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## **UNDP Rule of Law & Access to Justice Programme in the oPt**



### **End of Programme Report November 2014**

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**The rule of law is at the heart of our work at the United Nations. It is intrinsically linked to peace and security. When public institutions fail to deliver justice or protect the people's rights, insecurity and conflict prevail.**

Ban Ki-moon, Secretary-General of the United Nations (February 2014)

## ACRONYMS

AGO	Attorney-General's Office
BCPR	Bureau for Crisis Prevention and Recovery (UNDP)
CEDAW	Convention on the Elimination of Discrimination Against Women
CIDA	Canadian International Development Agency
CSI	Civil Society Initiative (UNDP)
CTP	Continuous Training Programme (PBA)
DCI	Defence for Children International
DCO	District Coordination Office
DFID	Department for International Development (UK)
EUPOL COPPS	EU Police Coordinating Office for Palestinian Police Support
GPC	General Personnel Council
HJC	High Judicial Council
ICHR	Independent Commission for Human Rights
JIC	Justice Information Centre (MOJ)
MOHE	Ministry of Higher Education
MOJ	Ministry of Justice
MOF	Ministry of Finance
MOSA	Ministry of Social Affairs
MOWA	Ministry of Women's Affairs
NCJJ	National Committee on Juvenile Justice (MOSA)
NRC	Norwegian Refugee Council
NRO	Netherlands Representative Office
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
oPt	Occupied Palestinian Territory
PAPP	Programme of Assistance to the Palestinian People (UNDP)
PBA	Palestinian Bar Association
PCDCR	Palestinian Centre for Democracy and Conflict Resolution
PCBS	Palestinian Central Bureau of Statistics
PCATI	Public Committee Against Torture in Israel
PHROC	Palestinian Human Rights Organisations Council
PNA	Palestinian National Authority
PJI	Palestinian Judicial Institute
PLC	Palestinian Legislative Council
PMF	Palestinian Maintenance Fund
PPMU	Planning and Project Management Unit (AGO/HJC)
PWWSD	Palestinian Working Women Society for Development
Sida	Swedish International Development Cooperation Agency
TAU	Technical Advisory Unit (MOJ)
UCAS	University College of Applied Sciences
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNRWA	United Nations Relief and Works Agency
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAW	Violence against Women
WCLAC	Women's Centre for Legal Aid and Counselling

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## **EXECUTIVE SUMMARY**

Throughout 2013 UNDP/PAPP's Rule of Law & Access to Justice Programme continued to make solid gains across most areas of programming despite the sense of almost continuous crisis and significant deterioration in the overall political and economic context in the oPt. The lack of progress on the peace process with Israel and national reconciliation, the continuing impact of the aftermath of the 2012 Gaza conflict, the PA's fiscal and political crisis and a region in turmoil all combined to create a confluence of factors not conducive to strengthening the rule of law in the oPt. The programme was still largely able to insulate its achievements and investments from serious erosion caused by the overall decline in environment. In addition to assuring resilience, the programme continued to be a key driver of development and progress across the sector. As was concluded by a rigorous independent outcome evaluation conducted during 2013, clear and measurable results have been achieved across all five programme outcome areas.

While this report specifically aims to capture the key results achieved by the UNDP/PAPP Rule of Law and Access to Justice Programme ('the programme') during 2013, as the final report of this four year programme it also provides an opportunity to reflect more broadly and deeply upon the contours of the programme's overall strong results despite a challenging environment. This report concludes that the programme's strategically framed efforts have contributed to shaping a rule of law environment in the oPt better capable of weathering the significant pressure and shocks imposed during the life of the programme and into the foreseeable future and thus has supported the creation of a context more conducive to the rule of law. This report also supports the conclusion that given the ongoing nature of the struggles faced by the oPt in establishing the rule of law, this is no time to retreat from these efforts. There is a strong continuing need for support to strengthen rights protection of Palestinian citizens through both strengthening rule of law capacities in the oPt, in addition to robust efforts to end the Occupation.

### *Key Programme Achievements*

The programme continued supporting the capacity building and outreach of the three core justice institutions – High Judicial Council, Attorney General's Office and Ministry of Justice – strengthening institutional efforts to undertake strategic planning, establish baselines,<sup>1</sup> monitoring and information management systems to provide more efficient, accountable and gender/juvenile responsive services, public information and legal aid services to the public. UNDP also supported the expansion of MIZAN II, an electronic case management system hosted by the High Judicial Council but now in use across eight different ministries and institutions in the justice sector. This system has sped up delivery of justice services, enhanced access to justice by enabling the public to engage electronically with the courts, (mitigating the impact of movement restrictions), and enabled the gathering of data for policy development.

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<sup>1</sup> In August 2013, UNDP/PAPP and the Palestinian Central Bureau for Statistics (PCBS) published a baseline study and review of seven justice and security institutions.

Complimentary support was provided to *Al-Muqtafi*, a legal database which has become the main resource for Palestinian law and is heavily relied upon by judges, prosecutors, lawyers, academic, students and members of the public. Despite the politically turbulent events of the past year, these efforts were positively reflected in the 2012 and 2013 UNDP-supported public perceptions survey results which showed increases in public satisfaction with several core justice institutional actors (most notably the public prosecution, +4.7%), a considerable reduction in the legal literacy gender gap (from 43.2% to 36%) and significant increases in satisfaction with civil society legal aid providers (+4.21%) and lawyers (+5.7%). These latter results were likely linked to UNDP's support to civil society and Bar Association legal aid providers who over the past three years have provided specialist training to more than 13,000 professional/targeted groups including informal justice authorities, media, trade unions, lawyers, women and children's organisations) and provided legal aid representation, consultation and awareness-raising services to 94,764 Palestinians in Gaza and the West Bank, with women making up 64% of legal aid beneficiaries.

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

- Planning and project management units were established within the three foundational justice institutions (MOJ, HJC, AGO) to enhance their ability to work according to strategic plans, liaise with donors, manage major projects, build human resource capacities, integrate gender and juvenile justice responsiveness, provide public information and legal aid support and, increasingly, collect data for development and accountability purposes.<sup>2</sup>
- Seconded UNDP staff worked alongside institutional counterparts, building the capacity of government staff in all of these areas as part of a planned exit strategy. A particular focus of these efforts in 2013 included the drafting of the *National Justice Sector Strategy* for the next three years.
- Despite the politically turbulent events of the past year, justice sector reform efforts were positively reflected in the 2012 and 2013 UNDP-supported public perceptions survey results which showed increases in public satisfaction with several core justice institutional actors, most notably the public prosecution (+4.7%), lawyers (+5.7%) and NGOs (+4.2%). This suggests that capacity building efforts of the institutions themselves, along with the efforts of UNDP and other implementing partners, are having an impact.
- Institutionalised training programmes in cooperation with Birzeit University established a 'best practice' for developing the capacities of legal, administrative and management staff of justice institutions. These programs are ongoing and having been assessed for their continuing relevance and usefulness to justice sector staff. Based upon requests from the institutions themselves, these programs will be continued into the second phase of rule of law programming. During the life of the programme:
  - 50 justice sector staff completed the Legal Skills Diploma,
  - 46 completed the Administrative Skills Diploma,
  - 41 completed the Legislative Drafting Diploma and
  - 22 completed the Middle Management Certificate.

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<sup>2</sup> Experts were provided across the three core justice institutions, as follows:

Ministry of Justice: Rule of Law Advisor , International Post (2011-2012);Policy Expert (2010-2014);Gender and Juvenile Justice Expert (2011-2014);Legislative Drafting Expert(2010-2014);M&E Expert(2011-2012), contracted 6 months; Planning Expert (2010-2012);Media Expert (2011-2012);Legal Aid and Human Rights Experts (2011-2012), contracted 18 months; International Legal Cooperation Expert (2013), contracted since August 2013.

Attorney-General's Office: Planning Expert(2010-2014);Donor Liaison Expert (2010-2014);Administration Expert (2010-2014)

High Judicial Council: Planning Expert (2010-2014);Donor Liaison Expert (2010-2014);Administration Expert (2010-2014);IT/MIZAN 2 Expert (2013-2014)

- In addition to these diploma programmes, the programme also provided intensive training programmes to more than 70 justice sector staff on a 'needs' basis covering topics such as report writing, English language training, computer programmes, accounting and finance, warehouse management and assets management and human resources. UNDP's seconded experts also provided detailed trainings on gender, monitoring and evaluation, planning and other specific topics within each of the institutions that they work. Eighty seven percent of MOJ staff received a significant investment in their knowledge and skills (either a diploma programme or intensive training programme), between 2011-2013.
- A sustainable modality was developed to bolster the human resource base of the MOJ to meet critical needs and gaps and a smooth transfer of 27 out of 32 contracted staff onto civil servant posts was achieved. Owing to this model, the human resource capacities of the Ministry of Justice received a significant, yet sustainable boost which has enabled the Ministry to better fulfil its mandate and role across wide range of areas for example in forensic medicine to legislative drafting and advice, administration reform, public information services and IT. Owing to its success, this mechanism will be used to support acute human resource needs in other justice and security institutions in the new phase of programming.
- Legislative drafting skills within the Ministry of Justice and other relevant institutions were enhanced through the provision of a specialist Diploma programme and through support provided by a UNDP supported expert to support the MOJ in developing comprehensive legislative drafting and consultation manuals. The next step will be to institutionalise use of the manuals across all line Ministries and institutions involved in legislative drafting.
- UNDP also supported the expansion of MIZAN II, a case management system hosted by the High Judicial Council but now in use across eight different ministries and institutions in the justice sector. This system has sped up delivery of justice services, enhanced access to justice by enabling the public to engage electronically with the courts, (mitigating the impact of movement restrictions), and enabled the gathering of data for policy development and for monitoring and evaluating results.
- Complimentary support was provided to *Al-Muqtafi*, a legal database which has become the main resource for Palestinian law and is heavily relied upon by judges, prosecutors, lawyers, academic, students and members of the public. Legal commentaries have been added to provide important judgments in context, and the data base has been expanded to include cases from a wider range of jurisdictions including family law and cases coming before the Crimes Corruption Court.
- A legal library was established within the MOJ and the 'hard' and 'soft' resources are now regularly relied upon by MOJ lawyers and other staff, and access is also provided to other institutions and members of the public. Feedback from library users has been very positive and the MOJ itself has fully embraced this new resource centre which also provides training on legal research and assistance to library users.
- UNDP supported the HJC to set up public 'court information points' in three courthouses in the West Bank, to help women and others members of the public to navigate legal processes in the courts, thus increasing their confidence in, and access to, justice services.

*Outcome 2 – Access to justice at local and grassroots levels enhanced*

- Legal aid services remained a key priority throughout the life of the programme. In total, free legal aid services were provided in over 26,962 cases across the oPt in the course of the programme. Legal awareness sessions increased and were provided to 78,007 people in total, focusing especially on

assistance to women. In addition, legal aid services in 'Area C' and East Jerusalem were significantly scaled-up which contributed to slowing the effects of the occupation by equipping Palestinians with lawyers to challenge their displacement and loss of property and residency rights. As a consequence of these efforts to increase access to justice, the Public Perception Survey (PPS) found that more Palestinian men and women are accessing justice year on year (indicated by a 5.2% increase in the number of West Bank households coming in contact with Palestinian justice and security institutions between 2011 & 2012).

- The quality of legal services provided by the legal profession was improved and its sustainability increased, as contributions were made toward the inculcation of a *pro bono* culture across the legal profession. For instance, the clinical legal aid education programme resulted in the founding of seven legal aid clinics in Palestinian university law schools across the West Bank and the Gaza Strip, many of which have now institutionalised and accredited legal professional practice subjects within the law curriculum.
- The PBA and UNDP developed a comprehensive training programme to enhance both the theoretical knowledge-base and practical legal skills of practicing lawyers across the West Bank. The programme was developed in response to the need to shift away from *ad hoc* trainings in favour of an institutionalised model aimed at building and consolidating the knowledge-base and skills of the legal profession as a whole. Training topics included forensics; criminal procedure; economic crimes and anti-corruption; legal developments; detention; ecclesiastical and *shari'a* law; legal characterisation; gender and juvenile justice; medicine law; summary proceedings; water and land law; code of conduct and ethics; management skills; advanced trial techniques; IT for lawyers; and legal terminology. Over seven hundred West Bank lawyers (out of approximately 2300) participated in the training programmes, which were generally very positively appraised by participants.
- Owing to the programme-supported oversight and legal advocacy efforts of civil society organisations, government institutions were compelled to more consistently adhere to the rule of law, and important human rights advocacy goals were secured. For example the Palestinian President was persuaded not to establish a constitutional court by law-decree (i.e. outside of the democratic process); and the Council of Ministers was persuaded to abandon proposed amendments to the Criminal Procedure Code which would have backtracked on fair trial standards.

### *Outcome 3 – Gender and juvenile justice improved*

- Women were among the biggest group of beneficiaries of the programme's legal aid component, representing 70% of the people provided with legal awareness in the Gaza Strip. Between 2011 and 2012, owing in part to the work of this programme, the oPt saw a significant reduction in the legal literacy 'gender gap' from 43.2% to 36%. Indeed, legal literacy has increased by 10.7% overall, and by 26.2% for women. More women are now coming into contact with the justice system while the disparity between men and women coming into contact with justice & security institutions, has also reduced.<sup>3</sup>
- Children were also important beneficiaries of this programme. In cooperation with the Ministry of Social Affairs (MOSA), a new specialist legal aid service for children in conflict with the law was established. During 2013, the unit handled 326 cases (166 which were finalised and 116 pending) representing around one tenth of all juvenile cases in the West Bank, which rose significant to more than 3000 in 2013. UNDP also supported MOSA's efforts to provide specialised training to its lawyers to further increase their capacity to handle a caseload that requires youth-sensitive 'lawyering'. Moreover, through specialist legal aid services provided by experienced CSOs, 2,308 children were provided with legal aid

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<sup>3</sup> Source: Public Perceptions of Palestinian Justice and Security Institutions", UNDP, 2011 to 2012 comparison



in relation to legal issues arising in both Palestinian and Israeli jurisdictions, including Israeli military courts, and an average of 350 children per month received maintenance support through the Palestinian Maintenance Fund. The programme also continued its support to *Dar Al-Amal* to upgrade and maintain education and health units at the juvenile centre. The educational units aim to achieve continuity in the children's education so as to reduce the impact of disruption to their school lives and to help ease a smooth transition back into regular schools upon release or completion of their sentences.

- UNDP supported the development of a 200+ female lawyers' network within the Palestinian Bar Association (West Bank) and its three year strategy which was endorsed by the PBA detailing concrete programmatic entry points to support women's equal participation in the legal profession and improved access to justice.
- UNDP strengthened capacity to collect gender sensitive and disaggregated data by developing two major annual surveys (one with the national statistics bureau) to measure women's perceptions, knowledge and use of justice and security services, and their participation as justice and security actors.<sup>4</sup>
- UNDP partnered with the Palestinian Maintenance Fund (PMF) and supported its efforts to institutionalize its relationships with relevant Palestinian government bodies which has increased the effectiveness of funds retrieval efforts and resulted in more than 565 vulnerable women and children receiving regular maintenance payments as per their legal entitlements, a number which continues to grow.
- UNDP provided technical expertise to the Ministry of Justice and the Ministry of Social Affairs, which contributed to significant legislative developments, including amendments to the Child Law and amendment of the existing Penal Code to mitigate 'honour crime' as a defence to murder. In addition this assistance contributed to the development of gender sensitized draft laws including a new Penal Code, Juvenile Justice Law, Law to Combat Violence Against Women, Bylaw on Shelters and a package of laws relating to family law.
- UNDP established a Gender Unit in the Ministry of Justice, which reviewed through a 'gender lens' all draft laws and proposed legislative amendments, mainstreamed gender responsiveness into planning and the work plans of all Ministry of Justice units and directorates, provided gender training to numerous justice and security institutions and worked to ensure gender sensitive development of the Justice Sector Strategy (2014-2016), feeding into the National Plan. UNDP also supported the development of strategies, action plans and indicators on gender and juvenile justice and supported the implementation of national strategies to Combat Gender-Based Violence, for the Protection of Children and contributed to the National Committee on Juvenile Justice.
- UNDP commissioned an independent legislative review examining Palestinian law from a women's rights perspective which has subsequently been relied upon in a range of policy contexts and informed law reform efforts. It also commissioned two key studies on public attitudes towards family law reform, and women's access to justice in the *shari'a* Courts, providing a much needed empirical basis for continuing law reform efforts in this sensitive area.
- The programme undertook a project known as "Broken Families" which highlighted the impact of Israeli laws and policies upon separating Palestinian families. A study undertaken as part of the project detailed how family separation policies have been used to displace Palestinians from their land and the

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<sup>44</sup> *Review of Palestinian Justice and Security Sector Data and Public Perceptions of Palestinian Justice and Security Institutions.*

human impact of these over several decades. The study also showed how the effects of occupation and patriarchy combine to work against the interests of the most vulnerable women and children and how the lack of cross jurisdictional coordination leaves these groups very exposed and without protection of their basic rights.<sup>5</sup> The project exposed the dire need for additional legal support to address residency issues, including the clear gender dimensions which emerged from this project. Power disparities between men and women are often further exacerbated by the status of the parties as Jerusalem or West Bank ID holders, which can result in additional forms of abuse in relationships.

#### *Outcome 4 – Rule of law in the Gaza Strip initiated*

- UNDP established and then continued to support the Awn Access to Justice Network in Gaza, a consortium of non-governmental organisations that provide legal aid, and increasingly, engage in policy and law reform efforts.<sup>6</sup> Through engaging in a wide range of community legal empowerment strategies, the Network, which has the Bar Association as its hub and which hosts the Network's data base, has provided tangible change in the rule of law context in Gaza. The Awn network was able to provide free legal aid services via legal advice and representation were provided to 12,459 people in the Gaza Strip over the course of the programme, with focusing especially on women. In addition, 61,370 people were provided by legal and human rights awareness in Gaza alone. Assistance included expanding and consolidating the Network's role as a hub of community legal empowerment. In 2013 this meant expanding the legal referral system to include a broader range of development and humanitarian actors in order to holistically meet clients' social, economic and health needs. UNDP also supported the Network in achieving a number of other milestones: finalisation of its four-year strategic plan, diversification of external funding sources to secure sustainability, further institutionalisation of clinical legal education programs in law schools and establishment of the Gender Justice Council to enable greater focus on gender justice and criminal law policy issues.
- The programme furthermore supported critical mediation services (formal and informal), helping to resolve disputes for more than 1650 individuals in Gaza in 2013. In addition, the first woman *mukhtar* in the Gaza Strip was recognised and established her authority to adjudicate disputes.
- Children were also a particularly vulnerable group in the Gaza Strip which the programme has expended significant efforts to target in its legal aid services programme. Child poverty has led to increased levels of mainly boys working as beggars, street vendors and in life-threatening conditions digging tunnels. Child poverty has also led to increased cases of theft, drug abuse and sexual abuse. Most of the programme's legal aid services to children were provided in relation to child labour or to children (mainly boys) charged with minor crimes closely related to their economic and social status.
- In order to further ensure that the most vulnerable are reached, the programme developed a 'vulnerability standards manual' based on socio-economic data generated by the Palestinian Central Bureau of Statistics. The manual was developed in close consultation with humanitarian aid and social services providers such as UNRWA and WFP and it will better enable legal aid providers to fairly and objectively identify the most urgent legal aid needs from among a large number of potential clients.
- The programme supported the establishment of the first-ever accredited paralegal diploma in the Middle East. Certified by the University College of Applied Sciences (UCAS), the first training course was launched in 2013 with the first graduates to emerge in late 2014. Less expensive than lawyers, paralegals can be a powerful tool of justice at the grassroots level, helping to resolve disputes that do

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<sup>5</sup> The project was jointly supported by UNDP with the Open Society Initiative and involved three CSOs, one in Gaza (the Center for Women's Legal Research & Consulting in Gaza Strip (CWLRC)), one in East Jerusalem (the Jerusalem Center for Women (JCW)) and one in Ramallah, (the Women's Center for Legal Aid and Counselling (WCLAC)).

<sup>6</sup> Now comprised of 23 CSOs including the Bar Association and three university legal aid clinics.

not require a complex understanding of the law, and empower clients and communities. Living and working in the communities they serve, community-based paralegals combine their knowledge of the legal system with mediation and community education to help the poor and marginalised address their legal problems.

- The programme supported the establishment of three university law clinics in the Gaza Strip and during 2012 and 2013, further steps were taken to institutionalise clinical legal education programmes providing law students with the opportunity to gain practical experience while providing basic legal assistance to poor communities. Students also had the opportunity to participate in moot court competitions, including on the International Criminal Court, aimed to improve their legal research and advocacy skills while also exposing law students to international humanitarian and international criminal law.
- Graduates from these programmes have continued to take *pro bono* action to support disadvantaged individuals or communities. For example, a group of graduates from *Al-Azhar* University who worked at the legal aid clinic decided to set up and run 'mobile' law clinics in the Gaza Strip's most isolated communities on a *pro bono* basis. The programme also strongly encouraged and supported the Palestinian Bar Association to engage in social justice issues. For example, the PBA committed itself to providing free legal assistance to indigent clients even after external funding comes to an end and has taken concrete steps to ensure its services become sustainable. Before the establishment of UNDP's Rule of Law & Access to Justice Programme, the PBA was not engaged in social justice issues at all and therefore its activity in this area constitutes a radical departure from its past engagement with legal issues and its former narrower focus on advocating for lawyers' opportunities and conditions. The PBA has also set up a fund for legal aid provision which has already received some small donations.

#### *Outcome 5 – Confidence-building amongst stakeholders promoted*

- On the basis of the data gathered in public perception surveys undertaken through the programme, the number of Palestinian households who regard PA justice and security institutions as legitimate, independent and effective has increased in recent years: 85% of households indicated that 'courts are the only legitimate institutions through which to resolve disputes', a 19.7% increase on 2011. There were also significant increases in the number of respondents who believe that the law is clear and fair (159.7%); that using the courts leads to justice (120.1%) and prevents violence (159.7%). While a direct correlation is difficult to establish, the independent outcome evaluation of the programme considered that the programme had made a meaningful contribution to such outcome-level change.
- In addition to the public perception surveys, UNDP worked with national actors to establish baselines, monitoring and information management systems. In August 2013, UNDP and the Palestinian Central Bureau for Statistics (PCBS) published a baseline study and review of seven justice and security institutions. The study is significant for the lead role taken by the PCBS and how it, as a national institution, brought pressure on other national institutions to provide data – in this way supporting ownership and ultimately, sustainability.
- The programme also sought to build linkages between different parts of the rule of law sector, namely along five interfaces: between institutions, between institutions and civil society organisations, between the West Bank and Gaza and between citizens and the state. A wide range of activities fed into nurturing these linkages and the programme utilised its convening role to bring together parties into new relations of cooperation.

## **INTRODUCTION**

The life of the programme coincided with a significant overall deterioration in the macro political and economic situation in the oPt both vis-à-vis the conflict with Israel as well as the national division. The impact of the Israeli occupation upon the Palestinian population continued to deepen and worsen, characterized by ever intensifying fragmentation of territory and displacement of Palestinian people; an overtly discriminatory Israeli legal system which provided legal cover for state policies of displacement and land capture through tolerance of settlement activity and violence, restrictions on family unity, economic pressures and ultimately the assertion of military control over Palestinian people, land and other natural resources. Within an environment of overall impunity for the many alleged IHL and human rights violations by Israel observed throughout the life of the programme, the ability of the PA to exercise control over its territory and provide effective protection through justice and security services to its people, was increasingly impeded. The regional upheavals observed in 2013 in both Egypt and Syria also disadvantaged the PA by diverting global attention from the Israel's protracted military occupation and ongoing human rights violations. Israel's eight-day military assault on Gaza in November 2012 and the heightened impact of the blockade further hardened the brunt of the occupation as felt by communities in Gaza.

The continuing political and ideological differences between the two main political factions, Fatah and Hamas, also widened over the programme period and led to further political and legal fragmentation between the West Bank and Gaza. This prevented the conduct of elections and the sitting of the Palestinian Legislative Council (PLC) thus denying Palestinian people a voice and means of democratic law reform and oversight, as well as protracting the 'legitimacy crisis' that infects all PA institutions. This is a critically important issue for the justice sector in particular, as the continued lack of clarity about the roles and responsibilities of (and the ongoing tensions between) the main rule of law institutions, is widely considered to be one of the main obstacles to tangible and indeed sustainable progress in the Sector.

Instability within the PA culminated in the resignation of Prime Minister Salam Fayyad in April 2013 and successive ministerial re-shuffles followed which in some cases disrupted and altered the Programme's planned work and interventions in justice institutions. The PA also faced major continuing financial crisis caused by Israel withholding revenues making it even more difficult for it to maintain critical infrastructure and provide quality services to the population in a sufficient, timely and consistent manner. Public servants' hours were slashed and wages unpaid over several months. The milestone UN General Assembly vote taken in November 2012 according the State of Palestine non-member observer state status, marked an important symbolic step forward but did not translate into any visible improvements in the lives of ordinary Palestinians. In late July, US brokered peace negotiations resumed but were generally greeted by Palestinians with indifference, deep cynicism or anger and this development did not add any sense of optimism for the Programme's main partners in the justice sector nor the Programme's work. The talks continued to splutter along with little momentum or progress, throughout the remainder of the year.

This final report documenting the programme's results is therefore cast against an increasingly bleak and gloomy backdrop. The report seeks to provide a realistic assessment of achievements built upon the full gambit of programme interventions, many of which have created measureable improvement, while also bearing in mind a counter-factual perspective of the quantum of damage mitigated through the

interventions of the programme. In sorting through the results achieved through programme interventions, the report attempts to distinguish between those variables over which the programme has little or no control, versus those where the programme has been able to use its creativity, empowerment efforts, technical expertise and credibility or influence to bring about positive changes in strengthening rule of law institutions and empowering citizens to use law for achieving their rights.

The conduct of a rigorous independent outcome evaluation in 2013 demonstrated not only the achievement of significant outcome-level results across all five programme outcomes but further observed that 'the legal landscape in the oPt is dramatically different, and UNDP-sponsored rule of law and access to justice initiatives can be credited for contributing to change in both justice institutions, levels of access, gender equality and the strengthening of civil society'. As noted in the Executive Summary, these outcome-level results are further supported by the findings of a national public perceptions surveys undertaken by the programme in 2012 and 2013. As a comprehensive Rule of Law intervention, this programme can claim some attribution for results reflected in the survey, especially in the numerous areas where a clear correlation exists with Programme's interventions. For example, the programme is the largest provider of legal aid services in the Gaza Strip and over the life of the Programme, has invested heavily in expanding, professionalising and tailoring these efforts to the grassroots needs of the most disadvantaged social groups in Gaza. The survey results indicate a significant increase in public confidence and trust in lawyers and civil society organizations in Gaza, likely a direct link to the efforts of the programme.

Finally, this reporting period coincided with the conduct of a comprehensive process to develop a follow-on programming framework, incorporating all lessons learned and enhanced systematized efforts to improve gender mainstreaming and responsiveness through a partnership with UN Women. Where relevant, this report flags how the new programme will consolidate and build upon the results of this programme, including any strategic shifts or changes in direction and emphasis resulting from this review and development process.

## **1. OUTCOME 1: CAPACITY OF RULE OF LAW INSTITUTIONS STRENGTHENED**

### **Rationale**

Since its inception in 2011, one of the cornerstones of the Rule of Law and Access to Justice Programme has been to provide consistent and steadfast support to the core justice institutions, being the Ministry of Justice, the Attorney-General's Office and the High Judicial Council. As noted in previous reports, the Ministry of Justice received a more comprehensive package of assistance under the programme, to enable it to 'catch up' to the other two institutions which had already benefited from development assistance and were capable of running imperfect but still functioning, prosecution and court systems. A justice system requires the sequenced activation and maintenance of all parts of the justice chain, in order for the system as a whole to function. This is why the programme took particular care to ensure that its investments in justice institutions sought to address existing asymmetries which had contributed to the distortion of justice institutions' mandates and roles, driven mainly by differences in capacity.

### **Overview**

The efforts of the programme to 'even things up' demonstrate how the legacy of developmental unbalance is difficult to later address, especially in the absence of key adjudicative institutions, such as a functioning Legislative Council and a Constitutional Court to authoritatively resolve disputes concerning mandates. The programme's empowerment of the Ministry of Justice, supported by the appointment of a reformist Minister in 2012 did enable the MOJ to assume to a greater extent its mandated roles and functions. The stronger capacity of the MOJ led to a repositioning of the MOJ's position and standing vis-à-vis other justice sector institutions and with civil society and the public as well. An unintended, but unsurprising consequence of this repositioning heightened tensions between the MOJ, the HJC and the AGO, as the MOJ's assertion of its role also implicitly challenged roles which had been assumed by other institutions. The lack of an authoritative means of resolving institutional discord on mandates and functions was a matter beyond the control of the programme, although the programme did work concertedly to promote harmonization and good relations between the institutions. Through the work of its embedded secondees and technical advisors, the programme can be credited with maintaining the functionality and strong technical-level engagement between institutions, during 'frosty' periods between heads of institutions. While the programme is committed to continuing to work towards building greater consensus on the appropriate division of powers between the three bodies, without the means for clear legal resolution of these issues, any progress made cannot be entrenched and will remain at risk of unravelling when placed under pressure, such as when the individuals leading institutions change or their vantage points shift.

As is to be expected, different institutional actors were able to take advantage of the programme's support to differing extents. Efforts to strengthen the core functions and capacities of the AGO and the HJC through enhanced performance of planning and project units and the injection of specialized assistance in particular areas, continued to deliver strong results during 2013-4. It is no coincidence that both the AGO and HJC Planning Units enjoyed strong national ownership and leadership from senior permanent employees, a senior judge (Judge Thuraya) in the HJC and a chief prosecutor (Wael Lafi) in the AGO. Further progress was also made on the appointment of permanent civil servant shadows to several UNDP seconded experts. Both of these factors created a more enabling environment for the institutionalization and sustainability of the AGO and HJC Planning and Project Management Units and enabled them to move ahead with implementing the institutional strategies and policies through often complex, large scale projects relating to human resource capacity development, infrastructure development, improved public service provision, and impetus to institutional development generally.

