



**State of Palestine
Council of Ministers
Directorate General of Complaints**

**Decision of the Council of Ministers
No. (8) of 2016 on the
Regulation on Complaints**

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Auswärtiges Amt





**State of Palestine
Council of Ministers**

**Decision of the Council of Ministers
No. (06/119/17/CoM/R.H.) of 2016 AD
Approval of the Regulation on Complaints**

Based upon the powers vested in it by law;
Based upon the requirements of the public interest; and
Having reviewed the Amended Basic Law of 2003 AD and its Amendments, and
The Regulation on Complaints No. 6 of 2009 and its Amendments,
The Council of Ministers has decided in its session, which convened in the city
of Ramallah on September 22nd, 2016, as follows:

Article (1)

To approve the Regulation on Complaints.

Article (2)

All the competent authorities – each one within its sphere of jurisdiction – shall implement the provisions of this Decision.

Promulgated in the city of Ramallah on September 22nd, 2016.

Rami Hamdallah
[Signature]
The Prime Minister

Decision of the Council of Ministers No. (8) of 2016 on the Regulation on Complaints

Council of Ministers,

Based on the provisions of the Amended Basic Law of 2003, and its amendments, in particular the provisions of Article 70 thereof,

Having reviewed the Regulation on Complaints No. 6 of 2009,

And based on what was approved by the Council of Ministers on 22/09/2016,

And based on the powers vested to us,

And based on public interest,

We issued the following Regulation:

Article (1) Definitions

The words and phrases contained in this Regulation shall have the following meanings unless provided otherwise:

The Council: The Council of Ministers

Secretariat General: The Secretariat General of the Council of Ministers

Secretary-General: The Secretary-General of the Council of Ministers

Directorate General: The Directorate General of Complaints at the Council of Ministers' Secretariat General

Director General: The Director General of the Directorate General of Complaints

Government Department: Any ministry, public department, institution, authority or any other entity whose budget is within the State budget or annexed thereto

Competent Minister: The minister of the competent ministry and the departments associated with it; for the purpose of this Regulation the competent minister includes the following:

1. Head of a government department, institution, authority or State entity with respect to that institution, authority or entity.
2. The governor with respect to the basic administrative unit within his/her governorate.

Unit: The complaints unit in the government department.

Section: The Complaints Section of the Legal Affairs Department in the governor's office.

Complaint: A written or electronic document filed by the complainant or his/her guardian, custodian, or agent to report a behaviour, misbehaviour, a dereliction of duty or of the way the duty is performed, failure to perform a duty, or a failure to take an action that was supposed to be taken by the head of the government department or any of its employees, or concerning any form of discrimination or violation of or breaching the applicable legislation. This complaint shall be sent to the competent minister and/or the Directorate General and/or the Unit and/or the Section.

Complainant: Any natural person or his guardian, custodian, or agent and any juridical person or his agent who files a complaint against a government department about its procedures, dereliction of duty, its conduct, or any misbehaviour of any of its employees.

Complaints of public interest: Those complaints that affect the right of many citizens.

Article (2)

Scope of application

This Regulation shall apply to every complaint filed by any recipient of service, or any person requesting a service who was harmed by the decisions of a government department, its procedures, practices or failure to perform services.

Article (3)

Directorate General

1. Based on its organisational structure, the Directorate General reports directly to the Secretary-General. It shall be managed by a director general according to the hierarchy of senior management; the director general shall have a deputy.
2. The Directorate General shall consist of five departments and a number of sections for each department.

Article (4)
The powers and functions of the Directorate General

The Directorate General shall have the following powers:

1. drafting policies on complaints and developing strategic plans to develop these plans, with the goal of providing excellent services;
2. receiving complaints that fall within its jurisdiction and following up on them;
3. referring complaints received by the Directorate General to concerned units and sections;
4. researching, verifying and investigating on the subject of the complaints, and forming specialised committees that the Directorate General is heading or delegates others to head;
5. proposing necessary amendments to the frameworks regulating complaints or causing them;
6. preparing reports, studies and leaflets on government departments' complaints and mechanisms to handle them;
7. coordinating and following up with the units and sections. The Directorate General shall solely exercise technical supervision over these units and sections, and shall provide them with necessary support and assistance;
8. coordinating and following up with the Governorates Affairs Unit at the Office of the Presidential Advisor for Governorates Affairs including complaint-handling, reporting and training;
9. coordinating and following up with the complaints unit at the Ministry of Interior and the complaints units at the security forces, including on the preparation of reports and studies, training and complaint-handling in line with the legislation in force;
10. reviewing complaints submitted to the Unit or the Section if not handled for any unjustified reason, and referring them to the Secretary-General to take appropriate action;
11. taking initiative to handle complaints amicably or holding informal talks with relevant government departments;
12. coordinating with civil society with regard to the complaints filed through them, and their activities that are consistent with the Directorate General's policies; and
13. developing the procedures manual and templates for receipt and follow-up of complaints, and getting them ratified by the Secretary-General.

Article (5)
Computerised central government complaint system

The Directorate General shall establish and manage a computerised central government complaints system, linking it with the Unit and the Section, through which the Directorate General shall be entitled to access periodical and none periodical reports and to analyse them for work purposes.

Article (6)
Complaints reviewed by the Directorate General, the Unit and the Section

The Directorate General, the Unit, and the Section shall be competent to review:

1. complaints against government departments;
2. complaints filed by civil society organisations;
3. complaints on the failure to enforce definite judicial rulings against government departments;
4. complaints on a case which has already been decided on or which was rejected by the units or sections, if substantial new information becomes known and changes the course of the complaint;
5. complaints against financial aid programmes of the Ministry of Social Development; and
6. complaints of public interest.

