

## SAWASYA II

### PROMOTING THE RULE OF LAW IN PALESTINE

### ANNUAL PROGRAMME NARRATIVE PROGRESS REPORT REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2018



*Photo 1: Launch of 'Sawasya II: Promoting the Rule of Law in Palestine', Ramallah, September 2018.  
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Country, Locality(s), Priority Area(s) / Strategic Results
Occupied Palestinian Territory
<p><i>Agenda 2030: <u>Goal 16</u>: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; <u>Goal 5</u>: Achieve gender equality and empower all women and girls</i></p> <p><i>2018-2022 UNDAF: <u>SP2</u>: All Palestinians, especially those exposed to vulnerabilities, have equal access to accountable, effective, and responsive democratic governance, in line with international human rights standards</i></p> <p><i>2017-2022 National Policy Agenda: <u>Pillar 1</u>: Path to independence; <u>Pillar 2</u>: Governance reform; <u>Pillar 3</u>: Sustainable development</i></p>
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Report Submitted By
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## SUMMARY OF PROGRAMME

*Sawasya II* represents the primary programmatic vehicle of the United Nations for advancing the rule of law, gender justice, access to justice for children and human rights in the State of Palestine for the period 2018-2023. *Sawasya II* is designed to contribute to key priorities of the five-year United Nations Development Assistance Framework (UNDAF) for Palestine (2018-2022), to the realization of the 2030 Agenda and of its sustainable development goals (particularly SDG 16 and SDG 5) and to the implementation National Policy Agenda for the State of Palestine.

Bringing together the main UN entities mandated and invested in these areas - United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and United Nations' Children's Fund (UNICEF) - in an integrated programme framework, *Sawasya II* seeks to support the Government of Palestine in building a progressively functioning and increasingly inclusive rule of law system that respects, protects and fulfills human rights and gender equality and promotes peace and security.

*Sawasya II* targets specific bottlenecks in justice and security service provision. Security and justice institutions are supported to strengthen the quality and efficiency of the services they provide to Palestinian rights holders. Moreover, *Sawasya II* supports all relevant Palestinian government institutions and civil society organizations in providing legal aid to the Palestinian population. This support is developed and tailored to respond to the specific needs of the different areas of the West Bank, including Area C and East Jerusalem, Hebron 2 and the Gaza Strip.

Acknowledging that the ability to access justice is a human right in itself and is key to the realization to all other human rights, *Sawasya II* also addresses gender justice gaps and discrimination against women, which are deeply entrenched in the Palestinian justice and security systems. Finally, *Sawasya II* works with relevant national partners in strengthening the services provided to children in contact with the law as offenders, victims and witnesses by promoting effective partnerships and integrative constructive work among constituent entities of the Child Protection sector.

## EXECUTIVE SUMMARY

This report sets out achievements of the Joint UNDP/UN Women/UNICEF programme on *'Promoting the Rule of Law in Palestine'* (*Sawasya II*) realized in 2018, over the first six months of implementation (starting on 1 July). During this period, the operational context continued to be challenging. The stalled Middle East Peace Process, the continued territorial fragmentation and fast-paced institutional degradation in the Gaza Strip all contribute to affect efforts to promote the rule of law and advance human rights for Palestinian citizens.

Despite these considerable challenges and the short timeframe for implementation this year, *Sawasya II* witnessed significant progress in 2018 towards a progressively functioning and increasingly inclusive rule of law system that will inform programmatic efforts for the upcoming years in line with the 2030 Agenda<sup>1</sup>, the United Nations Development Assistance Framework (2018-2022)<sup>2</sup> and the National Policy Agenda (2017-2022) for the State of Palestine<sup>3</sup>. Cognizant of the current dynamics and drawing from *Sawasya I's* lessons<sup>4</sup>, *Sawasya II* developed a 'politically smart' approach that factors in these structural challenges and provides for a flexible and adaptable implementation framework. In 2018, this translated into the finalization of a short guidance on **'guidelines for reviewing and drafting legislation from a gender perspective'** and continued support to the ***Al-Muqtafi* database** as a national compendium of law and jurisprudence. This year, the programme continued to engage in enhancing evidence-based planning and monitoring mechanisms. Significant progress was witnessed on this front with support to the **biannual 'Rule of Law and Access to Justice Survey'**, the development of a **pilot strategic results framework** at the level of the Prime Minister's Office and of **5 sectoral results action plans linked with the National Policy Agenda's** policy goals and interventions, including the justice and security sectors. During the first six months of implementation, *Sawasya II* also worked towards securing a unified civic space for engagement in the reconciliation process to provide for evidence-based advocacy. In 2018, this support materialized in the **publication of the "Necessity c. Expediency: Transitional Justice in Palestine" report** and in an intensive consultation process with CSOs that led to the identification of court monitoring as a key area of intervention for 2019. In 2018, progress towards more effective, accountable and inclusive service provision for Palestinian citizens translated into technical support to the development of an **action plan for 2019 to support the rollout of the community policing strategy** that lays the groundwork for the implementation of a pilot in Jericho Governorate. *Sawasya II* also supported dialogue between CSOs and the PCP, which led to the **adoption of TORs for the establishment of a joint accountability task force**. As part of its support to fair and equitable judicial processes, the programme conducted a **comprehensive assessment of Hebron Governorate's judicial capacities** that will inform *Sawasya II's* engagement in 2019 and will

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<sup>1</sup> In particular, "Sustainable Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" and "Sustainable Development Goal 5: Achieve gender equality and empower all women and girls"

<sup>2</sup> In particular, "Strategic Priority 2: All Palestinians, especially those exposed to vulnerabilities, have equal access to accountable, effective, and responsive democratic governance, in line with international human rights standards"

<sup>3</sup> In particular, "Pillar 1: Path to independence", "Pillar 2: Governance reform" and "Pillar 3: Sustainable development"

<sup>4</sup> Under the 2014-2018 previous programmatic intervention ("Strengthening the Rule of Law in the OPT: Justice and Security for the Palestinian People") thereafter referred as *Sawasya I*

support the programme in fostering bottom-up engagement of institutional actors in the framework of the Justice Sector Strategy (2017-2022). Under *Sawasya II*, the Attorney General's Office (AGO) continued to be supported with capacity building that aims to improve current detention monitoring capabilities. In line with this, *Sawasya II* made important progress towards a more efficient and responsive capacity building approach through collaboration with the Palestinian Judicial Institute (PJI) that led to the development of a **comprehensive training database portal**. Further to this, the programme conducted comprehensive IT needs assessments of the Ministry of Justice (MOJ), High Judicial Council (HJC), Attorney General's Office (AGO) and the Supreme Judge Department (SJD) that highlighted areas of improvement for Mizan II's further expansion and customization. On the juvenile justice front, the programme **provided tailored capacity building** to 22 newly enrolled juvenile police officers and 33 child protection counselors, with structured coaching and mentoring. Additionally, 16 police officers and child protection counsellors are enrolled in a professional certified supervision diploma. The programme supported a learning mission to Jordan on execution of juvenile cases which resulted in the **development of referral procedures between juvenile judges and prosecutors for the execution of cases**.

Access to justice for all citizens is at the core of an increasingly inclusive rule of law system that respects, protects and fulfills human rights and gender equality. Mindful of this, the programme extensively engaged with key stakeholders under *Sawasya I* for the establishment of a state-sponsored legal aid scheme. During the reporting period, substantial progress was witnessed on this front with the **endorsement in November 2018 of a National Legal Aid Strategy (NLAS) by the NLAC**. In parallel, the programme looked into innovative ways to mainstream social justice principles in law practices by introducing the concept of legal incubators to key legal actors, which will be further explored in 2019 through support to a **pilot incubator in East Jerusalem**. Cognizant of the fact that access to justice entails the provision of comprehensive gender-responsive services, the programme also worked towards reinforcing the capacity of duty bearers to deliver on this front. *Sawasya II* continued to support the mainstreaming of gender justice principles within the PCP, the prosecution and the judiciary, resulting in the endorsement by the AGO of **SOPs for the prosecution of violence against women**. With regard to the programme's specific support to the reinforcement of effective, operational and multi-sectoral services for SGBV survivors, *Sawasya II* continued to facilitate dialogue between actors involved in the serious case review and VAW referral mechanisms and worked towards **the establishment of a coordination body within the HJC** that will be operationalized in 2019. As part of its multi-faceted strategy to mainstream gender equality in the work of judicial institutions, the programme supported the PCP in **initiating the development of its 'gender curriculum' and training for 70 newly graduated lawyers and journalists** on issues relating to women's rights, gender and access of women to justice.

In parallel, the programme continued to support the provision of legal aid services to communities unserved by the Government of Palestine reaching out to **1,458 individuals (including 947 women)** in the Gaza Strip and East Jerusalem. Finally, *Sawasya II* and its partners were able to **reach out to 2,785 beneficiaries** (82% of whom being women) through awareness raising sessions in the Gaza Strip - that aimed to increase access to information related to women's rights and gender justice – and in East Jerusalem, leveraging UNICEF's expertise to inform children and families in East Jerusalem on their rights.

## LIST OF ACRONYMS

<b>AG</b>	Attorney General
<b>AGO</b>	Attorney General's Office
<b>BGHR</b>	Bureau for Grievances and Human Rights (PCP)
<b>CEDAW</b>	Convention on the Elimination of All forms of Discrimination Against Women
<b>COGAT</b>	Coordination of Government Activities in the Territories
<b>COM</b>	Council of Ministers
<b>CPCT</b>	Community Policing Core Team (PCP)
<b>CRC</b>	Convention on the Rights of the Child
<b>CSO</b>	Civil Society Organization
<b>EJ</b>	East Jerusalem
<b>EUPOL COPPS</b>	EU Police Coordinating Office for Palestinian Police Support
<b>FJPU</b>	Family and Juvenile Protection Unit (PCP)
<b>GBV</b>	Gender Based Violence
<b>GD/ME</b>	General Directorate for Monitoring and Evaluation (PMO)
<b>GLC</b>	Gender Legislative Committee
<b>GPC</b>	General Personnel Council
<b>HCC</b>	High Constitutional Court
<b>HJC</b>	High Judicial Council
<b>ICHR</b>	Independent Commission for Human Rights
<b>IDP</b>	Internal Displaced Person
<b>IG</b>	Inspector General (PCP)
<b>IS</b>	Internal Security (PCP)
<b>JAL</b>	Judicial Authority Law
<b>JLAC</b>	Jerusalem Legal Aid Centre
<b>JSWG</b>	Justice Sector Working Group
<b>JSRS</b>	Justice Sector Reform Strategy
<b>JSRS GP</b>	Justice Sector Reform Strategy – General Policy
<b>LAB</b>	Legislative Advisory Bureau
<b>LoA</b>	Letter of Agreement
<b>LHC</b>	Legal Harmonization Committee
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MNE</b>	Ministry of National Economy
<b>MOI</b>	Ministry of Interior
<b>MOJ</b>	Ministry of Justice
<b>MOSD</b>	Ministry of Social Development
<b>MOWA</b>	Ministry of Women's Affairs
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPT</b>	Occupied Palestinian Territory
<b>PBA</b>	Palestinian Bar Association
<b>PCBS</b>	Palestinian Central Bureau of Statistics
<b>PCP</b>	Palestinian Civil Police
<b>PG</b>	Palestinian Government

<b>PJI</b>	Palestinian Judicial Institute
<b>PLC</b>	Palestinian Legislative Council
<b>PMF</b>	Palestinian Maintenance Fund
<b>PMO</b>	Prime Minister Office
<b>PPMU</b>	Planning and Project Management Unit (HJC)
<b>RAP</b>	Results Action Plan
<b>SJD</b>	Supreme Judge Department
<b>SOP</b>	Standard Operating Procedures
<b>SRF</b>	Strategic Results Framework
<b>SSSP</b>	Security Sector Strategic Plan
<b>TOR</b>	Terms of Reference
<b>UNICEF</b>	United Nations International Children’s Emergency Fund
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>UNDP</b>	United Nations Development Programme
<b>VAW</b>	Violence Against Women
<b>VAW SPPs</b>	Specialized Public Prosecutors on violence against women
<b>WB</b>	West Bank

## TABLE OF CONTENT

SUMMARY OF PROGRAMME.....	3
EXECUTIVE SUMMARY .....	4
<b>I. Progress Against Key Targets .....</b>	<b>9</b>
Outcome 1: Rule of Law Institutions Are Strengthened And Reunified By Legal, Regulatory Ad Policy Frameworks In Line With International Standards .....	9
Output 1.1: Key Legislations Are Revised To Strengthen The Independence Of The Rule Of Law Institutions And Ensure Their Consistency With International Standards .....	9
Output 1.2: Evidence-Based Planning And Policy Development In The Justice And Security Sectors Are Strengthened.....	11
Output 1.3: West Bank And Gaza Rule Of Law Institutions Are Reunified .....	15
Output 1.4: Advocacy On Strengthening Rule Of Law Institutions And Promoting Human Rights Is Reinforced.....	15
Outcome 2: Service Provision By Rule Of Law Institutions Is Effective, Accountable And Inclusive ....	17
Output 2.1: Quality And Efficiency Of Security And Justice Services Provided To The Palestinian Citizens Are Improved.....	18
Output 2.2: Quality And Efficiency Of Security And Justice Services Provided To Areas Unserved By The Palestinian Government (Area C, Hebron 2 And EJ) Are Improved.....	266
Outcome 3: All Palestinians, Especially Children And Vulnerable Groups, Have Access To Justice, Security And Protection Without Discrimination .....	29
Output 3.1. Vulnerable Populations Have Access To Justice, Security And Protection .....	30
Output 3.2. Vulnerable Populations In Areas Unserved By The Palestinian Government Have Access To Justice, Security And Protection.....	32
Outcome 4: Women’s Access To Justice And Security Improved Through Gender-Responsive Service Delivery And Empowerment Of Women.....	355
Output 4.1: Technical And Institutional Capacities Of Rule Of Law Institutions To Respond To The Needs Of Women Are Improved .....	355
Output 4.2: New Practices Of Justice And Security Service Providers Are Supported To Transform Their Attitudes And Behaviors Towards Women And Girls.....	388
Output 4.3: Women And Children Have Access To Justice, Security And Protection .....	399
<b>II. Monitoring And Evaluation .....</b>	<b>422</b>
<b>III. Research And Communication Products.....</b>	<b>422</b>
<b>IV. Indicator Based Performance Assessment.....</b>	<b>44</b>
<b>V. Resources.....</b>	<b>5252</b>



## I. Progress Against Key Targets

### Outcome 1: Rule of Law Institutions are Strengthened and Reunified By Legal, Regulatory *ad* Policy Frameworks In Line With International Standards

The realization of outcome 1 is premised on the principle that revising key legislation and ensuring its compliance with international standards (output 1), reunifying West Bank and Gaza Strip justice institutions (output 3), strengthening planning and policy development institutional capacities (output 2) as well as leveraging civil society's advocacy efforts (output 4) all contribute to the independence of rule of law institutions. The progress witnessed over *Sawasya II*'s first 6 months of implementation was achieved in a context that commands immense political investment in the face of a stagnating reconciliation process and of the 12-year blockade that continues to contribute to Gaza's institutional decline. Cognizant of the current dynamics and drawing from *Sawasya I*'s lessons<sup>5</sup>, *Sawasya II* developed a 'politically smart' approach that factors in these structural challenges and provides for a flexible and **adaptable implementation framework**. As a result, a user-friendly booklet entitled '**guidelines for reviewing and drafting legislation from a gender perspective**' was developed and support continued to the ***Al-Muqtafi* database**. Further to this, the programme continued to support evidence-based planning and monitoring through expertise provided to the Palestinian Bureau of Statistics (PCBS) for the development of the **biannual 'Rule of Law and Access to Justice Survey'**, to the development of a **pilot strategic results framework** at the level of the Prime Minister's Office and of **5 sectoral results action plans linked with the National Policy Agenda's** policy goals and interventions and to the **monitoring and implementation of SDG 16 [+]**. Congruent with its 'politically smart' approach, *Sawasya II* geared its efforts towards **securing a unified civic space for engagement** in the reconciliation process to provide for evidence-based advocacy. As a first step, the programme supported the publication of the "*Necessity c. Expediency: Transitional Justice in Palestine*" in line with *Sawasya II*'s efforts to reinforce the civil society's capacity to monitor the reconciliation process and the performance of rule of law institutions for it to be able to develop evidence-based advocacy strategies in adherence to international human rights standards. With enhanced accountability of duty bearers in mind, *Sawasya II* and CSOs, through consultations facilitated by the programme, identified **court monitoring as an area of intervention** to be further invested in 2019.

