

Draft Final Report

Consulting Services:

Final Evaluation

Final Evaluation of SAWASYA Programme

“Strengthening the Rule of Law: Justice and Security for the Palestinian People”

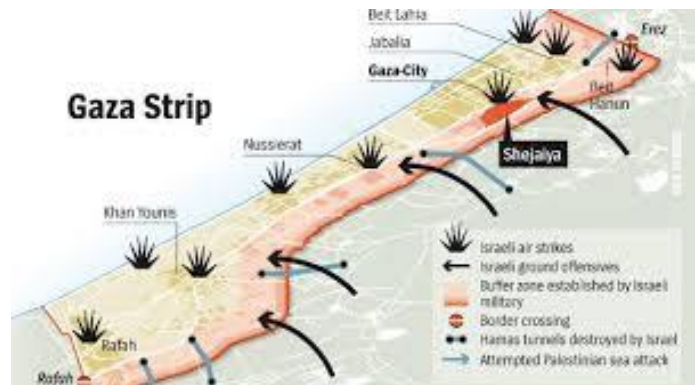
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Executive summary

1.1 Introduction

- What can be done to build a Palestinian state that is responsible for law enforcement as well as the checks and balances between authorities and citizens, when the prospects for a final settlement of the state’s territorial integrity and sovereignty are more unclear than ever before?
- How can human rights and the rule of law be promoted in a context where the political progress on reconciliation between those formulating the law – Fatah and Hamas – has reached a virtual standstill?
- How much do politics and political actors matter in efforts to promote justice, security and human rights?
- What space is available for civil servants and their institutions to promote and enforce basic rights under the radar of national and international politics and conflict over land and power?

These questions were not the official focus of this end of programme evaluation report. However, they kept appearing as underlying, contextual assumptions and question marks in this USD 30M programme, which was implemented within a context of protracted political crisis and a stalled ‘peace process’.

This report presents the findings of an end-of-programme evaluation of the Joint UNDP-UN Women’s Sawasya programme which was launched on 1 May 2014. The programme was funded by the Government of the Netherlands, SIDA/Sweden, the UK/DFID and the European Union, and with corporate investments from the UNDP and UN Women.

The overall objective of the Joint Programme was to strengthen the rule of law by supporting the development of efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based; at the same time, it aimed to improve access to justice and security services for disadvantaged social groups, particularly women and girls.

The Joint Programme built on the achievements and findings of its predecessor programmes: the UNDP Rule of Law & Access to Justice Programme in the oPt (2010-2014), the UNDP/EUPOL COPPS Joint Programme (2012-2014) and the UN Women Project on Support for Delivery of Security and Justice Services for Women (2011-2014). Importantly, the Joint Programme used baselines, captured during these earlier Programmes, as a means of monitoring results and informing future planning. Within this overarching framework, the Programme partnered with 12 Palestinian state institutions and around 70 civil society organisations. The program is in line with the second objective of the UN Development Assistance Framework for 2014 – 2016 and 2018 – 2022 which both focus on Supporting equal access to accountable, effective and responsive democratic governance for all Palestinians.

1.2 Key findings

Impact and results

The evaluation finds that the Sawasya programme has achieved good results, in terms of promoting the rule of law and access to justice, in a context where many of the usual preconditions for doing so are absent or impaired. The restrictive/inhibiting factors include the division of Gaza and the West Bank, the fragmentation of the West Bank into areas A, B and C, each with its own distinct legal framework, and the application of ‘customary law’ next to secular state law. All within the overarching framework of ongoing occupation of the West Bank, including East Jerusalem, and the effective siege of the Gaza Strip.

The Sawasya programme demonstrates, that it is indeed possible to promote the ‘rule of law’, and access to justice, beneath this ‘glass ceiling’ of security, political and jurisdictional limitations and it is also possible to invest in meaningful interventions that supports access to justice in the short term and which may benefit a unified state of Palestine if, or when, it is declared.

Results include (but are not limited to):

- Introduction of tools for facilitating and monitoring case management, judicial performance and collection of certain levels of administrative data. Kiosks, in a number of courthouses, which provide essential automated services for lawyers and members of the public were introduced to. These strengthen the transparency of and access to information for citizens concerning their legal proceedings.
- A Certified Professional Diploma Programme that provides technical and soft skills to ministerial employees in legal and organizational development skills. The course provides a framework for both staff members and managers to identify and solve challenges in their organisation, using the skills and knowledge they have learned during the diploma course.
- The expansion of access to legal aid for poor and marginalised segments of the community (in addition to services provided by CSOs) through the introduction of legal clinics inside law schools (introduced originally by UNDPs access to justice programme) . The clinics also contribute to changing students’ perception about, and focus, on social justice.
- The introduction and expansion of Family Protection Units, under the Palestinian Civil Police and the establishment of a one- service center for victims of violence.
- The gender sensitization of Special prosecutors under the Attorney General’s Office with the aims of criminalising domestic violence in Palestine and improving justice for victims, as well as making perpetrators accountable. Subsequently their institutionalization as the first time in the Arab region in February 2016.
- The establishment and training of a corps of specialised prosecutors for handling juvenile cases, in accordance with the provisions of the Juvenile Protection Law, enacted by presidential decree in 2016.

Sustainability

The evaluation finds that despite the efforts that have been listed above, the results will be largely unsustainable, if the political, legal and managerial preconditions for their preservation are not addressed. The internal, political conflicts between the authorities in Gaza and on the West Bank itself affect the division of power and the area’s stability. The operation of the entities that should execute the laws, is also affected as ministers and staff are reallocated and talks between Gaza and the West Bank are put on hold. In addition to this, the absence of elections undermines the legitimacy of whatever legal framework is approved by presidential decree (although the basic law provides for such decrees). If the impact of the Programme’s support to the structures and systems that are supposed to promote rule of law and access to justice (at the level of ministries and other public authorities) is to be maintained, the Programme should work systematically, to strengthen the top and mid-level programme managers’ capabilities, commitment and will to support and facilitate such changes¹. Their support and attitudes set the agenda for other employees and is of key importance to any organizational change process². They also determine the longer-term commitment and motivation of the staff Sawasya has trained, and establish how well the structures and systems Sawasya introduced are implemented.

Effectiveness

Sawasya’s size, in terms of funding and scope, is a challenge as well as an opportunity. The evaluator finds that the Programme’s holistic approach to the rule of law, and its emphasis on the interplay between the presences of a conducive legal framework (and a judiciary that can and will rule according to the law) and an executive power (that can provide services and manage in accordance with the spirit and letter of the law is highly relevant. As such it carries the potential for a truly integrated programmatic approach as opposed to the ‘silos’ or islands of interventions that characterise many other interventions.

However, responsibilities and challenges also come with an integrated approach such as the one applied by Sawasya. The complexity and number of interventions, that fall under the Sawasya umbrella, require a management system that enables staff and managers to reflect, justify and communicate - to internal and external stakeholders - how and why any Sawasya intervention contributes to the desired changes. The evaluation team finds that these answers were not always clear³. This may have affected the programme’s effectiveness adversely as clear answers are likely to contribute to priority setting and a selection of the most effective interventions and approaches to bring about the desired changes. Providing such answers entails a shift in focus – both in the Programme document and in the progress reports: from what is being, or has been done to *how*, and *why*, interventions contribute to change. The programme document for the second phase of the Sawasya programme takes steps in that direction.

¹ The programme document for the programme’s second phase indicates that steps are taken in that direction, choosing stakeholders and partners more carefully and backing choice of interventions with additional policy analyses

² See for instance Kotter, J.P ‘Leading Change’ , Haravrd Business School Press, 2012

³ See programme reports for 2015 and 2016 and the Sawasya programme document for phase I

The programme’s effectiveness has also been adversely affected by cumbersome administrative procedures of grants to CSOs and short-term funding modalities for CSO⁴ support and – in some ministries and government entities – by limited management support for initiatives introduced⁵.

Efficiency

The evaluation finds that, in particular, two things - the Continued Learning that Birzeit University offers and the legal aid, counselling and accompaniment that are provided by the group of CSOs - are efficient ways to contribute to rule of law. The diploma courses offer a highly cost-effective approach that address public institutions’ technical capability needs together with their need to mobilise commitment and support among mid-level managers⁶. For a cost per student of 2500 – 3000 USD (managers and staff) they propose an action learning approach that provides an opportunity for managers and staff alike to identify and solve organisational problems inside their own workplace. Furthermore, the approach is likely to contribute to sustainable organisational changes, as the problems addressed have been identified and are solved by staff and managers jointly, in alignment with the principle that ‘learning and change come from within’.

The counselling, mediation and legal representation that the CSOs provide to vulnerable groups who are ‘in contact with the law’ are also efficient ways to promote rule of law, SAWASYA I supported CSOs to provide this support to vulnerable groups, particularly women and children. Feedback from the juveniles, who were interviewed for the evaluation, confirms this: as in other parts of the world, ‘accompaniment’ and support from a third party (the CSOs) is an efficient way to moderate behaviour and reduce authorities’ abuse of power. However, the work of the CSOs needs to be accompanied by support to strengthen the accountability of authorities in order to contribute to sustainability.

The programme’s efficiency is likely to be further strengthened by a revision of the granting scheme to CSOs, as well as a stronger focus on genuine partnerships, and strategic reflections, with civil society. The evaluation finds that the short-term ‘go-stop-go’ character of funding provisioning has adversely affected the delivery of legal aid to beneficiaries. It has also forced Sawasya’s staff members to spend unreasonable amounts of time on the administration related to grant making and reporting; time that would be better spent on strategic reflections and cooperation with the CSOs.

Relevance

The evaluators find the Sawasya joint programme is indeed relevant. The size and scope of the Programme seems to contribute to the creation of a momentum and sets an agenda that many actors and stakeholders, in the sectors of the rule of law, would like to be a part of⁷. We find that if its potential is to be fully realised, this will require a closer coordination and facilitation than has been the case so far (see annex I).

⁴ Conclusion based on a review of the programme’s total amount of grants distributed, a review of grant guidelines, focus group discussions with CSOs in Gaza and on the West Bank, interviews with Sawasya staff members

⁵ See annual progress reports from 2015 and 2016

⁶ Conclusion based on assessment of materials provided by Birzeit University, interview with staff from the Center for Continued learning, interview with 5 staff members of PACC and focus group discussions with representatives from PA ministries.

⁷ Conclusion based on focus groups with CSOs in Gaza and on the West Bank, semi-structured interviews with the Shari’a courts and the Palestinian Maintenance Fund.

Strong testimony for the Programme’s relevance is also given by events and situations such as the continued harassment, with impunity, of settlers; the committing of crimes against Palestinians on the West Bank; a Palestinian authority that continues to be seriously limited in their ability, or willingness, to respect and respond to the rights of Palestinian citizens and the patchwork nature of the legislative frameworks in Gaza, the West Bank and East Jerusalem.

1.3 Recommendations

To order to further strengthen the Sawasya joint programme’s future relevance, impact, effectiveness, efficiency and sustainability, the evaluators recommend the implementing agencies (UNDP and UN Women) to consider the following⁸:

- Recommendation 1: Mobilize and motivate top management and PA political commitment and donor support to organisational and systemic change. This can for instance be done through a closer linkage of grants and the performance and de facto priorities of PA political leaders and administrative heads of departments (see section 3.1.4)
- Recommendation 2: Strengthen and build on the existing leadership capabilities of those strategic senior decision makers, in each PA institution, who are truly interested in challenging patriarchal and dysfunctional organisational cultures (see section 3.1.4)
- Recommendation 3: Further refine the programme’ approach to knowledge transfer and capacity development of staff within justice and security sector institutions, by building on the achievements and lessons learnt from its collaboration with Birzeit University (diploma programmes) and other capacity development approaches, with a view of enhancing sustainability and impact. (see section 3.1.4)
- Recommendation 4: Revise the grant framework to stimulate strategic cooperation, longer-term partnership and added value of the investment. (See section 3.2.4)
- Recommendation 5: Strengthen partnership with CSOs as ‘co-production’. (See section 3.2.4)
- Recommendation 6: Continue support and engage with the informal justice sector, including Mukhtars and legal clinics to further strengthen outreach and access to free legal support for some of the most vulnerable parts of the Palestinian population.(See section 3.2. 4)
- Recommendation 7: The Sawasya joint programme to engage sector stakeholders in discussions about how long-term funding and support to social justice for women and juveniles can be secured in the future. (See section 3.3.3)
- Recommendation 8: That the Sawasya joint programme enhance the coordination and cooperation between all the actors engaged in law enforcement for women and juveniles. (See section 3.3.3)

⁸ Recommendations made are partly in line with the programme management’s own ‘Programme lessons learnt’ and strategic directions and choices described in the Sawasya II programme document. This represents a first, important step towards an implementation of the recommendations.

- Recommendation 9: That the Sawasya programme applies a theory of change approach to programme planning and management⁹ (See section 3.4. 4)
- Recommendation 10: Strengthen the programme’s ability to measure and reflect on quantitative and qualitative results that interventions contribute to at the level of individuals and institutions. (see section 3.4.4)
- Recommendation 11: Emphasise and reinforce the key role and responsibility of the Programme management in facilitating the joint strategic reflections and discussions, as listed above, and any corresponding decisions about programme adjustments. (See section 3.4.4)

1. Methodology

2.1 The programme

The overall objective of the Sawasya joint programme is to strengthen the rule of law in Palestine by developing efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based while at the same time improving access to justice and security services for disadvantaged social groups, particularly women and girls.

To this end, and in line with UNDAF Outcomes 2 and 5, the Programme focussed on two main areas of intervention:

- Capacity building and support to justice and security institutions so they could operate according to the key principles for good governance, accountability and human rights.
- Capacity building and support to civil society so it could contribute to the rule of law, to government accountability and to access to justice for vulnerable groups in the West Bank and Gaza.

In addition to the overarching focus on governance and the rule of law, the Programme has also worked to mainstream gender responsiveness into the operations of justice, security and legislative processes and to improve access to justice and security for vulnerable groups. These groups include women who are subject to gender-based violence and juveniles.

The Programme partnered with 12 Palestinian state institutions, and around 70 civil society organisations.

The Sawasya programme¹⁰ was guided by a theory of change that ‘improving the *capacities, coordination and linkage of institutional and civil society actors*, will enable the rule of law to become more equitable and accountable to the rights, and responsive to the needs, of the population, especially women and

⁹ For further description of the added value of a ToC approach in multi-stakeholder planning see:

<http://strategihuset.dk/language/en/theory-of-change-discussion-paper/>

Or: Isabel Vogel for the UK Department of International Development: Review of the use of ‘Theory of Change’ in international development

Or: DFID: Practical Approaches to Theories of Change in Conflict, Security, and Justice Programmes

¹⁰ For more information, see the programme document

children. This will, in turn, reinforce the ‘social contract’ and further develop the necessary conditions for a viable Palestinian state, based on the rule of law.

In other words:

- *If* institutional (government) actors and civil society actors have (the correct and adequate capacities and if they coordinate and cooperate,
- *Then* will the system of the rule of law will become more accountable to the rights, and responsive to the needs, of the Palestinian population, including women and juveniles.
- This will reinforce the social contract and trust in government institutions, which will further reinforce the necessary conditions for a viable Palestinian state.

The explicit part of the Sawasya programme’s theory of change is further elaborated in the Programme’s choice of seven outcome areas through which ‘*institutional capacity*’ is identified as follows:

- The technical skills and capabilities to mainstream gender and human rights’ planning into an institution’s operations, to handle complaints and to act transparently and accountably.
- The skills to monitor quality and performance and to adapt plans and operations to findings.
- The skills to formulate and revise laws and procedures in accordance with international rights frameworks and standards.

The programme document defines capacity of *civil society actors* as:

- Legal literacy of men, women and communities.
- The ability of civil society actors to advocate for legal and judicial reform and to provide quality legal services to community members.

While *coordination and cooperation* are implicitly defined as:

- Coordination and cooperation (ministerial level), Justice sector working group.
- Referral systems between the police and governmental and non-governmental providers of social and legal services.
- The application of service standards across institutions.

In addition, the Programme’s emphasis on sensitisation of service providers, law enforcers and community members articulates a change assumption (ToC): that if law enforcers, service providers and community members are informed about human rights and the rights of women and juveniles, then their attitudes/ social norms towards human rights and women’s rights will change positively.

2.2 Purpose of the Evaluation

This report includes the findings from an evaluation of the Sawasya Joint programme in Palestine that was conducted in March and April 2017.

