

# **Draft of the Temporary Constitution of the State of Palestine**

**Presented to His Excellency the  
President of the State of Palestine  
Mahmoud Abbas "Abu Mazen"**

**Constitution Drafting Committee  
February 2026<sup>1</sup>**

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<sup>1</sup> This is an unofficial translation of the Arabic language original. If readers identify mistakes, please contact: [zalali@princeton.edu](mailto:zalali@princeton.edu).

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## **The Preamble**

Stemming from the natural, inalienable, and non-negotiable rights of the Palestinian Arab people to self-determination and the justice of their cause, we present this constitution, which was drafted while the land remains under occupation, as a document for a state that refuses to see its existence except as a free birth from the womb of steadfastness and hope.

This constitution is an extension of the liberation journey from occupation and guardianship, and an expression of the freedom of a people who love life as it deserves to be lived; a people who reject the colonial settlement occupation and any alternative to their homeland, seeking a path of dignity and sovereignty. We present it to be a light for the liberation movements and a bridge between a besieged present and a future open to freedom and change, ensuring the transition of the State of Palestine from a temporary authority seeking to get rid of the occupation to a democratic state based on the rule of law and human dignity, adopting a path of democratic struggle and peaceful rotation of power through the ballot box.

This constitution is based on a deep and solid philosophy rooted in the Declaration of Independence achieved by the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian people, in its 19th session on November 15, 1988. It respects United Nations resolutions, international agreements, principles of international law, and human rights principles, making justice its compass, dignity its goal, and cooperation its path to the future.

This constitution comes as a tribute to the continuous Palestinian struggle that has never ceased and to the diplomatic and political efforts exerted over decades to recover international recognition. It arrives at a delicate stage where our people in the homeland face policies of displacement and ethnic cleansing, and where settlement expansion and genocide continue in the Gaza Strip and the West Bank, while the dream of return remains alive in the hearts of Palestinians everywhere, generation after generation. It is a political and legal document and a witness to the birth of a nation that has not fallen, establishing its right to its state.

This constitution was written by free Palestinian hands and through the work of a committee specialized in its drafting, drawing from the supreme national values and the aspirations of Palestinians in the homeland and the diaspora, in cities, villages, and camps, from the generation that lived the revolution to the generation that shapes the future.

It utilizes modern technological means to bridge the distance between the homeland and the diaspora, making this text a true social contract that expresses the people as the source of authority, and coordinates public interests and powers, and it is a document of reconciliation between the components and the state whose features are formed in the next stage.

This constitution is faithful to the Palestinian identity, which is derived from a long human history and the tolerance of religions, and from the long experience between existence, resistance, and peace, and from the mothers who birthed hope and the fathers who guarded the dream with patience and work, and from the transition from sorrow to hope. It is an identity of values, life, and culture that respects religions and cultural and political pluralism.

Palestine is the cradle of heavenly religions, where peace was preached and where the Messenger of God travelled; it is the land of prophets, the meeting place of religions, and the

cradle of civilizations. From its heart, this constitution draws the essence of humanity, where faith is a guide, tolerance is a lifestyle, and justice and peace are a goal for those who seek it.

This constitution ensures that the Palestinian people are the source of power and legitimacy, and that the rule of law is the ultimate guarantee of freedom. This constitution is the supreme law that regulates a democratic system based on free and fair elections, good governance, and the protection of complete equality between all citizens without discrimination based on race, gender, color, religion, political opinion, or social origin. It ensures social, economic, cultural, and political justice as an essential extension of basic human rights, and emphasizes the leading role of Palestinian women and the Palestinian youth who shape the future with their energy and state, carrying their national identity and educational heritage, and for the Palestinian children to have a bright tomorrow.

This constitution is not the end of the road but its beginning; it is the document that moves Palestine toward the path of independence and sovereignty, and from division to unity. It is the symbol of Palestinian identity that has not faded despite wounds, and a call to the world that Palestine, despite injustice, remains a bridge of hope, building its state on values that ensure the dignity of the Palestinian person and respect for their humanity.

Until the achievement of full national independence and the realization of inalienable rights, primarily the right of return according to international law and international legitimacy resolutions, the Palestine Liberation Organization (PLO) remains the sole legitimate representative of the Palestinian people in all their places of residence. The Organization continues to perform its national responsibilities according to the National Covenant.

Let this constitution be the crown of our struggle and our bridge across generations to the path of independence: Palestine is a state of humanity, a state of democracy, a state of right and law, a state of justice, and a state of freedom, not occupation.

Let our people and the world know that the State of Palestine will occupy its place with its eternal capital, Jerusalem, as a peace-loving state that seeks development and cooperation with all nations.

This constitution has been drafted based on the principles and articles of previous constitutional drafts, the experience of the Basic Law, and the results of community consultations led by the committee with civil society institutions and education sectors at all levels. It is a constitution that unifies the legal framework and aims for the future, paving the way toward a free state with full sovereignty, democracy, and equality for all its citizens.

## **Chapter One: General Provisions**

### **Article 1 – Palestine as an Arab nation<sup>3</sup>**

Palestine is part of the Arab homeland, and the Palestinian Arab people are part of the Arab nation.

### **Article 2 – System of government**

1. The system of government in the State of Palestine is a representative parliamentary democracy based on the principle of separation of powers and the balance and cooperation between them, and based on the peaceful rotation of power through free, fair, and periodic elections.
2. Governance is based on political and party pluralism, freedom of opinion and expression, competition, transparency, and the equality of citizens and the protection of their dignity.

### **Article 3 – Jerusalem, religious nature, historical identity**

1. Jerusalem is the capital of the State of Palestine, and its political, spiritual, cultural, and educational center, as well as its national symbol.
2. The state is committed to preserving its religious character and protecting its Islamic and Christian sanctities, as well as its legal, political, and historical status.
3. Any measures to change its character or historical identity are considered null and void according to international law.

### **Article 4 – Islam, Sharia and Christianity**

1. Islam is the official religion in the State of Palestine.
2. The principles of Islamic Sharia are a primary source for legislation.
3. Christianity has its status in Palestine, and its followers' rights are respected.

### **Article 5 – Arabic language**

The Arabic language is the official language in the State of Palestine.

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<sup>3</sup> The original Arabic language version of this document does not include titles for each individual article. Titles for individual articles were created for this English language version for ease of reference only. The titles should not be used to interpret the text.

#### **Article 6 – Citizenship**

Palestinian citizenship is regulated by law.

#### **Article 7 – Flag and anthem**

1. The State of Palestine shall have a flag with its four colors, a national anthem, and its dimensions, as regulated by law.
2. The national anthem is a national symbol for the state, expressing its history, national identity, and constitutional values, and shall be regulated by law.

#### **Article 8 – Human dignity, equality**

1. The State of Palestine is based on respect for human dignity and the protection of freedom and justice, considering these as supreme values that may not be violated, and the state is committed to achieving these values in its legislation, institutions, and general policies.
2. The state works toward achieving equality between men and women in all rights and freedoms according to the provisions of this constitution, and takes the necessary legislative and procedural measures to ensure that women are fairly represented in elected bodies and in public office and senior management in the state without discrimination.

#### **Article 9 – People as source of power**

The Palestinian people are the source of powers, and they exercise their sovereignty through their constitutional institutions, and no power may be exercised except according to the provisions of this constitution and in a manner that achieves the supreme national interest.

#### **Article 10 – Right to self-determination**

The Palestinian people have the right to self-determination as recognized in international law and United Nations resolutions, and the state shall protect the Palestinian national identity and culture with its authentic Arab character, and empower the cultural, religious, and linguistic diversity.

#### **Article 11 – Palestinian Liberation Organisation**

The establishment of the State of Palestine does not diminish the status of the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people.

**Article 12 – Unity of land, diaspora**

The State of Palestine works toward the unity of the land and the people in the homeland and the diaspora, and is committed to achieving independence and ending the occupation and ensuring the right of return for refugees according to international legitimacy resolutions.

**Article 13 – Social justice**

The State of Palestine works toward achieving social justice and equal opportunities, and distributing wealth fairly, ensuring a decent life for every citizen and protecting the basic and diverse environment.

**Article 14 – Natural resources**

Natural resources are the property of the Palestinian people with their successive generations, and the State of Palestine is committed to preserving them and protecting them and their proper utilization and management with transparency and justice to achieve sustainable development that does not harm the rights of future generations to a decent life.

**Article 15 – Rule of law**

The rule of law is the basis of government in the State of Palestine, and all persons and authorities are subject to it and committed to complying with it.