#### ***Output 1.1: Key Legislations are Revised to Strengthen the Independence of the Rule of Law Institutions and Ensure their Consistency With International Standards***

*Sawasya II* bases its intervention on the premise that strengthened rule of law institutions entail compelling legislative frameworks reflective of international human rights obligations. In the context of Palestine, a number of structural hindrances stand on the way to the domestication of international standards within laws that can be enforced across the territory. Among these impediments, we count the complex web of interwoven - and at times contradictory - laws that compose the Palestinian legal system and which originate from Ottoman, British, Jordanian, Egyptian and Israeli legislative sources. Legislative discrepancies between the Gaza Strip and the West Bank only widened as a result of the 12-

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<sup>5</sup> Under the 2014-2018 previous programmatic intervention ("Strengthening the Rule of Law in the OPT: Justice and Security for the Palestinian People"), thereafter referred as *Sawasya I*.

year division between the Government of Palestine and the *de facto* authority. In the resulting absence of a functioning legislature, executive authorities have been left assuming lawmaking functions, issuing fragmented legislations that go through unpredictable adoption cycles. In view of the *status quo*'s persistence, *Sawasya II* continued to engage, during the reporting period, in enhancing drafting and review capacities of key institutional actors with the aim of operationalizing international human rights' key elements – and in particular gender justice principles – under the current legislative framework.

Concretely, this translated into *Sawasya II*'s support to the finalization of the '**guidelines for reviewing and drafting legislation from a gender perspective**' by Birzeit University's Institute of Law, whose development began under *Sawasya II*'s inception phase<sup>6</sup> under the auspices of the Gender Legislative Committee<sup>7</sup>. The document aims to accompany the development and revision of legislation by ensuring that it is congruent with standards enshrined in CEDAW, to which the State of Palestine is a party to. In order to operationalize the instrument, *Sawasya II* organized a workshop in October 2018 with 25 institutional actors from the Council of Ministers (COM), the MOJ, the HJC, the Ministry of Women's Affairs (MOWA), the Ministry of National Economy (MNE) and the Legislative and Advisory Bureau (LAB) who are involved in lawmaking and review activities through the Legal Harmonization Committee and the Gender Legislative Committee. The participants had the opportunity to discuss available pathways that can lead to a comprehensive legislative reform, including the reform of the Personnel Status Law and of the Penal Code for full alignment with international standards. The participants also stressed the importance of disseminating the gender-mainstreaming instrument<sup>8</sup> to facilitate the reviewing and drafting of legislation from a gender perspective; its publication will be supported by the programme in 2019.

As part of *Sawasya II*'s strategy to make the legislative review methodology more sustainable and systematic, the programme's intervention focuses on further strengthening the accessibility and sustainability of the *Al-Muqtafi* legal database developed by Birzeit University's Institute of Law. Building upon support provided during *Sawasya I*'s<sup>9</sup>, *Sawasya II* entered into a one-year partnership agreement with Birzeit University to enhance *Al-Muqtafi*'s connectivity with the view of accompanying its transition into a financially sustainable and fully operational national compendium of law and jurisprudence. Accordingly, the *Al Muqtafi* database was updated with the inclusion of 8 issues of the Palestinian Official Gazette, 91 laws and 12 amended legal provisions. *Al-Muqtafi* was also enriched with jurisprudence commentary of significant rulings issued in 2018 and with the itemization of 165 legal principles deriving from these decisions. Further to this, the programme provided support to

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<sup>6</sup> Progress and achievements made during *Sawasya II*'s inception phase were reported under the 2014-2018 previous programmatic intervention ('*Strengthening the Rule of Law in the OPT: Justice and Security for the Palestinian People*') thereafter referred as *Sawasya I*.

<sup>7</sup> The Gender Legislative Committee is mandated under the national Violence against Women Strategy with reviewing existing and draft laws from a gender perspective.

<sup>8</sup> 95% of participants expressed their wish to see the gender checklist booklet published at the earliest time.

<sup>9</sup> Within the framework of *Sawasya I*'s Legal Harmonization Project, Birzeit University's Law Institute expanded the *Al-Muqtafi* database to automatically link draft laws to Gazan and West Bank legislation, to the international treaties to which Palestine is a party to and to reference post-2007 laws passed and rulings issued in the Gaza Strip. A feature, accessible to legal researchers was also developed to support them in documenting the legislative research process.

updating the database data structure to ensure its compatibility with Akoma Ntoso standards<sup>10</sup>. In view of a gradual phase out of *Sawasya II*'s support to *Al-Muqtafi*, the programme will facilitate exchanges with stakeholders in the legal profession and justice sector, to discuss the financial sustainability of the *Al-Muqtafi* database.

With regard to support the Legislative Harmonization Committee established in 2017<sup>11</sup>, *Sawasya II*, OHCHR, and EUPOL COPPS closely aligned their positions vis-à-vis the work of the Committee. Given a perceived lack of institutional support to the work of the Committee, the three agencies jointly raised this with the Ministry of Justice and the Prime Minister's Office. As a result of this joint advocacy, an instruction was given to line Ministries by the PMO to identify legislation for review against international standards (and in particular against the Convention on the Elimination of All Forms of Discrimination Against Women). *Sawasya II* also decided to not engage in any further technical support in this area at this time but will be ready to support any political level dialogue moving forward.

### ***Output 1.2: Evidence-Based Planning and Policy Development in the Justice and Security Sectors are Strengthened***

Evidence-based planning and policy development are contingent upon robust and systematic research reflective of citizens' views. Cognizant of this, UNDP, under its "Rule of Law & Access to Justice Programme in the oPt" (2010-2014), engaged in systemizing biannual surveys on the rule of law and access to justice for Palestinians. In order to do so, UNDP closely partnered with the PCBS to develop a sustainable and replicable research methodology. After 7 years of programmatic engagement towards the reinforcement of the State of Palestine's public opinion research capabilities relating to the justice and security sectors, the PCBS was able to produce an encompassing set of data with *Sawasya II*'s limited technical support<sup>12</sup>, which included: guidance on update of the 2015 questionnaire, structuration of inputs from different development partners and dialogue facilitation with institutional stakeholders for data collection purposes. Generally perceived as a neutral institutional actor, the PCBS was able to collect compelling data, in both the West Bank and Gaza Strip; although, limitations remained as data on regular courts and on trainee lawyers in the Strip could not be collected. Data collection began under *Sawasya II*'s inception phase and was finalized in October 2018. The '*Rule of Law and Access to Justice Survey*' targeted two main groups amounting to 16, 216 individuals: the general public (13,866 out of whom 11,602 responded – 5,870 males/ 5,732 females) – including direct users (2,258 – 1,623 males/635 females), and experts (2,350 - out of whom 1,974 responded – 1,307 males/667 females<sup>13</sup>) (main highlights available under section III). The '*Rule of Law and Access to Justice Survey*' will be published during the first quarter of 2019. Further to its support to standardized data collection and analysis, *Sawasya II* continued to engage with partners in developing encompassing

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<sup>10</sup> 'Akoma Ntoso' stances for Architecture for Knowledge-Oriented Management of African Normative Texts using Open Standards and Ontologies. The international technical standard aims to represent executive, legislative and judiciary documents in a structured manner.

<sup>11</sup> The Legislative Harmonization Committee is chaired by the MOJ with 13 representatives of key line ministries and of civil society and is mandated with ensuring the compliance of draft legislation with international human rights treaties.

<sup>12</sup> This support took place under *Sawasya II*'s inception phase.

<sup>13</sup> 450 individuals who directly benefitted from Ministry of Justice's services were included in the 'expert survey' sample as the methodology used differs from this of the 'general public survey'.

planning and monitoring processes able to track progress against the State of Palestine’s National Policy Agenda (NPA) and to mainstream Sustainable Development Goals (SDGs).

**Evidence-based planning and monitoring processes**

In 2017, the State of Palestine adopted a comprehensive policy framework that sets out 30 overarching goals and 118 corresponding interventions with the aim of improving public service delivery. ‘Putting Citizens First’ is the core principle around which the NPA’s (2017-2022) ambitious vision is articulated and that is guiding the implementation of the 5 interrelated sectoral strategies. Cognizant of the importance to ensure coherency between the strategies, *Sawasya II* continued to provide tailored support to the Prime Minister’s Office’s General Secretariat mandated with the mainstreaming of the NPA’s policy goals and interventions. During *Sawasya II*’s inception phase and with the programme’s sound support, the Prime Minister’s Office’s General Secretariat was able to establish a General Directorate for Monitoring and Evaluation (GD/ME) tasked with the designing and automation of a monitoring system that would allow for the timely tracking of progress against NPA’s targets and against SDGs.

Building upon this, the programme provided technical expertise to the GD/ME, which led to the development of a **unified strategic results framework pilot (SRF)** - reflective of the NPA’s policy goals and interventions - as well as of **5 sectoral results action plans (RAPs) including the justice and security sectors**. The programme was instrumental in guaranteeing that institutional actors’ considerations are properly reflected and integrated in the SRF and in the corresponding RAPs. This translated into the organization of a workshop, in November 2018, with representatives from the 7 main justice and security institutions<sup>14</sup> as well as from the Ministry of Infrastructure, the Ministry of National Economy, the Ministry of Education and the Ministry of Health to collect inputs and validate the framework<sup>15</sup>. The SRF, which was formally endorsed by the Prime Minister’s Office in December 2018, is key to ensuring flexibility and the proper implementation of the NPA as well as of the Justice

Sector Strategy (JSS) for 2017-2022. The SRF will also be the basis for the development of an automated M&E system and will be instrumental in ensuring resource streamlining.



*Photo 2: Validation session of the assessment on the justice sector’s M&E and planning capacities, Ramallah, Dec. 2018. Copyright UNDP*

Cognizant of the fact that M&E focal points will be pivotal to the institutionalization of the SRF, *Sawasya II* supported staff’s capacity building through 5 coaching sessions on the pilot and the development of sectoral implementation guidelines of the M&E sector. The programme also continued to support the two recruited M&E officers formalized through the signing of a second Letter of Agreement (LoA) in September

<sup>14</sup> The 7 justice institutions include the Ministry of Justice, the High Judicial Council, the Attorney’s General Office, the Supreme Judge Department, the Legislative Advisory Bureau, the Palestinian Judicial Institute and the Constitutional Court.

<sup>15</sup> On this occasion, the participants suggested the completion of reporting activities before the issuance of the budget forecast. The comment was duly integrated into the M&E implementation guidelines.

2018<sup>16</sup> between the PMO and the programme with the aim of developing performance reporting templates and of assessing current needs for the establishment the M&E automated system. Once developed, these templates will serve as basis for the completion of the first round of reporting and for the development of the automated M&E system in 2019. Further to this, *Sawasya II* conducted an assessment on the justice sector’s M&E and planning capacities<sup>17</sup> in light of JSS’s targets and NPA’s policy goals and interventions, which involved the GD/ME, the main 7 justice institutions (Ministry of Justice, the High Judicial Council, the Attorney’s General Office, the Supreme Judge Department, the Legislative Advisory Bureau, the Palestinian Judicial Institute and the Constitutional Court) as well as the General Personnel Council (GPC), in light of the key role it is anticipated to play in implementing recommendations. The assessment recommended that the GPC develops standardized training courses for planning and M&E staff at the level of the National School of Administration and that planning SOPs are developed and cover the seven justice institutions; once established these SOPs will be the first of the kind in any Palestinian institution. A first validation session was organized in December 2018 with heads of planning units from the 7 main justice institutions and from the GPC on the assessment’s findings. During the first quarter of 2019, a second workshop will be conducted, with *Sawasya II*’s support, to present the validated recommendations to the Prime Minister’s Office’s General Secretariat and to the GPC. With the SRF being formally endorsed, the programme’s support will primarily focus in 2019 on automating the M&E system and on implementing recommendations from the assessment on justice sector’s M&E and planning capacities (i.e. development of planning SOPs covering all justice institutions and standardization of M&E courses at the level of the National School of Administration). With regard to JSS’ awareness raising, the main 7 justice institutions<sup>18</sup> developed a matrix of activities they wish to conduct in 2019, which will guide the programme’s intervention.

### Monitoring and implementation of SDG 16 [+]



*Photo 3: Participation of SDG 16 WG to Istanbul Innovation Day, Istanbul, Nov. 2018. Copyright: UNDP*

As evidenced by the 2017-2022 NPA’s emphasis on ‘putting citizens first’, the Government of Palestine strongly committed to the implementation of the 2030 Agenda for Sustainable Development. Against this backdrop, the Council of Ministers formed a national team in 2017, placed under the auspices of the Prime Minister’s Office (PMO), which, in close collaboration with the National Statistics Team (led by the Palestinian Central Bureau of Statistics (PCBS)) and the National Sustainable Development Forum, identified sustainable development priorities and mainstreamed key targets within the NPA (2017-2022) as well as within sectoral strategies.

<sup>16</sup> A first LoA was signed in September 2017 during *Sawasya II*’s inception phase and provided for the recruitment of the two M&E officers, equipment procurement and the organization of a workshop on the new manual M&E system.

<sup>17</sup> Planning units are the cornerstone of sectorial evidence-based planning. They are mandated with identifying priorities, developing strategies and action plans, following up on project implementation, monitoring/assessing results against key targets, centralizing capacity building efforts and locating funding opportunities.

<sup>18</sup> The 7 justice institutions include the Ministry of Justice, the High Judicial Council, the Attorney’s General Office, the Supreme Judge Department, the Legislative Advisory Bureau, the Palestinian Judicial Institute and the Constitutional Court

To ensure that SDGs are properly localized within the Palestinian context and that they closely align with the NPA (2017-2022), dedicated working groups for their implementation were established, including one aiming to support the realization of “SDG 16: promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”<sup>19</sup>. The Ministry of Justice-led SDG 16 working group (SDG 16 WG) brings together key West Bank’s and Gaza Strip’s civil society actors, relevant governmental actors and independent institutions<sup>20</sup> - with the close support of UNDP and OHCHR – and aims to structure coordination, to centralize planning, monitoring and reporting and to organize advocacy efforts. The most salient result to date is the submission by the State of Palestine of its Voluntary National Review (VNR) during *Sawasya II*’s inception phase<sup>21</sup>. This extensive reporting exercise highlighted the need for further localization of SDG 16, awareness raising on its potentialities and mainstreaming of its goals and targets within existing M&E instruments. In light of this, continued support to the SDG 16 WG remained a focus of *Sawasya II*’s intervention during the reporting period. This translated into support to the participation of SDG 16 national team’s lead to the annual ‘Istanbul Innovation Days’ (IDD) in November 2018. The IDD provides a valuable platform for the acceleration of organizational learning on emerging trends and innovative approaches to development and policy making. This represented an opportunity for Palestine to learn from counterparts’ experience on SDG 16’s implementation and monitoring mechanisms prior to the development in 2019 of an implementation plan. With regard to this, the programme agreed to reinforce its support to the SDG 16 national team through the recruitment of a *Sawasya II*-sponsored coordinator that will assist the working group in developing its implementation plan and in ensuring its integration into relevant institutional work plans and adequate monitoring mechanisms. Cognizant of the fact that SDG 16 is not a standalone goal<sup>22</sup>, the working group will work to extend synergies with other SDGs – and in particular “SDG 5: achieve gender equality and empower all women and girls”. The State of Palestine’s engagement towards SDG 16[+] reflects the current shift from a monitoring-oriented to a realization-oriented approach, which will be further cultivated through the SDG 16 national team’s participation to the various regional events leading up to the High-Level Political Forum (HLPF) programed in New York in July 2019. In line with this, the SDG 16 national team will showcase its achievements in a case study that will be featured in the SDG 16+ Report of the *Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies*, thereby ensuring increased visibility of the State of Palestine and leveraging awareness raising efforts that will be further domestically supported in 2019.