As per the terms of reference, the purpose of the evaluation was to:

- Assess the level of progress the Sawasya Programme had achieved, against the planned output and outcome results, as set out in the Programme document, since its inception (1 May 2014),

- Provide insight into the Programme’s achievements, challenges and lessons learnt,
- Assess the feasibility of the Programme’s Theory of Change (ToC)
- Assess evidence that suggested that the lives of beneficiaries, in particular vulnerable groups, had improved as a direct result of the Programme,
- Provide recommendations for UNDP/UN Women and other stakeholders to consider, in the in the finalization of the 2nd phase design.

The evaluation was conducted by a team of one national and one international consultant and included:

- A desk review of the relevant programme documents, reviews and other documentation materials. The aim was to create a general overview of the project’s methodology, initial results, challenges and lessons learnt.
- Focus group discussions, using mixed methods of questionnaires and open questions, with beneficiaries and stakeholders in the government sector, among CSOs and community members, including women and juveniles. The aim was to assess the outcomes, both at institutional level in line ministries and among the national service providers as well as the Programme’s impact at beneficiary level.
- Semi-structured interviews with stakeholders to get their inputs and feedback on the Programme’s progress, added value strengths and limitations¹¹.
- Skype interviews with key members of the Sawasya management team and technical staff

Finally, a staff workshop and outcome mapping exercise was conducted to provide a space for the Sawasya team to identify some of the project’s main contributions of change and how these changes had been brought about. The varied data collection methodologies enabled the team to triangulate data, thereby verifying the evaluation’s findings – to the furthest extent possible within the time and budget framework for data collection.

2.3 Challenges and limitations to the evaluation

There are challenges associated with evaluating a USD 30M programme, in a sector of multiple other stakeholders, actors and contributors within a budget framework that consists of 0,7 percent of the total programme spending. The most important are described below.

2.1.1 The challenge of ‘framing’ and scoping.

Assessing the results and progress of a programme with a 50 page LFA, seven result areas, 70 CSOs and 12 government partners (desk review, inception phase, data collection and reporting) is not an easy task.

To do so - and to meet the requirements of the terms of reference for an assessment of the feasibility of the programme’s Theory of Change – , the team decided to apply the main principles of a Theory of Change Based evaluation, which is an approach where a programme’s results, feasibility, effectiveness and sustainability is assessed against its explicit and *implicit* articulation of how the intervention think it will

¹¹ See annex IV for and overview of the program and informants met

contribute to change¹² and not necessarily against the word and letter of the intervention’s Logical Framework.

In line with this approach, the evaluation team assessed the Sawasya programme against 5 main change areas that the Sawasya programme has aimed to influence. The change areas articulate the programme’s planned results within its seven outcome areas and considers the fact that the programme’s specific objectives are long-term and beyond the scope of the 36 month Programme period up for evaluation, and that outcomes planned are hard to attribute to one actor or programme alone:

➤ **Change area 1: Justice and security institutions (national level) conduct their work based on principles of gender responsiveness, transparency, accountability and rule of law (Sawasya RRF Outcome 1 and 7):**

The evaluation has assessed this change area against:

- The extent to which the Joint Programme has contributed to change and align legal frameworks (including religious and customary frameworks), policies and guidelines that are conducive to rule of law.
- The extent to which the skills set, staffing and leadership, organizational structure and systems, finances and strategic planning among government institutions (ministries) to enforce laws and policies that promote rule of law and prevent violations against vulnerable groups (women children and juveniles) are in place.

➤ **Change area 2: Strengthened capacity of grassroots/civil society to respond to human rights violations, including rights of children, adolescents and women, and to promote rule of law. (Sawasya RRF Outcome 2,3, 7)**

The evaluation will assess this against

- The level, impact and relevance of support from grassroots, local leadership, elders, NGOs and legal associations to prevent violations and promote response mechanisms to human rights violations, including violence against women and juveniles.
- The level of impact and relevance of civil society interventions to hold government institutions accountable and promote rule of law.
- The extent to which the programme has contributed to strengthen community knowledge and ability of community members to claim their rights and file a complaint in situations where their rights have been violated.
- The extent to which the programme has contributed to strengthen the capacity of CSOs to formulate and apply M&E systems that enable them to assess incremental progress and impact and adjust approaches based on findings.

This relates to outcome two, three and seven in the joint programme document.

➤ **Change area 3: Women and girls benefit from improved gender responsive justice and security services and are empowered to demand services based on improved knowledge of their rights. (Sawasya RRF 4,5)**

The evaluation team will assess this against

¹² See the inception report for more information

- The extent to which the Joint Programme has contributed to introduce and mainstream institutional policies and procedures in police, prosecution and courts, which are gender responsive, and based on human rights principles, principles of transparency and rule of law.
 - The extent to which the joint programme has contributed towards change in institutional culture and attitudes and behaviours of service providers towards women’s human rights
- **Change area 4: Strengthened alliances and cooperation among national stakeholders. (Sawasya RRF one):**
The evaluation will assess this change area against the level of coordination, collaboration and mission alignment among development partners, CSOs and government institutions and their capacity to organize and act collectively to facilitate the needed change to promote rule of law in general and for women, children and juveniles in particular.
- **Change area 5: The extent to which the programme has contributed to challenge social norms that legitimize social exclusion and human rights violations against vulnerable groups and promotes impunity of human rights violators. (Sawasya RRF outcome one, two, three and five in the programme document).**

The five change areas structure section 3, beneath, which describes the evaluation’s main findings.

2.1.2 The challenge of attribution

Like most other programmes Sawasya was not implemented in a vacuum, but within a context where multiple other actors were also operating. Sawasya builds on predecessor programmes such as The UNDP Rule of Law & Access to Justice Programme in the oPt (2010-2014), the UNDP/EUPOL COPPS Joint Programme (2012-2014) and the UN Women Project on Support for Delivery of Security and Justice Services for Women (2011-2014).

Determining the exact degree and scope of the Sawasya programme’s contribution to the rule of law and protection of women and juveniles’ rights was outside the scope of this evaluation, as was the differentiation between Sawasya’s contribution and the contributions of other initiatives. Such an exercise is generally recognised as very time consuming and costly, which far exceeds the ambitions of the current evaluation.

2.1.3 Measuring ‘the soft changes’

A large part of the Sawasya programme’s main achievements are within the sphere of qualitative changes: in people’s perceptions of themselves and their skills and knowledge, the skills and knowledge of officials and community members’ trust in service providers and other authorities. These are factors and changes which, while likely to occur within a programme timeframe such as Sawasya’s (three-four years), are hard – if not impossible – to quantify, let alone to identify objectively verifiable indicators for.

However, the Sawasya programme and CSO partners’ ability to reflect on qualitative changes and results (outputs and outcomes) systematically, and to move reporting beyond just reporting at the activity level, remains limited and is documented largely at an anecdotal level. Nevertheless, in a context of declining

funds, donor fatigue and increasing demands from the very same donors for clear documentation and accountability of results, this is a must.

In order to be able to measure these ‘soft’ qualitative changes, which are at the core of the Sawasya joint programme, the evaluation team developed a set of ‘scales of measurements’. This is an internationally recognised methodology for measuring qualitative changes in parameters that can realistically be achieved within the life-time of a three to four-year programme or project - either at community, institutional or individual level¹³.

The majority of the interviews were conducted as focus group discussions with women, juveniles and CSOs, to optimise the time available for field work and to enable the team to engage with as many stakeholders as possible. In addition, the evaluators conducted semi-structured interviews with representatives of some PA institutions and the CSOs participating in the Sawasya programme.

The evaluation was conducted only one year after a Mid-term strategic review which intended to take stock of programme implementation and recommend adjustments to the strategic direction and prioritisation. So, to avoid repetition and to acknowledge the wealth of information already provided by the mid-term review, this programme evaluation focuses primarily on the Sawasya joint programme’s outcomes and key drivers. Its focus also included the barriers to the outcomes achieved and to future progress as well as answering the questions listed in the terms of reference.

2.1 Time and scope

The framework for data collection and interviews for is clearly a limitation to the evaluation. The evaluation team sought to compensate for this in its proposed schedule for interviews, according to which 2-3 core informants from each individual PA institution (managers and technical staff) were to be interviewed about the anchoring, sustainability and impact of the Sawasya programme in their organization¹⁴. The proposed approach could not be fully reflected in the final schedule however and not all PA institutions were interviewed for the evaluation. This is a major weakness in particular with regard to the evaluation’s ability to assess to what extent leadership of the PA partner institutions have affected the programme’s progress and results and to identify important difference in the engagement of leadership and commitment across PA institutions.

The results described in this report do not represent a *complete* account of *all* the results achieved by the Sawasya programme. Rather, the report aims to identify and assess some of the main and general patterns and strengths and weaknesses in the Sawasya programme¹⁵. By doing so, we hope that the report may provide inspiration for Sawasya in the years to come.

¹³ For more information see:
<http://strategihuset.dk/language/en/how-to-measure-progress-in-social-change/>

¹⁴ See the inception report for more information

¹⁵ The UN guidelines for programme evaluations recommends a maximum of 25 pages – annexes excluded. While this is reasonable in terms of reader-friendliness and wider distribution, it does limit the amount of details that a report can include.

However, given the programme’s complexity and the potential for additional learning, the second phase of Sawasya may consider commissioning thematic assessments and evaluations for some of the programme’s key areas and interventions these may include – but not be limited to:

- An in-depth study of barriers and drivers for organizational change in key institutions in the justice sector. (This main include, but not be limited to an impact evaluation of how the diploma courses operated by the Birzeit Center for Continued Learning contributes to strengthen knowledge and challenge perceptions, practices and culture among groups of participants from the same institutions) An analysis of how and to what extent the informal justice sector contributes to ‘justice’ and ‘fulfilment of equal rights in certain part of the Palestinian areas, and of how contributions from the informal justice sector towards ‘access to justice’ can be sustained.
- An analysis of the strengths and weaknesses of different influencing strategies in awareness raising and promotion of equal rights. The Sawasya programme has developed a Strategic Framework for Engagement with Informal Justice Mechanisms¹⁶ that describes how the programme works with the informal justice sector. Analysing how informal justice sector actors responds to different influencing styles and arguments, including religious, economic, emotional and judicial (rights based) arguments, and uses such arguments when legitimizing decisions and judgements may contribute to further strengthen the effectiveness of Sawasya’s cooperation with the informal justice sector.

¹⁶ Draft: a Strategic Framework for Engagement with Informal Justice Mechanisms

2. Main findings

3.1 Change area 1: Justice institutions conduct their work based on principles of gender sensitivity transparency, accountability and rule of law:

The Sawasya programme partnered with 12 governmental institutions and the Palestinian Bar Association.

The main thematic areas of capacity building were, according to the programme document and progress reports:

- Gender mainstreaming in planning, monitoring and evaluation (Palestinian Civil Police, Ministry of Justice, High Judicial Council, Council of Ministers, Shari’a courts/ restructuring of Gender Units across all Palestinian state institutions).
- Strategic planning (Shari’a courts, Ministry of Justice, High Judicial Council, Attorney-General’s Office, PACC).
- M&E (quality assurance, performance management).
- Financial (budget) support for the recruitment and deployment of essential human resource capacities in the Ministry of Justice.
- Electronic case file management system and database, as well as an expansion of services to the public (High Judicial Council).

Sawasya Programme: Palestinian Institutional Partners

- Ministry of Justice (MoJ)
- Ministry of Interior (MoI)
- Ministry of Women’s Affairs
- Ministry of Social Development
- Council of Ministers
- Palestinian Civil Police (PCP)
- The Attorney General’s Office (AGO)
- Palestinian Anti-Corruption Commission (PACC)
- The High Judicial Council (HJC)
- Representatives of the Shari’a Courts
- The Independent Commission for Human rights.
- Palestinian Central Bureau of Statistics.

‘Effective’ and ‘strong’ organisations and institutions are often defined by the following characteristics¹⁷:

- **Leadership:** The ability of their leaders to create and sustain a vision, to inspire, prioritise, make decisions, provide direction and innovate—in an effort to achieve the organisational mission. Implicit and explicit leadership: Who are the heroes – which behaviours are rewarded – which are not?
- **Adaptability:** The ability of an organisation to monitor, assess and respond to internal and external changes (such as networking/collaborating, assessing organisational effectiveness, evaluating programmes and services and planning).
- **Resource Management:** The ability of an organisation to ensure the effective and efficient use of organisational resources, including financial resources, human resources, and resources in terms of knowledge, support networks and materials that an organization may dispose of.

¹⁷ See for instance TCC group who has developed a comprehensive approach to assessments of ‘organizational effectiveness’

- **Technical:** The ability of an organisation to implement all of the key organisational and programmematic functions (such as finance, budgeting and fundraising), along with the skills that are specific to its distinct organisational mandate, which – in the case of the Sawasya joint programme - relate to policing, legal analysis and counselling, court rulings, legal drafting and communication with the public etc.

The Sawasya programme’s focus on monitoring and evaluation capabilities, capacity building of strategic planning units, secondment of gender and legal experts and training of staff etc., shows that the Sawasya joint programme has prioritised two out of the four organisational capabilities: an organisation’s ability to analyse their performance and to adapt to changing contexts, and an organisation’s technical capabilities to perform within the area of their mandate.

The Sawasya joint programme has used mentoring and secondment as a key approach to capacity building and institutional strengthening. This means that experts have worked side-by-side with the civil servants who are assigned to the units and institutions addressed by Sawasya. The programme’s M&E expert has, for instance, supported his Ministry of Justice counterpart to produce the baseline values for indicators in line with those of the national Justice Sector Strategy 2014-2016. Another example is the secondment of an IT manager in the High Judicial Count to oversee further expansion of MIZAN II. This form of ‘mentoring’, and transfer of knowledge and responsibility, has become a more commonly used approach of the programme as the UN agencies have transitioned certain thematic experts out of partner institutions. At time of writing, only 2 full time secondments remained in PA institutions out of an original 12 and 2 consultant gender experts. It is complemented by other capacity building modalities, such as the broad-reaching M&E training Sawasya offered in 2015, a diploma course that was offered to civil servants from a wide range of partner organisations and other training events.

3.1.1 Main Achievements

The programme has contributed to numerous changes at the level of individual employees, institutional procedures and legal frameworks, during the course of its implementation. The list beneath is not exhaustive but includes some of the main achievements related to change area one described in this section¹⁸. Others are described in more details in section 3.3.

People

- *Diploma courses:* At the time of the evaluation, there were 164 staff members, from ten justice and security sector institutions, who were about to complete one of the professional diploma courses on legal drafting, legal skills or organisational development. The diploma courses are implemented and organised by the Birzeit University Center for Continuous Learning at a cost of 2.500 USD¹⁹ for a full year’s training and were organised as an action-learning process. Each diploma course is characterised by the completion of a project, which the students (managers and staff from the same organisation) have to formulate and solve together, applying the skills and knowledge introduced to them during the training itself. The project identifies a problem in the students’ own workplace and the group cooperates to solve the problem jointly. Applied this way, the action-learning approach facilitates participants’

¹⁸ For a full account of the programme’s achievements please see the 2015 and 2016 progress reports

¹⁹ According to informants interviewed from Birzeit University

acquisition of both technical skills and ‘soft’ work life skills such as listening, problem solving, cooperation and delegation. Each participating partner organisation benefits from the training immediately, through the project that is being implemented by students (and student managers) themselves. This is likely to strengthen both the ownership and sustainability of the solutions proposed.

- *Special prosecutors:* 26 Special prosecutors were trained under the Attorney General’s office. According to informants interviewed from the AGO, this has improved their skills in the field of the prosecution of gender-based violence according to international standards. A Specialised Prosecution Unit for Protection from Family Violence was established. Trained prosecutors– according to their own testimonies – de facto serve as ‘advocates for change’ throughout the prosecution structure where they work with, and apply their skills in front of, colleagues who didn’t take the trainings.

An evaluation that was conducted by UNDP on the impact of UNDP-funded training activities, from the perspective of the final beneficiaries indicates a high level of satisfaction (a score of 5.18 out of 6) with the relevance of the training to participants’ work²⁰. Participants also felt content with the improvement in their knowledge from the training course (5.11 out of 6). Furthermore, they highly recommended the courses they attended to others, based on their relevance and high quality. Trainees gave an overall score of 5.27 out of 6 to the courses they had attended, reflecting high performance, a good selection of topics and a noticeable improvement in the trainee’s knowledge. 269 trainees from the West Bank and the Gaza Strip participated in the survey and provided their feedback using quantitative and qualitative questions²¹.

