

# Evaluation Report

## Independent Evaluation of UNDP - EUPOL COPPS Joint Programme

### UNDP PAPP and EUPOL COPPS

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# Map of the West Bank



United Nations Office for the Coordination of Humanitarian Affairs  
occupied Palestinian territory

## West Bank: Area C Map

February 2011



## Acronyms

<b>AGO</b>	Attorney General's Office
<b>AWP</b>	Annual Work Plan
<b>BGHR</b>	Bureau for Grievances and Human Rights (PCP)
<b>CCC</b>	Corruption Crimes Court
<b>CCE</b>	Centre for Continuing Education (Birzeit University)
<b>CoP</b>	Chief of Police (PCP)
<b>CSO</b>	Civil Society Organization
<b>EU</b>	European Union
<b>EUPOL COPPS</b>	European Union Coordinating Office for Palestinian Police Support
<b>HJC</b>	Higher Judicial Council
<b>ICHR</b>	Independent Commission on Human Rights
<b>IGO</b>	Inspector General's Office (PCP)
<b>IMF</b>	International Monetary Fund
<b>MIP</b>	Mission Implementation Plan
<b>MoFA</b>	Ministry of Foreign Affairs
<b>MoI</b>	Ministry of the Interior
<b>MOJ</b>	Ministry of Justice
<b>MOSA</b>	Ministry of Social Affairs
<b>MOU</b>	Memorandum of Understanding
<b>M&amp;E</b>	Monitoring and Evaluation
<b>NRO</b>	Netherlands Representative Office (Ramallah)
<b>oPt</b>	occupied Palestinian territory
<b>PACC</b>	Palestinian Anti-Corruption Commission
<b>PAPP</b>	Programme of Assistance to the Palestinian People
<b>PCBS</b>	Palestinian Central Bureau of Statistics
<b>PCP</b>	Palestinian Civil Police
<b>PFC</b>	Project Field Committee
<b>PLC</b>	Palestinian Legislative Council
<b>PNA</b>	Palestinian National Authority
<b>PNDP</b>	Palestinian National Development Plan
<b>PSDD</b>	Police Security and Disciplinary Department
<b>PPMU</b>	Planning and Project Management Unit
<b>SAACB</b>	State Audit & Administrative Control Bureau
<b>Sida</b>	Swedish International Development Cooperation Agency
<b>SOP</b>	Standard Operating Procedure
<b>UNDAF</b>	United Nations Development Assistance Framework
<b>UNCAC</b>	United Nations Convention against Corruption
<b>UNDP</b>	United Nations Development Programme

## Executive Summary

In 2012, UNDP/PAPP and EUPOL COPPS launched an innovative Joint Programme (JP) in the occupied Palestinian territory (oPt) with support from the governments of Denmark, Sweden and the Netherlands. The Joint Programme, which attracted funding in excess of US\$ 3 million, extended support for institutional capacity development to the Palestinian Civil Police (PCP), the Palestinian Anticorruption Commission (PACC) and Corruption Crimes Court (CCC), as well as Palestinian civil society organizations and academic institutions working in the areas of accountability and anticorruption.

As the Joint Programme reached its effective end as of 2014, UNDP and EUPOL COPPS decided to support a final and external evaluation of the intervention. Thus, this Evaluation fundamentally seeks to document activities, impact and progress made against the goals of the original Joint Programme project document and to make recommendations for a ‘2<sup>nd</sup> Phase’ of the Joint Programme that will effectively occur within the context of a new UNDP-UN Women Joint Programme entitled, “Strengthening the Rule of Law in the oPt: Justice and Security for the Palestinian People” (1 May 2014 to 30 April 2017), linking closely with work under the new EUPOL COPPS Mission Implementation Plans (MIPs) 2014-2015 and 2015-2016. In order to better enhance their future coordination and cooperation (following the conclusion of the Joint Programme) UNDP, UN Women and EUPOL COPPS have recently signed a tripartite MoU.

The Evaluation has pursued a robust methodology adhering to UNDP’s Guidelines for Outcome Evaluators and relying upon meta-analysis of existing project documentation, third party sources and interviews with key Stakeholders in East Jerusalem and Ramallah. All relevant programme staff of UNDP and EUPOL COPPS were interviewed. In addition, a set of Evaluation Questions was forwarded to EUPOL COPPS for its response. A number of former programme staff within both organizations were reached via telephone and/or Skype for comment. Upon conclusion of the Evaluation, the Consultant debriefed UNDP, EUPOL COPPS and Donors in short-form on its principal findings and drafted the instant Evaluation Report.

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The implementation of the UNDP/EUPOL COPPS Joint Programme has taken place against the backdrop of continued political, financial and socio-economic instability wrought by the continued Israeli Occupation of E. Jerusalem and the West Bank and its continuing recent military campaign against and blockade of the Gaza Strip in which thousands of Palestinians were killed or grievously wounded and recurrent demonstrations in E. Jerusalem and the West Bank.

In line with the Palestinian National Development Plan (2011-2013), the Security Sector Strategic Plan (2011-2013), the PCP Strategic Plan (2010-2012), and the National Strategy on Anti-Corruption (2012-2014), the UNDP EUPOL COPPS Joint Programme has aimed to promote democratic governance based on the rule of law and respect for human rights.

The Joint Programme contained the following key outputs:

<b>1. PCP</b>
Output 1.1 Support the development of an accountability strategy
Output 1.2. Enhance organizational set-up of internal oversight bodies
Output 1.3 Develop standard operating procedures (SOPs)
Output 1.4 Support Capacity development of internal oversight bodies

Output 1.5	Increase external and internal awareness
Output 1.6	Provide equipment to internal oversight bodies
Output 1.7	Provide support to PCP Gender Unit
<b>2. PACC and CCC</b>	
Output 2.1	Strengthen the institutional capacity of the PACC and CCC
Output 2.2.	Develop staff capacity of PACC and CCC
Output 2.3	Raise public awareness of PACC and its services
<b>3. Support to Palestinian CSOs to promote oversight</b>	
Output 3.1	Develop a CSO engagement strategy
Output 3.2	Implementation of approved engagement strategy

Overall, despite the fact that the Joint Programme (JP) was slow to appoint a Deputy Programme Manager, responsible for guiding day-to-day implementation of the Programme, it appears that by end-2013 the JP had achieved many of the deliverables contemplated in the original Project Document. The Joint Programme has achieved significant progress and impact across each of its three outcomes.

*Outcome 1. PCP Internal Accountability Strengthened*

The Joint Programme supported the three PCP accountability units (i.e. the Inspector General’s Office; the Bureau for Grievances and Human Rights; and the Police Security and Disciplinary Department) to increase their knowledge of international best practices and standards for police accountability and to develop the PCP’s mechanisms of internal accountability.

The Joint Programme’s support, technical advice and guidance enabled the PCP to draft and finalize an “Accountability Strategy”, which was endorsed by the PCP Chief of Police in 2012. This work continued in 2013 with the development of an Implementation Plan for the strategy. UNDP and EUPOL COPPS ensured that as many stakeholders as possible were included in the drafting of the strategy and implementation plan.

Thereafter, the Joint Programme provided technical support to the PCP to develop a Code of Conduct in line with the U.N. Code of Conduct for Enforcement Officials, the Palestinian Basic Law and other regulations. UNDP programme staff, EUPOL COPPS advisors and the PCP developed the PCP Code of Conduct via a designated Working Group. EUPOL COPPS was also able to facilitate the engagement of the Slovenian Police, who hosted a delegation from the PCP in Slovenia in 2013 to be exposed to comparative experiences in Code of Conduct development. UNDP and EUPOL COPPS experts thereafter commented on numerous drafts. This was a highly practical and participatory approach. The Code of Conduct is viewed by the PCP as the most significant achievement of the Joint Programme. The PCP plans to distribute 10,000 copies of the Code of Conduct and then incorporate it within the Police Academy curriculum. The Code of Conduct has been adopted, approved and disseminated and has the potential to significantly enhance the PCP’s legitimacy if implemented. Going forward it will be important to monitor PCP staff adherence to the Code of Conduct, which will require the continued political buy-in of the PCP leadership.

The Joint Programme also supported numerous workshops and training courses for PCP. The most important training occurred within the context of a Professional Training Programme for the PCP developed by Birzeit University’s Centre for Continuous Education with Joint Programme support. The course curriculum trained PCP on public administration focusing on accountability and gender sensitivity, with the goal of enabling the PCP to design its own programmes in the future on these topics. The development of the course curriculum was a highly participatory process involving representatives from each of the different PCP units, including the PCP gender unit. The officers of the PCP were highly enthusiastic about the training. There was an interruption in training after three months (due to adjustments of

Donor funding and the timing of UNDP’s overall rule of law interventions); but as of end-August 2014, the PCP training courses with Birzeit had resumed under the new UNDP programme.

In response to a request from the PCP, the Joint Programme also supported the design and implementation of a Public Perceptions Survey on the PCP in cooperation with the Palestinian Central Bureau of Statistics and Human Dynamics (a consulting company hired under the EU Technical Assistance Mission to Palestine). The survey questionnaires cover the PCP and complaints mechanisms for citizens as well as other broad questions on citizens’ perceptions of the PCP. The questionnaire is designed to provide a baseline against which to measure the impact of a new PCP complaints mechanism (discussed below), once it is up and running; baselines in relation to appropriate public exposure to the Juvenile and Family Protection Units of the PCP, and broader questions related to police accountability. The survey was being conducted at end-August 2014 with coverage of 4225 Palestinian households.

Another major success of the Joint Programme was its support to an assessment of the PCP Complaints System and the development of a proposal for a uniform publicly accessible Complaints System for the PCP and a prototype for a computerized complaints platform. Prior to the Joint Programme’s intervention, the PCP lacked any uniform system for intake or tracking of citizens’ complaints, including their investigation and determination; and the three PCP accountability units had unclear and overlapping mandates for complaints. The Joint Programme engaged an international consultant to render technical advice to the PCP, including conducting a study and mapping of the existing complaints system and the roles effectively played by other counterparts (i.e. Palestine’s Independent Commission for Human Rights and CSOs). The proposals made by the international consultant were submitted to the PCP Chief of Police. Thereafter, the Joint Programme supported the development of a separate computerized software programme and template for receiving and tracking citizens’ complaints.

As of this Evaluation, both the paper based system and the corresponding computerized complaints software had been formally approved, but further support is required for the PCP to internalise the system and make it operational. This will be undertaken through the Phase II (UNDP\_UN Women Joint Programme) with the close involvement of EUPOL COPPS (as stipulated in an MOU). The Working Group on Complaints comprised of different PCP Units (including the 3 accountability units), UNDP and EUPOL COPPS will now be reconvened, and national IT experts provided to support roll-out of the mechanism via a pilot in the Ramallah district. The complaints system has effectively laid the foundation for a uniform complaints handling process within the PCP. For example, the Joint Programme introduced a single complaint form that will greatly facilitate citizen’s abilities to file complaints with the PCP.

As noted in the table below, complaints received by the various PCP accountability units would appear to be holding steady or, in the case of the PSDD, falling. This may be due in part to the effort of the JP to raise awareness of accountability within the PCP itself, but the data is insufficient to be able to draw any definitive conclusion.

**Table 1- Complaints Against the PCP [Source: UNDP JP Progress Report August 2013]**

	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>ICHR</b>	<b>348</b>	<b>394</b>	<b>364</b>
<b>BGHR</b>	<b>264</b>	<b>260</b>	<b>305</b>
<b>PSDD</b>	<b>2,237</b>	<b>1,321</b>	<b>n/a</b>

*Outcome 2. PACC/CCC Efforts on Anti-Corruption Enhanced*

In the course of the Joint Programme, PACC has managed to complete all the steps for implementation of the UNCAC and prepare a self-assessment report against the mandatory provisions of the Convention. PACC has also started the process of preparing amendments to some Palestinian legislation to conform to the requirements of UNCAC. This led to Palestine's full membership in the UNCAC as of May 2014. The Joint Programme contributed to attracting donor support in this area.

The Joint Programme's major focus under Output 2 was on developing a work plan for implementation of the National Strategy on Anti-Corruption by PACC. The JP strategically supported the institutional capacity of PACC and CCC by commissioning a comprehensive review of the PACC's internal capacities, organizational development, management arrangements and operating procedures, as well as human resources and IT needs. This resulted in the creation of an action plan for PACC for the next two years with clear outputs and a budget for each activity. The plan covers IT, Human Resources and adopting necessary bylaws and SOPs. UNDP experts also attempted to map out the cooperation between State Audit and Administrative Control Bureau and the PACC. The needs assessment/organizational review also recommended that PACC have an electronic case management system. This was developed with Joint Programme support for PACC and CCC.

Beyond this, many PACC staff and prosecutors benefited from Joint Programme sponsored trainings, including a customized anti-corruption training programme developed for PACC and CCC by Birzeit University's Institute of Law. The process of designing the curriculum for the training programme was highly collaborative, with a joint committee formed for this purpose between PACC, Birzeit, UNDP and EUPOL COPPS to hire and screen trainers.

The trainings tracked the 2010 Anticorruption law to the extent possible. In addition to the training programme, the JP funded several study visits for PACC and CCC. With JP support, the CCC was also able to develop a strategy for the court, while the JP also supported the renovation of the CCC courthouse. The JP appears to have increased PACC and CCC staff capacity and facilitated the work of administrative, managerial, and investigative staff, as well as judges and prosecutors.

The Joint Programme also raised public awareness of the PACC and its services via a number of workshops devoted to corruption drawing upon resources from the European Anti-Fraud Office and UNDP's Regional Bureau. Mobilizing \$ 570,000 US of JP funds, PACC was able to establish 400 activities that included workshops and also covered media (CSO) and anticorruption mainstreaming (within PA institutions). The workshops involved youth and women. In addition, the JP funded a public perception survey on corruption that was completed in December 2013 by the PCBS, and is currently awaiting translation.

One of the most important things that UNDP supported was cooperation with the media and CSOs. Currently as a result of JP support, PACC has 13 organizations working with it on implementation of the anti-corruption strategy. Three of the 13 organizations are networks that include in total an additional 160 CSOs. The JP developed the capacity of these organizations and encouraged them to develop and implement public awareness campaigns in each of their fields. In addition, PACC has 10 PA institutions as partners and other partners that PACC deals with informally.

According to the reports of UNDP, the investigation, prosecution and adjudication of corruption cases has also increased during the time period 2011-14.

**Table 2- Investigation, Prosecution and Adjudication of Corruption Crimes [Source: UNDP JP Progress Report August 2013]**

	2011	2012	First 6 months of 2013	Total
<b>Investigation</b>	<b>78</b>	<b>311</b>	<b>186</b>	<b>575</b>
<b>Prosecution</b>	<b>15</b>	<b>35</b>	<b>15</b>	<b>65</b>
<b>Adjudication</b>	<b>1</b>	<b>12</b>	<b>14</b>	<b>27</b>

*Outcome 3. Civil Society Strengthened to Promote Civilian Oversight*

Under the JP it was UNDP’s role to engage CSOs in security sector oversight and anti-corruption efforts. In many ways, Output 3 was the slowest to start, because it was contingent upon the results of a CSO mapping exercise supported by the Joint Programme. This mapping exercise (“CSO Engagement Strategy) identified a number of potential CSO partners for UNDP. However, the Joint Programme ultimately relied upon an existing UNDP CSO roster to form four partnerships with CSOs to promote effective oversight and anti-corruption. These were the same CSOs identified in the mapping study. In this sense it was fortunate that UNDP had the roster of organisations in order quickly to overcome procurement delays and contract CSOs expeditiously.

There are very few smaller CSOs working in the area of anti-corruption. UNDP therefore went with well-known CSOs. These were Al Haq, Aman, Musawa and Shams. The CSOs selected were already established as reliable partners for short-term duration projects. Had UNDP and EUPOL COPPS had more time available, however, they could likely have identified some smaller CSOs for inclusion in the JP.

The Evaluation found that overall the CSO engagement under the Joint Programme was a bit rushed, leaving very little time to involve smaller CSOs — even as sub-grantees. As it stood Al Haq, Aman, Musawa and Shams completed a variety of successful awareness-raising activities, trainings for members of civil society and journalists and the production of media programmes (television and radio spots) on anti-corruption; and quick-impact activities (i.e. citizen appeals to the President of the PNA on ending the practice of “Wasta” in state administration; printing T-shirts, etc.). In addition, the JP and Al Haq developed a Human Rights Manual for the Palestinian Police, which brought the PCP more closely in touch with civil society).

In addition to working with the above CSOs, the Joint Programme played a role in facilitating a relationship between the Palestinian Independent Commission on Human Rights (ICHR), the PCP and CSOs. ICHR was not a direct partner under the JP, but EUPOL COPPS had near daily contact with its staff. In return, ICHR has supported the JP in its relations with CSOs. EUPOL COPPS also played a role in facilitating a relationship between ICHR and the PCP. For example, ICHR was present at the roundtables organized to discuss the new Code of Conduct. ICHR and around 20 CSOs took part in the two workshops conducted by the PCP to discuss the PCP Code of Conduct draft and the PCP accountability strategy.

*Cross-cutting Theme: Gender Equality*

The principal crosscutting objective of the JP was its focus on gender sensitivity and equality at every level. Female police officers were included in all trainings supported by the Joint Programme. These trainings had resumed as of August 2014.

The Joint Programme consistently provided support to the PCP Gender Unit in the form of technical advice and funding of quick impact proposals (i.e. public awareness raising; the

production of a Promo film (DVD) on the work of the Gender Unit and female police officers; etc.). Yet, the most important deliverable related to gender was the training provided to PCP officers within the PCP Gender Unit via the Birzeit Center for Continuing Education curricula. The JP helped the PCP Gender unit and other security agencies gender units to establish a joint gender task force approved to be established by the Minister of Interior.

