Report on the Enforcement of and Compliance with Codes of Conduct in the Security Sector

Executive Summary

Introduction

Every Palestinian security agency has adopted its own code of conduct and ethics. In addition to the security sector legislation, codes of conduct and ethics provide a general framework, which security personnel must comply with. These contain ethical standards, values and principles, which security personnel should abide by when they perform their tasks and duties. Codes of conduct are applicable on an interpersonal level between security staff as well as on a broader level with citizens and external stakeholders, including individuals, institutions, etc.

This report aims to assess how compliant security agencies are with the values of integrity. It examines the extent to which relevant stakeholders adhere to codes of conduct and ethics. Consequently, the report helps promote respect for citizens' human rights, public freedoms and dignity. Since security agencies have codes of conduct, dedicated departments need to be established to provide training and oversight. The report also promotes discipline and commitment by security personnel to high standard values in the performance of security duties.

This report comprises four sections.

1. Conceptual framework for codes of conduct

Combining both voluntary and involuntary actions, codes of conduct are a tool for consolidating integrity in the work environment. Along this vein, public servants embrace mandatory laws that govern their functions. Voluntarily, they also adopt ethical and professional standards when they deal with their colleagues and the public. It can be argued that professional conduct comprises a set of common behaviours, morals and

ethics, which public servants and professionals need to comply with towards their surrounding environment.

On the other hand, the fundamental principles contained in codes of conduct in Palestine are based on the Basic Law and Declaration of Independence. They are also provided by laws on public service, including the Law of Service in the Palestinian Security Forces No. 8 of 2005 as well as laws relating to security agencies. In addition to governing the conduct of security personnel, this body of laws addresses human rights and freedoms. International conventions also provide for safeguarding human rights and public freedoms, regardless of their colour, sex, religion or race. These set up the international foundation of the values contained in codes of conduct. On 17 December 1979, the United Nations General Assembly adopted and published the Code of Conduct for Law Enforcement Officials, which represents a very important signal that codes of conduct for security personnel should be developed on a worldwide level.

Through an opinion poll centre (Qiyas), the Coalition for Accountability and Integrity (AMAN) conducted a survey to assess public satisfaction with the security sector management in terms of integrity, transparency and accountability. According to the survey results, compared to 41 percent, 55 percent of the respondents thought that security personnel enjoyed professional and ethical discipline.

2. Codes of conduct within the security sector and oversight bodies

Over the past ten years, many codes of conduct have been developed for public servants. These include codes of conduct for security agencies, such as the General Intelligence, Preventive Security, Civil Defence, Police, Customs Police, Military Intelligence, etc. Additionally, the Code of Conduct and Ethics of Public Service addresses the wider range of civil servants, who are subject to the Law of Civil Service.

Surveyed security agencies vary in terms of internal oversight units. While the General Intelligence has the Office of the Comptroller General, the Police agency operates the Office of the Police Inspector General, Department for Grievances and Human Rights, and Police Security Department. In general, oversight and inspection departments exercise control over the other security agencies. As in the case of the Military Intelligence, security departments of relevant agencies might be involved in the oversight process.

3. Procedures for assessing compliance with codes of conduct

An assessment of these procedures is as follows: Security agencies use a variety of channels to publish and disseminate codes of conduct. Security agencies distribute codes of conduct to respective staff in person. Security agencies provide training and rehabilitation to ensure sound implementation of the provisions of their codes of conduct. To a varying extent, security agencies post codes of conducts on their own websites. Some codes of conduct include a form, on which security personnel pledge and declare their awareness of, and compliance with, these codes. Most declarations are signed individually by security personnel. Training on codes of conduct is provided by relevant bodies within security agencies or by other external institutions. Contrary to the required standards, internal and external oversight roles are modest. In spite of evident legal provisions, these oversight role are inadequately clear or effective. Obstacles and challenges to an efficient oversight role include insufficient staff members of oversight and inspection departments. Some security agencies lack an up-to-date, specialised oversight system. Self-oversight by security personnel is relatively weak. In relation to accountability for violations of the codes of conduct, public records are not in place to demonstrate that security personnel who contravene these codes are held to account. Codes of conduct also overlap with laws on security agencies. It should be noted that the Israeli occupation is a key obstacle that promotes corruption within the Palestinian society. The Israeli occupying authorities thwart all attempts to realise the values of integrity, transparency and accountability. Israel also impedes the prosecution of persons involved in certain administrative abuses or misconduct. This is demonstrated by the fact that some individuals convicted of misconduct flee to areas under full Israeli control, where Palestinian security agencies cannot operate.

Section 4 includes a set of conclusions and recommendations.

Conclusions

1. Ineffective oversight, publication and dissemination of codes of conduct and inadequate description of the role of oversight bodies and mechanisms. In general, different terms of reference of security agencies negatively impact effective control over the conduct of security personnel.
2. Different internal oversight departments at security agencies in terms of names or powers.
3. Unclear role of the SAACB in control over the enforcement of code of conduct by security agencies. The Bureau does not provide a detailed description of the forms of misconduct, which give rise to particular penalties.
4. A clear and solid local and international legal basis enables the promotion of codes of conduct from ethical commitment to a legal obligation.

Recommendations

1. Rehabilitate, train and invest in human resources, promote competence, and ensure good performance. This is almost a requirement for several security agencies, such the National Security Forces, General Intelligence, Civil Defence, and Customs Police.
2. Support oversight and inspection departments with qualified and staff members, who specialise in the areas of integrity and combating corruption. This is particularly the case at the Civil Defence agency.
3. Provide incentives to security personnel to foster the values of self-oversight through awareness raising and education based on high standards ideals and good manners.
4. Support oversight and human rights units and departments at the Ministry of Interior and security agencies.
5. Promote the status of codes of conduct from voluntary commitment to a legal obligation among security personnel.