**[](http://www.google.com/url?sa=i&source=images&cd=&docid=Md5ZcCFPNM58LM&tbnid=_mbBM3C1hLnKWM:&ved=0CAgQjRwwAA&url=http://en.dat-see.com/&ei=3DebUZXqCIuSswa53oCQBA&psig=AFQjCNHPKu0ktrNEfsuS4-ThHd8rF0doIQ&ust=1369213276193109)**

**Independent Outcome Evaluation**

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

**May 2013**

# 

**Acronyms**

AGO Attorney General’s Office

AWP Annual Work Plan

BCPR Bureau for Crisis Prevention and Recovery (UNDP)

BGHR Bureau for Grievances and Human Rights (PCP)

CEDAW Convention on the Elimination of All Forms of Discrimination Against Women

CFTA Culture and Free Thought Association

CIDA Canadian International Development Agency

CSI Civil Society Initiative (UNDP)

CSO Civil Society Organization

CWLRC Centre for Women’s Legal Research and Consulting

EU European Union

EUPOL COPPS European Union Coordinating Office for Palestinian Police Support

GOI Government of Israel

HJC High Judicial Council

ICHR Independent Commission for Human Rights

ICC International Criminal Court

ICRC International Committee of the Red Cross

IWS Institute of Women’s Studies (Birzeit University)

JCW Jerusalem Centre for Women

JFF Justice for the Future (MOJ)

LTF Legal Task Force

MOI Ministry of Interior

MOJ Ministry of Justice

MOSA Ministry of Social Affairs

MOU Memorandum of Understanding

MOWA Ministry of Women’s Affairs

M&E Monitoring and Evaluation

NDC NGO Development Centre

NCJJ National Committee on Juvenile Justice (MOSA)

NRC Norwegian Refugee Council

NRO Netherlands Representative Office (Ramallah)

OCHA Office for the Coordination of Humanitarian Affairs

OHCHR Office of the High Commissioner of Human Rights

oPt occupied Palestinian territory

PAPP Programme of Assistance to the Palestinian People (UNDP)

PBA Palestinian Bar Association

PCDCR Palestinian Centre for Democracy and Conflict Resolution

PCP Palestinian Civil Police

PJI Palestinian Judicial Institute

PLC Palestinian Legislative Council

PMF Palestinian Maintenance Fund

PNA Palestinian National Authority

PPMU Planning and Project Management Unit (AGO/HJC)

Sida Swedish International Development Cooperation Agency

TAU Technical Advisory Unit (MOJ)

UNDP United Nations Development Programme

UNRWA United Nations Relief and Works Agency

WCLAC Women’s Centre for Legal Aid and Counselling

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# Executive Summary

**Evaluation Scope and Methodology**

This evaluation report is the culmination of an extensive review of UNDP/PAPP’s Rule of Law & Access to Justice Programme in the occupied Palestinian territory (oPt). The purpose of this independent evaluation - part of a three-stage review by UNDP/BCPR - is to assess the level of progress made towards achieving the outputs and outcomes listed in the Programme Document.

The evaluation seeks to assess the relevance of the programme in the context of the oPt and its management and impact, both at the ‘supply’ and the ‘demand’ side of the rule of law equation; as well as its main challenges and prospects for sustainability. The evaluation’s findings and conclusions have produced a number of actionable recommendations that can inform a possible Phase II of UNDP/PAPP’s Rule of Law & Access to Justice Programme. This evaluation supports UNDP/PAPP’s own recent efforts to improve and streamline its data collection and reporting efforts in order to better serve donor reporting requirements.

A rigorous methodology was followed that included a thorough review of all existing UNDP and partner strategic planning documents as well as reports of results achieved. During the course of the in-country portion of the evaluation, the independent consultant conducted interviews and face-to-face consultations with representatives from a broad range of stakeholders and beneficiaries. In total, over 50 separate meetings and 13 different focus groups were conducted by the independent consultant, with the support of UNDP during the evaluation in the West Bank and Gaza. This represented a total coverage of over 150 persons interviewed.

The principal challenge facing the evaluation was a lack of readily available statistics and quantitative data on outcome-level system changes and impact. This challenge was, however, somewhat off-set by a highly collaborative and intense effort on the part of UNDP and the consultant to collect additional statics and information (i.e. Ministry staff lists; information on UNDP grantees; CSO statistics on legal aid beneficiaries served; publications and records of UNDP advocacy campaigns and statements collected from demand-side beneficiaries during numerous focus groups).

The outputs of the evaluation included an inception report filed with UNDP and its donors during the in-country portion of the evaluation; and a final evaluation report submitted to UNDP and its partners and stakeholders.

**Background and Context**

The PNA and its international partners have long recognised the centrality of justice and rule of law to the paramount goal of establishing a just, modern, and sustainable Palestinian state. Yet, attempts by the PNA to build a more robust justice sector that maintains the rule of law and protects individual rights and freedoms continue to face political, financial and geographic challenges that are among the most complex in the world. The Israeli occupation has had past and on-going negative effects on efforts to strengthen justice and rule of law in the oPt. Many of these effects are rooted in past perceptions that persist today in the form of mistrust for the rule of law generally: under the occupation, law and its enforcement has been seen as a function of Israeli will, undermining respect for justice institutions and pushing Palestinians to turn to informal mechanisms to resolve disputes - mechanisms with no guarantee of fair trials or respect for international standards of human rights.

The Israeli occupation and its attendant restrictions on movement and access have also created significant logistical challenges, as has the split between the West Bank and Gaza. Efforts to build justice institutions and practices have been severely hampered by the geographic divisions imposed by the Israeli occupation and the division created by the split between the West Bank and Gaza that resulted from the 2007 takeover of the Gaza Strip by a Hamas-led *de facto* government. The Palestinian economy has suffered severely due to the effects of the global economic crisis and impact of the continued Israeli occupation and the travel restrictions imposed on residents of the West Bank and Gaza.

**The Justice System**

The bulk of government and UNDP development efforts with regards to justice and rule of law are focused on the three key justice institutions: the Ministry of Justice (MOJ), the Attorney-General’s Office (AGO), and the High Judicial Council (HJC). The MOJ in particular has faced a difficult history having been physically split following the Hamas-led take-over of Gaza in 2007 where the Ministry was headquartered with staff being relocated to Ramallah, but with over 80 staff remaining in Gaza.

Other government and civil society institutions also play important roles in the administration of justice and the establishment of a culture of rule of law. These include the *shari’a* courts; the Palestinian Bar Association; educational institutions and law clinics; and independent civil society organisations - both Palestinian and Israeli - that play an essential role in fostering a culture of justice among Palestinians, ensuring that reforms at the institutional level translate into real, positive change in the lives of the Palestinian people.

The PNA’s 2011-2013 Justice and Rule of Law National Strategy recognised a number of on-going challenges for the rule of law sector in the oPt. These included weaknesses across the justice system such as an absence of civil and criminal legislation; lack of mechanisms for conflict reduction; low performance rates of judges, prosecutors and courts; lack of qualified personnel; overlap of civil and military justice; case backlogs; deficiencies in the procedures and places of detention; lack of access to justice for women and other vulnerable groups; geographic challenges posed by the continuing Israeli occupation and ongoing human rights violations; restrictions on movements; lack of PNA jurisdiction and access to its own territories; and split of the West Bank and Gaza.

The same strategy contains four main goals: 1) ensuring respect for human rights, fundamental freedoms and rule of law; 2) ensuring fair trials; 3) supporting, developing and enhancing justice sector institutions; and 4) developing, harmonising and modernising legislation.

**Overview of UNDP/PAPP Rule of Law & Access to Justice Programme**

Against the above background, UNDP/PAPP developed its Rule of Law & Access to Justice Programme with the explicit goal of **strengthening the institutional capacity of the Palestinian justice system to uphold the rule of law and improving access to justice through legal empowerment of the poor and disadvantaged**. This was to be done by increasing both the *supply of* and *demand for* formal justice by extending support for institutional capacity development to the main Palestinian justice sector institutions and by putting in place a comprehensive access to justice strategy engaging actors at all levels, including the Palestinian Bar Association, civil society organisations and academic institutions.

The programme was designed to be implemented over a three-year period, with implementation starting in June 2010. Thus, actually implementation has spanned a 2.5 year period of time. In that period, it has attracted funding in excess of USD 20 million, with critical support from the governments of Canada, Sweden and the Netherlands, as well as UNDP/BCPR. It is considered a flagship programme for UNDP/PAPP and is a substantial part of UNDP/PAPP’s governance portfolio.

In order to achieve the aforementioned goal, **five key outcomes** were formulated for the programme at its inception:

* Outcome 1: Capacity of rule of law institutions strengthened;
* Outcome 2: Access to justice at local and grassroots levels enhanced;
* Outcome 3: Gender and juvenile justice improved;
* Outcome 4: Rule of law in the Gaza Strip initiated; and
* Outcome 5: Confidence-building amongst stakeholders promoted.

**Summary of Evaluation Findings**

***Overview***

Overall, the UNDP Rule of Law & Access to Justice Programme in the oPt achieved a high level of impact and outcome-level change within the context of extremely challenging political and security realities in the oPt and according to its funding and resource base. Especially critical were UNDP’s support to women and children via grassroots legal aid initiatives in the West Bank and Gaza, as well as its support to the PNA justice institutions, lawyers and the PBA.

At the beginning of the programme, the key justice institutions such as the MOJ and the HJC were operating well below capacity, few systematic efforts were made with regards to training for legal professionals, and legislative activity was low. Access to justice and public respect for the rule of law were significantly hindered by the absence of strong legal aid programmes and a concerted public relations effort to improve awareness of and respect for formal justice institutions.

When the programme began, there was very limited institutional support for the special needs of women and juveniles, and no comprehensive picture of the way the law affected gender and gender-based violence issues. In Gaza, efforts to improve access to justice in the face of enormous political and resource obstacles were almost non-existent. Among institutions, and between the institutions and the public, distrust, miscommunication and misunderstanding were deeply entrenched.

Today, the legal landscape in the oPt is dramatically different, and UNDP-sponsored rule of law and access to justice initiatives can be credited for contributing to change in both justice institutions, levels of access, gender equality and the strengthening of civil society.

As detailed in the evaluation report, the capabilities of the key justice institutions (including legislative capabilities) have been greatly expanded through UNDP-supported training and education programmes, as well as by embedded experts and improved legal infrastructure funded by the programme. The provision of legal aid and coordination between legal aid providers and the state have been significantly improved, and efforts have been made to inform the public of their rights and their ability to protect them through formal justice mechanisms. A comprehensive study of women’s rights in relation to existing legislation has been carried out with UNDP support, and ground-breaking programmes have been instituted to increase the capacity of security and justice institutions to address the needs and rights of women and juveniles.

In the Gaza Strip, rule of law programmes have been implemented within the constraints of the early recovery framework, primarily through the expansion of legal aid and public education, as well as by improving the skills of justice sector professionals such as lawyers, law students and community leaders. Confidence of - and confidence in - civil society has been raised considerably through a well-funded and strategic Civil Society Initiative, and objective metrics to track public perceptions and justice services have been developed and implemented. Through efforts of the UNDP programme, the relationship among the key justice institutions and between those institutions and the public has been improved dramatically.

The Programme Document is broad in scope. To its credit, UNDP has attempted to service all of the sub-outputs of the Programme Document, which is largely in conformity with what the donors themselves had requested that UNDP do. Going forward, UNDP may want to explore how it can make any subsequent phase more strategic in nature. This could take the form of consolidating one or more of the existing outcomes (i.e. those that overlap with civil society organisations and/or legal empowerment); adding new outcomes (i.e. in military justice or working with *shari’a* courts); and strengthening its support of CSOs serving Palestinian communities in Area C and East Jerusalem.

***Assessment of Impact across the five key programme outcomes***

Outcome 1: Capacity of rule of law institutions strengthened

*Ministry of Justice*

The MOJ has been the prime beneficiary of UNDP support under the programme. UNDP via its seconded experts to the MOJ and via a “Stabilisation Fund” has managed to increase the MOJ’s management capacities across the board. According to the Deputy Minister of Justice, the MOJ before 2010 took the lowest priority among all justice institutions in terms of budgetary resources. It had no more than 15% of current staff and was able to conduct no more than two trainings per annum. The absence of a planning unit deprived the MOJ from having any funding in this regard. It was the only ministry that didn’t get any financial support before 2010.

Today, as a result of UNDP support, trainings, a Joint Institutional Capacity Assessment and the Quick Impact Fund and Stabilisation Fund, the once-gutted Ministry has 131 staff, 30 of whom are supported by UNDP funds. The vast majority of those persons hired with Stabilisation Fund resources are still working at the MOJ and enhancing its overall capacity (only about 15 or 16 persons’ contracts ended in December 2012). As of 2012, the MOJ had succeeded in transitioning eight of these positions to PNA civil service contracts - speaking to the increased level of sustainability of UNDP’s support.

Meanwhile, UNDP seconded experts have served as embedded technical advisors within the MOJ, HJC and AGO who work hand-in-hand on a daily basis with the institutional leadership and staff members. At each institution, the experts have fulfilled a number of functions, increased communication between the three major justice institutions and consulted on draft legislation and strategies for the justice sector.

UNDP supported the long-term sustainability of MOJ staffing via its “Justice for the Future” (JFF) project designed to foster the next generation of high-quality legal professionals through academic scholarships, professional training, and legal internships to 30 students from disadvantaged socioeconomic groups that are currently under-represented in the legal profession. Overall, participants strongly agreed that the JFF programme had enhanced their knowledge and understanding of how the three core justice institutions work.

In an effort to build the capacity of MOJ legal advisors and other ministries’ abilities to draft legislation and effectively administer their institutions, UNDP developed a Legal Skills Diploma in partnership with Birzeit University’s Institute of Law. This created a stable educational and training environment and was the first long-term programme of its kind in the oPt. This programme has given strength to bridge all the gaps in the training of the previous period to bring staff up to standards other PNA institutions have achieved.

At a substantive level, UNDP supported personnel have been engaged with the creation of a number of substantive laws, including a new draft Palestinian Penal Code. The MOJ itself in 2012 alone contributed to the drafting of 24 laws and 16 regulations. UNDP’s Rule of Law Expert made a major contribution to many of these laws, as did UNDP’s Gender & Juvenile Justice Expert. The MOJ has also, with UNDP support, developed a legislative plan that has now been approved by the Council of Ministers.

Perhaps most importantly, the programme supported long-term technical initiatives that will impact legislation in the future, such as Birzeit University’s *Al-Muqtafi* website, which serves as a central repository for Palestinian legislation, case law and expert opinions. These kinds of broad information resources are a fundamental element of any sustainable modern justice system; common standards are equally important technical goals. The average number of daily users of the *Al-Muqtafi* website has continued to steadily increase since 2010.

UNDP raised public awareness of rule of law institutions via the establishment of a Justice Information Centre at the MOJ. The centre has conducted a number of trainings for journalists and disseminated brochures on the MOJ’s public services. A new MOJ website was established with monthly hits jumping from an average of 7,345 hits per month in 2011 to an average of 16,164 hits per month in 2012. UNDP was also responsible in part for an improvement that occurred in the authentication of justice records at the MOJ, as well as groundwork in the forensic medicine capabilities of the MOJ (via an autopsy technician provided to the Department of Forensic Medicine). Going forward, it will be important to enhance MOJ’s outreach to the public by enhancing the quality of these services.

UNDP has played a crucial role in assisting the MOJ to develop concepts for legal aid. UNDP experts were successful in moving the oPt legal community from a point of virtually zero discussion of concepts of legal aid in 2009 to an extremely robust debate involving all justice sector actors on how best to address this issue. As a result of UNDP’s efforts, a comprehensive strategy for legal aid is now in the formative stage. There is much more work to be done in this area, particularly in terms of developing a comprehensive legal aid strategy. In the event that the government endorses a legal aid strategy, it is likely that the MOJ will require significant donor assistance to implement it - particularly if the provision of legal aid extends beyond criminal cases to include civil disputes, as called for in the National Justice Sector Strategy.

*Attorney-General’s Office*

Meanwhile, UNDP experts seconded to the AGO have focused on four key outputs: 1) improving the AGO’s planning unit; 2) improving the functionality and operations of the public prosecutors; 3) strengthening the AGO’s coordination of donors and effectively using donor resources; and 4) building the capacity of the AGO Planning & Project Management Unit (PPMU).

UNDP support to the PPMU has increased the ability of the AGO to recruit qualified staff and channel donor support in a more effective and efficient manner. In 2010, UNDP experts helped with the development of the Justice Sector Strategy for the oPt. The AGO is now able to more efficiently review the cases it receives from the district offices. Cases are now transported by the UDNP supported MIZAN2 electronic case management system. It is perceived that public prosecutors are performing better in court than before as a result of improved case follow-up.

Going forward, UNDP should continue to engage with the AGO to build its capacities, while at the same time bringing a heightened level of leadership to the debate in terms of raising sensitive issues such as separation of powers in a constructive dialogue. Solving the ongoing debate about the position of the public prosecution will allow for greater focus of resource and efforts on the development of the institution and its identity.

*High Judicial Council*

UNDP’s overall impact upon the HJC and the courts has been strong. UNDP support to the HJC’s PPMU started in 2008 prior to the establishment of the UNDP Rule of Law &Access to Justice Programme in the oPt. The HJC was the first institution to have such a department in the justice sector and UNDP played a key role in strategic planning and project management.

The idea of seconding UNDP employees to the PPMU was based on the concept or assumption that the UNDP employees could train HJC staff to take their place. UNDP hasn’t been able to fully achieve this goal due to capacity deficiencies among the HJC staff that continue to need a diverse range of continuing education and training. Nonetheless, UNDP staff within the PPMU have made significant contributions to the HJC’s work in many ways - especially with more permanent staff at the PPMU.

The HJC views UNDP’s support to the strategic planning processes for the justice sector as particularly valuable. UNDP has worked closely with the HJC to develop work plans for each department and is now working on the evaluation of what was achieved under its strategic plan (2010-2013).

UNDP was the first institution to assist the justice sector to develop a case management system. The MIZAN database was established in 2007 at the request of the justice institutions themselves. It is a case file management system to monitor cases through the justice chain. The database is owned by the HJC, but it is shared with the AGO; other institutions have duplicated the system as well. The database is widely used outside the judicial sector as well. For example, the Palestinian Maintenance Fund (PMF) now uses the database to access cases and keep track of court decisions. The court information points established with UNDP support have resulted in alleviating the burden on judges and other court staff of supplying information to the public.

The PNA and its citizens remain severely challenged by the effects of the Israeli occupation. A lack of access to Area C by the PNA and its courts - despite the fact that they have jurisdiction for this area - is a fundamental barrier to access to justice for Palestinians. Beyond this it rises to the level of a violation of Annex 4 of the Oslo Accords. While to date UNDP has addressed the issue of lack of access to Area C via its support to civil society and advocacy, more could be done to support the PNA to expose the injustices of this situation and capacitate the MOJ and the HJC to advocate for change directly with the Israeli government in this regard. In general, UNDP support to Area C and East Jerusalem across all facets of the programme should expand in the future in order to meet unmet needs in those areas. Such initiatives should be both CSO and justice institution-led.

UNDP should also increase focus upon the *shari’a* courts going forward. UNDP programmed only indirectly with the *shari’a* courts during the first phase of the programme. The *shari’a* courts play a disproportionately important vital role in the lives of women, children and orphans. A recent UNDP supported conference organised by Birzeit University was directly influential on the *shari’a* courts’ decision to issue changes on the interpretation of *shari’a* law in the oPt (i.e. on women’s inheritance).

The volume of cases in the civil and *shari’a* courts has grown dramatically over the past four years (which in and of itself is evidence that citizens are having a greater level of trust in the court system - something for which UNDP can take some credit). But the increased caseload has compounded an already inefficient system of enforcement and execution of judgments in the oPt. *Shari’a* courts currently lack any enforcement capabilities of their own and this is one area that UNDP and its donors should strongly consider supporting.

While not formally part of UNDP/PAPP’s Rule of Law & Access to Justice Programme, UNDP’s support to the Palestinian Civil Police (PCP), the Palestinian Anti-Corruption Commission (PACC) and the Corruption Crimes Court (CCC) via the UNDP/EUPOL COPPS Joint Programme is serving to close the loop in the criminal justice sector. The overall effort is to bring justice and security organisations together in the rule of law approach instead of a sector approach. UNDP’s expertise has been particularly valuable in the support of the PACC/CCC. Going forward, UNDP should consider merging some elements of the UNDP/EUPOL COPPS Joint Programme with the larger UNDP Rule of Law &Access to Justice Programme.

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

UNDP’s interventions in promoting access to justice at a grassroots level since 2010 have shifted the debate and resulted in greater coherence amongst key justice institutions with regard to free legal aid; including an enhanced capacity of the MOJ in this regard and increased coverage by the PBA, CSOs and law schools to end-beneficiaries. These efforts have impacted the lives of thousands of Palestinians in the West Bank and Gaza - especially women, juveniles and other vulnerable groups.

Occupying the bulk of UNDP’s assistance under Output 2 was its Civil Society Initiative (CSI) launched in July 2010. Under the CSI, UNDP selected 42 CSO partners that received grants to perform legal aid, advocacy and monitoring of the justice system. UNDP also established a roster of legal aid and advocacy partners. Agreements were ultimately entered into with many of these organisations.

Most of these organisations provide legal aid to vulnerable communities and provide legal capacity building and training to key professional groups including lawyers, law students, media professionals, trade unions representatives and police officers, among many others. UNDP also built upon its strategic relationship with the West Bank branch of the PBA and is in the process of negotiating an agreement with the PBA to build its capacity to take a leadership role (mirroring that of the Gaza branch) in establishing a legal aid network inclusive of NGO legal aid providers and university-based legal aid clinics.

A number of UNDP supported CSOs and NGOs have effectively combated the effects of the Israeli occupation and confiscations in East Jerusalem and represented Palestinians before Israeli courts during 2010-2012. A sizeable portion of UNDP support through the Civil Society Initiative in the West Bank was directed toward detention, administrative detention and torture - predominantly, but not exclusively in the Israeli legal system. Other CSOs supported by UNDP have rendered effective legal assistance to women across the oPt. These initiatives and examples of UNDP advocacy and awareness campaigns - particularly those targeting women’s rights and youth - are discussed at length in the main text of the evaluation report.

While the evaluation’s overall assessment of the CSI is highly favourable, key questions going forward for UNDP - particularly in the West Bank - will be whether awareness raising activities are the most cost-effective use of limited resources; and whether awareness raising should be scaled-down in favour of scaling-up other aspects of the programme (i.e. legal assistance or re-focused advocacy). It is certainly fair to say that not *all* CSOs in the programme should be doing *all* things (i.e. legal aid, awareness-raising *and* advocacy). UNDP is currently taking measures to critically assess the performance of each of the CSO grant recipients, as well as their demonstrated capacities and relative strengths for both awareness-raising and advocacy. UNDP must continue to exercise supervision, mentoring and accountability standards over smaller grassroots CSOs to ensure that these organisations possesses the actual capacity to conduct outputs on the ground (not simply stated capacities on paper).

Youth is an area that should be further enhanced under the UNDP Rule of Law & Access to Justice Programme going forward. Many of the CSOs in the oPt are very vague in their own mandates regarding youth and there are only a few Palestinian CSOs that are exclusively devoted to this particular demographic. Within the context of the Israeli occupation, social media and the internet are especially important resources for Palestinian youth.

This raises a larger observation of the evaluation on the need for UNDP to support the creation of politically neutral spaces within the conflict/post-conflict environments of the oPt between Palestinians and Israelis. This is especially true for youth. There is currently no conflict prevention team within the UNDP Governance Unit. Such work is extremely complex, given the uniqueness of the context (long standing occupation and internal Palestinian division), but the evaluation suggests that possibilities for enhancing opportunities for dialogue between politically polarised groups should be explored by UNDP going forward.

UNDP is largely responsible for introducing the concept of clinical legal education in both the West Bank and Gaza (in partnership with the PBA). UNDP established legal aid clinics at a number of leading Palestinian universities. These clinics play an important access to justice role by providing basic but valuable legal aid services to disadvantaged communities while ensuring that law students are able to put theory into practice at an early stage in their careers.

Outcome 3: Gender and juvenile justice improved

Women’s rights and access to justice by women are important components of the government’s state-building goals. The same can be said for juvenile justice and the treatment of minors in conflict with the law. UNDP has incorporated gender and juvenile justice initiatives into projects across the different outcomes, in particular in its work with civil society and the rule of law institutions.

UNDP was heavily involved in capacity building for the MOJ staff and staff of other government institutions relating to gender and juvenile justice. UNDP experts developed and included specialised subjects in Birzeit University’s Legal Skills Diploma and MOJ staff was trained in gender and juvenile justice. The UNDP Gender & Juvenile Justice Expert at the MOJ also contributed to ensuring that the work undertaken by the Department of Forensic Medicine, supported by UNODC, reflects gender sensitivity and balance. UNDP experts also clarified the role of the MOJ in the child protection networks which coordinate the efforts of the government and NGOs in child protection.

On the legislative front, UNDP commissioned a well-written legislative analysis entitled, “A Review of Palestinian Legislation from a Women’s Rights Perspective” (March 2012). The review provides a comprehensive resource for Palestinian legislators to use in their drafting of legislation going forward; it also provides a rationale for rights litigation by drawing explicit links between gender rights provisions in existing laws to provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that the government has ratified.

Such legislative “gap” analysis represents a best practice by UNDP and should encourage donors to fund more whitepapers and studies going forward. UNDP must ensure, however, that such studies are synergised with other areas of the UNDP Governance Unit and tied to other outputs. Overall, UNDP should be moving both technical legal analysis, as well as lessons learned from its grassroots legal initiatives “up” to the policy level on a regular basis.

During the programming period, UNDP also assisted a committee headed by the MOJ that reviewed legislation for gender sensitivity. UNDP supported experts at the MOJ participated in the review of four laws relating to gender and reviewed other legislation relating to gender justice. UNDP support to MOJ resulted in inputs on the National Strategy on the Eradication of Violence Against Women (adopted in 2010) and the Gender and Juvenile Justice Strategy (adopted in 2011).

UNDP successfully addressed the needs of GBV survivors by supporting the development of draft strategies, action plans and indicators on gender and juvenile justice and by supporting the implementation of the government’s Gender-Based Violence Strategy. It has also supported government programmes aimed at providing greater access to justice for women, including victims of GBV.

UNDP helped to enable women who have divorced their husbands to secure financial maintenance through its support for the PMF. UNDP support to the PMF began in late 2011 but has already resulted in changes within the execution departments of the civil courts, impacting upon the lives of thousands of Palestinian women. According to the PMF, UNDP support and technical assistance improved the operations of the agency and its ability to communicate more effectively with other agencies of government. The resulting improvements in inter-agency relations and information sharing have allowed the PMF to better track the locations of the men who owe maintenance and take effective action against them. According to the PMF, retrieval rates have improved dramatically since late 2011.

Meanwhile, at the law enforcement level, the UNDP/EUPOL COPPS Joint Programme helped the Palestinian police establish a Gender Unit, the first of its kind in the Arab world. The unit is designed to promote and integrate issues related to gender throughout the police force - including, presumably, sensitivity to GBV issues.

In addition to the support rendered to juvenile detainees via the CSI, UNDP programme staff rendered technical assistance directly to the Ministry of Social Affairs and the *Dar Al-Amal* Juvenile Rehabilitation Centre in Ramallah in their efforts to come into conformity with international best practices. In conjunction with UNICEF, UNDP assisted MOSA to develop the National Strategy for Juvenile Justice. The National Committee on Juvenile Justice was also formed in 2010 with UNDP technical support.

Outcome 4: Rule of law in the Gaza Strip initiated

Prior to UNDP’s intervention in Gaza in 2010, there were no rule of law programmes available and communication between the Gaza Strip and the West Bank rule of law institutions was at a standstill. Clinical legal education was not well understood and there was extremely limited civic education available for students. The most vulnerable segments of Gazan society, including abused women, children and refugees had very limited legal aid services available.

Today, the situation is quite different. UNDP can be credited with almost singlehandedly introducing the concepts of legal aid and clinical legal education in Gaza. The UNDP supported network of legal aid providers (“Awn” network) of CSO legal aid providers is functioning in a well-coordinated manner providing legal aid to thousands of Gazans - the overwhelming majority of whom are women. A number of CSOs have engaged in strategic advocacy campaigns that have impacted municipal governance and service delivery and increased rights for women and youth.

In addition, the Gaza branch of the PBA has initiated organisational reforms with UNDP assistance and is now acting as a full partner in UNDP supported legal aid initiatives, in close cooperation with three university law schools in Gaza. Meanwhile, the university-based legal aid clinics are contributing to access to justice while educating a new generation of lawyers. The PBA with UNDP support has also bridged the gap between the informal and formal justice sector in its trainings and outreach to community leaders that is increasing gender sensitivity (and has included the training of the first female *muqtar*). UNDP’s efforts are also paying dividends in the *shari’a* courts which have become more efficient and protective of women’s rights (i.e. such as inheritance) as a result.

Satisfaction with the quality of legal assistance services is now higher in the Gaza Strip than anywhere else in the oPt, validating UNDP’s decision to strengthen the rule of law in this area by supporting quality CSOs. Yet, many challenges remain and UNDP and its donors should remain strongly engaged in Gaza. In such a fragile environment without benefit of engaging directly with the Hamas-led government, the work of UNDP and donors is a true lifeline for vulnerable women and other citizens.

Outcome 5: Confidence building among stakeholders promoted

In 2009 there were limited networking opportunities among CSOs engaged in similar initiatives in the oPt. Endemic to the situation was a lack of trust by communities in the justice system. UNDP has significantly increased confidence and networking among CSOs via the Civil Society Initiative. UNDP has also improved measurements and strategies for improving public confidence in justice service providers.

A UNDP Public Perceptions Survey that included a “justice sector satisfaction index” was a key deliverable under the programme. UNDP and the donor community have used the survey extensively to plan further activities. In addition, UNDP supported the Palestinian Central Bureau of Statistics (PCBS) in its efforts to collect justice and security sector data in order to assess performance and track key rule of law indicators.

**Relevance, Management and Partnerships**

The design of the UNDP Rule of Law & Access to Justice Programme in the oPt has proven highly relevant to the needs of institutions and beneficiaries - especially given the severe deprivations suffered by Palestinians as a result of the continued Israeli occupation, the low capacity of justice and security institutions and general lack of knowledge of the law. Furthermore, UNDP support has aligned well with institutional strategies, which has resulted in a high degree of national ownership.

The majority of stakeholders interviewed by the evaluation had high praise for the management of the UNDP Rule of Law & Access to Justice Programme in the oPt. There were several criticisms raised however, regarding UNDP’s procurement procedures, which were viewed as cumbersome and overly complicated by some stakeholders.

Additionally, UNDP’s donors were not entirely satisfied with the level of reporting - specifically, UNDP’s tracking of impact at the outcome level. UNDP is in a much better position now than it was in 2010 to benchmark outcomes with measurable indicators and should establish clear (evidence-based) baselines and measurable indicators for the second phase of the programme.

At the moment, justice sector development continues to be challenged by political gridlock among the three institutions - especially with regard to whether the MOJ or the HJC has responsibility for the AGO and lines of reporting. UNDP *itself* could possibly have developed a more coherent vision of what it believed should be the appropriate allocation of powers and advocated for this position with the justice institutions. Donors could possibly have done a better job of harmonising their own positions on this issue as well.

Going forward, an attempt should be made to reach a consensus as to what is the responsible approach to the position of the AGO within the triad of justice institutions and bring technical expertise to this on-going debate. Donors should reach a common approach and engage at the political level if necessary in an attempt to obtain resolution of this issue.

The evaluation noted several additional issues that have challenged the programme during the first phase. Principal among these is a lack of transportation available to enable UNDP programme staff to easily access remote parts of the West Bank. UNDP should explore the possibility of opening a sub-office in the West Bank (for instance in Hebron) in order to extend the reach of UNDP programme staff to more remote areas and to bring UNDP technical expertise closer to UNDP’s implementers.

The point of most concern to the evaluation in terms of cost-efficiency was the UNDP’s support to advocacy campaigns and whether this support could be made more strategic in nature. This, said, both UNDP awareness-raising and advocacy campaigns have resulted in more clients presenting themselves at UNDP supported legal aid centres. Many clients interviewed by the evaluation stated that they learned of the availability of free legal aid via an awareness-raising campaign. Thus, it is difficult to measure with certainty the cost-benefit of such outputs. UNDP may be able to consolidate some of the advocacy campaigns and publications to ensure that future grants are awarded based upon CSOs’ demonstrated capacities and performance.

The relationship between UNDP and its donors is strong but going forward, UNDP should continue to respond to donor requests that it demonstrate a link between the different outputs of the programme and impact at the outcome level. To this end, UNDP has recently revised its M&E plan and stressed to its partners and beneficiaries that they will need to streamline data collection to a greater degree in the future.

Communication and coordination within the UNCT for the rule of law sector could be improved going forward. UNDP should continue to partner with UN Women, UNODC, OHCHR, UNICEF and other agencies to ensure a high degree of information flow. UNICEF may offer particular synergies in legal aid and lawyer and paralegal trainings programmes.

**Overall Assessment**

Considering that the UNDP Rule of Law & Access to Justice Programme in the oPt did not truly become active until mid-2010 and the challenges that UNDP faced at a political level, the results that the programme has been able to achieve within the course of 2.5 years are substantial - especially with regard to legal aid and clinical legal education. It is the overall assessment of the evaluation that UNDP’s achievements and performance during this period mitigate in favour of continued funding and a subsequent phase of the programme.

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# Map of the West Bank

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# Map of the Gaza Strip



# Introduction

This evaluation report is the culmination of an extensive review of UNDP/PAPP’s Rule of Law &Access to Justice Programme in the oPt. The evaluation was lead by Richard H. Langan II, J.D., LL.M. - an independent consultant during January and February 2013 and report writing extending into May 2013.

The purpose of this independent evaluation - part of a three-stage review by UNDP/BCPR - is to assess the level of progress made towards achieving the outputs and outcomes listed in the Programme Document. In addition, the evaluation provides concrete recommendations for the second phase of the Programme (2014-2016).[[1]](#footnote-2)

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# Scope and Objectives

With an eye towards its purpose, the independent evaluation:

* Assesses the relevance of the programme in the context of the oPt and validates results achieved against the Programme Document and the M&E Plan.
* Provides a comprehensive assessment of the overall impact of the programme, both at the ‘supply’ and the ‘demand’ side of the rule of law equation.
* Appraises UNDP/PAPP’s relations with relevant justice sector actors and stakeholders, including government institutions, professional unions, civil society organisations and academic institutions.
* Assesses if and how activities have been carried out in a mutually reinforcing manner, including vis-à-vis other interventions in the Palestinian rule of law sector.
* Appraises the sustainability of the programme, including the institutionalisation of interventions.
* Reviews the programme’s efforts to mainstream gender and ensure the application of UNDP’s rights-based approach.
* Discusses the main challenges faced by the programme, including the ways in which UNDP/PAPP has sought to overcome them.
* Assesses relevance and utilisation of M&E processes.
* Offers a comprehensive risk assessment, including UNDP/PAPP’s ability to manage existing risks effectively and responsibly.
* Captures lessons learned and best practices and provide concrete recommendations for the programme’s second phase.[[2]](#footnote-3)

In keeping with the stated goals of the UNDP 2008-2011 Strategic Plan, as well as the programme’s M&E plan, the independent evaluation focuses primarily on evaluating the ways in which the programme is generating “real improvements in people’s lives and in the choices and opportunities open to them.”[[3]](#footnote-4)These objectives are accomplished through rigorous procedures, design and methodology, followed by extensive analysis.[[4]](#footnote-5)

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# Methodology and Limitations

The independent consultant has used both *meta* evaluation and *direct* evaluation techniques, and the data collection based on the methodology discussed below.

## *Data sources & field visits*

The independent consultant reviewed the key documents provided by UNDP/PAPP and, where appropriate, documents prepared by third parties. These documents included: national planning and budget documents; programme documentation, progress reports and evaluations; programme board and donor coordination meeting minutes; monitoring & evaluation data; project summaries; and perception surveys and reports. A list of the documents reviewed is attached as Annex B to this report.

During the course of the in-country portion of the evaluation (8-31 January 2013), the independent consultant conducted interviews and face-to-face consultations with representatives from a broad range of stakeholders and beneficiaries including UNDP staff, other UN agencies, donors, government partners, civil society, lawyers and law schools and beneficiaries in the West Bank (i.e. East Jerusalem, Ramallah, Hebron, Jenin and Salfit). Interviews with theses same groups of stakeholders - with the exception of government - were held in the Gaza Strip (i.e. Gaza City, Beit Hanoun, Nuseirat, KhanYounis and Rafah). In total, over 50 separate meetings and 13 different focus groups were conducted by the independent consultant, with the support of UNDP during the evaluation. This represented a total coverage of over 150 persons interviewed. The schedule for the evaluation appears in Annex C of this report.

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## *Evaluation questions*

In conjunction with UNDP/BCPR, UNDP/PAPP developed the following evaluation questions in order to elicit the kinds of information that the evaluation intends to generate:

* What progress towards achieving the outputs and outcomes listed in the Programme Document has been made? Are the outputs and outcomes relevant in the context of the oPt? How does programme implementation align with the original Programme Document?
* What factors have contributed to achieving (or not achieving) the intended outputs and outcomes?
* To what extent has UNDP/PAPP been able to develop strong and enabling partnerships?
* Has the programme managed to adhere to key development principles, including national ownership, and ensure sustainability of results?
* To what extent has the programme managed to promote inclusiveness, gender mainstreaming and women’s empowerment?
* Was the M&E plan systematically applied and was it appropriate to the programme?
* Has the programme managed risks effectively and responsibly?[[5]](#footnote-6)

In addition, the independent consultant has developed the following additional questions based upon his review of the situation, as well as UNDP/PAPP and third-party documents:

* Has the programme been responsive to the recommendations contained in the 2011 strategic review, as follows:
  + Has the programme strengthened legal aid and assistance in Area C, with a specific aim at redressing the 90% impunity rate for settler violence?
  + Has the programme supported its national counterparts in promoting a *pro bono* culture?
  + Has the programme engaged in greater strategic planning for PNA authorities, taking into account practical realities on the ground?
  + Has the programme focused on legislative and constitutional reform through its work with the rule of law institutions and civil society?
  + Has the programme strengthened its engagement in the gender and juvenile justice component, in particular through its work with national authorities (as opposed to civil society)?
  + Has the programme worked to build trust between national authorities and civil society?
  + In Gaza, has the programme performed any contingency planning around the possibility of reconciliation between Fatah and Hamas, with an eye towards managing impact and maximizing opportunities for the justice sector?[[6]](#footnote-7)
* Have plans been developed and implemented to ensure sustainability of projects even after the programme has been ended or international funding diminished (for example, with regards to planning for the transition of certain MOJ staff from UNDP to MOJ payroll)?
* How has the programme engaged with the security sector to reinforce dynamics between justice and security - and in particular has it explored linkages with the UNDP/EUPOL COPPS Joint Programme?
* To what extent has the programme utilised objective data to monitor both the demand for justice (measuring public confidence) and the supply of justice (tracking changes in the performance of rule of law institutions); for example, by using baseline data from the public perception surveys and the statistics gathered by the PCBS?
* To what extent have the UNDP and other international partners helped the MOJ find ways to entrench and institutionalise the capacities made possible by the Quick Impact/Stabilisation Fund?
* Was data collected in the public perception surveys and the tracking by PCBS based on sound methodologies that accurately capture the current state of justice and rule of law in the oPt? Have the results from those surveys been incorporated into longer-term planning?

These questions are addressed in the evaluation report, although not necessarily in the above order.

## *Principal evaluation outputs and deliverables*

Research and analysis included the thorough review of internal documents, donor documents, and third-party materials (the “desk review” - see below), as well as interviews with stakeholders and implementing partners in the field, as discussed above. The final evaluation report assesses the achievement of expected outputs and alignment with expected outcomes, with an eye towards corrective and follow-up action to ensure that all the outputs and desired achievements are met going forward.[[7]](#footnote-8)Every effort was made to triangulate data. UNDP/PAPP offered an unprecedented level of support to this process, including by staffing some of the focus group discussions. Safeguards were put in place by the independent consultant at every step to conserve the independence of the evaluation.

Key deliverables of the evaluation as described in the terms of reference have included: 1) an inception report (delivered to UNDP on 17 January 2013 and subsequently discussed with donors) summarising the results of the desk review; 2) interim and final debriefs for UNDP and its partners in East Jerusalem, Ramallah and Gaza City; 3) the delivery of a draft evaluation report and, finally,4) a final evaluation report containing actionable recommendations.

The evaluation proceeded in parallel with, but was in no way connected to UNDP’s preparation of its 2012 annual report. In a few instances due to limited availability of informants and with strict adherence to the UNDP Guidelines for Outcome Evaluations and the independence of the evaluation, *notes from some focus groups* were used by both the evaluation and UNDP separately to inform both the independent evaluation and UNDP’s 2012 annual report. All notes referenced in this evaluation report or contained in its annexes were made public only upon obtaining the express permission of the stakeholders interviewed.