## Challenges

Tensions with the senior management of the Ministry of Justice made it more difficult for the programme to maintain the previous positive results in planning and institutional development of the Ministry.<sup>7</sup> The re-assignment of key Planning Unit staff (both UNDP and regular Ministry employees) to other functions had a deleterious effect on the Unit's capacity and interrupted implementation of the Ministry's 2013 work plan. While firm commitments were made by the senior management of the MOJ to reverse this trend, unfortunately the weakening of the planning unit was not arrested.<sup>8</sup> This experience provides an example of how, when the programme reaches its own advocacy limits, it may be beneficial to involve its donors more in coordinated key messages to help better protect key programme and sectoral investments.

This reduction in MOJ planning capacity affected the Ministry's ability to perform a lead role in developing the 2014-2016 Justice Strategy. To address this lacunae and to prevent a broader crisis, the programme deployed seconded staff working in the AGO and HJC planning units to provide core leadership and support to the National Justice Sector Planning Team responsible for developing the Justice Sector Strategy. This is an example of, had the programme not existed with its cadre of embedded institutional experts, the Justice Sector Strategy may have been jeopardized and not only delayed. It also exemplifies the more general point of how the presence and work of the imbedded UNDP seconded experts in the MOJ, AGO and HJC makes a visceral and tangible difference to the functionality and resilience of the institutions. During 2013 when there were extended periods when civil servants were unpaid or on strike, the UNDP- supported Planning Units developed contingency plans and rostered reduced pay systems to maintain essential public services. They also supported the maintenance of technical level functional links between the institutions during periods when high level relations between institutions were tense, usually around the issue of proposed reforms to the mandates and functions of justice institutions.

In the AGO, particular challenges were faced through the loss of local and institutional knowledge caused by the rotation of prosecutors to different district prosecution offices. The UNDP seconded staff in the AGO struggled with a lack of permanent AGO counterparts to work with in the PPMU and played important support roles in orientating the new Head of the Planning and Project Management Unit to help ensure a smooth transition. The new programme will focus especially on ensuring institutions provide timely appointment of permanent counterparts to work with UNDP secondees to ensure sustainable knowledge transfer processes can take root.

During the year a number of high profile corruption cases concerning administrative personnel in the HJC and various line ministries as well as six judges, shook public confidence in the institutions,<sup>9</sup> highlighting an overall area of challenge for the sector.

## Results

*Result 1.1: Core planning, management, evaluation and administration capacities across the MOJ significantly strengthened*

The programme continued to support the comprehensive training strategy for on-going training for MOJ employees. Selected MOJ staff were provided with external trainings on computer skills, management skills and language skills based on needs identified by the Training Committee linked to their specific roles in the

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<sup>7</sup> These tensions culminated in the eventual removal of the Deputy Minister in May 2014 . A month later the Minister was re-assigned to the post of Chief Justice.

<sup>8</sup> Since the appointment of the new Minister in April 2014, revitalizing and rebuilding the planning unit has been a major priority of the new follow-on RoL programme.

<sup>9</sup> The HJC established three committees to examine the allegations and following internal investigation, the HJC agreed to refer these cases on to the PACC. The PACC also sought the HJC's cooperation in six separate cases of alleged corruption involving judges concerning a range of allegations.

Ministry. As the centrepiece of this strategy, support was provided for the continuing implementation of the Birzeit University Legal Skills Diploma, Administrative Skills Diploma and Middle Management Certificates.

A further cadre (approximately 20) professionals from justice institutions (in the case of the Administrative Skills Diploma, the majority from the MOJ)<sup>10</sup> undertook or graduated from each of these programmes in 2013/2014 by the programme's end. These programmes were evaluated by Birzeit University and also through the Independent Outcome Evaluation of the programme, including through focus group discussions with graduates, managers of graduates and a desk review of the curricula. The Independent evaluator found that:

There is strong evidence that the UNDP supported Legal Skills Diploma, Office Skills Diploma and Middle Management Certificate have enhanced the capacity of the MOJ and other institutions in the oPt<sup>11</sup> ...The participants confirmed the benefit of the UNDP supported training in their work at their respective units and departments<sup>12</sup>...Overall, the legal team praised the programme as having upgraded their legal research and writing skills...<sup>13</sup> Members of the focus group from the Middle Management Certificate all stated that the training had greatly improved their communication, negotiation and writing skills, increasing their ability to communicate more effectively within their own ministries and with other governmental entities.<sup>14</sup>

A review process of the curricula for each of these programmes and their strategy will be undertaken as part of the next phase of programme to ensure their continuing relevance to the institutional beneficiaries and to further enhance the gender components and transferability of knowledge and skills to the workplace environment.

These three professional development programmes represent a core pillar of pioneering work performed by the programme. The diploma programmes were initially developed in 2011-2012 as the first long-term, systematic programmes of their kind in the oPt aimed at developing foundational professional skills and knowledge capable of ready transfer and application to the workplace environment. For example, the Legal Skills Diploma concentrated upon strengthening core legal skills including on legislative policy-making, legislative drafting and interpretation, legal research, legal advice and criminal and civil procedures. UNDP staff were involved in all stages of their development and delivery, also directly contributing the gender and juvenile justice and management modules for all three of the programmes confirming the truly collaborative nature of these programmes between the institutions, UNDP and a leading national university.

This innovative approach to foundational training for justice sector staff set a new high watermark standard for professional training in oPt which has been recognised as a 'best practice' indicated by the adoption of a similar institutionalised, tailored approach to training by several other institutions. These include the PCP (with a Gender Mainstreaming and Public Administration Diploma for senior police), the PACC (with an institutionalised university-provided training programme for PACC staff) and the Council of Ministers Legal Unit (with an institutionalised specialised programme in legislative drafting skills for lawyers from relevant line ministries/institutions involved in the Legislative Plan).

The programme also supported the MOJ's Human Rights Unit to develop a new structure linking it to the Justice Sector Strategy including its role in monitoring the rights of detainees (including juveniles), managing human rights-related complaints from the public and linking the work of the Human Rights Unit with the work of the Gender Unit. As of the end of the programme, this proposal was not yet formally

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<sup>10</sup> 16 of 18 Administration Skills students in 2013 were from the MOJ and 5 of 24 lawyers with the remaining positions filled by the HJC/AGO and other relevant line ministries.

<sup>11</sup> Independent Outcome Evaluation, p.82

<sup>12</sup> Ibid, p.21

<sup>13</sup> Ibid, p21

<sup>14</sup> Ibid, p21



endorsed by the Minister, but work on this will continue into the new programming framework as the work of the Human Rights Unit has been identified as a core function at the heart of the MOJ's purpose and mandate.

*Result 1.2: MOJ's capacity to establish the partnerships it needs to direct its own development, strengthen its performance, and lead justice sector development significantly enhanced*

Despite the overall weakening of the Ministry's Planning Unit, the programme continued to work closely with the Unit's remaining staff to enable its participation in the development of the Justice Sector Strategy. In particular, support was provided to the acting Head of the Planning Unit for her role in liaising with the different justice sector stakeholders, coordinating the necessary policy development within the Ministry and through the Ministry's secretarial role provided to the National Planning Team. The programme also supported the Ministry of Justice to participate in the process of reviewing and re-framing the Terms of Reference for the Justice Sector Working Group. While the result from this intervention had not reached fruition by the end of the programme, the process itself triggered important diagnostic discussions between national actors in the justice institutions, including a reflection upon how coordination with institutions and donors would be best organized, and a renewed commitment to adopting a structure supportive of a measurable results based approach to the justice sector's coordinated work.

Several important partnerships between the Ministry and other entities, were supported through the activities of the programme including through the UNDP experts' support to permanent MOJ staff as outlined in the table below.

**Table 1.1: MOJ partnerships with external stakeholders (as of end of 2013)**

Organisation	Area of cooperation
<b>International agencies</b>	
<b>DFID/EUPOL COPPS Social Pioneers Project</b>	UNDP is cooperating on an ongoing basis with DFID and EUPOL COPPS in support of the Social Pioneers Project. The project involves support for the mentoring of the MOJ's middle management. In 2013, UNDP worked with the MOJ to see how the leadership programme could be linked to strengthening the planning unit.
<b>Office of the European Union Representative</b>	This initiative provides support to the Palestinian Judicial Institute and a seconded staff member to the Minister's office. It also supports the PNA/EU Sub-Committee on Human Rights, Good Governance and the Rule of Law, MOJ involvement in the Euro-Mediterranean Partnership exchange programme on justice and engagement with the MOJ on developing a legal aid system.
<b>Italian Cooperation</b>	The Ministry of Justice Italy worked towards the development of two MOU's with the MOJ to be signed in 2014; one relating to the strengthening of the capacities of the Human Rights Unit, and the other to provide technical assistance with legislative drafting especially in relation to laws concerning gender and juvenile justice.
<b>OHCHR</b>	This initiative involves support for the development of a National Plan, including the Justice Sector Strategy integrating the human rights-based approach. A second prong is to provide capacity development of MOJ and other relevant line ministries/ institutions in preparation for accession to core human rights treaties.
<b>UNODC</b>	This intervention entails the delivery of a sizeable project aimed at developing the capacity of the Department of Forensic Medicine. UNDP has continued to provide gender expertise to the Programme through the UNDP seconded Gender and Juvenile Justice Expert embedded within the MOJ.
<b>Palestinian National Authority</b>	
<b>MOWA</b>	The MOJ is working with MOWA to carve out the MOJ's role in the national plan to eradicate violence against women. See Result 1.4 for further information.
<b>MOSA</b>	The MOJ is working with MOSA to provide child protection and juvenile justice services and policy/legal framework input. See Results 3.4 and 3.5 for further information.
<b>MOHE</b>	The MOHE has received a seconded lawyer from the MOJ to assist in building the capacity of the Ministry's legal unit.

<b>PCBS</b>	<b>The MOJ is working with the PCBS to develop justice sector indicators. See Result 5.1 for further information.</b>
<b>Academic institutions</b>	
<b>Birzeit University</b>	<b>Birzeit University is a partner on the 'Justice for the Future' project, the development of the <i>Al-Muqtafi</i> legal database and the three institutionalised training programmes for MOJ staff. See Results 1.1, 1.6 and 1.7 for further information.</b>
<b>Al-Quds University</b>	<b>Al-Quds University is a partner on the 'Justice for the Future' project. See Result 1.7 for further information.</b>
<b>An-Najah University</b>	<b>An-Najah University is a partner on the 'Justice for the Future' project. See Result 1.7 for further information.</b>
<b>Civil society</b>	
<b>Various NGOs</b>	<b>The MOJ has engaged with civil society in the context of: an MOJ-chaired committee to review laws relating to gender through the Gender Legislative Committee,<sup>15</sup> an MOJ-convened 2 day workshop (8-9/10/13) of institutional and civil society technical experts to discuss the draft legal aid law; a forum including civil society at which the Minister outlined his vision for the MOJ and the Minister's participation in several CSO organized events (such as Musawa forum on options should the PNA collapse). This cooperation has enabled civil society to have a louder voice on justice sector issues such as legal aid and women's rights. This enhanced ability to facilitate broad consultation will also enable the MOJ to formulate better policy.</b>
<b>Palestinian Bar Association</b>	<b>UNDP supported the MOJ in developing a draft MOU with the PBA, which was yet to be signed at the end of the Programme.</b>

*Result 1.3: MOJ now engaged in and able to make a substantive contribution to the development of a national legal aid policy*

During 2013 UNDP was able to initiate a new national dialogue and discussion concerning approaches for institutionalizing a national legal aid system. This followed on the heels of UNDP's support to the first national legal aid conference in December 2012 which brought together for the first time key stakeholders and development partners in the legal aid sphere. Through the work of the seconded experts and positioning of the advisor working within the MOJ, the programme was able to ensure that the development of a national legal aid scheme featured high in the policy and legislative priorities of the Ministry. The Minister was successful in having the adoption of a legal aid law included in the Legislative Plan for 2013 as the 7<sup>th</sup> highest national legislative drafting priority for 2013.<sup>16</sup>

While by 2013, significant work had already been undertaken between key institutional stakeholders in developing a draft legal aid law, certain components had been missing throughout the process including the inclusion of civil society actors in consultations, inadequate attention given to the issues of sustainability and quality oversight and exclusion of key marginalized beneficiary groups (namely women and children) due to narrow eligibility criteria limited to criminal defence. To address these issues, the programme shared a detailed technical briefing paper on the draft Legal Aid Law with all key institutional and civil society stakeholders and donors which formed the basis of high and technical level discussions with all stakeholders. The aim of these discussions was to see whether some amendments to the draft law might be possible to better incorporate the above issues and produce an improved draft law.

<sup>15</sup> Key civil society participants on the committee include Defence for Children International/Palestine Section, the Women's Centre for Legal Aid and Counselling, the Forum for Family Law, and the Forum for Family Courts. Other civil society organisations that now engage directly with the MOJ include Al-Haq, the Jerusalem Centre for Legal Aid and Counselling and Musawa

<sup>16</sup> As reflected in the decision of the Council of Ministers dated 19 February 2013

As the enactment of the Legal Aid Law had been stipulated as a condition of EU seeding funding for the scheme (€3.5m) and as the content of the draft Legal Aid Law had already been agreed to by the key institutional actors as an acceptable model, there was reluctance to re-open the discussion and include civil society or seek to make improvements. The programme was able to persuade the MOJ to host a consultative technical two day workshop including civil society actors to discuss key aspects of the draft law. This proceeded on 8<sup>th</sup> and 9<sup>th</sup> of October 2013 and generated a rich discussion and a range of positive recommendations for improvement of the draft law. These recommendations were then returned to the committee of institutions which had instigated the draft. Unfortunately few of the recommendations were adopted by the Committee, but nonetheless the institutional stakeholders did agree to proceed with the draft law on the basis that it would at least provide an initial starting point for national legal aid provision, and that further amendments could later providing fine tuning and regulations would put 'flesh on the bones' of the basic legal framework. At the last minute, a number of stakeholder institutions removed their support for the draft law and its progress towards enactment was halted. This remained the case by the end of the programme in April 2014.

While the programme was not successful in having a progressive institutionalized legal aid scheme adopted during the life of the programme, the programme was able to put squarely on the agenda important aspects of legal aid provision concerning sustainability, quality, non-discrimination and was able to help chart a more democratic law-development process inclusive of key CSO stakeholders. These contributions have 'set the stage' for continuation of the national dialogue around the importance of legal aid as a means of ensuring greater access to justice and equality before the law (including for groups that face barriers such as the poor, women, and children), improve the quality and fairness of trials, improve the rights protection of criminal suspects, provide a means through which other development objectives such as elimination of poverty, can be pursued, and through all these measures, enhance the meaning and reality of the link or social contract between the citizen and the state.

For all of these reasons, legal aid will remain a key strategic concern of the new rule of law programme in which it is planned to focus on supporting the Bar Association to institutionalize its existing legal obligations to provide free criminal defence to the impecunious. At the same time, the new programme will continue working to create an inclusive and representative national legal aid committee to progress the effort to develop and enact as democratically as possible, a law or scheme for free legal aid services which will also work to support the sustainability of the legal aid services provided by civil society actors especially for women and children.

*Result 1.4: MOJ now actively engaged in and capable of making a substantial human rights-compliant contribution to gender justice and juvenile justice*

The programme continued its efforts to support the MOJ's Gender Unit and work on the Juvenile file, through a range of capacity development mechanisms, including the provision of a Gender and Juvenile Justice Expert to develop capacity of permanent staff, provision of contracted staff through the Stabilisation Fund to enable the Ministry to bring new staff with relevant academic backgrounds, experience and skills to contribute to this specialized area of the MOJ's work. With the support of the Gender and Juvenile Justice Expert, the Gender Unit was able to provide policy advice on gender mainstreaming and responsiveness to the Minister and technical advice on implementation of policies and operationalisation of endorsed plans and strategies.



The programme supported the Gender Unit's continued involvement in all parts of the MOJ's work with the key engagements or collaborations resting with the Human Rights, Judicial Affairs, Legal Aid Units, the two main Ministry Directorates (Legal Affairs and Research and Finance and Administrative Affairs) and the Department of Forensic Medicine as per Table 1.2

**Table 1.2: MOJ initiatives on gender and juvenile justice**

Directorate/Unit	Initiative
Human Rights Unit	<ul style="list-style-type: none"> <li>✓ Included juvenile and gender justice issues in the MOJ's inputs to the national plan for human rights.</li> <li>✓ Completion of a program of visits to detention centers and detention for children, (boys and girls) and prisons for females.</li> <li>✓ Completion of documentation of visits and reports on the situation of children in detention or other custody.</li> <li>✓ Initiated joint workshops with the NGOs Forum Against Violence Against Women-including ALMUNTADA. and DCI. Palestine in order to join efforts in documenting and collecting data on the abuse of women and children in custody (including individual complaints identifying suspects and victims)</li> </ul>
Judicial Affairs Unit	<ul style="list-style-type: none"> <li>✓ Support to the Unit's participation in submitting a proposal to the Ministry of Justice concerning the need to mainstream child and gender justice in the <i>shari'a</i> courts.</li> <li>✓ Initiated work shop for Aman institution on accountability in Palestinian justice institutions.</li> <li>✓ Developed a Standards Guideline that takes into account international juvenile and gender justice standards in the decision making process concerning the appointment and discipline of judges and prosecutors.</li> <li>✓ Secured the inclusion of lawyers from the Unit in the Gender Legislative Committee which reviews all draft laws for gender responsiveness.</li> <li>✓ Participated in the development of a proposal for family law specialist judges' and their role under the draft Family Protection Law.</li> <li>✓ Through advocacy, contributed to the Council of Ministers' decision to prioritise in the 2013 Legislative Plan a law on protecting fostered children and a regulation setting out a referral system for women victims of violence involving police, health and social services.</li> <li>✓ In collaboration with the Ministry of Social Affairs, developed a worksheet identifying the various impacts of the laws and procedures imposed by the Israeli occupation upon women and children.</li> </ul>
Directorate of Legal Affairs and Research	<ul style="list-style-type: none"> <li>✓ Supported the Directorate's participation in review of several draft laws and regulations from gender and juvenile responsive perspective. These included:</li> <li>✓ Draft Family Protection Law, Regulation for national referral system for women victims of violence, Regulation for Child Fostering foster families bylaw , Draft Juvenile Protection Law and development of a policy paper submitted by the Minister to the Arab League containing principles and procedures for protection of people with disabilities and children.</li> <li>✓ Participated in the review of obstacles and recommendations for the strengthening of the Gender Legislative Committee and the Legislative Drafting Committees</li> </ul>

	<ul style="list-style-type: none"> <li>✓ Regular meetings between the MOJ lawyer who represents the MOJ on the Council of Ministers Legislative Plan to discuss and brief her on the Ministry's proposals and role in relation to supporting the passage of legislation related to child and gender issues .</li> </ul>
Directorate of Finance and Administrative Affairs	<ul style="list-style-type: none"> <li>✓ Completion of a special report bringing together all relevant data and statistics related to gender in the MOJ.</li> <li>✓ Supported the development of a Code of Conduct focusing especially on child and gender justice issues within the MOJ.</li> <li>✓ Conducted joint activities to commemorate the Women's Day holiday, Mother's Day and the Palestinian Child Day</li> <li>✓ Reviewed and prepared inputs to the MOJ's budget to ensure its responsive to the issues of gender and juvenile justice. Developed criteria for gender mainstreaming in the process of MOJ human resource recruitments, appointments and promotions.</li> </ul>
Legal Aid Unit	<ul style="list-style-type: none"> <li>✓ Contributed to the drafting and review of the proposed amendments to the draft Legal Aid Law including as they relate to women and children's eligibility for assistance.</li> <li>✓ Participated in the meetings, legal aid conference and workshops discussing the institutionalisation of legal aid.</li> </ul>
Department of Forensic Medicine	<ul style="list-style-type: none"> <li>✓ Participated in developing workshops to address the need for gender and juvenile responsive forensic medicine, taking into account international standards and models.</li> <li>✓ Completed the MOJ worksheet concerning the role of forensic medicine in the national referral system for women and child victims of violence.</li> <li>✓ Supported participation of the Department in the drafting of procedures for the Family Protection Unit in the Civil Police.</li> </ul>

In addition, the programme's Gender and Juvenile Justice expert embedded in the Ministry supported the Gender Unit and the MOJ staff working on juvenile justice to provide MOJ input into the development and implementation of the two main gender and child related national strategies as per Table 1.3.

**Table 1.3: MOJ input to national plans**

National plan	MOJ inputs
National Plan for the Eradication of Violence against Women	Drafted a number of policies in support of women's increased access to justice and inserting the roles and responsibilities of the MOJ in this regard concerning the development of legislation responsive to gender justice standards, the provision of legal assistance to women and girls, participation in the creation of specialized courts and infrastructure which supports the rights and needs of women and girls in contact with the law.
National Plan on Child Protection	Drafted a number of policies responsive to children's access to justice and the role of the MOJ in this regard including legislation that reflects international child justice standards, provision of tailored legal assistance, participation in the creation of specialized courts and infrastructure which supports the rights and needs of children in contact with the law.

Finally, as noted earlier, the programme supported the work of the Gender Legislative Committee and the UNDP expert worked to develop the capacity of its membership to undertake rigorous analysis of draft laws from a gender and juvenile justice responsive perspective. During 2013, the following draft Laws or Regulations, as per Table 1.4, were reviewed by the Committee with the programme's support.

**Table 1.4: Legislative reform on gender and juvenile justice**

Legislation	MOJ inputs
Draft Law on Family	Development of criteria for the selection of judges and the establishment of specialized courts to deal with family issues; the classification of crimes related to the family and the

Protection	<b>incorporation of international standards of gender and child justice .</b>
Draft Law on Juvenile Justice	<b>Added provisions relating to the provision of professional mediation services, and the inclusion of restorative justice principles including alternative punishments for children and access to legal assistance.</b>
Regulation on a National Referral System for Women Victims of Violence	<b>Inserted provisions concerning the role of the MOJ in providing forensic medicine services to victims of GBV and the right of victims to receive legal assistance to support their engagement with the legal system.</b>
Draft Law on Alternative Families	<b>Developed the eligibility criteria for the fostering of children and the mechanism for the selection of children for fostering and their matching and placement with foster families, including supervision frameworks and follow up mechanisms to ensure proper care of fostered children.</b>
Draft Law on the Civil Service	<b>Developed the affirmative action policies and incorporated provisions to reflect these standards for women’s promotion into decision-making positions.</b>  <b>Reviewed and strengthened the text of the draft law to reflect sensitivity to parental status of both men and women sexes through insertion of provisions on maternity and paternity leave, lactation time and access to private facilities and affordable child care.</b>

*Result 1.5: MOJ significantly more capable of drafting solid human rights-compliant legislation; building legislative drafting capacities across government; and managing consultative law reform processes*

Since the Palestinian Legislative Council ceased functioning in 2007, the oPt has been denied democratic law making and has resorted to ad hoc draft law development processes and enactment by Presidential Decree. These processes have frequently been politicized and lacked transparency with development of laws limited to a small number of institutional actors without wider consultation or engagement with civil society or community stakeholders. In addition, draft laws have often lacked a solid empirical policy base due to limited capacity to collect and use relevant data. Additionally, the lawyers and other civil servants working across line ministries have lacked technical legal drafting and consultation skills needed to produce solid drafts and struggled to undertake impact assessments and costings of draft laws.

To address these issues, the programme’s three-prong strategy was to address the democratic deficit through contributing to more systematized and inclusive process for the development of laws, strengthen technical skills in drafting laws and provide advice and input to the content of draft laws to enhance human rights protection and greater consistency with international standards. In relation to this first objective, the Programme adopted an institutionalized approach and worked with the technical level lawyers assigned from a range of institutions/Ministries to the National Legislative Committee (chaired by the Minister but delegated to the Deputy Minister). Through this group, the programme was able to support the finalization of two key manuals which were endorsed by the National Legislative Committee, aimed at systematizing the legislative drafting process and introducing standards for both legislative drafting and consultation. While these manuals had not yet been approved by the Council of Ministers by the end of the programme, the new RoL programming framework will continue to push for these to be approved and then rolled out across all relevant line ministries and institutions to ensure that all draft laws are developed in a certain way and according to minimum standards of consultation.



The programme also conducted a legal review of legislative drafting powers emanating from the Basic Law, Law No 4 of 1995 *Concerning the Procedures for Preparing Legislation* and reviewed the status of decisions of the Council Ministers to adopt the Legislative Plan Guidebook as its frameworks for developing draft laws. It developed a series of recommendations for how, despite the continuing non-functioning of the Legislative Council, the legislative process could become more systematic, transparent and democratic, until such time as the role of the Council can be restored following free and fair elections. The ideas contained in this review have formed the basis of the strategies developed for the new programming framework, including the pressing need to harmonise laws and support the development of a national legal framework.

In relation to improving the legislative drafting skills of government lawyers, the programme provided support to the implementation of an intensive specialist diploma programme on Legislative Drafting provided by the Birzeit University Institute of Law. The programme worked with the Legal Unit of the Council of Ministers to identify the most relevant beneficiary institutions and then the 350 hour programme was provided to 42 government lawyers from across a range of ministries and institutions. The feedback received from institutions whose lawyers participated in the diploma programme, including from the Council of Ministers Legal Unit, has been a significant increase in the skills of these lawyers and the quality of draft laws they produce. However the programme has noted an enduring challenge which is the need for institutions to consistently task those who have received this specialist training to draft laws, rather than other lawyers who have not. This comes back to a more general issue about the need for senior public servant managers to ensure that tasks are allocated within their institutions according to skills and proven ability. Nonetheless, through providing this specialist and in-depth theoretical and practical skill-based training, the programme has contributed to the creation of a cadre of government lawyers better capable of solid legislative drafting, although their skills and expertise need to continue to be fostered.

Finally, through the efforts of the programme's embedded experts and dialogue with justice institutions, donors and other development partners, the programme was able to contribute to the strengthening of human rights protections contained in many draft laws, including those reflected in Table 1.5 below (and listed in full in Annex 2). In addition to these, the programme also undertook written reviews of draft laws and offered its technical expertise to the members of the informal Justice Sector Working Group. During 2013-4 the programme provided technical written reviews and undertook policy dialogues or advocacy on four key draft laws which raised important human rights issues such as the draft Penal Code (Gaza), draft Legal Aid Law, proposed amendments to the Criminal Procedure Code, and proposed amendments to the Constitutional Court Law. Through its contribution of technical analysis and owing to its strong positioning, neutrality and credibility with all key actors, the programme was able to effectively leverage its technical support and advocacy efforts and make significant contributions to the improvement of several of these draft laws or prevent them from being enacted.

**Table 1.5: Number of new/amended laws and bylaws contributed to by the MOJ (2011-2013)**

Year	New/amended laws	Bylaws	Total
2011	22	5	27
2012	23	17	40
2013	17	23	40

**Result 1.6: Key stakeholders, including the general public, better able to access both information about the work of the MOJ and legal information such as legislation and court judgments**

As a key thread of its access to justice strategy and effort to build legal skills and literacy, the programme has consistently worked to enhance public access to accurate, high quality, digestible information about the country's laws, legal system and the legal services available. To this end, the programme supported the enhancement of the *Al-Muqtafi* electronic legal database developed by the Birzeit University, Institute of Law. *Al-Muqtafi* has taken on primary importance as the sole repository of consolidated versions of all laws applicable in the oPt (West Bank and Gaza). In addition, it has developed an institutionalized relationship with the High Judicial Council for the publication of court judgments made by the regular courts, and specialist courts such as the Family Courts and the Crimes Corruption Court. During the reporting period, the Institute of Law continued developing the site to new heights of excellence by utilising *Akoma Ntoso* technologies improving the classification, organization and 'searchability' of the site and enabling optimal public access and use. The strong need being met by the *Al-Muqtafi* legal database for public legal information is eloquently demonstrated by the consistently high and still increasing rates of usage set out in Table 1.6 below.

**Table 1.6: Use of the *Al-Muqtafi* database (2010-2013)**

Year	Average daily users	Average daily hits
2010	1,477	197,000
2011	1,580	216,000
2012	1,702	248,000
2013	2074	316,400

Through the programme's support, during 2013-4, the Institute of Law was able to expand the collection of laws, judgments and legal commentaries available on the site to the public and justice actors alike.

**Table 1.7: Additions to *Al-Muqtafi* database (2012-2013)**

Year	Legislation	Court judgments	Legal principles	Comments	New Users
2012	119	1586	431	131	?
2013	137	1789	659	27	4295

The addition of the principles and commentaries prepared by eminent academics and practicing legal professionals, add additional value to the *Al-Muqtafi* site and enhance the quality of legal practice and education in oPt. These resources shed light upon the underpinnings of the legal system and help high level users interpret law, draw on comparative legal resources in the construction of their submissions and legal arguments. The heavy reliance upon *Al-Muqtafi* by the legal profession itself, from government lawyers, private lawyers, prosecutors, judges, academics and students is confirmed in these comments from legal professions.



**Table 1.8 The impact of the *Al-Muqtafi* database**

<b>Testimony 1</b>
<b>Advocate Saher Refai:</b> 'The <i>Al-Muqtafi</i> program gives me easy access to all legislation. It is a simple but sophisticated site that enables me to access any laws, and link relevant judgments and commentaries to these laws, with great ease. This helps improve my legal submissions and arguments before the courts because I can readily not only set out the relevant applicable law to the court, I can also explain to the judge how similar cases have been decided and offer some further arguments for how the law should be interpreted in the interests of my clients. <i>Al-Muqtafi</i> helps the lawyers, the courts, the clients and improves the standard of justice in Palestine.'
<b>Testimony 2</b>
<b>Head of MOJ Human Rights Unit, Amjad Mubayed :</b> 'The way that <i>Al-Muqtafi</i> is organized helps me to follow how the courts do or do not use human rights standards and the Basic Law in their judgments and judicial reasoning. I can readily search any references to treaties or human rights provisions of the Basic Law. This helps me to monitor the degree to which human rights are being used to help frame the decisions of the courts and the legal arguments made by lawyers. It is also a rich resource for me in doing human rights research and to find comparative legislation from other jurisdictions.'
<b>Testimony 3</b>
<b>Legal Advisor MOJ Rehab Falha:</b> Without <i>Al-Muqtafi</i> to provide consolidated versions of legislation I would be kept with an incomprehensible mess of conflicting and fragmented laws and information. With so many different sources of law applicable in the oPt, <i>Al Muqtafi</i> makes it possible to determine what the law is and how the different layers of the law interact. Without it, we would face many legal errors and great legal uncertainty in oPt'.