Systems, strategies and procedures

- A **Unified Warrant system** that links the judicial police, the public prosecution and the High Judicial Council, as the core actors with responsibilities for executing warrants, was established with the support of Sawasya. The system will reduce the workload of these three institutions by reducing transaction time and enabling automated follow-up. In particular, it will contribute to reducing the workload of the HJC Enforcement Department, which is critical to improving the currently poor enforcement rate of judicial decisions in civil cases.
- The first ever **Gender Strategy for any police force** in the Arab Region was launched by the Palestinian Civil Police with support of Sawasya. The Sawasya programme has also supported the capacity building of the **PCP’s Family and Juvenile Protection Units** (ten, all over the West Bank).
- A **pro-bono legal aid scheme** is currently supported by 130 lawyers, who are willing to provide pro-bono legal aid. This is over and above the one, voluntary case that each member of the Bar Association is obliged to take on annually. This scheme was approved by the Palestinian Bar Association. A National Legal Aid Committee, consisting of PA representatives, representatives of the Bar association and CSOs from both Gaza and the West Bank was launched and is drafting a **legal aid law and a national legal aid strategy** for Gaza and the West Bank
- Work on developing a unified **code of conduct for all security services**, through the Ministry of the Interior, is gathering momentum. Work continues with the Palestinian Civil Police on the establishment of a **pilot complaints office** in Ramallah (which was officially opened in April 2017), as well as strengthening internal disciplinary processes. The standardisation of disciplinary actions, for police

²⁰ Sawasya document: Evaluating the UNDP-funded Training Activities from the Perspective of the Final Beneficiaries

²¹ Ibid

misconduct was prepared, with 4202 cases of internal police misconduct being handled and resulting in 54 dismissals.

- A **legal database and analytical platform** was developed that enables law drafters to search in, and refer to, other legal frameworks and which allows collaboration online between drafters and CSOs. The investment facilitates access to legal information and collaboration during the drafting process. It is applicable both in Gaza and on the West Bank, but can also be used to facilitate legal harmonisation across the two areas, when or if the political context allows it. The analytical platform (which is modelled on a system employed in the European Parliament) is connected to an existing legal database, ‘Al-Muqtafi’, which has been supported by UNDP for several years, since the predecessor ROL programme. The platform, which is still being tested, will allow for those undertaking legal drafting or review of laws to ensure compliance and consistency with the state of Palestine’s human rights obligations and consistency with the domestic hierarchy of laws. This will be critical for any future legal harmonization processes, and will ensure consistency of approach in any law reform initiative. Going forward, the legal harmonization committee of the Ministry of Justice, which is engaged with Birzeit University on this project, will test the platform against priority laws in order to refine it further. Simultaneously, the programme will ensure capacity-building of government personnel working in law reform and legislative development to ensure that the system is used competently and properly institutionalized in law reform processes.
- The legal drafting committee was introduced to the tool, legal drafters were trained in how to use it and ten laws have been reviewed according to the methodology developed under the Programme. The institutional capacity to own the tool remains limited, however, and continued support and follow-up is needed if results that were achieved are to be sustained.
- Tools for facilitating and monitoring case management, judicial performance and collection of certain levels of administrative data (Mizan II). Kiosks, in a number of courthouses, which provide essential automated services for lawyers, judges and members of the public were introduced too. These strengthen the transparency of and access to information for citizens concerning their legal proceedings.
- Support was provided for the implementation of the **Palestinian Anticorruption Commission’s** Strategy, including the handling of close to 500 complaints, in 2016.
- A **one-stop centre** for female victims of violence was constructed and opened in Ramallah, in late April 2017, under the framework of the Palestinian Civil Police. The centre hosts a range of services and support structures for women including legal aid, medical support, counselling and opportunities for women to file a case.
- In the Ministry of Justice, the High Judicial Council and the Attorney General’s Office, gender priorities were integrated into the action plans of all 12 of the units within the Ministry, as well as the relevant departments within the High Judicial Council.
- A 2017-2022 **Justice Sector Strategy** (pending finalisation in early 2017) was drafted with considerable support from the programme. The Strategy will link directly to the National Policy Agenda to provide an overarching policy framework for the justice sector in Palestine for the next five

years. Sawasya supported the Ministry of Justice and the High Judicial Council to lead this process, through technical committees comprised of all institutions of the Justice Sector.

- Support for capacity building was provided to the **Planning Unit** of the Ministry of Justice, the High Judicial Council, the Attorney General’s Office and the Shari’a courts, to improve planning M&E capacity and to give the ability to monitor and report against key priorities.
- The development of gender responsive **Standard Operation Procedures** for violence against women SPPs cases, for the Family and Juvenile Department, and a case conference manual for the Ministry of Social Development.

Legal frameworks

- A draft **Family Protection Bill** was finalised, following significant support from the Programme. The bill, which is yet to be adopted by a Presidential decree, represents a first attempt to establish a legal framework that will criminalise domestic violence in the State of Palestine. (see section 4.3)
- A **Juvenile Protection Law** was approved by Presidential decree, along with the inauguration of the children’s court in Dar Al Amal. Criteria for selecting of judges for the new Children’s court were defined and 25 juvenile judges, 150 High Justice Court employees and 50 Ministry of Justice employees were trained on the implementation of the Juvenile Protection Law. (see section 4.3)
- The Gender Legislative Committee, a subcommittee established under the National Committee on Combatting Violence against Women was formed between the Ministry of Justice and Ministry of Women’s Affairs, and has **reviewed several pieces of draft legislation** from a gender perspective and produced recommendations for the Council of Ministers with support from Sawasya.
- The Ministry of Justice Juvenile Committee, with similar support, reviewed **legislation and institutional policy to ensure sensitivity to the needs of children and juveniles**. Technical support was provided to the human rights treaty reporting process, with specific focus on gender and juvenile and child protection concerns pursuant to the State of Palestine’s legislative obligations under CEDAW.

3.1.2 Drivers for Change

UN Agencies as a ‘broker’ and driver for change

Several informants, both among semi-public and public institutions and CSOs²², mentioned the important role of the Programme (UNDP and UN Women) as an international and ‘neutral’ organisation in driving and setting agenda for the ‘rule of law in Palestine. Working with the UN provided a ‘safe space’ to discuss and approach sensitive issues related to rule of law for both CSOs and government institutions. For others, such as the Palestinian Maintenance Fund and the Sharia’ Courts, UNDPs ‘accompaniment’ and support strengthened their ability and legitimacy to cooperate with other public institutions, such as the courts and

²² In particular Shari’a courts, PACC, PMF, AGO, individual CSOs on the West Bank and in East Jerusalem.

the executive police, or simply enabled access to other stakeholders in the rule of law sector (Palestinian Bar Association).

Similar viewpoints were expressed by the CSOs²³ whose grants from Sawasya constituted an insignificant share (less than three-four percent) of their annual turnover. Sawasya was cited as much a strategic partner that set an agenda on rule of law, and which provided access for those CSOs to a hub of knowledge and other stakeholders, as a funding agency.

The UNDP and UN Women’s long-term partnership with several PA institutions that are engaged in the Programme, as well as the appreciative and respectful approach of staff members towards these institutions’ ideas, inputs and own plans were also mentioned as factors, that contributed to the facilitation of a positive working relationship and trust building with key institutional players which, ultimately, had contributed to the Programme’s results.

A holistic approach to change in the rule of law sector

The Sawasya programme’s holistic approach and the combined focus on working with the executive and judicial branch at the same time seems to be another key driver for change and potential impact in the entire sector. Based on interviews with Sawasya staff as well as representatives from PA institutions, it is the evaluators’ impression that the approach has enabled the Programme to ‘bridge gaps’ to connect legal drafters, executives and judges in ways that reduce the likelihood that ‘bottlenecks’ and deficiencies in one part of the sector will undermine the ‘rule of law’ in another.

The programme’s consideration of the fact that the ‘legislative’, executive and judiciary powers are de facto and de jure divided between authorities in Gaza, the West Bank and Israeli civil and military authorities is an additional added value. This is especially true given the fact that some citizens may ‘take advantage’ of the various legal systems that prevail in East Jerusalem, in areas C on the West Bank, in Palestinian cities and in the densely populated areas (Areas A and B) and in Gaza²⁴. Rule of law – and its execution – is unlikely in a situation of contesting legal frameworks and their execution necessitates a holistic approach such as the one adopted by Sawasya.

International treaties and conventions

Finally, in 2014 Palestine signed a number of treaties and conventions with 7 of those being human rights conventions²⁵. The signing has contributed to ‘set the agenda’ for promotion of human rights in the Palestinian areas and is likely to have facilitated the cooperation and discussion with the Palestinian

²³ Focus group discussions with CSOs on the West Bank and in Jerusalem

²⁴ This was mentioned by CSO informants as well as representatives from the Palestinian Maintenance fund and the Shari’a courts. Palestinians who would disagree with a ruling (conducted by Palestinian authorities) would ‘escape’ to areas C or East Jerusalem to avoid the consequences of the ruling.

²⁵ including, but not limited to, the Convention on Civil and Political Rights, The Convention on Economic, Social and Cultural Rights, the Convention of the Right of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN convention against corruption, the Convention on the rights of persons with disabilities, the Convention on the Elimination of Racial Discrimination CERD and the Convention on the Elimination of All Forms of Discrimination against Women.

authorities concerning the necessary next steps towards a ratification and incorporation of the treaties and conventions into Palestinian legislative frameworks.

3.1.3 Barriers for change

Top management leadership’s commitment and support to institutional change

Some examples of the positive results achieved by Sawasya and the Programme’s important role in facilitating these results are the Programme’s efforts to strengthen gender units in key ministries, the Birzeit University’s diploma course, the training of special prosecutors and the Mezan2 system for electronic case management.

The evaluators are concerned, however, that the Programme’s approach to organisational change is likely to hit a ‘glass ceiling’, unless the programme strengthens its efforts to mobilize and motivate top management and PA political commitment and donor support to organisational and systemic change²⁶. Not doing so will limit the sustainability and multiplication of the achieved results, to encourage justice institutions to conduct their work based on the principles of gender sensitivity transparency, accountability and the rule of law.

The Sawasya joint programme has taken a ‘systems’ approach to institutional capacity building. This includes a focus on strategy formulation, technical support and expertise in fields such as M&E, court rulings, gender mainstreaming electronic case filing and handling. These are all issues that are important and tangible preconditions for any organisation in order to perform and fulfil its mandate.

Another approach was to build a group of ‘change makers’ in gender and planning units, etc. so that they could serve as ‘catalysts of change within the broader organisation’ and liaison with institutional leaders to gain their understanding, buy-in and tangible support in assuring that advances be championed and institutionalized.

Positive results were achieved and the employees that were interviewed by the evaluators were proud of their achievements and their participation in Sawasya²⁷. However, the overall impact and influence on institutions at large is likely to remain limited if top- and mid-level managers’ ability, or willingness to recognise and motivate the hard work of the ‘change agents’, supported by Sawasya remains limited; if staff turnover and staff reallocations are not contained and if the ‘change agents’ and units, established with support from Sawasya, are not properly linked to other units in the organisation. It will be further exacerbated if the invisible values and systems for reward, discipline and prioritisation that govern structures, strategies and employee’s behaviour, as well as the de facto power and authorities between individuals and groups in an organisation remain untouched.

These ‘embedded systems’ and values are factors that determine how well strategies, goals and procedures, such as those introduced by Sawasya, are implemented, and are factors that are rarely changed through a

²⁶ This section is based in interviews with donors, reading of the programme document, annual progress reports 2015 and 2016, skype interviews with staff members and information from the Sawasya staff workshop

²⁷ E.g. AGO representatives, representatives of Family Protection Unit, Sawasya staff, PACC

focus on technical capacity building alone²⁸. This requires the consistent attention and commitment of leaders at all levels. The importance of the ‘leadership factor’ is addressed in the Sawasya programme’s progress reports, where limited commitment from institutional leaders and leadership style are mentioned as the key barriers for (better) performance. ‘Leadership challenges’ at the political and managerial level were also mentioned by informants (Sawasya staff representatives) as a key barrier to structural change. The textbox overleaf includes some of the explanations given in the 2015 and 2016 progress reports for delays and underperformance in public institutions targeted by Sawasya:

Sawasya programme progress reports

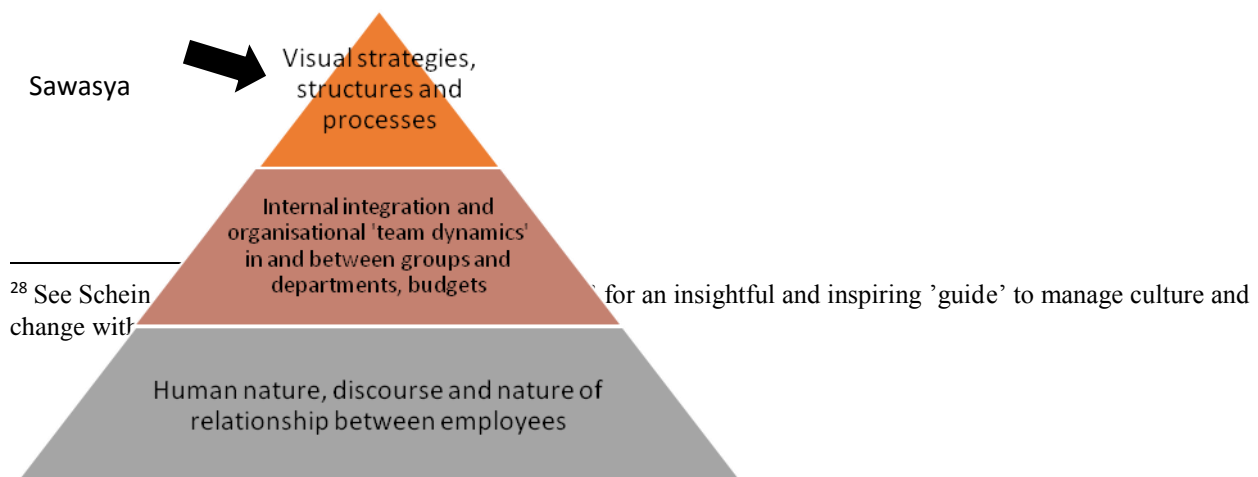
Barriers for change 2015

- An Individualised centralisation around the person of the former **Chief Justice** nurtured an environment of mistrust and disempowerment, which had a negative impact on the overall functionality of the HJC.
- The absence of functional **senior leadership** (i.e. a deputy minister) at the Ministry of Justice in Ramallah.
- Three months’ absence of the **acting Head** of the Planning Unit in the MoJ.
- It is too soon yet to know if the retirement of the former **Attorney General**, at the end of the year, and the appointment of a new acting Attorney General will have a further destabilising effect on the AGO.

Barriers for change 2016

- A proposal for restructuring the MoJ Planning Unit was completed but remains on hold, **awaiting the comprehensive restructuring of the Ministry**. This will play a critical role in terms of the sustainability of the support provided to date.
- As with other institutions of the justice sector, **frequent changes in leadership and personnel** at the HJC in the absence of sufficient institutionalisation of planning and policy management, have tended to generate instability in the operational environment, which has led to challenges in the continuity of the institutional reform agenda.
- At an institutional level, **political instability at the level of Ministers or senior Judges** permeates the entire system and affects the performance of the government and the judiciary.
- A key programme challenge has been to ensure sustainability of the time and resources invested in training in a context where **staff turnover is high and institutional memory or capacity for change management** is limited.

The figure below illustrates the main visible/formal and invisible/informal factors that determine the functioning of (any) organisation and that were the main focus of the Sawasya joint programme:



Internal geographical and political division and will

An essential aspect of access to justice, for Palestinians, is the ability to access a legal system that is founded on a clear, fair and publicly accessible set of laws, which are compliant with international human rights’ standards. The current Palestinian legal system is based on a complex web of interwoven, overlapping and at times contradictory set of laws, from Ottoman, British, Jordanian and Egyptian, sources as well as Israeli occupation-related legislative sources. The division between Gazan and West Bank laws has also increased since the 2007 elections. However, a lack of political support for a review of West Bank laws, beyond the post-2007 laws, prevents Sawasya from addressing the more fundamental issue of the fragmentation of the legal system that stems from the legacy of the various sources named above.

The programme has worked intensively with government institutions in the West Bank to revise legislation and to align it with international standards. So far, only limited efforts have been made to address de facto authorities in Gaza, let alone to harmonise the legislation of procedures developed for institutions on the West Bank with legislation or institutional procedures in Gaza²⁹. Reasons for this are numerous and include limited interest from the PA and Hamas in Gaza, as well as the international community’s no-contact policy with the Gaza de-facto authorities. Efforts on the West Bank are justified on their own and demonstrate satisfactory results. Yet, the exclusion of Gaza, in the legal revision process, risks further contributing to the segregation between Gaza and the West Bank.

Lack of clarity on the division of roles and responsibilities between authorities in the West Bank itself has been a barrier too. This is the issue of the Judicial Authority Law, which needs reform. Internal structuring in ministries; poor coordination and high staff turnover, even in administrative functions are barriers that are likely reduce the Programme’s potential impact and multiplication effect, over and above the achievements made so far, and thus will also reduce its ability to affect a systemic change.