## *Limitations and opportunities*

The principal challenge facing the evaluation was one already acknowledged by UNDP - the lack of readily available statistics and quantitative data on outcome-level system changes and impact. Assessing the impact of rule of law programming in conflict-/post-conflict settings is often difficult - especially as a result of the lack of readily available baselines and statistics.

The PNA and other justice actors in the West Bank and the Gaza Strip are resource challenged and lack systematic data. This challenge was, however, somewhat off-set by UNDP-led research and record-keeping, including by monitoring the performance of its implementing partners. Furthermore, during the course of the evaluation the independent consultant engaged with UNDP in a highly collaborative and intense effort to collect additional statics and information (i.e. Ministry staff lists; information on UNDP grantees; legal aid statistics; publications and records of UNDP advocacy campaigns; and statements collected from demand-side beneficiaries during numerous focus groups).As discussed in more detail below, this exercise paralleled UNDP’s own recent efforts to improve and streamline its data collection and reporting efforts in order to better serve donor reporting requirements.

The evaluation is an opportunity for UNDP and its donors to examine what elements of the programme have been effective to date and what elements have not met expectations. This evaluation further provides an opportunity for UNDP to highlight its successes to date in achieving system-change. In sum, the evaluation should be viewed as a constructively critical conversation about UNDP’s programming and how that programming should be strategically structured going forward.

# Background and Context

*Overall Context*

The PNA and its international partners have long recognised the centrality of justice and rule of law to the paramount goal of establishing a just, modern and sustainable Palestinian state. In particular, the government has acknowledged that a robust justice sector that maintains rule of law and protects individual freedoms and rights is essential to the development of a prosperous and cohesive Palestinian society in a fully sovereign Palestinian state.[[8]](#footnote-9)To that end, the government and its partners have made significant efforts to create independent and accountable judicial institutions that can effectively apply well-drafted laws fairly and equally.[[9]](#footnote-10)

To say that the obstacles faced by the government and key stakeholders like UNDP have been extreme would be an understatement. The significant gains made by the government in general and by UNDP and its partners in the programme in particular have been made in the face of complex and mutually reinforcing political, financial, and geographic challenges that are among the most daunting in the world.

Politically, the Israeli occupation has had past and on-going negative effects on efforts to strengthen justice and rule of law in the oPt. Many of these effects are rooted in past perceptions that persist today in the form of mistrust for the rule of law generally: under the occupation, law and its enforcement has been seen as a function of Israeli will, undermining respect for justice institutions and pushing Palestinians to turn to informal mechanisms to resolve disputes - mechanisms with no guarantee of fair trials or respect for international standards of human rights.[[10]](#footnote-11)As outlined below, the Israeli occupation and its attendant restrictions on movement and access have also created significant logistical challenges, as has the split between the West Bank and Gaza.

International politics also add complexity to capacity-building efforts, particularly with regards to funding. The justice sector often finds itself in competition for donor support and funding with the security sector, despite the two sectors being essential and complementary components of sustainable rule of law.[[11]](#footnote-12)Some donors impose complex requirements and restrictions that, in turn, are dictated by their own countries’ internal politics.[[12]](#footnote-13)Last but not least, the recent push for statehood at the United Nations has the potential to add to the overall situation of uncertainty.[[13]](#footnote-14)While the pursuit of full statehood undoubtedly has critical tangible and intangible value, recent events at the United Nations are likely to restrict or at least shift the focus of assistance provided by key donors and partners.

Financially, the fragile state of the Palestinian economy, compounded by the global downturn and its effects on international funding, has limited the capacity for growth within the justice sector. In 2007, the oPt underwent a major economic crisis that resulted in near-collapse of the economy, with per capita GDP declining by more than one-third in real terms from 1999 to 2007.[[14]](#footnote-15)

Geographically, efforts to build justice institutions and practices has been severely hampered by the geographic divisions imposed by the Israeli occupation and the division created by the split between the West Bank and Gaza that resulted from the 2007 takeover of the Gaza Strip by Hamas.

At a basic operations level, these geographic divisions present coordination and cohesion challenges, making it much more difficult to investigate crimes, share resources and personnel, and monitor results. But the negative impact created by these geopolitical divisions is more serious at the substantive level. In particular, travel restrictions imposed by Israel have made it extremely difficult for Palestinian institutions and civil society (whether Palestinian or Israeli) to address impunity for settler violence.[[15]](#footnote-16)In a striking example of how an absence of the rule of law can negatively transform communities, a recent report by the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) noted that home demolition, land confiscation and settler violence unchecked by justice mechanisms has created a state of insecurity and hardship that has forced many families to leave their homes.[[16]](#footnote-17)

Similarly, in Gaza, Hamas-led rule has resulted in a serious lack of support to rule of law institutions. In the absence of alternatives, the citizens of Gaza have resorted almost entirely to informal justice mechanisms, which lack standards for equal protection and human rights, and women’s rights in particular.[[17]](#footnote-18)Historically, informal justice has played a more important role in the Gaza Strip than in the West Bank.

More troubling still, Palestinians who find themselves in Hamas’ criminal justice system are subjected to serious abuses of their human rights, including arbitrary arrest, incommunicado detention, torture, and unfair trials.[[18]](#footnote-19)The ability of outsiders to create positive change in Gaza is limited. Civil society organisations are doing what they can (and, indeed, support to Gaza CSOs is one of the main outputs of the programme) but limited support and resources, restricted access, continued attacks from Israel, and Hamas’ lack of respect for basic standards of rights and justice combine to make the future of the rule of law in the Gaza Strip tenuous at best.[[19]](#footnote-20)

*“The separate justice systems in the West Bank and the Gaza Strip constitute a major challenge. Differences between the two systems are historically rooted with the influence of Ottoman, British, Jordanian, Egyptian and Israeli regimes.”[[20]](#footnote-21)*

Despite these diverse and entrenched challenges, development of the justice sector remains a key component of the government’s efforts to establish a sovereign and independent state. The PNA and its partners have developed reform and development strategies in the justice and rule of law sector that are specifically tailored to goals and plans that are consistent with the reality on the ground in the oPt.[[21]](#footnote-22)These goals and plans remain a primary focus of national development at the highest levels, receiving a significant portion of funding in the governance sector under the National Development Plan.[[22]](#footnote-23)It is clear that the justice sector institutions and other key stakeholders deserve recognition for the significant progress that they have made in the face of such difficult circumstances - and for their commitment to build on those gains in the future.

*The “justice triad” and other key justice stakeholders*

The bulk of government and UNDP development efforts with regards to justice and rule of law are focused on the three key justice institutions: the MOJ, the HJC and the AGO. That is because these kinds of core institutions are the foundations of any effective culture of justice and rule of law, but also because the absence of a clear separation of powers and proper working relationships between these and other justice sector institutions have historically hindered the development of an effective and independent judicial system.[[23]](#footnote-24)

Each of the three institutions plays a distinct and important role in the administration of justice in the oPt. The MOJ supports the judicial sector institutions by providing administrative and technical support to the courts and to the public prosecutor, and endeavours to create a suitable environment for the integrity, impartiality and independence of the judicial authority.[[24]](#footnote-25) The HJC institutes policies relevant to the judiciary, supervises judges, and organises the work of the courts, including by building courts and equipping them with modern technology.[[25]](#footnote-26)The AGO is tasked with instituting criminal proceedings, supervising the enforcement of judicial decisions, and representing the state in civil cases.[[26]](#footnote-27)As outlined below, each of these institutions faces unique challenges that need to be addressed in order for them to fulfil their essential roles in the establishment of rule of law in the oPt.

The MOJ in particular has faced a difficult history. Established in 1994, it was initially given broad responsibility for managing the courts, the public prosecution, and the land and commercial registries. Beginning in 2002, when the HJC was established, the MOJ’s responsibilities were gradually eroded and key positions were left unfilled. Between 2003 and 2010 the position of Deputy Minister remained vacant thereby undermining the ability of the MOJ to function and further contributing to a deterioration of its relations with the judiciary. Ultimately the MOJ was physically split following Hamas’ takeover of Gaza in 2007, where the Ministry was headquartered with staff being relocated to Ramallah, but with over 80 staff remaining in Gaza.[[27]](#footnote-28)

The MOJ continued to be resource challenged and as of 2010 still took the lowest position in relation to the other justice institutions and lacked staff to operate many departments. A new Minister of Justice was recently appointed at the mid-point of UNDP/PAPP’s Rule of Law & Access to Justice Programme. The lack of a functioning Palestinian Legislative Council (PLC) since 2007 has also made it difficult to the MOJ to contribute effectively to the legislative process.[[28]](#footnote-29)

Other government and civil society institutions also play important roles in the administration of justice and the establishment of a culture of rule of law. The *shari’a* courts specialise in cases such as wills, guardianship, inheritance, alimony, custody, paternity, divorce, separation, proof of puberty, endowment cases, and the dissolution of invalid contracts of marriage.[[29]](#footnote-30)As such, they are particularly relevant to justice issues pertaining to women, juveniles, and the family.

The PBA has a critical dual role, on the one hand protecting the interests of citizens who seek assistance from lawyers, and on the other, protecting the rights and interests of practicing lawyers.[[30]](#footnote-31)Educational institutions, and Birzeit University in particular, help to address the skills gap among legal practitioners by training both young lawyers and existing professionals while at the same time creating resources and technologies that support the legal profession.[[31]](#footnote-32)Independent civil society organisations - both Palestinian and Israeli - provide a wide array of services, including: provision of free legal assistance; awareness and training programmes to citizens and practitioners; monitoring; human rights advocacy.[[32]](#footnote-33)These CSOs play an essential role in fostering a culture of justice among Palestinians, ensuring that reforms at the institutional level translate into real, positive change in the lives of the Palestinian people.

The justice sector has been supported by the donations and expertise of various international partners including: the Canadian International Development Agency (CIDA); the Swedish International Development Agency (Sida); the Government of the Netherlands; the Government of the United Kingdom as well as the European Union and the United States Agency for International Development (USAID).[[33]](#footnote-34)

*The Court System*

There are four levels of civilian courts that deal with both civil and criminal cases. In addition, there are religious courts and military courts. The civil court system is comprised of the following: 1) *Conciliation Courts and Municipal Courts.* Conciliation Courts deal with civil disputes (of JD 10,000 or less) and have special jurisdiction over property and land cases (regardless of the value at issue). Conciliation courts also try lower level criminal cases. Municipal courts are contained in each Conciliation Court and hear cases of violation of municipal law; 2) *First Instance Courts* that hear all civil cases that exceed the value of JD 10,000 and criminal cases of a higher level of gravity as specified in the Criminal Procedure Law; 3) *Appellate Courts or Courts of Appeal*, consisting of three judge panels that handle all appeals from Conciliation or Conciliation Courts; and 4) the *High Court or Supreme Court* which has two sections: the Court of Cassation and the High Court of Justice. The Court of Cassation exercises jurisdiction over civil and criminal challenges from the Courts of Appeal, challenges to the First Instance Courts in their appellate capacity and matters related to changing the terms of reference for a case. The High Court of Justice has jurisdiction over challenges to elections; challenges and requests for cancellations of final administrative regulations or decrees; writs of *habeas corpus*; public employee disputes and administrative disputes. In addition, there is a specialised Income Tax Appellate Court under the supervision of the HJC.

The religious court system has *shari’a* courts (for Muslims) and church courts (for Christians) that deal with family law, marriage, divorce, partition of marital property; alimony, child custody and inheritance.

The military court system has jurisdiction over the security forces and police as well as crimes committed by civilians against the security forces. On occasion, military courts have transferred cases against civilians to the AGO.

*Specific challenges facing the Palestinian justice sector*

A cross-disciplinary team of experts representing virtually all major stakeholders in the Palestinian rule of law sector identified specific challenges facing the justice sector when preparing the 2011-2013 Justice and Rule of Law National Strategy.[[34]](#footnote-35)At the national or “internal” level, these challenges include:

* Weakness of the legal system applicable in the Palestinian territories in the light of the absence of civil legislation, the weakness of criminal legislation and the absence of a modern Penal Code.
* The absent role of the Palestinian Legislative Council, and the necessity to adopt alternative mechanisms to Decree Laws issued by the President.[[35]](#footnote-36)
* The weak public confidence in the judicial institutions, the adjudication procedures and the resort to alternative methods.
* The weakness of alternative means for conflict resolution.
* The weak performance of judicial institutions, and the lack of necessary resources.
* The recent introduction of legal education in the oPt.
* The numerous judicial systems, weaknesses in coordination mechanisms, and weaknesses in methods of enforcement.
* Weakness of communication means with the public.
* Absence of geographical continuity between the country’s districts which affected negatively public access to judicial institutions.
* The emigration of qualified people.
* The absence of specialised courts and prosecutions.
* The overlap of the civil and military jurisdictions.
* The absence of a constitutional court to decide on the constitutionality of legislations and the conflict in jurisdictions.
* Case backlogs before the courts.
* Weakness and unsuitability of reform and rehabilitation centres and places of detention.[[36]](#footnote-37)

As discussed at the outset of this situational analysis, external factors imposed on the PNA have also significantly slowed the growth of a robust justice establishment. In this regard, the team behind the Justice and Rule of Law National Strategy identified the following as the most important problems on the external level:

* The impact of the Israeli occupation and its role in unsettling public confidence in public order, and particularly the judicial system.
* Absence of the Palestinian state imposing its sovereignty on the Palestinian territories and its negative repercussions on communicating with the outside world for the requirements of the justice sector.
* Restrictions on the movement of people which obstruct the course of justice.
* Non-compliance of the Israeli occupation with the agreements signed and with legal protocols.
* The existence of settlements has limited the application of the rule of law in the Palestinian territories.
* The multiplicity and overlapping of support and funding to the justice sector.
* The increase in the number of fugitives to the Israeli areas and the Israeli non-response to the hand-over demands.
* Lack of PNA control of the borders and its weak ability to control borders, apprehend wanted people or prevent wanted people from travelling.
* Weakness of legal aid means at the reciprocal and international levels which impeded the exercise of legal authority and the enforcement of judgments.
* The lack of Palestinian jurisdiction over the Israelis and Palestinians holding Israeli IDs who commit crimes in PNA territories.
* Diminished Palestinian jurisdiction due to the division of territories to A, B and C.
* The inability of the annexed legal protocol of the Oslo agreement to respond to the requirement and needs of building the Palestinian state.[[37]](#footnote-38)

The above factors are amplified by the fact that the PNA in fact controls less than 40% of the West Bank.

While no single programme or institution is capable of adequately addressing all of these challenges, since the Oslo accords, various stakeholders have undertaken a number of initiatives aimed at improving the administration of justice in the oPt and the quality of rule of law among Palestinians.

*Previous and parallel efforts to strengthen justice sector*

Early on, while the PNA’s focus was directed elsewhere, the judicial institutions did not receive the kinds of support and funding they needed; combined with the obstacles imposed by the occupation and a lack of functional sovereignty, these factors resulted in an unsuitable rule of law environment.[[38]](#footnote-39)Today, the situation has changed fundamentally, and for the better: as evidenced by the Programme of the Thirteenth Government and the successive National Justice Sector Strategies, the PNA is determined to build the rule of law.[[39]](#footnote-40)

This commitment goes beyond rhetoric and planning documents. Spending on the justice and rule of law sector has increased substantially in recent years, especially with regards to infrastructure, including construction of court complexes, establishment of specialised courts, magistrate courts and public prosecution offices.[[40]](#footnote-41)Other funds have been or will be committed to further develop administrative systems and internal processes in order to increase the efficiency and responsiveness of justice sector institutions.[[41]](#footnote-42) The government has also prioritised the creation of legal aid mechanisms as well as mechanisms for ensuring that justice is administered in keeping with international human rights norms and standards.[[42]](#footnote-43) Finally, the government has worked with NGOs and the media to increase transparency, public outreach, and human rights awareness.[[43]](#footnote-44)

The results of these and other early efforts were tangible and measurable. For example, the number of investigation and criminal cases and the rate of disposed cases increased considerably in 2008 compared to the previous years.[[44]](#footnote-45) According to the HJC, trial-level courts adjudicated 67% more cases in 2009 than they did in the preceding year.[[45]](#footnote-46)

After years of experience working within the confines of the challenges outlined above, and drawing on the lessons from the progress that had already been made, the PNA was ready to move forward into a new stage of development of the justice sector. To that end, the 2011-2013 Justice and Rule of Law National Strategy identified four broad strategic goals to be pursued in roughly the same time period as the programme:

* Ensuring respect for human rights, fundamental freedoms and rule of law;
* Ensuring fair trials;
* Supporting, developing, and enhancing justice sector institutions; and
* Developing, harmonising and modernising legislation.[[46]](#footnote-47)

These goals are broadly in keeping with the comparative advantages of the UNDP with regards to development in the rule of law context. Indeed, UNDP was not absent from the justice sector reform efforts even in the early years. As early as 2004, UNDP/PAPP worked with the PNA to improve the quality of the justice system, with a focus on developing the institutional capacity of the HJC and the AGO.[[47]](#footnote-48)

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

Against this background, in 2009, a mission of the UNDP/BCPR recommended that UNDP/PAPP implement a more comprehensive programme for the justice sector through significant and substantive changes in the scope, structure and size of its interventions. To that end, UNDP/PAPP’s Rule of Law & Access to Justice Programme was put in place with the explicit goal of **strengthening the institutional capacity of the Palestinian justice system to uphold the rule of law and improving access to justice through legal empowerment of the poor and disadvantaged**.[[48]](#footnote-49) This was to be done by increasing both the *supply of* and *demand for* formal justice by extending support for institutional capacity development to the main Palestinian justice sector institutions and by putting in place a comprehensive access to justice strategy engaging actors at all levels, including the PBA, civil society organisations and academic institutions.

The programme was designed to be implemented over a three-year period. Implementation started in June 2010; thus, implementation has spanned 2.5 years. Since 2009, it has attracted funding in excess of USD 20 million, with critical support from the governments of Canada, Sweden and the Netherlands, as well as UNDP/BCPR. It is considered a flagship programme for UNDP/PAPP and is a substantial part of the UNDP/PAPP’s governance portfolio.[[49]](#footnote-50)

In order to achieve the above-defined goal, **five key outcomes** were formulated for the programme at its inception:[[50]](#footnote-51)

* Outcome 1: Capacity of rule of law institutions strengthened;
* Outcome 2: Access to justice at local and grassroots levels enhanced;
* Outcome 3: Gender and juvenile justice improved;
* Outcome 4: Rule of law in the Gaza Strip initiated; and
* Outcome 5: Confidence-building amongst stakeholders promoted.

Efforts to achieve these outcomes on the “supply” side have been geared towards strengthening the institutional capacity of the Palestinian Ministry of Justice as well as other justice sector institutions; expanding the scope and breadth of existing legal literacy and legal aid programmes; improving gender and juvenile justice conditions; and exploring modalities for engagement with the informal justice system(s) and their linkages with the formal system. On the “demand” side, assistance is being provided to support networks of legal professionals and to enhance public confidence in the justice system.

It is important to note that UNDP entered the justice sector in the oPt as a relative latecomer and chose not to duplicate the initiatives of other donors.[[51]](#footnote-52)This drove UNDP to focus on the Ministry of Justice that had not yet been targeted by other donors to any substantial degree: the programme was specifically designed to support the MOJ in the wake of the 2006 elections and its relocation from Gaza City to Ramallah; the development and implementation of a National Justice Sector Strategy and the achievement of the targets of the Programme of the Thirteenth Government. As discussed in more detail below, the MOJ has continued to face political challenges vis-à-vis the HJC and the AGO. This is indicative of many factors at the political-level that continue to impact upon UNDP’s implementation of its programming on a day-to-day basis. Beyond this, the protracted Israeli occupation continues to stress all PNA institutions.

# Evaluation Findings

## Impact and Effectiveness

***Overall Impact***

Overall, it appears that UNDP/PAPP’s Rule of Law & Access to Justice Programme, in synergy with other UNDP initiatives, has resulted in impact across the five outcomes and advanced the key goal of the programme as expressed in the UNDP Strategic Plan: “Effective, responsive, accessible and fair justice system established, promoting both formal and informal rule of law mechanisms with particular attention paid to women and the most marginalised and vulnerable.”

By any measure - and indeed, by the standards the programme set for itself - UNDP and its partners have made progress towards achieving the five outcomes since mid-2010. At the beginning of the programme, the key justice institutions such as the MOJ and the HJC were operating well below capacity, few systematic efforts were made with regards to training for legal professionals, and legislative activity was low.[[52]](#footnote-53)

Access to justice and public respect for the rule of law was significantly hindered by the absence of strong legal aid programmes and a concerted public relations effort to improve awareness of and respect for formal justice institutions.[[53]](#footnote-54) When the programme began, there was very limited institutional support for the special needs of women and juveniles, and no comprehensive picture of the way the law affected gender and gender-based violence issues.[[54]](#footnote-55) In Gaza, efforts to improve access to justice in the face of enormous political and resource obstacles were almost non-existent.[[55]](#footnote-56)Among institutions, and between the institutions and the public, distrust, miscommunication and misunderstanding were deeply entrenched.[[56]](#footnote-57)

Today, the landscape is dramatically different, and programme can be credited for contributing to change in both justice institutions, levels of access, gender equality and the strengthening of civil society. As detailed below, the capabilities of the key justice institutions (including legislative capabilities) have been greatly expanded through UNDP supported training and education programmes, as well as by embedded experts and improved legal infrastructure funded by the programme.[[57]](#footnote-58)The provision of legal aid and coordination between legal aid providers and the state have been significantly improved, and efforts have been made to inform the public of their rights and their ability to protect them through formal justice mechanisms.[[58]](#footnote-59)

A comprehensive study of women’s rights in relation to existing legislation has been carried out with UNDP support, and ground-breaking programmes have been instituted to increase the capacity of justice and security institutions to address the needs and rights of women and juveniles.[[59]](#footnote-60)

In the Gaza Strip, rule of law activities have been implemented within the constraints of the early recovery framework, primarily through the expansion of legal aid and public education, as well as by improving the skills of justice sector professionals such as lawyers, law students, and community leaders.[[60]](#footnote-61) Confidence of - and confidence in - civil society has been raised considerably through a well-funded and strategic CSI, and objective metrics to track public perceptions and justice services have been developed and implemented. Through efforts of the programme, the relationship among the key justice institutions and between those institutions and the public has been greatly improved.[[61]](#footnote-62)

The Programme Document is broad in scope. To its credit, UNDP has attempted to service all of the sub-outcomes of the Programme Document, which is largely in conformity with what the donors themselves had requested that UNDP do. Going forward, UNDP may want to explore how it can make the programme’s second phase more strategic in nature. This could take the form of consolidating one or more of the existing outcomes (i.e. those that overlap with civil society organisations and/or legal empowerment); adding new outputs (i.e. in military justice or working with *shari’a* courts); and strengthening its support of CSOs serving Palestinian communities in Area C and East Jerusalem.

***Impact across the five key programme outcomes***

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

*Output 1.1: Capacity of the Ministry of Justice reviewed and strengthened*

The MOJ has been the primary institutional beneficiary of UNDP support under the programme. This support has been aimed at enabling the mission-critical institution to functionally meet its core mandate and responsibilities following a series of setbacks that resulted from external events.[[62]](#footnote-63)Historically, the MOJ, like all justice sector institutions, faced stiff competition for resources from the security sector. Even within the justice sector, the MOJ often received less attention, funding, and assistance from donors relative to the HJC and the AGO.[[63]](#footnote-64)In the midst of this challenging struggle for resources, the Gaza-based MOJ received a crippling blow following the 2006 elections, when it was forced to essentially re-establish itself in the West Bank with new, untrained staff and fewer resources.[[64]](#footnote-65)

Against this difficult background, UNDP made the conscious decision to use programme resources to act early and decisively to bolster the key functions of the MOJ. This decision appears to have been well conceived, given the MOJ’s relatively weakened position in 2009.

According to the Deputy Minister of Justice, the MOJ before 2010 took the lowest priority among all justice institutions in terms of budgetary resources. It had no more than 15% of current staff and was able to conduct no more than two trainings per annum and one workshop (funded by USAID). Additionally, many units and departments were incapacitated as result of no staff to operate them. At the time the Programme of the Thirteenth Government was launched, the absence of a planning unit deprived the MOJ from obtaining any funding (in fact, it’s the only ministry that didn’t get any financial support before 2010).

UNDP has proved itself to be a valued partner of the MOJ. According to the Deputy Minister of Justice the second foundational period of the MOJ began with the UNDP conference held in Jericho in March 2010 that laid the foundation for a continuous process of partnership building since. UNDP’s early strategic evaluation of the assets of the MOJ effectively assessed the status of personnel and their skills, as well as gaps. The current Minister of Justice confirmed that UNDP’s work had significantly improved the capacity of the MOJ.

When assessing UNDP’s impact it is important to remember that many factors relating to the MOJ and its jurisdiction and mandate remain at the political level. This has been a moving target throughout UNDP’s support and ambiguity in the legal framework itself continues to be the key cause of the politicisation of mandates. As of 2012, the situation had moved politically from an overt confrontation between the institutions to a more underground confrontation. Additionally, the situation with the MOJ, the HJC and the AGO is impacted by the absence of two other justice institutions: the Constitutional Court and the PLC.

UNDP’s position is that it should not cast itself as an arbiter of this debate. Rather, it has viewed its role as creating opportunities for national actors to resolve this and, unfortunately, these actors have not always been able to come to the table at the political level. Admittedly, if UNDP had weighed-in with a particular position in mind, then it could’ve been very difficult for UNDP to have maintained its engagement with all three of the justice institutions simultaneously. Yet, at the same time, UNDP could possibly have developed(at least internally) a more coherent vision of what *UNDP believed* should be the appropriate allocation of powers between the three judicial institutions and held out alternative models to be considered. UNDP could have made more of its convening role in trying to bring the institutions into greater dialogue and brought its vast in-house reserves of senior technical legal expertise to bear upon this debate.

Based on an in-depth joint capacity assessment, UNDP took a highly flexible approach: funds were made available to the MOJ based on UNDP procedures for developing an institutional partnership. UNDP mobilisation of funds gave the MOJ an opportunity to solve many programmatic issues that they wouldn’t have been otherwise able to face (i.e. the educational programme with Birzeit University; the *Al-Muqtafi* database, continuing legal studies diploma, etc.).These were pioneering projects for the MOJ. UNDP has at times found itself constrained by internal politics but overall, UNDP has been able to introduce many concepts and new processes.

UNDP support to the MOJ has also built its capacity to shape and direct its own development and engage with a range of development partners. Initially, the MOJ attracted limited support but at least in part due to the contributions of UNDP (i.e. the Technical Advisory Unit’s work on donor coordination) the MOJ is now in a much better position to interact with donors. Yet, its operations and sustainability are currently being undermined due to the PNA’s financial situation that may impede the MOJ from transitioning more UNDP-funded staff and experts to regular civil servant positions. The MOJ is at the end of the day still forced to compete with the other justice institutions for donor support. The continued separation between the West Bank and the Gaza Strip has continued implications for the MOJ. Indeed, 82 staff based in Gaza are still being paid and Hamas established its own MOJ.

UNDP staff undertook a comprehensive joint capacity assessment, which has served as the basis for future capacity-building initiatives.[[65]](#footnote-66) The capacity assessment recognised an urgent need to strengthen the capacity of the MOJ’s middle management; particularly in relation to core legal advisory and drafting functions. Notwithstanding the new 15-point plan put forward by the new Minister of Justice, the MOJ is (still) fully committed to implementing the joint capacity assessment recommendations and continue to programme to the strategy developed with donor support.

*Quick Impact Fund/Stabilisation Fund*

In particular, the Quick Impact Fund put in place by UNDP enabled the MOJ to hire much-needed staff, pay for operational support, and bring in short-term expert consultants to focus on specific areas of need, including legal aid, gender and juvenile justice, planning, M&E and communications/media. Stakeholders acknowledged the value of the fund, particularly in light of the fact that most donor focus was elsewhere while the MOJ struggled.

In order to perpetuate and deepen the effects of the Quick Impact Fund, a Stabilisation Fund was established by UNDP, in particular to provide the MOJ with expert staff.[[66]](#footnote-67)Today, the once-gutted Ministry has 131 staff, 30 of whom are supported by UNDP funds.[[67]](#footnote-68)The vast majority of those persons hired with Stabilisation Fund resources are still working at the MOJ and enhancing its overall capacity (only about 15 or 16 persons’ contracts ended in December 2012). As of 2012, the MOJ had succeeded in transitioning eight of these positions to permanent contracts - speaking to the increased level of sustainability of UNDP’s support.

Furthermore, the evaluation confirmed that all MOJ personnel whose posts were funded by the Stabilisation Fund were subject to a rigorous application and interview process. UNDP and the MOJ went to great lengths to ensure that the process of appointments was shielded from political capture.[[68]](#footnote-69)

As part of the evaluation, the independent consultant requested that the MOJ assemble a chart listing each position funded by the Stabilisation Fund; the main activities of each funded staff member during year 2012 and how each position has contributed to the work of the MOJ. This chart, which is a first for the MOJ, is annexed to this report. It is significant from a number of perspectives all of which speak to the impact of UNDP’s support to the MOJ. First, the chart was completed by staff members *self-reporting* their own activities. The fact that the staff members can account for the impact that they are making speaks to a high level of integration of these staff members within the Ministry. Second, from a substantive perspective the chart documents the impact that these staff members are having across a *broad spectrum* of the MOJ’s work - with a clear emphasis on increasing communication within the Ministry, developing and modernising office systems, payment systems, filing and record keeping and service delivery to citizens.[[69]](#footnote-70) Third, the chart is *supporting evidence* that UNDP supported training have had a positive impact upon the work of staff members.

*Embedded experts at the MOJ*

Apart from its early efforts to help stabilise the situation at the MOJ, the programme has also implemented specific projects aimed at developing the longer-term capabilities and responsiveness of the Ministry, primarily in the areas of expert advice & training, technical support, and assessment. The programme made it possible for UNDP experts to be embedded in the MOJ to assist with general coordination as well as topic-specific input, including a rule of law advisor, a policy advisor, a monitoring and evaluation expert, a legal aid expert, a communications/media expert to build a justice information centre and a gender and juvenile justice expert.[[70]](#footnote-71)This is the first time that any programme had placed specialists within the MOJ.

UNDP seconded experts have served as embedded technical advisors within the MOJ, the HJC and the AGO. These seconded experts have fulfilled a number of functions and while these mechanisms of communication remain most intense between the UNDP seconded experts at the justice institutions, the evaluation’s survey of MOJ staff and interviews indicate that many MOJ staff are regularly communicating with their counterparts at the HJC and the AGO.

UNDP worked to improve institutional performance system-wide by focusing support on the Technical Advisory Unit at the MOJ, which provides support on strategic planning, project management, human resource development and donor coordination.[[71]](#footnote-72)This emphasis was well placed, since the “big picture” role of focal points like the Technical Advisory Unit enables them to identify systemic problems and effect broad changes.

Having a single point of focus for institution-wide issues is especially critical for institutions like the MOJ, since such focal points can help to manage the burdens of compliance with donor solicitations, monitoring and reporting - leaving functional departments free to focus on their core mandates. Yet the services of the Technical Advisory Unit have been at times underemployed as a result of inadequate internal communications and misperceptions about the role of the Technical Advisory Unit.[[72]](#footnote-73)

Working hand-in-hand on a daily basis with Ministry employees, UNDP’s Rule of Law Advisor has led a participatory institutional capacity assessment process that is truly owned by the Ministry of Justice.[[73]](#footnote-74)Efforts have also been made to make formal training available to MOJ employees, primarily through a partnership with Birzeit University’s Institute of Law and Centre for Continuing Education.[[74]](#footnote-75) The MOJ, UNDP, and Birzeit University have worked together to develop a comprehensive training strategy to provide on-going training for MOJ employees.[[75]](#footnote-76)

UNDP experts have contributed to the MOJ’s ability to respond to and prevent the interference of the security forces in the lives of Palestinians. For example, UNDP experts successfully lobbied for a change in the procedure of applying for civil service jobs. Formerly, all applicants for a civil service position were required to undergo a security check. Now, as a result of UNDP’s successful advocacy, such candidates only need to obtain a “certificate of non-conviction”. This legal “victory” translates into a significant reduction in the ability of the security forces to interfere with the lives of Palestinians. This is a direct impact of the programme on advancing not only the MOJ’s capacity, but also access to justice and human rights in the oPt.

UNDP was also able to contract an expert to undertake a study documenting the specific ways that Israel’s movement and access restrictions hinder the functioning of the Palestinian justice sector. The goal is for this study to provide an empirical basis for the MOJ to use as it looks for ways to provide much-needed justice services in Areas B and C.[[76]](#footnote-77)The Deputy Minister of Justice chairs the Joint Legal Committee delegation that might be a basis of coordination in this area.

UNDP’s experts have also significantly advanced MOJ’s work on gender. During 2011,the MOJ signed a MOU with the Ministry of Women’s Affairs to effectively combat violence against women pursuant to the National Strategy on the Eradication of Violence Against Women. A variety of units and departments within the MOJ are now better aligned to the PNA’s Gender-Based Violence Strategy as a result of the work of the embedded gender and juvenile justice expert. The MOJ is now in the process of putting in plan a strategy to address access to justice for women and juveniles. The UNDP expert is communicating closely with the HJC, the AGO as well as MOWA and MOSA.

Since 2011, the gender and juvenile justice expert has been examining how the MOJ can become more gender responsive. A key ongoing challenge at the MOJ is to retain staff who are qualified to work on gender justice. UNDP has been trying to work with MOJ to achieve dedicated resources. As part of the Legal Skills Diploma discussed below, UNDP experts have trained MOJ staff to become responsive to gender. In 2012, UNDP effectively convinced the AGO to incorporate gender elements in its work plan for 2013. The donor relations officer at the AGO has also effectively liaised with the gender and juvenile justice expert based at the MOJ for this purpose. UNDP support to gender legislation is discussed under outcome 3.

The Minister of Justice suggests that going forward, developing the capacity of legal staff working in different government institutions is a critical priority. Currently, there is a weakness in the administrative decision-making abilities of the top officials because the system lacks strength and decisions are challenged and contested and then reversed in the courts.

For the first time, the MOJ has suggested that its role should include developing the legal capacities across different departments and institutions. This can be done by: holding specialised workshops and seminars on legal and advisory matters, creating solid mechanisms and standard operating procedures; and harmonising the administrative decision making process to ensure soundness of decisions. UNDP can continue to support training activities and help create standards, criteria and indicators as well as standard operating procedures. In fact, the programme already contributes to this goal through offering the Legal Skills Diploma to legal staff from other ministries. This would also be a good mechanism for continuing cross-ministry capacity building in the second phase.

*Output 1.2: Support to the MOJ to lead the drafting of a new justice sector strategy provided*

Work on the justice sector strategy had already begun before the Programme Document was signed. However, UNDP has made an effort to align its programming with the Strategy during the programming period. UNDP experts advised the Technical Advisory Unit at the MOJ to design a new strategic plan for 2012-2014. A ten-day workshop was held in Jericho for this purpose, followed by consultative workshops with both middle management and executive staff wherein UNDP succeeded in collecting their views and participation in drafting the strategic plan. The strategic plan is especially important for the work of the legal units at the MOJ, as they previously had no planning tools.

The other aspect of the contribution of UNDP is that the plan for capacity building was developed. This resulted from a highly participatory process involving the widest possible spectrum of stakeholders. UNDP advisors held bi-monthly meetings and were in daily contact by phone to establish close working relationships with other justice actors. UNDP has also hosted plenary team meetings and justice sector coordination meetings. Although initially these were heavily focused on the MOJ, this has evolved to include cooperation with the HJC and the AGO.

The new Minister of Justice has recently presented a 15-point reform package submitted to the Council of Ministers including areas such as the establishment of constitutional and administrative courts and introduction of legislation to regulate the judicial sector including the judicial authority. This is contained in a package of law: court formation law and criminal code and criminal procedural codes. This also includes enforceable amendments to the Judicial Authority law. There are some conceptual amendments to this law including recommending a further enhanced relationship/partnership with civil society, a more developed military judiciary and termination of the military prosecution of civilians, developing the *shari’a* judiciary or family courts that need to be updated. A key question for UNDP and donors, however, will be to what extent the new 15-point plan departs (if at all) from the strategic plan for which donors spent substantial resources developing.

*Output 1.3: Implementation of the MOJ’s ‘Justice for the Future’ project ensured*

The discussion of output 1.1 touched on training for existing MOJ staff, which is essential for meeting current needs of the justice apparatus. In the longer-term, however, Palestinian society will need well-trained young legal professionals to ensure the permanent effectiveness of the MOJ and of the justice sector at large. At present, the MOJ and other institutions suffer from a lack of qualified personnel serving in the judiciary, and training programmes have not historically been well coordinated or properly financed.[[77]](#footnote-78)In recognition of this fact, the current National Development Plan calls for a consolidated strategy to improve the technical skills of the judicial and legal professions, including the introduction of more formal and specialised training requirements.[[78]](#footnote-79)

In order to meet these important long-term needs, the MOJ launched its “Justice for the Future” project, an initiative aimed at fostering the next generation of high-quality legal professionals through academic scholarships, professional training and legal internships. As part of the first batch, 30 students from disadvantaged socioeconomic groups that are currently underrepresented in the legal profession participated in the project.[[79]](#footnote-80) While this project was launched in the West Bank (with students receiving internship placement directly within justice institutions there), plans are in place to launch a similar project in the Gaza Strip.[[80]](#footnote-81)This is significant, when one considers that at the outset of the programme, the HJC and the AGO had previously been resistant to the idea of accepting interns in connection with a UNDP supported MOJ project. UNDP seconded experts at the HJC and the AGO played a key role in facilitating this process.

In a similar vein, UNDP also supported three universities’ efforts to place law students with legal aid organisations in disadvantaged communities, enabling the students to obtain valuable practical experience while learning about the specific needs of the poor and marginalised, and ways in which the law can be applied to alleviate the deprivations they face.[[81]](#footnote-82)

In conjunction with the evaluation, UNDP assembled a focus group discussion involving 16 beneficiaries of the “Justice for the Future” project with the purpose of evaluating the initiative from the students’ perspective; discussing how the students had benefited from the project and how the project could be improved (out of the participants 5 completed internships with the MOJ, 6 at the AGO including district offices and the rest at the HJC including in the district courts). Overall, participants strongly agreed that the project had enhanced their knowledge and understanding of how the three core justice institutions work. The internships provided an opportunity to obtain valuable experience within a justice institution.

The practical training had the largest impact in increasing the awareness of students in relation to the functions and work of the core justice institutions. A key strength of the training was that it matched practical with theoretical aspects. The training also contributed to developing legal and administrative skills that equipped the students for their internships. Overall, the courses provided information that was very relevant and specific to the realities of working within justice institutions; thus they were felt to be of real benefit to the students.

In relation to the training aspect of the programme, participants were asked to estimate what percentage of all knowledge they had gained throughout a lifetime of learning, they had acquired from having undertaking the “Justice for the Future” courses. The average response was 20%, which is quite a high percentage of total learning that participants’ attribute to the “Justice for the Future” courses provided.

Participants were also asked to gauge the degree of positive or negative impact that participating in the project had brought to them overall, taking into account personal, academic and professional development dimensions of their participation and taking into account the financial support, training and internship aspects of the project. Participants estimated that approximately 40% of all learning, personal satisfaction and professional development opportunities they had received throughout their lives, had been realised via this programme. Thus overall, participants highly value the programme and feel that it has made a substantial contribution to their lives by providing them with opportunities they otherwise would not have had.

On a personal level, students felt that they had benefited from the project because they had acquired skills in areas such as organisation, interpersonal skills and communication which they felt would be useful in whatever job or field they chose to work. They also felt that being selected to be part of the project had given them a personal ‘morale boost’ and given them more confidence and energy for their studies.

All of the students present had performed well academically (this needs to be independently confirmed through university records). Students felt that having been awarded a scholarship motivated them to succeed academically in order to make the most of the opportunity being provided. The project contributed to the ability of the students to study diligently and achieve strong academic results by providing an appropriate environment and support for study by reducing the pressure of tuition fees. Participants confirmed that the financial support had made the difference as to whether or not they were able to continue with their law studies. The lump-sum helped to pay for tuition and contributed to living costs that freed the students to better concentrate on their studies.

Many of the students agreed that the payment system via the university finance departments was very slow and cumbersome. Lump-sum payments had generally been delayed especially in relation to Al-Quds University and An-Najah University, although the situation was somewhat better with Birzeit University. Students felt strongly that it would be better to pay each of them directly rather than via the university administrations. A small number of students have still not received the full payments and a meeting is needed with Al-Quds University to sort this out as soon as possible.