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<sup>19</sup> Thereafter referred as ‘SDG 16’

<sup>20</sup> Governmental bodies and independent institutions include: Ministry of Justice; Prime Minister’s Office; Ministry of Interior; Ministry of Foreign Affairs; Ministry of Local Government; Ministry of Finance; General Personnel Council; Palestinian Central Bureau of Statistics (PCBS); Independent Commission for Human Rights; Palestinian Anti-Corruption Committee

<sup>21</sup> *Sawasya II*’s inception phase ran from 1 May 2017 to 30 June 2018 and is not covered in present report (reported under *Sawasya I*)

<sup>22</sup> Due to its linkages with most of other SDGs, SDG 16 is often referred as SDG 16+.

### ***Output 1.3: West Bank and Gaza Rule of Law Institutions are Reunified***

The stalled reconciliation process between the West Bank-based Government of Palestine and the *de facto* authority in the Gaza Strip continues to severely affect the country's rule of law sector and to negatively impact prospects for institutional reunification. Cognizant of the limited programmatic window of opportunity, *Sawasya II* devised its interventions following a 'politically smart' approach (as above detailed) that factors in existing constraints. On the reunification front, this translated into support geared towards securing a **unified civic space for engagement** in the reconciliation process able to provide for evidence-based advocacy. The programme's approach entails extensive engagement with key actors (law professionals as well as civil society representatives) of the reconciliation process to develop applied research upon which a framework for civil society's participation can be developed. In 2018, this materialized in the publication of a report entitled "*Necessity c. Expediency: Transitional Justice in Palestine*" that provides an in-depth legal analysis of the current context and of the successive Palestinian reconciliation agreements and sets out recommendations for an inclusive reconciliation process. Among these, the report particularly stressed the need to accompany the transitional justice process through the development of a legislative framework as well as through a comprehensive reform of the Palestinian Liberation Organization (PLO) and research-based initiatives to address social needs relating to the division. In view of this, the report encourages CSOs to take up a leading role through the development of advocacy campaigns to call for the end of the division, for accountability, for truth searching and for reform of the justice and security sector. The report also recommends that CSOs invest efforts in monitoring the transitional justice process as well as courts' and security apparatus' activities and in providing capacity building for youth leaders on leadership, planning, campaigning and training (ToT). Further to this, the report highlights the need to raise awareness among policy makers on peaceful political transitions, to disseminate a 'rule of law' culture among the youth and to ensure women's political participation throughout the process. In view of this, *Sawasya II* organized two technical workshops with CSOs both in the West Bank and in the Gaza Strip to look into ways to operationalize the aforementioned recommendations through programme-supported activities. In total, 51 CSO representatives participated in the two technical workshops including the Palestinian Bar Association (PBA), human and women's rights organizations/networks, media organizations, youth groups, think tanks and law schools as well as the Independent Commission for Human Rights. The discussions focused primarily on ensuring thorough engagement of CSOs in the reconciliation process through effective monitoring able to provide for evidence-based advocacy that would secure stronger involvement of CSOs at the technical level and enhance representation of woman and youth groups in negotiations. In 2019, the programme will gear its support towards the concretization of this engagement and in particular towards effective networking and monitoring, evidence-based advocacy and enhanced technical involvement.

### ***Output 1.4: Advocacy On Strengthening Rule Of Law Institutions And Promoting Human Rights Is Reinforced***

Drawing upon previous programmatic interventions, *Sawasya II* aims to scale up its support to civil society with the view of strengthening its capacity to effectively monitor the justice and security sector and to develop evidence-based advocacy strategies for the improvement of justice service delivery and for compliance with international human rights standards. To this end, the programme organized two

workshops in the West Bank and the Gaza Strip, in November 2018, with 65 CSO representatives with the aim of harmonizing working methodologies of the various coalitions operating across the State of Palestine and of producing concrete recommendations for strengthened monitoring of and advocacy with duty bearers in the justice and security sector. Among the main recommendations formulated, participants emphasized the need to further strengthen information sharing and coordination around common priorities, both between and within coalitions, and enhance systematic collection of evidence on the functioning of the justice sector, including through court monitoring. These workshops also represented an opportunity to underscore the importance of evidence-based advocacy and to discuss approaches to financing coalition work to enhance sustainability. Furthermore, participants stressed the importance of better reaching out to their constituencies – in particular in marginalized areas – in order to mobilize communities to pressure for political change. Congruent with the workshops' various outputs, two specialized 2-day training sessions on court monitoring were conducted, with the support of a programme-sponsored international expert, for a total of 50 civil society representatives from the West Bank and Gaza Strip as well as members of the PBA and the Independent Commission on Human Rights (ICHR). The sessions' main objectives were to familiarize participants with court monitoring principles and methodology and to draw the participants' attention on the provided added value of court monitoring to evidence-based advocacy, in particular in the area of judicial reform. The vast majority of participants (97.7%) stressed the relevance of court monitoring training to further promote judicial reform and efficient court services in their line of work.



## Outcome 2: Service Provision by Rule Of Law Institutions is Effective, Accountable and Inclusive

The realization of outcome 2 is premised on the principle that by empowering duty bearers at all levels to strengthen service provision in a manner that is rights-based, child-sensitive and accountable to the citizenry, institutions will develop on a trajectory that secures their ability to adjust to the needs of Palestinians. In this regard, *Sawasya II* specifically supported the enhancing of service delivery provided by the PCP, AGO and HJC, during the first 6 months of implementation. This translated into technical support to the development of an **action plan for 2019 to support the rollout of the community policing strategy** that will include the implementation of a **pilot in Jericho Governorate**. To further support inclusive and accountable policing in the framework of the community policing strategy, the programme engaged in fostering synergies between the PCP and CSOs, which materialized in the adoption of **ToRs for a joint accountability task force**. As part of its support to fair and equitable judicial processes, the programme conducted a **comprehensive assessment of Hebron Governorate's judicial capacities** with the specific view of identifying bottlenecks relating to justice delivery, and in particular to enforcement. The assessment enabled *Sawasya II* and key stakeholders to identify responses to current challenges faced by pivotal institutions, namely the need for greater involvement in planning processes. On the inspection front, the programme conducted a **comprehensive assessment of mechanisms** in place that will inform 2019's interventions. Further to this, the programme supported **capacity building of AGO staff with the view of enhancing current detention monitoring processes** and of ensuring compliance with human rights standards. In 2018, the programme continued to engage with the Palestinian Judicial Institute (PJI), resulting in the development of a **comprehensive training database portal**.

Congruent with the expansion and customization of Mizan II undertaken under *Sawasya I*, the programme continued to support the development of an e-justice strategy through the **assessment of IT needs** within the MOJ, HJC, AGO and the Supreme Judge Department (SJD) that highlighted the programme's main areas of intervention for the upcoming year. With UNICEF formally joining *Sawasya II*, the programme is now able to leverage the Agency's expertise to enhance child-sensitive institutional delivery.

In 2018, the programme's interventions particularly centered on further operationalizing the Juvenile Protection Law (JPL) adopted in 2016. This took place through training of 22 newly enrolled juvenile police officers and 33 child protection counselors on the core principles guiding juvenile justice interventions and on their new judicial responsibilities. Support was given to the strengthening of coordination mechanisms between **juvenile judges and prosecutors on case execution**. Field visits also took place to **children in Palestinian detention facilities** and **concerning practices** were observed, such as detention of children with adults and arrest/detention of children by unspecialized police.

## **Output 2.1: Quality and Efficiency of Security and Justice Services Provided to the Palestinian Citizens are Improved**

Improving the quality and efficiency of security and justice services provided to Palestinian citizens is at the core of *Sawasya II*'s intervention. In pursue of this objective, the programme geared its efforts towards inclusive and accountable policing and towards fair, equitable and child-friendly judicial procedures. As part of this support, the programme proceeded to assess HRU/AGO's current inspection capacities and to further develop a comprehensive e-justice strategy.

### **Support to inclusive and accountable policing**

*Sawasya I*'s engagement yielded substantial results on the police accountability front. In close collaboration with EUPOL COPPS, the Palestinian Civil Police (PCP) was able to significantly strengthen its internal accountability system through the establishment of a unified complaint office within the Ramallah-based PCP Directorate as well as of an online-based complaint system. Further to this, the PCP was able to develop a unique disciplinary code utilized by the three accountability units, namely the Bureau for Grievances and Human Rights, the Police Security and Disciplinary Department and the Inspector General's Office. With *Sawasya I*'s support, the PCP's efforts to enhance its accountability also extended to the reinforcement of its HR capacities as job descriptions were developed for all staff members across its units and as a Code of Conduct was designed.

With core accountability mechanisms in place, *Sawasya II*'s intervention primarily focuses on their operationalization in a manner that ensures involvement and oversight of the Palestinian civil society and the participation of communities. In view of this, the programme supported in 2018 PCP's efforts to operationalize its community policing strategy. The PCP's engagement on the community policing front began in 2016 with the support of *Sawasya I*, EUPOL COPPS and the GIZ. In this context, the PCP established in 2017 a Community Policing Core Team (CPCT) comprised of 22 representatives from the 7 PCP's specialized units and tasked with the operationalization of the community policing strategy across Palestine<sup>23</sup>. Building on achievements realized over the last two years, *Sawasya II* organized a workshop in October with the CPCT on the occasion of which, the team developed an **action plan for 2019 to support the rollout of the community policing strategy** across the West Bank's 11 districts.



*Photo 4: International conference on community policing, Tunis, December 2018. Copyright: UNDP*

Further to this, *Sawasya II* supported the participation of 6 CPCT members in a regional conference on community policing held in Tunis, in December 2018, with experts from Algeria, Canada, Chili, France, Japan, Jordan, and the Netherlands. Reflecting on the Tunisian experience in the

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<sup>23</sup> During *Sawasya II*'s inception phase, members of the CPCT participated in a 3-day training on the community policing strategy in Jericho's Police Academy.

post-2011 context, the conference represented an opportunity for the Palestinian delegation to learn from the country’s community policing operationalization. Tunisian representatives outlined their approach to community policing<sup>24</sup> and underscored the need to underpin it with adjusted curricula and robust M&E processes. The Palestinian delegation enhanced its knowledge of existing community policing models and was able to exchange with counterparts on the forthcoming implementation of the Jericho project. In this regard, the CPCT was able to **fine-tune elements of the community policing pilot**, which will include the establishment of a local coordination committee in Jericho. To accompany its rollout, *Sawasya II* will support the recruitment of a consultant who will be mandated with undertaking a stakeholder analysis and a security assessment and with developing a communication action plan on community awareness raising. The development of the community policing pilot will also be informed by a survey on the population’s perception of security services – with particular attention to the PCP - and will inform awareness raising efforts. In addition to enhancing Palestine’s visibility on the community policing front and to showcasing achievements realized since 2016, the conference also provided the delegation with an opportunity to strengthen south-south cooperation that will be further explored by *Sawasya II* and the Tunisia UNDP Office.

In addition to *Sawasya II*’s support to the operationalization of the community policing strategy, the programme - in coordination with EUPOL COPPS - assisted the PCP and civil society in establishing a



*Photo 5: Workshop on PCP-CSO accountability task force, Ramallah, November 2018. Copyright: UNDP*

task force mandated with strengthening police accountability through enhanced synergies with civil society. In view of this, the programme organized a workshop, in November 2018, that brought together PCP’s representatives and members of 15 CSOs, and which led to the **development of TORs for a joint CSO/PCP accountability task force**. Further to this, *Sawasya II* will conduct, in 2019, an external evaluation with a view to assessing the effectiveness of the current PCP accountability system, focusing specifically on complaint and disciplinary measure processing. The evaluation will particularly consider internal referral mechanisms and the division of labor between the 3 PCP accountability units. In 2019, the programme will also aim at improving the general

public’s awareness of PCP’s accountability mechanisms, as it currently stands at low 20%<sup>25</sup>. To do so, *Sawasya II* will accompany the taskforce’s efforts in developing tailored awareness raising activities.

<sup>24</sup> In Tunisia, 10 pilot stations were developed throughout the country consisting of local security committees placed under the leadership of municipal authorities with representatives of the police and civil society organizations. The committees developed local security plans, currently being implemented in pilot areas.

<sup>25</sup> According to the *Rule of Law and Access to Justice Survey*, only 6.7% of the population is fully aware of PCP’s complaint mechanisms and 13.3% shows partial knowledge. It brings the percentage of individuals without knowledge of accountability mechanisms to 73.2%.

## Support to fair and equitable judicial procedures

Under *Sawasya I*, support to fair and equitable judicial procedures yielded substantial results. Among others, the programme's engagement provided for the development of e-services across the justice chain and for the establishment of a Unified Warrant System through the expansion and further customization of Mizan II. Enforcement and notification processes were also substantially enhanced with, *inter alia*, the development of separate enforcement departments at the level of family courts



*Photo 6: Assessment visit to the Hebron City's family court's enforcement department, November 2018, Hebron city. Copyright: UNDP*

and through the establishment of specialized judicial and prosecutorial services across the justice chain. In spite of these achievements, the previous programmatic interventions highlighted enforcement gaps, in particular in West Bank's most populated Hebron Governorate.

Congruent with the 2016 Joint UN Strategy for Hebron<sup>26</sup>, *Sawasya II*'s human-rights based programmatic intervention commands that the complexities of the area are properly reflected in tailored approaches that pay specific attention to the most vulnerable segments of Palestinian society<sup>27</sup>. In consideration of this, *Sawasya II* conducted an assessment<sup>28</sup> with the specific view of

identifying main areas of improvement by closely examining: the courts' operational challenges and caseload; notification and enforcement challenges and collaboration between key actors of the justice and security sector. In this regard, the assessment highlighted the lack of human resources at courts' level within Hebron Governorate<sup>29</sup> - with a gap of over 60 judges – making the area one of the least staffed in the West Bank. Predictably, Hebron Governorate's first instance courts shoulder the highest caseload per judge in the West Bank<sup>30</sup>. Similarly, the ratio of prosecutor/inhabitant stands at 0.3 against 5.7 for the rest of the West Bank. Planning processes being centralized at the level of the HJC, the assessment spotlighted the general lack of knowledge of the JSS (2017-2022) and of its respective goals and targets. However, the development of the SRF and sectorial action plans supported by the programme under Outcome 1/Output 1.2 clearly defines deliverables with regard to yearly backlog reduction and to HR (including administrative staff), which will be an opportunity for *Sawasya II* to support further alignment between budgets and implementation needs. In view of this, the assessment

<sup>26</sup> Joint UN Strategy for Hebron (2016), UNSCO, available at [https://unsc.unmissions.org/sites/default/files/joint\\_un\\_strategy\\_for\\_hebron.pdf](https://unsc.unmissions.org/sites/default/files/joint_un_strategy_for_hebron.pdf)

<sup>27</sup> The specific context within which Palestinian institutions operate in Hebron Governorate is detailed under "Output 2.2: Quality And Efficiency Of Security And Justice Services Provided To Areas Unserved By The Palestinian Government (Area C, Hebron 2 And EJ) Are Improved"

<sup>28</sup> The assessment included Hebron City court (conciliation and first instance), Dura court (conciliation and first instance), Halhul court (conciliation) and Yatta court (conciliation) as well as the 6 family courts under Hebron Governorate's jurisdiction (Hebron City court, Dura court, Halhul court, Yatta court, Al-Zahiria court, Tarqumia court). Hebron Governorate's 11 police stations were also part of the assessment (Noba PS, Izan PS, Sa'er PS, Halhoul PS, Hebron City PS, Hebron Old City PS, Banu Na'im PS, Dura PS, Yatta PS, Alsamou' PS, Al-Zahiria PS).