**Article 16 – International law, UN Charter**

The State of Palestine respects international law and the UN Charter and works for international peace and security based on justice and human rights, and cooperation in protecting the environment and global justice between the regional and international communities.

**Article 17 – Free and fair elections**

Free and fair periodic elections and transparency are a constitutional right and the basis of democratic representation and the peaceful rotation of power, and it is mandatory to commit to their occurrence on the dates specified for them according to the constitution and the law. The authorities of the State of Palestine are committed to complete neutrality toward candidates, and the law defines the rules that ensure the prevention of exploitation of any public media means or any other public means, and also regulates all stages of the electoral process and its procedures including independent monitoring and challenges to the elections.

**Article 18 – Defense and independence of homeland a duty**

Defense of the homeland and its independence and the safety of its land and the unity of its people and respect for its national and state symbols is a sacred duty.

**Article 19 – Public property**

Public property has sanctity and protection and is a trust according to the law, and it is not permissible to dispose of it or any part of its utilization except by law.

**Article 20 – Protection of public funds**

Public funds are protected, and the State of Palestine must preserve them and develop them, and it is prohibited to assault them or dispose of them in a way that violates the provisions of the constitution and the law, and the state has the right to recover and compensate for their damage or waste according to the provisions of the law.

**Article 21 – Conflict of interest**

The President of the State, the Prime Minister, the ministers, the members of Parliament, the judges of the Constitutional Court, and the judges and members of the Public Prosecution and those in their status must disclose any other activities or tasks entrusted to them with financial benefits or receiving material and moral gifts or potential conflict of interest during their term in office, and this is regulated by law.

**Article 22 – Declaration of assets**

The President of the State, the Prime Minister, the ministers, the members of Parliament, the judges, and the heads of independent constitutional institutions and everyone who holds a high office must disclose their assets at the beginning and end of their mission or office according to what is regulated by law.

**Article 23 – Assault on personal freedoms**

Any assault on any of the personal freedoms or other public rights and freedoms guaranteed by the constitution is a crime punishable by law.

**Article 24 – Families of martyrs, victims of genocide**

The State of Palestine and the relevant national institutions work to provide protection and care for the families of martyrs and the wounded and prisoners and those released from the occupation prisons and the victims of genocide and to pursue the perpetrators of these crimes before the judiciary.

**Article 25 – Declaration of Independence**

The Declaration of Independence and the Constitution with all its components are considered as a single indivisible unit, and its components are interpreted and integrated with each other as a harmonious legal unit.



## **Chapter II: Public Rights and Freedoms**

### **Article 26 – Human dignity**

Every human being has an inherent dignity, and the State of Palestine is committed to respecting and protecting it. Any law that is incompatible with human dignity is considered void.

### **Article 27 – Equality**

1. Palestinians are equal in rights and duties and are equal before the law and the judiciary without discrimination among them based on race, gender, color, religion, belief, opinion, social origin, or otherwise.
2. Palestinians shall enjoy the full range of equality in civil, political, economic, social, and cultural rights and freedoms provided for in this chapter of the Constitution and in the international agreements and treaties to which the State of Palestine has acceded.

### **Article 28 – Binding nature**

Human rights and fundamental freedoms provided for in this chapter and those contained in international treaties that are signed and ratified by the State of Palestine are binding and duty-bound to be respected.

### **Article 29 – Right to life**

Every person has a right to life, and the life of a person—whether alive or dead—has a sanctity protected by law. Any assault on it, tampering with it, mutilating it, trafficking in it, or its parts is a crime punishable by law.

### **Article 30 – Personal liberty**

1. Personal liberty is a guaranteed right that may not be infringed upon.
2. No person may be forced into slavery or forced labor.
3. Every person has the right to liberty and security of his person; no person may be arrested or detained arbitrarily.
4. Except in cases of *flagrante delicto* (being caught in the act), it is not permissible to arrest any person, search them, or restrict their freedom by any means or prevent them from movement except by a judicial order according to the provisions of the law. The law shall determine the period of preventive detention and punish the act of arbitrary arrest. No person may be imprisoned or detained except in places allocated for detention as organized by the laws.

### **Article 31 – Due process**

1. Every person who is arrested must be informed of the reasons for their arrest or detention, and they must be informed immediately in a language they understand of the charges against them. They have the right to inform their family and contact a lawyer, and they must be presented before the investigative authority within (24) hours, and the investigation shall only take place in the presence of a lawyer.
2. The period of detention may not be extended except according to the periods specified by the law.

### **Article 32 – Corporal integrity**

Every person has the right to the integrity of their body. It is prohibited to subject a human being to any physical or psychological harm or to treat them in an inhumane manner or subject them to a cruel, inhumane, or degrading punishment. These acts or participating in them are crimes punishable by law and are not subject to a statute of limitations. Any statement proved to have been issued under torture or threat is considered void.

### **Article 33 – Presumption of innocence, right to legal assistance**

1. An accused person is innocent until proven guilty in a legal trial that ensures them the guarantees of defense. Every person accused of a felony must have a lawyer to defend them.
2. The victim has the right to obtain legal assistance from a lawyer, and the law determines the definition of the victim, state responsibility, and the mechanism for its application.

### **Article 34 – Legality and personal nature of criminal punishment**

1. Punishment is personal. **Criminal punishments are prohibited**. There is no crime or punishment except by the text of the law, and no punishment may be imposed except by a judicial ruling, and no person shall be punished except for acts following the entry into force of the law.
2. No person may be punished for the same criminal act twice.

### **Article 35 – Medical and scientific experiments**

1. It is not permissible to conduct any medical or scientific experiment on any person without their free legal consent. Similarly, no person may be subjected to organ removal, treatment, or surgery except according to the provisions of the law.
2. The law organizes the provisions for the donation and transfer of organs and other outputs of biological and biotechnological developments for various humanitarian purposes.

#### **Article 36 – Right to privacy**

1. Every person has the right to privacy in their private life, including family privacy, the sanctity of the home, the secrecy of communications, and other means of private correspondence. They may not be monitored, entered, or intercepted except by a judicial order and according to the provisions of the law.
2. Everything resulting from a violation of the provisions of this article is considered null and void, and those affected by it have the right to compensation.

#### **Article 37 – Freedom of belief**

Freedom of belief is absolute, and the freedom to practice religious rites and establish places of worship for followers of monotheistic religions is a right regulated by law.

#### **Article 38 – Freedom of opinion**

1. Freedom of opinion is protected. Every person has the right to express their opinion and to publish and receive information and ideas and disseminate them orally, in writing, or through any other means of expression or art within the provisions of the law.
2. The law may not impose restrictions on the exercise of the freedom of opinion except within narrow limits, and for the purpose of protecting public safety, public order, public health, public morals, or the rights and fundamental freedoms of others.
3. The law prohibits any call for racial or religious hatred that constitutes incitement to discrimination, hostility, or violence.

#### **Article 39 – Freedom of movement**

Freedom of movement and the choice of place of residence are guaranteed within the limits of the law.

#### **Article 40 – Deportation and right of return**

1. No Palestinian may be deported from the territory of the homeland, prevented from entering it or returning to it, stripped of their citizenship, or handed over to any foreign entity.
2. No person among the residents of Palestine may be prevented from traveling except by a reasoned judicial order for a specific period and in cases specified in the law.

#### **Article 41 – Economic system**

1. The economic system in Palestine is based on the principles of a free economy combined with social justice in the context of various competition and the prevention of

monopolies and basic services. The executive authority may establish public companies organized by law.

2. The State of Palestine works toward achieving sustainable development that preserves national natural resources and the rights of future generations.
3. The State of Palestine works to ensure equal opportunities for all and specialized care for the least fortunate social groups.
4. Freedom of economic activity is guaranteed, and the law organizes the rules for its oversight and its limits.

#### **Article 42 – Private property**

1. Private property is protected; it may not be restricted and property may not be seized or confiscated except for the public interest and according to the law, in exchange for fair compensation or by a judicial ruling.
2. There shall be no confiscation except by a judicial ruling.

#### **Article 43 – Public taxes and fees**

The imposition of public taxes and fees, their modification, and their cancellation shall only be by law. No person shall be exempted from paying them except in cases specified by the law.

#### **Article 44 – Martyrs, wounded, prisoners**

The law organizes the provision of comprehensive care for the families of martyrs, the wounded, and prisoners, and those released, in preservation of their national dignity and their humanitarian and living needs.

#### **Article 45 – Social security, health insurance**

Comprehensive social and economic security and protection, including social and health insurance and retirement pensions and care for orphans and persons with disabilities, and the most marginalized social groups, are rights ensured by the State of Palestine and organized by law.