Participants suggested that some of the trainings were still too theoretical and not practical enough in nature. Participants suggested that the courses and trainings should be intensified and run better, in terms of the coordination between the training venues and the MOJ. Some transportation costs to and from the courses had not been paid. There were four scheduled trainings that were not completed during the course of the academic year. Participants urged that these still be completed. Participants felt that using Facebook was a good way of staying in touch with the students throughout the project, although most participants felt that more face-to-face meetings between the students and the project coordinator would benefit them and the project.

In terms of the internships, while the students felt they had offered them very valuable opportunities, it was the first year of the project and so the justice institutions weren’t equally equipped to absorb the students and provide them with meaningful work experience and learning opportunities. Participants reported varied experiences. Some received adequate supervision and support and others found that they had to try to carve out a role for themselves, which was not always easy.

*Output 1.4: Development and implementation of a legal aid policy supported*

UNDP has played a crucial role in moving the justice actors and from a point of virtually zero discussion of concepts of legal aid in 2010 to an extremely robust debate involving all justice sector actors on how best to address this issue. In response to a clear need for a more cohesive legal aid policy, UNDP worked with the MOJ to develop a comprehensive approach to providing access to justice for under-served citizens. With the assistance of the programme, the MOJ has embedded legal aid experts; a new Legal Aid Unit; a mapping study of PNA-provided legal aid; a strategy for engagement on legal aid; and a draft legal aid law at the national level.[[82]](#footnote-83)

In large part due to UNDP support, legal aid is now a critical focus of the MOJ and the PNA at large. The government has recognised the need for improved mechanisms for delivering legal services and advice so that citizens can have more equitable and reliable access to justice.[[83]](#footnote-84) According to a 2011 UNDP study, current government-provided legal aid services still lack coordination and regulation, and are largely *ad hoc* in nature.[[84]](#footnote-85)According to the Deputy Minister of Justice, legal aid will be a continuing priority in 2013. The rule of law conference scheduled for later this year is hoped to be a turning point for this issue.

UNDP has also supported the process of passage of the Legal Aid Law that guarantees a right of free criminal defense in certain categories of crimes (felonies and misdemeanours carrying sentence of one year or more) in a reliable system funded by the PNA. According to UNDP, the draft law is still not in compliance with international standards and UNDP has argued for legal aid to be available at all stages of the criminal justice process (i.e. police detention; pre-trial custody, etc.) and that definitions of eligibility be expanded to victims of crime and priority civil areas such as *shari’a* court proceedings and housing, land and property violations related to the Israeli occupation. Aside from eligibility of cases, there are also issues around the exclusion of CSOs in both the development of the draft law and from the board established under the draft law plus also issues around who is eligible to be a legal aid provider (at present it assumes only private lawyers but not CSOs or even PBA lawyers employed by CSOs and no consideration given to university clinics. Many CSOs have not engaged heavily on issues related to the draft law as yet.

There is a clear need for MOJ to more carefully consider the sustainability issues of such a legal aid system and take into account international best practice and models. As of 2012, UNDP’s work with the MOJ and the PBA had begun to create the beginnings of a *pro bono* legal culture in the oPt. UNDP’s support to the “Justice for the Future” project and law clinics is also part of this process. Going forward, more work needs to be done on how the legal profession *itself* can contribute to sustainability, with issues of oversight and quality control of *pro bono* assistance being critical.

There remains very little free legal aid in the oPt. According to the 2011 UNDP study, the number of beneficiaries is still very low. The Legal Aid Law, however, has not yet been enacted.[[85]](#footnote-86)UNDP’s recent support to the national legal aid conference has helped to galvanise the MOJ and other rule of law stakeholders around the draft law and laid the foundation for a comprehensive strategy on free legal aid going forward. The key recommendation of the conference was that a national committee on legal aid be established to develop a national legal aid policy.

The work of the human rights unit at the MOJ has also been supported by the programme. The unit has a role in monitoring places of detention. While other donors such as Italy have engaged in capacity building for prisons in the oPt, it did not lead to durable results. Thus, the prisons inspection function of the human rights unit could be a possible area of heightened engagement going forward, as this involves a point at which the civil justice and the military justice systems intersect.

*Output 1.5: Legislative drafting skills enhanced*

The complex legal history of the oPt, combined with the effects of the Israeli occupation, has created an intricate, overlapping and confusing (if not conflicting) system of laws. Historically, British Mandate laws, Jordanian laws (in the West Bank), Egyptian laws (in the Gaza Strip), Israeli military orders, and even centuries-old Ottoman law have been layered on top of one another, making it difficult to establish a clear baseline for the rule of law.[[86]](#footnote-87)

The absence of a functioning PLC has meant that the process of developing and enacting legislation has become largely *ad hoc*, making it difficult for the MOJ to contribute effectively.[[87]](#footnote-88)This is one of the major challenges to governance in the oPt, and the national government has prioritised a comprehensive review of the oPt’s legal codes with an eye towards the implementation of a plan to ensure modernisation and consistency of legislation.[[88]](#footnote-89)Under these circumstances, it has been the MOJ that has assumed the role of a legal reference body for the PNA.

In an effort to build the capacity of MOJ legal staff and other ministries’ abilities to draft legislation and effectively administer their institutions, UNDP developed a Legal Skills Diploma in partnership with the Birzeit University’s Institute of Law. This created a stable educational and training environment and was the first long-term programme of its kind in the oPt. All previous ones were *ad hoc* and seasonal. The aim was to put those underdeveloped staff back on track by providing them with high quality training. This programme has given strength to bridge all the gaps in the training of the previous period to bring staff up to standards other core justice institutions have achieved. It is important to note that the Legal Skills Diploma also addresses administrative skills: the MOJ is a ministry of law but it also requires strong administrative capacity to build ‘legal leadership’.

As part of the evaluation, UNDP assembled a focus group comprised of 16 respondents from the Legal Skills Diploma as well as the Legislative Drafting Diploma and the Middle Management Certificate in order to document the impact of the initiative on their work. The participants confirmed the benefit of the UNDP supported training in their work at their respective units and departments.

The training was reported by beneficiaries to be practical in nature. It was generally perceived to be effective, interesting and valuable; however, there is room for improvement. At least one legal advisor at the MOJ stated that he felt that the materials could have attained an even higher level of detail - especially given the fact that he already possessed an LL.M. degree. Overall, the legal team praised the programme as having upgraded their legal research and writing skills. Other participants in the training, (i.e. a specialist from the Joint Legal Committee and a forensic pathologist) stated that the legal training had helped them to understand the criminal justice system better.

Members of the focus group from the Middle Management Certificate all stated that the training had greatly improved their communication, negotiation and writing skills, increasing their ability to communicate more effectively within their own ministries and with other governmental entities. The Head of the Gender Unit at the MOJ reported that she had taken part in the Legislative Drafting Diploma course that had enabled her to cope with legal tests and to prepare legislative impact statements. Other trainings were held for staff members on computer fundamentals and English language that now enables them to communicate more effectively in English and research comparative legal materials more quickly.

At a substantive level, UNDP staff have been engaged with the creation of a number of substantive laws, including a new draft Palestinian Penal Code.[[89]](#footnote-90)The MOJ itself in 2012 alone contributed to the drafting of 24 laws and 16 regulations. The UNDP rule of law advisor made a major contribution to many of these laws, as did UNDP’s gender and juvenile justice expert. UNDP also utilised two Stabilisation Fund financed lawyers in the MOJ unit responsible for drafting for this purpose resulting in a considerable contribution to the MOJ’s legislative drafting capacity. It is also clear that UNDP seconded experts worked closely with the MOSA to help develop the Juvenile Justice Law, the Law to Combat Violence Against Women, as well as provisions abolishing some aspects of ‘honour crime’ as a defense for murder in the Penal Code.[[90]](#footnote-91)

The MOJ has also, with UNDP support, developed a legislative plan that has now been approved by the Council of Ministers. A UNDP seconded expert to the MOJ was the main author of a legislative drafting manual as part of an OECD funded project that involved a consolidation of the legislative process. With UNDP support, the MOJ involved legislators in a training pertaining to other countries’ legislative procedures and five study tours took place (Jordan, Egypt, United Arab Emirates, United Kingdom and Germany). These study tours are perceived to have increased the legislators’ capacities, particularly in relation to rehabilitative approaches to juvenile justice and non-custodial sentencing.

UNDP seconded staff also assisted the MOJ amend eight laws; the most important of which are the criminal and civil procedure laws; the Law for the Establishment of Courts and the draft Penal Code. As of 2012, these laws are serving as a basis for access to justice in the oPt. All the draft laws supported by UNDP are now before the executive ready to be adopted. UNDP urged the new Minister of Justice to consult with the justice sector on his vision (i.e. the 15-point agenda). A key criticism of the justice institutions, CSOs and donors is that the minister didn’t consult on the 15-point plan.

Perhaps most importantly, the programme supported long-term technical initiatives that will impact legislation in the future, such as Birzeit University’s *Al-Muqtafi* website, which serves as a central repository for Palestinian legislation, case law, and expert opinions.[[91]](#footnote-92)These kinds of broad information resources are a fundamental element of any sustainable modern justice system; common standards are equally important technical goals.

The average daily users of the *Al-Muqtafi* website, as well as average daily hits, have continued to steadily increase since 2010.These numbers are expected to increase by around thirty percent by the end of the programme’s first phase, as family courts’ judgments have been added as well. In addition, the project has adopted the Akoma Ntoso standard, which is a system for better classifying and organising all the materials on the database for their ease of use for the public.

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| --- | --- | --- | --- |
| ***Al Muqtafi* website** (source: UNDP survey) | | | |
| *Year* | 2010 | 2011 | 2012 |
| *Average daily users* | 1,477 | 1,580 | 1,702 |
| *Average daily hits* | 197,000 | 216,000 | 248,000 |

The evaluation also captured a number of testimonials from justice sector institution staff, private lawyers, academia and civil society attesting both to the popularity and utility of the *Al-Muqtafi* website. Lawyers report using *Al-Muqtafi* on a daily basis and attest that the database has allowed them to research statutes, court decisions and sentencing guidelines pertaining to their cases and clients (see annex). The existence of such databases also substantially contributes to public awareness of the law and provides an open window to the entire world on the jurisprudence and legislation of the PNA.

*Output 1.6: Raised public awareness with regard to the work of MOJ and increased access to relevant legal information by the public*

A lack of public trust is an endemic result of the challenges faced by the MOJ and the justice sector as a whole.[[92]](#footnote-93) In order to stimulate public awareness on rule of law issues, the MOJ has established a Justice Information Centre to serve as an information and public relations resource for the justice sector as a whole. With UNDP’s support, it has already become remarkably productive, having conducted trainings for journalists; produced regular press releases and television programmes; launched a justice sector magazine; disseminated legal research and brochures on the Ministry’s public services; and set-up a new user-friendly, regularly updated website. The impact of these efforts is clear: monthly visits to the MOJ website jumped from an average of 7,345 hits per month in 2011 to an average of 16,164 hits per month in 2012.[[93]](#footnote-94)

The Minister of Justice notes that the MOJ is turning from an administrative institution to a more service-orientated ministry. Currently the MOJ provides five key services:

* Authentication
* Justice records (certificates of non-conviction)
* Forensic medicine
* Certification of arbitrators
* Certification of translators.

UNDP was responsible in part for an improvement that occurred in the authentication of justice records at the MOJ (as a result of the work of three lawyers provided by the Stabilisation Fund), as well as groundwork in the forensic medicine capabilities of the MOJ (via an autopsy technician provided to the Department of Forensic Medicine by the Stabilisation Fund). Going forward it will be important to enhance MOJ’s outreach to the public by enhancing the quality of these services.

*Output 1.7: Capacity of the Attorney-General’s Office strengthened specific to planning capacity*

The AGO based in Ramallah oversees twelve district offices in the West Bank. The chief substantive function of the AGO is to review case files after completion of an investigation (i.e. to look at the final indictment in a criminal case) and, at its discretion, recommend that the matter be prosecuted, investigated further or dismissed. The public prosecutor’s role is subordinate to the AGO. The public prosecutor’s mandate is to receive complaints from the public, initiate investigations, build case files, perform interviews and upon determination of probable cause prepare an indictment and send the complete file to the AGO to determine whether or not the case should proceed to trial. Even if the public prosecutor finds that it lacks sufficient evidence, the AGO can still hold the file for later prosecution in the event that more evidence is obtained.

The Palestinian legal community and the laws themselves have tended to lack consistency on whether the AGO is part of the executive or judiciary in its engagement with the development community. The AGO’s gravitation away from the MOJ and towards the HJC raises fundamental questions from a separation of powers perspective. While the Palestinian Basic Law (2003)is not clear on this issue, the Judicial Authority Law (2002) regulates the AGO and provides the legal basis for the AGO being linked to the courts. As of end-2012, it appeared that some form of political intervention from the international community might be required to encourage the MOJ, the HJC and the AGO to agree on their respective spheres of influence and mandates.

UNDP has attempted to remain a neutral actor in this debate, using the justice sector strategy as a reference point and supporting the institutions’ capacities within a continuing climate of tension between the justice institutions. UNDP is the only agency that works with all three institutions.[[94]](#footnote-95)UNDP extracted outcomes from the justice sector strategy and, in conjunction with the donors, redesigned its engagement under Outcome 1 to fit both the HJC and the AGO.

UNDP seconded staff are assigned to the AGO.[[95]](#footnote-96)Since 2009, UNDP has focused on four key outputs: improving the AGO’s planning unit; improving the functionality and operations of the public prosecutors; strengthening the AGOs coordination donors and effectively use donor resources; and building the capacity of the AGO Planning and Project Management Unit (PPMU). UNDP has engaged with the Attorney General’s Office to strengthen its planning capacity. UNDP support to the PPMU has increased the ability of the AGO to recruit qualified staff and channel donor support in a more effective and efficient manner.

In 2010, UNDP experts at the AGO helped with the development of the current justice sector strategy. Prior to 2010, the AGO had no planning meetings. This is one of the first things that UNDP experts at AGO accomplished. UNDP experts also supported the Chief Public Prosecutor and other prosecutors in identifying and quantifying the needs of their district offices in areas of infrastructure, human resources and training. This paved the way for a better utilisation of the support provided by the various development projects that targeted these offices.

The UNDP experts also worked on the functionality of the different units by guiding services and operations. These outputs were organised according to donor projects. As a result, the AGO is now able to more efficiently review the cases it receives from the district offices. Cases are now transported by the MIZAN2 electronic case management system. UNDP experts at the PPMU were closely involved in the process of building and customising MIZAN2 to meet the needs of the AGO. The PPMU mainly directed the project towards investing in experts to customise MIZAN2 to fit the specific needs of the public prosecutor. The process was a result of building on JSAP project experience in Jenin (2009) and on several workshops and peer mentoring sessions between the IT experts and the data entry clerks in the district offices.[[96]](#footnote-97)

AGO had no systematised donor coordination function prior to UNDP’s engagement with the institution, nor was AGO effectively reporting to the PNA on an annual basis. UNDP experts have assisted the AGO to improve the quality and detail of the AGO’s annual work plans and reports. The UNDP experts at the AGO began reporting to the indicators of Outcome 1 of its MOU with UNDP in 2011. The AGO had reported before, but not to clear outcomes. In order to facilitate evidence-based reporting, UNDP experts formulated four detailed sub-outputs that contain much more detailed indicators than the Results Resources Framework contained in the Programme Document. UNDP staff interviewed stated that in their opinion, one of the main challenges for UNDP going forward is to tighten and quantify the indicators of the Programme Document with much more specific targets.

The HJC confirmed that the AGO capacity had improved within the past two years, with more support obtained from donors and better office equipment, training and M&E, etc. Likewise, its performance in courts is markedly better than before with improved case follow-up and management. According to UNDP staff interviewed for the evaluation, the PPMU became an “engine room” at the AGO enabling it to better channel donor resources and supporting three major projects at AGO with a new website, online collaborative workspace and engaging with CSOs on gender and other issues. The PPMU also supported the decentralisation of planning processes and the AGO’s engagement with other justice sector institutions.

Going forward, UNDP should continue to engage with the AGO to build its capacities, while at the same time bringing a heightened level of leadership to the debate in terms of raising sensitive issues such as separation of powers in a constructive dialogue. Arguably, the AGO is the most under-resourced justice institution (despite the claims of the HJC). The workload of prosecutors is very heavy and there is a dire lack of permanent staff to build institutional capacity of admin/finance staff and middle managers.

As of 2012, the continuing challenges for the AGO office include properly staffing its organisational structure with qualified personnel and resources. Another challenge is frequent changes of top-level management: this recently resulted in a three-month vacancy where the former Attorney-General had resigned and his deputy became acting and was then permanently appointed. Additionally, the evaluation observes that the issue of the AGO’s place within the justice system (i.e. under the MOJ or the HJC) should be firmly resolved and debated once and for all. Solving the on-going debate about the position of the public prosecution will allow for greater focus of resource and efforts on the development of the institution and its identity.

*Output 1.8 Capacity of the High Judicial Council strengthened*

*Overall impact of UNDP assistance, support to HJC strategic planning and training of staff*

UNDP’s overall impact upon the courts has been strong. UNDP support to the PPMU at the HJC started in 2008 prior to the establishment of UNDP/PAPP’s Rule of Law & Access to Justice Programme. The HJC was the first institution to have such a department in the justice sector and UNDP played a key role in strategic planning and project management. The PPMU remains the key department in the HJC responsible for strategic planning, donor project and coordination with other justice institutions. Earlier UNDP provided infrastructure support with equipment, etc. UNDP’s assistance is now more focused upon capacitating the PPMU staff.

The idea of seconding UNDP employees to the PPMU was based on the concept or assumption that the UNDP employees could train HJC staff to take their place. UNDP hasn’t been able to fully achieve this goal due to capacity deficiencies among the HJC staff that continue to need a diverse range of continuing education and training. Nonetheless, UNDP staff within the PPMU have made significant contributions to the HJC’s work in many ways - especially with more permanent staff at the PPMU.

The UNDP secondments have been able to establish good relations with all the departments in HJC and good connections with the donors. UNDP has also facilitated an increased level of communication between the three justice institutions. Although a criticism raised by the HJC is that this communication has mainly taken place through the PPMUs (i.e. the employees seconded by UNDP to work in the three justice institutions) to date and is not yet wholly institutionalised. UNDP justice sector-wide activities although viewed as extremely valuable in terms of content, have not yet translated into better relations between all three justice institutions at the political level.

Nonetheless, the HJC cites incidences where HJC-MOJ communication has taken place (e.g. solving an issue related to release of criminal records to the public) and one of the UNDP seconded experts at the HJC represents the HJC on the MOJ’s Human Rights Committee. The frequency of communication fluctuates, based upon the particular projects that are being implemented. HJC feels that the mechanisms of communication will not become truly institutionalised until more of the UNDP supported staff and experts are transitioned to civil service contracts. HJC reports that it has very good relations with the AGO. Coordination on all levels is continuing.

The HJC views UNDP’s support to the strategic planning processes for the justice sector as particularly valuable. UNDP has worked closely with the HJC to develop work plans for each unit and department and is now working on the evaluation of what was achieved under the latest strategic plan (2010-2013).

UNDP seconded staff also delivered one-to-one training for employees within the PPMU on strategic planning and cooperated also in developing a training programme for HJC staff on project planning. While much still needs to be done to build the capacities of the staff, the HJC attests to many areas of improvement in the performance of staff attributable to UNDP; such as improved analytical skills; knowing what to search for and what kinds of questions need to be asked. As of 2012, there is noticeable improvement in the staff members’ abilities to draft high quality reports in Arabic (capacities to draft in English are still to be developed).

Most judges come from the diploma course at the Palestinian Judicial Institute (PJI), so at entry they already have three years of training. Such judges still require continuous training. In addition, members of the judiciary who did not benefit from the three-year PJI programme also require intensive training. In terms of continuous training, the HJC has an annual training programme developed by a training committee of the judges, but the HJC states that it needs overall support for the whole programme and more training programmes for court staff. In addition, the HJC has a continuing need to diversify its training curriculum for new employees and mid-level court staff and to include new courses such as banking law, labour law and juvenile justice. The HJC also needs to further develop the capacity of its specialised benches for juveniles and to develop rules of procedure for each court.

In general, the different departments within the HJC all fall under the supervision of the Chief Justice. There has been much progress on the work of registries, notary public and enforcements departments, and the impact of the programme is being felt by people who come and use the services of these departments. However, HJC and the courts are challenged by a lack of space. Many of the court buildings are not purpose-built, but are former residential buildings.

The PPMU’s work is being felt throughout many departments and units, but most especially IT which is headed by a UNDP supported expert. In the court registry, the files are more organised and safer than before, partially as a result of UNDP support. The HJC reports that previously it was common to have misplaced files. Now all cases are entered within the MIZAN2 system (discussed below) and the manual filing registry has also been improved.

The HJC reports that thus far it has not been entirely satisfied with the overall level of UNDP and donor funding to the courts. According to the HJC, despite its repeated requests for more funding, HJC has to date received much less support from UNDP than has the MOJ, but still more than the AGO’s office. HJC has to manage 12 courthouses across the West Bank. The HJC is responsible for 850 judges and staff compared to 452 prosecutors and staff at the AGO and over 200 MOJ staff including Gaza staff. Courts often lack sufficient personnel to efficiently process their case loads. The HJC is a large workforce representing two thirds of the justice sector, but the assistance from donors to the HJC is less than one quarter of the assistance provided to the justice sector. HJC requests that going forward, there be a focal point for UNDP support and that UNDP and donor funding become more balanced, providing the same relative levels of support to all of the justice institutions. HJC recommends that emphasis be placed on those institutions that have the most direct and daily relations with the public such as the courts.

The financial crisis has resulted in donors reducing their levels of support to the judicial sector, which impacts upon all aspects of HJC’s functions, including its training programmes. For example, HJC reports that the EU currently does not plan to renew its support for the HJC and that USAID support to the judicial sector is waning. This affects all areas including infrastructure and training.[[97]](#footnote-98)

The Minister of Justice believes that going forward UNDP should support the specialised administrative and constitutional courts via workshops and conferences in cooperation with the justice sectors institutions and civil society. UNDP can play a valuable role in creating indicators and evaluation tools. There was historically a lack of proper evaluation that resulted in an inability of the HJC to identify its actual needs regarding the performance of the judiciary and the prosecution service.[[98]](#footnote-99)

For the military judiciary, justice is an inclusive concept that cannot be separated from the civilian sector completely. One of the challenges is to restore or bring back the military justice system into the overall civil justice system. This includes defining who are the persons or subjects of military prosecution that fall within the jurisdiction of these courts and ensuring fair trial and due process safeguards in compliance with contemporary human rights principles. While there is undoubtedly a need for the PNA to address topics related to military jurisdiction, military justice and jurisdiction are vast areas that will require a lot of additional programming resources. It is not clear to the evaluation if UNDP can or should take this area on as part of the programme’s second phase. This said, UNDP may be able contribute to creating forums for discussion of military jurisdiction and include staff working in the military prosecution and judiciary in some trainings and capacity building initiatives.

*Improving case management systems: MIZAN2*

UNDP was the first institution to assist the justice sector to develop a case management system, i.e. the MIZAN database established in 2007 at the request of the justice institutions themselves. It is a case file management system to monitor cases through the justice chain. The database is owned by the HJC but it is shared with AGO and will soon be implemented in justice and security institutions across the West Bank. UNDP supported the establishment of the system in the courthouses; other institutions have now duplicated the system.

UNDP has facilitated the negotiation of MOUs between different agencies to facilitate cooperation on data sharing and use of MIZAN/MIZAN2; each institution customises the database to its own needs.

With UNDP support, the HJC also entered into MOUs with universities to archive the cases and to utilise the database for law schools. In addition, court judgments are now electronically forwarded to *Al-Muqtafi*. As a result of this support as of 2012, all justice actors now use the database. The HJC has established a committee to meet the needs of other institutions and actively shares its own information with the PCP, AGO, etc. As of early-2013, UNDP was in the process of engaging software developers to further expand the system.

MIZAN’s successful evolution in recent years is in a large measure due to the fact that it was developed organically by the institutions themselves and not imposed as a software input from donors. The database is widely used outside the judicial sector as well. For example, the PMF uses the database to access cases and keep track of court decisions. Another example of MIZAN’s success is the fact that it is facilitating research on various sectors of the law; academic research has been broadly enhanced as a result.

Finally, MIZAN is contributing to access to justice, transparency and timely resolution of disputes. Lawyers can access data quickly. A lawyer or a citizen only needs a case file number and then the entire history of the case shows up. This has even resulted in an improvement in the quality of some agencies’ strategic plans. The system also allows citizens to access data and documents from the court. Citizens can now apply online for documents.

A 2012 survey conducted by UNDP of MIZAN2 users evidences the fact that the system is well-known and highly utilised by justice actors in the oPt. The survey included 91 first instance and reconciliation judges; overall satisfaction with MIZAN2 is high. Approximately 90% of judges surveyed reported that their knowledge of the database and how to use it ranged from good to excellent, while the overwhelming majority of judges responded that the database had sped up the processing of cases. Moreover, over 90% of those judges surveyed felt that the system offered a high level of data protection.

The results of the above survey and additional testimonials from Palestinian lawyers as to the overall impact of MIZAN2 is annexed to this report. The main criticism of the database expressed by lawyers and academics is that the software needs to be updated more frequently and is sometimes slow. As noted above, UNDP is actively supporting the next phase of the system, MIZAN2. The evaluation received full demonstrations of both the MIZAN2 and *Al-Muqtafi* databases from the IT department at the HJC and the software development team at Birzeit University, respectively.

*Court information points*

UNDP in partnership with EUPOL COPPS also pursued innovative work in the court system such as establishing court information points in five Palestinian courthouses as first points of contact for citizens and referral mechanisms for legal aid.[[99]](#footnote-100)In addition, UNDP supported trainings for journalists, publications and a website to facilitate discussions on further consolidating the rule of law in the oPt and stimulating public debate and knowledge of justice sector reform proposals.[[100]](#footnote-101)

The HJC states that the court information points were a very important project for HJC, but the implementation took much longer than initially estimated. There were also some problems with the HJC contractors who performed the work (i.e. with printing items for use in the information points). Yet, overall, the training provided with UNDP support went very well and the information points are now up and running at three courts: Ramallah, Nablus and Jenin.

The information points have resulted in alleviating the burden on judges and other court staff of supplying information to the public. The evaluation was able to verify that as of 2012 citizens are making good use of the information points. For example, according to UNDP, after starting only recently the court information point at the courthouse in Jenin has had 8,000 visitors seeking information. Nablus, which has been only running for three months has already documented over 1,789 visitors. The information point in Ramallah has only recently begun operations as a result of on-going rehabilitation and construction at the court house that delayed its start.

The evaluation’s visit to the court information point in Jenin confirmed that citizens are approaching the court information points to obtain information about their cases. The information point at Jenin demonstrated that it is able to quickly direct citizens to the proper floor of the court and advise them on their cases and what process to follow. Yet, the physical space itself was *underutilized* in terms of available information. No hard copy materials (i.e., posters, brochures, pamphlets, copies of key court rules/filing procedures or laws) were available at the information point. The sign in front was also very small. This is likely due to some of the problems the HJC experienced with local contractors as noted above. Going forward UNDP should explore ways in which ensure that the court information points are utilised to their maximum potential as distribution points for a wide range of information and knowledge products about the courts and the law.

*Enforcement of judgments*

The volume of cases in the civil and *shari’a* courts in the oPt has grown dramatically over the past four years (which in and of itself is evidence that citizens are having a greater level of trust in the court system - something for which UNDP can take some credit). But the increased caseload has compounded an already inefficient system of enforcement and execution of judgments in oPt. The courts need to find a solution for this and UNDP can support this effort going forward.

A major issue is that under Palestinian civil procedure law, if a judgment is not executed after six months, the judgment is “frozen” for 15 years, unless the plaintiff renews the judgment by visiting the execution department of the civil court, providing an additional period of time in which it can be executed and enforced. This was a major point raised by many stakeholders interviewed by the evaluation, including the enforcement officers of the courts themselves. Currently, the HJC has only a nine enforcement officers for the entire court system in the West Bank.

At present, only the civil courts have execution offices. The *shari’a* courts (which as discussed below play a major role in family law and have a nexus with domestic violence and women’s’ rights) have no execution capacity. Thus, a woman who receives a judgment from a *shari’a* court is forced to go to another court (i.e. civil court) to have the judgment executed/enforced. This takes time and resources and results in many judgments of the *shari’a* courts lapsing. And even if a litigant does all this, the lack of enforcement officers will cause lengthy delays or no result at all; this is especially problematic for decisions concerning custody of children and other cases where human relations are of the essence.

*Jurisdiction of the courts over Areas A, B and C*

UNDP has supported both legal aid and advocacy through its CSI, targeting, *inter alia*, Palestinian communities impacted by the Israeli occupation. Yet, the HJC reports continuing legal issues with the jurisdiction of the courts - especially with regard to Area C and East Jerusalem.

For example, East Jerusalem as a city is solely under the jurisdiction of Israeli authorities, but the Jerusalem Governorate (surrounding area) comprises 15 villages that are under the jurisdiction of the PNA. These villages lie within Area C. In these areas the courts have jurisdiction, but no or very restricted access and encounter problems getting permission to enter the village for purposes of providing court notifications and service of process. As a consequence, process servers have to take risks and go unofficially. The Office of the Quartet Representative (OQR) did some work on movement of judges and suggested the production of a special card at the checkpoints although the Israelis haven’t agreed to this yet. The AGO also has major problems with coordinating with the Israelis to be granted access to Area C.

Annex 4 of the Oslo Accords provides for legal cooperation between the GOI and the PNA, but this is not happening in practice. UNDP recently carried out a “restrictions study” to see how Israeli’s are restricting access. Also, there are many cases of police being attacked by settlers while trying to do their jobs. Furthermore, the continued denial of access to Area C (and restricted movements into Area B) enables Palestinian criminals to commit crimes in area A and then hide in areas B and C.

Both the HJC and CSOs interviewed by the evaluation suggested that going forward, UNDP should continue to explore ways to foster dialogue on the issue of Area C jurisdiction, not only in terms of civil society advocacy and/or strategic litigation, but also by promoting coordination amongst the three PNA justice institutions.

*The* shari’a *courts and their fundamental importance to access to justice in the oPt*

During the programme’s first phase, UNDP programmed only indirectly with the *shari’a* courts, in the form of a conference held in partnership with the Birzeit University’s Institute of Women’s Studies (discussed below). There has tended to be a misconception among the international community that the *shari’a* courts are religious courts applying draconian punishments in contravention of international human rights. In fact, the *shari’a* courts play a vital role in the lives of all Palestinians, especially Palestinian women, as they are in fact the *dedicated courts* for family law, child support, custody issues and domestic abuse. As a *shari’a* court judge related to the evaluation, “It is possible in Palestine for a person to live their entire lives without ever going to a civil court, but it is virtually impossible to live your entire life in Palestine without at some point finding yourself (or your estate) before a *shari’a* court.”

In the oPt, the principal jurisdictional basis of *shari’a* court jurisdiction is not the Koran, but the Law on Personal Status. Thus, *shari’a* court jurisdiction is not exclusive to Muslims, but includes Christians in cases of inheritance and mixed marriages. The Personal Status Law was last amended in 1975. There are other overlapping historical bases of jurisdiction including Jordanian laws (in the West Bank); the Ottoman Family Status Law (in Gaza); and other more current Jordanian laws (applied by *shari’a* courts in Jerusalem, since they are still affiliated with the Jordanian courts. The UNDP supported “Broken Families” project has tried to address the impact of this patchwork of jurisdiction to some extent, but there is a need for the donors to devote resources to the issue of harmonisation of *shari’a* court jurisdiction with the participation of the *shari’a* court staff.

While the civil courts have the HJC, the *shari’a* courts have High Judicial Council for the *Shari’a* Courts and a Supreme *Shari’a* Judge (which is equivalent to the Chief Justice). There are currently only very limited links between the civil courts and the *shari’a* court; for example, the *shari’a* courts do sit on the MIZAN2 Task Force but can’t benefit from it due to lack of computerisation. *Shari’a* courts do, however, have informal and *ad hoc* communication mechanisms with the PCP (i.e., the family protection units) and with the MOSA that could be exploited and deepened going forward.

*Shari’a* courts are quickly emerging as a justice vehicle in the oPt with eight new *shari’a* courts recently opened in the West Bank and Gaza Strip; including eleven judges with the first two female judges in the oPt.[[101]](#footnote-102) They are in fact, the first female *shari’a* judges in the Middle East. There are now 18 *shari’a* courts in oPt. Contrary to the unfortunate misperceptions held by some in the international community, “[s]tudies have found that the *shari’a* courts are legally and socially dynamic, and that judges, lawyers and litigants are able to achieve positive outcomes for women, even in the absence of human rights-compliant legislation.”[[102]](#footnote-103)

As of 2012, the total backlog before the *shari’a* courts totals approximately 90,000 cases. Yet, to date, the Ministry of Planning has not included the *shari’a* courts in its justice sector planning or provided any assistance to the *shari’a* courts to upgrade infrastructure, build capacity of staff and become computerised. The *shari’a* courts are not connected to the MIZAN2 database as they are not computerised. This fact hinders the *shari’a* courts abilities to keep track of marriages and divorces, which results in a lack of capacity for the *shari’a* courts to review cases of polygamy as they have no mechanisms to match or cross-check the courts’ manual records. Additionally, the archive of *shari’a* court decisions has 400 years of court judgements and needs to be indexed and archived.

Under the Palestinian justice system as currently configured, the *shari’a* courts lack any capacity to enforce or execute their own judgments and have no separate execution departments of their own. *Shari’a* courts must refer their judgments to a civil court magistrate judge in the regular court system that enforces and executes those rulings of both civil courts and *shari’a* courts. Historically, the civil courts were under the influence of the Israeli MOJ, but the *shari’a* courts were under the supervision of Jordan and they rejected the fact that their rulings should be subject to the jurisdiction of the Israeli courts. The execution of *shari’a* judgments by civil courts is a huge area of weakness as the orders are often not carried out and this leaves a very bad impression on people that *shari’a* courts rulings are not executed and therefore not effective. A lack of specialised training of *shari’a* judges means *shari’a* court decisions are often “humanitarian” in nature and sometimes insensitively and illegally executed (i.e. through using physical force to separate a teenage girl from her mother when custody has been awarded to her father). As a result, *shari’a* courts are now requesting the power to execute their own judgments.

The *shari’a* courts hear many cases of domestic abuse, family disputes, divorce, separation, custody, partition of marital property, dowry, inheritance and marriage. Many indigent women approach the *shari’a* courts each year seeking mediation, protection, shelter and even social services. Some of these women have been utterly abandoned by their families. [Note: the annex of this report contains a transcript of the evaluation’s interview of a *shari’a* court judge who detailed her experiences dealing with a few such cases.].

Another key function of the *shari’a* courts is to manage the funds of orphans and minors. The *shari’a* courts are a member of the central adoption committee in the West Bank. All minors and orphans come under the authority of the *shari’a* courts. Not one dollar can be spent by the guardian of a minor without the approval of a *shari’a* court judge. The court can exert very harsh punishments on the guardian if he or she breaches their fiduciary duties. Thus, the rulings of the *shari’a* courts also have a human rights impact (i.e. the visitation rights of the parents who are divorced). Sometimes parents can’t agree; therefore the issue is left to the *shari’a* court judge. *Shari’a* courts (and the civil court execution departments as well) have sometimes become the venue for these visitations to take place. This is not optimal for the children and families and there is a need for better facilities.[[103]](#footnote-104)

As part of its robust partnership with Birzeit University, UNDP supported two workshops on *shari’a* law that were the only forum for bringing the *shari’a* court judges from all over the West Bank together in a single conference. The judges need to be consulted about different interpretations of the law and need to be in contact with the AGO and also to receive training. The Supreme *Shari’a* Judge was present. The conference was directly influential on the Supreme *Shari’a* Judge’s decision to issue changes on the interpretation of *shari’a* law in the oPt, instituting a waiting time of four months minimum after a parent’s death before issues of inheritance can be discussed and then the property must be registered and the disposition of property occur in a supervised manner. This is a great improvement because formerly brothers would approach a sister immediately after the father’s death and convince the sister to give up all property and there was no registration of the property or supervision by the *shari’a* court. Now women have the right to be informed and are able to make an informed decision. There were a number of other reforms introduced as well.

Another important outcome of the UNDP supported research and workshops was the fact that the *shari’a* court judges realised that there was a lack of uniformity of application of *shari’a* law and also how widely social context had influenced their decisions. This was a stunning realisation for most of the judges. UNDP supported workshops also resulted in impact on the PMF, raising awareness of the PMF amongst *shari’a* court judges. Now the *shari’a* courts are much faster in making decisions re: custody; judgments are rendered in less than two weeks. This has encouraged women to use the *shari’a* courts.

All of this is compelling evidence for *shari’a* courts to be included in the second phase of the programme.

*Closing the loop in the criminal justice sector: UNDP support to the PCP and the PACC/CCC*

While not formally part of UNDP/PAPP’s Rule of Law &Access to Justice Programme, UNDP’s support to the Palestinian Civil Police (PCP), the Palestinian Anti-Corruption Commission (PACC) and the Corruption Crimes Court (CCC) via the UNDP/EUPOL COPPS Joint Programme is serving to close the loop in the criminal justice sector. The overall effort is to bring justice and security organisations together in the rule of law approach instead of a sector approach. UNDP’s expertise has been particularly valuable in the support of the PACC/CCC.

Both UNDP and EUPOL COPPS are equally addressing civil society and EUPOL COPPS provides the technical expertise to the police. The police advisors already engage with the PCP and the rule of law section interacts with the PACC and the CCC. The citizen is viewed at the centre of the programme (i.e. awareness - leads to the filing of a complaint - that leads to a closed cycle of police accountability and conviction).Meanwhile, the programme is working with the PCP to strengthen internal police accountability. EUPOL COPPS will eventually explore engaging with Palestinian military justice, as the military (still) has the jurisdiction over the PCP.

CCC is a specialised court. It is under the jurisdiction of the HJC. HJC has been instrumental in taking the training and support forward. The CCC currently has approximately 30 cases on the docket involving a number of high-ranking officials. UNDP supports the court via its UNDP/EUPOL COPPS Joint Programme to strengthen its procedures and provide equipment. For example, UNDP has entered into a partnership with Birzeit University to develop a training curriculum for CCC judges and court staff.

UNDP has effectively brought to the table the long-term development view that EUPOL COPPS was missing. Without UNDP’s contacts in the justice sector that the programme developed over the past years, the UNDP/EUPOL COPPS Joint Programme wouldn’t have been possible. UNDP is value added. EUPOL COPPS completes another part of the justice chain, linking justice and security. In terms of sustainability, this will depend on the future continued ability of the PNA to fund itself. It is very difficult for PNA to develop an economy under occupation. An overarching issue is therefore the long-term sustainability of the PNA.

UNDP has also worked to engage Palestinian civil society in oversight of the police. UNDP has commissioned a CSO mapping study/engagement strategy to determine how to develop this component of the programme. Donors are funding civil society in different ways, so UNDP has recruited a Palestinian expert to develop this component.

Most significantly, UNDP supported the development of an accountability strategy for the PCP. The accountability strategy provides a roadmap towards ensuring transparent and accountable police service delivery. Following a final round of consultations (including with civil society), the strategy is expected to be formally endorsed by the Minister of the Interior and the Chief of Police in the next few months.

Another key deliverable of the programme has been the development of a comprehensive police code of conduct. Based on the UN Code of Conduct for Law Enforcement Officials and in line with the principles set out in the European Code of Police Ethics, the code of conduct is aimed at guiding members of the PCP in the performance of their daily tasks and, ultimately, contributing to delivering professional, fair, impartial and effective police services. As such, the code sets forth the ethical and conduct standards to which all members of the PCP are to adhere.

Going forward, UNDP should consider merging some elements of the UNDP/EUPOL COPPS Joint Programme with the larger UNDP Rule of Law &Access to Justice Programme. UNDP must strengthen it engagement with the criminal justice sector - especially the courts, while maintaining its focus on women and children.

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

PNA support to access to justice and legal aid has existed - and still exists - in the form of a patchwork of laws that provide for limited legal aid to different groups of beneficiaries and categories of disputes.[[104]](#footnote-105) UNDP’s interventions in the sector since 2010 have, however, shifted the debate and resulted in greater coherence amongst key justice institutions with regard to free legal aid; an enhanced capacity of the MOJ in this regard; and increased coverage by CSOs, the Bar Association and law schools to end-beneficiaries.

These efforts have impacted the lives of thousands of Palestinians in the West Bank and Gaza - especially women, juveniles and other vulnerable groups. As a result of UNDP’s efforts a new draft law for legal aid is on the table and a comprehensive strategy for legal aid is now in the formative stage (as discussed above in Outcome 1). UNDP’s work in the West Bank, including East Jerusalem, is discussed, herein, under Outcome 2. UNDP’s initiatives for access to justice at the local and grassroots level in Gaza are discussed below under Outcome 4. Elements of both Outcome 2 and Outcome 4 intersect with Outcome 3: gender and juvenile justice improved.[[105]](#footnote-106)

*Baselines as of 2010*

As discussed in the “UNDP Mapping Study of Legal Aid Services Provided by the Palestinian Authority” (2011), PNA legal initiatives grew mainly as a result of a response to the Second *Intifada*. Thus, the assistance was largely geared towards the issues of prisoner and detainee rights. Beyond this, PNA legal initiatives have arisen in response to the Israeli occupation at large and its negative impacts upon the lives of Palestinians. For example, the so-called Prisoners Club had 29 lawyers on annual contracts as of 2010 and the Ministry of Detainees and Ex-Detainees employed 38 lawyers. Together, both entities handled a total of 980 detention related cases in 2010.