<sup>29</sup> 30 judges and 175 various administrative staff are deployed in the Hebron Governorate. This is considerably under the 2017-2022 JSS target that stands at 13 judges/100,000 inhabitants, the current Hebron Governorate ratio being 711,223 (2016 census) individuals/30 judges.

<sup>30</sup> Caseload by judge by WB's governorate in 2017: Hebron (651), Nablus (526), Ramallah (456), Bethlehem (401), Jenin (347), Tulkarem (332), Jericho (233), Qalqiliya (214) (source: assessment)

suggests that **Hebron Governorate be considered a pilot for the participation of local courts in the budget and work plan development process** for the years 2020-2022. Further to this, the assessment recommends that focus group discussions are organized at Governorate level to inform the upgrade of Mizan II in line with newly issued laws. During the first quarter of 2019, a workshop will be organized with relevant stakeholders to present the assessment's findings/recommendations and to develop activities accordingly.

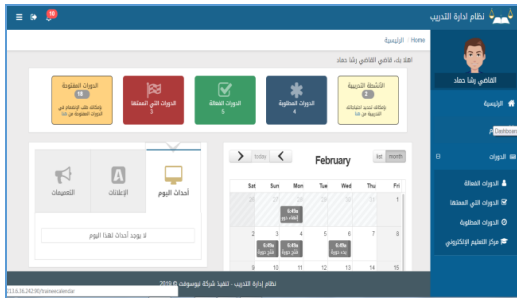
### **Support to HRU/AGO and judicial institutions' inspection mechanisms**

In December 2018, *Sawasya II* organized a two-day workshop with inspection departments of the AGO, HJC and family courts in order to inform the assessment conducted by an international expert on judicial inspection and to introduce participants to global practices in relation to judicial inspection. The workshop also aimed to clarify the role and division of labor between inspection departments, human right units and other mechanisms involved in oversight and quality assurance of the work of judges and prosecutors. 22 participants from the HJC, AGO and family courts attended the workshop and discussions, focusing primarily on analysis of the interlinkages between different procedural stages and mechanisms with the view of enhancing accountability and transparency. Upon completion of the workshop, the participants were able to **formulate recommendations including on the need to unify inspection functions of the AGO and the HJC** and further alignment of family courts' inspection mechanisms. Furthermore, the assessment proposes the development of a unified code of conduct for the Judicial Inspection and of indicators for court performance using Mizan II. The assessment also recommends the exchange of information and enhanced coordination between the public prosecution and the HJC as well as the development of an online complaint system between the two institutions. Based on the assessment report that was produced by the expert on judicial inspection, *Sawasya II* will support the development of unified templates as well as the organization of joint visits, the strengthening of the complaint system and systematic coordination between the HJC and AGO.

In addition to the above, *Sawasya II* organized a joint workshop in close collaboration with EUPOL COPPS and OHCHR on detention monitoring with the support of the AGO's Human Rights Unit (AGO/HRU). The workshop aimed to raise public prosecutors' awareness on international standards in relation to detainees' rights and to the monitoring of places of detention. The workshop also aimed to clarify roles and responsibilities amongst stakeholders involved in prison monitoring and to identify opportunities for enhanced coordination and engagement. 45 participants from the AGO, HJC, MOJ, MOI, Ministry of Social Development (MOSD) and the PCP's Correction and Rehabilitation Centers Department (PCP/CRCO) attended this workshop. Upon completion of the workshop, the participants were able to formulate recommendations that included the need for enhanced synergies between the prosecution and the judiciary (including joint visits), increased frequency of visits, enlarged inspection coverage to all detention facilities (not only correction and rehabilitation centers) and enhanced follow-up processes in adherence to the Optional Protocol to the Convention against Torture. The participants also proposed to **align monitoring templates with international standards**, with a particular focus on the detention conditions of women and juveniles.

## Strengthened capacity of the Palestinian Judicial Institute

Since its establishment in 2008, the Palestinian Judicial Institute (PJI) aims to develop a cadre of better educated Palestinian judges and prosecutors who can contribute to improved justice service provision. In pursue of this objective, *Sawasya II* aims to further support the systematization of continuous learning modalities across justice institutions. However, one of the main gaps that remains to be bridged is the absence of a formal recording system that would enable institutions to follow up on HJC/AGO staff's training status.



*Photo 7: Caption of the PJI online portal.  
Copyright: UNDP*

In consideration of this, the programme supported the establishment of a **comprehensive training database portal**, which was completed in November 2018. The portal will ensure that training sessions attended by judges and prosecutors are recorded by the PJI and centralized in a coordinated manner allowing for capacity building efforts to be tailored to the needs of HJC/AGO staff. In addition to this, the portal contains an e-learning feature for the development of online basic and specialized training. The portal represents an important step towards the effective management and centralization of capacity building efforts. Further to the establishment of the portal, *Sawasya II*

supported the development of the first e-learning course as a pilot to assess its operationalization and to set criteria for the creation of additional e-courses. To this end, the PJI and HJC, in close collaboration with the programme, identified the Code of Conduct's basic course as first online pilot training to be developed through the PJI portal<sup>31</sup>. Online-based courses are key to enhancing training completion and to diffusing a culture of transfer knowledge within institutions. Additionally, online-based training enable institutions to retain institutional memory longer through its electronic formalization<sup>32</sup>. In view of the above, the designing phase was completed in the last quarter of 2018 and the course will be finalized in 2019, with the support of a *Sawasya II*-sponsored external service provider.

## Support to development of the e-justice strategy

Under *Sawasya I*, the expansion and customization of Mizan II allowed for the development of e-services across the justice chain and of a dedicated portal that benefit both justice service beneficiaries and law professionals. Under *Sawasya II*, the programme aims to expand e-justice services under the umbrella of a coherent e-justice strategy that will be reflective of the state-sponsored legal aid scheme.

In 2018, progress towards the development of a **comprehensive e-justice strategy translated into IT needs assessments of the main judicial institutions**: the MOJ, HJC, AGO and SJD. The assessments

<sup>31</sup> The course is mandatory for all prosecutors and judges.

<sup>32</sup> Senior judges close to retirement age participated in the development of the Code of Conduct online course.



highlight the main areas of reinforcement that will benefit from *Sawasya II*'s support. As regards the MOJ, the assessment outlines the need for the reinforcement of current e-justice services and in particular those relating to justice records, endorsement, arbitration certificates, forensic medicine as well as association formation. The assessment also highlights the need for enhanced internal IT capacity with a view to hosting the e-justice platform. In line with this, storage capacity would need to be expanded and IT security to be improved through the recruitment of a security and networking expert, with support from *Sawasya II*. As regards the SJD, the needs assessment recommends that Mizan II be expanded to family courts' enforcement departments established with the support of *Sawasya I* and that IT capacity (including hardware/software and IT/data storage equipment) and training be provided accordingly. The assessment also outlines the need for upgrading and expanding the current Adalah case management system to all family courts. In consideration of this, the programme will support the implementation of Mizan II and the expansion of Adalah in 2019, with the recruitment of a part-time programmer in 2019. As regards the HJC, the assessment outlines the need to upgrade the current Mizan II case management system to its online version in order to maximize its potentialities. In 2019, *Sawasya II*'s support to the HJC will entail IT capacity reinforcement through the provision of new equipment to accompany the transition. Finally, with regard to the AGO, the assessment highlights the need to enhance and customize Mizan II to enable specialized departments to use the case management system and to support the enforcement of judicial decisions. In 2019, *Sawasya II*'s support will translate into the provision of adequate resources (i.e., recruitment of a senior programmer and IT equipment). In parallel, a security assessment of MIZAN II was conducted during the reporting period to evaluate MIZAN II's structure and security procedures. In light of the current system's vulnerabilities, *Sawasya II* will support a three-phased security upgrade of the case management system within the HJC, starting with phase I in 2019<sup>33</sup>. Concretely, Mizan II's software will be enhanced to link each user's account to a unique mobile number and to improve backup and recovery processes. *Sawasya II* will also work to ensure Mizan II's high availability through the creation of a clustered database.

In addition to the above comprehensive e-justice needs assessment, *Sawasya II* aims to capitalize on collaboration and networking relating to case management in the Arab region to develop its e-justice strategy and showcase Palestine's achievements in this area. As a result, the programme participated in a conference organized by the Lebanese University of Beirut with the presence of about 300 participants including a delegation from the League of Arab States and of representatives from the Lebanese Ministry of Justice and High Judicial Council, France, Qatar, Saudi Arabia, Sudan and Tunisia along with law academics and professionals. During the conference, *Sawasya II* had the opportunity to showcase MIZAN II's achievements thus far (including the user survey conducted in 2018) and to present its different features and connected e-services. During the conference, the programme identified the **need for more sustained exchanges on case management with other regional stakeholders** who showed a particular interest in Mizan II. This represents an opportunity for the State of Palestine to play a regional leading role on the case management front and to initiate south-south cooperation. Accordingly, *Sawasya II* will support in 2019 the organization of a regional conference on case management by the HJC in Amman with the aim of comprehensively presenting the Palestinian

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<sup>33</sup> Phase 2 will focus on creating a disaster recovery plan, documenting ITC procedures and processes, providing network monitoring tools and on providing general security awareness with advance cyber security training. Phase 3 will focus on capacity building related to security information and event management system.

experience relating to case management systems (Mizan II and Adalah) in the justice sector, of exchanging on and learning from MENA countries' experience and of identifying entry points for south-south cooperation.

### **Support to the development of child-friendly justice procedures**

During its inception phase, the programme, assessed the national juvenile justice system with the view of informing interventions under *Sawasya II*. The assessment aimed to document and examine current detention practices, diversionary measures – including alternatives to detention – and access to justice for children victims of serious crimes in light of the provisions set out in the JPL (2016). Despite the protective legal framework, the assessment found that the lack of coordination among main juvenile justice actors detrimentally hampers progress on access to specialized services for vulnerable children. It also found that frontline justice service providers lack the capacity to deliver services that are in adherence to the JPL. To illustrate, the assessment highlighted that the 33 child protection counselors regularly fail to complete social enquiries for children in contact with the law. This is part of their additional workload as reflected in the JPL. The lack of infrastructure and judicial capacities to ensure access to diversionary measures and mediation as well as access to rehabilitation and treatment programmes translates into limited access to services, often characterized by the absence of quality assurance. The 'Access to Child Justice' assessment report recommended investments in the capacity building of justice actors as well as towards improved documentation of the treatment of children across Palestinian detention facilities.

*Sawasya II* prioritized capacity building efforts for specialized service. The programme supported the delivery of training sessions on juvenile justice to 22 newly enrolled juvenile police officers and 33 child protection counselors. The police officers were introduced to the core principles guiding juvenile justice interventions, and particularly the concepts of 'best interests of the child' (BIC) and ensuring case confidentiality. In a post-training assessment, all the participants reported that they acquired knowledge on how to adequately conduct interviews involving children (e.g. types of question to be asked), on how to ensure that family circumstances are properly captured and reflected and on how to ensure proper case management. On-the-job coaching and mentoring activities were planned for police officers, however they could not take place due to police regulations, which do not allow for a third party to be present during assignments. As a result, an adjustment was made to support the **enrolment of 12 juvenile police officers in an 18-month professional diploma on supervision**, to allow for in-house supervision capacity. A further 33 child protection counselors were trained in order to provide them with support to cope with the additional workload. As a result, the child protection counselors benefited from 59 group supervision sessions and 65 coaching visits. During the visits, the child protection counselors were provided with direct support to conduct case conferences and home visits. The intervention proved particularly beneficial as the **33 child protection counselors reported being able to complete needs assessments, develop action plans and draft social enquiry reports**. By strengthening case management processes for children, the programme reinforced juvenile justice best practices as it enables the prosecution to make more informed decisions.

In addition to its support to ensure informed prosecution, *Sawasya II* also further aligned the execution of judicial decisions with principles set out in the JPL. The justice system has a limited capacity for



follow up on the execution due to the lack of sequential and systematic procedures. To address the programme during the inception phase of *Sawasya II* exposed eight juvenile prosecutors and judges to how the Jordanian juvenile justice processes function.

Drawing from the Jordanian experience, the participants were able to brief the Chief Justice and Attorney General on needed actions to introduce observed best practices in the Palestinian context (such as the important role of the execution judge). Building upon the visit, the programme organized a follow-up workshop by the HJC/AGO with the presence of 7 specialized judges (out of 12) and 27 juvenile prosecutors (out of 39). The participants were able to identify the main bottlenecks to implement the JPL. This included lack of specialization of juvenile judges (they preside over civil cases as well as juvenile ones), the lack of specialized clerks and the absence of enforcement monitoring processes (i.e. forms). In response, participants **agreed to develop referral procedures between juvenile judges and prosecutors for the execution of cases**. These referral procedures would enable timely transfer of cases to the juvenile prosecution after judgement is issued, allocating sufficient time for appeals and follow up on execution. Furthermore, procedures, guidelines and execution forms will be developed to support the execution judge in determining whether to amend, extend or replace a given sentence and on whether the case should be sent back to the juvenile judge. Roles and responsibilities of the Child Protection Counselors and of the Family and Juvenile Protection Unit are to be further clarified and execution forms developed. These workshop recommendations were shared with the Chief Justice and were endorsed for follow up.

Furthermore, to support the development of child-friendly procedures, the programme conducted **visits to children in Palestinian detention facilities and documented violations against them**. Questionnaires were collected from 75 children in conflict with the Palestinian law who received legal representation to ascertain any due process violations during their interrogation, trial and detention; a further 15 affidavits were completed for those who experienced ill-treatment in detention. Analysis of the 75 questionnaires indicates that children in conflict with the Palestinian law are often ill-treated and their rights are routinely violated. Specifically, 22.6% (17) children were detained with adults; 18.6% (14) of children were detained using improper procedures and were arrested by unspecialized bodies such as the Palestinian Security Forces and other police departments; 13.3% (10) were handtied during arrest and 8% (6) were subjected to physical violence. In light of these findings, the programme will support in 2019 the launching of the “Know Your Rights” campaign that will target children in conflict with the Palestinian law and community awareness sessions for parents on juvenile justice mechanisms. Sensitization of police to child-friendly approaches to policing will be further ensured through the development of dedicated SOPs in the Gaza Strip. In addition to this, the programme will support the development of a mediator guidelines and of a training toolkit for mediators. The programme will also further its support to alternative to detention measures and mechanisms through, *inter alia*, the mapping and assessment of relevant institutions, the development of referral pathways and capacity building support to key organizations in collaboration with the Ministry of Social Development.