#### **Article 46 – Right to a home, adequate standard of living**

1. Every person has the right to a home and an adequate standard of living for themselves and their family, providing what suffices for their needs of food, water, clothing, and basic services, ensuring a dignified and suitable life.
2. The State of Palestine is committed to taking the necessary measures to achieve this right gradually through fair social and economic policies, and providing subsidized

programs for groups with limited income and ensuring construction justice and balanced development between regions.

3. It is prohibited to deprive any person of their home arbitrarily. The State of Palestine works to protect the home from demolition or forced eviction except according to the law and justice guarantees.

#### **Article 47 – Right to education**

1. Education is a right for every Palestinian, and the State of Palestine is committed to ensuring this right and providing all necessary means to achieve it.
2. The State of Palestine works to make education compulsory until at least the tenth grade and free in government institutions, and it is a right for every child, especially in the primary stages. The State of Palestine is committed to developing secondary education, including technical and professional education, and enabling everyone to join higher education on the basis of equal opportunities and without any form of discrimination.
3. The State of Palestine oversees education at all its stages and institutions and works to develop it and raise its standard in a way that achieves equal opportunities and ensures the quality of education and its outputs in all its educational stages, in a way that reinforces the values of citizenship, human rights, and national belonging.
4. The law ensures the independence of universities and higher centers and ensures scientific research. It ensures academic freedoms, freedom of scientific research, literary, cultural, and artistic creativity, and the state works to encourage and support it.
5. The State of Palestine is committed to allocating a defined percentage of the Gross National Product to finance the government spending on education and scientific and technical research.
6. Private educational institutions and facilities are committed to the systems approved by the State of Palestine and are subject to its oversight according to the law.

#### **Article 48 – Right to work**

1. Work is a right for every citizen, and the State of Palestine provides the necessary measures and legislation to ensure it based on competence and fairness. Every citizen has the right to work in suitable, appropriate, and healthy conditions, and for a fair and equal wage for work that ensures for the worker and their family a dignified life.
2. The State of Palestine provides measures that would ensure full enjoyment of the right to work, including guidance programs and technical and professional training, and establishing plans and programs to combat unemployment.

#### **Article 49 – Political participation**

1. The formation of political parties and joining them is a right and is practiced freely in the scope of respecting the Constitution and the law.

2. It is not permissible to practice any political activity or establish political parties based on discrimination between religions, genders, origins, sects, geography, or practicing an activity hostile to democratic principles, or having a military or semi-military nature or secret.
3. An organic law determines the rules related to the formation of political parties and their activities, organization, dissolution, and methods of financing them and the method of monitoring the financing.

#### **Article 50 – Professional and labor unions**

1. The formation of professional and labor unions, professional unions, economic and commercial unions, and associations of employers and practicing their activities freely is guaranteed in the scope of respecting the Constitution and the law. Their internal regulations must be compatible with democratic principles.
2. Professional unions and associations of employers contribute to defending their economic and social interests for the groups they represent and in raising their standards.
3. The law determines the rules related to their formation, activities, standards of support provided to them, and monitoring of their financing.
4. Trade union freedoms are guaranteed, including the right to strike, and it is practiced within the framework of the law. The right to strike does not apply to employees in the security forces, judges, and members of the prosecution.

#### **Article 51 – Civil society organisations**

1. Civil society institutions, associations, and non-governmental organizations are established and practice their activities freely in the scope of respecting the Constitution and the law.
2. The organization of civil society institutions, associations, non-governmental organizations, their support, and their activities must be compatible with democratic principles and according to the conditions determined by the law.

#### **Article 52 – No dissolution without a court order**

1. Political parties and professional unions may not be dissolved except by a judicial ruling.
2. Non-governmental organizations, institutions, and associations may not be dissolved or suspended except according to the law.

### **Article 53 – Right to assembly**

Individuals have the right to assembly and to hold public and private meetings, and to participate in marches, sit-ins, and demonstrations, and all forms of peaceful protests in the framework of the law.

### **Article 54 – Right to vote, petition, run for office**

The rights to vote, petition, and run for office are guaranteed by an organic law.

### **Article 55 – Participation of cultural life**

1. Every person has the right to participate in cultural life.
2. Freedom of creativity is guaranteed, and the State of Palestine encourages cultural creativity, supports national culture in its roots, diversity, and renewal, in a way that promotes the values of tolerance, dialogue, and openness to various cultures.
3. The State of Palestine protects the tangible and intangible national cultural heritage and ensures the right of future generations to it.

### **Article 56 – Media**

1. The formation of newspapers and all means of media is a right guaranteed to all. Their sources of financing and method of expenditure are subject to law oversight in a way that ensures transparency and independence.
2. Freedom of media, including print, electronic, audio-visual, and digital press, and the freedom of printing, publishing, distribution, and broadcasting, and the freedom of those working in them, is guaranteed according to the Constitution and relevant laws.
3. Censorship over the media is prohibited. It is not permissible to warn them, suspend them, confiscate them, cancel them, or impose restrictions on them except according to the law and by a judicial ruling.
4. The State of Palestine is committed to ensuring the independence of public media and its neutrality. Its use for party or personal purposes is prohibited. It shall work in a way that ensures the representation of political and social pluralism, for the public interest, while respecting professional standards.

### **Article 57 – Right to information**

Every person has the right to obtain information available at government departments, public institutions, and bodies entrusted with public service. It is not permissible to restrict this right except for requirements of protecting state security, the private life of individuals protected by law, and for the prevention of infringement on the freedoms and fundamental rights provided for in this Constitution. The law organizes this right.

#### **Article 58 – Digital privacy**

Every person has the right to digital privacy, including the right to delete their personal data stored or transmitted through digital means when the specific need for its preservation expires or if it was collected without a legal basis or if it affects their fundamental rights. Public and private institutions are committed to responding to the request for deletion within a reasonable period, and taking all necessary technical and legal measures to ensure the continuity of data availability for free. This is without prejudice to the freedom of expression and the requirements of the public interest and the protection of the educational record.

#### **Article 59 – Family as basis for society**

1. The family based on marriage between a man and a woman is the primary unit of society. The State of Palestine provides it with the highest degree of protection and support.
2. Protection of motherhood, paternity, and childhood is a national duty. The State of Palestine works on promoting the roles of parents in education, care, and protection.
3. Marriage takes place with the consent of the two parties. No marriage shall take place without it.
4. The State of Palestine is committed to providing special protection for mothers before and after birth, and ensuring the right of working mothers to a paid maternity leave.

#### **Article 60 – Rights of children**

A child is every human being who has not reached (18) years of age, and has the following rights:

1. Registration and having a name upon birth and a nationality according to the law.
2. Comprehensive protection and care to ensure their physical, mental, and psychological growth in a healthy environment.
3. Family care or specialized alternative care if deprived of the family environment, according to the provisions of the law.
4. Legal and moral upbringing that provides the standard of health, family care, and necessary social services for their safety and growth.
5. Not to be exploited for any economic purpose, and not to be allowed to perform work that harms their safety, health, or education.
6. Protection from abuse, negligence, harm, or assault on dignity, and their right to the highest degree of psychological and other forms of harsh treatment.
7. Humane treatment and reformatory care in case of a sentence involving a deprivation of liberty, while separating them from adults and providing for their health and dignity.



8. Not to participate directly or indirectly in armed conflicts, and to enjoy protection in times of armed conflict.
9. Considering their best interest in every matter concerning them at the highest level.

#### **Article 61 – Disabilities**

1. The State of Palestine is committed to protecting and ensuring all the rights of persons with disabilities on the basis of equality with other members of society.
2. The State of Palestine works on taking the necessary administrative and legislative measures to prepare public facilities and the appropriate environment that would enable them to fully integrate into society according to the law.

#### **Article 62 – Right to litigate**

1. Litigation is a protected and guaranteed right for all. Every person has the right to resort to their natural judge for the protection of their rights and freedoms and compensation for the harm they suffered. The law organizes litigation procedures in a way that ensures a speedy settlement of cases without prejudice to the rights of the litigants.
2. It is prohibited to state in laws the immunity of any administrative act or decision from judicial oversight.
3. Judicial error entails compensation determined by the law, its conditions, and its mechanisms.

#### **Article 63 – Protection from all forms of violence**

1. Every person has the right to protection from all forms of violence, whether physical, psychological, economic, or digital, whether issued by an individual, a group, an institution, or a public authority.
2. The State of Palestine is committed to taking the necessary legislative, administrative, and judicial measures to prevent violence, limit it, and prosecute its perpetrators.
3. The State of Palestine provides necessary protection and support mechanisms for victims, with special attention to groups more vulnerable to violence, especially women, children, the elderly, and persons with disabilities.
4. The law regulates the promotion of awareness programs of prevention from violence, reporting procedures, protection, and ensuring data secrecy, in a way that promotes human dignity and international standards for human rights.

