

# Mid-Term Strategic Review “SAWASYA” Programme

## Final Report

28 April 2016

### I. Executive Summary

The Mid-Term Strategic Review (MTR) has assessed the UNDP/UN Women Joint Programme “SAWASYA” (hereinafter, the “JP”) between December 2015 and January 2016 and concludes that the JP is on-track in terms of delivery and work-plan. The theory of change proves to be robust despite the JP functioning in a political environment that is challenging to the establishment of rule of law and security. However, given the remaining timeline, UNDP and UN Women will need to take some measures at the managerial and strategic level to consolidate the accomplishments and results of the JP to date (as opposed to expanding); map engagement for the remaining 12-18 months (due to transition 30 April 2017) and strategize on implementation of the recommendations set out in this report.

The rapidly changing political and rule of law environment has demanded of the Programme, the ability to be flexible and adaptive especially in terms of meeting needs of the people affected by Gaza emergency and seeking entry points for positive change when it occurred in the fluid landscape. The Programme’s geographic, institutional and operational reach is impressive despite challenges related to the occupation and access restrictions in much of the West Bank and Gaza; the 2014 Israeli military action in the Gaza Strip; continuing tensions between Fatah and Hamas and lack of movement towards integration of Palestinian Authority (PA) institutions across the West Bank and Gaza under the National Consensus Government (NCG) during 2015; and continuing difficulty of the PA to deliver upon its governance mandate.

The JP provides high-quality technical assistance to the PA line-ministries and agencies in the justice and security sectors in order to increase their capacities to perform their functions and promote the rule of law. The JP has enlisted a wide range of institutions to provide access to security, justice, legal aid and representation to thousands of Palestinians in East Jerusalem, the West Bank and Gaza, primarily women and children, and to respond to the 2014 emergency in Gaza. It accompanies a robust civil society platform supporting access to justice, human rights, legal advocacy and legal aid that serves to incubate justice, particularly in areas of the West Bank and Gaza where the Palestinian Authority is unable to exercise its jurisdiction or where the formal court system is inaccessible to populations or traditional justice is preferred.

The JP has engaged with traditional authorities in Gaza to encourage and support them to be more aligned with Gender Equality and Social Inclusion (GESI) and render justice for women. In addition, the JP has increased the capacity of PA line-ministries and civil society to support the State of Palestine’s reporting obligations under several international human rights treaties signed in 2014 and to effectively conduct collection of data and statistics to measure institutional performance.

Operationally, the JP has a highly qualified and dedicated team of programme officers and staff both in East Jerusalem/the West Bank and in Gaza. It benefits from specific operational measures such as fast track recruitment and NGO rosters that facilitate procurement.

This report is structured around a set of key questions set forth in the Terms of Reference for the MTR. It should be kept in mind that the MTR is exactly that—a strategic review—not an in-depth outcome-level Evaluation. Thus, this report errs on the side of brevity. Its analysis is largely qualitative in nature.

*Recommendations:*

The MTSR recommends that the JP continue to align with PA strategic frameworks for the justice, security and gender and perform a gap analysis of these studies to enable the JP to identify how it can better align with them in the future. The JP should also develop more defined strategies for East Jerusalem, Area C, other areas of the West Bank and Gaza; aligning and supporting the U.N.'s political agenda with respect to the PA (i.e. on issues such as "reintegration of the judiciary" and the impact of the on-going occupation); while taking into account shifting risks that impact upon the capacity of the PA to fulfil its governance mandate. There remain viable entry points for the JP going forward for continued legislative reforms such as the Code of Criminal Procedure and revised law on the Police.

The MTSR also recommends that the JP more effectively leverage U.N. Women's comparative advantage within the JP to provide monitoring and oversight and compliance with women's rights and gender principals for all components of the JP—especially JP support to traditional justice processes in the West Bank and Gaza. The JP should also expand its partnerships across the UNCT—especially with UNICEF (for juvenile justice and the development of SoPs for the FJPUs, the establishment of a legal aid network and trainings of paralegals and legal aid providers) and OHCHR (on accountability issues and support to the Independent Commission for Human Rights).

The use of un-earmarked funds has been critical to enabling flexibility in the JP and the MTSR recommends that the Donors, UNDP and UN Women continue this modality of funding in any future JP. The MTSR also makes recommendations for better structuring the JP Programme Board going forward, with the possible inclusion of a non-institutional actor from the demand-side of JP's interventions.

The MTSR further recommends that lines of reporting within the JP be strengthened and that the Joint Programme Manager continue to be fully supported in her role by UNDP and UN Women senior management. On the whole, however, the current JP needs to focus on delivering its programme under its log-frame within the remaining duration of the JP, rather than make any major changes to the current staffing or management configurations. The MTSR also recommends that the JP enhance its communications strategy, develop a more coherent narrative of the JP's goals and programme and continue to promote the "SAWASYA" brand as the U.N.'s definitive contribution to the PA on women's access to justice. The JP's dedicated webpage on the UNDP website could be made much more robust.

Meanwhile, it is necessary that the JP continue to monitor the modalities of the engagement with the PA justice and security sector ministries and courts (i.e. the continued viability of the "seconded" system) to assess sustainability and define exist strategies where appropriate. The MTSR observes that if the JP is looking for ways to reduce the scope of its current interventions, then it need carefully assess whether it has achieved as much as it can reasonably hope to within its institutional support strategies for some outputs. The MTSR also observes that the JP has conducted some excellent analysis on reintegration of the PA judiciary, but further work in this area will likely not be possible until the PA "green lights" this issue politically.

The JP's work with the *Shari'a* courts is of particular relevance to the lives of Palestinian women and children. The *Shari'a* courts continue to need JP support regarding execution of judgements, documenting and improving the interface between the *Shari'a* courts and the informal justice sector and assisting the *Shari'a* courts to support legal aid in Palestine, as well as strengthen the Palestinian Maintenance Fund.

The MTSR also recommends the JP support and accelerate the process of establishing a national legal aid delivery mechanism. and explore ways to make the CSO grants and partnerships more strategic by developing an overarching CSO coordination mechanism and sub-groups on thematic issues. The MTSR is concerned by recent moves of the PA to curtail the activities of CSOs and their funding and recommends that the JP transmit these concerns to the UN Resident Coordinator and Donors. The JP may wish to explore both short-term and longer-term funding modalities for its CSO grant recipients. The JP should also closely monitor its engagement with the informal justice sector in Palestine to ensure that women's rights are being protected. In this regard, UN

Women's comparative strengths and guidelines for engaging with the informal justice sector are particularly relevant.

Finally, the MTSR emphasises the need for the JP to continue to improve its data collection capabilities and recommends that the JP conduct more monitoring, surveys and analysis of the justice sector, informal justice and other key thematic issues in partnership with the Palestinian Central Bureau of Statistics.

These recommendations should be understood as refinements rather than an indication of a need for major changes at mid-point. Again, the overriding message of the MTSR is that the JP focus, consolidate and deliver rather than change its programme at this point. The analysis is offered constructively and should not be interpreted to detract from the JP's strengths and accomplishments to date.

## II. Situation Analysis

Since the JP was initiated in May 2014 there have already been a number of political developments in Israel and Palestine. These developments have required the Programme to be adaptable and flexible in its support to meeting the needs of people affected by political instability and security concerns such as the Gaza emergency, and seeking entry points for positive change in a fluid programming landscape.

### *Crucial political events:*

- The State of Palestine signed and acceded to 15 international treaties in 2014 raising the bar internationally and locally in terms of obligations to the Palestinian people and human rights.<sup>1</sup>
- In 2014, the US-led peace process collapsed.
- In April 2014, Fatah and Hamas reach an accord to form a National Consensus Government (NCG) per the 'Al-Shati' (Beach Camp) Agreement, which reaffirmed the earlier Cairo Agreement of 2011 and Cairo Accord of 2012.
- The summer of 2014 witnessed a brutal conflict between Hamas and Israel in the Gaza Strip, resulting in more than 2100 Palestinian and 70 Israeli deaths, thousands injured and/or displaced and a tightening of Israel's blockade of Gaza.
- Egypt constricted traffic flows (both illicit and legitimate) across the Gaza-Egyptian border.
- In January 2015, Palestine acceded to the International Criminal Court and the Prosecution began an examination as to whether criteria for an investigation were met.<sup>2</sup>
- As of end-2015, peace talks between Palestine and Israel had not resumed, many residents of Gaza remained displaced and many structures had not yet been reconstructed or repaired.
- Israeli elections in March 2015 led to the formation of a right wing, nationalist government dominated by pro-settler parties. The Occupation continued unabated with confiscations of homes and land in both East Jerusalem and the West Bank, and continuing restrictions upon Palestinian-owned structures in Area C. Meanwhile Israeli settlements continue to expand and the infrastructure of separation proliferates.

The resulting rule of law and human rights environment in the State of Palestine has also evolved quickly and dramatically. Human rights and humanitarian challenges include large-scale death, destruction and displacement of the Gaza war. The continuing blockade of Gaza causes economic deprivation and disproportionately impacts upon women and children alongside increased rates of

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<sup>1</sup> Including: United Nations Convention Against Torture; International Convention on the Elimination of All

<sup>2</sup> On 1 January 2015, the PA lodged a declaration under Article 12(3) of the Rome Statute accepting the jurisdiction of the International Criminal Court (ICC) in The Hague over alleged crimes committed "in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014". On 2 January 2015, the Government of Palestine acceded to the Rome Statute by depositing its instrument of accession with the UN Secretary-General. On 16 January 2015, the Prosecutor announced the opening of a preliminary examination into the situation in Palestine in order to establish whether the Rome Statute criteria for opening an investigation are met.

GBV and domestic violence. Continued isolated military strikes by Israel in response to security threats result in loss of civilians' lives.

In addition, the on-going displacement of Palestinians elsewhere; the loss of property, economic resources and livelihoods; restrictions upon movement in Area C,<sup>3</sup> across the West Bank and between the West Bank and Gaza cause tension and inhibit the full and prosperous functioning of the PA. Many Palestinian households lack access to basic services including electricity or running water. The detention of hundreds of Palestinians, including in some cases children and killings of Palestinian protesters (many youth) by the IDF persists. Additionally, Israel continues to introduce procedural barriers that effectively deny due process and impartial judicial hearings to Palestinians filing cases in Israeli courts (i.e. appeals of demolition orders in Area C can only be made to the Israeli High Court of Justice a lengthy, costly and time-consuming process outside the reach of most Palestinians). Since October 2015, there has been a serious escalation of tension, violence and attacks in Israel, East Jerusalem and other areas of the West Bank. Hebron has continued to be a flashpoint.

Fatah and Hamas reached an accord to form a NCG, but tensions within the PA have not abated. Hamas has continued to object to successive cabinets formed by President Mahmoud Abbas. The reintegration of PA justice and security institutions remains at a virtual standstill as of 2016.

*Key Concerns to Rule of Law and Access to Justice:*

At the end of 2015, key concerns in the rule of law sphere included the status of Presidential decrees passed during the interim-administration of the PA when the Palestinian Legislative Council (PLC) has not been sitting; the status of laws and court judgements of the Hamas-led *de facto* government in Gaza (including criminal convictions); legal harmonization; the holding of long overdue PA elections and the reconvening of the PLC; rehabilitation of PA judges in Gaza; reintegration of the judiciary and other rule of law and security institutions in the West Bank and Gaza Strip and their mandates and infrastructure and transitional justice considerations.

The PA faces challenges in fulfilling its functions due to the continuing Israeli occupation (i.e. access restrictions, lack of jurisdiction and periodic punitive withholding of tax revenues by Israel), as well as the PA's own lack of capacity, internal institutional inefficiencies and transitory leadership within senior posts. The PA Ministry of Justice and High Judicial Council have been particularly impacted by lack of clarity in the mandates of the two institutions, as well as power struggles and a high turnover of leadership within the institutions (e.g. the Gaza-based Minister of Justice interviewed for this MTSR was removed in January 2016). The issue of roles and mandates of the three main justice sector institutions (MOJ, HJC and AGO) is first and foremost a structural one, which comes down to a lack of clarity in the Judicial Authority Law no. 1 (2002).

During the JP implementation period assessed, there has been limited, but notable improvement in the capacities of several PA justice and security institutions to fulfil their mandates. Strategic plans have also been formulated. These include the Palestinian National Development Plan (PNDP) and Justice and Security Sector Strategies (2014-2016). Evaluation of progress against these plans is underway by the national planning teams with a view to feeding into a new six year national planning framework (2017-2022). During the time period 2014-2015, the principal PA justice and security institutions have managed to develop a number of pieces of draft legislation including the Family Protection Act, supported by the JP. The JP has continued work begun under the UNDP EUPOL COPPS programme to enhance the accountability mechanisms of the Palestinian Civil Police and to develop and implement a unified complaints mechanism and a Code of Conduct. The development of a law on the Police that clearly defines the scope of authority and roles of police is a key priority going forward.

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<sup>3</sup> Jurisdictional issues have arisen due to the Oslo II Accord/Taba Agreement that created Areas A, B and C in the West Bank. Israel has sole legal and judicial jurisdiction in the Territories over Israelis, but Palestine has jurisdiction over Palestinians and non-Israelis in Areas A and B. Israel also has full jurisdiction over Area C, and crimes committed by Israelis in Palestinian territory can only be investigated by Israel.