Article (7)
**Complaints not reviewed by the Directorate General,
the Unit and the Section**

The Directorate General, the Unit, and the Section shall not consider the following complaints:

1. complaints heard by the judiciary;
2. complaints on a subject matter on which a definite judicial ruling has been delivered;
3. complaints on disputes between persons, whether they are natural or juridical;
4. complaints on the use of humanitarian aid and internal or external grants;
5. complaints that the Directorate, the Unit or the Section rejected or took a decision on;
6. complaints on procedures or decisions which are older than one year; and
7. anonymous complaints.

Article (8)
Formation of the Unit and the Section

1. A specialised unit shall be established in the government department and shall be included within its organisational structure, that is called the complaints unit. This Unit shall be directly affiliated with the relevant minister. It shall consist of two departments with two sections for each department and shall be managed by an employee from the hierarchy C to A4 provided he/she finished his/her first university degree (BA).
2. The governor shall establish a section at the governor's office to receive and follow up on complaints.

Article (9)
Jurisdiction of the Unit and the Section

Both the Section and the Unit shall have the following tasks and powers:

1. receiving complaints that fall within their jurisdiction and following up on them;
2. proposing necessary amendments to the forms regulating complaints or causing them;
3. preparing reports and leaflets on complaints; and
4. making recommendations about any complaint to the relevant minister in case it was not handled.
5. If the relevant minister does not take any steps regarding the not-handled complaint, the following actions shall be taken in the following order:
 - a. The Unit refers the complaint to the Directorate General.
 - b. The Director General issues a detailed report and sends it to the Secretary-General to submit it to the government department complained against.
 - c. The Secretary-General has the right to make recommendations as he/she deems appropriate to the Council of Ministers.

Article (10)
Verification of the complaint

The Directorate General shall have the right to request or access any files, data, papers, documents or information from the government department related to the subject of the complaint, for the purposes of verification and handling of the complaint.

Article (11)
Responding to the complainant

The Directorate General, the Unit or the Section shall be committed to respond in writing or electronically to the complainant in a maximum period of thirty days from the date of filing the complaint.

Article (12)
Adhering to legal terms set for appeal

When dealing with complaints, the Directorate General, the Unit and the Section shall adhere to the legal terms set for appeal.

Article (13)
Referral of complaints by jurisdiction

If there is a suspicion that the subject of the complaint constitutes a crime according to the provisions of applicable laws, the Directorate General, the Unit or the Section, may submit their recommendations to the relevant minister to refer the file by jurisdiction to the Public Prosecution, the State Audit and Administrative Control Bureau, the Anti-Corruption Commission, or any other competent entity.

Article (14)
Reports

1. The Directorate General shall be committed to provide its annual report or other reports to the Secretary-General to present them to the Council.
2. The Unit shall be committed to provide its annual report to the Directorate General, and to prepare it in accordance with the certified template prepared for this purpose.
3. The governor's office shall be committed to provide its annual report to the Presidential Advisor for Governorates Affairs provided that he/she sends a copy of it to the Secretary-General in accordance with a template prepared by the Directorate General for this purpose.
4. The complaints units at the security forces shall be committed to send their annual reports to the Directorate General according to the certified template prepared for this purpose.
5. The Directorate General shall be committed to publish the annual report on the status of complaints in the government departments and make it available to the public by all available means after it has been ratified by the Council.

Article (15)

Complaints against the Directorate General, the Unit or the Section

1. If the complaint is against the Director General, it shall be filed directly to the Secretary-General to take appropriate action.
2. If the complaint is against one of the employees of the Directorate General, or regarding the procedures followed by the Directorate General, it shall be filed directly to the Director General to take appropriate action.
3. If the complaint is against the head of the Unit or the Section, it shall be filed directly to the competent minister to take appropriate action. .
4. If the complaint is against one employee of the Unit or the Section, it shall be filed directly to the head of the Unit or the Section to take appropriate action.

Article (16)

Malicious complaints

If a filed complaint proves to be malicious, the Directorate General, the Unit or Section shall have the right to take necessary legal actions in accordance with the provisions of the law.

Article (17)

Confidentiality of information

1. The information, data and documents of a personal nature that the employees of the Directorate General, the Unit or the Section have access to shall be considered confidential and shall be dealt with on this basis by virtue of their jobs in following up on complaints.
2. No one else shall have the right to access information stated in paragraph (1) of this article, except in accordance with the provisions of the law, this Regulation, and its procedures manual.

Article (18)

Legal and technical support

1. The Directorate General for Legal Affairs and the Directorate General of Information Technology at the Secretariat General shall provide the Directorate General with legal and technical support according to their specialties.
2. Legal affairs units and information technology departments at government departments shall provide the Units and the Sections with legal and technical support according to their specialties.

**Article (19)
Cancellation**

1. Regulation on Complaints No. (6) for 2009 shall be cancelled .
2. Everything that contradicts with the provisions of this Regulation shall be cancelled.

**Article (20)
Force and effect**

All competent authorities, each within their jurisdiction, shall implement the provisions of this Regulation. It shall enter into force from the date of its publication and shall be published in the Official Gazette.

**Issued in the city of Ramallah on 22/09/2016 A.D.
corresponding to: 21/ Dhul-Jajja/ 1437 A.H.**

**Rami Hamdallah
Prime Minister**