#### **Article 64 – Physical and mental health**

1. Every person has the right to enjoy the highest attainable standard of physical and mental health.

2. The State of Palestine assumes the responsibility of providing health services to all and overseeing them according to the principles of efficiency, availability, accessibility, and financial accessibility. It establishes policies for providing health services by private and civil institutions, and practicing oversight and supervision over them according to the law.
3. The State of Palestine ensures primary health care and protection for all and provides the necessary capabilities to ensure the safety and quality of health services.
4. The State of Palestine ensures free treatment for those who need it, especially for the limited-income group.

#### **Article 65 – Mental health**

1. The State of Palestine is committed to protecting and promoting the right to mental health for every individual without discrimination. This is through providing preventive and curative mental health services through specialized health institutions that are available, accessible, and safe. It adheres to privacy and human dignity, and the state works on providing an educational and professional environment that promotes mental well-being. It ensures the secrecy of information related to mental health and respects the dignity of those benefiting from its services.
2. The State of Palestine promotes the community awareness of mental health through educational and guidance programs and prevention, and encouraging a social and health environment that respects mental well-being.

#### **Article 66 – Right to environment**

1. Every person has the right to a healthy, balanced, clean, and sustainable environment.
2. Protecting and preserving the environment from pollution is a duty of the state and society, and harming it is a crime challenged by the law.
3. The State of Palestine is committed to taking the necessary measures to face environmental changes and protect biodiversity.

#### **Article 67 – Right to water**

1. Every person has the right to obtain clean, safe, and acceptable water, and it must be physically and financially accessible in a reasonable amount for personal and home use.
2. Preserving water and rationalizing its use is a duty of the state and society.
3. The State of Palestine is committed to doing everything required of procedures to achieve the water rights of the Palestinian people.

#### **Article 68 – Sport**

1. Practicing sport is a right for every person. The State of Palestine and society work on encouraging its practice, and establishing policies and providing means to protect and develop sports talents and activities. It takes the necessary measures to encourage sports practice without discrimination.
2. The law organizes the national and international sports affairs according to international standards.

#### **Article 69 – Crime of genocide, crimes against humanity**

1. The law punishes the crimes of genocide, crimes against humanity, war crimes, aggression, and all serious and systematic violations of human rights. They are not subject to a statute of limitations and may not be pardoned.
2. The law punishes treason, espionage, and conspiracy against the unity and integrity of the territory of the State of Palestine.

#### **Article 70 – Rights of foreigners**

Every foreigner residing legally on the territory of the State of Palestine enjoys protection for his person and property. No person may be handed over except by a signed international agreement or according to a law.

#### **Article 71 – Limitation of rights, proportionality**

The law defines the conditions related to the rights and freedoms protected by this Constitution. No restriction may be placed on these rights except for necessary purposes in a democratic state, for the protection of the rights of others, or for requirements of public security, national defense, public health, or public morals. This is while respecting the proportionality between the restriction and its purposes. Judicial bodies are committed to protecting rights and freedoms from any violation.

#### **Article 72 – International human rights law**

Human rights in all their indivisibility are an inherent principle of the rules of international human rights law. They are protected by the Constitution and are applied to all without discrimination.

## **Chapter III: The President of the State**

### **Article 73 – Role**

The President of the State is the President of the Republic and the head of the executive authority. He oversees respect for the Constitution, is committed to its provisions, maintains the unity of the people and national independence, and ensures the continued survival of the state, its sovereignty, and the regular functioning of the public authorities.

### **Article 74 – Electoral term, term limits**

1. The President of the State is elected for a term of (5) Gregorian years from the date of the public, secret, and direct vote. This is by an absolute majority of the valid votes cast. If this majority is not obtained in the first round of voting, a second round is organized within (14) days following the announcement of the final results of the first round. Only the two candidates who obtained the largest number of votes in the first round shall participate in the second round, and the one who obtains the majority of valid votes shall be declared the winner.
2. It is not permissible to hold the Presidency of the State for more than two full consecutive or separate terms. In the event of resignation, the term is considered a full presidential term. It is not permissible for any amendment to increase the number of presidential terms by extension. Procedures for electing the new President shall begin (90) days before the end of his term.

### **Article 75 – Conditions for candidacy**

1. It is required that whoever is a candidate for President of the State must be a Palestinian born to two Palestinian parents, must not hold another nationality. If he holds another nationality, he shall submit a written pledge in his candidacy file to renounce the other nationality in the event of his victory. His age must not be less than (40) Gregorian years on the day the candidacy opens. He must be enjoying civil and political rights, and not have been convicted of any felony or misdemeanor involving breach of honor or trust, even if he has been rehabilitated.
2. The law defines other conditions for candidacy.

### **Article 76 – Oath**

1. It is required that the President of the State, before assuming the duties of his office, takes the following constitutional oath before the House of Representatives : "I swear by God Almighty to be faithful to the homeland and its independence, and to preserve the unity and safety of its territory, and to protect its national and pan-Arab components and heritage, and to respect the Constitution and the law, and to protect the rights and freedoms of the Palestinian Arab people and serve their interests with full care, and to perform my duties for the sake of the people, and God is witness to what I say."

2. In the event that the House of Representatives does not exist, the President of the State takes the oath before the General Assembly of the Constitutional Court.

#### **Article 77 – Salary and benefits**

The salary of the President of the State and his benefits are determined by law.

#### **Article 78 – Immunity**

The President of the State enjoys immunity during the term of his office for acts strictly related to the exercise of his constitutional duties. This ensures the independence of his office and the continued work of the state institutions. This immunity does not prevent his accountability according to the constitutional procedures established in the event of a grave violation of the Constitution or breach of his official duties.

#### **Article 79 – Deputy, vacancy**

1. The President of the State may appoint a deputy for him, to whom he may delegate some of his duties. He may relieve him of his office or accept his resignation.
2. In the event of the vacancy of the office of the President of the State by death or resignation, the Speaker of the House of Representatives shall replace him. In the event of the vacancy of the office of the President of the State due to loss of legal capacity or inability to exercise his constitutional duties, the vacancy of the office is declared by a decision from the Constitutional Court based on a request from the absolute majority of the members of the House of Representatives, and the Speaker of the House of Representatives shall exercise the powers of the President of the State temporarily.
3. If the House of Representatives is not standing, the President of the Constitutional Court shall replace the Speaker of the House of Representatives.
4. In all cases, the new President must be elected within a period not exceeding (90) days from the date of the vacancy of the office. The presidential term in this case starts from the date of the announcement of the election results.
5. The President of the State, during the period of his temporary presidency, may not dissolve the House of Representatives, nor may he dismiss or change the government, nor may he request the amendment of the Constitution, nor may he run for the office of President.

#### **Article 80 – Government formation**

1. The President of the State appoints the Prime Minister based on consultation with the parliamentary blocs represented in the House of Representatives, on the condition that he takes into account in the selection his ability to obtain the confidence of the House.

2. The President of the State assigns the Prime-Minister-designate to form the government within a period not exceeding (3) weeks from the date of the assignment, renewable for two more weeks. He presents its program to the House of Representatives to obtain confidence by the absolute majority of its members.
3. If the government does not obtain confidence within the specified period, the President of the State assigns another candidate to form the government within the same period.
4. If the House is not able to grant confidence to any government within the specified period, the President of the State may dissolve the House of Representatives according to the provisions of the article related to its dissolution.
5. The outgoing government is considered a caretaker government until the new House of Representatives is elected and according to the provisions of Article (3/100).
6. The election of the new House of Representatives takes place within (90) days at most from the date of dissolution.

#### **Article 81 – Representation of State of Palestine**

The President of the State, according to the law, represents the State of Palestine and signs the credentials of the state's representatives to states and international and regional organizations, and receives the credentials of representatives of states and international and regional organizations to the State of Palestine.

#### **Article 82 – International treaties**

1. The President of the State signs and ratifies international treaties, and they are published in the Official Gazette.
2. Treaties ratified by the President of the State have, under the conditions provided for in the Constitution, a status higher than laws and lower than the Constitution.
3. Peace treaties or commercial treaties or treaties involving financial burdens for which the state is committed, or whose implementation requires legislative measures, or those related to public human rights and fundamental public or private freedoms, must be referred to the House of Representatives for ratification.
4. Peace and alliance treaties or those related to the borders or what affects sovereignty may be referred to a public referendum and shall not be ratified except after obtaining the result of the referendum with approval.
5. In all cases, it is not permissible to conclude treaties that violate the provisions of the Constitution.