Last – but not least: the ‘patchwork’ of ‘competing’ Israeli and Palestinian legislation contributes to hampering law enforcement, as citizens who disagree with a ruling may ‘move’ outside the areas of the court’s jurisdiction. One example is the case of the Bedouins, living in the Negev desert, who may marry a second or third wife in the Palestinian area, bring her back into Israel and register her children there in the name of the first wife; all in violation of Israeli law. Similar examples are found in cases of child custody, where a parent who have lost custody may bring their children into areas C or to East Jerusalem³⁰.

Low-contact policy with de facto authorities in Gaza and division of Gaza and the West Bank

Finally, The Sawasya programme, as a joint UN programme, adheres to the “low contacts” policy of The Quartet, regarding the de-facto government in Gaza. This continues to limit the Programme from a full-scale engagement with the judiciary and other executive and legislative authorities in Gaza: This thereby limits the Programme’s ability to contribute to the overall objective of ‘strengthening the rule of law in Palestine (West Bank and Gaza) by developing efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based’³¹. For this reason, the low-contact policy – and the way it has been interpreted and implemented – with the de facto authorities in Gaza renders the achievement of the Programme’s overall objective impossible.

²⁹ This is a situation that has prevailed since 2006/2007. Thus, although it remained beyond the control and influence of the Sawasya programme itself, the programme could have taken the situation into account when formulating the programme’s objective and anticipating results that could be realized given the difficult political context.

³⁰ Interview with CSO representatives, PMF and the Shari’a courts

³¹ Sawasya programme document

3.1.4 Recommendations

Top management and policy support from PA institutions and international donors for the Programme’s overall goals remain key determining factors for the Programme’s success and long-term sustainability and ability to reform and strengthen performance of justice institutions. It is therefore recommended that the Programme:

Recommendation 1: Mobilize and motivate top management and PA political commitment and donor support to organisational and systemic change

The evaluators recommend, that the Sawasya programme strengthens it’s efforts to mobilize and motivate top management and PA political commitment to organizational and systemic change in the ‘justice sector’.

While working closely with PA top officials (ministers, administrative heads of ministerial departments and donor representatives), the programme should:

- Strengthen the PA’s policy commitment to the rule of law at the level of the prime minister’s office and the council of ministers.
- Facilitate joint strategising for the rule of law sector (in cooperation with heads of departments and heads of planning units)³²
- Liaise and coordinate with donors (heads of missions) on programme policy issues in order to promote a harmonised donor approach towards the PA, the split between Gaza and the West Bank, the limited independence of the judiciary etc. The concept note for Sawasya II makes an important step in this direction as it proposes to establish a programme board with representation from the United Nations implementing agencies and the national government, co-chaired by the prime minister’s office. To motivate commitment and ownership, it is of crucial importance that board meetings moves beyond ‘orientation’ mainly and engages participants in strategic *decision making* and follow-up, however.

Annex I provides an illustration of a proposed approach that may contribute to strengthen external stakeholder engagement in the programme through a closer coordination with existing cooperation modalities established outside the framework of Sawasya and/or through facilitation of working groups of stakeholders facilitated by Sawasya itself. The purpose is to ensure that stakeholders’ knowledge, ideas, experience and joint decision-making feed Sawasya’s the strategic decision making and implementation in the future.

Recommendation 2: Strengthen and build on the existing leadership capabilities of the strategic senior decision makers, in each PA institution, who are truly interested in challenging patriarchal and dysfunctional organisational cultures

³² Issues of joint reflection and strategising at this level mainly include, but are not limited to, questions such as: How do we ensure that gender rights and needs are mainstreamed and taken into consideration, not only in the planning but in the actual implementation within line ministries? How do we promote changes in the policies and practices of partner organisations and underlying organisational cultures and perceptions in support of such changes?

The leaders’ willingness and ability to challenge practices, cultures, perceptions and organisational group dynamics, as well as the abilities of the individual staff members trained by a programme such as Sawasya, are of key importance to organisational change. This facilitates the transfer of new knowledge and skills into changed organisational procedures and policies and the revision of everyday practices in accordance with the programme’s intentions.

It is therefore recommended that the Programme’s second phase strengthens its focus on administrative leadership skills and willingness to challenge change the institutional policies and procedures, and culture and perceptions that hamper the rule of law and access to justice for juveniles, men and women.

Part of such support may include – but not be limited to – leadership (diploma) training courses in organisational change management for managers who are strategically placed in their organisations and the facilitation of ‘peer groups’ among ‘change managers’ across PA institutions.

The Sawasya programme may also consider a closer linking of financial support to institutions whose political and administrative leadership is truly interested in organizational change and who demonstrate willingness to facilitate such change over and beyond the level of policy and strategy formulations. A closer link between financial support, leadership capabilities and performance may also strengthen the incentive of leaders to truly work in accordance with the programme’s goals and the priorities that have been identified jointly between the programme’s management and PA officials themselves (see recommendation 1 above).

Recommendation 3: Further refine the programme approach to knowledge transfer and capacity development of staff within justice and security sector institutions, by building on the achievements and lessons learnt from its collaboration with Birzeit University (diploma programmes) and other capacity development approaches, with a view of enhancing sustainability and impact.

For a cost per student of 2500 – 3000 USD (managers and staff) the Birzeit University Center for Continued Education and Institute of Law have implemented an action learning approach that provides an opportunity for managers and staff alike to identify and solve organisational problems inside their own workplace. The diploma course has offered a cost-effective approach to addressing both the staff members’ technical capability needs as well as the need to mobilise commitment and support among mid-level managers. Furthermore, the approach is likely to contribute to sustainable organisational changes, as the problems addressed have been identified and are solved by staff and managers jointly. In order to obtain a more in depth appreciation of the effectiveness, organizational impact and sustainability of this action learning approach, it is recommended that an specific evaluation is carried out. .

To stimulate participation and ensure corresponding acknowledgement of achievement in the public-sector career development it is further recommended that the Sawasya programme work with the Palestinian Government and the General Personnel Council to ensure that that solid achievement qualify for consideration within the public administration system of reward, recognition and promotion.

3.2 Change area 2: Grassroots/civil society respond to human rights violations and promote rule of law

The Sawasya programme has prioritised the ‘establishment of strong, sustainable and enabling partnerships with civil society organisations (CSOs)’ in recognition of the CSOs important role in strengthening the rule of law and access to justice.

Therefore, the joint programme has provided financial and technical support to CSOs in order to stimulate legal aid assistance to vulnerable groups, to increase legal literacy among rights-holders and duty-bearers and to encourage efforts to hold Palestinian and Israeli authorities accountable for human rights violations and monitor the performance of justice and security actors.

In the first quarter of 2014 UNDP/PAPP updated its existing civil society rule of law roster, and new partners were included under its civil society initiative to this end. The selection criteria were geographic (Jerusalem, Areas C), thematic (legal aid, monitoring, awareness raising and advocacy) and beneficiary based (disadvantaged groups, women, children, people with disabilities). The CSOs’ partners were selected to comply on the basis of a thorough capacity assessment that scored applicant organisations against criteria related to certain organisational standards and capabilities that were related to project management, human resource management, financial and administration governance and constituencies³³. The UN Women’s call for proposals had similar requirements with a thematic emphasis placed on women’s rights.

Cases dealt with under Israeli Jurisdiction and addressed by CSOs under the Sawasya joint programme

Cases falling under Israeli civil criminal laws: Palestinian victims of settler violence; Palestinians suspected of ‘ordinary’ crimes, in detention or facing periods of imprisonment; victims of gender-based and police/security forces’ violence; corruption; child and special-needs victims; women, child, special-needs suspects Palestinians in Israeli custody

Cases falling under Israeli military laws/orders: Palestinians in Israeli military detention (children and adults); pre- and post-trial security cases involving Palestinians, prioritising those in detention.

Administrative law: Anti-displacement measures: Land and housing cases (demolition, confiscation, ownership/title); resource cases (access to land, water, other natural resources) planning (objections, appeals; support to community-driven master plans; residency cases: permits, movement restrictions, child registration, revocation of permanent residency, national insurance; complaints against police/ other security forces; human rights cases

Other civil law: Employment (wages, conditions, termination, sexual harassment)

The Sawasya joint programme has supported 70 civil society organisations (CSOs) and universities in both the West Bank and Gaza between 2014 and 2017. Interventions that have received support include legal aid (with specialised assistance to juveniles, women and girls), VAW prevention, human rights monitoring, advocacy, civilian oversight and anti-corruption. More than 120 contracts³⁴ of between USD 30,000 to 200,000 in value were signed between 2014 and 2016. The projects’ periods ranged between six to twelve months.

³³ Sawasya Guidance note, Civil society initiative, March 2014

³⁴ According to excel overview provided by the Sawasya programme

The Sawasya joint programme invested in building the capacities of partners in M&E and reporting also, in particular through training and workshops in Gaza and the West Bank, and by encouraging stronger networking amongst legal aid providers. Other types of capacity development training was provided by the programme too, including networking, communications and advocacy.

A 6 months Gaza Emergency Component was implemented following injection of additional funding by the Netherlands too, to address immediate legal needs in the aftermath of the 2014 war.

3.2. 1 Main achievements

The Sawasya joint programme has contributed to providing legal aid and support to Palestinians in a wide range of fields: These range from Palestinians in East Jerusalem seeking – and being denied – social benefits, through families facing threats of house demolition, to juveniles in conflict with the law and women seeking legal redress in cases of violence or divorce. Almost 12000 individuals received legal assistance in Gaza and 16.000 received legal aid on the West Bank in 2016, (50% women) under the Sawasya programme. In addition, more than 700 legal students have received training in law, conflict management and appreciative communication techniques. The programme’s systematic efforts to establish legal aid clinics at universities in Gaza and on the West Bank, and their work with male and female Mukhtars (in Gaza), and with Shari’a courts, has all contributed to strengthening civil society’s response to human rights’ violations and their ability to promote access to justice and the rule of law.

Cases under Palestinian Jurisdiction and addressed by CSOs under the Sawasya joint programme

Labor law: Employment (wages, conditions, termination, sexual harassment).

Criminal law: Victims of gender-based and police/security forces violence; corruption; child and special-needs victims of crimes; women, child, special-needs suspects; persons in police/other security forces custody or pre-trial detention, (including bail applications); persons facing periods of imprisonment under regular court or military courts orders/judgments.

Family law: Provision of assistance to women/child/special needs parties in relation to: marriage contract/property, divorce/separation, custody, guardianship, visitation, alimony (wife or child), inheritance, other property rights; gender-based violence; enforcement/recognition of family law judgments across jurisdictions.

Administrative law: Complaints against police, other security forces, justice institutions, human rights cases, land (compulsory acquisition cases). Social security entitlements/humanitarian assistance and access to basic services (health, education, electricity, water).

Legal aid provision

Access to legal aid is a key value to its beneficiaries. The joint Sawasya programme’s legal aid beneficiary survey confirms this, reporting a 98% overall satisfaction rate among respondents (98% women). This was similarly confirmed by the participants in the evaluation’s own focus group discussions. They expressed their deep appreciation of the legal support and counselling provided by CSOs unanimously – as well as a corresponding lack of trust in authorities³⁵. It is important to note that these results do not *necessarily*

³⁵ Focus group discussions with women on the West Bank and in Gaza, Juveniles in Gaza and on the West Bank

express a *general* mistrust among the Palestinian population against its authorities. Informants interviewed by the evaluation team were all Palestinians who had been in contact with the law and who had been in need of assistance from CSOs. Either because they were unable to manage the encounter with authorities themselves or because they had been badly treated by authorities or both.

In a context where ‘law’ and the legitimacy of the/a law is highly contested and is challenged by politics, religion and tradition, the provision of legal aid is by no means a guarantee of the ‘rule of law’ or for ruling or case management according to the law. Regardless of this, the provision of legal aid has contributed to:

- ‘Defending’ the rights and privileges of beneficiaries – and delaying resolutions in the case of house demolition or land confiscation
- ‘Promoting’ rights and access to the privileges of beneficiaries - in cases of enforcing clients’ rights to ‘benefits’
- Providing mental support, solidarity and guidance in critical life situations where ‘navigating and managing’ inside the legal system may seem overwhelming and threatening³⁶.

Prevention and rights promotion

The Sawasya joint programme has also supported CSOs in implementing Gender-based Violence Primary prevention initiatives involving children, parents, communities and community leaders. 431 lawyers (65% female) have benefitted from training by CSOs. An overall beneficiary survey of the different types of training, offered by the CSOs and conducted by Sawasya, found that 81% of the respondents were satisfied with the quality of the training in which they had participated³⁷.

Training participants (women), who were interviewed for the evaluation, reported that the training had given them a new perspective on women’s rights and their role in society and – most importantly – knowledge of where and how to seek support in a situation where their rights were being violated³⁸. Furthermore, and based on internal analysis carried out in December 2015 of perception survey data produced by the PCBS, the Sawasya programme could draw preliminary conclusions in relation to the impact of awareness raising activities supported by the programme. This exercise concluded that Palestinians, who participate in Legal Awareness Raising Activities, showed a remarkably higher level of legal awareness concerning their rights, and how to assert them, than Palestinians who had not been exposed to awareness raising.³⁹ The evaluators have no reason to doubt the correlation between awareness raising and knowledge about one’s rights and how to assert them. However, it is important to remember that awareness is not the only – or main determining - factor in terms of trust and positive relationships between authorities and citizens.

³⁶ Focus group discussions with women in Gaza and on the West Bank. CSO focus groups, Gaza and the West Bank

³⁷ UNDP/PAPP Supporting the Rule of Law and Access to Justice in the Palestinian Territory: Evaluating the UNDP-funded Training Activities from the Perspective of the Final Beneficiaries

³⁸ Focus group discussion arranged by WCLAC

³⁹ Do Legal Awareness Raising Activities Attain their Intended Objectives? FIRST DRAFT 2 December 2015

Trust in a sector or institutions is usually a product of information gained through a multitude of sources including: awareness raising, the media, other people’s direct experiences and encounters with the sector, one’s own ‘lived’ experiences and the correlation between a person’s expectations towards the institutions or sector and the treatment the person receives. Long case management processes with no transparency, humiliating treatment, abuse and threats or physical violence, conducted by officials against citizens, are all key causes of an undermining of trust in the justice sector.

Or, as stated by the Palestinian Central Bureau of Statistics in a public perception survey of 2015:

The success of support to access to justice and the rule of law is determined by its impact on Palestinian households. If ordinary Palestinian men and women do not believe that justice and security institutions can or will protect their rights, they may forego their entitlements, allow disputes to simmer, resort to informal channels or use coercion—such as violence or threats—to address perceived injustice⁴⁰

This was clearly illustrated by the evaluators’ focus group interviews with juveniles who had been in conflict with the law. All the respondents (ten) answered that they ‘strongly disagreed’ with the statement that ‘I feel I can trust the police in Palestine’. All were aware of their rights and how to assert them, yet they had all been subjected to physical abuse and/or harsh treatment while in police custody (see section 4.3. following). The support they received, through a CSO initiative in Bethlehem, had no doubt contributed to easing their way through the justice sector and had granted them a process that was (more) in accordance with the law. However, the trust built remained with the CSO and its lawyers, who had assisted them during a critical period of their life, not with the police and courts, who had exposed them to a traumatic experience that they were likely to remember for the rest of their life.

Mobilisation of informal avenues to justice

The informal justice sector in Gaza is a significant avenue for Palestinians to pursue justice and is widely used due to it being embedded in communities themselves and as mediators and Muhktars are widely known and respected. The Sawasya programme recognizes the importance of the informal justice sector too and has prepared a draft Strategic Framework for Engagement with Informal Justice Mechanisms. The Strategy describes key informal justice sector actors and outlines how the programme engages with these actors.

Working with the informal justice sector represents certain challenges as it continues to be driven by a customary approach to law, often based on patriarchal and religious norms which do not (necessarily) recognise the standards set out in international human rights law, particularly those related to women and children. Discourse and ‘influencing arguments’ in the informal justice sector do often differ from the predominant discourse presented in a right based approach too.

⁴⁰ Public Perception Survey by the Palestinian Central Bureau of Statistics, 2015

In Gaza, Sawasya has worked to promote a human rights’ based approach among male and female Mukhtars, who play a crucial role as mediators in family conflicts and cases of violence against women in cooperation with Gaza lawyers. Mukhtars have been trained on human rights and gender equality principles, the international conventions pertaining to women’s rights (CEDAW) and the difference between customary and official law. In 2016, 294 informal actors, including 83 women, took part in training programmes dealing with cases relating to women, legal arbitration, children’s rights and conflict resolution.