In addition to the *Al Muqtafi* site, the programme has ensured access to legal information through the establishment of a legal library within the MOJ. The legal library is used by Ministry staff, other institutions, private lawyers and is also open to the public. The collection of around 5500 books includes unique and old texts which the library has painstakingly restored to preserve their integrity. It also contains a collection of the most relevant available texts in English and Arabic on international, regional and domestic legal frameworks. In addition, the library subscribes to around 75 electronic reference services including regional and international journals, UN documents and data bases, which are readily available under library passwords to library users. An ambient research space has been established within the library. The two librarians have built an electronic catalogue, facilitated loans from other legal regional libraries and provided training and support to library users on library resources and the *Al-Muqtafi* site. While the library was only recently formally opened, it has already enjoyed a steady stream of visitors, borrowers and other users which will likely increase through the MOJ's regular updates on events and trainings available in the library. While still new, the legal library has the potential to become a centre of excellence and a hub for the Ministry's public legal information services and venue for hosting small events for the legal community.

**Table 1.9 The impact of the MOJ Legal Library**

<b>Testimony 1</b>
<b>MOJ Lawyer and Head of International Legal Cooperation Unit: Yousef Abdel Samad:</b>
"The legal library plays an important role in enhancing the accuracy and quality of the legal opinion provided by the Ministry of Justice to third parties which can include local institutions , international institutions and the public). These legal opinions are important as they may affect the rights and obligations of individuals and so they must be built on a sound legal basis. For me, as the head of the International Legal Cooperation Unit, the legal library provides ready access to essential sources of legal information. The collection contains good variety of texts and references, both historical and modern, and some of the new acquisitions address contemporary legal issues that are new for Palestine including such as international commercial contracts in leasing, franchise, electronic laws, international law. I would recommend the Therefore I recommend providing additional support to the library and its role and to motivate employees for the use of references in them "
<b>Testimony 2</b>
<b>MOJ lawyer and legal researcher in the Gender Unit: Iyad Fawadleh:</b>
" The legal library contains important sources and references, legal and other. The library employees are very helpful

<p><b>and provide loan and imaging services for staff within MOJ, which facilitate their tasks in order to prepare studies, research, and legal papers to enhance the quality of advice and policy produced by the Ministry. I am a legal researcher in the gender unit. The library has provided me with many resources in both Arabic or English, which have contributed to my inputs to draft laws related to the theme of gender. "</b></p>
<p><b>Testimony 3</b></p>
<p><b>Student library user: Hanadi Abu Shareefeh:</b></p> <p><b>"I am a student in the Masters program at Abu-Dis University, in the field of 'Sustainable Development and Institution-Building'. I have benefited a lot from the library. It provided me with references related to environmental legislation which was the core of my thesis. I regularly visit the library and borrow useful resources that is related to my study and also to my job in the ministry as an employee in the Planning Unit.</b></p>

*Result 1.7: Capacity of International Legal Cooperation Unit Strengthened*

The International Legal Cooperation is legally competent to make and receive requests for mutual legal assistance from third states in criminal and civil matters. It also works to build the capacity of the Palestinian members of the Joint Legal Committee (JLC) established under the Oslo Accord to coordinate justice issues between Palestinian and Israeli authorities. Finally, it provides legal support to the MOJ's Human Rights Unit in relation to human rights treaty accession and obligations.

From August 2013 the programme provided the MOJ with an expert to help support the newly appointed head of the Unit and build the capacity of the Unit across all three areas of the Unit's mandate. This included preparing, reviewing, submitting, receiving and following up on requests for mutual legal assistance such as for extradition, refunds, letters rogatory and implementation of foreign judgments. The expert also supported the Unit's contribution to the preparation of the second draft of the International Judicial Cooperation Law in Palestine and built the Unit's capacity to prepare draft MoUs and agreements for international judicial cooperation between the State of Palestine and a number of Arab and other foreign countries.

The expert worked on developing the capacities of the Palestinian national team in the Joint Legal Committee comprised of representatives from the MOJ, MOFA, Negotiation Support Unit (NSU), the Land Authority, Prosecution Office, MOI, Liaison Police, Military Liaison (Joint Security Committee). With this support, the Team worked to prosecute and extradite offenders, restore funds, combat international crime, promote and encourage the establishment of the Arab judicial network, deliver justice services in Area C and Area H2 in the West Bank, challenge travel ban orders issued by the Israelis and follow-up on the enforcement of civil and *shari'a* judicial rulings issued by Palestinian courts in Israel (especially important for ensuring the realisation of rights for women). With this assistance and capacity support, the MOJ's international legal cooperation unit was able to submit more than 60 extradition requests to Israel for Palestinian criminal offenders at large in Israel, 'Area C' and behind the wall. For the first time, the Palestinian team succeeded in finalizing an initial two extradition which is a major achievement and breakthrough in addressing the impunity created by the barriers to Palestinian policing in Area C.

The Committee received around 25 requests for cooperation from the Israeli in 2013. The Committee had previously struggled to reliably responds to such requests but with the expert's support the Committee responded to all of these, five of which related to crimes allegedly committed by Israelis in Palestinian jurisdiction (the prosecutor's office had arrested them and the JLC facilitated their transfer to Israel) while the other requests related to requests from the Israelis for documents, forensic materials and traffic tickets issued to Palestinian drivers in Area C.

The JLC produced a legal paper on the legal status of Palestinian Jerusalemites in cases where they commit crimes within Palestinian jurisdiction which led to the establishment of a new sub-committee in September 2013 to address issues concerning jurisdiction over Palestinian Jerusalem ID holders. The sub-committee

met twice (end of 2013 and early 2014) and some progress was made towards agreement that Palestinian authorities assume some jurisdiction over Jerusalem ID holders.

The programme cooperated closely with EUPOL COPPS to work with the Committee in developing a three year strategic plan for the Committee or rather a 'roadmap' on international legal cooperation and criminal prosecution. It also built the capacity of the Committee to participate in joint criminal investigations management including building a chain of evidence capable of meeting the legal requirements of both jurisdictions, maintaining evidence integrity and providing case management to ensure fair trial guarantees are respected. The expert also supported EUPOL COPPS events including an intensive negotiation skills course provided to the NSU and a workshop related to mutual legal assistance in criminal matters in oPt.



*Result 1.8: The MOJ expanded and improved the efficiency of its delivery of public services*

The programme provided contracted staff to the MOJ to improve public services under the Stabilisation Fund agreement and thus can claim some attribution for the increased capacity of the MOJ to expand its branch offices and increase coverage and access to public services. Most public services provided related to the certification of documents and the issuance of non-conviction certificates which are a standard requirement of potential employers in oPt.

**Table 1.10 Documentation services provided by MOJ (2011-2013)**

Year	Document Certification/Verification	Non-Conviction Certificates
2011	26,921	16,261
2012	41,352	24,757
2013	31,930	27,151

The programme also supported the Human Rights Unit and Judicial Affairs Unit handling of complaints related to human rights and the justice system. Complaints are often lodged directly to the Minister of Justice who then refers them to either the Human Rights Unit if they concern human rights abuses or to the Judicial Affairs Unit if they concern complaints about justice processes or actors. The Units then follow up with complainants and competent authorities until resolution.

**Table 1.11 Complaints handling provided by MOJ (Human Rights Unit and Judicial Affairs (2011-2013)**

Year	Number of complaints received	Number of complaints resolved	Number of complaints being followed up/ held over
2011	79		
2012	135	103	32

<b>2013</b>	<b>244</b>	<b>231</b>	<b>13</b>
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Through the Stabilisation Fund, the programme also contributed staff to the Department of Forensic Medicine (which is implementing a large project supported by UNODC) through the provision of a female legal assistant to take the statements of victims of sexual assault and other crimes of GBV and ensure archiving of all records. It also supported the contract of the forensic technician who works with forensic doctors in conducting autopsies. In addition, the Gender and Juvenile Justice Expert provided the Department with advice and support on mainstreaming gender into the Department's work. This included advice to include at least 50% female doctors in the forensic medicine specialization in Jordan, a suggestion which was adopted and implemented. This will improve the provision of forensic services to women once the graduates return, as currently none of the Ministry's forensic doctors are female. Through the programme's technical advice, examination procedures for female victims of sexual or other GBC related crime were improved following adoption of suggestion that female forensic nurses conduct examinations of women and children (under the remote supervision of doctors) until female forensic doctors are available, to reduce the trauma of the examination process upon the victims.

**Table 1.12 MOJ Forensic Medicine Services (2011-2013)**

<b>Year</b>	<b>Number of forensic examinations undertaken</b>	<b>Number of forensic autopsies undertaken</b>	<b>Number of statements taken from GBV victims</b>
<b>2011</b>	<b>1,359</b>	<b>165</b>	<b>72</b>
<b>2012</b>	<b>2,248</b>	<b>146</b>	<b>76</b>
<b>2013</b>	<b>1,936 (411 female)</b>	<b>159 (38 female)</b>	<b>85</b>

*Result 1.9: The HJC better able to plan strategically and to respond to its own capacity development needs and the needs of its stakeholders, including the public*

*The Planning and Project Management Unit coordinated effectively with HJC departments and courts, understood their actual needs, provided them with ideas, and liaised with donors to produce projects that answer to those critical needs. That is why, since I assumed office, I relied on the Unit to provide me with information and advice in developing HJC's strategies, work plans and policies and law amendments' proposals to improve the work of the courts.*

*His Excellency, Judge Farid Aljallad, Chief Justice*

The Planning and Project Management Unit (PPMU) at the HJC, established in 2008, was the first among three units created and supported by UNDP with the aim of improving the justice institutions capacity to deal with their institution building and development aspirations. By focusing on enhancing the strategic planning of the institutions and their capacity to run and maximize their benefits from the development projects, the PPMU soon became a vital unit on the organizational structure of the HJC. Throughout the last six years UNDP has continued to support the unit with three seconded experts, with the necessary equipment, and resources to engage the PA contracted members of the Unit in capacity building activities such as training, workshops, and conferences. In 2013, the Unit dealt with an array of issues, including: the development of the HJC's work plan for 2013; the development of the HJC's input for the next cycle of the justice sector strategy 2014-2016; the review and approval of three new projects on judicial inspection, facilities management and court administration; the provision of input and approval of the extension of two multifaceted projects, i.e. UNDP/UN Women Access To Justice II and Enhancing Palestinian Justice Program funded by USAID.



Meeting between PPMU and HJC Department Heads to introduce 2013 work plan in the presence of H.E Chief Justice. PPMU members answering question following the presentation.

### *Enhanced Relationship with Civil Society*

*The PPMU is an important unit within the HJC as it plays a vital role in strengthening the linkages between the Judicial Authority and the Civil Society Organizations to implement the strategic goals stated in the justice strategy.*

*Ibrahim Albargothy, Chairman MUSAWA*

In 2013, the Unit focused on fostering the relations of the Judicial Authority with relevant civil society organizations and universities. To this end, the Unit worked closely with heads of CSO's and law faculties from Birzeit, Al Quds and An-Najah Universities to obtain their feedback on the results achieved under the 2011-2013 justice sector strategic plan and to ensure their contribution to the new 2014-2016 plan. Further to the 2012 quarterly consultation with the CSOs, the PPMU facilitated two round table discussions in 2013 (one supported by UNDP) with a group of CSOs<sup>17</sup> including with the ICHR, PACC and the PBA. Matters discussed included improvements to the handling of juvenile cases, development of a complaints system for the HJC, the relation of CSO's with HJC and mechanisms to improve cooperation. Furthermore, the Unit facilitated the participation of HJC in joint workshops, conferences and trainings with CSOs and international organizations to discuss draft laws,<sup>18</sup> monitoring and evaluation<sup>19</sup>, the work of the courts to better serve the public and reports how the legal frame work could be strengthened vis-à-vis human rights,<sup>20</sup> juvenile justice,<sup>21</sup> transparency, and financial and administrative independence of the Judicial Authority.<sup>22</sup>

<sup>17</sup> Including Al Haq, Musawa, WCLAC, Aman, Defense for Children International (DCI), The international Legal Foundation (ILF), Jerusalem Legal Aid and Human Rights Center (JALC), The Center for the Empowerment of Women with Disabilities (Star of Hope), The Center for the Defense of Freedom and Civil Rights (Hurriat), and The Human Rights & Democracy Media Center (SHAMS),

<sup>18</sup> UNDP on the legal Aid, DCAF on Procedural Code amendments, Military Courts Law draft, Military Courts Procedural Code draft.

<sup>19</sup> Support to MUSAWA Legal Monitor

<sup>20</sup> With the Office of the United Nations High Commissioner for Human Rights

<sup>21</sup> With The international Legal Foundation (ILF)

<sup>22</sup> With Aman



**Meeting with CSOs**



**PPMU members answering questions following the meeting**

*Piloting New Systems Responsive to Public Needs*

*To implement the Model Court system we constantly need innovative ideas. This model is not fully developed yet and hence there is a room for constant improvement. The model court idea originated from the PPMU and the Ramallah Court was the first pilot, hence we constantly benefit from the presence of the PPMU representative during the implementation of any of the project's new phases*

*Honorable Judge Ra'ed Asfour, Head of Ramallah Court*

Throughout 2013 the PPMU provide support and advice to the Chief Justice, the Head of the Unit, HJC staff members working in other departments and courts, as well as partners in the justice sector, PA institutions, donors and project implementers. The Unit continued to assist HJC and its partners in defining, quantifying and prioritizing the HJC's and the courts' needs and developing solutions to better respond to the needs of the public. It also worked to introduce the model court system in Ramallah including the development of 'optimum case time lines' to expedite judicial proceedings and unified court administration counters to reduce queues in the different courts.



**Coordination meeting between HJC and Anti-Corruption Commission facilitated by the PPMU**



**Meeting between the Chief Justice and British Experts from the Slyn Foundation/ Buckingham Center for Law discussing complementarity of the Judicial and Executive Authorities in the administration of Justice , facilitated by the PPMU**

*Improving the Justice Service Provision Environment*

*The Planning and Project Management Unit supported the court administration in quantifying the needs of the courts, particularly with regard to the infrastructure and the matching between the accommodation schedules and designs of the new court houses to the current and future needs of the courts. Previously, the needs of the courts were miscalculated which often resulted in insufficient space and poor distribution of services within the courthouses. Now, I can say confidently that HJC is maximizing its benefits from all its infrastructure projects and has for the first time standards that can be utilized in the designing of similar projects in the future.*

*Honorable Judge Emad Maswadah, Head of Court Administration*

The PPMU played a central role in coordinating HJC infrastructure development projects, from minor refurbishments to new courthouse construction projects. To this end, the unit supported the needs assessment process, liaised with the donors and supervised the renovation of: the Anti-Corruption Crimes Court in Ramallah;<sup>23</sup> the renovation of the Ramallah courthouse holding areas, police information desk and elevators<sup>24</sup> and the refurbishment of the General Secretariat offices in the HJC.<sup>25</sup> Moreover, the PPMU provided input to the design process of for a new court in Yatta, and for three new courthouses in Salfeet, Qalqiliah, Dura, and an expansion of the Jenin courthouse, all funded by the EU. Throughout 2013, the PPMU represented the HJC in the technical committees for the Tulkarem and Hebron courthouse projects funded by Canada, provided input to the construction process of the Tulkarem courthouse and led the effort to secure an appropriate land for the Hebron courthouse project.



**PPMU engineer and Head of Ramallah Court inspecting work on the Anti-Corruption Court in Ramallah.**



**The Chief Justice, Head of EUPOLCOPPS Mission and Special Representative of UNDP at the official inauguration ceremony for the Anti-Corruption Court in Ramallah**

*Result 5.4: Citizens access to justice services and information improved*

*Courts information Points:*

In 2011, the PPMU brought to the attention of the programme the need to solve the congestion of the courts' front desks, caused by the volume of public inquiries about court procedures, cases, and basic directions. In addition the programme's 2011 public perceptions survey found that women court users are especially dissatisfied with the lack of reception and orientation services in courts.<sup>26</sup> To address this issue the programme developed the idea of court information points to answer general inquiries, reduce the unnecessary traffic at court front desks and to respond to women court users' demands for better orientation/information services.<sup>27</sup>

<sup>23</sup> Implemented by UNDP\EUPOLCOPPS joint programme

<sup>24</sup> Implemented by the JSAP III project

<sup>25</sup> Implemented by EUPOLCOPPS

<sup>26</sup> UNDP Public Perceptions of Palestinian Justice and Security Institutions p.27.

<sup>27</sup> Ibid.

In 2012, the programme developed the first two court information points in Jenin and Nablus, followed shortly by a third court information point in Ramallah in January 2013. These newly established points immediately had an impact in the courts. The two first points handled over 10,000 inquiries in 2012 on behalf of the courts' front desks. In 2013, the work in these two points was temporarily suspended due to the lack of space in the current court houses premises, with the intention of reactivating them in June 2014 following some renovation work. The Ramallah information point continued to function, handling a total number of 61,616 inquiries in 2013. These were distributed as follows:

- 14,852 inquires relating to ongoing cases in the court
- 46,764 mixed inquiries regarding directions, court procedures, notary public procedures and enforcement.



**Members of the public making inquiries at the court information point**



**Members of the public and lawyers making inquiries the court information point**

### *MIZAN II*

In 2013, UNDP continued to support the development of MIZAN II in the HJC by providing technical and financial support and fostering the development of MOU's with other justice and PA institutions through, for example the signing of an MOU with the Military Courts. Beyond its usefulness as an electronic case file management tool, justice institutions also started using MIZAN II to extract information and statistics on the work of the courts including the nature and number of cases processed, the geographical distribution and gender of litigants. This information was also used by the PCBS and other institutions to track developments within the justice sector. By the end of 2013, the HJC IT Unit had installed MIZAN II on the servers of the following institutions as a case file management tool: the Attorney General's Office, the Military Courts, the *shari'a* and Ecclesiastical Courts. In addition, the following institutions use MIZAN II for providing services and information to the public: Department of Criminal Justice Record at MOJ, (allowing for all courts' judgments to be reflected in the MOJ database); the PBA to ensure immediate update of lawyers' information; the Ministry of Public Transportation allowing all the fines to be transferred automatically to the courts and related rulings back to the Ministry; and Birzeit University through the *Al-Muqtafi* database, allowing all High Court rulings to be reflected on the system and available to the public.

In 2013, the MIZAN II database connected the prosecution to the courts. This allowed for the electronic exchange of cases from the investigative files to the reflection of the judgment in the prosecution's system and the provision of information on court hearings' schedules to public prosecutors.





**Ceremony launching the connection of MIZAN II between the courts and the Public Prosecution**



**Presentation on benefits and impact of linking the courts and the public prosecution through MIZAN II**

In 2011, lawyers were provided with access to MIZAN II and as of 2013 there were 2707 lawyers who had registered as users and enjoyed remote access to court information related to their cases. The total number of documents viewed remotely by lawyer in 2013 through MIZAN II was 574,139, reflecting a clear preference by lawyers to follow up on their files electronically, significantly reducing the time and effort otherwise consumed in commuting to the court and acquiring information from the court front desks.

*Result 1.10: The AGO better able to plan strategically and to respond to its own capacity development needs and the needs of its stakeholders, including the public*

#### *Capacity Development of PPMU and Support to Major Projects*

Through the capacity development efforts of its three seconded staff, (Planning Manager, Donor Relations/Project Manager and Administrative Assistant) the programme continued its strong support to the AGO's Planning and Project Management Unit (PPMU). This Unit in the AGO responsible for consultatively coordinating the preparation of needs-based strategies, annual work plans, obtaining feedback from the district offices, monitoring implementation of work plans, identifying current and future logistical, technical and infrastructural needs of the Public Prosecution service and advancing the policy-making development of legal and technical aspects of the public prosecution to raise the overall level of performance of the Public Prosecution service. The programme's PPMU staff worked with the permanent AGO PPMU members to manage the recruitment and supervision of a number of new experts embedded in the AGO,<sup>28</sup> represent the AGO in forums such as to Justice Sector Working Group and the Training Thematic Group as well as providing support to their participation in the National Team to develop the Justice Sector Strategy 2014-2016 and lead the Budget Preparation Committee established by the Attorney General to develop the institution's 2014 budget.

The capacity development efforts also focused on the preparation of a range of reports to reflect the achievements and challenges of the Public Prosecution for different stakeholders,<sup>29</sup> and the management and monitoring of the implementation of project activities against the indicators and goals of the Public Prosecution's strategic plan and the Justice Sector Strategy. These included ongoing projects by Sharaka, managing the exit strategy of the Mateen project,<sup>30</sup> supporting new initiatives for JSAP<sup>31</sup> and the EUPOL

<sup>28</sup> In the fields of human resources, outreach and communications, gender, training, human rights and facilities management.

<sup>29</sup> Such as the Ministry of Planning, the Council of Ministers and donors, in addition to the AGO itself.

<sup>30</sup> To ensure the sustainability of Mateen's work in the areas of file management, MIZAN2 data entry, and office administration in six districts.

<sup>31</sup> To enhance police/prosecution cooperation, MIZA data entry, archiving and file management

COPPS technical support programmes<sup>32</sup> as well as the US Treasury technical support.<sup>33</sup> It supported coordination by conducting meetings between the AGO and all implementers to ensure harmonised approached and sharing of information, progress, plans and concerns across all projects, and developed a portal where donors/implementers can upload their documents and plans for access by others, to ensure better ongoing coordination between main actors.

#### *Capacity Development of other AGO/PP Staff*

The seconded staffs' capacity development efforts extended beyond counterparts in the PPMU and to AGO administration staff through their delivery of training programmes for prosecutors and staff across all district offices including in the fields of human rights, gender, investigations and litigation, economic crime and money laundering, file management, and office management. The PPMU was also able to organise two major conferences, including the first annual conference for AGO/PP administrative staff reflecting the AGO's first strategic plan goal to prioritise building the administrative capacities of the staff. These capacity development efforts culminated in the launch of the Unified Administrative Procedures Manual Guide for use by all administrative staff in the public prosecution which regulates and sets standards for the work of the public prosecution in line with legal frameworks, directions and regulations issued by the Attorney General aimed at ensuring efficient and effective public service provision. Implementation of the manual has already contributed to faster trials, a dividend that will likely grow over time with increased fluency of the procedures. The manual also supported efforts to coordinate and clarify the procedures and roles of other entities the Public Prosecution interacts closely with including the Courts and the Civil Police.

The second conference, the 4th Annual Conference of the Public Prosecution focused on specific topics such as the backlog of cases in prosecutions, gender and juvenile issues, exchange / rotation of judges and prosecutors, the protection of Palestinian antiquities and international legal cooperation, especially in light of the Observer State status attributed to oPt by the UN General Assembly in late 2012.



*It's important to sustain the independence of the Public prosecution in Palestine due it it's vital role in Justice and rule of law process , and in international judicial cooperation with the countries of the world, especially after the adoption of Palestine as a member state at the United Nations ... ""*

***Dr. Rami Alhamdallah, speaking at the conference.***

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<sup>32</sup> Focusing on police-prosecution cooperation through the Public Prosecution-PCP MOU implementing group, and capacity building on cyber crimes and international legal cooperation.

<sup>33</sup> Focusing on economic crimes and money laundering.

The PPMU also supported the professional development of several administrative staff by organising a study visit to Spain to observe best practices of internal control and management, collection of statistics and approaches to capacity building. Funded by the Programme, PPMU was empowered to head the Public Prosecution delegation on an official visit to the Dubai prosecution to examine information management technologies and the Smart Statistical System in place in Dubai. Upon the team's return, several elements of the technologies shared during the visit were assessed as appropriate for the AGO in oPt and these elements are now included in the AGO's strategic plan.



The PPMU, with the IT Unit advanced plans for developing training software programme which would set criteria for nominating Public Prosecution members for future trainings and serve as a database of all training/capacity building programmes provided.

*Support to AGO's Coordination of Gender Responses Across Justice Institutions and with CSOs*

The programme's staff in the PPMU worked to harmonise the gender-related aspects of the AGO's strategy with those of the MOJ's and HJC and participated in working sessions conducted MOWA , "Moftah", Women's Centre for Legal Aid and Counselling, ICHR and other CSO's to discuss promotion of women's access to justice, protection of women against violence in Palestinian society and how the AGO could develop harmonised procedures with those of the PCP Family Protection Units. The PPMU facilitated the signing of a MoU between the AGO and MOWA aimed at strengthening the AGO's role in the National Strategy to Combat Violence Against Women (2011-2019) and mainstreaming of gender responsiveness across the AGO's functions. To this end, the PPMU supported the development and implementation of several training courses for a group of specialised prosecutors covering prosecution of gender based violence including investigation, documentation, confidentiality, collection of evidence and most importantly, the protection of victims The PPMU was also involved in reviewing the draft Family Protection Law in the Gender Legislative Committee chaired by the MOJ under the auspice of the National Strategy.



*Support to AGO's Development of International Partnerships and Cooperation*

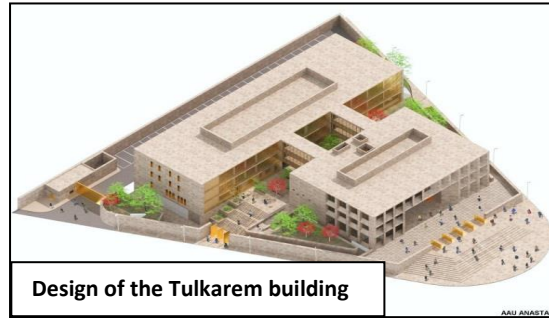
The PPMU was able to support the AGO's response to the President's request that institutions be well represented in international fora and well positioned to join international agreements and treaties. The PPMU organised an official mission (headed by the Attorney General) to the Kingdom of Morocco to strengthen bilateral relations in the field of joint judicial cooperation and met with a high level Turkish delegation to identify the possible approaches of cooperation and interaction between both parties in areas of fighting drugs and preventing crime. The Unit also supported the participation of Palestinian Public Prosecution in the works of 18th Annual conference of IAP (International Association of Public Prosecution) which was held in Moscow and entitled "The public prosecution and the rule of law. "This engagement resulted in the signing of a Memorandum of Understanding between the Palestinian and Russian Prosecutions agreeing upon mutual legal assistance, vocational training, the development of cadres of the



Public Prosecution for both countries and the exchange of legislation, research and studies.

#### *Support to AGO's Infrastructure and IT Improvements*

The PPMU oversaw and led a major quantum leap in the Public Prosecutor's infrastructure including rehabilitation of many Public Prosecution offices in Halhoul, Tulkraem, Nablus, Qalqilia, Salfeet,<sup>34</sup>(including the provision of new furniture and equipment) and in Ramallah including areas for storage of evidence and installation of detention cells that meet the international standards.<sup>35</sup> A new building was constructed for the Bethlehem Public Prosecution Office providing proper accessibility for people with disabilities and meeting the particular needs of women and child service users. The PPMU also supported the Courthouse Project<sup>36</sup> in the design phase of the new courthouse project in Tulkarem (which includes a floor for the Public Prosecution) and is currently monitoring implementation of the project jointly with the HJC, while preparing the Terms of Reference remaining district courts (Salfit, Qalqilia, Jenin, Tubas, Halhoul, Dura and Nablus) under the Future Courthouse Project<sup>37</sup> which include space for Public Prosecution offices.



Through the Sharaka Project, the PPMU in cooperation with the IR Department was also able to construct the new portal of the Public Prosecution which will enable the public, lawyers and prosecutors to apply/search for/follow up on their requests/cases. In addition, the PPMU worked with the IT Unit to collate all feedback from MIZAN II users in district offices and as a result several updates and modifications were made to MIZAN II to better tailor it to Public Prosecution Office's needs.

#### **Activities not implemented**

N/A

#### **Summary of overall impact of Outcome 1 (2011-2014)**

The cumulative impact of the programme's efforts to strengthen the capacity of the core justice institutions is both measurable and tangible. The programme's support and interventions were behind many of the positive developments in the sector between 2012-2014. The impact of the programme's contributions were carefully investigated by the independent evaluator of the programme, who concluded as follows:

Today, the legal landscape in the oPt is dramatically different, and UNDP-sponsored rule of law and access to justice initiatives can be credited for contributing to change in both justice institutions, levels of access, gender equality and the strengthening of civil society.....As detailed in the evaluation report, the capabilities of the key justice institutions (including legislative capabilities) have been greatly expanded through UNDP-supported training and education programmes, as well as by embedded experts and improved legal infrastructure funded by the programme. The provision of legal aid and coordination between legal aid providers and the state have been significantly improved, and efforts have been made to inform the public of their rights and their ability to protect them through formal justice mechanisms.... Through efforts of the UNDP programme, the relationship among the key justice institutions and between those institutions and the public has been improved dramatically.<sup>38</sup>

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<sup>34</sup> Funded by the Sharaka Project

<sup>35</sup> Funded by the INL \ U.S. Consulate

<sup>36</sup> Funded by CIDA

<sup>37</sup> Funded by the EU

<sup>38</sup> Independent Outcome Evaluation, Richard Langan, May 2013, p. VI-VII.

In addition, positive results reflected in the UNDP Public Perceptions of Palestinian Justice and Security Institutions survey correlate largely with areas the programme has concentrated its efforts thus there is likely a link. The survey found that more and more Palestinian men and women are accessing the justice and security services provided by the PA and their partners in civil society<sup>39</sup> and that the number of Palestinian households<sup>40</sup> who regard PA justice and security institutions as legitimate, independent, and effective has increased considerably in recent years.<sup>41</sup> In addition, legal literacy has increased, especially among those people found to have least knowledge of what their rights are and how to assert them: women, youth, poor and rural households.<sup>42</sup> More women are coming into contact with the justice system<sup>43</sup> and the disparity between men and women coming into contact with justice and security institutions has reduced.<sup>44</sup> There is evidence too that juvenile justice frameworks are being implemented, and that children in conflict with the law are increasingly benefiting from age-appropriate treatment, although further efforts are still needed to ensure full compliance with international standards.

UNDP's commitment to principles of national ownership and efforts to build close partnerships with each of the core justice institutions have provided a unique and strong positioning for the programme's interventions have delivered positive dividends and provided a strong basis for continuing cooperation into the next phase of programming. These relationships of confidence and trust not only facilitated the positive work we were able to do together, but also helped both parties to weather candid engagements when needed, another important aspect of the partnership and reflection of the strength of relationships nurtured throughout this programme.

An unavoidable deficiency of the programme's work to support institutions lay in their limited coverage due to the existence of parallel institutions in the Gaza Strip established by the de facto authorities. As the reconciliation process did not progress during the life of the programme, support for unification of the core justice institutions unfortunately could not be progressed. It is hoped that there will be greater upcoming opportunities to share and extend some of the progress and results achieved in the West Bank, to the justice providers in the Gaza Strip.

