a serious and responsible dialogue that ensures the emergence of a new generation of leaders capable of guiding civil society work toward stability and progress.

Emphasizing the urgency of leadership renewal within Palestinian civil society organizations, the study highlights the necessity of democratizing leadership structures and providing young leaders with meaningful opportunities to shape the future of civil society work. It calls for an inclusive and constructive intergenerational dialogue to secure active youth participation in institutional leadership, ensuring that their aspirations and societal needs are met. In an increasingly complex reality, the study stresses the need for fresh perspectives and dynamic leadership capable of addressing challenges and ensuring the long-term sustainability of civil society work.

3. Methodology

The consulting team adopted a qualitative and quantitative descriptive methodology to collect, analyze, and present data. This approach aimed to provide an accurate and comprehensive understanding of all aspects of civil society work, enriching the study’s subject matter and ensuring the achievement of its objectives through effective research tools.

Literature Review: The study team conducted an extensive review of available literature related to the subject, alongside multiple interviews and in-depth discussions with experts and specialists in the field. This process helped define the study's dimensions, develop a theoretical framework for data analysis, and identify key stakeholders essential to achieving the study's goals.

Data Collection: To gain a comprehensive understanding of the topic, the study utilized a combination of qualitative and quantitative data collection tools, ensuring broad coverage of the study's key dimensions. The methods included:

- 1. Survey:** Aimed at collecting accurate qualitative and quantitative data on the reality of civil society work and its challenges, as well as the experiences of youth and women organizations in civil society work in the occupied Palestinian territory (OPT) amid increasing restrictions on civic space and their effects. The survey was designed to cover the aspects affecting the work of youth and women's organizations, the assumed leadership role of the younger generation, and the main challenges they face in civic space. The survey was filled out with targeted organizations to obtain detailed information on the general context, work environment, and challenges, along with specific data for each organization. The survey was designed to suit the conditions of different organizations in Gaza, the West Bank, and Jerusalem. It served as a survey tool to develop an important database on organizations working in the fields of youth, gender, and women.
- 2. In-Depth Interviews:** 14 in-depth interviews were conducted with representatives of Palestinian civil society organizations, youth and women-led initiatives, and relevant experts and entities to explore their opinions and insights on the causes and consequences of shrinking civic space, the impact of these restrictions on youth and women-led organizations, the broader effects on public rights and freedoms. Interviewees included specialists in political, legislative, economic, financial, cultural, and digital sectors, as well as the Palestinian Non-Governmental Organizations Network (PNGO) team to understand the conditions of organizations in the context of identifying and assessing impact.
- 3. Case Studies:** The study examined five (5) case studies of Palestinian organizations and groups selected based on their rich practical experience and preliminary research findings, as well as specific criteria related to the causes, motivations, and dimensions of shrinking civic space. These case studies aimed to reflect the diverse fields, geographical areas, and sectors of Palestinian civil society, offering a detailed overview of the challenges and opportunities facing organizations - especially youth and women-led initiatives - in the highly complex Palestinian context.

3.1 Challenges Faced in the Study

1. The study was conducted during an ongoing period of aggression and ongoing crimes of genocide and other international crimes against the besieged Gaza Strip, which has lasted over a year. This situation disrupted the operations of many civil society organizations, making data collection difficult, and affecting the effectiveness of the data in terms of expectations, response time, and the study team's ability to access organizations amid the ongoing aggression, communication disruptions, and difficulty reaching many of their representatives. The escalation of violations and international crimes in the West Bank and the highly complex work environment in occupied Jerusalem under the apartheid system, along with psychological impacts, further complicated the process.
2. The study's broad scope, covering political, legislative, economic, financial, cultural, and digital dimensions with wide-ranging and severe impacts on Palestinian civic space, made it necessary to address these dimensions comprehensively and methodically, requiring future work programs. This necessitated reaching as many civil society organizations as possible under complex working conditions amid the ongoing and escalating aggression. Although the response to the designed research tools was not as high as hoped, their impact was evident in analyzing the dimensions of shrinking Palestinian civic space.
3. The study addressed comprehensive dimensions of shrinking Palestinian civic space, including political dimensions in the broader context, legislative dimensions since the beginning of the internal division in mid-2007, economic and financial dimensions encompassing politically conditional funding policies and restrictive measures imposed by Palestinian banks on the financial accounts of civil society organizations and individuals in Gaza and the West Bank, and the role of the Palestinian Monetary Authority. It also covered cultural dimensions, focusing on gender-based violence targeting women, youth, and artistic organizations, issues of democratization and leadership turnover in civil society work, the role of youth in leadership - especially at the level of general and executive managers and boards of directors - and digital dimensions, including the targeting of digital space and content in various forms and the field of cybersecurity. The sensitivity and weight of these topics may have affected the clarity of representatives of civil society organizations in their responses, particularly in the survey, as a notable percentage of respondent institutions were neutral in their answers.
4. Responses from several organizations in the survey regarding the number of youth employees and the percentage of youth on boards of

directors were inconsistent and inaccurate (e.g., the number of youth exceeded the total number of employees or board members). The study team contacted these organizations to correct the percentages, while organizations that the study team could not reach or obtain accurate information from were excluded. It appeared that responses regarding democratization and the role of youth in leading executive management were not sufficiently clear in the in-depth interviews or that the reality suggested otherwise, despite the clear consensus in the interviews on the importance of youth leadership at the level of general and executive managers and boards of directors.

5. The study team noted that a significant percentage of Palestinian civil society organizations refrain from disclosing their funding or budgets without clear justification, contrary to the requirements of transparency and good governance. This was evident in the responses of organizations to survey questions about the value of their budgets, where the answers appeared inaccurate, illogical, or absent, prompting the study team to re-contact these organizations and exclude those that did not provide updated or clear information.

4. Survey Results

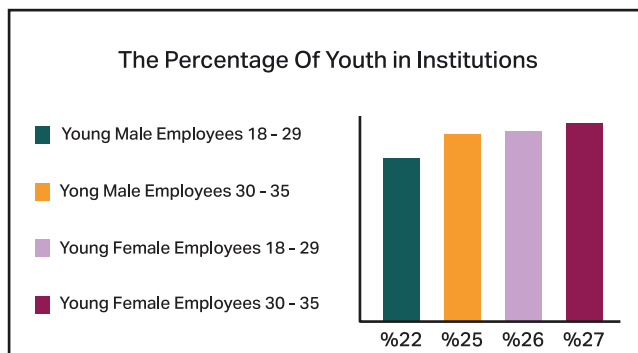
4.1 Survey Response Rate

- Number of respondent institutions: 138
- Number of organizations the survey was sent to: 580
- Response rate: 23.7%

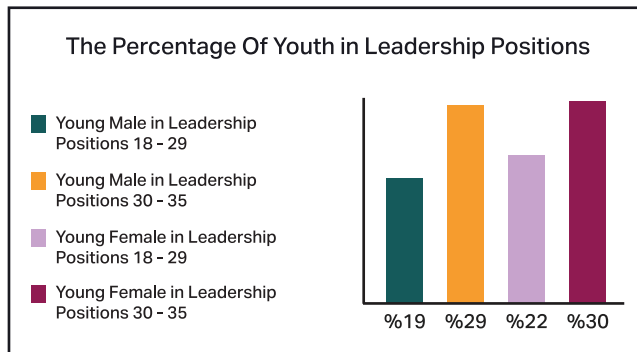
Below are the key results of the survey. For more detailed results, please refer to Appendix (1) of the study's appendices.

4.2 Data of Respondent institutions

4.2.1 Youth in Organizations

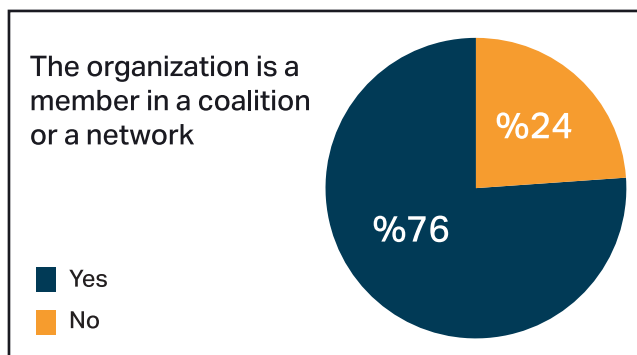


- It is clear from the responses of the participating organizations that youth employees constitute 64% of the total number of employees. Female youth make up 53% of youth employees, compared to 47% male youth.



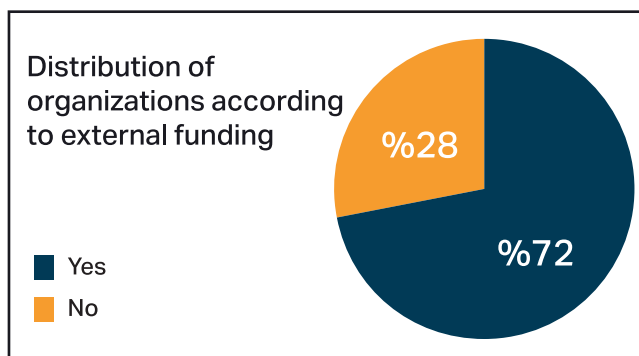
- The survey results indicated that youth hold only 30% of managerial positions in civil society organizations. Females hold 52% of managerial positions compared to 48% for males.

4.2.2 Membership in Networks



- 76% of respondent institutions reported being members of a coalition or network, while 24% are not members of any coalition or network.
- Most respondent institutions are part of local coalitions or networks, such as the Palestinian Non-Governmental Organizations Network (PNGO) or transfer networks.

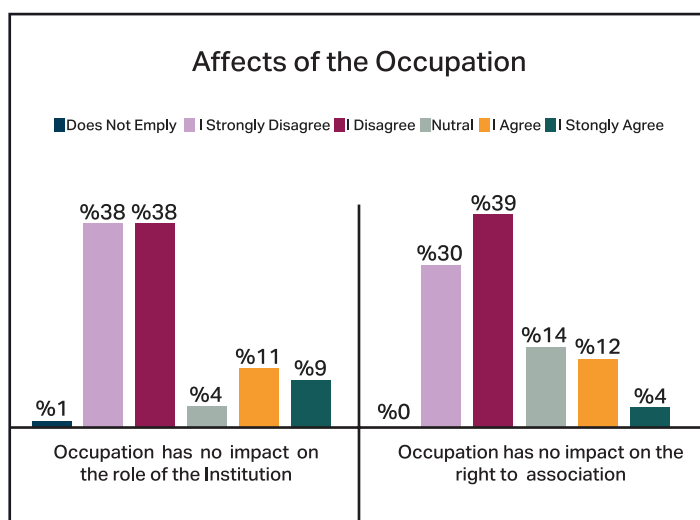
4.2.3 Funding Sources



- 72% of respondent institutions receive external funding, including funding from foreign governments, international institutions, partnerships with UN agencies, and other sources outside Palestine.
- 28% of respondent institutions do not receive external funding and mostly rely on partnerships with other organizations or have self-generated income sources.
- Only 7% of respondent institutions receive funding from national and governmental institutions, while 93% do not.

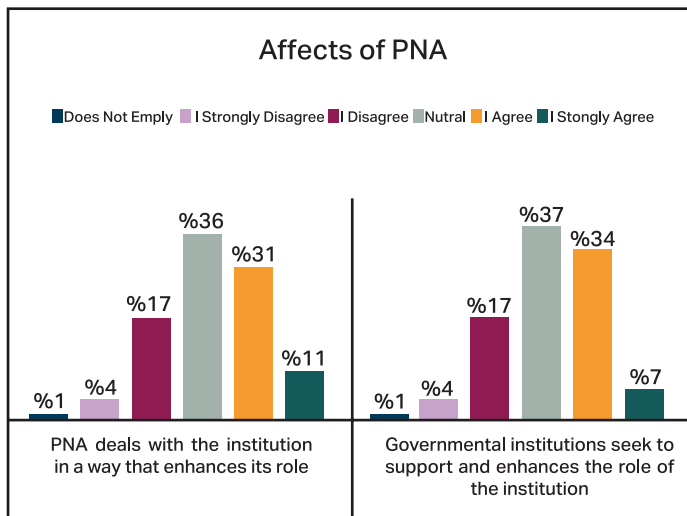
4.3 Analysis of Survey Dimensions

4.3.1 Political Dimension

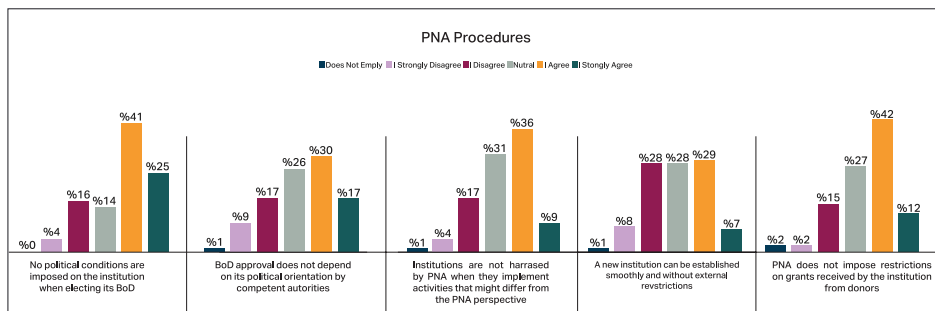


- 69% of respondent institutions reported that the Israeli occupation affects the ability to form civil society organizations, while 16% believe it has no effect.

- 78% of respondent institutions stated that the Israeli occupation influences the role and work of organizations, while 20% said it does not.



- 42% of respondent institutions believe that the way the Palestinian Authority's deals with organizations enhances their role, while 36% were neutral, and 21% held the opposite view.
- 41% of respondent institutions believe that governmental institutions support the role of civil society's organizations, while 37% were neutral, and 21% held the opposite view.



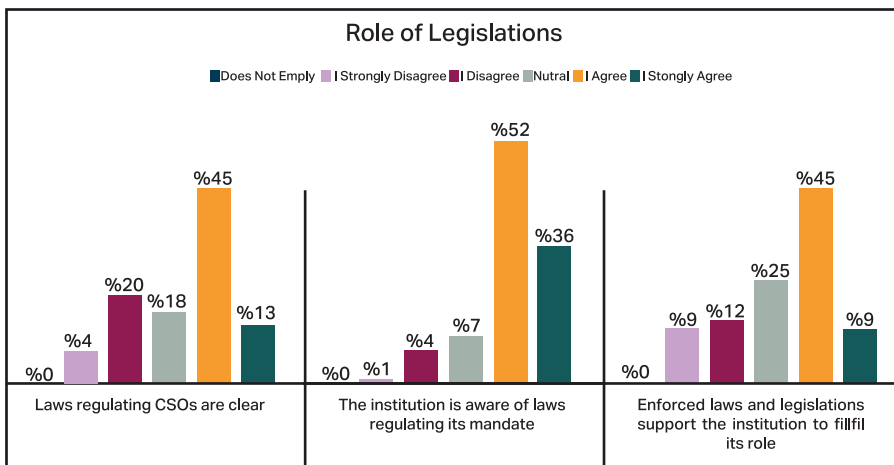
- 66% of were stated that the Palestinian Authority does not impose political conditions on organizations when electing boards of directors, while 14% were neutral, and 20% believe that political conditions are imposed.
- 47% of respondent institutions reported that the approval of boards of directors by the relevant official authorities is not affected by the

political affiliation of board members, 26% held the opposite view, while 26% were neutral.

- 45% of respondent institutions stated that civil society organizations do not face harassment from the Palestinian Authority when conducting activities that may differ from the Authority's orientations, 21% held the opposite view, while 31% were neutral.
- 36% of respondent institutions reported that registering a new civil society organization is smooth and without external restrictions, 36% held the opposite view, while 28% were neutral.
- 54% of respondent institutions stated that the Palestinian Authority does not impose restrictions on funding received by civil society organizations from donors, 17% held the opposite view, while 27% were neutral.

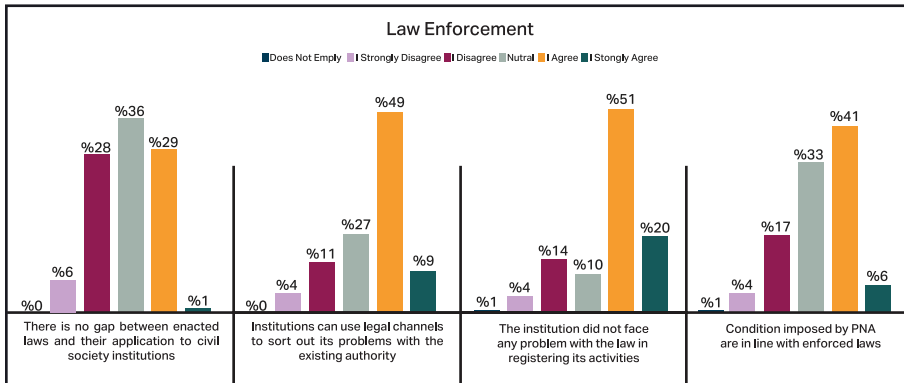
One striking observation in the results is the significant proportion of institutions that provided neutral responses. Further analysis revealed that the majority of these neutral responses came from institutions operating in the Gaza Strip, accounting for approximately 48% of all neutral responses.

4.3.2 Legislative Dimension

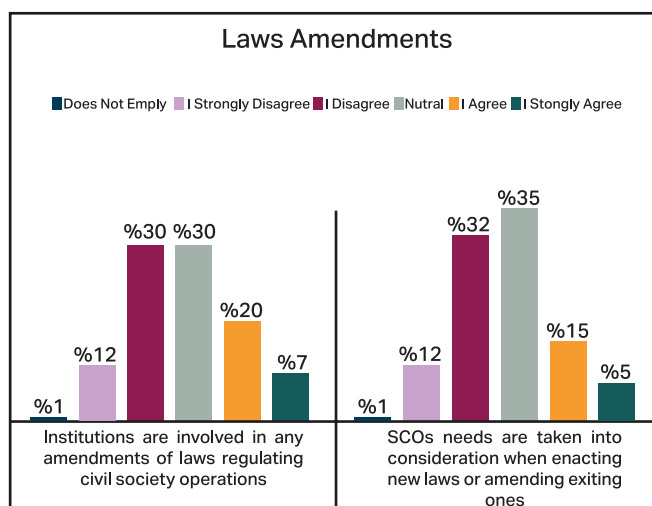


- 58% of the respondent institutions indicated that the laws governing civil society organizations are clear and unambiguous, 24% disagreed, while 18% were neutral.
- 88% of the institutions reported having a solid understanding of the laws regulating their areas of work, whereas 5% disagreed, and 7% were neutral.

- 54% of the institutions believe that the existing laws and regulations facilitate the work of civil society organizations, 21% disagreed, while 25% were neutral.

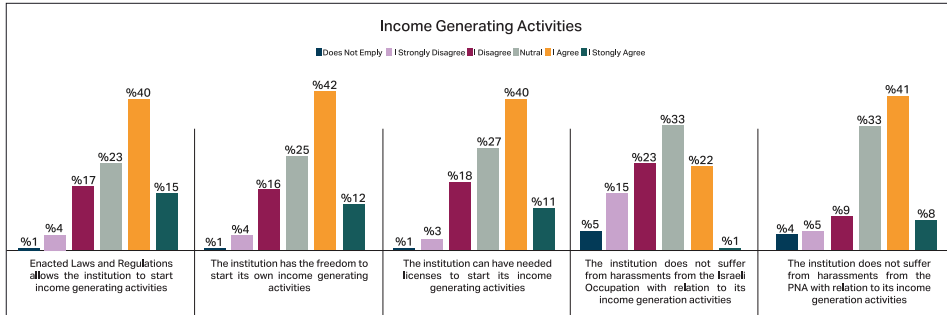


- 30% of the institutions see no gaps between the applicable laws and their enforcement concerning civil society organizations, 34% disagreed, while 36% were neutral.
- 71% of the institutions stated that they had not encountered legal issues when registering or conducting their activities, while 18% reported otherwise, and 10% remained neutral.
- 58% of the institutions believe they can utilize legal channels to resolve disputes with the Palestinian Authority, whereas 19% disagreed, and 27% were neutral.
- 47% of the institutions stated that the conditions imposed by the Palestinian Authority for establishing civil society organizations align with the law, 21% disagreed, while 33% were neutral.

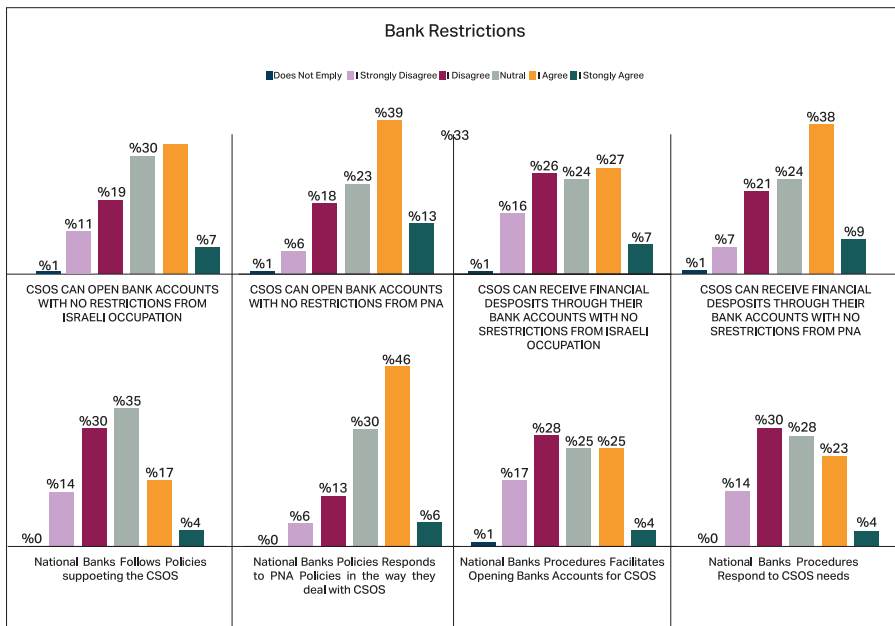


- 20% of the institutions indicated that the needs of civil society organizations are considered when new laws are enacted or existing laws are amended, whereas 44% disagreed, and 35% were neutral.
- 27% of the institutions reported being involved in amendments to laws governing civil society work, 42% disagreed, while 30% were neutral.

4.3.3 Economic Dimension

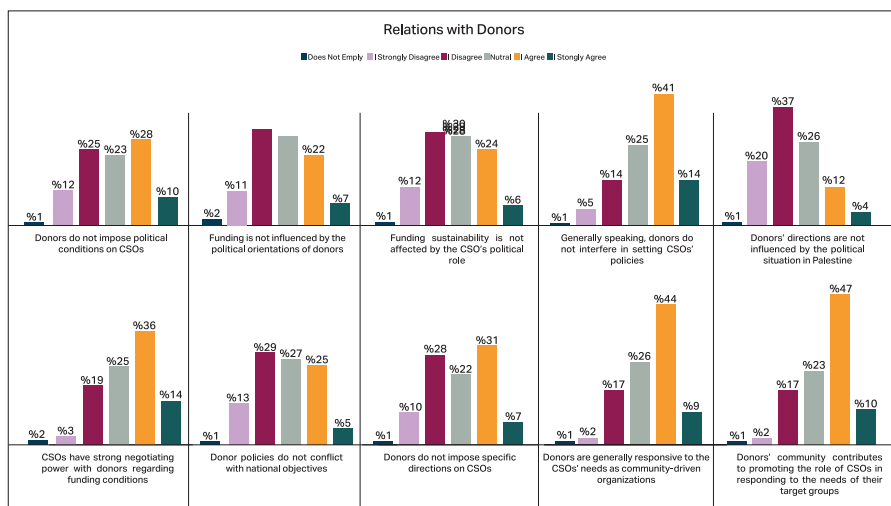


- 49% of the institutions stated that they do not face any restrictions from the Palestinian Authority regarding their income-generating activities, while 13% disagreed, and 33% were neutral.
- 23% of the institutions reported that they do not face restrictions from the Israeli occupation regarding their income-generating activities, while 38% disagreed, and 33% were neutral.
- 54% of the institutions stated that they have the freedom to engage in income-generating activities, whereas 20% disagreed, and 25% were neutral.
- 55% of the institutions believe that existing laws permit the establishment of income-generating activities, 21% disagreed, while 23% were neutral.
- 51% of the institutions reported that they can obtain the necessary approvals to initiate income-generating activities, 21% disagreed, while 27% were neutral.



- 40% of the institutions indicated that they can open bank accounts without restrictions from the Israeli occupation, whereas 30% disagreed, and 30% were neutral.
- 52% of the institutions stated that they can open bank accounts without restrictions from the Palestinian Authority, while 24% disagreed, and 23% were neutral.
- 34% of the institutions reported that they can receive financial transactions through bank accounts without restrictions from the Israeli occupation, 42% disagreed, while 24% were neutral.
- 47% of the institutions stated that they can receive financial transactions through bank accounts without restrictions from the Palestinian Authority, 28% disagreed, while 24% were neutral.
- 21% of the institutions reported that national banks follow supportive policies toward civil society organizations, whereas 44% disagreed, and 35% were neutral.
- 52% of the institutions indicated that banking policies toward civil society organizations align with the policies of the Palestinian Authority, 19% disagreed, while 30% were neutral.
- 29% of the institutions stated that banking procedures facilitate the process of opening accounts for civil society organizations, 45% disagreed, while 25% were neutral.

- 27% of the institutions reported that banking procedures align with the needs of civil society organizations, whereas 44% disagreed, and 28% were neutral.

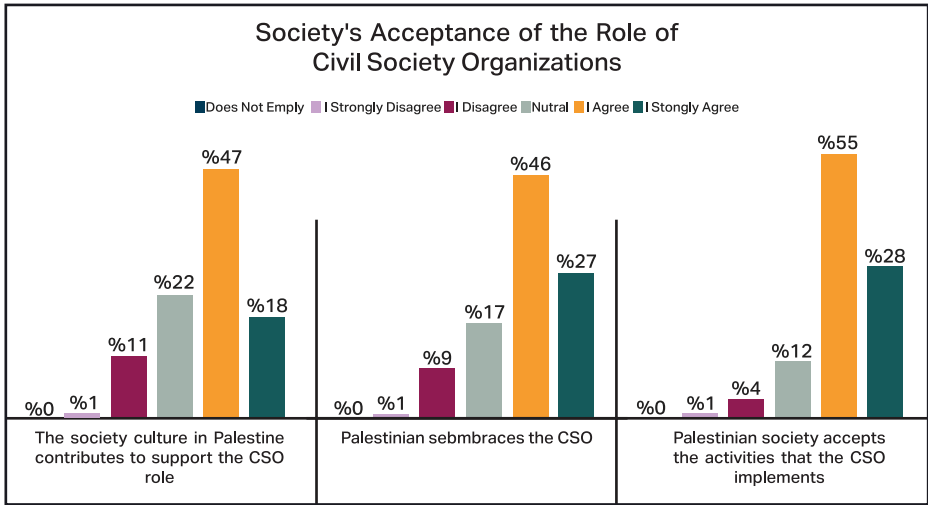


- 50% of the institutions stated that they have strong negotiating power with donors regarding funding conditions, while 22% disagreed, and 25% were neutral.
- 30% of the institutions reported that donor policies do not conflict with national objectives, while 42% disagreed, and 27% were neutral.
- 38% of the institutions stated that donors do not impose specific agendas on their organizations, while 38% disagreed, and 22% were neutral.
- 53% of the institutions reported that donors are responsive to their needs as community-driven organizations, whereas 19% disagreed, and 23% were neutral.
- 57% of the institutions stated that the donor community contributes to enhancing their ability to meet the needs of their target groups, 19% disagreed, while 23% remained neutral.
- 38% of the institutions reported that donors do not impose political conditions, while 37% disagreed, and 23% were neutral.
- 29% of the institutions indicated that funding is not influenced by the political orientations of donors, whereas 41% disagreed, and 28% were neutral.
- 30% of the institutions stated that funding sustainability is not

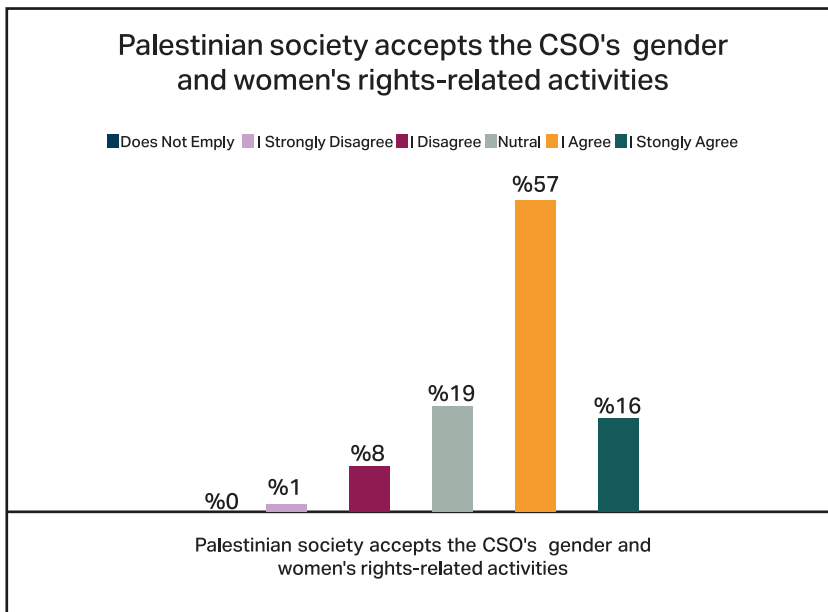
affected by their organization's political role, while 41% disagreed, and 28% were neutral.