Universities and legal clinics

The Sawasya programme has also contributed to improving the access to justice and strengthening the response of civil society actors to human rights violations through the establishment of legal clinics, some based at universities and CSOs, some arranged as mobile legal clinics. It has contributed to training more than 700 legal students in law, conflict management and appreciative communication techniques in Gaza and on the West Bank, and has facilitated a network of 18 legal aid providers in Gaza (of which 4 were universities: Al Azhar University, Islamic University, University of Palestine and UCAS). The establishment of legal clinics contributes to the availability of free legal services for a segment of the Palestinian population who could otherwise not afford it. It exposes law students, in their final years of study, to valuable working experiences and it strengthens their focus on social justice issues. The latter may affect their choice of career later.

The impact of the Sawasya funds

The funds received through Sawasya constituted between one and eight percent of their organisational annual turnover, according to the CSOs interviewed on the West Bank⁴¹ (data on this issue was not collected in Gaza)⁴². The significance and contribution of these funds to the recipient’s work appear therefore to vary significantly from one CSO to another, depending amongst other things on the size of the individual CSO’s budget and its previous experience with legal and rule of law related work.

To some the Sawasya grant(s) were an opportunity to explore adopting or adding a legal and rights’ based approach to their work. For other CSOs the Sawasya grant itself was of secondary importance. More important was the opportunity to be part of a network of like-minded organisations, and the possibility (or wish) to develop a strategic partnership with the UN as well as the opportunity to be enrolled in a national agenda on rule of law.

In Gaza specifically, the Programme has strengthened the organisations’ ability to provide legal aid for Palestinians in border areas – an achievement which is not doubt important in a general context of ‘absence of law. A network was also established to exchange information on the monitoring and documentation of human rights’ violations. A total of 31 CSOs were trained, in the border areas, on monitoring and documentation.

⁴¹ Approximately 15 CSOs were interviewed on the West Bank

⁴² Focus group discussions with CSOs in East Jerusalem and on the West Bank

3.2.2 Drivers for change

A transformational approach to gender rights (??)

The evaluators find that the Programme’s engagement with the informal justice mechanism – and female mukhtars in particular – is an important driver for change. Informal channels of justice are widely used, are generally trusted, are respected and are considered legitimate - even in highly traditional societies - and therefore are easily accessible to women and others who would invoke social pressures in turning to the formal court system. The availability of female mukhtars, particularly in Gaza, may be an additional advantage for some of the most vulnerable and deprived women, who may be prevented from leaving the house by male family members, or whose movements outside the household may stir immediate rumours within the community. The visit of a female mukhtar may also be more socially acceptable and will generate less conflict in tense situations, thereby enabling women to access support, despite the social limitations imposed on them.

The evaluation team recognises however, that the approach continues to represent a dilemma in terms of Sawasya’s promotion of the ‘rule of law’. Mukhtars are – as mentioned – often representatives of customary and religiously flavoured legal frameworks and beliefs that do not (necessarily) correspond with international conventions on women’s rights. In the eyes of most community members, men and women alike, these are considered legitimate and ‘just’, but their connection to, and similarities, with international legal frameworks and considerations for the rights of the individual (woman) remains limited. This may represent a challenge in terms of how a programme like Sawasya presents its ‘messages’ and seeks to bridge between the rights based discourse that motivates the intervention and the – often – more religiously flavoured arguments that may convince informal justice sector actors to change perceptions and practices with respect to equal right for all.

Four arguments for banning early marriage for girls below the age of 18

– an example of influencing styles:

Legal argument: Early marriage is a violation of the convention of the right of the child

Emotional argument: Girls who marry at 10, 12, 14 or 16 are still children. It is really a pity to steal their childhood from them

Fact based argument: Girls who marry below the age of 18 and before they finish school risk to become dependent on their parents later on. This is particularly so, if her husband dies young. This will leave her in a situation where she cannot support herself and her children, and she will have to return to her parents for their support.

Religious argument: The prophet Mohammed married his wife Aisha only when she was 18. As Muslims we should follow his example (and not marry girls younger than that)

Resolving a case according to the principles of customary law principles is less likely, therefore, to be in accordance with international human rights’ standards, discourse and conventions, but it may be more socially acceptable and accessible to women than a case that is solved, based on international standards alone. The latter may lead to social exclusion and additional stigmatisation of the victim. The use of a customary legal framework may be socially acceptable, but may also violate the victim’s individual legal rights and freedoms.

The programme seeks to address these dilemmas in its Strategic Framework for Engagement with the Informal Sector. The programme may consider to elaborate how – and to what extent it is acceptable for the programme to embrace non-rights based arguments alongside that of rights based arguments when it works with informal justice sector actors.

3.2.3 Barriers for change

Occupation and impunity

Occupation and the impunity⁴³ settlers have, to uproot Palestinian farmers’ trees, damage water pipes, poison sheep and confiscate land, and even commit homicide, remains a key barrier to the rule of law and contributes to a situation where the CSOs can help only to alleviate and delay the consequences of demolition orders, confiscations and damages to Palestinian property. ‘Justice’ and the rule of law remain within the realm of politics, however and illustrates the crucial impact of the occupation itself on justice and rule of law for the Palestinian population.

The ‘rule of law’, here in Jerusalem, means ‘violations’. The law does not support the Palestinians, only the settlers. The law is used to chase us out. Informant, focus group discussion

Grant making mechanisms

CSO informants in Gaza, as well as on the West Bank, pointed out the committed, supportive and flexible approach of the Sawasya staff as an important driver for results achieved. Sawasya staff members were generally appreciative and open to the CSOs’ proposals and ideas (Gaza) and their positive spirit was a motivation for CSOs to ‘work hard to achieve the goals⁴⁴. The follow-up and supervision by the UNDP/ UN Women’s teams was effective and staff had the flexibility to deal with the partners and to guide everyone to reach their goals efficiently and effectively.

However, the short-term funding (six-twelve months), and the ‘go-stop-go’ nature of the funding relationship between the Sawasya programme and CSOs, seems to have adversely affected the CSOs performance and ability to deliver, both in Gaza and on the West Bank, and particularly for the CSOs that are providing legal aid. A court case can last from 6 months to two-three years and may therefore far exceed the duration of the six-twelve month grant received for legal aid through Sawasya. This has put legal aid providers in an ethical dilemma; whether to take-up cases, where thInvestigatiere is a risk of having to let

⁴³ See for instance Norwegian Refugee Council, June 2015: Settler Violence, International Investigative and Policing Standards, or B’tselem, ongoing updates

⁴⁴ Focused group discussions with CSOs in Gaza and on the West Bank

the client down during the case if, or when, funds run out. The uncertainty about whether a short-term grant would be continued with another short-term grant has also contributed to this dilemma.

Most recipients that were interviewed complained about the heavy workloads associated with proposal writing and the administration that was also associated with short-term grants.

The short-term granting cycles and the huge CSO portfolio have also added to the workload of UNDP staff. Sawasya programme staff seem to have had to spend an unreasonable amount of time dealing with the administrative issues related to grant making and the closing of grants, rather than engaging in strategic dialogue and genuine cooperation with the CSOs. This has also caused some frustration among staff members who are legal/human rights professionals and resent having to behave as exclusively grant administrators.

Partnership – consultation, engagement of co-design?

The practice of short-term granting, the unpredictability and the limited stability that the funding framework has created is likely to have further contributed to a situation where the full potential of a genuine partnership – as described in the Sawasya programme document cannot be realised. The benefits and results of ‘a partnership approach’ is closely linked to the way the terminology is interpreted and practiced and can – as illustrated in the table beneath, range from ‘pure’ information sharing about an initiative or idea, to co-production, where partners contribute in all stages of an intervention, from generating ideas, to planning, decision making and implementation.

Approaches to participation and partnership	Expected Results
Co-production	Ownership, sustainability
Co-designing	Relevance, effectiveness
Engaging	Relevance
Consulting	Accountability
Informing	Acceptance
Educating	Understanding
Coercing	No resistance

The evaluation team finds that the partnership approach, adopted by the Sawasya programme, lies close to consultation and ‘engagement’; CSO partners were consulted as part of the Programme planning, including planning for the programme’s next phase. However, prioritisation and final decision-making rests with the Programme’s management, consisting of UN programme staff. Despite the consultations, the CSO Partners that the evaluator met with on the West Bank were unaware of the plans for a new Sawasya phase and asked to be engaged in the planning.

Global experiences of programme management indicate that a consultation approach, such as the one adopted by the Sawasya programme, is likely to strengthen the relevance of an intervention’s implementation and design, as the consulted partners are encouraged to share their insights and

recommendations with the Programme, while the final say remains with the Programme management in conformity with the approved programme document and associated results framework. However, the consultation approach falls short of providing true ownership and sustainability, in line with the Sawasya programme’s intention.

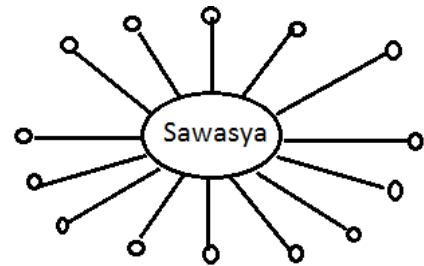
Ownership and in-depth commitment requires the Programme ‘owners’ (UNDP and UN Women) to engage partners in the processes of co-design and to leave some of the initiatives and responsibility for project planning, decision making and implementation to the partners themselves. This, co-production goes beyond traditional consultation and enables a real transformation for the ‘recipients’ of funds or offers technical support to the co-decision makers.

The evaluators find that the consultative approach that Sawasya has adopted has contributed to ensuring the Programme’s relevance and buy-in from the CSOs. However, by not engaging the CSOs in the true processes of co-design and decision making, Sawasya may have ‘missed an opportunity’ in terms of ownership, commitment and sustainability. Annex one to this report provides a proposal for closer involvement and ‘co-design’ with programme stakeholders, including CSOs.

‘Unilateral’ lines of communication

On the West Bank, the lines of communication within the Programme did seem to prevail, between Sawasya and its CSO partners mainly, and (only) to a limited – or rather an insufficient - extent between the CSOs themselves.

Although not intentional, this might have contributed to a ‘unilateral’ line of communication between Sawasya and each grant recipient, thereby reducing the coordination and cooperation between the CSOs themselves. In effect, some CSO participants in the focus groups were surprised to learn that other CSO participants, in the same focus group, received funding through Sawasya to cover activities similar to their own interventions.



This inefficient communication was reflected in the CSOs’ answers to a questionnaire that was distributed during the focus group sessions. 11 out of 16 respondents, on the West Bank, declared that they either ‘disagreed’ or ‘didn’t know’ whether ‘the role of other programme stakeholders (CSOs) outside their own organisation was known to them’. Seven out of 14 stated that they ‘didn’t know if the cooperation between their organisation and other organisations participating in Sawasya was good’, (two didn’t reply), while ten out of 16 stated that they ‘didn’t know if other organisations participating in Sawasya were enthusiastic and engaged in the Programme’. Nonetheless, 12 out of 16 declared that they ‘agreed that their cooperation with UNDP/UN Women had been good throughout the Programme’. This indicates that they were happy with the cooperation with Sawasya but that cooperation with other CSOs within the programme was limited.

The limited coordination and cooperation that was reported by CSOs on the West Bank is in sharp contrast to the feedback received from CSOs in Gaza. In Gaza, the CSOs all reported that the Programme had strengthened their cooperation significantly and had created a framework for them to meet and exchange

experiences and lessons learnt (see section 3.4 on the description of the AWN network below). Gaza’s relative isolation, compared to the situation on the West Bank, may explain this discrepancy as, in Gaza, opportunities for CSOs to cooperate, to travel and to pursue other agendas are generally fewer compared to the West Bank.

3.2.4 Recommendations

To strengthen the effectiveness, impact and sustainability of the Sawasya programme’s cooperation with civil society – as well as civil society’s ability to respond to human rights violations and promote access to justice, it is recommended to:

Recommendation 4: Revise the grant framework to stimulate strategic cooperation, longer-term partnership and added value of the investment.

A shortage of funds appears to be one of the main reasons for the short-term nature of the grant framework implemented by Sawasya. This is a factor that is partly outside of the Programme’s control. Nevertheless, the evaluators recommend that Sawasya strives to revise the grant framework to:

- Stimulate strategic cooperation through multi-partner grants that benefit three or more CSOs at a time
- Reduce the administrative burden on Sawasya staff members to free up time for strategic reflection and cooperation with CSOs
- Reduce uncertainty and improve the CSOs’ ability to plan ahead.

This may entail the Sawasya joint programme either reduce the total amount of CSOs in its portfolio in order to provide bigger grants to a smaller number of CSOs or supporting several CSOs under the same grant.

Currently, the grants received by the CSOs interviewed by the evaluation team constitute between one and eight percent of the recipients’ annual budget. This may not be representative of the entire group of NGOs however. But for some CSOs interviewed, the amount received seemed to represent a symbolic value as much as a real value, as the time and energy spent complying with the administrative procedures almost exceeded the value of the grant itself. Considering the small numerical value that the grant represented for some of the bigger CSOs, UNDP and UN Women may therefore also consider whether Sawasya grants should continue to benefit those CSOs whose budgets are so big that they will conduct legal aid regardless of Sawasya’s grants. Sawasya may also consider whether grants should be provided as ‘seed money’ to encourage organisations that are currently not engaged in the rule of law sector, to develop this field of expertise – as was the case with the programme’s support to ‘Stars of Hope’ – an organization that supports disabled women.

Recommendation 5: Strengthen partnership with CSOs as ‘co-production’.

To strengthen the Programme’s impact and the cooperation between CSO stakeholders, as well as the possibility of further capitalising on the huge hub of knowledge and expertise that is available in the CSO sector, it is recommended that the Sawasya programme introduces technical working committees that may serve as forums for joint strategic reflection and the production of ‘best practice documents’ for the entire sector.

Technical committees may be headed, or co-chaired, by Palestinian authorities (for the sake of sector ownership). They could also include CSO representation to ensure that knowledge and experience from engagement in field is shared with the government and policy level, and to strengthen networking and cooperation between the authorities and the CSO sector as well as internally, among the CSOs. Working groups could, as one example only, be established around working questions such as:

- How do we implement the provisions in the new (very progressive) Juvenile Protection Law? (see section 4.3 below)
- What does it take, to implement the (yet to be signed) Family Protection Law and how can CSOs and government institutions work together to achieve this?
- How do we provide or strengthen access to justice for the Palestinian population in area C and Jerusalem?
- How can we sustain long-term funding for the social justice sector in Palestine?

Recommendation 6: Continue support to informal sector actors and legal clinics to further strengthen outreach and access to free legal support for some of the most vulnerable parts of the Palestinian population.

It is recommended that the Programme continues its support to legal aid clinics and the informal justice sector in Gaza and on the West Bank, to further consolidate the Sawasya programme’s contribution to strengthening and diversifying civil society’s response to human rights violations and access to justice. Both of these initiatives – although very different of nature – have the ability to reach poor segments of the community, as well as the segments for which more conventional legal aid services and international human rights standards are rendered socially unacceptable as a starting point to discuss ‘rights’ and access to law.

To promote the continued effectiveness, impact and sustainability of the programme’s cooperation with the informal justice sector and legal clinics it is further recommended that Sawasya continues assessing how and when informal sector actors contribute to justice and ‘access to rights’ and (from a do no harm perspective) ensures that it puts measures in place to measure risks in relation to its engagement with this sector.

3.3 Change area 3: Police units, social workers and prosecutors are responsive to the rights of women and juveniles.

3.3.1 Main achievements

Family Protection and Gender-based Violence

In continuation of previous support (since 2008) the Sawasya programme has widened and consolidated the work of the Family and Juvenile Projection Units on the West Bank, operating under the Palestinian Civil Police. A total of 110 family protection officers are now working in ten units on the West Bank⁴⁵.

⁴⁵ According to Sawasya progress report 2016 and informants from the FPJU interviewed.

The Family and Juvenile protection units and the one- service, which was in Ramallah by the end of April 2017, are both components that aim to criminalise domestic violence in Palestine, and to improve justice for victims as well as accountability for the perpetrators. The one-service for women, children and juvenile offenders will bring all services together in one location. It will offer victims access to gender responsive police officers, VAW specialised prosecution services, health care, forensic services, psychosocial assistance, temporary shelter and critical referrals. At the same time it will accelerate the handling of cases related to violence against women and children, responding directly to the service and social access difficulties faced by the victims/survivors of violence who want to report the abuse.

To this end, the Programme has also established a specialized public prosecution on protection of family from violence, and trained a pool of specialised public prosecutors (26) under the Attorney General’s office. They have been equipped with the necessary skills and knowledge to support women and girls through the process of a criminal trial, and support the development of draft Standard Operating Procedures for handling cases related to violence against women and girls.