#### **Article 83 – Commander in chief**

The President of the State is the Commander in Chief of the Armed Forces.

#### **Article 84 – Dissolution of House**

1. The President of the State, based on consultation with the Prime Minister and the Speaker of the House of Representatives, may dissolve the House of Representatives.
2. The dissolution takes place based on a reasoned خطاب (address/letter) addressed by the President of the State to the people.
3. The election of the new House of Representatives takes place within (90) days at most from the date of dissolution.
4. If the House of Representatives is dissolved, the next House may not be dissolved for the same reason except after at least one year from its election, or during the last (6) months of the term of the President or the parliamentary term.

#### **Article 85 – Ratification of legislation**

1. The President of the State ratifies laws after their approval by the House of Representatives within (30) days from the date of their referral to him, and they are published in the Official Gazette.
2. The President has, before the expiration of the (30) day period, the right to return the draft law approved by the House of Representatives, and he may request a reconsideration of it with a statement of the reasons for his objection.
3. If the (30) day period expires without the law being ratified or objected to, the law becomes effective by force of law and is published in the Official Gazette.
4. If the President of the State returns the draft law approved by the House of Representatives within the legal period, and the House of Representatives approves it again by a two-thirds majority of the total members of the House, the law becomes effective by force of law and is published in the Official Gazette.

#### **Article 86 – Decisions that have the force of law**

The President of the State, in cases of necessity that do not tolerate delay during the non-session of the House of Representatives, may issue decisions that have the force of law in legislative matters. These must be presented to the House of Representatives in its first meeting after their issuance for their approval or to remain in force. If they are presented to the House of Representatives in the aforementioned manner and it does not approve them, they lose their force of law, and in this case, the results resulting from them are settled.

#### **Article 87 – Powers**

The President of the State shall exercise, in addition to the aforementioned powers, the following powers:

1. Representing the state at home and abroad and directing the foreign policy of the country, and he may delegate some of his foreign powers.
2. Directing the Council of Ministers in drawing up general policy.
3. He has the right to preside over the Council of Ministers.
4. Presiding over the Council of Ministers during the declaration of a state of emergency.
5. Issuing decrees provided for constitutionally and requesting their announcement.
6. Referendum of the people on important matters related to the supreme interests of the country after obtaining the approval of the Constitutional Court on the referendum.
7. Ratification of the appointment of judges based on the recommendation of the competent councils according to the law.
8. Appointing (3) members of the Constitutional Court, and appointing the President of the Constitutional Court from among its members.
9. Issuing decisions to appoint senior civil officials and heads of security services according to the law.
10. The right to grant a private pardon from the punishment or its reduction; as for a general pardon from the crime, it may only be by law.

#### **Article 88 – State of emergency**

1. The President of the State may declare a state of emergency for a period of (30) days after consultation with the Speaker of the House of Representatives and the Prime Minister, and directing an address to the people, in the event that the country's security is exposed to danger from a disaster or external or internal threat that threatens the safety of society and hinders the normal functioning of constitutional institutions. A state of emergency is only declared when its procedures are necessary to restore public order or the normal and regular functioning of constitutional institutions or to face natural disasters.
2. It is permissible to extend the state of emergency for another (30) days after the approval of a two-thirds majority of the total members of the House of Representatives. In all cases, the declaration of emergency must include the purpose, area, and time period covered.
3. It is not permissible, when declaring a state of emergency, to impose restrictions on fundamental rights and freedoms except to the extent necessary to achieve the purpose declared in the declaration of the state of emergency. All decisions and acts performed by the Council of Ministers during the state of emergency are subject to judicial oversight.
4. The House of Representatives may not be dissolved during the declaration of a state of emergency, nor may the Constitution be amended.



## **Chapter IV: The Executive Branch**

### **Article 89 – Cabinet, conditions for prime minister**

1. The Government is the supreme executive and administrative body of the state. It consists of the Prime Minister, his deputies, and the ministers. The Prime Minister oversees its work and directs it in the performance of its duties.
2. It is required that whoever is appointed as Prime Minister must be Palestinian, born to two Palestinian parents, and must not hold another nationality. If he holds another nationality, he shall submit a written pledge to renounce it upon his appointment. He must be enjoying civil and political rights, and not have been convicted of any felony or misdemeanor involving breach of honor or trust, even if he has been rehabilitated.
3. It is not permissible to combine the membership of the Government and the membership of the House of Representatives. If a member of the House is appointed to the Government, his seat in the House becomes vacant from the date he receives confidence.

### **Article 90 – Government programme**

1. After the President of the State designates the members of the Government, the Prime Minister presents himself before the House of Representatives and submits the government program intended for implementation. It is required that this program includes the main outlines of the government's work. The presented program shall be subject to discussion before the House of Representatives for approval by vote.
2. Confidence is granted to the Government upon obtaining the absolute majority of the members of the House in favor of the government program.

### **Article 91 – Oath**

After obtaining confidence, the Prime Minister and the ministers take the following constitutional oath before the President of the State and the Speaker of the House of Representatives: "I swear by God Almighty to be faithful to the homeland and its independence, and to preserve the unity and safety of its territory, and to protect its national and pan-Arab components and heritage, and to respect the Constitution and the law, and to protect the rights and freedoms of the Palestinian Arab people and serve their interests with full care, and to perform my duties for the sake of the people, and God is witness to what I say".

### **Article 92 – Presidential authority**

1. The Government exercises its competencies under the authority of its President. It works on implementing the government program, preparing draft laws and ensuring their implementation, issuing administrative decisions according to the law and following up on their implementation, preparing the draft law for the general budget for presentation to the House of Representatives, and issuing executive regulations for laws, systems,

and the organization of public facilities, and maintaining the security of the homeland and protecting the rights of citizens and the interests of the state.

2. The Prime Minister is responsible for his actions and those of his ministers before the President of the State. Every minister is responsible before the Prime Minister. The Prime Minister and the ministers are individually and collectively responsible before the House of Representatives for the actions of the Government.

#### **Article 93 – Weekly meetings**

The Government holds its meetings by invitation of its President in a regular weekly manner or when necessary. It is not permissible for non-ministers to attend these sessions except by prior invitation from its President, and its meetings shall be documented.

#### **Article 94 – Financial benefits**

1. Financial benefits of the Prime Minister and the ministers are determined by law.
2. These benefits apply only during the period of their tenure. Ministers receive end-of-service benefits for the years they spent in the Government according to the law.

#### **Article 95**

The Prime Minister is specialized in the following:

1. Inviting the Government to convene, setting its agenda, and presiding over its sessions.
2. Dismissing one or more members of the Government or deciding on their resignation. The vacancy is filled according to the confidence-granting procedures.
3. Making appointments and assignments in senior civil positions in government departments and public institutions according to the law.
4. Working on the implementation of laws, and the Prime Minister may delegate some of his powers to the ministers.
5. Directing the work of the ministries, overseeing the work of the ministers and the institutions affiliated with the Government, following up on their work and coordinating between them, and giving general directions to ensure the proper functioning of the work.
6. Signing and issuing decisions and executive regulations for laws and systems approved by the Government.
7. Appointing a deputy or more from among the ministers of the Government to perform his duties during his absence.

#### **Article 96 – Number of ministers**

1. The Government consists of the Prime Minister in addition to (24) ministers at most.
2. The appointment decree shall determine the ministry entrusted to each minister.

#### **Article 97 – Responsibilities**

The Government is specialized in the following:

1. The Government is responsible with collective and solidary responsibility.
2. Establishing and amending ministries and setting their competencies and powers.
3. Establishing, amending, merging, or dissolving institutions and government departments, and organizing and setting their competencies after approval by the Government.
4. Preparing the general budget for presentation to the House of Representatives.
5. Preparing the administrative apparatus, setting its structure, providing it with all necessary means, and overseeing it and following up on it.
6. Overseeing the performance of the ministries and other units of the administrative apparatus for their duties and competencies, and coordinating between them.
7. Responsibility for maintaining public order and internal security.

#### **Article 98 – Ministerial responsibilities**

1. The minister is responsible for managing and implementing the government policy according to the government program within the scope of the ministry entrusted to him.
2. The minister performs the duties assigned to him by the Prime Minister and informs the Government of that.
3. The minister may delegate part of his administrative competencies to the undersecretary of the ministry or other senior officials in his ministry according to the law.
4. Every minister works within the limits of his competencies on the implementation of laws, systems, and executive regulations, and the government programs and plans, in the manner established in this Constitution and the laws organizing the work of the Government.
5. The minister may issue the necessary instructions to organize the work of his ministry.
6. Ministers may attend the sessions of the House of Representatives and the meetings of its standing committees.