- 55% of the institutions reported that donors do not interfere in setting their policies, whereas 19% disagreed, and 25% were neutral.
- 16% of the institutions stated that donor orientations are not influenced by the political situation in Palestine, 57% disagreed, while 26% were neutral.

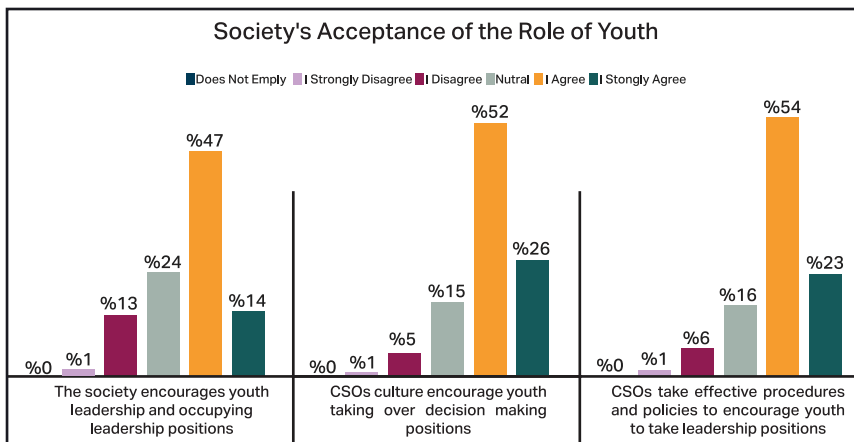
4.3.4 Cultural Dimension



- 73% of the institutions reported that Palestinian society embraces their organization, whereas 10% disagreed, and 17% were neutral.
- 76% of the institutions stated that Palestinian cultural values support their role, while 12% disagreed, and 22% were neutral.
- 83% of the institutions reported that Palestinian society is receptive to the activities they implement, 5% disagreed, while 12% remained neutral.

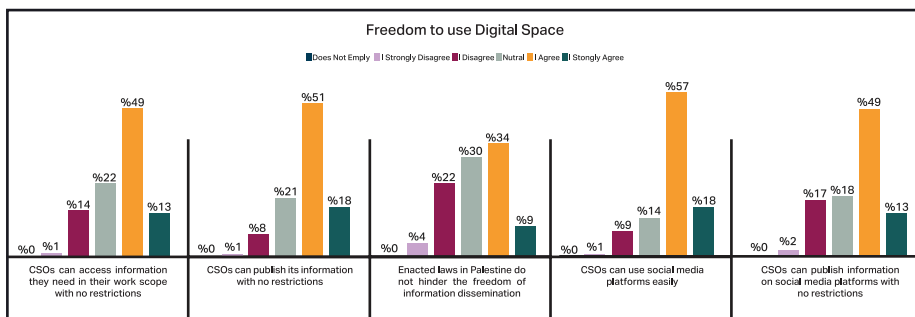


- 73% of the institutions stated that Palestinian society accepts gender and women's rights-related activities, whereas 9% disagreed, and 19% were neutral.

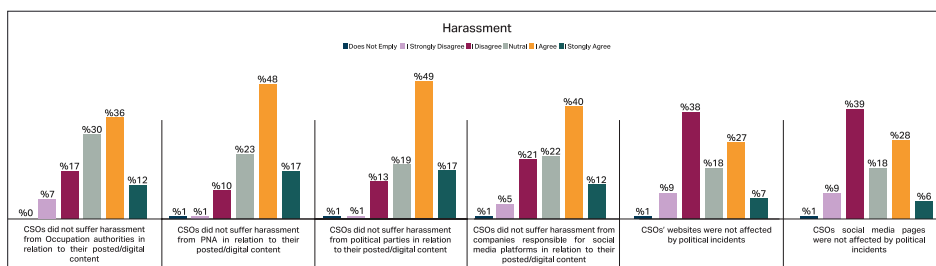


- 61% of the institutions believe that society encourages youth leadership and their participation in leadership positions, 14% disagreed, while 24% were neutral.
- 78% of the institutions reported that their internal culture promotes youth assuming decision-making positions, whereas 6% disagreed, and 15% were neutral.
- 77% of the institutions stated that they implement effective policies and measures to encourage youth to take on leadership roles, 7% disagreed, while 16% were neutral.

4.3.5 Digital Space



- 62% of respondent institutions state that they can access the information they need in their field without restrictions, compared to 15% who say otherwise, and 22% who were neutral.
- 69% of respondent institutions can publish information without restrictions, while 9% cannot, and 21% gave a neutral response.
- 43% of respondent institutions believe that the existing laws in Palestine do not pose a barrier to the freedom of publishing information, compared to 26% who disagree, while 21% were neutral.
- 76% of institutions can use social media platforms easily, while 10% cannot, and 30% have a neutral stance.
- 62% of respondent institutions can publish information on social media without restrictions, while 19% cannot, and 18% remain neutral.



- 48% of respondent institutions have not faced harassment from the occupation authorities regarding digital content published online, while 24% have, and 30% remain neutral.
- 65% of respondent institutions have not faced harassment from the Palestinian Authority regarding their digital content, while 11% have, and 23% remain neutral.

- 66% of respondent institutions have not faced harassment from Palestinian political parties regarding published content, while 14% have, and 19% remain neutral.
- 52% of respondent institutions have not faced harassment from social media platform companies regarding digital content, while 26% have, and 22% remain neutral.
- 34% of respondent institutions reported that their websites and pages were not affected by political events, while 47% were affected, and 18% remain neutral.
- 75% of respondent institutions have not had their social media accounts restricted or deleted, while 11% have had posts restricted or deleted once, 9% experienced this less than five times, 3% between six and ten times, and 2% more than ten times.

5.

Study Components: Causes and Motivations behind the Shrinking Civic Space

The shrinking of civic space, in principle, entails a series of measures imposed by the ruling authority or other influential actors to curtail the fundamental rights and freedoms of civil society in various ways. These measures encompass the imposition of legal and regulatory restrictions on non-governmental organizations, the suppression of freedom of expression in all its forms, the surveillance and persecution of activists and human rights defenders, and the creation of barriers to independent funding. The overarching goal of these restrictions is to diminish the capacity of these entities and others to scrutinize the performance of the ruling authority and its institutions. By doing so, they erode mechanisms of accountability and obstruct access to justice for victims, ultimately weakening meaningful civic engagement in public affairs.

This shrinking of civic space has a particularly profound impact on youth and feminist organizations due to a combination of factors, either individually or collectively. These include fragile institutional structures, limited experience, scarce resources, representation of marginalized groups, and a focus on social change in sensitive areas such as empowerment, equality, and social justice. These characteristics make them especially susceptible to coordinated efforts by the ruling authority and influential actors aiming to suppress their work and limit their influence.

The situation becomes even more complex when internal Palestinian challenges intersect with a prolonged settler-colonial occupation rooted in oppression and apartheid. This system operates through two key mechanisms: first, the political and geographical fragmentation of the Palestinian people to weaken resistance

and obstruct meaningful change; and second, the systematic suppression of Palestinians through laws, policies, and practices designed to establish and sustain racial domination. This repression has escalated with the ongoing genocidal crimes in Gaza for over a year, alongside other international crimes in the occupied West Bank and Jerusalem. These violations are not isolated incidents but rather part of a systematic state policy, as evidenced by official Israeli statements, apartheid-based legislation, and a judiciary that legitimizes these systemic abuses - paving the way for international legal accountability.

5.1 Political Dimension

This section examines the primary factor behind the restriction of Palestinian civic space, civil society work, and public rights and freedoms: the impact of Israel's illegal colonial occupation of the occupied Palestinian territory and its long-standing systematic policies (state policy) over the years. These policies have escalated significantly since the October 7, 2023, aggression, targeting the dismantling of civic space to conceal international crimes committed by the occupation and to sustain a policy of impunity amid the widening practice of double standards in global politics.

The analysis then shifts to internal Palestinian factors that have also contributed to the shrinking of civic space, whether through governance policies implemented by the ruling authorities in the West Bank and Gaza since the internal political division and earlier, which have intensified in recent years, or through challenges related to the performance of civil society institutions themselves. A case study will focus on Israel's decisions to shut down seven Palestinian organizations.

5.1.1 The Impact of Colonial Occupation

The illegal colonial occupation of the Palestinian territories and the system of oppression and apartheid itself serve as the primary cause and driving force behind the suppression of Palestinian civic space, the restriction of civil activities, and the narrowing of available spaces for Palestinian civil society. This is due to the occupation's deep-rooted history in the occupied Palestinian territories (the origin) and its significant role in preserving national identity, defending the Palestinian people's inalienable right to self-determination, and the efforts of Palestinian civil society - both past and present - to document the occupation's violations (crimes), expose them, hold the perpetrators accountable, seek justice for Palestinian victims, and promote the Palestinian human rights narrative on the global stage. This stands in opposition to the Zionist narrative, which relies on unfounded justifications in international law, including the claim of a right to self-defense to legitimize the systematic violations and international crimes that have been committed since Al Nakba of the Palestinian people in 1948, as well as the crimes and atrocities perpetrated by Zionist militias prior to Al Nakba, targeting the Palestinian people.

The Israeli colonial occupation's targeting of Palestinian civil society and its activities has persisted over many years. During the first Palestinian Intifada in 1987, Israel launched a campaign of arrests that specifically targeted several field researchers from Al-Haq, the first human rights organization in the occupied Palestinian territories and the Middle East. Eight field researchers who were documenting Israeli violations and crimes were imprisoned¹. These actions, both historic and ongoing, reflect the colonial occupation's continued efforts to conceal its crimes and obstruct the pathways to "accountability and justice." Such efforts are exacerbated by the policy of "double standards" when dealing with the occupation, a policy that prioritizes the "identity of the perpetrator" over established international legal principles that advocate for accountability.

The targeting of Palestinian institutions in October 2021, marked by the Israeli Minister of Internal Security Benny Gantz's decision to close them under the pretext that they were "terrorist organizations," is a clear example of the systematic policy aimed at restricting Palestinian civic space and undermining civil society efforts. This decision by the occupying authorities affected six Palestinian institutions: Al-Haq, Addameer Prisoner Support and Human Rights Association, Defense for Children International – Palestine, the Union of Palestinian Women's Committees, the Union of Agricultural Work Committees, and Bisan Center for Research and Development. Subsequently, the Israeli authorities added a seventh Palestinian institution, the Health Work Committees, to the closure list under the same "terrorism" justification. At that time, the Israeli military raided the premises of these organizations, causing extensive damage and confiscating materials, in blatant violation of international law².

The Israeli colonial occupation authorities justified their decision to close seven Palestinian institutions in October 2021 by claiming that they were "terrorist organizations," citing "secret files" - a tactic often used to arbitrarily detain thousands of Palestinians and imprison them outside the scope of international law and without the guarantees of a fair trial. This justification is not only aimed at the seven institutions in question but is also part of a broader strategy to target Palestinian civil society organizations that monitor, document, and expose Israeli violations and crimes, with the aim of securing accountability and justice on the international stage. This event was not an isolated occurrence; these institutions, like many others, have endured various forms of harassment, including threats to their staff's lives, hacking of phones

1- Personal interview on 10/5/2024 with Shawan Jabareen, Director General of Al-Haq (Defending Human Rights), for the purposes of this study.

2- Statement issued by the Palestinian NGO Network and the Boards of the organizations on 10/23/2021 "PNGO & PHROC: Israel's Sinister Designation of 6 Leading Palestinian Organizations As "Terror Organizations" is an Attempt to Silence and Control Palestinians" published on the link: <https://www.alhaq.org/ar/advocacy/19006.html>

and computers, incitement, and smear campaigns in media outlets and by some institutions that promote the Zionist narrative.

Despite the condemnation from UN special rapporteurs³, who deemed the closure decisions to be unlawful and a violation of the right to freedom of expression and association as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as diplomatic meetings held on the day of the closures between European diplomats, parliamentarians, and the Palestinian Prime Minister, in which all parties affirmed their non-recognition of the Israeli decisions and denounced the lack of credible evidence or fair trial⁴ guarantees, the Israeli authorities have refused to reverse their stance. This strongly suggests that the true intention behind these actions is to delegitimize the work of Palestinian civil society organizations in documenting, exposing, and pursuing accountability for Israeli crimes.

In contrast, the European Commission and several EU member states have decided to freeze funding and impose financial restrictions on the affected organizations, despite the absence of any solid evidence to support the claims and the lack of fair trial safeguards in the measures implemented. This highlights the problematic nature of the “conditional funding” policy in the occupied Palestinian territories, which has escalated following the October 7 aggression, and places it under closer scrutiny for its role in constraining Palestinian civic space.

The decisions by the Israeli occupation authorities to close the seven Palestinian institutions are not isolated events, but rather part of a broader “systematic policy” aimed at dismantling Palestinian civic space, within the context of an ongoing “policy of impunity.” This approach is grounded in the “identity of the perpetrator,” wherein crimes committed by the occupying colonial authority are excused, rather than being based on internationally recognized legal principles. Moreover, the Israeli occupation has systematically targeted and shut down dozens of Palestinian institutions in Jerusalem as

3- Statement of the Special Rapporteur on the situation of human rights defenders dated 19/8/2021 on the closure of institutions, arbitrary arrests, threats and harassment of human rights defenders in the Occupied Palestinian Territory at the link <https://www.ohchr.org/en/press-releases/2021/08/israel-must-safeguard-human-rights-defenders-occupied-palestinian-territory?LangID=E&NewsID=27375>

4- The statement issued by the targeted institutions for closure on April 21, 2022, titled “*The Six Designated Organizations Call for Urgent International Intervention to Revoke the Designations*,” can be accessed through the following link: <https://www.alhaq.org/ar/advocacy/19949.html>. The omission of **the seventh Palestinian institution, the Health Work Committees**, from some of the statements condemning the closure decision is due to the fact that the decision to close this institution was issued after the closure of the six organizations. However, the decision to close the seventh institution follows the same approach based on “**secret files**” and remains in direct violation of international law.

part of its larger strategy to isolate, annex, Judaize, and militarize the city. In early 2001, more than 26 Palestinian civil institutions in occupied Jerusalem were closed, including notable organizations such as the Orient House, the Palestinian Chamber of Commerce, the Arab Studies Society, the Palestinian Prisoners' Club, the Higher Tourism Council, the Graduates' Club, the Islamic Brotherhood Center, the Al-Ram Zakat Committee, and the Small Projects Support Center, which was funded by the European Union, among others. In October 2011, the Israeli authorities issued closure orders for four additional institutions in Jerusalem and its surrounding areas: The Shuaa Foundation, a community-based women's empowerment organization based in Shuafat, focuses on community development and enhancement. The Jerusalem Foundation, located in the Al Bareed neighborhood, specializes in development work and supporting the underprivileged. Sa'ed Foundation, based in Kofar Akab, provides educational services to schools and students. The Work Without Borders Foundation that empowers young people by creating job opportunities and connecting them to employment prospects through an online network⁵.

This ongoing, systematic targeting of Palestinian civic space and civil society indicates that we are witnessing a long-standing and deliberate policy to undermine Palestinian civil space through various means employed by the Israeli colonial occupation over the years.

The targeting of Palestinian civil society and civic space by Israeli occupation authorities has intensified significantly since the unprecedented aggression against Gaza began on October 7, 2023. This escalation has taken many brutal and highly repressive forms, with the military directly targeting numerous civil society institutions, their assets, and activities in Gaza. This has been part of an ongoing genocide that has persisted for over a year, systematically targeting civilians, civilian infrastructure, and the entire urban framework of the besieged Gaza Strip. The United Nations has described this assault as the deadliest in modern history, while the UN Special Rapporteur on the Right to Adequate Housing has called it the most destructive, leaving over 39 million tons of rubble in its wake. In northern Gaza, where the genocide has been most intense, destruction has reached 100%. Based on past experiences, he estimated that reconstruction in Gaza will take 80 years, and this process will remain impossible as long as the occupation continues⁶.

5- Statement of civil society organizations in Jerusalem regarding the closure of a number of Jerusalem institutions on the link <https://masader.ps/ar/media/news/3346>

6- The official page of the UN Special Rapporteur on the right to adequate housing, Balakrishnan Rajagopal, on the website of the Office of the United Nations High Commissioner for Human Rights at the link <https://www.ohchr.org/en/special-procedures/sr-housing>. Also, the United Nations: Gaza was subjected to an unprecedented barrage of destruction; Al-Araby Al-Jadeed report - London, one year after the aggression (October 19, 2024) at the link <https://tinyurl.com/5n6e8xuf>

Amjad Al-Shawa⁷, Director of the Palestinian NGO Network in Gaza, stated that since the beginning of the aggression, Palestinian NGOs have been directly affected in many ways, including systematic destruction and mass displacement (forced displacement). Most NGO employees, board members, and volunteers have been displaced, many due to continuous bombardment. Some have fled abroad, while others remain in Gaza. Over 250 civil society members have been killed. The proportion of civil society institutions whose headquarters have been fully or partially destroyed is estimated at 60–70% in Gaza, including the headquarters of the Palestinian NGO Network. Other major challenges include repeated communication and internet blackouts, difficulty in coordinating with displaced colleagues, the lack of workspaces due to bombed offices, and the absence of essential equipment such as computers, as staff had to flee their workplaces and homes under bombardment with no belongings. Despite these severe conditions, Palestinian NGOs remained the first responders since the start of the aggression, after United Nations bodies, its specialized agencies, and international organizations evacuated their offices at the onset of the aggression. This underscores the extensive targeting of Palestinian civil society institutions and the genocidal crimes committed against them, within the broader context of international crimes that have been directed at civilians and civilian infrastructure in the besieged Gaza Strip.

Zeinab Al-Ghunaimi, Director of the Research, Legal Consultation, and Women's Protection Center in Gaza, stated that the systematic targeting of civil space in Gaza by the occupation authorities extends to all residents and civilian infrastructure. Gaza has endured continuous aggression for 17 years, and the destruction of civil society institutions has been ongoing for years. This has escalated dramatically since October 7, not only through military attacks on headquarters but also due to the prolonged siege, which has crippled institutions, driven up the prices of essential equipment, and prevented their entry into Gaza. Moreover, travel restrictions prevent NGO staff from attending meetings with women's organizations in the West Bank or abroad. The psychological toll on Gaza's population is severe due to military assaults, destruction of homes and centers, displacement, repeated disconnection of communication networks, and the inability of NGOs to function effectively. Many NGO staff members are in a state of constant displacement due to the destruction of their homes and those of their relatives. One colleague lost 60 family members⁸.

This evidence confirms that the targeting of civil space and non-governmental

7- Personal interview on 10/2/2024 with Amjad Al-Shawa, Director of the Palestinian NGO Network - Gaza, for the purposes of this study.

8- Personal interview on 10/1/2024 with Zainab Al- Ghoneimi, Director of the Center for Legal Research, Consultations and Women's Protection - Gaza, for the purposes of this study.

work by the colonial occupation in Gaza, the West Bank, and Jerusalem is not random. While it has taken a particularly lethal turn in Gaza through direct military targeting, killings, destruction, and repeated forced displacement since the aggression began on October 7, 2023, it is part of a broader “state policy” conducted in a systematic and large-scale manner. The Israeli Ministry of Strategic Affairs has been actively working for years to dismantle Palestinian civil society, in coordination with several organizations that propagate the Zionist narrative and seek to suppress Palestinian civil space⁹. This effort extends beyond the Ministry of Strategic Affairs, with the involvement of high-ranking officials, including Israel’s former and current Minister of National Security, Itamar Ben-Gvir, and statements from figures such as Israeli President Isaac Herzog, who declared on October 12, 2023, that “there is no distinction between militants and civilians in Gaza - an entire nation is responsible.” Similarly, on October 9, 2023, Israeli Defense Minister Yoav Gallant announced a “complete siege on Gaza - no electricity, no food, no water, no fuel. Everything is closed. We are fighting human animals¹⁰.”

The systematic policy of targeting Palestinian civil society is further reinforced by the arbitrary closure of numerous Palestinian institutions under Israel’s 2016 “Anti-Terrorism Law,” enacted by the Knesset. This law is designed to discriminate against Palestinians and uses broad, vague terminology to suppress Palestinian civil space and justify arbitrary arrests. In October 2023, the Knesset amended this law to increase penalties for so-called incitement or support of a “hostile organization” in any form, making the minimum prison sentence two years, with no less than half the term served in actual imprisonment¹¹.

The judicial system, including Israel’s Supreme Court, has played a key role in legitimizing these policies, working in tandem with the executive and legislative branches. This has resulted in a fully integrated state policy targeting Palestinian civil space, NGOs, public freedoms, and human rights within a system based on persecution and apartheid.

9- See the press release issued by *Al-Haq* on May 26, 2028, in response to the Israeli Ministry of Strategic Affairs report dated May 25, 2018. The report calls on the European Union to halt direct and indirect funding to Palestinian and international human rights organizations allegedly linked to “terrorism.” The press release is available at: <https://www.alhaq.org/ar/advocacy/2257.html>

10- For further analysis of Israeli statements within the framework of the elements of international crimes during the aggression on the Gaza Strip, see: Dr. Issam Abdeen, *The Impact of the Israeli Aggression on the Gaza Strip on the Rights of Persons with Disabilities – Monitoring Violations, Legal Analysis, Accountability, and Redress*, Qader for Community Development, 2024. Available in Arabic and English at: <https://www.qader.org/ar/resources/6084.html>.

11- The **Order on Aggravating the Penalty for Incitement Offenses and Supporting a Hostile Organization (Iron Swords) (Temporary Provisions) (Judea and Samaria) (No. 2153) of 2023** was issued on October 27, 2023.

The judiciary (Supreme Court) aligns with the executive authority (the president and government) by legitimizing the actions of the Israeli occupation authorities, which are fundamentally based on legislation enacted by the legislative branch (the Knesset). Consequently, all three branches of government in the occupying state actively contribute to the systematic suppression and erosion of Palestinian civic space and civil society. This is clearly demonstrated by rulings issued by the Israeli Supreme Court, which reflect a deliberate state policy aimed at dismantling Palestinian civil society, restricting civic engagement, and undermining fundamental rights and freedoms within a framework of institutionalized oppression and apartheid.

In a clear demonstration of the judiciary's alignment with the legislative and executive branches in advancing the policies of the colonial occupation state, a coalition of human rights organizations¹² filed a petition with the Israeli Supreme Court on October 23, 2023, challenging the "Amendment to Prison Service Orders" law, which entrenches systemic discrimination against Palestinians. However, the Supreme Court rejected the petition, stating:

"The assessment of human rights violations during times of war cannot be equated with assessments made in peacetime. After a thorough review of the petition and consideration of the legal framework established by the amendment - including its temporary and relatively short-term nature, its limitations, balancing mechanisms, the principle of judicial restraint in legislative review, and the heightened restraint necessitated by the exceptional and unforeseen circumstances the country is facing - we have found no legal grounds for intervention as requested."

This ruling underscores the clear coordination between the Knesset and the Supreme Court in legitimizing policies of oppression. Following the court's rejection, the Knesset passed an extension of the "Amendment to Prison Service Orders" (Emergency Detention Law) on January 15, 2024. This law permits the systematic deprivation of Palestinian political prisoners, including reduced living space, denial of sleep, inadequate food and water, lack of proper clothing, restricted access to healthcare, and limited hygiene supplies - flagrant violations of international human rights conventions. By endorsing such measures, the legislative, executive, and judicial branches¹³ collectively reinforce the institutionalized apartheid system, further entrenching policies of persecution and dehumanization under a legal and political facade.

12- **The Association for Civil Rights in Israel:** *Petition against a Temporary Order Allowing Increased Overcrowding in Security Prisoners' Spaces*, October 23, 2023.

13- For a detailed analysis of the performance of the three authorities in the colonial occupation state - (President and Government), (Knesset), and (Supreme Court) - in relation to systematic policies and international crimes, see: *Dr. Issam Abdeen, Analytical Study on the Reality of the Childhood Sector in Occupied Jerusalem*, Palestinian Vision Organization, 2024.

The grave violations targeting Palestinian civil society organizations, grassroots initiatives, activists, and human rights defenders by the colonial occupation authorities constitute a systematic and widespread state policy. These violations take various forms, including the direct and repeated military targeting of their headquarters, without any military necessity, in an effort to suppress the civilian space. Additionally, they include the deliberate killing of numerous staff members and their families during the ongoing aggression against Gaza and the occupied Palestinian territories, the forced displacement of civil society personnel, the closure of their offices, and the arbitrary detention of many of their members. These violations, along with other grave breaches and international crimes, specifically target civil society organizations, activists, and human rights defenders.

Accordingly, there is a reasonable basis and substantial supporting evidence, reinforced by testimonies and in line with the Elements of Crimes (ICC-ASP/1/3) of the International Criminal Court (ICC), to submit formal reports to the Office of the Prosecutor at the ICC under:

- **Article 6 (Genocide)** - for acts including the killing of group members, inflicting serious bodily or mental harm, and deliberately subjecting the group to conditions intended to bring about their total or partial destruction.
- **Article 7 (Crimes Against Humanity)** - particularly for persecution, apartheid, forced displacement, arbitrary detention, and torture.
- **Article 8 (War Crimes)** - especially the destruction of property without military necessity, forced displacement, starvation, torture, and inhumane treatment.

There is an urgent need for Palestinian civil society organizations to submit specialized criminal reports to the Office of the Prosecutor at the International Criminal Court (ICC) regarding the grave violations and international crimes that have targeted their headquarters, activities, leadership, and staff. These violations constitute fully substantiated international crimes committed in Gaza, the West Bank, and East Jerusalem, falling within the territorial and temporal jurisdiction of the ICC in the Palestinian case.