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<sup>39</sup> According to the latest public perception survey results, there has been a 5.2% increase in the number of West Bank households which came in contact with Palestinian justice and security institutions between 2011 and 2012

<sup>40</sup> The methodology used to identify interviewees by 'household' guaranteed a random and representative sample, in terms of geographical distribution, locality type and gender. The 8705 households to participate in the survey was comprised of 4,352 male interviewees and 4,353 female interviewees.

<sup>41</sup> 85.0% of households indicated that 'courts are the only legitimate institutions through which to resolve disputes', a 19.7% increase on 2011. There were also significant increases in the number of respondents who believe that the law is clear and fair (155.6%); that using the courts leads to justice (120.1%) and prevents violence (159.7%)

<sup>42</sup> Basic legal literacy has increased by 10.7% overall, and improvements have been most significant among women and targeted groups. Legal literacy among women has increased by 26.2%. Legal literacy has increased by 24.2% among rural households; 13.4% among the poorest households, and 11.7% among youth

<sup>43</sup> Between 2011-2012 there was a 26.7% increase in the number of women coming into contact with the justice system

<sup>44</sup> There was a 9.6% reduction in the disparity between the number of women and men coming into contact with justice and security institutions

## **2. OUTCOME 2: ACCESS TO JUSTICE AT LOCAL AND GRASSROOTS LEVELS ENHANCED**

### **Rationale**

Outcome 2 of the programme aims to ensure that those who are poor and disadvantaged can seek remedies and resolve their legal problems through accessing legal information, consultations, mediation and legal representation. The evidence presented below also suggests that these efforts contribute to broader transformation processes and help to address gender-equality, combating poverty, and challenging human rights violations. In addition, they contribute to bringing the formal and informal justice systems into closer alignment, including on human rights standards.

During the reporting period, interventions targeted both the West Bank, including East Jerusalem and Area C, and the Gaza Strip. As such, partners worked on addressing violations under both Palestinian jurisdictions and Israeli jurisdiction, as well as – in some cases - calling on the responsibilities and obligations of third party states through advocacy initiatives. Activities implemented in the Gaza Strip are outlined in Chapter 5 and activities focused on the West Bank are presented in this section. However, it is important to note that there exists some crossover and strong linkage between the two programming areas.

### **Overview**

In the course of three years, UNDP's Rule of Law & Access to Justice Programme has focused on developing the capacity of civil society organisations to provide legal aid services to disadvantaged groups in a manner that conforms to human rights standards and ensures effectiveness, accountability and accessibility. Legal aid services have been delivered through the Civil Society Initiative, a programme through which UNDP has established partnerships with more than 67 civil society organisations (43 in the West Bank and 24 in the Gaza Strip). These organisations include large professional NGOs as well as small and locally-based community organisations. Under the framework of the programme, these organisations provide:

- Legal aid services in the form of legal representation, legal consultation and mediation, and legal awareness-raising activities for vulnerable communities;
- Capacity-building for key professional groups including lawyers, law students, media professionals, trade unions and the police; and
- Local and international advocacy initiatives targeting duty bearers to adhere to human rights and international standards.

As part of an overall effort to build a strong professional lawyer network across both the West Bank and the Gaza Strip, the programme collaborated with the Palestinian Bar Association in delivering training opportunities to practicing lawyers on different legal thematic areas and skills. Furthermore, the programme established partnerships with seven universities (four in the West Bank and three in the Gaza Strip) in support of the development of clinical legal education programmes. University legal aid clinics were established where students provide legal assistance to community members under supervision.

In 2013 the programme was able to provide legal aid services (legal representation, legal consultations and mediation services) to 5173 Palestinians in the West Bank (Gaza Strip results will be discussed under Outcome 4). In addition, the programme provided legal awareness-raising activities to 3029 people, bringing the total number of legal aid beneficiaries to 44,070 (65% of whom were women).

The programme has conducted interviews with beneficiaries and documented case studies on an ongoing basis to assess the impact of its assistance on the lives of beneficiaries. As a result of the programme,

hundreds of beneficiaries were able to access their rights, and judicial and administrative governmental institutions were compelled to adhere to the rule of law. Moreover, due to advocacy efforts by CSO's for reform of governmental policies and laws, state bodies have become increasingly responsive to the rights of Palestinians.

### **Challenges**

The implementation of activities under Outcome 2 was affected by a number of challenges in 2013. Generally, the impact of legal assistance under Palestinian jurisdictions differs considerably when compared to legal assistance to cases brought under Israeli law. Under the latter, the prospects of securing justice for Palestinians are slim. Many Israeli laws which apply to Palestinians are not in conformity with international human rights standards, such as the Israeli military orders that are applicable in the West Bank including East Jerusalem. Cases that should be under the jurisdiction of a civil court (Palestinian or Israeli) are often dealt with under the Israeli military system, which enjoys less independence and impartiality and does not effectively safeguard the individual rights of the accused. Almost all cases heard by Israeli military courts (99.74%) resulted in convictions. The military appeals courts also overwhelmingly sided with Israeli army prosecutors, with (67%) of appeals filed by the state accepted, versus only (33%) filed by the defence.<sup>45</sup>

While continuing to provide legal support to families on issues of displacement, land confiscation, health rights and freedom of movement, CSO's have therefore also focused heavily on documenting violations of human rights and obstacles faced when engaging with the Israeli courts, as part of their advocacy strategy to call for accountability at both national and international levels.

### **Results**

This section illustrates the results achieved under Outcome 2 of the programme, linking it to the programme outputs (laid out in the 2013 work plan). Illustrative cases, testimonies and success stories are presented throughout the section.

*Result 2.1: Community access to justice in the West Bank significantly expanded by more than doubling the number of legal aid services provided to poor and excluded individuals, and successfully increasing access to legal services for particularly disadvantaged groups including women, and the residents of Area C and East Jerusalem.*

Result 2.1 was achieved through a set of activities designed to achieve Outputs 2.1 (legal aid services provided and strengthened, particularly for the poor and disadvantaged) and 2.2 (legal literacy amongst rights holders and duty bearers improved) of the programme (activities 1,2,3,5 and 8). During the reporting period, community access to justice in the West Bank was ensured through the provision of legal aid services to poor and disadvantaged individuals and groups, including women, the residents of Area C and East Jerusalem. All of the results detailed below were supported both financially and technically by the programme which can therefore claim a strong contribution to the impact achieved.

During the reported period, 2,622 individuals in the West Bank and Jerusalem benefitted from legal representation in 2013, compared to 2,705 individual in 2012. In addition, civil society partners ensured legal representation for long standing class action cases that impact an entire community. Emblematic cases are the case of Silwan (representing approximately 4, 5000 residents) and the case of Sheikh Jarrah (representing approximately 80 individuals including children). The programme was also able to provide legal consultation services for 2,551 individuals (West Bank and Jerusalem), as compared to 4,402 individuals in 2012. Furthermore, 73 individuals received assistance to lodge petitions with the higher courts

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<sup>45</sup> <http://www.haaretz.com/print-edition/news/nearly-100-of-all-military-court-cases-in-west-bank-end-in-conviction-haaretz-learns-1.398369>

and assistance to file legal complaints was provided for 207 individuals. Moreover, of the total number of individuals who received legal representation and consultation, 298 individuals were referred to specialized partner and/or other services. The programme provided partners with the opportunity to network and develop referral systems amongst themselves. For instance, the Civic Coalition for Defending Palestinian Rights in Jerusalem, a leading civil society organization in defending collective and individual rights, partnered with the Jerusalem Community Advocacy Network, a small civil society organization who provides legal representation before the Israeli administrative bodies. Opportunities to collaborate and build effective referral systems between partners will continue to grow as the network of legal aid providers in the West Bank expands further.

#### *Legal literacy services provided by the programme*

In 2013, the programme decided to concentrate more resources on direct legal aid provision in order to have a tangible impact on the life of beneficiaries, through a smaller number of partners. As a result of this shift in resources, the number of legal workshops delivered to justice sector stakeholders decreased in comparison to 2012.

The figures are as follows:

- In 2013, 79 events targeting rights-holders were delivered benefiting 2624 individuals.
- In 2013, 16 specialized legal workshops benefiting 405 trainees (lawyers, law students, civil society and community leaders, trade unions, civil servants, traditional justice figures and media personnel) were delivered, compared to 51 specialized legal workshops benefiting 1251 beneficiaries in 2012. The subjects covered included human rights, women's rights, labour rights, freedom of assembly, rights under the Israeli justice system, documentation, the right to health and children's rights.

#### *Targeting particularly disadvantaged groups*

Disadvantaged groups are likely to face additional access to justice barriers. Therefore, the programme worked with a mix of general and specialised CSO legal aid partners to target especially disadvantaged groups whose access to justice is particularly constrained, such as women and communities living in Area C and East Jerusalem. The services in Area C and East Jerusalem were provided by 13 legal aid partners (9 in Area C, 2 in East Jerusalem and 2 in a combination of both Area C and East Jerusalem); two of these work exclusively with women, two exclusively with children and the remainder with a combination of men, women and children. The figures are as follows:

- Gender: in 2012, an already solid 37% of those receiving legal representation were women. This proportion dropped down slightly to 34% in 2013. In addition, throughout 2011, 2012 and 2013 the programme has been able to maintain a gender balance of approximately 50/50 with respect to legal awareness-raising activities. Given that a significant proportion of the legal aid provided in the West Bank is directed at Israeli violations where Palestinian men are heavily over-represented, it is especially notable that the programme has still managed to achieve a relatively high proportion of assistance to women;
- Area C and East Jerusalem: in 2012, 19.7% of cases of legal representation and 16.5% of cases of consultations and mediation targeted Area C and East Jerusalem residents. In 2013, due to a concentration of resources on tangible legal aid delivery, this rose to 34.7% for legal representation (8.2% in Area C, 26.5% in East Jerusalem) and 28.5% for consultation and mediation (9.1% in Area C and 19.4% in East Jerusalem). In addition, 29.2% of the beneficiaries of awareness-raising activities in 2013 were from Area C and East Jerusalem (7.3% in Area C, 25.5% East Jerusalem);



- Children: in relation to legal aid services for children, the percentage of cases supported has dropped down slightly from 6% in 2012 to 3.7% in 2013. In relation to legal consultations, the percentage of cases supported has dropped slightly from 5% in 2012 to 3.3% in 2013. Further efforts to target legal aid services for children may be needed in the second phase of the programme. A summary of the services provided is presented in Tables 2.1 - 2.4.

**Table 2.1: Number of direct beneficiaries of legal assistance (2013)**

Type of assistance	Women	Men	Children	Total
Legal advice/mediation	742	1727	82	2551
Legal representation	830	1693	109	2622

**Table 2.2: Number of direct beneficiaries of legal assistance by jurisdiction and type of assistance (2013)**

Jurisdiction	Legal representation	Legal advice/mediation	Petitions to high courts	Complaints filed
Palestinian	459	668	2	19
Israeli	2136	1883	71	188
Total	2622	2551	73	207

**Table 2.3: Specialised legal training sessions by gender, adult/child status and topic (2013)**

Topic	Trainings	Beneficiaries	Women	Men	Children
Women's rights	4	109	58	41	10
Documentation	2	52	4	48	0
Rights under the Israeli legal system	3	78	8	70	0
Human rights	3	65	20	21	24
Child rights	4	148	14	13	74
Total	16	452	104	193	108

**Table 2.4: Number of awareness-raising workshops delivered for rights-holders (2013)**

Topic	Workshops	Beneficiaries	Women	Men
Israeli detention policies	1	27	11	16
Complaint mechanisms	7	168	55	113
Rights under the Israeli legal system	8	199	14	185
Women's rights	25	483	384	99
Human rights	15	404	207	197
Personal status law	8	283	268	15
Monitoring the justice system	4	78	32	46
Child rights	11	982	678	304
Total	79	2624	1649	975

### *The impact of legal aid provision*

As demonstrated by the data presented above, in 2013 a significant number of beneficiaries were able to improve their living conditions and claim their rights under both Palestinian and Israeli jurisdiction. The nature of cases handled by partners range from opposing political arrests, house demolitions, issues concerning freedom of speech and freedom of movement, as well as violations related to working conditions

and health insurance and discriminatory treatment of women. As a result of the programme's support, beneficiaries were empowered to address discriminatory or unlawful measures that impact different aspects of their private and professional life.

To illustrate, as a result of the work of HaMoked, a leading Israeli Human Rights organization supported by the programme, 296 family reunification, child reunification, and child registration permits were received or renewed, in addition to six residency permits. Moreover, HaMoked's Detainee Rights programme received some 775 requests for family visitation in Israeli prisons of which approximately 500 permits were granted. The following case studies further illustrate the various impacts of legal aid provision.

**Table 2.5: The impact of legal aid provision: Case Studies**

<p><b>Case 2.1: The right to residency and health insurance</b></p> <p>N.T., a Palestinian resident born in East Jerusalem and married to a Palestinian resident, left for the USA and Jordan for work purposes. Upon returning to Jerusalem five years later, she and her husband divorced. Following her return, N.T.'s identity card was withdrawn by the Israeli Ministry of Interior, which prevented her from accessing health insurance and for her and her children to move in Jerusalem. Without an ID card, her son was unable to apply for university. Through legal aid provided by the Jerusalem Community Advocacy Network, the decision by the Ministry of Interior to withdraw her identity card was revoked. N.T. was now able to access health insurance, and she and her son can exercise their rights as Jerusalem residents, including accessing educational opportunities.</p>
<p><b>Case 2.2: Family Reunification</b></p> <p>A female permanent resident of the State of Israel married a Jordanian citizen in 1978. According to Israel's policy at that time, female residents could not file for family unification with their spouses. At the same time, the "open bridges" policy ensured that residents of East Jerusalem would retain their status even if they lived outside Israel. Thus, not having a choice, the couple left Jerusalem. They lived and worked in Jordan and Saudi Arabia. In 1995, after the discriminatory policy was revoked and women were allowed to file for family unification with their spouses, the couple returned to Israel with their children who had been born in the interim. However, when the woman returned to Jerusalem, the Ministry of Interior notified her that it had revoked her status and that she must leave Israel. The couple was forced to split their lives between the neighborhoods that lie outside Jerusalem's municipal border and the city itself. In 2000, when the Ministry of Interior issued guidelines for reinstating status that had been revoked, the couple returned to East Jerusalem. In 2003, the Ministry reinstated the woman's status and in 2006, after HaMoked took legal action, her husband and their four young children also received status in Israel. The Ministry refused to grant the three older children status as they had reached the age of majority by the time the application was filed. With the support of HaMoked, and following a lengthy appeal process with the Supreme Court and eventually the Court for Administrative Affairs, the Ministry of Interior – a decade after the original application was filed and almost three decades after the parents had returned to Israel – decided to grant the three older children temporary status in Israel for two years, followed by permanent resident status.</p>
<p><b>Case 2.3: The detention of children by the Israeli military and the importance of legal aid</b></p> <p>In the Hebron detention cell, a number of children had been mistreated by the wardens. During the monitoring visits, Defence for Children (DCI) emphasized that they should be treated in accordance with international standard, including visiting rights by their parents. The prison's administration subsequently improved its treatment of the children detainees.</p>
<p><b>Case 2.4: Forcible removal case</b></p> <p>In December 2013, a case that was handled by HaMoked turned into a public incident when Israeli authorities refused to allow a woman from Gaza travel to the West Bank to care for her cancer-stricken mother because the medical report from the medical facility in Nablus describing the mother's condition bore the heading "State of Palestine." The request had been 'rejected in accordance with the criteria, because the mother is suffering only from back pains'. After several days of no response, HaMoked began preparing a petition to the Court on the matter. Immediately after the authorities learned about the petition, the daughter, after weeks of tireless bureaucratic maneuverings and emotional distress, was able to receive a permit to visit her chronically ill mother.</p>
<p><b>Case 2.5: Right to dignity, a case impacted on thousands of East-Jerusalem residents</b></p> <p>In January 2012, HaMoked petitioned the Court to order the Ministry of Interior to address the intolerable congestion which daily confronts public-service seekers arriving at the population-administration bureau in Wadi Joz in East Jerusalem. HaMoked argued that the waiting conditions at the population administration bureau – which provides public services to East-Jerusalem residents – were intolerable and unacceptable and infringed on the public's rights to dignity and equality. Following a hearing on the petition, Israel announced that the attendance machines would be removed as suggested, leading to an estimated 50% reduction of people waiting for employment-services in the building. With regards to the request for basic facilities in the waiting area, the Israeli authorities announced it would be impossible to respond to this request, and not necessary anymore given the planned measures for reducing the waiting time. After the attendance machines were removed from the building in 2013, HaMoked examined the situation at the entrance to the population-administration bureau, and noted a clear improvement in the number of people waiting in line each day. However, the time spent waiting in line was marginally shorter, and remained relatively</p>

<p>protracted. Consequently, HaMoked notified the court that it cannot forgo the other remedy sought in the petition – the installation of basic facilities in the waiting-area. On June 10, 2013, the court ruled that the petition clearly achieved its objective, albeit imperfectly. The justices noted in the judgment that HaMoked may re-petition if conditions remain poor.</p>
<p><b>Case 2.6: The right to freedom of movement</b></p>
<p>S., who lives in Gaza, was accepted to a Master's degree program at Oxford Brookes University in the UK, with a UNDP scholarship. He contacted Gisha out of fear of being prevented to travel to the UK through Erez. With the help of Gisha, the British Consulate General in Jerusalem intervened and S. was able to leave Gaza and arrive in the UK in time for the first day of class.</p>
<p><b>Case 2.7: Severance pay is a fundamental labor right, also when a factory closes due to financial loss</b></p>
<p>R. J. is a young woman with a speech and motor disability, who had been working for three years at a garment workshop for a low wage of 800 NIS. Rania kept working at the workshop although she felt discriminated against due to her disability, and was subject to humiliating remarks from her employer. Her services were terminated in 2011, when the workshop closed due to financial loss, but R did not obtain her compensation for dismissal. Early 2012, Rania approached DWRC to learn about her rights, and decided to submit a complaint. DWRC filed a lawsuit on her behalf, asking for her severance pay, as well as unpaid vacations, week-ends and overtime hours. A settlement was reached for an amount of 10,000 NIS in court in November 2013, close to the amount requested by DWRC lawyers, and R. obtained payment of her indemnities in January 2014.</p>
<p><b>Case 2.8: Palestinian court upholds the rights of watchmen to overtime pay.</b></p>
<p>S. and K., two elderly men, worked as watchmen for a real estate investment company. For a monthly wage of 1860 NIS, they worked 24 hours shifts without receiving any leave. After ten years on the job, management changed, and both men were dismissed from their job on November 2009. The company was only willing to pay them their severance pay in the amount stipulated by the labor law for resignation (which is a third of the normal severance pay). In 2010, they reached out to DWRC for a legal consultation, and decided to file a complaint. DWRC filed a case for severance pay, compensations for arbitrary dismissal, overtime hours, and work during weekly leave days and holidays. In 2013, DWRC obtained two court decisions awarding compensations of a total amount of 622,551 NIS for both workers. The company appealed the decisions, but our lawyer objected to the appeal. At the same time, he requested a freezing of the company assets by the bank, which blocked an amount of 301,155 NIS until the Court statutes on the appeal. When the appeal for the Court decision concerning S. was rejected by the Court, the decision was implemented and S. obtained his indemnities in November 2013. We are still waiting for the court to take a decision concerning the appeal for the second case.</p>

### *Informal Justice*

As part of the efforts to bring formal and informal justice systems closer together, the programme initiated three consultation workshops convening tribal judges, reconciliation actors and civil society organizations to discuss the a study conducted on the use of informal justice mechanisms by Palestinians in the West Bank and the type of justice obtained through these mechanisms. The three workshops were attended by 103 individuals including 33 women. Issues discussed during the workshop were, inter alia, customary justice actors and dispute resolution procedures, the objective and type of sanctions decided on by customary justice mechanisms, the interface between customary and State justice system and the relationship between customary justice and international standards. The participants identified programmatic entry points for supporting a gradual reform of the customary justice system towards a system that incorporates international human rights standards and upholds the rights of women and children in particular.

*Result 2.2: Sustainability and quality of legal aid services strengthened as a result of clinical legal education programmes and enhanced access to legal resources and institutionalized training courses for lawyers.* This outcome was achieved through a set of activities delivered under output 2.1 (legal aid services provided and strengthened, particularly for the poor and disadvantaged) of the programme (activities 1,2,3,5 and 7).

### *Developing clinical legal education in universities*

During 2013, the programme continued to support legal education in West Bank universities through

supporting the An-Najah university legal clinic, the Hebron university legal clinic, the Al-Quds university legal clinic and its moot court. Moreover, the programme extended its support to Al Istiqlal University, which established a new legal clinic in Jericho city.



**Outreach activities by An-Najah legal clinic focusing on labour rights under Palestinian Labour Law**

The programme has contributed to building the capacity of these legal clinics in order to eventually make them sustainable. This was done through, inter alia, curriculum development, the provision of technical and financial support, and facilitating regular information exchange and best practices among legal clinics through linking the legal clinics with human right based organizations. Law students participating in the legal clinic received extensive training including practical skill development such as case documentation, provision of a legal written advice and development of awareness raising strategies in communities. For example, in 2013 An-Najah legal clinic students received training on family law (women’s rights), housing law, labour law, legal research methodology, procedure/evidence law, procedures in the legal clinic for dealing with clients and providing legal advice. Moreover, students conducted ten workshops on various subjects delivered directly to the communities in coordination with community based organizations. More than 372 individuals benefited from these workshops (162 males and 210 females). Furthermore, the An-Najah legal clinic provided 190 legal consultations in various fields.



**International Humanitarian Law Moot Court Competition, West Bank University Joint Project**

*Continuous professional training*

The programme contributed to strengthening the quality of legal aid by supporting the Palestinian Bar Association training programme in 2013. Three training courses were delivered on Juvenile Justice, Law and Gender Justice, Economic Crimes and Fighting Corruption, attended by 342 lawyers (67 females and 278 males) in five different governorates. While it is difficult to objectively measure the extent to which the quality of legal aid has improved as a result of the training, the lawyers consulted by the programme claimed that they gained important practical skills that will allow them to strengthen their legal representation work.

**Table 2.6: The impact of the PBA's continuous training programme**

<p><b>Testimony 1 - Tax laws and customs Training- Lawyer Hatem Shaheen, deputy chairman of the BAR</b></p> <p>'I had the privilege to attend a training event which was part of the training course on taxes and customs laws which was held in the city of Hebron and targeted 20 practicing lawyers. I have received feedback from number of lawyers, who expressed their full satisfaction for such courses which provided them with the knowledge and expertise in many areas, and one of them, a lawyer practicing the profession for more than 20 years, told me that he will participate again in the same course if it is to be held again for its importance in the Lawyers working life'.</p>
<p><b>Testimony 2 – Trainee lawyer- Training on Tax and customs laws – Lawyer Tawfiq Kufaisheh</b></p> <p>'The 3 days training course was more than satisfactory for me and my colleagues. A legal expert from the Ministry of Finance, who usually plead the PA in tax and customs cases, provided us with theoretical and practical information and knowledge related to laws and cases related to taxes and customs from the background of someone who is dealing with these cases on daily bases, the thing which increased our expertise to better deal with the cases assigned to us through our clients and thus get them satisfied with our performance in relation to their own cases'</p>
<p><b>Testimony 3 - Shift from ad hoc trainings in favour of an institutionalised model, Lawyer Hatem Shaheen, deputy chairman of the BAR</b></p> <p>'The trainings held through the support of the UNDP helped us to institutionalise our internal training scheme for practicing and under training lawyers and opened our eyes regarding the importance of the continuous trainings, so we are now thinking to develop online trainings curricula on specific themes, like the code of conduct and ethics; therefore in future some courses will be mandatory courses for lawyers to pass, in addition to the PAR exam, to get their Practicing certificate or to renew it. The online trainings will help the PAR to respond efficiently to the increased training needs for lawyers (more than 4500 practicing Lawyers) without wasting financial and human resources'.</p>
<p><b>Testimony 4 – PAR social responsibility, Lawyer Hussain Shabana chairman of the BAR, 25 April 2014</b></p> <p>'The experience we gained through the implementation of the trainings funded by UNDP and the interaction with lawyers during the trainings paved the way in front of the PAR to expand its trainings to target all of its members and to implement different legal activities targeting citizens to contribute to the reduction of legal literacy as part of the PAR social responsibility towards the Palestinian society'</p>

*Result 2.3 In the course of 2013, government institutions compelled to adhere to the rule of law as a result of civil society oversight and legal advocacy.* This outcome was achieved through activities delivered under Outputs 2.3 (Accountability mechanisms put in place), 2.4 (Human rights advocacy promoted) of the programme (Activities 6 and 9) and 5.1 (Advocacy capacity of CSOs strengthened).

Strengthening civil society oversight is critical for ensuring effective accountability and fighting impunity. The following examples reflect the successful efforts of partners in obtaining justice for a range of different stakeholders in 2013:

- Following the visit to interrogation and detention centers and following the meeting with the Head of Palestinian General Intelligence, Al-Haq's lawyers conducted a number of media interviews calling for adherence to the Palestinian Basic Law with respect to the treatment of prisoners. As a result of these interventions, 19 prisoners were released. Al-Haq's use of these visits in its advocacy work and the media has received the attention of the Preventive Security Services as well, and has led the PSS to offer Al-Haq the opportunity to conduct frequent monitoring visits to prisoners and their families.
- Palestinian Intelligence officials arrested Mamdooh Hamamreh on 19 October, following the posting of a message about President Abbas on his personal Facebook page. After being held in the Bethlehem prison for 53 days, he was released pending trial. When tried in December, he was given a one-year suspended sentence, which was widely criticized by Palestinian journalists. Protest sit-ins were staged in Ramallah and Gaza Strip in reaction to the appeal court's decision to impose an actual jail sentence, rather than a suspended one. *Al-Haq* advocated on this issue through networking and join forces with other stakeholders. *Al-Haq* also participated in a media campaign for Hamamreh to be released. As a result of the efforts of *Al-Haq* and its partners,

President Mahmoud Abbas pardoned Mamdouh Hamamreh on 31st March 2013, shortly after an appeal court hearing in the West Bank city of Bethlehem.

- Following a visit to the detention cell in Hebron, *Defence for Children International – Palestine (DCI-P)* section reported that a number of children were subject to mistreatment. *DCI-P* raised its concerns with the prison administration, who subsequently improved the conditions in the prison.
- Following an intervention of DCI-P, an improvement of the living conditions of juvenile prisoners in the Nablus reform and rehabilitation centre was observed: they are now allowed to do laundry and are provided with blankets and pillows. In addition, they were informed of their rights and the possibility to submit complaints against violations. Legal assistance was also provided to six minors.
- DCI-Ps raised the case of alleged child abuse with the Ministry of Social Affairs in a school in Bethlehem. Following an investigation, the concerned caregivers were held accountable for their actions.
- DCI-Palestine also filed a complaint to the Ministry of Social Affairs (MOSA) regarding the alleged violations of children at the Arab Orphanage Society in Tulkarem. An investigation mission was carried out by the Legal Unit of the MOSA and it was decided to hold the Board and Management team of this Society accountable and to undertake further legal proceedings against them.
- In early 2013 the deliberations of the Palestinian Supreme Court of Justice arrived at a conclusion in the class action suit brought before the Court by the Jerusalem Legal Aid Center (JLAC). The lawsuit was filed on-behalf of more than hundred governmental employees who had been arbitrarily dismissed from their positions on the grounds of failing to meet security clearance. After two contradictory rulings had been issued on the case by two different bodies of the Palestinian High Court, JLAC's legal unit requested that the case be heard by the High Court in its entirety (composed of nineteen judges). JLAC succeeded in obtaining a positive ruling by the full members of the court, annulling the decision to dismiss the governmental employees and ordering their reinstatement. Following this ruling, the number of governmental employees dismissed from public office under the pretext of failing to meet security clearance dropped to zero.



'No honour for the killer' - Palestinian Working Woman Society for Development

*Result 2.4: Important human rights advocacy goals secured in 2011 and 2012. This result was achieved through Activity 9 (support a human rights advocacy campaign) designed to achieve Output 2.4 (human rights advocacy promoted).*

It is difficult to measure the impact of advocacy initiatives as the nature of activities tend to take a long time to generate an effect. However, during 2013, the programme supported hundreds of successful advocacy initiatives, as shown in tables 2.8 and 2.9. In addition, the programme's partners carried out advocacy efforts using different media<sup>46</sup> channels.

<sup>46</sup> Partner Gisha published several articles and Op-Eds in the Haaretz (Op-ed, July 9L [Gaza's future music stars face a discordant journey to summer camp](#)), Globes (July 8: [הדרך לרמאללה](#)) and The Jewish Daily Forward (Aug 27, [Giving Palestinians More Freedom of Movement Is Win-Win — Even for Israel](#))

**Table 2.8: Monitoring and advocacy initiatives supported in 2013**

<b>Monitoring and advocacy activities</b>	
Press releases; advocacy and media briefings; internet, TV and radio initiatives	<b>283</b>
Research/publications	<b>22</b>
Presentations	<b>107</b>
Conferences	<b>5</b>
Law reform	<b>5</b>
Position papers/advocacy letters	<b>12</b>
Media campaigns	<b>12</b>
Documentation of violations	<b>833</b>
Study tours	<b>61</b>
No. of visits to detention centres	<b>96</b>
<b>Total</b>	<b>1436</b>

**Table 2.9: monitoring and advocacy initiatives supported in 2013**

<b>Case 2.12: Fact Finding Mission</b>
In August 2013, the International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory, commissioned by Resolution 19/17 of the UN Human Rights Council in March 2012, visited Amman, Jordan to consult with different Palestinian stakeholders on the matter. JLAC's attorney in charge of settler violence cases, joined by community representative, delivered both an oral and written statement on the subject of ongoing impunity and lack of legal accountability concerning settler violence.
<b>Case 2.13: Advocacy on Human Rights</b>
B'Tselem's European Representative and other B'Tselem staff engaged in a range of briefings in European cities, including Berlin, Paris, Brussels (EU and Belgian diplomats and policymakers) and Geneva. In June, B'Tselem's International Relations Director travelled to the Netherlands, where he met with members of the Ministry of Foreign Affairs and the Defense Committee and carried out individual briefings in the Hague with key members from across the political spectrum.
B'Tselem USA continued to increase the prominence of the human rights agenda by targeting two traditional power frameworks relevant to Israel in the American discourse - the political and the Jewish leadership in the US. B'Tselem USA pursued this objective through relationship-building meetings. B'Tselem USA staff met with 25 targeted congressional offices and five senior American Jewish leaders (e.g., the presidents and rabbis of targeted synagogues and senior staff at Jewish Federation offices, Jewish Community Centers and traditional Jewish organizations).
<b>Case 2.14: Advocacy at the EU level: Palestinian prisoners in Israeli prisons</b>
Addameer briefed the EU Parliament on the Palestinian political prisoners, in support of the EU Parliament decision of March 2013 to send a fact finding mission to investigate the Israeli violations against Palestinian Political Prisoners.
<b>Case 2.15: Advocacy on behalf of Palestinian Children</b>
B'Tselem has identified the rights of Palestinian minors in detention to be an issue of critical importance, and has dedicated a considerable amount of resources towards research and advocacy on the issue. The issue of Israel's treatment of Palestinians minors has attracted international attention and concern, and B'Tselem's research and

advocacy work was often cited as the central source of information. A 2012 British delegation of jurists commissioned by the UK Foreign and Commonwealth Office determined that Israel "sees each Palestinian child as a potential terrorist [creating] a cycle of injustice." The delegation's report refers to B'Tselem's 'No Minor Matter' report and cites B'Tselem 56 times. The report also adopts B'Tselem's recommendations as outlined in its report. In addition, an article published by the Guardian in January this year cites B'Tselem's No Minor Matter report on violation of the rights of Palestinian minors arrested by Israel on suspicion of stone-throwing. The United Kingdom is currently advancing on this issue, independently as well as in coalition with the EU. In collaboration with World Vision and Catholic Relief Services, as well as other actors, B'Tselem continues to focus on the issue of minors in detention as part of its advocacy strategy for the coming year.