Within this context, CSOs and the informal justice sector remain active and indisputably crucial in meeting a demand for dispute resolution, mediation and assisting Palestinians to advocate for their rights and access the formal justice system. Restrictions on the freedom of movement and the complex legal and jurisdictional landscape demand an agile and adaptive civil society, if the needs of the Palestinians are to be met. However, NGOs have reported increasing restrictions on their ability to function in both Palestine and Israel due to financial and political pressure from authorities and insecurity caused by extremists and security forces.

## II. Overview of the Joint Programme

The JP was launched on 1 May 2014, with an approximate budget of USD 30 million, and runs until 30 April 2017. Contributions have been secured from the Government of the Netherlands, Government of Sweden, the UK/DFID, the European Union (with a 3.5 million Euro contribution on 04 February 2016), as well as the UNDP Global Programme for Strengthening the Rule of Law in Fragile and Crisis Situations.

The overall objective of the JP is to strengthen the rule of law by developing efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based while improving access to justice and security services for disadvantaged social groups, particularly women and girls. To this end and in line with UNDAF Outcomes 2 and 5, the Programme works towards achieving the following seven outcomes, as stipulated in the JP programme document:

- Capacity of justice and security institutions strengthened and linkages forged;
- Civil society contribution to rule of law and access to justice in the West Bank enhanced;
- Civil society contribution to the rule of law and access to justice in the Gaza Strip enhanced;
- Gender responsiveness of justice, security and legislative actors strengthened;
- Women and girls' access to justice and security improved by ensuring accountable service
- Provision to prevent, protect and respond to violence, and by addressing their broader legal needs;
- Juvenile justice and adherence to child rights improved; and
- Capacity of key actors and stakeholders to monitor progress and results in rule of law development increased

Within this overarching framework, the Programme partners with 13 Palestinian state institutions, and around 60 civil society organisations. Support rests on a supply and demand equation that combines enhanced service delivery by resilient justice and security institutions with the public's ability to access such services and to hold the state to account. By increasing public confidence in the sector, support is designed to be catalytic, strengthening state-society relations and creating an enabling environment for development. Interventions are informed by a coherent theory of change and characterised by flexibility and responsiveness to institutional changes as a result of political developments.

The JP builds on predecessor programmes: The UNDP Rule of Law & Access to Justice Programme in the oPt (2010-2014), the UNDP/EUPOL COPPS Joint Programme (2012-2014), and the UN Women Project on Support for Delivery of Security and Justice Services for Women (2011-2014). Importantly, the JP has a comprehensive M&E strategy that includes working closely with the National Statistical Commission and benefits from baseline studies captured during the earlier programmes as a means to monitor results and inform future planning.

### III. Objectives of the MTSR

The MTSR was foreseen within the Programme and intends to take stock of programme implementation and recommend adjustments to the strategic direction and prioritisation. The MTSR team was comprised of representatives of UNDP/BPPS and UN Women from HQ/New York, and was led by an independent Senior Rule of Law Expert, through a two-week mission.<sup>4</sup>

Under the Terms of Reference<sup>5</sup>, the key issues examined by the team include:

- Key results of the JP to date and to which extent the Programme is on track;
- The relevance of JP as designed within the evolving context;
- The strategic direction and approach of the Programme including partnership and capacity building modalities with civil society, academic and institutional partners;
- The impact of protracted occupation, continued political fragmentation and the absence of a political horizon for a two state solution on the Palestinian justice and security sectors and on the Joint Programme in particular; (long term implications should status quo persist)
- Effectiveness and relevance of JP governance structures, with a particular emphasis on Palestinian ownership and coordination;
- Relevance and effectiveness of the different partnership and capacity building modalities employed by the Programme;
- Effectiveness of Programme engagement with the informal sector;
- The Programme's strategy to respond to/manage risk and impact of those risks;
- Management arrangements within the Programme including staffing and integration between UN Women and UNDP;
- Collaboration with other multilateral and bilateral donors and implementers in the sector; particularly fostering synergies while allowing for particular attribution.

### IV. Methodology

It is important to remember that the MTSR is not an outcome evaluation, but a strategic review. The team undertook a document analysis and review including of: programme quarterly and annual reports; budgets and financial reports; evaluations of previous UNDP and UN Women programmes; NGO and government reports; UN reports on human rights and humanitarian assessment and media.

In addition the team undertook a two-week field visit to NGOs, institutions and communities in Ramallah, East Jerusalem, Gaza and Palestinian villages in Area C close to Jericho. Interviews were undertaken with senior government officials, civil servants, judges, Israeli and Palestinian NGOs, community groups, Bar Association, *Mukhtars*, villagers and community representatives. JP management retains a full list of visits and interlocutors.

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<sup>4</sup> Members of the MTSR Team: Richard H. Langan II (Independent Expert), Katy Thompson (UNDP HQ) and Norul Rashid (UN Women HQ).

<sup>5</sup> See Annex.

## V. MTR Findings

### A. Design and Relevance of SAWASYA (UNDP-UN Women Joint Programme)(JP)

*The relevance of the JP within the evolving context in the oPt, considering I) the impact of protracted occupation, II) continued political fragmentation affecting the Palestinian justice and security sectors.*

In light of the political context, the JP remains highly relevant to the overall stated development goals of the PA and to the rights, safety and security of Palestinian citizens.

The JP supports Outcomes 2 and 5 of the UNDAF for the State of Palestine in August 2013<sup>6</sup> and is aligned with the PA's national development goals and the relevant sector strategies, including the National Justice Sector Strategy (2014-2016), the National Security Sector Strategy (2014-2016) and the National Cross-Sectoral Gender Strategy (2014-2016), and other important national strategies including the National Strategy to combat VAW (2011-2019). The JP has continued to provide critical input in the sector strategies via the EUPOL COPPS-led 'Planning, Monitoring and Evaluation Sub-Group of the JSWG' where the JP has worked with the different institutions to define the indicators of the previous PA Justice Sector Strategy. Going forward, the JP in its next phase could be a tool to support the government to achieve SDGs 5 and 16 and related targets in the longer term.

*Overall theory of change of the JP (including balance between supply and demand side; rationale for working with the informal justice sector, etc.)*

The theory of change in the JP's original programme document is premised on the overarching rationale of developing and maintaining the conditions for a viable Palestinian state, based on justice, security and human rights. At the same time, the JP has developed a risk mitigation strategy to adapt to possible decline in the PA's ability to govern effectively. Frequent changes of leadership within the PA justice institutions and a high rate of staff turnover have already necessitated that the JP adjust its approaches and strategies on an on-going basis.<sup>7</sup>

The existing theory of change remains sound at mid-point, but we make the following observations (some are anticipated in the JP Risk and Mitigation Log):

- At a certain point, the JP logically reaches the limits of the development mandates of UNDP and UN Women. The JP has limited or no ability to change the political equation vis-à-vis Israel or within the PA itself. The JP can, however, via the UNDP and UN Women country offices inform the U.N.'s approach to policy formulation and political dialogues regarding the justice sector, access to justice and human rights via both the Justice Sector Working Group (JSWG) and the Security Sector Working Group (SSWG). The MTSR concludes that preserving the record by documenting abuses; mitigating the impact of the Occupation (i.e. via legal empowerment, access to justice; peaceful resolution of disputes); and building the capacity of the State of Palestine continue to be some of the most significant contributions of the JP.
- The JP is adhering to the "low contacts" policy of The Quartet with regard to the *de-facto government* in Gaza. This continues to limit the JP from full-scale engagement with the Hamas judiciary in Gaza, but the "low contacts" policy has

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6 UNDAF Outcome 2: "By 2016, Palestinians in the oPt have improved access to more efficient, accountable and participatory governance, enhanced justice and security, and greater protection of human rights"; UNDAF Outcome 5: "By 2016, more Palestinians in the oPt, especially vulnerable and marginalized groups benefit from an integrated, multi-sectoral protection system that promotes economic security, protection from abuse and violence, gender equality, social justice and equity for all."

7 The Joint HQ Mission of February 2015 recommended the JP undertake enhanced risk analysis and that adjustments be made if required to both anticipate and mitigate such risks and enable to the JP to remain relevant. A detailed risk log for the JP is now updated on a rolling basis.



provided limited space for the JP to engage on a purely technical level. The JP has initiated research in relation to PA justice sector reintegration and legal harmonisation that would enable analysis when the political situation is more conducive. This work is part of a wider engagement aiming to promote civil service integration and institutional unification between West Bank and the Gaza Strip.

- UNDP and UN Women have supported the PA justice sector ministries, departments and agencies since 2010. Both agencies have had robust access to justice platforms under recent predecessor programmes and at the mid-point of the JP, the UN agencies' engagement with the principal IPs—especially the MoJ and HJC—will have effectively reached a five-year mark. Many other donors have also been simultaneously supporting the institutions during this same time period. The JP has yet to identify areas of its log-frame where it should begin to exit, but the MTSR suggests that it is likely time for it to begin to do so. Possible areas identified by the MTSR include work on implementing the Code of Conduct for the Police.
- The linkage between PA justice institutions and civil society is still relatively lacking in Palestine. The JP currently conducts quarterly meetings between women's rights CSO Partners in the West Bank and Gaza, but the MTSR perceives that overall the JP could further strengthen linkages between the CSOs in the West Bank and Gaza and the policy level on the reconciliation agenda, women's rights and other issues. CSOs working in Area C and East Jerusalem highlighted the need to invest more in CSOs and less on PA institutions that are of little relevance to Palestinians' lives in these areas. The JP support to civil society partners working in East Jerusalem and the West Bank with sufficient flexibility to adapt to changing needs on the ground has contributed to improved access to justice for Palestinians.
- A positive development is that the JP has recently committed to develop a specific strategy for East Jerusalem, Area C and other most vulnerable areas, where service delivery by the PA is not possible. A specific strategy for Area C should be at the centre of the development of the next phase of the programme. The JP may be able to inform dialogues between the PA and Israel by gathering more detailed statistics differentiated by geographic area and supporting analysis of specific jurisdictional issues of Area C and Areas A and B. Hebron (area H-1 and the South Hebron Hills)<sup>8</sup> and other areas of the West Bank having distinctive micro-contexts.<sup>9</sup>
- It is important to include the *Shari'a* Courts as the principal element of the formal family law system in Palestine as they have a considerable impact on the lives of women and children in particular, and have been a long under-supported player in the justice sector. The MTSR observes that of all justice institutions in Palestine, the *Shari'a* Court is perhaps least impacted by the PA political environment. The JP has begun to support the *Shari'a* courts to plan, engage with donors, enhance its court administration and mediation unit. Going forward, the JP should continue this support and connect *Shari'a* courts to the CSO legal clinics in a more direct way to achieve access for women to *Shari'a* courts and lawyers.

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<sup>8</sup> The theory of change and subsequent JP reporting make frequent reference to the 2011 Public Perception Survey (based upon 2010 data) and a subsequent 2nd Public Perceptions Survey (2013). Importantly, the 2013 survey includes data on Gaza for the first time as well as data specific to the Bedouin community in the West Bank. But with regard to data from the West Bank; although the 2013 survey mentions the fact that public perceptions vary greatly depending upon where a Palestinian is located and the level of contact that they have had with the PA justice and security institutions, there is little if any differentiation of the West Bank data according to Area A, B or C (or for that matter, Hebron (H-1).

<sup>9</sup> E.g. the Jordan Valley; the area around the Israeli settlement of Ma'ale Adumin and the Bedouin of the Jahalin tribe; "barrier zones" located behind the separation wall, but technically part of and tax-assessed as municipal East Jerusalem, etc.



- Continuing engagement with the informal justice sector in a manner that imparts legal expertise (via lawyers) and best practices has yet to be fully incorporated into the theory of change.

## B. Budget and Efficiency and Rates of Programme Execution and Delays

### *Review current funding levels/budget implementation plans for the JP and implementation of the JP and prioritisation for the second half of the Programme.*

The JP has a duration of 36 months from 01 May 2014 to 30 April 2017 with an approved total Programme budget of \$29.5 million USD. Following the addition of a \$1.1 million emergency response component for Gaza in 2014, the total budget was raised to \$30.6 million. Total donor commitments as of 31 December 2015 amounted to approximately \$24 million, leaving a remaining unfunded budget of approximately \$6.6 million. Whilst an ambitious target, it has performed well in securing donor commitments compared to programmes across in crisis settings. Yet, devaluation of European currencies was responsible for a \$2.5 million USD of shortfall during the implementation period.

At the end of 2015, UNDP and UN Women undertook a budget reduction exercise to reduce the overall programme budget to \$27.6 million. The revised budget was presented to the donor consortium at its meeting on 19<sup>th</sup> January 2016 and is in the process of being approved.. With the EU agreement on 4 February 2016, the programme has become fully funded in accordance with its revised budget.<sup>10</sup>

On the whole, the JP programmatic expenditures for both UNDP and UN Women components across all 7 outcomes appear to be even throughout 2015, in spite of the political situation. UN Women was delayed in commencing implementation of the JP until end-March 2015 when the UN Women Access to Justice Programme had closed, but has since caught up.

The JP has witnessed some delays in procurement and vendors in the delivery of infrastructure and hardware delivered to IPs. Overall, however, the expenditures were implemented in a timely and efficient manner.

JP partners reported that procurement processes were transparently handled and combined with close accompaniment from technical advisors, which was greatly appreciated especially by small CSOs. In addition, the roster capability has enabled NGOs to be rapidly contracted due to a pre-vetting scheme. The limitation of this is that contracts can be short term and leave gaps where CSOs tend to function without financial support. UNDP and UN Women still maintain different types of contracting modalities for their CSOs within the JP. It was suggested to the MTSR that the UNDP component of the JP could make available other forms of contracting modality allowing them to offer a mixed menu of contract types – e.g. the ability to contract for long term partnerships with CSOs over the lifetime of a Programme as well as short term contracts from rostered CSOs allowing both for rapid response, flexibility and a broad base of CSO support. Both UNDP and UN Women have in-house capacity to provide guidance to review contracting modalities for this purpose. Additional short-term contracts would, however, likely require more resources from the JP.