As for the PACC, the JP supported trainings and awareness-raising efforts focused on corruption impacting upon women. These were attended by a high-percentage of women over men. Additionally, in December 2012, the JP supported an Establishing Workshop on Gender for the Palestinian security services designed to discuss the basic steps necessary to institutionalize gender sensitivity and equality in the security services. Representatives of the Presidency, Council of Ministers, Ministry of Interior, Ministry of Women Affairs, UNDP, EUPOL COPPS, PCP and other security services, attended the workshop. Furthermore, PACC has managed to establish partnerships with Women affiliated CSOs (MIFTAH and the Women's Technical Affairs Committee (WTAC)).

#### *The UNDP EUPOL COPPS Partnership*

A principal objective of this evaluation has been to ascertain the quality and effectiveness of the UNDP-EUPOL COPPS partnership and the day-to-day working relationship of these organizations. UNDP is a development organization, whereas EUPOL COPPS is a technical advisory mission of the European Union. The lessons to be drawn from this partnership can inform not only the implementation of the new UNDP-UN Women joint Rule of Law Programme, but other development contexts and situations (i.e. where for example, UNDP coordinates with another EU or a UN political mission).

From the very beginning, even though UNDP and EUPOL COPPS had differences, both organizations brought their respective comparative strengths to the table. UNDP was more in the lead position and expected to drive the JP. UNDP has ensured the overall programme management, hired experts, organized workshops and study visits needed for achieving objectives, etc. UNDP was also responsible for donor relations. UNDP's ability to mobilize and manage funding was something that EUPOL COPPS was lacking. UNDP also provided technical expertise in the justice sector.

Meanwhile, EUPOL COPPS contributed technical advice and a well-established relationship with the PCP and that UNDP did not have previously, not having worked with these partners in the past. EUPOL COPPS has brought in technical expertise in areas such as prosecution, human rights, legal drafting, accountability, police structure and operations and specific knowledge of the PCP structure and communication channels.

The partnership of course had some significant challenges. Chief among these was the delay by UNDP in hiring a Deputy Programme Manager and national staff. This was a major issue for EUPOL COPPS as it forced EUPOL COPPS to become involved in the programme implementation side of the partnership.

EUPOL COPPS perceived that the partnership was effective in many different ways:

- Programme/project combined with expertise;
- Structured framework;
- Leverage of two main international organisations (UN/EU);
- Availability of funds;
- Longer term perspective (UNDP) combined with daily contact with the counterpart;
- Provision in mentoring and advising of International and European standards.

A criticism of the JP is that it did not develop a detailed M&E plan with specific indicators; and, therefore, could not report to these on an annual or semi-annual basis. Throughout the JP, however, UNDP and EUPOL COPPS collected data on progress in a results based management approach to M&E. UNDP and EUPOL COPPS prepared progress reports in January 2013 and August 2013, as well as the final project completion report. These progress reports were not equivalent to independent evaluations, but nonetheless, fulfilled a valuable reporting role to the Donors and were objective in tone detailing particularly the difficulties inherent in working with the top-down management structure of the PCP. This Evaluation also forms an important element of each organizations' M&E.

The JP was effectively extended via no-cost extensions to the end of April 2014 with the intention to align the programme end date with that of the UNDP Rule of Law and Access to Justice Programme in order to be able to seamlessly roll all remaining programme activities into the framework of the new joint programme of UNDP and UN Women (initiation of which was itself delayed in part due to the need to balance demanding donor requests). While trainings for the PCP were suspended before the Joint Programmes end, all training programmes for the PACC and CCC were concluded fully in accordance with its original timeframe.

At project's end, the JP's Donors appear to be satisfied with the progress achieved to date across all three of the JP's Outcomes, bearing in mind the relative short time frame of implementation and the limitations of the JP (i.e. a slow uptake from the PCP on some of the JP's deliverables and resistance to change within the PCP as an organization). Gains have also been achieved with regard to gender equality via the JP's technical advisory services and trainings — especially within the PCP.

Also, notwithstanding the JP's late start and its short time frame, the overall level of national ownership appears to be high. In fact, PCP, PACC, CCC and civil society organizations have all endorsed on-going work in this area by UNDP and EUPOL COPPS. Additionally, the JP has promoted regional-level cooperation in policing and anti-corruption that has been well-received.

In sum, the JP appears to have met most of its intended goals at its end, and a foundation has been laid for future progress. In terms of sustainability, however, many of the risk factors detailed in the original project document's risk log still exist and it will be incumbent upon the PNA, PCP, PACC and CCC to embrace the deliverables of the JP and its recommendations for organizational change.

The overriding observation of this Evaluation is that the Joint Programme proves that it is possible for a development organization such as UNDP to partner with a technical advisory mission such as EUPOL COPPS. Both organizations were able to effectively bring their comparative strengths to the table around common goals and programme objectives.

Going forward, cooperation between UNDP and EUPOL COPPS at a technical level is expected to remain of critical importance to efforts to strengthen accountability and anti-corruption in Palestine. A tripartite MoU signed between UNDP, UN Women and EUPOL COPPS will provide a basis for this cooperation.

Many opportunities also exist to deepen the JP's work within the institutions themselves (i.e. creating additional SOPs, legislative reforms, IT capacities and strengthening both internal and external oversight mechanisms). The adoption and sustainability of the outputs of the Joint Programme achieved to date, will require significant levels of political "buy-in" from the PCP, PACC and CCC as well as the PNA leadership. This Evaluation Report includes a number of Recommendations, Conclusions and Lessons Learned, which appear at pp.34 to 37 of the main report.

## **I. Introduction**

In 2012, UNDP/PAPP and EUPOL COPPS launched a Joint Programme (JP) in the occupied Palestinian Territory (oPt) with support from the governments of Denmark, Sweden and the Netherlands. The Joint Programme, which attracted funding in excess of US\$ 3 million, extended support for institutional capacity development to the Palestinian Civil Police (PCP), the Palestinian Anticorruption Commission (PACC) and Corruption Crimes Court (CCC), as well as Palestinian civil society organisations and academic institutions working in the area of accountability and anticorruption.

In line with the Palestinian National Development Plan (2011-2013), the Security Sector Strategic Plan (2011-2013), the PCP Strategic Plan (2010-2012), and the National Strategy on Anti-Corruption (2012-2014), the UNDP/EUPOL COPPS Joint Programme has aimed to promote democratic governance based on the rule of law and respect for human rights. In this regard, the programme identified three main intervention areas:

1. Support the PCP to strengthen internal accountability
2. Support the PACC/CCC to enhance national anti-corruption efforts
3. Support Palestinian CSOs to promote civilian oversight

The Joint Programme's efforts were geared at strengthening institutional arrangements, tools and capacities to ensure police accountability and to tackle corruption in the oPt, as well as enhancing a culture of accountability and anticorruption in partnership with CSOs and grass roots actors.

## **II. Scope of the Evaluation and its Methodology**

### **A. Objective, purpose and focus**

As the Joint Programme comes to an end, UNDP and EUPOL COPPS decided to commission a terminal evaluation of the intervention. According to its Terms of Reference, this Evaluation is expected to:

- Assess the relevance of the Joint Programme in the context of the oPt and assess results achieved against the Joint Programme document.
- Provide a comprehensive assessment of the overall impact of the Joint Programme, both for institutional (PCP & PACC/CCC) and civil society partners.
- Appraise UNDP/PAPP and EUPOL COPPS relations with relevant actors and stakeholders in the policing and anticorruption sectors, including the PCP and the PACC/CCC, civil society organisations and academic institutions.
- Assess if and how activities have been carried out in a mutually reinforcing manner, including vis-à-vis other interventions in the Palestinian policing and anticorruption sectors.
- Appraise the sustainability of the programme, including the institutionalisation of reforms.
- Review the programme's efforts to mainstream gender and ensure the application of a rights-based approach.
- Discuss the main challenges faced by the programme, including the ways in which UNDP and EUPOL COPPS sought to overcome them.
- Assess relevance and utilisation of M&E processes.

- Assess UNDP / EUPOL COPPS' ability to manage existing risks effectively and responsibly.
- Assess the Programme Management (coordination and cooperation mechanisms as e.g. the Programme board, PFC, PSC)
- Capture lessons learned and best practices and provide concrete recommendations for ongoing assistance in these sectors. A particular focus shall be given on the coordination between UNDP/PAPP and EUPOL COPPS.

## **B. Methodology**

It should be stressed that this is an independent evaluation that adheres to UNDP's Guidelines for Outcome Evaluators, including impartiality, objectivity and confidentiality of sources, unless permission was expressly granted to quote individuals by name.

The initial task of the Evaluation was to conduct a meta-analysis of all documentation and data pertaining to the UNDP EUPOL COPPS Joint Programme ("the Joint Programme") keeping in mind the successes and challenges of the project to date across the three outputs of the programme and its activities. Documents were delivered to the Consultant on a continuing basis both before and after his arrival in-country.

Key documents reviewed included for example, the Joint Programme Project Document and Annual Work Plans; various Joint Programme Progress Reports; reports of the Palestinian Independent Commission for Human Rights (ICHR); UNDP video documentaries on the Joint Programme; internal documents, policies, procedures and codes of conduct of the Palestinian Civil Police; reports and statistics of the Palestinian Anti-Corruption Commission and the Corruption Crimes Court; reports and analysis of human rights INGOs and local Palestinian civil society organizations; press reports, etc.

Based upon its preliminary document review, the Evaluation Team further fine-tuned the methodology and developed a set of key questions to guide the Evaluation. [See ANNEX 2 of this Report].

The Evaluation conducted Stakeholder interviews in East Jerusalem and the West Bank with UNDP staff, EUPOL COPPS staff, other stakeholders and beneficiaries. The principal goal of the interviews is to identify lessons learned and best practices to inform future phases of the project and its activities. Additional conversations with UNDP and EUPOL COPPS representatives and former Joint Programme staff took place via Skype. A list of Stakeholders interviewed appears in Annex 3 of this report.

Upon conclusion of the Evaluation, the Consultant debriefed UNDP, EUPOL COPPS and Donors in short-form on its principal findings. Thereafter, the Evaluation Consultant prepared a Draft Evaluation Report containing fully developed Situational Analysis, Findings, Conclusions, Recommendations and Lessons Learned for submission to UNDP PAPP, EUPOL COPPS and Donors for comment. Following the receipt of comments by UNDP, EUPOL COPPS and Donors, the Evaluation Team Leader supplemented, edited and finalized the Final Report of the Evaluation, which was filed with UNDP PAPP and EUPOL COPPS for publication.

### ***Limitations and Opportunities***

Typically a UNDP outcome evaluation of this nature would serve to inform the development of a follow-on project. However, in this case a "2<sup>nd</sup> Phase" of this work has already been developed and endorsed by stakeholders.

On 1 May 2014, UNDP/PAPP and UN Women initiated a Joint Programme titled “Strengthening the Rule in the oPt: Justice and Security for the Palestinian People” (2014-2017) (hereinafter referred to as the new “UNDP-UN Women Joint Programme”). This three-year framework, which articulates priority areas of support to the Palestinian rule of law, justice and security sectors in line with nationally defined priorities and consistent with the Palestinian National Development Plan (2014-2016) and the first ever United Nations Development Assistance Framework (UNDAF) for the State of Palestine (2014-2016), will remain in place until 30 April 2017. Meanwhile, EUPOL COPPS has recently completed designing its Mission Implementation Plan (MIP) for 2014 and forward. A separate MOU regulates continuing cooperation between EUPOL COPPS and UNDP-UN Women.

Thus, this Evaluation focuses primarily on results achieved and “lessons learned”—that can inform not only the implementation of the new UNDP-UN Women Joint Programme, but also EUPOL COPPS future advisory services with the Palestinian justice and security sector. A key focus of this Evaluation has been to explore whether and how the UNDP-EUPOL COPPS partnership worked.

### **III. Background and Situational Analysis**

The implementation of the UNDP/EUPOL COPPS Joint Programme has taken place against the backdrop of continued political, financial and socio-economic instability in the occupied Palestinian territories (oPt).

The continued Israeli occupation of the oPt with its intensified settlement activity on the West Bank, blockade of the Gaza Strip, numerous restrictions of rights and fundamental freedoms and the denial of the PNA to exercise full administrative control over its own territory and people has caused decades of immeasurable economic loss and personal suffering to the Palestinian people. At the same time a political rift within the PNA itself has in recent years stifled growth and compounded the impact of the Occupation.

The relationship between Hamas and Fatah deteriorated with the 2006 legislative elections and Hamas’ effective take-over of the Gaza Strip in 2007. A low-intensity conflict between Hamas and Fatah continued from 2007 to 2012 with various reconciliation agreements being negotiated that ultimately fell-apart. Several accords were signed in Doha (February 2012) and Cairo (May 2012), however, that provided for the formation of a new consensus government. Talks and negotiations between Hamas and Fatah thereafter continued to improve following the U.N. General Assembly’s decision of 28 November 2012 to accord the PNA “Non-Member Observer”.<sup>1</sup> These talks culminated in a new reconciliation agreement between Hamas and Fatah in April 2014 and a technocratic consensus government being sworn in in June 2014.

Meanwhile, in response to the U.N. vote of 2012, the Government of Israel not only approved its controversial E1 settlement plan<sup>2</sup> but also decided to impound the tax revenues it collects on behalf of the PNA and also to limit access to funds held in Israeli bank accounts by certain individuals. As a result, many Palestinian public officials and civil servants, including members of the PCP and the PACC/CCC, did not receive their salaries for a considerable

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<sup>1</sup> 138 member states approved the resolution. The United States, Canada and Israel were among the 9 states voting against the resolution, while 41 states abstained.

<sup>2</sup> The E1 settlement plan is viewed as controversial as many experts perceive that it would effectively create a crescent of Israeli settlements around East Jerusalem, effectively cutting it off from the West Bank and Palestinian population centres.

period of time.<sup>3</sup>

The lack of adequate government revenue and continued political instability has interfered with the PNA's progress in pursuing its statehood agenda. Economic growth in Palestine significantly slowed in 2012 due to local and regional political uncertainty, decreased donor support, delayed payment of PNA salaries, and the accumulation of unprecedented levels of private sector arrears, according to the IMF. In 2012, the total transferred by donor countries in support of the PNA budget reached USD 823 million, about USD 450 million short of the amount needed to cover the PNA's recurrent deficit. Donor aid had also previously declined by 29 percent from 2010 to 2011. Increased growth is dependent on continued easing of Israeli movement and access restrictions, further external trade and private sector growth, improved PNA governance in commercial regulation, increased political stability, and the general recovery of global and regional economic growth<sup>4</sup>.

As of mid-July 2014, Israel's unabated occupation of areas of the West Bank and new Israeli military operations in Gaza were threatening to provoke a third Intifada. Riots were erupting in East Jerusalem and Ramallah throughout end-July with scores injured or killed. During the same period, Israeli launched its third attack upon the Gaza Strip in six years named Operation 'Protective Edge'. As of 26 August 2014 when an open-ended ceasefire was put into place, more than 2100 residents of Gaza had been killed by Israeli military strikes including innocent women and children, with thousands more grievously injured. More than one month since the ceasefire, the prospect of a peace agreement and easing of the Israeli blockade of Gaza appear to be as far-off prospects as ever. Many Palestinians perceive the Israeli offensive to be a direct response to Palestinian attempts to form a consensus government and to ensure that Palestinian unity is unsuccessful.<sup>5</sup>

The formation of a new consensus government between Hamas and Fatah will present its own set of challenges going forward as the PNA continues to assert as its overriding national development goal: independence from Israeli occupation and the establishment of the Palestinian state based upon the 1967 borders with East Jerusalem as its capital. This includes consolidating its control over its national resources, developing the so-called Area C, particularly the Jordan Valley, and restoring East Jerusalem and Gaza to PNA rule within a unified Palestinian Government.<sup>6</sup>

Despite the above challenges, the PNA has demonstrated a sustained commitment to the basic principles of democratic governance and the rule of law. The PNA's National Development Plan - Establishing the State, Building our Future (2011-2013), under which the Joint Programme has taken place, reaffirmed the PNA's strong commitment to safeguard and uphold human rights and to consolidate good governance and the rule of law. As such, it identified six strategic objectives:

- To provide national security and public safety throughout the country;
- To deliver justice and the rule of law for all citizens;

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<sup>3</sup> Israel routinely collects taxes on behalf of the PNA and under normal conditions transfers on average approximately \$100 million US per month to the PNA.

<sup>4</sup> Source: U.S. Department of State's 2013 "Investment Climate Statement" for the West Bank and Gaza.

<sup>5</sup> Such conflict is not without recent precedent. In November 2012, the Government of Israel launched "Operation Cast Lead"—a deadly air offensive on the Gaza Strip—that killed more than 130 people, including at least 101 civilians. While people living in the West Bank were not directly affected, the many incursions by Israeli forces and demonstrations in Ramallah and elsewhere placed an increased burden on the Palestinian security forces, particularly the PCP. In addition, the Israeli air strikes contributed to a climate of increased anxiety and tension for the Joint Programme's national counterparts.

<sup>6</sup> Palestinian National Development Plan (PNPD) 2014-16

- To modernize and streamline public administration;
- To empower local government and bring public services closer to citizens;
- To attain financial independence and economic stability; and,
- To promote Palestine’s sovereign presence in the international community.

In addition, the National Development Plan (2011-2013) made mention of the PNA’s efforts to build an effective and efficient security sector, in which security agencies should perform their assigned roles transparently and be accountable to the civil authorities. In line with the Security Sector Strategic Plan (2011-2013), the priority policies included:

- Completing the reorganisation of the security services into three branches for internal security (including policing, preventative security and civil defense), national security, and general intelligence, which are each separately accountable to the civilian political leadership;
- Strengthen the transparency and public accountability of the security services in order to build strong community relations with citizens and to ensure that the human rights of all citizens are respected without exception;
- Developing effective civilian government oversight and inspection systems in the Ministry of Interior and the security establishment; and
- Enhancing the extent and quality of coordination between branches of the security services and with justice sector institutions.