Meanwhile, as of 2010, the Wall and Settlements Unit (established in 2004 within the Prime Minister’s Office) maintained six private lawyers on contract to address cases of land confiscation in the West Bank (excluding East Jerusalem). The Wall and Settlements Unit with the assistance of CSO legal aid providers supported by the Norwegian Refugee Council was able to handle 1,100 such cases in 2010. This represented approximately 90% of cases involving land confiscation, leaving an estimated 10% of cases that were handled by private lawyers hired by individual citizens. The lawyers were criticised by beneficiaries, however, as for their unwillingness to challenge inflated charges and their tendency to over-utilise plea bargains. Furthermore, beneficiaries also noted a lack of political leadership on what plea bargains are appropriate and what are not.[[106]](#footnote-107)

Prior to 2009, the PNA had attempted to challenge home demolitions, evictions and land confiscation in East Jerusalem via a variety of NGOs and agencies. This assistance came to an end in 2009, but the situation continued to be addressed by the so-called Jerusalem Unit of the President’s Office, the PLO’s Governor of Jerusalem and the PNA’s Ministry of Jerusalem Affairs. In 2011, these actors were combined in the newly established Legal Affairs Unit within the Prime Minister’s Office and the Jerusalem Unit of the President’s Office was disbanded. Legal assistance is limited to protection of homes from demolition and preventing eviction of Palestinians from their homes.

For citizens with criminal cases before the Palestinian courts, the Law on the Legal Profession No. 3 (1999)[[107]](#footnote-108) sets forth a process whereby a defendant who cannot afford legal counsel makes a request to the judge for the appointment of legal counsel. Upon certifying the defendant’s indigent status (which is done automatically in most cases) the judge refers the case to the PBA whereupon the Chairman of the PBA appoints a lawyer to represent the indigent defendant. According to the UNDP mapping study, however, the PBA had managed to meet only a fraction of the total demand for such services as of 2009/2010. For example, there were an estimated 23,357 criminal cases in the West Bank in 2009 and an estimated 15,422 criminal cases in 2010. Yet, the PBA funded lawyers in only 80 cases for both of these years combined (equivalent to a total of approximately US$ 28,740).[[108]](#footnote-109)

The Independent Commission on Human Rights (ICHR) is a semi-governmental institution mostly funded by external donors to ensure that PNA institutions safeguard human rights. ICHR monitors the PNA and its security institutions and provides free legal assistance to persons whose human rights have been violated by these state institutions. ICHR is staffed by two lawyers who resolve the majority of complaints outside of the court system by lobbying government. Such cases included arbitrary detention, non-execution of court judgments, denial of civil service jobs to Palestinians on security grounds, as well as challenges to the death penalty in Gaza and the use of Palestinian military courts to prosecute civilians.[[109]](#footnote-110)ICHR does not provide legal aid to cases between individuals or private institutions.

As further noted in the UNDP mapping study, Palestinian law makes no provision for assistance of Palestinians seeking redress in Israeli courts, despite the fact that the majority of PNA legal assistance is directed towards cases before the Israeli legal system, rather than the Palestinian one. “In the Israeli court system, the Office of the Public Defender provides legal assistance for accused persons appearing before Israeli civilian courts. However, there is no public defender system for defendants charged in the military courts. The military defender system only provides legal defence for soldiers charged with military offenses. Although some of the suspects and defendants are unrepresented, military judges only appoint private attorneys to serve as defence counsel in a small number of cases.”[[110]](#footnote-111)

The situation for private individuals - including vulnerable groups such as abused women, children and the poor in need of legal services and representation -was even more desperate as of 2009/2010. Such individuals were virtually left out of the PNA’s legal aid frameworks altogether constituting thousands of persons. Poverty rates and low levels of legal awareness also contribute to low levels of utilisation of the justice system. Beyond this, many Palestinians still prefer to have their disputes settled by traditional clan-based authorities, rather than seek redress in the formal justice system.[[111]](#footnote-112)It is to these vulnerable individuals - largely forgotten by both Israel and the PNA - that UNDP has directed the bulk of its legal aid and advocacy work.

*Civil Society Initiative*

Occupying the bulk of UNDP’s assistance under Outcome 2 was its Civil Society Initiative launched in July of 2010.As part of the Civil Society Initiative, UNDP selected 42 CSO partners that received grants to perform legal aid, advocacy and monitoring of the justice system. UNDP also established a roster of legal aid and advocacy partners. Agreements were ultimately entered into with many of these organisations. Most of these organisations provide legal aid to vulnerable communities and provide legal capacity building and training to key professional groups including lawyers, law students, media professionals, trade unions and police, among many others. UNDP also built upon its strategic relationship with the West Bank branch of the PBA and is in the process of negotiating an agreement with the PBA to build its capacity to take a leadership role in establishing a legal aid network inclusive of NGO legal aid providers and university-based legal aid clinics.[[112]](#footnote-113) A chart prepared by UNDP at the request of the evaluation listing each of the 42 CSOs that received grants under the CSI is annexed to this report; the charts also includes the outputs that each CSO committed to in their MOU with UNDP.

The sheer number of the CSOs and the variety of outputs listed for each of them presented a challenge for the evaluation. It was beyond the capacity of the evaluation to interview all 42 CSOs that received grants. Thus, the evaluation with the assistance of UNDP selected a sample of the grant recipients including both Palestinian and Israeli CSOs and INGOs that had delivered legal assistance, conducted awareness-raising activities and developed publications or a combination of all three of these areas. These included high capacity organisations eligible for large grants in the range of US$200K annually, moderate capacity CSOs eligible for medium sized grants of US$100K annually and CSOs with more limited capacity eligible for up to US$ 50K per year.

According to UNDP, its process of awarding grants was indeed strategic and designed to support the outcomes of UNDP/PAPP’s Rule of Law & Access to Justice Programme. UNDP informed the evaluation that it met with all the grant recipients at the outset to speak with them about the programme and required all organisations applying for UNDP grants to submit a full proposal. The CSOs interviewed independently interviewed by the evaluation confirmed that the application process was rigorous. CSOs interviewed also confirmed that UNDP has required them to submit semi-annual progress reports every six months and has periodically gathered the CSOs together to discuss issues and progress.

The impact of the legal aid components of the CSI were easier to assess due to the fact that UNDP and the CSOs themselves provided the evaluation with statistics on total numbers of clients served. In addition, the evaluation was able to interview individual clients; and in the case of law school legal aid clinics the students enrolled in the courses. Testimonials from both CSO legal aid providers and their beneficiaries as well as the number of legal aid beneficiaries supported per year by UNDP are annexed to this report. These figures were collected by UNDP both in the course of its regular reporting and during the course of this evaluation and document that UNDP has managed to effectively provide legal aid and advice to thousands of indigent Palestinians - mostly women - during 2010-2012.

The impact of the awareness-raising and advocacy components of the CSI is, however, by its very nature less tangible and, therefore, more difficult to assess. As evidenced by the annexed table, nearly *all*42 grant recipients engaged in some form of awareness raising and advocacy as an entry point for legal aid provision; and many of these created publications (i.e. reports, brochures, leaflets etc.). Out of 42 total CSOs funded by UNDP approximately 80-85% are engaged in both awareness raising and advocacy/legal services and the remaining 15-20% are engaged primarily in monitoring of the justice system and/or research (i.e. think tanks).

Those CSOs interviewed by the evaluation that conducted awareness raising and advocacy were able to produce a high-level of documentation of their activities (i.e. at several CSOs in both the West Bank and Gaza the evaluation was shown detailed files and binders including photos of awareness-raising sessions and participants and agendas). In addition, most CSOs interviewed readily produced copies of their publications. The evaluation held several focus groups with beneficiaries of such awareness-raising activities who claimed that their awareness and knowledge of issues had been substantially increased as a result. Yet, evidencing a link between UNDP advocacy activities and shifts in policy and the legal system at the outcome-level remains difficult. By contrast in Gaza(as discussed below under Outcome 4) it was much easier for the evaluation to identify a link between UNDP supported awareness raising and advocacy and demand for client-based legal services.

UNDP is well aware of and readily admits the intangible nature of many of these activities, but correctly points out that many of its awareness raising activities are quasi-paralegal in nature (i.e. where CSO staff provide low-level legal counselling to some participants, while at the same time as raising awareness). Meanwhile, awareness raising is effectively an entry-point whereby stakeholders learn about other UNDP supported services, such as the existence of legal aid. The awareness raising workshops are also an opportunity to educate stakeholders on rights and new laws.

While the overall assessment of the CSI is highly favourable, key questions going forward for UNDP will be whether such awareness raising activities can be made more strategic; are the most cost-effective use of limited resources; and whether awareness raising should be scaled-down in favour of scaling-up other aspects of the programme. It is certainly fair to say that not *all* CSOs in the programme should be doing *all* things (i.e. legal aid, awareness-raising/advocacy *and* publications). Going forward, UNDP is encouraged to critically assess in detail the performance of each of the CSO grant recipients, as well as their demonstrated capacities and relative strengths for conducting advocacy. Awareness raising and advocacy could also be more focused on UNDP’s development role and keep a clearer distinction between UNDP’s role and the role of human rights organisations. UNDP must continue to exercise supervision, mentoring and accountability standards over smaller grassroots CSOs to ensure that these organisations possesses the actual capacity to conduct outputs on the ground (not simply stated capacities on paper).

The discussion below summarises the *substantive nature and impact* of UNDPs support under Outcome 2. UNDP support to similar initiatives in Gaza is discussed under Outcome 4.

*Output 2.1: Legal aid services provided and strengthened, particularly for the poor and disadvantaged*

Even before the UNDP programme was initiated, an absence of strong legal aid services was identified by key stakeholders as a serious obstacle to access to justice in the oPt.[[113]](#footnote-114)The Ministry of Justice established a Legal Aid Department within the Judicial Affairs Unit in 2010 and assigned one staff member to it, a lawyer supported by external funds through UNDP.[[114]](#footnote-115)

According to donors, the legal aid expert seconded to the MOJ by UNDP has been instrumental in advancing the legal aid agenda.[[115]](#footnote-116) In addition, a senior legal expert was also seconded by UNDP to assist the MOJ with the development of a comprehensive national legal aid strategy.[[116]](#footnote-117)The resulting draft strategy and a draft law on legal aid are currently under discussion at the Ministry.[[117]](#footnote-118)UNDP states that there is much more work to be done in this area and to develop a comprehensive legal aid strategy. In the event that the PNA endorses a legal aid strategy, it is likely that the MOJ will require significant donor assistance to implement it - particularly if the provision of legal aid extends beyond criminal cases to include civil disputes, as called for in the justice sector strategy.[[118]](#footnote-119)

UNDP’s mapping study highlighted the fact that the PNA itself is doing little to provide legal aid in Areas A and B.As noted above, Area C has unique access restrictions that are not being sufficiently challenged by the PNA. Given the absence of a national legal aid policy and proper state-sponsored legal aid services, UNDP made the strategic decision to support grassroots legal aid via its support to CSOs.

*UNDP supported CSO legal assistance and representation in the West Bank, including East Jerusalem*

It is important to note that due to the nature of the legal process the impact of the work done by UNDP supported CSOs takes place fundamentally at the level of individual Palestinian lives. While legal advice, low-level mediations and lower court decisions can often be rendered within a short span of time, many cases before the courts and administrative authorities (whether Palestinian or Israeli) can drag on for many months and even years - especially if these involve appeals. Thus, in assessing the effectiveness of UNDPs interventions it is important not to focus on numbers alone, but also to keep in mind the potential that such discrete interventions have in the aggregate and over time to change the system.

A number of UNDP supported CSOs have effectively combated the effects of the Israeli occupation and confiscations in East Jerusalem and represented Palestinians before Israeli courts. UNDP’s focus on Area C and East Jerusalem has steadily increased during the programme’s first phase. UNDP estimates that in 2011, 5% of its legal representation and 5% of legal consultation services were provided in Area C and East Jerusalem. In 2012, this rose to 19.7% of legal representation (5.2% in Area C, 14.5% in East Jerusalem) and 16.5% of legal consultation services, (6.5% in Area C and 10% in East Jerusalem). In addition, 20.7%, of legal awareness raising beneficiaries in 2012 were from Area C or East Jerusalem (4.5% in Area C, 16.2% East Jerusalem).[[119]](#footnote-120)

Large numbers of these individuals are women (and estimated 45% of recipients of legal representation and consultation). As of 2012, UNDP had 19 legal aid CSO partners who were working in Area C and East Jerusalem (14 in Area C, 3 in East Jerusalem and 2 partners that operate in both Area C and East Jerusalem).[[120]](#footnote-121) The evaluation’s interviews with the CSOs themselves confirmed this. All the CSOs interviewed by the evaluation confirmed that UNDP has required them to regularly report the progress of their work and maintain records of how the UNDP support was utilised.

In the environment of the occupation, there is often no ultimate outcome, but it is a question of *delaying the impact* of the occupation (e.g. a house demolition order). This is a continuous struggle of the CSOs engaged in representation. When a UNDP supported CSO is effective at imposing such a delay on the system, it opens up political space for the international community to bring their influence to bear upon the situation.

*Detainees (adults and children)*

A sizeable portion of UNDP support in the West Bank was directed toward detention, administrative detention and torture predominantly, but not exclusively in the Israeli legal system. Juveniles being held with adults and overcrowding in Palestinian prisons are major issues. Torture is also a recurring problem for the PNA prison system.

UNDP support for example enabled the Public Committee Against Torture in Israel (PCATI) to reach into the West Bank, whereas before the UNDP intervention, this was not possible. According to PCATI, the UNDP supported field workers were in touch with the survivors of torture on a daily basis and document the effects of the torture post confinement and the field workers were able to alert PCATI to cases of torture so that it could act quickly. As a result, two Palestinian women were freed from detention and the UNDP supported field workers were able to interview them and get informed consent of these two women to track them and their willingness to fight the authorities. This had a spin-off effect that enabled PCATI to start two other projects (not funded by UNDP) including a forensics project to get medical examinations and a small gender project that was enhanced by UNDP support.

PCATI with UNDP support mapped detentions in May and June 2012 and found that rates of short-term detention were rising. Most of those detained were youths who were held for periods averaging two to three days and interrogated, but not formally charged or entered in the system. Such short-term detentions without charge are incredibly disruptive for such juveniles and their families. There are also incidences of Palestinians simply disappearing and their families finding out later that they are being held in administrative detention. While rates of arrest by Israel have gone down, the rates of detention by PNA have increased. Sometimes the prisoners are individuals who Israel or the PNA cannot arrest due to lack of evidence, but who are believed have information that is valuable. In other instances, administrative detention prisoners are detained as a tactic to force someone else to confess to something.

The UNDP supported CSO Hamoked used its grant from UNDP to review older compensation cases that had gotten stuck in the system and getting witnesses into Israel to testify in such cases. Hamoked has experienced an increasing need for support to detention and torture cases, as well as an increasing number of incidences of security authorities preventing family members from visiting relatives in detention. In *habeas corpus* cases, Hamoked has effectively been able to document periods where inmates simply could not be tracked in the Israeli prison system for periods of up to seven days.

UNDP support to Physicians for Human Rights (PHR) enabled it to have a full complement of trainings for physicians and to conduct outreach activities in the West Bank. Importantly, in 2012 a group of administrative detainees went on hunger strike and PHR used UNDP support to conduct medical examinations, ensure that the detainees were monitored and taken to civilian hospitals when needed. PHR informed the evaluation that it conducted much additional legal work with UNDP support in conjunction with Addameer, resulting in the release of several Palestinian detainees from detention and serving to create a legal record in each particular case as well as providing precedents upon which future legal arguments for other detainees can be made. PHR states that if prison physicians conduct examinations, then they can certify wrongly that a prisoner is fit for interrogation or ignore injuries during their post interrogation physical exam. PHR supported physicians offer an objective exam.PHR with UNDP support is taking on this type of issue with the Israelis and trying to remove the medical services entirely from the auspices of the Israeli prison service.

For the last 20 years, Addameer has worked with Palestinian prisoners in the Israeli military courts and for the last several years Addameer has represented prisoners in Palestinian courts. There are in fact only five or six local CSOs that offer legal aid to prisoners and Addameer represents between 400 to 600 prisoners per year. Addameer is a member of the Palestinian Human Rights Council and occupies a position of authority to speak on the issues of administrative detention. The support provided by UNDP allowed Addameer to track prisoners and provide legal aid to defendants before both Israeli and Palestinian courts; as well as work on documentation; visits to prison facilities as well as outreach.

In regard to administrative detention in particular, Addameer is dealing more with the international dimension and has petitioned international bodies. Addameer states that the UNDP support is helping it to advance the outcome - each well-funded case in court, represented by competent legal counsel holds Israel to account and increases the visibility of administrative detention and the detainees. Addameer can identify an impact in 2012 especially during the hunger strikes that occurred. Addameer has used part of the UNDP grant to hire an additional lawyer in East Jerusalem. In one case, the Addameer lawyer was able to obtain the release of over 60 people. Addameer has also been able to effectively engage at the village level through its teams of field workers that include photographers and paralegals.

Another well-established CSO Al-Haq utilised UNDP support to extensively follow-up on issues related to detention and torture. This included engaging with security agencies and detention centres, especially with intelligence and preventative detention. Importantly, Al-Haq also focuses on the military-judicial system in an effort to bring the military legislation in harmony with international standards. According to Al-Haq, this is an area that UNDP should devote more attention to going forward.

Meanwhile, Save the Children/Sweden has utilised UNDP support to sustain and intensify its child protection work in East Jerusalem, working with children arrested and detained by the Israeli security forces. With UNDP support, Save the Children/Sweden has offered three kinds of services: 1) providing a legal defense for arrested children; 2) offering legal consultations for children and families; and 3) raising awareness on issues of arrests and detention, so that families know what to do and where to go if a child in their family is arrested.

Save the Children/Sweden allocated its grant in equal proportions to each of these services. Most of these children are detained as a result of stone-throwing. Often children are detained on no evidence but pressured to collaborate by providing names of their friends who are then investigated. Yet, surprisingly, there are no special units in Israel dealing with juveniles. Often it’s the regular army which arrests the children and they are usually detained with adults. In East Jerusalem it is sometime the ordinary police. In Area C, children are routinely detained by the Israeli military, often in night raids; and are blindfolded, and restrained.

Defence for Children International(DCI) used UNDP funding to provide legal aid to children in conflict with PNA criminal justice institutions and to conduct advocacy and awareness raising on child justice. The representation of children has enabled DCI to identify loopholes that exist at the different law enforcement agencies and permits DCI to monitor the degree to which these agencies are committed to the implementation of law. For example, in one case last year, UNDP supported lawyers discovered abuses against children and the police were taken to account. In other cases, children were being referred to halfway houses that had no capacity. As a result of UNDP supported strategic litigation the conditions at the halfway houses were improved.

As of 2013, child detention is increasing as a phenomenon in the oPt. In East Jerusalem there remains a lack of a comprehensive mechanism to document cases. UNDP support has helped to fill this gap, but cannot fill it entirely. There is a continuing problem with capturing data on children arrested and detained but then released after a few hours.[[121]](#footnote-122) This work also links with Save the Children/Sweden’s broader efforts in child protection. It is closely linked to another of its projects that is geared towards creating an effective referral system for related services, such as health or psychosocial counselling to help children and families cope with their distress and trauma.

As of end of 2012, Save the Children/Sweden had documented 248 arrests of children and had provided legal defence and consultation to 50 arrested children. Most of this work was in Area C and East Jerusalem.[[122]](#footnote-123) Save the Children/Sweden also used UNDP support to lobby the Israeli authorities on jurisdiction over children confined in the Israeli military system, with some success. For example, through the efforts of many NGOs, including Save the Children/Sweden, the age of adult criminal responsibility in Israeli military courts was raised in 2012 from 16 to 18 years old. This was a significant legal victory.

The CSO community informed the evaluation that continuing to challenge Israeli and PNA detentions and administrative detentions from both legal and political angles is crucially important to advance the rule of law. CSOs also indicated how difficult it is to achieve “evidence of impact” for this outcome in a short period of time. For example, the situation in the Israeli courts has recently become more difficult and time consuming. The new president of the Israeli High Court has informed Hamoked that principal petitions (i.e. grouped claims or class actions) are completely out of place for the Israeli High Court. This means that Hamoked is forced to submit like claims as individual claims one-by-one and cannot group them.[[123]](#footnote-124)

In order to meet this challenge, PHR has adopted the strategy of filing claims in short succession and then attempting to join them later or force the court to hear them in short succession, but this takes much more time and effort. Also, the courts have recently added new fees and new procedures designed to deter claims. Meanwhile, for claims of Jerusalem residence permits there is a new administrative quasi-judicial panel recently established that adds a new level of jurisdiction to the appeals process. Thus, such cases are taking much longer and no private lawyers want to take a case that will take so long with such little pay.

*Home demolitions, evictions and confiscations in East Jerusalem and land confiscation and settler violence in the West Bank*

While the overall situation in the West Bank is much calmer now than it was a few years ago; today, the human rights violations that are being perpetrated are much more entrenched structural issues such as control of land, water and other resources and a planning system that prevents Palestinian economic development. The violations take various forms and are often the end result of a long and drawn out administrative process (i.e. house demolitions).In Area C, Palestinians have no permits to build; they live in constant state of insecurity and at risk of having their house demolished. Sometimes when they get a demolition order, they demolish their own house, as it is too expensive to have Israelis do it. There is no good referral system for dealing with the subsequent social consequences of such trauma such as child abuse, parents unemployed, residency *vs*. citizenship and lack of basic services provided to Palestinians.

Meanwhile, the GOI perpetuates the myth that there is no longer an occupation in areas A and B, because *de jure* these areas are under PA authority. In reality, however, these areas can’t develop economically, due the fact that they are still dependent upon Israel for permits, etc. (i.e. digging of new wells requires an Israeli permit). Almost all areas of economic development are possible on paper, but in reality the processes are cumbersome and not realistic for Palestinians.

Palestinians in East Jerusalem contribute 20% of income municipal taxation income and get only 4% of this spent on them. Also they can’t vote even though they pay taxes. Israelis do not build schools in Palestinian areas and overcrowding in the schools is a huge issue. Children who remain outside the system are prone to delinquency and drug abuse. The whole society and community is broken in different ways**.**

Several of the CSOs funded by UNDP deal directly with the above situation. For example, the CSO Civil Coalition for Defending Palestinian Rights in Jerusalem focuses upon the rights of the 366,000 Palestinians who are residents of East Jerusalem and Israel’s efforts to divest them of their property and residency. The Civil Coalition has used UNDP funds to monitor plans for Israeli settlement expansion; to inform citizens of changes in the law and legislation; and using the Israeli legal system to submit petitions of local Palestinian communities impacted by the expansion of the Israeli settlements. In addition, the Civic Coalition is using international avenues to fight such abuse including filing petitions with the Human Rights Council in Geneva and sending reports on the settlements.

Meanwhile, the Jerusalem Community Advocacy Network (JCAN)used UNDP funds for a project in Subaher to provide legal aid in opposition to demolition, property issues and residency problems.[[124]](#footnote-125) The CSO was successful in helping 400 people to retain their residency and to delay house demolition.

JCAN maintained an information point to inform people of their legal rights. JCAN faced many challenges in its implementation, first and foremost with inhabitants of Subaher themselves. Subaher is a closed and small community. JCAN had to establish trust with families to get them to come forward for assistance and worked for two months recruiting volunteers and doing outreach programmes to build confidence. According to JCAN, many CSOs had opened and closed in Subaher but had not helped the community in any way, so building trust was not easy. JCAN ran empowerment programmes for women but it was difficult to get them to come as their husbands wanted them to stay at home. Gradually more and more people started to come to its centre and now JCAN reports that it is very busy, including with women clients. Additionally, JCAN worked closely with the NRC on house demolition issues.

UNDP’s funding of another leading Palestinian-led CSO – the Jerusalem Legal Aid and Human Rights Centre (JLAC) - was a true example of capacity building of local society. JLAC already had a well-established track record of providing legal aid across the West Bank, including Area C and East Jerusalem. For example, in 2011 it provided legal assistance to an estimated 2,000 active cases in all types of courts related to housing as well as economic and social rights. In the PNA controlled areas, JLAC’s portfolio included political detention, arbitrary dismissal from the public sector and challenging political retaliation and closings of CSOs. On the basis of its preliminary research, UNDP identified settler violence as an area that had received little attention to date from the Palestinian CSO community and encouraged JLAC to use the grant primarily on issues related to settler violence. This was largely a new area of work for JLAC.

JLAC reported to the evaluation that Palestinians were generally deterred from filing settler violence cases due to a lack of confidence in the Israeli legal system. In addition, the Israeli police stations where such complaints must be filed are often located within the same settlements where the attackers reside. It is also very difficult for Palestinians to conduct follow-up investigations of settler violence to due lack of access and an inability to collect evidence, interview witnesses, etc. JLAC estimates that 90% of settler violence cases are closed due to lack of evidence. As a direct result of UNDP funding and technical support, JLAC has been able to expand this outreach and establish a new liaison office in the Nablus area. It held a series of public meetings in the villages around Nablus and Salfit and supported a campaign on local radio stations telling people they have the right and the duty to file complaints against settler violence.

As a result, JLAC received 70 documented cases of settler violence and after sifting through them had sufficient evidence to file 10 complaints. JLAC is in the process of documenting how the complaints are being handled including harassment and/or intimidation of those filing complaints and the lawyers who accompany them. This work is documenting the fact that Israeli authorities generally keep people waiting for very long periods, even overnight, to file complaints. Settlers come in and out of the police stations at will and ridicule or harass complaints or lawyers sitting in waiting rooms. One JLAC lawyer was made to wait for 3.5 hours with settlers coming in and out, laughing at him and humiliating him.

JLAC perceives that its work is having an impact. Rates of settler violence decreased in 2012 and there was less violence during the olive harvest in October and November 2012 than in the previous three years. JLAC points to the fact that settlers are now coming out to protest wearing masks because they know that JLAC is taking pictures. The police have even informed settlers in some locations that they cannot protect them anymore because the victims have pictures of the attackers and their license number plates. This indicates that settlers are beginning to feel that they might be held accountable for violence perpetrated against Palestinians. JLAC intends to continue its work and go to the Supreme Court to challenge the whole complaints system, including the need to move police stations to more neutral locations so Palestinians have access.

*Legal Assistance and representation to private citizens in the West Bank and East Jerusalem*

JLAC’s UNDP-supported civil litigation has included test cases of PNA attempts to fire employees on the basis of politically motivated security checks. JLAC filed a class action lawsuit involving 115 claimants and in late 2012 received a ruling from the Supreme Court finding that all claimants must be reinstated to their positions. As of January 2013, there had been no implementation of this decision, but JLAC was proceeding with a new case for lost wages and reinstatement.

JLAC has also recently worked with the ICHR to challenge the PNA’s subjecting civilians to military courts and its failure to implement court decisions ordering the release of prisoners. As of January 2013, JLAC had worked on 50 cases of security detainees under the PNA system these included cases of multiple crimes including money laundering, possession of weapons, those detained due to political affiliation with Hamas or those accused of being Israeli collaborators and arrested by national PNA intelligence or other security services.

While the CSOs interviewed overwhelmingly agreed that UNDP support had helped them to continue programming and assist beneficiaries during a time of shrinking budgetary resources, a number of CSOs expressed the concern that UNDP support to CSOs in East Jerusalem and West Bank was not strategic enough in its approach to such issues as administrative detention. It was felt that UNDP could have done a better job at linking the PNA mechanisms for legal aid (however limited) with the CSO initiatives and interventions. One CSO partner suggested that UNDP’s role should have held government to account and requested that the PNA become more accountable for the impact of the PNA’s *statutory* legal aid obligations. Furthermore, CSOs believe that their work is long-term in nature and stressed the fact that some strategic litigation initiated with UNDP support were in jeopardy of being abandoned if their grants were not renewed due to an inability of the CSOs to continue to pay lawyers. Yet, UNDP procurement rules and regulations as currently configured to not permit agreements with a duration in excess of 12 months.

*Legal assistance for women*

A number of CSOs (and quasi-governmental organisations) supported by UNDP are specifically devoted to providing legal aid and assistance to women. The evaluation interviewed a number of these including; Palestinian Working Women Society for Development; Democracy and Workers Rights Centre; Women for Life and the Palestinian Maintenance Fund. Much of this work has reached into smaller cities in the West Bank such as Salfit and Qalqilya.

Palestinian Working Women Society for Development (PWWSD) was officially registered in 1982 and has used UNDP funds mostly to engage in awareness raising activities, but also to deliver legal consultancy services to women in seven branches in the West Bank and one in Gaza. The main objective of the organisation is the capacity development of women to take part economically in society. The other component of the programme is social justice that includes offering legal and psychosocial counselling for vulnerable women. A hotline was established with UNDP funds that functions 24 hours per day to provide women with resources for legal or mental health issues.

Meanwhile, Democracy and Workers Rights Centre (DWRC) targets the most marginalised workers in the Palestinian labour pool (i.e. women, youth, persons with disabilities; low wages etc.). DWRC estimates that approximately 75% of Palestinian workers do not currently benefit from the labour law. The CSO also used UNDP funds to work to strengthen the capacity of the Labour Inspection Unit through a series of trainings on how to present evidence in court. This strengthened the entire labour justice chain due the fact that the Labour Inspection Unit has a very important role to play before cases go to court.[[125]](#footnote-126)

Using UNDP funding, DWRC has been able to try a new type of outreach in the form of mobile legal awareness clinics. DWRC on occasion has also responded to requests for information about the labour law from ordinary citizens that have helped them to organise themselves and defend their rights. DWRC was successful in holding meetings at a number of hospitals and in convincing hospital cleaning staff to argue for severance pay. DWRC also lobbied with the Ministry of Labour to amend the procedures for severance pay. In the end, DWRCP’s efforts resulted in some workers obtaining the benefits that were owed to them.

Women for Life (WFL) was established 2004 and works in Salfit and Qalqilya. UNDP funds the legal and social services unit which works to address violence against women.WFL currently employs three female lawyers and a social worker. The UNDP supported project deals mainly with the execution of judgements from the *shari’a* courts. It sometimes takes years until such judgements are executed.

Using UNDP funds and technical support, WFL lawyers began by researching the reasons why it is difficult for women to access justice, including mapping out the reasons why the judgments were not executed. The UNDP supported research confirmed that low rates of execution are primarily caused by the fact that *shari’a* courts are currently not able to execute their own judgements. This research concluded that there needs to be a special division established at the *shari’a* courts for execution of judgements. The research also revealed a need for additional and enhanced awareness-raising for women, the courts and police.

WFL lawyers were subsequently successful in executing twenty *shari’a* court judgements. This was the first time that so many judgements for women had been executed for Salfit and Qalqilya. The lawyers worked on 15 new cases this past year and rendered legal advice in an additional 30 to 40 cases. These clients have had a variety of legal issues, but most are abused women. WFL refers all juvenile cases to the child protection network of MOSA.

According to the director of the execution department at the civil court in Salfit, the court witnessed a large increase in demand for execution of judgements as a result of the UNDP supported women’s awareness-raising. Previous to 2011, the execution department at Salfit dealt with about 400 cases per year, after the UNDP supported training 2011 and 2012 the court was able to deal with 2,000 cases each year (of these 20% are women). As of 2013, the number of women approaching the courts for execution of judgements is continuing to increase.

A local lawyer interviewed by the evaluation stated that UNDP technical advice and trainings had proved beneficial to his work due to the fact that he had no previous training on women’s issues - especially due to the fact that rates of domestic violence are increasing. The family protection units at the police that deals with violence against women as well as disputes between children and parents is being used with increasing frequency. In his opinion, the units were made more efficient as a result of UNDP support. Police are now actively referring women to the local legal aid centre. *Shari’a* courts and tribal leaders are also referring cases to the centre as a result of the legal awareness raising conducted by Women for Life.

The laborious pace of cases working their way through the court system means that UNDP and the organisations are not able to demonstrate large volumes of clients moving through the courts each year. Some of the cases also entail filing with international human rights bodies. UNDP is one of the few organisations willing to take a “long view” of rule of law.

Some CSOs state that UNDP’s support could be more strategic going forward, with a common approach agreed upon by UNDP and CSOs. UNDP could perhaps have been firmer in insisting that the CSOs respect the reporting lines that UNDP established between the CSOs and UNDP. While UNDP established a single focal point for this purpose, in reality, CSOs seeking faster or different offices sometimes by-passed the designated contact point and engaged with a number of UNDP staff simultaneously. This resulted in some CSOs being unclear as to who was ultimately overseeing the process. UNDP might also consider improving its grouping of the CSOs in meetings to ensure that partners performing similar work are invited to meetings with each other. Additionally, some of the more established CSOs questioned whether all grant recipients of the CSI actually possessed enough capacity to meet the outputs agreed to. While UNDP assured the evaluation that detailed capacity assessments were undertaken initially, continued funding of the CSOs should be based upon their actual demonstrated performances and capacities to date during the period of UNDP assistance. Certainly, developing local capacities and bringing-along smaller CSOs should be a continued goal.

CSOs were provided great latitude under the UNDP Civil Society Initiative, but within detailed outputs and work plans that were negotiated by UNDP with the CSOs. UNDP intentionally avoided “one size fits all” solutions and provided only minimal guidelines on the types of clients and cases that the CSOs should take. UNDP will need to collect more data such as the number of visits of labour inspectors to the workplace, the number of violations that they have been able to handle in order to fully assess the impact of the work of CSOs like DWRC. The *sustainability* of the CSI was also raised as a point that had not been sufficiently addressed by UNDP. Several more senior CSOs stated that going forward, the UNDP initiative needs better indicators and clear exit strategies (where sustainable sources of self-funding are appropriate and feasible). UNDP has in fact already begun to address this via its revised M&E plan.

While the evaluation’s overall assessment of the CSI is highly favourable, key questions going forward for UNDP will be whether awareness raising activities are the most cost-effective use of limited resources; and whether awareness raising should be scaled-down in favour of scaling-up other aspects of the programme (i.e. legal assistance or re-focused advocacy). It is certainly fair to say that not *all* CSOs should be doing *all* things (i.e. legal aid, awareness-raising, advocacy *and* publications). UNDP is currently taking measures to critically assess the performance of each of the grant recipients, as well as their demonstrated capacities and relative strengths for both awareness-raising and advocacy.[[126]](#footnote-127)

As of April 2013, a number of agreements had not been renewed. Beyond this, UNDP is reviewing overall modalities of interacting with CSOs. UNDP informed the evaluation that it is committed to reducing general awareness raising while maintaining it for women to help bridge the legal literacy gender gap. In addition, UNDP intends to make it more specific and targeted as a clear stepping stone to empowering community members to seek legal aid services. UNDP also acknowledged that much of the advocacy work on Israeli violations had not achieved the expected impact due to lack of political will within the international community (not due to any failing on the part of the CSOs engaged in the sector).

*UNDP support to the PBA and continuing legal education and law school clinical education in the West Bank*

Another avenue that UNDP has effectively explored to provide basic legal services is the PBA in both the West Bank and the Gaza Strip in conjunction with universities.[[127]](#footnote-128) The programme has helped to establish legal aid clinics in partnership with a number of leading Palestinian universities, including Al-Quds University, An-Najah University, Hebron University, Al-Azhar University, the Islamic University in Gaza, and the University of Palestine.[[128]](#footnote-129)

The legal aid clinics play an important access to justice role by providing basic but valuable legal aid services to disadvantaged communities while ensuring that law students are able to put theory into practice at an early stage in their careers. Targeting some of the oPt’s most neglected districts, they also facilitate a greater understanding among future legal professionals of the problems commonly faced by the poor.[[129]](#footnote-130) In addition, since 2011 UNDP in partnership with the University College of Applied Sciences in Gaza has developed a paralegal diploma programme.[[130]](#footnote-131) UNDP was successful in placing paralegals on the agenda of the national legal aid conference and has supported recommendations from that discussion.

The clinical legal education programmes in both the West Bank and Gaza appear to be similarly developed and seeing roughly the same numbers of clients, although the alignment of the law school clinics with the formal justice sector is somewhat more advanced in Gaza than in the West Bank due to the fact that the Gaza branch of the PBA takes a primary and supervisory role over the university law school clinics. It has also established close links with legal aid providers through the Awn Network. Moreover, the Gaza branch has a thriving legal aid clinic which uses interns from the law schools. By contrast, the legal aid clinics in the West Bank are funded directly by UNDP and do not yet partner extensively with the PBA. An important note is that law schools in both the West Bank and Gaza were not successful in getting legal aid clinics included in the draft Legal Aid Law. UNDP’s partnership with the PBA in Gaza is discussed in more detail below under Outcome 4. UNDP support to the PBA and the university-based legal aid clinics is outlined herein.

UNDP currently funds an expert at the West Bank branch of the PBA. As a result of UNDP support, the PBA has conducted a study on the role and needs of women lawyers and, subsequently, established a female lawyers’ network. UNDP support also enabled the PBA to establish a continuous training programme implemented at five district offices across the West Bank. The programme, which offers training for licensed lawyers has thus far operated on a pilot basis with approximately 20 lawyers attending each course in each district, resulting in approximately 1,000 trainings undertaken by a pool of 300 participants (out of a total of 2,400 eligible members of the PBA). Thus, it would appear that UNDP has been successful in reaching approximately 14 percent of all members of the PBA to date. Around 1 in 4 participants in the courses were female which is a strong result given that women make up around 7% of practicing lawyers. If female trainee lawyers are counted, then the female participation rate is closer to 11%.

According to the PBA, the courses have assisted the PBA to strengthen its relationship with its membership and attendance rates at the training sessions have continued to increase. The trainings included a wide range of topics (e.g. banking and finance, gender and juvenile justice, administrative justice and criminal law). The evaluation assembled a focus group of lawyers who had attended the courses in order to ascertain the impact of the training. The lawyers overwhelmingly felt that the UNDP supported courses were highly specialised and had enabled them to improve their practices and representation of clients. Testimonials from the focus group are annexed to this report.

While the UNDP supported continuous training programme appears to be gaining traction, going forward UNDP should work to further institutionalise continuing legal education and encourage the PBA to make it compulsory with mandated number of hours and core requirements for all licensed lawyers (i.e. a course in legal ethics).

*Clinical legal education in the West Bank*

UNDP is largely responsible for introducing the concept of clinical legal education in both the West Bank and Gaza. UNDP support to clinical legal education in the West Bank included grants to three universities, i.e. Al-Quds University, An-Najah University and Hebron University. Of the three universities only Al-Quds University had a law clinic prior to UNDP support. Additionally, UNDP, in conjunction with CIDA/Canada, organised a two-day workshop with faculty staff and students from the clinics to discuss how to organize a legal aid clinic, its role within society, institutionalisation of the idea of the clinics, quality assurance, client contacts, documentation and case management. UNDP also convened a series of meetings between the legal aid clinics to exchange information.

The evaluation visited Al-Quds University’s Humanitarian and Human Rights Centre and Hebron University’s Law Clinic. UNDP support to both universities appeared to be well defined and highly relevant to their work. Each school had utilised UNDP support to developed specialised offices, computer rooms and specialised curricula for the legal aid clinics. Furthermore, the clinics are also contributing to awareness raising and to legal scholarship. For example, the director of the Hebron University’s Law Clinic published a law review article detailing the state of clinical legal education in the oPt that will serve as a basis for further development and also a point of information for the international community.

UNDP supported several moot court competitions at each institution, including competitions on humanitarian law and human rights. The International Committee for the Red Cross (ICRC) provided case studies for the moot court and students were divided into teams for defense counsel and prosecuting attorneys. In addition, each clinic has participated in the International Jessup Moot Court Competition with some Al-Quds University students being sent to the Hague for the final rounds.

The evaluation assembled focus groups of students at each location. Students were unanimous in their assessment that the clinical legal education curriculum had contributed to developing their legal thinking and equipped them to gain skills that would benefit them in the practice of law. Furthermore, the students were energised by the work of the clinics and the impact that their advocacy had upon the most marginalised groups of Palestinian society. The statements of students participating in the focus groups are annexed to this report.

While the main impact of the law clinics is certainly their influence upon a new generation of Palestinian lawyers, the cases that the law clinics are handling are contributing to access to justice in the West Bank. For example, at Hebron University cases included divorce; intellectual property (i.e. a case involving women owned intellectual property that was stolen through the Internet); labour law issues; denial of constitutional rights; property rights (i.e. land and boundary disputes; contractual disputes among citizens (i.e. rent contract); and also juvenile cases.

