



# Supporting the Rule of Law and Access to Justice for the Palestinian People

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**2009-2012**

**United Nations Development Programme  
Programme of Assistance to the Palestinian People**

**Project Title:** Supporting the Rule of Law and Access to Justice for the Palestinian People

**UNDAF Outcome(s):** N/A

**MTRP Outcome(s):** Governance Outcome 3: Effective, accessible, and non-discriminatory justice and the rule of law

**Expected CP Outcome(s):** Enhancing the development of efficient and accountable institutions

**Expected Output(s):**

1. Capacity of rule of law institutions strengthened
2. Access to justice at local and grassroots level enhanced
3. Gender and juvenile justice improved
4. Rule of law in Gaza Strip initiated as part of early recovery and reconstruction plan
5. Confidence building among stakeholders within and dependant on the justice system promoted

**Executing Entity:** UNDP/PAPP

**Implementing Agencies:** UNDP/PAPP

**Brief Description**

Since 2004 UNDP/PAPP has worked on developing the infrastructure of the Palestinian Authority's justice system and has focused on institutional capacity development of the High Judicial Council and the Attorney-General's Office. A UNDP/BCPR mission carried out in February 2009 recommended that UNDP/PAPP undertake an expanded programme for this sector to fill the gaps through significant and more substantive changes in the scope, structure and size of its interventions. The new programming framework will extend support for institutional capacity development to the Ministry of Justice and develop a comprehensive access to justice strategy engaging actors at all levels, including Bar Association, CSOs and other grassroots initiatives. Efforts will be directed towards extending the reach out of free legal aid services and legal awareness programmes throughout the occupied Palestinian territory (oPt), setting up the foundation for work with civil society in Gaza Strip, improving gender and juvenile justice conditions and exploring modalities for engagement with the informal justice systems and its linkages with the formal system. Assistance will also be provided to enhance confidence of legal professionals and rebuild public trust in the Palestinian justice sector. In doing so, the Programme further intends to support networks of legal professionals and provide models for harmonization of the various existing legal systems in the oPt.

<p>Programme Period: 3 years</p> <p>Key Result (Strategic Plan): Effective, responsive, accessible and fair justice system established, promoting both formal and informal rule of law mechanisms with particular attention to women and the most marginalized and vulnerable</p> <p>Atlas Award ID: 00057409</p> <p>Start date: October 2009</p> <p>End Date: September 2012</p> <p>PAC Meeting Dates: 16 April (Pre-LPAC); 23 April (LPAC); 28 April (BPAC); Revised in September 2009</p>	<p>Total resources required: US\$ 14,948,560.64</p> <p>Total allocated resources: US\$ 9,000,000.00</p> <ul style="list-style-type: none"> <li>• Regular: US\$3,000,000.00 (BCPR)</li> <li>• SIDA: SEK 48,000,000.00</li> <li>• Other:</li> </ul> <p>Unfunded budget: US\$ 5,948,560.64</p> <p>In-kind Contributions: US\$ 0</p>
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## ACRONYMS

A2J	Access to Justice
AGO	Attorney-General's Office
BCPR	Bureau for Crisis Prevention and Recovery (UNDP)
CBO	Community Based Organization
CDI	Capacity Development Initiative
CSO	Civil Society Organization
EC	European Commission
EUPOL COPPS	EU Police Coordinating Office for Palestinian Police Support
GBV	Gender-Based Violence
HJC	High Judicial Council
ILO	International Labor Organization
JLAC	Jerusalem Legal Aid Center
JSS	Justice Sector Strategy
MoJ	Ministry of Justice
MoWA	Ministry of Women's Affairs
MoYS	Ministry of Youth and Sports
MTRP	Medium Term Response Plan (substitute for UNDAF in oPt)
MTSF	Mid-Term Strategic Framework
NGO	Non-Governmental Organization
oPt	Occupied Palestinian Territory
PNA	Palestinian National Authority
PAPP	Programme of Assistance to the Palestinian People
PBA	Palestinian Bar Association
PLC	Palestinian Legislative Council
PRDP	Palestinian Reform and Development Programme
RoL	Rule of Law
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Program
UNDAF	United Nations Development Assistance Framework
UNRWA	United Nations Relief and Works Agency
USAID	United States Agency for International Development
WCLAC	Women's Center for Legal Aid and Counseling

## I. SITUATION ANALYSIS

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### A. Executive Summary

1. Access to justice and the rule of law in the occupied Palestinian territory (oPt) are both complex and challenging, in part due to the protracted occupation by Israel. The implications of the occupation are far-reaching and have restrained the ability of the Palestinian National Authority (PNA) in its efforts to advance democratic governance and socio-economic development. Despite deliberate, but gradual progress made to date in the Palestinian justice sector, the overall justice system in the oPt requires further development.
2. The PNA is facing a number of challenges. Generally, human rights are curtailed and the oPt is plagued by restrictions on freedom of movement, which severely hamper criminal investigation and due process. The lack of consistent accountability across the different areas of the West Bank constitutes another obstacle to restoring equality and predictability in the administration of justice. The unclear jurisdiction between judicial institutions further exacerbates the already weakened rule of law regime.
3. Formal and informal mechanisms involved in delivery of justice to the Palestinian people fall under the following authorities: Israeli justice system; civil court system (civil and criminal law) in the West Bank administered by Fatah-led authorities and in the Gaza Strip administered by Hamas-led authorities; religious *Shari'a*- and Church-based court systems; military court system which often administers civilian cases; and traditional or clan-based justice system based on the so-called *Sulh* deed.
4. In the oPt, informal justice systems tend to substitute the statutory justice system in certain situations, since they have lower standards to meet and offer expediency. While the informal justice mechanism has an important function to fill, particularly in civil and family law-related cases, linkages between these systems are weak, and thus common crimes, including gender-based violence (GBV) and other crimes with women as their primary victims, are inadequately addressed.
5. Similar dynamics exist in the Gaza Strip, but are even more aggravated by separation – geographically, legally and politically. While the PNA and the Palestinian people possess both the intellectual capacity and resilience required to build the rule of law, weak institutional capacity and inconsistent or nascent legal frameworks, coupled with the above external factors, constitute some of the chief challenges that, together, impede access to justice for the Palestinian people, in particular, those at local and grassroots level.
6. Most of the comprehensive efforts in the justice sector to date have been concentrated on the rehabilitation of infrastructure in major cities in the oPt and capacity development of PNA institutions. However, there is today a shared understanding among all stakeholders that access to justice across the oPt remains a significant gap and will require attention. This is also echoed by a number of recent needs assessment studies as well as by the PNA Ministry of Justice.<sup>1</sup>
7. In view of the above, the UNDP/PAPP-supported programme advocates and promotes the ‘rule of law’ and ‘justice’ in the heart of ordinary people in the occupied Palestinian territory (oPt) so that they can proactively redress rights abuses and injustice. The programme focuses on the gradual preparation for a State of Palestine in the future, as envisaged in the Programme of the Thirteenth

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<sup>1</sup> Access to justice in the oPt: Mapping the Initiatives of Non-State Actors, UNDP/PAPP 2009, pp. 12-14; Assessment Report on the Palestinian Criminal Justice System, EUPOL COPPS, 2009

Government titled *Ending the Occupation, Establishing the State*, while, to some extent, making an attempt to offer immediate solutions to unfair and unjust situations on a case-by-case basis through quick impact projects.

8. This programme further seeks to contribute to creating a vibrant Palestinian society where the Palestinian National Authority (PNA), together with its citizens, will build milestones of all processes in partnership with members of the society based in Jerusalem, Gaza Strip and West Bank. Against this background, the programme has been carefully designed to address existing gaps that have received relatively modest support by the international community through three main entry points: **1) institutional capacity development of the Ministry of Justice at the policy level; 2) enhanced access to justice at local and grassroots level; and 3) confidence building among communities in justice providers.** It also embraces marginalized and disadvantaged groups such as women, children, youth, the elderly and the population with special needs and lays particular emphasis on initiating rule of law support in Gaza Strip.
9. This programme will benefit Palestinian populations across the oPt, namely in Jerusalem, Gaza Strip and West Bank as per UNDP/PAPP's one Palestinian territory policy. Furthermore, gender and youth are cross-cutting aspects of the programme. Thus, where appropriate, situation and beneficiary analysis of all activities will be done based on gender- and age-disaggregated data. This data will be used as a baseline to provide support to developing and strengthening a gender and juvenile justice strategy, which will be implemented in the second half of the programme cycle.
10. For activities in Gaza Strip, the strengthening of the capacity of CSOs and semi-autonomous institutions, currently not related to the *de facto* governing authority, will be the main area of focus as an alternative and complementary justice service provider given the current political situation. Under the direction of the PNA, the selection criteria of the programme partners, particularly CSO partners, will be developed in detail by the Programme Team (see the section 'management arrangements') and adopted by the Programme Board (see the section 'management arrangements') at the beginning of the implementation of each activity, which will require partnerships with CSOs. The programme is further expected to create and strengthen synergies with already existing or nascent initiatives by UNDP/PAPP, such as the Capacity Development Initiative (CDI), the gender justice component of the MDG Fund Gender and capacity development of the PNA institutions, including the Palestinian Legislative Council (PLC).

## **B. Background**

11. The complex situation undermining the rule of law in the oPt largely stems from three main obstacles: the protracted Israeli occupation of the oPt; the rift between Fatah and Hamas since the January 2006 elections and existence of different legal frameworks in the West Bank and Gaza Strip. The Israeli military attack on Gaza and Hamas rocket attacks on southern Israel from November 2008 to January 2009 have further weakened the rule of law regime in the Gaza Strip.
12. In a series of public opinion polls, Palestinians have consistently singled out Israeli occupation as the major threat to their security and the main impediment to access to justice.<sup>2</sup> The United Nations Special Rapporteur on the situation of human rights in the oPt, John Dugard, has regularly reported on breaches of the international law and a number of international humanitarian law and human rights violations in the context of continued occupation, including those related to military incursions, settlements, obstacles to freedom of movement, the separation barriers and the demolition of houses.<sup>3</sup>

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<sup>2</sup> Palestinian Public Perceptions of Security Sector Governance, DCAF 2005, p.8; Access to Justice in the OPT: Mapping the Initiatives of Non-State Actors, UNDP/PAPP 2009, pp. 12-14.

<sup>3</sup> Human Rights Situation in Palestine and other Occupied Arab Territories, report to Human Rights Council, 21 January 2008

Some of these findings have their legal basis in the 2004 decision of the International Court of Justice in relation to the construction of the separation barriers in the West Bank.<sup>4</sup> The Special Rapporteur has also insisted that future peace negotiations and post-conflict recovery should be guided by international law. This in turn warrants a thorough understanding of international law among the lawyers and legal advisers involved in peace negotiations and peace building.

13. The separate justice systems in West Bank and Gaza Strip constitute a major challenge. Differences between the two systems are historically rooted with the influence of Ottoman, British, Jordanian, Egyptian and Israeli regimes. Following the 2006 elections and the Hamas takeover in Gaza Strip, many judges and prosecutors have been illegitimately dismissed and replaced by its own members. As a result, Gaza-based CSOs have largely decided to boycott the newly created justice system. The impacts of this boycott have been further exacerbated by the destruction of infrastructure. During the military attack on Gaza in December 2008/January 2009, law enforcement and corrections capacities and facilities were severely damaged and destroyed. Should the ongoing negotiations on unity between Fatah and Hamas succeed, efforts to advance the rule of law and justice across the oPt will be significantly enhanced, also allowing a harmonization of legal frameworks and integration of the two systems into a consistent one across the oPt.

14. Factors immediately related to the occupation:

- Limited sovereignty and capacity development of PNA institutions under the conditions of long-term occupation;
- Impunity for systematic violations of international law by the occupying power, undermining trust in the rule of law;
- Suspension/restrictions of freedom of movement;
- Lack of full access and consistent accountability across Areas A, B and C in the occupied West Bank;
- Physical destruction of rule of law institutions (e.g. Ministry of Justice, prisons, police stations in Gaza Strip).