Notably, these crimes - which fall under the ICC's jurisdiction - were not explicitly included in the request submitted by Prosecutor Karim Khan to the ICC's Pre-Trial Chamber I on May 20, 2024, seeking arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant in the ongoing investigation into the Palestinian situation¹⁴.

14- Dr. Issam Abdeen, *Statement of the ICC Prosecutor Karim Khan Issued on May 20, 2024, and the Grand Equations*, 20

Furthermore, we also see the need for Palestinian civil society organizations to submit legal opinions in this specialized area to support the efforts of the legal team from South Africa in the case submitted by South Africa against Israel before the International Court of Justice (ICJ) to take measures to ensure the application of the Genocide Convention. We believe there is a reasonable basis, supported by evidence, and enhanced by legal matching, to bolster this case (reliable evidence) regarding international crimes that have targeted Palestinian civil society institutions, their headquarters, activities, administrations, the killing of their staff, and the physical and psychological harm inflicted upon them in the context of genocide.

Additionally, we recognize the need to strengthen efforts in communication, cooperation, and networking between Palestinian civil society organizations and the Permanent and Independent International Commission of Inquiry established by the United Nations Human Rights Council since 2021 (A/HRC/RES/S-30/1), tasked with investigating the situation in the occupied Palestinian territory, including East Jerusalem, and Israel. This Commission has an important role in the process of accountability and justice. However, the latest meeting of the Permanent and Independent International Commission of Inquiry, held on June 21, 2024, which was dedicated to discussing its report (A/HRC/56/26) presented at the 56th session of the UN Human Rights Council on the assault on Gaza and the occupied Palestinian territories, concluded with an alarmingly low level of participation from Palestinian civil society organizations. This requires a serious review and evaluation of the reasons for this absence and its impact on the process of accountability and justice, as well as drawing lessons to ensure that it does not happen again. We must also avoid misdirecting efforts toward calls for the formation of new international investigative committees when there already exists a permanent and independent international investigative commission that is professional, has a broad mandate, and is headed by a distinguished figure such as Navi Pillay.

There is also an urgent need to effectively engage with the historical advisory opinion issued by the International Court of Justice (ICJ) on July 19, 2024, regarding the illegality of Israel's prolonged occupation of the occupied Palestinian territory and its consequences. Additionally, the historic resolution adopted by the UN General Assembly on September 18, 2024 (A/ES-10/L.31/REV.1), on the ICJ advisory opinion regarding the legal consequences of Israel's policies and practices in the occupied Palestinian territories, including East Jerusalem, and the illegal continuation of Israel's presence in the occupied Palestinian territories, requires focused attention. The mechanisms outlined in the General Assembly resolution are crucial and should serve as a "roadmap" for civil society organizations in terms of studies, research, reports, policy analysis, and advocacy efforts, particularly in the fields of advocacy and accountability pathways in alignment with the aforementioned advisory

opinion and General Assembly resolution.

5.1.2 Impact of Internal Factors

Internal Palestinian factors have played a clear role in shrinking the Palestinian civil space and diminishing the role of civil society, especially in recent years, under a systematic and continuous policy by the Israeli occupation based on oppression, apartheid, starvation, displacement, genocide, and other ongoing international crimes in the occupied Palestinian territories.

The continuous fragmentation of the “Palestinian political system as a whole” and the absence of a “will for change” are at the forefront of the factors and causes that have led to the reduction and erosion - accelerated in recent years - of civil space and voluntary work in the occupied Palestinian territories. The fragmentation of the political system is old and became evident in mid-2007 due to internal fighting, division, and struggles for power and influence. However, its roots go back to the period before the division, since the establishment of the Palestinian Authority, and the absence of the components of good governance in terms of integrity, accountability, justice, rule of law, participation in decision-making, and strengthening Palestinian resilience on their land as part of their right to self-determination.

There are also factors inherent within civil society itself, the most prominent of which include the absence of democratization, the lack of serious evaluation in terms of both discourse and performance, the diminishing role of the younger generation in leading Palestinian civil initiatives, the disconnection from the grassroots, and the decline in voluntary work. These factors have facilitated, and may have accelerated, the contraction of Palestinian civil space and the diminishing role of civil society organizations, particularly in recent years.

The Palestinian internal division allowed the authorities in both the West Bank and Gaza Strip to dominate civil space throughout the duration of the division. From the onset of the division, the Legislative Council was suspended, and it remained a crucial regulatory body within the Palestinian political system, ensuring a balanced relationship between public authorities. This suspension persisted until January/December 2018, despite numerous attempts to hold a plenary session with full quorum in both the West Bank and Gaza Strip. The High Constitutional Court, formed during the division period, eventually dissolved the Legislative Authority, a decision that faced strong opposition from civil society organizations due to its contradiction with the provisions of the amended Basic Law (Constitution). This court is regarded as the guardian of the constitution in comparative legal systems. As a result, the Palestinian president initiated a new era of laws by decrees after consolidating both the executive and legislative powers, in the absence of a government gaining parliamentary confidence in accordance with constitutional norms, despite its limited powers under the amended Basic Law. This process led to complete

control over the judiciary, particularly through legislation in recent years aimed at altering or abolishing the Judicial Authority Law of 2002, even though its constitutional term had expired.

It appears that the stance of civil society institutions has neither been clear nor decisive in addressing the issue of “laws by decrees,” despite their profound impact on the fragmentation of the political system, public authorities, and principles of good governance. Over the years, positions have varied between those advocating for the “rationalization” of laws by decree and those who argue their “unconstitutionality in both form and substance.”

Ultimately, engaging in discussions on the details of these laws by decrees - an implicit acceptance - allowed the continued flow of exceptional legislation while merely calling for civil society’s involvement in drafting and providing feedback. However, participation in or influence over such legislation remained largely symbolic, serving more as a formal procedure rather than effecting substantive change, as the discourse focused on the content rather than the fundamental principle.

With the “dissolution of the Legislative Council” in 2018, the amended Basic Law (Constitution) no longer permits the issuance of any exceptional legislation (laws by decree). Such decrees are constitutionally valid only when issued “outside the sessions of the Legislative Council,” implying that the Council still exists but is not in session, and their issuance must be justified by urgency to be presented at the Council’s first session thereafter (Article 43). Thus, their issuance became constitutionally infeasible following the dissolution of the Legislative Authority, effectively paralyzing the constitutional and political system in Palestine, with elections as the only means of restoring it.

Consequently, it can be argued that civil society’s engagement in the minutiae of the continuous influx of decree laws over the years diverted its efforts and focus from the core issue - holding elections.

Legislation has served as the primary instrument for the ruling authorities in the West Bank and Gaza Strip to consolidate control over the three branches of government, which have been fragmented between the two regions due to the ongoing division and the absence of political will to restore the political system. This conducive environment has enabled the authorities to curtail civil space, restrict voluntary work, and obstruct public rights and freedoms. Several laws by decrees and resolutions have been issued targeting the Law on Charitable Societies and Civil Institutions No. (1) of 2000, which governs the operations of civil society organizations and was enacted by the first Legislative Council - widely regarded as a well-structured law. These measures have been implemented since the declaration of the state of emergency in mid-2007, which this study will examine in its legislative dimension, particularly in relation to its impact on shrinking civil space.

However, from a political perspective, what is particularly significant is that civil society institutions failed to recognize the imminent threat to civil space when the presidential decree on licensing charitable societies and civil institutions was issued on June 20, 2007. This was accompanied by a cabinet decision on the same day concerning associations and organizations engaged in so-called illegal activities during the state of emergency. These actions resulted in the closure of dozens of associations and civil organizations - more than 100 at the time - despite their clear violation of the Law on Associations and the provisions of the Basic Law (Constitution)¹⁵. It seems that this decisive blow, in the absence of serious positions from civil society, encouraged further tightening through the legislative tool, addressing everyone, even if its practical application was on some of them.

Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights, points out that at the beginning of the division, there was confusion in civil society regarding how to deal with Hamas in Gaza, and there were varying views on whether to deal with it or not. Now, however, things have settled, though leaving negative effects. Civil society organizations in Gaza face heavy scrutiny from Hamas and even more intense scrutiny from the authority in Ramallah, including interference in their elections and the election of board members, and institution accounts are closed if not officially approved. The Independent Commission for Human Rights has intervened in many such cases. The intervention of the Ramallah authority in the work of civil society organizations in Gaza is significant, primarily concerning the registration phase in the West Bank.

Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights, highlights that at the onset of the division, civil society faced confusion regarding its approach to Hamas in Gaza, with differing opinions on whether to engage with it or not. Over time, this uncertainty has subsided, but not without leaving lasting negative effects.

Civil society organizations in Gaza are subjected to intense scrutiny from Hamas, while simultaneously facing even stricter oversight from the authority in Ramallah. This includes interference in their internal elections, the selection of board members, and the closure of institutional bank accounts if they are not officially approved. The Independent Commission for Human Rights has intervened in numerous such cases.

Additionally, the intervention of the Ramallah authority in the operations of civil society organizations in Gaza remains significant, particularly in relation

15- Dr. Issam Abdeen, *An Analysis of Amendments to the Non-Profit Companies Regulation and Their Impact on Civil Society Organizations*, Al-Haq, August 2015.

to the registration process in the West Bank¹⁶.

The restrictions on civil space extend beyond civil organizations to also severely impact non-profit companies, which pursue similar goals and objectives but differ in their registration procedures. While civil organizations are registered through the Ministry of the Interior, non-profit companies fall under the jurisdiction of the Company Registrar within the Ministry of National Economy. Additionally, an extensive body of exceptional legislation has been enacted, including laws on money laundering and terrorism financing, as well as cybercrime laws and corresponding amendments to the 1936 Penal Code in Gaza concerning the “misuse of technology.” These amendments function similarly to the Cybercrime Law in restricting Palestinian digital space.

Despite these laws working in tandem to grant ruling authorities and their agencies greater control over civil space, civil society has been excluded from the legislative process. This exclusion persists despite repeated assurances from successive governments that no legislation affecting civil space would be amended without civil society’s involvement.

Oudai Abu Karsh¹⁷, Director General of the Palestinian Institution for Empowerment and Local Development (Reform), states: “As an institution, or as civil society, we have yet to conduct an evaluation of the efforts made to defend public rights and freedoms, or to assess the level of trust the Palestinian community has in our performance. As an institution, we have met with several ministers in the new Palestinian government, but their openness remains nothing more than a series of promises, as usual. We have not witnessed genuine partnerships with civil society, even though this phase demands inclusive cooperation. Furthermore, we are unaware of the outcomes of some civil society institutions’ meetings with the new government, while we observe clear partnerships between the new government and private institutions and companies.”

Lamis Al Shaibi¹⁸, Director of the Good Governance Program at “Miftah” Foundation, believes that “Civil society needs a unified discourse at this stage. While there is a degree of openness from the government, it remains largely superficial. The implementation on the ground tells a different story. We met with government representatives, discussed the state of rights and freedoms, and agreed to establish a follow-up committee.” However, it appears that the

16- Personal interview with Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights – Ramallah, on October 3, 2024, for the purposes of this study.

17- Personal interview with Odai Abu Karsh, Director General of the Palestinian Institution for Empowerment and Local Development, on October 1, 2024, for the purposes of this study.

18- Personal interview with Lamis Al-Shaibi, Director of the Good Governance Program at MIFTAH, on September 28, 2024, for the purposes of this study.

outcome of this meeting mirrors those with previous governments - follow-up committees are formed, yet they fail to yield a clear or lasting impact.

Despite Palestine's accession to key human rights treaties, particularly the International Covenant on Civil and Political Rights, this commitment has not translated into tangible progress in legislative alignment, policymaking, or practical implementation, even after many years. This shortfall is evident in the concluding observations of international treaty bodies during their dialogues with the State of Palestine. A detailed examination of this issue will be presented in the "legislative dimension," as it remains one of the most significant factors contributing to the shrinking of civil space.

5.2 Legislative Dimension

In this section, we will examine key legislations enacted by the occupying colonial state within its system of oppression and apartheid, which are designed to suppress Palestinian civil space, restrict civil society activities, and undermine public rights and freedoms. Following this, we will analyze the most critical Palestinian legislations that have contributed to the shrinking of civil space, with a particular focus on the right to establish associations.

5.2.1 Apartheid Legislations

The Israeli legal and military framework comprises an extensive system of legislations and military orders aimed at suppressing Palestinian civil space, targeting civil society activities and institutions, and restricting Palestinian rights and freedoms. Foremost among these is the denial of the inherent and inalienable rights of the Palestinian people, as enshrined in international law, including the elimination of illegal Israeli colonialism in occupied Palestinian territory and the right to self-determination.

A common feature of these legislations and military orders is their role in institutionalizing a deep-seated apartheid system against the Palestinian people by fragmenting them politically and geographically, thereby weakening their capacity to resist and effect change. These laws, policies, and practices impose systematic oppression designed to establish and perpetuate the control of one ethnic group over another. It is important to emphasize that both persecution and apartheid, as forms of systematic oppression, constitute crimes against humanity under international law.

The "Law of Return," enacted by the Israeli Knesset in 1950, grants any Jew worldwide the right to immigrate to Israel and automatically obtain Israeli citizenship, while completely denying the indigenous Palestinian people's right to return and their right to self-determination. This law is one of the most prominent manifestations of the apartheid system established by the colonial Zionist occupation in Palestine.

Additionally, the 1950 Absentee Property Law and the 1953 Land Acquisition Law were specifically designed to enable control over land and the seizure of Palestinian resources.

The Israeli Nation-State Law, passed by the Knesset in 2018 as a Basic Law, explicitly grants the right to self-determination exclusively to Jews while depriving the indigenous Palestinian people of their inherent and inalienable right to self-determination - a fundamental principle of international law. Furthermore, the Nation-State Law designates illegal settlement in occupied Palestinian territory - a practice classified as a war crime under the Rome Statute of the International Criminal Court - as a “national value” of the Jewish people¹⁹.

Dozens of laws can be identified as instruments of systematic oppression against the Palestinian people, restricting civil space, hindering civil society work, and curtailing fundamental rights and freedoms. Among the most prominent of these is the 2016 Anti-Terrorism Law, which was further amended by the Israeli Knesset in October 2023 at the onset of the ongoing aggression against the Gaza Strip. These amendments increased the penalty for “incitement” and for supporting a “hostile organization” in any form, imposing a prison sentence of up to two years, with the actual imprisonment in such cases not of not less than half of the mentioned period.”

This extensive law, comprising hundreds of articles and provisions spanning over 100 pages, operates in conjunction with the 1945 Mandate Emergency Regulations, which the colonial occupying authorities have deliberately maintained in force. These regulations grant sweeping powers to military rulers and other officials, further eroding Palestinian civil space, restricting civil society activities, and undermining the broader rights framework. As a result, dozens of Palestinian civil society organizations have been forcibly shut down, their activities obstructed, and numerous human rights defenders subjected to arbitrary detention in Israeli prisons.

In addition, the Israeli Knesset passed the “Transparency Law” in 2016, explicitly targeting civil society institutions in a discriminatory manner, reinforcing the Anti-Terrorism Law and the 1945 Mandate Emergency Regulations. This law, proposed by then-Israeli Minister of Justice Ayelet Shaked (from the Jewish Home Party), mandates that non-governmental organizations receiving funding from foreign governments or international entities must disclose this information in all reports and official documents. Failure to comply results in severe financial penalties. When combined with the Anti-Terrorism Law and the Emergency Regulations, this law provides a broad array of legal mechanisms

19- The Interactive Encyclopedia, *The Israeli Apartheid System: Entrenching Supremacy Over Palestinians*, available at [this link](#).

to suppress Palestinian organizations, including financial sanctions, forced closures, and imprisonment of their staff.

It is worth noting that the legislative system enacted by the colonial occupying state against Palestinians, civil society, and civil space functions systematically to deepen the apartheid regime, which fundamentally relies on the fragmentation of the Palestinian people and the denial of their right to self-determination. These legislations specifically target Palestinians based on geographic and legal distinctions: those from 1948 territories, Jerusalemites, and others, while exempting Israelis (Jews) and settlers in Jerusalem. Similarly, military orders imposed on Palestinians in the West Bank do not apply to settlers (Jews) residing there. Apartheid is the core principle driving these legislations, aimed at suppressing Palestinians, their institutions, civil space, and their fundamental rights and freedoms in their entirety²⁰.

Despite Israel's accession to all core human rights treaties - including the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD) - as well as their associated obligations, which comprehensively link these treaties to the right to freedom of association for organizations, the exercise of their activities, funding sources, and the broader system of rights and protections, Israel, as an illegal colonial occupying power, categorically refuses to apply these fundamental human rights treaties to the Palestinian territories it has occupied under a prolonged annexationist regime²¹. This refusal is evident in all its reports submitted to UN treaty bodies. Despite repeated affirmations by all UN treaty bodies, the UN High Commissioner for Human Rights, and the advisory opinions issued by the International Court of Justice (ICJ) - including its 2004 ruling on the illegality of the annexation and apartheid wall in the occupied Palestinian territories, as well as its 2024 advisory opinion on the illegality of Israel's occupation - Israel continues to reject the applicability of these international treaties to the occupied Palestinian territories under its control. This persistent refusal not only deepens the apartheid system but also constitutes, in itself, a crime against humanity.

20- For more on apartheid as a driving force behind legislation in the Israeli colonial occupation state, see: Dr. Issam Abdeen, *A Specialized Analytical Study on the Reality of the Childhood Sector in Occupied Jerusalem*, Palestinian Vision Foundation – Jerusalem, 2024.

21 For more on the status of core human rights treaties to which Israel is a party in the occupied Palestinian territory, see: Dr. Issam Abdeen, *QADER Foundation's Report Submitted to the Committee on the Rights of the Child (CRC) on 15/08/2024 Regarding Israel's Latest Reports*, available on the UN website: [Download the report](#).

5.2.2 Palestinian Legislations

Palestinian legislations enacted during the period of internal division have played a central role in restricting civil space, limiting civil society work, and undermining public rights and freedoms. These legislative measures have had a particularly severe impact on youth and women's institutions due to their institutional structure, limited resources, relatively recent establishment, and their representation of marginalized groups. Additionally, their focus on social change in sensitive areas such as empowerment, equality, and social justice has made them more vulnerable to targeting by ruling authorities in collaboration with influential actors, further intensifying the suppression of civil space. The social dimensions of these restrictions have disproportionately affected youth and women's organizations, as will be examined in our analysis of the factors contributing to the shrinking Palestinian civil space, including internal challenges such as the lack of democratization within civil society institutions and its direct impact on the role of youth and women in civil work.

A significant gap exists in the enforcement of international norms and standards related to youth²² and women at the levels of public policy and legislation. These laws serve as the primary instruments of policy and have a direct impact on the political participation of youth and women, particularly within civil society and youth and women's organizations. Key international frameworks include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Security Council Resolution 1325 (2000) on Women, Peace, and Security, UN Security Council Resolution 2250 (2015) on Youth (Youth Document), and the UN General Assembly Resolution on the Global Youth Program extending beyond 2000, among others. However, the failure to align with international standards concerning the participation of women and youth, combined with the lack of legislative enforcement of these treaties - such as youth and women's quotas - has further constrained the civil space available to these groups. This lack of implementation extends to civil society operations, including the internal governance of Palestinian civil society organizations, codes of conduct, and the effectiveness of civil society networks, thereby exacerbating the limitations imposed on youth and women's institutions.

On the other hand, there is a profound deficiency in the enforcement of

22- The definition of “youth” varies depending on classification purposes and societal and developmental needs. The United Nations defines youth as individuals aged 15–24 for statistical and educational purposes, while the World Health Organization categorizes youth as those aged 10–29, based on health and psychological growth stages. The World Bank extends the youth age group to 15–34, aligning with employment and economic development programs. In many national legislations, particularly in the Middle East and North Africa, the youth category extends up to 30 or even 35 years due to delayed entry into the labor market and marriage, influenced by economic and social conditions. These variations reflect differing social, economic, and political factors in each country.

international conventions and standards concerning youth and women within public policies and legislation. As the primary instrument of policymaking, legislation plays a crucial role in shaping the political participation of youth and women, particularly in civil society and youth and women's organizations. Key international frameworks include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Security Council Resolution 1325 (2000) on Women, Peace, and Security, UN Security Council Resolution 2250 (2015) on Youth (Youth Document), and the UN General Assembly Resolution on the Global Youth Program until 2000 and beyond, among others.

The failure to align national policies with international standards on youth and women's participation - most notably, the ongoing efforts by the UN Committee on the Elimination of Discrimination Against Women to advance Draft Recommendation No. 40 on equal and inclusive representation of women in decision-making systems (parity) - has further restricted civil space for youth and women's institutions. This issue is compounded by the lack of enforcement of international conventions and standards at the legislative level, including youth and women's quotas. Additionally, laws governing civil society work, internal regulations of Palestinian civil society organizations, and codes of conduct have failed to integrate these principles as foundational elements for fostering strong networks and effective alliances within civil society. This has further compounded the impact of the restriction of civil space on youth and women's institutions. Despite the critical role of civil society organizations in advocating for these issues, their impact remains largely symbolic, with minimal practical influence on policymaking and implementation.

5.2.2.1 Civil Society Organizations Legislations

Referring to the analysis of the case study related to the legislative dimension in restricting civic space (the right to freedom of association), we observe significant legislative activity targeting Law No. (1) of 2000 on Charitable Associations and Civil Organizations, which has regulated the work of nonprofit organizations since the beginning of the Palestinian internal division in mid-June 2007, following the declaration of the state of emergency and the issuance of decrees suspending certain provisions of the Basic Law (Constitution). This occurred without addressing the constitutionality of these decrees or their compliance with international human rights standards. Yet, all legislative activity in this regard took place during the period of political division, in the absence of the Legislative Council, which was ultimately dissolved at the end of 2018.

A common feature of all exceptional legislations that directly targeted the shrinking of civic space for nonprofit organizations - by amending the Charitable Associations Law - is their complete adherence to transparency, governance, the rule of law, and engagement with civil society.

Despite repeated meetings and promises from successive governments to involve civil society in discussions regarding any amendments to nonprofit sector legislation and to establish “monitoring committees” for this purpose, there has been no noticeable public activity from these committees, including under the current government.

The Presidential Decree No. (16) of 2007 on Granting the Minister of Interior the Authority to Review All Association Licenses and the Council of Ministers’ Decision No. (8) of 2007 on Associations and Organizations Engaging in Unlawful Activities - which is based on the aforementioned presidential decree - constituted the most severe and dangerous legislative intervention in the ongoing restrictions on civil space and Palestinian civil society work. It also represented a critical test for civil society in the face of this unprecedented encroachment on nonprofit organizations in Palestine.

During that period, there was no clear stance or advocacy campaigns opposing this overreach, which signaled alarming challenges and dire consequences for the future of civil society. This led to the closure of over 100 nonprofit organizations based on the decree and the Council of Ministers’ decision, and these organizations remain closed to this day.

The presidential decree granted the “Minister of Interior or whomever he delegates” the authority to take “any measures deemed appropriate” regarding associations, institutions, and organizations, including closure, restructuring, or other actions, as explicitly stated in the decree. Meanwhile, the Council of Ministers’ decision assigned and authorized the Minister of Interior to take “immediate and appropriate measures” against associations and organizations engaged in unlawful activities, implementing “whatever is required” to halt their operations, as explicitly stated in the decision. This constitutes a serious violation of the Charitable Associations and Civil Organizations Law of 2000, the Amended Basic Law (Constitution), and international standards.

In October 2012, the President issued a presidential decree establishing the Agency for Non-Governmental Organizations Affairs, tasking it with “coordinating and organizing” the work of all Palestinian and foreign nonprofit organizations with various government entities and determining “national priorities” in the fields of civil society and development, as outlined in the decree. In May 2015, the President issued another presidential decree establishing an advisory committee for the Head of State on charitable organizations, assigning it the responsibility of preparing detailed reports on the work of charitable and nonprofit organizations and undertaking “any tasks assigned by the President”, as stated in the decree.

However, no noticeable activities have been observed from these entities, despite their establishment contradicting both the Charitable Associations

Law, the Basic Law (Constitution), and international standards concerning the right to freedom of association and organizational independence.

In 2011, the President issued Decree Law No. (6) of 2011, amending the 2000 Charitable Associations Law, specifically targeting Article (39), which concerns the disposal of assets belonging to dissolved nonprofit organizations. Before the amendment, the original law stipulated that the assets of a dissolved organization would first be handled as outlined in its bylaws. If the bylaws did not specify asset disposal, the Ministry of Interior would then transfer the assets to similar-purpose organizations. However, under the amendment, the assets of dissolved organizations now primarily revert to the public treasury, with an alternative option of being transferred to similar-purpose organizations. This amendment remains in effect to this day.

It is essential to recognize the interconnected nature of these legislations, which, in the absence of a functioning legislative council, have systematically targeted civil society organizations through closures, dissolutions, and financial control.

Transferring the assets of dissolved nonprofit organizations to the public treasury constitutes a direct violation of the Basic Law (Constitution), as it effectively results in an unlawful “confiscation” of these assets - an act expressly prohibited under Article (28) of the Constitution, which states: “No confiscation may take place except by a judicial ruling.” Furthermore, this amendment contradicts the provisions of the Charitable Associations Law, which was ratified by the Legislative Council, as well as international standards on freedom of association and financial independence²³.

In 2021, the President issued Decree Law No. (7) of 2021, amending the 2000 Charitable Associations Law, continuing the same systematic approach implemented since the declaration of the state of emergency in mid-2007.

This amendment entrenched government control over the planning, programs, activities, and budgets of nonprofit organizations by requiring them to align with the strategic plans of the relevant ministry. It also capped salaries and operational expenses for charitable organizations at 25% of their total annual budget. Furthermore, it restricted the ability of associations to raise funds from the public through donations, charity events, benefit markets, or sports competitions - placing this right under the authority of a Council of Ministers regulation, which has not yet been issued. The absence of this regulation effectively renders fundraising impossible, and even if such a regulation were to be issued, it would still violate the Charitable Associations

23- Report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, submitted to the United Nations Human Rights Council on May 21, 2012. International Document No. (A/HRC/20/27).

Law, the Basic Law, and international agreements and standards.

Additionally, this amendment granted the Ministry of Interior full authority to carry out all liquidation procedures for dissolved organizations, including appointing a liquidator and auditing their assets and contents²⁴. This underscores the urgent need to recognize the interconnection between these legislative measures.

The 2021 amendment to the Charitable Associations Law (Decree Law No. 7 of 2021) faced strong opposition from Palestinian civil society organizations, which ultimately led to the issuance of Decree Law No. (18) of 2021, ordering the “suspension of enforcement” of Decree Law No. (7) of 2021. However, suspension of enforcement only means a temporary freeze - not cancellation.

The decree law explicitly states that the government shall continue consultations with relevant parties to reach an optimal legal framework. Therefore, it is crucial to urgently resume consultations to establish a legal framework that aligns with the Basic Law, Palestine’s international commitments, and relevant international standards.

In essence, this means that all exceptional legislation concerning charitable associations and nonprofit organizations issued since the political division of mid-2007 must be repealed. Additionally, the Council of Ministers’ Decision No. (9) of 2003 on the Executive Regulation of the Charitable Associations Law must be harmonized with the 2000 Charitable Associations Law, which was ratified by the Legislative Council, and with international agreements and obligations. The same applies to exceptional legislation concerning “nonprofit companies,” which violates the Constitution and international standards, and which will be addressed separately.

5.2.2.2 Non-Profit Companies Legislation

The Cabinet issued four subsidiary legislations (regulations and resolutions) concerning non-profit organizations, which operate with the same goals and objectives as charitable associations and civil institutions, differing primarily in their registration process and legal personality acquisition, as previously mentioned.

These legislations, enacted during the division phase and in the absence of the “Legislative Council”, aimed to impose stricter restrictions on the civil space of non-profit organizations, even more severely than on associations and civil institutions.