## **Output 2.2: Quality and Efficiency of Security and Justice Services Provided to Areas Unserviced by the Palestinian Government (Area C, Hebron 2 And EJ) are Improved**

Efforts invested towards the delivery of quality justice and security services continued to be hampered by an overly centralized institutional culture and by allocated resources that do not meet the needs of Palestinian citizens. In areas over which the Government of Palestine has limited jurisdiction (East Jerusalem, Area C and Hebron H2), the situation is particularly exacerbated and can result in, some instances, in a complete absence of rule of law enforcement. In view of this, *Sawasya II*'s gears its efforts towards strengthening Palestine's institutional capacity to deliver services to all citizens across the territory through the full operationalization of the community policing strategy (2016) and tailored and innovative interventions.

### **Support to enhanced access to justice and security service provision in Area C**

Under *Sawasya I*, support to fair and equitable judicial procedures yielded substantial results. Among others, the programme's engagement provided for the development of e-services across the justice chain and for the establishment of a Unified Warrant System through the expansion and further customization of Mizan II. Enforcement and notification processes were also substantially enhanced with, *inter alia*, the development of separate enforcement departments at the level of family courts and through the establishment of specialized judicial and prosecutorial services across the justice chain.

However, in spite of these considerable achievements, the delivery of justice and security services remains particularly challenging in sizable parts of the Palestinian occupied territory. This is particularly the case in West Bank's most populated Hebron Governorate where about 11% of the Palestinian population lives in Area C<sup>34</sup>. Further to this, the important presence of Bedouin communities in Hebron Governorate coincides with firmly established informal justice structures that represent major hurdles to access to fair and equitable judicial procedures for many, and particularly for children. These issues are compounded by the fact that Hebron Governorate's main urban areas are disconnected by area C's lands, which limits the PCP's scope of intervention and often results in a blatant lack of rule of law enforcement. Congruent with the 2016 Joint UN Strategy for Hebron<sup>35</sup>, *Sawasya II*'s human-rights based programmatic intervention commands that the complexities of the area are properly reflected in tailored approaches that pay specific attention to the most vulnerable segments of Palestinian society. In consideration of this, *Sawasya II* conducted an assessment<sup>36</sup> with the specific view of identifying main areas of improvement by examining: the courts' operational challenges and caseload; notification and enforcement challenges and collaboration between key actors of the justice and security sector

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<sup>34</sup> 2016 data. See: *Joint UN Strategy for Hebron* (2016), UNSCO, available at [https://unsco.unmissions.org/sites/default/files/joint\\_un\\_strategy\\_for\\_hebron.pdf](https://unsco.unmissions.org/sites/default/files/joint_un_strategy_for_hebron.pdf)

<sup>35</sup> *Joint UN Strategy for Hebron* (2016), UNSCO, available at [https://unsco.unmissions.org/sites/default/files/joint\\_un\\_strategy\\_for\\_hebron.pdf](https://unsco.unmissions.org/sites/default/files/joint_un_strategy_for_hebron.pdf)

<sup>36</sup> The assessment included Hebron City court (conciliation and first instance), Dura court (conciliation and first instance), Halhul court (conciliation) and Yatta court (conciliation) as well as the 6 family courts under Hebron Governorate's jurisdiction (Hebron City court, Dura court, Halhul court, Yatta court, Al-Zahiria court, Tarqumia court). Hebron Governorate's 11 police stations were also part of the assessment (Noba PS, Izan PS, Sa'er PS, Halhoul PS, Hebron City PS, Hebron Old City PS, Banu Na'im PS, Dura PS, Yatta PS, Alsamou' PS, Al-Zahiria PS).

(results outlined under output 2.1). In view of the constraints faced by the Government of Palestine on the enforcement front in the area, the programme suggested that Hebron Governorate be considered a pilot for the participation of local courts in budget and work plan development for the years 2020-2022. Further to this, the programme will concentrate in 2019 in further automating enforcement processes in the Governorate in order to ensure that judicial decisions reach duty bearers and right holders more efficiently.

### **Increased capacity of communities to deliver security services**

The PCP's engagement on the community policing front began in 2016 with the support of *Sawasya I*, EUPOL COPPS and the GIZ and aimed at developing an encompassing framework for community-based policing across Palestine. Through this approach, the PCP intended to substantially reinforce rule of law enforcement particularly in areas unserved by the Government of Palestine through inclusive and participatory mechanisms. As a first step towards the operationalization of the strategy, the PCP established in 2017 the Community Policing Core Team (CPCT) comprised of 22 representatives from 7 PCP's units, which was completed in 2018 by *Sawasya II*'s support to the development of an action plan for 2019 for the strategy's rollout across West Bank's 11 districts (as outlined under output 2.1).

In light of the important presence of area C communities in the Jericho Governorate, the implementation of the community policing pilot in Jericho, which will begin in 2019 following a stakeholder/security analysis and a perception survey, will be particularly informative for the expansion of the community policing approach to other areas. In anticipation of this, the programme organized a workshop with the CPCT in October 2018 to **identify avenues for the expansion of the community policing strategy** and to ensure complementarity with other interventions, and in particular with the GIZ-funded community policing pilot currently rolled out in Salfit and the technical support provided by EUPOL COPPS. In view of this, the CPCT recommended to first expand community policing in areas where police structures are already in place.

### **Support to the development of Alternative Dispute Resolution Mechanisms**

Alternative Dispute Resolution (ADR) commonly refers to a set of mechanisms - mediation, arbitration and conciliation - a society utilizes to resolve disputes without resorting to costly adversarial litigation. In Palestine, such mechanisms are utilized within different fields of law (commercial, family law, civil law) and with different degrees of formality. *Sawasya II* envisages support to mechanisms that offers alternative dispute resolution for Palestinian residents in Area C, Hebron H2 and East Jerusalem in a way that is more accessible, less costly and time-consuming than litigation, and that tends to have a stronger focus on restorative justice outcomes. However, despite the potential advantages that ADR can represent in terms of access to justice, they tend to reflect weaknesses that are also found in the formal justice system in terms of equal protection of the rights of women and children. Therefore, for ADR to promote qualitative justice for Palestinian women and children, the historical and cultural contexts informing gender and age-related biases need to be addressed. Congruent with its strict human rights based approach that draws on UN policy and practice, *Sawasya II* will finalize an assessment in 2019 on arbitration with a focus on the current legal framework relating to ADR, on mapping out existing mechanisms in the West Bank (including East Jerusalem) and in the Gaza Strip

and on identifying entry points for programmatic interventions that enhance access to justice for women and children. While there exists some definitional overlap between ADR and mechanisms commonly referred to as informal justice, this assessment focuses on mechanisms that are regulated through legal frameworks or controlled through accountability mechanisms. In light of the assessment's recommendations, the programme will provide technical and financial support to CSOs in developing and implementing tailored ADR activities.

### Outcome 3: All Palestinians, Especially Children and Vulnerable Groups, Have Access to Justice, Security and Protection Without Discrimination

The realization of outcome 3 is premised on the principle that if vulnerable populations have access to justice, security and protection, all Palestinians will have equal means to seek justice and settle disputes. Under *Sawasya I*, the programme contributed to the provision of a wide range of legal aid services to over 90,000 individuals in both the West Bank and the Gaza Strip through support to the PBA<sup>37</sup>, CSOs, legal aid clinics and the MOSD (for juvenile offenders). Although *Sawasya I*'s action enabled the provision of tailored legal aid services to marginalized segments of Palestinian society in both the West Bank and the Gaza Strip, this legal aid approach suffered from a lack of coordination between the various interventions, which included a programme-funded *pro bono* scheme (PBA's West Bank), support to legal aid lawyers within Gaza Strip's PBA branch as well as support to university and CSO-based legal aid clinics and to direct legal aid provision by CSOs.

In light of the above and reflective of the Government of Palestine's commitment towards the implementation of its international obligations<sup>38</sup> and of its domestic legislation<sup>39</sup>, *Sawasya I* supported the establishment of a National Legal Aid Committee (2016) established to develop a state-sponsored legal aid scheme. Over the first 6 months of implementation and following extensive engagement under *Sawasya I*, substantial progress was witnessed on this front with the **endorsement in November 2018 of a National Legal Aid Strategy (NLAS) by the NLAC**. In parallel, the programme looked into innovative ways to mainstream social justice principles in law practices by introducing the concept of legal incubators to key actors, which will be further explored in 2019 through support to a **pilot incubator in East Jerusalem** in the framework of *Sawasya II*. The programme also geared its efforts towards the reinforcement of the Government of Palestine's capacity to deliver services to unserved communities through the organization of a workshop on the coordination of legal aid services in East Jerusalem.

Meanwhile, the programme continued to support the **provision of legal aid services to communities unserved by the Government of Palestine, including 137 vulnerable children in East Jerusalem**. The programme also invested in **legal awareness raising** efforts reaching out to **130 children and parents** from East Jerusalem communities (women: 24, men: 6, boys: 90, girls: 10). In the Gaza Strip, the programme continued to support the provision of legal aid services in unserved communities by the Government of Palestine reaching out to **1,321 individuals (including 947 women)**.

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<sup>37</sup> Support to the Gaza Branch of the PBA in providing legal aid services, through funding of salaried legal aid lawyers at the level of the PBA who inter alia provided legal support to female inmates (consultation and court representation); more than 40 lawyers were provided with an intensive training on VAW, gender equality and responsive representation to VAW cases in. Support to the West Bank Branch of the PBA in establishing a Pro Bono legal aid clinic, roster of pro bono lawyers, and development of a *Pro Bono* Legal Aid Strategy for the PBA, for defendants in criminal cases including women and children.

<sup>38</sup> Since 2014, the State of Palestine is a party to the International Covenant on Civil and Political Rights, which states in its article 14 that everyone charged with a criminal offense should "have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it"

<sup>39</sup> The right to access to legal aid for vulnerable individuals in enshrined in article 14 of the State of Palestine's Basic Law, article 244 of the Criminal Procedure Code, article 10 of the Juvenile Protection Law, article 44 of the Law of the Palestinian Association for Regular Lawyers.

### ***Output 3.1. Vulnerable Populations Have Access to Justice, Security and Protection***

Under output 3.1, the programme focused on supporting the government of Palestine in establishing a state-sponsored legal aid system that is able to provide vulnerable communities with free legal consultation and representation services before Palestinian courts. The achievements witnessed over the first 6 months of implementation are the result of previous extensive programmatic engagement that led in 2016 to the creation of the National Legal Aid Committee (NLAC) and paved the way for the **endorsement of the National Legal Aid Strategy (NLAS)** in November 2018. In parallel, the programme engaged in exploring innovative ways to improve rates of legal accreditation and the specialization of law graduates in areas of law that are central to legal aid services by **introducing the concept of legal incubator**.

#### **Support the development of a sustainable legal aid system**

In August 2018, the programme provided support to the members of the NLAC<sup>40</sup> in finalizing the NLAS, through a two-day retreat in Jericho. Following intensive discussions, the final components of the Strategy were agreed upon, and after a final round of review, **the Strategy was endorsed by the NLAC in November 2018**. The NLAS outlines the strategic framework and operational modalities for the establishment of a sustainable national legal aid scheme in the State of Palestine. It provides for an independent body to manage State-funded legal aid, delivered by pre-selected lawyers or CSOs. In response to the immediate legal needs in these areas, the Committee agreed to prioritize legal aid in criminal and family law cases during the first phase of the Strategy. In adherence to international human rights standards and global good practices, the NLAS furthermore underscores the need to ensure access to early representation (at the moment of arrest) and to develop specialized services for women and children in contact with the law. The Strategy also addresses the need to develop eligibility criteria and quality assurance mechanisms as part of its implementation plan. The endorsement of the NLAS is an important step forward towards the State of Palestine meeting its obligations under international human rights law, and its recognition of the importance of a functioning legal aid system to ensure a fair, efficient, and effective justice system. In 2019, the NLAC will further work towards the operationalization of the NLAS and towards its institutionalization within a legal aid law with *Sawasya II*'s support.

Further to this, *Sawasya II* supported the participation of members of the NLAC to the UNDP-sponsored 'Third Legal Aid Conference' in Georgia in November 2018. NLAC representatives from the MOJ, HJC and PBA delivered presentations on the work of the NLAC (West Bank) and the work of the Palestinian Bar Association in Gaza in ensuring access to legal aid for indigent and vulnerable individuals. The conference provided an opportunity to learn from innovative practices in relation to the establishment of sustainable legal aid systems, and in particular those from the MENA region. The conference participation was timely and provided additional impetus to the NLAC to endorse the NLAS, which occurred soon thereafter.

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<sup>40</sup> The National Legal Aid Committee is comprised of members of the MOJ, AGO, HJC, Family Courts, PBA, the Independent Commission for Human Rights and academic institutions.

### Upholding social justice principles through legal incubators

Prof. Fred Rooney contributed to the establishment of the Community Legal Resource Network in 1998 to address the access to justice crisis in New York City. Through the Network, law graduates who demonstrated an interest in setting up small law practices in underserved communities were supported through comprehensive training combining professional skill development and small firm management. In addition to this, the Network also provided an exchange platform where lawyers could share knowledge or find referral pathways for clients. These practices intend to serve a two-fold objective: provide services to underserved communities and enhance quality delivery. See Rooney F. & Steele J., *Exporting the Legal Incubator: A Conversation with Fred Rooney*, 9U. MASS L. REV. 108

### Support to the establishment of legal aid incubators

In the continuity of *Sawasya I*'s efforts to promote social justice principles among practitioners and to ease young professionals' entry into the job market, the programme continued to support legal education in 2018. Cognizant of the fact that many young graduates lack practical skills, *Sawasya I* supported 8 university-based legal aid clinics that provided students with the opportunity to hone their legal skills while serving disadvantaged communities. While *Sawasya II* will continue to support the establishment of legal aid clinics in 2019 to ensure continuous gains on the legal literacy front and broad legal aid coverage, the programme explored, in 2018, innovative

ways to boost law graduates' employment and access to legal aid for disadvantaged populations. Drawing from the work of Prof. Fred Rooney who pioneered the first law-school based legal incubator and exported the concept to the Autonomous University of Santo Domingo (Dominican Republic), the programme organized 4 workshops in the West Bank and Gaza Strip with a view **to introducing law practitioners to the concept and to identifying entry points for its development**. This innovative

approach offers prospects for the establishment of new practices that offer affordable high-quality services. The workshops represented an opportunity for participants to exchange on the challenges they regularly face in keeping their practices afloat. In the Gaza Strip, discussions particularly focused on the limited opportunities available to graduates in the Strip, as soaring rates of unemployment continue to affect young professionals. These fruitful exchanges informed *Sawasya II*'s approach, which, in 2019, will work towards the establishment of a pilot incubator in East Jerusalem that will target Palestinian lawyers of East Jerusalem. In order to maximize its impact, discussions are ongoing at UNDP/PAPP to integrate the pilot within a business



*Photo 8: Workshop on legal aid incubator, Ramallah, October 2018. Copyright: UNDP*

incubator being currently developed in Al-Quds University of East Jerusalem. The preliminary results of the East Jerusalem's pilot incubator will inform its expansion to other localities.