For the entire year 2011/2012 at the legal aid clinic in Hebron out of 60 cases, 2 were human rights cases (i.e. one case dealt with denial of access to travel for medical treatment, but without any result. Another case dealt with a prisoner that was on hunger strike). The clinic is avoiding cases that are conflict-related, as these are deemed too complex for the students to become involved in within the course of their clinical experience. The clinic is trying to get cases that can involve the students. Normally, 25 to 30 students are enrolled each semester. On average 70% of the students are women and 30% are men. Going forward, UNDP should *systemize* the collection of case statistics from the different clinics and ensure that they are disaggregated from UNDP’s wider access to justice initiatives.

The legal aid clinics in the West Bank are not yet synergised with the PBA or CSOs to the same extent as their counterparts in Gaza. This can be attributed to both political will on the part of the West Bank branch of the PBA and, perhaps, the larger geographic area of the West Bank. Most of the law school clinics have made contacts with CSOs on their own. Going forward, UNDP should explore ways to build sustainable partnerships between the PBA, CSOs and law school clinics. To its credit, UNDP did support the MOJ’s legal aid conference that introduced the idea of law clinics; at present there remain only minimal contacts between the MOJ and the law school clinics.

*Output 2.2: Legal literacy and awareness for rights-holders and duty-bearers improved*

UNDP has supported a variety of stakeholders to enhance legal literacy and awareness for rights-holders and duty-bearers. As stated above, nearly every CSO that received UNDP funding conducted some form of advocacy and awareness-raising. Other UNDP efforts to date have included strengthening Palestinian institutions’ fight against corruption; improving the effectiveness of police internal accountability and oversight mechanisms (part of the UNDP/EUPOL COPPS Joint Programme); enhancing the AGO’s transparency and accountability during the pre-trial phase and promoting gender integration of law enforcement.

The evaluation confirmed that UNDP operated in close partnership with the CSOs of the Civil Society Initiative. In terms of its priorities and strategic approach, UNDP informed the evaluation that it held a number of CSO roundtables before CSOs submitted proposals and concept notes. UNDP reviewed all proposals to make sure that one or more CSO grant recipients addressed all areas of the Rule of Law & Access to Justice Programme. Furthermore, UNDP negotiated every dollar in the proposals. Very little of the funding went for equipment and construction - most of the money went for salaries to lawyers and researchers. Before grants were awarded, UNDP held additional consultations with the NGO Development Centre(NDC) about the proposals to ensure that there is no overlap with what they were funding. Additionally, the 10-15% of the partners engaged in research had to develop a concept note in their proposal for research and then dedicated meetings were held with UNDP staff review budget, research plan, etc.

UNDP has frequently rendered technical assistance directly to the CSOs to build their capacities to absorb funds and report back to UNDP. UNDP informed the evaluation that it closely monitors CSO spending under the initiative; yet, some grantees lacked the skills to report financially to UNDP. In these instances UNDP’s Finance Associate visited problematic CSOs to assist them with their bookkeeping. Several grants were not renewed by UNDP as a result of the fact that after repeated warnings by UNDP the CSO could not improve their reporting or quality of writing and UNDP was forced to cut the funding. The M&E reports of UNDP provide examples of how the CSOs were graded due to efficiency. Despite UNDP’s best efforts, some of the grantees’ reporting skills are low and are currently not delivering enough data.

Many of the CSOs and quasi-governmental organisations interviewed by the evaluation that engaged in legal aid/counselling also conducted awareness-raising and research on issues of access to justice and rule of law. These include: PCATI, Hamoked, Addameer, PHR, Al-Haq, Save the Children/Sweden, JCAN, JLAC, Civic Coalition, PWWSD, DWRC, WFL, Al-Quds University and Hebron University. In addition, a number of other CSO and academic partners interviewed by the evaluation were specifically focused on awareness raising and research including Shams, WCLAC and Birzeit University’s IWS.

The evaluation’s interviews gathered evidence of a direct impact of the awareness-raising activities as detailed in the following chart.

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| --- | --- | --- |
| **Evidence of UNDP supported advocacy and awareness-raising and its impact at the outcome-level**  \*Source: UNDP and CSOs interviewed by the evaluation | | |
| **Organisation** | **Target beneficiaries** | **Impact at outcome-level** |
| *Women for Life* | Vulnerable women requiring execution of *shari’a* court judgments | The number of women approaching the courts for execution of *shari’a* court decisions in Salfit was increasing as of 2013 |
| *Women for Life* | *Shari’a* courts and tribal leaders | *Shari’a* courts and tribal leaders are referring cases to the legal aid centres |
| *UNDP/PAPP’s Rule of Law & Access to Justice Programme* | *Shari’a* court accountants (plus awareness-raising for HJC judges) | Palestinian Maintenance Fund is now streamlined into the courts |
| *Women’s Centre for Legal Aid and Counselling* | Vulnerable women impacted by the Personal Status Law | The number of women seeking legal aid to challenge aspects of the Personal Status Law is increasing. |
| *Birzeit University Institute of Women’s Studies* | *Shari’a* court judges from all over the oPt. | The UNDP supported conference organised by Birzeit University on *Shari’a* law directly influenced the Supreme *Shari’a* Judge’s decision to issue changes on the interpretation of *Shari’a* inheritance law |
| *PCATI* | Torture victims and the law enforcement authorities | The Israeli authorities have changed the way that they investigate cases of torture |
| *Save the Children/Sweden* | Children detained and their families | Family calls to the legal aid hotline are increasing |
| *Save the Children/Sweden* | Israeli government officials | As a result of intense lobbying and awareness-raising, the age of adult criminal responsibility was raised from age 16 to age 18 |
| *Btselem* | Israeli policy makers and Diaspora in the USA | UNDP funding enabled all of the aspects of the organisation to be enhanced, especially research and enhancing its new social media presence. UNDP support enabled Btselem to prepare a report on affects of the separation barrier over a 10 year period of time. Also produced a film |
| *JLAC* | Victims of settler violence | More victims are documenting abuse and filing complaints regarding settler violence; settler community is more hesitant to violate rights; rates of settler violence were lower during the 2012 olive harvest |
| *DWRCP* | Victims of wrongful termination at place of their employment (i.e. hospital cleaning staff) | Cleaning staff was convinced to petition the Ministry of Labour and the procedures for severance pay were changed and severance paid. |
| *PWWSD* | Abused and divorced women | Women in rural areas of the West Bank are using the *shari’a* courts more frequently |
| *Shams* | Various groups of students | Students are more aware of concepts of human rights and rule of law and have produced socially conscious media |

*Awareness and advocacy for women’s rights*

Women have been the primary beneficiaries of UNDP supported awareness-raising. These activities intersect with UNDP efforts to improve gender justice under Outcome 3. For example, WCLAC has addressed problems with the Personal Status Law and distributed information in small and remote communities, including in Arub refugee camp. WCLAC trained a number of journalists and reporters on the Personal Status Law who are now in a better position to write articles about the effects of the law on women.[[131]](#footnote-132)

The evaluation held focus groups with various groups of beneficiaries trained by WCLAC that clearly documented an impact of the trainings on their work. The beneficiaries stressed that UNDP should continue to support the development of advocacy groups for remote areas of the West Bank. They also noted that enacting legislation that is favourable to women’s rights requires sustained engagement and should be done in partnership with the UNDP supported university legal aid clinics.

Training female members of the Palestinian Legislative Council is another part of the equation. Additionally, the CSOs expressed a need to broaden the awareness-raising to include more health care institutions and link free legal aid with free health care for women. Within the cultural context of the oPt, group meetings and live trainings for women are still viewed as the best way to increase awareness, but publications and documentary films are also making an impact.

While it was beyond the capacity of the evaluation to assess the impact of every publication produced by every beneficiary under the CSI, the publications produced by WCLAC are representative of the way in which legal information is being used for advocacy. In some instances, such publications have directly influenced authorities to increase protection for women and girls and/or to improve legal processes.

|  |  |  |  |
| --- | --- | --- | --- |
| **Women’s Centre for Legal Aid & Counselling - UNDP Supported Publications** | | | |
| **Publication (print/media)** | **Date** | **Copies** | **Target Audience and Impact** |
| *Self-help Guide to Custody* | 2012 | 1,000 | A guide to self-representation in *shari’a* court. Is being used by women to represent themselves |
| *Legal Justification for the Reform of the Personal Status Law* | 2012 | 500 | The publication includes the legal justification for six different points of suggested reform, including the age of marriage, right of divorce, and partition of marital property |
| *Women’s Organisations Experiences Since 1998 with Attempts to Reform the Personal Status Law* | 2012 | 500 | Documents the experience over the past 15 years of attempts at reforms |
| *Palestinian Women’s Rights Written by Young Media Professionals* | 2012 | 500 | Collection of stories on women’s rights published by journalists who attended the UNDP supported awareness training |
| *Palestinian Women’s Rights and the Personal Status Law* | 2011 | 500 | Prepared in 2008, but UNDP paid for the printing in 2011 |
| *The Rights to Girls Education in Hebron (DVD)* | 2011 | 500 | DVD produced by journalists who attended the UNDP supported awareness raising sessions. The DVD was used to advocate with the Ministry of Education to urge them to reopen the high school for girls in Nasal so that they could continue their education in their own village. The school was successfully reopened in 2012 |

From a sustainability perspective, CSO publications are expected to be used for a number of years to come by a variety of different actors and stakeholders, including universities and students. The evaluation also received testimony from CSOs that the awareness-raising sessions are directing women to the legal aid centres, such as those run by PWWSD. The awareness-raising sessions and workshops are an opportunity for the CSO lawyers to assess the needs of their target constituencies. The CSOs also stated that UNDP had provided them with a great deal of day-to-day follow-up and technical support under the programme. Furthermore, UNDP support is enabling the CSOs to partner with other organisations that did not receive direct UNDP support (e.g. PWWSD is cooperating with the Arab Agricultural Centre for Development on economic empowerment of women).

UNDP support has also enhanced academic research and conferences centred on women’s rights, such as those conducted by the Birzeit University’s Institute of Women’s Studies. Quality academic research often is a time-consuming and labour intensive process, but once completed has the potential to impact widely upon policy and gender equality. Such detailed and multi-faceted research would simply not be possible without the support of UNDP and other donors. It is the perception that Birzeit University, through its conferences, is putting difficult issues relating to women’s rights on the agenda. For example, Birzeit University with UNDP support is expected to undertake a study of perceptions of *shari’a* law within the coming year. It is very difficult to quantify the impact that such a contribution can make on society over time.

Representing one of the most significant examples of impact under Outcome 2 (and indeed Outcome 3), Birzeit University’s conferences on *shari’a* law were the only fora for bringing *shari’a* court judges from all over the oPt together to discuss different interpretations of the law. The Supreme *Shari’a* Judge was present. The conferences organised by Birzeit University were directly influential on the Supreme *Shari’a* Judge’s decision to issue changes on the interpretation of *shari’a* law in oPt, instituting a waiting time of four months minimum after a parent’s death before issues of inheritance can be discussed and then the property must be registered and the disposition of property occur in a supervised manner. This is a great improvement because formerly brothers would approach a sister immediately after the father’s death and convince the sister to give up all property and there was no registration of the property or supervision by the *shari’a* court. Now women have the right to be informed and are able to make an informed decision.

Another important outcome of the UNDP supported research and workshops was the fact that the *shari’a* court judges realised that there was a lack of uniformity of application of *shari’a* law and also how widely social context had influenced their decisions. This was a stunning realisation for most of the judges. There were a number of other reforms introduced as well.

*Awareness-raising targeting youth*

The Arab Spring has shown the world that the voices of youth and the way in which they utilise technology to communicate and interact with each other cannot be discounted. According to the PCBS, 29.4% of the population in the oPt in 2010 were youth (15-29 years). While one out of every three youth old enough to participate in the labour force was unemployed in 2010, nearly half (46.7%) of young people in the oPt use the internet; over one third have email accounts and over 60% have mobile phones. The most shocking statistic: 72.2% of all persons killed as a result of the Israeli occupation are youth.[[132]](#footnote-133)More than 90% of the children who become entangled with Palestinian law enforcement are victims of domestic violence.[[133]](#footnote-134)

Thus, there can be no question that UNDP’s decision to include youth CSOs in its grant scheme was both highly relevant and urgent. Among the CSOs supported by UNDP, Shams is a good example of a CSO that is engaged with adolescents and youth to promote a culture of human rights and rule of law.[[134]](#footnote-135)Shams used the UNDP funds to conduct workshops and media activities targeting law, media and communications, and political science students. Participants ranged in age from 19 to 22 with a high ratio of gender equality. The media products produced under the initiative (e.g. radio and television spots, a Facebook page and Twitter presence) reach a much wider audience even beyond the West Bank to Gaza and parts of Jordan. In addition, Shams used the workshops as an opportunity to build its partnerships with college administrations. According to Shams, the fact that UNDP was viewed as politically neutral was a tremendous advantage in reaching this age group. Furthermore, UNDP technical assistance significantly enhanced Shams’ own monitoring and reporting abilities and UNDP staff attended and participated in the workshops.[[135]](#footnote-136)

The evaluation assembled a focus group comprised of students that had participated in the workshops. All students reported that the activities had increased their awareness of human rights and rule of law and many students used the workshops as a springboard for their own projects. For example, a female student at Birzeit University began an Internet blog after participating in one of the workshops. A male student used his experience with the media unit at Shams to get a job at a local television network, while a female student used similar experience a Shams to join a course at Birzeit University on producing documentaries; and ultimately shot a documentary film of her own entitled, “The Painting of oPt” about painting and visual arts in the oPt, highlighting the Young Palestinian Artists Club and how it develops young artists. The full notes from the focus group discussion are annexed to this report.

It is the opinion of the evaluation that youth is an area that should be further enhanced under the UNDP Rule of Law & Access to Justice Programme going forward. Many of the CSOs in oPt are rather vague in their own mandates regarding youth and there are only a few Palestinian CSOs that are exclusively devoted to this demographic.[[136]](#footnote-137) Within the context of the occupation, social media and the internet are especially important resources for Palestinian youth.

This raises a larger observation of the evaluation on the need for UNDP to support the creation of politically neutral spaces within the conflict/post-conflict environments of the oPt between Palestinians and Israelis. This is especially true for youth. There is currently no conflict prevention team within the UNDP Governance Unit. Such work is extremely complex, given the uniqueness of the context (long standing occupation and internal Palestinian division), but the evaluation suggests that possibilities for enhancing opportunities for dialogue between politically polarised groups should be explored by UNDP going forward.

UNDP/BCPR has both a strong corporate mandate and a clear and proven comparative strength in this area that is currently not being employed in the oPt. Such work could be tied to legal empowerment and youth. The recent establishment of the Global Focal Point for Rule of Law may present opportunities for UNDP (e.g. UNDP might be able to draw upon *shari’a* law experts from DPKO). Additionally, UNDP might explore options for approaching the UN Peace Building Support Office and request them to conduct a mission to the oPt. Community and religious leaders might be an entry point at the local level.

*Output 2.3: Models for potential linkages between formal and informal justice systems reviewed and developed*

Clan-based systems of justice in the oPt have served to supplement the formal Palestinian justice system. “This social phenomenon comprises the settlement of disputes between citizens outside of the formal justice system and includes clan-based *sulh*, a method of dispute resolution through conciliation and clan-based law adjudicated by clan-based judges.”[[137]](#footnote-138)The clan-based system has been subject to the criticism that it is corrupt and discriminatory against women, with judgments favouring the strongest parties to a dispute.[[138]](#footnote-139)Yet, such traditional forms of justice are integral to any system within the tradition of Islamic law.[[139]](#footnote-140)

According to UNDP’s public perception survey, citizens perceive that justice is slow and chose to avoid the formal justice system, turning to community leaders instead. “Community leaders - ‘*islah* men’ and ‘tribal judges’ - often use dialogue-based dispute resolution approaches combining forms of mediation and arbitration to resolve disputes. 23.3% of Palestinians perceive that these informal justice mechanisms are faster than formal courts. In the absence of a clear oversight and regulation framework, however, the potential for informal justice mechanisms to deny the rights of vulnerable or marginalised groups is obvious. The data suggests that there is a need for quicker, dialogue-based, human-rights focused alternative dispute resolution (ADR) mechanisms.”[[140]](#footnote-141)UNDP’s continued support of the study of informal justice mechanisms in the oPt is laying a foundation for conducting workshops to be held in 2013 on the relationship between formal and informal justice systems and improving the accountability of community leaders who dispense justice.[[141]](#footnote-142)

Use of informal justice is not as widely used in West Bank as in Gaza and the MOJ has been resistant to working with the traditional justice sector. Thus far, UNDP support for creating linkages between the formal and the informal justice sector has not progressed as quickly as planned. UNDP initially had problems recruiting an expert to do this type of research. Ultimately, UNDP found an expert who is now in the final stage of submitting a final draft and UNDP has a number of workshops planned for 2013.

UNDP has also used the CSO grant recipients to conduct some research on this issue. There remains a need to ascertain how many cases are being generated by the informal justice sector in the West Bank and whether these are respective of women’s rights. As detailed under Outcome 4, UNDP has achieved a high-level of contacts with traditional leaders in Gaza. The groundwork already laid in both the West Bank and Gaza places UNDP in a very good position to develop a more comprehensive programme for traditional justice during the programme’s second phase.

### Outcome 3: Gender and juvenile justice improved

As stakeholders in the government, UNDP and civil society have acknowledged women’s rights and access to justice by women is an important component of the government’s state-building goals.[[142]](#footnote-143)The same can be said for juvenile justice and the treatment of minors in conflict with the law. Yet, there is a significant need for progress in these areas, in part because of institutional weaknesses. For example, there was no single focal point for gender or juvenile justice at the MOJ before UNDP’s intervention, and coordination across government institutions on these issues is often lacking.[[143]](#footnote-144) Similarly, the lack of specialised juvenile courts hampers the government’s ability to take a tailored approach to the challenges of juvenile justice.[[144]](#footnote-145)

In order to help address these kinds of challenges, the programme has incorporated gender and juvenile justice initiatives into projects across the different outcomes and in particular in its work with the justice sector institutions and civil society.[[145]](#footnote-146)In acknowledgment of the importance of juvenile and gender justice, Outcome 3 is therefore a stand-alone component of the programme, but as noted throughout this report, the needs of women and juveniles are cross-cutting priorities in other outcomes as well.[[146]](#footnote-147) The legal aid and awareness-raising work of UNDP is discussed under Outcome 2 and Outcome 4 of this report.[[147]](#footnote-148)UNDP’s support to legislation and national strategies on gender, as well as its support to the capacities of law enforcement agencies to combat GBV are detailed below.

*Output 3.1: Legislation related to gender justice and its enforcement reviewed*

As with all areas of Palestinian law, history and the Israeli occupation have made coordination and modernisation of gender justice laws quite difficult. Past efforts have shown positive results, but key stakeholders acknowledge the need for comprehensive review.[[148]](#footnote-149)

To that end, and in support of its national partners, UNDP commissioned a legislative review entitled, “A Review of Palestinian Legislation from a Women’s Rights Perspective” (March 2012).This is a very well written legislative analysis that discusses Palestinian legislation from a gender perspective in international law; constitutional law; personal status law; criminal law; labour law and political participation.[[149]](#footnote-150)The review provides a comprehensive base for Palestinian legislators to use in their drafting of legislation going forward; it also provides a rationale for rights litigation today by drawing explicit links between gender rights provisions in existing laws to provisions of CEDAW that the government has ratified.[[150]](#footnote-151)

The MOJ itself views the major output of 3.1 as the Review of Palestinian Legislation from a Women’s Rights Perspective. UNDP hosted a validation workshop and the main conclusion was that the oPt does not need more laws but the issue is that there is more execution needed. The report’s recommendations have served as a catalyst and a tool for CSOs to identify how they could put pressure on the government to improve implementation of the laws. The main laws that were highlighted in the report were the Family Law and Personal Status Law.

The report was directly linked to a conference that was held with UNDP support to discuss the draft of the Family Law in detail. The conference was attended by a variety of Palestinian and Israeli CSOs and included participants from Jordan, Egypt and Tunisia. This conference was one of several events that influenced the formation of a national committee formed to work on a new draft of the Family Law. Importantly, that committee includes the *shari’a* courts. The main achievement is that there has been a consensus reached on the final draft.

The evaluation finds such legislative “gap” analysis to be a best practice and encourages UNDP and donors to fund more such whitepapers and studies going forward. UNDP should increasingly position itself to be a knowledge organisation that provides technical analysis and expertise - especially within a context of diminishing financial resources. Some donors interviewed by the evaluation stressed the need for UNDP to ensure that such studies are synergised with other areas of the UNDP Governance Unit and tied to other outputs.

As discussed above under Outcome 2, not all CSOs funded by UNDP were able to produce reports and publications with the same degree of quality. Going forward, UNDP should become more strategic in terms of which CSOs are supported with UNDP funds to produce knowledge products.

UNDP also assisted the committee headed by the MOJ that reviewed legislation for gender sensitivity according to the PNA legislative plan. UNDP experts at the MOJ participated in the review of four laws relating to gender and reviewed other legislation relating to gender justice. UNDP experts also suggested to the Legal Affairs Unit at the Council of Ministers some legislative priorities for the year 2013. Reviews were completed of the Penal Code, the Law for Women’s Shelters, the Law for *Shari’a* Judiciary Council and the Law on Eradicating Domestic Violence.

All these laws were reviewed in 2011 and 2012. UNDP also reviewed the criminal procedural laws from a gender perspective. Some draft laws have been presented to the President’s Office and some are still with the Council of Ministers and subject to readings reviews.

In addition, UNDP was heavily involved in capacity building for the MOJ staff and other ministries relating to gender and juvenile justice. In partnership with Birzeit University, UNDP experts developed and included specialised subjects in the Legal Skills Diploma programme and MOJ staff was trained extensively in gender and juvenile justice. UNDP is currently developing the training programmes for this year and the coming year, which will include more in-depth related subjects on gender and children’s rights.

Prior to UNDP’s support the MOJ was not really open to dealing with non-governmental organisations in relation to gender and juvenile cases. UNDP tried to ensure that these networks and organisations had an active role in devising the MOJ’s strategic plan. The training programmes scheduled for 2013 will provide further opportunities to exchange experiences.

UNDP experts were also able to strengthen the position of the MOJ relating to juvenile and gender justice. The MOJ now participates in child protection networks across six governorates (Nablus, Ramallah, Bethlehem, Gaza, Jenin and Hebron). These networks try to coordinate efforts of government and CSOs in each governorate to promote the services, referral mechanisms and technical roles of these organisations on child protection. Until 2012, the MOJ’s role vis-à-vis these networks was not clear, although the network had been established seven years ago. The MOJ’s participation helped it to identify problems in policy, procedure and legislation. The cases brought before these networks keep the Ministry’s work relevant to the cases and needs for further developing a secure referral system and legal protections for service providers.

*Output 3.2: Formulation and adoption of a national policy on youth and adolescents supported in partnership with others*

As with women, access to justice and protection for the rights of children requires a carefully tailored approach. In the oPt, other pressing policy needs have often taken priority over the creation and establishment of a comprehensive policy on Palestinian youth and adolescents. And yet there is a pressing need for such a strategy, especially given the strong potential for abuse of the rights of juveniles detained in the justice system and in the Israeli system in particular.[[151]](#footnote-152)Palestinian youth comprise approximately 27% of the population. Past juvenile justice strategies focused more on social assistance than access to legal process and protection of rights, and were therefore not entirely on-target.[[152]](#footnote-153)

In order to address this need, the programme supported the work of the National Committee on Juvenile Justice (NCJJ) by seconding a full-time coordinator to the committee and by actively participating as an observer.[[153]](#footnote-154) The NCJJ is a primary driver of juvenile justice reform, made up of representatives from the relevant justice institutions, civil society organisations and international agencies.[[154]](#footnote-155) Through its work with the NCJJ, UNDP has supported efforts to get a Juvenile Justice Law enacted, has strengthened the ability of NGOs and other legal aid providers to address the unique needs of juveniles in conflict with the law, and has engaged with MOSA to protect the rights of juveniles in detention within the Palestinian system.[[155]](#footnote-156)

In support of these and future initiatives, UNDP also participated in a pilot audit of cases involving children in conflict with the law that will provide both qualitative feedback and quantitative data that will be essential to further policy changes and projects aimed at improving standards and access to justice for Palestinian juveniles.[[156]](#footnote-157)

At the beginning, the PNA recognised the need to develop ideas on gender and juvenile justice as a way of developing capacity to implement and apply human rights. Under the leadership of other ministries (i.e. MOWA and MOSA) a National Strategy for Eradicating Violence Against Women and a National Strategy for the Protection of Children were developed. The problem for the MOJ was that it was not strong at the time these national strategies were developed and the strategies overlooked the need to establish roles for the MOJ in the protection of women and children.

To address this deficit, UNDP funded a gender and juvenile justice expert to assert the MOJ’s roles in these areas. The most important achievements have been the ability to devise a strategic plan for gender justice and for juvenile justice and to harmonise them across other ministries. In developing these, UNDP took into account several policy documents as well as international standards and conventions pertaining to these issues. An inclusive process across all parts of the MOJ was used to develop plans for gender and juvenile justice. This in itself was valuable in starting the process of enabling the MOJ to carry out its role. Extensive consultations also conducted with other ministries in identifying the MOJ’s roles and responsibilities.

UNDP did not engage much with MOWA directly due to the fact that UN Women was already engaged in this ministry. Despite numerous attempts, UNDP’s engagement with the (former) Ministry of Youth and Sports (MOYS) has been limited. Its organisational set-up was changed several times in recent years (e.g. four different general directors in the last year and a half) and the new structure is now very centralised. The director is abroad most of the time, making it difficult to make solid progress on the National Strategy for Youth and Adolescence.

Beyond this is the fact that the lead ministry on the National Strategy for Youth and Adolescence is in fact MOSA while the lead ministry on the Gender Justice Strategy is in fact the MOJ. Thus, UNDP engagement with the MOWA and MOYS has proved not as relevant to the process as originally contemplated when the RRF was formulated.

*Output 3.3: Gender and juvenile justice strategy and action plan developed*

Palestinian women and children have suffered from the absence of a sound policy and institutional framework aimed at overcoming social and resource barriers to justice. Empirical studies have shown that women find it much more difficult to access justice mechanisms due to their lack of understanding of the law and what it can do for them; a lack of access to assistance in navigating the justice system; inadequate or discriminatory legislation, and; institutional bias against women and their needs.[[157]](#footnote-158)For similar reasons, very few juveniles resort to the formal justice system to protect themselves and their rights.[[158]](#footnote-159)These cross-cutting social, political, and resource problems called for a single focal point to coordinate strategy and action for their resolution.

To that end, UNDP seconded expert on gender and juvenile justice has been in place at the MOJ since June 2011.[[159]](#footnote-160) UNDP support to the MOJ resulted in inputs on the National Strategy on the Eradication of Violence Against Women (2010) and the Gender and Juvenile Justice Strategy (2011). The National Strategy on the Eradication of Violence Against Women was divided into five parts and committees were formed (i.e., health, security sector, legislation, etc.). The MOJ assumed the legislative part of the strategy. Among all the other ministries that are partners in devising the strategy, the MOJ was the only ministry that appeared to have implemented its portion of the strategy.

The Gender Unit has reviewed four pieces of legislation related to gender and has also reviewed other pieces of legislation related to gender justice. In addition, it suggested the legislative priorities to the cabinet for 2013. The first laws that the Gender Unit reviewed in 2011-2012 were the Penal Code, the Law for Women’s Shelters, the Law for *Shari’a* Judiciary Council and the Law on Eradicating Domestic Violence.

It must also be noted that at the outset, roles and responsibilities were not clearly defined. According to the MOJ, it needed UNDP’s guidance on how to implement the strategy and also as to what is being done on an international level. The most important achievement in terms of UNDP’s impact was the National Strategic Plan for Gender Justice. The MOJ also benefited from UNDP supplying it with several other strategic documents (i.e. the Strategic Plan for Access to Justice and the Rule of Law, as well as international standards and conventions).

On the ground, the MOJ was able to devise a National Plan for Gender Legislation (beginning of 2013) and now UNDP is working on the executive part of the plan. UNDP has organised the PNA, CSOs, and different academic institutions to come together to devise a strategy. UNDP support has enabled the MOJ to establish gender and juvenile justice units.

Considering the fact that the strategy has now been in place for almost two years, a logical question is how has the strategy actually been used and has MOJ actually followed it? The evaluation posed this question to UNDP and was informed that as a result of UNDP’s technical advice committees were formed for implementing the strategy and implementation plans divided into five sectors: security, education, health, media and legislation. The MOJ heads the legislation committee and is also a member of the others. The MOJ is the only ministry, however, that has actually implemented the strategy.

Gender units in other ministries have had major problems in their structures and have no clear work plans and no effective staff. And even now there is a challenge relating to lack of a clear role of these gender units and there is talk of abolishing them. The MOJ is aware of such issues and has tried to protect the gender unit and equip it so it could carry on its work, both within the MOJ and across other justice institutions that lack capacity.

According to UNDP, the gender and juvenile justice component has been the one that has required the most creative work, because its outputs as designed were rather vague. There was nothing concrete in terms of who would be UNDP’s partners for implementation, etc. This turned out to be a good thing in a way as it allowed UNDP the flexibility to choose a wide spectrum of partners including the PMF, the PBA and Birzeit University’s IWS.

However, it remains a very crowded scene. Thus, UNDP must be strategic in its engagement in the sector going forward. UNDP to date does not have a comprehensive programme relating to GBV (despite the fact that the Programme Document might convey the impression that it addresses all aspects of GBV). Instead, UNDP has tried to be strategic in its support focusing on improving the normative framework relating to GBV (as discussed below in 3.4).[[160]](#footnote-161)

*Output 3.4: Capacity of law enforcement officers and legal professionals on gender justice, specific to GBV, developed*

As in other countries, gender-based violence (GBV) presents particularly troubling challenges in the oPt - challenges that are entrenched by complex social and cultural factors, as well as by persistent biases within key justice and security institutions. As a result, women - and particularly survivors of GBV - express despair at the lack of gender-sensitive case management processes and fear the lack of protection from reprisals and stigma.[[161]](#footnote-162)The situation is even more complex for women in areas controlled by Israeli security forces: in Areas B and C and in East Jerusalem, Palestinian police and justice institutions cannot implement reforms without the cooperation of Israeli authorities.[[162]](#footnote-163)

The programme has made successful efforts to address the needs of GBV survivors, most recently by supporting the development of draft strategies, action plans and indicators on gender and juvenile justice and by supporting the implementation of the government’s Gender-Based Violence Strategy.[[163]](#footnote-164)It has also supported government programmes aimed at providing greater access to justice for women, including victims of GBV. For example, UNDP helped to enable women who have divorced their husbands to secure financial maintenance through its support for the PMF.[[164]](#footnote-165)And, at the law enforcement level, the UNDP/EUPOL COPPS Joint Programme helped the PCP establish a gender unit, the first of its kind in the Arab world. The unit is designed to promote and integrate issues related to gender throughout the police force - including, presumably, sensitivity to GBV issues.[[165]](#footnote-166)UNDP drew upon its assessments of the needs of the PBA and female lawyers to determine what were the training needs for legal professionals on gender cases. EUPOL COPPS served as the main source of information regarding the training needs of law enforcement officers on GBV.

At the MOJ, the gender expert contributed to ensuring that development work undertaken by the Department of Forensic Medicine, supported by UNODC, reflects gender sensitivity and balance. For example, she has pushed for gender balance of forensic doctors who perform examinations of women victims of crime. All the forensic doctors are currently men and they perform the examinations on women who have been raped. The gender expert has lobbied to ensure that female doctors are recruited, resulting in four women being identified for hire with UNDOC provided training.

Through the Stabilisation Fund, UNDP provides a female lawyer to the Department of Forensic Medicine to take statements from victims of GBV. In conjunction with the Gender Unit, it also supported the department to develop its procedure. Thanks to UNDP’s interventions, all aspects of the forensic medicine training manual now reflect and emphasise gender sensitivity and gender balance in this area where women are underrepresented yet needed to make the work on crimes against women more effective.

UNDP experts also clarified the role of the MOJ in the child protection networks. These networks coordinate the efforts of government and CSOs to strengthen coordination and improve services. The PCP has piloted new child protection units in Bethlehem and Hebron. While these units fall under the jurisdiction of the MOI, UNDP supported experts at the MOJ liaise with these units on a regular basis. The role of the MOJ pertaining to childhood protection and its presence in these networks alerts the MOJ to what the problems are with legislation. Meanwhile, the MOJ has learned similarly about the MOI’s referral mechanism for the child protection safe houses.

UNDP has supported training for the new Juvenile Police Units with a focus on the special needs of juveniles and the rights of children and adolescents in conflict with the law.[[166]](#footnote-167)UNDP has also provided material support, including child-friendly interview rooms and the development of standard operating procedures.[[167]](#footnote-168) UNDP continues to work with MOSA to establish a legal aid unit to provide juveniles with free legal assistance.[[168]](#footnote-169)

UNDP acknowledged the importance of changing perceptions and capabilities of legal practitioners with regard to GBV, including through the creation of more positions for female lawyers and judges. Last year, UNDP entered into an agreement with the PBA to create a network for female lawyers, and conducted a study to determine why women are not well-represented in the legal professions.[[169]](#footnote-170) With regard to training, the PBA’s Continuous Training Programme specifically aimed at gender and juvenile justice, including issues related to gender-based violence.[[170]](#footnote-171) UNDP is also supporting Birzeit University’s Institute of Law (as part of Output 3.4) on a pair of studies aimed at determining the ways in which women utilise the formal justice sector to defend their rights and to evaluate prevailing social attitudes towards gender justice.[[171]](#footnote-172)

*Palestinian Maintenance Fund*

The PMF(formerly a department within the *shari’a* courts) plays a vital role in the lives of abused and divorced Palestinian women as it implements the Palestinian Maintenance Law (2005). The PMF provides maintenance to women who have received a *shari’a* court judgment awarding them maintenance from their ex-spouse and/or father of their children. The PMF subsequently attempts to collect the maintenance from men who owe it by obtaining execution of the *shari’a* court judgments and working with other government authorities such as the Ministry of the Interior, Ministry of Local Government, Ministry of Finance and the Land Authority. The process of recovering these funds is often complicated. While the PMF mainly collects on behalf of women, it also covers rights of parents, children and disabled persons. Thus, PMF’s role is extremely important in oPt, given the absence of a social welfare system.

UNDP support to the PMF began with a MOU signed in late 2011, but has already resulted in changes within the execution departments of the civil courts as well as impacting upon the lives of thousands of Palestinian women. According to the PMF, UNDP support and technical assistance improved the operations of the agency and its abilities to communicate more effectively with other agencies of government. The resulting improvements in inter-agency relations and information sharing have allowed the PMF to better track the locations of the men who owe maintenance and take effective action against them.

For example, with UNDP support, the PMF organised several workshops with execution departments of the magistrate (civil) courts - the entity that executes the rulings of the *shari’a* courts. As a result of the workshops the execution departments of the courts are giving priority to PMF requests. Previously, the PMF was given little recognition by judges and no special/expedited treatment by the magistrates. Thus, the PMF spent much time explaining what it did and why it needed access to the files at the court. It was also not known by judges, why individual case files needed to be accessed.

By contrast, PMF files are now separated from other files at the magistrates’ offices and given a special colour folder. PMF is able to check with the execution department of the magistrates about any issue that PMF wants to verify. Now, the orders of the court no longer are issued in the name of the individual woman who has a case, but are issued “in the name of the PMF”. This has reached all areas of the oPt.

With UNDP support, PMF organised other workshops for judges and staff at the *shari’a* courts to improve their reporting and accounting. As a result, the rulings issued by *shari’a* court judges now include explanations that will elaborate on the case and the amount of money due, which has impacted positively on PMF’s work.[[172]](#footnote-173)Indeed, PMF statistics show that the majority of clients now hear about PMF via the execution departments at the courts.

Additionally, the PMF’s relationships with other institutions have also improved as a direct result of interventions funded by UNDP. The Ministry of Transportation has now introduced into its electronic system a data field for tracking PMF decisions; now when someone wants to renew a license for their car, it will not be renewed if a PMF demand is unpaid. Beyond this, the PMF has improved its relations with various municipalities, which are now actively supplying the PMF with information on the locations of men who owe maintenance to women. UNDP support also enabled PMF to increase its visibility as a result of the website developed with project funds and to develop posters (i.e. “Your Right is Our Obligation: PMF”).

As a result of these combined efforts, PMF states that the rate of maintenance collection has improved. Retrieval during 2011 was NIS 267,438 per month, representing retrieval of 36 cases from 165 cases. Retrieval during 2012 was NIS 309,482 per month, representing retrieval of 47 cases from 196 cases. The total amount collected rose from NIS 3.2 million in 2011 to over NIS 3.7 million in 2012. Going forward, the PMF believes that it is crucial for UNDP to support the development of better communication and record systems linking the *shari’a* courts together.

Dar Al-Amal *Juvenile Rehabilitation Centre*

In addition to the support rendered to juvenile detainees via the CSI, UNDP programme staff rendered technical assistance directly to the MOSA and the *Dar Al-Amal* Juvenile Rehabilitation Centre in Ramallah in their efforts to come into conformity with international best practices.

In conjunction with UNICEF, the programme assisted MOSA to develop the National Strategy for Juvenile Justice. A UNDP representative took part in all the meetings and input was given to the committee. When the strategy was completed, UNDP provided feedback to the consultant who had drafted the study; the strategy was successfully launched on 11 February 2013.

The NCJJ was formed in 2010 with UNDP technical support. The committee members include representatives from different PNA ministries as well as the PCP, AGO, HJC, ICHR and different CSOs.

The committee developed a draft Juvenile Justice Law, which was presented to the Council of Ministers and referred to the president to sign. UNDP also assisted MOSA in establishing its own Legal Unit.

MOSA has also worked with UNDP on how to allow the juveniles at the *Dar Al-Amal* Juvenile Rehabilitation Centre to exercise their rights. During the past months, MOSA has employed lawyers to provide legal aid to juveniles. These lawyers will work with all stakeholders in the field but especially with the probation officers. In the coming months, MOSA will also employ an advisor for developing a referral system for juveniles from the moment of their arrest through to their release from the juvenile rehabilitation centre.

Thanks to the support provided by UNDP, MOSA was able to refurbish the health unit at the centre and renovated the kitchen. In addition, it improved the walls, gates and security of the rehabilitation centre and set up a computer room (with internet and instructor) and a music room.

The director of *Dar Al-Amal* affirmed to the evaluation that the UNDP support was relevant and in line with the national approach. The total number of juveniles cycling through the centre has ranged between 400 and 700 in any given year.[[173]](#footnote-174)Rates of recidivism have been decreasing recently (i.e. from 2006-2009 the rate was 50%; from 2009-2012 rate is 15-20%). Continuing needs of the centre include strengthening the reintegration and rehabilitation component and staff of the centre (i.e. assisting the centre to construct a greenhouse; improving its sports facilities and equipment; hiring a social worker and a computer instructor), repairing broken windows on the upper floors and improving heating for the winter months.[[174]](#footnote-175)

### Outcome 4: Rule of law in the Gaza Strip initiated

Rule of law in the Gaza Strip has been repeatedly set back by circumstances and events beyond the control of key justice institutions and justice stakeholders. The Israeli incursion of 2008-2009 (“Operation Cast Lead”) destroyed infrastructure and institutions, and otherwise disrupted efforts to establish rule of law in the region.[[175]](#footnote-176) Moreover, the split between Fatah and Hamas further weakened the rule of law and made assistance politically difficult, with the result that formal justice was almost non-existent in Gaza initially.[[176]](#footnote-177) The *de facto* government now provides a functional formal justice system but remains poorly staffed. As a result of low levels of confidence in the formal justice sector, 85-90% of the population in the Gaza Strip utilises informal justice mechanisms to resolve disputes.[[177]](#footnote-178) The continuing blockade of Gaza as well as the eight-day conflict in late-2012 (“Operation Pillar of Defense”) further compounded the challenges faced by the most vulnerable segments of Gaza’s population. Rates of gender-based violence and discrimination have increased as a result. It is very difficult to do rule of law work in a situation where the *formal justice sector* (led by Hamas) is in such disarray and presents substantial barriers to most citizens in terms of costs.

Prior to UNDP’s intervention in Gaza in 2010, there were no rule of law programmes available and communication between the Gaza Strip and the West Bank rule of law institutions was at a standstill. Clinical legal education was not well understood and there was extremely limited civic education available for students. The most vulnerable segments of Gazan society, including abused women, children and refugees had very limited legal aid services available.

Today the situation is quite different. The UNDP supported network of legal aid providers (“Awn” network) of CSO legal aid providers is functioning in a well-coordinated manner providing legal aid to thousands of Gazans - most of whom are women. A number of CSOs have engaged in strategic advocacy campaigns that have impacted legislation, municipal governance and service delivery and increased rights for women and youth.