15. Factors partly related to the occupation, partly resulting from internal dynamics:

- Fragmented jurisdictions and unclear mandates of judicial and prosecutorial institutions;
- Absence of a fully functioning legislature;
- Political divisions between authorities in the West Bank and Gaza Strip;
- Different legal frameworks in the West Bank and Gaza Strip;
- Lack of decentralization of the delivery of justice resulting in poor access to justice, in particular, at local and grassroots level;
- Military courts' jurisdiction over civilians.

16. During the Berlin Conference in Support of Palestinian Civil Security and the Rule of Law which was convened on 24 June 2008, bilateral donors made pledges towards the rule of law, amounting to over US\$250 million. However, it is understood that only a smaller portion of the funds have been disbursed to date. Although there is a perception that the Palestinian justice sector is over-funded, it needs to be noted that only some pledges have been materialized, and there are still remaining gaps. In addition, implementation and delivery have proven to be complex and often slower than originally anticipated<sup>5</sup>, due to constantly changing political circumstances and partly due to insufficient expertise in programming and implementing activities in the field of rule of law and justice in a

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(A/HRC/7/17).

<sup>4</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ICJ, 2004.

<sup>5</sup> Assessment Report on the Palestinian Criminal Justice System, EUPOL COPPS, 2009, p. 177.

situation under the protracted occupation. While interaction with the PNA as well as aid coordination under the leadership of the PNA has been improved with the establishment of the Justice Sector Working Group, implementation remains a challenge.

14. On the other hand, it is understood that the significant portion of the international aid has been concentrated on developing the institutional capacity of the PNA in the West Bank and that a lot of focus has been put on improving the criminal justice system. Building on the achievements to date and ongoing efforts in this area, it has been identified that it is equally essential to provide support to improving civil aspects of justice and enhancing access to justice for the population at local and grassroots level as well as that are identified as marginalized and disadvantaged groups. This will facilitate achieving the balance in the justice service delivery, taking into account both the supply and demand side of justice.
15. The three primary institutions in focus for rule of law assistance in the oPt are the High Judicial Council (HJC), the Attorney-General's Office (AGO) and the Ministry of Justice (MoJ). While efforts are ongoing to address the most critical needs, such as strategic planning capacities, a number of gaps remain. The relocation from Gaza to Ramallah has placed strain on these offices in terms of physical location and capacity, as the new offices have to be established, staffed and equipped.
16. The Ministry of Justice seems to be the hardest hit by the re-location. In view of the need to further develop and strengthen its full capacity guaranteeing equal access to justice across the oPt and respect for the rule of law, particular attention needs to be paid to the Ministry of Justice, which has thus far received comparatively less support than other institutions. Implicitly, overall capacity development support will also entail an effort to enhance coordination between all rule of law institutions.
17. The Palestinian Legislative Council that plays a key role in establishing a credible legal framework and thus is an important player in the judicial reform is in paralysis without being able to convene sessions due to the lack of quorum. The international community has been passive in dealing with this challenge, because of complex political aspects. Despite this, it is recommended that parallel efforts be made to assist the PLC in building a solid legislative base with parliamentary accountability for the future, should the unity government be established.

### **C. Conditions for Access to Justice**

18. The UNDP/PAPP study finalized in April 2009 identifies access to justice as one of the critical areas of need in the oPt. Concerning access to legal aid in the West Bank, for example, it states "Respondents pointed to inadequate access to legal services -- advice and representation -- as an issue of concern. Cost, lack of technical support for lawyers and the weak performance of legal professionals are all factors identified as barriers to securing adequate legal protection, with women being particularly restrained by the lack of access to quality services. State support is limited and the free legal services provided by nine NGOs identified during this study do not meet the demand."<sup>6</sup>
19. The report specifically identifies Jenin, Tubas, Qalqilia, Tulkarem, Jericho and Khan Yunis as districts in particular need of free legal aid services. The situation in the Gaza Strip also raises serious concerns regarding the establishment of the parallel justice sector institutions, which are largely boycotted by the CSOs providing legal aid.
20. The capacity to ensure adequate and comprehensive access to justice remains weak among all key service providers, including the MoJ, courts, Bar Association and CSOs and paralegals. Presently, there is no legislation that regulates legal aid services, but only a brief stipulation in law that refers to

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<sup>6</sup> Access to justice in the oPt: Mapping the Initiatives of Non-State Actors, UNDP/PAPP 2009, pp. 26-27



the requirement to provide legal council and representation. The MoJ needs support to strengthen the capacity for policy-making in this area, and there is no systematic Palestinian approach to tackle the provision of free legal counsel and representation, including eligibility criteria for beneficiaries, to ensure citizens' rights to justice. As an initial step, it would be needed to look into the issues of financing modalities and profiles of service providers and beneficiaries through pilot service provision prior to institutionalizing a legal aid policy in the long run. It should be noted, however, that there are a number of existing local CSOs and academic institutions providing support in the area of legal aid today and that any additional efforts should be built on the existing ones, especially ensuring the reach out to the population in remote and rural areas.

21. Access to justice for women has particular challenges, especially with respect to domestic violence and 'honour killings.' Provisions of the penal code in force in both the West Bank and Gaza Strip related to rape, adultery, sexual violence committed in marriage and so-called "honour killings" display unambiguous discrimination against women.<sup>7</sup> Women's rights organization have further pointed out a chronic lack of legal awareness on the rights and entitlements among women, in particular, women victims.
22. Another problem that especially affects women is a widespread social stigma against reporting and seeking legal recourse against violence perpetrated by family members. It is understood that few women who experienced domestic violence had filed a formal complaint to police. In addition, women lawyers reportedly face professional challenges to join the legal profession – both public and private – due to pre-set stereotypes of their social role.<sup>8</sup>
23. In the oPt, overall emphasis on juvenile justice has been weak, despite the fact that nearly 60% of the population comprise the youth. Emergency/crisis situations that exist in the oPt are especially hard on young people. Children and youth are often detained in regular facilities with other adults; there is no systematic approach to ease their rehabilitation and reintegration. Further challenges arise from the lack of youth-specific and youth-sensitive legislation, resources and expertise to provide specialized counseling and medical support for the youth affected by the crisis.
24. The traditional clan-based system enjoys broad social support especially in the rural areas. The relative success of their method of dispute resolution in providing service to people lies in their comparative advantages over the formal system including: low cost of services, speedier and more efficient proceedings, emphasis on civil cases and easy access in all regions of the oPt. Such mechanisms also deliver forms of justice that are familiar to people and make sense culturally, even though this tends to be a significant disadvantage to women and other marginalised and disadvantaged citizens who would be the primary beneficiaries of a legal system that is more firmly based on the international standards – i.e. equality between all citizens before the law without discrimination. Against this backdrop and in the direction of mainstreaming the formal justice system in accordance with the Palestinian laws that upholds the rule of law and good governance, efforts should focus on raising legal awareness of the public about basic terms and standards of the formal system, raising awareness of the judicial actors about Palestinian laws and international human rights norms and standards and exploring possible formal links between the formal and informal systems.

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<sup>7</sup> A Question of Security: Violence against Palestinian Women and Girls, Human Rights Watch 2006, pp. 16-17.

<sup>8</sup> *Access to justice in the oPt: Mapping the Initiatives of Non-State Actors*, UNDP/PAPP 2009, p.32.

## II. STRATEGY

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### A. UNDP Strategy and Comparative Advantage

25. UNDP's **Strategic Plan 2008-2011** identified Rule of Law as a core focus area, falling under its mandate on Democratic Governance and Crisis Prevention and Recovery. In line with UNDP's Strategic Plan, UNDP/BCPR's Rule of Law, Justice and Security Unit developed its *Global Programme on Strengthening the Rule of Law in Conflict and Post-conflict Situations 2008-2011*. The oPt has been identified as one of the priority conflict situations for this Global Programme. Technical assistance will be provided through a broader Strategic Partnership Framework (SPF) between UNDP/BCPR and the PAPP that will be finalized in 2009.<sup>9</sup>
26. UNDP/PAPP's support to the justice sector will be aligned with:
- **'Justice Now' Programme under PRDP's Governance** pillar, which elaborates to "foster the integrity, dignity and financial and administrative independence of justice sector bodies through the provision of institutional capacity-building to the High Judicial Council, the Attorney General and the Ministry of Justice."
  - In relation to the institutional capacity development with the Ministry of Justice being the primary focus, the Programme firmly builds on the Ministry's vision and action plan envisaged in the **Justice Sector Strategy 2008-2010** approved by the cabinet.
  - This is also reflected in **UNDP/PAPP's Mid-Term Strategic Framework 2008-2011** which contains 'justice systems and rule of law improved and accessible' as one of the outputs and outlines the following activities: (a) develop the capacities of the Ministry of Justice, the Supreme Judicial Council and the Attorney-General's Office and (b) strengthen the capacity of institutions to promote and enforce rule of law.
  - Furthermore, the programme intends to support the following key goals identified in the **Programme of the Thirteenth Government (August 2009)**.

*National Goal Bring equality and social justice to all citizens*

*Institutional Development Unification and modernization of the legal framework*

*Governance Sector Policy Priority Civil and criminal justice*

*The Government will develop and consolidate civil and criminal justice system bolstering the principle of the separation of powers, building capacities of human resources within the judiciary, police, and civil defence, enacting modern legislation, and providing appropriate infrastructure to ensure enhanced performance.*

- In particular, for the Ministry of Justice, the Programme is specifically aligned with the following objectives:
  - *Developing, in cooperation with all relevant public institutions, an integrated civil and criminal legal framework which safeguards separation of powers and ensures the integrated operation of all sector institutions*

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<sup>9</sup> Main elements of the draft SPF include: 1) Addressing the causes of socio-political fragmentation and promoting cohesion, through better understanding of causes and dynamics of conflict and social tensions, and promote dialogue and consensus building among Palestinians; 2) Scale-up early recovery activities in the context of occupation, with emphasis on Gaza; 3) Enabling greater resilience and responsiveness of state institutions, including Rule of Law, to mitigate conflict and fostering the social contract between Palestinian authorities and society to implement the development and reform process; and 4) Ensuring that key existing initiatives are conflict sensitive.

- *Developing and implementing a legal aid programs for citizens who are incapable of defending themselves for financial reasons*
  - *Contributing to developing and rejuvenating the Bureau of the Legal Counsel and Legislation*
27. This programme capitalizes on UNDP's global comparative advantage in this practice area of rule of law and access to justice with assisting the national counterparts in formulating strategies and action plans being the core of the programme implementation approach, ensuring national ownership and long-term sustainability. At the local level, UNDP/PAPP intends to shift its strategy largely premised on infrastructure and operational costs to a more substantive and programmatic strategy. This is to contribute to creating balance in the justice sector by strengthening the soft side of justice in proportion to its physical infrastructure.
28. In addition, the programme builds on the work undertaken by the UNDP/PAPP governance programme and predecessor projects on rule of law; and it creates important synergies with emerging areas of strength in UNDP/PAPP, including broadly inclusive programmes for women and young people, a greater focus on advancing humanitarian reform through early recovery and conflict and violence prevention as cross-cutting themes with a specific commitment to the Do No Harm principle. The programme recognizes that support to rule of law and access to justice in the oPt will further contribute to promoting peace and security throughout the territory, focusing on rural areas where greater need for assistance exists.

## **B. Programme Deliverables: Outcomes and Outputs**

In line with the strategies mentioned above, the programme aims to achieve the following outcome under the guidance of the PNA and in close consultation with all development partners (bilateral, multilateral, civil society etc.) in the justice sector.