Moreover, the PNA committed itself to combat corruption in both the public and private sectors. Its commitment extends to strengthening public oversight bodies and mechanisms, which will hold institutions and individuals accountable. To this end, the PNA established the Palestinian Anti-Corruption Commission (PACC) and Corruption Crimes Court (CCC) that will play a key role in holding the public sector, as well as the private sector to account.

In addition, the PNA has recognized the important role that civil society has in this regard, especially in the absence of a functioning parliament. The National Development Plan (2011-2013) sought to “encourage more robust oversight of government performance by the civil society and non-governmental organisations.”

A commitment to Good Governance, the Rule of Law and Institutional Building on the grounds of respect for human rights and fundamental freedoms is continued in the PNA’s new National Development Plan for 2014-2016. This includes an independent, effective and efficient judicial authority and a professional security establishment.<sup>7</sup>

The PNDP 2014-2016 contains the following strategic objectives for Good Governance and Institution Building:

- Strategic Goal 5. More effective, efficient and transparent management and allocation of public finances.
- Strategic Goal 6. Local Government Units (LGUs) throughout governorates are more capable of better public service delivery.
- Strategic Goal 7. More effective delivery of, and equitable access to, public services.
- Strategic Goal 8. Enhanced ability to provide security and access to justice
- Strategic Goal 9. More effective Palestinian presence in Arab international forums as well as within Palestinian communities in the Diaspora.

The above Goal 8 includes promoting greater transparency, integrity, accountability and inspection systems throughout the security and justice sector, including the approval and enforcement of codes of professional conduct. Also included is the goal to employ more

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<sup>7</sup> PNDP 2014-2017 at p.54.

women in the PCP and to continue anti-corruption efforts.<sup>8</sup>

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The UNDP-EUPOL COPPS Joint Programme has supported the Palestinian Civil Police, the Palestinian Anti-Corruption Commission, the Corruption Crimes Court, as well as CSOs and the Independent Commission on Human Rights. A brief overview of these Palestinian institutions follows.<sup>9</sup>

### **The Palestinian Civil Police (PCP)**

The Palestinian Civil Police (PCP) is one of the key institutions responsible for providing protection and safety and for creating a secure environment that is conducive to democratic governance and socio-economic development. The PCP is endowed with extensive powers (pertaining to, inter alia, surveillance, investigation, search, seizure, arrest, interrogation and detention).

The vision and mission of the PCP, as described in its Strategic Plan (2010-2012), is to be “a transparent and accountable law enforcement agency that aims to guarantee (...) security and safety for all citizens on an equal basis. While the PCP is genuinely committed to adhere to these principles, it has grappled with translating these into action. According to the Independent Commission for Human Rights (ICHR), 348 complaints were made against the PCP in 2011; 394 in 2012 and 364 in 2013. Reportedly, most were related to arbitrary arrest, protracted detention and ill-treatment. Various measures were taken by the PCP to address these complaints. In some cases, complaints were referred to the military prosecutor for legal action. However, there was a divergence between the number of complaints reported by the ICHR and the number of complaints received from the ICHR, according to the PCP.

Prior to the UNDP-EUPOL COPPS Joint Programme, the PCP had established three oversight bodies to guarantee accountability: the Inspector-General’s Office (IGO); the Bureau for Grievances and Human Rights (BGHR); and the Police Security and Discipline Department. Yet, while the PCP had recognized the need to be accountable, no systematic efforts had been made to support the PCP in developing and implementing this concept into its every-day activities.

Accountability and external oversight over the PCP, as well as other PNA institutions has been hindered by a relatively weak Ministry of the Interior, the absence of a functioning Inspector-General’s Office at the Ministerial level, as well as the absence of an appropriate legal framework regulating the work of the police.

Additionally, the lack of a functioning Palestinian Legislative Council (PLC) has prevented passing legislative reforms for the security sector and PCP to clarify disciplinary procedures,

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<sup>8</sup> Id. at p.63.

<sup>9</sup> It is important to note that the PCP do not operate in complete isolation, but form part of the spectrum of security services stipulated by the Palestinian Law of Service in Security Forces. These security services are as follows: General Intelligence (GI), Civil Defense (CD), Preventive Security Organization (PSO), Palestinian Civil Police (PCP), Military Intelligence (MI), National Security Forces (NSF), Presidential Guard (PG) and Customs Control. The work of these security services intersect with the PACC, Prosecution, MoJ and many other PA government ministries. The Security Sector Working Group (SSWG) represents all the international partners who contribute to the financing of Security Sector-related projects.

accountability and civil oversight of the security sector.<sup>10</sup> In the absence of a dedicated new Police Law, there are only limited policies outlining the specific duties and responsibilities of each PCP member. Hence, the basic roles and duties of the police are not clearly defined. The current Law of Service for the Palestinian Security Forces No. 8. (2005), which also applies to the PCP, outlines certain corrective measures for professional misconduct, but the law is not fully understood and/or applied. Until new legislation is passed, PCP disciplinary matters will continue to fall under the jurisdiction of the military courts. Various drafts of a new Police Law have been developed by the PCP and presented to the MoI for review, but in the absence of the PLC it is unlikely that any new law will come into force soon.

### **Internal PCP Oversight Mechanisms**

In an effort to enhance and clarify PCP concepts of accountability and complaints mechanisms, UNDP/EUPOL COPPS Joint Programme, has targeted the three internal oversight bodies of the PCP, which are: the Inspector-General's Office (IGO); the Bureau for Grievances and Human Rights (BGHR); and the Police Security and Discipline Department (PSDD). The current mandates, roles and duties of the three units are as follows.

#### ***Inspector-General's Office (IGO)***

The Inspector-General's Office (IGO), which was established on 18 December 2008, reports directly to the Chief of Police. Its establishment highlights the importance the PNA places on strengthening internal oversight and the need to comply with (internal) procedures, rules and regulations. The office currently consists of 30 staff, most of which have a background in law and/or finance. However, most of them do not have any formal audit/inspection experience.

The IGO is responsible for, inter alia:

- Ensuring that (internal) procedures, rules and regulations are being followed;
- Performing technical inspections of weapons and other equipment, ensuring they are being used in accordance with relevant rules and regulations;
- Reviewing contracts, tenders and agreements to ensure best value for money;
- Evaluating operational and administrative plans and ensure proper follow-up; and
- Appraising the overall performance of the PCP.

#### ***Bureau for Grievances and Human Rights (BGHR)***

The Bureau for Grievances and Human Rights (BGHR), which was established on 14 February 2009, is responsible for processing and investigating complaints and grievances, ensuring full adherence to national and international human rights standards. The Bureau, which currently employs seven staff, has established a separate subsidiary committee that deals specifically with complaints made by the ICHR.

The BGHR is responsible for, inter alia:

- Receiving, process and investigate complaints and grievances, both from individual citizens and from national and international human rights organisations;
- Providing recommendations to the Chief of Police concerning these complaints and ensure proper follow-up;
- Preparing and analyze statistical data and provide policy advice;
- Ensuring compliance with national and international human rights standards, e.g. by visiting detention cells and correctional facilities;
- Organizing human rights trainings for PCP personnel; and,
- Raising public awareness of the BGHR and liaise with the media.

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<sup>10</sup> The PLC has not convened since 2007. The PNA has had to resort to Presidential Decrees as a mechanism for making "law", but it remains to be seen what will be the continued validity of these decrees once the PLC is reconstituted.

### ***Police Security and Disciplinary Department (PSDD)***

The Police Security and Disciplinary Unit (PSDD) was one of the first units to be established after the creation of the PCP in 1994. PSDD employs 134 staff across all districts, is responsible for investigating incidents of professional misconduct attributed to officers on the force. Furthermore, it provides the Chief of Police with recommendations about what disciplinary measures should be taken.

The PSDD is responsible for, inter alia:

- Receiving, process and investigate complaints and grievances, and investigate cases of professional misconduct;
- Providing recommendations to the Chief of Police concerning their investigations and ensure proper follow-up;
- Liaising with the security services regarding PCP personnel; and,
- Fostering discipline and ensure proper implementation of instructions and directives.

The UNDP-EUPOL COPPS Joint Programme identified an urgent need to clarify mandates, develop proper standard operating procedures (SOPs), and strengthen the overall institutional capacity of these oversight bodies in order to improve the overall PCP capacity to achieve the strategic goals laid out in the different strategies. Other areas of need identified by the JP were to streamline the complaints process for filing citizens complaints and to improve data and statistics collected by PCP on the numbers and types of complaints.

### ***PCP Gender Unit***

As of 2011, women made up only 3% of the Palestinian police force. Coming under pressure to increase the numbers of women in the PCP and to take account of gender equality, the PCP established a Gender Unit in May 2011 after long and sustained efforts from a number of internal and external stakeholders. This body, the first one in the Arab region, is tasked with the responsibility to promote and integrate all issues related to gender. It aims to further improve the manner in which the PCP addresses the security needs of women, men, boys and girls, The work of the Gender Unit is essential to ensure that the work of the PCP addresses the human security needs of the entire population. The gender focal point's duty is to provide technical advice on gender equality and women's empowerment at both the strategic and operational level. However, the unit still lacks a comprehensive strategy and work plan, as well as sufficient resources to perform its duties and advance its agenda. Its' staff requires capacity-building and a variety of tools and resources to promote gender issues, both within the PCP and as an integral part of the wider PNA effort to advance the National Gender Strategy, which brings together the Ministry of Women's Affairs; gender units and advisers in the Ministry of Interior, the Prime Minister's Office, and other relevant institutions. The numbers of women in the PCP have increased slightly since the establishment of the Gender Unit (i.e. as of 2012 there were 270 female officers; as of 2013 there were 290 female officers).

### ***Independent Commission for Human Rights (ICHR)***

The role of the Independent Commission for Human Rights (ICHR) deserves specific attention as it is crucial in the oversight and accountability of Palestinian national institutions and their responsibility to uphold and promote human rights. As a national oversight mechanism, it plays an oversight role with Palestinian security institutions as a whole, including the PCP.

### **The Palestinian Anti-Corruption Commission (PACC)**

Although incidence of corruption declined between 2005 and 2010 in Palestine, corruption and the perception of corruption remained major issues for the PNA as of 2010.<sup>11</sup> In response to the need to implement effective anti-corruption institutions, PACC was established on the basis of the Amended Law of Illicit Gains (2005) and a decree of the PNA President issued in March 2010. The Anti-Corruption Decree specifies the duties of the PACC, CCC and the Prosecution (Anti-Corruption Division). It stipulates that PACC shall be established and mandates the AGO to name seconded prosecutors to work within PACC premises and to establish a special CCC Panel to adjudicate corruption claims. HJC takes the lead with hiring the CCC judges, not the PACC. By law, all corruption cases should ultimately lodge with the PACC, which has the mandate to investigate such cases. Although, CSOs do continue to receive corruption cases, the CSOs are supposed to refer them to the PACC. If it is found that the case has elements of corruption, then the Prosecution takes over the investigation of the case. The PCP acts on requests from the PACC Prosecution (i.e. to arrest persons, detain persons, etc.). PACC is also the only body that can refer a case to the CCC (not private citizens). Some cases are found not to be corruption cases and are referred to the normal criminal court of first instance for adjudication.

The fundamental challenge of PACC, however, is the same as with all PA institutions — namely, it is highly centralized and vertical in its structure. The Commissioner of PACC is required by law to report to the PNA President and is not formally accountable to any other PNA institutions. This said, however, the Commission of PACC can report voluntarily to the PLC members. PACC has an advisory board, but it does not really operate like a true commission. Corruption cases go only through the Commissioner himself for ultimate determination of whether to investigate and refer for Prosecution before the CCC.

Despite these weaknesses, PACC has accomplished a lot in terms of corruption, treaties and adoption of legislation, UNCAC implementation and even high profile investigations. According to article 6 of the 2010 Anti-Corruption Law, PACC has its own budget (coming from the total budget of the PA) and is independent in managing it. Basically, the PACC is provided with sufficient resources to run itself as an independent commission (administratively and financially). But if the PACC were to expand its work in the future (i.e. to the prevention of corruption, etc.), then it might become resource strained.

### **The CCC**

The function of the CCC is specialized. The difference between a normal criminal court and CCC is that the judges are specialized and only hear cases under the Anti-Corruption law.<sup>12</sup> CCC falls under the organizational chart of the HJC and CCC judges are appointed by the HJC. The CCC does not receive direct complaints from citizens, as it adjudicates essentially as a criminal court. Complaints are filed first with the PACC, which conducts an investigation and then refers the case to the Prosecution and CCC. Thus, there is no direct contact between the PACC and CCC and the Prosecution serves as the referee.

In terms of procedure, the general Code of Criminal Procedure is applied in the context of corruption and the CCC. In addition, there are some added procedures in the 2010 Anti-Corruption Law (i.e. the time required to conduct hearings). The Anti-Corruption Law of 2010 (i.e. Article 14) sets forth some new penalties, but in some instances also refers to the existing penalties of the general Penal Code and the Anti-Money Laundering Law of 2007.

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<sup>11</sup> See, “Overveiw of corruption and anti-corruption in Palestine”, (U4 Expert Answer no. 314), Anti-Corruption Resource Centre, Transparency International (19 January 2012).

<sup>12</sup> A decision was made by the High Court that cases filed in the regular criminal courts, could not be transferred to the CCC. This has resulted in a more efficient process, but also a greater number of corruption cases heard in the regular cases. There is confusion in the number of cases files submitted to the CCC and the number of resolved cases. Preparing an investigative file in some cases only takes a few months, but the resolution of the cases might take up to two years.

Currently, the PACC and some NGOs are requesting amendments of both the Criminal Procedure Code and Anti-Corruption Law to reflect the nature of corruption crimes.

The CCC receives cases from the assigned prosecutor of the PACC and cannot be convened without the Prosecution. Additionally, the party representing the State/the Defense (i.e. accused) must have a lawyer present or have one appointed by the State. The proceedings themselves take place much like any other criminal trial until a sentence is delivered. After a sentence is pronounced, both the defendant and prosecution have a right of appeal. If the sentence is appealed it is referred to a normal appellate court, as there is no special appellate court for corruption cases. After this, any further appeal goes to the Supreme Court. There is thus room for a fair trial, due process and a viable avenue of appeal.

#### **IV. Structure of the UNDP EUPOL COPPS Joint Programme**

The detailed Outputs of Joint Programme were as follows:

<b>1. PCP</b>
Output 1.1 Support the development of an accountability strategy
Output 1.2 Enhance organizational set-up of internal oversight bodies
Output 1.3 Develop standard operating procedures (SOPs)
Output 1.4 Support Capacity development of internal oversight bodies
Output 1.5 Increase external and internal awareness
Output 1.6 Provide equipment to internal oversight bodies
Output 1.7 Provide support to PCP Gender Unit
<b>2. PACC and CCC</b>
Output 2.1 Strengthen the institutional capacity of the PACC and CCC
Output 2.2 Develop staff capacity of PACC and CCC
Output 2.3 Raise public awareness of PACC and its services
<b>3. Support to Palestinian CSOs to promote oversight</b>
Output 3.1 Develop a CSO engagement strategy
Output 3.2 Implementation of approved engagement strategy

The Project Document provided for a Programme Team comprised of nine staff, comprised of five EUPOL officers and four UNDP staff. The Project Document provided for a Programme Manager, but this post was effectively replaced by the Deputy Programme Manager that reported to the UNDP Rule of Law Programme Manager. The Deputy Programme Manager – with the support of a Finance and Administration Associate– was responsible for the day-to-day management, ensuring that the programme produced the expected results in accordance with the Programme Document and subsequent work plans. In addition, the Deputy Programme Manager was responsible for issuing narrative and financial reports to account for resources allocated and results achieved. UNDP also recruited two national technical experts: an Anticorruption Coordinator and a Civil Society Coordinator. (Note: The post of the Finance and Administration Associate was ultimately discontinued as a result of a UNDP office restructuring).

The MOU outlining the roles and responsibilities of both UNDP and EUPOL COPPS was annexed to the Programme Document. For its part, EUPOL COPPS assigned five already deployed experts to implement specific components of the programme. Beside these full-time experts, EUPOL COPPS also assigned *ad hoc* staff as requested by the programme. EUPOL COPPS was to provide the PSC with technical advisory support. In addition, a Project Field Committee (PFC) was established. Comprised of relevant PCP counterparts, including a

representative from the Research, Planning and Development Administration (RPDA), as well as a EUPOL COPPS Police Adviser, the PFC was to oversee the implementation of the programme and report to the PSC.

Aimed at bringing together key actors and stakeholders, a Programme Board was established to review the strategic direction of the programme, ensure accountability and proper oversight. The Programme Document contemplated that the board meetings would provide a transparent forum for stringent quality control and review of progress. The Programme Board would also provide in-put on deliverables and achievement of benchmarks, alongside opportunities for fine-tuning and adjustments. In addition to ensuring accountability, the Programme Board was envisioned to examine and reinforce linkages with, inter alia, UNDP's Local Governance and Rule of Law & Access to Justice Programmes and the numerous EUPOL COPPS interventions in the security sector. Finally, the Programme Board was designed to feed into other existing coordination mechanisms, such as the PSC, PFC, SSWG and JSWG.

## V. Findings

### A. Outcome 1. (Police)

#### a) *PCP Accountability Strategy and Implementation Plan*

After extensive discussions between UNDP, EUPOL COPPS and the PCP, an initial draft of an Accountability Strategy was finalized and informally endorsed by the Chief of Police (COP) at end-2012. PCP thereafter sought input from PNA and Palestinian civil society in an inclusive process that included workshops and dialogue sessions. In total, more than 20 CSOs were included and provided input on both the strategy and its implementation plan. The purpose of the workshops was to enhance cooperation with civil society organisations, promote the PCP's work in enhancing transparency and accountability and learn from the feedback in drafting the accountability implementation plan at the later stage.