In addition, the Gaza branch of the PBA has initiated organisational reforms with UNDP assistance and is now acting as a full partner in UNDP supported legal aid initiatives in close cooperation with three university law schools in Gaza. Meanwhile, the law school clinics are contributing to access to justice while educating a new generation of lawyers. With UNDP support, the PBA has also bridged the gap between the informal and formal justice sector in its trainings and outreach to local and traditional leaders that is increasing gender sensitivity (and has included the training of the first female *muqtar*). UNDP’s efforts are also paying dividends in the *shari’a* courts, which have become more efficient and protective of women’s rights as a result.

By any standard, UNDP’s successful “closing of the loop” in Gaza to this extent would be impressive - it is even more so given the acute challenges of Gaza. Satisfaction with the quality of legal assistance services is now higher in the Gaza Strip than anywhere else in the oPt, validating UNDP’s decision to strengthen the rule of law in this area by supporting quality CSOs.[[178]](#footnote-179)Yet, as discussed below, many challenges remain and UNDP and its donors should remain strongly engaged in Gaza. In such a fragile environment without benefit of engaging directly with the *Hamas*-led government, the work of UNDP and donors is a true lifeline for vulnerable women and other citizens.

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

UNDP had no rule of law related interventions in Gaza prior to 2010. Creating a presence in Gaza has been difficult within the context of the Hamas-led *de facto* government, which holds forth its own version of justice, and where funding for the courts and prosecution has been drastically reduced. Working within the highly politicised environment of Gaza has required UNDP staff to constantly engage with its partners to provide them with the highest level of technical expertise possible from a legal empowerment point of view.

In a protracted conflict it is very difficult to measure any level of outcome, especially when everything is subject to political outcomes. Gaza has begun to shift from a humanitarian response to development. In recognition of the political constraints and practical realities, the programme’s efforts in Gaza have focused entirely on non-governmental, non-political “demand-driven” solutions to maintain the seeds of a rule of law culture among Gazans, and to provide Palestinians there with the means, however limited, for seeking legal means to address their grievances.[[179]](#footnote-180)

*UNDP support to legal aid and the network of legal aid providers (“Awn” network)*

In an effort to empower local communities and improve access to justice for vulnerable groups, UNDP has helped establish a legal aid providers network in the Gaza Strip. Bringing together the PBA, civil society organisations and academic institutions, the network provides an array of advanced legal services, including representation, litigation, mediation and arbitration. As of 2013, the network has 23 members (the PBA is the lead organisation) and coordinates legal aid providers throughout Gaza. It meets once per month through the Legal Task Force, established under the UNCT structure.

The PBA with UNDP technical assistance has developed a database to track free legal aid being rendered by the network and has developed other mechanisms for oversight of the legal aid providers to guarantee the quality of services provided to the clients. The network has recently approached the private sector (i.e. banks) for donations.

The network is continuing to strategise its work (i.e. the first annual moot court programme was held at the PBA in January 2013. The main objective is to build the capacity of the lawyers in the network and the second aim is to focus on the plight of women. The network also developed YouTube, Facebook and Twitter accounts to inform the public of its work.

Beyond the “Awn” network, the UNDP has supported the provision of aid to women imprisoned in the Gaza Strip through the Palestinian Centre for Democracy and Conflict Resolution (PCDCR),[[180]](#footnote-181) and has supported workshops that provided direct advice and services to citizens and referred appropriate cases to the PBA for legal aid.[[181]](#footnote-182) A legal aid fund was introduced at the PBA that has begun to receive small donations.

The evaluation met with a number of CSO members of the “Awn” network who confirmed that the network had organised many beneficial trainings and workshops that had not only increased their skills as lawyers, but had also served as entry points for programming with the informal justice sector (i.e. *muqtars*). All CSOs interviewed expressed an urgent and continuing need for additional trainings for the network - especially for lawyers engaged in delivering legal aid directly to clients. The application of personal status law by the courts in Gaza should be explored in much more detail, as well as how humanitarian law operates in Gaza. Additionally, the CSOs could benefit from trainings on child labour law (i.e. the rights of youth[[182]](#footnote-183) working in the illegal tunnel system that connects Gaza with Egypt where many deadly accidents are occurring, etc.) and how to obtain and interpret documents on land and to establish title.

CSOs attest to the fact that the “Awn” network’s referral system for legal aid that was established in Gaza with UNDP support has gained acceptance. CSO-members, *shari’a* court judges and *muqtars* interviewed by the evaluation in Gaza stated that they are now actively referring cases to the network, which represents a vast improvement over the situation that existed prior to UNDP’s intervention. UNDP support to legal aid in Gaza has impacted the lives of hundreds of Gazans - most prominently abused women who have no other recourse available to them. Recently, the network has signed MOUs with several INGOs to increase dialogue and cooperation on legal aid. It also developed a “Vulnerability Standards Manual” that is assisting the CSO lawyers to effectively represent citizens in civil and *shari’a* courts. Additionally, the PBA houses a database that has effectively begun to compile statistics on legal aid and the specific needs of different populations in Gaza - including denial of women’s rights.

In the course of 2011, the network provided legal representation to 275 individuals (88% of whom were women). In addition, the network provided legal advice and mediation services to 2,113 individuals. In each case, the legal aid lawyers do not only support individual people who are in need of legal advice and representation, but also ensure that the justice system in Gaza starts living up to basic legal standards. The demand for such legal services increased in 2012 and spanned a wide client group including cases of abused women, divorce, custody, inheritance, land and property, labour and other civil and criminal cases, as detailed in the table below. As evidenced from the data, most of the clients seeking legal assistance continue to be women and many of these have issues dealing with GBV, divorce, property and inheritance as well as custody.

**Awn network: 2012 services provided by network partners**

|  |  |  |  |
| --- | --- | --- | --- |
| Type of assistance | Beneficiaries | Female | Male |
| *Legal advice and mediation* | 3,864 | 2,555 | 1,309 |
| *Legal representation* | 44 | 17 | 27 |
| *Judicial representation* | 938 | 771 | 167 |
| *Successfully adjudicated cases* | 475 | 451 | 24 |
| *Other services (psychosocial and social)* | 1,922 | 1,730 | 192 |

**Awn network: types of cases**

|  |  |  |
| --- | --- | --- |
| Type of case | Consultations | Representation |
| *Civil and commercial* | 423 | 101 |
| *Criminal* | 221 | 19 |
| *Labour* | 365 | 32 |
| *Property rights* | 424 | 65 |
| *Financial claims* | 34 | 4 |
| *GBV and VAW* | 296 | 41 |
| *Juvenile justice* | 240 | 50 |
| *Others* | 107 | 44 |
| *Personal status* | 1,563 | 532 |
| *Inheritance rights* | 191 | 50 |

**Awn network: source of case referral to legal aid clinics**

|  |  |  |  |
| --- | --- | --- | --- |
| Subject | | Percentage | Numbers |
| Shari’a *courts* | 39% | 398 |
| *Civil courts* | 11% | 112 |
| *Professional and trade unions* | 15% | 153 |
| *Media (radio, billboard, web, poster, etc)* | 20% | 204 |
| *Local/international organisations* | 11% | 112 |
| *Other sources* | 4% | 41 |
| *Total* | 100% | 1,020 |

**Awn network: training and capacity development provided**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Target group | Training hours | Sessions | Beneficiaries | Female | Male |
| *Legal Practitioners (judges and lawyers)* | 643 | 49 | 1,204 | 536 | 668 |
| *Law students* | 483 | 36 | 1,346 | 435 | 911 |
| *Community leaders* | 268 | 36 | 908 | 339 | 569 |
| *Professional and trade unions* | 127 | 56 | 1,397 | 773 | 624 |
| *Media staff* | 259 | 14 | 675 | 303 | 372 |
| *Total* | 1,780 | 191 | 5,530 | 2,386 | 3,144 |

The evaluation was able to interview the following Network members during its visit to Gaza including: Union of Women Programs Centres (UWPC), Women’s Affairs Centre (WAC), Aisha Women and Child Protection Association, Al-Atta Benevolent Society, National Society for Democracy and Law (NSDL), Coalition for Justice, South Women Media Forum and the Culture and Free Though Association (CFTA). Most of these CSOs engage in both legal awareness-raising and legal counselling and representation. In addition, the evaluation interviewed the Gaza branch of the PBA and the three university-based legal aid clinics that form part of the Awn network.

For example, UWPC runs ten women centres in Gaza.[[183]](#footnote-184)UNDP assistance has enabled UWPC to open seven legal aid clinics in Gaza located within women centres in Nuseirat, Beach Camp, Rafah, Dier al Balah, Al-Maghazi, Al-Burieg and Al-Daraj. The clinics target mostly female Palestinian refugees, but also provide legal awareness-raising, counselling and representation to men, community leaders, students and children. UWPC has accessed many areas in Gaza that otherwise would not have been able to reach before as a result of UNDP support. This has been most acutely felt in the communities nearest to the Israeli border that have suffered the worst impacts of “Operation Cast Lead” and other incursions. The evaluation assembled a focus group of UWPC male and female clients who stated that the legal aid lawyers had benefited them. Many of the women interviewed stated that the legal aid clinics were their only source of assistance. These statements are annexed to this report.

Meanwhile, WAC with UNDP support has completed awareness-raising to empower poor women in the Gaza strip and also represented a number of clients. WAC has witnessed a marked increase in demand for legal services since the UNDP intervention began. Word appears to be spreading quickly within communities and judges are referring cases to WAC; while other women who already posses court judgments in their favour are approaching WAC for assistance in obtaining execution of the judgments.[[184]](#footnote-185)Interest within the community for information on inheritance law was so strong that WAC had to repeat an inheritance workshop that it produced with UNDP funds.

Most court cases of WAC and the other CSOs take place in the *shari’a* courts. As in the West Bank, in Gaza the *shari’a* courts lack any capacity to enforce their own judgments, as such judgments must be enforced in the civil court system - which imposes high fees. A number of the CSOs suggested to the evaluation that UNDP should support the establishment of a special section within the *shari’a* courts themselves for execution of judgments. Beyond this, the courts in Gaza are understaffed following the establishment of the Hamas government. As noted below, how and when UNDP can begin to engage more directly with the formal justice system in Gaza will be a key question going forward.

Aisha Women and Child Protection Association is another UNDP supported CSO in Gaza that works with victims of violence and vulnerable including both legal counselling and representation of victims in court. Aisha observed that the awareness-raising sessions devoted to women and youth are driving women toward its legal aid clinic, thereby closing the loop in the process. Aisha’s outreach activities address issues of gender equality, GBV, child protection and child rights. It has also conducted training for male and female lawyers on personal status law and its application in court.

Another CSO, the Al-Atta Benevolent Society, had previously worked with many international organisations and had a diverse range of activities, but UNDP opened a very wide space for them to work in legal aid. Targeting a very rural and agricultural-oriented community in Gaza, Al-Atta has utilised UNDP funding to raise the awareness of farmers on land and inheritance. Al-Atta stresses that the communities it deals with are Bedouin and tribal in nature. Family and clan take precedence over formal law.

Most citizens are landowners and this effects even marriage, because when marrying they have to obtain a guarantee (or they take other decisions) to preserve their land and ensure that the land will not leave the family. Most of the problems related to women have at the background these traditional considerations of family and land. The general conditions of the occupation and war have created also hardships for the women, including an increased incidence of gender-based violence. Al-Atta notes that in such communities it is more difficult to change the legal culture as a whole than to obtain on a case-by-case basis.

Women are reluctant to complain about abuse and they often cannot make complaints even if they desire to do so, as a result of lack of transportation, funding or the social stigma that threatens them. Thus, the women cannot access justice elsewhere. Al-Atta serves to fill this gap with legal aid, emboldening women by establishing legal aid services in close proximity to where these women live. Al-Atta can see a clear increase in the awareness of the community and can see women who are now coming into the clinic by themselves (a year ago, women were timid to come to the clinic). Also the *muqtars* and other community leaders have begun to send women to the clinic as a result of UNDP supported trainings. Meanwhile, Al-Atta’s awareness-raising activities have targeted teenage girls to raise awareness on laws pertaining to marriage (including the minimum age of marriage). Going forward, Al-Atta would like to devote more attention to the Law of Disability of 1994 and to advocate on behalf of disabled women and obtain services for them.

The evaluation also met with several other CSOs that are providing demand-driven legal aid to clients in Gaza. These include NSDL and CFTA as well as the Coalition for Justice and the South Women Media Forum. All of these members of the Awn network reported servicing more clients currently than had been predicted in 2010 when they applied for UNDP funding. The CSOs reported that as a result of the legal aid clinics women are reporting instances of domestic violence and abuse with increasing frequency. Besides this, the individual legal victories won by the legal aid clinics have had impacts on municipal law, service delivery and increased transparency of courts and other institutions.

One such case handled by NSDL illustrates the impact that UNDP supported legal aid is having on service delivery in Gaza. A woman whose husband was killed in the last war built a new house. However, there was no electricity as a result of the fact that the house was located in a marginalised area. She spent five months without any assistance and came to the legal aid clinic for assistance. NSLD began to communicate with the electricity company and after many sessions of discussions and negotiations finally reached a decision and the company agreed to give a utility column. The woman’s problem was solved and she obtained electricity. This single legal victory subsequently caused the electrical utility to also resolve similar claims for the entire community.

The evaluation conducted interviews with additional clients from the above CSOs. These are annexed to this report and include mostly family law cases and issues brought before the *shari’a* courts on behalf of clients. In addition, the evaluation assembled a focus group comprised of individual clients who were represented by the PBA’s legal aid clinic, a focus group comprised of tribal leaders (*muqtars*) and a focus group comprised of law students who were enrolled in UNDP supported clinical education courses. These are also annexed to this report.

One element of the UNDP supported legal aid in Gaza that needs to be examined in more detail is the disparity between the number of criminal cases that receive consultation and the number that receive representation. The evaluation noted that in Gaza roughly 20% of all *civil and commercial* client visits to UNDP supported legal aid providers result in representation, whereas less than 10% of all *criminal* client visits have resulted in legal representation. One would expect the figure to be in the range of 80%-90% of all criminal law clients, instead of 10%. At the time of the evaluation, UNDP was not able to account for this low rate of representation of criminal clients or provide any information as to who ultimately provided legal representation to this group of clients.

The evaluation independently met with several victims of “Operation Cast Lead”, including one individual that had been shot and severely wounded by Israeli army, leaving him permanently disabled at age 19. This individual had lacked necessary medical documentation to file a claim for compensation and was completely unaware of where to obtain legal assistance. The Israeli courts impose a two-year statute of limitations on such cases; but yet, there are many such victims who did not file the claims as filing fees are extensive (i.e. the higher the demand of the complaint, the higher the fees imposed by the court).

Going forward, UNDP might wish to strengthen its support of victims of “Operation Cast Lead” in terms of claiming rights and compensation for their injuries, notwithstanding the two-year statute of limitations imposed by Israeli courts. The reality is, however, that the Israeli courts have imposed so many other barriers as to make progress in this area extremely difficult.

*Capacity of the PBA, lawyers and community leaders in Gaza*

UNDP in Gaza has been highly successful in launching a strategic partnership with the PBA.[[185]](#footnote-186) The UNDP supported project at the PBA is entitled “Lawyers for the Rule of Law”. It has four tracks: 1) legal clinic; 2) supporting mediation; 3) institutionalisation of the PBA; and 4) making a strategic plan for the training of new lawyers. UNDP has assisted the PBA to develop its professional standards, as well as supported trainings for new lawyers. In addition, UNDP has provided strategic advice and assistance to the PBA to build its capacity to engage with its community, to support clinical legal education and render legal assistance to vulnerable and deprived people by helping them to access justice. The PBA’s abilities to communicate internationally with the Union of Arab Lawyers, the International Bar Association and the Mediterranean Union of Lawyers have also been increased with UNDP support.

The most important function of the PBA is to service its members and the public. The PBA is currently providing many services to citizens (i.e. notary public, free legal aid, legal awareness-raising etc.).The UNDP project commissioned an international consultancy firm to conduct a capacity assessment of the PBA. Thereafter, UNDP delivered computers, scanners, flat screen televisions and video conferencing, information technology training courses, archiving and software. This has greatly improved the work of the bar. According to the PBA, previously its procedures were very basic and UNDP support represents a “180 degrees transformation”. With UNDP support the PBA has been able to develop a strategic plan that includes legal aid.

In the last year the UNDP project has completed a series of 12 workshops for practicing lawyers with the participation of experts from the Union of Arab Lawyers. This is the first time in the last decade when the issue of the *quality* of the bar training had been addressed. The workshops included a wide range of stakeholders, including lawyers but also several judges and prosecutors. A new training strategy was adopted by the UNDP funded project that will be ready for adoption in spring 2013. The strategy not only addresses training for new lawyers, but also training for senior lawyers (continuing legal education). The strategy has many details such as interactive modalities. PBA with UNDP support recently organised its second annual conference attended by over 400 people.

In Gaza, it is very difficult for women to practice law; the conservatism relegates females to either the home or to a teaching position. The *de facto* government employs very few women in its courts or police. There are only 150 female lawyers out of a total of approximately 800 practicing lawyers. The UNDP project has managed to introduce a shift in thinking at the PBA with regard to female lawyers.

The PBA is now actively supporting female candidates for the bar and plans to establish a female lawyers’ network similar to the one set up in the West Bank. In the past, the needs of the female lawyers were not specially addressed. Now, both the numbers of female law students and the numbers of female lawyers is currently increasing.

As discussed above, the network of legal aid providers in the Gaza Strip is now fully functioning with23 members under the leadership and coordination of the PBA as a result of UNDP support. The PBA also has its own legal aid lawyers that staff a law clinic housed at the PBA itself. The PBA lawyers represent vulnerable clients before the courts, offering legal counselling to clients. These clients include many abused women.

The PBA board and the lawyers working in the legal aid clinic informed the evaluation that they can see a tangible impact upon the community as the PBA has become more engaged with the community at all levels. This is driving clients to the PBA law clinic and the project has gained media attention that has greatly improved the image of the PBA. Before the project started, the bar was largely unknown to citizens in Gaza. Those practicing lawyers who had not previously worked with vulnerable groups have changed their attitude towards volunteerism. The bar is very supportive of more lawyers becoming involved and also the law clinics. The evaluation interviewed a number of clients who were represented by the PBA. The results of these interviews are annexed to this report.

The PBA clinic gives legal advice to all who walk in to the clinic without regard to income criteria, but only provides actual representation to those clients that meet its indigence criteria. The criteria were developed after wide consultations with a variety of actors and based upon the PCBS’s definition of indigence. The clinic deals mostly with the civil courts, but also addresses execution of judgements from the *shari’a* courts and a limited number of criminal defendants.[[186]](#footnote-187) Cases handled to date have included labour; land law; GBV and inheritance for women.

The clinic is working with women in general and also with female law students. The same women who have benefited from UNDP awareness-raising activities are coming to the clinic to seek their rights. Last year about 25,000 beneficiaries from all over the Gaza strip came forward. Only five or six years ago, the lawyers and human rights advocates had to go into women’s’ homes door-to-door in communities to solicit clients and encourage women to come forward. As of 2012, many women were coming to the clinic themselves.

Last year, the PBA received approximately 80 cases from other legal aid NGOs that needed assistance with the execution of judgements. The clinic had succeeded in making execution of judgements in 40 of these cases as of January 2013. *Shari’a* judges are also referring cases. This is a major impact and systematic change in legal culture in Gaza as a direct result of UNDP’s interventions. This has also served to enhance the legitimacy of the *shari’a* courts, as a result of citizens actually being able to execute the judgements that they receive at the *shari’a* courts with the help of the programme’s legal aid lawyers.

With UNDP support the PBA is working to remove barriers between the formal and informal justice. UNDP support enabled the PBA to raise the awareness of the *muqtars* that has resulted in an increase in the number of cases in the courts. Almost 80% of the cases that are coming to the PBA clinic are ultimately solved informally by traditional mechanisms including *muqtars*. This is perceived by the PBA as having contributed to peace in the community. The programme has also created a glossary of the terms used in informal justice system to assist lawyers to bridge the gap between the informal and formal justice.

Under the UNDP project the PBA has engaged and provided training with many *muqtars*. The bar has established an office for the *muqtars* and maintains contact with them, seeking to ensure that the judgements of the *muqtars* are not in conflict with the law. The *muqtars* have a very crucial role in performing mediation and solving cases. In fact, almost 90% of cases that reach the courts have been agreed to in advance informally between the parties by a *muqtar* and only need to be validated by the court.

The programme has also represented clients such as juveniles; detainees (pre-trial detention), etc. and has established a relationship with officials at the prisons that have resulted in limited change. This has also made gaps in the system more apparent. The PBA’s UNDP supported advocacy campaigns took on a very controversial issue of drug abuse in Gaza and the incidence of the drug Tromodol being smuggled in via the tunnels and abused by youth. Another advocacy campaign is entitled, “My rights” that spreads information about rights for women, workers and juveniles.

In cooperation with *Al-Azhar* University, the PBA undertook a pilot initiative to train law school graduates at its legal aid clinic. They were trained for eight months at the legal aid clinic at *Al-Azhar* University, followed by another two months of training the PBA clinic. Thereafter, the students continued at the PBA for another two months of actual work with live clients.

The students interviewed by the evaluation stated that they had benefited greatly from the initiative and had cooperated with grassroots organisations and do mobile legal aid clinics for vulnerable groups. There is great demand in rural communities for such outreach. For example, when the new graduates visited a village near KhanYounis,86 women and 104 men approached them for information and consultation. Of these, 20 were referred to the PBA. The new graduates stated that going forward, the PBA should conduct outreach for children to teach them about their rights. The evaluation observes that UNDP is effectively investing ten months of training for the students, but they are only working with clients for two months after completing their training. Thus, going forward, UNDP and the PBA might wish to increase the length of the new graduates’ employment to ensure that they work with clients for at least six months following the completion of all training.

A key issue for the PBA legal aid programme going forward will be its sustainability and how to make the government ultimately fund legal aid. The PBA has recently developed a proposal to develop a permanent legal aid centre and UNDP is providing technical expertise for this project. Demand for the client-based legal services is expected to continue to grow as more citizens become aware of their rights and of the existence of options in Gaza for obtaining legal assistance. Yet, the PBA’s budget cannot be expected to handle an expansion of this magnitude in the legal clinic.[[187]](#footnote-188)

Going forward, the PBA in both Gaza and the West Bank will face continuing issues for its membership and core functions as a bar including: 1) training of PBA membership and its committees (including strengthening professional ethics and discipline); 2) improving the bar exam; and continuing legal education programmes; 3) supporting an independent and accountable justice system; 4) expanding its cooperation with regional and international bodies; and 5) continuing outreach with traditional leaders.

*Introduction of the concept of clinical legal education in Gaza*

UNDP support was instrumental in the establishment of clinical legal education programmes at three universities in Gaza (*Al-Azhar* University, the Islamic University in Gaza, and the University of Palestine).

The evaluation organised a focus group of all three universities hosted by *Al-Azhar* University. All three institutions stated that the level of cooperation with UNDP had been exceptional to date with “24/7” availability of the UNDP staff that included conducting a mapping exercise, the development of a detailed action plan and curricula, recruitment of staff, workshops and assistance with reporting. UNDP facilitated dialogue and a spirit of cooperation between the three universities on issues of women’s rights, etc. *Al-Azhar* University took a lead-role and organised a conference “Law and Development in oPt: Existing Challenges and Future Prospects”, with UNDP support in order to deepen the understanding of the developmental perspective of law in the Palestinian context; and to examine the linkages between law and development.

UNDP has also helped to establish moot courts at the legal clinics, including the first ICC moot court competition ever held in Gaza. The practice of the moot courts has become a part of the curriculum at *Al- Azhar* University and the University of Palestine with the PBA taking a supervisory role. PNA judges have also provided mentoring to the clinics. The Palestinian Centre for Human Rights (PCHR) also participated in the moot court competition and confirmed that it was a success.

UNDP support to clinical education can rightly be claimed by UNDP as a “best practice”. The initiative has had very fruitful results, which are tangible. Both the students and the trainee lawyers use the same procedures as if in a real court of law. The students interviewed by the evaluation were unanimous in their view that the law school clinics had given them practical legal experience that they will use in the future practice of law. In addition, students and faculty cited the impact at the community level as a result of the advocacy and litigation undertaken by the clinics.

For example, UNDP support to the University of Palestine enabled it to take on the environmental issue of raw sewage flowing into the sea near a residential neighbourhood, resulting in the municipality agreeing to investigate the issue. Environmental issues were new to Gaza and such advocacy represents a major advancement of the law. In another case, the clinic at the University of Palestine was able to convince the municipality to reopen a walkway over a road that is used daily by school children to safely cross over the road on their way to school each day.

Finally, UNDP support to the three universities laid the groundwork for a paralegal training and diploma programme that will begin in 2013 at the University College of Applied Sciences (UCAS).

On the whole, UNDP support to legal aid in oPt (including East Jerusalem, West Bank and Gaza) has been extremely successful. Going forward, UNDP should strive to make the support more strategic in nature, improve its tracking of criminal legal aid clients and increase capacities for mobile justice and persons with disabilities in the oPt. As mentioned above, UNDP could do a better job of “branding” training for UNDP supported legal aid (developing strong training platforms and templates approved by UNDP that include emphasis on effective representation, client confidentiality, follow-up and tracking of clients, etc.). Beyond this, while UNDP and the CSOs have capitalised on discreet legal victories to effect change in the courts and some administrative agencies, UNDP could do a better job of capturing data and issues and feeding these up to the policy level going forward.

UNDP support to clinical legal education should certainly be continued and deepened. UNDP could support the law school clinics to expand and diversify on a pilot basis (i.e. by having specific clinics for environmental issues, persons with disabilities, etc.). Furthermore, the clinics are perhaps one of the best ways to bridge the West Bank and Gaza via electronic and media platforms for students and faculties (i.e. use of video conferencing or internet broadcasts of lectures and Q&A’s between students and faculties). All law schools could benefit from additional books and comparative resource materials.

*Output 4.2: Capacity of PNA judges and prosecutors reviewed and strengthened*

The UNDP strategy in Gaza is aimed at fostering rule of law by improving the knowledge and skills of justice sector professionals. To that end, UNDP and its partners have provided training to lawyers, law students, and community leaders.[[188]](#footnote-189)UNDP implemented training for Gaza-based judges in 2012.UNDP supported the HJC to train 26 PNA judges from first instance and appellate courts at the Jordanian Judicial Training Institute. The participating judges received advanced training in civil and penal law which ultimately reflected upon their return where the group is intensively engaged in conferences and workshops as well as trainings of lawyers and law students.

PNA prosecutors also received advanced training, including during a training on fair trial standards organised jointly by UNDP and OHCHR. It has also been agreed between the AGO and UNDP to send 54 prosecutors to Egypt to receive advanced training on prosecution work.[[189]](#footnote-190) Furthermore, PNA prosecutors have implemented several crime scene investigation-training drills for the law students as part of the penal law course.

Going forward, a key question for UNDP and its donors will be how and to what extent should UNDP engage with the formal Hamas-led justice system. Many CSOs and INGOs interviewed by the evaluation believe that UNDP can no longer appropriately engage with the demand side of justice only and that it should engage directly with the Hamas judiciary. Whatever UNDP’s decision, it needs a clear policy on how it will engage in the future and whether it makes sense to continue to boycott the Hamas judiciary.[[190]](#footnote-191)

*Output 4.3: Legal literacy and human rights awareness enhanced*

UNDP has also worked to foster legal literacy and rights awareness through public awareness campaigns and community meetings, with a particular focus on refugee camps and rural areas.[[191]](#footnote-192)UNDP supported CSOs and journalists have developed newspaper articles and radio spots that are driving clients to the legal clinics. The evaluation met with several organisations engaged in legal literacy and human rights awareness-raising, including Hadaf Centre for Human Rights, Community Media Centre, Culture and Free Though Association, Union of Women Programs Centres and the Palestinian Centre for Human Rights.

For example, Hadaf published a pamphlet “Know your Rights” with 1,000 copies and trained journalists and representatives of political blocks in awareness-raising. In addition, Hadaf made a documentary film entitled, “Raise your voice for Access to Justice” that was published on YouTube and shown to a live audience of 300 people in Gaza. Hadaf also produced a number of radio spots. Meanwhile, WAC has had a number of specific trainings for community leaders. During these trainings men and women could come together and discuss issues of gender equality as well as economic empowerment of women. The impact of these trainings at the outcome level is a demonstrated improvement in the treatment of women by the *muqtars*.

As mentioned above, the Culture and Free Thought Association has also produced UNDP supported trainings for *muqtars* that resulted directly in one group of *muqtars* approaching the HJC following the workshops in order to encourage the HJC to reform its procedures regarding cases involving women’s inheritance. One female *muqtar* interviewed by the evaluation stated that the UNDP supported trainings had enabled her to learn about: 1) legal aspects of women’s issues; 2) psychosocial support; and 3) how to conduct mediations. Although she had previously been a preacher at a mosque for women and was used to solving problems, the UNDP support provided her with a new perspective.

As mentioned, the PBA has introduced mobile legal clinics staffed by recent law school graduates that aim to strengthen access to justice in remote areas of Gaza. In addition, the PBA has trained many lawyers, judges and prosecutors, as well as having specific trainings for traditional and community leaders. Notes from the evaluation’s interviews with *muqtars* that had participated in the training are annexed to this report. Clearly, there is a need for continued engagement with traditional authorities in Gaza.[[192]](#footnote-193)Output 4.3 is closely related to Output 4.5, discussed below.

*Output 4.4: Accountability mechanisms put in place*

UNDP has supported justice sector monitoring in Gaza by developing the capacities of CSOs and developing auditing of cases relating to women and children, including by establishing data collection and feedback mechanisms. Several UNDP supported CSOs (i.e. PICD) have trained journalists and members of the media to report more effectively on the justice system and human rights issues in Gaza.

PICD informed the evaluation that its work in observing the courts had been fiercely resisted by the *de facto* authorities at first but over time, the court system gradually became more accessible and accustomed to journalists. A new type of investigative journalism has emerged in Gaza. As of 2013, this had resulted in dozens of investigative reports on violations of due process and access to justice, as well as social advocacy from young media graduates that resulted in the release of women who were imprisoned as a result of their participation in political demonstrations.[[193]](#footnote-194) There is evidence that the Hamas government has become more attuned to rule of law and access to justice as a result of UNDP’s interventions (i.e. Hamas spokesmen have publically addressed in the media citizen complaints of rights violations and UNDP has recently seen posters proclaiming Hamas to be the “Party of Rule of Law.”).

The UNDP supported PBA project is trying to use a soft approach to justice sector oversight due to the fact that Hamas is resistant to any notions that the courts should be subject to monitoring. The project began training young graduates from law and journalism faculties to identify gaps in the justice sector and report on (non-)compliance. There have been a number of recent examples of media articles. A tangible example of change brought about by journalism is that the police have made limited changes in their procedures and facilities in order to become more sensitive to the needs of women (i.e. providing special rooms at police stations). The PBA has also tried to engage more prosecutors and judges in its programmes. The PBA does not discriminate between *de facto* and abstaining judges (i.e. the judges that are boycotting the Hamas takeover) and invites all justice actors to its conferences.

*Output 4.5: Human rights advocacy promoted*

As already discussed above, the network of legal aid providers is heavily engaged in advocacy and community mobilization.[[194]](#footnote-195) In addition, the PBA and the university-based legal aid clinics have sponsored discussions of the new civil code of the *de facto* authorities that resulted in some disputed chapters being put on hold. The law schools have also engaged in additional advocacy as mentioned above. CSO media campaigns also have been responsible for improving social conditions in some communities in Gaza. Meanwhile, advocacy has led to reforms of the personal status laws and increased rights of women.

Many of the CSOs supported by UNDP have recently engaged in intensified human rights advocacy in Gaza. The evaluation met with a number of these organisations including PICD and PNGO that involved journalists and media in advocacy campaigns. PNGO, an umbrella organization representing over 60 CSOs, conducted a series of workshops with its membership to determine what advocacy campaigns it could undertake with UNDP support. PNGO selected different CSOs to participate in the initiative across four sectors: women, youth, health and rehabilitation of Palestinian families.

Thereafter, PNGO conducted trainings for the CSOs to equip them to undertake a total of three advocacy campaigns on the following issues: 1) “Decreasing the age of standing for election for the PLC to age 25 and for the presidency to age 30”; 2) “Reunification of Palestinian families between Gaza, the West Bank and Jerusalem”; and 3) “My Card of Rights” for persons with disabilities. In addition, PNGO organised a follow-up conference on the role of CSOs in Gaza.[[195]](#footnote-196)

As a result of these advocacy campaigns, the minimum age for electoral candidates was successfully reduced and a special identity card for persons with disabilities was developed. PNGO’s development of an identity card for disabled persons is extremely important as this is viewed as the key to the implementation of the Law No. 4 on Disabilities (1999). If someone has a card, then they have the rights. PNGO organised several workshops to talk about the card and held meetings with the Minister of Social Affairs in order to begin drafting the card and thereafter it was sent to the Prime Minster to be endorsed. The percentage of the disabled in Gaza is 2.3 percent of the population. In the 2008-09 war, approximately 600 persons were disabled as a result of attack. In November 2012 approximately 80 to 100 people were disabled.

Meanwhile, other UNDP supported CSOs such as Hadaf and CMC engaged in similar media campaigns. CMC used UNDP support to train new media graduates on how to produce radio programmes, etc. on the rights of juveniles and women’s rights. CMC trainings on the legal system included visits to courts. As a result, a series of newspaper articles were published on the rights of women and juveniles in Gaza.

*Independent Commission for Human Rights*

An important body in Gaza and the West Bank that UNDP should consider supporting is the Independent Commission for Human Rights (ICHR), which has a mandate of monitoring the courts and justice.[[196]](#footnote-197)In addition, monitoring separation of powers is a large issue for ICHR in Gaza and to some extent in the West Bank. The ICHR monitoring approach is to pressure the legislative authorities in Gaza to monitor the government and to get the executive branch of government to respect the rule of law. ICHR also works with *Al-Azhar* University to support the clinical legal education programme.

Going forward, ICHR recommends that UNDP focus on the “hot spots” in Gaza such as the application of the death penalty; torture and other cruel, inhuman or degrading treatment; raising the awareness of the security forces to become more accountable and tolerant; and to work indirectly with bodies that have a relationship with the Hamas government to respect the rule of law.

*Legal Task Force in Gaza*

UNDP is a co-chair of the Legal Task force (LTF) in Gaza. The LTF is incredibly popular with donors and other organisations working in the rule of law sector. A distinguishing feature of the LTF is that its meetings are held in Arabic, compared with other working groups such as the Protection Cluster that are in English. As of 2012, the majority of people who do rule of law work in Arabic actually attend the LTF meetings. According to UNDP’s partners interviewed by the evaluation, the LTF has proved to be a useful mechanism for updating partners. At the same time, a criticism was raised that the LTF has been used too much for purely informational purposes, discusses too broad a spectrum of topics and could be made more action oriented. A difficulty of the LTF has been that its agendas sometimes did not relate to the overall humanitarian cluster. It was also perceived that the LTF has often been “top heavy” with UNDP and NRC information instead of allowing different organisations to alternatively open the agenda in meetings. Largely as a result of these criticisms, the conduct of the LTF was recently revisited and its structure modified.

To its credit in a recent meeting the LTF discussed how to make LTF more action-oriented with a few issues of special focus and how to bring in more NGOs. Overall it is perceived that under UNDP’s leadership the LTF is now moving in the right direction. UNDP’s partners suggested that going forward the LTF could address: 1) issues of accountability for Israeli violations of human rights; 2) the gap in coordination among the donors about rights violations by the local authorities in Gaza; 3) the death penalty as applied in Gaza; 4) freedom of expression; and 5) honour killings and women’s issues. Additional areas could include incidences of eviction from land by the Hamas government and homes damages as a result. It was observed that the cluster as a whole could take on issues that are broader than the mandate of any one donor. In general, the LTF could serve the purpose of “monitoring” the Hamas government’s policies in the rule of law sector. At the moment very few organisations are actually monitoring Hamas itself.

OHCHR recently conducted two capacity building workshops with UNDP Gaza for lawyers who are involved in death penalty cases. OHCHR stated that these were done very well by UNDP. Also OHCHR cooperated with UNDP on putting the ICC moot court competition together. UNDP is also very good at working with grassroots organisations and has a comparative advantage within the UNCT in this regard. UNDP is also very well connected with academic institutions. At the moment, UNDP does not employ an international staff member in Gaza; OHCHR has asked the question of whether an expert advisor could add strategic value here.

### Outcome 5: Confidence building among stakeholders promoted

The baselines for Outcome 5 identified the fact that in 2009/2010 there were limited networking opportunities among CSOs engaged in similar initiatives in the oPt. Endemic to the situation in both the West Bank and Gaza was a lack of trust by communities in the justice system. Additionally, as of the start of UNDP/PAPP’s Rule of Law & Access to Justice Programme, there was a lack of harmonisation between the legal systems the West Bank and Gaza, as well as deep internal divisions within institutions, geographically, politically and legally. As a result, there was little communication between legal professionals in the West Bank and Gaza.

*Output 5.1: Advocacy capacity of CSOs strengthened*

As discussed at several points in this report already, the programme has acknowledged CSOs as critical partners in many of its initiatives. UNDP formalised and centralised this partnership through its CSI. Evidence of the success of the CSI and other capacity-building initiatives can be found throughout this report. These gains have been made through the CSI despite initial resistance from the government and the PBA.[[197]](#footnote-198)

Essentially, Output 5.1 and 5.3 were effectively “folded” into Outcome 2 (and Outcome 4) discussed above. Indeed, as discussed below, Output 5.3 was served, but in interviews with the CSOs themselves, they stated that no network had been achieved. UNDP has discussed with CSOs whether they wanted a platform to meet with the PNA institutions; some organisations were supportive of this idea, while others were not. UNDP’s offers to assist in this regard were declined, as many CSOs are already working together on referrals, human rights, etc.

*Output 5.2: Measurements and strategies for public confidence in justice service providers developed*

Objective data is essential for measuring the baselines and setting benchmarks for the progress of any programme, and is particularly critical where, as here, the initiatives are aimed at generating positive change in the lives of real people.[[198]](#footnote-199)UNDP has demonstrated awareness of this need by gathering data on the public perceptions of performance of justice and sector institutions. A survey covering both the West Bank and the Gaza Strip served to establish a baseline in this regard.[[199]](#footnote-200) The survey got responses from 6,700 households, and nearly 48.9% of the responses came from women.[[200]](#footnote-201) The responses were broadly positive, indicating growing public confidence in formal justice and security institutions.[[201]](#footnote-202)

In addition, UNDP supported the PCBS in its efforts to collect justice and security sector data in order to assess performance of justice and security institutions and track key rule of law indicators.[[202]](#footnote-203)UNDP intends to continue support of both of these initiatives in 2013.[[203]](#footnote-204)

The key deliverable under Output 5.2 was the UNDP Public Perceptions Survey that includes the “Justice Sector Satisfaction Index”. The public perception survey has been used extensively by UNDP and the donor community to plan further activities. UNDP intends to repeat the public perceptions survey every year; the rationale being that if the survey were repeated only every two or three years, it would expose the survey to volatility.

More recently, UNDP has engaged the PCBS (a statutory quasi-governmental body) to conduct a study of Palestinian justice and security institutions, i.e. the MOJ, the PCP, the AGO, the HJC, the *shari’a* courts, the military courts and the PBA. The study seeks to document the number and types of cases in each court, the number of practising lawyers etc. - based on 32 indicators from international examples. The resulting report is now in draft form and is the first of its kind ever done in the oPt.

Ultimately, this deliverable will benefit the PNA itself, capturing the voice of Palestinians themselves. This is an inherently sensitive endeavour and the PCBS is a neutral body to carry this out and obtain the buy-in of the different justice and security institutions. This is a real example of the contribution of the UNDP seconded staff to the ministries, confirming the level of national ownership of the programme.

*Output 5.3: Citizens’ access to justice service and information improved*

One of the challenges identified by the public perception survey was a lack of understanding on the part of the general public regarding the function of justice institutions and how to access them. In order to address this shortcoming, the MOJ established a Justice Information Centre with the support of the UNDP. Among other things, the centre serves as a centralised information distribution point on behalf of the justice sector, promotes media coverage of justice sector issues, and supports partnerships with CSOs and academic institutions in order to promote enhanced legal discourse and justice sector reform.[[204]](#footnote-205)Two employees, both of whom are funded by UNDP, have been assigned to the centre; one sustainability challenge will be to ensure that these employees are transitioned to civil service contracts.[[205]](#footnote-206) The Evaluation visited the court information point in Jenin and confirmed a volume of usage consistent with UNDP’s reports.

More informally, the programme has encouraged consultative processes between national institutions and local communities and CSOs across the different outcomes, enabling them to participate in reform, legislative processes, and accountability mechanisms.[[206]](#footnote-207)At the intersection of justice and security, the UNDP, through the UNDP/EUPOL COPPS Joint Programme, facilitated the accountability of the Bureau for Grievances and Human Rights (BGHR), which processes and investigates complaints regarding human rights abuses. As such, the BGHR serves as a key component of efforts to foster the sense that security institutions are effective and accountable.[[207]](#footnote-208)

*Output 5.4: Efforts to achieve legal harmonization and consistency of legal systems throughout the oPt initiated*

Due to the political separation between Fatah and Hamas, the work under output 5.4 has been limited. As noted above, the legal framework of the oPt is a complex network of overlapping regimes that in many cases can be coordinated and consolidated - the laws themselves are often in need of improvement. Implementation is also fragmented, as the result of historically poor communication between and across justice institutions.