**Goal: Strengthened institutional capacity of Palestinian justice system to uphold the rule of law and improve access to justice through legal empowerment of the poor and disadvantaged**

### **Outcome 1: Capacity of rule of law institutions strengthened**

- Output 1.1: Capacity of the Ministry of Justice (MoJ) reviewed and strengthened
- Output 1.2: Support to MoJ to lead the drafting of a new justice sector strategy provided
- Output 1.3: Implementation of MoJ's 'Justice for the Future' project ensured
- Output 1.4: Development and implementation of a legal aid policy supported
- Output 1.5: Legislative drafting skills enhanced
- Output 1.6: Public awareness on MoJ's work raised and access to relevant legal information by the public enhanced
- Output 1.7: Capacity of the Attorney-General's Office strengthened specific to planning capacity

### **Outcome 2: Access to justice at local and grassroots level enhanced**

- Output 2.1: Legal aid services provided and strengthened, particularly for the poor and disadvantaged
- Output 2.2: Legal literacy and awareness for rights holders and duty bearers improved
- Output 2.3: Models for potential linkages between formal and informal justice systems reviewed and developed

**Outcome 3: Gender and juvenile justice improved**

- Output 3.1: Legislation related to gender justice and its enforcement reviewed
- Output 3.2: Formulation and adoption of a national policy on youth and adolescent supported in partnership with others
- Output 3.3: Gender and juvenile justice strategy and action plan developed
- Output 3.4: Capacity of law enforcement officers and legal professionals on gender justice, specific to GBV, developed

**Outcome 4: Rule of law in Gaza Strip initiated as part of early recovery and reconstruction plans**

- Output 4.1: Capacity of CSOs to deliver legal aid services and conduct civic education strengthened

**Outcome 5: Confidence building among stakeholders within and dependent on the justice system promoted**

- Output 5.1: Advocacy capacity of CSOs strengthened
- Output 5.2: Measurements and strategies for public confidence in justice service providers developed
- Output 5.3: Citizens' access to justice service and information improved
- Output 5.4: Efforts to achieve legal harmonization and consistency of legal systems throughout the oPt initiated

**C. Programme Implementation Strategy**

**Outcome 1: Capacity of rule of law institutions strengthened**

- 29. This output builds on the support provided by UNDP/PAPP in the oPt to strengthen the capacity of rule of law institutions in the West Bank. UNDP, through its project on developing capacities of the HJC, has been assisting the HJC in establishing the Planning and Project Management Unit by deploying three staff (Planning and Project Manager, Donor Relations Officer and Administrative Assistant). It is recognized that the rule of law institutions in the West Bank require a long-term planning and deeper commitment to ensure that justice institutions are able to effectively deliver justice to the Palestinian people.
- 30. The BCPR inception mission noted from meetings with the Ministry of Justice and other important justice actors that the lack of an overarching strategy and action plan for the functioning of the Ministry of Justice remains the major weakness, creating imbalance in the justice sector, to some extent. This has also impeded the institutionalizing process of coordination of activities among all judicial institutions and made limited progress towards creating a clearly defined legal framework. The mission further noted that the lack of legal aid policy with an approved strategy imposes an obstacle to access to justice. To address this vacuum, UNDP/PAPP will provide support to the Ministry of Justice from identification of areas of support to full-scale implementation through updating the needs assessment conducted in 2008 by USAID. In parallel, the existing staff capacity will be reviewed for the development and implementation of a human resources plan, using the same tool of CDI.
- 31. The Programme intends to support the MoJ in establishing an advisory council. This council will be a consultative body providing advice to the Minister of Justice on issues identified through the updated needs assessment without carrying implementation responsibilities and at the request of the Minister. The council will be comprised of MoJ staff – ideally Heads of Departments, UNDP provided Rule of

Law Advisor and USAID Senior Advisor after obtaining an agreement from MoJ and USAID. Once the council is established, the head of the council will be nominated by the Minister.

32. Support for the thematic areas of intervention identified by the MoJ during the designing phase includes developing a new justice sector strategy based on the guideline approved by the cabinet in August 2009, ensuring the implementation of 'Justice for the Future' project, developing legislative drafting skills and developing and implementing a state legal aid policy. These efforts target formulating a comprehensive and overarching justice sector strategy, developing capacities of future legal professionals and MoJ staff for legislative drafting and formulating a state legal aid policy that is in line with the Palestinian laws upholding the basic and fundamental principle that every citizen has a right to justice. This will be accompanied by active advocacy and public outreach initiatives to raise awareness of the public on State responsibilities to uphold the rule of law and good governance. Opportunities for public campaign on the sources of legal information for public knowledge as well as strengthening the existing legal database and the Bureau of Legal Counsel and Legislation (*Diwan al-Fatwa wa' Tashri*) will be explored. Where applicable and appropriate, some activities will be linked with activities of the legal units of other PNA ministries such as in the Ministry of Foreign Affairs.
33. Separately, as part of UNDP/PAPP's harmonizing efforts to link relevant existing projects in the area of supporting the Palestinian justice sector under the larger thematic area of the rule of law and justice, the interventions to support the AGO for developing staff capacities of its Planning and Project Management Unit in partnership with Canada will be incorporated in this programme. This initiative fits under this output since 1) the AGO is considered one of the key rule of law institutions; 2) UNDP/PAPP's projects have been supporting the deployment of staff to the AGO; and 3) the AGO is related to the MoJ in that the MoJ appoints the prosecutors and signs their transfers and that the AGO's budget is included in the MoJ's budget. UNDP/PAPP's ongoing support to the HJC will be also linked to this programme, mainly through the quick impact projects, to provide additional needed support in close consultation with the Netherlands who is the current donor as well as other partners providing support to the HJC to avoid duplication.

**Outcome 2: Access to justice at local and grassroots level enhanced**

34. The mapping exercise conducted and undertaken by UNDP entitled *Access to Justice in the oPt: Mapping the Perceptions and Contributions of Non-State Actors* identified a number of major barriers to access to justice for the Palestinian people, such as: 1) the inadequate recognition of rights within the scope of the formal or informal justice systems, 2) the lack the knowledge of their legal rights and therefore inability to claim them, 3) the lack of free or subsidized legal advice and counsel at local and grassroots level, 4) CSO-provided legal services do not meet demand in northern West Bank and the Gaza Strip, 5) court cases involving different aspects of the law are particularly costly and 6) the required technical support to build a defence is often unavailable.
35. Under this output, UNDP will support the provision of free or subsidized legal aid services such as legal counselling and advice and court representation, when demanded, particularly for the poor and vulnerable, through the establishment of legal aid clinics within the PBA branch offices (preliminarily 6 clinics). While PBA owns this initiative, this activity will be carried out in close cooperation with MoJ and university and training institutes as well as with EC and EUPOL COPPS, amongst others. For Gaza, it is understood that a number of CSOs, including the PBA, are boycotting to work with undemocratically appointed judicial actors. However, it has been expressed by the PBA that its staff are committed to continuing their efforts to defend citizens' rights. This activity will bear a possibility of expanding the scope within community-based organizations (CBOs) at later stage.

36. The clinics will address immediate legal needs of the poor and the disadvantaged (women, children/juveniles, population with special needs, the elderly and remanded prisoners) in remote areas as well as in politically sensitive areas (due to the continuing occupation) in the West Bank and the Gaza Strip. It has been recognized that there is a stronger need to develop capacities for the provision of these services rather than to subsidize the costs for these services. Therefore, the first activity would be to agree on a financing modality on how to manage the budget among relevant partners – both national and international, while specifying the details of the clinics such as members, payments, priority cases, database management, beneficiary criteria etc. to ensure long-term sustainability. This output is further expected to produce an empirical database for use of statistical analysis.
37. To empower the target communities, this output will support awareness raising campaigns in partnership with carefully selected qualified CBOs and CSOs to enhance people’s capacities to claim their rights and demand legal services through a legal channel. This will be an inclusive and participatory process with an active involvement of youth and university students at regional and community levels. The programme also desires to strengthen the existing legal aid and advocacy capacities of CSOs by partnering with them and providing coordinated support in close consultation with relevant service providers and donors. Existing means will be taken into account and strengthened, if needed, for public outreach purposes such as the Legal Encounter Day by Birzeit. In addition, the scholarships will be provided for those who are in a two year diploma programme in certified institutes in the oPt in order for them to build experience as paralegals.
38. The formal justice system suffers from a number of problems including long delays in cases being brought before the court, ineffective court administration, lack of accessibility to the rural population, insufficient resources and a general lack of legal literacy. As a result, there is an increasing demand on the informal system because it is seen as an efficient method of resolving conflicts, being able to deliver decisions rapidly and more accessible and comprehensible to the rural population. Despite numerous weaknesses mainly by the fact that decisions made through the informal mechanism sometimes fail to uphold the rule of law and is less favourable to the vulnerable, the number of individuals seeking services from the informal justice system is still high today to the extent that it is considered an alternative to the formal justice system. At the same time, it is viewed by a number of legal professionals that there is a lack of the organised coordination with the formal system. Thus, it would be meaningful to initiate efforts to create linkages between informal justice mechanisms and the formal justice system incorporating benefits/advantages and shortcomings/disadvantages of each method.
39. This output will build on the existing comprehensive study conducted by the Institute of Law of Birzeit University. The statistics provided by the legal aid clinics on cases resolved through an alternative dispute resolution mechanism will be used for an analysis. UNDP recognizes the need to link the formal and informal justice systems to ensure that all Palestinians can access a fair and transparent justice system, evolving to deal with contemporary problems and accountable to the people. For this, UNDP will commission a study, conceive and develop models for potential linkages between formal and informal justice systems in the oPt for policy options by the PNA. This study will need to be endorsed by the two sides through extensive public consultations and training and sensitization session for both actors, ensuring the reach out to the population in rural areas.

**Outcome 3: Gender and juvenile justice improved**

40. Gender justice and women’s right have not been properly addressed at institutional, local and grassroots levels. The Palestinian legislation in general has failed to provide adequate protection for women. Lack of awareness of women’s rights coupled with limited representation of women at the policy-making level continues to contribute to impede the advancement of gender justice in the oPt. Various efforts have been made by the civil society by reviewing and debating points of contention in

legislation. However, legislative gaps remain in terms of providing protection to women. For example, the legal systems in the West Bank and the Gaza Strip allow for reduced sentences for people convicted of murdering women to “protect” family honour. Also, victims of domestic violence must first be hospitalized for 16 days before the perpetrators can be prosecuted.

41. UNDP’s intervention in this area is guided by the *Eight Point Agenda: Practical, positive outcomes for girls and women in crisis*. This programme aims at creating a social and legal environment conducive to promoting gender justice for the Palestinian people at both institutional and local level, through improving women’s access to justice and raising awareness of communities on rights of women and girls. At the strategic level, UNDP will work closely with the Ministry of Justice and the Ministry of Women’s Affairs to assist in developing a gender justice strategy and action plan to be adopted and implemented. Based on lessons learned from this pilot review of priority laws, UNDP, through a consultative process and working closely with other UN partners such as ILO, UNIFEM and UNICEF, will identify other key legislation to be reviewed that will improve women and young people’s legal position in society. This will serve as preparatory work for a conference to be organized by the MoJ with the assistance of UNDP to share experiences on how to best identify gaps, challenges and opportunities to further promote gender justice within their respective legal systems. The conference will set the foundation for continuing cooperation at both regional and international levels, strengthening solidarity within and among stakeholders.
42. In parallel, this output will work to improve women and girls’ access to justice. UNDP/PAPP will work closely with MoJ, PBA and CSOs to raise awareness on their rights through outreach initiatives and the organization of training courses for communities, law enforcement officials and legal professionals with particular emphasis on handling GBV-related cases. This output is also to harmonize UNDP/PAPP’s ongoing initiatives related to the gender justice, particularly the component of the MDG Fund Women. The MDG Fund activity includes providing training for selected legal professionals (approximately 650-700) on the provision of assistance to victims of violence against women, women’s rights and compliance with CEDAW etc. Through this activity, joint support will be provided to develop a training curriculum in coordination with other development partners.
43. To promote juvenile justice, this output will pay particular attention to the youth to enhance awareness of their legal rights across the oPt, where nearly 60% of the population comprise young people under the age of 18. This output will achieve supporting the adoption and the implementation of the existing draft national policy on youth and adolescent by the Ministry of Youth and Sports in close cooperation with UNICEF. Discussions on joint collaboration between UNDP and UNICEF have been initiated. Activities will be implemented in line with youth and peacebuilding-related UNDP initiatives, such as the Employment Generation Programme, which created existing facilities of over 80 community service buildings, youth centers and women’s centers both in the West Bank and the Gaza Strip. Educative, pedagogic and other activities for youth to promote rule of law and access to justice will be implemented and strengthened mainly through these facilities, taking advantage of their presence in remote rural areas across the oPt in partnership with other development partners.