Ten new shari’a’ **court enforcement** departments have also been opened, to increase the rate of the enforcement of judgements made across the West Bank. Rather than having to draw on the enforcement system of regular courts, the law allows the Shari’a Courts themselves to enforce judgements related to family law. This is – in principle – expected to significantly increase the efficiency of judgements enforcement related to family disputes, divorce, alimony, child custody etc. that emanate from the Court. It will also reduce the workload of the Enforcement Department of the regular courts. In addition, the programme supported training for Shari’a court judges and staff on enforcement, in conjunction with the Palestinian Judicial Police.

According to the Shari’a court representative who were interviewed for the evaluation, the ten enforcement departments will also contribute to moving the focus of enforcement away from the enforcement itself to the rights and needs of the children and parents, when enforcing the law.

Juvenile Justice

The Sawasya programme has supported the formulation of a newly signed Juvenile Protection Law, the inauguration of a children’s court in Dar Al Amal and the training of 25 juvenile judges, 150 court employees and 50 Ministry of Justice employees in the West Bank. These initiatives are likely to contribute to de-criminalising juveniles in conflict with the law and will also consider their social, psychological and relational needs.

A key element in the law is the assignment of child protection officers, who will guide and accompany juveniles, in conflict with the law, through the legal system and will advise prosecutors and judges on preventive and rehabilitating interventions as alternatives to detention. The CSO informants that were interviewed for the evaluation expressed satisfaction with the new law. They see it as a major step forward in terms of changing the way children and juveniles are treated in the legal system. They complained, however, about the very limited resources available to implement the law, within the executive and judicial sector.

3.3.1 Drivers for change

Commitment of NGOs and officials targeted by Sawasya

The evaluators find that there is a high commitment from, and desire of, CSOs to promote social justice, secure rights and preserve the dignity of women and juveniles who come into contact with the law. This is a main driver for the results that have been achieved. The juveniles and women that were interviewed all confirmed that the physical presence of lawyers, social workers and/or counsellors during their encounters with officials had a restraining effect on the officials’ (police officers’, prosecutors’) behaviour. They also thought that the tendencies to name and shame the victim would be reduced and that there would be less shouting and other humiliating acts of behaviour against the victim. The information that CSOs provided victims about their rights and the procedures during case management, as well as the support, also contributed to reassuring the victim.

The commitment of officials (representatives from the prosecutor’s office, the Family and Juvenile Protection Unit and the Shari’a court) was equally high and the informants were proud of what they had achieved in terms of setting up structures and procedures that would contribute to promoting the rights of vulnerable groups.

3.3.2 Barriers for change

Human and financial resources

Human and financial resources, and the weak coordination with all relevant stakeholders, does represent barriers to officials’ responsiveness to women and juveniles’ rights and the ability of the rule of law access to provide justice and security for the Palestinian population in line with the Sawasya programme’s intention. The example of the Programme’s work with juvenile justice illustrates the challenge⁴⁶:

The newly signed law on Juvenile protection assigns a key role to so-called ‘child protection officers’ in securing the rights of juveniles in conflict with the law. Yet, their number on the West Bank can still be counted on very few hands. With a total of 90 court sessions a month, 30 follow-up meetings with juveniles and social authorities, reports on each child etc., it is clear that there a limitation to how well, and how much, each child protection officer can support each individual child and his/her family throughout the case. Infrastructure, such as separate detention rooms for juveniles, seems to be in short supply in both the West Bank and Gaza: This increases the risk that juveniles are kept in detention with adults, in violation with the provisions of the law. Clear procedures on how to implement the law’s provisions concerning the alternatives to detention and a harmonisation of the law, with other laws to prevent contradictions, is also lacking.

⁴⁶ See also UNDP: A Review of Palestinian Justice and Security Sector Data, august 2013

The juveniles that were interviewed for the evaluation confirmed there is a gap between the spirit and the letter of the new law and the realities on the ground. None of them had been informed about their rights when they were arrested by the police, neither had they been told how they were to be held in custody. They were detained with adults in overcrowded detention rooms (four beds and up to 14 inmates, some of whom were accused of murder), with bad hygiene and no access to safe drinking water. These were understandably very frightening experiences. One informant had been approached by a police officer who could have been from the newly established Family Protection Unit under the Palestinian Civil Police. She didn't present herself or the department she represented, however. The remaining juveniles that were interviewed for the evaluation had also been arrested and interrogated by representatives from the Palestinian preventive security police and the intelligence police.

A lack of financial and human resources and weak coordination seems to be a barrier to implementing the Family protection law – once signed - and for a full operationalisation of the ten enforcement centres under the framework of the shari'a courts.

According to the CSO informants that were interviewed, the draft Family Protection Law was unlikely to be signed by the president, as resources for its implementation are still lacking. The same informants complained that the draft law confined the violence committed by a spouse to the private sphere, thereby preventing anyone but the victim herself filing a case against the perpetrator – even in situations where witnesses could confirm the event. Complaints were also raised about what was considered to be a very limited engagement and consultation of the CSO community in the drafting process and the limited provisions within the law to attempt mediation, before a case was taken to court.

Social norms pertaining to women's rights

Social norms pertaining to women's rights, and among representatives of 'the law', continue to hamper women's access to justice. Women themselves may be afraid of filing a case or seeking support due to the risk of social stigmatisation. Often, officials are also ignorant about women's rights, considering violence against women 'to be her own fault' or they would rather close the case than stir up conflicts by raising a case against another (male) member of the community⁴⁷.

'I know a woman in Hebron. Her husband is a lawyer and he used to beat her. When she filed a case with the police, he threatened to sue anyone who interfered in the matter. Then the case was closed. This is very common'. Informant, focus group discussion

Palestinian women in Jerusalem often refrain from reporting a case with the police as this is considered 'reporting to the enemy'⁴⁸. Engaging religious leaders and other formal sector

⁴⁷ Focus group discussion with CSOs on the West Bank

representatives in East Jerusalem may be considered to strengthen women’s access to support mechanisms in cases of domestic violence.

3.3.3 Recommendations

To further strengthen the responsiveness of law enforcers (police, social workers and prosecutors) to the rights of women and juveniles it is recommended that:

Recommendation 7: The Sawasya joint programme to engage sector stakeholders in discussions about how long-term funding and support to social justice for women and juveniles can be secured in the future.

Human and financial resources continue to be a real barrier to the enforcement of women and juveniles’ rights. It is therefore important to identify viable solutions that help promote the realisation of the spirit and letter of the law designed to protect vulnerable groups. Engaging sector stakeholders – CSOs and public authorities in discussions about questions such as ‘how can CSOs sustain their efforts in a situation of declining donor support?’ and ‘How to mainstream respect for ‘rule of law’ and citizen’s rights as an organizational value and code of conduct in public institutions’ might therefore be of key importance. Sawasya can contribute to facilitate such reflections either through its engagement with clusters and working groups established outside the Sawasya programme or through forums established by Sawasya directly.

Recommendation 8: That the Sawasya joint programme enhance the coordination and cooperation between all the actors engaged in law enforcement for women and juveniles.

Following on from Recommendation 7, it is further recommended that the Programme conduct a “chain of justice” analysis that identifies gaps and shortcomings as users move through the system. This analysis may inform the identification of additional stakeholders (such as the preventive security police and the intelligence police) that the Programme may need to address and to engage to further strengthen the law enforcers’ responsiveness to the rights of vulnerable groups.

3.4 Change area 4: Alliance building

The Sawasya programme promoted alliance building, cooperation and referrals between stakeholders and actors in the rule of law sector, both directly and indirectly, through its efforts to establish formal mechanisms for cooperation and coordination at the ministerial level, between the CSOs and the authorities and between the CSOs themselves.

⁴⁸ Focus group discussion with CSOs working in Jerusalem

3.4.1 Main achievements

A **National Legal Aid Committee**⁴⁹, consisting of representatives from the civil society, ministries and the Bar association, was established to structure, develop and systematise the provision of legal aid throughout the State of Palestine. The committee is developing a National Legal Aid Strategy that aims to provide a sustainable, transparent and fair legal aid scheme for Palestinians living in the State of Palestine and a mapping of legal aid providers available in the Palestinian areas. A data base has been created (see section 4.1.1) that provides the technical preconditions for legal harmonisation and coordination between ministries and law drafters on the West Bank and in Gaza – and can also cover between the two geographical areas, if the political interest and commitment exists.

In Gaza, a network of 18 legal aid providers (the Awn network) has been built under the overall coordination of the Bar association, helping cases to be dealt with unofficially, rather than through the court systems, in situations where an official case might contribute to social stigmatisation and a worsening of the situation for the victim. In 2016, over 2000 people were referred to social, psychosocial and other health and economic services through Awn referral mechanisms. The services targeted mainly women, children, the elderly, people with disabilities, IDPs, refugees, and residents in marginalized and access-restricted areas

The programme has also worked to foster the High Judicial Council’s relations with the Ministry of Women’s Affairs (MOWA) through the facilitation of an MOU between the two institutions. This has further articulated the High Judicial Council’s role in advancing gender issues, and secured its membership in the relevant national committees. As well as this, a number of other relationships of coordination and cooperation between actors in the justice sectors have also been facilitated.

3.4.2 Drivers for change

The Sawasya programme’s staff has made continued efforts to bring stakeholders together and to link institutions in chains of referral, facilitating the construction of trusting and constructive working relationships. These actions have been important drivers for change within a context, where competition and unclear mandates between ministries and other official authorities have caused tensions and have led to conflict between people who – without the Sawasya programme’s intervention – would unlikely convene.

Smaller and less recognised institutions such as the shari’a courts, the Palestinian Maintenance fund and the Palestinian Anti-Corruption Commission, have benefitted from the Programme’s facilitation of cooperation and alliance building in particular. They are struggling to position themselves as important players underpinning rights realization and the rule of law on the West Bank, and several of the informants that were interviewed indicated that the relationship between the Palestinian Institutions has indeed improved because of Sawasya’s facilitation.

The programme’s insistence on searching for areas of cooperation and coordination between Gaza and the West Bank may be another important, potential, driver for change, although visible and tangible results in this area are hard to find. In a situation, where most development actors are struggling

⁴⁹ Funded by EU earmarked funds.

to overcome political impediments that restrict their ability to engage in Gaza and its two million inhabitants, for logistical and political reasons, is it more important than ever that someone (the UN) takes the lead, inspires other actors and continues to preserve and promote the vision of one united Palestine, consisting of Gaza and the West Bank.

A majority Gaza’s two million inhabitants are under the age of 15, and most are entirely dependent upon food supplies. Most have no opportunities to leave an area that is among the world’s most densely populated, and which the UN warns might be inhabitable within a few years. The fact that the Sawasya programme continues to insist on investigation of systems and processes in Gaza supporting rights and bridging the gap between an increasingly isolated Gaza and the West Bank may be of both political and moral importance, even in – or perhaps because of – a situation where tangible results are hard to identify.

3.4.3 Barriers

Managing the Sawasya programme as a ‘programme’.

Although the Programme management has played a positive role in fostering alliance building, the management of Sawasya as a programme rather than serial projects may have hampered the realisation of the Programme’s full potential for cooperation and alliance building: The Sawasya Programme document appears to be the result of consultations with the CSOs and individual consultations of authorities; institution by institution. That may have led to a hugely convoluted programme with nearly 50 pages of Log Frame Matrixes and a programme document that seems less programmatic. Despite the programme management’s admirable efforts of readjusting and refining the approach outlined in the original programme document, and the enormous energy invested into coordination between stakeholders on selected thematic issues, the programme still seems more inclined towards a series of small projects with each institution, rather than one that is inclined towards in-depth, joint strategic planning and reflections on why and how individual interventions and activities are likely to complement each other. Potential for synergies and how, and to what extent, individual activities and the Programme are likely to contribute to the intervention’s overall goals are also overlooked somewhat. This seems to have challenged the Programme’s ability to encourage a golden tread throughout the Programme and to maintain a more coherent narrative throughout the implementation. The steering committee recommended for establishment in the Programme’s next phase will have a crucial role to play to improve that in the future.

The fact that some donors’ have earmarked funds, to specific interventions has not helped promote a programme approach either. The earmarking’s corresponding individual requirements for visibility, use of programme (project) equipment, individual requirements for financial and narrative reporting as well as the two-pronged lines of reporting within the UN (UNDP and UN Women) itself, may all have reinforced this tendency of a programme that is inclined towards ‘small-project-implementation’, rather than towards the execution of one joint programme that is fully focused on creating and understanding the synergies between, and across, all the operations it has implemented under its umbrella.

3.4.4 Recommendations

Managing and facilitating cooperation, coordination and alliance building between the CSOs and authorities is a challenge. So also is the management between the individual components within this USD 30M programme; between the UN agencies within the UN family and across the logistical, political and personal barriers between, and across, the stakeholders in Gaza and on the West Bank. However, in order to further promote alliance building and synergy between interventions and actors in the future, the evaluators recommend that:

Recommendation 9: That the Sawasya programme applies a theory of change approach to programme planning and management⁵⁰

The evaluation recommends that a second phase of the Sawasya programme works consistently with a theory of change based approach to large scale programme management. This is an approach that has already been applied by UNICEF and UN Women and which is a useful tool for promoting cooperation and team building. It also helps to strengthen mutual understanding and encourages reflection about how, and why, various interventions are likely to contribute to shared goals. The concept note for Sawasya II takes a step in this direction and serve to justify the overall thematic choices and areas of intervention in the programme’s second phase. Yet, another level of details should be added to explain how and why each intervention area will contribute to desired outcomes, and to clarify underlying assumptions about the context, beneficiaries and the intervention itself, that the programme will assess during implementation.

The approach implies that the Sawasya programme:

- 1) **Engages key stakeholders in strategic reflections in the planning or inception phase about:**
 - How desired changes in the justice sector/field of the rule of law happen in the Palestinian context (rather than discussions about what stakeholders would want to do, and seek -+funding for
 - The role of stakeholders individually to contribute to these changes
 - Key assumptions about
 - The context (e.g. internal division, access issues related to Gaza),
 - The stakeholders (e.g. political willingness at top-management and -political level to promote and sustain the desired institutional changes)
 - The intervention itself (e.g. sufficient funding, the intervention’s relevance and feasibility, capability to assess and report on changes)
- 2) **Establish a structure for continued dialogue and strategic reflections on:**
 - The programme at large, including but not limited to:
 - The progress made within the Programme at large, how these changes were brought about and the significance of these changes

⁵⁰ For further description of the added value of a ToC approach in multi-stakeholder planning see:

<http://strategihuset.dk/language/en/theory-of-change-discussion-paper/>

Or: Isabel Vogel for the UK Department of International Development: Review of the use of ‘Theory of Change’ in international development

Or: DFID: Practical Approaches to Theories of Change in Conflict, Security, and Justice Programmes

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- The validity of the key assumptions that were identified at the start of the Programme
 - The contextual changes that the Programme needs to respond to
 - The need to adjust the Programme according to findings and lessons learnt.
- Thematic issues of the relevance to clusters of partners and stakeholders within the Programme. Such issues could include but not be limited to:
 - What does it take to implement the newly signed Juvenile Projection Law - and how can we facilitate the necessary changes?
 - What does it take to implement the Family Protection Law (when or if signed) – and how can we facilitate the necessary changes?
 - How do we sustain resources to the social justice sector in the years to come?

Recommendation 10: Strengthen the programme’s ability to measure and reflect on quantitative and qualitative results that interventions contribute to at the level of individuals and institutions.

The evaluation recommends that the Sawasya programme further strengthens its ability to reflect on qualitative changes and results (outputs and outcomes) systematically, and to move reporting beyond just reporting at the activity level. In a context of declining funds, donor fatigue and increasing demands from the very same donors for clear documentation and accountability of results, this is a must.

In doing so, the Sawasya programme can build on already established systems for quality assurance and M&E, including Mezan II, beneficiary surveys, and its partnership with the PCBS to produce sector-wide perception surveys and data.

Recommendation 11: Emphasise and reinforce the key role and responsibility of the Programme management in facilitating the joint strategic reflections and discussions, as listed above, and any corresponding decisions about programme adjustments.

The final recommendation is that the Sawasya programme reinforces the Programme management’s key role of facilitating strategic reflections and enforcing a theory of change based approach to planning as well as – and just as important – ensuring an approach of continuous reflection and learning, for all stakeholders, throughout the Programme’s implementation.

This entails that a culture of reflection – not only about what has been done, but more importantly about the changes that take place – is nourished and encouraged throughout the Programme organisation. The flexibility to change strategies (which has been observed during Sawasya I as well) should be maintained in situations where interventions do not produce, or contribute to, the desired results.

3.5 Change area 5: Social norms are supportive of human rights

3.5.1 Main achievements

The Sawasya programme has contributed to preparing and establishing ‘a human rights media’. It has also helped to build the capacity of human rights’ journalists who have extensive knowledge about the institutions operating in the legal sector. These journalists have been trained to use the media to defend human rights’ issues and justice systems. The programme has also facilitated a number of visual and readable platforms for stakeholders in the sector.