#### **Case 2.16: European foreign ministers**

In January and February 2013, Al-Haq's General Director visited Paris, Hague, Brussels, Geneva and Australia to present Al-Haq's report "Feasting on the Occupation". In The Netherlands, the Al-Haq director met with the Minister of Foreign Affairs, members of Parliament, former ministers and political leaders, and in Paris with staff from the Presidential Office. During the visits, Al-Haq raised, i.a., the process of de-democratization in Israel, violations of international law by Israel, including through ongoing settlement building, and the lack of accountability that enables such illegal practices and policies.

#### **Activities not implemented**

All activities were implemented as planned, except for the activity focusing on forging linkages between formal and informal justice systems. The reason for this has been discussed under 'challenges'.

#### **Summary of overall impact of Outcome 2 (2011-2014)**

In the course of the nearly four years of implementation, significant achievements have been observed as a result of efforts carried out under Outcome 2. Legal aid services remained a key priority throughout the life of the programme, resulting in the delivery of free legal aid services to over 26,962 cases. Legal awareness sessions increased and were provided to 78,007 people in total, focusing especially on women. In addition, legal aid services in Area C and East-Jerusalem were significantly scaled-up which contributed to slowing the effects of the occupation by equipping Palestinians with lawyers to challenge their displacement and loss of property and residency rights. As a consequence of these efforts, more Palestinian men and women are accessing justice year on year - with a 5.2% increase in the number of households coming in contact with Palestinian justice and security institutions.

The quality of legal services provided by the legal profession was improved and its sustainability increased, as contributions were made toward the inculcation of a *pro bono* culture across the legal profession. For instance, the programme helped in setting up seven university-based legal aid clinics, many of which have now accredited legal professional practice subjects within the law curriculum.

Owing to the programme-supported oversight and legal advocacy efforts of civil society organisations, government institutions were compelled to adhere to the rule of law, and important human rights advocacy goals were secured. For example president Abbas was persuaded not to establish a constitutional court by presidential decree (i.e. outside of the democratic process); and the Council of Ministers was persuaded to abandon proposed amendments to the Criminal Procedure Code which would have backtracked on fair trial standards.



### **3. OUTCOME 3: GENDER AND JUVENILE JUSTICE IMPROVED**

#### **Rationale**

This section reports on the main results achieved under Outcome 3 of the programme, linking them with the programme outputs and the activities laid out in the 2013 work plan. During 2013, activities under Outcome 3 focused on addressing gaps related to addressing juvenile and gender justice and consolidating lessons learnt from three years of programming in order to identify potential areas of intervention for the second phase of the programme.

#### **Overview**

In 2013, several important outcome-level results were achieved. Inter alia, the programme:

- Further facilitated women's access to justice by effectively targeting legal aid assistance and legal awareness raising activities to women in both the West Bank and the Gaza Strip (also partially addressed under Outcomes 2 and 4).
- Produced a series of thematic knowledge products focusing on children's and women's access to justice (discussed under Result 3.8).
- Further institutionalized the relationship between the Palestinian Maintenance Fund (PMF) with relevant official institutions such as the Ministry of Foreign Affairs, the Company registry at the Ministry of National Economy, the Chamber of Commerce in the West Bank and the Palestine Capital Market Authority. This has increased the PMF's effectiveness in its fund retrieval efforts and maintenance payments to beneficiaries.
- Concluded the third year of the 'broken families' project highlighting the impact of Israeli laws and policies upon separating Palestinian families.
- Improved the treatment of juveniles in conflict with the law by strengthening the capacity of the Ministry of Social Affairs, supporting juvenile justice coordination processes, improving facilities in the youth rehabilitation centre and providing specialised legal defence services
- Support to the institutionalization of the Gender Committee of the Palestinian Bar Association. This included the development of the Gender Committee's mandate and strategy, training of female lawyers and learning exchange visits with the Jordanian Bar Association.

#### **Challenges**

Due to the patriarchal nature of Palestinian society, advancing gender justice is a challenging undertaking. Efforts towards amending the Personal Status Law have faced considerable obstacles. The Committee to review the Personal Status Law, appointed by President Abbas in late 2012, has not advanced on this issue, suggesting a lack of political will to challenge the current normative framework related to women's rights in the private sphere. This is furthermore evidenced by the fact that few government resources are invested in gender mainstreaming within government institutions. Efforts to enhance gender capacities in the institutions are primarily carried out by NGOs and INGOs with support from the donor community, undermining the sustainability of these efforts. Despite these overall challenges, the programme has nevertheless been able to advance gender justice on a number of fronts, as detailed in this Chapter.

The programme furthermore faced some challenges in its work with the Palestinian Bar Association (PBA). The PBA is active in both the West Bank and the Gaza Strip, and reports to two different boards under two separate projects. The PBA in the West Bank underwent a change in its Board membership and faced capacity issues amongst executive staff. This has impacted activities under the second phase of the 'female's lawyers network' project, which experienced a delay of six months. A gender strategy for the PBA's Gender Committee was produced and approved by the Committee, but to date has not been endorsed by the PBA Board. As the implementation of any further activities related to the female lawyer's network is contingent on the approval of this strategy, it is crucial that this issue is addressed soon. With support from

the programme, PBA is seeking to appoint a gender focal point, who can push this agenda forward internally.

The 'Broken Families Project', after having experienced some initial delays, managed to speed up its implementation during 2013. A study undertaken as part of the project, highlighting the impact of Israeli laws and policies on Palestinian families, was completed and an advocacy campaign was to be launched. However, due to the initial delay, implementing organizations received the grants for the duration of two years rather than three, which impacted the launch of the advocacy campaign and resulted in the need to modify advocacy interventions. Therefore, the participating organizations incorporated the advocacy aspect into their core advocacy initiatives.

Finally, the Juvenile Justice Law has been awaiting ratification by Presidential Decree since late 2012. The delay in endorsing the law could be explained by the cabinet change in June 2013, as well as insufficient advocacy and pressure on relevant stakeholders. Several actors have been working on preparing the ground for the day the law is enacted and trainings are ongoing to ensure that specialized police, prosecutors, lawyers and judges are familiar with its contents. It is to be hoped that the law will be ratified soon, in order to be able to put these trainings into practice.

## Results

*Result 3.1: Access to justice expanded for women and children through successful targeting of legal aid services and legal awareness raising activities*

A detailed overview of the programme's legal aid and counselling is included under Outcomes 2 and 4, while this outcome will highlight efforts carried out by civil society organizations in advancing gender and juvenile justice in particular. Overall the programme succeeded to maintain the same percentage of female beneficiaries. For example, in the Gaza Strip 66% of the beneficiaries of the legal counselling in 2012 were women, while in 2013 this was around 62%. Whereas in the West Bank, during 2012 22% of the beneficiaries of legal counselling and 37% of the legal representation were women, in 2013 women constituted 30% of the beneficiaries of legal counselling and 31% of legal aid.

**Table 3.1 Services Provided to Women (2011-2013)**

Services provided to women	2011	2012	2013
Legal information (West Bank)	45	597	1,649
Legal information (Gaza)	5,710	17,055	14,058
Legal advice/consultations (West Bank)	514	991	827
Legal advice/consultations (Gaza)	1,521	2,555	2385
Legal representation (West Bank)	377	1,005	830
Legal representation (Gaza)	242	788	1,340
<b>Total</b>	<b>8,409</b>	<b>22,991</b>	<b>21,089</b>

**Table 3.2 Services Provided to Children (2011-2013)**

Services provided to children	2011	2012	2013
Legal information (West Bank)	-	297	250
Legal information (Gaza)	N/A	N/A	666
Legal advice/consultations (West Bank)	50	227	82

Legal advice/consultations (Gaza)	254	240	75
Legal representation (West Bank)	126	163	435
Legal representation (Gaza)	30	103	34
<b>Total</b>	<b>460</b>	<b>1,030</b>	<b>1542</b>

During 2013 the programme partnered with *Sawa - All the Women Together, Today and Tomorrow*, an organization that works on providing assistance to survivors of sexual and gender-based violence. *Sawa* operates a hotline that provides psychosocial and legal counselling and has a referral system in place that includes Palestinian CSOs specialised in legal aid for women and children. In addition, *Sawa* also partners with the PCP Family Protection Unit. The programme supported *Sawa* in maintaining adequate staffing and in building the capacity of the counsellors in legal advice provision. The organization received around 15,000 calls during 2013. From those 15,000, 59 callers were referred to partners for follow-up support (such as the MOSA for humanitarian aid) and 158 callers were provided with legal advice. Cases treated covered – i.a.- issues related to children in conflict with the law, child marriage, legal representation, child witnesses and accompaniment to the police, court and health services. Three callers were Jerusalemites and 40% of the beneficiaries were men, 59% women, 1% boys and 14% girls. *Sawa* strictly adheres to international protection standards. After initial advice is provided, it is left up to the caller to decide on what action to take. For reasons of confidentiality, callers will not be contacted by counsellors to avoid potential exposure. It is therefore difficult to evaluate the longer-term impact of the counselling provided. However, as an indication of public confidence in and awareness of their work, according to *Sawa's* survey, 70% of callers learnt of the organization's work through acquaintances.

In the area of juvenile justice, the programme works with two strategic partners: *Terre des Hommes* (TdH) and Defense for Children International (DCI). During the reporting period, both organizations strengthened their mutual partnership and their collaboration with the Ministry of Social Affairs (MOSA), the Palestinian Bar Association and Hebron University. TdH, DCI and the MOSA organized a multidisciplinary training course on juvenile justice, attended by 15 stakeholders working on juvenile justice in Hebron District. Participants included judges, prosecutors, probation officers, police officers, staff from the Hebron University legal clinic, as well as employees from the MOSA headquarters and juvenile institutions in Ramallah. The training covered the roles and responsibilities of each actor in juvenile justice proceedings, concepts in juvenile justice, child interview techniques and the application of international human rights standards in the oPt.

During the first months of 2013, the Juvenile Police conducted several community discussion sessions to prevent children from entering in conflict with the law. TdH attended these sessions and noted that the restorative approach advocated by TdH had been internalized by their counterpart.

Under the PBA's Female Lawyers Network project, two workshops were organised to develop the ToR and strategy of the PBA Gender Committee. The workshops were attended by 25 female lawyers. The strategy of the Gender Committee will focus on three main objectives: a) promoting the participation of female lawyers in the legal profession; b) promoting participation of female lawyers in the PBA and c) enhancing women's access to justice. The Gender Committee furthermore visited the Jordanian Bar Association, in order to draw lessons from the functioning of its Gender Committee. Participants found that this Committee functioned well due to the strong management capacity of the Jordanian Female Lawyers Committee and strong networking ties with the women's legal network and the Jordanian's Women's Union. Finally, the PBA organised trainings for female lawyers on a range of topics, which were attended by 480 female lawyers.

*Result 3.2: Successfully institutionalized the relationship between the Palestinian Maintenance Fund (PMF) with relevant Palestinian government bodies to increase the effectiveness of its funds retrieval efforts,*

resulting in more vulnerable women and children receiving their maintenance payments they are entitled to by law

*"As a result of the ROL Programme support, relevant institutions are aware that the Palestinian Maintenance Fund functions as an organization that provides important assistance to right holders and at the same time seeks to ensure accountability. The programme provided a great opportunity to the PMF to build and institutionalize its relationship with different institutions. Furthermore it provided the chance to discuss, exchange and revisit procedures taken by the PMF and relevant stakeholders so as to better its work procedures in addition to ensuring that they are given a priority."*

Fatima Muaqqat, Director of the Palestinian Maintenance Fund

**Table 3.3: Funds retrieved and women and children supported by the Palestinian Maintenance Fund**

Year	Income from Sharia courts	Money spent on alimony	Retrieval amount	Retrieval percentage	Beneficiaries #		
					Men	Women	Children
2011	896198	1282647	300547	23.4%	1	155	279
2012	942359	1519528	308879	20.3%	1	195	369
2013	1001410	1264994	316520	25%	1	199	387

During 2013, the programme continued to support the Palestinian Maintenance Fund (PMF) in its efforts to institutionalize its relationships with relevant Palestinian bodies, increasing the effectiveness of fund retrieval efforts. The PMF works primarily on providing maintenance to right holders, thereby contributing to transforming structures that prevent women's ability to access justice. The PMF managed to increase its visibility among government institutions. Following a range of workshops, Memorandums of Understanding were concluded with the Ministry of Foreign Affairs, Ministry of Economy, the Union of Chambers of Commerce and the Palestinian Capital Market Authority. Networking is an important part of the work of the PMF, as it enables effective retrieval of funds and fosters understanding amongst relevant institutions on the role and responsibility of the PMF.

Following an agreement between the HJC and the PMF, PMF lawyers and their cases are now prioritized by the courts' execution units, which has improved the payment of alimony cases and helped promote a culture of accountability. With the MOFA, it was agreed that the Ministry will help the PMF in reaching out to embassies to follow up on prosecuted individuals living abroad, while the Ministry of Economy will provide the PMF with information on individuals who have received a ruling from the Court. The Union of Chambers of Commerce furthermore agreed to strengthen information sharing, support the implementation of an economic empowerment programme for beneficiaries and help with fundraising for the PMF. Finally, the Palestine Capital Market Authority agreed to prioritize any court order they receive and to ensure coordination between the legal department and the PMF.

*Result 3.3: International human rights standards on justice for children incorporated into national legislation through the amendment of the Child Law of 2004*

This result was achieved as a result of activities designed to achieve output 3.2. (formulation and adoption of a national policy on youth and adolescent supported in partnership with others) of the programme as well as several activities that took place under the framework of Outcome 1. This result is therefore reported under Outcome 1.

*Result 3.4: Contributed to the consensus reached on the content of a draft juvenile justice law which will, when enacted, bring national legislation far closer in line with international human rights standards*

This result was achieved through activities designed to realize Output 3.2. (*Formulation and adoption of a national policy on youth and adolescents supported, in partnership with others*) of the programme. As reported in the 2012 Annual Report, the programme's main contribution to this result has been the provision of a staff member as focal point to the MOSA-led National Committee on Juvenile Justice in 2012, which prepared the draft juvenile justice law. The draft, which has not received any opposition from key stakeholders, was sent to the President's Office to be passed by law-decree in 2012 and the Ministry of Social Affairs has started working on an implementation plan. Unfortunately, to date the draft law is still awaiting adoption.

*Result 3.5: Improved treatment of juveniles in conflict with the law by strengthening the capacity of the MOSA, supporting juvenile justice coordination processes, improving facilities in the youth rehabilitation centre and developing specialized legal defence services.* This result was achieved through activities designed to realize output 3.2 (*Formulation and adoption of a national policy on youth and adolescent supported in partnership with others*) of the programme.

#### *Support to the Ministry of Social Affairs*

The programme launched a one year pilot project with the Ministry of Social Affairs (MOSA) to provide legal aid for children in conflict with the law. The 2013 project included a) the provision of legal assistance to beneficiaries from the central, southern and northern areas of the West Bank; b) the establishment of a Health and Educational Unit at the *Dar Al-Amal* rehabilitation centre, and; c) the design of a juvenile referral system. The referral system covers pre-detention and post-trial follow up of juveniles that have been released, as well as those detained at *Dar Al-Amal*. However, the referral system has not yet been launched, as it is pending approval by the different stakeholders in the MOSA. This has experienced some delays, as the Ministry is currently undergoing an internal restructuring process.

However, the project's legal aid service efforts have yielded important results and are considered to respond to a growing need for legal assistance amongst juveniles in conflict with the law. In the course of 2013, the MOSA lawyers received and followed up on 326 juvenile cases, of which 166 have been completed. The type of charges handled is as follows: 148 theft cases, 90 violence crimes cases, 88 other crimes. 70 cases were handled in Ramallah (including cases from Jerusalem), 60 in Jenin, 57 in Bethlehem, 38 in Salfit, 36 in Jericho and between 20-4 cases in Qalqilia, Tulkarem, Nablus, Tubas and Hebron. While the project was implemented as planned, it put pressure on the MOSA's limited resources. The number of juveniles requesting legal aid in 2013 increased significantly, with only three MOSA lawyers available to cover all 10 districts. Furthermore, in the absence of a unified database between the Ministry of Interior and the judiciary system, it proved challenging to follow up with juveniles that have been transferred. These aspects will need to be addressed in any follow-up phase.

**Table 3.4 Impact of providing legal aid and counselling services to women and children**

<b>Case 3.1: Importance of the hotline to support women survivors of GBV</b>
<b>S., a widow in her 30's, was attacked by her brother-in-law with an axe due to a dispute over the ownership of their home following the death of her husband. She claims the house was left to her, but the brother-in-law disagrees with this arrangement. After the attack, S. received medical treatment at a hospital, where staff encouraged her to file a police complaint and seek legal counsel. She reached out to <i>Sawa</i> for advice and was informed of the options available to her to address her situation and stay safe.</b>
<b>Case 3.2: Personal status rights and alimony</b>

Ms. A.H., a 31 year old young woman from Al-Jalazoun refugee camp, approached PWWSD seeking legal consultation. Unemployed and without an educational degree, her husband's absence had caused her to become the primary caretaker of her two daughters (12 and 13 years old). She therefore asked support from PWWSD in filing for divorce, and for alimony for the care of her children. The case proved challenging due to the fact that A.H.'s husband was detained in Jericho Central Prison on charges of premeditated murder and sentenced to 15 years in jail, and refused to divorce his wife. With the help of PWWSD, both the divorce and alimony cases were eventually registered at the court and Ms. A.H. was divorced and received alimony amounting to 400 NIS for each daughter.

#### Case 3.3: The work of Dar Al Amal and its rehabilitation programmes

M., A child from Jenin who was sentenced to 3.5 years for murder, suffered from mental illness and social isolation. He was unable to write or read and showed signs of depression. Dar Al Amal, in coordination with CSO's provided psychological and medical assistance to M. He was taught to write and read, and grew in self-esteem and communication skills. He is now much better adapted to function in society.

#### Case 3.3: Importance of legal professional training on juvenile justice: testimonies from participants

Probation officer in Hebron governorate: 'The juvenile justice project is the first project in Hebron governorate that has worked on bringing together all the juvenile justice stakeholders. The efforts of Tdh resulted in changes in the 'social inquiry report' (prepared by the MOSA probation officer) to serve the best interest of the child. Tdh also succeeded in conveying the idea of responsibility of all juvenile justice stakeholders in turning the child from being in conflict with the law to a child "compatible" with the law. We appreciate the outstanding communication and coordination of Tdh juvenile justice staff. It's very important now to start working on archiving all juvenile cases and building a database, with support from the Ministry of Social Affairs.'

Legal Intern: 'Over the past months, we carried out several activities under the Juvenile Justice project. The activities varied between trainings inside and outside the institution, preparing papers and reports, as well as offering oral and written legal advice on various topics. We also prepared a comparative study of the local standards related to children in conflict with the law (Juvenile Reform Law 1954, Palestinian Child Law) and the international standards related to children in conflict with the law (the International Convention for Children's Rights 1989, the rules and principles of international rules Beijing – Havana, Riyadh principles ). This study pointed to the modifications and additions needed in the Palestinian domestic law, to adhere with international standards related to children in conflict with the law. We also received several trainings that have had a significant impact on our acquisition of knowledge and experience, and capability to deal with various issues related to Juvenile Justice'.

*Result 3.6: Increased institutionalisation, prioritisation and mainstreaming of gender and juvenile justice issues within the work of the MOJ and establishment its roles under national plans for child protection and eradication of violence against women*

The MOJ's Gender Justice and Juvenile Justice experts have been involved in reviewing and modifying existing laws and actively engaged in the implementation of strategies to advance gender and juvenile justice considerations within the work of the Ministry. As a result of these efforts, modifications were introduced to the foster family system and the Family Protection Law in order to comply with the juvenile justice standards. Furthermore, these experts have represented the MOJ in several national committees set up to support the drafting and review of the Gender Equality Strategy, the implementation of Security Council Resolution 1325, the formulation of a manual to combat economic exploitation of children, a manual related to inheritance and Family Protection Unit procedures. This resulted in the MOJ being recognized as an important stakeholder in the implementation of both the National Strategy to Combat Violence against Women and the Juvenile Justice Strategy.

*Result 3.7: Awareness raising and legal counselling on Gender Based Violence*

The programme supported the activities of *Al-Muntada*,<sup>47</sup> a coalition of 14 Palestinian civil society organizations that work on combating violence against women in Palestine. In the framework of the National Strategy to Combat Violence against Women, *Al-Mundata* focused its efforts in 2013 on outreach and awareness-raising to call for the amendment of the penal code. The current penal code is considered gender-discriminatory, in particular in relation to the adjudication of GBV crimes. *Al-Mundata's* campaign

<sup>47</sup> Al Muntada was established in the year 2000 to combat violence against women in Palestine and currently hosted by the Women Affairs Technical committee.

"Yes to my right to life, yes to a new penal code" employed innovative approaches for awareness raising on GBV. Moot court sessions were carried out in Nablus, Bethlehem and Ramallah targeting university students as well as the general public. The method of presenting a case and a proceeding in a moot court role-play session was found to convey the message to audience well. A strong sense of compassion with the victim and unfairness with regards to the biased implementation of the penal code was observed amongst the audience. More generally, members of *Al-Muntada* have noted growing public support for the penal code to be amended to adhere to gender-equality principles. Discussions have also highlighted the need to work on protection mechanisms for women at risk and increasing awareness on the growing gap between the *shari'a* system and changing social norms.

*Result 3.8: important pieces of legislation related to family law and disabilities reviewed from a gender justice perspective and support provided to strengthen enforcement of priority areas of legislation.*

Family law is of universal interest as it reflects foundational societal norms that govern the sensitive and crucial area of rights and obligations within the family. Given the role of family law in adjudicating or determining women's fundamental civil and economic rights, it is often seen as a 'litmus test' of women's status in society. In order to enhance understanding of the functioning of the family law system, and the status of the juvenile justice law reform process, the programme undertook three studies, of which the key findings are discussed below.

#### *Knowledge Products*

The programme produced three thematic knowledge products in 2013 focusing on women's and children's access to justice, which complement the UNDP survey of Public Perceptions of Palestinian Justice and Security Institutions and PCBS' Review of Palestinian Justice and Security Sector Data. The studies were carried out in partnership with Birzeit University and the International Legal Foundation.

*"Women access to justice in the shari'a courts: a study of the law and judicial institution in the West Bank from users' perspective"<sup>48</sup>*

Carried out by the Institute of Law at Birzeit University, this study focused on women's access to justice in the *shari'a* courts, as the primary legal mechanism handling family status cases. Data was collected through in-depth interviews with women, judges, lawyers, court staff and government representatives, as well as through visits to family courts. The study focused on cases related to marriage, divorce, custody and alimony, and analyzed the functioning of *shari'a* courts. The research highlights developments within judicial institutions and in legislation, and points to institutional challenges of the *shari'a* Courts in responding to emerging changes. Interviews highlighted that procedures are perceived as lengthy and chaotic. It is believed that this can be addressed by introducing IT systems. With regards to the *shari'a* courts Counselling Unit, interviewees emphasized the absence of qualified staff and poor infrastructure. The judges and counsellors were perceived as insensitive to women's concerns. Furthermore, counselling sessions, which sometimes take place in crowded spaces, were considered to lack privacy. The research recommends gender training for judges and counselling unit staff, as well as rehabilitation of counselling units.

Various cases examined by the research team highlight that women's access to justice is directly dependent on their economic status and independence. Some women indicated that they were forced to waive their right to custodianship because they were financially incapable of affording the accompanying cost. Additionally, social networks play an important role in the degree to which women are able to access justice. This points to the importance of the initial advice women receive and the fact that the level of

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<sup>48</sup> The study covers *shari'a* courts in the West Bank with some comparisons in with Gaza when possible.

understanding and control over one's case play a crucial role in their access to justice. Particularly in courts in small communities, women found in some cases that when asking for legal advice by staff members of the court, they were advised not to pursue justice as the outcome would not be in their favor. However, this is not generally the case everywhere, as the study also noted instances where court staff provided women with legal advice and referral. However, it does point to the fact that access to justice in the *shari'a* court system can't be viewed in isolation from issues related to access to justice in the general legal system. The study highlighted a general need for economic empowerment initiatives targeting women and particularly divorced women, through rehabilitation programs focusing on developing professional competencies, and aid programs strengthening their position in society and access to their rights.

*"Change and conservation: family law reform in court practice and public perception in the occupied Palestinian territory"*

This survey was carried out by Birzeit University in collaboration with the Institute of Women Studies (IWS) and focused on analyzing changes in attitudes towards various aspects of family law that have emerged in the Opt over the past decade. This study is especially valuable because it is longitudinal and built upon a similar baseline survey conducted in 2000. Questionnaires were designed to further probe women and men's experiences in family court, their needs and interests in marriage, divorce, child custody and in material claims such as inheritance and maintenance, as well as their attitudes and aspirations for change or conservation of existing family law. The 2013 survey of 4028 women and men age eighteen and over was undertaken in a vastly changed physical and political landscape. The survey clearly found openness to reform, and the majority's assertion of the existing family court system as fair, with important variations by gender, region and other factors – that pose multiple avenues for reform. This finding is significant as there is sometimes an assumption that the highly insecure and fragmented conditions of the last decade have rendered Palestinian society uniformly more conservative.

Between 2000 and 2013 the survey found a shift in respondents' choice of their preferred agents to reform the law. It found a decline of respondents in support of the democratic role of the society to decide (from 33% in 2000 to 27% in 2013), as well as a decline in support of presidential decrees (from 12% to 7%), accompanied by a rise in support for *shari'a* court judges (from 26% in 2000 to 35% in 2013) and the Palestinian Legislative Council (from 17% to 20%). The most significant change has been an increase in views in favor of the *shari'a* court judges as the legitimate authorities for reform of family law, though this is still a minority position. Rather than assuming that this is a shift towards religious conservatism, one may also see this as a preferred practical solution given that the PLC has not been functioning as a unified body and that there are two contending Presidents. This has put reform in the hands of *shari'a* court judges who have proven themselves at times responsive to emerging crises and needs in society. In addition, this could also be seen as a practical "interim" solution to the crisis of political and legislative legitimacy facing Palestinian society.

One of the most important outcomes of the survey is that over 80% of male and female respondents in both 2000 and 2013 believe that family law should change to meet new needs in Palestinian society. A similarly large majority (83%) supports a new unified family law in 2013, although support is significantly lower in the Gaza Strip (76%) than the West Bank (87%). More than half of women and a quarter of men want reform to expand women's rights, the relative decline in support for expanding women's rights through legal reform in 2013 is due to a growth in responses that the current level of rights for women should stay the same (from 52% to 65% among males and from 35% to 43% among females between the two periods). As such there has been a greater move among men and women towards keeping the status quo in terms of women's rights in the law in 2013, rather than a move towards further limiting them.



At the same time there is much greater level of support for expanding women's rights in the law when it is related to concrete inequalities and injustices rather than when treated in terms of general abstract principles. For example, the survey found overwhelming support to raise the age of marriage to 18, but differences on maturity to choose a spouse and marry. Almost two-thirds (62%) believed that women and men should have equal levels of freedom in choosing a spouse, while about 8% thought women should have more freedom, 11% thought men should have more freedom and 18% that freedom should be limited for both sexes. In the area of inheritance the majority of men and women (89%) continue to support the gender inequality principles of *shari'a*-based inheritance, a high majority of both sexes also want the addition of special provisions that would ensure the well-being of the vulnerable (including minor children, persons with disabilities, aged and ill) (60% of men and 72% of women). Again, this suggest that men and women do not want to step outside the religious basis of the law, but at the same time perceive the need for supplementary ways to secure justice for the society's most vulnerable groups. In addition, 50% of men and 56% of women support the right of individuals to make wills as they see fit.

The two studies provide a comprehensive perspective of women's experiences with the *shari'a* courts, and public perceptions with regards to the current Personal Status Law. The results of both studies will be valuable to different stakeholders, as it helps identify and build confidence in family law reform where there is strong public support. It will also help guide the reform driven by the *shari'a* courts themselves, as well as other institutional actors, while also serving as an important resource for women rights organizations in their advocacy and awareness raising efforts, and giving legal aid providers new insights into the motives of their clients. Both studies highlight the importance of the *shari'a* courts and the growing trust of the public in this institution. They provide guidance on strengthening the courts' services, including though enhancing the capacity of the staff and improving the functioning of its counselling units. For UNDP and other development agencies that support the *shari'a* courts and issues related to the family law, the two studies highlight the need for more training for lawyers and judges, and the need to strengthen infrastructure, procedures and legislations to become more gender-sensitive. With regards to the Palestinian Maintenance Fund, further support is needed to expand their services to larger geographical areas.