With support of the JP the PCP made further progress in 2013 in finalizing the internal Accountability Strategy and Implementation Plan. All work on the Accountability Strategy and Implementation plan was completed "in-house" using UNDP and EUPOL COPPS technical advice. A consultant was later recruited by UNDP, but to work specifically on the PCP complaints mechanism (discussed below).

The preparatory work for the drafting of the Implementation Plan for the Accountability Strategy was further developed in 2013 via a PCP working group that included the three internal accountability units (IGO, BGHR and PSSD). Other PCP units also participated including: the Gender Unit, Legal Department, Human Resources Department, and IT Unit). It quickly became clear to the working group that accountability involved much more than the three PCP units. Thus, the Accountability Strategy that resulted is designed for the PCP as a whole, not just the three internal units. A separate follow-on one-day workshop was held with experts from UNDP and EUPOL COPPS with representatives of the President's Office and other agencies of government and CSOs—in particular women's organizations—to discuss the strategy.

The Accountability Strategy for 2014-16 consists of four strategic objectives: *Strengthening General Accountability in the PCP; Strengthening normative legal aspects; Strengthening the accountability units; Strengthening external relations.* The PCP working group, with Joint Programme support, had agreed as of 2013 to incorporate the following steps in the draft Implementation Plan:

- Review current manuals and prepare SOP manuals for relevant PCP administrations

- Finalise and disseminate as a priority the Code of Conduct for PCP staff
- Prepare and approve a uniform disciplinary system for violations
- Prepare a comprehensive annual plan to carry out field activities with the public
- Develop a PCP SOP for policy handling, publishing and disclosing information
- Conduct annual polls and surveys to measure the public's expectation and satisfaction with the PCP
- Develop indicators to evaluate the inclusion of gender in the framework of the strategy
- Conduct a study on the applicable legislation and legal framework pertaining to the work of the PCP
- Examine the roles and responsibilities of the three accountability units to clarify structures and job descriptions.

This fully supports the PA's Security Sector Strategic Plan (2014-2016), Strategic Goal 4.1, namely, "to Develop oversight policies and mechanisms to support greater transparency and accountability."

According to UNDP, the Accountability Strategy was informally endorsed at the end of 2012, however it was revised during further consultations on the Implementation Plan in mid-2013 before being sent again to the COP in the Fall of last year. It does not appear that PCP has internalised the strategy properly at this stage, or that a culture of accountability has broadly begun to take root. While UNDP has confirmation that the Accountability Strategy is endorsed, it has not been promulgated. Yet, the *process* led by UNDP and EUPOL COPPS has, at least within the accountability units themselves, certainly contributed to a paradigm mentality shift in understanding of the issues at stake in relation to accountability (and the training programmes have yielded good results), but it will be a longer process before this is internalised in the police more broadly.

EUPOL COPPS stressed to the Evaluation team that the Accountability Strategy and the Implementation Plan were perhaps not the best that could have resulted, but the *process* of the PCP actually coming together around an idea and a deliverable was groundbreaking and progressive. From the capacity building point of view both processes were valuable for the PCP administrations involved. The process was certainly the first time that PCP had undertaken this type of project. In addition, EUPOL COPPS witnessed the PCP becoming much more open to the participation of civil society during the course of working on the accountability strategy.

#### **b) PCP Code of Conduct**

As of June 2014, the PCP with the support of the Joint Programme had finalized a Code of Conduct based upon the UN Code of Conduct for Enforcement Officials and in-line with principals set out in the European Code of Police Ethics, the Palestinian Basic Law and other related laws. The new Code of Conduct sets forth ethical standards for all PCP officers and staff and provides benchmarks for police when exercising their authority and duties. The Code of Conduct was developed in consultation with civil society and PA institutions, which provided comment.

The Joint Programme facilitated this process with the provision of UNDP and EUPOL COPPS experts that provided comparative experiences from member states. The Joint Programme held several workshops to facilitate discussion. The Joint Programme also sensitized the PCP to international best practices and the European Code of Conduct. It was a heavily consultative process, with PCP commenting on many drafts and internalizing feedback. CSOs were involved and contributed comment. For example, Al Haq had developed a "Human Rights Manual for Police" with Joint Programme support that

influenced the drafting of the Code of Conduct. Of particular benefit to the PCP leadership was a study visit to Slovenia organized and supported by the Joint Programme in cooperation with the Slovenian Police and the MoFA of Slovenia. (*Note: Slovenia had recently developed a Code of Conduct for its police and PCP leadership found the study visit to be highly relevant to their own work*). All of the advice on the Code of Conduct was provided by in-house UNDP and EUPOL COPPS experts. No external consultants were hired for the Code of Conduct development (though some ISSAT experts were invited to attend one of the workshops).

Overall the JP team took a highly practical approach to its work conducting extensive meetings with PCP staff (at the rank of lieutenant-colonels and above). This revealed that the three PCP internal accountability units had overlapping areas of responsibility with each other and that many of the PCP officers lacked a technical appreciation of their work. According to UNDP, one of the biggest challenges in the PCP has been the hierarchy of the command and the PCP's vertical structure.

The PCP leadership describes the Code of Conduct as the most significant achievement of the JP. Prior to the JP the concept of accountability in the PCP was lacking. It was challenging to introduce the entire concept of accountability (i.e. what accountability means in practice; what were the necessary procedures that would need to support the accountability units, etc.). The JP was effectively able to break the ice with the three internal PCP accountability issues at the working level, but the main obstacle was that the heads of the departments couldn't commit to anything without the COP's permission. For example, the PCP leadership didn't want to work with civil society. Ultimately, UNDP and EUPOL COPPS were successful in convincing the PCP and its COP to engage with CSOs.

As many as 50 or 60 separate meetings were held with the three PCP units and CSOs. The JP began by having one meeting per week on the complaints system with each of the three accountability units. The first 8 to 10 meetings were devoted to a step-by-step analysis with each of the departments as to their processes. It became clear that the three units had their own complaints process ad hoc. This prevented EUPOL COPPS from getting a clear picture of the complaints system. The addition of a UNDP consultant arrived who provided excellent technical advice with regard to complaints and the hiring of a UNDP Deputy Project Manager greatly facilitated the process.

The initial conclusion was the same (i.e. that the PCP lacked a clear idea of what a coherent complaints process entailed). UNDP's consultant was able to take the disparate interpretations of the three units and meld them into a common complaints system. This entailed interfacing and negotiating with the PCP COP. At the same time PCP went public in the media, issuing press releases announcing that they were developing a complaints system and PCP desired to be accountable to its public. The JP had intended to develop and introduce the Code of Conduct and the Complaints structure and mechanism at one and the same time. But, the Code of Conduct was in fact finished long before the complaints structure, which made partners question why the Complaints structure and mechanism were coming later.

JP staff and technical experts primarily interfaced with higher-level middle management within the PCP. At this technical level things worked rather well, but the JP middle management had to wait upon the approval of the COP for everything. Things were agreed upon at the working level with middle management at the PCP, sometimes to be changed by the COP. This detracted a bit from the effectiveness of the JP and its credibility. There were also very real cultural differences between Arab norms of conduct and Western norms of conduct (i.e. regarding the Code of Conduct, PCP wanted to insert a provision that any policeman marrying a non-Arab women would have to seek permission from the COP. Such

language was in clear violation of international best practice and was the cause of much back and forth negotiations between PCP and the JP.

Ten thousand copies of the Code of Conduct were supplied to PCP with Joint Programme support and are being distributed by the BGHR and IGO across the West Bank. PCP is additionally holding meetings with the directorates and governorates on the objectives of the code of conduct and why it was developed. The Code of Conduct has been fully approved and sufficiently distributed. The PCP plans to incorporate it into the Police Academy's training curriculum in the near future.

The EUPOL COPPS experts involved with drafting the Code of Conduct note that the process of developing the Code built the capacity of the PCP to undertake such projects in a collaborative process. The new Code of Conduct also has the potential to shift the disciplinary culture of the PCP from a paramilitary to civilian culture of discipline. The PCP currently comes under military discipline with a focus on breach of conduct (i.e. falling asleep at one's post, losing a weapon, etc.). The new Code takes account of police interactions with the public to a much greater degree than ever in PCP operations. Consistent with a new tripartite MoU, UNDP, UN Women and EUPOL COPPS are planning future joint human rights-based trainings on the Code of Conduct.

Going forward, there is room for continued work on the legislative framework underpinning police conduct. For example, currently it is not clear under Palestinian legislation that there is any bar to serving as a police officer if one has been convicted of a crime—even incarceration would, theoretically, not prevent a police officer from future employability with the PCP. Currently, the Palestinian security services are governed by the out-dated Law of Service in the Palestinian Security Forces No.8 of 2005 that is essentially a human resources law for all PA security services, not a dedicated law for the PCP. Legislative reforms will require significant political “buy-in” on the part of the PNA.

The PCP leadership has recently developed two proposed drafts of a new Law on the Police (one with Egyptian technical support) and a third draft from 2006 currently appears on the MoI's website. UNDP and EUPOL COPPS provided comment to the PCP on one of the draft laws, however, to date no consensus has been reached by the PCP and MoI, nor has the PCP's process been inclusive of civil society, the governorates or Gaza. EUPOL COPPS is currently providing support to the MoI to draft a police law. UNDP, UN Women and EUPOL COPPS should continue to facilitate discussion and harmonization of these various drafts going forward, as well as advocating for the new Code of Conduct to be specifically incorporated into any new Law on the Police. Ideally, UNDP/EUPOL COPPS will support translation of the drafts into English so that international experts may provide comment.

***c) Enhancing organizational set-up of internal oversight bodies; Developing standard operating procedures (SOPs); and Supporting Capacity development of internal oversight bodies***

It does not appear from the Project documentation that the JP was able to fully reach its original expectations to provide hands-on mentoring, support capacity development and develop management related SOPs for the three PCP internal oversight bodies. UNDP states that it made a decision to prioritise the outputs so as to focus on the Code of Conduct, accountability strategy and complaints process and it was perceived by EUPOL technical advisors that these were necessary prerequisites to developing management related SOPs. SOPs were developed for complaints handling by the units for the complaints process and Code of Conduct; however, no broader management SOPs were developed.

Meanwhile, for its part, PCP was somewhat resistant to outside intervention in its internal affairs, particularly as concerns the PSDD. According to one source interviewed, the PCP continues to struggle with issues around *change management* and PCP departments lack clear

lines of authority. The level of commitment to reforms still varies widely between unit to unit; and most all departments continue to maintain overlapping mandates and encroach upon another's authority to some extent. PCP is very centralized and any change that does take place is usually due to the capacities of particular individuals and their political will, not an overarching organizational structure. Thus, donor-funded initiatives have been forced to tread carefully with the PCP and strive to introduce new concepts gradually in a manner that avoids provoking resistance from the PCP's various units.

Going forward, PCP needs additional technical assistance geared towards developing detailed SOPs for each oversight unit in order to further clarify roles and eliminate overlap. It is anticipated that more work will be completed on management aspects of the PCP units as part of the new UNDP/UN Women Joint Programme and EUPOL COPPS mission implementation plan (under MIP Action 1.5). One challenge has been the reluctance of the PCP to share information related to the mandates, roles and functions of the units themselves. In that sense, the starting point will actually be to work to clarify the mandates of the units themselves before we can work on individual SOPs.

*d) Trainings for PCP to develop and deliver capacity building programmes on gender and accountability*

At the request of the PCP, the JP engaged the Center for Continuing Education (CCE) of Birzeit University to develop and offer a Professional Training Programme (accredited diploma) for the PCP. This was not envisaged in the original project document, but reflects a degree of flexibility built into the JP. The ultimate goal of the training programme was to enable PCP staff to design, develop and deliver capacity building programmes of their own, targeting PCP colleagues on public administration with a focus on gender and accountability. CCE delivered a highly customized training curricula for the PCP, based upon CCE's existing training platforms for public administration. The three PCP accountability units as well as the PCP Gender unit were heavily consulted in advance of the training and PCP took a high level of ownership over the trainings and staff participation. The UNDP Programme Managers and EUPOL COPPS representatives attended the opening ceremony and participated in the needs assessment focus groups as expected.

Yet, the success of this activity was undermined by the fact that after completing only three months and five modules of training for the PCP, the JP funding stopped abruptly in December 2013. According to UNDP and Donors, there were many courses that could not be implemented during the short period of Nov, Oct and Dec 2013, therefore, a strategic decision was made that it would be better to wait until a 2<sup>nd</sup> phase of the project was signed and deliver these courses in the 2<sup>nd</sup> phase. Participants were promised that training would continue at some point in 2014 when UNDP funding resumed, however, the intervening delay is potentially detrimental to the success of the Project, both in terms of enthusiasm of the participants and the continuity of training.

According to Birzeit, The PCP group was one of the mostly highly motivated groups of trainees ever to attend a Birzeit-CCE programme. The enrolled participants came from all different departments of the PCP, including the Gender Unit, Family Protection, Special Forces, Accountability units and others. The training was beneficial to the BGHR and other PCP accountability issues, but the PCP leadership and CCE are seriously concerned that PCP staffs, which were so enthusiastic to participate in the trainings, may not resume their participation after the interruption in the training programme. As of August 2014, UNDP had recently signed an agreement with Birzeit to continue the programme to its conclusion over another 8 months.

*e) Public Perceptions Survey*

In 2013, in response to a request from PCP for more information to inform its policing, the UNDP/EUPOL COPPS JP, the Palestinian Central Bureau of Statistics (PCBS) and Human Dynamics (a consulting company engaged by the EU Technical Assistance Mission to Palestine) entered into an MoU to conduct a tripartite Public Perception Survey utilising and complimenting resources from UNDP (UNDP / EUPOL COPPS Joint Programme), PCBS and the Human Dynamics EU Technical Assistance Programme.<sup>13</sup> The Public Perception Survey was not part of the original project document. This activity is yet another example of the JP being flexible and responding to the needs of its beneficiaries.

The conduct of the Public Perception Surveys is also listed in the PCP Accountability Strategy and its action plan. The survey questionnaires cover the PCP and complaints mechanisms for citizens as well as other broad questions on citizen's perceptions of the PCP. The questionnaire is designed to provide a baseline against which to measure the impact of the new complaints mechanism, once it is up and running. At the same time, it is hoped it will inform PCP planning/policy/prioritisation to a large degree. It has also provided invaluable data related to contact with the Juvenile and Family Protection Units, as well as public trust and confidence in the broader services of the PCP, which will enable PCP to improve planning and measure progress.

According to UNDP and Human Dynamics, the PCBS piloted the survey in April 2014 and covered about 250 households in a number of areas of the West Bank. After the piloting, PCBS, Human Dynamics, UNDP and EUPOL COPPS fine-tuned the Survey questions and reduced it so that it would only take about 30 minutes to complete. The Survey is currently in the final stages of being conducted by PCBS in 11 Palestinian governorates<sup>14</sup> and it will require two months for partners to process the raw data. The questionnaire will be programmed on Microsoft "Access" software and the Access transcripts transcribed to a SPS programme. The results will then be tabulated according to the agreed needs of UNDP, EUPOL COPPS and Human Dynamics, with descriptive analysis and annexes in the form of a report. Expected delivery date of the initial analysis is end-August 2014.

Major challenges encountered thus far for PCBS have been finding enough respondents in the field per the methodology (i.e., random table). Certain parts of the West Bank are presenting security challenges in terms of movement (Hebron and Bethlehem) and this is extending the length of time necessary to complete the survey. The other challenge is related to the non-statistical errors inherent in the process (i.e. people do not trust the survey and are reluctant to comment on the PCP). To counter this, PCBS has trained the field workers conducting the survey to put people at ease and encountered good success with respondents. The challenge is to obtain complete responses from the 4225 households to be surveyed.

Following the above steps, Human Dynamics will engage experts to interpret the data and reach findings in the form of a report; hold workshops to introduce the results of the survey; and meet with PCP to develop an action plan based upon the survey data around accountability, trust, victimization and frequency of reporting to the PCP. It is also anticipated that the survey data will inform Human Dynamics's work regarding PCP performance and investigation of citizens' complaints. The survey may also reveal differences and needs of different districts in Palestine.

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<sup>13</sup> A similar activity was originally envisaged under the original design of the EU/Human Dynamics project. As a consequence of EU rules and regulations limiting the contracting of external companies, such a survey would not have been possible, given the need to contract and train scores of people to carry out the survey. Fortunately, UNDP was able to step in as an implemented and facilitate this.

<sup>14</sup> The sample size for the main survey is 4225 households with one person responding; margin of error +/- 3 on the level of the West Bank, but for the governorates it is +/-6; the levels of disaggregation of data will be on the level of the governorates as well)

*f) Increasing external and internal awareness*

According to UNDP, there has been little direct engagement of the Joint Programme vis-à-vis the external relations capacity of the PCP. The PCP External Relations and Media Unit has, however, to some degree been engaged with launching major initiatives (e.g. CoC, Gender promo video, etc.)

*g) Assessing Current PCP Complaints System and Provide equipment to internal oversight bodies including a Computerized Complaints System*

Prior to the intervention of the UNDP EUPOL COPPS Joint Programme there was no uniform system within the PCP to track individual citizen complaints or follow-up on what disciplinary measures were taken against individual police officers. The three internal oversight units of the PCP (i.e. the IGO, BGHR and the PSDD) each had varying degrees of responsibility for processing and responding to citizen complaints. A lack of statistical information (i.e. how many cases were reported) had hindered citizen's abilities to receive a response from the PCP or to follow-up on complaints.