**Outcome 4: Rule of law in Gaza Strip initiated as part of early recovery and reconstruction plans**

44. In response to Israel’s recent 22-day assault in Gaza Strip, UNDP with other UN agencies and donors assisted the Ministry of Planning and Administrative Development (MoPAD) in preparing the Palestinian National Early Recovery and Reconstruction Plan for Gaza 2009-2010. It contains five areas of intervention: 1) Social Sector, 2) Infrastructure Sector, 3) Economic Sector, 4) Governance Sector and 5) Natural Resources and the Environment. Under the Governance pillar, the plan identifies that supporting political processes and protecting justice systems and human rights are

among the key issues to be addressed for the future stabilization of the Gaza Strip. It further indicates that strengthening capacities of public institutions and courts and re-establishing a professional civil police force capable of providing security for Gaza's civilian population are priority areas of work to restore governance in the Gaza Strip.

45. Currently, the limited provision of legal aid services and lack of coordination between existing providers in the Gaza Strip has severely limited communities' access to justice. Given that a number of CSOs and CBOs were affected by *Operation Cast Lead*, it remains a challenge for them to provide immediate necessary assistance to the population in a coordinated manner. Furthermore, the displacement of thousands of Gazans means that it has become more difficult for people to access services near them. This output is expected to fill this gap by providing support to relevant actors in the Gaza Strip to facilitate a functioning coordination network and enable them to deliver services related to the rule of law and access to justice, such as legal aid services, in particular for the most vulnerable, including IDPs, women and children. This output will also seek to enhance awareness of people's legal rights, specifically targeting the youth affected by the continuing crisis situation, to encourage the importance of the application of rule of law instead of rule by force and ensure the establishment of a long-term functional rule of law system in Gaza as well as throughout the oPt.
46. UNDP through this output will develop the capacity of CSOs and other semi-autonomous institutions, currently not related to the *de facto* governing authority in the Gaza Strip, working on rule of law issues to enable them to meet the demand at local and community levels. Through the establishment of effective coordination mechanisms, this programme will enhance to take coordinated actions by CSOs with the assistance provided by the international community. Activities will also target strengthening internal capacity for advocacy through identifying training needs of CSOs and CBOs. Given the highly restricted political environment, the selection of CSO and CBO partners will be done based on a clearly defined set of criteria approved by the Programme Board. Furthermore, developing rule of law curricula for youth will be required to ensure the continuity and the sustainability of the provision of training in this area. In this regard, working closely with the broader youth programme, UNDP will develop curricula for rule of law and civic education for youth and introduce pilot projects through existing youth facilities.

**Outcome 5: Confidence building among stakeholders within and dependent on the justice system promoted**

47. UNDP intends to strengthen the confidence of official and informal justice suppliers throughout the oPt and rebuild the trust of the Palestinian public in the judicial institutions. There has been deliberate progress in developing capacities of these institutions. However, the real progress should be measured against the change in public perception. One strategy will be to undertake a baseline survey on access to justice service, awareness, perception, confidence and unmet needs with specific focus on the needs of vulnerable groups. When it comes to measuring the perception, a sample of the general public, particularly from the rural areas, must be included for an analysis of perception gaps between the population that is actually able to reach the boundary of the formal justice system and the population that does not have any means to reach such a system. Based on this survey, data-gathering and feedback mechanisms will be supported, benefiting the institutionalization of regular monitoring and evaluation through timely update of the data and the development of response strategies.
48. In addition, this output will support strengthening internal capacities of CSOs for advocacy and networking, following an assessment of the existing networking and coordination mechanisms among them. These mechanisms will be facilitated at two levels. Firstly, within the oPt, liaising with each other based in East Jerusalem, Gaza Strip and West Bank will be facilitated for sharing best practices. Secondly, their efforts will be supported in advocating for violated rights of citizens internationally. During this process, interface with the PNA as well as with the public for mutual understanding



between policy-makers/justice service providers and citizens/justice service recipients will be considered. Also, regular and periodic public outreach sessions will be organized in partnership with relevant actors to improve citizens' access to the justice service and the legal information based on creative, user-friendly methods.

49. Confidence building efforts will also be supported by initiating efforts to achieve harmonization and consistency of different legal systems throughout the oPt. For this, UNDP will promote dialogue among all stakeholders in East Jerusalem, Gaza Strip and West Bank by organizing a forum for dialogue. It should be noted that Palestinians in Jerusalem must be also considered in the process of the judicial reform as they tend to be isolated in both Israeli and Palestinian justice systems. UNDP will also commission a study that will offer various models for harmonizing different legal frameworks in the oPt based on regional best practices and lessons learned.

#### **D. Partnership Strategy**

50. UNDP/PAPP through the Programme Team will ensure effective and efficient implementation of the programme. Partnership with internal and external actors will be instrumental to the programme's success. The programme will rely on close working relationships with other UNDP initiatives in the areas of governance, gender, youth and early recovery.
51. This programme will be implemented under the guidance of the MoJ in close collaboration and coordination with the Ministry of Women's Affairs and the Ministry of Youth and Sports, in close cooperation with the PBA, CSOs, Institute of Law and law faculty at Birzeit University and faculties of law at other universities in the oPt. It will also engage closely with the Judiciary, the prosecutors and the police, as well as civil society organizations working on human rights and justice issues.
52. The programme will partner with other UN Agencies – OHCHR, as responsible for monitoring and reporting on human rights violations; UNICEF as mandated agency for juvenile justice; UNIFEM and UNFPA with regard to gender justice and GBV prevention; ILO on labour issues. Building partnership with service providers (both national and international CSOs) is crucial to maximize in-country resources for delivery of specific outputs.
53. Strong partnerships will be established with donors (including the EC, Netherlands, Canada, Sweden, Japan and USAID). The UNDP Regional Centres and UNDP's Bureau for Crisis Prevention and Recovery will be called upon to provide technical inputs to key phases of the programme implementation.

#### **E. Exit Strategy**

54. The current oPt context requires deployment of international and UNDP paid national personnel as well as UNDP undertaking administrative functions in the beginning phase. As capacity development is one of the objectives of the Programme and given limited capacity of some PNA institutions, it must be acknowledged that full-scale technical assistance through international and national advisors will be necessary throughout the three year period, particularly for training, institution building and access to justice. An appropriate strategy for phasing out of these personnel as well as administrative functions will be formulated upon consultation with national actors. Also, the demand for suggested and/or additional personnel is expected to fluctuate, depending on the constantly changing political environment as well as ongoing crisis situations across the oPt, particularly in the Gaza Strip. Thus, there must be room for flexibility not only in implementing the Programme, but also in applying the exit strategy, paying great attention to the needs and requests coming from the judicial institutions and non state actors. The exit strategy should thus be revisited and discussed regularly with national and international partners working in the sector during the three year programme implementation

period. The exit strategy would be defined after a thorough capacity development planning exercise for the Ministry of Justice has been conducted and endorsed by relevant PNA institutions.

### III. RESULTS AND RESOURCES FRAMEWORK

*\* This framework is subject to further development in close consultation with national and international partners.*

**Intended outcome as stated in the Country Programme Results and Resources Framework:**

Enhancing the development of efficient and accountable institutions (Develop the capacity of the Ministry of Justice, the Supreme Judiciary and the Attorney General's Office; Strengthen the capacity of the institutions to promote and enforce the rule of law)

**Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets:**

**Indicators:** Capacity of the Ministry of Justice strengthened; No. of training and outreach sessions on legal aid services to the public; Recommendations for gender and juvenile justice strategies submitted; No. of CSOs initiating rule of law and access to justice in Gaza; No. of dialogue forums/workshops on legal status in the oPt

**Baseline:** Political complexity resulting from the occupation; Limited capacity of rule of law institutions to deliver justice services; Weak and separate legal frameworks; Lack of linkages between the formal and informal systems; Poor awareness and delivery of access to justice at local and grassroots level; Limited understanding on gender and juvenile justice

**Partnership strategy:** The Programme will be executed by UNDP/PAPP in close cooperation with the Ministry of Justice, the Palestinian Bar Association, CSOs (e.g. WCLAC, JLAC, Al Mezan, ILAC) and law faculties/institutes of law of universities (e.g. Birzeit University, Al Quds University). It will work closely with other duty bearers such as the Judiciary (courts), as well as CSOs working on justice issues, bearing in mind the social demand side of rights holders on justice. In addition, it will seek to maximize multilateral support in consultation with stakeholders and ensure that their feedback is channelled efficiently and effectively into the Programme. The Programme will partner with other UN Agencies (e.g. OHCHR, UNICEF, UNIFEM and UNRWA) and service providers (NGOs and INGOs) to make best use of in-country resources for delivery of specific outputs. In all processes, the Programme seeks to coordinate with existing and new partners, in particular, with the PNA and donors, as well as integrate relevant past, current and future reform and development initiatives.

INTENDED OUTPUTS	OUTPUTS	INDICATIVE ACTIVITIES	OUTPUT TARGETS (YEARS)	RESPONSIBLE PARTIES	BUDGET
<p><b>1. Capacity of rule of law institutions strengthened.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>Limited support provided to the Ministry of Justice.</li> <li>Lack of clarification of the jurisdiction among the judicial institutions.</li> <li>Limited integrated and harmonious relationship among the judicial institutions.</li> <li>Absence of a comprehensive justice sector strategy.</li> <li>Lack of systemized</li> </ul>	<p>1.1 Capacity of the Ministry of Justice reviewed and strengthened.</p>	<p>1.1.1 Update the previous needs assessment study.</p> <p>1.1.2 Assess current staff capacity and develop and implement a human resources plan.</p> <p>1.1.3 Support MoJ in establishing an advisory council as a consultative body.</p> <p>1.1.4 Provide support to developing an implementation plan for the needs identified with timeframe through the advisory council.</p> <p>1.1.5 Conduct periodic review of the implementation of the plan and revise accordingly, if needed.</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>MoJ needs updated and priorities identified (UNDP CDI tool used).</li> <li>Staff capacity assessed and needed vacancies filled in terms of priority.</li> <li>Advisory Council established providing advice to the Minister of Justice.</li> <li>Implementation plan for the justice sector strategy development and 'Justice for the Future' project developed and recommended by the Advisory Council.</li> <li>The justice sector strategy team met periodically and regularly.</li> <li>First draft of the justice sector strategy submitted.</li> </ul>	<p>MoJ, MoWA, MoYS, other judicial institutions, PLC, PBA, CSOs, partnered academic institutions, UNDP RoL Advisor and Programme Team, UNDP CDI Team.</p>	