Additionally, according to all persons interviewed by the MTSR, the “emergency response funds” for Gaza (a \$1.1 USD additional grant from the Government of the Netherlands) were executed in an efficient manner for their intended purposes. Meanwhile, the MTSR observes that the *modality* of funding the JP—a MPTF—has aligned well with the consortium approach of the donors and allowed for the possibility of a rapid and flexible response when the humanitarian situation required

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<sup>10</sup> This agreement covers both UNDP and UN Women activities, however the funds are earmarked for specific legal aid activities only (with the MOJ, PBA, Birzeit University, and civil society). The earmarking is necessary on account of the original EU financial approval having been done prior to the initiation of the joint programme. The UN agencies have made careful arrangements to manage this, including devoted staffing and a distinct project financial set-up in the ATLAS system. The EU is a full member of the overall ‘donor consortium’.

(Gaza). The MPTF has required the JP to remain accountable for funds with both narrative and financial reports. At the same time, the MPTF has discouraged close earmarking supporting the flexibility required by the political environment.

### C. Programme Structure, Oversight, Management and Staffing

#### *Effectiveness and relevance of Joint Programme governance and management structure.*

In order to facilitate strategic coordination, accountability and oversight of the Programme the original Programme document contemplates the formation of a Programme Board, meeting at least once per year a year and comprised of UNDP and UN Women, the MoJ as co-chair, +13 additional institutional implementing partners, in addition to donors. The Programme Board was to feed into other existing coordination mechanisms such as the justice sector working group, the security sector working group, the PCP project field committee as well as the protection cluster, the legal task force and the gender task force.

A Terms of Reference for the Programme Board was finalized in 2014 with 16 members.<sup>11</sup> According to the TOR, one of the functions of the Programme Board is to convene to approve the Annual Work Plan. The Programme Board did so in December 2014; and again in February 2016 (in lieu of meeting in December 2015) on account of various developments, such as the MTSR, the cabinet reshuffle and leadership changes in the justice sector. The existing Programme Board is a necessary and relevant component of the JP management and oversight structure and in the next phase of the JP should be convened more frequently than previously (i.e. at least twice per year).

The MTSR also observes that the existing Programme Board ToR does not include a non-institutional actor. In the future, this is something that the JP and donors might wish to address, especially given the large role that civil society organization play in the implementation of the Joint Programme. There is currently little opportunity for “lessons learned” from the demand side of the Joint Programme to be fed-up to the policy level (i.e. Justice Sector Working Group) and better inform the strategic direction and resource allocation of SAWASYA.

As of end 2015 there was a consensus among UNDP and UN Women and donors that the Programme Board while necessary, was perhaps too large and too high-level to meaningfully steer the program and serve as a tool to secure deep national ownership. The JP considered options to enhance programme oversight and focus, such as a smaller technical group of core implementing partners that could meet more frequently and provide closer direction. Approval for this option was obtained at the February 2016 Programme Board meeting. This new structure makes the case for NGO engagement in the Programme Board more compelling.

The MTSR supports the JP’s explorations regarding the formation of a smaller sub-committee of the Programme Board and/or a separate Steering Committee on Legal Aid and Access to Justice. This is a mandatory requirement of the EU funding proposal and would align with the draft law on Legal Aid (prepared with JP support) and the government’s mandate to establish a Legal Aid Board. It could also lend increasing coherence and harmonization between the Programme’s outputs in Gaza and the West Bank going forward.

#### *Management arrangements within the Programme including staffing and integration between UN Women and UNDP*

The JP was delayed in filling several of its staff positions. As of February 2016, however, the JP had managed to recruit all vacant UNDP staff positions except a critical management post in Gaza

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<sup>11</sup> UNDP/PAPP; UN Women; Ministry of Justice; Ministry of Interior; Ministry of Women’s Affairs; Ministry of Social Affairs; Palestinian Civil Police; Attorney-General’s Office/Public Prosecution; Palestinian Anti-Corruption Commission; High Judicial Council; High Shari’a Council; Palestinian Maintenance Fund; Palestinian Bar Association; Independent Commission for Human Rights; the Council of Ministers Legal Unit The Administrative Agent, (the UNDP Multi-Partner Trust Fund) (ex officio member).

and two human rights posts in the West Bank. Importantly, the vacant P3 post has now been filled and the incumbent commenced duty as of 1 Feb 2016. In terms of UN Women staff, the organizational chart was complete. UNDP is taking steps to expedite recruitment of its vacant posts, but and no further changes to the JP management structure are contemplated.

The HQ (UN Women and UNDP) mission of February 2015 observed a number of operational challenges faced by the JP, including most prominently access challenges (to the Gaza strip) and compliance with the UNDP Accountability Framework and demanding ATLAS system. Some progress has occurred over the past year; however, the Gaza team could still benefit from being more closely connected with the wider team. Meanwhile, the UNDP and UNW Women operations have redoubled their efforts to negotiate access permits into/out of Gaza for the Programme staff and coordinate staff movements.

As noted above, the JP originally did not have a Joint Programme Manager (JPM) who was recruited to improve coordination and communication between the two agencies, accountability, and reporting and overall management of the program. The HQ mission emphasized that the JPM should represent both UNDP and UN Women; maintain reporting lines with the two agencies and represent both agencies before national and international partners. It was also emphasized that the JPM should be supported to assume this role effectively and to ensure timely Programme delivery.

The HQ Mission observed that the UN Women staff reporting lines to the JPM needed to be reviewed and recommended that all project staff would directly report to the JPM, regardless of internal procedures requiring staff's performance to be evaluated by the Special Representative. The MTSR observed that the situation has not significantly changed. The UN Women project staff continue to maintain dual reporting lines to the JPM and UN Women senior management as this is a requirement under internal corporate regulations and have been set out in the TORs of the project staff. There were also gaps in relation to the JPM's overall support to and understanding of the gender components of the JP. The MTSR team was informed that the situation has since improved with regularized weekly meetings between the JPM and the JP team, which has led to improved day-to-day sharing of information.

The JP's management team can benefit from continued strategic guidance and support from the respective Country Office programme teams (UN Women team and UNDP Governance team). There is a need for continued close engagement to enable the JP to feed into and benefit from the broader programmatic engagement of the agencies in particular in terms of gender strategy and links to wider governance needs of Palestine e.g. public administration, service provision to isolated communities. This could also provide critical accompaniment to the JP during political crises and enable political messages to be shared up the management chain.

## **D. Partnerships**

### ***Relevance and impact of the JP's institutional partnerships including Programme plans for exit strategies from institutions.***

As of 2015, it appears that the JP is well on track and making impact, albeit limited in some instances across its entire log frame (see Section V(H) of this report). The institutional partnerships of the JP remain at the core of the theory of change and outcomes of the Programme on the supply side, but also impact heavily upon legal aid and access to justice both in the West Bank and Gaza on the demand side of justice services. Despite a relatively slower start to project implementation and setbacks in relation to the MOI, UN Women has managed to put in place a "catch-up" work plan and has made significant progress in both institutional and CSO support.<sup>12</sup>

The main challenge to both impact and its sustainability at the PA institutions is the continuing level of political risk and frequent changes of senior leadership at the main justice institutions ministry of justice and the HJC. For example, within weeks of the MTSR both the Palestinian

Minister of Justice and the Chief Justice were removed from office. Because the MoJ and HJC are the major institutions within the justice sector instability within these institutions reverberates throughout the sector impacting the pace of implementation and impact at other implementing partners. Going forward for the MoJ, the National Justice Sector Strategy should continue to be main focus of support to the justice sector. As of 2015, the institutions seem to be aligning themselves to various parts of the justice sector strategy and a “gap analysis” is warranted at this time. The Strategy still lacks a budget and the Palestinian administration's budgeting process is not very coherent. The JP interventions on the supply-side within the PA justice and security institutions also remain somewhat “siloed”. Interaction has occurred among and between the UNDP seconded experts at various institutions, but it is not clear to what extent such communication has become institutionalized.

All members of the international development community in Palestine are beginning to reach limits upon the extent to which capacity building can become absorbed and institutionalized by the Palestinian administration given the often transitory nature of senior leadership positions, combined with continued lack of progress on reconciliation between Ramallah and Gaza especially on such key issues as reintegration of the judiciary, status of presidential decrees and other legislation, the Palestinian legislature, elections and revenue. The JP has already produced well-researched and constructive white papers on the issue of reintegration of the judiciary, but without any political will or movement on the NCG it is difficult for the JP to utilize these outputs to their full effect.

The MTSR reemphasizes the finding of the HQ mission of February 2015 that continually updated political risk analysis is indispensable to the effective execution of the programme. An independent political and legal analyst was brought in to provide a plenary briefing on the evolving political situation and support scenario planning at the JP strategic planning retreat in April 2015. The risk analysis was undertaken prior to the donor coordination meeting of May 2015. Our analysis of the JP theory of change stated above relies upon this risk analysis, which the JP continually updates this on a rolling basis.

In all our consultations with partners on eventual allocations of national budgets to rule of law sectoral reforms, there was little evidence of longer-term planning and facilitating an exit strategy where the PA could eventually take over the contributions of the JP. The sustainability of the JP secondees placed within PA institutions needs to be addressed. Sustainability and cost-sharing strategies with clear time limits, outputs and workplans need to be developed per institution for the *secondee* system. This MTSR comes on the heels of the HQ mission and several other UNDP evaluations and donor reports that have raised questions about the extent to which the technical expertise of the secondees imparted to the Palestinian justice institutions has been absorbed, institutionalized and made sustainable. The MTSR received indications during its meetings in-country with PA implementing partners, that the JPM is now emphasizing the need for the participating PA institutions to institutionalize JP capacity building however targets for absorption of functions or transfer of staff to national budget; and training needs etc. should ideally be agreed with each institution. There continues to be a need for the JP to generate data on how such technical expertise has directly resulted in process change within the institutions or examples of greater efficiencies achieved.

The JP partnership with the Palestinian Bar Association (PBA) especially the Gaza branch is proving to be a highlight of the Joint Programme. Going forward, the JP should ensure that lessons learned from the previous UNDP engagement with the Gaza branch of the Palestinian Bar Association are imparted to the Ramallah branch of the PBA.

The partnership with the Palestinian Central Bureau of Statistics has proven to be a valuable contribution to the data gathering and planning capacities of PA institutions. For example, the PCBS produced data for the JP for public perception surveys and justice and security reviews. These deliverables have informed all JP baselines, as well as PA sector plans and will be available to inform SDG planning processes. The MTSR strongly encourages the JP to explore with PCBS ways to evaluate in a more objective manner the *quality of justice rendered* to Palestinians and *the actual outputs of the PA judicial system*. The JP should seek to develop analytical tools that go beyond public perception surveys and the data report prepared to date.

The JP's partnerships with leading Palestinian universities in the West Bank have proved to be invaluable to the success of the JP. These include especially the programme's partnerships with academic institutions in Palestine such as Birzeit University to develop five different diploma programs<sup>13</sup> as well as the development of the legal database Al Muqtafi. In both the West Bank and Gaza partnerships with law schools to develop clinical legal education programs has largely proved to be successful. The JP has a legal education project with Al Quds University, including a legal clinic.

**Relevance and effectiveness of the different partnership and capacity building modalities employed by the Programme; Collaboration with other multinational (with specific consideration of UN partnerships) and bilateral donors and implementers, particularly fostering synergies while allowing for attribution.**

The JP is on the whole proving to be an example of effective collaboration between two UN agencies. Yet, UN Women's partnership in the Joint Programme could be leveraged more strategically to provide oversight and improve monitoring of compliance with women's rights and gender equality principles. For instance, the JP supported CSO projects in East Jerusalem and Area C could include more specific reports on the gender components of activities.

The JP has formed good relationships with the UNOPS team supporting the security sector development strategy within the Ministry of Interior (MoI) and close coordination through the sector working group will be essential for impact. The MTSR observes possible areas of synergy between the JP and UNOPS at MoI, including in the areas of: gender expertise/experts; working with PNP complaints process; continuing the Birzeit University diploma programmes and other possible areas. The risk log of the UNOPS programme does have some elements addressing PA reintegration of issues, but there is currently not discussion with MoI in this regard. It is too early in the UNOPS engagement with the MoI for the MTSR to make any additional observations in this regard.

JP cooperation with the Office of the High Commissioner of Human Rights (OHCHR) to date has been principally geared towards coordination on treaty reporting and implementation. The MTSR perceives a clear willingness on the part of the OHCHR on issues of impunity and accountability issues pursuant to the recent international human rights treaties to which the state of Palestine has recently acceded. The OHCHR is now moving into a phase in Palestine where they will be able to engage with the Palestinian administration and institutions. This is already taking place, particularly with the MoFA.

Additionally, the JP has significant complementarity with UNICEF's programs, particularly in the area of juvenile justice. According to UNICEF, the comparative advantage of UNDP on the sector has been on building the capacity of the institutions at central level to build their overall capacities. By way of contrast, UNICEF does not undertake such massive capacity building projects of central line ministries. UNICEF's work has focused on strategies for juvenile justice and legal reform. UNDP's work was more on the structural issues of delivery of such services. Both agencies were involved in pro-bono legal services for children. UNDP and UNICEF have also cooperated on juvenile corrections, training programmes, minor infrastructure needs. UN Women in their previous programme before the JP, had a massive budget for FPU's at the time. This UN Women budget was brought into the JP with regard to the merged FJPU's. There is presently under the JP a lot of cooperation between UNICEF and JP (i.e. UNICEF was actually the agency that contacted the architect for the "one-stop" centre, as well as continuing to cooperate on strategies).