#### **Article 99 – Resignation, reformation**

The Government is considered resigned and shall be re-formed in the following cases:

1. Upon the expiration of the term of the House of Representatives.
2. Upon the withdrawal of confidence from the Prime Minister, or from the Prime Minister and his government, or from at least one-third of the number of ministers.
3. Any addition, change, vacancy, or dismissal that affects at least one-third of the number of government members.
4. The death of the Prime Minister.
5. The resignation of the Prime Minister, or the resignation of at least one-third of the members of the Government.
6. The dismissal of the Prime Minister by the President of the State.

## **Chapter V: The Legislative Branch**

### **Article 100 – Role**

1. The House of Representatives of the State of Palestine is the sole legislative authority.
2. The House of Representatives monitors the work of the Government and evaluates its general policies.
3. The members of the House of Representatives are elected by public, secret, and direct vote, and the term of the House of Representatives is (5) years.

### **Article 101 – Number of members**

An organic law determines the number of members of the House of Representatives and their election system, the conditions for eligibility for election and candidacy according to the provisions of the Constitution.

### **Article 102 – Oath**

The members of the House of Representatives shall take, before the President of the State and before beginning their constitutional duties, in their first session or a public session, the following constitutional oath: "I swear by God Almighty to be faithful to the homeland and its independence, and to preserve the unity and safety of its territory, and to protect its national and pan-Arab components and heritage, and to respect the Constitution and the law, and to protect the rights and freedoms of the Palestinian Arab people and serve their interests with full care, and to perform my duties for the sake of the people, and God is witness to what I say".

### **Article 103 – Vacancy**

If a seat of a member or more becomes vacant due to death, resignation, or loss of eligibility, the vacancy is filled according to the law.

### **Article 104 – First session**

The House of Representatives holds its first session by invitation from the President of the State, and the House elects in its first session a Speaker and a number of deputies to the Speaker, who form the Presidency of the House. It is not permissible to combine the membership of this Presidency and any other government office.

### **Article 105 – Permanent headquarters, Jerusalem**

The permanent headquarters of the House of Representatives is in the city of Jerusalem, the capital of the State of Palestine, and it may hold its sessions in other places based on the call of its Speaker or the absolute majority of its members.

#### **Article 106 – Regular, extraordinary Sessions**

1. The House of Representatives holds its sessions in two sessions per year; the duration of each session is not less than (4) months. The President of the State opens the first session in the month of October and delivers his opening address to the House of Representatives.
2. The House may hold extraordinary sessions at the request of the President of the State or the majority of the members of the House, and this shall be based on a specific agenda. The discussion is limited to the issues for which the session was called until the session is concluded with its agenda.

#### **Article 107 – Public sessions**

The sessions of the House of Representatives are public, and the records of the discussions of the public sessions are published in their entirety in the bulletins of the House of Representatives. It is permissible for the Speaker of the House or at the request of the President of the State or the Prime Minister or the request of one-third of its members to hold closed sessions.

#### **Article 108 – Bylaws**

The House of Representatives sets its internal regulations to organize the procedures for performing its legislative and oversight duties, and the rules for analyzing and running parliamentary work, and the presence of members in participating in the work of committees and regular sessions, and identifying the members of standing committees and their competencies and organization, and procedures for holding its members accountable, and other matters within its competencies in a way that does not conflict with the provisions of the Constitution.

#### **Article 109 – Quorum**

1. The meeting of the House is considered valid by the presence of the absolute majority of its members.
2. The decisions of the House of Representatives, including the approval of draft laws, are issued by the absolute majority of its present members, provided that the number of those in favor is not less than one-third of the members of the House, except for cases that require a special majority for their approval.
3. The laws complementary to the Constitution are approved and amended by the approval of two-thirds of the members of the House. These are the laws organizing public elections, political parties, the judicial authority, the law of the Constitutional Court, the law organizing the general budget, and the laws organizing independent constitutional institutions.

#### **Article 110 – Legal responsibility**

1. Members of the House of Representatives may not be held accountable, civilly or criminally, for the opinions they express, or the facts they state, or for their voting in a certain way in the sessions of the House of Representatives or in the work of committees, or for any work they perform outside the House of Representatives for the purpose of enabling them to perform their parliamentary duties.
2. It is not permissible, in cases other than *flagrante delicto*, to take any criminal measures against a member of the House of Representatives in matters of felonies or misdemeanors except with prior permission from the House. During the non-session period, permission is granted by the Speaker of the House, and the House is notified at its first meeting of the measure taken.
3. The immunity of a member of the House of Representatives ends with the end of his parliamentary membership, and it is not permissible to hold him accountable for the acts mentioned in the first point of this article.

#### **Article 111 – Conflicts of interest**

A member of the House of Representatives may not exploit his membership in any work that is carried out in the private sector.

#### **Article 112 – Benefits**

The benefits of a member of the House of Representatives regarding rewards and benefits are determined by law, and they only apply during the period of his term. The member receives end-of-service benefits for the years he spent in the membership of the House of Representatives according to the law. Any amendments made by the House to these rewards and benefits only apply to the members of the House of Representatives that are elected subsequent to the House that approved them.

#### **Article 113 – Right to submit draft laws**

1. The Council of Ministers, parliamentary blocs, or any member of the members of the House of Representatives, provided he obtains (10) signatures from the members, have the right to submit draft or proposed laws.
2. Draft or proposed laws are submitted to the Presidency of the House of Representatives, and priority is given to draft laws submitted by the Council of Ministers.
3. Draft or proposed laws are referred for their first consideration to the specialized standing committees, which in turn prepare the draft or proposal before the House of Representatives for its discussion and voting. They are not referred to the House except if approved by the specialized committee. Every draft or proposal rejected by the House may not be submitted again in the same session.

#### **Article 114 – Committees**

1. In addition to the standing committees, it is permissible to form, by a decision from the Speaker of the House or a request from (10) members, parliamentary fact-finding committees. They are assigned to collect information and evidence on specific facts or those related to any of the state institutions, and the House of Representatives is informed of the results of their work.
2. It is not permissible to form fact-finding committees on facts that are subject to trial or prosecution by judicial authorities.
3. Fact-finding committees are temporary in nature, and their work ends with the conclusion of the discussion of their report before the House.

#### **Article 115 General Budget Law**

1. The Government must submit the draft general budget to the House of Representatives at least (3) months before the beginning of the next fiscal year.
2. The House of Representatives holds a special session or more to discuss the draft general budget law. It approves it with amendments before the beginning of the next fiscal year or returns it to the Government within a maximum of (30) days from the date of its referral to it, attached with the observations of the House of Representatives to complete the required requirements.
3. The voting takes place on the budget items and chapters item by item, and the voting on the budget as a whole is done to approve it by the absolute majority and its referral to the President of the State for its issuance.
4. After the approval of the general budget law, it is not permissible to make transfers between the budgets of the centers of responsibility and between the chapters and items of the same budget except according to what is established in the annual general budget law.
5. If the draft general budget law is not approved by the end of the scheduled term, the Ministry of Finance has the authority to collect revenues according to the established mechanisms and terms, and spending continues with monthly credits at the rate of (1/12) for each month from the approved previous year's budget, for a maximum of (3) months.
6. The Government may reject, after giving reasons, any proposals or amendments submitted by the members of the House of Representatives if their approval leads to a breach of the general budget law by reducing public resources or creating new public spending or revenues in a current spending item submitted for voting.
7. If there is a need to amend the general budget law in a way that leads to a reduction in public resources or an increase in public spending, then this procedure is done by a session for preparing, approving, adopting, and issuing the general budget.



#### **Article 116 – Final accounts**

The Government submits annually to the House of Representatives the final account for the budget within a period not exceeding (6) months from the date of the end of the next year for its approval.

#### **Article 117 – Questions to the government**

1. A public session is allocated for questions from members of the House of Representatives and answers from the Government.
2. The Government is committed to its answers within (15) days following the referral of the question to it.
3. Answers to questions related to general policy are submitted by the Prime Minister, and a session is allocated for these questions every month, and the answers are submitted before the House of Representatives.
4. Ten members of the House of Representatives may submit a request to the Speaker of the House to hold a special session for a motion of no confidence in the Government or one of the ministers, and in this case, the minister is given an opportunity to respond to the interpellation.