The JP has effectively laid the foundation for a uniform complaints handling process within the PCP. The JP supported an expert consultant who conducted an in-depth mapping of the PCP accountability units and their respective complaints handling mandates and procedures. This resulted in a report with recommendations to the PCP for a single integrated complaints system that can afford citizens and CSOs with a uniform and reliable mechanism for filing grievances against the PCP. The new system provides for standardized access and handling of complaints. The system is very clear on what is a complaint and what rises to the level of threshold of a crime.

It must be noted that while some major Palestinian CSOs already have well-established procedures for filing complaints against the PCP, no single PCP unit is authorized to receive complaints from CSOs. Thus, CSOs send complaints to the COP who then circulates them to the appropriate PCP division(s). Formally, there is no PCP liaison to deal with civil society complaints.

The JP complaints mapping study and report fed-into the introduction of a computerized Complaints Management Information System (CMIS) for the PCP seeks to standardize the process within the PCP for handling citizen complaints. The software was designed in an inclusive process that took into account the functions of the three oversight units in the PCP. The analysis and design phase documented that current business practices within the PCP and developed a step-by-step mapping of business processes, resulting in a prototype of the software. The viewpoints and needs of civil society organizations were also taken into account, as many of these CSOs regularly file complaints themselves. Between six to seven CSOs and the Human Rights Commission were interviewed.

From a citizen's perspective, one of the key things that the Joint Programme introduced is a single complaint form. This made the data points much more uniform. (i.e. nature of the complaint, evidence, reporting officers, etc.). UNDP and EUPOL COPPS purposefully designed the paper system in conjunction with the IT system to achieve compatibility. The data points on the complaints form are reflected in the complaints management software. This is enabling the PCP to report against the type of complaints received and how they are handled.

The complaints system software includes the following modules (stages) that have different levels of administrative access (i.e. entry level; supervisory/managerial):

- 1. Receiving complaints stage.** Including entering the complainant’s main information, location, details, etc. (when the complainant’s ID is entered, the system will automatically pull their address, etc. from the MoI database); **b)** Representative; **c)** evidence and type of complaint, how it was received, etc; and **d)** Witnesses.
- 2. Assessment and assignment stage.** The assessor determines the appropriate avenue for the complaint to be processed.
- 3. Investigations and processing stage.** A committee can investigate complaints or an individual investigator enters file data on the system and allows a user to link documents to the file.
- 4. Reconciliation stage.** Any information on the reconciliation of the case.
- 5. Referral to Court.** In the absence of reconciliation, data can be entered on any referral of the matter to court.

The system is also capable of generating detailed reports, including complaints by gender. The PCP has not yet begun piloting the system, so it is too early to fully assess its impact.

It was not an easy task for UNDP and EUPOL COPPS experts to unify the complaints system at the PCP. The fact that UNDP and EUPOL COPPS encouraged the PCP’s involvement at each phase has ensured that the complaints system enjoys a high-level of national ownership.

At the moment, the paper-based complaints mechanism has now been endorsed by the PCP leadership, but remains to be properly internalised. PCP will require additional support to internalize the system within the PCP and to introduce it to the public at large. The PCP states that it wants to modify the system so that a citizen can file a complaint from any police station in Palestine and for any PCP unit to respond to the complaint. Technically, however, such capacity is already built-into the software. The PCP then wants to establish a common unit within the PCP to follow-up on the complaints.

The prototype for the electronic complaints system has been sent up to the COP-PCP and the IT source code to the PCP IT unit and COP. The complaints system is currently considered to have been “accepted, but not yet approved”. The JP has made a proposal to PCP and COP has accepted it and circulated it to the three accountability units to review it and come back with comments. From the PCP perspective, the complaints system draft is realistic, but needs more review and revision by the PCP accountability units. The CoP office requested an extra 6-month piloting phase before final endorsement. The complaints system is, however, viewed by the PCP as the “corner stone” of the accountability units. It will be a unified system and be presented to the public ultimately. It depends on PCP leadership political will to accept and embrace the recommendations of the JP. In the pilot phase, the system will upon a data entry clerk at the PCP to enter the basic information. The 2<sup>nd</sup> Phase of the project anticipates having a web interface permitting a citizen to enter the basic data themselves.

As noted in the table below, complaints received by the various PCP accountability units would appear to be holding steady or, in the case of the PSDD, falling. This may be due in part to the effort of the JP to raise awareness of accountability within the PCP itself, but the data is insufficient to be able to draw any definitive conclusion.

**Table 1- Complaints Against the PCP [Source: UNDP JP Progress Report August 2013 and UNDP]**

	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>ICHR</b>	<b>348</b>	<b>394</b>	<b>364</b>
<b>BGHR</b>	<b>264</b>	<b>260</b>	<b>305</b>
<b>PSDD</b>	<b>2,237</b>	<b>1,321</b>	<b>n/a</b>

#### *h) Providing support to the PCP Gender Unit*

The Gender Unit was established in the PCP as part of the PCP Human Resources Unit. It principally works on internal structures within the PCP and to increase gender awareness and sensitivity. The reality is that some police are still not aware of what the Gender Unit does, as it is only three years since its establishment. The JP supported quick impact proposals from the PCP Gender Unit. For example, pursuant to a JP supported quick impact project, a CSO developed a calendar, promotional film and poster about the gender unit. These were slow to be developed, but in the end were held to be very successful and raised the awareness of the officers. Under the JP, EUPOL COPPS and PCP also encouraged other PNA Security agencies to create gender units. Also, with JP support the PCP led the push to establish a Gender Task Force that includes representatives of all PA Security agencies.

The most important deliverable of the JP in terms of gender was the diploma programme of Birzeit University. As noted above, there appears to have been some miscommunication about the length of the Birzeit diploma training. The PCP claims that it was not made clear that there may be a break between the JP's end in 2013 and the beginning of the project. An official memo issued by the Police Brigadier to the PCP Gender Unit stated that the training would be nine-months in duration without mentioning any break. The officers involved, therefore, made arrangements and commitments to participate. The training began in Sept 2013, but was stopped abruptly in December 2013 when donor funds were withheld in anticipation of a second JP being negotiated between UNDP and UN Women. According to the PCP, the officers loved the Birzeit programme and were upset when the training suddenly stopped. This impacted negatively upon the Gender Unit's credibility within the PCP and the officers involved.<sup>15</sup>

In addition, the JP supported a workshop to discuss the importance of establishing a Coordination Committee for the gender Units in the different security services. The workshop included all major Palestinian security and intelligence organization and provided a forum for the gender units to make presentations on their experiences and exchange ideas. According to the JP reports, the workshop increased dialogue and cooperation among the security agencies on gender equality.

## **2. Outcome 2 (Corruption Authority and Court)**

#### *a) Strengthening the institutional capacity of the PACC and CCC*

In the course of the JP, PACC had managed to complete all the steps for implementation of the UNCAC and prepare a self-assessment report against the mandatory provisions of the Convention. This was supported by the JP in cooperation with the UNDP Regional Anti-Corruption and Integrity in the Arab Countries initiative. PACC had also started the process of preparing amendments to some Palestinian legislation to conform to the requirements of UNCAC.<sup>16</sup> This led to Palestine's full membership in the UNCAC as of May 2014. The JP also increased Donor interest in Anti-Corruption.

The JP became effectively operational in 2012, but over the short implementation time, the JP has supported the development of the PACC in fighting corruption; despite the fact that PACC remains relatively weak in the area of prevention of corruption, collective actions and sector specific actions. The JP has created a good dynamic with international communities; helped the PACC be influenced by peers and to influence others PA agencies. In addition,

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<sup>15</sup> The new project was expected to start on 1 January 2014 which would have minimised the gap, but delays arose due to the need to adjust donor priorities.

<sup>16</sup> For example, the Access to Information law is now being finalized and is before the President of the PNA (in lieu of an active and sitting legislature). The UNDP Anticorruption and Integrity and Corruption Regional Project lent support to PACC for all of the above.

the PACC was also able to deliver against the national strategy; specific legislation; and some progress on high-level individual investigations with JP support. It is the opinion of the PACC leadership, that PACC has raised the profile of PA's anti-corruption efforts and possibly serves as a deterrent to those contemplating committing a corrupt act or scheme.

The JP's focus was on developing a work plan for implementation of the National Strategy on Anti-Corruption by PACC. UNDP support began with trainings and capacity development to support PACC in the implementation of the National Strategy. Most stakeholders interviewed by the Evaluation agreed that overall there was a high degree of enthusiasm and national ownership by PACC over the JP, with PACC taking an active role in project development. But, there were a few areas where PACC was less cooperative (i.e. EUPOL COPPS advisors were to provide technical inputs on the PACC case management system, but PACC did not cooperate in this area).

The JP strategically supported the institutional capacity of PACC and CCC by commissioning a comprehensive review of the PACC's internal capacities, organizational development, management arrangements and operating procedures, as well as human resources and IT needs. The JP, with significant in-put from PACC, harmonized separate ToRs and engaged four independent Palestinian consultants who operated as a team under a team leader. The JP experts were able to identify gaps in PACC's capacity. For example, they discovered that PACC did not have a strategic plan and implementation plan for itself and could benefit from technical expertise on executing its budgetary funds. The JP developed an action plan for PACC for the next two years with clear outputs and a budget for each activity. The plan covers IT, Human Resources and adopting necessary bylaws, strategic and organizational development plans and SOPs. JP experts also attempted to map out the cooperation between State Audit and Administrative Control Bureau and the PACC.

A challenge encountered by the JP was that PACC, its Prosecution and CCC could not grant the JP access to their internal investigative files, due to the fact that the Anti-Corruption Law limits access to on-going investigations. This barrier to release of the files effectively prevented the JP from mapping the investigations processes in more detail. Also, the JP team did not include a legal expert, which could have it to review legislation. A report was issued by the JP in Arabic and translated into English in abbreviated form.

While the JP was not able to meet its original expectations of developing a code of conduct for PACC or to develop SOPs for PACC and CCC, the interventions with PACC and CCC were a "big win" for the JP. As a result of the JP consultants' report, which was endorsed by PACC, the PACC is now moving forward with developing the proposed strategic plan and budget. PACC and CCC are now able to implement programming themselves; and currently are taking responsibility for a \$230K agreement. The trend lines are favourable and PACC cases have been increasing in number, with PACC having recently prosecuted high profile defendants and receiving press as a result.

The needs assessment/organizational review also recommended that PACC have an electronic case management system. Thus, the JP supported the development of electronic software for the PACC human resources and finance units by an independent company. The software is an enterprise resource planning (ERP) system, which integrates management accounting, financial accounting, supply chain management and human resources. The main objective is to achieve an integrated system between finance and HR for payment of the salaries. The financial system was successfully installed, tested and introduced to PACC staff in 2013. The company is currently in the process of making adjustments to it. For the HR software, PACC states that it is waiting for the software to be improved and customized. Only minor customization is needed for the practical implementation of some modules.

Going forward, the implementation of the Strategic Plan and SOPs for PACC should remain a priority for UNDP and EUPOL COPPS. PACC has recently expanded its staff (from 7 to 50 staff approx.) and needs to further develop its organisational architecture.<sup>17</sup> The PA remains much focused on enforcement (policing, PACC investigation) and UNDP and EUPOL COPPS should encourage the PA to look equally to the prevention component of the UNCAC.

In addition, PACC must have a stronger legal department, public outreach and administrative system. Additionally, the Anti-Corruption Law should be amended to reflect new and emerging issues of PACC's work. A main concern for the PACC is compliance with the UNCAC and its requirement on peer review, extradition provisions, etc. PACC also notes that it needs support for a cybercrimes lab and hardware.

Going forward international support should continue to encourage a broad approach to Anti-Corruption in Palestine. Beginning in 2011 and throughout the life of the JP, UNDP's Regional Project on Anti-Corruption and Integrity in the Arab Countries (ACIAC) lent technical advice to PACC. This support was focused on UNCAC implementation and support to the PACC in conducting Palestine's UNCAC self-assessment. Another advantage of involving the Regional Project was it encouraged the PACC to shift its perspective from policing and enforcement of corruption to prevention of corruption. PACC had in fact begun to work on prevention of corruption since adoption of the Anti-Corruption Strategy per the Anti-Corruption Law; however, the Regional Project reinforced these efforts.

Going forward, it will be important for PACC to continue to draw upon such regional efforts and the experiences of other MENA countries such as Jordan. Additionally, there are other actors in Palestine itself that should be included in dialogues and capacity development. For example, the State Audit & Administrative Control Bureau (SAACB) is an important actor that needs to be considered. PACC should also seek to leave space for civil society in Palestine's anti-corruption efforts.

In terms of further developing the capacity of the CCC, UNDP and EUPOL COPPS could support the CCC to continue to refine its procedures and to take account of new and evolving corruption schemes and crimes within the Palestinian community. Currently, most of the CCC cases deal with sophisticated financial crimes. CCC is thus also in need of books, reference materials and periodicals on corruption and sophisticated criminal schemes.

The rulings of the CCC have reportedly been well written, however, the CCC has faced some difficulty adjudicating cases due to a number of procedural inconsistencies between the CCC and the regular courts and between the Anti-Corruption Law and the Penal Procedure Code. For example, the courts apply the general criminal procedure rules (which provide no time limits for adjudications), whereas the CCC applies more specific rules in criminal proceedings that set a short limit for adjudication.

It is also important that corruption crimes continue to be dealt with in a local Palestinian context. According to the judges of the CCC interviewed by the Evaluation, Palestine needs to develop theories of agency liability, accessory liability and criminal conspiracy within its Penal Code and Anti-Corruption Law. Specialized procedures should be considered that are in harmony with the nature of corruption crimes. For example when prosecuting normal crimes, the prosecutor must provide evidence directly linking the commission of the crime to the defendant. When prosecuting corruption crimes cases, however, it is not always possible to link the principal perpetrators directly with their crimes.

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<sup>17</sup> Note: This was deprioritized by the PACC itself during the JP. There were a number of items that the JP pushed with the PACC (i.e. the legal steps in handling complaints) but PACC was resistant to SOPs being drafted by internationals.

There is often no direct evidence available—especially when powerful defendants use their inferiors as agents to commit crimes and the evidentiary chain of criminal liability is obscured.

Finally all of the judgments of the CCC are published currently on the Al Mizan database (i.e. the electronic case management system used across the HJC but is not publicly accessible). Yet, only a portion of the CCC judgements appear on the publicly accessible Al Muqtafi website. Going forward, it is extremely important for the legitimacy of the CCC that all of its judgments be made publicly accessible and published on Al Muqtafi.

**b) *Develop staff capacity of PACC and CCC***

The JP built staff capacity of the PACC and CCC primarily via an anti-corruption training programme developed by Birzeit University Institute of Law with JP support<sup>18</sup>. The programme was ultimately designed as an 8-month training programme on selected topics, addressing the needs of CCC Judges and staff members and PACC Prosecutors and staff members. It was envisioned by the JP that if the PACC and CCC found the trainings to be beneficial, then a more robust training platform could be developed later (of 18 to 24 months in duration).

The process of developing the curriculum took about three months. Birzeit Institute of Law designed the programme in a way that could be institutionalized by PACC. After conducting a preliminary needs assessment, Birzeit met with PACC to define the scope of the programme. Birzeit was also shown the needs assessment that was completed by PACC, with the help of the JP experts; but Birzeit claimed not able to determine whether this needs assessment by PACC was an objective assessment. Therefore, Birzeit conducted additional talks with UNDP, EUPOL COPPS, PACC and Birzeit faculty. A joint committee was established between PACC, Birzeit, CCC, UNDP and EUPOL COPPS to hire and screen trainers.

The Institute of Law and UNDP both reported a high degree of ownership by PACC and the CCC over the training programme, which utilized almost exclusively Palestinian instructors and active learning, role-play and case studies.<sup>19</sup> The active-learning methodology utilized was perhaps more important even than the topics themselves as it encouraged students to “think for themselves”. Birzeit was able to act as a neutral venue for trainings and the day-to-day working relationship with the JP was reported as good. Birzeit maintained near daily contact with the PACC and held 2 to 3 meetings per month to discuss progress, etc.

The cooperation with the JP, also built Birzeit’s capacities as a research, training and teaching institution in Palestine. Birzeit notes that the JP collaboration enabled it to build a core group of trainers who have subsequently provided training services to other PA agencies. Birzeit also developed a concept paper on how to develop a training manual and led various PA justice institutions to prepare background papers in preparation for the PACC/CCC training

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<sup>18</sup> Birzeit is one of the leading universities in Palestine since the 1970s. In the 1990s Birzeit started community outreach centres. CCE and the Institute of Law are the leading providers of capacity building and training for the legal and public administration sectors. CCE has consultancies (i.e. developing publications, manuals, etc.) and learning and education (i.e. building capacity/training/offering diplomas). The diploma programmes are accredited by the PA Ministry of Education. Birzeit is able to draw upon both academics and practitioners.

<sup>19</sup> An effort was made to utilize Palestinian experts to the greatest degree possible. The UNDP Office in Beirut tried to locate a regional experts, Only one trainer was able to join the training programme. Birzeit also approached institutes in Geneva and Vienna that specialized in anti-corruption. Unfortunately, due to the tight time frame of the project Birzeit was not able to engage foreign experts. Nonetheless, Birzeit was able to assemble a wide variety of Palestinian trainers who used active learning techniques, rather than simply straight lectures.

on discreet topics (i.e. asset recovery). This was a novel collaboration from the justice institutions. Birzeit notes that such topics are not normally taught in law schools of Palestine. As a result, the curricula for law students may grow out of the training curricula that were developed in the project.

The training was completed and evaluated with very positive results. The trainings also provided a baseline for developing the capacity of the PACC and CCC staff. Other outputs resulted from the JP's engagement of Birzeit, included workshops and research papers.