*"Juvenile Justice in the West Bank: Analysis and Recommendations for Reform"*

Carried out by the International Legal Foundation (ILF), this study examined the challenges faced by juveniles in the criminal justice system in the West Bank and provides recommendations to remedy systemic problems to ensure that the rights of juveniles are protected. More specifically, the report 1) documents the current state of juvenile justice reform in the West Bank, the experiences of the ILF juvenile clients and other juveniles within the Palestinian justice system, and the effect that their involvement in the criminal justice system has on their daily lives; and 2) based on this information, analyzes the extent to which laws protecting the rights of accused juveniles are being implemented in practice.

The study drew on data gathered during day-to-day representation of juveniles in the court system, the case tracking system and in-depth interviews with 46 juveniles in conflict with the law. It identified a number of specific areas of the criminal justice system where the rights of juveniles are often ignored. First, it found that juveniles are rarely informed in a timely manner of their right to have counsel and therefore face systematic delay in obtaining counsel. Secondly it found that unlawful police practices at the time of arrest and during the early stages of the investigation are widespread, such as absence of a parent during the investigation. Juveniles are often not informed of the reason of their arrest and maltreatment in police custody is common. Thirdly, prolonged pre-trial detention was found to occur regularly, adding to court delays because juveniles are often not produced in courts outside Ramallah on their scheduled court dates. Finally, speedy trial violations are common and particularly egregious because most cases end in acquittals or dismissals.

In order to address these issues, the study recommends the following: a) timely access to qualified defence lawyers by juveniles during all stages of the criminal process, including during any interview by judicial officers and/or public prosecutors; b) where possible, the use of pre-trial detention for juveniles should be avoided by imposing alternative measures, such as release on bail or close supervision; c) further training of police in handling of juvenile cases, and independent oversight; d) juveniles should be encouraged to file complaints and courts should monitor and remedy rights violations; e) juvenile cases should be tried without undue delay, especially in cases where juveniles are held in pre-trial detention. Finally, community programmes and other support services should be prioritized for juveniles over judicial proceedings, when possible.

The findings of the study were validated in roundtable discussions with all relevant stakeholders. The study has provided the programme with the necessary tools to advocate for specialized juvenile justice personnel and enabled the identification of areas for further capacity building and the need for closer oversight of the performance of the justice sector institutions involved in juvenile justice.

### **Activities not implemented**

Discussed under section 3.3 'Challenges'.

### **Summary of overall impact of Outcome 3 (2011-2014)**

Since 2011, the programme has been able to almost triple the number of women provided with legal representation in courts and almost double the number provided with legal advice. In addition, the programme more than doubled the number of women community members to receive legal information. Indeed, legal literacy has increased by 10.7% overall, and by 26.2% for women. More women are now coming into contact with the justice system while the disparity between men and women coming into contact with justice and security institutions has also reduced. Between 2011 and 2012, owing in part to the work of the programme, the oPt saw a significant reduction in the legal literacy 'gender gap' from 43.2% to 36%.<sup>49</sup>

The vast majority of cases where women received legal representation were applications raised in the *shari'a* courts, and the vast majority of matters that women sought legal advice on concerned family law issues, predominantly relating to marriage contract disputes, separation and divorce, custody, maintenance, alimony and inheritance issues. For a complex range of reasons, many victims of family violence choose not to pursue relief in the criminal courts, but rather are more likely to bring applications for family law relief, thus this caseload reflects a significant over-layering of GBV issues. The programme was able to achieve these strong results through specifically tailoring services to meet women's needs by, inter alia: providing services in places and at times when women can easily, quickly and discreetly obtain legal assistance; ensuring that services are free; guaranteeing high levels of professionalism and confidentiality; ensuring that lawyers are properly trained to deal with both the legal and socio-cultural aspects of women's cases and equipped to make appropriate referrals; and ensuring good availability of female lawyers.

Children were also important beneficiaries of this programme. In cooperation with MOSA, a new specialist legal aid service for children in conflict with the law was established. During 2013, the new unit handled 326 cases (166 which were finalised and 116 pending) representing around one tenth of all juvenile cases in the West Bank. The programme also supported MOSA's efforts to provide specialised training to its lawyers to further increase their capacity to handle a caseload that requires youth-sensitive lawyers. Moreover, through specialist legal aid services provided by experienced CSOs, 2,308 children were provided with legal aid in

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<sup>49</sup>Source: 'Public Perceptions of Palestinian Justice and Security Institutions', UNDP, 2011 to 2012 comparison

relation to legal issues arising in both Palestinian and Israeli jurisdictions, including Israeli military courts, and an average of 350 children per month received maintenance support through the PMF. The programme also continued its support to the juvenile rehabilitation centre *Dar Al-Amal* to upgrade and maintain education and health units. The education unit aims to achieve continuity in the children's education so as to reduce the impact of disruption to their school lives and to help ease a smooth transition back into regular schools upon completing their sentences.

The programme supported the development of a 200+ female lawyers' network within the PBA (West Bank), and its three-year strategy detailing concrete programmatic entry points to support women's equal participation in the legal profession and improved access to justice was formally endorsed by the board. In addition, it strengthened capacity to collect gender sensitive and disaggregated data by developing two major annual surveys (justice and security sector data report and public perception survey) to measure women's perceptions, knowledge and use of justice and security services, and their participation as justice and security actors.

As a result of the programme, and as explained earlier, the PMF was able in to institutionalise its relationships with relevant Palestinian government bodies which has increased the effectiveness of funds retrieval efforts and resulted in more than 565 vulnerable women and children receiving regular maintenance payments as per their legal entitlements, a number which continues to grow.

The MOJ and the MOSA were provided with technical expertise which resulted in significant legislative developments, including amendments to the Child Law and amendment of the existing penal code to mitigate 'honour crime' as a defence to murder. In addition, this assistance contributed to the development of gender sensitised draft laws including a new penal code, Juvenile Justice Law, Law to Combat Violence Against Women, a Bylaw on Shelters and a package of laws relating to family law. It helped establish a Gender Unit in the MOJ, which reviewed through a 'gender lens' all draft laws and proposed legislative amendments, mainstreamed gender responsiveness into planning processes, provided gender training to numerous justice and security institutions and worked to ensure gender sensitive development of the new justice sector strategy. The programme also supported the development of strategies, action plans and indicators on gender and juvenile justice and the implementation of national strategies to combat gender-based violence and for the protection of children. In addition, UNDP continued its support to the National Committee on Juvenile Justice. The independent legislative review commissioned by the programme and examining Palestinian law from a women's rights perspective, has been relied upon in a range of policy contexts and informed law reform efforts. Two other key studies on public attitudes towards family law reform, and women's access to justice in the *shari'a* courts, discussed in detail in this Chapter, provided a much needed empirical basis for continuing law reform efforts in this sensitive area.

A study undertaken as part of the 'broken families' project highlighting the impact of Israeli laws and policies upon separating Palestinian families, detailed how family separation policies have been used to displace Palestinians from their land and the human impact of these over several decades. The study also showed how the effects of occupation and patriarchy combine to work against the interests of the most vulnerable women and children and how the lack of cross-jurisdictional coordination leaves these groups without protection of their basic rights. The project was jointly supported by UNDP and OSI and involved three CSOs, one in Gaza City, one in East Jerusalem, and one in Ramallah. The project exposed the dire need for additional legal support to address residency issues, including the clear gender dimensions. Power disparities between men and women are often further exacerbated by the status of the parties as Jerusalem or West Bank ID holders, which can result in additional forms of abuse in relationships in conflict.

## **4. OUTCOME 4: RULE OF LAW IN THE GAZA STRIP INITIATED**

### **Rationale**

During 2013, UNDP has continued to focus on 'bottom-up' empowerment under Outcome 4 of the programme. It has worked primarily on strengthening the capacity of civil society to provide legal aid services to vulnerable groups, through legal clinics located in the heart of urban slums, marginalized communities and refugee camps. The programme has invested in improving the quality of the legal profession for both practicing lawyers and law students at local universities through a variety of activities, including advocacy, lobbying, legal awareness and justice sector oversight. This contributes to creating a legal momentum for supporting the rule of law and strengthening the capacity of vulnerable groups at the grassroots level in claiming their rights, in addition to pressuring law enforcement officials to fulfil their obligations. In this regard, and despite difficult circumstances, the programme has been able to achieve impressive results positively affecting a large segment of the population in the Gaza Strip.

### **Overview**

Despite the complex operational environment in the Gaza Strip, the programme has achieved important results under this Outcome. For instance, the Network of Legal Aid Providers ('Awn') has continued to provide outreach and legal aid to disadvantaged and vulnerable groups in the Gaza Strip whilst strengthening the sustainability of the work of its members. In 2013 a significant increase in the total number of beneficiaries in comparison with previous years was achieved. Young legal practitioners, law students, and paralegals launched professional networks and adopted voluntary initiatives to support access to justice for vulnerable and disadvantaged groups. They ran mobile legal clinics in remote and poor areas and have achieved positive results from advocacy initiatives, both at the policy and practical level. These efforts helped strengthen recognition of the importance of justice sector oversight and have encouraged people to voice their concerns and submit complaints with regards to justice sector performance. This has pushed the *de facto* government in the Gaza Strip on several occasions, to demonstrate greater openness and respect for the law by responding to people's concerns.

### **Challenges**

The humanitarian situation in the Gaza Strip remained very difficult during 2013. While the first half of 2013 witnessed an exceptional detente in the relationship between Gaza and Egypt, this quickly deteriorated after the rule of the Muslim Brotherhood came to an end in Egypt in July 2013. The extremely tight restrictions on movement and goods has exacerbated the existing humanitarian crisis and increased peoples' vulnerability. Poverty and unemployment have increased. As a result, levels of criminality, lawlessness and human rights violations, including violence against women, have increased significantly. This has put pressure on partner CSOs to respond to increasing demands from the local population for legal assistance.

Moreover, the *de facto* authorities lost popularity and became increasingly more isolated. In this context of political crisis, the number of human rights violations committed by the *de facto* authorities increased, such as crackdowns and further restrictions enforced on the already limited freedoms enjoyed by the population in Gaza. CSOs also experienced an encroachment on their operational freedom ranging from bans on certain activities or events to the closure of institutions. In addition, the introduction of structural changes in the legal system, such as the modification and replacement of existing legislation, obligated Palestinian civil society to review its priorities and adapt to this exceptional context. This has added significant new burdens on CSOs, forcing them to fight on several frontlines in the face of a growing divergence in the Palestinian legal system between the West Bank and the Gaza Strip.

### **Results**

This section reports on the main results achieved under Outcome 4 of the programme, linking them with the programme outputs and the activities laid out in the 2013 work plan.

*Result 4.1: Access to justice by vulnerable community groups in the Gaza Strip has steadily increased and the range of legal aid services provided to poor and disadvantaged individuals, including women and children, have remarkably improved, successfully ensuring fair and reasonable settlement of their injustices.*

Result 4.1 was achieved through a set of activities designed to achieve Outputs 4.1 (Legal aid service provided and enhanced, particularly for the poor and disadvantaged) and 4.4 (Legal literacy amongst rights holders and duty bearers advanced.) of the programme (Activities 1 2, 3, 4 and 8). Activities are implemented through partnerships with a wide range of community-based organizations and civil society organizations, the Palestinian Bar Association (PBA), and academic institutions.

Under the joint umbrella of the *Awn Access to Justice Network*, 22 UNDP partners operate 18 community and university legal clinics. In 2013, Awn Network has devoted considerable efforts in capacity development of its partner organizations. In addition, it expanded the scope and effectiveness of its interventions by establishing specialized legal committees such as the gender justice council, the criminal justice forum that also includes juvenile justice and a justice sector oversight forum.



*Legal representation, consultation and mediation services provided by the programme*

Legal empowerment, including the provision of legal aid, is becoming a global trend. It not only contributes to gender justice or prevention of human rights violations, but is also an effective tool for alleviating poverty, consolidating good governance and realizing development goals. Outcome 2 has discussed more generally the importance of legal aid and the specific needs of particular vulnerable groups. The figures for services provided under Outcome 4 are as follows (figures disaggregated by 'vulnerable group' status are provided below):

- Legal representation (before a judicial or administrative body) was provided to 1700 individuals, compared to 982 in 2012 (an increase of 73%); and
- Legal consultation or mediation services were provided to 3867 individuals, compared to 3864 provided in 2012.

**Table 4.1: Legal aid disaggregated by gender, type of assistance provided**

Type of assistance	Women	Men	Total
Legal advice/mediation	2385	1482	3867
Legal representation before a judicial body	1177	289	1467
Legal representation before an administrative body	163	70	233
Successfully adjudicated cases	681	253	934
Other services (psychosocial and social)	1520	158	1678

**Table 4.2: Legal aid disaggregated by body of law, legal issue, and type of assistance provided**

Type of case	Legal advice/mediation	Legal/ Judicial representation
<b>Civil law</b>		
<b>Civil and commercial law</b>	<b>272</b>	<b>89</b>
<b>Criminal law</b>	<b>304</b>	<b>113</b>
<b>Labour law</b>	<b>322</b>	<b>21</b>
<b>Property rights</b>	<b>360</b>	<b>17</b>
<b>Financial claims</b>	<b>252</b>	<b>182</b>
<b>GBV and VAW</b>	<b>189</b>	<b>33</b>
<b>Juvenile justice</b>	<b>75</b>	<b>34</b>
<b>Others</b>	<b>10</b>	<b>10</b>
<i>Sharia law</i>		
<b>Personal status law</b>	<b>1861</b>	<b>1185</b>
<b>Inheritance</b>	<b>222</b>	<b>16</b>
<b>Total</b>	<b>3867</b>	<b>1700</b>

The situation in the Gaza Strip resembles that in the West Bank, in that by far the largest demand for legal aid services was for advice or representation in personal status and inheritance cases; 70.7% of cases legally represented were before *shari'a* courts and 53.87% of legal consultations concerned personal status or inheritance issues.

#### *Referral System*

In 2013, a total number of 5567 individuals benefited from different types of legal aid services in the Gaza Strip (including representation, consultation and mediation). Out of this number, 1308 individuals reached the legal aid clinics through the referral system run by the *Awn* Access to Justice Network partners. The *Awn* system has two levels of referral: a) internal referral between *Awn* Network's legal clinics, and b) external referral between the legal clinics and *shari'a* courts, trade and professional unions. The network was able to ensure the delivery of a comprehensive service package for its beneficiaries, in particular GBV survivors, through coordination with relief and development organizations involved in economic, educational and psychosocial assistance. This expansion of service delivery has encouraged other organizations to follow the same approach. The Palestinian private sector has also been engaged and has provided either in-kind contributions or financial support to court litigation for vulnerable individuals.

In addition, approximately 50% of the individuals who received legal assistance in 2013 had been encouraged to seek assistance by awareness-raising sessions (discussed below in more detail). Of those, 244 individuals received legal assistance after hearing about the available services via the media (radio, billboard posters and the internet) and a significant 24.09% were referred by the *sharia* courts. This demonstrates the legitimacy enjoyed today by the legal aid system among even the conservative religious powers in the Gaza Strip.

**Table 4.3: *Awn* network case referral sources in 2013**

Source	# of Cases	Percent age	Male	Female
<b>Shari'a Courts</b>	<b>315</b>	<b>24.09%</b>	<b>63</b>	<b>252</b>
<b>Civil Courts</b>	<b>31</b>	<b>2.37%</b>	<b>6</b>	<b>25</b>

Professional and Trade Unions	54	4.12%	11	43
Media (Radio, Billboards, Website, Posters, etc.)	244	18.56%	49	195
Local and International Organizations	128	9.79%	25	103
Legal Awareness Workshops	394	30.12%	79	315
Other Sources	142	10.86%	29	113
<b>Total</b>	<b>1308</b>	<b>100%</b>	<b>262</b>	<b>1046</b>

#### *Legal Literacy Services Provided by the Programme*

Legal illiteracy hinders people's ability to access justice and obtain remedies. It refers to a lack of awareness of the available legal avenues to solve disputes and claim rights, increasing the risk of people choosing alternative (violent) mechanisms to achieve this. Raising legal awareness in the Gaza Strip has therefore been identified as an important priority, in particular among disadvantaged groups. In the Gaza Strip partners provided more than 671 legal awareness-raising sessions for 19,191 beneficiaries. In addition, 2453 hours of training were also delivered through specialized legal workshops for legal professionals representing a 38% increase from 2012:

- In 2013, 671 events targeting rights-holders were delivered, benefiting 19,191 individuals. This compares to 750 sessions benefiting 22,480 individuals in 2012;
- In 2013, 165 specialized legal workshops were delivered to 3800 trainees (lawyers, law students, civil society and community leaders, trade union representatives, traditional justice figures and media personnel), compared to 191 specialized legal workshops benefiting 5530 beneficiaries in 2012. Subjects covered include: human rights, property rights, criminal justice, women's rights, labour rights, freedom of assembly, rights under the Israeli justice system, documentation, the right to health and children's rights.

In addition:

- 64 hours of drama were performed to highlight GBV and VAW;
- 16 newspapers (32 editions and 20350 copies) were disseminated; and
- Several thousand information posters/billboards were posted.

The programme was successful in ensuring that legal awareness raising efforts supported by the programme reached women: 73% of the beneficiaries were women who still suffer from severe legal literacy according to the 2012 public perception survey. The programme was also able to meet its objective of ensuring that women constitute the bulk of the beneficiaries of legal aid services. In 2013, 61.7% of legal consultation and mediation services and over 78.8% of legal representation services were provided to women. The proportions are slightly lower than in 2012, but still demonstrate effective targeting of women.

Extensive efforts were made to target women in the Gaza Strip for several reasons:

- Large increase in discrimination as well as violence against women due to high psychological pressure resulting from the deteriorating socio-economic and political situation in the Gaza Strip;
- The risk of social stigma for women if they chose to pursue legal avenues to obtain their rights;
- Economic dependence of women preventing them to cover litigation fees or transportation to reach a lawyer.

The programme's success in reaching women is believed to hinge on three approaches:

- Its 'grassroots' approach: the programme supported the establishment of legal aid clinics based in the heart of Gaza's most impoverished communities. Furthermore, different forms of access to justice barriers such as cultural and financial obstacles were addressed and overcome. For example, in conservative communities, women are often prevented by family members from travelling alone outside of their immediate locality and they are therefore unable to reach centrally located services. In response to this challenge, mobile legal clinics were deployed at the grassroots level and into remote areas.
- Its ability to provide vulnerable women with legal problems with the social and psychosocial services that enable them to build the confidence they need to demand their rights publicly and take legal action against abusers.
- Providing legal assistance in a simplified style, avoiding the use of legal terminology and legal jargon, remarkably and steadily increased the number of women voluntarily attending awareness sessions.
- Provision of support to the Gender Justice Council of the Awn network which has served as a central platform to discuss approaches for enhancing gender justice in Gaza, drawing from lessons learnt of earlier interventions.

Children and adolescents are also a particularly vulnerable group in the Gaza Strip, and a specific target group for the programme. The prevailing poverty in Gaza has led to increased levels of boys working as beggars, street vendors and in life-threatening conditions digging tunnels. Child poverty has also led to increased cases of criminality such as theft, drug abuse and sexual abuse.

Most of the programme's legal aid services provided by the programme to children in 2013 were in relation to child labour or children (mainly boys) charged with drug abuse or dealing of drugs. In 2013, 1.62% of overall legal consultation and mediation services and 2.7% of legal representation services were provided to children. However the number of female children assisted by the system is lower than boys due to social restraints and failure of the formal juvenile justice system, which highlighted the need for better target this group under the second phase of the Programme.

To ensure proper eligibility standards and in order to further ensure that the most vulnerable are reached, the Programme has updated the 'vulnerability standards manual' based on socio-economic data generated by the Palestinian Central Bureau of Statistics (PCBS). The manual was developed in close consultation with humanitarian aid and social services providers operating in Gaza and it will be an asset for legal aid providers to fairly and objectively identify the most urgent legal aid needs from among a large number of potential clients.

#### *National ownership and sustainability*

In order to foster national ownership, UNDP has consistently worked on encouraging its civil society partners to work on donor diversification and longer term strategy development. In 2013, the Awn Access to Justice Network established a specialized fund, supported by community and private sector contributions such as the Palestinian Contractors Union PCU. This enabled the Network to ensure continuity in its provision of legal aid. Several partner organizations furthermore used their own resources, including members' contributions, to carry out activities. In addition, young female and male lawyers have begun to volunteer to provide legal assistance to vulnerable groups, through legal awareness sessions and referral of cases to the legal clinics for free-of-charge judicial representation. In 2013, young lawyers decided to establish professional networks with view of extending legal support to the most affected parts of the population. The Palestinian Lawyers Club is one such example. Several partner organizations included rule of law objectives in their strategic plans, thereby moving away from ad hoc activities to rule of law becoming a structural and central part of their mandates. Moreover, some partners have successfully raised



additional funding to support their work during the transitional period between the first and second phase of rule of law program. These funding opportunities helped partners to implement additional activities, improve their targets and enhance their outreach.

### *Paralegals*

In 2013, the first-ever (in the MENA region) academic paralegal diploma programme was launched in partnership with the University College of Applied Sciences (UCAS). Importantly, 'paralegalism' helps to link the law with reality by making it more accessible to vulnerable groups at the grassroots level. Paralegalism helps with outreach by engaging students in community activities such as mobile legal clinics and awareness raising initiatives. These activities helped provide legal knowledge and advice to poor members of the community at the grassroots level. It is expected that students of the paralegal diploma programme will continue to work with the legal aid system in Gaza after graduation. It is furthermore worth noting that the paralegal diploma has received attention from several local and regional partners who have called for the transfer of this experience to neighbouring Arab countries.

### *The impact of legal aid provision*

The provision of legal aid by the programme has enabled a large number of vulnerable people in the Gaza Strip to access justice. Women have been the most prominent beneficiaries. They have been supported in achieving their economic independence and freedom by attaining their rights, such as property rights, inheritance rights, as well as alimony and independent legal status especially for divorced and separated women. Also, legal aid has contributed to alleviating the suffering faced by women prisoners, especially those detained for alleged immoral acts, abandoned by their families and at risk of being killed. (See Case 4.4: Helping women in Gaza prison victims of social stigma). In addition, the provision of legal aid has enhanced community mediation practices based on the law, by solving many family problems that had been pending for several years. The mediation approach is used to settle women's legal problems - without compromising women's rights - in a safe and comfortable environment thus minimizing societal conflict.

Furthermore, the programme supported juvenile justice through the provision of legal assistance, advocacy and monitoring of the conditions of the detention centers for juveniles in conflict with the law. Forty nine beneficiaries were released on bail in 2013, of which at least 45 were reintegrated into their communities (See case 4.2). The legal aid clinics also helped to strengthen access to basic social services for the most disadvantaged groups. In-depth discussions and awareness sessions conducted at the grassroots level pointed to an increase in confidence amongst women to address social constraints and claim their rights, but also the emergence of male advocates of women's rights within the informal justice system who have publically denounced the injustice, discrimination and oppression of women.



**Table 4.4: The impact of legal aid provision**

<p><b>Case 4.1: Personal Status for women recognized</b></p> <p>N.F., a girl in her twenties, was separated from her fiancé after betrothal. "I was horrified when I noticed that the social status in my ID changed to <i>divorced</i>", N.F. said. "I rushed immediately to the legal clinic and found out that many girls experience the same problem. Being divorced in our conservative society is usually associated with social stigma and inferiority and minimizes the chances of girls to get married", she added. The legal clinic of the Centre for Women's Legal Research and Consulting (CWLRC) launched a four month media and community campaign in order to put pressure on the <i>shari'a</i> judiciary and the Department of Civil Affairs of the Ministry of Interior to address this situation. Due to the efforts of CWLRC, in partnership with other organizations, the Ministry of Interior changed its policy to allow women who are separated before the actual marriage takes place, to be presented as <i>single</i> on their ID Cards.</p>
<p><b>Case 4.2: Juvenile Justice obtained and future secured</b></p> <p>K.M. is a 15 year old boy and the eldest son of a refugee family. As K.M.'s father is disabled, he provides for his family by working in a carpentry workshop after school hours. He was arrested by police during a riot in his neighborhood and detained in the rehabilitation center without legal justification. His mother approached the legal clinic of the Gaza Community Mental Health Programme (GCMHP), as member of the <i>Awn</i> network. She expressed concern about the mental state of her son as a result of mistreatment while in detention, and that his absence from school would negatively impact his future career opportunities. GCMH submitted a request to release the boy on bail, which was successful. K.M. returned to his school and his mental condition improved dramatically after receiving psychosocial assistance from GCMHP.</p>
<p><b>Case 4.3: Property / marriage rights and discrimination against women</b></p> <p>M.Y., a woman in her forties, lives in a conservative rural area. Her brothers prevented her from marrying the person of her choice and deprived her of her inheritance. M.Y. met a group of young lawyers who volunteered, through the mobile legal clinic initiative, to tour marginalized areas and provide legal awareness sessions. M.Y. was linked up with the legal clinic and a claim was filed on her behalf at the court. Her brothers rushed to the clinic after receiving the court notification. The lawyer at the legal clinic engaged in a dialogue with the brothers, also attended by members of the informal justice system. The mediation sessions resulted in the brothers' recognition of their sister's right to inheritance and her right to marry the person of her choice.</p>
<p><b>Case 4.4: Helping women in Gaza prison victims of Social stigma</b></p> <p>P.S. was imprisoned after a complaint was filed by her husband. He claimed that she had committed 'immoral acts' with strangers. She was detained without any formal charges and for almost 12 months did not appear before a judge, meet a prosecutor or receive any legal assistance from a lawyer. The lawyers from the legal clinic met P.S during their periodic visit to the prisons. Having spent almost a year in prison and abandoned by her family, P.S was in a bad mental state. According to local traditions, P.S. is considered to have brought shame to the family and tarnished its reputation. The legal clinic team discovered that P.S.'s treatment did not comply with fair trial standards. She had never met with a lawyer. The prison administration explained that they didn't want to release her as she was at risk of being killed by her brothers in order to purify the honor of the family. The lawyers convinced the prison administration to transfer P.S. to a women's shelter. Through intensive mediation and support from female Mukhtars and with strong guarantees for her safety, she was eventually reunited with her family.</p>

*Result 4.2: Sustainability of legal aid provision increased by inculcating a pro bono culture amongst lawyers and developing clinical legal education programmes.*

Result 4.2 was achieved through a set of activities designed to achieve Outputs 4.1 (Legal aid services provided and enhanced, particularly for the poor and disadvantaged) and 4.2 (clinical legal education strengthened) and 4.4 (Legal literacy amongst rights holders and duty bearers advanced).

In order to make a legal aid system sustainable, it requires a steady supply of well-trained lawyers willing to undertake *pro bono* or reduced-fee work as their contribution to social justice. The dire economic circumstances, especially in the Gaza Strip, make this a particularly challenging goal. One of the main aims of the programme is to expose current and future legal professionals to the benefits of legal aid for the poor. It is expected that in the long run this will encourage a culture of pro bono provision and pro-poor justice sector reform.

Therefore, the programme supported the establishment of three on-campus legal clinics (at the Islamic University, *Al Azhar* University and the University of Palestine) that provide services to local communities

and at the same time provide students with clinical education and practical skills in an interactive learning environment. After two years of extensive preparatory work, 2013 also saw the launch of the first paralegal diploma programme and the adoption of the legal clinic as accredited course for all law students by the Islamic University. There are now three universities in Gaza (Islamic University, *Al Azhar* University and the University of Palestine) who have adopted the legal clinic as an accredited course for all law students.

The programme also supported young legal professionals with a series of capacity development programs, either through the legal clinics or through specialized training opportunities, study days and conferences. One of the most notable achievements during 2013 was the organization of the annual moot court competition among Palestinian law schools in Gaza for the second consecutive year. The moot court aimed at strengthening the students' capacity in the field of international criminal justice and international humanitarian law. In addition, the University College of Applied Sciences organized the first legal conference on para-legalism.

As a result of the programme's capacity development training for young legal professionals, a group of young lawyers launching the first legal youth network entitled "*Palestinian Lawyers' Club*". It focuses on supporting the rule of law and enhancing access to justice. Female and male law students affiliated with the law school legal clinics and the PBA furthermore organized a series of awareness-raising sessions in marginalized areas through their mobile legal clinic initiative. Moreover, young female lawyers joined efforts in support of gender justice in refugee camps, mainly in the central area of the Gaza Strip. They carried out legal literacy initiatives, legal consultations and advocacy campaigns. These young groups of lawyers effectively participated and implemented advocacy campaigns on vital legal topics, such as calling for the *de facto* authorities to stop the enactment of new laws that negatively affect the unity of the Palestinian legal system.

*Result 4.3: Quality of legal aid assistance increased through building the capacity of the PBA to strengthen the knowledge and skills of lawyers*

The Palestinian Bar Association in the Gaza Strip launched the continuous learning program, which provides practical training to lawyers through moot court exercises, and a computer lab to enhance the ICT capacity of young lawyers. These tools helped not only enhance employment changes of young lawyers by strengthening their skill set, the computer lab also helped to facilitate networking at the regional and international level, considering the limited travel opportunities for lawyers in the Gaza Strip due to the blockade.

A total of 767 lawyers benefited from the specialized training packages provided by the PBA through the programme. The trainings covered topics in the field of criminal justice, fair trial standards, international conventions, personal status law, women's rights and property rights. The PBA further helped build the legal capacity of community members, by providing 425 of free training hours to informal justice figures, journalists/media activists, and other male and female professionals. Moreover, the PBA, as its General Secretariat, continued to steer the Awn Access to Justice Network and oversee its various activities.

As an indicator of its increased capacity, the PBA successfully organized its third annual conference which gathered 450 distinguished speakers and members of the legal community to discuss the challenges faced by the legal profession in Gaza. Furthermore, the PBA developed a proposal for establishing a Planning and Management Unit (PMU), to be launched in 2014. This initiative, warmly welcomed by its members, will allow the PBA to improve its performance and demonstrates the intention of the PBA to further professionalize its interventions towards greater impact for its beneficiaries. The PBA is increasingly being approached by local and international organizations with an interest in establishing partnerships, which implies a level of trust in the PBA to deliver as a potential partner.

The PBA furthermore adopted its four year strategic plan which aims to enhance the involvement of lawyers in the provision of legal aid and public advocacy issues, including monitoring the independence of judiciary. In order to strengthen the role of women in the legal profession and advancing gender justice, the PBA launched a specialized training programme targeting female lawyers. The program provided tailored and intensive training packages on legal and practical skills development, in addition to a series of workshops focusing on the concerns of female lawyers and their professional needs. This resulted in the organization of the first Palestinian Women Lawyers Forum, attended by 70 female lawyers from the Gaza Strip, women activists and members of civil society.