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13 The diploma programmes are: i) Legal Skills Diploma; ii) Legislative Drafting; iii) Middle Management Diploma; iv) Administrative Skills Diploma; and v) Gender, Public Administration and Accountability.



Going forward, the JP and UNICEF can continue to coordinate with regard to the development of SoPs for the Juvenile and Family Protection Units and sectoral planning for juvenile justice. UNICEF is also engaging with the same CSOs to provide counselling or legal aid. Thus, there are still very big questions around demand-side support. The funds for legal aid provision are still very limited. UNICEF is focusing upon children in detention and just began working on children in conflict with the law. UNICEF works with legal aid providers that focus on children in detention.

EUPOL COPPS and UNDP cooperated extensively under the prior UNDP-EUPOL COPPS Programme “on Strengthening Internal Police Accountability, National Anticorruption Efforts and Civilian Oversight (2012-2014)”. Under the current JP, UNDP and UN Women interact with EUPOL COPPS embedded personnel in the PCP. The JP and EUPOL COPPS each have both continuing to work on implementation of the PCP Code of Conduct. EUPOL COPPS reported to the MTSR that the continued coordination with UNDP is highly valued. EUPOL COPPS also anticipates that its two embedded experts at the MoI can work closely with the JP (UN Women) gender experts to make the MoI more gender sensitive and capacitate the MoI’s Gender Unit.

### Relevance of Programme engagement on informal justice.

The JP seeks a principled engagement with the informal justice sector in Palestine. The MTSR observes that this modality has the potential to significantly improve access to fairer justice outcomes for a larger section of the public that has traditionally turned to the informal justice system (i.e. their tribal elders—*Mukhtars*) for resolution of disputes, rather than the formal justice structures. The JP staff based in Gaza work via civil society organizations in conjunction with lawyers (who themselves are members of the Gaza branch of the Palestinian Bar Association) with local *Mukhtars* to ensure that traditional justice is accorded in a gender sensitive/women's rights affirmative manner. This engagement is also an opportunity for the JP to better learn the factors driving people towards informal justice and away from the formal justice system.

At the same time, we have some concerns surrounding the JP engagement with the informal justice sector. Drawing closely upon UN Women’s comparative advantage, the JP should closely monitor its support to village elders (the *Mukhtars*) in Gaza. Dispute resolution conducted by the *Mukhtars* (which could be defined as outputs of the JP) in relation to female clients need to be scrutinized. We are encouraged that under the JP for 2016, UN Women has planned for an assessment on the impact of informal justice engagement on women and girls, in partnership with a local women’s organisation in Gaza, as part of efforts to ensure close monitoring of these interventions. The JP could also obtain regular updates from PBA lawyers who advise the *Mukhtars* in the field.

Based upon its limited interviews with *Mukhtars* in Gaza, it is not clear to the MTSR that in practice the customary justice system is respecting the rights of women in a uniform manner, despite claims made by the local leaders that they are aware of international human rights and have benefited from JP supported trainings in this regard. For example, the MTSR was informed that the local leaders are deciding issues (i.e. divorce) that should properly sound in the formal court system. What appears to be taking place is that often in such cases the local leaders judgments are then taken by a practicing lawyer to the *Shari’a* court that affirms the decision of the traditional leaders. The MTSR also received some indications that the various informal justice communities in Gaza often produce decisions that differ greatly for similar sets of issues. Additionally, despite demonstrating good awareness on protection of women’s civil and social rights, the *Mukhtars* indicated that rape victims were required to marry perpetrators and highlighted cultural practices and traditions, preventing intra-community conflicts and revenge killings and violence as influencing factors in their decisions. It would also appear that the police in Gaza might be required to refer crimes reported by women to the *Mukhtars* for resolution.

JP can undertake more detailed research to understand positive and negative aspects of the JP engagement with the informal justice sector, as well as map-out the differences in approaches to dispute settlement between various communities in Gaza. The role of lawyers in the process and the mechanisms by which informal decisions are being “ratified” by the formal justice system needs to

be captured in detail. The MTSR observes that the JP has already undertaken steps to address the potential concerns with engaging with informal justice.<sup>14</sup>

## **E. National Ownership, Risk Management and Sustainability**

### *Level of Palestinian ownership and cooperation.*

The overwhelming impression received by the MTSR is that there is a high level of understanding of support, and engagement in the JP from Palestinian institutions. At an individual level, the PA officials and NGO representatives interviewed by the MTSR expressed both appreciation of the JP support to their own plans and priorities.

There was one exception the Ministry of Interior, which stated that the Programme had invested insufficient time at the outset to work with senior management to define priorities. Additionally, the Secretary to the MoI voiced the concern that JP supported trainings and other activities for the PCP had proceeded without the MoI having approved the Annual Work Plan. The MoI was also critical of JP funding of CSOs that occurred without MoI approval. According to the MoI, there was a gap of communication with the JP for nearly one year, but that the JP has recently become responsive and communication has improved significantly.

At an institutional level, frequent changes of leadership within PA institutions, high turnover of staff and lack of transparency budgeting mean that reaching a solid judgment on national ownership requires a different form of tracking currently not available to the MTSR team. This would be possible if the PA released a sector plan with accompanying budgets delineating both national and ODA contributions in a transparent manner. This would enable the outputs that the JP is currently supporting and financing to be tracked by nationals and partners.

Additionally, as of end 2015/early 2016 a deteriorating political situation between Fatah and Hamas, failure of the PA to assemble a cabinet acceptable to Hamas, lack of scheduled PA elections and a sitting Legislative Council were undermining both national ownership and political will.

### *The Programme's strategy to respond to/manage risk, and the impact of risks.*

Following the HQ mission of February 2015, the JP prepared a detailed "risk and mitigation" log that is updated continually. The last version reviewed by the MTSR is 13 January 2016. It recognizes that the PA is under "acute strain" and has an overall scenario of "slow decline". To mitigate this, the risk log strategy stipulates a shift towards national implementation and/or resources, away from the PA and towards civil society; with renewed focus upon establishing a legal aid network in conjunction with the PBA (West Bank and Gaza) and the AWN network.

The JP "risk and mitigation action" log should take account of specific risks disaggregated for East Jerusalem; area C and other areas of the West Bank and Gaza as part of an area-based approach.

Additionally, the JP should adopt a specific risk mitigation strategy for engagement with the MoI, including what information is to be shared and presented to the Ministry. The JP must adhere to the

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14 These include the following: a) UNDP and UN Women developed a strategy note based on global guidance on engaging informal justice from a HR based expertise; b) UN Women will carry out an assessment on the impact of this engagement for women and girls in Gaza (scheduled to take place mid-this year) c) UNDP and UN Women organised a consultation workshop in November 2015 with key donors, rule of law practitioners and CSOs (including women's organisations), from both Gaza and WB. Recommendations indeed noted the importance of further developing monitoring systems, and different approaches were discussed in that area, as well as the need to further develop code of conducts, ensuring a do not harm, and identification of 'red lines' in supporting these structures/actors. In 2016/2017, the JP is unlikely to fund any new projects in Gaza that engage with informal justice, to first await results from the assessment conducted as part of the UNW portfolio. Further consultations have also been planned in 2016, as follow-up of the November workshop, around M&E and risk management in relation to informal justice engagement.



United Nations Human Rights Due Diligence Policy<sup>15</sup> for any and all engagements with the Palestinian administration security sector and MoI that will require the support of the Resident Coordinator. HRDDP collaboration between JP and UNOPS underway, with a consultant currently in recruitment.

#### *Palestinian governance and management structure.*

See our comments above about the existing Programme Board.

## **F. Communication**

At the midpoint of the JP donor relations appear to be satisfactory, but the donors have raised issues of the Programme's visibility. There is a continued need to promote the Programme and JPM could benefit from a concise narrative and set of messages to be utilized consistently to promote the JP and its goals within Palestine. An Annual Project Board is also a moment to make a communications effort through local and national media including social media.

Certainly the adoption of the brand "SAWASYA" in April 2015 (Arabic for "equity") has the potential to enhance the Programme's image that has not been fully capitalised on. The MTSR observes that the JP is probably viewed as the UN's definitive contribution to the PA on women's access to justice. Much of the support provided to women and women's organizations is essential to their livelihood, legal status and empowerment, including within closed spaces in Gaza. There are few organizations that have undertaken a broad and comprehensive approach to addressing fundamental issues affecting fulfilment of women's rights.

The JP could further enhance its two-way communication with partners. This is currently not as strong as it could be. The E.U. has also stipulated that visibility is a key requirement in all contribution agreements signed with the JP. The JP's Communication Analyst recently developed a Communications Strategy that provides guidance on the use of the "SAWASYA" brand and the logos of each agency. Going forward, the JP could refine the strategies by differentiation per target audience. A more dedicated use of the press capacities in the UNCT may also be beneficial.

The JP Communications Analyst is under a UN Women contract and supervised on a day-to-day basis by the UN Women Project Specialist. The JP Knowledge Management and Reporting Specialist is seconded to UNDP/PAPP by the Dutch MoFA to service the JP, and supervised by the JPM. Going forward, the activities of these staff members should continue to be crosscutting, with M&E results incorporated in communications. The communication specialist could be supervised by both the UN Women Project specialist and the Program Manager, as she is working for the entire program, including the UNDP component.

As noted elsewhere in this report, a major concern of the CSO partners is that the lessons learned from the engagement in the field could be more regularly fed-up to the government and policy level by UNDP.. It could be relevant to organize a lessons learned exercise with the CSO partners at the end of each round of funding so as to capitalize them for the future.

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<sup>15</sup> General Assembly, Sixty-seventh session, Agenda item 69, Promotion and protection of human rights, "Identical letters dated 25 February 2013 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council", A/67/775-S/2013/110. Support by United Nations entities to non-UN security forces must be consistent with the Organization's Purposes and Principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. Such support should help recipients progress to a stage where compliance with these principles and bodies of law becomes the norm, ensured by the rule of law. Consistent with these obligations, UN support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures.

## G. M&E, Indicators and Quality of Reporting

The M&E log frame of the JP was updated in January 2015. We observe a high quality of reporting from the JP in terms of its ROAR narratives and indicator analysis, UNDAF analysis and interim and annual reports. The partnership with the Palestinian Central Bureau of Statistics (PCBS) has great potential to develop knowledge products and data for the justice sector.<sup>16</sup>

An entire outcome of the Programme (Outcome 7) is devoted to enhancing the M&E capacities of PA institutions, as well as CSO partners. In this regard, the Programme has developed Monitoring and Evaluation Guidelines and SOPs for its CSO partners that stress the importance of RBM, MfDR and M&E to the work of the CSOs and different approaches to monitoring legal aid, legal awareness and advocacy—both pre- and post-contract/grant, mid-term and final. This is designed to culminate in an impact assessment and final evaluation of their work.

The JP also provided direct inputs to the PM&E sub-group of the JSWG on the development of a “Joint M&E Matrix” supporting the Palestine “Justice Sector Strategy” for use of the JSWG Planning M&E (PM&E) Thematic Group—although the effort was chaired by EUPOL COPPS, not the JP. The MTSR observes that as part of its M&E, the JP has the capability to accumulate disaggregated data and knowledge that can contribute to U.N. and PA strategies on E. Jerusalem and Area C.

The MTSR observes that overall in its reporting, the JP has tended to focus a bit too much on the outputs of the JP supported secondees placed at the various PA IPs, rather than measuring improvements *in the capacity of the staff at the IPs and documenting process change* that has occurred as a result of the secondees presence. We observe it is not entirely clear as to a) what standards the secondees are being held accountable to by the institutions in which they serve; and/or b) the full extent to which the technical assistance of the secondees has been effectively absorbed and institutionalized by the IPs. Reporting has tended to talk about how many staff at IPs received training; and this is followed by feedback collected from trainees as to whether or not (*in their own opinions*) the training was effective. Yet, what is missing from the JP engagement is hard data that objectively measures whether a higher quality of justice, access and accountability is actually being delivered to Palestinian citizens. This is indeed a key issue in terms of sustainability that should be taken into account in any future discussion on an eventual new phase of the program.

Furthermore, the JP M&E framework in many instances is dependent upon either a) public perception surveys; or b) the quality of data contained in the Al Mizan II data base and c) the reports of the institutions and CSOs themselves. All of which may not be capturing, for example, whether prosecutions are effective, immune from political pressure or respective of due process; or whether the *quality* of judgements rendered by the courts in Palestine has improved, etc.

## H. Impact and Results Across the SAWASYA (JP) Log Frame and AWP

**Results of the JP to date and the extent to which the Programme is on track in accordance with the defined log frame and workplans. Results and expected contribution of the Programme at the policy level in the sector.**

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<sup>16</sup> This is already resulted in several public perception surveys, with the third “Public Perception Survey” and the third “Justice and Security Monitor Report” (a review of Palestinian Justice and Security Sector Data) have recently been drafted in partnership with PCBS (publication expected March 2016). In addition, a “Beneficiary Satisfaction Survey” of the beneficiaries of JP supported CSO-led legal aid has permitted the JP to gauge and assess results of its demand-side engagement.