### ***Output 3.2. Vulnerable Populations in Areas Unserved by the Palestinian Government Have Access to Justice, Security and Protection***

In the framework of output 3.2, the programme geared its efforts towards the reinforcement of the Government of Palestine's capacity to deliver coordinated services to unserved communities to ensure that vulnerable Palestinians have access to justice, security and protection. In view of this, the Jerusalem Affairs Unit at the President's Office, in partnership with the Ministry of Jerusalem Affairs and *Sawasya II*, organized, in November 2018, a workshop on coordination of legal aid in Jerusalem. The workshop brought together key stakeholders involved in legal aid provision in East Jerusalem to discuss challenges and agree on recommendations to strengthen legal aid coordination. 35 representatives from the PA, PLO Commissions and civil society organizations attended the workshop. Participants highlighted the **need to develop an inclusive forum for coordination of legal aid** involving PA/PLO offices, private lawyers and civil society. They also stressed the need to strengthen joint legal strategies and case referral, to develop quality assurance mechanisms and to deepen research on and analysis of funding gaps. Finally, the workshop highlighted that data collection on legal aid services should be strengthened and unified, and that the legal community should have access to a unified database to analyze gaps and coverage in legal aid provision in front of Israeli jurisdictions. *Sawasya II* will be taking forward these recommendations in 2019, including through organizing a follow up workshop focused on legal aid coordination for clients from the West Bank and Gaza.

In parallel to the above-mentioned support to legal aid coordination, the programme invested efforts in the provision of legal aid services **to vulnerable communities, including 137 vulnerable children in East Jerusalem**. *Sawasya II's* also invested in **legal awareness raising** efforts— in adherence to the UN Principles and Guidelines on Access to Legal Aid<sup>41</sup>, reaching out, during the reporting period, to **130 children and parents** from East Jerusalem communities (women: 24, men: 6, boys: 90, girls: 10). Similarly, a total of **1,321 individuals (including 947 women) accessed legal aid services** among whom **263 benefitted from legal representation** before Palestinian courts in the Gaza Strip.

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<sup>41</sup> Drawing on the definition outlined by the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, *Sawasya II* programme adopted a broad definition for legal aid that includes: (i) legal education and legal awareness; (ii) legal consultation; (iii) legal representation before courts.



## Provision of legal and psychosocial services to unserved vulnerable population in East Jerusalem

Continuing legal support to East Jerusalem communities is needed in order to improve access to justice, security and protection for children. Mindful of the specific interventions the situation of children in East Jerusalem commands, *Sawasya II* provided **legal aid services to 137 boys** between 12-17 years of age, including legal counselling sessions and representation. During arrests, transferred and/or interrogated children are at risk of physical and emotional ill-treatment. Practical measures such as ensuring children's access to a lawyer, especially at the early stages of arrest, are critical to minimize those risks and prevent children from signing at times forced confessions.

In adherence to the broad UN definition of legal aid inclusive of legal education and awareness<sup>42</sup>, the programme invested efforts to raise communities' awareness of children on their rights at the moment of arrest and under detention. Awareness raising sessions on children's legal rights during arrest and detention are crucial for children and parents, as it empowers communities to

know their rights and exercise them accordingly. During the reporting period, **3 awareness raising sessions** were conducted by two lawyers in 3 so-called 'hot spot' areas in East Jerusalem **reaching out to 130 children and their parents** (women: 24, men: 6, boys: 90, girls: 10). Parents and children commended the awareness sessions as they reportedly enhanced their awareness of basic legal rights.

Further to this, the programme continued to work towards the reintegration of 386 ex-detainee children and to provide support to their caregivers. Psychosocial support to ex-detainee children is central to normalize their situation and for them to be able to reengage in school and family activities. Additionally, 41 children (23 boys and 18 girls) received structured psychosocial support and 10 boys received individual counselling. This support is key to reducing the often traumatic impact of arrest and detention on children and their families. It consisted of home visits, individual and group counselling as well as structured psychosocial activities targeting children and their parents.



*Photo 9: Legal awareness session on the rights of children, East Jerusalem, August 2018. Copyright: UNICEF*

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<sup>42</sup> See footnote 36

## Legal aid provision to unserved vulnerable population in the Gaza Strip

In parallel to the above mentioned support to legal aid coordination, the programme continued to



*Photo 10: Coordination workshop of legal aid providers, Gaza, December 2018. Copyright: UNDP*

address pressing legal aid needs. During the reporting period, the programme entered into partnership with 4 CSO-based legal clinics in the Gaza Strip that provide legal counselling and representation (before family courts) to individuals whose financial resources are not sufficient to afford regular legal services. Furthermore, the programme maintained its partnership with the PBA's Gaza Branch, which continued to provide marginalized communities with legal counselling through its 3 field offices and representation before regular courts in the Gaza Strip. In 2018, a total of **1,321 individuals (including 947 women) accessed legal aid services** among whom **263 benefitted from legal representation** before Palestinian courts. In anticipation of the NLAS' operationalization, the programme supported, in December

2018, a workshop on coordination between legal aid providers in the Gaza Strip with representatives of the 4 partner CSOs and of the PBA (Gaza) during which they agreed to strengthen their referral, monitoring and reporting capacities in the framework of the 'Awn Access to Justice Network'.

Furthermore, the programme entered into a two-year partnership with 9 CSOs (2019-2020) to provide legal aid services to vulnerable Palestinians in front of Israeli jurisdictions (in the West Bank, East Jerusalem and Gaza Strip). With the programme's support, the provision of legal aid will particularly focus on rights relating to access to social and labor benefits as well as residency status, family reunification and child registration. The CSOs will also concentrate on settler violence cases, family law issues, detention and on challenging restrictions of movement.

#### **Outcome 4: Women's Access to Justice and Security Improved Through Gender-Responsive Service Delivery And Empowerment Of Women**

The realization of outcome 4 is premised on the principle that if capacity of rule of law institutions to respond to the needs of women are improved, space is provided for new practices to emerge and for attitudes towards women to be transformed. In turn, if women and children have access to justice, security and protection then institutions are incrementally gender-responsive and women are empowered to access and participate in service delivery. In order to stir this virtuous cycle, *Sawasya II* continued to **support the reinforcement of the Gender Unit and the Family Protection and Juvenile Unit within the PCP**. On the prosecution front, *Sawasya II* provided **key support to prosecutors specialized on violence against women to finalize and endorse SOPs** and to identify areas of development for the upcoming year. With regard to support to the reinforcement of effective, operational and multi-sectoral services for SGBV survivors, *Sawasya II* continued to **facilitate dialogue between actors involved in the serious case review and VAW referral mechanisms**. The programme also **worked towards the establishment of a coordination body within the HJC**, mandated with the management and adjudication of VAW cases. In order to improve the general capacity of the judiciary to comprehensively respond to the needs of women, *Sawasya II* and the HJC/SJD closely collaborated to **identify capacity building's needs within regular and family courts** relating to violence against women, which will inform the programme's engagement with partners from 2019 onwards. As part of its multi-faceted strategy to enhance gender equality and women's access to justice and security, the PCP, with *Sawasya II*'s support, **initiated the development of its 'gender curriculum' that will be mainstreamed within Police Academy's educational programmes**.

Further to this, in order for women to access improved justice and security services that efficiently protect them, the programme supported the **training of 70 newly graduated lawyers and journalists** on issues relating to women's rights, gender and access of women to justice. Finally, *Sawasya II* and its partners **reached out to 2,655 beneficiaries** (2,190 women) through awareness raising sessions in the Gaza Strip that aimed to increase access to information related to women's rights and gender justice.

#### ***Output 4.1: Technical And Institutional Capacities Of Rule Of Law Institutions To Respond To The Needs Of Women Are Improved***

*Sawasya II* targets specialized service providers within the justice and security chain, including the police, the prosecutors, the judiciary and the MoSD with the aim of strengthening their capacity to manage VAW cases in an efficient and responsive manner. It also supports the justice and security institutions to develop and harmonize their procedures and by-laws in line with best practices and international standards and supports the establishment of a coordinated multi-sectoral services protective of survivors' dignity and right to life.

### **Improved capacity of security institutions to respond to the needs of women**

In 2018, *Sawasya II* supported the development of a work plan for 2019 for the PCP Gender Unit to ensure that priorities and envisaged work are in alignment with the PCP Gender Strategy (2017-2022). To ensure that all relevant actors are included in the process, meetings were conducted at district level with the 16 gender coordinators (including 7 women) during which main pillars and interventions were agreed upon. Informed by these local consultations, the **PCP Gender Unit annual work plan for 2019 was endorsed** by the MOI in December 2018. Similarly, **the Gender Mainstreaming Administrative Programme 2019 work plan of the Security Sector Strategic Plan (AP9) was finalized** in December 2018 by the MOI in close collaboration with involved institutions. During the development process, the programme ensured that resources are maximized among the different sectors taking part in the Gender Mainstreaming Administrative Programme through joint activities and staffing capacity.

On the cybercrime front, the **programme and the PCP's Family Protection and Juvenile Unit (FPJU) jointly established a detailed work plan for 2019** to inform *Sawasya II's* interventions that will aim to enhance responsive management of cybercrime related cases committed against women and girls. During *Sawasya II's* inception phase, a series of training sessions were conducted that brought together FPJU and cybercrime officers to discuss challenges faced when investigating cybercrimes. One of the major recommendations formulated during the workshop was the provision of expertise to the FPJU/cybercrime unit for the development of guidelines on responsive case management for cybercrimes committed against women and girls. *Sawasya II* will be taking this recommendation forward in 2019 and will recruit a consultant to provide technical support to the development of guidelines.

### **Improved capacity of prosecution services to respond to the needs of women**

During the reporting period, continued progress towards improved capacity of prosecution services to respond to the needs of women was witnessed. As a result of *Sawasya II's* support, VAW SPPs were able to **finalize SOPs on the prosecution of cases involving violence against women, which were approved by the Attorney General's Office** in December 2018. The SOPs cover all stages under the capacity of prosecutors - including investigation, litigation and referral of VAW cases – and are in adherence to international human rights standards. Following the SOPs' finalization, the programme supported the organization of a two-day training session delivered by the VAW Chief Prosecutor and a VAW SPP with a view to building the capacity of 25 administrative staff (15 women and 10 men). In parallel, the programme supported the preparation of an assessment by VAW SPPs on operational challenges faced in executing the specialized prosecution's mandate. The assessment highlights that the specialized prosecution remains limited in terms of VAW monitoring capacity and that SPPs are often not able to maintain gender-responsive standards at the investigation and litigation phases. In view of this, the programme supported the development of an annual work plan for 2019 by the Attorney General's Office that include capacity building of SPPs on VAW responsive prosecution and monitoring. Additionally, in order to further foster organizational development, the programme will support in 2019 the recruitment of a consultant that will identify opportunities to streamline work practices and support the Chief Prosecutor in efficiently leading the specialized prosecution. The consultant will also provide support to the elaboration of guidelines on case management that will

involve the PCP (FPJU/Cybercrime Unit) and the specialized prosecution on VAW and cybercriminality to build greater synergies on the latter front.

### **Support to effective, operational, multi-sectoral services in place for SGBV survivors**

Strengthening the coordination and cooperation between service providers within justice and security institutions is critical to ensure that resources allocated to the provision of comprehensive and responsive multi-sectoral services to SGBV survivors are maximized. Leveraging UN Women's expertise, the programme focused on reinforcing mechanisms established under *Sawasya I* for the referral of VAW cases to shelters. *Sawasya II* supported the organization of a meeting with 6 representatives from the PCP (FPJU), the specialized prosecution and the MOSD to discuss bottlenecks in referral processes. The meeting was the opportunity for participants to discuss coordination gaps in VAW case referrals and to agree on a number of recommendations, including the organization of meetings with relevant stakeholders to present the case conference manual and to enhance cooperation at district level, the streamlining of admission procedures and the update of the MoUs between the MOSD and the PCP/public prosecution. These recommendations were summarized in follow up action points circulated among partners by the programme.

In 2018, the programme's support also resulted in securing the MOSD's involvement in the platform. Further to this, *Sawasya II* supported the **establishment of a coordination body within the HJC** mandated with the management and adjudication of VAW cases. To this end, the programme – jointly with the HJC's Gender Unit – drafted a concept note that outlines the operational modalities of the coordination body, including the delineation of its responsibilities and envisaged referral mechanisms within the judiciary. Following the elaboration of the concept note, the programme conducted 3 consultations (September-November 2018) bringing together 51 representatives (29 women) from the HJC (Gender Unit/VAW judges) and the PCP (FPJU), the MoSD and the Mehwer Center<sup>43</sup>. Participants were able to discuss challenges and to exchange on enhanced coordination modalities between the judiciary and other stakeholders as well on the need to establish mitigative measures to avoid duplication of interventions with other stakeholders. The participants formulated a number of recommendations that aim to provide for effective operational, multi-sectoral services for SGBV victims. Among them, the participants stressed the need to ensure that psychosocial reports are an inseparable component of the case file and that social counselors are allowed to attend court sessions. In 2019, the programme will support the consolidation of the HJC's various inputs and the development of TORs for the coordination body.

During the reporting period, *Sawasya II* also facilitated the activation of the serious case review mechanism to examine coordination between the PCP, VAW SPPs, the MOSD, Bethlehem Governorate as well as from Mehwar Center in light of the homicide of a couple who had, earlier in 2018, sought protection from involved institutions. The meeting was convened to shed light on the circumstances that led to the murder of the couple and to analyze the important gaps in issuing and coordinating protective measures. This meeting led to a number of recommendations that will be follow through

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<sup>43</sup> 3 consultation sessions took place during the reporting period: the 1<sup>st</sup> one targeted 14 VAW judges (7 males and 7 females); the 2<sup>nd</sup> one targeted 18 persons (12 females and 6 males), including representatives of MoSD, VAW judges and the GU at the HJC; the 3<sup>rd</sup> one targeted 19 representatives (10 females and 9 males) of the judiciary (VAW judges) and the PCP/ FJPU representatives.

with the support of *Sawasya II*: enhanced communication with the HJC and judges to foster compliance with the newly amended (2018) article 99 of the Penal Code that repels the reducing of sentences for serious crimes under the pretext of honor; systematized documentation of procedural steps taken by service providers; enhanced advocacy with the general public to raise awareness on crimes committed under the pretext of honor; provided psychosocial support and protection to involved service providers as well as established dialogue platform between the PCP and SPPs.

### **Improved capacity of the judiciary to meet the needs of women**

Taking into consideration the need for more responsive judicial services as one of the main prerequisites to enhance access to justice to women, *Sawasya II*, in collaboration with the HJC, prepared a concept note on the training needs of VAW judges. The concept note was developed following recommendations elaborated during meetings and focus group discussions facilitated under *Sawasya I* with judges and the HJC's Gender Unit regarding the training needs of judges. The concept note covers different aspects related to the responsive adjudication of VAW cases, such as VAW and international human rights conventions, legal interpretation and incorporation of international human rights principles and international customary law into domestic rulings. At the end of 2018, *Sawasya II* advertised a call for proposal and identified opportunities for partnership that will be further explored in 2019. Similarly, the programme supported the development of a concept note on training needs of family courts' prosecutors and judges, in close collaboration with the SJD. A call for proposal was also advertised to explore opportunities for engagement with academic institutions with *Sawasya II*'s support. Moreover, a criterion list for responsive infrastructure was prepared by the HJC's Gender Unit with the support of *Sawasya II*'s technical expert, to ensure that VAW services within the judiciary are in adherence to international human rights standards and women's access to justice principles and best practices. In 2019, *Sawasya II* will be taking further the upgrading of current infrastructure capacities and will support refurbishment work for the establishment of the specialized coordination body within the HJC (see above).

### **Support to enhanced security and justice services for women in Gaza**

Congruent with areas of interventions outlined under *Sawasya II* and in line with assessments conducted under the previous programmatic intervention, the programme advertised a call for proposal to identify opportunities for partnership with CSOs in the Gaza Strip that will focus on the delivery of legal aid services and psychosocial support to women survivors of violence – including women in conflict with the law. These interventions will be complemented in 2019 by advocacy and awareness raising activities on women's rights.