24- Report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, submitted to the United Nations Human Rights Council on May 21, 2012. International Document No. (A/HRC/20/27).

The subsidiary legislations include:

- Cabinet Decision No. (3) of 2010: Non-Profit Organization Regulations
- Cabinet Decision No. (8) of 2015: Amended Regulation to the Non-Profit Organization Regulations No. (3) of 2010
- Cabinet Decision No. (7) of 2015: Regulations concerning non-profit organizations
- Non-Profit Organization Regulation No. (20) of 2022: A comprehensive regulation that supersedes previous regulations and decisions²⁵, imposing extensive restrictions on non-profit organizations and linking them with the Anti-Money Laundering and Terrorism Financing Law No. (39) of 2022.
- The broad Anti-Money Laundering and Terrorism Financing legal framework (to be discussed later²⁶) applies to both associations and civil institutions, despite them not being explicitly referenced in the amended decisions concerning associations.

Referring to Non-Profit Organization Regulation No. (20) of 2022, published in the Official Gazette (Palestinian Official Gazette), Issue (194) on 25/09/2022, which seeks to restrict civil space and limit the freedom of civil work for non-profit organizations operating in Gaza and the West Bank, it is essential first to examine the definitions provided in this regulation.

In addition to the Ministry of National Economy (Corporate Registrar) and the relevant ministry, the regulation introduces the “competent authority,” defined in Article 1 as:

“Any government agency responsible for combating money laundering and

25- For more information on the regulations and decisions issued by the government regarding non-profit companies, which were later repealed by Non-Profit Companies Regulation No. (20) of 2022, see: *Dr. Issam Abdeen, Analysis of the Non-Profit Companies Regulation and Its Relation to Civil Society Organizations, Al-Haq, August 2015.*

26- The executive authority attempted to pass the *Draft Regulation on the Governance of the Non-Profit Sector for Combating Money Laundering and Terrorism Financing for the Year 2022*, which encompassed charitable associations, civil society organizations, and non-profit companies simultaneously. The regulation aimed to increase control and suppress civil space and civil society work, in violation of the Basic Law and international standards. However, due to objections from civil society organizations, it was not enacted. Nevertheless, the executive authority successfully incorporated the provisions from this draft regulation into the *Anti-Money Laundering and Terrorism Financing Law No. (39) of 2022*, which remains in effect. Over the years of political division, a vast network of legislation - including decrees, regulations, decisions, and directives - has been issued under the banner of combating money laundering and terrorism financing. Notably, these extensive legislative measures appear to have been discussed, approved, and published in the *Palestinian Official Gazette* without any consultations with Palestinian civil society.

terrorism financing according to its competencies, the Public Prosecution, and judicial officers.”

Thus, the competent authority serves as the gateway linking the 2022 non-profit organization regulation to the Anti-Money Laundering and Terrorism Financing Law of 2022, reflecting a legislative framework designed for suppression.

Additionally, Article 1 defines the “unit” as:

“The Financial Monitoring Unit established under the provisions of Law No. (39) of 2022 concerning the Anti-Money Laundering and Terrorism Financing Law.”

Headquartered at the Palestinian Monetary Authority (as stated in Article 34 of the Anti-Money Laundering and Terrorism Financing Law), the Financial Monitoring Unit plays a pivotal role in receiving and requesting information from competent authorities, as well as analyzing reports related to money laundering and terrorism financing.

These interconnected legislative frameworks impact both non-profit organizations (through the regulation) and associations (through the law by decree itself). Meanwhile, constitutional rights, international legal standards, and judicial oversight appear entirely absent from this regulatory landscape.

We will later discuss in greater detail the network of anti-money laundering and terrorism financing legislations and their grave threat to civil space, as well as their violations of constitutional provisions and international agreements and standards.

Referring back to the Non-Profit Organization Regulation, the registration procedures for non-profit organizations and the mechanisms for obtaining funding are strictly controlled by the Corporate Registrar at the Ministry of National Economy, who, in turn, relies on security agencies for prior security approvals. This is explicitly stated in Article (13), Paragraph (2) of the regulation under the title “Approval Mechanism for Funding Sources,” which states:

“The registrar [Corporate Registrar at the Ministry of National Economy] shall review applications submitted to it, considering the expenditure and management of grants, donations, funding, and aid that require approval for acceptance, in line with the nature of the non-profit organization’s work, its approved internal system, and its goals and objectives. The registrar may, for this purpose, seek assistance from any other government agency it deems appropriate to verify the non-profit organization’s work and data. The registrar shall then submit the request to the minister [Minister of

Economy] with his recommendation for approval or rejection within one week from the date the request is completed.”

If the total annual funding for a non-profit organization exceeds \$100,000 or its equivalent in legally circulating currency, all previous approvals become insufficient. In such cases, Paragraph (3) of the same Article (13) mandates that the Minister of National Economy refer the funding request to the Cabinet for a final decision.

Over the years of political division, this has become widely known as the “security clearance” condition, which has been increasingly enforced on any funding related to non-profit organizations’ programs and activities. While non-profit organizations in the West Bank already suffer significantly due to this regulation and its predecessors, the situation in Gaza is even more severe, as these restrictive legislations continue to be imposed.

The requirement for prior security approvals has been - and continues to be - systematically enforced in Palestine across various sectors, including appointments, licenses, and government permits. Regardless of its form, this practice represents one of the greatest threats to civil space, voluntary work, and fundamental rights and freedoms.

This condition violates the Basic Law (Constitution), which explicitly states in Article (9) that “all Palestinians are equal before the law and judiciary, and no discrimination shall exist among them, including discrimination based on political opinion.” Furthermore, it constitutes a “constitutional crime,” as outlined in Article (32) of the Basic Law, which does not lapse over time and mandates legal accountability and just compensation from the Palestinian Authority for those harmed by it.

Additionally, this practice contradicts a Cabinet decision issued in Session No. (133) on 24/04/2012, which explicitly revoked the “good conduct” condition (prior security approval) for government appointments, licenses, and permits. It also directly conflicts with a Palestinian Administrative Court ruling in Case No. (49/2022) dated 17/10/2022, which determined that “the security clearance condition for obtaining a driving instructor’s license is invalid,” thereby annulling the Ministry of Transport’s decision to deny the plaintiff a license.

Moreover, failure to implement or obstructing the enforcement of judicial rulings constitutes an additional “constitutional crime,” as defined in Article (106) of the Basic Law, which necessitates legal accountability and dismissal from office.

Despite these clear legal violations and judicial rulings, prior security approvals remain deeply entrenched as a systemic and long-standing practice in

Palestine²⁷.

Restricting civil space by impeding the right to establish associations, whether civil organizations or non-profit entities, without distinction as per international standards, constitutes a direct violation of the International Covenant on Civil and Political Rights (ICCPR). Palestine acceded to this covenant in April 2014 without reservations, particularly committing to Article 22, which explicitly upholds the right to freedom of association, including its activities and funding sources.

In this context, the UN Special Rapporteur on the Right to Freedom of Association has affirmed that:

“The ability of associations [a term encompassing both civil organizations and non-profits under international standards] to obtain financial resources is a vital component of the right to freedom of association. The ability to seek, secure, and utilize financial resources is essential for the survival and effectiveness of any association, regardless of its size [including youth organizations]. The right to establish associations is not only limited to enabling individuals or legal entities to form or join associations but also extends to their ability to solicit, receive, and utilize human, material, and financial resources from local, foreign, and international sources.”

This position is fully aligned with the objectives and principles of the ICCPR²⁸.

Referring once again to the “case study” within this legislative framework concerning the right to establish associations, Iyad Al-Rifa’i, Director of Sada Social Center - a youth-focused organization specializing in digital rights, security, and monitoring violations - states: “Laws regulating civil society will never be fair as long as the Palestinian Legislative Council remains inactive.” He further explains:

“Sada Social serves as a practical example of restrictions on the right to establish associations. We attempted to register the center multiple times but faced insurmountable legal and procedural challenges governing civil institutions. Despite being one of the first organizations to engage in digital rights advocacy and facilitate dialogues between the government and major social media platforms like Facebook and Twitter, political circumstances continue to be used as a justification for activating emergency laws, making registration even more difficult.”

27- Dr. Issam Abdeen, *Analytical Paper on the Profit Companies Regulation No. (20) of 2022*, Al-Haq, 2022.

28- Report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, submitted to the United Nations Human Rights Council on May 21, 2012. International Document No. (A/HRC/20/27).

He contrasts this with his experience abroad, stating:

“Registering Sada Social as a non-profit company in the UK was a straightforward process, completed entirely online. However, in Palestine, the barriers are extensive - ranging from board membership restrictions and security clearances to excessive bureaucracy. Many individuals are reluctant to join non-profit companies due to these obstacles, as we have witnessed among numerous friends who sought registration. Even after registration, operational challenges persist, including rigorous monitoring of financial transactions, mandatory security approvals, and frequent delays in processes. Outside Palestine, these procedures are significantly more efficient and easy.”²⁹

In the same context, Zainab Al-Ghoneimi, Director of the Center for Legal Research, Consultation, and Women’s Protection in the Gaza Strip, states:

“We are subjected to two authorities, and our center is registered as a non-profit company. As an institution, we face injustice, along with 18 other civil society organizations providing services to women, all of which have been negatively impacted by the authorities in both the West Bank and Gaza Strip. This oppression is twofold. For instance, we are required to pay taxes to both governments, yet our salaries remain lower than those of institutions in the West Bank.

We also endure an extremely burdensome process to secure grants. Any amount deposited into our account - whether from international grants, local institutions, or internal contracts - cannot be accessed or utilized without first passing through the Ministry of Economy. This requires submitting a request exceeding 20 pages, followed by security clearance from both the intelligence and preventive security agencies, and then final approval from the relevant ministry.

Even at the ministerial level, we have faced significant challenges. When the former Minister of Social Development was in office, he delegated all requests to his representative in Gaza for approval. One of the major obstacles we encountered was a year-long delay of a project due to the ministry’s failure to grant approval. These difficulties persisted until the current Minister of Social Development assumed office and responded to the request³⁰.”

The Committee on Civil and Political Rights (CCPR) examined Palestine’s report

29- Personal interview with Iyad Al-Rifai, Director of Sada Social Center, on September 26, 2024, for the case study.

30- Personal interview with Zainab Al-Ghoneimi, Director of the Center for Research, Legal Consultation, and Women’s Protection – Gaza, on September 30, 2024, for the study purposes.

during its sessions (4007 and 4008) held at the United Nations headquarters in Geneva on July 5 and 6, 2023. This review was conducted in reference to the State of Palestine's commitments under the International Covenant on Civil and Political Rights, particularly Article 21, which guarantees the right to peaceful assembly. It also considered the "Concluding Observations" issued by the United Nations Human Rights Committee following its dialogue with the official Palestinian delegation regarding the state's adherence to the Covenant at the legislative, policy, and practical levels. The Committee subsequently adopted its concluding observations during session (4030) on July 21, 2023.

In paragraph (43) under the section titled "Right to Freedom of Association," the Committee expressed concern regarding restrictions imposed on civil society organizations, specifically stating:

"The Committee is concerned that Law by Decree No. (7) of 2021, which amends the Law on Charitable Associations and Non-Governmental Organizations, imposes unjustified restrictions on the right to freedom of association. The Committee also expresses concern over reports indicating that the requirement for civil society organizations in the Gaza Strip to submit their funding documents to the Ministry of National Economy [as per the Non-Profit Companies Law No. 20 of 2022] effectively restricts their right to freedom of association, delays the disbursement of funds, and hinders their operations³¹."

Furthermore, in paragraph (44) of its concluding observations, the Human Rights Committee emphasized that: "The State of Palestine should take appropriate measures to ensure a safe and conducive environment for civil society organizations, including considering a review of the legislation governing civil society activities to remove unjustified restrictive conditions related to their funding and operations ³²"

5.2.2.3 Anti-Money Laundering and Counter-Terrorism Financing Legislation

With reference to, the network of legislation related to anti-money laundering and counter-terrorism financing, which is covered in the observations and recommendations of the United Nations Human Rights Committee directed at the State of Palestine, and the international standards that we will present, the President issued Law by Decree No. (39) of 2022 regarding Anti-Money Laundering and Counter-Terrorism Financing, and this law was published

31- The concluding observations of the Human Rights Committee (CCPR) on the initial report of the State of Palestine, International Document No. (CCPR/C/PSE/CO/1).

32- The concluding observations of the Human Rights Committee (CCPR) on the initial report of the State of Palestine, International Document No. (CCPR/C/PSE/CO/1).

in the official gazette (Palestinian Official Gazette) in Issue (193) on August 14, 2022. It has not been subjected - in any way - to consultations with Palestinian civil society, despite successive governments emphasizing the importance of dialogue³³.

Article one, which includes definitions in the Anti-Money Laundering and Counter-Terrorism Financing Decree, defines the “National Committee for Anti-Money Laundering and Counter-Terrorism Financing established under this law.” According to Article (29), the committee is formed by a decision from the President of the State, upon the recommendation of the Governor of the Palestinian Monetary Authority, and includes:

- The Governor of the Palestinian Monetary Authority or the Deputy Governor in the case of absence (as Chair)
- the Attorney General or one of his assistants
- A representative from: the Ministry of Justice, the Ministry of Interior, the Ministry of Foreign Affairs and Expatriates,
- A representative from the Palestinian Monetary Authority,
- the Director-General of the Capital Market Authority,
- the Companies Registrar,
- the Director-General of Customs, Excise and VAT,
- A financial expert.

According to Article (30) of the Decree, the committee, among other tasks, is responsible for the following:

- Formulating policies and strategies to combat money laundering and terrorism financing,
- Coordinating with other entities not represented in the committee when necessary,
- Coordinating with competent authorities and supervisory authorities to develop and implement policies and activities for combating money laundering and terrorism financing,
- Submitting annual reports related to combating money laundering

33- The Anti-Money Laundering and Counter-Terrorism Financing Law by Decree No. (39) of 2022 repealed the previous Anti-Money Laundering and Counter-Terrorism Financing Law by Decree No. (20) of 2015 and its amendments. The latter was also enacted, along with its amendments, in the absence of the Legislative Council and without any participation from civil society.

or terrorism financing crimes to the President,

- Appointing the director of the unit (Financial Monitoring Unit based at the Palestinian Monetary Authority) upon the recommendation of the committee chair (Governor or Deputy Governor) for a renewable five-year term,
- Preparing regulations, rules, and instructions necessary for implementing this Law by Decree.
- Granting administrative and financial privileges to the unit's employees based on the recommendation of the unit's director in accordance with the regulations in force in the unit. The definition of 'unit' has been previously provided in the study."

What is striking is that the amended Palestinian Basic Law (Constitution) confirms in Article (93), paragraph (2) that "The Governor of the Palestinian Monetary Authority shall be appointed by a decision of the President of the National Authority and shall be approved by the Palestinian Legislative Council." Therefore, the failure to have the Legislative Council approve the appointment of the Governor of the Palestinian Monetary Authority makes the appointment decision "void" due to its violation of the Basic Law (Constitution). The procedures for appointment cannot be carried out through laws by decrees or resolutions contrary to the Constitution and the principle of its supremacy over lower-ranking legislation in terms of binding force. This constitutional issue could arise at any time, and its impact is significant.

Despite the successive governments' emphasis on the importance of "partnerships" with civil society, the Anti-Money Laundering and Counter-Terrorism Financing Law by Decree, consisting of 101 articles distributed over ten legislative chapters, was not presented or discussed with civil society organizations before its approval and publication in the official gazette and its enforcement. Moreover, the "National" Committee for Anti-Money Laundering and Counter-Terrorism Financing does not include any representatives from civil society organizations, as is clear from its composition. Additionally, governance and transparency principles seem to be absent in the Law by Decree. The reports issued by the Committee are only submitted to the President and are not published in the official gazette or through available media outlets. What is also interesting is that there is no mention of the Legislative Council regarding the treatment of the "absence of the legislature" as "permanent" within the legal texts of the exceptional legislation issued in its absence. It is also unclear what is meant by the phrase that the National Committee for Anti-Money Laundering and Counter-Terrorism Financing may coordinate with other entities not represented in the committee whenever needed.

Article 1 of this law by decree defines non-profit organizations as ‘any legal entity, legal arrangement, association, civil society organization, or institution primarily engaged in the collection or distribution of funds for charitable, religious, educational, cultural, social, solidarity, or other purposes.’

Although charitable associations, civil society organizations, and non-profit companies are subject to the provisions of this law by decree, they are entirely absent from the membership of the ‘National’ Committee for Combating Money Laundering and Terrorism Financing.

It is important to note that while the enforcement of the 2021 amendments to the Associations Law was suspended due to objections from civil society organizations - on the grounds that they posed a serious threat to civic space, civil society work, rights, and freedoms - these amendments have nonetheless been reintroduced within the provisions of this law by decree ³⁴.”

Article (8) of the Law by Decree, titled Transparency of Legal Persons and Legal Arrangements, requires relevant authorities responsible for the registration of legal persons, non-profit organizations, and legal arrangements to ensure complete transparency concerning the beneficial owner of legal persons, non-profit organizations, and legal arrangements that may be created in the State. They must retain essential information regarding the legal ownership, beneficial ownership, and control structure of these entities, maintain and update such information, and enable the unit, public prosecutors, and law enforcement officers (security forces) to access the information quickly. This complete exposure is carried out without judicial orders or review in the Law by Decree, and it starkly contradicts the Basic Law (Constitution) and international standards.

Article (11) of the Law by Decree mandates financial institutions to take due diligence measures for clients, as mentioned in Article (10), in situations including; when there is doubt regarding the accuracy or adequacy of previously obtained customer identification data or when there is suspicion of money laundering or terrorism financing. One of the situations requiring customer due diligence under Article (10) is “identifying the beneficial owner and taking reasonable steps to verify their identity using documents, information, or data obtained from a reliable and independent source that convinces the financial institution that they know the beneficial owner.” The ambiguity in the texts of the Law by Decree, the lack of governance, transparency, and judicial oversight, opens the door wide for interpretations in its application and may create a broad alliance that includes official, security, and financial institutions, among others. Governance of legislation is an integral part of the rule of law in international human rights standards

34- Refer again to footnote No. (26) in this analytical study.

and best practices.

Article (28) of the Anti-Money Laundering and Counter-Terrorism Financing Decree, titled Exemption from Responsibility, states the following:

“No criminal, civil, disciplinary, or administrative measures may be taken against financial institutions, businesses, non-financial professions, or their managers, officers, or employees for breaching confidentiality restrictions imposed by law or any regulations, instructions, or contractual relationship, if they report to the unit [Financial Monitoring Unit - Palestinian Monetary Authority] in good faith upon suspicion, even if they do not know the nature of the underlying criminal activity, regardless of its occurrence.”

However, it is not clear from this text, or others, what safeguards are in place to prevent abuse of power in its application.

The texts of the Anti-Money Laundering and Counter-Terrorism Financing Law by Decree No. (39) of 2022 did not only exclude the Legislative Council from legal texts and treat the legislative authority as if its absence were permanent, but also excluded the judiciary (an independent and neutral authority) in a flagrant violation of international standards. Article (44) of the Law by Decree, under the title of “Suspending the Execution of the Operation,” states: “The Director of the unit may order the suspension of an operation suspected of involving money laundering or terrorism financing for a period of (3) days, and the Attorney General, upon the Director’s request, has the authority to extend the suspension for another period not exceeding (7) days.” It is clear that the entire process, under this text and others, is conducted without the oversight of the judicial authority, contrary to international standards ³⁵.

The Law by Decree again exempts (shields) official bodies from responsibility in all its aspects through Article (49), which states: “Employees of the unit and anyone officially tasked with the investigation, evidence collection, and tracing of proceeds related to money laundering crimes or terrorism financing are exempt from criminal, civil, or administrative responsibility when executing the provisions of this Law by Decree in good faith.” This raises many “critical questions” in areas such as accountability, misuse of power, abuse of influence, governance, and transparency, with the overwhelming ambiguity controlling the Law by Decree and the absence of participation.

35- The International Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Havana in 1990 (Principle No. 10), state: “The office of prosecutors shall be strictly separated from judicial functions.”

Article (60) of the Anti-Money Laundering and Terrorism Financing Law by Decree, under the title “International Cooperation,” presents a text worth quoting in full: “Based on bilateral or multilateral agreements in which the state is a party, or based on the principle of reciprocity, the state shall cooperate with foreign countries to provide mutual legal assistance in the fight against money laundering crimes and the related predicate crimes, and the fight against terrorism financing. The state should provide the largest possible cooperation to the foreign counterpart or request it, regarding investigations, criminal procedures, prosecution cases, and related procedures. The mutual legal assistance includes the provisions of confiscation and preventive seizure as specified under this Law by Decree, and the identification of funds, proceeds, or means for the purpose of seizure, freezing, or confiscation, including funds equal in value to the proceeds.” This text raises several questions, including: Why was “reciprocity” not linked with bilateral agreements to protect the rights of the state and its citizens? Where is the judicial oversight on seizure, freezing, and confiscation procedures in such a significant text? What does “as quickly as possible” mean, and where are the constitutional guarantees? What are the “related procedures” in this context?

This model of questions can be applied to most of the “highly ambiguous” provisions in this Law by Decree that could restrict the civil space, civil society work, rights, and public freedoms, including the right to self-determination, especially when exceptional legislation of such magnitude and seriousness is enacted in the absence of the “Legislative Council”, “civil society” and public oversight. What prevents this text, as well as the entire law, from aligning with the Basic Law (Constitution) and international standards? Since we are talking about a model, this text could be as follows:

“Based on bilateral or multilateral agreements to which the state is a party, and on the condition of reciprocity in all cases, the state cooperates with foreign countries to provide mutual legal assistance in combating money laundering, related predicate crimes, and terrorism financing, under the supervision and oversight of the competent judicial authorities, ensuring respect for fundamental rights and freedoms. This assistance includes provisions of confiscation, preventive seizure, and the identification of funds, proceeds, or means for the purpose of seizure, freezing, or confiscation, including funds equivalent in value to the proceeds of the crime, with cooperation taking place as quickly as possible and in a manner that does not contradict constitutional guarantees and international standards.”

What prompted us to intervene in the legislative process of this model is the certainty that this entire legislative network should be reviewed.

Article (100) of the Anti-Money Laundering and Counter-Terrorism Financing

Law by Decree No. (39) of 2022 stipulated the cancellation of Law by Decree No. (20) of 2015 regarding the Anti-Money Laundering and Counter-Terrorism Financing and its amendments. The latter was enacted and its amendments were also approved in the absence of the Legislative Council and civil society participation. In contrast, the aforementioned text explicitly affirms the continuation of the systems, executive regulations, instructions, and decrees issued under Law No. (20) of 2015 and its amendments in force, as long as they do not contradict Law No. 2022, until new systems, instructions, regulations, and decrees are issued under this Law by Decree ³⁶.

The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the context of counter-terrorism, in his report to the General Assembly (Document No. 267/61/A), emphasizes the following: “States do not need to resort to extraordinary measures concerning the rights to freedom of peaceful assembly and the freedom of association. Measures that restrict these rights, as stipulated in the International Covenant on Civil and Political Rights, are sufficient for combating terrorism effectively³⁷.” The Special Rapporteur adds: “Laws restricting the rights to freedom of association and peaceful assembly must demonstrate the existence of circumstances under which such rights may be restricted. Restrictions that do not comply with the law or the requirements specified in Articles 21 and 22 constitute a violation of the International Covenant on Civil and Political Rights³⁸.” Article (22) of the Special Rapporteur’s report focuses on the right to freedom of association and the independence of its work.

The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the context of counter-terrorism, in his report to the United Nations General Assembly (Document 276/61/A), stresses that

36- This provision (Article 100) of the law by decree- refers to a vast network of subsidiary legislations linked to the Anti-Money Laundering and Counter-Terrorism Financing Law by Decree- No. (39) of 2022, as well as Law by Decree No. (20) of 2015, explicitly stating their continued applicability, among these legislations are Regulation No. (1) of 2023 on Defining the Supervisory Authority for Financial Institutions, Designated Non-Financial Businesses and Professions, and Non-Profit Organizations for Anti-Money Laundering and Counter-Terrorism Financing, issued by the Council of Ministers, Instruction No. (3) of 2022 on Anti-Money Laundering and Counter-Terrorism Financing for Designated Non-Financial Professions, issued by the National Committee for Anti-Money Laundering and Counter-Terrorism Financing, Instruction No. (5) of 2016 on Reporting Swift Transfers, issued by the Committee, Instruction No. (2) of 2016 on Anti-Money Laundering and Counter-Terrorism Financing for Banks, issued by the Committee, and various other related regulations and instructions.

37- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 9.

38- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 11.

“an independent judicial body should determine whether the organization actually meets the definition of a terrorist organization and, therefore, should be banned. There must always be the possibility of appealing the ban decision before a judicial body ³⁹.” The Special Rapporteur also adds in the context of counter-terrorism: “States that decide to criminalize an individual who belongs to a ‘terrorist organization’ should only apply these provisions unless the organization has been classified as terrorist by a judicial body ⁴⁰.”

The UN Special Rapporteur stresses in his report to the General Assembly in the same international documents (Document No. 267/61/A) that “states should not misuse the need to combat terrorism by resorting to measures that unnecessarily restrict human rights. Clear legal guarantees should be put in place to prevent the abuse of (restrictions), and in case of misuse, there should be means for redress⁴¹.”

Based on the review and analysis of case studies and personal interviews conducted for this study, it remains unclear whether the limited dialogues held with the current and previous governments have adequately addressed the extensive legislative framework governing the fight against money laundering and terrorism financing. This framework is among the most significant in suppressing civic space, civil society activities, public rights and freedoms, constitutional and legal guarantees, and international human rights agreements and standards.

There is no doubt that its impact is disproportionately severe on youth and women’s organizations due to factors such as their weaker institutional structures, limited experience and resources, representation of marginalized groups, and focus on social change in sensitive areas such as empowerment, equality, and social justice. These challenges further expose youth and women’s organizations to heightened risks, making it easier for the ruling authorities to align with other actors in targeting them.

5.2.2.4 Cybercrime Legislation

The President issued Cybercrime Law No. (16) of 2017 without prior consultation with civil society organizations, which were unable to review the

39- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 14.

40- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 14

41- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 8

draft law until its official publication in the Official Gazette (Official Gazette Palestinian), Issue No. 14, on July 9, 2017. At the time, civil society institutions regarded this legislation as one of the most dangerous exceptional laws enacted in the absence of a legislative authority. Following public protests against the enactment of this law, it was repealed and replaced by Cybercrime Law No. (10) of 2018 and its amendments. However, the new legislation continues to pose significant threats to freedom of expression, privacy, and access to information, as guaranteed by the Basic Law (Constitution) and international human rights agreements and standards.

The current exceptional legislation on cybercrimes includes Cybercrime Law No. (10) of 2018, Law by Decree No. (28) of 2020 amending Law by Decree No. (10) of 2018 on Cybercrime, and Law by Decree No. (38) of 2021 amending Law by Decree No. (10) of 2018 on Cybercrime and its amendments. The latter amendment changed the title of the law, which is now called the “Cybercrime and Telecommunications and Information Technology Crimes Law No. (10) of 2018 and its amendments.” Despite these revisions, the law continues to pose a serious threat to civic space, civil society operations, and public rights and freedoms.

The Public Prosecution, specifically the Public Prosecutor at the time, played a central role in drafting the cybercrime legislation and establishing the highly restrictive framework for combating money laundering and terrorism financing, in coordination with the Palestinian Monetary Authority. The provisions of the exceptional cybercrime legislation indicate that the Public Prosecution has granted itself extensive powers under these laws, creating a severe conflict of interest. This situation not only undermines governance and transparency but also mirrors the legislative approach used in drafting laws related to money laundering and terrorism financing. A key commonality is the complete exclusion of both the legislative authority and civil society from the lawmaking process.