The way that the programme has addressed output 5.4 has been to attempt to tie the West Bank and Gaza together as much as possible. For example, UNDP has sought input from the PBA in Gaza on the Penal Code to the extent possible. With the MOJ sponsored legal aid conference, the MOJ did try to bring up three judges from Gaza, but Israel denied their requests for entry. Also, the *Al-Muqtafi* database as well as all the other social media and electronically accessible media also helps tie the two legal communities together.

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## Relevance

As indicated by the above discussion, the design of the UNDP Rule of Law & Access to Justice Programme has proven highly relevant to the needs of institutions and beneficiaries - especially given the severe deprivations suffered by Palestinians as a result of the continued Israeli occupation, the low capacity of the PNA justice and security institutions, and general lack of knowledge of the law in the oPt. Furthermore, UNDP support has aligned well with PNA institutional strategies, which has resulted in a high degree of national ownership.

A key consideration for UNDP going forward is how it can better balance its support to the three main justice institutions in the West Bank and, in particular, for UNDP to develop its own internal “red lines” and strategies for the institutions. As noted above, the evaluation believes that UNDP should devote more attention to the judiciary.

As also discussed throughout this report some of UNDP’s interventions could have been more strategic, especially the advocacy conducted via the CSI. Going forward, UNDP might consider deepening its commitments, but to fewer advocacy outputs with a smaller number of implementers and/or to scale up legal aid while scaling back on its support to advocacy. *Shari’a* courts and enforcement of judgments are also a highly relevant area that was not directly targeted by the programme.

Finally, the UNDP Rule of Law & Access to Justice Programme has aligned well with UNDP’s own corporate mandates that include a strong emphasis on access to justice and legal empowerment of the most vulnerable segments of society - especially women, children and persons with disabilities. As noted, above, however, one component of UNDP’s global mandate that was not specifically emphasised by the programme was conflict prevention.

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## Programme Oversight and Coordination

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### Management

The majority of stakeholders interviewed by the evaluation had high praise for the management of UNDP/PAPP’s Rule of Law & Access to Justice Programme. There were several criticisms raised however, regarding UNDP’s procurement procedures, which were viewed as cumbersome and overly complicated by some stakeholders. Additionally, UNDP’s donors were not entirely satisfied with the level of reporting by UNDP - specifically, UNDP’s tracking of impact at the outcome level. UNDP is in a much better position now than it was in 2010 to benchmark outcomes with measurable indicators and should establish clear (evidence-based) baselines and measurable indicators for the second phase of the programme.

In some instances UNDP has not solidified its (internal) political analysis regarding possible contingencies and risks that could impact the rule of law sector (i.e. reunification of Fatah and Hamas and its implications for the Palestinian Legislative Counsel, court structures, etc.). Going forward, UNDP might consider involving UNSCO experts in the discussion of the design of the new Programme Document. The evaluation recommends that UNDP also formulate clear (internal) positions on engaging with supply-side justice in Gaza and other issues (i.e. how long should UNDP continue to consider the boycotting Hamas judges as viable judicial actors, when in reality mid-June 2013 will mark six years of Hamas-led administration of justice in Gaza and even leading CSOs have made a decision to end the boycott?).

The evaluation noted several additional issues that have challenged the programme. Principal among these is a lack of transportation available to enable UNDP programme staff to easily access remote parts of the West Bank. UNDP should explore the possibility of opening a sub-office in the West Bank (for instance in Hebron) in order to extend the reach of UNDP programme staff to more remote areas and to bring UNDP technical expertise closer to UNDP’s implementers.

As stated above, UNDP should provide increased technical expertise and mentoring of the CSOs engaged in legal aid - especially the smaller grassroots CSOs to ensure that they adhere to common standards and quality control. Overall, UNDP should enhance the knowledge products produced by CSO partners, ensuring quality control and branding. To this end, UNDP might consider hiring an additional staff member to act as a knowledge coordinator and supervise all publications and social media funded by UNDP.

### Efficiencies

Efficiency within the context of an outcome evaluation usually entails an assessment of the level of impact achieved relative to the amount of expenditure of funds during the programming period. This is extremely difficult to quantify in the area of rule of law and access to justice programming in any country, but even more so within the unique context of the oPt and the ongoing Israeli occupation. By its very nature, rule of law work is long-term and results at the level of institutions and institutional change often take many years to achieve even in the most optimal of development contexts.

Considering that the UNDP Rule of Law & Access to Justice Programme in the oPt did not truly become active until mid-2010 and the challenges that UNDP faced at a political level, the results that the programme has been able to achieve are substantial - especially with regard to legal aid and clinical legal education. The main justice institutions have been in constant flux and locked in a power struggle during the programming period that no international bilateral donor has yet been able to resolve, much less UNDP.

As noted above, the point of most concern to the evaluation in terms of cost efficiency was UNDP’s support to advocacy campaigns and whether UNDP support to advocacy could be made more strategic in nature. This, said, both UNDP awareness-raising and advocacy campaigns have resulted in more clients presenting themselves at UNDP supported legal aid centres. Many clients interviewed by the evaluation stated that they learned of the availability of free legal aid via a UNDP awareness-raising campaign. Thus, it is difficult to measure with certainty the cost-benefit of such outputs. UNDP may be able to consolidate some of the advocacy campaigns and publications to ensure that future grants are awarded based upon CSOs’ demonstrated capacities and performance.

The evaluation requested information from UNDP about rates of execution of funds during the period 2010-2012. This was delivered to the evaluation and it appears that the office achieved a high-rate of programme execution.

### M&E

When the UNDP Rule of Law &Access to Justice Programme in the oPt was designed there were no clear baselines. This posed a challenge for UNDP in designing the 2010 M&E Plan and its indicators. Donors were critical of UNDP’s 2011 Annual Report. In response, UNDP requested assistance from UNDP/BCPR and the UNDP Regional Centre in Cairo in improving its reporting mechanisms. UNDP has also recently revised its M&E plan to include more specific indicators. Overall, UNDP did exercise close internal monitoring of all projects and grant recipients. At nearly every location that it visited, UNDP partners and beneficiary organisations were able to produce detailed records of their activities and outputs. As part of this evaluation and other reports UNDP has made an effort to improve its documentation of impact at the outcome level and is committed to further streamlining its data collection and reporting efforts throughout all projects and partners.

## National Ownership, Partnerships and Cooperation

Overall national ownership is now high thanks to UNDP’s engagement, although the three main justice institutions themselves remain to some extent in competition with each other at a political level. As discussed above, UNDP should probably consider re-balancing its support to the justice institutions going forward to focus more on the judiciary. The two branches of the PBA are onboard, but the Gaza branch is more advanced than the West Bank branch. Both branches need to be supported to develop more comprehensive professional standards and ethics. The academic institutions should continue to be supported and legal aid clinics diversified with strong social media and/or teleconferencing platforms between Gaza and West Bank institutions. As discussed above, a key question for UNDP going forward will be how to begin to engage on the supply-side of justice in Gaza.

## UNCT and Donor Coordination and Relations

The relationship between UNDP and its donors is strong, but the donors have requested that going forward, UNDP strive to demonstrate a link between the outputs of the programme and impact at the outcome level. To this end, UNDP has revised its M&E plan and stressed to its partners and beneficiaries that they will need to streamline data collection to a greater degree in the future. Communication and coordination within the UNCT for the rule of law sector should also be improved going forward. UNDP should continue to partner with UN Women, UNODC, OHCHR, UNICEF and other agencies to ensure a high degree of information flow. UNICEF may offer particular synergies in legal aid and lawyer and paralegal trainings programmes.

## Sustainability

From the outset, the programme recognised the importance of ensuring national ownership at every stage in order to achieve sustainability.[[208]](#footnote-209) This included building on existing experience and established initiatives, and actively supporting existing coalitions and joint ventures.[[209]](#footnote-210)However, sustainability will be key as programme funding streams (such as the Stabilisation Fund) come to an end, particularly since the PNA’s financial situation creates uncertainty about keeping programme-funded staff and expert positions staffed.[[210]](#footnote-211) At this stage, however, the outlook is mixed: despite the PNA’s financial constraints, the MOJ has transferred eight programme-funded staff onto permanent civil service contracts.[[211]](#footnote-212)Further staff transitions have been blocked by a bar on civil service appointments due to the government’s ongoing financial constraints, undermining the programme’s sustainability strategy.[[212]](#footnote-213)

Fortunately, certain components of the programme were designed and implemented with an eye towards the kind of training and capacity-building that will persist even if and when UNDP experts leave their posts. The TAU and the PPMUs represent a core element of this approach. The embedded UNDP experts have worked to train their national counterparts to ensure sustainability, particularly at the AGO and at the HJC.[[213]](#footnote-214)The UNDP has also helped rule of law institutions move away from *ad hoc* training to implement institutionalised professional development schemes.[[214]](#footnote-215)In conjunction with the MOJ and Birzeit University, the UNDP has (and will continue to) support Ministry staff training through formal programmes and certificates.[[215]](#footnote-216)

# Conclusions and Recommendations

**Conclusion 1:** Overall, the UNDP Rule of Law &Access to Justice Programme in the oPt achieved a high level of impact and outcome-level change within the context of extremely challenging political and security realities and according to its funding and resource base. Especially critical were UNDP’s support to women and children via grassroots legal aid initiatives in both the West Bank and Gaza, as well as its support to the PNA justice institutions, lawyers and the PBA.

**Recommendation 1:** Overall, UNDP’s achievements and performance mitigate in favour of continued funding and a subsequent phase of the programme.

**Conclusion 2:** UNDP instilled a high level of national ownership over justice sector development, but could possibly have developed a more coherent vision of what *UNDP itself* believed should be the appropriate allocation of powers between the three judicial institutions of justice and advocated for this position with the justice institutions. At the moment, justice sector development continues to be challenged by political gridlock among the three institutions - especially with regard to whether the MOJ or the HJC has responsibility for the AGO. UNDP and its donors could possibly have done a better job of harmonising their positions on this issue.

**Recommendation 2:** UNDP should fulfil a leadership role and put the hard issues such as separation of powers on the table. An attempt should be made to reach a consensus among the donors as to what is the responsible approach to the position of the AGO within the triad of justice institutions and bring technical expertise to this on-going debate. Donors should reach a common approach and engage at the political level if necessary in an attempt to obtain resolution of this issue.

**Conclusion 3**: UNDP capacitated the MOJ at a crucial time in its development via the Quick Impact and, subsequently, the Stabilisation Fund. This has significantly strengthened the capacity of the MOJ as evidenced by the tasks carried-out by staff that are on Stabilisation Fund contracts. UNDP has not engaged with the formal justice institutions in Gaza due to the political situation and the “no-contact” policy regarding Hamas. UNDP is bound by the Quartet principles that will likely continue to place certain constraints upon its engagement with the formal justice sector in Gaza.

**Recommendation 3:**UNDP should advocate with the PNA to transition additional numbers of the Stabilisation Fund posts to regular civil service contracts and procure a commitment from the PNA to fund these positions. Going forward, a key question for UNDP and its donors will be how and to what extent should UNDP and donors engage with the formal justice system in Gaza within the constraints of the Quartet principles. Many CSOs and INGOs interviewed by the evaluation believe that UNDP can no longer appropriately engage with the demand side of justice only and that it should engage directly with the Hamas-led judiciary. Whatever UNDP’s decision, it should have a clear policy on how it will engage in the future and whether it makes sense to continue to boycott the Hamas-led judiciary. There are many rule of law issues in Gaza that may require some type of engagement in the future with the formal justice sector in order to be properly addressed (i.e. application of the death penalty; torture; low awareness of the security forces on human rights issues, etc.).

**Conclusion 4:** UNDP seconded experts at the MOJ have contributed much needed technical assistance in a range of areas and issues including management, internal processes and procedures; intra-governmental communication; legislation and thematic portfolios such as gender. This has significantly increased the MOJ’s capacities to draft legislation and has lent coherence to management and decision-making. Yet, across the board, the decisions of PNA institutions continue to be challenged in courts with too great a frequency - many of these cases appear to relate to non-implementation of court judgments by the authorities.

**Recommendation 4:** UNDP should build upon its valuable contribution and experience at the MOJ by lending technical legal expertise to the legal staff working in other PNA institutions, including by holding specialised workshops and seminars, assisting other PNA institutions to create standard operating procedures and harmonise administrative decision making. UNDP should continue to contribute its technical advisory services to this effort through outputs that are proportionate to UNDP’s resources.

**Conclusion 5**: UNDP’s “Justice for the Future” project has helped a new generation of lawyers remain engaged, enthusiastic and equipped to assume roles in PNA institutions and the legal profession.

**Recommendation 5:** UNDP should explore ways in which to make the training curriculum for the “Justice for the Future” initiative more practical in nature and ensure that the institutions themselves have a well-articulated plan of how they will use the interns.

**Conclusion 6:** UNDP has played a crucial role in moving the justice actors from a point of virtually zero discussion of concepts of legal aid in 2009 to an extremely robust debate involving all justice sector actors on how best to address this issue. UNDP has furthermore been successful (and highly so in Gaza) in bringing the PBA and law schools on-board with free legal aid. Much more intensive work needs to be done on the development and implementation of a legal aid framework soliciting input from both civil society and justice institutions.

**Recommendation 6:**UNDP should continue to advocate for the expansion of the draft Legal Aid Law to come into compliance with international best practice and be available at all stages of the criminal justice process. UNDP should continue to work with the MOJ and a wide range of stakeholders to develop a strategy for a comprehensive legal aid system. There are many models of legal aid. UNDP should support a study to determine what models are best suited to the West Bank and Gaza, respectively. CSOs need to be encouraged to become engaged on the issue of a strategy for legal aid.

**Conclusion 7:**There is strong evidence that the UNDP supported Legal Skills Diploma, Office Skills Diploma and Middle Management Certificate have enhanced the capacity of the MOJ and other institutions in the oPt.

**Recommendation 7:**UNDP should explore ways to offer these accredited diploma courses to additional MOJ, HJC and AGO staff as well as other PNA institutions.

**Conclusion 8:**UNDP’s awareness raising activities have resulted in an increased public interest and reliance upon the MOJ and its information resources.

**Recommendation 8**: Going forward, UNDP should provide tailored support to further enhance the capacity of the Justice Information Centre in order to educate the public on the core public services of the MOJ and how to obtain access to them.

**Conclusion 9:** UNDP technical experts based at the AGO as well as UNDP trainings have significantly improved the work of the AGO (and beyond this, made in-kind contributions to projects/programmes implemented by other donors). The place of the AGO within the justice system, however, continues to be a subject of debate and there is a lack of coherence within the donor community on whether MOJ or the HJC has responsibility for the AGO and its prosecutors.

**Recommendation 9:**UNDP and its donors should firmly decide for themselves whether the AGO is part of the MOJ or the HJC. This must be based upon a firm legal analysis of with reference to the Basic Law (2003), the Judicial Authority Law (2002), historical antecedents and international best practice. UNDP needs to assume a position of leadership on this issue. Donors may wish to raise this issue at the political level in order to reach agreement among the three institutions and increase momentum on justice sector reform. Meanwhile, UNDP should continue building the capacity of the AGO, especially the sustainability of the PPMU, and to support the capacity development of AGO staff (especially administrative staff and with regard to M&E capacities.

**Conclusion 10:**UNDP’s overall impact upon the HJC and the courts has been strong to date (especially with regard to strengthening of the PPMU, establishment of court information points, judicial training and development of the MIZAN2 case management system). Yet, the HJC feels that it has received a smaller percentage of UNDP funding than it should have given the importance and functions of the judiciary.

**Recommendation 10:**Going forward, UNDP is urged to readjust its focus upon the three core justice institutions, so as to increase and upscale its programming for the HJC and the AGO. UNDP could expand its support in specific areas such as inspection, enforcement, gender responsiveness, M&E, and juvenile courts if the juvenile justice law is passed. UNDP should monitor some of the emerging issues of specialised courts in the West Bank (e.g. administrative courts, corruption crimes court etc.). Bringing the military justice system closer in-line with the civil court system (i.e. defining the persons to whom military justice applies; fair trials standards and the nexus with civil court procedures) could also be an area of limited UNDP engagement - resources permitting and only if such engagement would not overstretch UNDP’s existing programme.

**Conclusion 11:** MIZAN2 is widely used by the justice institutions, academia and members of the legal profession. The system is still being rolled out (i.e. *shari’a* courts are not yet part of it) and there is a need to develop new applications to further allow public and lawyer interaction with the courts electronically.

The system also requires frequent updates.

**Recommendation 11:**UNDP should support the HJC to continue to update MIZAN2, make the system faster and more user-friendly; as well as to expand its reach to *shari’a* courts and other justice institutions.

**Conclusion 12:**The court information points are an innovative mechanism that are already increasing access to justice at pilot locations by providing information to court users on their cases, scheduling, forms and locations of court rooms. Yet, the information points are not yet being utilised to their full potential as distribution points of information and documents.

**Recommendation 12:**Going forward, UNDP and the HJC should capitalise on the court information points as locations where brochures and publications about the law, PNA institutions and the courts can be distributed. The number of court information points could be expanded throughout the court system.

**Conclusion 13:**UNDP is partly responsible for the growth in the volume of cases in civil and *shari’a* courts but this increased caseload compounds problems with the civil courts enforcement and execution departments. The *shari’a* courts have no enforcement/execution departments and still rely upon the civil courts for this function.

**Recommendation 13:**UNDP should explore ways to support and strengthen the efficiency of the execution departments within the civil courts and to create mechanisms for the *shari’a* court to enforce and execute judgments.

**Conclusion 14:**The PNA and its citizens remain severely challenged by the effects of the Israeli occupation. A lack of access to Area C - despite the fact that the PNA has jurisdiction for this area - is a fundamental barrier to access to justice. Beyond this it rises to the level of a violation of Annex 4 of the Oslo Accords.

**Recommendation 14:** While to date UNDP has addressed the issue of lack of access to Area C via its support to civil society and advocacy, more could be done to capacitate the PNA to advocate for change directly with the Israel in this regard. In general, UNDP support to Area C and East Jerusalem across all facets of the programme should expand in the future in order to meet unmet needs in those areas. Such an expansion should be both CSO and justice institution-led.

**Conclusion 15:**The *shari’a* courts play a vital role in the lives of Palestinian women, children and families - especially indigent beneficiaries, and fulfil both adjudicatory and protective functions for cases of domestic violence and abuse, divorce, custody and inheritance. Yet, the *shari’a* courts have to date been largely ignored by the international community. UNDP has been the only agency to address the needs of the *shari’a* courts, but only indirectly to date. Yet, even this minimal engagement by UNDP has resulted in a change of procedure in the courts themselves and the *shari’a* courts are extremely open to further engagement.

**Recommendation 15**: Considering the fundamental role that the *shari’a* courts play in protecting the rights of women and children, UNDP and its donors are encouraged to render urgent and immediate support to the *shari’a* courts. This should be a key priority for the next phase of the UNDP Rule of Law & Access to Justice Programme in the oPt

**Conclusion 16**: While not formally part of the UNDP/PAPP’s Rule of Law &Access to Justice Programme, UNDP’s support to the Palestinian Civil Police (PCP), Palestinian Anti-Corruption Commission (PACC) and the Corruption Crimes Court (CCC) via the UNDP/EUPOL COPPS Joint Programme is serving to close the loop in the criminal justice sector. The overall effort is to bring justice and security organisations together in the rule of law approach instead of a sector approach. UNDP’s expertise has been particularly valuable in the support of the PACC.

**Recommendation 16**: UNDP should merge some elements of the UNDP/EUPOL COPPS Joint Programme with the UNDP Rule of Law &Access to Justice Programme in the oPt to the extent possible in the next programming period. This could be done by creating a specific outcome for criminal justice reform, but could also come under existing Outcome 1.

**Conclusion 17**: The overall assessment of UNDP’s Civil Society Initiative is highly favourable. Key questions going forward for UNDP will be whether such awareness-raising and advocacy can be made more strategic; are the most cost-effective use of limited resources; and whether awareness-raising and/or advocacy should be scaled-down in favour of scaling-up other aspects of the programme.

**Recommendation 17:** Going forward, UNDP is encouraged to critically assess in detail the performance of each of the CSO grant recipients, as well as their demonstrated capacities and relative strengths for both awareness-raising and advocacy. It is certainly fair to say that not *all* CSOs should be doing *all* things (i.e. legal aid, awareness-raising, advocacy and publications) but should only be funded in areas for which they can demonstrate capacity and ability based upon their prior performance.

**Conclusion 18**: Rule of law work is a long-term endeavour. In assessing the effectiveness of UNDP’s support to client-based legal aid services it is important not to focus on numbers alone, but also to keep in mind the potential that such interventions have in the aggregate and over time to change the system.

**Recommendation 18:**UNDP and its donors should continue to support and scale-up client-based legal aid services for vulnerable groups, particularly in the West Bank, including East Jerusalem. Going forward, UNDP should build upon its work to date and take the logical next steps for linking PNA supported initiatives for free legal aid and CSO initiatives in a comprehensive legal aid strategy.

**Conclusion 19**: As part of the Civil Society Initiative, UNDP provided relatively few detailed instructions or guidelines for representation of clients or the types of cases that the CSOs should take on, particularly when it comes to the West Bank.

**Recommendation 19:**Going forward, UNDP should develop a common training template and set of knowledge products for all CSOs engaged in legal aid with UNDP support. UNDP should consider scaling-up its support to client-based legal services in both Area C and East Jerusalem and creating a UNDP “brand” for such services. This will ultimately serve to make UNDP legal assistance more structured throughout the oPt. One element of the UNDP supported legal aid in Gaza that needs to be examined in more detail is the disparity between the number of criminal cases that receive consultation and the number that receive representation. UNDP should strive to make the support more strategic in nature, improve its tracking of criminal legal aid clients while continue to focus on women and children. Persons with disabilities is also a sub-group of beneficiaries, which UNDP should consider targeting.

**Conclusion 20**: UNDP’s support to the PBA’s continuous training programme appears to be gaining traction. Going forward, the PBA in both the West Bank and Gaza will face continuing issues for its membership and core functions as a bar including: 1) training of its membership and its committees (including strengthening professional ethics and discipline); 2) improving the bar exam and continuing legal education programmes; 3) supporting an independent and accountable justice system; 4) expanding its cooperation with regional and international bodies; and 5) continuing outreach with traditional leaders.

**Recommendation 20:** UNDP should work to further institutionalise continuing legal education and encourage the PBA in both West Bank and Gaza to make it compulsory with mandated number of hours and core requirements for all licensed lawyers (i.e. a course in legal ethics). UNDP should also focus upon building a compulsory *pro bono* scheme within the PBA. In addition, the participation of female lawyers in the courses could be further enhanced. Beyond this, UNDP could support the PBA to coordinate with law schools in order to ensure compatibility of their curricula with the objectives of law practice and legal aid.

**Conclusion 21**: The West Bank law school clinics are not yet synergised with the PBA or CSOs to the same extent as their counterparts in Gaza. This can be attributed to both political will on the part of the PBA and, perhaps, the larger geographic area of the West Bank. Most of the law school clinics have made contacts on their own with CSOs. The MOJ has yet to be convinced of the appropriateness of law school clinics providing legal aid to citizens. A key issue for the legal aid programme going forward will be its sustainability and how to make the government ultimately fund legal aid.

**Recommendation 21:** UNDP should explore ways to build sustainable partnerships between the PBA, CSOs and law school clinics in the West Bank. Meanwhile, UNDP should continue to keep the MOJ informed about legal aid and law school clinics as part of an on-going effort to build a comprehensive legal aid system in the oPt. UNDP support to clinical legal education should certainly be continued and indeed further deepened. Furthermore, the clinics are perhaps one of the best ways to bridge the West Bank and Gaza via electronic and social media platforms for students and faculty. All law schools in oPt could benefit from additional books and comparative resource materials.

**Conclusion 22:**UNDP awareness-raising and advocacy in East Jerusalem and the West Bank has made an impact upon certain PA institutions and groups of beneficiaries. There is some evidence that more women are approaching CSOs for legal services as a result of such awareness-raising. CSO and academic research on personal status law is having an influence upon the PNA, which has recently organised a committee to review existing legislation. Within the cultural context of the oPt, group meetings and live trainings for women are still viewed as the best way to increase awareness, but publications and documentary films are also making an impact.

**Recommendation 22:**UNDP should continue to support the development of advocacy groups for remote areas of the West Bank and enhance its support to publications and documentary films. Enacting legislation that is favourable to women’s rights requires sustained engagement and should be done in partnership with the UNDP supported university legal aid clinics. UNDP should include training female members of the PLC. UNDP should continue to broaden its awareness-raising to include more health care institutions and link free legal aid with free health care for women.

**Conclusion 23:** Many of the CSOs in oPt remain rather vague in their own mandates regarding youth and there are only a few Palestinian CSOs that are exclusively devoted to this demographic. Within the context of the occupation, social media and the internet are especially important resources for Palestinian youth

**Recommendation 23:**UNDP should enhance its support to youth under the programme going forward, for with regard to client-based legal services and advocacy.

**Conclusion 24:**Use of informal justice is not as widely used in the West Bank as in Gaza and the MOJ has been resistant to working with the traditional justice actors. For a number of reasons, UNDP support for formal and informal justice linkages to the formal justice sector in the West Bank has not progressed as quickly as planned.

**Recommendation 24:** UNDP should support a study to ascertain how many cases are being generated by the informal justice sector in the West Bank and whether these are respective of women’s rights. The evaluation encourages UNDP and its donors to fund more whitepapers and legislative studies going forward. UNDP should increasingly position itself to be a knowledge organisation that provides technical analysis and expertise - especially within a context of diminishing financial resources. UNDP could also develop an informal justice strategy and build upon some of the successful approaches to working with traditional justice actors that have been piloted in Gaza with a focus on enhancing women’s participation and standing - both as parties to disputes and as decision makers.

**Conclusion25:** To date, despite much support to advocacy and awareness-raising under the UNDP Rule of Law& Access to Justice Programme, there has been little if any attention paid to conflict resolution and peace. There is currently no conflict prevention team within the UNDP Governance Unit.

**Recommendation 25:** The evaluation suggests that possibilities for enhancing opportunities for dialogue between politically polarised groups in the oPt should be explored by UNDP going forward. Such work is extremely complex, given the uniqueness of the conflict (i.e. this is not an internal civil war, but a long standing occupation). UNDP/BCPR has both a strong corporate mandate and a clear and proven comparative strength in this area that is not yet employed in the oPt. Such work could be tied to legal empowerment and youth. The recent establishment of the Global Focal Point for Rule of Law may also present opportunities, for instance by drawing upon DPKO’s *shari’a* law experts. Additionally, UNDP might explore options for approaching the UN Peace Building Support Office and request them to conduct a mission in oPt. Community and religious leaders might be an entry point at the local level.

**Conclusion 26:**Donors were critical of UNDP’s previous reporting and M&E as having not sufficiently demonstrated evidence of impact. UNDP has responded to these criticisms by redesigning its M&E plan and contacting all its partners to collect more information and data of UNDP supported interventions.

**Recommendation 26**: UNDP is encouraged to continue to stress data collection and streamline processes for all partners to supply UNDP with evidence of impact at the outcome level on a regular basis. UNDP should continue to support periodic perception surveys and the collection of justice and security sector data.

**Lessons Learned**

* UNDP has faced some political obstacles among the major justice institutions that have hindered its abilities to effect change. It may be time for the international community to take this up with the Prime Minister’s Office.
* *Shari’a* courts play a unique and extremely important role in the Palestinian justice sector and impact especially on the lives of vulnerable women and should be supported.
* Youth play an important role in both managing conflict and issues related to legal empowerment.
* Social media and internet “live links”/broadcasts offer possibilities for bringing together communities of practice and law students in Gaza and West Bank.
* UNDP itself benefits when donors are supplied with detailed information on a timely basis documenting the impact of UNDP outputs.

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# Annex A: Terms of Reference

**TERMS OF REFERENCE**

1) BACKGROUND AND CONTEXT

In 2010, UNDP/PAPP launched a comprehensive Rule of Law & Access to Justice Programme in the occupied Palestinian Territory (oPt) with support from the governments of Canada, Sweden and the Netherlands as well as UNDP’s Bureau for Crisis Prevention and Recovery (BCPR). The three-year programme, which has attracted funding in excess of US$ 20 million, extends support for institutional capacity development to the main Palestinian justice sector institutions and aims to put in place a comprehensive access to justice strategy engaging actors at all levels, including the Palestinian Bar Association, civil society organisations, and academic institutions.

In line with the subsequent National Development Plans and National Justice Sector Strategies, the programme has five key outputs:

* Capacity of rule of law institutions strengthened;
* Access to justice at local and grassroots levels enhanced;
* Gender and juvenile justice improved;
* Rule of law in the Gaza Strip initiated; and
* Confidence-building amongst stakeholders promoted.

As such, efforts are geared towards strengthening the institutional capacity of the Palestinian Ministry of Justice as well as other justice sector institutions; expanding the scope and breath of existing legal literacy and legal aid programmes; improving gender and juvenile justice conditions; and exploring modalities for engagement with the informal justice system(s) and their linkages with the formal system. Assistance is also being provided to support networks of legal professionals and to enhance public confidence in the justice system.

2) EVALUATION PURPOSE

As part of a BCPR-led three stage evaluation, UNDP/PAPP intends to commission an independent evaluation to assess the level of progress made towards achieving the outputs and outcomes listed in the Programme Document. In addition, the evaluation is expected to provide concrete recommendations for the second phase of the programme (2013-2016).

3) EVALUATION SCOPE AND OBJECTIVES

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

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

4) EVALUATION QUESTIONS

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

* What progress towards achieving the outputs and outcomes listed in the Programme Document has been made? Are the outputs and outcomes relevant in the context of the oPt? How does programme implementation align with the original Programme Document?
* What factors have contributed to achieving (or not achieving) the intended outputs and outcomes?
* To what extent has UNDP/PAPP been able to develop strong and enabling partnerships?
* Has the programme managed to adhere to key development principles, including national ownership, and ensure sustainability of results?
* To what extent has the programme managed to promote inclusiveness, gender mainstreaming and women’s empowerment?
* Was the M&E Plan systematically applied and was it appropriate to the programme?
* Has the programme managed risks effectively and responsibly?

5) METHODOLOGY

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

* Review all documentation related to the programme, including the Programme Document, annual work plans, progress reports, agreements, proposals, concept notes, previous evaluations and knowledge products (1 week).
* Collate all necessary data, including from sources other than UNDP/PAPP (1 week).
* Interview key actors and stakeholders, including UNDP/PAPP colleagues, relevant government institutions, civil society organisations, academic institutions, beneficiaries, international development agencies, donors/development partners and UN agencies (4 weeks).
* Draft a comprehensive evaluation report in English (2 weeks).

6) DELIVERABLES

* An evaluation inception report, totalling 10 pages plus annexes, which outlines the methodology as well as proposed schedule of tasks and activities.
* An evaluation report, totalling 30 pages plus annexes, with an executive summary of not more than 5 pages describing key findings and recommendations. The incumbent will be expected to present the (draft) review during a number of stakeholder meetings.

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# Annex B: Documents Reviewed

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| **Programme Documents** | UNDP Rule of Law & Access to Justice Programme in the oPt |
|  | UNDP-EUPOL COPPS Joint Programme |
| **Donor Agreements**  **Sida/Sweden** | Agreement Sida/Sweden (10 June 2009) |
|  | Amendment to Agreement Sida/Sweden (26 June 2012) |
| **CIDA/Canada** | Grant Arrangement CIDA/Canada (31 March 2010) |
|  | Amendment/Grant Arrangement (28 September 2012) |
|  |  |
| **NRO** | Arrangement Netherlands (9 June 2010) |
|  | Amendment to Specific Arrangement (13 December 2011) |
|  |  |
| **National Justice Sector Strategy** | Justice and Rule of Law National Strategy (2011-2013) |
|  |  |
| **Organisation Chart** | Organisation Chart (December 2012) |
|  | Staffing List (December 2012) |
|  |  |
| **National Development Plans** | National Development Plan - Establishing the State - Building our Future (2011-2013) |
|  | Programme of the Thirteenth Government (2009-2011) |
|  | Palestinian Reform and Development Plan (2008-2010) |
|  |  |
| **Progress Reports** | 2011 Annual Report UNDP Rule of Law & Access to Justice Programme |
|  | 2010 Progress Report UNDP Rule of Law & Access to Justice Programme |
|  |  |
| **Annual Work Plans** | Rule of Law & Access to Justice Programme - Annual Work Plan (2013) |
|  | Rule of Law & Access to Justice Programme - Annual Work Plan (2012) |
|  | Rule of Law & Access to Justice Programme - Annual Work Plan (2011) |
|  | Rule of Law & Access to Justice Programme - Annual Work Plan (2010) |
|  |  |
| **Programme Board Meetings** | TOR Programme Board - UNDP Rule of Law & Access to Justice Programme |
|  | Agenda Programme Board Meeting (30 September 2010) |
|  | Minutes Programme Board Meeting (30 September 2010) |
|  | Agenda Programme Board Meeting (5 April 2011) |
|  | Minutes Programme Board Meeting (5 April 2011) |
|  | Agenda Programme Board Meeting (22 September 2011) |
|  | Minutes Programme Board Meeting (22 September 2011) |
|  | Agenda Programme Board Meeting (18 October 2012) |
|  | Minutes Programme Board Meeting (18 October 2012) |
| **Donor Meetings/Comments** | Minutes Donor Coordination Meeting (17 August 2011) |
|  | Minutes Donor Coordination Meeting (14 February 2011) |
|  | Minutes Donor Coordination Meeting (17 December 2010) |
|  | Consolidated Donor Comments (24 January 2011) |
|  | Consolidated Donor Comments (5 May 2012) |
|  |  |
| **Strategic Review/M&E Plan** | M&E Plan - UNDP Rule of Law & Access to Justice Programme |
|  | Strategic Review UNDP Rule of Law & Access to Justice Programme (August 2011) |
|  |  |
| **Joint Capacity Assessment** | Joint Capacity Assessment Ministry of Justice (June 2011) |
|  |  |
| **Knowledge Products** | Mapping the Perceptions and Contributions of Non-State Actors (March 2009) |
|  | Palestinian Legislation from a Women's Rights Perspective (September 2011) |
|  | Legal Aid Services Provided by the Palestinian National Authority (October 2011) |
|  | Public Perceptions of Palestinian Justice and Security Institutions (December 2011) |
|  |  |
| **Success Stories/Summary Notes** | Al-Azhar University's Legal Conference (14 April 2011) |
|  | National Reconciliation Seminar (29 May 2011) |
|  | Network of Legal Aid Providers in Gaza (February 2012) |
|  | Women & Statehood Conference (5-6 July 2011) |
|  | Joint Training Programme (October 2011) |
|  | Consultation Conference on the Palestinian Penal Code (28-30 November 2010) |
|  | UNDP-EUPOL COPPS Training on Juvenile Justice (November-December 2010) |
|  | Legal Aid Clinics Workshop (March 2012) |
|  | Continuous Training Programme (September 2012) |
|  | PBA Annual Conference (Gaza City - December 2012) |
|  | National Human Rights Day Celebration (16 March 2011) |
|  |  |
| **Publications** | Case Study BCPR Annual Report (2011) |
|  | DPG-Net (8 March 2011) |
|  | E-Consultation DPKO (13 April 2011) |
|  | CPR Practice News - UNDP Rule of Law &Access to Justice Programme |
|  | The Plight Of Children - This Week in oPt (December 2010) |

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# Annex C: Agenda

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

**Agenda - Independent Evaluation**

**8 January - 31 January 2013**

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**Tuesday, 8 January 2013**

***10:00-10:30 Security Brief***

* Tomislav Condic, Security Advisor

*Venue: UNDP Office (Jerusalem)*

***10:30-12:00 UNDP Senior Management & Team Leader/Senior Governance Advisor***

* Frode Mauring, Special Representative
* Yasmine Sherif, Deputy Special Representative
* Abla Amawi, Team Leader/Senior Governance Advisor

*Venue: UNDP Office (Jerusalem)*

***12:30-14:00 UNDP Rule of Law & Access to Justice Programme in the oPt***

* Maarten Barends, Chief Technical Specialist/Programme Manager
* Carolyn Graydon, Deputy Programme Manager (West Bank)
* Jihad Shomali, Access to Justice Analyst
* Dareen Khattab, Gender & Juvenile Justice Analyst
* Yousef Adwan, Monitoring & Evaluation Analyst
* Sameer Jebril, Finance Associate
* Julie Samara, Programme Assistant

*Venue: UNDP Office (Ramallah)*

***15:00-16:30 Swedish International Development Cooperation Agency***

Fredrik Westerholm, Consul/Development Cooperation

*Venue: Swedish Consulate (Jerusalem)*

**Wednesday, 9 January 2013**

***11:00-13:00 Plenary ROL Team Meeting***

*Venue: UNDP Office (Ramallah)*

**Thursday, 10 January 2013**

***19:00-21:00 EU Police Co-ordinating Office for Palestinian Police Support***

* Mike Albers, Programme Director
* Ana Kantor, Programme Advisor

*Venue: American Colony (Jerusalem)*

**Friday, 11 January 2013**

***09:00-10:30Canadian Representative Office***

* Zackaria Sabella, Senior Project Officer
* Sandra Leduc, Justice Reform Advisor
* Karim Morcos, Head of Development Cooperation

*Venue: Canadian Representative Office (Ramallah)*

***11.00-12:30 Netherlands Representative Office***

* Simone Kreutzer, First Secretary/Rule of Law
* Gert Kampman, Head of Development Cooperation

*Venue: Netherlands Representative Office (Ramallah)*

**Saturday, 12 January 2013**

***09:00-10:00 Birzeit University’s Institute of Women’s Studies***

* Islah Jad, Director of the Institute of Women’s Studies
* Sharry Lapp, Legal Researcher

*Venue: Birzeit University (Ramallah)*

***10:30-12:00 Birzeit University’s Institute of Law***

* Jamil Salem, Director of the Institute of Law
* Nadia Dauoud, Instruction Design Specialist
* Reem Botmeh, Researcher

*Venue: Birzeit University (Ramallah)*

***12:00-13:30 Defence for Children International/oPt***

* Sukaina Khalawi, Public Relations Officer
* Khaled Quzmar, Legal Advisor
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Defence for Children International/oPt (Ramallah)*

**Sunday, 13 January 2013**

***08:30-10:45 Ministry of Justice***

* Ali Muhanna, Minister of Justice
* Khalil Karaja Al-Rifai, Deputy Minister of Justice
* Oday Abu-Karsh, Policy Advisor (UNDP)
* Fatima Da’ana, Gender and Juvenile Justice Advisor (UNDP)
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Ministry of Justice (Ramallah)*

***11:00-13.30 CSO Roundtable: Musawa, Al-Haq, Jerusalem Legal Aid and Human Rights Centre, Civic Coalition***

* Ibrahim Bharghouti, Executive Director (Musawa)
* Addie Awwad, Programme Manager (Musawa)
* ShawanJabareen, General Director (Al-Haq)
* Nasser Al-Rays, Legal Advisor (Al-Haq)
* Tom Palmer, Programme Officer (Al-Haq)
* Issam Arouri, General Director (JLAC)
* Zakaria Odeh, General Director (Civic Coalition)

*Venue: UNDP (Ramallah)*

***14.00-16.00 Addameer***

* Sahar Francis, Programme Manager
* **Focus group discussion with beneficiaries (3-5)**

*Venue: Addameer (Ramallah)*

**Monday, 14 January 2013**

***08:30-10:30 Shams***

* Omar Rahhal, General Director
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Shams (Ramallah)*

***11:00-13:00 Palestinian Working Women Society for Development***

* Amal Khreisheh, General Director
* Issa Al-Shatley, Programme Manager
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Palestinian Working Women Society for Development (Ramallah)*

***13:30-15:30 Democracy and Workers Rights Centre***

* Yaser Barghouthi, Project Coordinator
* Carine Abu Hmeid, Public Relations Officer
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Democracy and Workers Rights Centre (Ramallah)*

***16:00-17:00 Meeting with Judge Somoud Damiri (*Shari’a *Courts)***

**Tuesday, 15 January 2013**

***10.00-12.30 CSO Roundtable: Gisha, Physicians for Human Rights, Btselem, Public Committee Against Torture in Israel, Hamoked***

* Leora Garton, Development Coordinator (Gisha)
* Gila Norich, Director of Development (Physicians for Human Rights)
* Jessica Montell, Director (Btselem)
* Daniel Sherman, Director of International Relations (Btselem)
* Louis Frankenthaler, Development & International Outreach Director (Public Committee Against Torture in Israel)
* Dalia Kirstein, Executive Director (Hamoked)
* Jessica Kirk-Bowman, Public Relations Officer (Hamoked)
* Kurt Aranson, Finance and Human Resources Officer (Hamoked)