### *Support to RoL Institutions*

Despite the challenges of the continued occupation and political instability within the PA, the MTSR finds that the JP is well on-track at midpoint across all areas of its log frame. The JP is managing to shift the outcome in Palestine within the main justice institutions to varying degrees. It appears that the JP secondees at PA mainline justice institutions have built capacity within their assigned institutions, the development of capacity measurement tools, advising on structural reforms of PA institutions, building the capacity of planning and gender units, and development of institutional MOUs. As noted above, however, this could be better documented. The JP has also effectively engaged with the Palestinian security sector, to draft accountability mechanisms and SoPs and build gender awareness and sensitivity within the Palestinian Civil Police (PCP).

Importantly, the JP is incubating justice for vulnerable women and groups in east Jerusalem, the West Bank and Gaza. The Programme continues to partnerships with the *Shari'a* courts, the Palestinian Maintenance Fund, the Palestinian Bar Association (most prominently in Gaza but also in the West Bank), Palestinian universities and law schools, and wide array of implementing partners in the Palestinian justice sector but also including government agencies and departments such as the Palestinian Central Bureau of Statistics (PCBS), the Ministry of Women's Affairs and Ministry of Social Affairs.

The JP CSO partners and other stakeholders identified several issues to the MTSR regarding the JP's engagement with the central principle Palestinian justice sector ministries and agencies. Most of these are crosscutting issues that impact, most prominently, upon the MoJ and the HJC but also upon the CoM and the AGO and other IPs. To summarize, the main issues are:

- Continuing reported lack of capacity of the mainline justice sector institutions to fully absorb and institutionalize the technical expertise delivered by the JP secondees placed at the institutions and institutionalizing the transfer of knowledge and ensuring that it is made more sustainable.
- Continued need to align all IPs and legislation to the Justice Sector Strategy, Security Sector Strategy, and resourcing these with a budget and annual work plans for all relevant PA justice and security sector institutions.
- Continued lack of effective justice sector coordination and the relationship between the MoJ, HJC, CoM and AGO, as well as relations and communications between these mainline justice institutions and the Sharia' courts.
- Continuing deficit of gender sensitivity and gender equality within the IPs and rule of law sector.
- Continuing need to support legislative reform and judicial fast-track mechanisms for cases of SGBV.
- Continuing need to enhance juvenile justice and legislative reform in this area.
- Continuing need to improve judgment execution at both the civil courts and sharia courts.
- Need to accelerate progress on establishing a national legal aid mechanism in partnership with Palestinian justice ministry, the PBA and civil society.
- Need to develop discrete programmatic strategies for legal aid and counselling services; and to support the PA to confront jurisdiction and access issues in areas A, B, and C, as well as discrete areas of the West Bank.
- Need to take account of Palestine's recent accession to various human rights treaties and how, if at all, this should impact upon the advocacy and strategic litigation of JP funded CSOs in East Jerusalem, the West Bank and Gaza.
- Exploring ways that the JP can support the possible-reintegration of the Palestinian judiciary and supplying policymakers with informed data and opinion on these issues.
- Need to establish principles of human rights due diligence and defined limits concerning the JP's engagement with the Palestinian Security Sector and MoI.

Additional detail and recommendations are outlined below for each of the institutions and partners.

### ***MoJ and HJC***

The **MoJ** and **HJC** both continue to view the JP as relevant to their institutions and value the role of the seconded staff. The Justice Sector Strategy and the Security Sector Strategy were developed with JP support and approved in 2014 after an MoJ/MoI-led process.

The Justice Sector Strategy has now become the main entry point for the JP's work within the justice sector and the JP stands is poised to become involved at a technical level concerning possible reintegration of the PA judiciary. Regarding this issue, the JP has produced some excellent analysis in the form of white papers on the issue that are being "held" in-house at the moment until a relevant time. There are many issues that would need to be addressed in order for such a reintegration to occur including the status of the decisions made by the Hamas judiciary; the competence of the PA judges who have been sitting at home and standards for re-appointment and transitional justice issues related to the 2007 conflict between Hamas and Fatah. Again, it appears that this is a political question that would need a clear "green light" from the HJC and a legal plan to reappoint judges before the JP can support the process further. It would also be worth to mention that this issue is linked to the wider issue of the civil service integration in Gaza that is at the core of the on-going discussions/negotiations between Hamas and the PA.

The capacity of the PMUs at the MoJ and HJC have been enhanced and made operational with the support of JP seconded staff, and the PMU at the MoJ is actively assisting the ministry to absorb staff on Stabilization Fund contracts—a process that is scheduled to conclude in 2016. The institutions are aware of the need to institutionalize this knowledge, however, a high turnover of leadership and staff within the institutions have made this difficult throughout the entire life of the JP.

With JP support, the **MoJ** has established a Gender Unit and the **HJC** is currently in the process of establishing a Gender Unit and gender justice strategies aligned with the Justice Sector Strategy. The Family Protection Bill was reviewed and supported by UNW/ UNDP secondees and staff in the Council of Ministers. The Gender Legislative Council within the MoJ is reviewing laws related to women's rights from a gender perspective with JP support. The HJC has successfully "fast-tracked" the hearing of SGBV cases and dockets in the courts as a result of JP advice and technical assistance. The JP is also supporting MoJ and HJC to commence work on a Juvenile Justice Strategy in close coordination with UNICEF. There remains a need for data on Palestinian children and juveniles in contact with the law. This data is weak in the West Bank, but virtually non-existent for Gaza.

The JP should continue to seek to measure the extent to which defendants are accorded due process at trial under PA jurisdiction and the quality of justice rendered. The JP should make attempts to incorporate this in any follow-on programme. JP supported public perception surveys and other work with the PCBS and the data contained in the MIZAN2 database can be bolstered by qualitative analysis of trials and court monitoring by qualified experts. This could also be complemented by an analysis of the observations made by the CSOs on the integrity of the trial processes. The JP CSOs active in the West Bank are already involved in oversight and data-gathering on prosecutions, but the MTSR believes that the focus upon oversight and accountability of PA justice sector institutions could be further strengthened. According to the HJC, the JP support of IT systems for court services (i.e. *Al Mizan II*) has made a significant impact.

The HJC with JP support prepared a new by-law for the Judicial Inspection Department to modernize the process of evaluation of judges. The JP has also supported the HJC to take the first steps towards automating the judicial execution function in the form of procurement of computers for the judgement execution division that has enabled the court in Ramallah to process judgements more quickly. The HJC, with JP support, is currently in dialogue with the *Shari'a* Court to establish an enforcement unit within the *Shari'a* courts to enable the *Shari'a* courts to enforce their own judgements.

A recent draft Law on Legal Aid that is now pending approval proposes the establishment of a Legal Aid Board. The Legal Aid Board will be co-chaired by the HJC, Bar Association, Independent Human Rights Commission, etc.). Going forward, the JP should support the MoJ to

convene stakeholders around the establishment of the Legal Aid Board and map the specific needs of different categories of legal aid defendants and geographic/demographic requirements.<sup>17</sup> It may be possible to explore a funding mechanism for legal aid that could enhance the complementarity between the existing modalities. The JP should continue to develop innovative approaches to legal aid in Area C and rely upon CSO-proxies to facilitate access to justice and provide legal representation.<sup>18</sup>

### ***Council of Ministers***

Meanwhile, the JP is effectively supporting the CoM with legal drafting and reform, legal harmonization of laws between the West Bank and Gaza, capacity of the legal department (i.e. reviewing CEDAW compliance; review of the draft of the Family Protection Law; development of the CoM Strategic Plan, etc.). The JP has effectively assisted CoM's legal harmonization committee to work on legal harmonization between the West Bank and Gaza with the provision of technical experts.<sup>19</sup> In addition, JP supported the Gender Unit at CoM to conduct a gender responsive legislative review—specifically on the Family Protection Law in conjunction with the MoJ, MoWA, MoSA. The Gender Unit at the CoM—supported by the JP— has also begun to advise the PA security bodies on establishing gender bodies.<sup>20</sup> Finally, the JP has effectively provided technical assistance to the CoM Directorate of Complaints to draft a revised complaints procedure and implement an e-filing system for complaints. This has the potential to reduce time-cost per visit and make the complaints system GESI sensitive.

JP engagements going forward should be aligned to the CoM Action Plan. UNDP senior management notes that the JP should also be cautious so as to avoid to contribute to the current democratic deficit by supporting the Executive Branch to substitute to the Legislative Council in drafting laws without any kind of oversight. The CoM/Diwan attashrii is supposed to have only a technical role, to advise Government on legal issues.

### ***Attorney General's Office***

The JP has supported the AGO Planning and Policy Department (PPD), resulting in the development of several SOPs for the AGO Human Rights Unit. There are identifiable improvements in the AGO PPD's ability to perform M&E and data collection and entry (into the *Al Mizan II* platform) as a result of JP support. The PPD prepared a statistical report on juvenile criminal prosecutions in 2015. The PPD now routinely collects data on SGBV and VAW. Technical support was also provided under the JP to the AGO's Specialized Prosecutors who prosecute VAWG cases, which involved mentoring sessions and developing SOPs for VAW and child abuse. The AGO informed MTSR team that ICHR has reported an increase in conviction rates for SGBV cases because specialized prosecutors now handle them. The MTSR concludes that

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17 As discussed, below, the Bar Association currently maintains its own legal aid scheme, but this is also under-resourced and not fully developed.

18 The percentage of the Palestinian population that lives in Area C and is effectively, denied A2J much of the time due to lack of jurisdiction of the PA under Oslo II. One of the main issues facing the MoJ, HJC and PCP is jurisdiction of the PA in Area C and the transfer of prisoners between areas A, B and C. Currently, the HJC mainly focuses on A2J in areas A and B as these are accessible to the PA under Oslo II. Ideally, were the political equation to shift, the HJC would like to negotiate the establishment of "justice centres" in Area C (i.e. that could contain a judge, notary, prosecution and police). Note: The official mechanism of dialogue between the PA and Israel for all issues concerning jurisdiction in areas A, B and C is the "Legal Joint Committee" established as a component of the Oslo II Peace Agreement. From the PA side, this is chaired by the PA-MoJ. In theory, all issues can be raised within this committee by Palestinian negotiators, but the committee has not met in the last 2 years.

19 JP assistance to the CoM to support the NCG's "Legal Harmonisation Committee" also include the addition of a legal researcher based in Gaza (through an agreement with Birzeit University). As of mid-2015, the technical committee had reviewed 6 laws: i) The Independent Commission for Human Rights' Law to Prosecute the Zionist Occupation Crimes against the Palestinians No. 4, 2010; ii) Law No. 4, 2014 Amending Provisions of the Auditing Practice Law No. 9, 2004; iii) Military Justice Law No. 4, 2008; iv) Owners' Law No. 5, 2013 and its Amended Law No. 3, 2014; v) The Independent Commission for Human Rights Law No. 3, 2010; vi) The Higher Institution of the Palestinian Judiciary Law.

20 A committee was formed for this purpose that led to the formation of a gender unit at the police. This was the first time that a gender unit had been established at any security institution. An expert was engaged to conduct a baseline survey in police and public prosecution about GESI. Based upon the expert's needs assessment and conclusions, a strategic plan was developed by the police.

all efforts must be made to continue support to the specialized prosecutors on SGBV investigations to maintain the focus, momentum and political will on gender justice.

### ***Shari'a Courts***

One of the main objectives of the JP's reform efforts is to focus on ***Shari'a courts***<sup>21</sup> as the "family courts" of Palestine.<sup>22</sup> The JP has effectively supported the establishment of planning units with *Shari'a* staff.

The *Shari'a* Court has its own Family Rehabilitation Unit that has developed guidelines for the family rehabilitation and mediation with JP support. Oversight over the mediation process is coordinated through the court's PMU that refers any issues to the Ministry of Justice for the *Shari'a* Courts.<sup>23</sup> The *Shari'a* Court believes that if the Rehabilitation Unit can be further developed and institutionalized, then it can result in faster A2J for women and children, avoid conflict and contribute to economic empowerment of women. The *Shari'a* Courts are currently studying how they can take a role in the UNDP supported legal referral network and mechanisms.

Going forward, The JP should upscale its gender justice work with the *Shari'a* Court in light of the recent re-structuring of the judiciary which would enable inclusion of the *Shari'a* Court and because 80% of the Court's work deal with women's issues. The Chief Justice of the *Shari'a* Court appears to have the political will to advance a progressive approach and has prioritized gender and human rights mainstreaming into its work and support legal aid for the most vulnerable. One of the possibilities is integrating the *Shari'a* Court in the current development of a referral system for GVB cases, in partnership with MOWA and MOSA; another is to develop its mediation and reconciliation capacity for civil cases, particularly to prevent conflict and violence.

A key challenge facing the *Shari'a* Courts remains its limited capacity to enforce its own judgments. As noted above, Palestinian legislation currently requires all *Shari'a* court judgement to be enforced via the HJC's Judgement Execution Unit and the *Shari'a* courts possess no independent enforcement capacity of their own.<sup>24</sup> Going forward, the JP can support operationalizing the *Al Mizan II* platform to capture data on *Shari'a* court judgements and transfer it to the HJC Judgement Execution Unit for processing. The JP should continue to assist the Palestinian Maintenance Fund (PMF) to strengthen processes for attachment and recovery of funds from individuals who owe maintenance and child support to women; improve links between the PMF and *Shari'a* Courts; and address bottlenecks in the judgement execution system.