Additionally, this legislation violates the Basic Law (Constitution) and international human rights agreements and standards concerning freedom of expression and cybercrimes. It is evident that the provisions of the exceptional cybercrime legislation have systematically excluded judicial oversight at the procedural level, making it easier to infringe upon civil space, freedom of expression, privacy, and the right to access information - fundamental components of civil society work and rights guaranteed by the constitution and international standards. This is demonstrated in the provisions of the Cybercrime Law by Decree of 2018, which repeatedly uses the term “Public Prosecution or judiciary” in various procedural aspects of cybercrime investigations, effectively granting the Public Prosecution near-total control in the absence of judicial authority and fair trial guarantees.

This legislative approach contradicts the Amended Basic Law (Constitution) and relevant international agreements, standards, and best practices including:

- The International Covenant on Civil and Political Rights (ICCPR)
- General Comment No. 34 of the Human Rights Committee on Article 19 of the ICCPR (freedom of opinion and expression)
- The Budapest Convention on Cybercrime (Council of Europe, 2001) and its explanatory report (European Treaty Series No. 185, November 2001)
- The International Principles on the Application of Human Rights to Communications Surveillance (2014)⁴²
- The “three-part test” for assessing restrictions on freedom of expression under international standards⁴³

The most significant violations of the Basic Law (Constitution), international agreements, and standards in the 2018 Cybercrime Law by Decree include the establishment of multiple cybercrime units without judicial oversight by an independent and neutral judiciary (Article 3), granting the “Public Prosecution” authority over these units in direct contradiction to international standards, thereby posing a serious threat to civil space, freedom of expression, privacy rights, and access to subscriber information from service providers without requiring a judicial order (Article 31). This increases the risk of privacy violations and enables the seizure of electronic devices, data, and traffic information upon the request of the Public Prosecution alone, without judicial authorization (Articles 33 and 34), which is inconsistent with international standards.

The law allows for the blocking of websites based on reports from security services within 24 hours, upon the request of the Public Prosecutor and a decision from the Magistrate Judge, without ensuring fair trial guarantees (Article 39). Additionally, it defines any act that constitutes a crime under any applicable legislation as a cybercrime if committed via electronic networks or any means of information technology, and applies criminal liability to any form of participation in such acts (Article 45). These provisions have been

42- More than 40 experts in privacy and digital security participated in drafting the international principles on the application of human rights to digital communications surveillance during a meeting in Brussels in October 2012. A broad consultation on the principles took place in Rio de Janeiro in December 2012, followed by a participatory drafting process involving numerous human rights and digital rights experts from around the world. The first draft was officially launched at the United Nations Human Rights Council in Geneva in September 2013, and the final version was adopted in May 2014.

43- For more on international standards, see Dr. Issam Abdeen, *Comments on the Draft Amended Cybercrime Law*, Al-Haq, 2018.

the primary basis for arbitrary arrests targeting freedom of expression⁴⁴.

In practice, Articles (39) and (45) of the 2018 Cybercrime and Telecommunications and Information Technology Crimes Law by Decree No. (10) serve as the principal mechanisms for suppressing freedom of expression, restricting civic space, blocking websites, and arbitrary arrests. Article (39) facilitates website blocking, while Article (45) enables arbitrary arrests. These two articles have become the main tools for suppressing digital freedoms under this Law by Decree.

With regard to website blocking, Article (39) of the Cybercrime Law by Decree allows security agencies to submit reports to the Public Prosecutor recommending the blocking of certain websites based on vague criteria such as “threatening national security, public order, or public morals.” The Public Prosecutor or an assistant then seeks authorization from the Magistrate Court within 24 hours, finalizing the blocking process.

Article (39) of the 2018 Cybercrime Law, which serves as the basis for magistrate judges to block websites upon the prosecution’s request, states the following:

- The competent investigative and law enforcement authorities [referring to security agencies], upon detecting that websites hosted within or outside the country contain phrases, numbers, images, videos, promotional materials, or any other content that may threaten national security, public order, or public morals, shall submit a report to the Attorney General or one of their deputies and request authorization to block the website(s) or specific links
- The Attorney General or one of their deputies shall submit the authorization request to the Magistrate Court within 24 hours, accompanied by a memorandum stating their opinion. The court shall issue its decision on the request on the same day it is presented, either approving or rejecting it. The blocking period shall not exceed six months unless extended in accordance with the procedures outlined in this article.

On 17/10/2019, the Ramallah Magistrate Court issued a decision titled “In the name of the Palestinian Arab people,” based on a request from the Public Prosecutor to block (59) websites all at once, based on Article (39) of the Cybercrime Law by Decree No. (10) of 2018. The court’s decision was as follows:

44- For further details, see Dr. Issam Abdeen, *Digital Rights in Palestine Between the State of Emergency and the COVID-19 Pandemic*, Tamleh Center, 2020.

“Upon reviewing this request, the court finds that the Public Prosecution based this request on Article 39/2 of the Cybercrime Law by Decree No. (10) of 2018, claiming that the parties involved had posted phrases, images, and articles on the internet that threatened national security, public peace, public order, morals, and stirred public opinion. Therefore, the Public Prosecutor requested the blocking of these websites. As for the subject matter, based on the evidence provided in this request, we find that Article 39/2 of Law by Decree No. (10) of 2018 regarding cybercrimes allows for the blocking of websites. Therefore, the court decides to approve the Public Prosecutor’s request and block the websites listed above. Decision issued in the name of the Palestinian Arab people on 17/10/2019 ⁴⁵.”

Most indictments issued by the Public Prosecution regarding arbitrarily detained individuals for expressing their opinions rely on Article (45) of the Law by Decree on Cybercrimes and Telecommunications and Information Technology Crimes No. (10) of 2018 and its amendments. Security services typically charge individuals with “defamation or incitement to sectarianism,” criminalized under the Penal Code in contradiction to international standards. These charges are linked to Article (45) of the Cybercrime Law by Decree, referencing Article (191) (defamation penalty) or Article (150) (incitement penalty) of the Jordanian Penal Code No. (16) of 1960. Investigations usually include only brief summaries of the content published on social media, accompanied by screenshots, the name of the poster, and statements from security service witnesses - who often fail to attend hearings, delaying trials and obstructing justice. This underscores the urgent need for justice system reforms to enhance civil space and protect freedom of expression.

Referring to the amendment to Law by Decree No. (10) of 2018 on Cybercrimes through Law by Decree No. (28) of 2020, published in the Official Gazette, Issue (171), on 24/09/2020, this amendment specifically targeted Article (15) of the original Law by Decree by intensifying the penalties for acts of threat and extortion conducted through electronic networks or any information technology tools, as follows:

- Any individual who uses an electronic network or any information technology tools to threaten or extort another person to compel them to act or refrain from acting, even if the action or omission is lawful, shall be subject to imprisonment for a period ranging from one to two years. Additionally, a suspended sentence of two years’ imprisonment shall be enforced for five years following the completion of the actual sentence, along with a fine ranging between 1,000 and 3,000 Jordanian Dinars or its equivalent in legal currency.

45- Dr. Issam Abdeen, *The Reality of Cybercrime Enforcement in the West Bank in Light of International Treaties and Constitutional Provisions*, Institute of Law - Birzeit, 2022.

- If the threat involves the commission of a felony or the attribution of statements harmful to honor or reputation, the penalty shall be imprisonment for a period ranging from two to three years. Furthermore, a suspended sentence of three years' imprisonment shall be enforced for five years following the completion of the actual sentence, accompanied by a fine ranging between 5,000 and 10,000 Jordanian Dinars or its equivalent in legal currency.

Clearly, the wording of this provision employs “vague terms” in defining offenses and enhancing punishments, such as “attributing matters harmful to honor or reputation.” These terms fail to meet the “three-part test⁴⁶” and consequently violate international conventions and standards.

Similarly, referring to the amendment made to Law by Decree No. (10) of 2018 on Cybercrimes through Law by Decree No. (38) of 2021, published in the Official Gazette, Issue (186), on 23/12/2023, the majority of its provisions (29 articles) bear no relation to cybercrimes or the scope established under the International Covenant on Civil and Political Rights and General Comment (34) issued by the Human Rights Committee, the 2001 Budapest Convention on Cybercrime and its subsequent amendments and interpretations, the 2014 international principles on human rights and communications surveillance, and other relevant international standards. The purpose of this Law by Decree appears to be the “integration” of Law by Decree No. (37) of 2021 on Telecommunications and Information Technology into the Law by Decree on Cybercrimes. This is evident in Article (2), which mandates the amendment of the original law's title from “Cybercrimes Law” to “Law by Decree on Cybercrimes and Telecommunications and Information Technology Crimes.”

46- The three-part test for assessing the compatibility of any restrictions or regulations in the Cybercrime Law with international treaties and standards requires that any restriction or regulation in the law (both in text and practice) must successfully pass three levels of scrutiny to be deemed consistent with the provisions of the International Covenant on Civil and Political Rights, to which Palestine is a party, and relevant international standards (Johannesburg Principles, Siracusa Principles, Tshwane Principles). This “strict test” also applies to other rights enshrined in the International Covenant on Civil and Political Rights. The first level of scrutiny concerns “legality,” which must be satisfied; that is, any restriction on freedom of expression must be explicitly stated in the law in a clear and precise manner, without the use of vague terms, allowing individuals to assess their actions accordingly. However, the Cybercrime Law and the 2018 Telecommunications and Information Technology Crimes Law and its amendments contain numerous vague terms. The second level examines “necessity,” focusing on the legitimacy of the restriction's purpose (e.g., protecting the right to privacy). If the intended protection can be ensured through alternative means that do not restrict freedom of expression, then the restriction is unnecessary (i.e., it fails the second level of scrutiny), resulting in a violation of freedom of expression. The third level evaluates “proportionality,” requiring that the restriction be appropriate to achieve its protective function while being the least intrusive means available. For instance, if it is possible to remove news articles containing hate speech, then blocking an entire website would be disproportionate, as the intended protective purpose has already been achieved through a less restrictive measure.

The essence of this integration process lies in the imposition of “criminal and punitive” provisions on Law by Decree No. (37) of 2021, which originally lacked such provisions. As a result, both Laws by Decrees have become dominated by criminal and punitive measures due to this merger, thereby increasing the risks posed to civil society.

It appears that an underlying “purpose” exists behind the issuance of Law by Decree No. (38) of 2021, which amends Law by Decree No. (10) of 2018 on Cybercrimes and its subsequent amendments - particularly in the absence of civil society institutions’ participation and oversight in exceptional legislation. This amendment introduces several criminal provisions targeting individuals engaged in specific telecommunication activities, including:

- Those providing communication services through means that may create unfair competition between licensed telecommunication networks and foreign or unlicensed networks.
- Individuals who use or assist in using unlawful methods to facilitate communication without paying required fees.
- Anyone who establishes, operates, or manages a public telecommunication network to provide telecommunication services in violation of the provisions set forth in the Law by Decree on Telecommunications and Information Technology and its regulations.
- Those operating a radio station or using frequencies or numbers without a license, as well as those who assist or participate in such activities.
- Individuals who import communication equipment, systems, or information technology programs that fail to meet the technical standards and specifications approved by the Telecommunications Regulatory Authority, contain false data or information intended for marketing or sale, or those who assist or participate in such activities.
- Anyone practicing a telecommunication or information technology profession or occupation requiring a license without obtaining one.
- Individuals obstructing the work of the Authority’s staff responsible for monitoring compliance, among other criminal and punitive provisions.

These amendments demonstrate a clear bias toward the telecommunications sector, incorporating provisions into the Law by Decree on Cybercrimes that are unrelated to the field of cybercrime as defined by the “Budapest Convention on Cybercrime” and relevant international agreements and standards. The 2021 amendments appear primarily aimed at safeguarding

telecommunications sector franchise contracts, despite these contracts violating the provisions of the amended Palestinian Basic Law (Constitution), particularly Article (94), which stipulates that “The law shall define the rules and procedures for granting franchises or obligations related to the exploitation of natural resource wealth and public utilities. It shall also specify the conditions for the disposal of state-owned real estate and other public legal entities or the rules and procedures governing them.”

Palestinian legislation does not currently regulate franchise contracts, contrary to the intent of the constitutional legislator as expressed in the aforementioned provision. Furthermore, the governance principles of transparency and the rule of law remain absent from this legal framework. Notably, the “legislative fusion” between Law by Decree No. (10) of 2018 on Cybercrimes and Law by Decree No. (37) of 2021 on Telecommunications and Information Technology, in terms of criminalization and punishment, has further restricted civil society, public freedoms, and civil rights.

The Budapest Convention categorizes cybercrimes into four primary areas:

- Crimes against data privacy, integrity, and computer systems, such as hacking, virus dissemination, and data destruction.
- Computer-related crimes, where computers are used as tools for offenses such as fraud, credit card forgery, and electronic theft.
- Content-related crimes, including cyber extortion and the exploitation of minors in pornography.
- Intellectual property violations, including copyright infringement and digital piracy.

However, Cybercrimes Law No. (10) of 2018, along with its 2020 and 2021 amendments, extends beyond these recognized categories, effectively serving to curtail civil space, civil society operations, public rights, and freedoms – particularly freedom of expression, the right to privacy, and access to information, in other words, freedom of expression in its broad sense within both the civil and digital spaces. These provisions constitute violations of the Palestinian Basic Law (Constitution), international human rights treaties and standards, and best practices in this domain.

Conversely, the ruling authority in the Gaza Strip amended Penal Code No. (74) of 1936, which remains in effect there. This amendment, enacted in 2009 during the period of political division, was introduced without consultation with civil society organizations operating in Gaza. A new Article (262 bis) was added concerning the “misuse of technology,” as Law by Decree No. (10) of 2018 on Cybercrimes is not applied in Gaza.

Instead, this amendment to Penal Code No. (74) of 1936 governs cyber-related offenses in Gaza, with the revised text stating:

“Anyone who deliberately misuses telephone lines, the internet, or any other technological means by promoting, transmitting, printing, or copying pornographic materials, disturbing others, or using offensive language that violates modesty or incites immorality and debauchery shall be punished by imprisonment for a period not exceeding one year⁴⁷.”

This provision has been leveraged to suppress civil space in Gaza. While the Law by Decree on Cybercrimes and its amendments are enforced in the West Bank, the legal framework in Gaza relies on the “misuse of technology” provision.

This amendment to the Penal Code in Gaza, through Article (262 bis) on the misuse of technology, represents the most prominent legislative intervention during the division phase aimed at targeting digital civil space and suppressing freedom of expression in its broadest sense as mentioned earlier. Arbitrary detentions have occurred in Gaza based on this legal provision related to “misuse of technology.” Such detentions fall under the category of “arbitrary detention⁴⁸” according to the UN Working Group on Arbitrary Detention.

This legislative amendment violates the rights and guarantees outlined in the amended Basic Law (Constitution) and violates the provisions of the International Covenant on Civil and Political Rights (ICCPR) and General Comment No. (34) issued by the Human Rights Committee (CCPR) on Article (19) of the mentioned covenant concerning freedom of expression and Palestine’s legislative and political obligations in this regard.

Moreover, the aforementioned text uses vague terms (disturbing others) in criminalization, deviates from the Budapest Convention on Cybercrime, and fails to mention the oversight of an independent and impartial judiciary, which also contradicts international principles on applying human rights in communications surveillance. It fails the “three-part test” regarding restrictions on freedom of expression.

The Special Rapporteur on the promotion and protection of the right to freedom of expression in his 2013 report to the Human Rights Council (A/HRC/23/40) explicitly stated in conclusion (81) that “States should consider surveillance of communications and information technologies as highly

47- For more details, see the position paper by the Al Mezan Center for Human Rights – Gaza, titled “Electronic Legislation and the Extent to Which It Respects Rights and Public Freedoms,” published in 2017.

48- Refer to the Working Group’s page on the OHCHR website: <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention>.

intrusive actions that may contradict the right to freedom of expression and the right to privacy and threaten the foundations of a democratic society. Such actions must be under the supervision of an independent judiciary. The law should include clear safeguards regarding the nature, scope, and duration of such measures, the grounds for issuing them, and the type of effective remedy available under national legislation.”

The Special Rapporteur further explained in his report to the Human Rights Council (A/HRC/35/22) in 2017 in paragraph (20) that “laws requiring private entities to establish large databases containing user data accessible to the government raise concerns about necessity and proportionality.” The Human Rights Council condemned in its 2016 resolution (A/HRC/32/L.20), specifically in paragraph (10), measures taken by states to prevent or disrupt access to information or its dissemination over the internet and called for states to refrain from such measures, considering internet access a fundamental human right⁴⁹.

The UN Human Rights Committee requested from Palestine in its “List of Issues⁵⁰” sent to Palestine on 19 September 2022 (CCPR/C/PSE/1) regarding freedom of expression, specifically in item (19) of the List of Issues, the following:

“Please indicate the steps taken to address concerns relating to the criminalization of speech and expression in the State party, particularly restrictions under articles 144 (insulting a public official ⁵¹), 150 (inciting

49- The report of the UN Special Rapporteur on the promotion and protection of the right to freedom of expression, Frank La Rue, submitted to the UN Human Rights Council, is documented under international reference number (A/HRC/23/40) and was published on the OHCHR website on 17/4/2013. The report of the UN Special Rapporteur on the promotion and protection of the right to freedom of expression, David Kaye, submitted to the UN Human Rights Council, is documented under international reference number (A/HRC/35/22) and was published on the OHCHR website on 30/3/2017. The UN Human Rights Council resolution on the promotion and protection of human rights on the internet and their enjoyment, documented under international reference number (A/HRC/32/L.20), was also published on the UN High Commissioner for Human Rights website on 27/6/2016.

50- The submission of a list of issues by the Human Rights Committee (ICCPR Committee) to the State of Palestine indicates the presence of “substantial shortcomings” in its report submitted to the committee. These issues require responses and form a priority in the dialogue session with the state, leading to the concluding observations.

51- It appears that the ICCPR Committee “erred” in citing the article number related to insulting a public official, as it referenced Article (144) of the Penal Code No. (16) of 1960, which is in force in the West Bank. This article pertains to “the penalty for participating in armed gangs to incite sedition” and states: 1) Those participating in armed gangs formed with the intent of committing any felonies mentioned in the previous two articles shall be punished with life imprisonment with hard labor. 2) However, those who did not assume a role or service within the gang, were not present in the areas of unrest, and surrendered their weapons without resistance before any verdict was issued shall be exempt from punishment. From the description used by the UN

sectarian strife), 191 (slandering a public official) and 195 (insulting a higher authority) of the Jordanian Criminal Code of 1960. Please provide information on the measures taken to protect journalists and human rights defenders, including advocates of women's rights and government critics, against intimidation, attacks, and arbitrary arrests and detention, and comment on reports of prolonged detention, under the instruction of the security forces and the Transitional High Judicial Council, of those exercising their right to freedom of expression. Please explain reports of the arrests of 220 persons in 2016 and 2017 on the basis of their posts on social media posts, and provide statistics of the number of individuals imprisoned or tried in the past five years for posting on social media⁵²."

2.2.5 Judiciary Legislation

On July 15, 2019, the President issued two laws by decrees amending the Judiciary Law No. (1) of 2002 on the same day: Law by Decree No. (16) of 2019 amending the Judiciary Law No. (1) of 2002, and Law by Decree No. (17) of 2019 forming a "Transitional Higher Judicial Council." The first amendment primarily targeted the retirement of judges (Article 34), stipulating the automatic termination of a judge's service upon reaching the age of 60. The second amendment granted the "transitional council" broad powers, without any controls or standards, to reorganize judicial bodies at all levels and types and granted powers to recommend to the President the dismissal or early retirement of judges if the transitional council found that their continued service affected the dignity and status of the judiciary. It also provided the council with powers to reorganize the permanent Higher Judicial Council (judicial administration) before the end of the transitional council's term, which was set by law to one year, extendable for another six months by a decision from the president, based on the council's recommendation.

This legislative intervention in the division phase, particularly in the case of the Judiciary Law, which is considered one of the most important laws passed by the Legislative Council after the Basic Law (the constitution), led to

Human Rights Committee alongside the cited article (144), it seems that what the committee actually intended by "insulting a public official" is Article (193) of the Penal Code (defamation offense) rather than Article (144). Article (193) of the Penal Code states that "defamation shall be punishable by imprisonment for a period ranging from one month to six months or by a fine ranging from ten to fifty dinars if directed at those mentioned in Article (191)." Article (191) of the Penal Code states: "Slander shall be punishable by imprisonment for a period ranging from three months to two years if directed at the National Assembly [Legislative Council] or one of its members during their work or due to actions taken in their official capacity, or at one of the official bodies, courts, public administrations, the military, or any public employee while performing their duties or due to actions taken in their official capacity."

52- Dr. Issam Abdeen, **The Reality of Implementing Cybercrime Laws in the West Bank in Light of International Treaties and Constitutional Provisions**, Institute of Law – Birzeit, 2022.

a clear division among civil society institutions. Some supported the Laws by Decrees under the justification of necessity and the deteriorating conditions in the judiciary, while others opposed them on the grounds of violating the constitution, the principle of rule of law, separation of powers, and judicial independence. This division cannot be understated or simplified, due to its impact on the judiciary's state after the dissolution of the permanent Higher Judicial Council and the dissolution of all judicial bodies, leading to the early retirement or dismissal of a significant number of judges, including young judges. The consequences also affected the role of the judiciary in protecting rights and freedoms, reflecting on the role and cohesion of civil society in defending constitutional principles, values, the rights system, and civil space. This is especially significant given that this challenging phase has yet to undergo evaluation to draw lessons learned by civil society, much like the broader human rights performance.”

On January 11, 2021, the President issued Law by Decree No. (40) of 2020 amending the Judiciary Law No. (1) of 2002, published in the Official Gazette (Palestinian Official Gazette, Special Issue 22). This Law by Decree sparked widespread protests from the Palestinian Bar Association, civil society organizations, and lacked transparency in its adoption and implementation. It was not shared with the Bar Association, the Judges' Club, civil society institutions, or the Ministry of Justice, nor other partners before its publication in the Official Gazette. This Law by Decree led to the “disintegration” of the judiciary, which had long suffered from structural defects in independence, casting a heavy shadow on the rights and freedoms system due to interventions from the Executive Authority and others in judicial matters.

This decree further marginalized the role of the Judicial Council (judicial administration) in favor of the President of the Judicial Council by stipulating that the selection of the President of the Judicial Council would be from a “list” proposed by the council to the President for selection. This process, which was previously contrary to the Judiciary Law, became enshrined in the law. This clearly indicates that the issue was not with the Judiciary Law No. (1) of 2002 passed by the Legislative Council but with the lack of respect for the law in practice.

This Law by Decree stipulates that all judicial authority administrations report directly to the President of the Judicial Council and are accountable only to him. He is responsible for appointing the heads of judicial bodies and the courts' administrations, which are also now under his authority (Article 29). It also outlines several methods for the secret removal of judges, violating the most basic guarantees of a fair trial, stating that the process of removing judges and terminating their services only begins with the President of the Council and upon his recommendation, then the council determines which judges will be dismissed (Article 11), leading to the early retirement of a

number of young judges.

Additionally, vague terms were introduced in the process of appointing new judges, such as the requirement of “good character, personal and moral fitness,” with no clear or measurable standards (Article 5), causing new judges to fear the termination of their service at any time. The Judges’ Club, which was supposed to defend judges’ rights and judicial independence and had also protested this decree, was turned into a cultural club (Article 30). The amendments also granted the President of the Judicial Council (President of the Supreme Court/Court of Cassation) substantial financial and retirement privileges compared to other Palestinian judges (Article 14). Furthermore, the Law by Decree gave the President the authority to appoint the President of the Judicial Council and approve his resignation (Article 13), which had previously been criticized for the practice of judicial council heads submitting “resignations in advance” upon their appointment. The Law by Decree also revoked the Minister of Justice’s authority under the Judiciary Law, undermining the principle of separation of powers.

This Law by Decree has severely weakened the judiciary’s role in protecting public rights and freedoms, widening the gaps in accountability and effective redress for victims of human rights violations due to the escalating deterioration of the judiciary and justice system. Consequently, this has further restricted civil space, eroded the human rights framework, and deepened the lack of trust in the judiciary and justice system in upholding and safeguarding human rights principles and human dignity. This, in turn, results in even greater limitations on legal remedies for individuals and marginalized groups, particularly youth and women, who already suffer from compounded violations due to the absence of democratization and opportunities, societal norms and stereotypes regarding their roles, and the stagnation of the Palestinian political system.

The UN Human Rights Committee, in its Concluding Observations on Palestine’s report regarding compliance with the International Covenant on Civil and Political Rights (ICCPR), raised serious concerns following a comprehensive dialogue with the Palestinian delegation in 2023. Specifically, it expressed its concern over “the continued lack of independence and impartiality of the Public Prosecution and the judiciary in the State of Palestine, and in particular, the lack of transparency in the procedures for selecting and appointing prosecutors and judges, including the President of the Supreme Court and the President of the Constitutional Court... which significantly impedes the independence of the judicial system in the State of Palestine.” The committee also expressed concern in its report about “the widespread corruption in judicial appointments and promotions⁵³,” as

53- The concluding observations of the Human Rights Committee (CCPR) on the initial report of

explicitly stated in the international committee's report.

The committee recommended that the State of Palestine ensure, both in law and practice, the independence and integrity of judges and prosecutors, and verify that their appointment, promotion, dismissal, and disciplinary procedures comply with this international covenant and international standards on judicial independence and the role of prosecutors.

As a result, reverting to the 2002 Judicial Authority Law, adhering to it in practice, and clarifying the administrative subordination of the Public Prosecution (to the Minister of Justice) for accountability purposes could serve as a “roadmap” for unifying and reforming the justice sector in accordance with the Basic Law (Constitution), the will of the Palestinian Parliament, and international agreements and standards.

A unified and active civil society role is essential in rebuilding and restoring judicial independence, which has been significantly undermined by exceptional legislation (laws by decrees). This requires a firm commitment to constitutional principles such as the rule of law, the separation of powers, and judicial autonomy, as well as adherence to international human rights agreements, including the ICCPR and relevant international standards.

The justice sector plays a critical role in safeguarding civil space, ensuring the freedom of civil society organizations, and protecting public rights and freedoms. Thus, this requires serious, immediate action, particularly in repealing Law by Decree No. (40) of 2020 amending the Judiciary Law No. (1) of 2002, which led to the disintegration and collapse of the judiciary and sparked widespread criticism from the Palestinian Bar Association and civil society institutions. Restoring to the Judiciary Law of 2002 and adhering to its provisions would be a crucial step toward rebuilding and unifying the justice system.

Finally, it is clear that the legislative dimension is the most critical in the context of diminishing civil space, rights, public freedoms, and effective avenues for justice. This is particularly relevant since the Palestinian government's mandate issued on March 14, 2024, emphasized the importance of partnership with civil society and reinforcing the rule of law, judicial independence, and public rights and freedoms, ensuring governance, transparency, accountability, and institutional unification, as well as participation in decision-making. Within this government, the Ministry of Justice is tasked with reviewing legislation on the government's agenda, setting priorities, and initiating reforms. It is currently overseeing the preparation of Palestine's report on implementing the Concluding Observations submitted by the Human Rights Committee

(CCPR) on the International Covenant on Civil and Political Rights, which is closely tied to civil space, civil society work, rule of law, judicial independence, and the enhancement of public rights and freedoms. Moreover, the Ministry has recently been active in meetings with Palestinian civil society organizations. Therefore, we believe it is essential to immediately establish a strategic dialogue with the Ministry of Labor, as a representative of the government, to address all the legislation mentioned in the legislative dimension of this study to ensure full harmony with the amended Basic Law (Constitution) and Palestine's legislative and policy commitments, as well as its practice, in all matters related to civil space. This would serve as a serious test for partnership and provide a foundation for a vibrant civil society that reflects the aspirations of various groups, particularly women and youth.