*Venue: UNDP Office (Jerusalem)*

***13.30-15:00 High Judicial Council***

* Farid Al-Jallad, Chief Justice
* Thuraya Al-Wazir, Head of the Planning & Project Management Unit
* Khaled Shtayeh, Planning Manager (UNDP)

*Venue: High Judicial Council (Ramallah)*

***15:30-17:00 Attorney-General’s Office***

* Abdu Al-Ghani Al-Awawi, Attorney-General
* Charlie Jabaji, Planning Manager (UNDP)
* Omar Al-Assouli, Donor Relations Officer (UNDP)

*Venue: Attorney-General’s Office (Ramallah)*

***19:00 Team Dinner***

**Wednesday, 16 January 2013**

***06:30 Departure to Gaza***

***09:30-11:00 Al Atta’ Benevolent Association***

* Ibtiisam El Za’aneen, Board Director
* Mahasen El Za’aneen, Projects Coordinator
* Hala El Hattab, Lawyer

*Venue: Al Atta’ Benevolent Association (Beit Hanoun)*

***11:30-13:30 CSO Roundtable: Women Affairs Center (WAC) and Aisha Association for Protection of Women and Children (Aisha)***

* Amal Syam, Executive Director (WAC)
* Hala Qishawa, Head of Programs (WAC)
* Suhair El Baba, Legal Clinic Lawyer (WAC)
* Elias El Jilda, Board Director (Aisha)
* Mariam Abu El Atta, Project Coordinator (Aisha)

*Venue: Women Affairs Center (Gaza City)*

***14:00-16:00 Palestinian Academic Institutions/Legal Aid Clinic at Al-Azhar University***

* Dr. Abdelrahman Abu El Nasser, Dean of Al-Azhar University School of Law
* Mr. Ghassan Abu Aisha, Legal Clinic Coordinator
* Dr. Mohammed Abu Sa’ada, Deputy Rector of University of Palestine

*Venue: Al-Azhar University (Gaza City)*

***18:00-20:00 UNDP Rule of Law & Access to Justice Programme in the oPt***

* Trond Husby, Head of Office a.i.
* Ibrahim Abu-Shammalah, Deputy Programme Manager (Gaza)
* Dawoud Al-Massri, Access to Justice Analyst
* Reem Othman, Programme Assistant

*Venue: ArcMed Hotel (Gaza City)*

**Thursday, 17 January 2013**

***08:45-09:30 UN Office of High Commissioner for Human Rights (OHCHR)***

* Bea Ferenci, Human Rights Officer

*Venue: UNDP Office (Gaza City)*

***10:15-11:30 Culture and Free Thought Association***

* Mariam Zaqout, Executive Director
* Hussam Shehada, Programs Director
* **Focus group discussion with beneficiaries (3-5)**

*Venue: Culture and Free Thought Association (Khan Younis)*

***12:00-13:30 CSO Roundtable: National Society for Democracy and Law, Coalition for Justice and South Women Media Forum***

* Ibrahim Abu-Muamar, Executive Director
* Leila Mudalal, Executive Director
* Faten Abo-Shamala, Coordinator
* **Focus group discussion with beneficiaries (3-5)**

*Venue: National Society for Democracy and Law (Rafah)*

***14:30-16:00 Norwegian Refugee Council (NRC)***

* Sarah Adamczyk, ICLA Project Coordinator, NRC
* Wafa El Kafarna, Program Assistant, NRC

*Venue: NRC Office (Gaza City)*

**17:00-18:00 Independent Commission for Human Rights**

**Friday, 18 January 2013**

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**Saturday, 19 January 2013**

***10:00-13:00 Palestinian Bar Association (PBA)***

* ***Meeting with PBA Board members(45 minutes)***
* Salama Bseiso, Vice-Chairman
* PBA Board Members
* ***Meeting with PBA Project team/Awn Network (90 minutes)***
* Heba Mourtaga, Coordinator
* Said Abdallah, Legal Clinic Lawyer
* Wafa Al-Ashqar, Legal Clinic Lawyer
* Ahmed Amassi, Junior Lawyer
* Maher El Jamala, Junior Lawyer
* Faten Ghabayen, Junior Lawyer
* Eman Abu Shanab, Junior Lawyer

*Venue: Palestinian Bar Association (Gaza (City)*

***14:00-15:00 Community Leaders***

* Husny Al-Mughani
* Saif Abu Ramadan
* 5-7 Group of Community Figures

*Venue: Palestinian Bar Association (Gaza City)*

**Sunday, 20 January 2013**

***09:30-10:45Union of Women Programs Centres (UWPCs)***

* Tahrir El Hajj, General Director.
* Basema Thaher, Legal Clinic Lawyer
* **Focus group discussion with beneficiaries (3-5)**

*Venue: UWPCs (Nuseirat)*

***11:15-12:30 Palestinian Non-Governmental Organizations Network(PNGO) and Palestinian Institute for Communication and Development (PICD)***

* Amjad Al-Shawwa, Executive Director (PNGO)
* Elham Abu Msabeh, Coordinator (PNGO)
* Fathi Sabbah, Executive Director(PICD)
* Ghada Kord, Coordinator (PICD)

*Venue: PNGO Network (Gaza City)*

***12:45-14:00 Hadaf Centre for Human Rights and Community Media Centre***

* Yousef Safi, Executive Director (Hadaf)
* Andaleeb Adwan, Executive Director (CMC)
* Azzam El-Saqqa, Board Director (CMC)

*Venue: Community Media Center (Gaza City)*

***14:10-15:00 Palestinian Centre for Human Rights***

* Iyad El Alami, Head of Legal Unit
* Ibrahim Al-Sourani, Project Coordinator

*Venue: PCHR (Gaza City)*

**Monday, 21 January 2013**

***09:30-10:30 Debriefing***

* Trond Husby, Head of Office a.i.
* Ibrahim Abu-Shammalah, Deputy Programme Manager (Gaza)
* Dawoud Al-Massri, Access to Justice Analyst
* Reem Othman, Programme Assistant

*Venue: UNDP Office (Gaza City)*

***11:00 Departure***

**Tuesday, 22 January 2013**

***TBA***

**Wednesday, 23 January 2013**

***Drafting day***

**Thursday, 24 January 2013**

***09:00-10:00 Ministry of Social Affairs***

* Majida Al-Masri, Minister of Social Affairs
* Tala Khalefeh, Public Relations Officer
* Yaqoub Omari, Juvenile Justice National Committee Coordinator

*Venue: Ministry of Social Affairs (Ramallah)*

***10:30-11:30 Visit to Dar Al-Amal Rehabilitation Centre***

***12:00-14:00 Palestinian Maintenance Fund***

* Fatima Mu’aqat, General Director
* Natasha Khaldi, Public Relations Officer
* **Focus group discussion with beneficiaries (3)**

*Venue: Palestinian Maintenance Fund (Ramallah)*

***14:30-16:30 Palestinian Bar Association***

* Hussein Shabaneh, Chairman
* Sahar Smoom, Public Relations Officer
* Khadeeja Abu-Hussein, Legal Researcher
* Luna Arikat, Project Coordinator
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Palestinian Bar Association (Ramallah)*

**Saturday, 26 January 2013**

***Drafting day***

**Sunday, 27 January 2013**

***09:00-11:00 Hebron University’s Legal Aid Clinic***

* Mutaz Qafisheh, Director of the Legal Aid Clinic
* Hyndam Rjoub, Project Coordinator
* **Focus group discussion with beneficiaries (5-7)**

*Venue: Hebron University (Hebron)*

***11:30-13:30 Women’s Centre for Legal Aid and Counselling***

* Maha Abu-Dayeh, General Director
* Wejdan Jaber, Programme Manager
* **Focus group discussion with beneficiaries (7-9)**

*Venue: Women’s Centre for Legal Aid and Counselling (Hebron)*

***14:00-16:00 Tour in Hebron***

**Monday, 28 January 2013**

***09:30-10:15 Visit to Court Information Point (Jenin)***

***11.30 -13:30 Juhoud and Women for Life***

* Samira Al-Masri, Project Coordinator
* Fatima Ali Issa, Programme Manager
* **Focus group discussion with beneficiaries (10-12)**

*Venue: Village Council (Salfit)*

***14:00-15:30 Meeting with PLC Members***

*Venue: TBC*

**Tuesday, 29 January 2013**

***Drafting day***

**Wednesday, 30 January 2012**

***Preparation for debriefings***

**Thursday, 31 January 2012**

***Debriefings***

***09:00-11:00 UNDP/PAPP***

* Frode Mauring, Special Representative
* Yasmine Sherif, Deputy Special Representative
* Abla Amawi, Team Leader/Senior Governance Advisor
* Maarten Barends, Chief Technical Specialist/Programme Manager
* Carolyn Graydon, Deputy Programme Manager (West Bank)

*Venue: UNDP Office (Jerusalem)*

***12:00-14:00 Donors/Development Partners***

* Zackaria Sabella, Senior Project Officer, CIDA/Canada
* Sandra Leduc, Justice Reform Advisor, CIDA/Canada
* Karim Morcos, Head of Development Cooperation, CIDA/Canada
* Fredrik Westerholm, Consul/Development Cooperation, Sida/Sweden
* Simone Kreutzer, First Secretary/Rule of Law, NRO
* Gert Kampman, Head of Development Cooperation, NRO

*Venue: UNDP Office (Jerusalem)*

***14:30-16:00 Ministry of Justice***

* Ali Muhanna, Minister of Justice
* Khalil Karaja Al-Rifai, Deputy Minister of Justice

*Venue: Ministry of Justice (Ramallah)*

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1. UNDP/PAPP, Procurement Notice for Individual Consultancy Services, Terms of Reference, 8 August 2012, at 2 (“Terms of Reference”). [↑](#footnote-ref-2)
2. Id. at 2-3 [↑](#footnote-ref-3)
3. UNDP Strategic Plan, 2008-2011: Accelerating Global Progress on Human Development (2008), quoted in programme’s M&E plan [↑](#footnote-ref-4)
4. See UNDP Handbook on Planning, Monitoring & Evaluation (2009). [↑](#footnote-ref-5)
5. Terms of reference at 3 [↑](#footnote-ref-6)
6. 2011 Strategic Review at 18-19 [↑](#footnote-ref-7)
7. M&E plan at 6 [↑](#footnote-ref-8)
8. The General National Palestinian Plan 2011-2013: Summary of Justice and Rule of Law Sector Strategy at 24 (“Justice and Rule of Law National Strategy”) [↑](#footnote-ref-9)
9. National Development Plan 2011-2013: Establishing the State, Building our Future at 11 (“National Development Plan”) [↑](#footnote-ref-10)
10. Justice and Rule of Law National Strategy at 25 [↑](#footnote-ref-11)
11. UNDP/BCPR, UNDP Rule of Law & Access to Justice Programme in the oPt: Strategic Review, 18 August 2011, at 9 (“2011 Strategic Review”); see also UNDP/EUPOL COPPS Joint Programme 2011-2013, Programme Document at 4 (“COPPS Programme Document”) [↑](#footnote-ref-12)
12. 2011 Strategic Review at 4 [↑](#footnote-ref-13)
13. Id. [↑](#footnote-ref-14)
14. National Development Plan at 18 [↑](#footnote-ref-15)
15. According to an Israeli human rights organisation cited in the 2011 Strategic Review, over 90 percent of complaints regarding settler violence filed with the Israeli police in recent years have been closed without indictment. See Displacement and Insecurity in Area C of the West Bank, UN Office for the Coordinator of Humanitarian Affairs (Special Focus, August 2011); see also 2011 Strategic Review at 5-6, 13 [↑](#footnote-ref-16)
16. Id. [↑](#footnote-ref-17)
17. 2011 Strategic Review at 6 [↑](#footnote-ref-18)
18. Human Rights Watch, “Abusive System: Failures of Criminal Justice in Gaza”, 3 October 2012, <http://www.hrw.org/reports/2012/10/03/abusive-system-0> [↑](#footnote-ref-19)
19. See 2011 Strategic Review at 6 [↑](#footnote-ref-20)
20. Programme Document at 7 [↑](#footnote-ref-21)
21. Justice and Rule of Law National Strategy at 25 [↑](#footnote-ref-22)
22. National Development Plan at 75 [↑](#footnote-ref-23)
23. Justice and Rule of Law National Strategy at 21 [↑](#footnote-ref-24)
24. Id. at 9, 29-33 [↑](#footnote-ref-25)
25. Id. at 9, 33-34 [↑](#footnote-ref-26)
26. Id. at 9, 36-37 [↑](#footnote-ref-27)
27. Joint Capacity Assessment of the Ministry of Justice (June 2011) at 5 (“Joint Capacity Assessment”) [↑](#footnote-ref-28)
28. Id. [↑](#footnote-ref-29)
29. Justice and Rule of Law National Strategy at 9, 34-36 [↑](#footnote-ref-30)
30. Id. at 10, 49 [↑](#footnote-ref-31)
31. Id. at 10 [↑](#footnote-ref-32)
32. 2011 Strategic Review at 12 [↑](#footnote-ref-33)
33. Justice and Rule of Law National Strategy at 10 [↑](#footnote-ref-34)
34. Id. at 18 [↑](#footnote-ref-35)
35. See article 43 of the Basic Law (2003) [↑](#footnote-ref-36)
36. Justice and Rule of Law National Strategy at 12, 25-26 [↑](#footnote-ref-37)
37. Justice and Rule of Law National Strategy at 13, 27 [↑](#footnote-ref-38)
38. Id. at 11 [↑](#footnote-ref-39)
39. Programme of the Thirteenth Government: Ending the Occupation, Establishing the State (2009-2011) at 16, 20 (“Programme of the Thirteenth Government”); 2011 Strategic Review at 6 [↑](#footnote-ref-40)
40. National Development Plan at 78. The cost of court infrastructure is estimated at around USD 70 million to be spent over a period of 3 to 5 years, of which USD 58 million is planned for the next 3 years [↑](#footnote-ref-41)
41. Id. at 78 [↑](#footnote-ref-42)
42. Id. USD 8 million were allocated for these efforts [↑](#footnote-ref-43)
43. Id. at 91 [↑](#footnote-ref-44)
44. Justice and Rule of Law National Strategy at 11. Note that this metric does not capture any data regarding the fairness and quality of the way the cases were disposed of, whether positive or negative [↑](#footnote-ref-45)
45. National Development Plan at 26 n. 5 [↑](#footnote-ref-46)
46. Justice and Rule of Law National Strategy at 14-16; 22; 52-58 [↑](#footnote-ref-47)
47. UNDP/PAPP, Programme Document: Supporting the Rule of Law and Access to Justice for the Palestinian People 2009-2012, at 2 (“Programme Document”) [↑](#footnote-ref-48)
48. Id. at 11 [↑](#footnote-ref-49)
49. 2011 Strategic Review [↑](#footnote-ref-50)
50. Id. at 11-17 [↑](#footnote-ref-51)
51. 2011 Annual Report [↑](#footnote-ref-52)
52. M&E plan at 7 [↑](#footnote-ref-53)
53. Id. at 8 [↑](#footnote-ref-54)
54. Id. at 9 [↑](#footnote-ref-55)
55. Id. at 10 [↑](#footnote-ref-56)
56. Id. at 11 [↑](#footnote-ref-57)
57. See discussion of Outcome 1, below [↑](#footnote-ref-58)
58. See discussion of Outcome 2, below [↑](#footnote-ref-59)
59. See discussion of Outcome 3, below [↑](#footnote-ref-60)
60. See discussion of Outcome 4, below [↑](#footnote-ref-61)
61. See discussion of Outcome 5, below [↑](#footnote-ref-62)
62. 2012 Annual Report [↑](#footnote-ref-63)
63. Joint Capacity Assessment at 11; see also Access to Justice in the oPt: Mapping the Perceptions and Contributions of Non-State Actors (March 2009) (“Perceptions and Contributions of NSAs”) at 22 [↑](#footnote-ref-64)
64. 2011 Strategic Review at 9-10 [↑](#footnote-ref-65)
65. 2012 Annual Report at 11 [↑](#footnote-ref-66)
66. Id. at 7-8, 11 [↑](#footnote-ref-67)
67. Joint Capacity Assessment at 16 [↑](#footnote-ref-68)
68. The recruitment process supported by UNDP was transparent and publicly advertised. Each applicant was required to pass a recruitment exam. Those candidates who scored well on the recruitment exam then underwent a series of interviews. UNDP supported the MOJ to assemble three different committees for this purpose, in addition to a separate committee established for the sole purpose of reviewing existing staff members who were applying to switch to a Stabilisation Fund supported post (in this process, UNDP effectively pushed-back against a proposal of the Deputy Minister who wanted to automatically rehire existing MOJ staff without interviews). Only upon successful interview and recommendation by the interview committees was the candidate selected for possible appointment. A UNDP’s seconded staff member at the MOJ supervised this crucial process in building the MOJ’s capacity. Significantly, four outside parties were also included in the process of Stabilisation Fund hiring: the Ministry of Finance; the State Audit and Control; the General Personnel Counsel; and the Public Service Union. These parties sat on the various hiring committees. Thus, the very process of hiring under the Stabilisation Fund built the capacity of the MOJ [↑](#footnote-ref-69)
69. The MOJ is transitioning from an administrative institution to a more service-orientated ministry. Currently, the MOJ provides five key services for citizens: a) authentication of records; b) maintaining and providing justice records; c) supporting forensic medicine and investigations; and d) certification of arbitrators and certification of translators. [↑](#footnote-ref-70)
70. 2011 Strategic Review at 8 [↑](#footnote-ref-71)
71. 2012 Annual Report at 5 [↑](#footnote-ref-72)
72. Joint Capacity Assessment at 21 [↑](#footnote-ref-73)
73. Joint Capacity Assessment at 11 [↑](#footnote-ref-74)
74. Id. at 22 [↑](#footnote-ref-75)
75. 2011 Strategic Review at 5 [↑](#footnote-ref-76)
76. 2013 Annual Work Plan at 6 [↑](#footnote-ref-77)
77. Justice and Rule of Law National Strategy at 21 [↑](#footnote-ref-78)
78. National Development Plan at 26 [↑](#footnote-ref-79)
79. 2012 Annual Report at 6 [↑](#footnote-ref-80)
80. 2011 Strategic Review at 11 [↑](#footnote-ref-81)
81. 2012 Annual Report at 6 [↑](#footnote-ref-82)
82. 2012 Annual Report at 5 [↑](#footnote-ref-83)
83. National Development Plan at 11, 26 [↑](#footnote-ref-84)
84. UNDP/PAPP, Mapping Study: Legal Aid Services Provided by the Palestinian National Authority (October 2011) [↑](#footnote-ref-85)
85. The draft law has been signed by the Minister of Justice and is now before the Prime Minister who will circulate to all ministries for comments. Then it will be put through another examination at the Council of Ministers and finally, a public consultation process will be held to fine-tune it before it is sent to the President’s Office for final approval and signature (Art. 43 of the Basic Law (2003) provides that in an emergency the President can make law; this is the *de facto* situation now in the absence of a functioning PLC) [↑](#footnote-ref-86)
86. See, e.g., UNDP/PAPP, A Review of Palestinian Legislation from a Women’s Rights Perspective (September 2011) (“Women’s Rights Review”) at 4; for an overview of this historical evolution, see the following webpage prepared by the Institute of Law at Birzeit University: <http://lawcenter.birzeit.edu/iol/en/index.php?action_id=210> (accessed 6 January 2013) [↑](#footnote-ref-87)
87. Joint Capacity Assessment at 5; see also Perceptions and Contributions of NSAs at 4 [↑](#footnote-ref-88)
88. National Development Plan at 26 [↑](#footnote-ref-89)
89. 2011 Strategic Review at 11 [↑](#footnote-ref-90)
90. 2012 Annual Report at 5-7.The amendment to the penal code has removed one of the “honour crime” defences; however, the general defence of provocation is still used to defend “honour crimes” in practice so the abolition is not yet complete. [↑](#footnote-ref-91)
91. 2012 Annual Report at 5; see also 2013 Annual Work Plan at 6 [↑](#footnote-ref-92)
92. Justice and Rule of Law National Strategy at 21 [↑](#footnote-ref-93)
93. 2013Annual Report at 30 [↑](#footnote-ref-94)
94. Cf. USAID which has taken a more strict approach that the AGO is not part of the judiciary. USAID has declined to support joint trainings between these institutions [↑](#footnote-ref-95)
95. 2011 Strategic Review at 10 [↑](#footnote-ref-96)
96. UNDP experts also lent their support as a courtesy and in kind to the JSAP a U.S. Department of State INL funded project at the AGO. UNDP sat with the project periodically and advised JSAP for its phase-II and phase-III and helped prepare JSAP Phase III for then U.S. Secretary of State Hillary Clinton’s visit to the JSAP phase-III steering committee meeting. UNDP experts helped JSAP to find premises and to furnish their premises. UNDP did this in coordination with the public prosecutor offices and assisted the prosecutors and JSAP to prioritise. As a result of UNDP’s in-kind contributions JSAP III/INL phase two is being prepared. UNDP experts also support the U.S. Treasury on technical aspects and support to the Chief Prosecutor [↑](#footnote-ref-97)
97. Infrastructure remains a problem for HJC, not only the buildings but also generators, fire-fighting/detection equipment. Problems currently arise due to simple situations. For example, HJC’s lack of funds for power means that courthouses are not properly heated. This has resulted in staff bringing their own electric heaters to the courthouses, which short-circuit the entire court’s electricity. Loss of power for long periods means that the HJC must perform its work manually and data entry into the MIZAN2 database is delayed. With the financial crisis facing the PNA, even a simple notification to a party cannot proceed, because the staff and transport costs of the staff member have not been paid. Reportedly, the HJC recently had a crisis in the Nablus courthouse because of rain. The switchboard was destroyed and the HJC lacked the NIS 1,600 required to pay for the installation a second-hand switchboard. The elevator at the courthouse is also currently out of order [↑](#footnote-ref-98)
98. The HJC has been able to identify its actual needs, but as with other justice institutions, has lacked a robust M&E system. UNDP informed the evaluation that it would like to work on developing a package of M&E assistance to all justice institutions it works with during the programme’s second phase to address this “across the board” weakness [↑](#footnote-ref-99)
99. 2011 Strategic Review at 11 [↑](#footnote-ref-100)
100. 2013 Annual Work Plan at 7 [↑](#footnote-ref-101)
101. Justice and Rule of Law National Strategy at 12 [↑](#footnote-ref-102)
102. Women’s Rights Review at 5 [↑](#footnote-ref-103)
103. Recently one *shari’a* court judge submitted a proposal to the Islamic Development Bank to establish ten visitation centres (one in each governorate with a room with toys and a social worker in attendance) but this was not granted. The *shari’a* courts also applied to the Oman Sultanate to establish *shari’a* court compounds in the governorates, but this support has not materialised [↑](#footnote-ref-104)
104. These laws include the following: Art. 61 of the Civil and Commercial Procedure Law (2001) and Art.14 of the Basic Law (2003), establishing rights of the accused to a legal defense and reaffirming the principle of innocent until proven guilty; Art. 244 of the Penal Code Procedure Law No. 3 (2001), providing that in cases of felonies, the courts shall appoint legal representation to the accused; and Law on the Legal Profession No. 3 (1999) requiring the Palestinian Bar Association to provide legal aid for indigent persons [↑](#footnote-ref-105)
105. The evaluation report discusses the legal aid and awareness components of gender justice under Outcome2 and Outcome 4, respectively. Outcome 3 discusses UNDP support to the normative and strategic framework for gender justice in oPt [↑](#footnote-ref-106)
106. UNDP Mapping Study (2011) [↑](#footnote-ref-107)
107. Id. [↑](#footnote-ref-108)
108. UNDP Mapping Study (2011) [↑](#footnote-ref-109)
109. According to the UNDP Mapping Study ICHR cases in 2010 were as follows: arbitrary detention/torture (381 cases); non-execution of court judgments (181 cases); barring Palestinians from the civil services on security grounds (193 cases) [↑](#footnote-ref-110)
110. UNDP Mapping Study (2011) [↑](#footnote-ref-111)
111. UNDP Perception Survey [↑](#footnote-ref-112)
112. 2013 Annual Work Plan at 7-8 [↑](#footnote-ref-113)
113. Perceptions and Contributions of NSAs at 14 [↑](#footnote-ref-114)
114. Joint Capacity Assessment at 36 [↑](#footnote-ref-115)
115. Consolidated Donor Comments (5 May 2012) at 8 [↑](#footnote-ref-116)
116. Joint Capacity Assessment at 36 [↑](#footnote-ref-117)
117. 2011 Strategic Review at 10 [↑](#footnote-ref-118)
118. Joint Capacity Assessment at 38 [↑](#footnote-ref-119)
119. Source: UNDP Rule of Law &Access to Justice Programme (2013) [↑](#footnote-ref-120)
120. Id. [↑](#footnote-ref-121)
121. UNICEF is currently leading an effort for data collection on child detention [↑](#footnote-ref-122)
122. Save the Children/Sweden noted that this work was directly relevant to the PNA’s national strategies for women and children falling under the portfolio of the MOSA; yet, noted that it was even more important as MOSA is not actively engaged in East Jerusalem [↑](#footnote-ref-123)
123. Hamoked further informed the evaluation that the compensation cases for detainees from the oPt have become increasingly more expensive as a result of the fact that the fees for filing, etc. needs to be paid upfront in cash (this has served as a great barrier to access to justice). If a family is filing a case, then the guarantee for the entire fee for each family member has to be paid up front. If filing fees are not paid or in default then it can impact other areas of these citizens lives (i.e. Israeli passport not renewed) [↑](#footnote-ref-124)
124. The village of Subaher is part of East Jerusalem, on the way to Bethlehem [↑](#footnote-ref-125)
125. Cases can get quite complex. Labour law prohibits arbitrary dismissal, but it does not give the power to force the employer to reinstate a person. In the case of a reported violation, the Labour Inspection Unit goes to the work place to certify that someone has been discriminated against and/or that there is a violation. The inspectors need to make a report and if they find a violation they can close a workplace in case of imminent danger to workers. UNDP will need to collect more data (i.e. such as the number of visits of labour inspectors, the number of violations that they have been able to handle and their level of awareness) in order to fully assess the impact of the work of DWRC [↑](#footnote-ref-126)
126. UNDP defines “awareness-raising” to be the provision of community legal information/outreach, whereas it defines “advocacy” as using media/research/reports/monitoring, etc. to achieve policy change [↑](#footnote-ref-127)
127. 2011 Strategic Review at 12 [↑](#footnote-ref-128)
128. Summary Note: Legal Aid Clinics Workshop (March 2012) [↑](#footnote-ref-129)
129. Id. [↑](#footnote-ref-130)
130. 2011 Annual Report at 5 [↑](#footnote-ref-131)
131. The personal status law applicable in the West Bank is the Jordanian Personal Status Law No.61 of 1976; in Gaza, it is the Egyptian Law of Family Rights of 1954. These laws conflict with many provisions of more recent laws, including Article 9 of the Basic Law of 2003 and a presidential decree of 2009 implementing CEDAW. Foremost among these is the age of legal marriage, which is set at 15 for girls and 16 for boys under the Jordanian Personal Status Law. The personal status laws apply *shari’a* law to a variety of issues involving marriage, children and the family and spousal rights. They are the main laws by which *shari’a* courts reach their decisions. In 2012, the President issued a decision to have a national drafting team appointed to propose reforms to the Personal Status Law. A committee has been formed for this process that is inclusive of a wide-range of stakeholders; yet, the process of reform is expected to take considerable time [↑](#footnote-ref-132)
132. Palestinian Central Bureau of Statistics (PCBS), Press Release for International Youth Day 2010 (12 August 2010) [↑](#footnote-ref-133)
133. Defence for Children International [↑](#footnote-ref-134)
134. Other UNDP supported CSOs that engage with rights of the child and juvenile detainees include the Palestinian Youth Union, Defence for Children International, Terre des Hommes and Save the Children/Sweden. As discussed above, UNDP also supports the Ministry of Social Affairs and the *Dar Al-Amal* Juvenile Rehabilitation Centre in Ramallah [↑](#footnote-ref-135)
135. The evaluation was shown detailed records maintained by Shams in bound binders archiving absolutely every detail and output of the UNDP grant, including list of names of participants. Each workshop had an evaluation sheet that students filled out that included reference to the fact that the course was funded by UNDP [↑](#footnote-ref-136)
136. The UNDP supported training of young lawyers at the PBA and law school clinics is also a form of legal awareness-raising. In addition, other CSOs such as Save the Children/Sweden and Defence for Children International used UNDP support to work with media around the issues of children. Beyond this, the UNDP staff and seconded experts at the MOJ have worked with the MOSA to ensure that when a child leaves the detention centre he/she will not have to take a year off of school or repeat a year of school, but can re-enter the school curriculum where they left off. UNDP is supporting the MOSA to hire lawyers who will advocate on behalf of children and interface with the government and civil society on children’s rights and to provide in-house legal aid capacity at the MOSA [↑](#footnote-ref-137)
137. Perceptions and Contributions of NSAs at 12 [↑](#footnote-ref-138)
138. Id. at 24 [↑](#footnote-ref-139)
139. For a discussion of the evolution of Islamic law and the role that such traditional actors have always played in such legal systems, See, “The Spirit of Islamic Law”, Weiss, Bernard G. (University of Georgia Press, 1998) [↑](#footnote-ref-140)
140. UNDP Public Perceptions Survey at 5 [↑](#footnote-ref-141)
141. 2013 Annual Work Plan at 8-9 [↑](#footnote-ref-142)
142. See, e.g., Summary Note, Women & Statehood Conference (5-6 July 2011) [↑](#footnote-ref-143)
143. Joint Capacity Assessment at 42 and 43; note, however, that one lawyer from the Legal Affairs and Research Directorate-General has been designated as the Ministry’s juvenile justice focal point. See also Women’s Rights Review at 4 [↑](#footnote-ref-144)
144. Justice and Rule of Law National Strategy at 34 [↑](#footnote-ref-145)
145. 2011 Strategic Review at 13 [↑](#footnote-ref-146)
146. Programme Board Meeting Minutes (22 September 2012) at 6; 2013 Annual Work Plan at 9 [↑](#footnote-ref-147)
147. At many points in this evaluation it is evident that the outcomes overlap (i.e. elements of Outcome 5 overlap with Outcome 2, etc.). Going forward UNDP should re-examine how these outcomes might be made more distinct or combined [↑](#footnote-ref-148)
148. A Review of Palestinian Legislation from a Women’s Rights Perspective” (March 2012) [↑](#footnote-ref-149)
149. Id. at 9-10 [↑](#footnote-ref-150)
150. 2012 Annual Report at 7; Review of Palestinian Legislation from a Women’s Rights Perspective” [↑](#footnote-ref-151)
151. See Maarten Barends and Sara Bailey, “The Plight of Children”, *This Week in Palestine* (December 2010) [↑](#footnote-ref-152)
152. Joint Capacity Assessment at 43 [↑](#footnote-ref-153)
153. 2013 Annual Work Plan at 9 [↑](#footnote-ref-154)
154. Id. [↑](#footnote-ref-155)
155. Barends and Bailey, “The Plight of Children” [↑](#footnote-ref-156)
156. 2013 Annual Work Plan at 10 [↑](#footnote-ref-157)
157. Public Perceptions Survey at 18 [↑](#footnote-ref-158)
158. Perceptions and Contributions of NSAs at 18 [↑](#footnote-ref-159)
159. Joint Capacity Assessment at 42 [↑](#footnote-ref-160)
160. The assessment of UNDP’s work, in some sense depends upon what is the definition of GBV. UNDP does not address GBV directly but takes a broader normative approach. According to UNDP experts, the institutionalised discrimination of women is much more far-reaching than domestic physical abuse. In this broad interpretation, GBV includes structural violence that is institutionalised. Thus, UNDP’s choice was to engage at the institutional level on discrimination against women, given the fact that other agencies (i.e. UN Women) were taking on domestic physical violence more directly. This said, UNDP has worked with the police and has had direct demand-side interventions. UNDP has also had to acknowledge the capacity absorption limitations on the part of the MOJ [↑](#footnote-ref-161)
161. Public Perceptions Survey at 10-11 [↑](#footnote-ref-162)
162. Women’s Rights Review at 4 [↑](#footnote-ref-163)
163. 2013 Annual Work Plan at 9; 2011 Strategic Review at 13 [↑](#footnote-ref-164)
164. 2011 Strategic Review at 13 [↑](#footnote-ref-165)
165. Programme Document UNDP/EUPOL COPPS Joint Programme at 8, 13 [↑](#footnote-ref-166)
166. Summary Note, UNDP-EUPOL COPPS Training on Juvenile Justice (November - December 2010) at 1 [↑](#footnote-ref-167)
167. Id. at 2 [↑](#footnote-ref-168)
168. Id. at 9-10 [↑](#footnote-ref-169)
169. 2011 Strategic Review at 13; see also 2013 Annual Work Plan at 9 and 2012 Annual Report at 7 [↑](#footnote-ref-170)
170. Consolidated Donor Comments (5 May 2012) at 9 [↑](#footnote-ref-171)
171. 2013 Annual Work Plan at 9 [↑](#footnote-ref-172)
172. The problem with the *shari’a* courts is that they are not yet computerised and not yet linked to MIZAN2. Each *shari’a* court operates “on a different planet”. Because there is no database, and the individual courts do not communicate, one *shari’a* court may not have any record of what has been done in another court [↑](#footnote-ref-173)
173. In 2011 approximately 700 juveniles cycled through the centre; in 2012, the figure dropped to 356. In the month of January 2013, 40 juveniles cycled through the centre; 7 of these juveniles were interviewed by the evaluation at the time of its site visit. [↑](#footnote-ref-174)
174. At the time of the evaluation’s site visit, the entire building was cold. The evaluation also noted that windows needed to be replaced on the upper floors and heating of the facility improved for the winter season [↑](#footnote-ref-175)
175. 2011 Strategic Review at 14 [↑](#footnote-ref-176)
176. Joint Capacity Assessment Ministry of Justice (June 2011) at 62 [↑](#footnote-ref-177)
177. 2011 Strategic Review at 14 [↑](#footnote-ref-178)
178. Public Perceptions Survey at 31 [↑](#footnote-ref-179)
179. 2011 Annual Report at 7 [↑](#footnote-ref-180)
180. Id. at 15 [↑](#footnote-ref-181)
181. Id. at 4 [↑](#footnote-ref-182)
182. According to OCHA about 52% of the Palestinian population is under age 18 [↑](#footnote-ref-183)
183. The centres were originally established in 1952 with the support of UNRWA but are run by the local communities [↑](#footnote-ref-184)
184. In particular one case was mentioned by WAC where a woman had been severely beaten and cut by her husband and wanted a divorce. WAC was able to intervene and obtain protection for the women and mediation of the dispute [↑](#footnote-ref-185)
185. The PBA is the one of the few institutions in the oPt that was not affected by the separation of Fatah and Hamas. The PBA is regulated by law and funded independently by its members. It refuses government funds and is funded solely by its membership. This fact has enabled the PBA to survive politically. UNDP’s successful engagement with the PBA in Gaza stands in marked contrast to the situation in the West Bank as described under above Outcome 2 where UNDP, despite its best efforts, has not yet achieved as high a degree of engagement with the PBA [↑](#footnote-ref-186)
186. Palestinian law currently limits legal aid to criminal cases (state provided legal aid). The *de facto* authorities in Gaza have tended to skip over this guarantee of state provided legal aid and is requiring the individual defendant to pay for legal aid out of his or her own pocket [↑](#footnote-ref-187)
187. PBA states that it has contributed about 10% of the costs of the UNDP project thus far. The bar association is audited and is accountable to its membership for every single activity. The 10% funding of the project does not conflict with PBA’s larger goals but the board states that if it spent more than 10% on this initiative its membership would complain about it. PBA has confirmed this in a recent poll of its membership. PBA has reached the conclusion, however, that nonetheless the project needs to be continued and expanded [↑](#footnote-ref-188)
188. 2013 Annual Work Plan at 10 [↑](#footnote-ref-189)
189. 2013 Annual Work Plan at 10 [↑](#footnote-ref-190)
190. Hamas has not formally recognised Israel’s right to exist and the political situation between Israel and Gaza remains extremely fragile and volatile. The UN and the international community still maintain an official “no-contact” policy with Hamas. This appears to be softening somewhat, however, in light of the Arab Spring, the ascendency of the Muslim Brotherhood to power in Egypt and statements from Hamas indicating that they were willing to moderate their position on some key points following a cease-fire agreement that ended eight days of Israeli bombardments in November 2012. One CSO criticized UNDP for not having a clear policy about reunifying the judiciary and stated that it was becoming increasingly difficult to engage with only the demand side of justice in Gaza and that it was now time for UNDP and the international community to come to the table to build the capacity of the Hamas judiciary [↑](#footnote-ref-191)
191. Id. at 11 [↑](#footnote-ref-192)
192. Islamic law has historically relied heavily upon such traditional authorities as a central and in many ways the most important element of the system of justice [↑](#footnote-ref-193)
193. PICD states that the impact of the UNDP supported trainings can be seen in different ways: 1) within PICD it built its capacity to produce newsletters and magazines; 2) the journalists that were trained subsequently produced dozens of articles and they began to write stories. PICD included these in the first edition of its magazine (entitled “Windows on Justice”). A new type of investigative journalism was seen emerging in Gaza (i.e. stories about female prisoners in prison that saw many reactions on Facebook and local websites). The PICD trained journalists who wrote the stories about the female prisoners were recently considered as candidates for the “Dubai Journalism Awards” [↑](#footnote-ref-194)
194. The Awn network undertook a total of 12 media campaigns with UNDP support. A table listing all media campaigns is annexed to this report [↑](#footnote-ref-195)
195. Topics included: legal systems and process; national laws; international human rights law; judiciary system in the oPt; advocacy and media; and conflict transformation [↑](#footnote-ref-196)
196. The Independent Commission for Human Rights was established by presidential decree and is mentioned in the Basic Law (2003). Due to the political situation the law that recognises the work of ICHR was postponed. It is still in draft form, but ICHR currently works pursuant to a presidential decree in both the West Bank and Gaza and receives complaints from citizens about the institutions affiliated with the PLO, trials, and legislation. ICHR receives money from a consortium of donors including Norway and the Netherlands but receives no funding from the PNA. ICHR has faced allot of difficulties in Gaza: Hamas views the commission as an NGO and fails to recognise its official status. Hamas accuses ICHR as being an agent of Fatah. In turn, the commission has informed Hamas that any alternative body created by Hamas would be ignored by ICHR. This strategy appears to have convinced Hamas, which has kept relatively silent and has not created an alternative body. In an encouraging sign, the commissioner of the IHRC visited Gaza in April 2012 and succeeded in getting permission from Hamas to visit prisons [↑](#footnote-ref-197)
197. UNDP/EUPOL COPPS Joint Programme Document at 9; 2012 Annual Report at 8 [↑](#footnote-ref-198)
198. See generally M&E plan [↑](#footnote-ref-199)
199. Consolidated Donor Comments (5 May 2012) at 9; see generally Public Perceptions Survey [↑](#footnote-ref-200)
200. 2011 Strategic Review at 16 [↑](#footnote-ref-201)
201. Public Perceptions Survey at 4-5 [↑](#footnote-ref-202)
202. 2011 Strategic Review at 16 [↑](#footnote-ref-203)
203. 2013 Annual Work Plan at 12 [↑](#footnote-ref-204)
204. Id. [↑](#footnote-ref-205)
205. Joint Capacity Assessment at 43 [↑](#footnote-ref-206)
206. 2012 Annual Report at 8 [↑](#footnote-ref-207)
207. Programme Document UNDP/EUPOL COPPS Joint Programme at 7. Among the BGHR’s key functions: receive, process and investigate complaints and grievances, both from individual citizens and from national and international human rights organisations; provide recommendations to the Chief of Police concerning these complaints and ensure proper follow-up; prepare and analyse statistical data and provide policy advice; ensure compliance with national and international human rights standards, e.g. by visiting detention cells and correctional facilities; organise human rights trainings for PCP personnel; and, raise public awareness of the BGHR and liaise with the media [↑](#footnote-ref-208)
208. Maarten Barends and Sara Bailey, “UNDP Rule of Law & Access to Justice Programme in the West Bank and Gaza”, *CPR Practice News* (October 2010) [↑](#footnote-ref-209)
209. Id. [↑](#footnote-ref-210)
210. 2011 Strategic Review at 9, 19 [↑](#footnote-ref-211)
211. 2012 Annual Report at 5 [↑](#footnote-ref-212)
212. 2013 Annual Work Plan at 5 [↑](#footnote-ref-213)
213. 2011 Strategic Review at 10; 2013 Annual Work Plan at 7 [↑](#footnote-ref-214)
214. 2012 Annual Report at 6 [↑](#footnote-ref-215)
215. 2013 Annual Work Plan at 5 [↑](#footnote-ref-216)