<p>support to young generations as future legal professionals.</p> <ul style="list-style-type: none"> <li>• No strategy on state-provided legal aid services.</li> <li>• Inactive proposal of new legislation due to paralysis of PLC and weak existing capacity.</li> <li>• Public's limited knowledge of MoJ's responsibilities and access to the existing legal database.</li> </ul> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• No of vacancies reduced in MoJ.</li> <li>• Advisory Council formed.</li> <li>• No of training sessions held for MoJ staff based on the needs.</li> <li>• Justice sector strategy 2011-13 formulated and approved.</li> <li>• No of students benefited from the scholarship to study law.</li> <li>• No of cases for legal aid services reviewed and analyzed.</li> <li>• State legal aid policy drafted and submitted.</li> <li>• No of training sessions on legislative drafting held.</li> <li>• No of MoJ staff benefited from the training.</li> <li>• No of new/amended legislation proposed by MoJ <i>Diwan</i>.</li> </ul>	<p>1.2 Support to MoJ to lead the drafting of a new justice sector strategy provided.</p> <p>1.3 Implementation of 'Justice for the Future' project ensured.</p>	<p>1.1.6 Assess training needs of MoJ staff.</p> <p>1.1.7 Conduct periodic training for the staff to enhance capacities.</p> <p>1.2.1 Support MoJ to establish a justice sector strategy team.</p> <p>1.2.2 Support MoJ to facilitate regular and periodic meetings of the team.</p> <p>1.2.3 Support MoJ and MoWA to ensure gender-sensitiveness of the strategy.</p> <p>1.2.4 Support MoJ and MoYS to ensure youth-sensitiveness of the strategy.</p> <p>1.2.5 Support MoJ and the team to produce a first draft by 10 January 2010.</p> <p>1.2.6 Continue to provide support to the finalization of the justice sector strategy until its final approval by the cabinet.</p> <p>1.3.1 Review the criteria to provide scholarships to potential students who would like to pursue post-graduate studies in law from West Bank and Gaza Strip.</p> <p>1.3.2 Create tripartite partnerships among MoJ, UNDP and national and international academic institutions.</p> <p>1.3.3 Provide 10-15 scholarships per year through a competitive process.</p> <p>1.3.4 Upon the completion of the study, continue to provide support for their internship/traineeship opportunities in relevant institutions, including MoJ.</p> <p>1.3.5 Conduct periodic review of</p>	<ul style="list-style-type: none"> <li>• Justice sector strategy finalized and approved by the cabinet.</li> <li>• 10-15 scholarships provided to qualified candidates to study law at post-graduate level.</li> </ul> <p><b>Year 2:</b></p> <ul style="list-style-type: none"> <li>• The implementation of the approved justice sector strategy monitored with MoJ, MoPAD and other judicial institutions.</li> <li>• Additional 10-15 scholarships provided to qualified candidates to study law at post-graduate level.</li> <li>• Internship/traineeship by the candidates who completed the study initiated in judicial institutions.</li> <li>• Training on legal aid provided on a regular basis for MoJ staff.</li> <li>• Case review for legal aid services initiated by MoJ with key partners.</li> <li>• Monthly statistical analysis from legal aid clinics shared for inclusion in the policy option.</li> <li>• Legislative drafting tools, MoJ staff to be trained and partners identified and regular and periodic training initiated.</li> <li>• Areas of strengthening <i>Diwan</i> identified and implementation plan developed.</li> <li>• Partnerships established for public outreach.</li> <li>• Areas of strengthening the existing legal database agreed and partners identified.</li> </ul> <p><b>Year 3:</b></p> <ul style="list-style-type: none"> <li>• The implementation of the approved justice sector strategy continued to be monitored with MoJ, MoPAD and other judicial institutions.</li> </ul>	
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<ul style="list-style-type: none"> <li>• No of partnerships established for advocacy and public outreach.</li> <li>• No of public campaign launched on MoJ's work and no of participants attended.</li> <li>• No of visitors accessed the legal database.</li> </ul>		<p>the process and revise accordingly, if needed.</p>	<ul style="list-style-type: none"> <li>• Additional 10-15 scholarships provided to qualified candidates to study law at post-graduate level.</li> <li>• Training on legal aid continued to be provided on a regular basis for MoJ staff.</li> <li>• The first draft of the state legal aid policy formulated.</li> <li>• Rounds of public consultations held.</li> </ul>		
	<p>1.4 Development and implementation of a legal aid policy supported.</p>	<p>1.4.1 Support MoJ to create partnerships with key legal aid service providers.  1.4.2 Support MoJ to pilot review cases and analyze them.  1.4.3 Update MoJ on monthly statistics of cases received and clients visited in legal aid clinics (See Output 2).  1.4.4 Provide training to MoJ staff on legal aid.  1.4.5 Support MoJ to initiate developing a state legal aid policy.  1.4.6 Support MoJ to prepare a draft.  1.4.7 Support MoJ to conduct public consultations on the draft policy.  1.4.8 Support MoJ to revise and finalize the policy, including the future of legal aid clinics, for submission to the cabinet.</p>	<ul style="list-style-type: none"> <li>• The finalized policy submitted for cabinet approval.</li> <li>• Training on legislative drafting continued and evaluated.</li> <li>• Advocacy and public outreach plan implemented periodically and regularly in partnership with others and at the community level.</li> <li>• Strengthening of <i>Diwan</i> and the legal database implemented and evaluated.</li> <li>• Evaluation of 'Justice for the Future' project conducted.</li> </ul>		

	<p>1.5 Legislative drafting skills enhanced.</p>	<p>1.5.1 Identify existing tools and curricula.</p> <p>1.5.2 Deploy a short-term expert on legislative drafting.</p> <p>1.5.3 Advisory Council to identify required legislation (to be) drafted by MoJ.</p> <p>1.5.4 Conduct pilot review and/or drafting of the identified legislation.</p> <p>1.5.5 Conduct periodic review of the training and revise accordingly, if needed.</p> <p>1.5.6 Assess the current status of the Bureau of Legal Counsel and Legislation (<i>Diwan al-Fatwa wa' Tashri'</i>).</p> <p>1.5.7 Provide needed support to strengthen the Bureau.</p>			
	<p>1.6 Public awareness on MoJ's work raised and access to relevant legal information by the public enhanced.</p>	<p>1.6.1 Facilitate establishing partnerships between MoJ and public and private media institutes and advocacy groups.</p> <p>1.6.2 Review the existing legal database (i.e. Al Muqtafi) and provide support to strengthen it in discussion with Institute of Law of Birzeit University and MoJ.</p> <p>1.6.3 Launch regular and periodic public campaign on MoJ's work and existing sources of legal information in the oPt in the user-friendly format.</p> <p>1.6.4 Conduct review of the advocacy strategy and revised accordingly, if needed.</p>			
	<p>1.7 Capacity of the Attorney-General's Office strengthened, specific to planning</p>	<p>1.7.1 Provide support to the establishment and strengthening of the Planning and Project</p>			

	capacity.	Management Unit. 1.7.2 Recruit and deploy a planning and project manager, a donor relations officer and an administrative assistant. 1.7.3 Procure needed equipment for the Unit.			
<b>TOTAL BUDGET FOR OUTPUT 1</b>					<b>US\$ 3,878,918.66</b>
<p><b>2. Access to justice at local and grassroots level enhanced.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>• UNDP/PAPP's mapping exercise identified gaps on access to justice, particularly on provision of legal aid services.</li> <li>• Absence of state-sponsored legal aid services and a national legal aid policy.</li> <li>• Private lawyers without much support for networking, training etc.</li> <li>• No established system to make use of paralegals.</li> <li>• Lack of citizens' awareness of their legal rights and available channels to seek legal recourse. No legal framework for interface between formal-informal systems of justice.</li> </ul> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• Six functioning legal</li> </ul>	2.1 Legal aid services provided and strengthened, particularly for the poor and disadvantaged.	<p>2.1.1 Establish a clear mechanism on financing modality and profile of service providers and beneficiaries in close consultation with MoJ, PBA and other relevant partners.</p> <p>2.1.2 Facilitate establishment of a strategic partnership among MoJ, PBA and UNDP on provision of legal aid services.</p> <p>2.1.3 Establish details of the clinics, including members, payments, priority cases, database management, criteria of beneficiaries etc.</p> <p>2.1.4 Provide support to PBA in establishing six legal clinics in its branch offices.</p> <p>2.1.5 Create and manage database and conduct statistical analysis on a monthly basis on cases registered, case handling (formal/informal), gender- and age-disaggregated data, costs etc.</p> <p>2.1.6 Employ and deploy trainees enrolled in the two year diploma course as paralegals through scholarships.</p> <p>2.1.7 Collaborate with MoJ and PBA to organize public outreach sessions on</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>• Mechanisms for legal aid clinics finalized.</li> <li>• Three legal aid clinics established.</li> <li>• Database of legal aid clinics established.</li> <li>• Various partnerships established for the provision of legal aid services.</li> <li>• Monthly/fortnightly legal aid specific outreach meetings held.</li> <li>• 9 scholarships to potential paralegals provided (3 paralegals per clinic).</li> <li>• Quarterly community of practice meetings held.</li> <li>• Existing public outreach tools for legal literacy reviewed.</li> <li>• Partners identified and public outreach strategy developed.</li> <li>• Quarterly community-level meetings held.</li> </ul> <p><b>Year 2:</b></p> <ul style="list-style-type: none"> <li>• Three additional legal aid clinics established.</li> <li>• Database of legal aid clinics strengthened.</li> <li>• Existing partnerships strengthened.</li> <li>• Monthly/fortnightly legal aid specific outreach meetings continued to be held.</li> </ul>	MoJ, PBA, CSOs, CBOs, universities, certified diploma institutes, media institutes, informal justice actors, community leaders, UNDP A2J specialist and Programme Team.	

<p>aid clinics established.</p> <ul style="list-style-type: none"> <li>• Database with the data on legal aid services created.</li> <li>• No of public outreach sessions and no of population attended.</li> <li>• No of partnerships/agreements with PBA, CSOs, CBOs, universities and other relevant public institutions.</li> <li>• % increase in number of cases addressed to the legal aid clinics.</li> </ul>		<p>available legal aid services.</p> <p>2.1.8 Establish partnerships with CSOs, CBOs and university law faculties to create synergies with their ongoing legal aid work and to reach out to the wider range of the public.</p> <p>2.1.9 Organize regular and periodic community of practice meetings to identify gaps in each region.</p> <p>2.1.10 Facilitate close cooperation between legal aid service providers and MoJ for policy formulation.</p>	<ul style="list-style-type: none"> <li>• 18 additional scholarships to potential paralegals provided (3 paralegals per clinic).</li> <li>• Quarterly community of practice meetings continued to be held.</li> <li>• Partner CSOs for advocacy identified and support provided.</li> <li>• Public outreach strategy on legal literacy implemented.</li> <li>• Public and media campaign strategy formulated and implemented.</li> <li>• A study to recommend models for linkages between formal and informal justice systems conducted and recommendations submitted.</li> </ul>		
<ul style="list-style-type: none"> <li>• Increase in number of trained paralegals working in the regions, including rural areas.</li> <li>• % increase in number of citizens in target areas who say they have greater access to justice and legal information, with disaggregated data on women, youth and other vulnerable groups.</li> <li>• No of community-level information sharing meetings held.</li> <li>• % increase in number of informal justice systems that have recording/documentation systems.</li> <li>• % increase in number of disputes received by</li> </ul>	<p>2.2 Legal literacy and awareness for rights holders and duty bearers improved.</p>	<p>2.2.1 Review the existing channels for public outreach to improve legal literacy.</p> <p>2.2.2 Identify partners to strengthen ongoing efforts (e.g. Legal Encounter Day) and widen the scope for both rights holders and duty bearers.</p> <p>2.2.3 Provide support to CSOs to strengthen their advocacy role in relevant subject areas.</p> <p>2.2.4 Launch public and media campaigns on legal rights and duties, particularly targeting the population in rural areas and marginalized and disadvantaged groups.</p> <p>2.2.5 Organize regular and periodic community-level information sharing meetings involving people at local and grassroots levels, including women and youth.</p>	<p><b>Year 3:</b></p> <ul style="list-style-type: none"> <li>• Continued support to legal aid clinics provided and functioning of the clinics reviewed for improvements.</li> <li>• Monthly/fortnightly legal aid specific outreach meetings continued to be held and its impact reviewed for improvements.</li> <li>• Legal aid database shared with MoJ for policy formulation.</li> <li>• 18 additional scholarships to potential paralegals provided (3 paralegals per clinic) and the role of paralegals reviewed for improvements.</li> <li>• Quarterly community of practice meetings continued to be held.</li> <li>• Support to partner CSOs for advocacy continued to be provided.</li> <li>• Public outreach strategy on</li> </ul>		



<p>informal channels that are referred to state institutions.</p> <ul style="list-style-type: none"> <li>• Formulation and adoption of a policy that is linking formal-informal justice systems.</li> <li>• No of sensitization sessions provided to formal and informal justice actors.</li> </ul>	<p>2.3 Models for potential linkages between formal and informal justice systems reviewed and developed.</p>	<p>2.3.1 Commission a study that provides models for linkages between formal and informal justice systems.</p> <p>2.3.2 In collaboration with CSOs and law students, design and implement documentation systems for informal justice.</p> <p>2.3.3 Hold a series of public consultation based on the materials collected.</p> <p>2.3.4 Assist MoJ in research on policy options regarding rapprochement of formal and informal justice systems, based on recommendations of the study.</p> <p>2.3.5 Conduct consultative sessions on proposed policy options on informal-formal justice systems with academics and researchers involved in the study and actors involved in the justice system.</p> <p>2.3.6 Support finalization of the policy.</p> <p>2.3.7 Design and implement training initiatives for informal justice actors on citizens' rights, especially on issues pertaining to women and youth.</p> <p>2.3.8 Support establishing a regular channel between formal and informal justice providers to improve mutual understanding.</p>	<p>legal literacy continued to be implemented and the strategy reviewed for improvements.</p> <ul style="list-style-type: none"> <li>• Public and media campaign strategy continued to be implemented and its strategy reviewed for improvements.</li> <li>• Review of the impact of legal awareness campaigns in targeted areas and revision completed.</li> <li>• Review of pilot project on linkages between informal and formal justice systems and recommendations on implementation and revision undertaken.</li> <li>• Based on the recommendations of the study, policy options created.</li> <li>• Engaging with informal justice actors initiated and strengthened.</li> </ul>							
<p><b>TOTAL BUDGET FOR OUTPUT 2</b> <span style="float: right;"><b>US\$ 3,482,238.83</b></span></p>					<p><i>*This output will be implemented from the second year of the programme cycle.</i></p>					
<p><i>*This output will be implemented from the second year of the programme cycle.</i></p>										