### ***Output 4.2: New Practices of Justice and Security Service Providers are Supported to Transform their Attitudes and Behaviors Towards Women and Girls***

As part of its multi-faceted strategy to enhance gender equality and women's access to justice and security, *Sawasya II* aims to support efforts to transform hindering attitudes among service providers towards women and girls. This includes reviewing human resource policies, addressing obstacles to

academic achievements and career progression and creating incentives for women to enter these professions.

In view of this and as part of the implementation of the PCP Gender Strategy, *Sawasya II*, in collaboration with EUPOLCOPPS, the Gender Unit and the PCP's Training Department, the **PCP initiated the development of a 'gender curriculum' that will be mainstreamed within Police Academy's educational programmes**. Important progress towards the finalization of the curriculum has been witnessed in 2018 with the development of its theoretical framework. Further to this, as part of supporting the PCP's Gender Unit (GU) and enhancing its capacity, *Sawasya II* facilitated the **participation of the Head of the PCP's Gender Unit in a gender audit training** at the ILO Training Center in Turin to enhance the Gender Unit's capacity to further mainstream gender in the PCP's work plans, policies, M&E tools and other related tools.

Further to this, *Sawasya II* will support the Palestinian Judicial Institute and the International Association of Women Judges (IAWJ)<sup>44</sup> in organizing, during the first quarter of 2019, a two-day workshop with female judges and prosecutors to discuss challenges and opportunities for career development and advancement within the justice sector and to develop corresponding recommendations.

#### ***Output 4.3: Women and Children Have Access to Justice, Security and Protection***

In order for women to access improved justice and security services that efficiently protect them, the programme organized **two legal training sessions in Rafah and Khan Younis that targeted 70 newly graduated lawyers and journalists (including 60 women)**. The training focused on building their capacity on issues relating to women's rights, gender and enhanced access of women to justice. Following the completion of the training, participants expressed their interest in supporting the implementation of awareness raising activities. On this front, in 2018, the programme's 4 implementing partners in the Gaza Strip reached out to **2,655 beneficiaries (2,190 women) through awareness raising sessions** that aimed at increasing access to information related to women's rights (divorce, custody, alimony, separation) and gender justice. In parallel, the PBA continued to work to support women's access to civil and criminal justice in Gaza. In 2018, a lawyer within the PBA was identified to assess, next year, the quality of services provided to vulnerable groups, and particularly cases involving women.

In order to enhance women's access to justice and ensure the provision of responsive protection and prevention services, *Sawasya II*, through consultation with CSOs and based on findings and recommendations of studies conducted in the framework of *Sawasya I* identified areas that require programmatic interventions, particularly access to justice for women in Gaza – including those with disabilities. In partnership with CSOs in the Gaza Strip and the West Bank, the programme will support evidence-based advocacy for the development of responsive legislative frameworks. On this front, the

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<sup>44</sup> The IAWJ is a global association of female judges that shares a commitment to equal justice for women and the rule of law. Its objective is to "promote and empower women judges who can help uproot gender bias, end discriminatory laws, advance gender-responsive courts, and promote human rights".

programme will particularly engage in court monitoring, strategic litigation, legal aid and psychosocial support for most marginalized groups particularly targeting female inmates and women living in the Negev region. At the end of 2018, a call for proposal was advertised to identify opportunities for engagement with CSOs in the West Bank and selection will be finalized during the first quarter of 2019.

### Lessons Learned and Implementation Challenges

**Legal harmonization:** The legal harmonization process continues to be characterized by an absence of political impetus that translates into limited institutional support to efforts conducted on this front. Drawing from *Sawasya I's* lessons, the programme - during these first months of implementation - activated its 'politically smart' approach, which entailed freezing any technical engagement with the Legal Harmonization Committee and instead increasing advocacy to foster a stronger political will. The issue was raised by *Sawasya II's* Heads of Agencies (UNDP, UN Women and UNICEF) in collaboration with OHCHR and EUPOL COPPS at the level of the Prime Minister's Office and the Ministry of Justice. These coordinated efforts yielded positive results as the PMO instructed line ministries to identify legislation for review against international standards (and in particular against the Convention on the Elimination of All Forms of Discrimination Against Women). *Sawasya II* also decided to not engage in any further technical support in this area at this time but will be ready to support any political level dialogue moving forward.

**Reconciliation/reunification process:** The long-drawn-out reconciliation process seems to have continuously failed to put an end to the 12-year long division between the West Bank and the Gaza Strip. With the 2017 Cairo agreement falling apart only 4 months after its signing, prospects for tangible results on the reconciliation front appear particularly limitative. Furthermore, crucial requirements for the success of reconciliation initiatives entail inclusivity and popular consultation and compelling national dialogue. In the context of shrinking civic space for engagement to increase policy and rule of law reforms, these elements seem to be lacking. In view of this, the contingency of a continuing degradation of the *status quo* was factored in the development of *Sawasya II's* programmatic framework with interventions focusing primarily on building upon investment and partnership with civil society to increase access to justice through engagement with technical-level justice providers. In light of this, *Sawasya II* centered its interventions for 2019 around support to civil society's monitoring of and advocacy for a reconciliation process inclusive of transitional justice measures. In the context of Palestine, judicial reform is key to transitional justice as it has the potentiality to end partisanship within the judiciary and thereby to bolster reconciliation/reunification efforts at political level. From this perspective, the programme will provide sound technical support for the revision of the Judicial Authority Law within the framework of the Informal Donor Group and through CSO participation.

**Family Protection Bill:** As of yet, the Government remains to initiate the domestication process of human rights treaties and conventions, to which the State of Palestine is a party to, and in particular CEDAW. The lack of political impetus to operationalize human rights obligations and to conduct a holistic revision of the current legal framework - specifically the Personnel Status Law and the Penal Code - continues to severely affect women's access to their rights. This situation is particularly exemplified by the long-drawn-out adoption process of the Family Protection Bill, which has spanned



over 14 years. The Bill would provide for an encompassing legal framework that criminalizes most forms of violence, including physical, psychological and sexual violence taking place within the family, which would allow for the establishment of specialized policing, prosecutorial and judiciary services. Although the Bill was endorsed by the COM on 27 December 2018 and transferred to the President's Office, it is expected to return to the Council to be further amended, without tangible prospect for adoption at sight. In addition to the political impediments outlined above, the Bill remains to be fully aligned with international standards and in particular with the Istanbul Convention<sup>[1]</sup> (see full analysis of the FPB in Annex 2). In view of this, the programme will continue to leverage UN Women's expertise to provide informed legal analysis of the Bill and of its amendments. The programme will also engage with the wider development partners' community to support advocacy with relevant stakeholders and with civil society with a view to sensitizing the public on the implications of the absence of a responsive legal framework. In parallel, *Sawasya II* will continue to roll out its gender strategy through its support to responsive frameworks.

**Monitoring and implementation of SDG 16 [+]:** In order to shift from a SDG-monitoring to a SDG-realization oriented approach, the Government of Palestine needs to further localize SDG 16 within the national context and to continue mainstreaming its goals and targets within existing M&E instruments. The submission of the State of Palestine's Voluntary National Review also highlighted the need to further awareness raising efforts with the view of fostering national ownership of the general public and of all relevant actors, including the civil society. Accordingly, the programme will increase its support to the SDG 16 WG through the recruitment of an expert who will assist the group in developing an implementation plan and in ensuring its integration into relevant institutional work plans and adequate monitoring mechanisms. Furthermore, the programme will strengthen its support to CSOs for them to be able to identify and cover organizational needs to better contribute to SDG 16 and leverage the SDG 16 platform.

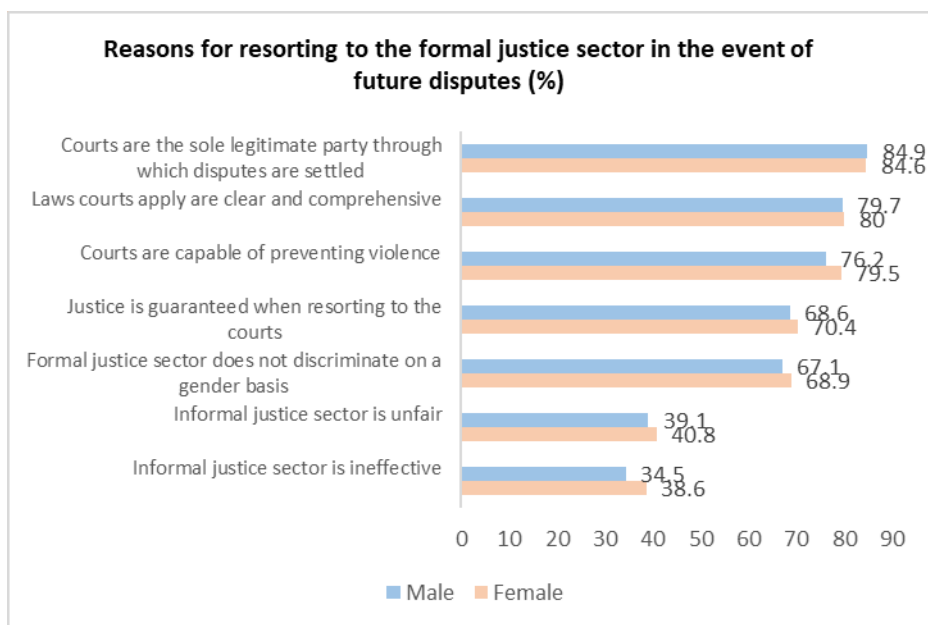
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<sup>[1]</sup> Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (12 April, 2011) available at <https://rm.coe.int/168046031c>

## II. Monitoring and Evaluation

The joint secretariat M&E team is responsible for monitoring and reviewing progress against the results framework indicators to inform reporting to stakeholders. In the framework of *Sawasya II*, the programme automated its monitoring processes, through an integrated software, accessible to all *Sawasya II*'s team members and partners. The new system allows for systematic data collection, timely tracking of progress against key targets and monitoring of activities (including financial transfers), hence reducing resource-consuming administrative work and enhancing transparency. In line with this, and in adherence to the global UNDP's procedures in M&E, *Sawasya II* integrated the 'Harmonized Approach to Cash Transfer' (HACT) modality into its new partnerships with partners and conducted visits to accompany the transition. Partners were introduced to the new M&E system and partnership modalities during orientation sessions conducted by *Sawasya II*.

## III. Research and Communication Products



In adherence to the Code of Practice for Palestine's Official Statistics (2006), the PCBS developed its biannual '*Rule of Law and Access to Justice Survey*' targeting two distinct groups amounting to 16,216 individuals: the general public (13,866 out of whom 11,602 responded – 5,870 males/ 5,732 females) – including direct users (2,258 – 1,623 males/635 females), and experts (2,350 – out of whom 1,974 responded – 1,307 males/667 females<sup>45</sup>). With

regard to the Palestinian security sector, preliminary results indicate that the PCP shows among the highest level of public satisfaction (56.9%)<sup>46</sup>. Overall the formal justice sector enjoys high level of confidence as 84.6% of women and 84.9% of men reported that they believe courts are the sole legitimate authority through which disputes are settled. However, among the reasons highlighted by surveyed individuals for resorting to other avenues than formal justice institutions are the length of court processes (women: 85.3%; men: 89%), the community-based nature of informal justice (women:

<sup>45</sup> 450 individuals who directly benefitted from Ministry of Justice's services were included in the 'expert survey' sample as the methodology used differs from this of the 'general public survey'.

<sup>46</sup> This is the second highest ranked security institution after the Ministry of Interior (57.3%). Presidential security and military intelligence show the lowest levels of satisfaction among Palestinians, with respectively 39.7% and 38.1%.

82.4%; men: 87.1%) and its rapidity (women: 77.1%; men: 81.4%) along with the cost associated with judicial procedures (women: 76.9%; men: 80.2%).

60.9% of judges, on the other hand, indicated that they believe the situation of the judiciary is constantly improving, although 28.5% consider that the rulings are subject to external influences. With regard to resources allocated to the justice sector, only 31% of judges (women: 26.1%; men: 32.5%) regard Palestinian courts' infrastructure as acceptable.

#### IV. Indicator Based Performance Assessment

	<u>Achieved</u> Indicator Targets	Reasons for Variance with Planned Target (if any)	Source of Verification
<b>SAWASYA II OVERALL GOAL: A FUNCTIONING AND INCLUSIVE RULE OF LAW SYSTEM THAT RESPECTS, PROTECTS AND FULFILLS HUMAN RIGHTS AND GENDER EQUALITY, AND PROMOTES PEACE AND SECURITY</b>			
<p><u>Indicator:</u> Percentage of public who have trust in the Palestinian Civil Police. <i>Disaggregated by sex and age</i></p> <p><u>Baseline:</u> 64.1% (Men: 65.3%, Women: 62.9%). Public perception survey (2018) ('Rule of Law and Access to Justice Survey'/PCBS)</p> <p><u>Planned target:</u> Increase of 1% by 2020</p>	N/A (baseline data)	N/A	N/A
<p><u>Indicator:</u> Percentage of public who have trust in the judiciary. <i>Disaggregated by sex and age</i></p> <p><u>Baseline:</u> 57.7% (Men: 60.2%, Women: 55.1%). Public perception survey (2018) ('Rule of Law and Access to Justice Survey'/PCBS)</p> <p><u>Planned target:</u> Increase of 1% by 2020</p>	N/A (baseline data)	N/A	N/A
<p><u>Indicator:</u> % of Palestinian public who are satisfied with the performance of the police. <i>Disaggregated by sex and age.</i></p> <p><u>Baseline:</u> 56.9% (Men: 57.1%; Women:56.7%). Public perception survey (2018) ('Rule of Law and Access to Justice Survey'/PCBS)</p> <p><u>Planned target:</u> Increase of 2% by 2020</p>	N/A (baseline data)	N/A	N/A
<p><u>Indicator:</u> % of Palestinian public who are satisfied with the performance of judges. <i>Disaggregated by sex and age</i></p> <p><u>Baseline:</u> 44.9% (Men: 47.1%, Women: 42.6%). Public perception survey (2018) ('Rule of Law and Access to Justice Survey'/PCBS)</p> <p><u>Planned target:</u> Increase of 2% by 2020</p>	N/A (baseline data)	N/A	N/A
<b>OUTCOME 1: RULE OF LAW INSTITUTIONS ARE STRENGTHENED AND REUNIFIED BY LEGAL, REGULATORY AD POLICY FRAMEWORKS IN LINE WITH INTERNATIONAL STANDARDS</b>			
<p><u>Indicator:</u> Number of existing/new laws amended/adopted in line with international standards</p> <p><u>Baseline:</u> 1 (2017)</p> <p><u>Planned Target:</u> 2 (yearly)</p>	<p>2 articles from the Penal Code:</p> <p><u>Article 308:</u> related to the exemption of penalty for rape perpetrators when in a marital relationship with the victim;</p> <p><u>Article 99:</u> related to the reducing of</p>	N/R	Palestinian Official Gazette

	sentencing for serious crimes under the pretext of honor		
<u>Indicator:</u> Number of policies/regulatory framework/plans adopted in line with international standards <u>Baseline:</u> 0 (2017) <u>Planned Target:</u> 2 (yearly)	1 (Guidelines issued by the AGO/HRU to instruct prosecutors to document/investigate cases that may amount to torture)	In 2018, implementation took place over a six-month period, which limited the programme's scope of intervention.	Institutional partners
<u>Indicator:</u> Number of policies/harmonized laws/plans linked to the Gaza/WB reunification process adopted. <u>Baseline:</u> 0 (2017) <u>Planned Target:</u> 2 (yearly)	0	In light of the stalled reconciliation process, no reunification prospect has been witnessed this year, thereby limiting the programme's scope of intervention.	Institutional partners
<b>Output 1.1: Key legislations are revised to strengthen the independence of the Rule of Law institutions and ensure their consistency with international standards</b>			
<u>Indicator:</u> Number of laws reviewed/revised to align with HR standards <u>Baseline:</u> 2 (2017) <u>Planned Target:</u> 2 (yearly)	2 articles from the Penal Code: <u>Article 308:</u> related to the exemption of penalty for rape perpetrators in a marital relationship with the victim; <u>Article 99:</u> related to the reducing of sentencing for serious crimes under the pretext of honor Further to this, the Family Protection Bill's draft was endorsed by the COM on 27 December 2018 and provides for a legal framework, which partially aligns with HR standards, that criminalizes most forms of violence, including physical, psychological and sexual violence taking place within the family. It would also allow for the establishment of specialized policing, prosecutorial and judiciary services. However, no tangible prospect for adoption is at sight, as of yet.	N/R	Palestinian Official Gazette Institutional partners
<b>Output 1.2: Evidence-based planning and policy development in the justice and security sector is strengthened through enhanced data collection, monitoring and evaluation (in alignment with SDG/HR indicators)</b>			
<u>Indicator:</u> Number of annual integrated work plan adopted in the framework of the justice and security sector strategies <u>Baseline:</u> 0 (2017) <u>Planned Target:</u> 1 (yearly)	1: Results Action Plan developed for the justice and security sector	N/R	Institutional partners