The trainings provided to the CCC tracked the 2010 Anticorruption law to the extent possible. In addition to the training programme, the JP funded several study visits for PACC and CCC. With JP support, CCC developed a strategy for the court as well as supported the renovation of the CCC courthouse.

The PACC and CCC staff, judges and prosecutors who participated in the training sessions provided mostly positive feedback, but had some constructive criticisms:

“It was the first time that PACC had designed such specialized trainings that met its needs. We thought that it was comprehensive and dealt with all aspects of PACC administration (finance, human resources,) PACC staff was consulted and heavily involved with the development of the training course at Birzeit and greatly benefited from the work. The trainings included members of the prosecution and CCC judges. We believe that it was training that really met our needs as a newly developed institution. We even participated with UNDP in deciding on the criteria of the trainees and the modality. There were some gaps in the trainings, however, and it was condensed into a very small time period. It took 3 to 4 continuous days.” [PACC Commissioner].

“The trainings were very specialized and met the needs of the Prosecution and its legal department. It was important for us that we were consulted in the needs assessment and selection of topics. The targeted group of the trainings was appropriate. The trainings for prosecution and legal departments were very good and highly technical touching on our daily work---especially cybercrimes and financial investigations...” [Prosecutor at PACC].

“The problem was that the trainings were not planned according to the specific needs of the CCC. The trainings that were delivered assisted the judiciary to deal with corruption crimes, but the courses did not focus on the nature of the crimes and corruption crimes, because the trainings were introduced by the HJC, thus they were the same trainings as for the general criminal courts and were not specialized for corruption courts. We have discussed with UNDP that in the future, trainings should focus on new legislation and the elements of proof required for corruption crimes and can be more closely coordinated with the CCC judges in advance.” [CCC Judge].

The JP appears to have increased PACC and CCC staff capacity and facilitated the work of commissioners, investigative staff, judges and prosecutors. According to the reports of the JP, the investigation, prosecution and adjudication of corruption cases has increased in 2011-14.<sup>20</sup> Birzeit was not clear as of June 2014, however, whether it would receive funds under the new UNDP-UN Women Rule of Law Programme. It is Birzeit's strong recommendation that any

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<sup>20</sup> It is difficult to get accurate figures for corruption cases, because not all corruption related cases are tried by CCC. Other courts are also trying such cases. Thus, it is difficult to pull such data from the MIZAN II database.

future training programme be institutionalized and made self-sustaining by the PACC and CCC (and PCP, where applicable). In addition, PACC has stated that it needs Birzeit's to assist PACC to develop its website link to the MIZAN II legal database. PACC also wants its own library. Birzeit notes that it can support this effort with technical expertise in classification of books, etc. UNDP staff currently seconded to the HJC might also assist in this effort.

*c) Raising public awareness of PACC and its services*

The JP raised public awareness of PACC and its services via a number of workshops devoted to corruption drawing upon technical advice from the European Anti-Fraud Office (OLAF), EUROJUST and UNDP's Regional Bureau. Mobilizing \$570,000 US of JP funds, PACC was able to establish 400 activities that included workshops and also covered media (CSO) and anticorruption mainstreaming (within PA institutions). The workshops involved youth and women. In addition, the JP funded a public perception survey on corruption that was completed in December 2013 by the PCBS, and is currently awaiting translation. A study trip was also organized to OLAF and EUROJUST funded by the JP.

One of the most important elements of JP support was cooperation with the media and CSOs. Currently as a result of JP support, PACC has 13 organizations working with it on implementation of the anti-corruption strategy. Three of the 13 are networks that include in total an additional 160 CSOs. The JP developed the capacity of these organizations and encouraged them to develop and implement public awareness campaigns in each of their fields. In addition, PACC has ten PA institutions as partners and other partners that PACC deals with informally. The JP also helped involve the Ministry of Education, sports federations, students, religious figures, women and youth in anti-corruption dialogues. The conferences held for journalists and others were perceived as a success and resulted in action plans being drafted.

Within the last several years, PACC has matured and begun to focus not only on enforcement, but also on the prevention of corruption. Going forward, the second phase of UNDP support should focus on sector specific corruption. PACC can facilitate other PA institutions to develop anti-corruption strategies and actions plans (i.e., Ministry of Education, Ministry of Health, Ministry of Labour, etc.) and to develop their internal control units. PACC has already defined metric points for some sectors; and the Corruption Perceptions Survey supported by the JP provides additional entry points for PACC.

In addition, PACC informed the Evaluation that its needs going forward include: 1) more training on how to comply and implement UNCAC; 2) to connect with other anti-corruption and intelligence agencies on international cooperation and asset recovery; 3) invest more resources in financial investigation, collection of evidence; and improve its human resources capacities and provide future trainings for new staff. PACC recommends that the next phase of UNDP support should include additional in-depth capacity development. A training needs assessment is also now underway under Phase II, building on the management and organisational review, which will inform a multi-year capacity development and training schedule for PACC, with the support of the programme.

As noted in the table below, the number of corruption crimes cases investigated and prosecuted by the PACC rose sharply between 2011 and 2012 and remained steady in 2013. CCC court rulings were also increasing. CCC had issued 14 court rulings by August 2013, surpassing the number of the previous year. While it is difficult to attribute this directly to the UNDP EUPOL COPPS JP, it is certainly likely the trainings and awareness-raising of the JP have driven more corruption cases to the PACC and CCC.

**Table 2- Investigation, Prosecution and Adjudication of Corruption Crimes [Source: UNDP JP Progress Report August 2013]**

	2011	2012	First 6 months of 2013	Total
<b>Investigation</b>	<b>78</b>	<b>311</b>	<b>186</b>	<b>575</b>
<b>Prosecution</b>	<b>15</b>	<b>35</b>	<b>15</b>	<b>65</b>
<b>Adjudication</b>	<b>1</b>	<b>12</b>	<b>14</b>	<b>27</b>

### **3. Outcome 3 (Civil Society)**

#### **a) Developing a CSO engagement strategy and its implementation**

Under the JP it was UNDP and EUPOL COPPS' role to engage CSOs in security sector oversight and anti-corruption efforts. In many ways, Output 3 was the slowest to start, because it was contingent upon the results of a CSO mapping exercise supported by the JP. The mapping exercise ("CSO Engagement Strategy) identified a number of potential CSO partners for UNDP. However, the JP ultimately relied upon its existing UNDP CSO roster to form four partnerships with CSOs to promote effective oversight and anti-corruption.<sup>21</sup> There are very few smaller CSOs working in the area of anti-corruption. UNDP therefore went with well-known CSOs. These were Al Haq, Aman, Musawa and Sham's. The CSOs selected were already established as reliable partners for short-term duration projects. Had UNDP and EUPOL COPPS had more time available, however, they could likely have identified some smaller CSOs for inclusion in the JP.

EUPOL COPPS mainly attended the opening sessions of the workshops and to follow-up on each of the activities. CSOs interviewed by the Evaluation noted that they generally prefer to work with UNDP, as it is the champion of human rights in the UN, while EUPOL COPPS is perceived as having expertise and a proven relationship with the PCP. CSOs also noted that the most significant difference between the two partners during the JP was that EUPOL COPPS did not hold regular meetings with civil society, whereas UNDP did.

Al Haq conducted trainings for CSOs from the south and north of the West Bank on how to file complaints and organized a general meeting with representatives of CSOs on how to communicate with the police. Four training sessions and two workshops were held targeted freedoms and human rights; the road map of the security agencies and explained BGHR's location within the PCP's structure as well as the accountability units and their roles. The goal of the workshop and training sessions was to encourage the PCP to keep its files open and the workshops resulted in some verbal recommendations, but no MoU. Al Haq ascertained the challenges faced by the accountability units and facilitated dialogues between the accountability units and CSOs. This served to break the ice between the PCP and civil society, which culminated in the development of a manual for the PCP and CSOs outlining duties of the accountability units and how to file a complaint. This was a high-quality publication with 1000 copies distributed to the PCP and civil society. The publication is currently available on Al Haq's website, but not yet on the PCP's website.

In the wake of the JP intervention, Al Haq stressed to the Evaluation the need for a new law on the Police. As discussed elsewhere in this report, the existing law is based upon a 1964 Jordanian law and the terminology is not reflective of human rights treaties and modern practice on police accountability. For example, in Palestine there are currently three internal

<sup>21</sup> The UNDP RoL CSO roster had recently been reviewed with UNDP assessing each organizations capacity and to establish partnerships based on their capacity.

accountability agencies within PCP and they have overlapping responsibilities. The law does not provide for any external oversight mechanisms.

Meanwhile, Aman implemented a quick impact project comprised of field visits and citizen awareness-raising on anti-corruption at 24 locations. Aman also gathered a thousand signatures on an appeal to the President of the PNA on ending “Wasta” (favouritism/nepotism). Aman also republished 3000 copies of the anticorruption law and had 22 awareness raising sessions in the West Bank where the law was distributed and developed a manual on anti-corruption. Two thousand copies of the manual were distributed including for students and stay-at-home mothers. Aman also printed 500 t-shirts with anti-corruption messages for students to wear when they handed an anti-corruption petition to the PACC. Two hundred metal street plates were also printed. Ten TV sessions were also produced that featured Palestinian officials such as the PACC Commissioner discussing issues. These were broadcast throughout the West Bank and a radio spot was produced that ran for one month all over the WB on fighting corruption. A MoU was drafted between Aman and PACC that resulted from the JP support.

Musawa—The Palestinian Centre for the Independence of the Judiciary and Legal Profession—targeted law and media students in West Bank and Gaza. Musawa’s project was an anti-corruption project in its broadest sense. It developed several training courses about corruption using international experts and the target groups were CSOs, lawyers, judges, prosecutors and the PA institutions (ministries). PACC attended and opened the initial workshop. All training courses took place in Ramallah and Gaza. The first training course was talking about the international model and applying in Palestine. The second course was entitled, “Using the Media to Fight Corruption” for media students at all Palestinian corruption. Third course was “Fighting Corruption” for law students from all Palestinian law schools. Fourth course, discussed the role of women in fighting corruption. Besides the training courses, Musawa developed 8 radio episodes and was broadcast on two local radio stations in Palestine. After the project, Musawa called an evaluation session to evaluate the project and feedback from participant. One recommendation was to have a follow-on programme with more training. It was very important for Musawa to fully document the intervention in its monthly newsletter. Musawa organized a roundtable discussion to talk about the UNCAC and Musawa suggested an amendment to the Anti-corruption law. And the Cabinet approved the amendment and it is before the President to approve the amended provisions. One thousand copies of the draft law were printed and distributed. Musawa conducted a workshop with counterparts to discuss the draft law with JP support. Musawa also publishes a Law and Justice Magazine that also has reported on anti-corruption and accountability issues. In addition electronic banners and posters were produced with JP support. Musawa with JP support also developed radio spots and television programmes. These radio programmes ranged up to 20 min and were broadcast throughout the West Bank; featuring judges and prosecutors, etc., and focused also on women. Musawa, with the involvement of ICHR, also put on two workshops on their products and provided feedback.

Finally, Shams developed media programmes devoted to filing complaints and published posters about the PCP and how to access BGHR. Shams’ goal was to open a dialogue with the PCP about complaints and how they are processed. The project developed 5 radio sessions and 3 radio and TV dramas, as well as three roundtables (i.e., in Jenin, Ramallah and Hebron). The roundtables involved the three accountability units, other security agencies, youth, academia, media, etc. UNDP attended all of the workshops and followed-up on the press releases of the project. In total, about 40-50 participants attended each roundtable. The radio and television dramas presented complaints in the local dialect and were broadcast all over the West bank and Gaza (radio).

In addition to working with the above CSOs, the JP played a role in facilitating a relationship between the Palestinian Independent Commission on Human Rights (ICHR), the PCP and CSOs. ICHR was not a direct partner under the JP, but EUOPOL COPPS had near daily contact with its staff. In return, ICHR has supported the JP in its relations with CSOs. EUPOL COPPS also played a role in facilitating a relationship between ICHR and the PCP. For example, ICHR was present at the roundtables organized to discuss the new Code of Conduct.

ICHR has its own system for receiving citizen complaints against the PCP and conducting hearings and follow-up. ICHR maintains a database and has developed its own internal manual to govern the complaints process. According to its annual report, ICHR received 271 complaints against the PCP in 2013. The most complicated cases are involving PCP torture. Despite ICHR's recommendations, the PCP has at no time established a committee to give serious consideration to allegations of torture. ICHR asked several complainants to file in civil court claiming damages for injuries caused by the police. Yet, to date, no citizen has been willing to file a complaint against police in a court, because of mistrust of the courts. Some CSOs are filing cases (i.e. students who allege that they were tortured) and these were referred to the criminal court.

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The Evaluation observes that the CSO engagement under the JP appears to have been a bit rushed. It is not entirely clear to the Evaluation that the CSOs involved developed new and customized activities for the JP or simply took activities that they were already developing "off the shelf" and claimed them for the JP. On the whole, the approach with CSOs seems to have been somewhat scatter-shot, rather than aimed at specific targets. Going forward, it is important that UNDP require CSOs to show their budget allocations and certify that they are not "double dipping" from one project to the next.

CSOs are expected to play a large role in the new UNDP-UN Women Rule of Law Programme. CSOs feel that UNDP and EUPOL COPPS should intensify their work with respect to the police and, in particular, EUPOL COPPS should more actively facilitate contact between the PCP and civil society. CSOs note that police brutality and violations have only increased in the past two years, despite the existence of the EUPOL COPPS advising mission and that this is an area for sustained engagement by the international donor community. UNDP has taken account of this in its onward programming.

It is also important to note that per Palestine's international human rights treaty obligations it will need to complete a UPR report. Going forward, it will be important for UNDP to continue to support the ICHR; which will have its first experience with drafting the UPR report in late 2014. Human rights CSOs should also be supported by UNDP to provide parallel reporting on the UPR.

## **B. Cross-cutting themes**

The principal crosscutting objective of the JP was its focus on gender sensitivity and equality at every level. Female police officers were included in all trainings supported by the JP. Yet, as discussed elsewhere in this Evaluation report, the training programme stopped abruptly about the time that it was discussing implementation and planning at PCP from a gender perspective. This compromised the JP's ability fully support the Gender Unit's capacity building needs. As for the PACC, the JP supported trainings and awareness-raising efforts focused on corruption impacting upon women. These were attended by a high-percentage of women over men.

The JP also supported the PCP Gender Unit's public awareness-raising activities. For example, a calendar and promo film were produced for the Gender Unit. PCP viewed these as effective tools for awareness-raising.

In December 2012, the JP supported an Establishing Workshop on Gender for the Palestinian security services designed to discuss the basic steps necessary to institutionalize gender sensitivity and equality in the security services. Representatives of the Presidency, Council of Ministers, Ministry of Interior, Ministry of Women Affairs, UNDP, EUPOL COPPS and the following security services, attended the workshop:

- 1- Police
- 2- Intelligence
- 3- Military Liaison
- 4- Preventive Security
- 5- Military Intelligence
- 6- Civil Defense
- 7- National Security
- 8- Military Medical Services
- 9- Military Training

The Workshop provided an opportunity for the gender units of the respective security services to share experiences and best practices and to discuss mechanisms for cooperation going forward. The PA's steps to implement CEDAW and areas of legislative reform were also highlighted. At the conclusion of the Workshop, the participants agreed to work together on unifying gender-related concepts and to develop a unified discourse on the work of the gender units, as well as form a Coordination Committee for the gender units that could liaise with the office of the Prime Minister.

Going forward, it will be important for UNDP-UN Women to maintain a focus on gender equality and sensitivity. This is assured by the new programme document and its RRF that contain many sub-outputs geared towards women, SGBV and gender equality and inclusion in line with the CEDAW and other international best practices.

### **C. Programme Oversight and Management**

#### *UNDP Implementation and the Programme Team*

The JP was designed with significant support from UNDP's Bureau of Crises Prevention and Recovery (BCPR), which sent an expert from UN HQ to work with the UNDP CO in a two-week scoping mission to discuss with counterparts, developing an initial concept note and then a pro-doc. EUPOL COPPS also participated in the project design phase and Donors provided additional in-put. Although there are some interrelated aspects between the three outputs, these were not captured in an integrated approach. As such, the developments were parallel but largely asymmetrical (not to the detriment of either one of the outputs of the programme). Although, efforts were made at time—particularly in relation to the civil society component—to ensure relevance and a complementary approach (e.g. PCP Human Rights Manual developed by CSOs in line with PCP complaints mechanism and Code of Conduct; and, similarly, with the anticorruption interventions with CSOs). Meanwhile, the budgetary resources of the Project appear to have been appropriately balanced given the needs; although there were some concerns that at some point there would be not enough time to spend all financial resources allocated (which did not materialize).

A human resources restructuring at UNDP PAPP that occurred in 2013 may have contributed unintentionally to the slower than normal pace of implementation and procurement under the JP. The restructuring was undertaken pursuant to UNDP's global and country-level cost cutting. The JP lost its national Programme Associate under the restructuring, leaving no one to pick up the administrative side of the JP, as well as broader responsibilities and relationships formed with counterparts.<sup>22</sup>

On the EUPOL COPPS side there was a single coordinator who was the only EUPOL COPPS staff member with full time responsibility for the JP. All other EUPOL COPPS staff members who participated in the JP did so on a rotating basis. This made sense, because EUPOL COPPS staff members have other duties besides the Joint Programme (as compared with UNDP JP staff who had full-time responsibilities for the JP, with the exception of the Programme Manager and Deputy Programme Manager who had responsibilities in relation to the broader UNDP PAPP CO portfolio). Additionally, EUPOL COPPS's advisors shifted significantly more than UNDP staff during the life of the Joint Programme (JP).