#### **Article 118 – Withdrawal of confidence**

1. The House of Representatives may withdraw confidence from the Government or the Prime Minister or the minister by voting on a motion of no confidence signed by at least one-tenth of the members of the House.
2. The voting on a motion of no confidence takes place only after at least (3) days have passed from the date of its submission.
3. Confidence is withdrawn by the House of Representatives by the vote of the absolute majority of the members of the House.
4. Approval of the withdrawal of confidence from the ministers leads to their resignation immediately. If the withdrawal of confidence is directed against the Prime Minister or the Government, the Government is considered resigned.

#### **Article 119 – Parliamentary opposition**

The parliamentary opposition has a special status guaranteed by the Constitution, giving it rights that enable it to perform its parliamentary role and participate in committees and political life.

## **Chapter VI: The Judicial Authority**

### **Article 120 – Independence, structure**

1. The Judicial Authority is independent, tasked with establishing justice and ensuring the supremacy of the Constitution and the rule of law, as well as respect for rights and freedoms. It is the original authority specialized in the judicial function, and it settles all disputes and crimes.
2. The law defines the components of the Judicial Authority, organizes its structure, determines the types of courts and their levels, their jurisdictions, and the procedures for litigation before them. It shall have an independent budget listed within the general budget and shall oversee its implementation.

### **Article 121 – Judicial independence, immunity**

1. Judges are independent; there is no authority over them in their judgment except the law. No authority may interfere in the judiciary or in the affairs of justice, and judges may not be dismissed except in cases specified in the Judicial Authority Law.
2. Judges enjoy immunity against anything that undermines their duties, independence, and integrity.

### **Article 122 – Supreme Judicial Council**

1. The Supreme Judicial Council shall manage the affairs of the Judicial Authority in a manner that ensures its independence, efficiency, and ease of access to justice.
2. The law defines the composition and jurisdictions of the Supreme Judicial Council.
3. The House of Representatives' opinion shall be sought on draft laws organizing the affairs of the judiciary, and it shall set its internal regulations and issue the executive regulations and systems necessary to implement the Judicial Authority Law and issue them according to the rules.

### **Article 123 – President of the Supreme Judicial Council**

1. The President of the Supreme Judicial Council is appointed by a decree from the President of the State of Palestine upon the recommendation of the Supreme Judicial Council from among those who meet the conditions for judicial office. The law organizes the method of appointing the members of the Supreme Judicial Council and the periods required for each of them.
2. The President of the Supreme Judicial Council takes the legal oath before the President of the State of Palestine.

**Article 124 – Conditions for being a judge**

1. The conditions for appointing judges, their transfer, delegation, promotion, and the organization of their affairs and disciplinary procedures are defined by law.
2. It is not permissible to combine the profession of a judge and any other profession, or membership in the House of Representatives, or membership in political parties or political work.

**Article 125 – Oath**

The judge takes the legal oath before the Supreme Judicial Council in the manner prescribed in the Judicial Authority Law.

**Article 126 – Public sessions**

Court sessions are public unless the court decides they should be secret in consideration of public order or morals or based on a request from the litigants. In all cases, the judgment is pronounced in a public session.

**Article 127 Litigation procedures**

The law organizes litigation procedures in a manner that ensures justice and a speedy settlement of cases.

**Article 128 – Judgement in the name of the people**

The Judiciary issues its judgments in the name of the Palestinian Arab people.

**Article 129 – Court of cassation**

The Court of Cassation is specialized in looking into criminal and civil disputes, and the law defines the method of its composition, its jurisdiction, and its work procedures.

**Article 130 – Administrative courts**

Administrative courts are specialized in settling administrative disputes, and the law defines the composition of these courts, their jurisdiction, and the procedures for litigation before them.

**Article 131 – Military courts**

1. The courts and the Public Prosecution represent a judicial system characterized by the specialty of the security forces' judiciary.
2. The military courts exercise their jurisdictions according to their laws, and these courts have no jurisdiction or mandate outside the scope of military work.

#### **Article 132 – Personal status**

1. Sharia disputes and personal status are handled by Sharia and religious courts.
2. The law defines the method of composition, jurisdiction, and work procedures of Sharia courts.

#### **Article 133 – Public prosecution**

The Public Prosecution is part of the Judicial Authority; it handles the pursuit of public cases in the name of the Palestinian Arab people according to the provisions of the law. The Judicial Authority Law applies to its members.

#### **Article 134 – Attorney general**

1. The Attorney General is appointed for a term of 4 years, renewable for one term, by a decree from the President of the State of Palestine based on a recommendation from the Supreme Judicial Council from among those who meet the conditions for judicial office.
2. The law defines the jurisdictions of the Attorney General, his duties, and his accountability.

#### **Article 135 – Legal profession**

The legal profession is a liberal profession that participates in achieving justice, the rule of law, and the preservation of the right to defense. Lawyers practice it independently. While performing their duties, lawyers enjoy the right to appear before courts and investigative and inquiry bodies with the guarantees and protection established by law. It is prohibited, except in cases of *flagrante delicto*, to arrest or detain a lawyer while he is practicing the right to defense except according to the provisions of the law.

#### **Article 136 – Status of judicial rulings**

Judicial rulings must be implemented. Refusal to implement them or obstructing their implementation is a crime punishable by imprisonment and dismissal from office if the accused is a public official or a person assigned to a public task. The beneficiary of the judgment, in this case, has the right to file the case directly before the competent court, and the law guarantees full compensation for him.

## **Chapter VII: The Constitutional Court**

### **Article 137 – Legal status, headquarters**

1. The Constitutional Court is an independent judicial body, established in its own right, enjoying judicial personality and independent financial and administrative status, and its budget is listed as a separate line in the general budget of the state.
2. The headquarters of the Court is in the city of Jerusalem, and it may have a temporary headquarters in any Palestinian city as required by the circumstances.

### **Article 138 – Members**

1. The Constitutional Court consists of (9) judges who are appointed for a term of (9) years, and one-third of its members are renewed every (3) years.
2. The President of the State appoints (3) judges, and the House of Representatives chooses (3) judges from among the candidates presented by the House by voting with the absolute majority of the members of the House of Representatives, and the Supreme Judicial Council appoints (3) judges.
3. Upon the first appointment, the entity specialized in the appointment determines the term of the term of each member of the three members, such that it is (3) years for the first member, (6) years for the second member, and (9) years for the third member, and this is organized by an organic law.

### **Article 139 – Appointment**

The President of the State of Palestine appoints the President of the Constitutional Court from among the members of which it is composed, and the President of the Court continues in his duties as President of the Constitutional Court until the end of his term as a judge in the Constitutional Court.

### **Article 140 – Oath**

The judges of the Constitutional Court take, before beginning their duties, the constitutional oath before the President of the State of Palestine and in the presence of the Speaker of the House of Representatives and the President of the Supreme Judicial Council, according to the following text: "I swear by God Almighty to respect the Constitution and the law, and to judge with truth".

### **Article 141 – International organisation, membership, benefits**

1. An organic law determines the rules for organizing the Constitutional Court and its procedures and the measures followed before it, and setting the status of its members and the conditions for their appointment and their accountability and the duties that may not be combined with the membership of the Constitutional Court.

2. It is required for membership in the Constitutional Court the general conditions necessary for assuming the judiciary according to the provisions of the Judicial Authority Law.
3. An organic law determines the benefits and privileges for the members of the Constitutional Court, and they only apply during the period of the member's term. Members receive end-of-service benefits for the years they spend in the membership of the Constitutional Court according to the provisions of the law.
4. It is not permissible for a member of the Constitutional Court to assume any other office or practice commercial, political, or party activity.

#### **Article 142 – Responsibilities**

The Constitutional Court is specialized, to the exclusion of others, in the following:

1. Subsequent oversight of the constitutionality of laws, including organic laws, and executive regulations and systems.
2. Oversight of the constitutionality of laws that incorporate international treaties into the official gazette.
3. Interpretation of the texts of the Constitution, and interpretation of laws in a way that is compatible with the provisions of the Constitution.
4. Settlement of the dispute that arises regarding the execution of two final contradictory judgments issued one of them from any entity of the judicial entities or an entity with judicial jurisdiction, and the other from another entity.
5. Settlement of conflict of jurisdiction between the authorities.
6. Settlement of conflict of jurisdiction by appointing the specialized entity from among the judicial entities, if a case is filed on one subject before two entities and neither of them abandoned its consideration, or both abandoned it.

#### **Article 143 – Status of decisions**

The provisions of the Court in constitutional cases and its decisions on interpretation are binding on all authorities of the state and on everyone.