5.3 The Economic Dimension

The economic dimension in the context of the shrinking civil space will address three pathways: the first is the impact of the financial blockade imposed by the illegal colonial occupation on the Palestinian occupied land, the second is the repercussions of the policy of conditional funding that has escalated since the onset of the aggression on the Gaza Strip on civil society work, and the third is the impact of the Palestinian Monetary Authority and banks on the resources of civil society institutions. The case study will focus on the policy of conditional funding and sustainability, to explore the economic factors contributing to the constriction of civil space.

5.3.1 Colonial Financial Blockade

The Israeli colonial occupation authorities have imposed a blockade on the Gaza Strip for more than 17 years and control the caloric intake into the region. Despite the confirmation of all international investigation and fact-finding committees formed by the United Nations in their reports during previous military assaults on the Gaza Strip, including the Permanent and Independent International Commission of Inquiry during the recent aggression on the region since October 7, 2023, that the blockade must be immediately lifted, the policy of siege and collective punishment has only intensified, especially in light of ongoing genocide crimes for more than a year, particularly in the northern part of the Gaza Strip. The repeated statements by the occupation officials, including that of Israeli Defense Minister Yoav Gallant on October 9, 2023, who stated, "Israel is imposing a complete siege on Gaza, no electricity, no food, no water, no fuel, everything is closed, we are fighting human animals," clearly reflected the genocidal intent against the residents of Gaza and the reality of an all-encompassing tightening of civil space, including financial blockade.

The colonial occupation's financial control mechanisms over the Palestinian rentier economy are embedded in bilateral agreements which is perceived as a central tool for political, economic, and financial control. This includes

Israel's dominance over natural resources, border crossings, and clearance revenues, which account for two-thirds of Palestine's general income. The severity of this control increases with the isolation of West Bank cities and villages through dozens of military checkpoints and iron gates, effectively transforming them into isolated ghettos - much like the larger ghetto of Gaza.

Financial suppression reaches its peak with the threats of extremist Israeli Finance Minister Bezalel Smotrich, who aims to isolate Palestinian banks by disrupting their correspondent banking services. These measures could result in the near-total paralysis of banking operations, trade, and essential services, signaling a collapse of the banking sector and the financial status of the Palestinian Authority, as well as undermining the civil society environment under the weight of this comprehensive financial blockade.

The threats made by the extremist Israeli Finance Minister, Bezalel Smotrich, regarding the isolation of Palestinian banks, after successfully making the extension of the banking correspondent agreement between Palestinian banks and Israeli banks take place every three months instead of annually during the aggression, could form a long-lasting nightmare for the banking sector and the financial situation of the Palestinian Authority, through the constant threat of completely paralyzing the Palestinian banking system. If these measures were implemented, they would obstruct the ability of Palestinian banks to communicate with the international financial system, which means near-total disruption of trade and financial dealings between Palestinians and the outside world.

This adds a serious threat to the civil society institutions that rely on external funding for developmental projects and humanitarian aid. In this context, financial constraints became a tool to restrict the ability of these institutions to operate freely, thus adding a harsh economic dimension to the reasons for the shrinking of civil space in Palestine and hindering their ability to respond to community needs and support the most marginalized groups.

5.3.2 Politically Conditional Funding

The policy of politically conditional funding, imposed by donor countries and agencies on Palestinian official bodies and civil society institutions, is not a recent phenomenon. but has been in place for many years in the occupied Palestinian territory, especially in the post-bilateral agreements phase with Israel, the occupying power engaged in illegal colonial settlement. However, it has intensified significantly following the systematic and widespread aggression and genocide crimes that have been ongoing for more than a year in the besieged Gaza and the international crimes committed across the Palestinian territory, along with the pandemic of double standards, and the deepening of the policy of impunity. Some major donors have gone so far as to actively support genocide, providing military, political, diplomatic, and

legal backing to ensure Israel's continued impunity.

The absence of a unified and effective policy to confront politically conditional funding imposed by the United States Agency for International Development (USAID), which requires every institution wishing to receive funding to sign a “rejection of terrorism” document that explicitly considers Palestinian resistance as terrorism, and commit to American values and principles in their work, encouraged other donors to impose conditions that contradict Palestinian national priorities to obtain funding. Similarly, the European Union (EU) has imposed conditions that prohibit funding recipients from working with subcontractors included on EU sanction lists, which encompass core Palestinian factions and forces⁵⁴ resisting illegal colonial occupation and apartheid.

December 2019 marked a critical turning point for Palestinian civil society when the EU - the largest donor to both the Palestinian Authority and the civil society sector, covering nearly 70% of organizational funding - introduced new provisions in Annex 2 regarding the general conditions applied to its grant agreements.

According to the new amendments, Article 1 in clause (1.5) stipulates that “grant beneficiaries must ensure that no contractor or subcontractor, including those participating in workshops or training courses, and beneficiaries of financial support, are listed on the EU sanctions list⁵⁵.”

With the new conditions coming into effect and following the discussions held with European representatives regarding them, the EU issued a clarification letter, claiming that these restrictions were not exclusively targeting Palestinians and applied to entities already listed on the European restrictive measures lists rather than individuals.

Unlike the unified rejection of USAID's politically conditional funding by Palestinian CSOs - despite the fact that some Palestinian non-profit organizations and companies do not object to receiving such funding - the response to EU conditions has been divided, particularly after the EU's “clarification letter”. Some organizations refuse to comply, while others accept these terms to maintain financial support, leading to fragmentation within civil society.

The stance on conditional funding from the European Union since 2019 and the

54- Ahmad Al-Tanani, “Towards Effective Policies to Confront Politically Conditioned Funding for Palestinian Civil Society Organizations,” The Palestinian Center for Policy Research and Strategic Studies – Masarat, April 24, 2022.

55- The Palestinian Institution for Empowerment and Local Development – REFORM, “European Conditional Funding for Palestinian Civil Society Organizations,” December 2020.

judicial decrees issued since the same year have been two prominent factors in the fragmentation of Palestinian civil society institutions. Each may have influenced the other, particularly amid the heightened polarization. However, it is evident that no “serious evaluation” of performance has been conducted to draw lessons and build upon them for the future, grounded in dialogue and the longstanding history of civil society work in the occupied Palestinian territories - closely tied to the civic space, human rights mission, and the defense of freedoms.

This lack of evaluation is particularly significant given that the broader picture has now become unmistakably clear in light of the ongoing crimes of genocide on Palestinian soil.

At the governmental level, politically conditional funding is not limited to Palestinian civil society institutions but also extends to the Palestinian Authority (PA) on a broader scale, despite the gradual reduction in foreign financial aid over recent years.

The recently signed “Letter of Intent” between the EU and PA - which includes €400 million in grants and loans to be distributed in three installments - demonstrates how financial assistance is increasingly linked to political compliance. The disbursement of funds is contingent upon progress in implementing the PA’s reform plan, which includes:

- Changes to the educational curriculum including school textbook
- Modifications to prisoner and detainee allowances
- Other governance reforms

Each installment is subject to the PA’s adherence to these agreed-upon conditions. Yet the Palestinian government has not issued an official statement on the agreement regarding the letter of intent and the reform plan during the government session No. 17 in July 2024, which was held a few days after the publication of the letter of intent, aside from confirming that any deal with international partners must align with Palestinian national strategy⁵⁶. In parallel, the “letter of intent” works alongside the previous EU “clarification letter” (rejection of terrorism) that applies to all.

Referring to the research tools used in this study - particularly the case study on politically conditional funding and personal interviews conducted for the purposes of this study - Amjad Al-Shawa, director of the Palestinian NGOs Network in Gaza, stated: “For us, as a network of NGOs, any political condition

56- Eyad Al-Riyahi, “Overlooking Genocide and Calling for Reforming the Palestinian Authority,” Social and Economic Policies Monitor - Al-Marsad, August 2024.

that contradicts our rights as Palestinians, such as the rejection of terrorism, is rejected. We have a firm stance in the network that prohibits any member of the Palestinian NGOs Network from signing a document of terrorism or receiving politically conditional funding that contradicts the rights of our Palestinian people. This is an inherent part of the network's charter and its bylaws, and anyone applying for membership must sign acceptance, and this stance is reflected in the membership conditions to accept the institution's membership or not⁵⁷."

This was reflected in the statement issued by the Palestinian NGOs Network during the meeting of its General Assembly on October 16, 2024, entitled "The General Assembly of the Network affirms its national role in confronting the occupation's plans for genocide and ethnic cleansing, and rejects politically conditional funding."⁵⁸

During the meeting, financial and administrative reports were approved, and the date for the Coordinating Committee elections for the network was set.

In an interview, the researcher and founder of the Social and Economic Policy Observatory, Firas Jaber, emphasized the following: "There is definitely a clear and direct impact of the recent aggression since October 7th on the funding of civil society organizations due to the genocide war, where many Western donors have cut, frozen, or reviewed funding and imposed political conditions, mostly on civil society organizations in exchange for re-approval of funding or allowing the continuation of funding. There have been arbitrary reviews of the positions of organizations and their leaders and employees regarding any sympathy with the events of October 7th. Most external funding, except for a few cases, conflicts with the Palestinian priorities and those of civil society, especially when it comes to the right to self-determination, the right of return, and resisting the occupier, as most donors adopt a colonial discourse that supports the occupation. Donors' basic requirements involve signing the 'anti-terrorism' document, which condemns political parties that resist the occupation, criminalizes Palestinian struggle, and categorizes beneficiaries of civil society services based on political affiliation to these parties, preventing them from working or receiving any services, along with other conditions such as opposing the Boycott, Divestment, and Sanctions (BDS) movement and not participating in its activities. As an observatory, our internal system prohibits any conditional funding in any form or manner, and our position is clear and public: we reject conditional funding, including American and European

57- Personal interview on 02/10/2024 with Amjad Al-Shawa, Director of the Palestinian Non-Governmental Organizations Network - Gaza, for the purposes of this study.

58- PNGO Network statement published on the network's website at <https://www.pngo.net/content/publications/484.html>.

funding⁵⁹.”

The Director-General of the Independent Commission for Human Rights, Dr. Ammar Dweik, believes that “The EU’s anti-terrorism document and many European countries’ policies deprive many civil society organizations of the opportunity to access funding, including universities like Birzeit University, creating a barrier to development and causing division within Palestinian civil society. We, as an organization, reject signing conditional funding agreements. We have participated in discussions, and there have been attempts to take a stance by the Palestine Liberation Organization (PLO) and the Palestinian Authority, who claim to be against conditional funding but do not want to sever relations with the EU. There is no clear or decisive position yet. Each organization is left to navigate these restrictions on its own so perhaps it signs, but in different forms, ultimately surrendering to the reality⁶⁰.”

Regarding the stance of women’s organizations on politically conditional funding, Haitham Aarar, Secretary of the Palestinian General Union of Women, states: “As the Palestinian General Union of Women, we firmly reject politically conditional funding, and the Union has not accepted any funding under such conditions. We view donors as partners. However, there is no unified position among Palestinian civil society organizations regarding conditional funding. A notable example is the EU’s anti-terrorism document, where organizations convened but failed to adopt a unified stance on the matter. The majority ultimately accepted such funding, despite its conflict with both international and Palestinian law⁶¹.”

Manar Hashma, Gender and Violence Against Women Projects Coordinator at the Rural Women’s Development Association, emphasizes: “As an organization, we reject politically conditional funding because it imposes restrictions on target groups and is sometimes tied to specific political parties and security checks in management, among other conditions. There is no unified stance among civil society organizations on conditional funding; each institution makes its own decision. While some organizations accept such funding regardless of the donor and its conditions, others firmly oppose it⁶².”

Ahmad Al-Qadi, Monitoring and Documentation Manager at Arab Center for

59- Personal interview on 02/10/2024 with Firas Jaber, researcher and founder of the Social and Economic Policies Monitor, for the purposes of this study.

60- Personal interview on 03/10/2024 with Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights – Ramallah, for the purposes of this study.

61- Personal interview on 30/09/2024 with Haitham Arar, Secretary of the General Union of Palestinian Women, for the purposes of this study.

62- Personal interview on 02/10/2024 with Manar Hashmeh, Gender Projects Coordinator at the Rural Women’s Development Society, for the purposes of this study.

the Advancement of Social Media – 7amleh, a youth-focused organization specializing in digital rights, states: “As an organization, we do not accept politically conditional funding. Many donor-imposed conditions, including security checks, undermine our role and mission. To our knowledge, there is no unified stance among civil society organizations on conditional funding⁶³.”

The results of the survey conducted for this study provide insightful findings regarding politically conditional funding. Notably, 50% of responding organizations reported having a high capacity to negotiate with donors on conditional funding, while 22% disagreed, and 25% remained neutral. It is important to highlight that decisions made at the European Union level on sensitive issues, such as political conditional funding, are not arbitrary. They are typically preceded by thorough assessments and reports on the situation in the targeted state or sector, which are reviewed by specialized committees and the EU Council. These decisions undergo structured mechanisms within the Council of the EU (decision-making) and the European Commission (monitoring implementation and compliance) to shape funding policies or impose conditions on funding programs directed at states or civil society. The implementation of these policies and the resulting decisions are subject to close scrutiny both within and outside the EU. The mechanism for the adoption of politically sensitive policies and decisions requires consensus among EU member states within the Council, while the Commission is responsible for their implementation.

Although personal interviews with civil society organizations confirmed their rejection of politically conditional funding - without any participant expressing agreement or recognition of such funding - this rejection has yet to be translated into a “unified, announced, and effective policy and action plan.” There is still no structured approach to confronting conditional funding in alignment with national agenda priorities, supported by legal frameworks, clear strategies, and comprehensive mechanisms that strengthen institutional resilience and public trust in their performance. However, a unified stance appears to be gradually emerging, particularly in response to donor positions on genocide.

The Palestinian NGO Code of Conduct stipulates that:

“The civil sector commits to rejecting any politically conditional funding or any funding that may alter the nature of the development process or undermine the legitimacy of the Palestinian national struggle, in accordance

63- Personal interview on 08/10/2024 with Ahmed Al-Qadi, Director of Monitoring and Documentation at 7amleh – The Arab Center for the Advancement of Social Media, for the purposes of this study.

with the principles and provisions of the United Nations Charter⁶⁴.” This underscores the importance and necessity of having a unified, publicly announced policy and action plan that aligns with the Code of Conduct and ensures consistency in its application.

Referring to the Palestinian Basic Law (Constitution), specifically Chapter Two on Rights and Public Freedoms, Article (26) affirms the right of Palestinians - both individuals and groups - to participate in political life, including the right to establish associations in accordance with the law and the right to form and join political parties under legal provisions.

Additionally, according to the Palestinian Charitable Societies and Civil Institutions Law No. (1) of 2000 and its amendments, which are linked to the Basic Law, Article (32) explicitly states:

“Without contradicting the provisions of this law, associations and institutions have the right to receive unconditional assistance to support their work.”

Therefore, politically conditional funding constitutes a clear constitutional violation of the right to freedom of association and a legal violation due to its conditional nature.

As a result, politically conditional funding constitutes a “defined constitutional crime” under Article (32) of the amended Basic Law (Constitution), which explicitly states that:

“Any violation of public rights and freedoms guaranteed by the Basic Law or other laws is considered a constitutional crime, and the resulting criminal or civil lawsuit does not expire by statute of limitations.”

Likewise, the right to establish and join political parties, as outlined in Article (26), is also considered a defined constitutional crime when violated, in connection with Article (32) of the amended Palestinian Basic Law. Additionally, it is crucial to highlight that the amended Basic Law (Constitution) explicitly reaffirms, twice in its preamble, the inalienable national rights of the Palestinian people, including the right of return and self-determination.

The EU’s December 2019 conditions, stipulated in Annex No. (2) regarding the general conditions applied to EU-funded grants (commonly referred to as the anti-terrorism document), along with the subsequent “clarification letter” from the EU - which stated that these conditions are not exclusive to Palestine

64- The Strategic Framework for the Development of the Palestinian Civil Society Organizations Sector (2013-2017), Palestinian Non-Governmental Organizations Development Center, March 2014.

and do not target individuals but rather “entities” on the European restrictive list - highlight a direct contradiction with international law.

Since Palestinian political parties and movements exercise their legitimate right, as guaranteed by the Palestinian Constitution, peremptory norms of customary international law, and international human rights conventions, to resist the unlawful Israeli colonial occupation in the occupied Palestinian territories, the provisions outlined in the anti-terrorism document - along with the subsequent clarification letter from the European Union regarding politically conditional funding - constitute two distinct constitutional violations.

The first constitutional violation directly undermines the right to form political parties and the right to self-determination, while the second infringes upon the right to freedom of association and the prohibition of politically conditional funding. The assertion that these conditions target entities rather than individuals holds no constitutional or international legal significance, as the right to political participation is explicitly enshrined in Article (26) of the Palestinian Basic Law, protecting Palestinians as both individuals and collective groups. Furthermore, the authority of donors cannot supersede the Palestinian Constitution, nor can it override international law or the Palestinian people’s inalienable right to resist occupation and exercise self-determination.

The right to resist the illegitimate Israeli colonial occupation in the occupied Palestinian territories is an integral component of the Palestinian people’s right to self-determination. Recognized as a peremptory norm (Jus Cogens) in international law, this right holds binding and absolute legal force, superseding all other legal norms. It cannot be overridden by the will of states, the European Union, individuals, groups, or any other entities, nor can it be violated in international agreements - doing so would render such agreements invalid under international law and criminalized under the Palestinian Constitution.

Thus, such contractual terms and documents imposed on civil society institutions - whose mission is to uphold international law, the rule of law, human rights, freedoms, and human dignity - stand in contradiction to this fundamental principle.

This aligns with the historic advisory opinion issued by the International Court of Justice (ICJ) on July 19, 2024, which affirmed the illegality of the Israeli occupation of the occupied Palestinian territories and outlined its legal consequences, as the ICJ serves as the principal judicial organ of the United Nations. Moreover, it is reinforced by the landmark resolution adopted by the UN General Assembly on September 18, 2024 (A/ES-10/L.31/Rev.1), which recognized the ICJ’s advisory opinion on the legal consequences of Israel’s policies and practices in the occupied Palestinian territories, including East Jerusalem. This resolution also reaffirmed the illegality of Israel’s continued presence in the occupied Palestinian territories and called for its

implementation through UN agencies, international organizations, and the global community - including the State of Palestine.

These major legal developments and peremptory norms should serve as the roadmap for civil society in analyzing the funding landscape and shaping their approach beyond it.

If we go back to the concept of “terrorism” under international law and Palestinian legislation, its application to the Palestinian context has been both incorrect and politically motivated, reflecting a blatant double standard that is inconsistent with international law. There remains no universally accepted definition of terrorism in international treaties, primarily due to disagreements among state delegations and concerns about conflating acts of terrorism with peoples’ legitimate right to resist foreign occupation and exercise self-determination. International efforts have instead focused on defining terrorist acts and combatting terrorism financing rather than establishing a universally binding definition.

Referring to the 1999 International Convention for the Suppression of the Financing of Terrorism, Article (2) addresses terrorist acts for the purposes of the convention and its annexes⁶⁵), also referring to domestic legislation. Article (2) of the convention states:

1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out: (a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or (b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

The nine annexes of the convention remain within this framework and do not define terrorism at the international treaty level. As the convention refers to domestic legislation, and according to the applicable Penal Code, terrorism acts are defined in Article (147) as follows: “Terrorist acts are all acts aimed at

65- In addition to the nine annexes at the end of that international convention, there are also other international agreements, including the Tokyo Convention of 1963, the Hague Convention of 1970, the Montreal Convention of 1971, and the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons. Additionally, there is the 2006 United Nations Global Counter-Terrorism Strategy, as well as regional agreements and resolutions issued by the Security Council and the General Assembly on counter-terrorism.

creating a state of fear and are committed using means such as explosives, incendiary materials, toxic or combustible products, epidemiological factors, or biological agents, which could pose a general danger.” This definition mirrors that in the convention.

The question arises, how can clear terrorist acts defined in international agreements and Palestinian penal legislation be applied to Palestinian political movements and parties that exercise their natural right guaranteed in the Palestinian constitution and international law, and which fall within peremptory international norms (Jus Cogens) that carry binding and absolute legal force in international law?

How can Palestinian parties and movements (entities) be placed on the European restrictive list in the context of politically conditional funding policies, in violation of international agreements and anti-terrorism strategies? This constitutes a gross violation of numerous international conventions and resolutions including:

- The UN Charter, which affirms in Article 1 the respect for the right of peoples to self-determination,
- The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights, which both affirm in Article 1 the right of all peoples to self-determination.
- The UN General Assembly’s 1960 declaration on granting independence to colonized countries and peoples strengthens the right of peoples to self-determination, complete independence, and the end of all forms of colonialism.
- The UN Declaration on the Rights of Indigenous Peoples (2007) acknowledges the right of indigenous peoples to self-determination and emphasizes the which importance of preserving their culture and identity.
- The resolutions adopted by the General Assembly, including Resolution 1514 (1960) calling for the end of colonialism and affirming the right of peoples to self-determination
- Resolution 2625 (1970), which reaffirms the right of peoples to self-determination, considers any attempt to alter the status quo by force as unacceptable
- Resolution 3263 (1974), which emphasizes the Palestinian people’s right to self-determination, independence, and sovereignty over their land, and supports the right of return for Palestinian refugees, urging states

to support Palestinians in their struggle for their legitimate rights. It also encourages increasing humanitarian and development assistance to Palestinians and affirms Palestinian national identity.

- Many Security Council Resolutions including Security Council Resolution 2334 (2016) which reaffirms that Israeli settlements in the occupied Palestinian territories, including East Jerusalem, are “illegal” and affirms the Palestinian people’s right to self-determination.
- The ICJ advisory opinion in 2024 regarding the illegality of the occupation of the occupied Palestinian territories and its consequences,
- The 2024 UN General Assembly decision on the ICJ advisory opinion and its mechanisms and obligations, including the termination of the illegal occupation of the occupied Palestinian territories within 12 months of the adoption of this decision.

It is equally important to remind the European Union and other stakeholders of the UN Special Procedures concerning human rights, as highlighted by the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Martin Scheinin, in his report to the UN General Assembly (UN Document No. 276/61/A).

Scheinin emphasized that an independent judicial body must determine whether an organization is genuinely considered a terrorist entity and should be banned, ensuring the right to appeal such a ban before a judicial body⁶⁶. He further stressed that states must not misuse counterterrorism measures to impose undue restrictions on human rights. To prevent such misuse, clear legal safeguards must be in place, and in instances where restrictions are improperly applied, effective remedies must be available⁶⁷.

Ensuring clarity and comprehensiveness in presenting the full picture under international law, the Palestinian constitution, and relevant Palestinian legislation is essential for establishing a solid, well-founded, and indisputable framework for addressing politically conditional funding. Such a framework not only strengthens the role and resilience of civil society - which has deep historical roots in the occupied Palestinian territories - but also reflects national, human rights, and developmental dimensions, aligning with the

66- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 14.

67- The report of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, submitted to the United Nations General Assembly (Document No. A/61/267), page 8.

priorities of the national agenda for civil society engagement. Moreover, it plays a critical role in enhancing public trust in civil society institutions and their performance.

The existing literature and personal interviews conducted with representatives of Palestinian civil society organizations for this study reveal key insights, proposals, and alternative policies to counter politically conditional funding, which flagrantly violates international law and constitutes explicitly defined crimes under Palestinian legislation. We believe that the starting point lies in conducting a serious and systematic assessment of how Palestinian civil society organizations interact with politically conditional funding. It is imperative to immediately develop a clear policy and action plan addressing the economic and financial sustainability of civil society, incorporating specific objectives, measurable indicators, expected outcomes, and continuous evaluation mechanisms.

This structured approach is crucial in confronting the increasingly aggressive and unprecedented escalation of politically conditional funding since October 7, 2023, which poses a direct threat to the future sustainability of civil society work. Such a response must be firmly rooted in international legal principles, the Palestinian constitution, and relevant legislation to ensure an effective and strategic course of action.

Palestinian civil society institutions face significant challenges regarding politically conditional funding. However, numerous ideas and alternative strategies are emerging to enhance their resilience, independence, and sustainability. Among the key proposals are:

- **Dismantling legislative constraints** that weaken civil society and restrict civic space as detailed in the legislative dimension of this study.
- **Establishing a national fund** to serve as an independent financial source for civil society activities to strengthen its resilience against politically conditional funding.
- **Establishing a joint resource pool** for civil society organizations to facilitate more effective resource distribution and reduce reliance on international funding.
- **Prioritizing collective action and joint programs** to implement national priorities for civil society.
- **Enhancing good governance and combating corruption** to maximize the efficient use of available resources.
- **Engaging the private sector** through corporate social responsibility (CSR) initiatives to support civil space, the rule of law, human rights,

and fundamental freedoms.

- **Prioritizing income-generating projects** within civil society while removing legislative barriers to foster financial sustainability.
- **Strengthening partnerships and expanding communication channels** with funding bodies in Arab and Islamic countries, as well as states that support the Palestinian right to self-determination.
- **Revitalizing civil society and investing in youth and volunteer work**, which historically played a foundational role in the early development of Palestinian civil society.

There is no doubt that conducting a serious and comprehensive evaluation of the position on politically conditional funding, and urgently developing a clear policy and action plan for the economic and financial dimensions of civil society - anchored in international law, the rule of law, and principles of good governance - is essential. This plan must include well-defined objectives, measurable indicators, anticipated outcomes, and a framework for continuous assessment. It should also embrace dialogue, collective action, and the vital role of youth and volunteerism in revitalizing civil society and restoring public trust in its institutions. Such an approach will not only strengthen the resilience of civil society organizations and ensure sustainability but also apply effective pressure on all donors to reassess their funding policies in line with international law and the priorities of the Palestinian community.

5.3.3 The Monetary Authority and Banks

The restrictions outlined in the legislative dimension of this study, particularly those related to combating money laundering and the financing of terrorism, cannot be separated from the impact of the Monetary Authority and banks on the economic and financial dimensions of Palestinian civil society organizations. This is especially true given the intensification of politically conditional funding and scarce resources. Therefore, dismantling the legislative restrictions identified in this study is crucial to addressing this issue of constriction.

Referring to the research tools of this study, personal interviews conducted under the economic dimension - focusing on the role of the Monetary Authority and banks and their impact on shrinking the civil space - revealed significant concerns. The director of the Palestinian Institution for Empowerment and Local Development – Reform, Oudai Abu Kresh, stated:

“The issue with the Arab Bank affected all organizations without any policy backing. Many civil society organizations had their accounts closed. This action is illegal, and neither the Monetary Authority nor the government intervened or took any measures. Additionally, there was no collective

stance from civil society. The affected institutions acted individually without informing others, and there is a lack of information, data, or indicators regarding this matter. The restrictions are ongoing⁶⁸.”

Similarly, Dr. Ammar Dweik, Director-General of the Independent Commission for Human Rights, explained in his interview:

“Institutions were, of course, affected by these restrictions. For example, when we need to pay salaries to our employees, including those in Gaza, the bank informs us that it cannot transfer salaries to Gaza. We have discussed this matter with the bank’s management and the Monetary Authority, and the bank claims it faces lawsuits worth billions of shekels in Israeli courts⁶⁹.”