<p><b>3. Gender and juvenile justice improved.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>Limited capacity at the institutional and civil society levels to support gender and juvenile justice.</li> <li>Limited understanding by institutions and the community on gender and juvenile justice.</li> <li>Limited co-ordination on gender and juvenile justice (including GBV issues).</li> <li>Inadequate legislation related to women and juveniles.</li> <li>Continuing gender-based violence, including ‘honour killings.’</li> </ul> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>No of legislation reviewed, mainstreaming gender and juvenile rights.</li> <li>% decrease in number of GBV cases received by formal and informal justice mechanisms (respectively).</li> <li>Audit report on GBV and juvenile cases in the pilot court conducted.</li> </ul>	<p>3.1 Legislation related to gender justice and its enforcement reviewed.</p> <p>3.2 Formulation and adoption of a national policy on youth and adolescent supported in partnership with others.</p>	<p>3.1.1 Provide a background study to list legislation related to gender justice, including GBV.</p> <p>3.1.2 Prioritize legislation for pilot review (e.g. civil service law, family law).</p> <p>3.1.3 Commission and pilot audit of processing GBV cases in three municipalities (northern, central and southern) in partnership with relevant CSOs.</p> <p>3.1.4 Hold a series of territory-wide, multi-stakeholder public consultation.</p> <p>3.1.5 Draft recommendations for submission to MoJ and MoWA.</p> <p>3.1.6 Organize a conference at regional level on gender justice .</p> <p>3.2.1 Commission and pilot audit of processing juvenile cases in three municipalities (northern, central and southern) in partnership with relevant agencies (e.g. UNICEF) and CSOs.</p> <p>3.2.2 Hold a series of territory-wide, muti-stakeholder public consultation on youth-specific rights.</p> <p>3.2.3 Support the adoption of a national policy on youth and adolescent by MoYS in cooperation with UNICEF and other relevant partners.</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>Training for law enforcement officers and legal professionals on gender and GBV conducted (joint initiative with MDG Fund on Women).</li> </ul> <p><b>Year 2:</b></p> <ul style="list-style-type: none"> <li>Pilot audit of processing GBV and juvenile cases conducted and analyzed.</li> <li>Public consultations held.</li> <li>Conference on gender justice at the regional level held.</li> <li>Support to the formulation of a gender justice strategy and action plans provided.</li> <li>Support to the formulation of a national policy on youth and adolescent provided in partnership with others.</li> <li>A GBV legal specialist recruited and the training plans developed.</li> <li>Training for law enforcement officers and legal professionals on gender and GBV continued to be conducted</li> <li>Potential CSOs for partnership identified and selected.</li> </ul> <p><b>Year 3:</b></p> <ul style="list-style-type: none"> <li>A national gender justice strategy adopted.</li> <li>A national policy on youth and adolescent adopted.</li> <li>Support for implementation provided.</li> <li>Short-term course on gender issues specific to GBV</li> </ul>	<p>MoJ, Ministry of Women’s Affairs, Ministry of Health, Ministry of Youth and Sports, other judicial institutions (where applicable), UNIFEM, UNICEF, UNRWA, CSOs, university law faculties, community youth centers, MDG Fund on Women team, UNDP gender and juvenile justice specialist, Programme Team.</p>	
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<ul style="list-style-type: none"> <li>• One regional conference on gender justice organized.</li> <li>• Formulation and adoption of gender and juvenile justice strategy.</li> <li>• No of short-term courses and trainings on GBV.</li> <li>• No. of participants attended each public consultation session as well as public outreach activities.</li> </ul>	<p>3.3 Gender and juvenile justice strategy and action plan developed.</p>	<p>3.3.1 Advise MoJ and MoWA on formulating a draft gender justice strategy and action plans based on the recommendations of the conference (See 3.1.6).</p> <p>3.3.2 Assist MoJ in establishing agreement with Ministry of Health for coordination on forensic medicine for GBV-related investigation.</p> <p>3.3.3 Advise MoJ and MoYS on formulating a draft national policy on youth and adolescent and action plans.</p> <p>3.3.4 Assist MoJ in establishing agreement with Ministry of Education for strengthening rule of law aspects in school curricula.</p> <p>3.3.5 Hold a series of territory-wide, multi-stakeholder public consultation.</p> <p>3.3.6 Support MoJ, MoWA and MoYS for adoption of the respective strategy and action plans based on the consultations.</p> <p>3.3.7 Support for the implementation through providing technical assistance.</p>	<p>continued to be provided and reviewed for improvements.</p> <ul style="list-style-type: none"> <li>• Public outreach activities continued to be held in partnership with CSOs.</li> </ul>		
	<p>3.4 Capacity of law enforcement officers and legal professionals on gender justice, specific to GBV, developed.</p>	<p>3.4.1 Recruit a GBV legal specialist.</p> <p>3.4.2 Assess training needs of law enforcement officers and legal professionals on handling cases in a gender-sensitive manner.</p> <p>3.4.3 Design and launch short-term courses for them.</p> <p>3.4.4 Evaluate each course upon completion of training for revision.</p> <p>3.4.5 Harmonize efforts for GBV</p>			

		<p>with MDG-F on women and MoWA.</p> <p>3.4.6 Co-participate in developing a training curriculum on prevention of violence against women.</p> <p>3.4.7 Co-host training on provision of assistance for GBV victims for judicial actors.</p>			
<p><b>TOTAL BUDGET FOR OUTPUT 3</b></p>					<p><b>US\$ 1,053,940.00</b></p>
<p><b>4. Rule of law in Gaza Strip initiated as part of early recovery and reconstruction plan.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>• No rule of law programmes within early recovery framework in Gaza.</li> <li>• No consistency in legal systems between Gaza Strip and West Bank.</li> <li>• Limited civic education on rule of law and access to justice.</li> <li>• Limited legal aid services for the public.</li> <li>• Extreme sensitivity in selecting a partner in Gaza due to the current political situation.</li> </ul> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• No of training (per thematic issue) provided to CSOs to improve service delivery.</li> <li>• No of advocacy activities undertaken by CSOs.</li> </ul>	<p>4.1 Capacity of CSOs to deliver legal aid services and to conduct civic education strengthened.</p>	<p>4.1.1 Assess the current situation in Gaza Strip specific to CSOs' activities on rule of law and access to justice issues.</p> <p>4.1.2 Hold a workshop on the results of the assessment.</p> <p>4.1.3 Identify criteria for selection of CSO partners for approval by the Programme Board.</p> <p>4.1.4 Select CSOs, according to the approved criteria, working on the provision of legal services for strategic partnership.</p> <p>4.1.5 Establish coordination mechanism (e.g. legal aid network in Gaza) between CSOs and relevant agencies and organizations working on provision of legal services.</p> <p>4.1.6 Facilitate cooperation between this network and the legal aid clinic (See Output 2).</p> <p>4.1.7 Provide support to the selected CSOs to strengthen their role in advocacy on citizens' legal rights and as alternative justice service providers.</p> <p>4.1.8 Assess training needs of CSOs.</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>• Assessment of CSOs activities in the field conducted.</li> <li>• Workshop held on the results of the assessment.</li> <li>• Gaza-specific legal aid network established.</li> <li>• Quarterly training for CSOs on provision of legal aid services conducted.</li> <li>• Advocacy plan by the network developed and implemented.</li> <li>• Training curricula for rule of law and civic education for youth developed.</li> </ul> <p><b>Year 2:</b></p> <ul style="list-style-type: none"> <li>• The network continued to be supported and strengthened.</li> <li>• Quarterly training for CSOs on provision of legal aid services continued to be provided.</li> <li>• CSOs' advocacy activities continued to be implemented. Training curricula for youth implemented and subsequent training undertaken through youth centers.</li> </ul> <p><b>Year 3:</b></p> <ul style="list-style-type: none"> <li>• Legal service delivery in Gaza reviewed and revised for improvement.</li> <li>• Opportunities for sharing Gazan experience with relevant</li> </ul>	<p>CSOs, CBOS, UNICEF, UNRWA, MoJ, PBA and university law faculties, UNDP Access to Justice Advisor and Specialist, Programme Team.</p>	

<ul style="list-style-type: none"> <li>• % increase in number of cases dealt with by CSOs providing legal aid services.</li> <li>• Legal aid network in Gaza established.</li> <li>• No of cases filed in legal aid clinics and through CSOs in Gaza.</li> <li>• No of cases addressed through formal-informal justice mechanisms (respectively).</li> <li>• No of rule of law and civic education materials for youth produced.</li> <li>• No of civic education sessions provided and no of participants.</li> </ul>		<p>4.1.9 Conduct training with periodic review for improvement.</p> <p>4.1.10 Design civic education curricula on rule of law and access to justice, with particular focus on youth in partnership with UNICEF, UNRWA, CSOs and other relevant actors.</p> <p>4.1.11 Implement civic education activities, particularly targeting women, youth and disadvantaged groups.</p>	<p>partners in West Bank explored.</p> <ul style="list-style-type: none"> <li>• Quarterly training for CSOs on provision of legal aid services and any other needs identified continued to be provided.</li> <li>• CSOs' advocacy activities continued to be implemented and reviewed for improvement.</li> <li>• First phase of training for youth on rule of law and civic education completed and reviewed for improvement.</li> <li>• Second phase designed.</li> <li>• Review of the functioning of the legal aid network undertaken and sustainability ensured.</li> </ul>		
<b>TOTAL BUDGET FOR OUTPUT 4</b>					<b>US\$ 1,390,000.00</b>
<p><b>5. Confidence building among stakeholders within and dependent on the justice system promoted.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>• Limited networking opportunities among organizations of similar initiatives.</li> <li>• Lack of trust by the communities in the justice system.</li> <li>• Lack of harmonization between the legal systems in Gaza Strip and West Bank.</li> <li>• Internal division – politically, legally, geographically etc.</li> <li>• Limited</li> </ul>	<p>5.1 Advocacy capacity of CSOs strengthened.</p>	<p>5.1.1 Assess the existing networking and coordination mechanisms in East Jerusalem, Gaza Strip and West Bank.</p> <p>5.1.2 Provide support to liaise between them more effectively.</p> <p>5.1.3 Provide support to develop, strengthen and implement an advocacy strategy.</p> <p>5.1.4 Support partners to share best practices.</p> <p>5.1.5 Create regular channels for interface with the PNA (e.g. media offices) to improve mutual understanding.</p> <p>5.1.6 Create regular channels for interface with citizens to raise awareness.</p> <p>5.1.7 Review and evaluate the strategy and mechanisms</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>• Networking mechanisms and an advocacy strategy explored.</li> <li>• CSOs for partnership identified.</li> <li>• Indicators to measure public confidence adopted.</li> <li>• A baseline survey conducted.</li> <li>• Outreach needs and partners for public outreach activities identified.</li> <li>• A forum of dialogue between legal professionals in Jerusalem, Gaza Strip and West Bank to address current legal concerns undertaken.</li> </ul> <p><b>Year 2:</b></p> <ul style="list-style-type: none"> <li>• Networking mechanisms and an advocacy strategy implemented and strengthened.</li> <li>• CSOs' networking strategy with communities and other judicial</li> </ul>	<p>Relevant PNA institutions, CSOs, legal academics, legal professionals, university law faculties, community leaders, media institutes, UNDP M&amp;E Specialist and Programme Team.</p>	