As part of its efforts to become financially sustainable, the PBA increased its contribution to the legal aid fund with 10%, and intensified relations with the private sector to call on its social responsibility for supporting disadvantaged groups within society.

Also, the PBA has partnered with different organizations active in supporting the rule of law. It signed MOUs with 9 community-based organizations and institutions, to join forces in advancing gender justice and criminal justice (including the rights of juveniles in conflict with law and women inmates), bridge the gap with the informal justice system, monitor the conditions of detainees and the level of enforcement of fair trial standards. The MOUs included bilateral agreements with grassroots communities to deploy volunteers from the legal aid clinics to rural areas to raise legal awareness and provide legal assistance.

Particularly noteworthy are the advocacy efforts of the PBA's in calling for public freedom and independence of the judiciary. The PBA produced a considerable number of protest memos, press releases and position papers to address these critical issues affecting the legal system and human rights. The PBA led a civil society initiative to denounce arbitrary detention based on political affiliation and spoke out against the unconstitutional and unjustified practices by de facto authorities in changing and amending existing laws. In addition, it has taken strong positions on numerous occasions against the policies and procedures carried out by either the judicial council or the justice institutions, where they were in violation of the law or/and affecting the sanctity of the legal profession.

**Table 4.5: Training and information provision in 2013**

Target group	Sessions	Training hours	Beneficiaries
Legal professionals	353	1116	1042
Law students	374	912	1600
Community leaders and traditional justice actors	23	97	381
Professional union representatives	41	109	555
Journalists and media staff	50	219	222
<b>Total</b>	<b>841</b>	<b>2453</b>	<b>3800</b>

*Result 4.4: Potentially widespread social problems affecting individual rights and liberties identified through the provision of legal assistance and addressed systematically.* Result 4.4 was achieved through a set of activities designed to achieve Outputs 4.1 (Legal aid services provided and strengthened, particularly for the poor and disadvantaged) and 4.4 (Legal literacy amongst rights holders and duty bearers advanced) of the programme (Activities 1, 2, 3, 4, and 8).

In 2013, the *Aww* Network developed a legal aid database, containing information on beneficiaries of the 18 legal aid clinics run by the Network. The data collected through this database has been used by CSOs, law students and media professionals, and has enabled analysis and monitoring of legal trends to inform strategy development. For example, analysis drawn from the database showed an alarming rise in the loss of legal identity among young women in Gaza Governorate, after having been abandoned before the actual marriage takes place. This prevents women from accessing social assistance provided by the government,

UNRWA or other relief agencies. *Awn* Network partners launched a public advocacy campaign in order to raise public awareness and call on decision makers to change this policy. Members of the informal justice system joined the campaign and highlighted the fact that this practice is in contradiction with religion, customs and law, as well as a threat to human rights and social cohesion. As a result of the campaign, the Minister of interior issued an order to the civil affairs department prohibiting a change in civil status for women/girls until an actual marriage has taken place.

*Result 4.5: Judicial, executive and local authorities compelled to respond to the rights claims of the poorest and most marginalised residents in Gaza.* Result 4.5 was achieved through a set of activities designed to achieve Outputs 4.1 (Legal aid services provided and strengthened, particularly for the poor and disadvantaged), 4.4 (Legal literacy amongst rights holders and duty bearers advanced) and 4.4 (Accountability mechanisms promoted) of the programme (Activities 1, 2, 3, 4, 8 and 10).

Justice and security agencies in the Gaza Strip routinely fail to respond to peoples' needs in a timely and efficient manner, and in accordance with international human rights standards. The ineffectiveness of the justice and security system is caused by a combination of factors, such as the absence of accountability and oversight mechanisms, ignorance of the law, a weak human rights culture, limited resources and inadequate training opportunities. This has negatively impacted peoples' confidence in the justice system and their ability to access justice, particularly members of vulnerable groups. For instance, degrading conditions and unlawful procedures are frequently observed at juvenile rehabilitation centers and women prisons, of which some examples have been presented earlier. An example of such a practice is the imprisonment of women accused of committing immoral acts for periods that exceed 12 months without an arrest warrant or any of the fair trial provisions. The lawyers of *Awn* Network conduct regular monitoring visits to detention places to provide legal consultation including to the prison administration on adherence to international human rights standards.

*Result 4.6: Governmental and judicial authorities in Gaza more responsive to civil society efforts to hold them to account for breaches of the law and violations of human rights.* This result was achieved as a result of activities designed to achieve Output 4.5 (Accountability mechanisms promoted) and Output 4.6 (Human rights advocacy strengthened) of the programme (Activities 9 and 10).

In the absence of a functioning Palestinian Legislative Council (PLC), Palestinian civil society in Gaza has played a key role in carrying out parliamentary oversight functions. For instance, in January 2013, the Palestinian Bar Association (PBA) sent a strong letter to the Minister of Justice and Chief Justice denouncing the practice of appointing lawyers at the first instance court to represent poor defendants, while compelling them to eventually pay the fees for the lawyers. In addition, lawyers are selected to represent cases without prior knowledge of the case. Such a practice is in violation of the law, which states that courts are required to appoint defence lawyers in criminal cases for poor defendants and that the associated fees are covered by the Courts. PBA's intervention resulted in the issuance of an administrative decision by the HJC ordering immediate suspension of this practice and obligating courts to pay the appointed lawyer's fees.

Furthermore, in April 2013, as a result of continuous complaints by citizens and lawyers about the crowded and slow services at the execution units at Gaza courts, *Awn* Network lawyers raised this issue and its consequences to the Judicial Council. Subsequently, the courts administration implemented measures to minimize delays and waiting-time.

Attempting to strengthen accountability without engagement with the de facto authorities is challenging and has forced the programme to work through a 'bottom-up' approach, by building the capacities of civil society in justice sector oversight, accountability and media advocacy. Specific monitoring and advocacy activities supported by the programme in 2013 are outlined in Table 4.6:

**Table 4.6: Monitoring and advocacy initiatives supported in 2013**

Monitoring and advocacy activities	
Press releases; advocacy and media briefings; internet, TV and radio initiatives	10
Research/publications	59
Presentations	34
Conferences	23
Position papers/advocacy letters	10
<b>Total</b>	<b>136</b>

*Result 4.7: Important human rights advocacy goals secured in 2011, 2012 and 2013.* This result was achieved as a result of activities designed to achieve Output 4.5 (Accountability mechanisms promoted), Output 4.6 (Human rights advocacy strengthened) of the programme (Activities 9 and 10) and Output 5.1 (Advocacy capacity of CSOs strengthened).

The impact of human rights advocacy interventions is difficult to measure as it involves longer-term transformation processes, and attribution is sometimes difficult to establish. However, the programme recorded some positive short and medium term results of advocacy efforts carried out by partners in the Gaza Strip.

Below are some examples of the campaigns undertaken by members of the *Awn* network that resulted in tangible achievements during 2013:

- The call for rehabilitation of justice facilities to make it more accessible to disabled people by the *Awn* network was received well by the Minister of Justice and other officials from the judiciary, prosecution and police. The lack of construction materials and limited resources delayed the implementation, but the work is expected to start in 2014.
- The execution of verdicts by *shari'a courts* was improved in favour of women, through separating the execution units of the *shari'a* and civil courts. This helped to speed up the procedures and protecting the privacy of women.
- The Maintenance Fund became fully functional and has already provided alimony payment to vulnerable women and children.
- Due to civil society advocacy, 5 PLC members (from the PLC Change and Reform Bloc) prevented the modification of the NGO law. The proposed modification deviates from international standards and conventions and would have further encroached on the freedom of association.
- The Ministry of Labour enhanced oversight in work places, and the Ministry of Education intensified control and follow-up with regards to school dropout, following an intensive advocacy campaign to prevent child labour.

*Result 4.8: Engagement of lawyers in informal justice processes in Gaza has facilitated the resolution of hundreds of disputes and brought civil peace to many neighbourhoods in a lawful manner.* Result 4.8 was achieved through a set of activities designed to achieve Outputs 4.1 (Legal aid services provided and strengthened, particularly for the poor and disadvantaged) and 4.4 (Legal literacy amongst rights holders and duty bearers improved) of the programme (Activities 1, 2, 3, 4 and 8).

The initial partnership between the programme and the informal justice system was initiated in 2011 and was further developed during 2013. UNDP recognizes the prominent role of the informal justice system in Gaza for community cohesion and at the same time the importance of ensuring that its verdicts are in adherence with human rights principles. In 2013, 381 informal justice members and community leaders benefitted from 97 training hours on practical and legal skills. The training topics included negotiation and communication skills, human rights, gender sensitivity, mediation and arbitration. After the training and

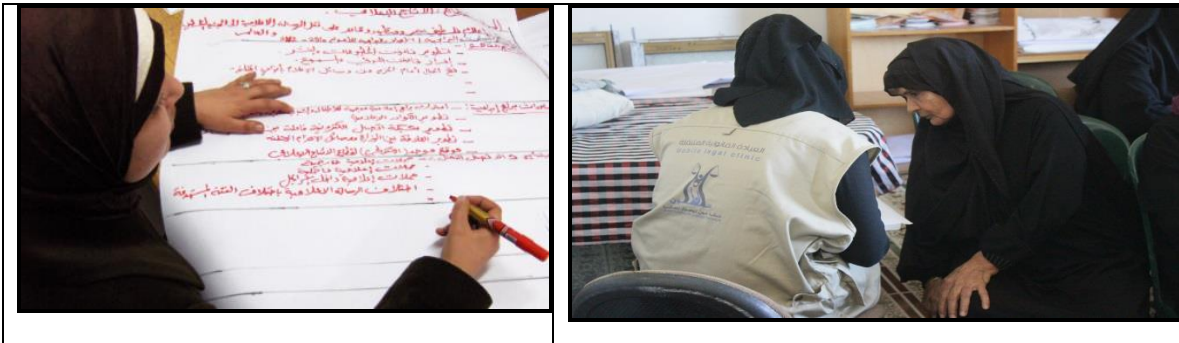
dialogue sessions, members of the informal justice system committed themselves to supporting the most vulnerable groups in the community, particularly women and children.

**Table 4.7: The rapprochement of the formal and informal justice systems**

Case 4.5: The rapprochement of the formal and informal justice systems
<p>The cooperation between <i>Awn Network's</i> female lawyers and members of the informal justice system has helped to advance justice for women within the framework of the <i>shari'a</i> courts. Under <i>shari'a</i> law, women are unable to divorce without their husband's consent. In addition, lengthy court proceedings and the conservative nature of judges has prevented women from obtaining their rights. As a result of the programme's efforts in enhancing coordination with the informal justice system, the level of support from informal justice members and community leaders in Gaza for the legal aid clinics has increased considerably. They have working together with female lawyers towards finding fair settlements without compromising women's rights, but rather ensuring and emphasizing their human dignity.</p>

*Result 4.9: Supported and trained the Gaza Strip's first group of female mukhtars who have been able to secure recognition of their role from the community thereby challenging deeply held stereotypes about the appropriate role of women in Gaza society.* Result 4.9 was achieved through a set of activities designed to achieve Outputs 4.1 (Legal aid services provided and strengthened, particularly for the poor and disadvantaged) and 4.4 (Legal literacy amongst rights holders and duty bearers advanced) of the programme (Activities 1, 2, 3, 4, and 8).

Building on the increased recognition of the essential role women play in community mediation in the Gaza Strip, the programme provided support to 14 additional female *mukhtars* in 2013. They benefitted from specialized trainings on woman's rights, gender sensitivity, human rights, advocacy, and session management. These female *mukhtars* have grown in their roles and have started to receive support from their male counterparts. They have helped to resolve a number of pending problems at the community level, involving women and children in particular.



**Table 4.8: The role of female mukhtars in Gaza**

Case 4.6 Um Majed receives recognition from her male counterparts
<p>Um<sup>50</sup> Majed received specialized training that enabled her to develop her practical and legal skills. When she started her community mediation work, she faced resistance from both men and women in the community. Through perseverance and support from her family and children, she managed to overcome these initial obstacles. A particular turning point was when she helped solve a domestic dispute involving the daughter of a community leader who had been rejecting the idea of a female <i>mukhtar</i>. Her successful intervention significantly changed the perspective of the male community leaders and informal justice figures. The respect and appreciation Um Majed has received since then has strengthened her confidence and encouraged her and other female <i>mukhtars</i> to continue working for the good of the community, and for women and children in particular.</p>

<sup>50</sup> Transliteration of the Arabic word, which means in English “mother”, and the nickname here means “the mother of Majed”.

*Result 4.10: Contribution to a small but perceptible expansion in democratic space in the Gaza Strip.* Result 4.10 was achieved as a result of the programme as a whole.

As the relationship between Hamas and Egypt deteriorated in 2013, CSOs became subject to increased scrutiny by local authorities. Despite these developments, programme partners managed to achieve their expected results without much interference by *de facto* government. This may be due to UNDP's efforts in transparently communicating the programme's objectives and its emphasis on building national ownership. At the same time, an increase in space for public participation was observed, especially in discussions on public issues and interests. Despite the structural and legislative adjustments that are being imposed by the *de facto* government which deepens political divisions and challenges the unity of the Palestinian legal system, CSOs were allowed to express and voice their concerns. In several instances, the *de facto* government was also open to listen to diverging point of views and, in some cases, change course due to local advocacy.

The programme can claim to have indirectly influenced the *de facto* government in areas related to justice and human rights, by helping to put issues on the local agenda. For instance, local media outlets affiliated with *de facto* government, including TVs, radio stations, newspapers and websites started to regularly discuss issues related to the rule of law, citizen's rights and accountability. This was also the case in public events, conferences and press releases organized by the *de facto* authorities. 2013 furthermore saw a decrease in the number of cases involving political arrest and arbitrary detention, complaints of torture and human rights violations committed by local law enforcement agencies, and an increase in willingness of authorities to investigate suspected torture cases allegedly committed by its affiliates.

#### ***Activities not implemented***

The majority of the activities planned under Outcome 4 were implemented according to schedule, except the following:

- Specialized training for groups of young media professionals to be organized in cooperation with Al-Jazeera Public Liberties and Human Rights Desk: The political developments in Egypt in July 2013 and the associated ousting of the Egyptian president Mohammed Morsi re-complicated the situation at the Rafah crossing, thus negatively influencing the movement in and out of the Gaza Strip. Therefore, it was decided to postpone the training until the situation calms down.
- A meeting was planned to gather deans of local law schools and directors of legal clinics in the West Bank and the Gaza Strip to discuss challenges and opportunities for clinical legal education. Given the Israeli restriction on movement between the West Bank and the Gaza Strip the meeting was planned to be held in Cairo. However, due to the prevailing political situation in Egypt and closure of Rafah crossing, the event had to be cancelled. The programme plans to support this meeting in 2014 provided Israeli restrictions ease or the situation in Egypt improves.

#### **Summary of overall impact of Outcome 4 (2011-2014)**

UNDP continued its support to the *Awn* Network in the Gaza Strip, a consortium of civil society organisations that provide legal aid and increasingly engage in policy and law reform efforts. Through carrying out a wide range of community legal empowerment strategies, the network has provided tangible change in the rule of law context throughout the Gaza Strip. The *Awn* Network was able to provide free legal advice and/or legal representation to 12,459 people over the course of the programme, focusing especially on women. In addition, 61,370 people were provided by legal and human rights awareness in Gaza alone. Assistance included expanding and consolidating the network's role as a hub of community legal empowerment. In



2013 this meant expanding the legal referral system to include a broader range of development and humanitarian actors in order to holistically meet clients' social, economic and health needs.

UNDP also supported the network in achieving a number of other milestones: finalisation of its four-year strategic plan, diversification of external funding sources to secure sustainability, further institutionalisation of clinical legal education programmes in law schools and the establishment of the Gender Justice Council to enable greater focus on gender justice and criminal law policy issues.

Children were also a particularly vulnerable group in the Gaza Strip which the programme has expended significant efforts to target in its legal aid services programme. Child poverty has led to increased levels of mainly boys working as beggars, street vendors and in life-threatening conditions digging tunnels. Child poverty has also led to increased cases of theft, drug abuse and sexual abuse. Most of the programme's legal aid services to children were provided in relation to child labour or to children (mainly boys) charged with minor crimes closely related to their economic and social status.

In order to further ensure that the most vulnerable are reached, the programme developed a 'vulnerability standards manual' based on socio-economic data generated by the Palestinian Central Bureau of Statistics (PCBS). The manual was developed in close consultation with humanitarian aid and social services providers such as UNRWA and WFP, and it is hoped that it will better enable legal aid providers to fairly and objectively identify the most urgent legal aid needs from among a large number of potential clients.

As discussed earlier in this Chapter, the programme furthermore supported the establishment of the first-ever accredited paralegal diploma in the Middle East. Certified by the University College of Applied Sciences (UCAS), the first training course was launched in 2013 with the first graduates to emerge in late 2014. Less expensive than lawyers, paralegals can be a powerful tool of justice at the grassroots level, helping to resolve disputes that do not require a complex understanding of the law, and empower clients and communities. Living and working in the communities they serve, community-based paralegals combine their knowledge of the legal system with mediation and community education to help the poor and marginalised address their legal problems.

The programme furthermore supported the establishment of three university-based legal aid clinics in the Gaza Strip. During 2013, further steps were taken to institutionalise clinical legal education programmes providing law students with the opportunity to gain practical experience while providing basic legal assistance to poor communities. Students also had the opportunity to participate in moot court competitions and improve their legal research and advocacy skills while also exposing law students to international humanitarian and international criminal law. Graduates from these programmes have continued to take *pro bono* action to support disadvantaged individuals or communities. For example, a group of graduates from Al-Azhar University who worked at the legal aid clinic decided to set up and run 'mobile' law clinics in the Gaza Strip's most isolated communities.

The programme also encouraged and supported the PBA to engage in social justice issues. For example, the PBA committed itself to providing free legal assistance to indigent clients even after external funding comes to an end and has taken concrete steps to ensure its services become sustainable. Before the establishment of the programme, the PBA was not engaged in social justice issues at all and therefore its activity in this area constitutes a radical departure from its past engagement with legal issues and its former narrow focus on advocating for lawyers' opportunities and conditions. The PBA has also set up a fund for legal aid provision which has already received some small donations.

Finally, the programme supported critical mediation services, helping to resolve disputes for more than 1,650 individuals in Gaza in 2013. In addition, the first woman *mukhtar* in the Gaza Strip was recognised and established her authority, as mentioned in table 4.8.

## **5. OUTCOME 5: CONFIDENCE-BUILDING AMONG STAKEHOLDERS PROMOTED**

### **Rationale**

The programme has managed to make a meaningful contribution in progressing both institutional accountability and promoting linkages between all its partners; within and between justice institutions and CSOs; between Gaza and West Bank legal professionals; and between the state and its citizens and thus has sparked many connections that have contributed to building confidence and trust. Under this outcome, the programme has furthermore sought to develop reliable baseline data sources for measuring the impact of its interventions and to track and measure the achievements of its institutional partners. Confidence building and the promotion of dialogue between stakeholders is also an integral element of each other outcome, thus the results of this outcome should be read cumulatively with the relationships and linkages fostered right across the programme.

### **Overview**

In 2013, several important outcome-level results were achieved. Inter alia, the programme:

- Finalized the analysis of data for the 2012 Survey on Public Perceptions of Palestinian Justice and Security Institutions (Result 5.1);
- Intensified its partnership with the PCBS and supported the publication of the first ever survey of available justice and security sector data. The report entitled 'A review of Palestinian Justice and Security Sector Data' was published in August 2013. By choosing to conduct this work through the national bureau of statistics, the programme hopes to cement the sustainability of this important activity; (Result 5.2)
- Supported its CSO partners to use tools of advocacy to achieve greater accountability of justice institutions to the public, at times achieving outcome-level change. (These advocacy activities are reported under outcomes 2 and 4);
- Used its positioning across a wide spectrum of the justice sector to encourage justice actors to seek greater linkage with each other, and undertook a convening role and staged encounters between justice actors that contributed to the building of confidence and trust across the sector;
- Developed and used new monitoring and evaluation tools throughout the programme to strengthen its results reporting at an outcome level.

As further discussed in Chapter 8, UNDP has applied an increasingly systematic approach to monitoring and evaluation since the roll out of its rule of law programme in 2010. Rigorous monitoring of programme activities and outputs has enabled responsive and accountable implementation whilst partnerships and mechanisms to analyze outcome-level developments across the sector have provided the information needed to begin to bridge data gaps, establish clear baselines, and inform policy and planning processes. As the programme prepares to enter its second phase, a number of knowledge products have been generated which are able to provide critical insight on sector-level progress, as discussed below.

### **Challenges**

Progress in building accountability and confidence across the justice sector will continue to be constrained by unaddressed root causes such as the continuing occupation, the democratic deficit of the Palestinian state and the lack of progress made on reconciliation between Hamas and Fatah stunting efforts to work on harmonising and unifying Palestinian law.

Furthermore, the capacity of institutions to measure progress at the sector level has been limited, due to the absence of baseline data and mechanisms in place to monitor and evaluate the performance of justice and security institutions. This has inhibited the ability of national justice and security institutions and their partners to plan and prioritize effectively. The programme has sought to address this through its

partnerships with the PCBS and other institutions, with a view to building the capacity of institutions in data collection and management, and monitoring and evaluation. These efforts are discussed below.

## Results

*Result 5.1: Confidence promoted among stakeholders by developing tools to measure the performance and perceptions of justice institutions through the second annual survey of Public Perceptions of Justice and Security Institutions.* This result was achieved as a result of activities designed to achieve Output 5.2 (Measurements and strategies for public confidence in justice service providers developed).

One of the programme's main tools for promoting confidence amongst justice sector stakeholders is the annual public perception survey. The first survey, which established a baseline, was conducted in 2011. UNDP carried out the second round of the public perceptions survey of the justice and security institutions in 2012 that targeted 8705 Palestinian households in the West Bank (including East Jerusalem) and Gaza. The analysis of the data was done in 2013. The survey provided data on levels of public confidence in and satisfaction with justice and security institutions. In comparison with the baseline data of 2011, the data shows a substantial improvement in legal literacy among vulnerable groups;<sup>51</sup> it found an 8.6% reduction in the disparity between men and women resorting to formal justice institutions; and an increase in public confidence in the independence of justice institutions by 11.8 %.

*Result 5.2: PCBS supported to institutionalize its relationships with justice and security institutions enabling it to undertake the first ever survey of available justice sector data*

In August 2013, UNDP and the Palestinian Central Bureau of Statistics (PCBS) published a comprehensive review of data on seven of the core justice and security sector institutions.<sup>52</sup> The data was gathered jointly with the institutions on the basis of their administrative records, and draws heavily on internationally recognised indicators to derive important information related, for instance, to human resources capacities (including gender), congestion rates, disposition rates, conviction rates, and pre-trial detention. This data and analysis has been shared with counterparts and development partners to assist all actors to hone interventions more effectively<sup>53</sup>. Data gathering for the second round of the survey is in process, and will be done by the end of May 2014. In close cooperation with the justice institutions, the PCBS carried out on the job training to develop the capacities of its staff on documentation, internationally used indicators, and data entry. This training is meant to sustain the process of data generation, and keep the regularity of producing comprehensive justice data to the stakeholders.

*Result 5.3: CSO partners supported to use tools of advocacy and achieve greater accountability of justice institutions to the public.* This result was achieved through activities designed to realize Output 5.1 (advocacy capacity of CSOs strengthened). These advocacy activities are reported under Outcomes 2 and 4 (see Result 2.3 and Result 4.5).

*Result 5.4: Citizens access to justice services and information improved*

The work under all other outcomes made significant contributions to this result, mainly through:

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<sup>51</sup> 22.4% among women, 24% among rural households, 11.8% and 9.6% for poorest and youth groups respectively.

<sup>52</sup> The data review covers the following seven key rule of law institutions: Palestinian Ministry of Justice; Palestinian Civil Police; Palestinian Attorney-General's Office/Public Prosecution; Palestinian High Judicial Council; Palestinian *Shari'a* Courts; Palestinian Military Courts, and; Palestinian Bar Association.

<sup>53</sup> 'A Review of Palestinian Justice and Security Sector Data' (UNDP and PCBS, August 2013), available at: [http://www.ps.undp.org/content/papp/en/home/library/democratic\\_governance/review-of-palestinian-justice-and-security-data](http://www.ps.undp.org/content/papp/en/home/library/democratic_governance/review-of-palestinian-justice-and-security-data).

- The provision of legal aid services and awareness raising sessions through partnerships with Palestinian CSOs;
- The publication of knowledge products including, inter alia, the PCBS justice and security sector report, the Public Perception survey, three studies by the Palestinian Economic Policy institute on the economic impact of enforcing legal contracts in the labour, construction and microfinance sectors.
- Support to the case management system "MIZAN 2" that is hosted by the High Judicial Council. *MIZAN II* gathers data from all justice actors and represents a vital tool for justice sector analysis. Critically, *MIZAN II* is accessible for lawyers and other parties to a case, and has become vital for expediting case processing.
- The UNDP-supported *Al-Muqtafi* legal database that is considered the principal reference for lawyers, legal researchers, academics, and decisions makers. All decisions of the Corruption Crimes Court - another important partner of UNDP - are now published and monitored via *Al-Muqtafi*.

*Result 5.5: Confidence and trust between justice actors increased*

The programme has sought to strengthen the web of relations between different justice sector actors in order for the sector as a whole to respond more effectively to citizens' justice demands. The programme has therefore worked on increasing the contact, communication, collaboration and coordination between all its partners. The programme's linkages work is situated across four axes: between justice institutions, between CSO's, between justice institutions and CSO's and between West Bank and Gaza legal professions. The fifth crucial axis, between the state and its citizens, is addressed under Result 5.4.

The following table lists examples of linkages facilitated through the programme between different institutions, and the results achieved as a result of these linkages.

**Table 5.1 Linkages fostered between institutions and resulting benefits**

Linkages facilitated	Result/benefit
<p><b>AGO-MOJ-HJC Strategic Planning:</b> The UNDP's seconded experts to the three PPMU's in the HJC, AGO and MOJ were appointed as members of the technical team for the drafting of the 2014-2016 sector strategy, due to their work on the previous strategy and their neutrality.</p>	<p>This resulted in an agreement on several contentious issues such as: the integration of gender in the strategy as a separate policy; a decision on which reports should be used for base line data and for performance measurement; the creation of a task force to do monitoring and evaluation of the implementation of the strategy and to report to the national team; and the decision not to develop individual strategies but rather a consolidated work plan to implement the sector strategy. These decisions were adopted by the representatives of the various justice institutions in the national team and eventually by the heads of the institutions.</p>
<p><b>Infrastructure AGO –HJC:</b> In 2011, the PPMUs at the AGO and the HJC worked on quantifying both the prosecution and the courts' needs in terms of space within the courthouses. This helped the two institutions determine the suitability of the designs presented for the new courthouse projects.</p>	<p>In 2013 the size of the land and the available budget posed a challenge to implement some of the new courthouse designs. The institutions initially reacted by saying it was difficult to revise their needs. This position was about to cause the loss of the funding. However, based on the method used in 2011 to develop the initial accommodation schedules, the HJC PPMU worked with the AGO to revise the needs and downsize the space without compromising on the needs. The new accommodation schedules were approved by the heads of both institutions which allowed for the continuation of the project.</p>
<p><b>Inspection AGO-HJC:</b> For the past two years, the AGO and the HJC have been discussing the possibility of joining their inspection departments in order to increase the effectiveness of investigations. In view of the lack of agreement, the HJC decided to strengthen its own department based on a study done by Eupol Copps and a project funded by Luxemburg and sponsored by UNDP. The HJC PPMU</p>	<p>After meeting with the Attorney General and the Chief Inspector, as well as with the Chief Justice and the Chief Inspector at HJC, the needs stated in the Eupol Copps report were validated by both institutions and the prosecution was included in the project's activities. These efforts by the PPMU prompted the approval of the joint inspection office by HJC in April 2014.</p>

realized the need to include the prosecution in the activities of this project in preparation for a possible merger.	
Media conference of Justice Institutions: (AGO/HJC/MOJ) This conference brought the three core justice institutions into partnership with Amin Media Network to analyse the concurrent roles of justice institutions and their relation to the media.	This conference improved the mutual knowledge between the justice institutions and better understanding between the justice institutions and the media.

*Linkages promoted between institutions and CSOs*

Another dimension of the programme's linkage work is related to promoting interaction between justice institutions and CSOs, with a view of reinforcing the social contract between institutions and the Palestinian population. As the below examples demonstrate, these linkages can take a variety of forms.

**Table 5.2 Linkages fostered between institutions and CSOs and resulting benefits**

Linkages facilitated	Result/benefit
In Gaza, on behalf of <i>Awn</i> Access to Justice Network, the Palestinian Bar Association and the de facto prison authorities signed a MoU to enhance coordination and improve correction measures at the Ansar and Katiba prisons for male and female detainees. The MoU covered referral of cases to the PBA legal clinic, a regular visitation programme, exchange of information, capacity development of duty bearers in criminal and corrective justice, legal and human rights awareness-raising and monitoring the overall situation of the detainees.	(1) Prison authorities became more sensitive to issues related to Fair trial standards and juvenile justice; (2) Authorities showed more seriousness in investigating suspected torture cases; (3) plea bargaining was introduced to address case backlog and prison overcrowding; (4) Better follow up on female detainees held on suspected immoral backgrounds and legal aid provided leading to the transfer of cases to women's shelters; (5) Minimum humanitarian standards guaranteed and the overall living conditions in prisons improved.
Terre des Hommes (TdH) enhanced its collaboration with the Ministry of Social Affairs (MoSA) and with the Juvenile Police Department to improve support for children in conflict with the law and effective follow up of their cases.	Through a Memorandum of Understanding (MoU) with the MoSA, Tdh has extended support to two additional police officers, bringing the number of police experts on juvenile justice to four in the Governorate.
TdR furthermore collaborated with Hebron University to exchange knowledge and good practices, improve legal assistance delivery and organize multidisciplinary workshops related to the Juvenile Justice.	Two intern lawyers from the Hebron University Legal Clinic attended the training sessions organized by Tdh, which equipped them with the knowledge and skills required to provide efficient legal assistance to children in conflict with the law or children victims.

