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**Independent Outcome Evaluation Summary**

**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

**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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