<p>communication between legal professionals in East Jerusalem, Gaza Strip and West Bank.</p> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• No of network members.</li> <li>• No of meetings held between the network and PNA counterparts</li> <li>• No of meeting held between the network and the public.</li> <li>• Monitoring and evaluation capacity for networking enhanced and applied.</li> <li>• No of citizens who participated public outreach sessions.</li> <li>• No of citizens who say they have access to legal information.</li> <li>• No of video conference dialogues between legal professionals in Jerusalem, Gaza Strip and West Bank to address legal concerns organized.</li> <li>• No of consultations held among legal professionals and among the public (respectively) on options for harmonization.</li> <li>• No of cases received by formal and informal institutions (respectively) and no</li> </ul>	<p>5.2 Measurements and strategies for public confidence in justice service providers developed.</p> <p>5.3 Citizens' access to justice service and information improved.</p>	<p>for improvement.</p> <p>5.2.1 Conduct a baseline survey on access, awareness, perception, confidence and unmet needs, with specific focus on the needs of vulnerable groups.</p> <p>5.2.2 Establish data-gathering and feedback mechanisms at the regional level and pilot in six cities (where legal aid clinics are established).</p> <p>5.2.3 Conduct analysis of the data and support the institutionalization of monitoring and developing response strategies.</p> <p>5.2.4 Provide support to strengthen the existing code of conduct for justice sector actors.</p> <p>5.3.1 Identify laws, role of relevant institutions, legal procedures etc. for public knowledge.</p> <p>5.3.2 Coordinate with key PNA ministries, other judicial institutions, universities, NGOs etc. on creative strategies.</p> <p>5.3.3 Organize public outreach sessions for the population in six pilot cities on the areas identified (e.g. national and international laws, legal recourse) based on the strategies adopted.</p> <p>5.3.4 Monitor regularly and periodically the number of population who chooses to seek legal advice and go through the justice system</p>	<p>actors in place.</p> <ul style="list-style-type: none"> <li>• Data-gathering and feedback mechanisms established based on the survey outcome.</li> <li>• Public outreach sessions held regularly and periodically both with PNA and the public.</li> <li>• A forum of dialogue between legal professionals in Jerusalem, Gaza Strip and West Bank to address current legal concerns organized.</li> <li>• A study on legal harmonization conducted.</li> <li>• Draft policy options for harmonization of legal systems prepared.</li> <li>• Public consultation organized.</li> </ul> <p><b>Year 3:</b></p> <ul style="list-style-type: none"> <li>• Support for dialogue and networking continued.</li> <li>• CSOs' networking activities continued and their strategy reviewed and revised for expansion.</li> <li>• Measurements and response strategies institutionalized and updated regularly.</li> <li>• Public outreach sessions continued to be held.</li> <li>• Public consultation on harmonization of legal systems continued.</li> </ul>		
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of decisions enforced, with disaggregated data on women, youth and other vulnerable groups.	5.4 Efforts to achieve legal harmonization and consistency of legal systems throughout the oPt initiated.	5.4.1 Provide forum for dialogue via video conference for legal professionals in East Jerusalem, Gaza Strip and West Bank. 5.4.2 Liaise this network with CSO network (See 5.1). 5.4.3 Commission a study to identify a suitable model for the oPt. 5.4.4 Draft recommendation for suitable model for harmonization for submission to MoJ, based on the results of the study. 5.4.5 Assist MoJ in formulating and drafting of policy options. 5.4.6 Facilitate holding consultation specific for legal professionals on the harmonization options. 5.4.7 Facilitate territory-wide public consultation on the harmonization options. 5.4.8 Support MoJ to adopt a harmonization policy should a unity government be established. 5.4.9 Conduct training/sensitization sessions for legal professionals. 5.4.10 Conduct training/sensitization sessions for CSOs.			
<b>TOTAL BUDGET FOR OUTPUT 5</b>					<b>US\$ 1,333,024.00</b>
<b>Programme Management Costs</b>					
1 Chief Technical Advisor/Programme Manager (P-4) - Ramallah					
1 Rule of Law Advisor, Ministry of Justice (P-3) - Ramallah					
1 Deputy Programme Manager/Gaza Coordinator & Access to Justice Advisor (SB-5) - Gaza					
1 Access to Justice Specialist (SB-4) - Ramallah					
1 M&E Specialist (SB-4) - Ramallah					

1 Gender & Juvenile Justice Specialist - Ramallah	
1 Access to Justice Specialist (SB-4) - Gaza	
2 Programme Assistants (SB-3) - Gaza & Ramallah	
2 Drivers (SB-2) - Gaza & Ramallah	
TOKTEN Expertise & UNVs	
Communication & Advocacy	
Monitoring & Evaluation	
IT Equipment	
Communication Equipment	
Vehicle & Maintenance	
Office Furniture	
Stationary	
Rent & Utilities	
<b>TOTAL BUDGET FOR PROGRAMME MANAGEMENT COSTS</b>	<b>US\$ 2,810,439.15</b>
<b>Quick Impact Project Fund (e.g. equipment, furniture, small scale grants etc.)</b>	<b>US\$1,000,000.00</b>
<b>PROJECT TOTAL BUDGET</b>	<b>US\$ 14,948,560.64</b>



#### IV. MANAGEMENT ARRANGEMENTS

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**The Programme Team (PT)** that is responsible for day-to-day management of the program will include the following staff:

In West Bank,

- Programme Manager (national or international preferably of Palestinian origin), reporting to the Programme Board on both managerial and technical aspects of the programme (preferably the one who can travel to Gaza; in case of inability, the role can be delegated to an international team member with the approval of the Programme Board);
- Rule of Law Advisor (international), based at MoJ, reporting to both MoJ and UNDP/PAPP with technical responsibilities only without managerial responsibilities;
- Legal Aid Specialist (national);
- Gender and Juvenile Justice Specialist (national);
- Justice Sector M&E Specialist (national);
- Programme Assistant (national);
- Driver (national);
- Other support staff based on requirements (interns, clerks etc)

In Gaza Strip,

- Deputy Programme Manager & Access to Justice Advisor (national from Gaza); reporting to the Programme Manager in West Bank;
- Access to Justice Specialist (national from Gaza);
- Programme Assistant (national from Gaza);
- Driver (national from Gaza);
- Other support staff based on requirements (interns, clerks etc)

A consultant will perform the functions of the Programme Manager until a national or an international professional is identified and recruited. The Programme Manager will be responsible for convening monthly meetings of the Programme Team with video conference with the team in Gaza to ensure effective collaboration across different areas of programme support. In addition, the Programme Team has the overall responsibility for coordination with non-UNDP actors such as PNA, donors and development partners so as to avoid duplications/overlaps in detailed project design and implementation and to mobilize additional resources.

The management structure of the programme will be as follows:

- Steering Committee (Programme Board)  
The programme will be implemented by qualified national and international actors under the administrative direction of UNDP/PAPP. The Programme Board (see the organigram below) will meet biannually and be responsible for making management decisions for the programme when guidance is required by the Programme Team under the leadership of the Programme Manager. Programme reviews by the Programme Board will be carried out during the programme cycle and/or as necessary when the Programme Manager requests. This group will be consulted by the Programme Manager for decisions when Programme Manager's tolerances have been exceeded. The Programme Board will contain three roles:

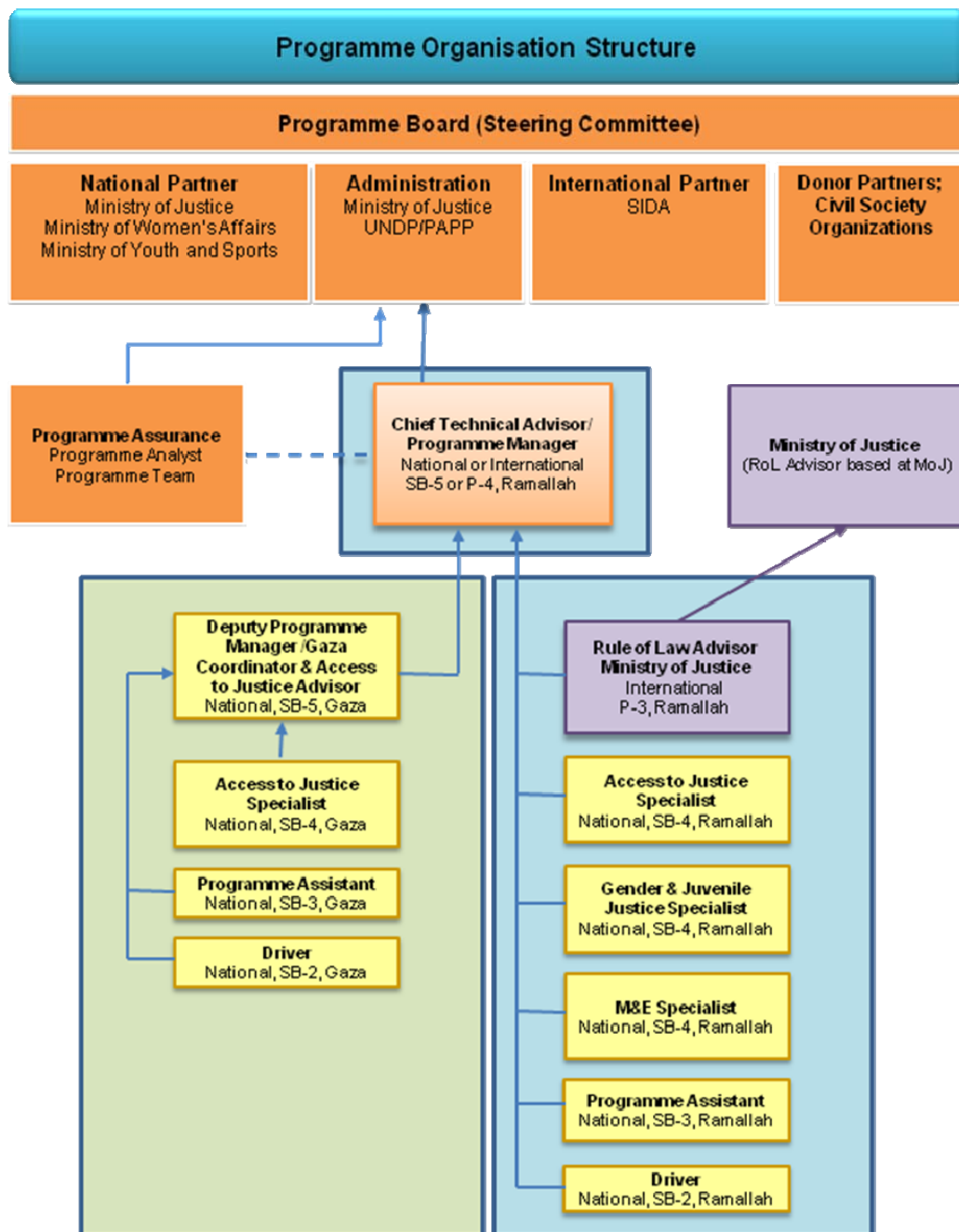
Administration, representing the programme ownership and chairing the group, will be the Minister of Justice and UNDP. UNDP will play a secretariat role for the programme components that are not directly linked to the Ministry of Justice and/or other PNA ministries.

International Partners, providing services for the implementation of the programme, will be the Swedish International Development Cooperation Agency (SIDA) (other contributors will be added accordingly).

*National Partners*, ensuring the realization of programme benefits from the perspective of all beneficiaries, will be the Ministry of Justice, the Ministry of Women’s Affairs and the Ministry of Youth and Sport.

- Donors, development partners, UN family, representatives of civil society and community-based organizations ranging from academia to INGO and NGO and any other relevant members will be jointly identified by the Minister of Justice and UNDP/PAPP. The membership will be reviewed and updated periodically by the Programme Board throughout the programme cycle.

A complete organigram of the Supporting Rule of Law and Access to Justice for the Palestinian People programme looks as follows:



## V. MONITORING & EVALUATION

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55. The Programme Board involving both UNDP/PAPP and PNA will be in charge of overall programme oversight. The Board will hold regular meetings to discuss the programme implementation and assess its progress. The Results and Resources Framework (RRF) incorporated into this document will be the touchstone for performance monitoring and reporting. Further monitoring will be performed on the basis of work plans prepared by discrete project teams, which will submit quarterly reports, enabling stakeholders to benchmark and assess progress on rollout of activities.
56. Monitoring and evaluation of the programme will be ensured by the Programme Team following relevant UNDP results management guidelines. Implementing partners will be responsible for the direct monitoring of the respective programme components. In more detail:
- The Programme Team in close consultation will oversee the overall programme monitoring in terms of activities quality, issues, risks, lessons learned and finances. Respective logs will be maintained and quarterly progress reports will be produced.
  - Implementing partners will be responsible for the monitoring of their respective components and will present quarterly progress reports to UNDP.
57. The BCPR/RoLJS unit will conduct a three stage annual evaluation of the programme producing:

### **Stage 1: Strategy Review Report**

This review will be an internal process conducted at the end of the first year in partnership with BCPR. It will be an opportunity to review the progress to date and strategize with the country office to address the challenges impacting the project. The team will interview all relevant stakeholders in order to ensure a full range of perspectives are included.