## **Chapter VIII: Local Government**

### **Article 144 – Organised by law**

1. The administrative levels of the State of Palestine are organized by law into local government units covering all the territory of the state.
2. Local government is considered one of the pillars of the democratic system, and it is practiced through local bodies specialized by direct, free, and secret election, enjoying legal personality and financial and administrative independence, and exercising their powers according to the law. The state ensures for the local bodies the necessary resources to exercise their competencies and their role in achieving development, and the law defines their relationship with the central authority and the manner of oversight over them.

## **Chapter IX: Independent State Constitutional Institutions**

### **Article 145 – Independent human rights commission**

An independent commission shall be established named "The Independent Human Rights Commission" enjoying legal personality and financial and administrative independence. It works according to the international standards related to it, to promote and protect human rights in the State of Palestine. The law organizes its duties, competencies, composition, and its work mechanism. It is listed in the general budget and submits its reports to the House of Representatives and the President of the State of Palestine.

### **Article 146 – Integrity and Transparency Commission**

1. An independent commission named "The Integrity and Transparency Commission" shall be established, enjoying legal personality and financial and administrative independence. It specializes in pursuing corruption and combating it in public and private institutions and business sectors, through preventive measures and law enforcement. The law organizes its duties, competencies, and powers.
2. The President of the Commission is appointed for a period of 4 years, renewable for one term only, by a decree from the President of the State of Palestine and the approval of the House of Representatives. The law organizes his specialized competencies and end-of-service benefits.

### **Article 147 – Palestinian Monetary Authority**

1. An independent authority named "The Palestine Monetary Authority" shall be established, enjoying legal personality and financial and administrative independence.
2. The Governor of the Palestine Monetary Authority is appointed for a term of (4) years, renewable for one term only, by a decree from the President of the State of Palestine and the approval of the House of Representatives.
3. The law organizes the duties of the Palestine Monetary Authority, its competencies, and its powers. The law also organizes the specialized competencies of the Governor of the Palestine Monetary Authority and his end-of-service benefits.

### **Article 148 – State Audit and Administrative Control Bureau**

1. An independent bureau named "The State Audit and Administrative Control Bureau" shall be established, enjoying legal personality and financial and administrative independence, for oversight and auditing of public institutions and those in their status. It is considered the supreme body for oversight in the state, and the law organizes its composition and its duties.
2. The President of the State Audit and Administrative Control Bureau is appointed for a term of 4 years, renewable for one term only, by a decree from the President of the State



of Palestine and the approval of the House of Representatives. The law organizes his specialized competencies and end-of-service benefits.

3. The State Audit and Administrative Control Bureau is subject to the oversight of the House of Representatives.

#### **Article 149 – Central Elections Commission**

1. An independent commission named "The Central Elections Commission" shall be established, enjoying financial and administrative independence, and organized by law. It handles the management of presidential, legislative, and local elections and referendums, and any other elections entrusted with their management or oversight according to the provisions of the law. It takes all necessary measures to ensure the integrity of the process and ensure its neutrality and transparency.
2. The President and members of the Central Elections Commission are appointed by a decree from the President of the State of Palestine and the approval of the House of Representatives for a term of (4) years, renewable for one term only.

#### **Article 150 – Social Security and Retirement Commission**

An independent commission named "The Social Security and Retirement Commission" shall be established, enjoying legal personality and financial and administrative independence. The state is a guarantor of it, and the law organizes its composition, its duties, and its competencies.

## **Chapter X: Administration and Civil Service**

### **Article 151 – Principles, appointment**

1. Public administration and the civil service are based on the principles of good governance, the rule of law, equality, justice, neutrality, integrity, transparency, efficiency, accountability, quality, and equal opportunities. They exercise their duties within the scope of this Constitution and the law in a manner that achieves the public interest. Their actions are subject to oversight according to the law.
2. The appointment of public employees and all workers in the state, the management of their affairs, and the termination of their services shall be according to the law in a manner that ensures the rights and duties of the employee and his accountability. The law ensures the continuous development and independence of the civil service and achieves effectiveness in serving the citizen and the public interest.

### **Article 152 – Bureau of Administration and Civil Service**

1. A "Bureau of Administration and Civil Service" shall be established to organize the civil service directed toward the citizen, and to upgrade public administration and its development in the state in coordination with the competent entities. Its opinion shall be sought on draft laws and regulations related to the civil service, public administration, and those working in them. Its actions, duties, competencies, and composition are organized by law.
2. The President of the Bureau of Administration and Civil Service is appointed upon the recommendation of the Council of Ministers and by a decree from the President of the State of Palestine.

## **Chapter XI: Security Forces**

### **Article 153 – Nature, mission**

1. The security forces are regular forces whose duties are restricted to defending the homeland, serving the people, protecting society, and working to maintain security and public order. They perform their duties within the limits defined by the law while ensuring full respect for rights and freedoms.
2. The security forces are organized by law.
3. The security agencies are subject to civil authority and democratic oversight, and they operate exclusively within the scope of the Constitution and the law.

### **Article 154 – Responsibility, State of Palestine**

1. The State of Palestine is responsible for the security of the homeland and the citizen at home and abroad. It is the original entity specialized in organizing the security forces entrusted with maintaining the independence of the homeland and defending its sovereignty and the unity of its territory.
2. The security forces exercise their duties according to the law. It is prohibited to establish any military or security formations or organizations or military or semi-military groups outside the scope of the security forces, whether they are individuals or units.
3. The security forces are committed to political neutrality. It is not permissible for their members to belong to any political organization or engage in party activity during the period of their service.

## **Chapter XII: Amending the Temporary Constitution**

### **Article 155 – Process**

1. The President of the State of Palestine or one-third of the members of the House of Representatives may request the amendment of one or more articles of the Temporary Constitution, provided that the request for amendment includes the articles required to be amended and the reasons for the amendment and the proposed text for the amendment.
2. The Speaker of the House of Representatives shall refer the request for amendment to the Constitutional Court to monitor the validity of the request for amendment and the validity of the procedures, within a period not exceeding (15) days.
3. The request for amendment shall be discussed in the House of Representatives, and it shall be approved by a two-thirds majority of the members of whom the House is composed.
4. With the exception of the case mentioned in paragraph 6 below, the constitutional amendment becomes final after it is approved in a public referendum called for by the President of the State of Palestine within (30) days from the date of receiving the approval of the House of Representatives for the amendment.
5. The President of the State shall issue the constitutional amendment within a period not exceeding (15) days from the date of the announcement of the referendum results.
6. The President of the State of Palestine may decide to dispense with the call for a referendum on the constitutional amendment in the event that it was approved by a three-quarters majority of the members of whom the House is composed. In this case, the amendment becomes final from the date of the President's issuance of the constitutional amendment or after the passing of (30) days from the date of the approval of the House of Representatives by a three-quarters majority, whichever is earlier, provided that the President of the State issues the constitutional amendment in the second case within a period not exceeding (15) days.
7. The constitutional amendment shall be effective from the date of its publication in the Official Gazette.

### **Article 156 – Prohibition**

It is not permissible to conduct any constitutional amendment to any of the following:

1. The provisions related to the guarantees of fundamental rights and freedoms provided for in this Constitution.
2. Holding the Presidency of the State for more than two full consecutive or separate terms.
3. The representative democratic republican system based on political and party pluralism.

## **Chapter XIII: Transitional Provisions**

### **Article 157 – Laws in force**

As long as they do not conflict with the provisions of this Constitution, the legislations in force prior to the entry into force of this Constitution remain valid, provided that they are amended or replaced according to the law.

### **Article 158 – Institutions mentioned**

The institutions and bodies whose legal status is mentioned in this Constitution shall continue to perform their duties, provided that they are harmonized or established according to the articles of the Constitution within a period not exceeding one year from the date of the election of the House of Representatives.

### **Article 159 – Current Supreme Constitutional Court**

The current Supreme Constitutional Court continues to exercise its competencies according to its law and in a manner that does not conflict with the provisions of this Temporary Constitution until the Constitutional Court is re-formed according to what is established in this Temporary Constitution.

### **Article 160 – Term of current president**

The provisions related to the term of office of the President of the State of Palestine shall apply starting from the entry into force after conducting the elections for the House of Representatives.

### **Article 161 - Current president of the republic**

The President of the State of Palestine continues to exercise his duties and powers until the President-elect takes the constitutional oath based on the provisions of this Constitution.

### **Article 162 – Referendum**

1. This constitutional document shall be submitted to a public referendum by a decree issued by the President of the State, and it shall be adopted by the majority of the valid votes cast, and it shall be effective from the date of its publication in the Official Gazette.
2. With due regard to the transitional provisions mentioned in this chapter, the Amended Basic Law of 2003 and its amendments shall be repealed from the date of the entry into force of this Constitution.

**End**