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21 The Organization of the *Shari'a* courts is as follows:

"Kodi Kodar" (Chief Justice and Minister of Justice for the *Shari'a* Courts)  
  \ High Judicial Council of *Shari'a* Courts           |  
    Appellate *Shari'a* Courts (each chaired by a head judge)           |  
      *Shari'a* Courts of First Instance (each chaired by a head judge)

The head judge at each court oversees the rehabilitation/mediation unit (these are ultimately supervised by the Kodi Kodar).

22 The Sharia' courts in Palestine are fully part of the formal justice system, established in accordance with the Basic Law and adjudicating on the basis of law (Personal Status Law and sharia' law). Formerly, the Shari'a courts of the West Bank and E. Jerusalem were under the jurisdiction of the Shari'a Court in Jordan and the Chief Judge (Kodi Kodar). After the Oslo Agreement, Palestine's Shari'a Courts were handed over to the P.A. (Note: the Shari'a Court in East Jerusalem remains under Jordanian jurisdiction). Thus, the Shari'a courts in the W. Bank and E. Jerusalem were not harmonized during Oslo. After the 2000 intifada, there were significant changes regarding the Shari'a Courts and a conversation was begun on how the Shari'a Courts could be better harmonized with international human rights standards.

23 The rehabilitation units conduct mediation as follows: 1) inception phase (this consists of an interview by a social worker and an attempt at reconciliation). If reconciliation is not possible, then the case proceeds to 2) mediation phase (if mediation is successful, then a report is sent from the rehabilitation unit to the head judge of the court) and 3) a legal agreement is drafted, approved by both parties and ratified by the court. If mediation is not successful, then the case proceeds to Litigation.

24 It is imperative that family law cases be adjudicated quickly, because women can't access alimony until a divorce is final and women are not permitted to retain custody of their children if a divorce is in progress. When a divorce is pending, if the female children are below puberty, then girls must remain with the mother. If girls are at puberty, then they have a choice of remaining with the mother or the father, but they are often pressured to go with the father (so that he can avoid paying child support). Thus, often children are used as "pawns" in divorce litigation. Mediation can offer a solution whereby the women is able to retain custody, a settlement is reached, etc. without resort to the lengthy and formal attributes of litigation

### ***Independent Commission for Human Rights***

The JP currently supports **ICHR** to conduct monitoring and data collection for its second Observatory Report on Women's Access to Justice in West Bank and Gaza through ICHR field staff. UN Women joined the ICHR donor consortium as an observer in 2015 and in this forum secured a pledge from the consortium to support the future costs of the Observatory in order to promote sustainability beyond the joint programme. This development promoted ICHR ownership over the observatory mechanism and was the first precondition to integrating it into the ICHR organogram. In addition, UN Women in partnership with the Legal Department of the Council of Ministers involved the ICHR closely in the consultation process of the Family Protection Bill. Going forward, the JP's support to this institution should be framed within a coordinated approach with OHCHR in the next phase of the program. The current JP agreement between ICHR and UN Women allows flexibility in reporting requirements and ability to mainstream the JP into ICHR's workplan for eventual takeover, a good example of an exit strategy.

### ***Ministry of Women's Affairs and Ministry of Social Affairs***<sup>25</sup>

The JP is supporting the **MoWA** to strengthen its capacity to review laws from a GESI perspective, review serious cases of VAW and SGBV, advocate for legal reform regarding VAW and support Palestine's compliance with CEDAW. The JP is supporting MoWA to participate in the CoM review and drafting of amendments to the draft Family Protection Law. Further efforts are currently required to reactivate and work with the National Committee on Combatting VAW to raise awareness, create referral mechanisms, etc. Additional areas of support for the JP could include: strengthening MoWA's work with the gender units of various ministries; supporting the activation of the National Gender Audit; and, mapping and strengthening the existing referral system with MoSA, the Ministry of Health (MoH) and PCP to deal with cases of VAW/SGBV.

The JP has supported specialized legal aid at the MoSA for juvenile criminal cases (predominantly petty theft and vandalism cases originating in the Northern West bank).<sup>26</sup> Going forward, in the next phase of the JP, implementation of the recently ratified Juvenile Protection Law could be a priority. The JP could in the future (dependent upon funding) support MoSA with the provision of additional lawyers, technical legal expertise and support to juvenile justice, with the objective of expanding such services throughout the West Bank. There is also a need to discuss the JP's current engagement with juvenile justice in the light of the discussions related to the next phase and to the need to have a more focused approach, taking into account UNDP, UN Women and UNICEF's comparative advantages and mandates. Another possible entry point for on-going JP support is the establishment of a specialized juvenile court at the Dar Al-Amal male juvenile rehabilitation centre in Ramallah. Additionally, working on national data on juveniles remains crucial for planning and legal aid. JP should also support further gender mainstreaming at MoSA and a strategy for its gender unit.

### ***Palestinian Bar Association***

The JP has effectively supported the **PBA (West Bank and Gaza)** to strengthen its internal governance, under separate agreements with the PBA in the West Bank and PBA's Gaza branch. A PBA Legal Aid ("Pro Bono") Strategy was developed and launched (with JP support) on 31 December 2015, which arguably represents one of the biggest milestones to date. The JP's engagement with the PBA-West Bank has progressed more slowly.<sup>27</sup> The JP has supported the PBA

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<sup>25</sup> Both Ministry of Women's Affairs (MoWA) and Ministry of Social Affairs (MoSA) are given a significant role in coordinating, leading and advocating on women's access to justice and preventing and responding to GBV. Although they are key partners of the JP and UN Women, these are Ministries with little political influence and weak budgets. Longer-term efforts are needed at the highest levels of the UN to advocate for gender-responsive budgeting strategies and commitments to sustain their gender justice work.

<sup>26</sup> The legal assistance was enabling MoSA to handle nearly 500 cases annually in 2014-2015. MoSA remains understaffed, however, and without any institutionalized framework or strategy for delivering such legal aid.

<sup>27</sup> The two chapters have tended to have had differentiated priorities based along geographic lines and reflective of the different political and jurisdictional realities in the West Bank and Gaza. PBA's Gaza branch has exhibited tremendous political will (under both the previous UNDP RoL/A2J Programme and the current JP) for pro bono legal aid, as well as student internships. The PBA West Bank by way of contrast was not as developed until recent.. PBA West Bank branch with JP support has become more organized and plans to



to devise a gender strategy, reform its ethical guidelines for attorneys and enhance its legal aid programmes. In particular, the PBA Gaza programme of pro bono representation services to indigents is well developed, with the PBA taking a major role in creating the AWN network of PBA, plus CSOs legal aid providers. The PBA West Bank Legal Aid Unit is not yet fully operationalized and has only handled a few cases to date.<sup>28</sup> Going forward, the JP should coordinate its engagement with the various PBA offices to ensure that their approaches to legal aid and the establishment of a national legal aid scheme are aligned. The JP should also support the planned PBA sub-office in E. Jerusalem, as well as possibly support the PBA to devise a strategy to utilize PBA members resident in Area C for coordinated legal outreach and counselling services.

### ***Ministry of the Interior***

The **MoI** states that the JP is relevant and is aligned to the PA's Security Sector Coordination Plan (2014-2016), but MoI also has criticisms of the JP. The MoI raised concerns to the MTSR concerning gaps in communication and lack of consultations regarding the previous AWP in advance of its finalization. Recently the JPM and JP have undertaken extensive efforts to repair this relationship. MoI is a JP signatory and as such is a critical partner that deserves to be afforded an opportunity to participate in discussions and planning for activities in advance of their implementation. The JP's current workplan with the MoI focuses on gender mainstreaming and advisory work within the MoI. The MoI has recently accepted the proposed U.N. Women gender expert.

As noted above, we raise a strong caveat concerning recent proposals of the PA to curtail funding and activities of local NGOs and CSOs in Palestine. These attempts to control CSOs are worrying and deserve an advocacy effort, given their potential negative impact on the work of the JP's CSO partners. The JP must, therefore, have a strategy in place for engagement with the MoI going forward that can i) continue to repair the relationship with the MoI; ii) support the PA Security Sector Strategy; and iii) take account of on-going UNOPS and EUPOL COPPS assistance,<sup>29</sup> while, at the same time ensuring that the JP's demand side partners are not impaired. As referenced above, any U.N. support for the Palestinian security sector should comply with U.N. human rights due diligence.

### ***Palestinian Civil Police and Juvenile and Family Protection Units***

The JP's work with the **PCP** is a direct continuation of work begun under the UNDP-EUPOL COPPS predecessor project. That project successfully supported the capacity of the three PCP accountability units<sup>30</sup>; drafting of a Code of Conduct for the PCP and a unified complaints system; as well as supporting Family Protection Units (FPU) with the development of VAW SOPs; the training programme of the PCP Academy; and deliverables such as IT and training programmes in partnership with Birzeit University.

The current JP has continued supporting the implementation of the Code of Conduct and a unified complaints system. Yet, these deliverables remained not fully institutionalized by PCP as of end-2015 and not a single PCP officer had been disciplined under the Code of Conduct—despite its wide scale distribution throughout the PCP by the JP and numerous trainings and workshops centred-around the deliverables. The PCP appears to be taking further steps to institutionalize the Code of Conduct with JP support (i.e. trainings on the Code of Conduct at the Police Training Centre). Going forward, the JP should define an exit strategy for this support, requiring PCP to

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open a sub-office soon in East Jerusalem that will add additional possibilities for outreach and legal aid delivery.

<sup>28</sup> PBA West Bank is traditionally a weaker partner, the West Bank branch of the PBA is currently in the process of rolling out (with JP support) a fully pro bono legal aid strategy and pilot project; while, by way of contrast, Gaza remains reliant on salaried legal aid lawyers. Gaza on the other hand remains an important convenor for the AWN CSO legal aid network.

<sup>29</sup> UNOPS is supporting the MoI to develop systems: HR, Finance; Legal, planning; M&E, ICT and research and analysis. Areas of synergy between the UNDP/UN Women JP and UNOPS at MoI include: 1) Gender expertise/experts; 2) JP work with PCP complaints process; 3) Birzeit diploma programmes; and 4) Other possible areas of coordination. Since the end of the UNDP-EUPOL COPSS programme, EUPOL COPPS has had two embedded experts at the MoI.

<sup>30</sup> i.e. PCP Inspectorate General; PCP Bureau of Grievances and the PCP Human Rights Unit.

assume full responsibility for institutionalizing the Code of Conduct and complaints system and conducting further public outreach.

Much work remains to be done to create a gender-sensitive PCP. For example, although Article 9 of the basic Law of 2013 states that all Palestinians are equal under the law the women in the PCP do not have access to female only facilities for sanitation, or dormitories. PCP pensions, overtime, opportunities for night work and gender gap in salary were all identified by female officers in the base line survey as issues of concern. Even if female officers are married, they are classified as single by PCP. Other examples include the practice of addressing female PNP staff incorrect titles/pronouns in official PNP meetings and correspondence. PNP routinely uses male pronouns to address female officers and this obscures not only women officers' contributions, but also their meaningful participation, visibility and needs. The JP has assisted PCP to develop a strategy for the PCP gender unit to address these institutional inequalities and weaknesses. The JP should continue to support the capacity of the PCP Gender Unit and gender mainstreaming at the police. The Gender Unit is very recently established and needs to further sensitize PCP leadership to its role and functions and to support trainings on the gender aspects of the Code of Conduct.

The PCP Family Protection Units (FPU) and PCP Juvenile Units were fused in 2014, necessitating a harmonization of SOPs for these units. The JP (in close coordination with UNICEF) was effective in delivering expertise to assist in this transition and restructure both entities into a single combined JFSU and developing a joint training plan.<sup>31</sup> The JP in partnership with UNICEF is also giving PCP's vision for a "One Stop Centre" for women and juvenile offenders. The "One Stop Centre" is a multi-sectoral approach to justice service delivery for victims of SBGV. JP has also assisted the PCP Corrections and Rehabilitation Unit to develop its plan and to work with infrastructure for women within prisons and therapy.<sup>32</sup>

#### ***Palestinian Anti-Corruption Commission and Corruption Crimes Court***

Under the predecessor UNDP Access to Justice Programme, UNDP supported the PACC to conduct an internal capacity assessment that fed into its new Strategy (2015-2018). UNDP also assisted PACC to develop budgets that were realistic and inline with the funds received from MoF.<sup>33</sup> The JP has continued to be the main supporter for the implementation of the Strategy and enabled PACC to develop work plans and to identify the exact activities needed to implement the strategy. A JP-supported gap analysis identified legislative deficits and laid the foundation for PACC to quickly generate a detailed report for the UNCAC Review. UNDP supported PACC to have a regional workshop in Amman to discuss FoI and international best standards. This resulted in a draft "Access to Information Law". One of the main areas of UNDP support was to help with studies in partnership with Birzeit University on the nature of corruption.<sup>34</sup>

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31 In 2015, the FJPUs have handled 7,000 cases of women and juveniles. FJPUs focus especially upon domestic violence and SGBV. There remain many juveniles in conflict with the law. The societal challenges are the occupation and the PCPs inability to access all areas and out-dated laws. Note: internally within the Police there is also some continuing difference of opinion on the J-FJPUs, due to mandates of FJPUs vs. Juvenile Police.

32 The rehabilitation centre's goal is to provide therapy and counselling to ensure that when a woman is released from detention she has had enough vocational training to be released into society. PCP has conducted several workshops to this effect with the support of JP in this regard. JP support enabled PCP to determine its needs on implementing rehabilitation centre programmes (i.e. weaving; mosaics; sewing).