These initiatives and the Programme’s training of PA officials and engagement with mukhtars who often play a key role as opinion makers in their own community are likely to contribute to challenging the social norms pertaining to the rights of vulnerable groups and to strengthening public attention to violations.

However, the absence of M&E structures and systems that enable the Sawasya programme to systematically measure such qualitative changes prevents this evaluation from assessing how, and to what extent, changes in social norms have taken place. Working with qualitative ‘scales of measurements’ has already proven to be a useful tool for women rights CSOs in Palestine to assess and quantify qualitative results of their work⁵¹.

3. Conclusion

- What can be done to build a Palestinian state that is responsible for law enforcement as well as the checks and balances between authorities and citizens, when the prospects for a final settlement of the state’s territorial integrity and sovereignty are more unclear than ever before?
- How can human rights and the rule of law be promoted in a context where the political progress on reconciliation between those formulating the law – the PA (Fateh predominant) and the Reform Block (Hamas predominant) – has reached a virtual standstill?
- How much do politics and politicians matter in efforts to promote human rights?
- What space is available for civil servants and their institutions to promote and enforce basic rights under the radar of national and international politics and conflict over land and power?

These questions were not the official focus of this end of programme evaluation report. However, they kept appearing as underlying, contextual assumptions and question marks in this USD 30 m programme, which was implemented within a context of protracted political crisis and a stalled ‘peace process’.

The evaluators find that the Sawasya joint programme has made solid progress on a number of parameters that are indeed likely to contribute to the promotion of the rule of law and access to justice – even in a political

⁵¹ For more information, please refer to <http://strategihuset.dk/wp-content/uploads/2016/02/Measuring-qualitative-changes-an-introduction.pdf>

context where the territorial integrity of the Palestinian state, jurisdictional control and definitions of the scope and judicial framework(s) remains contested.

Most importantly the Programme has contributed to the creation of ‘islands’ of change agents that can provide access to justice in and between PA institutions and in civil society. It has also created a ‘hub’ of lawyers and civil servants with a stronger focus on social justice, citizens’ rights and the obligations of authorities to govern, based on the principles of transparency and the rule of law⁵².

However, the evaluation team also finds that the ongoing occupation – legally as well as practically – hampers the realisation of the Programme’s overall objective – the rule of law, access to justice and equality before the law. So does the political division between the de facto authorities in Gaza and those authorities on the West Bank, as well as the lack of interest between the parties to work towards unity. Palestinian authorities are still unable to reach 60% of the West Bank and all of Jerusalem, and authorities in Gaza and on the West Bank still refuse to coordinate and recognise each other’s legitimacy to govern (as elections have not been held since 2006). Given this situation and with an organisational and institutional culture inside the authorities that is strongly influenced by political affiliations and personal ties, is it difficult to imagine that the Programme that will eventually reach its overall goal. That is the rule of law and access to justice and a strong social contract between citizens and authorities within the framework of a viable Palestinian state.

International policy positions, outside the control of the Sawasya programme, do not help to promote the Programme’s overall ambitions either. The low- or no - contact policy towards the Gaza de facto authorities puts no pressure on the PAs to move towards national unity, but may strengthen the PAs incentive to maintain the status quo until the siege on Gaza – eventually – brings the Gaza authorities to a collapse. The reluctance of the international community to abide to the Fourth Geneva convention’s Article 1, which obliges the high contracting parties to undertake to respect and to ensure respect for the Convention in all circumstances risks increasing the uncertainty and dispute about ‘which law’ applies on the occupied West Bank.

So, should the UNDP and UN Women continue in Palestinian institution building within this context of massive barriers to change? The evaluators would answer ‘Yes’. The results of the first Sawasya programme show that scope for interventions and results exists beneath the ‘political radar’ of occupation, international and national politics.

However, the evaluators also find that the Sawasya programme can and must do more to further widen, use and capitalise on that ‘space for change beneath the political radar’ by working more systematically to strengthen the ownership and responsibility of the political and administrative top management of national authorities to the Programme and to the ‘islands’ and ‘agents of change’, created by the Sawasya joint

⁵² Examples of these contributions are: the enrolment of civil servants and managers in a diploma course run by Birzeit University in legislative drafting, organisational development and legal skills; the recruitment of female mukhtars; the establishment of legal clinics at universities; the partnership with the Bar Association; the establishment of a one-stop centre for women victims of violence; the establishments of gender units in a number of ministries and the foundation of a Family Protection Unit under the Palestinian Civil Police.

programme. Engagement senior managements of donor agencies that support the Programme may be instrumental in this respect.

The evaluators also find that the UN (UNDP, UN Women and – from 2017 – UNICEF) has a unique position to keep promoting and preserving the vision of a Palestinian state built on (one) rule of law, both despite and because of the difficult political context in which the Sawasya joint programme is being implemented. The national authorities that were interviewed for the evaluation expressed their appreciation of the unique position of the UN as a global organisation with the legitimacy and credibility to launch an agenda of human rights, dignity and rule of law, and to provide a safe space for stakeholders to contribute to that agenda. The UN family can mobilize national and international stakeholders to reflect on how international and national politics can contribute to either promoting or hampering the Sawasya joint programme’s vision: A vision for equality, the rule of law, dignity and human rights for two million people who are besieged and disempowered in Gaza, plus another two-and-a half million Palestinians who are directly affected by the divergent and contesting ‘rules of law’ on the West Bank as well as the impunity of settlers to the law and a settlement policy, which most of the international community would agree is a violation of the Fourth Geneva Convention’s ‘rule of law’.

Annex I

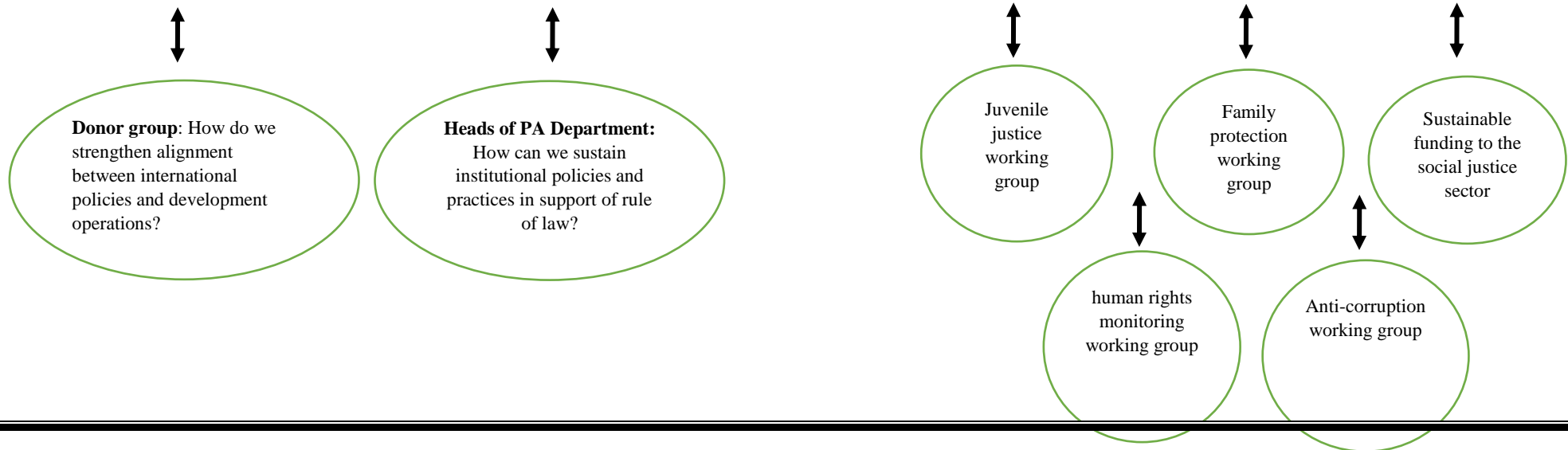
Sawasya Joint Programme – Proposed approach for co-production with external stakeholders

(Thematic working groups proposed are examples only)

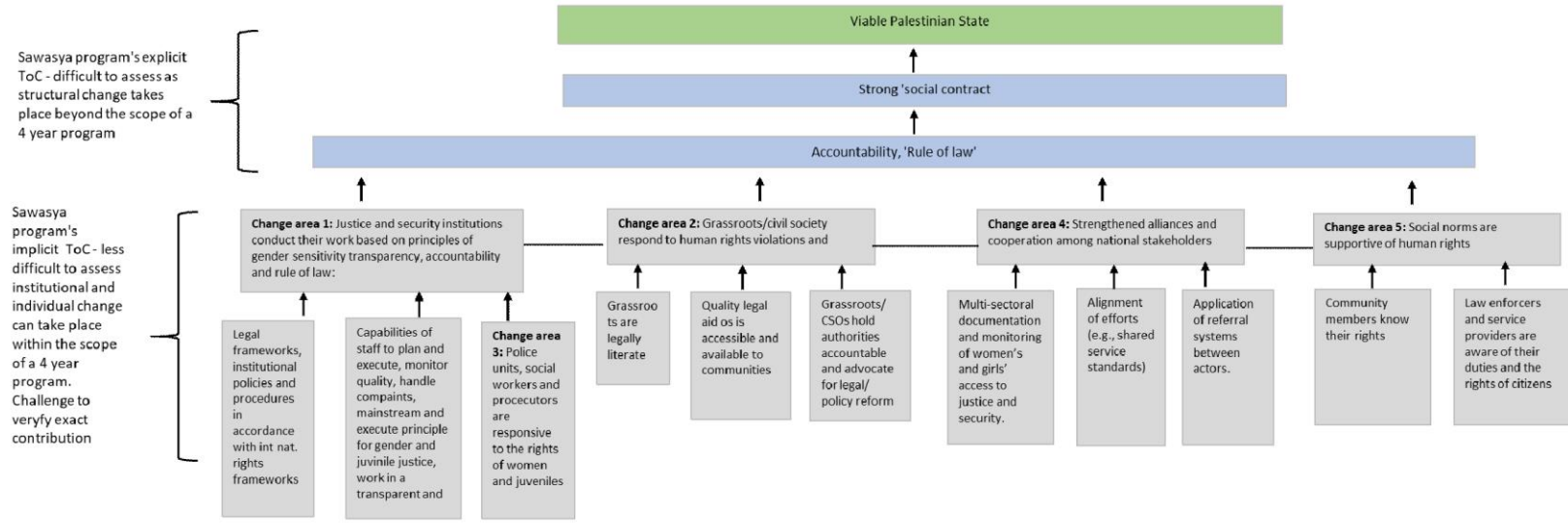
Programme board (or steering committee): UN Women, UNDP, UNICEF, Prime ministers' office, key ministries, one NGO representative from Gaza and WB – appointed by CSOs themselves

Programme and Policy Management

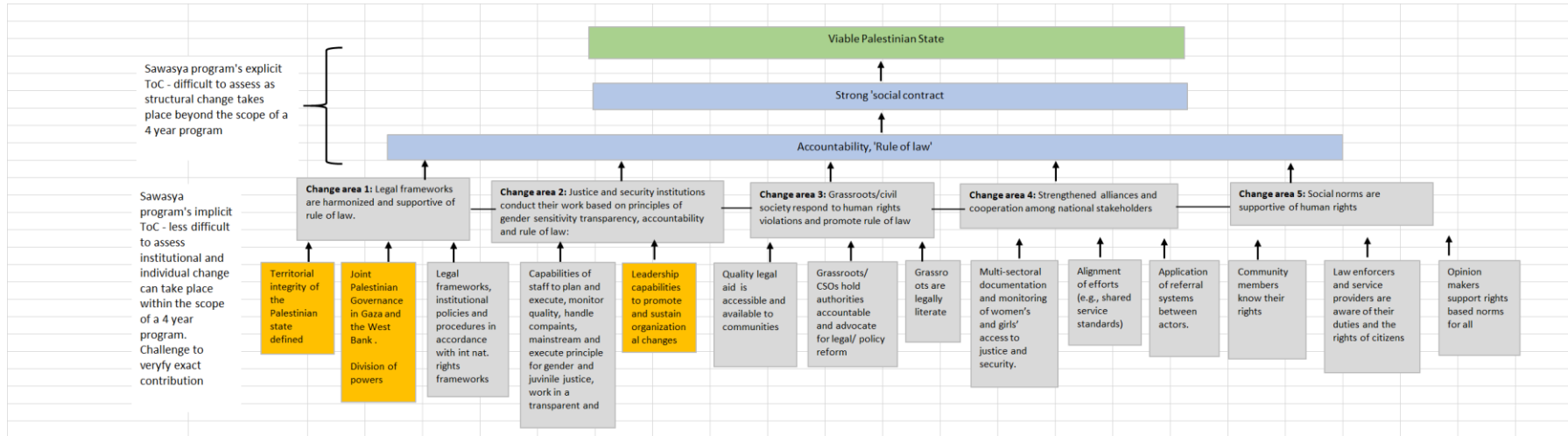
- Facilitation of Theory of Change based programme management (see Final Programme Evaluation report section 4.4.4)
- Managing and facilitating capacity building and service interventions with CSOs and PA institutions.
- Liaison with donors on programme management and funding issues
- Facilitate strategic reflections with stakeholders through working groups that are facilitated by Sawasya directly and/or through other forums and working modalities external to Sawasya that can ensure that knowledge, ideas, lessons learnt and joint decisions made by groups of stakeholders inform Sawasya's strategic decision making and implementation. Strengthening stakeholders' influence on strategic decision making it likely to strengthen their ownership to the programme and thereby its likely sustainability.
- Strengthening and sustaining top level policy and management commitment to rule of law interventions (see Final Programme Evaluation report section 4.1.4)
- Facilitating Joint strategizing for the rule of law sector (in cooperation with Heads of department working group)
- Liaison with donors on programme policy issues (heads of missions)



Annex II: The Sawasya programme’s theory of change as understood by the evaluators



Annex II: The Sawasya programme’s theory of change including additional ‘preconditions’ that the evaluators think needs additional focus in a future phase of the programme:



Annex IV

**Sawasya End of Programme Evaluation
West Bank Programme**

Day	Time	Event
Tuesday 4th of April	6.30 -7pm	Arrival Malene – Allenby Bridge
Wednesday 5th of April	7.20	Pick up UNDP/PAPP Shuttle bus from Cesar Hotel
	8:30 – 9.30am	Security briefing
	10:00 - 12:00	Focus group CSOs: Legal Aid Services East Jerusalem
	12.00 – 13.00	Travel from Jerusalem UNDP Office to Ramallah UNRCP
	13:00 - 15:00	Focus group CSOs: Women’s Access to Justice
	15:00 – 17:00	Focus group CSOs: PA monitoring and advocacy.
	17.00	Return to Cesar Hotel
Thursday 6th of April		
	9:00 – 10.000:	Palestinian Anti-Corruption Commission (PACC)
	10.30 – 12.30	Focus group Institutions: Institutional Planning and Gender Mainstreaming MoJ, AGO Planning Units, HJC, MoI, MoWA, MOSD, COM, MOI
	13:00 – 16:00	Sawasya staff workshop – outcome mapping
Friday 7th of April		
	9:00 – 10:30	Kim Zander/Swedish Consulate
	11:00 - 12:00	DFID/Buraq and Adrian Harris
	13:00- 14:00	Simona/ EU Rep Office
	15:00 - 16:00	Mike Albers/Giovanni EUPOL COPPs
Saturday		

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8th of April		
	9:00 – 11:00	Palestinian Maintenance Fund
	11.30 – 13:00	Birzeit University
	13:30 – 15:00	Palestinian Bar Association.
	15.00	Return to Cesar Hotel
Sunday 9th April		
Monday 10th April		
	9:30 – 11:00	Focus group, Beneficiaries CSO services/Juveniles
	12.00 – 14.00	Focus group, Beneficiaries in areas C
	15.00 - 16.00	ICHR
Tuesday 11th April	9:00 - 11:00	Focus groups/Beneficiaries: Land revocation, house demolitions, access issues, family unification – Israeli jurisdiction
	11:30 – 13:30	Focus groups/Beneficiaries: Women (family law cases/Palestinian jurisdiction)
	14:30 – 16:00	Debriefing External Reference group (and internal reference team)
	17:00 – 18:00	Debriefing UNDP/UN Women Senior Management and Sawasya Management Team
12th April	3.45am	Travel to Ben Gurion Airport (flight departure 6.45)

Programme Gaza

Day	Time	Event	Comment
Thursday 30th March	10.00-12.00	Focus group with women beneficiaries received legal services by the programme	-WAC -Aisha -PCDCR -PBA -UWPC
	12.00-14.00	Focus group with men beneficiaries received legal services by the programme	-PBA -PCDCR -LRC -Fursan AlGhad