**Table 5.3 Linkages fostered between CSOs and resulting benefits**

Linkages facilitated	Result/benefit
In Gaza, the <i>Awn</i> Access to Justice Network launched a series of specialized committees (Gender Justice Council, criminal Justice Committee, Justice Sector oversight Committee) in order to deepen engagement on different levels, improve targeting and maximize the impact of its interventions. Partnership is open to both <i>Awn</i> members and other CSOs.	Gender Justice joint Strategic Litigation plan drafted and put into effect, two grand Moot Courts organized addressing GBV and personal status of women and advocacy enhanced which led to the following results: (1) Separation of <i>shari'a</i> court execution department from civil courts; (2) activation of Maintenance Fund in Gaza (3) the ID social status for girls divorced before real marriage maintained single instead of divorced.  Justice sector oversight plan endorsed and implemented, resulting in: (1) the first Justice Sector Oversight and Accountability Conference. (2) increased coverage of justice sector limitations and developments by the Media; (3) increased openness of the de facto authorities in publishing periodic figures and information.

**Table 5.4: Linkages fostered between Gaza and West Bank legal professions and resulting benefits**

Linkages facilitated	Result/benefit
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<p>The programme has worked on maintaining the unity of the Palestinian geography by strengthening the intertwining between the West Bank and the Gaza Strip. In 2013, the programme supported an initiative aimed at instating one vision with regards to the Palestinian legal education. It has furthermore worked towards increasing the number of joint initiatives between WB and Gaza, while supporting the exchange of experiences and success stories. Finally, UNDP has overseen several consultation meetings between heads of legal clinics from Palestinian law schools in the West Bank and Gaza using video conferencing, in an attempt to overcome the imposed restriction of movement.</p>	<p>The meetings resulted in the following:</p> <ul style="list-style-type: none"> <li>• Formulation of a committee composed of deans of law schools and head of legal clinics to outline and approve the policies of legal clinics;</li> <li>• Formulation of an executive committee to discuss technical matters;</li> <li>• Organization of regular meetings, to follow up and ensure the actual implementation of recommendations;</li> </ul>
<p>The programme has worked on ensuring proper cohesion between the West Bank and Gaza branches of the Palestinian Bar Association (PBA).</p>	<p>The programme has been able to restore the unity between the Gaza and West Bank PBA branches, through extensive consultations on various topics including legislative discourse and legal developments in addition to the establishment of a comprehensive PBA training strategy. The PBA is currently fully united and the members of the PBA are carrying out joint efforts and have intensified dialogue between Gaza and the West Bank.</p>

### Activities not implemented

Due to the lack of reconciliation between Hamas and Fatah, it was not possible to undertake the planned activities designed to achieve Output 5.4 of the programme (*efforts to achieve legal harmonization and consistency of legal systems throughout the oPt initiated*).

### Summary of overall impact of Outcome 5 (2011-2013)

On the basis of the data gathered in public perception surveys undertaken through the programme, the number of Palestinian households who regard Palestinian justice and security institutions as legitimate, independent and effective has increased in recent years: 85% of households indicated that 'courts are the only legitimate institutions through which to resolve disputes', a 19.7% increase on 2011. There were also significant increases in the number of respondents who believe that the law is clear and fair (+159.7%) and that using the courts leads to justice (+120.1%). While a direct correlation is difficult to establish, the independent outcome evaluation of the programme considered that the programme had made a meaningful contribution to such outcome-level change.

In addition to the public perception surveys, UNDP worked with an array of national actors to establish baselines, monitoring and information management systems. In mid-2013, UNDP and PCBS published a baseline study and review of seven Palestinian justice and security institutions. The study is significant for the lead role taken by the PCBS and how it, as a national institution, brought pressure on Palestinian justice and security institutions to provide data - in this way supporting ownership and ultimately, sustainability.

The programme also sought to build linkages between different parts of the rule of law sector, namely along five interfaces: between institutions, between institutions and civil society organisations, between the West Bank and Gaza, and between citizens and the state. A wide range of activities fed into nurturing these linkages and the programme utilised its convening role to bring together parties into new relations of cooperation.

## 6. PARTNERSHIPS

Building strong partnerships has been a cornerstone of the programme's success. In 2013 UNDP continued to strengthen its relations with existing partners while building new ones. Throughout the life of the programme, In total, the programme had partnerships with at least seven institutions and over 60 civil

society organizations. Institutional partnerships contained individually tailored components and modalities comprised of elements such as hosting UNDP secondments, co-implementation of complex programmes or the provision of one-off technical assistance on a particular matter. The level of engagement maintained by the programme with the heads of each of the three core justice institutions was very high, as well as with technical level staff. Without the establishment of trust, UNDP would not have been able to carry out or facilitate many of the activities, especially those - such as the public perceptions survey and the PCBS justice sector performance report - which draw attention to institutional shortcomings and challenges. These strong relationships enabled the kinds of forthright discussion of sensitive issues needed to help advance positive reform and change. The programme also worked to strengthen its engagement with other important organisations such as the PBA, the MOSA and the PMF each of which made tangible contributions to overcoming barriers faced by women and children. In addition, the programme was able to draw the PCBS into the justice sector through its engagement with the review of justice and sector data. This fostered a mutual capacity building effort whereby the justice institutions learned about reliable data collection methodologies and the PCBS greatly increased its knowledge of the justice sector, with UNDP technical support completing the triangle.

The programme's Civil Society Initiative and resultant roster of CSOs provided criteria and a framework for identifying partners and collaboratively developing projects with CSOs to fulfil the strategic aims of the programme. The levels of capacity amongst civil society organizations in oPt is phenomenally high and the programme was able to develop a mixed portfolio of larger, middle sized and smaller and specialized CSO partnerships which really added depth to the programme's access to justice work and also supported capacity development of a diversity of partners. The programme's capacity building work with CSOs, especially those in Gaza, helped invigorate and even transform the legal landscape in Gaza, despite the constraints regarding working with institutions. The establishment and development of the *Awwn* Network was all about building capacities and partnerships and stands as a seminal example of what can be achieved through investing heavily in strong partnerships built around a common mission and capacity development efforts. While demanding high standards of accountability in reporting, the programme based its partnerships with CSOs on substantive technical assistance, rather than mere bureaucratic or financial, engagement. It aimed to be flexible and helpful to partners in relation to the way the partnerships were managed. The pressure placed on CSOs caused by many traditional donor states reducing their development assistance in the wake of the global financial crisis, created a greater need for UNDP to occasionally provide bridging support to established partners to help them weather lean periods which threatened their core activities. The feedback received from the programme's partner organisations during evaluation meetings and focus groups held in January 2013 and at other times throughout the programme, indicates strongly that UNDP is seen as a trusted, supportive and enabling partner with whom tangible progress can be achieved.

In addition, the programme engaged other UN partners in the oPt in the spirit of a 'One UN' approach. Against the background of the first country UNDAF, (finalized in 2013 with strong programme input), the programme's activities were closely coordinated with the broader UN family, including within UN Women, UNICEF, UNODC, OHCHR, OCHA, UNOPS and UNRWA. UNDP and NRC continued chairing the Legal Task Force in Gaza, which was initiated as a sub-working group under the Protection Cluster lead of OHCHR. The task force brings together Palestinian and international partners with the aim of ensuring adequate coordination of efforts to improve access to and quality of legal aid and assistance for Palestinians.

The programme coordinated collegially with other implementers such as Chemonics, JSAP II, Sharaka, Human Dynamics, Mateen and others. Special mention should be made of the close cooperation developed with EUPOL COPPS, and the very fruitful, sometimes joint work undertaken between the technical advisors/staff from both entities working in support of the MOJ, PBA and HJC. The programme regularly liaised with the Quartet on key developments in the sector and maintained strong communication with its donors, the EU Representative Office and others with large investments in the justice sector.

## 7. SUSTAINABILITY

Ordinary benchmark standards of sustainability are difficult to apply in the context of the oPt which remains subject to prolonged occupation, internal division and continuous fiscal crises. The best response to ensure sustainability would be an end to the occupation and support for national reconciliation without the threat of international alienation and isolation. There is wide consensus that no matter how energetic and creative rule of law programming is on the 'demand' side, sustainability cannot be secured unless the 'supply' side is also targeted. The programme's access to justice work in Gaza undoubtedly contributed to strengthening the rule of law on the supply side by empowering people to demand services and recognition of their rights, however much more is required to have impact on the scale needed.

Irrespective of the challenging context, UNDP endeavours to ensure the sustainability of each and every programme intervention including by developing local capacities, supporting partnerships and emphasising national ownership at each stage of the development process. While progress was made to shore up the sustainability of planning and project management expertise in the institutions through the secondment of technical experts, the programme found that further pressure upon the institutions is needed to ensure they meet their 'side of the bargain' to provide consistent counterparts for the experts to transfer their knowledge to. While the sustainability of the PPMUs in the HJC and AGO increased across the life of the programme with the addition of more civil servants and the appointment of senior, civil servant unit heads, more time is needed to full institutionalize and ensure sustainability of these units, and the MOJ remains still a step or two behind. Therefore, under the new programme 'Strengthening the Rule of Law in the oPt: Justice and Security for Palestinian People', the institutions' commitment to designate 'shadows' to the seconded staff will be formalised in the MoUs signed between UNDP and the relevant institution, and knowledge transfer plans will be put in place with a view of phasing out the seconded staff altogether in the third programme year.

The support provided to the MOJ under the Stabilisation Fund provides a good example of how the programme worked to ensure sustainability, with 27 of the 32 contracted staff transferred onto permanent civil servant contracts by the end of the programme thus providing the MOJ with a sustainable injection of additional human resource capacities. Further efforts will be needed to determine how the *Al-Muqtafi* electronic legal data base can become sustainable into the future. In many countries this kind of service is provided by the Government and so ideally a regular government budget should be allocated for its maintenance. In some countries the specialist commentaries and 'add-ons' to such sites are provided for a fee however this would likely reduce access which would be unfortunate given the stage of legal development in oPt. In relation to the diploma programmes, given the low turnover of staff across the justice institutions, there will likely be a 'saturation point' in the next phase of programming when all relevant staff will have already received the foundational training, and the programmes will have fulfilled their purpose, providing a natural exit strategy.

Regarding the programme support for civil society organisations, it remains imperative that these organisations (continue to) diversify their donor support base and develop capacities to generate income from other sources. The exit strategy for the programme's support for legal assistance, with a particular focus on socially disadvantaged groups at least partially depends on the success of some other programme activities planned for the second phase of programming, such as the ongoing work with the PBA on designing a *pro bono* scheme, as well as the establishing of a legal aid fund combined with the passing of the draft legal aid law, which should also provide opportunities for civil society legal aid providers' to participate and thus make their operations more sustainable. Other areas of the programme's work are inherently sustainable. For example, the legal literacy campaigns should have a long-lasting impact if they successfully manage to achieve attitudinal change. The training provided to both institutional and civil society counterparts right across the programme, also have a sustainable impact as the beneficiaries integrate the knowledge acquired into their ongoing work across the sector.



## 8. MONITORING AND EVALUATION

The programme took a comprehensive approach to monitoring and evaluation. The development of a Monitoring and Evaluation Plan at the outset of the programme provided a guiding framework for this work. Through implementing this plan the programme was able to measure results at both the output and outcome level. Undertaking M&E in the area of rule of law can be a challenge and clearly no one measurement tool is sufficient to build an adequate results picture. Thus a composite of various M&E approaches, quantitative and qualitative, were utilised including user satisfaction surveys concerning the programme's training programmes and legal aid services, perception surveys, after-action questionnaires, institutional statistics, pilot case auditing and academic assessments, which gave voice to end beneficiaries, including women and children. Regular institutional and CSO reporting also contributed to the programme's monitoring and evaluation work.

Particularly notable was the programme's development of two major national surveys, the Public Perceptions of Palestinian Justice and Security Institutions and the Review of Palestinian Justice and Security Sector Data, provided important baselines not only for the programme, but for the institutions themselves as well as other actors working in the sector. Through these tools, aside from quantifying its own results, the programme was able to track trends, identify bottlenecks and undertake diagnostic analysis of particular parts of the justice chain. This information provided invaluable to the process of developing a new programming framework. It also enabled the programme to be more effective in its advocacy with institutions, for example by raising the 'red flag' on the problem of notifications and enforcement of decisions, or the particular case management issues arising in particular parts of the regular courts' jurisdiction, or the low ratio of prosecutors per capita.

Additionally, Programme Board meetings, donor coordination meetings and regular discussions with national counterparts contributed to the regular assessment of progress, risks and opportunities. The programme also undertook a mid-term review and an independent outcome evaluation was carried out to measure three years impact of the programme.<sup>54</sup> The evaluation took place over several months in 2013 and drew on more than interviews with stakeholders and beneficiaries. In total, over 50 separate meetings and 13 different focus groups were conducted by the independent consultant in both the West Bank and Gaza, representing a total coverage of over 150 persons interviewed. The final report was delivered in May 2013 which was perfectly timed to enable the team to incorporate most of its recommendations into the process for developing the UNDP/UN Women 2014-2017 Joint Programme 'Strengthening the Rule of Law in the oPt: Justice and Security for Palestinian People'. The content of the evaluation's recommendations and the programme's responses are addressed below under 'lessons learned.'

## 9. LESSONS LEARNED/NEXT STEPS

The independent outcome evaluation strongly recommended a follow up phase of rule of law programming to further consolidate and advance the progress already made. This view was echoed by institutional and CSO partners, a range of strategic reviews of the justice sector undertaken by donors, and also correlated with the assessment of UNDP and its technical staff. Key recommendations for the development of such a new phase, included to:

- Systematise gender mainstreaming and responsiveness efforts across all programming areas;
- Re-balance the support to the core justice institutions now that the MOJ has 'caught up' to the HJC and AGO;
- Further engage programme donors in addressing political obstacles and progressing strategic reform efforts with institutions;

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<sup>54</sup> Richard H. Langan II, *Independent Outcome Evaluation: UNDP/PAPP Rule of Law and Access to Justice Programme in the oPt* (May, 2013).

- Extend institutional strengthening efforts to the *shari'a* courts to complement the programme's work to enhance women and children's access to justice;
- Work more across the justice –security chain continuum by identifying and strengthening those facets of law enforcement and security most essential to the functionality of the justice system;
- Continue technical assistance to institutions through secondees and other capacity development efforts;
- Develop a strategy for engaging with traditional justice mechanisms and working toward their gradual reform in support of human rights standards;
- Maintain priority on electronic tools for improving institutional data collection, case management, accountability and further develop e-services and electronically available legal information to further enhance public access to justice;
- Use social media and other electronic platforms to maintain linkage and contact between programme partners in the West Bank and Gaza Strip;
- Maintain priority on data collection tools and surveys for providing tools which have proven so important to both institutions and the programme for measuring progress;
- Look for opportunities to address systemic and structural issues that hinder the rule of law in Gaza including addressing duty bearers, within the constraints of the 'low contact' policy'
- Provide greater capacity development support to CSO legal aid providers;
- Maintain tailored approaches to legal aid service provision for women and children which have produced strong results.

These recommendations have been adopted and incorporated into a new three year rule of law programming framework to be implemented jointly with UN Women entitled 'Strengthening the Rule of Law in the oPt: Justice and Security for Palestinian People'. This programme will work to consolidate and deepen the work begun under the predecessor UNDP and UN Women programmes with renewed focus on anchoring the sustainability of support and better targeted interventions to fill identified gaps, such as those recommended by the evaluation including further strengthening institutional responses to women and girls victims of violence across the justice chain and their access to justice in the family(*shari'a*) courts, anti-corruption efforts, police accountability and improving the efficiency of court processes and enforcement of judgments. In addition, a new regular 'dialogue' mechanism has been developed with donors to ensure better alignment of 'key messages' to help support strategic reform goals and political obstacles.

The process of the evaluation also triggered the programme's own critical internal review of its interventions to help identify those strategies and interventions which had been most effective and to identify strategies most relevant to the contemporary context and foreseeable scenarios. This was conducted through a number of internal workshops and a series of consultations undertaken with the programme's partners which were blended into the programme design phase. Some additional 'lessons learned' emerged from this process have also been reflected in the new programme. These include the need to:

- Spread political risks caused by the political volatility in the oPt through maintaining balanced investment in both institutional and civil society actors which can be scaled up or down according to how the state-building effort progresses;
- Scale-up efforts to institutionalise gender responsiveness within justice and security institutions including through further developing specialised services to advance women's access to justice and rights;
- Adopt a more holistic approach to improve functionality and rights protection across the whole justice chain;
- Increase community legal empowerment through further scaling up legal aid and legal awareness-raising;
- Foster a legal profession committed to social justice to help increase sustainability of legal aid provision;

- Boost resilience of reform efforts by increasing focus upon empowering middle management-level civil servants and institutionalising reform processes;
- Focus on fighting corruption to bolster public confidence and foster a culture of equality before the law;
- Continue to strengthen sectoral data and build on a results-based approach;
- Frame interventions around identifying and addressing key gaps and bottlenecks across the full justice chain.

UNDP looks forward to moving ahead in this joint programming framework to further extend its steadfast support to the oPt's endeavours to strengthen the rule of law as a key component of building a sustainable, democratic Palestinian state.

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## ANNEX I: FINANCIAL REPORT

<b>UNDP Rule of Law &amp; Access to Justice Programme in the oPt</b>						
<b>Financial Report (as per 30 April 2014)</b>						
<b>Award ID</b>	<b>57409</b>					
<b>Currency</b>	<b>US\$</b>					
<b>Donors</b>	<b>Canada, Sweden, Netherlands Japan, Luxembourg, BCPR</b>					
<b>CIDA/ Canada</b>	<b>7,019,168.91</b>					
<b>Sida/ Sweden</b>	<b>7,084,137.68</b>					
<b>NRO</b>	<b>4,372,200.00</b>					
<b>Japan</b>	<b>756,369.00</b>					
<b>Luxembourg</b>	<b>132,113.00</b>					
<b>BCPR</b>	<b>2,870,680.00</b>					
<b>Total</b>	<b>22,234,668.59</b>					
<b>Outcome 1: Rule of law institutions strengthened (00070906)</b>						
<b>Categories</b>	<b>Year 2009</b>	<b>Year 2010</b>	<b>Year 2011</b>	<b>Year 2012</b>	<b>Year 2013</b>	<b>Year 2014</b>
<b>International Personnel Costs</b>	-	233,888.29	341,680.93	314,182.05	319,466.27	106,488.00
<b>Local Salaries – Individuals</b>	13,351.56	231,210.15	801,895.21	868,490.08	995,236.60	381,480.00
<b>Contractual Services and Agreements</b>	-	271,038.74	1,434,154.55	1,310,217.82	1,318,790.26	428,298.00
<b>Vehicles</b>	-	69,065.42	-	579.84	781.38	200.00
<b>Office Rent</b>	-	-	50,048.78	59,568.07	59,670.67	-
<b>Travel &amp; Tickets</b>	-	20,278.57	60,000.38	31,532.97	17,509.09	990.00
<b>Telephone Charges</b>	-	2,103.48	12,349.13	16,937.24	12,123.00	9,987.00
<b>Learning Costs</b>	-	15,622.00	2,254.80	44,663.92	12,265.58	4,676.00

Stationary	-	2,444.02	85.27	4,219.71	655.73	2,610.00
Staff training	-	1,003.54	7,949.45	7,408.85	5,605.14	-
Office Supplies & IT Equipment	38,357.07	19,781.16	2,558.24	2,054.89	674.67	375.00
Contribution to Security Costs	-	14,951.48	9,817.30	48,103.62	51,463.86	53,470.00
Miscellaneous	-	27,621.16	22,189.67	21,051.28	20,461.75	46,979.00
GMS (7%)	3,619.61	63,652.70	192,148.78	195,236.41	197,029.00	48,447.00
<b>TOTAL</b>	<b>55,328.24</b>	<b>972,660.71</b>	<b>2,937,132.49</b>	<b>2,924,246.75</b>	<b>3,011,733.00</b>	<b>1,084,000.00</b>

**Outcome 2: Access to justice enhanced (00075076)**

Categories	Year 2009	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014
International Personnel Costs	-	-	16,500.00	-	-	-
Local Salaries – Individuals	-	15,420.56	17,269.97	-	-	-
Contractual Services and Agreements	-	-	1,872,075.00	1,325,406.50	1,506,779.15	16,558.00
Travel & Tickets	-	901.84	-	-	1,544.20	-
Miscellaneous	-	-	2,547.03	3,611.50	3,354.23	-
GMS (7%)	-	1,142.60	133,587.00	93,031.26	105,817.42	-
<b>TOTAL</b>	<b>0</b>	<b>17,465.00</b>	<b>2,041,979.00</b>	<b>1,422,049.26</b>	<b>1,617,495.00</b>	<b>16,558.00</b>

**Outcome 3: Gender & juvenile justice improved (00075362)**

Categories	Year 2009	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014
International Personnel Costs	-	34,270.64	20,798.25	-	-	-
Local Salaries – Individuals	-	5,365.50	31,400.0	8,825.45	-	-
Contractual Services and Agreements	-	-	462,291.20	549,875.16	553,343.00	67,917.00
Miscellaneous	-	-	723.00	-	146.00	394.00
GMS (7%)	-	2,774.47	36,064.00	39,109.00	38,744.00	-
<b>TOTAL</b>	<b>0</b>	<b>42,410.61</b>	<b>551,276.45</b>	<b>597,809.61</b>	<b>592,233.00</b>	<b>68,311.00</b>

<b>Outcome 4: Rule of law in Gaza initiated (00075363)</b>						
<b>Categories</b>	<b>Year 2009</b>	<b>Year 2010</b>	<b>Year 2011</b>	<b>Year 2012</b>	<b>Year 2013</b>	<b>Year 2014</b>
<b>Local Salaries – Individuals</b>	-	-	<b>34,276.00</b>	-	-	
<b>Contractual Services and Agreements</b>	-	-	<b>1,090,885.17</b>	<b>1,276,007.00</b>	<b>688,670.00</b>	<b>115,757.00</b>
<b>Office Rent</b>	-	<b>6,860.67</b>	-	-	<b>6,311.00</b>	
<b>Insurance</b>	-	<b>2,038.67</b>	<b>1,504.71</b>	-	-	
<b>Miscellaneous</b>	-	-	<b>229.95</b>	<b>2,183.40</b>	<b>14,971.00</b>	
<b>GMS (7%)</b>	-	<b>622.96</b>	<b>49,274.00</b>	<b>89,473.37</b>	<b>49,695.00</b>	
<b>TOTAL</b>	<b>0</b>	<b>9,522.30</b>	<b>1,176,169.83</b>	<b>1,367,663.77</b>	<b>759,647.00</b>	<b>115,757.00</b>
<b>Outcome 5: Confidence-Building among stakeholders promoted (00075364)</b>						
<b>Categories</b>	<b>Year 2009</b>	<b>Year 2010</b>	<b>Year 2011</b>	<b>Year 2012</b>	<b>Year 2013</b>	<b>Year 2014</b>
<b>Contractual Services and Agreements</b>	-	<b>37,383.18</b>	<b>202,709.00</b>	<b>171,815.40</b>	<b>222,345.00</b>	<b>133,831.00</b>
<b>Miscellaneous</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>9,241.00</b>	<b>3,464.00</b>
<b>GMS (7%)</b>	-	<b>2,616.82</b>	<b>34,000.00</b>	<b>12,027.08</b>	<b>16,211.00</b>	<b>7,577.00</b>
<b>TOTAL</b>	<b>0</b>	<b>40,000.00</b>	<b>236,709.00</b>	<b>183,842.48</b>	<b>247,797.00</b>	<b>144,872.00</b>
<b>GRAND TOTAL</b>	<b>55,328.24</b>	<b>1,082,058.70</b>	<b>6,943,266.77</b>	<b>6,495,611.87</b>	<b>6,228,905.00</b>	<b>1,429,498.00</b>

**ANNEX II: LIST OF LAWS AND BYLAWS CONTRIBUTED TO BY THE MOJ OR PASSED BY PRESIDENTIAL DECREE IN 2013**

<b>Draft Laws contributed to by the Ministry of Justice during 2013</b>
1. Draft Law of Passage
2. Draft Law for the Establishment of the Agricultural Credit Cooperative
3. Draft Law on Water
4. Draft Law on the Unification of Tax Revenues
5. Draft Law on Family Protection
6. Draft Law on Palestinian Zakat <sup>55</sup>
7. Draft law to Combat the Use of Drugs and Psychotropic Substances
8. Draft Law on Arbitration
9. Draft Law to Protect Copyright and Associated Rights
10. Draft Law on the Notary Public
11. Draft Law for Regulation of the Work of Commercial Agents
12. Draft Law on the Palestinian Social and Economic Council
13. Draft Law for the Establishment of a Syndicate of Pharmacists
14. Draft Law to Establish State Awards for Excellence in the Fields of the Arts, Humanities and Literature
15. Draft Law on Government Claims
16. Draft Law on Local Bodies

<b>Draft Regulations/Bylaws Contributed to by the Ministry of Justice during 2013</b>
1. Draft Regulation on the Palestinian Council of Higher Education
2. Draft Regulation for the Correction and Rehabilitation Centres
3. Draft Regulation on the Entitlements to Child Support for Children of Palestinian Prisoners
4. Draft Regulation on Jurists

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<sup>55</sup> Obligatory Islamic Alms-giving

5. Draft Regulation for Determining Tariffs on Vehicles
6. Draft Regulation on Freight Transportation
7. Draft Regulation on the Law on Investment
8. Draft Regulation for Rates on the Operation of Offices
9. Draft Regulation for the Palestinian Livestock Numbering and Tracking System
10. Draft Regulation for Referral System for Women Victims of Violence
11. Draft Regulation for a Bonus Payment System for Muftis
12. Draft Regulation for Health and Safety Devices
13. Draft Regulation for Bonus Payment System for the Diwan Al-Fatwa <sup>56</sup>
14. Draft Regulation for the Government E-Services Portal
15. Draft Regulation for the Investment and Management of Orphan Funds
16. Draft Regulation for Foster Families
17. Draft Regulation for Building Projects and the Regulation of Land
18. Draft Regulation for the Investigative Procedures of Disciplinary Committees
19. Draft Regulation for the Exemption of Prisoners from School and University Fees and Health Insurance
20. Draft Regulation for Linking Housing Projects with the Public Sewerage Network

#### **Law Passed by Presidential Decree During 2013**

1. Law Decree No. 1 (2013) on the amendment of the Prisoners Law (2004)
2. Law Decree No. 2 (2013) on the general budget for the financial year 2013
3. Law Decree No. 3 (2013) on the ratification of the tax treaty with Jordan
4. Law Decree No. 4 (2013) on the ratification of the tax treaty with Serbia
5. Law Decree No. 5 (2013) on Lending to Students of Institutions of Higher Education
6. Law Decree No. 6 (2013) on the amendment of the Money Laundering Law (2007)
7. Law Decree No. 7 (2013) on Guaranteeing Deposits
8. Law Decree No. 8 (2013) on a Vote of Confidence for the Government

<sup>56</sup> Bureau for Legal Consultation and Legislation



9. Law Decree No. 9 (2013) on a Vote of Confidence for the Minister of Culture
10. Law Decree No. 10 (2013) on the Palestinian Academy for Security Sciences
11. Law Decree No. 11 (2013) on the amendment of the Environmental Law (1999)
12. Law Decree No. 12 (2013) on the Agricultural Insurance Fund
13. Law Decree No. 13 (2013) on the ratification of the appointment of the Chairman of the Palestinian Pension Fund
14. Law Decree No. 14 (2013) on a Vote of Confidence for the Government
15. Law Decree No. 15 (2013) on the ratification of the amendments to the Euro-Mediterranean Agreement
16. Law Decree No. 16 (2013) on the ratification of the amendments to the Arab Investment Convention
17. Law Decree No. 17 (2013) on the ratification of the Convention on the Establishment of the Islamic Committee of the International Crescent
18. Law Decree No. 18 (2013) on the ratification of the tax treaty with Vietnam
19. Law Decree No. 19 (2013) on the abolition of Israeli Military Order 1006 (1982)

### **ANNEX III: LIST OF CSO PARTNERS**

1. Adalah - The Legal Centre for Arab Minority Rights in Israel
2. Addameer Prisoner Support and Human Rights Association
3. Aisha Women and Child Protection Association
4. Al-Atta Benevolent Society
5. Al-Azhar University
6. Al-Dameer Association for Human Rights
7. Al-Mezan Centre for Human Rights
8. Al-Haq - Law in the Service of Man
9. Al-Quds University
10. Al-Wedad Society for Community Rehabilitation
11. An-Najah University
12. Bisan Centre for Research and Development
13. Btselem - The Israeli Information Centre for Human Rights in the Occupied Territories
14. Centre for Women's Legal Research & Consulting
15. Centre for Conflict Resolution and Reconciliation
16. Civic Coalition for Defending Palestinian Rights in Jerusalem
17. Coalitions for Justice
18. Community Media Centre
19. Culture and Free Thought Association
20. Defence for Children International/Palestine
21. Democracy and Workers Rights Centre
22. Diakonia
23. Gisha - Legal Centre for Freedom of Movement
24. Hadaf Centre for Human Rights
25. Hamoked - Centre for the Defence of the Individual
26. Hebron University
27. International Legal Foundation
28. Islamic University in Gaza
29. Israeli Committee against House Demolitions
30. Jerusalem Centre for Women
31. Jerusalem Community Advocacy Network
32. Jerusalem Legal Aid and Human Rights Centre
33. Juhoud for Community and Rural Development
34. MAS - Palestine Economic Policy Research Institute
35. Musawa - The Palestinian Centre for the Independence of the Judiciary
36. National Society for Democracy and Law
37. Nova - Spain
38. Palestinian Bar Association
39. Palestinian Centre for Communication and Development Strategies
40. Palestinian Centre for Democracy & Conflict Resolution
41. Palestinian Centre for Human Rights
42. Palestinian Commission for Refugees
43. Palestinian Institute for Communication and Development
44. Palestinian NGO Network
45. Palestinian Working Women Society for Development
46. Palestinian Youth Union
47. Physicians for Human Rights
48. Public Committee against Torture in Israel
49. Save the Children - Sweden

50. South Women Media Forum
51. Stars of Hope Society
52. Terre des Hommes
53. Union of Women Programs Centres
54. University of Palestine
55. University College of Applied Sciences
56. Women Affairs Centre
57. Women for Life
58. Women's Affairs Technical Committee
59. Women's Centre for Legal Aid and Counseling