33 PACC informed the MTSR that it valued the fact that UNDP did not insist on having its brand on every single workshop or publication, this enabled PACC to carve out its own space publicly. Also, UNDP did not impose a donor driven agenda. UNDP allowed PACC flexibility to generate its own priorities. This statement by PACC may indicate that "visibility" of the U.N. is not as important to the PA institutions themselves, as it is to UNDP, U.N. Women and the donors and that lack of visibility can actually be a more prudent option under certain circumstances. See above MTSR comments on visibility.

34 Currently, the PACC has 4 employees enrolled under the Birzeit diploma in Administrative Skills and Project Management (drafting reports, et.). PACC also was supported by UNODC (the most relevant agency). PACC has not yet opened a branch in Gaza. It is currently only servicing the first part of its mandate in Gaza (i.e. awareness raising, etc), not on law enforcement. Thus, PACC doesn't recognize the law enforcement authorities in Gaza as legitimate. With the cooperation of CSOs the JP has held a number of workshops in Gaza on issues of corruption.

The JP has also supported the capacity of the legal department to investigate complaint of corruption.<sup>35</sup> Meanwhile, the PAPP has improved its capacities for both monitoring and investigation of corruption as well as its public outreach capabilities.

Going forward, there remains scope for JP to support numerous revisions or drafts of legislation to bolster anti-corruption in Palestine.<sup>36</sup> At the same time, it may be an appropriate time for the JP to more narrowly tailor support to PACC to focus upon corruption in the justice and security sector<sup>37</sup>, as well as sectoral corruption that particularly impacts upon women. UNDP and UN Women and Donors should also determine whether broader anticorruption efforts should be “spun-off” of the JP and integrated into a wider UNDP anticorruption programme as part of a public administration reform process.

#### *Rule of Law, A2J enhanced via civil society in W. Bank and Gaza.*

The MTSR was inspired by the work of civil society organizations both Israeli and Palestinian who are actively challenging the occupation and its impact and mitigating its impact in East Jerusalem, the West Bank (area C, area A and B, and other areas). This work is helping to delay execution of demolition orders, obtain access to water, healthcare, and education for residents of area C and deliver much-needed access to justice and legal aid in both the West Bank and Gaza. The Joint Programme and its modalities of funding have proved flexible enough to meet an emergency situation arising in Gaza as a result of the 2014 military operations of Israel.

The MTSR reviewed the SAWASYA CSO Strategy (UNDP Portfolio) and affirms its approach. As noted elsewhere in this report, there were no material issues surrounding the grants application or award process. The MTSR identified several issues regarding the JP’s engagement with CSOs as follows:

- Continuing need to streamline gender in all geographic areas of the JP and concerns over the JP’s engagement with the informal justice sector in Gaza.
- The JP also needs a better strategic overview and balance between short-term engagements with CSOs that contribute to a diverse and active CSO sector and longer-term strategic support to CSOs that contributes to sectoral change to achieve the outcome of the JP. On the whole, the CSO grants/ could be of longer duration. It is important to work with CSOs not only as implementing partners, but also as development partners, which requires an institutional support as well as multiyear agreements to achieve longer term results.

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35 PACC fielded a total of 480 complaints during 2015 as of 15 Nov 2015). PACC refuses many complaints because they are not within the definition of Corruption. In 2015, approximately 35% of the complaints were refused, as they did not meet the test for corruption. On other cases, PACC finds that the complaint is deemed to have no evidence. In 2015, 39/480 cases were referred to the special prosecutor for corruption. The CCC had 23 convictions in 2015. Note: the Corruption Crimes Court is separate from PACC, but only cases that have been investigated by PACC are referred to CCC. In 2015, the numbers of cases that were dismissed is high. From the last 5 years, 127 cases were sent to the CCC, but only 84 met the test of corruption only 4 failed to result in a conviction.

<sup>36</sup> These include: amendments to the Palestinian Anti-Corruption Law; Anti-Money Laundering Law; the PACC’s draft of a Law on International Cooperation that will require some expert technical assistance; and a draft Access to Information Law. There is also a need to harmonize the PA Penal Codes, as some corruption crimes exist in the penal codes and there are two separate penal codes for the West Bank and Gaza respectively. Both are out-dated. The West Bank Penal Code is actually the former Jordanian law, while the Gaza Penal Code is one of the 1930s British Mandate Laws.

<sup>37</sup> The MTSR was informed that currently, if PACC has suspicion of a prosecutor or judge being corrupt, then PACC (according to the criminal procedure law) sends a complaint to HJC. If the HJC finds cause, it removes immunity and the case is referred to a specialized prosecutor at CCC. PACC has MoUs with security sector and justice sector to raise awareness on corruption and also on investigations. One of the most important studies that PACC has finished is corruption from the perspective of women (funded under the UNDP predecessor programme). In the JP, PACC has agreements with two CSOs to deal specifically with awareness-raising for women on corruption. Pursuant to the Strategy on AC, PACC has supported all ministries to raise awareness on corruption, has designed a risk assessment for each ministry. Special sectors have included the Ministry of Transportation; and Ministry of National Economy.

- The provision of legal aid could be better coordinated. The JP could do a better job of promoting coordination within the CSO community itself. The Awn network is already a good start that could be replicated in West Bank and East Jerusalem. In addition, the activities implemented by CSOs could be more integrated, including through common advocacy and training tools, that could be developed with the support of the JP.
- The JP needs to strengthen its CSO engagement in East Jerusalem and Area C. It is important that the JP develops a tailored approach for East Jerusalem and Area C in the coming phase, taking into account their specific status with regard to the Israeli occupation/annexation.
- The JP needs to take account of the CSOs longer-term strategy, which is to lay a foundation for ICC jurisdiction over Palestinian claims. This is especially true for leading CSOs in Gaza.
- The intervention with civil society and lessons learned from the field can be fed up to inform government policy. The JP could systematize lessons learned exercises after each round of funding of CSO initiatives and also help them to strengthen their advocacy efforts so as to influence the decision-making process.
- The most prominent human rights and legal aid CSOs active in Gaza— expressed the concern to the MTSR that the continued maintenance of the U.N.’s “low contacts” policy with regard to the Hamas institutions and officials in Gaza at some point limits the ability of the JP—and its CSO partners—to conduct full-scale justice sector interventions and reform in the Gaza strip, thus, making it difficult to influence supply-side rule of law, human rights and access to justice issues in Gaza. Over time, the maintenance of “low contacts” policy may have a corresponding “development deficit”.

The MTSR finds that on balance, the funding of the JP CSOs is being driven by the JP project document and goals, but this “link” is not always articulated. The selection process of the CSO partners is supposed to be based on their ability to contribute to the achievement of the JP’s outcomes through relevant projects and initiatives; but in our interviews with the CSOs it was not always clear to the MTSR, whether the CSOs are serving the JP outcomes or their own agendas. There is a need for some of the CSOs to better articulate exactly how their interventions are serving the JP log frame. UN Women conducts quarterly meetings with CSOs to align their work to programme goals and for joint communication and visibility purposes. The JP meanwhile, should maintain a balance between short-term engagements with CSOs that contribute to a diverse and active CSO sector and longer-term strategic support to CSOs that contributes to sectoral change to achieve the outcome of the JP. On the whole, the CSO grants/LOAs could be of longer duration.

A common concern expressed by nearly all CSOs interviewed by the MTSR is that the JP and the U.N. is not sufficiently capturing the “lessons learned” from its broad CSO engagement and feeding these up to the policy level in the form of white papers, conferences, etc. All legal aid projects funded through the programme (including from the West Bank) report on beneficiary data, disaggregated by gender, type of body, type of assistance etc., as per the JP standard reporting template. Yet, this statistical reporting is not the same thing as capturing the “lessons” learned from the field and feeding these up to the policy level to inform reform and allocation of justice services. It is very important that the lessons learned from the projects implemented by CSOs are documented and feed the policy agenda. To this end, it might be relevant to systematize periodic reviews of the implemented projects, as part of the monitoring and evaluation process at the end of each funding round. In order to promote information sharing among CSOs, the JP may wish to hold a symposium of all CSOs engaged in the sector annually.

The MTSR was informed by the JP’s Israeli CSO partners that they have increasingly faced scrutiny and attempts to curtail their activities by the Government of Israel. These partners urge the JP to communicate this to the UNDP senior management and the U.N. Resident Coordinator and that U.N. at senior levels advocate with the GoI to protect the rights of Israeli CSOs to work in E.

Jerusalem. Meanwhile, in the West Bank, the PA MoI and PA President appear to be pursuing a similar strategy of curtailing external sources of CSO funding and increasingly monitoring their activities.<sup>38</sup> MTSR raises the caveat that the JP must be extremely careful to insulate its CSO partners from undue government scrutiny of their activities and possible retribution from government agencies as a result of CSO advocacy work.

## V. Recommendations

1. **Assuring Overall Strategic Alignment with PA Development Goals.** The JP should continue to align with the PA's national development goals and the relevant sector strategies, including the National Justice Sector Strategy (2014-2016), the National Security Sector Strategy (2014-2016) and the National Cross-Sectoral Gender Strategy (2014-2016), as well as several other important national strategies including the National Strategy to combat VAW (2011-2019). To the extent possible during the remaining period of the current JP—and certainly in advance of the formulation of a new phase—UNDP and UN Women should have updates on the political economy of the sector, the overall national budget allocation for the sector; how national revenue and ODA are used to support the achievement of national justice and security goals; sectors which are over/under resourced and areas at risk of duplication in support. This has the potential to elevate the PA's national development commitments.
2. **Supporting the U.N. Development Goals and Informing Political Engagement.** The JP, with the input of UNDP and UN Women senior management, should develop, in the context of a broader UNCT strategy, a roadmap to support the PA in planning, measuring and reporting against Agenda 2030 in particular, SDGs 5 and 16 and the affiliated targets/indicators. The JP could support the UN to develop a clear engagement strategy with the NCG by identifying and sharing relevant experiences, outputs and lessons learned from the JP with the U.N. Resident Coordinator's office, via UN Women and UNDP senior management.
3. **Maintaining an appropriate balance between “supply-side” and “demand-side” interventions.** The JP should continue its two mutually reinforcing approaches i.e. to contribute to the state-building agenda and supporting demand-side access to justice, gender equality and sensitivity, and resilience. JP management and oversight should remain flexible and prepared to shift more resources to support the “demand side of the justice” if risk analyses show that the PA institutions are deteriorating, too unstable or unresponsive for large investments in technical assistance to bring about a qualitative change in the rule of law and ability to provide service to populations.
4. **The use of secondments at PA institutions.** Due to the continuing need for data on how the technical expertise of JP secondees has directly resulted change within the institutions, the MTSR recommends systematic reviews with a capacity assessment and a sustainability strategy developed for each institution. The strategy can be used to continually evaluate and assess how the “secondment model” provision of technical assistance remains viable within each institution. As already agreed, the JP team is supposed to develop an exit strategy for the next phase of the program, clarifying alternative modalities for providing technical assistance in a more sustainable way. Any experiences or lessons learned that could be shared from similar projects in other countries could be useful to this end. The theory of change could be modified to shift JP resources to other modalities of delivery of technical assistance, as the secondees are phased-out or converted to civil service posts.

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<sup>38</sup> The MTSR notes the concerns recently voiced by leading CSOs in a letter to H.E. Prime Minister Dr. Rami Al-Hamdallah of 09 January 2015, taking issue with the P.M.'s decision and decree to amend the Non-Profit Institution's Law No. (8) of 2015 that provides for scrutiny by the Cabinet and its approval for any external funding of Palestinian NGOs.