### **Stage 2: Interim Review Report**

The interim report will be an external review that will take place at the end of the 2<sup>nd</sup> year. This will be an opportunity to highlight the progress of the project and the initial impact of the intervention. It will be a more detailed evaluation focusing more on impact and progress than strategy. While recommendations will cover all aspects of the project implementation process, it will be focused on capturing lessons learned and best practice.

### **Stage 3: Final Review Report**

The production of the Final Review Report will be conducted with the assistance of external evaluation agency. The reporting will involve all stakeholders and implementing partners, to assess the achievement of expected outputs and alignment with appropriate outcomes. The review will serve to assess programme performance and thus allow corrective and/or follow-up action to ensure all outputs and desired achievements are met.

ID	Deliverables	Description	Schedule	Internal/External
1	Progress Report	Narrative reporting to review progress in rolling out the programme and policy guidance	1 <sup>st</sup> Year	BCPR/RoLJS
2	Interim Review Report	Mid-term reporting to assess progress towards programme results articulated in the RRF and provide recommendations	2 <sup>nd</sup> Year	BCPR/RoLJS
3	Final Review Report	Final project evaluation to assess achievement of programme results articulated in the RRF and document lessons learned	100% programme completion	BCPR/RoLJS External Evaluation Agency

## **VI. LEGAL CONTEXT**

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58. The project document shall be the instrument envisaged in the Supplemental Provisions to the Project Document, attached hereto.
59. Consistent with the above Supplemental Provisions, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency.
60. The executing agency shall:
- put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
  - assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.
61. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.
62. The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999).  
The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>.
63. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

## VII. ANNEXES

### ANNEX 1. Linkages between Programme, UNDP MTSF, PRDP and JSS

	RoL/A2J Programme	UNDP/PAPP MTSF	PRDP	Justice Sector Strategy
<b>Outcome</b>	Enhancing the development of efficient and accountable institutions		An effective Justice Sector with clear division of responsibilities and separation of powers	A. Strengthening public institutions B. Strengthening and enabling the civil and criminal legal systems
<b>Outputs</b>	1. Capacity of rule of law institutions strengthened.	Capacities and performance of the executive branch of the Authority strengthened at all levels in the areas of public administration, social services delivery and local governance.	Judges and other sector staff have the skills, knowledge, and expertise to provide services with integrity, effectiveness and impartiality. A stable and clearly defined legal framework.	Support and empower justice institutions.  Organize and develop complementary relations among the various justice sector institutions.
	2. Access to justice at the local and grassroots level enhanced.	Justice systems and rule of law improved and accessible.	Safeguard citizens' rights and basic freedoms.  A stable and clearly defined legal framework.  Ensure fair trials in accordance with the time limits and processes defined in law.	Protect human rights and freedom.  Support and empower justice institutions.  Secure just and fair trials.
	3. Gender and juvenile justice improved.	Justice systems and rule of law improved and accessible.	A stable and clearly defined legal framework.  Safeguard citizens' rights and basic freedoms.  Ensure fair trials in accordance with the time limits and processes defined in law.	Protect human rights and freedom.  Secure just and fair trials.
	4. Capacity of CSOs to initiate rule of law in Gaza Strip as part of early recovery and reconstruction plan strengthened.	Justice systems and rule of law improved and accessible.	A stable and clearly defined legal framework.  Safeguard citizens' rights and basic freedoms.  Ensure fair trials in accordance with the time limits and processes defined in law.	Protect human rights and freedom.  Secure just and fair trials.
	5. Confidence building among stakeholders within and dependent on the justice system promoted.	Capacities and performance of the executive branch of the Authority strengthened at all levels in the areas of public administration, social services delivery and local governance.  Justice systems and rule of law improved and accessible.	Judges and other sector staff have the skills, knowledge, and expertise to provide services with integrity, effectiveness and impartiality.  A stable and clearly defined legal framework.	Support and empower justice institutions.  Secure just and fair trials  Organize and develop complementary relations among the various justice sector institutions

## ANNEX 2. Programme Risk Assessment

<b>TITLE</b>	<b>Supporting the Rule of Law and Access to Justice for the Palestinian People</b>
<b>PROGRAMME ANALYST</b>	<b>Boram Kim</b>
<b>OUTCOME</b>	<b>Enhancing the development of efficient and accountable institutions</b>
<b>EXPECTED OUTPUTS</b>	<ul style="list-style-type: none"> <li>• <b>Capacity of rule of law institutions strengthened.</b></li> <li>• <b>Access to justice at local and grassroots level enhanced.</b></li> <li>• <b>Gender and juvenile justice improved.</b></li> <li>• <b>Rule of law in Gaza Strip initiated as part of early recovery and reconstruction plan.</b></li> <li>• <b>Confidence building among stakeholders within and dependant on the justice system promoted.</b></li> </ul>
<b>DURATION</b>	<b>Three years (with possible extension)</b>
<b>LOCATION</b>	<b>East Jerusalem Security Phase 1</b> <b>West Bank Security Phase 3</b> <b>Gaza Security Phase 4</b> <b>Existing UNDP PAPP offices to be utilized.</b>
<b>ADDITIONAL STAFF</b>	<b>Two internationals</b> <b>Nine nationals</b>
<b>STAFF DUTY STATION</b>	<b>Two internationals</b> <b>Five nationals in Ramallah</b> <b>Four nationals in Gaza</b>
<b>CRITICALITY*</b>	<b>Essential</b>
<b>PROGRAMME RESIDUAL RISK</b>	<b>West Bank: Medium to High</b> <b>Gaza: High to Very High</b>

*\*Programme Criticality (To be determined by UNDP):*

- *Essential*
- *Critical*
- *Extreme*

Threat Factors	Programme Activities Affected by Threat Scenarios	Programme Vulnerability		Security Risk Analysis			Recommended Mitigating Measures
		Existing Mitigation	Remaining Vulnerabilities	Threat Likelihood	Threat Impact	Risk Level	
<b>POLITICAL</b>							
<b>Israeli Military Occupation</b>	Conducting training, convening meetings and implementing activities due to delays or denial of access (check point closures or delays).	Early warning of events/changes through ECS (emergency communications system); Security briefings; Reliable means of communications.	Event out of UNDP control. This may cause delays to meetings/activities or inability to attend meetings/activities.	Likely	Moderate – delays to activities	High	Travelling, meeting/activity venues to be factored into planning; Permits for national staff travel to be arranged in advance; Plan B to be considered in the event that access becomes difficult, i.e. alternate meeting venues.
<b>Political Detentions</b>	PA leadership and programme ownership may be disrupted; Continuity of programme may be affected or inability to achieve certain outputs – e.g. legal framework reform, revision of laws.	Continuity and impetus provided by UNDP within a range allowed.	Events out of UNDP control.	Moderately Likely	Moderate – delays to activities	Medium	Ensure strong ownership through national implementing partners; Assist national partners in preparing an alternative for activity implementation.
<b>Political Divisions</b>	Internal divisions create obstacles to working at an official level with all parties; Some programme goals may not be achievable.	Based on UNDP's strong relationships with civil society organizations (CSOs), CSOs have been a platform for implementation.	Events out of UNDP control.	Likely	Severe – possibility of major delay or cancellation of some activities.	High	CSOs and implementing partners need strong UN support; Transparency in activities is required to ensure all parties are “on board”. Meetings and training strictly to be undertaken within implementing partner facilities to reduce risk of closure of events.
<b>LEGAL</b>							
<b>Inability to convene the PLC sessions</b>	Lack of legislation, difficulty of revising legislation may impede successful implementation of the	Minimum contact with the PLC	Events out of UNDP control.	Very Likely	Moderate	High	Provide technical assistance to improve legislative drafting skills, facilitating efforts to build a legal framework.

Threat Factors	Programme Activities Affected by Threat Scenarios	Programme Vulnerability		Security Risk Analysis			Recommended Mitigating Measures
		Existing Mitigation	Remaining Vulnerabilities	Threat Likelihood	Threat Impact	Risk Level	
	programme.						
<b>Unclear application of laws within WB, in Gaza and East Jerusalem</b>	In the absence of a clear legal framework that can be applied to all Palestinians across the territory, there is no clear and standardized framework.	UNDP support has been selective focusing on West Bank (Area A) only.	Events out of UNDP control, particularly in Area B and C in WB, East Jerusalem and Gaza.	WB: Moderately Likely Gaza, East Jerusalem: Very Likely	WB: Moderate Gaza, East Jerusalem: Moderate	WB: Medium Gaza, East Jerusalem: High	Establish a legal aid center in East Jerusalem to provide legal aid support, including legal representation at Israeli courts; Work with and through CSOs in Gaza to improve provision of legal aid services; Initiate efforts to create a harmonization model for the oPt.
<b>SOCIAL</b>							
<b>Lack of trust in public institutions</b>	Programme may be affected by lack of motivation and commitment of local stakeholders and citizens; Corruption; Continue to reverse to informal justice mechanisms and customary law.	Minimum education mainly through CSOs on rights holders and duty bearers; Anti-corruption initiative.	Difficulty in changing people's perception on corruption; Customary law can be quicker, faster and cheaper.	Likely	Minor – may reduce the impact of the programme	Medium	Develop a set of indicators to measure public confidence in the justice sector institutions/actors; Transparency, in particular, in financial management through thorough, periodic audit reports; Need to constantly reinforce linkages between formal and informal justice mechanisms; Active involvement of informal justice actors in all processes.
<b>Marginalization of disadvantaged groups</b>	Some outcomes may be affected if insufficient attention allocated to disadvantaged groups.	Existing and planned UNDP engagement for women and youth.	More traditional societal groups may resent the inclusion and growth of self awareness of women.	Unlikely	Minor – may reduce impact of the programme.	Low	Ensure and reinforce the inclusion of women, youth and other disadvantaged groups in all programme activities.
<b>SECURITY</b>							
<b>Intimidation</b>	Community activities,	Cooperative	Communities	WB:	WB: Minor	WB:	“Low key” implementation



Threat Factors	Programme Activities Affected by Threat Scenarios	Programme Vulnerability		Security Risk Analysis			Recommended Mitigating Measures
		Existing Mitigation	Remaining Vulnerabilities	Threat Likelihood	Threat Impact	Risk Level	
<b>and harassment by:</b> <ul style="list-style-type: none"> <li>• Settlers</li> <li>• Community</li> <li>• Security agencies and actors.</li> </ul>	meetings, training, travel etc.	relationships with implementing partners; Transparency with stakeholders; National ownership at leadership level; MOSS (minimum operating security standards).	sensitive to justice issues and sensitive to uncertain political control; Level of control that may be exerted by political and security actors; Political events outside UNDP control.	Moderately likely Gaza: Very Likely	– perhaps some delay Gaza: Severe – potential cancellation of programme	Low Gaza: Very High	to gain greater acceptance; Use of implementing partner facilities; Strong support from UNDP to implementing partners.
<b>FINANCIAL</b>							
<p><i>UNDP/PAPP follows UNDP Financial Regulations and Rules (see attachment; Chapter E. Article 16). In addition to the regulation that each programme activity shall be audited at least once in its lifetime, UNDP/PAPP continues to monitor financial flows of each programme activity under the supervision of the programme manager. Since UNDP/PAPP is an executing agency of this programme, all sub-contracted implementing partners should follow UNDP's rules and regulations which will be part of the partnership agreements. All financial transactions will be made after a thorough review of the liquidation report.</i></p>							
<b>ENVIRONMENTAL</b>							
<p><i>UNDP has a UN system wide environmental policy, promoting and supporting the environmental basis for sustainable development at the regional, sub-regional and national level. However, it is recognized that such an environmental risk assessment is not needed for the implementation of this Programme.</i></p>							