Many divisions within EUPOL COPPS contributed their expertise to the JP. These included, among others, the Police Advisory Section and the Rule of Law Section (i.e. that worked with line-Ministries such as the MoJ, PACC, CCC, HJC, etc.). In particular, the prosecution sub-section of the Rule of Law Section supplied experts to the JP. EUPOL COPPS advisors also proved themselves to be especially valuable when providing in-put on the PCP Code of Conduct and complaints mechanism.

Programmatically, the JP took a long time to get organized and up to speed and Stakeholders were nearly unanimous in their criticism of delays in procurement. Nearly all Stakeholders remarked to the Evaluation that the pace of implementation could have been quicker. The beneficiaries of the JP also noted that many items were not finalized by the project's end.

The PCP was especially critical of the JP design believing that it was perhaps overly ambitious in its goals given the time available for project implementation. The PCP noted that the delivery rates under the JP might have been better if a clear action plan for Phase one of the programme had been developed. Yet, it appears that the PCP itself was a major contributor to the delays in implementation (i.e. given the time taken to obtain approval for key milestone documents, etc.). In this regard, the Phase II of the JP, which is incorporated in a new UNDP-UN Women Joint RoL Programme Document, contains a detailed RRF.

### *The UNDP-EUPOL COPPS Partnership*

A principal objective of this evaluation has been to ascertain the quality and effectiveness of the UNDP-EUPOL COPPS partnership and the day-to-day working relationship of these organizations. UNDP is a development organization, whereas EUPOL COPPS is a technical advisory mission of the European Union. The lessons to be drawn from this partnership can inform not only the implementation of the new UNDP-UN Women joint Rule of Law Programme, but other development contexts and situations (i.e. where for example, UNDP coordinates with another EU or a UN political mission or where EU missions elsewhere partner with other UN agencies).

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<sup>22</sup> Pursuant to the UNDP PAPP restructuring, 16 to 17 staff members at the UNDP CO (in both E. Jerusalem and Ramallah offices) were laid-off between March/April 2013 and December 2013. These were all national staff. Many had master's degrees and an average of around 12 years experience with UNDP. Some key national staff that were let go had as many as 20 years experience with the organization.

UNDP and EUPOL COPPS each brought their respective comparative strengths to the table. UNDP was more in the lead position and expected to drive the JP. UNDP was also responsible for Donor relations. EUPOL COPPS contributed technical advice and a well-established relationship with the PCP and PACC that UNDP did not have previously, not having worked with these partners in the past. Meanwhile, UNDP's ability to mobilize and manage funding was something that EUPOL COPPS was lacking.

The partnership of course had some significant challenges, especially at the beginning. The JP was added onto the UNDP portfolio with no staff; therefore it was difficult to get started. The fundamental problem was that UNDP lacked a deputy programme manager initially and was slow to hire staff. This was a major issue for EUPOL COPPS as it forced EUPOL COPPS to become involved in the programme implementation side of the partnership. EUPOL COPPS found it difficult to combine the role of technical advisor with that of project implementer. This also increased EUPOL COPPS's administrative burden.

It was also not easy to ensure appropriate and effective communication between all international experts (including the numerous EUPOL COPPS advisors) involved. Both organisations at times struggled with their respective internal structures and found it difficult to understand the other's constraints. Some of the EU Member States that contribute officers to EUPOL COPPS allow their nationals to serve for only twelve months. For example, many different EUPOL COPPS staff members were involved in advising on the complaints mechanism over a three-year period. It was thus always a challenge for EUPOL COPPS to take a leadership role, or to sustain the relationships necessary with national counterparts. In this sense, the JP provided a useful framework for continuity, especially in the absence of fully formulated MIPs.

It was extremely important for the smooth functioning of the partnership that each organization have its own separate and single focal point. The recruitment of a UNDP Deputy Programme Manager certainly improved the overall management of the programme and the communication between the two partners. This also facilitated EUPOL COPPS' role of technical advisor.

More frequent meetings could have been organised at all levels to facilitate the implementation of activities and the evaluation of results. The JP programme document could have perhaps more clearly defined the distinct leadership and technical advisory roles of the partnership. EUPOL COPPS could only have focused on bringing technical expertise to the project and UNDP could have had sole responsibility for the project leadership.

At the technical level, cooperation was quite good, but there were differences of organizational culture and each organization had its own internal delays. According to Stakeholders interviews by the Evaluation, UNDP programme staff involved in the JP proved to be often more time driven than EUPOL COPPS technical experts. At times, it appeared to UNDP's counterparts that UNDP operations, procurement and results frameworks were driving time-lines, despite the (limited) institutional capacities of the PCP, PACC and CCC to absorb technical advice.

There could perhaps have been more flexibility built-into the JP on an interim basis of adjusting deadlines of deliverables to reflect the operative realities on the ground and allow space and time for the PA institutions to buy-in. For example, the experts who developed the complaints process were very pressed for time. At the same time, 'buy in' from the middle management level of the PCP was one of the key strengths of the JP and the same was true for the PACC.

EUPOL COPPS perceived that the partnership was effective in many different ways:

- Programme/project combined with expertise;
- Structured framework;
- Leverage of two main international organisations (UN/EU);
- Availability of funds;
- Longer term perspective (UNDP) combined with daily contact with the counterpart;
- Provision in mentoring and advising of International and European standards.

In other words, the partnership has shown to be overall effective due to the comparative advantage of each institution. EUPOL COPPS has brought in technical expertise areas such as anti-Corruption, Human Rights, legal drafting, accountability, Police structure and operations and specific knowledge of the PCP structure and communication channels. UNDP has ensured the overall programme management, hired experts, organized workshops and study visits needed for achieving objectives, etc. UNDP has implementing experience with specific consultants. This has an added value for the national counter parts. By way of contrast, EUPOL COPPS has no real programme budget for this type of project.

It must also be noted that UNDP operates in 134 different countries and has a substantial global rule of law practice architecture and in-house expertise at its disposal. Among, UNDP country offices, the UNDP PAPP Country Office is exemplary for the extensive legal training and credentials of its staff (both international and national).

Overall, the JP proves that it is possible for a development organization such as UNDP to cooperate with an EU technical advisory mission. EUPOL COPPS and UNDP were able to maintain an effective working relationship despite their differences. Each organization possessed comparative strengths that were effectively brought to the table and worked towards achieving a common goal. The programme had a crucial role in raising awareness on both accountability and anti-corruption. This is proved by the fact that both topics have been included in the new sector strategic plans.

The JP also appears to have influenced the development of the EUPOL COPPS MIPS. Some of the MIPS are built-upon the results of the JP and continuing to provide technical advice. Still, this begs the question, how two partners, UNDP and EUPOL COPPS, that entered into a Joint Programme, have emerged after a two year period with separate and partially duplicative new programme documents and work plans (i.e. the UNDP-UN Women Rule of Law Programme and the EUPOL COPSS MIPS). The UNDP-EUPOL COPPS partnership will remain alive going forward, but will be simply at the level of technical cooperation. To facilitate this, a “Tripartite MoU” was entered into in August 2014 between UNDP, UN Women and EUPOL COPPS to establish main principals, objectives and areas and scope of interaction between the parties. There will remain a need for continued dialogue amongst Donors and the PA regarding coordination. Whatever, happens, the EU and bilateral Donors should ensure that UNDP and EUPOL COPPS are not *competing against each other* going forward.

### *The JP Programme Board and Project Field Committee*

The Programme Board, met twice a year during the life of the JP and was comprised of the MoI, PCP, PACC, CCC, UNDP, EUPOL COPPS and donors/development partners. Several Palestinian CSOs also participated. Several agendas and meeting notes from Programme Board meetings were reviewed by the Evaluation. It is clear that the meetings were attended by all partners of the JP, as well as UNDP, EUPOL COPPS and Donors. These appear to have been useful opportunities to update all Stakeholders on the progress of the JP, and on-going challenges, opportunities, partnerships and sustainability. In fact, the Programme Board meetings were the only forum where all stakeholders and partners across all three JP Outcomes gathered at one and the same time. Various speakers appeared before the

Programme Board to discuss specific activities across all three Outcomes. In addition, roundtable discussions were held, providing Donors, JP implementers and partners a forum to exchange viewpoints and Donors to provide their observations and strategic direction.

Project Field Committee (PFC) meetings, by way of contrast, were a mechanism by which UNDP and EUPOL COPPS JP staff could meet with representatives of individual institutions on an ad hoc basis. These meetings proved extremely useful and enabled the JP to accommodate new activities that were not envisioned in the original programme document such as training activities for the PCP and the development of a DVD profiling the work of the PCP Gender Unit.

In combination, the JP Programme Board meetings and Project Field Committee meetings proved the value of having parallel forums available within the JP for gathering all stakeholders from the entire project together, but also having opportunities to meet with individual stakeholders and partners.

### *The Role of the Donors*

The Donors were organized in both their own Donor Consortium for the security sector and in a larger broad-based entity chaired by the PA MoI and DFID known as the Security Sector Working Group (SSWG). All members of the donor consortium were nevertheless involved in the SSWG, which certainly provided a platform for UNDP and EUPOL COPPS to raise issues related to their experience in the sector through the JP. UNDP maintained a dialogue with the Donors and updated them as to political challenges through the Security Sector Working Group and separately. UNDP and EUPOL COPPS presence in the Donor Security Sector Working group (Co-chaired by DFID) also influenced the overall PNA Strategic Plan (i.e. all security elements now report to the PNA president). EUPOL COPPS project field committees also played a role in the on-going dialogue.

The Donors have agreed to take on a much more active role in implementation in the new UNDP-UN Women Rule of Law Programme. Stakeholders stressed that going forward, UNDP, UN Women and EUPOL COPPS must understand that the PCP structure is vertical and that the PCP will not always be able to deliver from their side. PCP staff may not always have the same technical experience as internationals and have internal issues that the JP is sometimes not privy to. Donors should expect that things might take a lot more time than initially estimated. Donors can also provide enhanced support to ensure the achievement of strategic reform goals and maintain the impetus for reform within the PCP in particular.

### *The Role of Monitoring and Evaluation in the JP*

Throughout the JP, UNDP and EUPOL COPPS collected data on progress in a results based management approach to M&E. UNDP and EUPOL COPPS prepared progress reports in January 2013 and August 2013. These were not independent evaluations, but nonetheless, fulfilled a valuable reporting role to the Donors. The Progress reports appear to be objective in tone, however, and realistic in their presentations of challenges and opportunities—particularly the difficulties inherent in working with the PCP.

The JP also entered into an agreement with the Palestinian Central Bureau of Statistics (PSBS) to review Palestinian justice and security sector data. This was a ground breaking initiative to analyse data across seven key justice and security institutions: the MoJ; PCP; AGO/Prosecution; HJC; the Shari'a courts; military courts and the Palestinian Bar Association.

In addition, The Joint Programme kept in close communication with the EUREP/Human Dynamics project, which is focusing in part on the collection of baseline information in relation to the PCP. UNDP and EUPOL COPPS ultimately agreed to undertake a survey on the public perceptions of the PCP (also, with PCBS), with a view to helping the PCP to prioritise interventions in relation to accountability its interaction with the public.

It is important to note, that this Evaluation forms an important part of the overall M&E of both UNDP and EUPOL COPPS. Normally UN and EU missions, which are principally funded via assessed budgets, are not required to report in a results-based manner to the same degree – while EU and UN projects might be considered more accountable for the voluntary contributions of Member States allocated to them. An external evaluation such as this on in itself, as required under a results-based programming framework, therefore reflects an additional level of quality assurance. Equally, a programming framework in order to be truly effective necessitates some level of accountability to the national partners who have signed the project document.

As already mentioned, the new UNDP-UN Women programme document has been fully developed and approved by UNDP HQ, including a detailed RRF, Annual Workplan and Budget. Were this Evaluation to have taken place at an earlier stage, its recommendations and lessons learned could possibly have better informed the drafting for the new UNDP-UN Women Programme document. Nonetheless, it is still possible even at this late-stage for Donors to make adjustments to the RRF based upon the recommendations of this Evaluation should they chose to do so.

#### **D. National Ownership and Cooperation**

In general the level of national ownership over the JP and its intended deliverables was high. The bottom-line of all the activities has been national ownership. Generally speaking on all sides, including the PCP, there was at the outset very serious support for the JP. The PCP proved, however, to be somewhat resistance to outside intervention and was a particularly difficult partner at times.

There was ultimately a lack of buy-in from PCP. There was no consensus within PCP itself about the project and its purpose. The three accountability units were very committed and the relationship with the JP was very good. But, these mid-level staff at PCP, while enthusiastic, could not commit the PCP or make any decisions without the PCP senior leadership and this was always not forthcoming. The key question is whether the results of the work will be accepted by senior management, given PCP' highly centralized management. For example, the Code of Conduct is finalized, but the complaints system remains to be adopted.

By way of contrast, PACC was much more supportive than PCP and project implementation at PACC went more quickly. It took nearly a year to convince PCP to spend funds. Thus, in the process funds that were originally earmarked for PCP were redirected to the PACC. This caused some friction at the PCP.

PACC presented challenges in a different way. The senior leadership of the PACC took many months to agree to proposals. What PACC really liked is that it was getting funding to spend and felt some freedom. But, at the working level there was more resistance. UNDP played a crucial role in getting the PACC and the PCP together. Meanwhile, the engagements with Civil Society were also based upon a high-level of ownership from the CSOs themselves.

## **E. Sustainability**

The Joint Programme was designed for two years and it has gone on slightly longer as a result of Donor-approved no-cost extensions. The JP should be viewed as a *foundational* project, which has positioned UNDP and UN Women, in cooperation with EUPOL COPPS, to cement gains over the next three years. It is much too early in the life of the interventions to adequately gauge their sustainability. Much will depend upon the political will of the PCP, PACC and CCC.

UNDP and Donors should not be expected to continue funding host-government institutions in perpetuity, however, when those same institutions fail to display the requisite levels of political will necessary to achieve objectives and institutionalize deliverables. Thus, UNDP and Donors may wish to consider injecting some measure of conditionality into any second-phase of the project, whereby PCP and PACC leadership is held more accountable for streamlining the deliverables of the JP within their organizations. Co-financing options with the PA should also be explored. As of the date of this Evaluation, serious questions remain as to how the PCP accountability programme, including its complaints mechanism and Code of Conduct will be institutionalised.

## **VI. Conclusions and Recommendations**

- 1. UNDP and EUPOL COPPS each brought respective comparative strengths to JP (UNDP contributed managerial and implementation components as a development agency as well as in-house technical advice on rule of law reform; whereas EUPOL COPPS was the principal technical advisory partner). Going forward, both partners should continue to cooperate and draw upon each other's comparative strengths.**
- 2. UNDP and EUPOL COPPS should focus on supporting the PCP to streamline the Accountability Strategy, Implementation Plan and Code of Conduct going forward as endorsed by the PCP leadership. This will include supporting PCP to develop a curriculum for the Police Academy that incorporates the Code of Conduct with active learning.**
- 3. UNDP and EUPOL COPPS should support legislative reforms in Palestine to promote accountability of the security services and PCP, including a harmonized draft of the new Law on the Police which takes account of the PCP Code of Conduct.**
- 4. UNDP and EUPOL COPPS should support much more detailed work on developing SOPs for the PCP accountability units and to clarify the management responsibilities of the various PCP units.**
- 5. UNDP should ensure that the training programme for PCP staff developed by Birzeit University is continued. UNDP could do a better job of verifying that the PCP leadership understands the process of donor funding and manage PCP's expectations regarding the duration of training.**
- 6. UNDP and EUPOL COPPS should ensure that the results of the survey on citizen's perceptions of the PCP is widely published in Palestine.**
- 7. UNDP and EUPOL COPPS should encourage and support the PCP to fully operationalize the complaints procedures and computerized platform developed with JP support.**

**8. UNDP and EUPOL COPPS should continue to support the development of the PCP Gender Unit and dialogues on gender equality within the PCP. Assistance providers should continue to support awareness-raising of corruption from a women's rights perspective in Palestine.**

**9. Developing SOPs and training curricula for the PACC should remain a priority for UNDP and EUPOL COPPS going forward. UNDP should also support PACC to become more focused upon the prevention of corruption in addition to the investigation and enforcement/prosecution of corruption. Regional perspectives should also continue to be brought to the table. Finally, CSOs should be fully included in anti-corruption dialogues and awareness-raising. UNCAC compliance should increasingly serve as the central point around all UNDP support to PACC and CCC.**

**10. UNDP and EUPOL COPPS should encourage and support the CCC to publish all of its decisions and include them on the publically accessible Al Muqtafi website. Additionally, UNDP should support the development of a library at CCC. As regards trainings, UNDP and EUPOL COPPS should ensure that the judges of the CCC are able to select topics that are relevant and urgent to their work. Future trainings should begin to be made self-sustaining by PACC and CCC.**

**11. UNDP and EUPOL COPPS should support legislative analysis and drafting to fully harmonize the provisions of the Anti-Corruption Law with the Palestinian Penal system, including specialized procedures that take account of the Palestinian context.**

**12. Any future engagement with CSOs should be highly focused and require CSOs to demonstrate innovative approaches to accountability and anti-corruption. CSOs should also be supported to fulfil a parallel reporting function with regards to Palestine's UPR report. CSOs who receive UNDP grants should be required to show their budget allocations.**

**13. UNDP should support ICHR to prepare its UPR report in areas of accountability and anti-corruption.**

**14. The goals of any future project should be properly scaled and capable of being accomplished within the time-frames stated. A monitoring and evaluation plan with clear indicators should be prepared, included as annex to the project document and used as a basis for progress reports.**

**15. Any future project must clearly articulate the respective roles to be played by the partners. Leadership, as well as authority when it comes to decisions, should also be clearly specified in any future joint programme. EUPOL COPPS and UNDP should continue to have a viable technical cooperation in the form of a MoU for cooperation.**

**16. UNDP and Donors should consider injecting greater measures of conditionality in a future programme and should not be expected to continue to fund PA institutions unless there is a clear demonstration from the leadership of those institutions of political will and commitment to adopting and incorporating JP deliverables into the official policies and culture of the PA institutions Co-financing options should also be explored with the PA.**

**17. These recommendations and the UNDP/EUPOL COPPS police accountability/anti corruption programme of work should be modified to take into account any opportunities arising from the changed situation in Gaza and the formation of a consensus government, to expand best practices in relation to police accountability and**

**anti-corruption efforts to the Gaza Strip.**

## **VII. Lessons Learned**

1. The JP proves that it is possible for a development organization such as UNDP to partner with a technical advisory mission such as EUPOL COPPS. Both organizations were able to effectively bring their comparative strengths to the table around common goals and programme objectives. To maximize their impact, however, such partnerships should have clearly defined roles for leadership, project management, donor relations and technical advisory services. It is also important that each partner have a single focal point within their organizations to manage their respective contributions. Furthermore, each partner should become fully acquainted with the other partner's organizational structures, management and procurement processes and lines of communication in advance of the commencement of programming.

