

The Palestinian Initiative for the Promotion of **Global Dialogue and Democracy** MIFTAH
المبادرة الفلسطينية لتعميق الحوار العالمي والديمقراطية



Required amendments to the General Elections Law for promoting principles of equality and pluralism

Introduction:

This policy paper falls within MIFTAH's efforts to promote political participation among all components of Palestinian society, particularly women and youth. It seeks to achieve this through reviving mechanisms of democratic dialogue to ensure a legal environment that embraces this participation and protects citizen rights, public freedoms and principles of equality. The paper offers amendments to the General Elections Law, necessary for realizing the principles of democracy and the peaceful transfer of power, based on standards of equality, pluralism and equal opportunity in public life and decision-making, among all sectors of society.

Through its Good Governance and Democracy Program, MIFTAH seeks to promote democratic principles in Palestinian society, with elections as a vital part of the democratic process. This also includes the democratic and peaceful transfer of power within the system of governance, the separation of authorities and the institutionalization of representative institutions capable of representing the interests and needs of the various social sectors. Through this program, MIFTAH has been remained involved in national efforts to develop and reform laws, legislation and policies, including legislative and local elections, to ensure the representation of all social sectors, namely women and youth. The organization also fosters dialogue among decision-makers, political parties, social movements, civil society organizations and youth activists to present a number of important amendments to the electoral system, to bolster the presence of women and youth in representational institutions and decision-making centers.

Political participation:

In regards to women's participation in elections, and the imperativeness of women's representation in all decision-making centers, statistics from the second PLC elections in January 2006, indicate that out of the overall number of voters (1,042,424), there were (476,901) women, or 46%. The elections were conducted according to Elections Law (9) of 2005, which is based on

the mixed electoral system (50% constituencies and 50% proportional representation). In these elections, 70 women ran as part of lists and only 17 won (6 from the Change and Reform List, 8 from the Fatah List and one seat each for the Abu Ali Mustapha, Third Way and Independent Palestine lists.) There were also 15 women nominated in the constituencies: Independents (11) Fatah (2), PFLP (2) but none won any seats.

As for youth participation, PCBS statistics showed that proportion of youth in decision-making centers did not exceed 1%, while the youth bracket between (18-29) was over one-fifth of the Palestinian census, or around 22% of the overall population of Palestine by mid-2021. Based on this, a comparison of the political map with the demographic map clearly shows a considerable gap. This demonstrates the urgent need to promote the role of youth in decision-making, in order to guarantee fair representation for all age groups in the Palestinian political system overall, and in decision-making positions in particular.

This also reveals the absence of political participation for women and youth and demonstrates the need to support youth in political action. Furthermore, it points to the need to raise women's representation in elections to a minimum of 30% where women occupy advanced seats on the electoral list and for the law to guarantee their participation and access to decision-making positions. This can be achieved with a legal clause that bars any restriction on the number of women and guarantees equality between women and men in candidacy. It also sheds light on the need to increase the political participation of youth in decision-making positions by lifting restrictions on the candidacy age. The Elections Law has stirred controversy regarding the permissible candidacy age, set at 40 and above for presidential elections and 28 and above for PLC elections. Hence, 1.815 million of Palestinians (above 18) are not eligible for president (approximately 63%) and 880,000 are not eligible for PLC seats (around 31%).

Following is a summary of the required amendments to election laws within MIFTAH's recommendations:

First: Women's representation:

The original article of the law:

Article (5) of the General Elections Law stipulates that "each electoral list shall include at least one woman candidate, among each of the following: 1: The first three names on the list; 2. Among every four names that follow.

Here, MIFTAH offers an amendment to Article (5) of the General Elections Law, to promote women's access to decision-making positions, whereby the article shall read as follows:

"Each electoral list shall include at least one woman candidate, among each of the following:

- 1) One woman among names (first or second on the list)
- 2) One woman among every three names that follow

Second: Candidacy age for elections

Paragraph Two of the original article of Law 45, stipulates that candidates must be 28 years old on voting day, to which MIFTAH has proposed the following amendment: "Lifting the restriction on the age of candidacy."

Third: Monitoring of electoral campaigning

It is imperative to shed light on the financial and programmatic monitoring of election campaigns and electoral lists. Therefore, MIFTAH proposes amendments to legal provisions pertaining to Articles 68 and 69 of the General Elections Law by adding paragraphs 2 and 3, stipulating the following:

1. The CEC shall take responsibility for monitoring within the limits specified by law through forming a special monitoring unit on spending during election campaigns, to begin work in tandem with the announced election date. The committee shall monitor everything stipulated in Article 68 and 69 of the law.
2. The CEC shall maintain the authority to refer any monitoring transgressions to the Elections Court for review.

References:

- [مفتاح - الانتخابات المحلية في مرحلتها الثانية 'حضور النساء والشباب في القوائم والدعاية الانتخابية' \(miftah.org\)](http://www.miftah.org)
- [مفتاح - الانتخابات المحلية في مرحلتها الأولى 'حضور النساء في القوائم والدعاية الانتخابية' \(miftah.org\)](http://www.miftah.org/arabic/PrinterF.cfm?DocId=15639)
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