<b>Output 1.3: West Bank and Gaza Rule of Law institutions are reunified</b>			
<u>Indicator:</u> Number of policies, harmonized laws, plans linked to the Gaza/WB reunification process developed <u>Baseline:</u> 0 (2017) <u>Planned Target:</u> 2 (yearly)	0	In light of the stalled reconciliation process, no reunification prospect has been witnessed this year, thereby limiting the programme's scope of intervention.	Institutional partners
<b>Output 1.4: Advocacy on strengthening rule of law institutions and promoting HR is reinforced</b>			
<u>Indicator:</u> Number of monitoring reports on the justice and security sectors published and supported by the project <u>Baseline:</u> 0 (2017) <u>Planned Target:</u> 2 (yearly)	0	Given the short timeframe for implementation in 2018, the programme prioritized working towards the establishment of a 1-year pilot on court monitoring (to be implemented in 2019).	CSOs
<b>OUTCOME 2: SERVICE PROVISION BY RULE OF LAW INSTITUTIONS IS EFFECTIVE, ACCOUNTABLE AND INCLUSIVE</b>			
<u>Indicator:</u> Unsented detainees as a proportion of overall prison population. <i>Disaggregated by sex and age</i> <u>Baseline:</u> 52.3% (2017) <u>Planned Target:</u> Decrease of 1% (yearly)	56.1%	N/A	Mizan II
<u>Indicator:</u> Number of children in conflict with the Palestinian law detained at the Family and Juvenile Protection units. <i>Disaggregated by sex and age</i> <u>Baseline:</u> 386 (385 boys and 1 girl) (2017) <u>Planned Target:</u> Decrease of 3% (yearly)	175 (173 boys/2 girls)	N/R	Mizan II
<u>Indicator:</u> Public perception of a free trial: "Level of confidence that you will receive a fair trial if you were charged with committing a criminal act/delinquency". <i>Disaggregated by sex and age</i> <u>Baseline:</u> 39.8% (Men: 41.2%; Women: 38.5%). Public perception survey (2018) (' <i>Rule of Law and Access to Justice Survey/PCBS</i> ) <u>Planned Target:</u> Increase of 10% by 2020	N/A (baseline data)	N/A	N/A
<b>Output 2.1: Quality and efficiency of security and justice services provided to the Palestinians are improved</b>			
<u>Indicator 2.1.1:</u> Percentage of public aware of the PCP community policing strategy <u>Baseline:</u> Jericho pilot district:15.9% (Men: 21.4%; Women: 9.0%). [General: 10.9% (Men: 13.6%;	N/A (baseline data)	N/A	N/A

Women:8.2%]. Public perception survey (2018) ('Rule of Law and Access to Justice Survey'/PCBS) <u>Planned Target:</u> Increase of 10% in pilot areas by 2020			
<u>Indicator 2.1.2.:</u> % of judgements enforced. <i>Disaggregated by criminal and civil, including family courts and pilot/non pilot areas</i> <u>Baseline:</u> For Family Courts: N.A (2017) For Reconciliation Courts: 78.5% (2017) For First Instance Courts: 60.7% (2017)  <u>Planned Target:</u> Increase of 1% in the pilot areas (yearly)	<u>Non-pilot areas:</u> For Family Courts: N.A For Reconciliation Courts: 53.0% For First Instance Courts: 50.8%  <u>Hebron pilot area:</u> For Family Courts: N.A For Conciliation Courts= 59.7% For First Instance Courts = 64.5%	In 2018, implementation took place over a six-month period, therefore efforts were geared towards the identification/establishment of pilot areas.	N/A
<u>Indicator 2.1.3.:</u> % of justice sector users who are satisfied with the performance of HJC Mizan IT system. <i>Disaggregated by sex and age</i> <u>Baseline:</u> 88.9% (Practicing lawyers: 84.4%; Prosecutors: 91.6%; Regular Judges: 90.7%). Direct users' perception survey (2018) ('Rule of Law and Access to Justice Survey'/PCBS) <u>Planned Target:</u> Increase of 2% by 2020	N/A (baseline data)	N/A	N/A
<u>Indicator 2.1.4.:</u> % of children sentenced receiving a custodial sentence <u>Baseline:</u> 4.2% (0 female) (2017) <u>Planned Target:</u> Increase of 1% (yearly)	20.3%	N/R	Mizan II
<u>Indicator 2.1.5.:</u> % of children who benefit from alternatives to detention <u>Baseline:</u> 58.1% (2017) <u>Planned Target:</u> Increase of 1% (yearly)	77.7%	N/R	Mizan II
<u>Indicator 2.1.6.:</u> % of children who benefit from mediation in the investigation process as alternative to detention <u>Baseline:</u> 31% <sup>47</sup> (2017). <u>Planned Target:</u> Increase of 1% (yearly)	32%	N/R	Mizan II
<b>Output 2.2: Quality and efficiency of security and justice services provided to areas unserved by the Palestinian government are improved</b>			
<u>Indicator 2.2.1.:</u> % of judgements enforced in area unserved by the PA. <i>Disaggregated by pilot/non pilot areas</i> <u>Baseline:</u> (2018) Palestine: 61.3%	N/A (baseline data)	N/A	N/A

<sup>47</sup> An error in the baseline reflecting year 2017 was identified; previously 60.6%

Hebron pilot district: 95% (data from criminal/family cases N/A) <u>Planned Target</u> : Increase of 1% in the pilot areas (yearly)			
<u>Indicator 2.2.2.</u> : Number of security and justice related community services provided with the support of the project in the pilot areas <u>Baseline</u> : 0 (2018) <u>Planned Target</u> : 5 (yearly)	0	In 2018, implementation took place over a six-month period, therefore efforts were geared towards the identification/establishment of pilot areas.	N/A
<b>OUTCOME 3: ALL PALESTINIANS, ESPECIALLY CHILDREN AND VULNERABLE GROUPS, HAVE ACCESS TO JUSTICE, SECURITY AND PROTECTION WITHOUT DISCRIMINATION</b>			
<u>Indicator</u> : Percentage of public aware of the existence of legal aid services supported by the PG. <i>Disaggregated by sex, age and Palestinian/Israeli jurisdictions</i> <u>Baseline</u> : Percentage of public aware of legal aid services provided by the following PG's institutions: <i>The Prisoners Affairs Committee: 39.8%</i> <i>Colonization and Wall Resistance Committee: 21.5%</i> <i>The Ministry of Jerusalem Affairs: 17.9%</i> <i>Prisoner Club: 39.4%</i> Public perception survey (2018). (' <i>Rule of Law and Access to Justice Survey</i> '/PCBS) <u>Planned Target</u> : Increase of 2% by 2020	N/A (baseline data)	N/A	N/A
<u>Indicator</u> : Percentage of public satisfied of the legal aid services provided by the PG. <i>Disaggregated by sex, age and Palestinian/Israeli jurisdictions</i> <u>Baseline</u> : 41.3%. Public perception survey (2018). (' <i>Rule of Law and Access to Justice Survey</i> '/PCBS) <u>Planned Target</u> : Increase of 2% by 2020	N/A (baseline data)	N/A	N/A
<b>Output 3.1: Vulnerable populations have access to justice, security and protection</b>			
<u>Indicator 3.1.1.</u> : Number of individuals living in area served by the PG who benefited from legal aid services supported by the project. <i>Disaggregated by age, gender, geographical area, type of jurisdiction (Palestinian/Israeli) and type of legal aid providers (CSO or PG)</i> <u>Baseline</u> : Provision of legal aid services by CSOs (area A/B) Total: 3622 (2018)	N/A (baseline data)	N/A	N/A



Provision of legal aid by PG: 608 Provision of legal aid by CSOs: 3014 <b>Planned Target:</b> Increase of 1% (yearly)			
<b>Indicator 3.1.2.:</b> Number of individuals living in area served by the PG who benefited from legal awareness services supported by the project. <i>Disaggregated by gender, geographical area</i> <b>Baseline:</b> 463 (2018) <b>Planned Target:</b> Increase of 1% (yearly)	N/A (baseline data)	N/A	N/A
<b>Output 3.2: Vulnerable populations in areas unserved by the Palestinian government have access to justice, security and protection</b>			
<b>Indicator 3.2.1:</b> Number of individuals living in areas unserved by the PG who benefited from legal aid services supported by the project. <i>Disaggregated by age, gender, geographical area (area C, H2, EJ, Gaza), type of jurisdiction (Palestinian/Israeli/Gaza de facto) and type legal aid providers (CSO or PG)</i> <b>Baseline (2018):</b> 6583 <b>Planned Target:</b> Increase of 1% (yearly)	Total: 1458 (2018 – reporting period)  Gaza Strip: 1,321 individuals (947 women) EJ: 137 children (0 girl)	In 2018, implementation took place over a six-month period, which limited programme’s interventions.	N/A
<b>Indicator 3.2.2.:</b> Number of individuals living in areas unserved by the PG who benefited from legal awareness services supported by the project. <i>Disaggregated by gender, geographical area (area C, H2, EJ, Gaza)</i> <b>Baseline (2018):</b> 4444 <b>Planned Target:</b> Increase of 1% (yearly)	Total: 2,785 (2,689 women – reporting period)  Gaza Strip: 2,655 individuals (2,190 women) EJ: 130 individuals (34 women)	In 2018, implementation took place over a six-month period, which limited programme’s interventions.	N/A
<b>Indicator 3.2.3.:</b> Number of children living in areas unserved by the PG who benefited from legal aid services supported by the project. <i>Disaggregated by age, gender, geographical area and Palestinian/Israeli/Gaza de facto jurisdictions</i> <b>Baseline:</b> 209 (2018) (Boys: 183; Girls: 26) Gaza: 72 (26 female) EJ: 137 (0 female)  <b>Planned Target:</b> Increase of 1% (yearly)	N/A (baseline data)	N/A	N/A
<b>OUTCOME 4: WOMEN’S ACCESS TO JUSTICE AND SECURITY IMPROVED THROUGH GENDER-RESPONSIVE SERVICE DELIVERY AND EMPOWERMENT OF WOMEN</b>			
<b>Indicator:</b> Number of cases on violence against women filed with FJPU annually <b>Baseline:</b> 3,346 (2017) <b>Planned Target:</b> Increase of 1% (yearly)	1,773	The 2018 results only indicate a decrease in cases filed with the FJPU as VAW cases can also be filed directly at AG’s office level.	Mizan II
<b>Indicator:</b> Number of cases on VAW that were transferred by public prosecution to courts.	4323	N/R	Mizan II

<p><i>Disaggregated by type of case and age.</i>  <u>Baseline:</u> 2,263 (2017)  <u>Planned Target:</u> Increase of 1% (yearly)</p>	Age intervals	Type of Cases	Number of Cases		
	18 and less	Felonies	158.00		
	19-29	Felonies	1206.00		
	30-44	Felonies	1586.00		
	45 and above	Misdemeanors	1361.00		
		Felonies	12.00		
	Total		<b>4323</b>		
<p><u>Indicator:</u> Number of VAW cases that are convicted (including types of cases, types of sentences)  <u>Baseline:</u> 638 (2017)  <u>Planned Target:</u> Increase of 1% (yearly)</p>	817			N/R	Mizan II
	<b>Age Intervals</b>	<b>Type of Cases</b>	<b>Sum</b>		
	18 and less	Misdemeanors	26		
		Felonies	5		
	19-29	Misdemeanors	214		
		Felonies	16		
	30-44	Misdemeanors	270		
		Felonies	28		
	45 and above	Misdemeanors	225		
		Felonies	33		
<b>Total</b>		<b>817</b>			
<b>Output 4.1: Capacity of Rule of Law institutions to respond to needs of women are improved</b>					
<p><u>Indicator:</u> Number of tools (policies, strategies, SOPS, etc) developed to deal with VAW cases in line with international standards  <u>Baseline:</u> 0 (2017)  <u>Planned Target:</u> 2 (yearly)</p>	2: VAW SOPs for SPPs; Concept note for the establishment of a coordination body for VAW cases within the HJC			N/R	Institutional partners
<b>Output 4.2: New practices of justice and security service providers are supported to transform their attitudes and behaviors towards women and girls</b>					
<p><u>Indicator:</u> Number of gender champions (e.g., focal points, agents of change, leaders, etc) and role models identified and promoted within justice and security institutions  <u>Baseline:</u> 22 (2018)  <u>Planned Target:</u> Increase of 5% (yearly)</p>	N/A (baseline data)			N/A	N/A
<b>Output 4.3: Women have access to justice, security and protection</b>					
<p><u>Indicator 4.3.1:</u> Number of women who benefited from legal aid services supported by the project.  <i>Disaggregated by age, geographical area and Palestinian/Israeli/Gaza de facto jurisdictions</i>  <u>Baseline:</u> 5,938 (adults: 5401, juveniles:537) (2017). Consultations: 3,408 (adults: 3,197,</p>	947			In 2018, implementation took place over a six-month period, which limited programme's interventions.	CSOs

juveniles: 211) (2017). Representations: 2,530 (adults:2,204, juveniles: 326) (2017) <u>Planned Target:</u> Increase of 1% (yearly)			
<u>Indicator 4.3.2.:</u> Number of women who benefited from legal aid services supported by the PG. <i>Disaggregated by age geographical area and Palestinian/Israeli jurisdictions</i> <u>Baseline:</u> N/A <u>Planned Target:</u> Increase of 1% (yearly)	N/A	No data available. A legal database is currently being developed with the support of the program. It will be functional in 2019.	N/A
<u>Indicator:</u> Number of people (disaggregated by sex) targeted with awareness and sensitization interventions on women's rights <u>Baseline:</u> 35,334 (women: 9,574, men: 5,432, children: 20,484) (2017) <u>Planned Target:</u> Increase of 1% (yearly)	<u>Total:</u> 2,785 (2,220) Gaza Strip: 2,655 (2,190 women) EJ: 130 (30 women)	In 2018, implementation took place over a six-month period, which limited programme's interventions.	CSOs

## V. Resources

**Annex 1: Report: “Necessity c. Expediency: Transitional Justice in Palestine” (Arabic) ([link here](#))**

**Annex 2: Analysis of the Family Protection Bill (March 2019) ([link here](#))**

**Annex 3: Palestinian Central Bureau of Statistics, Rule of Law and Access to Justice Survey, 2018 ([link here](#))**