In a critical diagnosis, Zaynab al- Ghoneimi, Director of the Center for Research, Legal Consultancy, and Women’s Protection – Gaza, noted:

“The restriction comes from the Monetary Authority. Banks themselves do not have the authority to restrict or disable bank accounts. The Monetary Authority issues these decisions with the government’s knowledge, restricting and preventing transfers⁷⁰.”

Amjad al-Shawa, Director of the Gaza Network of NGOs, stated:

“Anti-money laundering and counter-terrorism financing laws have affected dealings with the banking sector. Many civil society organizations had their accounts frozen, closed, or subjected to restrictions. Some of these issues were resolved through direct understandings with the banks. The Prime Minister has personally spoken with me and continues to follow up on many matters. There is initial cooperation and the formation of joint working committees, but further enhancement is necessary. The current level of development does not yet meet the aspirations of a true human rights partnership between the government and civil sectors. Strengthening cooperation is essential, as it would add value to any government⁷¹.”

The survey results further highlight these issues. 52% of institutions reported that they could open bank accounts without interference from the Palestinian

68- Personal interview with Odai Abu Karsh, Director General of the Palestinian Institution for Empowerment and Local Development, on October 1, 2024, for the purposes of this study.

69- Personal interview on 03/10/2024 with Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights – Ramallah, for the purposes of this study.

70- Personal interview with Zainab Al- Ghoneimi, Director of the Center for Research, Legal Consultation, and Women’s Protection – Gaza, on September 30, 2024, for the purposes of this study.

71- Personal interview on 02/10/2024 with Amjad Al-Shawa, Director of the Palestinian Non-Governmental Organizations Network - Gaza, for the purposes of this study.

Authority, while 24% reported the opposite. Additionally, 23% remained neutral. Regarding financial transactions, 47% of institutions confirmed they could receive financial payments through bank accounts without restrictions, while 28% disagreed, and 24% remained neutral. Furthermore, 21% of respondents believed that banks follow a supportive policy toward civil society organizations, while 44% disagreed, and 35% were neutral. A notable 52% of institutions stated that banks' policies toward civil society organizations align with those of the Palestinian Authority, while 19% disagreed, and 35% were neutral.

An analysis of these survey results reveals a high percentage of neutral responses across all categories. This does not, in principle, indicate a healthy civil space characterized by freedom and independence of civil work within a partnership and transparency, far from the influence of the ruling authority and its agencies. Instead, it suggests a continued decline in the performance of civil society organizations and their role in defending rights, upholding the rule of law, and adhering to international standards. This underscores the urgent need for assessment and review in addressing increasing challenges posed by colonial policies and strengthening the internal environment.

Additionally, personal interview analysis highlights serious concerns regarding the flow of information between civil society organizations about meetings with the government and official bodies, including the banking sector. The "committees" formed to communicate with the government, which repeatedly appear throughout this study, do not seem to be well-structured or clearly defined in terms of their formation, objectives, activities, and alliances. Moreover, no published reports document their work or achievements.

For instance, internal dialogue among civil society organizations must be strengthened to better understand the high percentage of institutions that reported the ability to open bank accounts and receive financial payments without interference. This is particularly crucial given the severe restrictions imposed by amendments to charity and NGO laws, non-profit company regulations, and the broader legislative system aimed at combating money laundering and terrorism financing. Additionally, the central influence of colonial occupation and its funding sources further complicates these issues. Addressing how banks navigate international charters, the Palestinian constitution, and exceptional legislation - despite the significant restrictions these impose on civil society space - remains vital to interpreting the study's survey indicators.

It is important to emphasize that lawsuits against the Palestinian banking sector cannot justify violations of international human rights charters, the Basic Law (constitution), or related legislation concerning civil society organizations, banks, and the Monetary Authority. Violating constitutional and

legal rights, as well as the guarantees enshrined in the Basic Law, international charters, and Palestinian laws, cannot be justified under any circumstances. Furthermore, a lack of transparency, weak governance, and inadequate accountability mechanisms for victims are indefensible.

The legal foundations detailed regarding politically conditional funding, the so-called “terrorism” document, and related matters - based on the provisions of the amended Palestinian Basic Law (Constitution), international human rights treaties and standards, and relevant Palestinian legislation - can also be applied to the Palestinian Monetary Authority, the banking sector, and the government concerning restrictions imposed on the economic and financial dimensions of Palestinian civil society. Therefore, reiteration on this point is unnecessary.

Despite the severe restrictions imposed by Law No. (39) of 2022 on Anti-Money Laundering and Terrorism Financing, along with its complementary subsidiary regulations - which, like these regulations, contradict international human rights treaties, the provisions of the Basic Law (Constitution), and the principles and requirements of good governance as an integral part of the rule of law under international standards - there is no explicit provision within the 101 articles of this law or its subsidiary regulations that grants the banking sector the authority to close, freeze, or restrict bank accounts in the manner described by civil society organizations in interviews conducted in this section.

In any case, such blatant restrictions on civil society space constitute clear violations of international law and the supremacy of the Palestinian Constitution.

Referring to Palestinian Monetary Authority Law No. (2) of 1997 and its amendments⁷², particularly Chapter 5, which governs the relationship between the Monetary Authority and banks, Article (46), paragraph (a), grants the Monetary Authority extensive oversight powers. It states:

“The Monetary Authority exercises supervision over banks and has the authority to inspect any bank to confirm the soundness of its financial position, compliance with the provisions of the law, regulations, and instructions issued by the Monetary Authority. The bank must allow those assigned by the Monetary Authority to inspect all books, documents, accounts, cash, and safes, and provide any requested information.”

This broad supervisory authority, which references compliance with “the provisions of the law” rather than merely “the provisions of this law,”

72- The Palestinian Monetary Authority Law No. (2) of 1997 was amended by Law No. (18) of 2004, which modified certain provisions of Law No. (2) of 1997 concerning the Palestinian Monetary Authority. It was further amended by Law by Decree No. (34) of 2021, which introduced additional changes to Law No. (2) of 1997 and its amendments.

underscores a general and comprehensive obligation. Any violation of these legal provisions would subject banks to penalties imposed by the Monetary Authority under the same law. Article (47) further confirms this by outlining the Monetary Authority’s right to impose penalties on banks that fail to comply. It states:

A. If a licensed bank violates the provisions of this law, its charter, any measure imposed by the Monetary Authority, or fails to provide required information, or provides incomplete or false information, the Monetary Authority has the right to impose one of the following penalties:

- Warning.
- Reducing or suspending credit facilities granted to the bank.
- Prohibiting the bank from conducting certain operations or imposing other restrictions on its operations.
- Appointing a temporary supervisor to oversee its operations.
- Dissolving the bank’s board of directors and appointing a commissioner to manage the bank for up to six months, with the commissioner submitting the matter to the bank’s general assembly to select a new board.
- Removing the bank from the banks registry.

B. In all cases, no penalty shall be imposed without hearing the bank’s explanation.”

In conclusion, regarding the economic and financial restrictions that contribute to the shrinking of civil society space, it is essential and urgent to institutionalize a structured and complementary relationship between civil society organizations, the Monetary Authority, and banks. This requires situating these issues within their proper legal and institutional framework to ensure compliance with international law, the Palestinian Constitution, and relevant legislation. Such an approach must be anchored in the principles of the rule of law, ensuring that all entities are subject to legal provisions, as affirmed in Article 6 of the Palestinian Basic Law (Constitution). Additionally, strengthening governance and transparency in financial and institutional performance, in line with international legal standards, is crucial. Ensuring the smooth flow of information and fostering collaboration among civil society organizations will help bridge existing gaps and enhance civil space, ultimately reinforcing resilience and sustainability within Palestinian civil society.

5.4 The Cultural Dimension

The cultural dimension and its impact on shrinking the civic space will be addressed through two tracks: the first relates to stereotypical views regarding the role of women and youth organizations, and the second concerns the weak democratization within civil society. The case study will focus on the gender-based violence experienced by Palestinian women's organizations, activists, and cultural institutions, in the absence of solidarity, accountability, and justice.

5.4.1 Gender-Based Violence

Sama Aweideh, Director of the Center for Feminist Studies, notes that feminist organizations have a long history of work within Palestinian society, earning the trust of many women who collaborated during that time. However, this trust has eroded due to systematic attacks targeting the feminist movement by Hizb ut-Tahrir, which has propagated the notion that feminist organizations are Western-funded entities, labeling feminists as “CEDAW-ists” as a form of stigmatization, despite CEDAW being a fundamental international human rights convention promoting equality and empowerment across civil, political, economic, social, and cultural dimensions. They have argued that the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) aims to undermine Palestinian society, even though it is a global convention not exclusive to Palestinian society and is centered on equality and empowerment⁷³.

Aweideh illustrates the impact of societal culture and gender-based violence on shrinking the civic space by citing two programs run by her organization. The first focused on promoting children's rights and raising awareness about child marriage, targeting children, parents, and guardians, and achieving success in several provinces. The organization also developed a guide for counselors on how to work with this specific group. The second program, “Aman/ Safety,” aimed to educate female students on dealing with sexual harassment and working with school counselors. Despite the positive impact observed by many counselors, the Ministry of Education halted both programs. These initiatives faced boycotts from parents due to continuous incitement and defamation against the organization's work in equality, protection, and empowerment for Palestinian women and girls. Many people misunderstand the term “CEDAW,” with some interpreting it as “morally corrupt.” Aweideh raises the question: how were these campaigns able to succeed in incitement, assigning roles, and undermining societal trust in women's organizations?

The Director of the Women's Studies Center, drawing from her extensive experience in on-the-ground human rights work, observes that Palestinian

73- Personal interview conducted on 03/10/2024 with Sama Aweidah, Director of the Women's Studies Center, for the purpose of a case study on gender-based violence.

society holds traditional, stereotypical views, believing that leadership roles in civil society are reserved for older men rather than women or youth. To increase youth representation in decision-making positions, a quota system favoring young leaders in civil society and leadership roles is essential. Democratization within civil society would significantly contribute to this goal, ensuring a more effective and influential role for youth in decision-making.

Abu Karsh, Director of the Palestinian Empowerment and Community Development Organization – REFORM, states in an interview that there is a gap in trust regarding the performance of civil society organizations in general, as they struggle to influence public confidence in their work. However, other factors also contribute, including the influence of extremists and fundamentalists on any activity or initiative related to women's rights. The inability to hold the government accountable, the lack of openness from official bodies, and the plethora of legislation that we cannot even read all affect overall performance⁷⁴.

Lamis Al-Shaibi, Director of the Good Governance Program at MIFTAH, notes that many women's organizations have aged, remain tied to a specific cadre, and lack renewal in leadership, which has weakened their role and performance. Society's acceptance of their work varies depending on how closely it aligns with local community priorities. Significant efforts are needed to revitalize their role, as their focus on specific issues has contributed to their isolation⁷⁵.

Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights, states: "We need a public opinion survey. Amid the genocide war on Gaza, trust in the entire human rights system has been lost, and the public feels disgust and mockery towards this term. However, in general, organizations that stand with citizens, provide them with services, and are close to them are respected in the street. There are organizations like shops, one-person institutions, without renovation, that curse the authority and call it corrupt while being more corrupt themselves⁷⁶."

We will address the issue of "democratization," but it is clear from the interviews that organizations are involving the public in diagnosing the ongoing decline in their performance.

The survey results are interesting, again; 73% of responding Palestinian civil

74- Personal interview with Odai Abu Karsh, Director General of the Palestinian Institution for Empowerment and Local Development, on October 1, 2024, for the purposes of this study.

75- Personal interview with Lamis Al-Shaibi, Director of the Good Governance Program at MIFTAH, on September 28, 2024, for the purposes of this study.

76- Personal interview on 03/10/2024 with Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights – Ramallah, for the purposes of this study.

society organizations reported that Palestinian society embraces civil society organizations, while 10% disagreed, and 17% were neutral. Additionally, 73% of organizations stated that Palestinian society accepts activities related to women and gender, while 9% disagreed, and 19% were neutral.

The intriguing survey results in this study may raise further questions that need dialogue within civil society corridors, such as who shapes the human rights discourse, the nature of the discourse, how it reaches the public, and how the latter interacts with it? It is worth noting that the number of civil organizations until 2020 reached about 3,400 registered with the Ministry of Interior⁷⁷, however, no updated statistics are available regarding the numbers.

On the other hand, despite the research tools' focus on the declining role of civil organizations, particularly women, in facing prevailing societal culture and negative views towards equality, empowerment, and the role of women and youth, the principle of "solidarity" did not clearly emerge in the responses despite its crucial importance for achieving accountability and justice. The fragility of "solidarity" in addressing gender-based violence targeting feminist organizations, cultural, and youth artistic institutions has hindered accountability and justice so far, allowing perpetrators to escape punishment for their crimes. It is important to emphasize that "solidarity" is a core value in human rights, especially in women's and youth issues, as it complements accountability and justice to enhance social justice and inclusivity.

The report of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory (A/HRC/53/22) dated May 9, 2023, specifically in paragraph 59 under the title "Women Human Rights Defenders," states: "In addition to being targeted for participating in demonstrations, prominent women human rights defenders have been subjected to nationwide hate campaigns by anti-gender rights groups, fuelled by their objection to implementation of the Convention on the Elimination of All Forms of Discrimination against Women and related women human rights defenders' activities. These groups, led and supported by conservative religious and traditional community leaders and political groups, have waged comprehensive anti-gender rights campaigns through rallies, public billboards and online hate campaigns, including on social media accounts with tens of thousands of followers, targeting prominent women human rights defenders in the West Bank and Gaza. Such groups have exposed the names and pictures of women human rights defenders on social media platforms, and posted hate speech, threats, incitement of violence, sectarian slurs, slander and disinformation. Women human rights defenders were described as foreign agents and collaborators with the occupation and a threat to Palestinian

77- Ahmad Al-Tanani, "Towards Effective Policies to Confront Politically Conditioned Funding for Palestinian Civil Society Organizations," – Masarat, ibid, 2022.

society.⁷⁸”

The International Commission of Inquiry concluded that the State of Palestine must immediately cease practices aimed at intimidating human rights defenders, conduct an immediate, impartial, and independent investigation into all forms of violence, including gender-based violence experienced by women human rights defenders, cultural and artistic institutions, and Palestinian artists, by Palestinian anti-gender rights groups, and ensure accountability for perpetrators from both governmental and non-governmental actors, guaranteeing redress for victims/survivors and preventing recurrence⁷⁹. This is what the International Commission of Inquiry concluded.

5.4.2 Weak Democratization

The structural crisis and persistent stagnation within the Palestinian political system, which has endured for many years, are not confined to public authorities alone but extend deeply into civil society institutions, including civil associations, political parties, unions, and federations. This has led to a state of systemic inertia within Palestinian civil society. Except in rare cases, this stagnation has significantly weakened both the capacity and the will to defend the rule of law, human rights, and public freedoms. It has also cast a heavy shadow over the role of younger generations in leading civil society institutions, undermining their ability to address escalating challenges. Moreover, it has eroded the essential role of civil society as a pillar of Palestinian resilience. Revitalizing and strengthening this role necessitates a fundamental shift in organizational culture - one that actively fosters the inclusion of young leaders who possess the passion, creativity, and drive to lead meaningful change.

Amjad Al-Shawa, Director of the Network of Non-Governmental Organizations in Gaza, highlighted in an interview: “Even before the war on Gaza, there was a significant shortcoming in youth participation in community, political, and national decision-making. This gap has had profound implications for the current reality facing young people. Unfortunately, despite their active presence in many organizations as employees or volunteers, their representation in boards of directors and general assemblies remains minimal. As a network, one of our key efforts in recent years has been to strengthen youth engagement and create opportunities for them to take on leadership roles within the governance

78- Report of the International Commission of Inquiry on the Occupied Palestinian Territory, submitted to the Human Rights Council (A/HRC/53/22) on 09/05/2023

79- For more details, see Dr. Issam Abdeen, Follow-up Report on the Beijing Declaration and Platform for Action (Beijing +30), for the General Union of Palestinian Women, 2024. Also, Dr. Issam Abdeen, Report of Independent Palestinian Cultural Sector Coalitions and Institutions Submitted to the United Nations on Cultural Rights, 2023.

structures of civil organizations⁸⁰.”

Ahmad Al-Qadi, Director of Monitoring and Documentation at the Arab Center for the Advancement of Social Media - 7amleh, states: “At 7amleh, most of the organization’s staff are young, and we target youth too. Our experience proves that we effectively practice our role in decision-making processes and in the programs and content provided to society. We have spaces for creativity and high flexibility in work. Some organizations talk about the importance of youth leadership in executive management and boards of directors, but unfortunately, they do not seriously work on involving them in decision-making processes. This is due to different reasons, most notably the absence of democratization in civil work and the lack of clear policies to promote youth leadership in organizations’ internal systems, as well as corruption within some organizations⁸¹.”

Shawan Jabarin, Director General of Al-Haq, states: “In our organization, over 40% of the staff are young professionals in their twenties and thirties. I personally informed my administration of my intention to resign to make way for younger leadership. However, the organization was subsequently classified as a ‘terrorist’ entity, and stepping down at that moment would have been perceived as an act of retreat. After days of deliberation, I chose to remain and continue the struggle alongside the youth and the entire team⁸².”

Dr. Ammar Dwiek, Director General of the Independent Commission for Human Rights, remarks: “One of the major challenges in Palestinian civil society is the lack of leadership transition - whether at the level of the Director General or the board. However, as a commission, we surpass all other Palestinian civil society organizations in this regard. We are the only institution where the Director is limited to a four-year term, and commissioners serve for five years without reappointment. The best way to address this issue is for organizations to adopt a code of honor. The PNGO should only accept an organization’s membership if it commits to this code and should launch an initiative to promote it, evaluate compliance, and publish the results. Such transparency would put pressure on organizations to uphold democratic governance. Unfortunately, while civil society organizations have been vigilant in monitoring the government, they have

80- Personal interview on 02/10/2024 with Amjad Al-Shawa, Director of the Palestinian Non-Governmental Organizations Network - Gaza, for the purposes of this study.

81- Personal interview on October 8, 2024, with Ahmad Al-Qadi, Director of Monitoring and Documentation at the 7amleh Center, for the purposes of this study.

82- Personal interview on 10/5/2024 with Shawan Jabareen, Director General of Al-Haq (Defending Human Rights), for the purposes of this study.

failed to hold themselves accountable⁸³.”

The survey results under this section reveal intriguing insights. Seventy-eight percent of respondent organizations believe their organizational culture encourages youth to assume leadership positions in decision-making, while only 6% disagree and 15% remain neutral. Additionally, 77% reported implementing effective measures and policies to promote youth leadership, whereas 7% disagreed and 16% were neutral.

However, these figures highlight a disconnect between the stated commitment to democratizing civil society and the actual reality. Youth leadership remains largely limited in practice. True leadership is reflected in executive boards, dynamic and regularly renewed general assemblies, and genuine decision-making roles - not merely in the numerical presence of youth within organizations or in written policies that lack implementation. If these declarations do not translate into real structural change, the outcome remains the same: youth are positioned as employees rather than as genuine leaders in civil society.

This issue - the democratization of Palestinian civil society - must not remain on the sidelines, especially in light of mounting challenges, declining performance, and eroding public trust in civil society institutions. It should be a top priority in any responsible dialogue aimed at identifying effective and measurable tools to ensure that young leaders actively participate in executive boards, councils, and general assemblies - not just in workforce statistics.

Youth engagement must transcend employment; it should be reflected in leadership strategies, decision-making roles, and policy influence. Bridging the gap between aspiration and reality requires a fundamental shift in organizational culture, underpinned by policies that guarantee transparency, accountability, and genuine pathways for youth to shape the future of civil work.

5.5 The Digital Space

Digital rights and freedoms are among the most fundamental human rights, deeply embedded in modern society and intrinsically linked to the broader human rights system. These rights include the ability to access the digital space freely, without obstruction, and at an affordable cost - ensuring equal and non-discriminatory participation. They encompass key rights such as internet access, including the necessary infrastructure for information and communication technology, freedom of expression in all its forms, access to information, privacy and data protection, the right to peaceful assembly and

83- Personal interview on 03/10/2024 with Dr. Ammar Dweik, Director General of the Independent Commission for Human Rights – Ramallah, for the purposes of this study.

protest through digital platforms, and the ability to form associations, political parties, and participate digitally. In essence, the same human rights framework that applies in the physical world - spanning generations, classifications, and interconnections - must be upheld within the digital space without restriction or discrimination.

In the complex Palestinian context, four overlapping challenges contribute to the shrinking of the digital space:

1. **The Israeli occupation**, which systematically suppresses digital rights.
2. **The ruling authority in the West Bank**, which restricts the digital space through cybercrime legislation, arbitrary arrests, and website closures under the pretext of regulating freedom of expression.
3. **The ruling authority in the Gaza Strip**, which mirrors the restrictive approach of the West Bank through the misuse of technology.
4. **Social media platform companies**, whose escalating violations of digital rights - especially since the events of October 7 - have resulted in discriminatory policies targeting Palestinian digital content.

This study has already examined the impact of cybercrime legislation on shrinking of the digital space in the West Bank and the misuse of technology in Gaza. Therefore, this section will focus on two critical areas:

1. The Israeli occupation's violations of digital rights.
2. The role of social media companies in censoring Palestinian content.

5.5.1 Occupation and the Digital Space

The Israeli colonial occupation infringes on digital freedoms in numerous ways, including control over Palestinian resources and digital infrastructure. By controlling electricity, communication, and internet services - and destroying them during military aggression, particularly in Gaza - the occupation severely undermines Palestinians' ability to exercise their rights.

Since October 7, the suppression of digital rights has intensified in various forms:

- Widespread incitement to violence and hate speech against Palestinians.
- Increased summons and arrests of Palestinians based on social media activity, both inside the Green Line and in the occupied territories.
- Stricter censorship and suppression of Palestinian digital content.

- Forced inspections of mobile phones and digital data, especially in occupied Jerusalem.
- Denial of rights such as healthcare, employment, and social security based on social media posts.
- The occupying state's encouragement of extremist groups to participate in the suppression of Palestinian digital rights and their participation in criminal acts

This happens in a comprehensive context that does not tolerate and oppresses voices expressing Palestinian identity, through online disinformation and defamation campaigns.

In Gaza, the digital space has become a battleground for systematic and widespread international crimes. Over the past year, particularly since October 7, 2023, artificial intelligence (AI) has played a key role in targeting civilians. Israel has employed AI-driven targeting systems, including “Lavender” and “Habsora” (The Gospel), to automate bombing and assassination targets in Gaza. Investigations by +972 Magazine described the AI-powered targeting system as a “mass assassination factory.” Israeli sources revealed that the Lavender system identified 37,000 potential targets, leading to widespread civilian casualties⁸⁴.

Another system, “Where’s Daddy?,” was used to track the homes of individuals marked for assassination, ensuring they were targeted once they entered their residences. The use of these AI-powered tools has led to thousands of deaths, with the vast majority being women, children, and non-combatants. The Lavender system, developed by Unit 8200⁸⁵ of the Israeli army, identifies individuals for targeting, while the Habsora system selects buildings for attack⁸⁶.

The use of these AI-driven targeting tools constitutes clear evidence of international crimes. These systems have facilitated large-scale civilian casualties and the destruction of thousands of civilian structures - acts that fall under war crimes, crimes against humanity, and potentially genocide. Statements from Israeli officials such as Benjamin Netanyahu, Yoav Gallant, Itamar Ben-Gvir, and Bezalel Smotrich further reinforce the argument that there was genocidal intent behind these actions.

84- The Arab Center for the Advancement of Social Media - 7amleh Report, “Palestinian Digital Rights, Genocide, and the Responsibility of Big Tech,” September 2024 and Sada Social Report, “A Year of Digital Genocide against Palestinians,” October 7, 2023 – October 6, 2024.

85- The Cyber Monitoring Unit in Israel operates under the Ministry of Justice, but the most extensive and dangerous unit, Unit 8200, falls under Military Intelligence. It is responsible for electronic espionage, code decryption, and cyber warfare, and is based at the Gilot military base in Israel.

86- 7amleh Center Report, “Palestinian Digital Rights, Genocide, and the Responsibility of Big Tech,” September 2024.

The AI systems (Lavender, Habsora, Where's Daddy?) - combined with official Israeli statements - serve as “reliable evidence” that should be presented in genocide-related cases before the International Criminal Court (ICC) and the International Court of Justice (ICJ), particularly in the case filed by South Africa against Israel under the Genocide Convention.

Furthermore, the term “digital genocide” should be explored in international criminal law as a concept that describes the use of AI technology as direct evidence of genocide in Gaza. The extensive use of these AI-driven systems has resulted in thousands of civilian deaths and widespread destruction, making the argument for digital genocide particularly relevant.

Meanwhile, the Israeli occupation has deliberately suppressed Gaza’s digital space by cutting off communication networks and internet access ten times between October 7, 2023, and October 6, 2024. This was aimed at covering up war crimes, including the ongoing genocide, particularly in northern Gaza. The complete disconnection of networks:

- Hindered emergency and rescue operations.
- Prevented the retrieval of missing persons from the rubble.
- Disrupted financial transactions, making it impossible for civilians to purchase essential goods.
- Restricted freedom of movement to safer areas.
- Increased health risks, particularly for vulnerable groups such as people with disabilities.

The occupation’s repression of the digital space in Gaza has created conditions for further international crimes, exacerbating the suffering of civilians.

Additionally, the Israeli occupation employs widespread digital surveillance, including biometric cameras installed on roads between West Bank cities and within Gaza’s “evacuation corridors” to monitor Palestinians. QR codes have also been used to hack Palestinian digital devices, instilling fear and imposing strict digital surveillance, particularly in Gaza, Tulkarem, Jenin, and Hebron⁸⁷.

The heavy deployment of biometric surveillance cameras in the old city of occupied Jerusalem is a direct violation of Palestinians’ privacy rights and freedom of movement. These measures demonstrate how the Israeli occupation weaponizes the digital space to suppress and persecute Palestinians.

87- Afnan Kananeh, “The War on Gaza: An Analytical Reading of the Implications and Effects on Digital Safety Among Palestinian Youth,” Zameh Center, 2024.

Beyond privacy violations, this systematic digital surveillance is part of the broader apartheid system, which constitutes a crime against humanity under international law. The suppression of digital rights is an integral part of the occupation's repressive policies.

Since October 7, 2023, Israel has enacted emergency laws allowing the government to ban media outlets, internet pages, and mobile applications deemed a threat to Israeli security. The Israeli Knesset's approval of such laws in the first reading signals a state policy aimed at silencing Palestinian voices in the Gaza Strip, West Bank and Jerusalem - a key criterion in defining international crimes.

To hold the Israeli occupation accountable for its crimes through the digital space, serious efforts are needed. Reports should be submitted to the ICC's Office of the Prosecutor, and the case filed by South Africa against Israel at the ICJ must be closely monitored. Palestinian civil society organizations, particularly those focused on youth and women's rights, must actively document digital crimes and advocate for international accountability.

5.5.2 Companies and the Digital Space

Social media platform companies have posed a challenge no less dangerous than the colonial occupation in violating Palestinian digital rights, a trend that has intensified since the aggression on Gaza began on October 7, 2023. The role of these digital platforms during times of war and armed conflict in the Palestinian context is particularly alarming. These platforms have become a hub for severe violations of Palestinian digital rights, with Meta (formerly Facebook), which owns Facebook, X (formerly Twitter), Telegram, TikTok, and other digital platforms, standing out as a leading violator of the Palestinian digital space.