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Monday 03rd April	9.30-11.30	Focus group with mukhtars who received trainings by the programme	-PBA -Mustaqbal -PCDCR -Al Attaa
	12.00-14.00	Focus group with legal aid providers including (PBA, academic institutions, women’s centers)	-Al Mustaqbal- Hosni Mughani + Saed Abdalah -PBA – Ali Den -NSDL – Ibrahiem Moamer -UWPC – Samah Ghaiyad -Aisha-Reem Friena -Al Azhar – Dr. Saher -IUG – Dr. Nahhal -UoP – Dr. Abu Siedah -UCAS – Nedal Jaradah -PCDCR – Iyad Abu Higjier - WAC – Amal Siyam -CWLRC – Zainab Ghunaimi
Tuesday 4th April	10.00-12.00	Focus group with human rights organisations and media/communications centers	-Al Dameer – Hala Qishawi -PCHR – Hamdy Shaqorah -Al Mezan – Issam Younis -IDS – Mahmoud Abdelhadi -CMC – Andaleen Odwan -PICD – Fathi Sabbah -SMWF – Liela Modalal
	12.30-14.00	Focus group with legal practitioners, lawyers and law school students who received trainings by the programme	-UCAS; IUG; Al Azhar; UoP -PBA lawyers (3 male + 3 female)

Annex V: Change areas

Change category 1	Justice and security institutions conduct their work based on principles of gender sensitivity transparency, accountability and rule of law:
Activities applied by Sawasya Joint Programme	<ul style="list-style-type: none"> • Strengthening legal drafting skills of key ministries and the Council of Ministers. • Capacity building of ministries, high judicial council, attorney general, police and other public institutions to develop and implement gender responsive draft laws, policies and frameworks • Capacity building of Government institutions in relations to planning, M&E, policy advice, donor liaison through mentoring, coaching, ad hoc and institutionalized training programmes • Capacity building of justice institutions in complaints handling • Capacity building of the police in strengthening accountability through code of conduct development, and complaints mechanisms • Capacity building of the Palestinian Anti Corruption Commission in national strategy development/implementation, partnerships, and alignment with international standards • Capacity building in IT and electronic case management of key justice institutions
Outcomes that the evaluation will assess (not inclusive)	<ul style="list-style-type: none"> • The incorporation of international standards related to juvenile justice, children and women’s rights in <i>Draft laws</i>, guidelines and frameworks • <i>Institutional practices</i> and procedures in relation to the legal drafting process • Changes in institutional practices and the ability of government institutions and to <ul style="list-style-type: none"> ○ conduct and act on the basis of strategic plans and adequate M&E frameworks, ○ liaise with and manage donor relationships, ○ mainstream and execute principles for gender and juvenile justice. • Changes in procedures to prevent corruption within the justice system. • Changes in coordination and cooperation at senior management level. • Effective IT systems and systems for case management implemented. • Changes in transparency and availability of statistics and information about practices related to gender and juvenile justice.
Objects of analysis (who or what changes)	<ul style="list-style-type: none"> • Capacity of Staff in MoI, AGO/PP, MOSD, MOWA, PCP MOJ, HJC, PMF, PBA. Palestinian Central Bureau of Statistics, PACC. • Legal frameworks, guidelines and procedures. • Institutional <i>practices</i> of government institutions (Legal and administrative staff at MOJ, HJC, Palestinian Anti-Corruption Commission, Corruption Crimes Court) in relation to strategic planning, case management, M&E, and IT capacity. • . Procedures and capacity at the Palestinian Central Bureau of Statistics.
Related changes and viability of the project’s ToC.	<ul style="list-style-type: none"> • Expected or unexpected changes that may have occurred because of capacity building provided to ministries and other official bodies. • The significance of these changes (what different does the law make)
Proposed data collection/assessment methodologies	<ul style="list-style-type: none"> • Semi-structured interviews with external observers and managers of government institutions targeted. • Focussed group discussion (mixed methodology) of 3-4 technical staff. representatives of each government institution targeted (see draft questionnaire

	<p>no 1).</p> <ul style="list-style-type: none"> • Desk review of relevant draft laws, procedures and plans produced.
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Change category 2	Grassroots/civil society respond to human rights violations, including rights of children, adolescents and women, and promote rule of law
Activities applied by Sawasya Joint Programme	<ul style="list-style-type: none"> • Grant provision to CSOs to legal aid provision to vulnerable population in Gaza and West Bank • Awareness raising/legal literacy targeting disadvantaged groups (women and juvenile victim of violence) • Advocacy for legal and judicial reform and rule of law. • Monitoring and application of international standards applicable to the rights of vulnerable groups.
Outcomes that the evaluation will assess (not inclusive)	<ul style="list-style-type: none"> • Changes in knowledge and courage among community members. Including women and juveniles to demand justice/file or report a case. • Capacity of CSOs to collect data, assess and monitor women’s access to justice, including in Gaza, areas C and East Jerusalem. • Changes in the capacity of CSOs to advocate for legal and judicial reform. • Changes in the capacity of lawyers, informal justice actors and law school students, for quality legal services provision
Objects of analysis (who or what changes)	<ul style="list-style-type: none"> • Women and juveniles subject to violence. • Communities targeted for legal literacy and human rights awareness. • CSOs engaged in protection and promotion of human rights, including the rights of women and children. (members of the AWN network).
Related changes and viability of the project’s ToC.	<ul style="list-style-type: none"> • Expected or unexpected changes that may have occurred because of awareness raising, advocacy and capacity building. • The significance of these changes.
Proposed data collection/assessment methodologies	<ul style="list-style-type: none"> • Semi-structured interview with UNDP/UN women staff and external observers. • Focus group discussions with CSOs (mixed methodology, see draft questionnaire no 2). • Focus group discussions with community members, women and juveniles (mixed methodology, see draft questionnaire no 2).

Change category 3	Police units, social workers and prosecutors are responsive to the rights of women and juveniles (Women, girls and juveniles benefit from preventive, protective and restitutive services governed by principles of accountability, gender sensitivity and basic human rights principles)
Activities applied by Sawasya Joint Programme	<ul style="list-style-type: none"> • Capacity building to provide gender responsive services in justice, security sectors. • Mentoring, coaching, ad hoc and institutionalized training programmes.
Outcomes that the evaluation will assess (not inclusive)	<ul style="list-style-type: none"> • Changes in the way prosecutors and police units and social workers handle cases and complaints of violence against women. • Changes in staffing (gender balance)
Objects of analysis (who or what changes)	<ul style="list-style-type: none"> • Institutional practices and procedures in Police units, prosecutors and among social workers.
Related changes and viability of the project’s ToC.	<ul style="list-style-type: none"> • Expected or unexpected changes that may have occurred because of capacity building, mentoring and other forms of support. • The significance of these changes.

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Proposed data collection/assessment methodologies	<ul style="list-style-type: none"> • Semi-structured interviews with external observers and managers of prosecutors, and police units and social workers targeted. • Focussed group discussion (mixed methodology) of 3-4 technical staff representatives of each institution targeted (see draft questionnaire no 1)
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Change category 4	Strengthened alliances and cooperation among national stakeholders
Activities applied by Sawasya Joint Programme	<ul style="list-style-type: none"> • Facilitation of coordination and cooperation amongst rule of law actors. • Facilitation of multi-sectoral coordination and cooperation in relation to monitoring and documentation of women’s and girls’ access to justice and security.
Outcomes that the evaluation will assess	<ul style="list-style-type: none"> • Content and frequency of cooperation and coordination amongst rule of law actors (focus on technical level cooperation between justice and security sector). • Content and quality of multi-sectoral documentation and monitoring of women’s and girls’ access to justice and security. • Improved alignment of efforts (e.g., shared service standards) • Changes in the application and effectiveness of referral systems between actors.
Objects of analysis (who or what changes)	<ul style="list-style-type: none"> • Effectiveness of Forums for coordination and cooperation (ministerial level), Justice sector working group. • Effectiveness of referral systems between police, governmental and non-governmental providers of social and legal services. • Application of service standards across institutions.
Related changes and viability of the project’s ToC.	<ul style="list-style-type: none"> • Expected or unexpected changes that may have occurred because of improved referral, alignment for shared service standard and other forms of cooperation. • The significance of these changes.
Proposed data collection/assessment methodologies	<ul style="list-style-type: none"> • Semi-structured interviews with external observers and managers of government institutions targeted. • Focussed group discussion (mixed methodology) of NGOs and 3-4 staff representatives of each institution targeted (see draft questionnaire no 1 and 2)

Change category 5	Change of social norms pertaining to human rights
Activities applied by Sawasya Joint Programme	<ul style="list-style-type: none"> • Sensitisation of judges on gender and justice systems. • Sensitisation of police officers on women’s specific needs and rights. • Sensitization of prosecutors on women’s specific needs and rights • Sensitization of social workers on women’s specific needs and rights • Human rights awareness and legal literacy in local communities. • Awareness raising of boys and girls of legal rights and gender based violence • Capacity development of informal justice actors
Outcomes that the evaluation will assess	<ul style="list-style-type: none"> • Change in attitudes and practices among service providers in police, prosecutors, judges, social workers, informal justice actors. • Increase in the number of complaints raised. • Changes in community members’ knowledge of their rights and how to claim them.
Objects of analysis (who or what changes)	<ul style="list-style-type: none"> • Attitudes and practices of police, prosecutors, judges and social workers dealing with cases of violence against women. • Add a separate bullet point on juveniles • Attitude of government staff. • Attitudes of community members.
Related changes and viability of the project’s ToC.	<ul style="list-style-type: none"> • Expected or unexpected changes that may have occurred because of sensitisation, awareness raising and other support. • The significance of these changes.

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	<ul style="list-style-type: none">• Semi-structured interviews with external observers and managers of government institutions targeted.• Focussed group discussion (mixed methodology) of NGOs and 3-4 staff representatives of each institution targeted (see draft questionnaire no 1 and 2)
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Annex IV

TERMS OF REFERENCE

1. BACKGROUND AND CONTEXT

The SAWASYA Joint Programme (UNDP/UN Women) was launched on 1 May 2014, with a budget of around USD 30 million. Contributions have been secured from the Government of the Netherlands, SIDA/Sweden, the UK/DFID, and the European Union, as well as corporate investment by UNDP.

The overall objective of the Joint Programme is to strengthen the rule of law by developing efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based while improving access to justice and security services for disadvantaged social groups, particularly women and girls. To this end and in line with UNDAF Outcomes 2 and 5, the programme works towards achieving the following seven outcomes, as stipulated in the Joint Programme document: 1. Capacity of justice and security institutions strengthened and linkages forged; 2. Civil society contribution to rule of law and community access to justice in the West Bank enhanced; 3. Civil society contribution to the rule of law and community access to justice in the Gaza Strip enhanced; 4. Gender responsiveness of justice, security and legislative actors strengthened; 5. Women’s and girls’ access to justice and security improved by ensuring accountable service provision to prevent, protect and respond to violence, and by addressing their broader legal needs; 6. Juvenile justice and adherence to child rights improved; and 7. Capacity of key actors and stakeholders to monitor progress and results in rule of law development increased

Within this overarching framework, the programme partners with 13 Palestinian state institutions, and around 60 civil society organisations. Support rests on a supply and demand equation that combines enhanced service delivery by resilient justice and security institutions with the public’s ability to access such services and hold duty-bearers to account. By increasing public confidence in the sector, support is designed to be catalytic, strengthening state-society relations and creating an enabling environment for development. Interventions are informed by a coherent theory of change and characterised by flexibility and responsiveness to institutional changes as a result of political developments.

The Joint Programme builds on the achievements and findings of its predecessors: the UNDP Rule of Law & Access to Justice Programme in the oPt (2010-2014), the UNDP/EUPOL COPPS Joint Programme (2012-2014), and the UN Women Project on Support for Delivery of Security and Justice Services for Women (2011-2014). Importantly, the Joint Programme uses baselines captured during these earlier programmes as a means to monitor results and inform future planning.

2. EVALUATION PURPOSE

UNDP/PAPP intends to commission an independent evaluation to assess the level of progress achieved by the Sawasya Programme against the planned output and outcome results as set out in the programme document, since its inception (1 May 2014). This will be the final independent evaluation of the programme, intended to provide insight into programme achievements, challenges and lessons learnt, as well as providing recommendations for UNDP/UN Women and other stakeholders to consider in the development of the follow-up phase of the programme.

3. EVALUATION SCOPE AND OBJECTIVES

In view of the above, the independent evaluation is expected to:

- Assess the relevance of the programme in the context of the State of Palestine and validate results achieved against the programme document and the M&E Strategy.
- Assess the relevance of the programme’s Theory of Change and the extent to which the programme has realized the change process foreseen in the Theory of Change.

- Assess whether the programme has been able to deliver Value for Money.
- Provide a comprehensive assessment of the overall impact of the programme, both at the ‘supply’ and the ‘demand’ side of the rule of law equation.
- Appraise the programme’s relations with relevant justice sector actors and stakeholders, including government institutions, professional unions, civil society organisations and academic institutions.
- Assess if and how activities have been carried out in a positively reinforcing manner vis-à-vis other interventions in the Palestinian rule of law sector.
- Appraise the sustainability of the programme, including the institutionalisation of interventions.
- Review the programme’s efforts to mainstream gender and ensure the application of a rights-based approach, including alignment with international treaties.
- Discuss the main challenges faced by the programme, including the ways in which the Programme has sought to overcome them.
- Assess the relevance and utilisation of M&E processes.
- Offer a comprehensive risk assessment, including the programme’s ability to manage existing risks effectively and responsibly.
- Capture lessons learned and best practices and provide concrete recommendations for the programme’s next phase.

4. EVALUATION QUESTIONS

To define the information that the evaluation intends to generate, the following potential evaluation questions have been developed:

- What progress towards achieving the outputs and outcomes listed in the programme document has been made? Are the outputs and outcomes relevant in the context of the oPt? How does programme implementation align with the original programme document?
- Was the Programme’s Theory of Change (ToC) well developed and is evidence available of change produced by the Programme as indicated in the ToC?
- What factors have contributed to achieving (or not achieving) the intended outputs and outcomes?
- To what extent has the programme been able to develop strong and enabling partnerships?
- Has the programme managed to adhere to key development effectiveness and human rights principles, including national ownership, “doing no harm” and ensuring sustainability of results?
- Is there any evidence that suggest that the lives of beneficiaries, in particular vulnerable groups, have improved as a direct result of the project?
- To what extent has the programme managed to promote inclusiveness, gender mainstreaming and women’s empowerment?
- Was the M&E strategy been systematically applied and was it appropriate to the programme?
- Has the programme managed risks effectively and responsibly?

The above questions may be amended at a later stage and upon consultation with the relevant stakeholders.

5. METHODOLOGY & DURATION

In line with UNDP’s M&E guidelines, the independent evaluation is expected to:

Key tasks Indicative duration

Documentation review. Review all documentation related to the programme, including the programme document, annual work plans, progress reports, agreements, proposals, concept notes, previous assessments and knowledge products.

Inception Plan. Produce an evaluation inception plan totaling 10 pages plus annexes, to be submitted for approval by the Sawasya Evaluation Reference Group. The plan is to outline the proposed methodology and data collection tools,

Draft Final Report

as well as a detailed work plan with timeframe and deadlines for deliverables. The proposed methodology in the plan should include a combination of quantitative and qualitative collection and analytical approaches. Produce the final evaluation inception plan incorporating feedback from the Sawasya Evaluation Reference Group

Interviews. Hold semi-structured interviews and focus group discussions, including selected site visits, with key actors and stakeholders in the West Bank, Gaza, and East Jerusalem, including UNDP and UN Women colleagues, relevant government institutions, civil society organisations, academic institutions, beneficiaries, international development agencies, donors/development partners and UN agencies, in accordance with the approved methodology.

Draft initial evaluation report & brief the Sawasya Evaluation Reference Group and UNDP/UN Women senior management on preliminary findings.

Finalize a comprehensive evaluation report (in English) 1 week

Total expected duration 6 weeks

Team leader or person assigned will be responsible for supervising, directing, coordinating and ensuring quality assurance with other relevant UNDP staff members prior and during the study.

5. DELIVERABLES

- An evaluation inception report, totaling 10 pages plus annexes, which outlines the methodology as well as proposed schedule of tasks and activities (including list of meetings).
- PowerPoint graphical presentation to UNDP before issuing the draft report.
- A draft evaluation report, totaling no more than 25 pages plus annexes, with an executive summary of not more than 5 pages describing key findings and recommendations. The incumbent will prepare a PPP on methodology, key findings and recommendations, and will be expected to present the (draft) review during stakeholder meetings.
- A final report, not exceeding 30 pages plus annexes should be delivered.