2. Rule of Law (justice and security) interventions in Palestine have generally required more time to implement than originally anticipated by implementers and Donors. For this reason, future programmes should be planned over a longer period of time (a 2 year-period has in fact resulted in being too short to guarantee the achievement of the set goals). UNDP should not compound this situation further by itself being delayed in its own procurement processes and hiring. Inter-office restructurings within UNDP and staff-turnaround in EUPOL COPPS should be carefully managed and monitored to ensure that implementations are not impacted negatively.

3. The *processes* involved in development initiatives and their activities can be as important as the end-deliverables themselves. Processes can introduce beneficiaries to new ways of thinking, communities of practice and build leadership and initiative among and within institutions. At the same time, Donors cannot be expected to continue to provide host government institutions with substantial resources and technical assistance unless the host government institutions themselves are willing to endorse and adopt deliverables at the end-stage of the process.

4. Expert consultants can play a crucial role in delivering objective and timely advice and expertise to development initiatives. In the case of the JP, expert consultants were able to gather a broad spectrum of Stakeholders around common objectives and promote change management within the PCP and PACC.

5. Lack of harmonization in legislative frameworks, gaps in the laws and wide variances of interpretation can undermine the effectiveness of key deliverables. Thus, specific programme outputs and deliverables should not be viewed in isolation, but as part of a compendium that includes necessary legislative reform and amendment. Legislative reforms are, however, dependent upon the Palestinian Legislative Council being functional.

6. Broad trainings geared towards building the capacity of host government institutions, while valuable, are no substitute for carefully mapping the workflow and processes of the institutions themselves and developing standard operating procedures. At the same time, it is recognized that mapping of the workflow is quite challenging and may not be possible in some governmental agencies, as a result of legally mandated safeguards for confidentiality and protection of information. Trainings should be done in parallel with hands-on mentoring and change management and include a plan for institutionalizing the training within the institutions themselves.

7. The enthusiasm and political will of beneficiaries and host-government institutions can be undermined by delays and gaps in programming. Implementers and Donors in order to promote continuity should seek to avoid suspending academic coursework and

trainings once begun. In the case of the JP, the discontinuation of the Birzeit course, undermined not only the impact of the intervention, but also good will between UNDP and the PCP. Training programmes should be designed and funded so as to avoid such interruptions.

8. Conducting public perception surveys in crises zones and areas of heightened security presents special challenges in terms of access to survey populations and respondents. UNDP and Donors need to build-in extra time to take account of such challenges when funding such activities.

9. Programme deliverables for IT within host-government institutions are most effective if done in parallel with mapping and development of paper-based processes.

10. Anti-corruption initiatives can be most effective when they are broad-based, inclusive of civil society and focused not only upon enforcement of anti-corruption laws, but upon the prevention of corruption. It is also important for such initiatives to be geared to UNCAC implementation whenever possible and to draw upon regional and local expertise.

11. Partnering with academic institutions to deliver training programmes can yield many derivatives both in terms of the development of the faculty and staff of the institutions, research capabilities and curricula for students.

12. In the context of the JP and Palestine, the Security Sector Working Group was a particularly effective venue for information exchange and updating Donors on the progress of the JP. In combination, the JP Programme Board meetings and Project Field Committee meetings proved the value of having parallel forums available within the JP for gathering all stakeholders from the entire project together, but also having opportunities to meet with individual stakeholders and partners.

## **ANNEX 1: Key Outputs and Activities of the Joint Programme**

**The Joint Programme Pro Doc lists the following key outputs and activities:**

## **1. PCP**

### **Output 1.1 Support the implementation of an accountability strategy**

Carry out workshops with three internal oversight bodies of PCP to adopt strategy and implementation plan

Review and disseminate PCP code of conduct

Train PCP on Code of Conduct

### **Output 1.2. Enhance organizational set-up of internal oversight bodies**

Analyse and assess the current set up of the IGO, BGHR and PSDD and provide recommendations to enhance the organizational structure in conjunction with Human Resources

### **Output 1.3 Develop standard operating procedures (SOPs)**

Develop SOPs for IGO and organize inspections to emphasize role of institutional performance evaluation and establish effective reporting mechanisms

Develop SOPs for BGHR and develop investigation and report writing skills and effective reporting mechanisms

Develop SOPs for PSDD and develop investigation and report writing skills and effective reporting mechanisms

### **Output 1.4 Support Capacity development of internal oversight bodies**

Assess training needs of staff at IGO, BGHR and PSDD and develop training mechanisms  
Organize study trips for exposure to international best practices

### **Output 1.5 Increase external and internal awareness**

Use the media to enhance awareness of BGHR and its services

Organize sensitization workshops for civil society, including human rights groups and academic institutions

### **Output 1.6 Provide equipment to internal oversight bodies**

Procure office supplies

Assist in the development of a computerized complaints system and statistical database

### **Output 1.7 Provide support to PCP Gender Unit**

Provide financial support to PCP Gender Unit to conduct quick-impact projects

## **2. PACC and CCC**

### **Output 2.1 Strengthen the institutional capacity of the PACC and CCC**

Support the PACC in developing a national anti-corruption strategy

Support the PACC in developing a strategic plan, including a mission statement, workplans and M&E Framework

Launch an IT platform designed to streamline business process and improve information management and procure office supplies

Review and disseminate PACC code of conduct

Develop SOPs for PACC, including on cooperation with PCP

Strengthen international and regional cooperation (including UNDP regional anti-corruption)

### **Output 2.2. Develop staff capacity of PACC and CCC**

Assess trainings needs of staff and develop a training plan

Organize conferences aimed at improving cooperation between PACC and other justice sector actors

**Output 2.3 Raise public awareness of PACC and its services**

Use the media to raise awareness of PACC and its services

Organize sensitization workshops for civil society, including human rights groups and academic institutions

**3. Support to Palestinian CSOs to promote oversight**

**Output 3.1 Develop a CSO engagement strategy**

Conduct a comprehensive mapping study

Conduct consultations with PCP, CSOs and civilian oversight mechanisms

Prepare engagement strategy

**Output 3.2 Implementation of approved engagement strategy**

Implement the engagement strategy

## **ANNEX 2: Evaluation Questions**

## **Key Evaluation Questions and indicators of success**

### ***Overall questions***

Was the UNDP-EUPOL COPPS partnership effective? Why or why not? What were the major challenges of the partnership from both UNDP and EUPOL COPPS perspectives? How did the partnership hinder or contribute the overall effectiveness of the project? What was UNDP's comparative advantage? EUPOL COPPS comparative advantage? How did the Joint Project influence the respective organizations' strategic frameworks, if at all? What are the key lessons learned from the UNDP EUPOL COPPS partnership?

How has the project has been able to *inform* sector planning process, including via actively stimulating dialogue on salient issues (such as accountability and anticorruption) and the extent to which this discourse has now been incorporated into the new Security Justice and Sector Strategic Plans (2014-2016)?

Was the Project design optimal? How have the three Outputs interrelated with each other? How have synergies been captured and capitalized upon?

For all outputs and major activities, is the Evaluation able to validate UNDP-EUPOL COPPS claimed progress as of mid-2013 (and updated through mid-2014)? What are the projects "quick wins" to date, given the relatively short time frame of its implementation?

What is the level of national ownership over the Project and its intended deliverables?

On a day-to-day basis, how did the UNDP Programme Team deliver value-added? What were the roles of the Deputy Programme Manager; Civil Society Coordinator; Anti-Corruption Coordinator; Programme Assistant; and Finance Association (shared with RoL and A2J)? How many technical experts were engaged by the Project? What were their respective Terms of Reference? Were these fulfilled?

How effective was the Programme Board? What adjustments, if any, were made to the overall structure/strategic direction of the Project during the implementation period?

What were the roles and relative contributions of the other Partners of the Project? UNODC? OHCHR? UN Women? ICHR? DCAF?

Were the budgetary resources of the Project appropriately balanced given the needs?

What have been the major obstacles to effective Project implementation? How were risks effectively mitigated?

***Questions Re: Outcome 1. Palestinian Civil Police***

What was the extent, if any, of the needs analysis conducted by the PCP Research, Planning and Development Administration (RPDA) in connection with the Joint Programme and was it relevant and inclusive?

What is the overall opinion of PCP Heads of Units as to the effectiveness and relevance of the Project's interventions? of UNDP Project Management? of the EUPOL COPPS advisers?

What level of monitoring of the Project and its interventions was conducted by PCP and the Project Field Committee (PFC)?

How effective was the Project in building upon existing working arrangements such as the PCP PSC, Security Sector Working Group (SSWG) and Justice Sector Working Group (JSWG)?

How has the Project supported the draft Security Sector Strategic Plan (2011-2013)?

Regarding the Police Accountability strategy finalized with input from the other PNA institutions and civil society:

How did the consultants engaged by the Project perform?

What was the quality of interaction between PCP staff and the consultants?

What is the status of the implementation plan and progress since the endorsement of the Accountability Strategy by the Chief of Police in 2012. (i.e. has a culture of accountability taken root at PCP)?

What dialogue and advocacy has occurred surrounding the implementation plan and PCP accountability?

How has the Project contributed to streamlining the three accountability units? how has the PCP organizational set-up been improved? how have PCP business processes been improved?

How has the Project helped PCP to better define its organizational priorities?

How has the Project supported a balance between internal and external oversight mechanisms to promote transparency and accountability? a) Internal oversight? b) Civil oversight? c) Social/civil society oversight?

Are Stakeholders able to identify any improvements in transparency and accountability relating to the exercise of PCP's various powers (i.e. surveillance, investigation, search, seizure, arrest, interrogation and detention)?

How are citizens complaints against PCP currently handled? How does PCP currently track the resolution of citizen complaints? What are the main capacity gaps in PCP investigation and resolution of citizen complaints? What is the status of work on the electronic system for complaints handling supported by the Project?

What roles do the Ministry of the Interior, Ministry of Justice, Military Prosecutor and the Attorney General's Office play in the process of PCP accountability? What role is the Palestinian Legislative Council expected to play in the future?

Were the Trainings delivered with project support successful? What are PCP's main criticisms of the trainings? What are PCP's training needs going forward?

How has the Project contributed to the Legal framework of PCP operations? What is the current status of implementation of the "Law of Service for the Palestinian Security Forces No. 8 (2005) and the revised Police Law?

What are the current staff levels and major capacity gaps in the three internal oversight bodies of the PCP? How has the Project assisted PCP to articulate clear divisions of labor between the three internal oversight bodies?

Are there specific examples of ways in which the Project has increased the capacities of the following PCP bodies to fulfil their responsibilities?

- i) IGO;
- ii) BGHR; and
- iii) PSDD

How has the Project enhanced the capacities of PCP External relations (including its relations with the media and civil society)?

What Standard Operation Procedures (SOP) manuals were developed under the Project? Are the SOPs actually being used by PCP? Please provide examples of how the SOPs have improved processes at PCP

What is the status of implementation of the new Code of Conduct that was developed with Project support? How does the new Code of Conduct adhere to the UN Code of Conduct for Enforcement Officials?

What are the "lessons learned" from the PCP study trip to Slovenia that was funded by the Project?

How widely was the Code of Conduct disseminated? What work remains to be done?

What is the current status of the "Draft implementation plan" for the Code of Conduct that was produced via working sessions with PNA's three accountability units [the IGO (Inspector General's Office), PSDD ( Police Security and Discipline Department ) and the BGHR (Bureau for Grievances and Human Rights) and other units (i.e. RPDA (Research Planning and Development Administration), legal department, gender unit, public relations, etc.?

What is the opinion of PCP leadership and staff of the Gender training programme established in conjunction with Birzeit University? How many candidates are enrolled in/have matriculated from the Gender and Public Administration Diploma curriculum?

How has the Project improved the work of the PCP Gender Unit?

To what extent has PCP oversight been the focus of the Palestinian Independent Commission for Human Rights (ICHR)?

*Supporting Project Deliverables and Statistics for Output 1*

# and type of SOPs drafted and adopted by PCP

# of complaints made by citizens against PCP 2011, 2012, 2013? what types of complaints?

# of internal incidents of police mis-conduct

# of PCP officers reprimanded

# of PCP officers dismissed

# of trainings of PCP staff held
# of awareness-raising workshops held
% of women in PCP

***Questions Re: Outcome 2. National Anti-Corruption Efforts Strengthened***

What is the overall opinion of PACC Secretary and staff as to the effectiveness and relevance of the Project's interventions? of UNDP Project Management? of the EUPOL COPPS advisers?

Have the Palestinian Anti-Corruption Commission and Corruption Crimes Court fulfilled the 2010 PNA Anti-corruption law? the Illicit Gains Law (2005), the Anti-Money Laundering Law (2007)? What role has the Project played in this to date?

What are some current trend lines with re: Public perceptions of corruption in Palestine? What role has Project support played in documenting corruption?

What bi-lateral agreements have been entered into between PACC and other ministries? Has the Project facilitated this process?

Has the Project or UNDP/EU had any contact with UNODC regarding the Project? How has the Project facilitated awareness and implementation of the UNCAC?

How successful was the UNDP-EU management and organisational review of the PACC as a whole, focussing in on Strategic Planning, Human Resources and IT? Did Project support result in any real improvement? SOPs? Adoption of software?

What is the PACC and CCC perception of the trainings supported by the Project (Berzeit Univ. Institute of law)?

Was the PACC Legal Department satisfied with the trainings that it received?

What were the results and lessons learned from the visit to the EU Anti-fraud office (OLAF) that was supported by the Project?

How effective were the trainings at brining together PACC and CCC judges and prosecutors with other justice actors in Palestine (i.e. PCP, AGO, HJC and MoJ)?

How has the Project improved implementation of the PNA draft Anti-corruption strategy and public awareness of corruption?

How has the project supported PACC staff capacities to review files, investigate and prosecute cases?

What are the mechanisms of communication between the AGO and PACC? How has Project support improved upon these mechanisms of communication?

What are the mechanisms of communication between the PACC and CCC? How has Project support improved communication and procedures for referral of files/cases?

How effective has been Project support to PACC and/or CCC electronic filing systems and IT?

What are the specific capacity gaps and training needs of the CCC first-instance judges (i.e. the head of the panel and the other two part-time judges)? How has Project support served to clarify the operating procedures of the CCC (i.e. including duration of appointment, discipline, removal, case docketing, calendaring, filing systems, etc.).

What is the quality of cooperation and benefits derived to PACC by joining UNDP's Regional Project on Anti-Corruption in Arab Countries (i.e. UNDP Regional Centre in Cairo/Beirut)? How have the Project's activities been linked to regional efforts to combat corruption?

How has the Project contributed to building women's capacity and confidence to identify and report corruption in Palestine?

*Supporting Project Deliverables and Statistics for Output 2*

# of Complaints received by PACC

# of corruption cases referred by AOG to PACC that were effectively resolved?

# of prosecutions?

# of CCC rulings

Rate of CCC adjudications

***Questions Re: Outcome 3. Civilian Oversight Strengthened***

How has the Project supported and strengthened the ability of civil society to monitor the security services in Palestine? What were the results of the project supported CSO mapping study?

How has the Project contributed to the achievement of PACC and CSO common aims under the Anti-Corruption Strategy?

How has the Project contributed to the achievement of PCP and CSO common aims in the area of police accountability?

In terms of project design, has the Joint Programme chosen the correct CSO partners?

*Supporting Project Deliverables and Statistics for Output 3*

comprehensive mapping study completed

# of consultations held with civil society organizations

development of an engagement strategy for civil society

## **ANNEX 3: List of Stakeholders Interviewed**

**UNDP and EUPOL COPPS staff (past and present)**  
**International Donors;**  
**Other U.N. agencies;**  
**Other multilateral implementers (e.g. ‘Human Dynamics’ – implementer for the**

**EU)**

**PCP (and various levels—central and field offices)**  
**PCP Human Resources Department**  
**Inspector General’s Office (IGO)**  
**Bureau for Grievances and Human Rights (BGHR)**  
**Police Security and Disciplinary Department (PSDD)**  
**PCP Gender Unit**  
**PCP Legal Officer**  
**PCP Information Technology Unit.**

**Independent Commission for Human Rights (ICHR)**  
**Attorney General’s Office**  
**Ministry of Justice**  
**Palestinian Anti-Corruption Commission**  
**Seconded Prosecution at the Palestinian Anti Corruption Commission**  
**Corruption Crimes Court**

**Civil Society**  
**AMAN**  
**Al-Haq**  
**Musawa**  
**Shams**  
**Institute for Women’s Studies (Birzeit University)**  
**Institute of Law (Birzeit University)**  
**Centre for Continuous Education (Birzeit University)**

**Palestinian Central Bureau of Statistics (PCBS)**

**INGOs**

**Academia/Policy institutions**  
**Key individuals in Palestine**  
**Experts/Consultants recruited on the project**