The violations by these commercial companies are evident in their "systematic discrimination" between Palestinian and Israeli digital content. Palestinian content (and its supporters) is subjected to heavy restrictions and deletions in various forms, while Israeli content (and its supporters) is given far more leniency, even when it includes incitement to violence and the killing of Palestinians. Additionally, the mechanisms for recovering Palestinian content that has been removed are weak, despite repeated promises from companies like Meta to human rights organizations advocating for digital rights. These actions violate international standards governing digital content, particularly the "UN Guiding Principles on Business and Human Rights⁸⁸," which

88- The "Guiding Principles on Business and Human Rights" include the implementation of the United Nations framework titled "Protect, Respect, and Remedy," developed by the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Special Representative attached these

outline corporate responsibilities regarding human rights, along with other international agreements and standards.

Palestinian civil organizations, particularly youth groups, are actively monitoring and documenting violations of digital rights committed by occupation authorities, commercial companies, and the Palestinian Authority. Regarding violations by social media platform companies, Sada Social reports that during the year of aggression on Gaza, specifically from October 7, 2023, to October 6, 2024, it documented over 32,000 violations of Palestinian digital content on social media platforms. Meta platforms accounted for 56% of these violations, followed by TikTok with 25%, X with 15%, SoundCloud with 3.7%, and Telegram with 0.3%⁸⁹. Thus, it is evident that Meta is responsible for more than half of the violations against Palestinian digital content.

Sada Social's report, *A Year of Digital Genocide against Palestinians*, confirms that Meta updated its privacy policy for content four times under the title Hamas–Israel War, further tightening restrictions on what it classifies as “dangerous individuals and organizations.” These updates had a significant impact on content related to the Palestinian cause and media coverage in Palestine. The changes included blocking links to media channels on Telegram, prohibiting the sharing of these links even in private Messenger messages, and banning media institution pages that had posted such links, regardless of when they were published. Meta's violations ranged from deleting specific content to completely removing pages and accounts.

Meta also announced that it had blocked several hashtags related to ongoing events in Palestine, including the prominent hashtag “#Flood_of_Al-Aqsa,” in addition to restricting the right to objection and narrowing the Palestinian narrative by canceling the option to appeal or dispute restrictions or deletions, preventing users from filing complaints to the company's independent oversight board.

This is part of a systematic policy aimed at preemptively blocking the Palestinian narrative based on opaque classifications used to impose sanctions on content. Furthermore, digital rights violations were exacerbated through restrictions based on monitoring and content moderation, including alterations to Facebook and Instagram's display algorithms, which limited the reach of Palestinian content related to the aggression on Gaza and reduced the visibility of stories and public posts.

guiding principles to his final report submitted to the UN Human Rights Council (A/HRC/17/31). The Guiding Principles on Business and Human Rights were adopted by the UN Human Rights Council in 2011.

89- Sada Social Report, “A Year of Digital Genocide Against Palestinians,” October 7, 2023 – October 6, 2024.

Sada Social received numerous complaints about the shadowbanning of Palestinian media pages, which led to decreased engagement without any official notification. Meta also imposed restrictions on the use of the term “Zionists,” claiming it could be used to offend Israelis or Jews. Furthermore, violations of privacy rights occurred on the Messenger app, where messages related to Palestinian affairs were either blocked or automatically deleted. Despite WhatsApp’s claim of being an “encrypted” platform, over 700 Palestinian phone numbers were banned - more than 76% of them from Gaza - further complicating communication for residents amid ongoing disruptions⁹⁰.

The policies and procedures implemented by social media platform companies, marked by systematic discrimination against digital content related to the Palestinian cause, play a significant role in reinforcing the apartheid system against Palestinians. This discriminatory approach in handling Palestinian content compared to Israeli content amounts to criminal complicity and could be classified as crimes against humanity under international criminal law.

Given this, there is a pressing need to pursue criminal lawsuits in national courts that recognize the principle of universal jurisdiction to prosecute international crimes, ensuring accountability and effective remedies for Palestinian victims. Additionally, civil lawsuits can be filed against these companies as legal entities for their involvement in severe human rights violations, seeking financial compensation and justice for the affected individuals. In the United States, the Alien Tort Statute has been invoked in cases against corporations accused of human rights violations abroad.

At the international level, these grave violations can be condemned through the United Nations Human Rights Council and the General Assembly, with further follow-ups under the UN Special Procedures and the Commission of Inquiry (COI) appointed by the Human Rights Council to investigate crimes committed in the occupied Palestinian territory.

It is crucial for civil society organizations, particularly youth-led initiatives, to develop strategic accountability plans to challenge these violations, strengthen efforts to hold these companies accountable, and ensure justice for Palestinian victims.

90- Sada Social Report, “A Year of Digital Genocide Against Palestinians,” October 7, 2023 – October 6, 2024.

6. Conclusions and Recommendations.

6.1 Study Conclusions

A. Political Dimension

1. The Israeli colonial occupation, its oppressive policies, and the entrenched apartheid system in the occupied Palestinian territory - coupled with the ongoing aggression since October 7, 2023 - pose the most significant threat to civic space and civil society. This includes direct military attacks on staff, headquarters, and activities of civil, youth, and women's organizations in Gaza; the closure of numerous institutions in Jerusalem and the West Bank; the imprisonment of activists; the disruption of activities; and the blockade of financial resources.
2. The targeting of civic space and civil society in Gaza, the West Bank, and occupied Jerusalem is not random. While it has taken an extreme form in Gaza - through direct military strikes, killings, forced displacement, and the destruction of civil society organizations and their programs - it reflects a deliberate state policy. The Israeli government has systematically pursued this strategy for years through the Ministry of Strategic Affairs, the Ministers of Internal Security, and pro-Zionist organizations, reinforced by Knesset legislation under the pretext of "terrorism" and legitimized by the occupation's judiciary.
3. The ongoing deterioration of the Palestinian political system, alongside the prolonged and deepening internal division since mid-2007, has severely eroded the framework of rights and public freedoms. This includes restrictions on the right to form associations, limitations on their activities, and constraints on their financial resources. As a result, civil society's ability to defend Palestinian rights against both external and internal violations has been significantly weakened. If this situation persists and political will for reform remains absent, the future of civil, youth, and women's organizations will be at serious risk.
4. The prolonged absence of the Palestinian Legislative Council, the continuous decline in the prosecution, judiciary, and justice system, and the lack of democratic power transitions due to expired constitutional mandates have turned legislation into one of the most dangerous tools against public rights, freedoms, and civil society. This is further exacerbated by the absence of a clear vision and unified stance on exceptional legislation, which has severely drained civil society.
5. Although Palestine has acceded to numerous international treaties, including key human rights conventions without reservations, their implementation at the policy, legislative, and practical levels remains

minimal, resulting in limited impact on civic space.

B. Legislative Dimension

1. Numerous Israeli laws have been enacted to suppress civic space and Palestinian civil society, forming a key pillar of the deep apartheid system in the occupied Palestinian territory. The most notable among these are the 2016 Counter-Terrorism Law and its amendments, the 1945 British Mandate Emergency Regulations still enforced in the occupied Palestinian territory, and the 2016 Transparency Law, which specifically targets Palestinian institutions in Jerusalem and inside the Green Line. These laws have been further tightened since the October 7 aggression, playing a pivotal role in shutting down organizations, arresting activists, and restricting civil society activities.
2. Palestinian legislation restricting civic space and civil society in the West Bank and Gaza Strip has intensified since the internal division began in mid-2007. The absence of a clear and firm response from civil society organizations to the initial wave of crackdowns following the declaration of a state of emergency encouraged authorities to continue imposing restrictive measures over the years. These legislations have undermined principles of governance, the rule of law, and participatory decision-making with civil society. Moreover, “joint committees” formed through dialogue with past and present governments have failed to bring about tangible improvements due to weak governance and inefficiency.
3. Key legislations restricting civic space and civil society include the 2018 Cybercrime Law and its amendments, which are enforced in the West Bank, as well as amendments to the 1936 Penal Code in Gaza under the pretext of “misuse of technology” in 2009. Additional restrictive measures include amendments to the 2000 Charitable Associations and Civil Society Organizations Law, the 2022 Non-Profit Companies Regulation, and the 2022 Anti-Money Laundering and Counter-Terrorism Financing Law and its subsidiary regulations. Furthermore, despite being officially annulled by a 2012 Cabinet decision, preemptive security clearance requirements continue to be enforced, significantly constraining civic space and disproportionately affecting youth and women’s organizations due to environmental, cultural, and structural barriers.
4. The continued decline in the prosecution, judiciary, and justice system has led to a persistent lack of accountability and redress. The judiciary’s constitutional role in protecting and promoting public rights, freedoms, and civic space has eroded, and the situation is expected to deteriorate further following recent amendments to the 2005 Palestinian Security Forces Law during the Gaza war, which have undermined two decades of security sector reform efforts since 2002.

5. Although civil society organizations successfully advocated for Law by Decree No. (18) of 2021, which suspended the enforcement of Law by Decree No. (7) of 2021 - a law that severely restricted civic space - many restrictive provisions were later reintroduced through anti-money laundering and counter-terrorism financing legislation. These laws, drafted without civil society participation, are enforced through the Palestinian Monetary Authority and government bodies within the National Committee for Combating Money Laundering and Terrorism Financing, all operating without civil society representation or oversight.
6. Although Law by Decree No. (18) of 2021 explicitly mandated the suspension of Law by Decree No. (7) of 2021, which was widely criticized by Palestinian civil society organizations, it also required the government to continue consultations with relevant stakeholders to develop an optimal legal framework. However, no progress has been made under either the previous or current government in reaching this framework, leaving the mentioned legislations misaligned with the Basic Law and international standards.
7. At the international level, despite the importance of the List of Issues (CCPR/C/PSE/Q/1) issued by the UN Human Rights Committee on September 19, 2022, and the concluding observations (CCPR/C/PSE/CO/1) published on August 24, 2023 - following a constructive dialogue with the official Palestinian delegation on compliance with the International Covenant on Civil and Political Rights (ICCPR) - no significant legislative or policy reforms have been undertaken to ensure alignment with international standards

C. Economic Dimension

1. The Israeli blockade on Gaza for over 17 years, its complete closure since October 7, 2023, the fragmentation of West Bank cities and villages into isolated enclaves with military checkpoints and iron gates - resembling the "Great Ghetto" in Gaza - and the financial and economic restrictions imposed by the occupation, which escalated during the aggression with threats to sever the Palestinian banking sector, have severely constricted civic space and imposed significant constraints on Palestinian civil society operations. Additionally, donor blackmail under the pretext of "terrorism" has further restricted the ability of organizations to function effectively.
2. The absence of a unified policy and strategic framework to counter politically conditional funding - which contravenes international law, the Palestinian Basic Law (constitution), relevant Palestinian legislation, and the Code of Conduct for Palestinian NGOs - has exacerbated this issue. Since the onset of the aggression on October 7, 2023, this gap has further undermined the cohesion and effectiveness of civil society organizations

in addressing escalating external and internal challenges that threaten Palestinian civic space, public rights and freedoms, and the operational capacity of civil society organizations in the occupied Palestinian territory.

3. Despite broad consensus among Palestinian civil society institutions in rejecting politically conditional funding, actual practices do not always align with this stance in a way that reflects national human rights priorities, the current legal and political landscape, and prevailing challenges. This inconsistency has negatively impacted public confidence in civil society organizations and their activities. Survey analysis highlights a clear gap in decision-making processes, indicating a lack of transparency and coherence in governance structures within the civil society sector.
4. Although Palestinian anti-money laundering and counter-terrorism financing laws are characterized by ambiguity, lack of transparency, and non-compliance with the Basic Law, international standards, and principles of governance, they contain no explicit provisions allowing banks to restrict the accounts of civil society organizations or individuals. However, the absence of civil society participation in the drafting and oversight of these laws has contributed to their misuse. Additionally, the Palestinian Monetary Authority has failed to exercise its regulatory role in monitoring banks and enforcing penalties for legal violations, despite having the authority to do so under the Monetary Authority Law. As a result, banking restrictions on civil society organizations have persisted and intensified.

D. Cultural Dimension

1. Despite clear findings from personal interviews and survey analysis indicating a decline in the role and influence of civil society, feminist organizations, and feminist discourse in Palestinian society, the principle of “solidarity” as a fundamental human rights value has not been adequately demonstrated. This is particularly evident in cases of gender-based violence targeting women’s organizations, activists, and human rights defenders, as well as cultural and artistic centers - especially youth-led initiatives - that have faced repeated violations from both official entities and societal groups opposing gender rights. The lack of solidarity has weakened accountability and redress mechanisms for victims, allowing perpetrators to evade justice. This ongoing violence exacerbates the challenges confronting feminist and youth organizations, further restricting civic space and civil society activities in Palestine. It also underscores the need to reassess human rights discourse, advocacy tools, and the effectiveness of coalitions and networks - especially inactive ones - while strengthening engagement with regional and international partnerships.

2. The structural crisis and prolonged stagnation within the Palestinian political system extend beyond public institutions to civil society organizations, severely restricting youth participation and leadership. This stagnation has contributed to the weakening of civil society's role, as the absence of young leadership with the necessary skills and passion for change has eroded its effectiveness. The lack of democratization within civil society has resulted in a noticeable decline in institutional performance and rights-based advocacy, with the continued exclusion of young leaders further deepening this deterioration.
3. While civil society organizations widely recognize the importance of democratization, youth leadership, and revitalizing civil society, practical implementation remains lacking. The absence of young leaders in executive and board-level positions has hindered the renewal of civil society leadership, limiting its adaptability and effectiveness. This disconnect between rhetoric and practice continues to restrict the influence of young professionals in shaping and leading civil society initiatives.

E. Digital Dimension

1. Four interrelated challenges are driving the contraction of civic and digital space in the Palestinian context:
 - The Israeli occupation's systematic suppression of the digital sphere,
 - The governing authority in the West Bank's restrictive cybercrime legislation and digital repression
 - The governing authority in Gaza's application of "misuse of technology" laws that mirror cybercrime regulations to target the digital space,
 - Commercial social media companies' discriminatory restrictions on Palestinian digital content.

These restrictions have intensified dramatically since the onset of the aggression, exacerbated by the persistent lack of accountability and effective remedies.

2. Gaza's digital space has become a key battleground for grave violations, including international crimes, through the deployment of Artificial Intelligence (AI) in civilian targeting. AI-powered systems such as Lavender, Habsora, and Where is Daddy? have been systematically used to identify and strike targets, resulting in mass civilian casualties and widespread destruction of protected civilian infrastructure. Despite the clear evidence linking these AI-driven targeting mechanisms to war

crimes, crimes against humanity, and potential acts of genocide, civil society efforts to document and challenge their use remain inadequate. Addressing these AI systems within the broader framework of international legal accountability is crucial for exposing the systematic nature of these crimes and pursuing justice for victims.

3. Social media platform companies have played a central role in violating Palestinian digital rights by systematically censoring Palestinian content while allowing greater latitude for Israeli narratives. Since the start of the aggression, these violations have reached unprecedented levels. Civil society organizations have documented over 32,000 violations against Palestinian digital content on social media platforms, with Meta (Facebook's parent company) responsible for more than half of these cases through various forms of content suppression. While Palestinian civil society, particularly youth-led initiatives, has actively monitored these violations and launched advocacy campaigns, its efforts to hold these companies legally accountable remain severely limited. Expanding strategic litigation and advocacy for digital rights is essential in confronting these discriminatory practices.
4. Despite the systematic Israeli violations and social media censorship targeting Palestinian digital space, civil society organizations have yet to prioritize digital security, data protection, and privacy to the extent required. This is particularly concerning given repeated military attacks on civil society offices, personnel, and programs in Gaza, as well as frequent raids on organizations operating in occupied Jerusalem and the West Bank. Strengthening digital security measures, safeguarding data in secure locations, and ensuring its accessibility in times of crisis are essential steps in mitigating the escalating threats to Palestinian digital content and activism.

6.2 Study Recommendations

A. At the Political Level

1. It is crucial to focus efforts and strengthen partnerships among Palestinian civil society institutions to enforce the advisory opinion of the International Court of Justice (ICJ) issued on July 19, 2024, which declared the illegitimacy of the Israeli occupation of the occupied Palestinian territories and outlined its legal consequences. This includes implementing the United Nations General Assembly Resolution (A/ES-10/L.31/Rev.1) adopted on September 18, 2024, which reaffirms the illegality of Israel's presence in the occupied Palestinian territories, including occupied Jerusalem, and specifies mechanisms and obligations for the occupation, member states, and the United Nations to ensure the full end of the occupation. Strengthening these efforts is essential

to protect civic space, promote civil society work, uphold rights and freedoms, and safeguard the Palestinian people's inalienable right to self-determination and the termination of colonial occupation.

2. It is essential to prioritize collective efforts and foster stronger partnerships among Palestinian civil society institutions to develop a national initiative aimed at ending internal division and reforming the political system. This initiative should be rooted in human rights principles, transitional justice, constitutional values, international human rights conventions, and good governance. Such reform is vital to restoring the role of civil society in protecting civic space, defending rights and freedoms, and enhancing the capacity of civil society to support Palestinian resilience in the face of increasing internal and external challenges.
3. Emphasizing collective action over individual approaches is imperative to ensure a coordinated and integrated response from civil society institutions to address the growing challenges. It is necessary to review and revitalize inactive coalitions through a clear and structured map of coalitions and networks that focus on national priorities and community needs. Furthermore, there should be effective engagement with regional and international partnerships to amplify civil society's impact and strengthen its role in advocating for Palestinian rights.

B. At the Legislative Level

1. A clear, unified, and coherent vision for Palestinian civil society must be developed to address "Division Legislation," which poses the greatest and most severe threat to civic space, public rights and freedoms, and civil society operations. These legislations have fostered an environment conducive to widespread violations, further deepening internal division. They must be recognized as a serious barrier to democratic transformation and the protection of human dignity and rights, necessitating immediate and decisive action to mitigate and annul their impacts.
2. Palestinian civil society institutions must urgently formulate a "comprehensive action plan" to systematically review all legislations that undermine civil courts, rights, freedoms, and civil society activities, as analyzed in this study. These include:
 - **Anti-Money Laundering and Counter-Terrorism Financing Laws**
 - **Cybercrime and Technology Misuse Laws**
 - **Charitable and Non-Profit Organizations Laws**
 - **The 2020 Judicial Authority Law**, which dismantled the judiciary

- **Recent amendments to the 2005 Palestinian Security Service Law** and regulations concerning security services and safety conditions

These laws have had serious implications on civic space, fundamental rights, freedoms, and civil society operations, as well as on constitutional law and Palestine's international obligations. The proposed review plan should outline clear implementation mechanisms, defined roles and responsibilities, oversight structures, and success measurement indicators to ensure effective enforcement.

3. The findings and recommendations of this study should serve as a roadmap for the upcoming phase, guiding civil society organizations and networks in designing programs and action plans that strengthen rights protections, expand civic space, and promote collective action to address increasing challenges.
4. Establishing a strategic partnership with the Ministry of Justice is crucial, as it is responsible for setting legislative review priorities on the government's agenda. The Ministry is currently overseeing the "final observations" on Palestine's obligations under the International Covenant on Civil and Political Rights (ICCPR), which are directly linked to the legislations examined in this study. This partnership should be institutionalized, transparent, and inclusive, involving a civil society-represented committee with oversight authority. To ensure accountability, the committee should maintain regular public reporting on its engagements with government representatives. Previous committees failed due to a lack of structure, transparency, and effectiveness - lessons must be drawn to prevent recurrence and ensure meaningful impact.

C. At the Economic Level

1. Immediate action is required to develop a unified policy and comprehensive action plan to address politically conditional funding, grounded in international law, the Palestinian Basic Law (Constitution), relevant national legislation, and the Palestinian civil society code of conduct. This initiative aims to strengthen Palestinian unity and resilience in confronting politically conditional funding by defining effective mechanisms to counter it while exploring sustainable financial strategies for civil society institutions. A broad and inclusive dialogue among civil society organizations must be urgently convened to formulate this policy and action plan in a coordinated and participatory manner.
2. A serious and structured dialogue must be initiated between civil society representatives, the Palestinian Monetary Authority, and the banking sector to address restrictive measures imposed by banks on the financial accounts of civil society organizations and individuals, including

in Gaza. These restrictions violate the Palestinian Basic Law and relevant international standards, as outlined in this study. The dialogue should also focus on enhancing the Monetary Authority's oversight of banks in this regard, ensuring adherence to principles of good governance, transparency, and the rule of law.

D. At the Cultural Level

1. Civil society organizations, particularly women's and youth organizations, must intensify collective efforts to raise public awareness about the gender dimensions of gender-based violence and its threats to human and religious values, while strengthening societal resilience against these challenges. The human rights and feminist discourse should be reassessed and refined to ensure it effectively engages all segments of society, recognizing that the responsibility extends beyond women's organizations to the broader community. A unified stance of solidarity must be declared against any attacks on women's organizations, activists, human rights defenders, youth organizations, and artistic institutions, particularly in response to hate speech targeting gender rights. Perpetrators must be held accountable, and justice must be ensured for victims and survivors.
2. A serious and constructive dialogue within civil society is necessary to address the gap between commitments to democratization and youth leadership in human rights work and the contradictory practices observed on the ground. This dialogue should actively engage youth in shaping the strategic direction of civil society, identifying effective mechanisms to institutionalize democratization, empower young leaders - especially at the executive and board levels - and integrate these principles into binding documents, such as codes of conduct and membership charters for networks and alliances.
3. Strategic and structured dialogue between Palestinian civil society and the National Human Rights Institution must be prioritized to ensure that civil society serves as a model of democratization and leadership renewal. This would set a precedent for official institutions, helping to revitalize the Palestinian political system after years of youth exclusion from leadership roles in civil society. Such efforts should pave the way for youth to assume leadership roles in both civil society and the broader political system, advancing their aspirations for meaningful change and democratic governance.

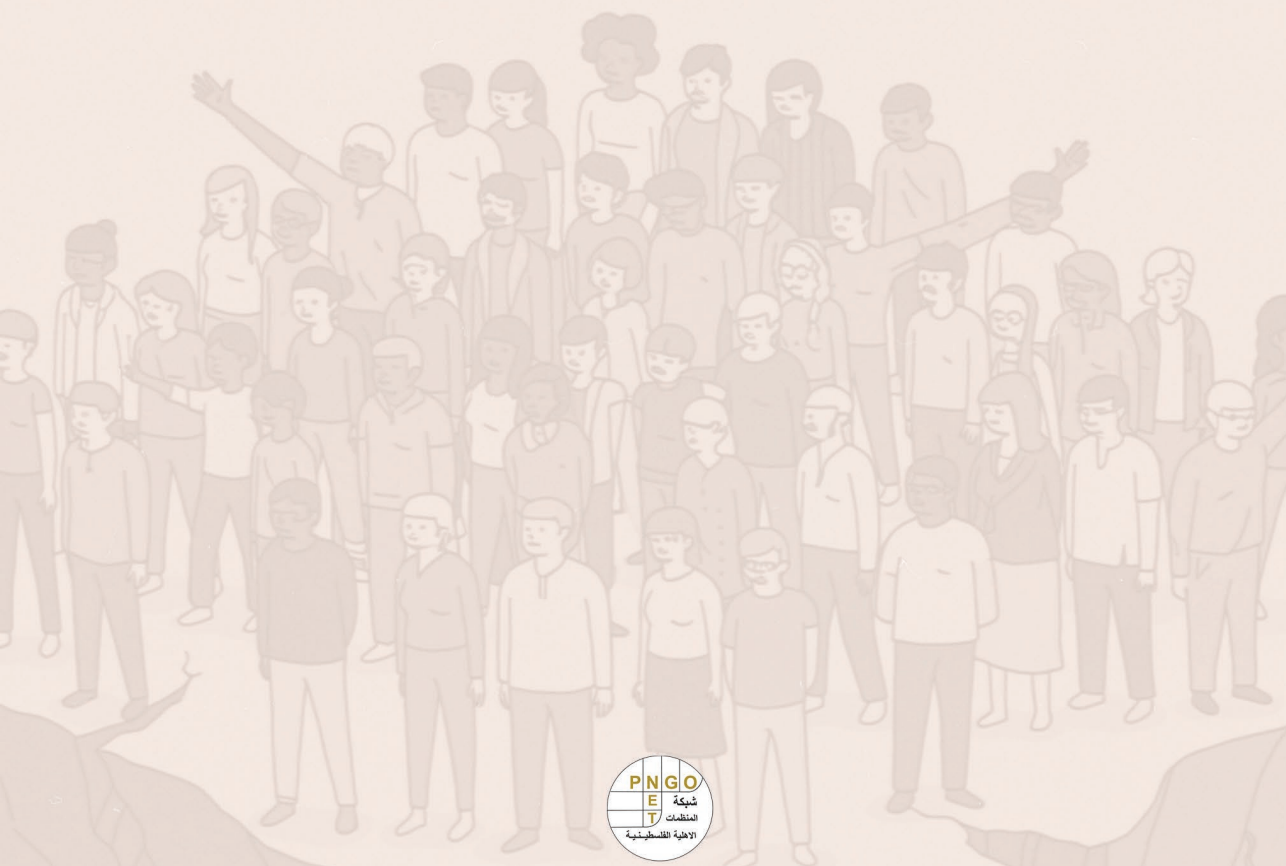
E. At the Digital Level

1. Collective efforts by civil society institutions must be strengthened to safeguard the digital space amid escalating challenges and restrictions on digital content. Given the complexity of the Palestinian context,

multiple actors are involved in these restrictions, including the occupying authorities' suppression of the digital space, systematic constraints imposed by commercial entities that own digital platforms - particularly since the onset of the aggression on October 7 - and ongoing violations by Palestinian official entities.

2. There is an urgent need to intensify efforts to hold both the occupying power and commercial companies that own social media platforms accountable for grave violations. These include the use of artificial intelligence technologies to target civilians and civilian infrastructure, systematic discrimination against digital content related to the Palestinian cause and its supporters, and their active role in perpetuating and deepening Israeli oppression and the apartheid system. Such actions constitute crimes against humanity under international criminal law.
3. Efforts should be intensified to hold leaders and officials of the occupying power accountable under the principles of individual criminal responsibility before the International Criminal Court, leveraging universal jurisdiction in countries that incorporate it into their penal laws. This accountability pertains to the use of artificial intelligence technologies to target thousands of Palestinian civilians and destroy thousands of civilian structures through AI-based targeting systems during the ongoing aggression on Gaza. Such actions constitute compelling criminal evidence of international crimes against civilians and civilian infrastructure, resulting in the deaths of thousands and widespread destruction.
4. Since commercial companies (digital platform companies) are legal entities not falling under the jurisdiction of the International Criminal Court, it is important to file criminal lawsuits before the national courts of countries applying universal jurisdiction for international crimes to seek accountability and ensure effective remedies for Palestinian victims. Civil lawsuits can also be filed against these companies for their involvement in severe human rights violations to demand financial compensation and justice for the victims. In the United States, the Alien Tort Statute has been used to file cases against companies accused of human rights violations abroad. At the UN level, these violations can be condemned through the Human Rights Council, the General Assembly, and follow-up through the United Nations Special Procedures and the International Commission of Inquiry (COI) for investigating crimes committed in the occupied Palestinian territories.
5. Efforts of civil society institutions should be strengthened in "digital security," data protection, and privacy, and in effective networking with specialized institutions, especially youth organizations, to face repeated attacks and direct targeting of civil society organizations in besieged

Gaza, and in the occupied West Bank and Jerusalem. Effective measures should be taken to secure and store data in safe and easily retrievable locations to avoid loss, as digital security is crucial in countering high threats targeting Palestinian digital content.



The Palestinian NGOs Network



PNGO.net



PNGOnetps

رام الله، المصايف، شارع إمبيل توما، عمارة زهرة المصايف، طابق (1-)
Ramallah, Al-Masayef, Emile Tuma St., Zahrat Al-Masayef Building, Floor(1-)



+970 2 2975321



+970 2 2950704



P.O.Box: 2232



info@Pngo.net