5. **Strategies for East Jerusalem and Area C.** To the extent possible during the remaining period of the current JP—and certainly in advance of the formulation of a new phase—the JP theory of change can be strengthened with clear strategies for East Jerusalem, Area C and Areas A and B. Hebron (area H-1 and the South Hebron Hills) and other areas of the West Bank that have distinctive micro-contexts.
6. **Risk and its mitigation.** The MTSR assesses the existing JP “risk and mitigation action” log as sound. At the same time, we recommend that going forward, the JP “risk and mitigation action” log and M&E frameworks take into account specific risks aggregated for East Jerusalem; area C and other areas of the West Bank and Gaza as part of an area-based approach.
7. **Leveraging the UN Women partnership within the JP to greater effect.** The JP should leverage UN Women’s partnership in the JP more strategically to provide oversight and improve monitoring of compliance with women’s rights and gender equality principles for all components of the JP. M&E on CSO projects in East Jerusalem and Area C should include requests for specific reports on gender components of all UNDP-supported projects. In Gaza the JP should work closely with UNDP to monitor outcomes of decisions of the *Mukhtars* (which could be defined as outputs of the project) in relation to female clients. Products supported by the JP such as the Police Code of Conduct could benefit from a gender-lens review by the JP. The Committee of Gender Experts (coordinated by the JP team) could also be utilized for this purpose; but the JP should ensure that Gaza colleagues participate in these meetings.
8. **Broadening partnerships across the UNCT.** The JP could strengthen its partnerships with other U.N. agencies such as OHCHR and UNICEF. The JP and UNICEF should continue to coordinate with regard to the development of SoPs for the Juvenile and Family Protection Units (FJPU) and sectoral planning for juvenile justice. The JP and UNICEF may also be able to better coordinate for provision of CSO-led counselling and legal aid and develop common training curricula and templates for paralegals and lawyers in the field. With respect to OHCHR, the MTSR perceives a clear willingness on the part of OHCHR to cooperate with the JP on accountability issues pursuant to the recent international human rights treaties to which the state of Palestine has recently acceded. The JP should also ensure that OHCHR is included as a partner in the next JP to support the Independent Commission for Human Rights.
9. **The importance of donor relations and support.** Donor technical and strategic support has played a constructive and significant role in JP delivery. The use of un-earmarked funds has been critical to enabling flexibility in a fast changing political and security environment. The MTSR recommends that the Donors, UNDP and UN Women continue this model of funding in any future JP.
10. **Oversight and the JP Programme Board.** The existing broad based Programme Board is a necessary and relevant component of the JP management structure; however, it is noted that a deeper and more structured engagement with national partners is essential to enable national ownership. At a minimum, the existing Programme Board ToR should be revised for the next phase of the JP and consideration given to including a non-institutional actor in the Programme Board—especially given the large role that civil society organizations play in the implementation of the JP. This issue is not yet resolved. Inclusion of a non-institutional actor could provide an opportunity for “lessons learned” from the demand side of the JP for policy level discussions (i.e. Justice Sector Working Group) and better inform the strategic direction and resource allocation of SAWASYA. It is noted that a strategy was developed by UNDP and UN Women senior management and approved at the 2016 February Programme Board meeting.
11. **Improving JP Management and Lines of Reporting.** The MTSR was made aware of some continuing managerial, communication and reporting gaps between JP staff and the JPM. We recommend that UNDP and UN Women senior management should reinforce the recommendations of the GFP HQ mission in February 2015, including a review of the JP

organizational chart and ensuring reporting lines to the Joint Project Manager. Since the JPM is a staff member of both UN Women and UNDP and has specific responsibilities to oversee the entire JP, UN Women senior management, in particular, should strengthen day-to-day reporting lines between the JP project managers/specialists to the JPM. This would enable improved communication and understanding of the gender components, strategizing and problem-solving. Internal JP management meetings should be regularized on a specific day and time and attended by the full JP management team with the participation of the JPM. The JP has regularly taken part in the weekly coordination meetings of UNDP's Governance Unit, but the frequency of the JPM's visits to E. Jerusalem may need to be increased in order to attend more CO-level meetings at UNDP and UN Women. Other than this, the MTSR recommends that no major changes be undertaken in the management of the JP in light of the remaining short-duration of implementation and the need to focus on results, rather than significant internal management changes. It is crucial that JP management and programme support (in both UNDP and UN Women) are alert to opportunities and partnerships for enhancing UN Women and UNDP's governance programming and engagement in U.N. SDG planning processes for Agenda 2030.

12. **The Need to Focus on Delivery of the JP Log Frame.** MTSR recommends that UNDP, UN Women and the Programme Management develop tools to focus on delivery of budget, targeted activities, meeting outputs and contributing to outcomes within the remaining timeline. This would require the JPM to develop quarterly targets for the remainder of the project and formulate a management strategy to monitor and achieve those targets. The JP should expedite recruitment of vacant posts and contracting of specific skillsets needed for implementation of the JP (e.g. in UNDP Fast Track and the Express Roster).
13. **Communications and visibility.** The JP is probably the most comprehensive support by the UN on women's access to justice and fulfilment of women's rights in Palestine. Much of the support provided to women and women's organizations is essential to their livelihood, legal status and empowerment, particularly within closed spaces in Gaza. The JPM and JP staff could benefit from a more concise narrative to promote the Programme and its goals within Palestine. UNDP and the Donors Consortium could promote and "brand" this JP as the UN's definitive contribution to the PA on women's access to justice. Overall, there needs to be a more robust communications/knowledge management strategy that reflects both UNDP and UN Women using the "SAWASYA" brand and the logos of each agency. The JP needs to be clear its intended audience for each communication and publication. There should be clear protocols for engagement with implementing partners and a degree of structure concerning external communications with donors. In addition, the JP should not be defined or understood as the "second phase" to previous UNDP or UN Women's projects, but as part of a continuum of programmatic support accompanying the State of Palestine and its people in establishing the rule of law. The JP has a dedicated webpage on the UNDP/PAPP website that could be made much more robust.
14. **Support to the MoJ and HJC.** The national Justice Sector Strategy should continue to be the JP's main focus of support to the MoJ. As of 2015, the institutions seem to be aligning themselves to various parts of the justice sector strategy and a "gap analysis" is recommended. UNDP and UN Women senior management may need to involve the assistance of the U.N. RC and donors to raise certain issues with the Palestinian Prime Minister (i.e. whether MoJ or the HJC has responsibility for the courts and legislative amendments to clarify this).
15. **The issue of Reintegration of the PA judicial authority and prosecution.** Reintegration is a critical issue, but this remains on hold, awaiting a "green light" from the NCG. It is recommended that the JP should only be involved at a very technical level for the purposes of generating knowledge and analysis of the issues surrounding reintegration and feeding these up to the U.N., donors and the PA. At the same time, much of the technical ground work in relation to justice sector reintegration and legal harmonisation can and should be undertaken in order that this analysis is in place as and when the political situation is more conducive. Additionally, nurturing engagement and dialogue among civil society and academia is critical to keeping the issue of reconciliation on the national agenda,



devising possible solutions, and bridging the geographic and knowledge gap between Gaza and the West Bank. The JP's support to joint projects between CSOs and/or universities in West Bank and Gaza could complement the advocacy and encourage them to work together and promote national unity in the justice sector.

16. **Making the JP CSO engagement more strategic.** The JP could continue make the CSO engagement more strategic with an overarching CSO coordination mechanism and sub-groups on thematic issues, while further enhancing justice sector cooperation and coordination by including CSO participation in policy formation on the supply-side. The JP's CSO partners should develop specific approaches for East Jerusalem and Area C.
17. **Supporting longer term CSO funding.** Whilst, the use of the micro grant modality for working with CSOs has proved to be an impressively speedy and flexible mechanism especially for emergency responses, it hinders longer-term partnerships and more predictable financing or contracts for NGOs (some of whom have had long term funding arrangements with UNDP). The JP should take note that some CSO partners appear to be receiving funding on timelines that are not sustainable or are unduly short. For a future iteration of RoL programming it is recommended that the JP civil society partnership strategy be revised and matched with operational support calibrated to the strategy. It is important to review the JP's approach regarding civil society, so as to develop a longer term partnership beyond the project-based approach. In addition to providing funds to the CSOs, the JP could also coordinate the CSO initiatives, facilitate the experience sharing process and help CSOs to conduct common advocacy efforts to influence the policy agenda. This component could include a stronger technical and monitoring component.
18. **Accelerating the development of a national Legal Aid Strategy.** The JP must make efforts to accelerate the development of a national Legal Aid Strategy and delivery mechanism in partnership with the MoJ, HJC, *Shari'a* Court, AGO, CoM, MoWA, MoSA, the PBA and civil society. For the HJC, the JP should focus on evaluating the quality of justice rendered, not simply numbers of cases heard. On the whole, the provision of legal aid should be better coordinated between the supply-side and demand-side. The recent finalization of the JP's agreement with the EU should allow these to be scaled-up.
19. **Supporting the AGO.** For the AGO, the MTSR concludes that all efforts must be made to continue support to the specialized prosecutors on SGBV investigations to maintain the focus, momentum and political will on gender justice. The JP should measure effectiveness of prosecutions and the extent to which defendants are accorded due process at trial under PA jurisdiction.
20. **Supporting the CoM.** The JP has effectively assisted CoM's legal harmonization committee to work on legal harmonization between the West Bank and Gaza with the provision of technical experts. One of the early successes in support for the Council of Ministers is the improved revision of the Family Protection Act. There is, however, need for greater clarity on JP support to the CoM and how it fits into the Programme's overall Outcome. For example, the MTSR identified a need to review and clarify JP activities with the Complaints Unit, as it is not clear how the Unit's work fits within the overall component of women's access to justice or the JP's support to anti-corruption. UNDP senior management notes that the JP should be cautious so as to avoid contributing to the current democratic deficit within Palestine, by supporting the Executive Branch to substitute to the CoM drafting laws without any kind of oversight. According to UNDP, the CoM/Diwan attashrii is supposed to have only a technical role, to advise Government on legal issues. JP engagements going forward should be aligned to the CoM Action Plan and take the above factors into account.
21. **Supporting the PCP.** The MTSR observes that UNDP, EUPOL COPPS and the JP have devoted significant resources to the PCP, PACC and CCC to date. This has laid the groundwork for the PCP to streamline its complaints mechanisms and adopt a new Code of Conduct. The JP has continued supporting the implementation of the Code of Conduct and a unified complaints system. Yet, these deliverables remained not fully institutionalized by

PCP as of end-2015 and not a single PCP officer had been disciplined under the Code of Conduct—despite its wide scale distribution throughout the PCP by the JP and numerous trainings and workshops centred-around the deliverables. The PCP appears to be taking further steps to institutionalize the Code of Conduct with JP support (i.e. trainings on the Code of Conduct at the Police Training Centre). Going forward, the JP should define an exit strategy for this support, requiring PCP to assume full responsibility for institutionalizing the Code of Conduct and complaints system and conducting further public outreach. The JP (UN Women) should continue to support the capacity of the PCP Gender Unit and gender mainstreaming at the police. The Gender Unit is very recently established and needs to further sensitize PCP leadership to its role and functions and to support trainings on the gender aspects of the Code of Conduct. Community policing could be a good entry point to narrow the gap between the security services and citizens.

22. **Supporting the FJPUs.** The JP support to the FJPUs appears to have capacitated the units, however the JP should take note that there is some amount of internal incoherence within different PNU divisions as to the role of the FJPUs. Going forward, the JP and UNICEF can coordinate with regard to the development of SoPs for the Juvenile and Family Protection Units and sectoral planning for juvenile justice. It is recommended that the JP seek to reconcile the existing and separate SOPs for the Juvenile and Family components of the FJPUs into harmonized SOPs, etc. The “One Stop Shop” model should be fully documented. The model should be reviewed, including its ability to provide services across territory and its sustainability.
23. **Supporting Anti-Corruption.** There are indications that, the PACC has improved its capacities for both monitoring and investigation of corruption as well as its public outreach capabilities. Going forward, there remain viable and highly relevant points of engagement for the current JP with the PACC. The JP could provide technical support to revisions or drafts of legislation to bolster anti-corruption in Palestine. At the same time, it may be an appropriate time for the JP to tailor support to PACC to focus upon corruption in the justice and security sector as well and sectoral corruption that particularly impacts upon women. Going forward, UNDP and UN Women and Donors should determine whether broader anticorruption efforts should be “spun-off” of the JP and integrated into a wider UNDP anticorruption programme as part of a public administration reform process. The JP should also take into consideration that other donors and technical assistance missions (i.e. EUPOL COPPS) are also working with the PCP and PACC.
24. **Support to the MoI.** The MTSR is encouraged by the recent efforts of the JP to improve its communications and contacts with the MoI. The MoI is a key JP implementing partner and beneficiary. MoI technically has responsibility for the Police and should be continually apprised of JP programming, annual work plans, etc. At the same time, we raise a strong caveat concerning the PA’s recent proposals to curtail funding and activities of local NGOs and CSOs in Palestine. The JP must, therefore, have a strategy in place for engagement with the MoI going forward that can i) continue to repair the relationship with the MoI; ii) support the PA Security Sector Strategy; and iii) take account of on-going UNOPS and EUPOL COPPS assistance, while, at the same time ensuring that the JP’s demand side partners are not impaired. As referenced above, any U.N. support for the Palestinian security sector should comply with U.N. human rights due diligence
25. **The importance of the *Shari’a* Courts.** Since the *Shari’a* courts are important to the lives of Palestinian women, children and families, they should remain a key component of the JP during this phase and the next phase. The MTSR recommends that the JP continue to address issues relating to execution of *Shari’a* court judgements; interface between the *Shari’a* and formal and informal justice systems; assisting the *Shari’a* courts to support legal aid in Palestine (both in the design of strategies and also in its delivery); and strengthen processes for attachment and recovery of funds in coordination with the Palestinian Maintenance Fund.
26. **Support to the PBA.** Considering that JP support to the Palestinian Bar Association (PBA) has been significant and producing results, the JP should ensure that lessons learned

from the engagement with the Gaza branch of the Palestinian Bar Association are imparted to the Ramallah branch of the PBA. More specifically, it might be worthwhile to replicate the experience of AWN network in Gaza in West Bank and East Jerusalem. Certainly, the JP should not do anything that perpetuates divergence between these two branches of the PBA.

27. **The JP partnership with the PCBS.** The JP should strongly consider continuing to work with the Palestinian Central Bureau of Statistics (PCBS)—both in the current phase of the JP and in any future phase— as it has proven to be a valuable partnership that could support meaningful planning and M&E. The MTSR recommends that the JP strengthen partnerships with the PCBS and academia and to explore with PCBS ways to evaluate in a more objective manner the *quality of justice rendered* to Palestinians and *the actual outputs of the PA judicial system*. This could include developing analytical tools that go beyond public perception surveys and the data report prepared to date.
28. **JP engagement with the informal justice sector.** The MTSR observes that the JP engagement with the informal justice sector has the potential to significantly improve access to fairer justice outcomes for a larger section of the public that has a traditionally turned to the informal justice system (i.e. their tribal elders—*Mukhtars*) for resolution of disputes, rather than the formal justice structures. The engagement is also an opportunity for the JP to better learn the factors driving people towards informal justice and away from the formal justice system. At the same time, it is not clear to the MTSR that in practice the customary justice system is respecting the rights of women in a uniform manner, despite claims made by the local leaders that they are aware of international human rights and have benefited from JP supported trainings in this regard. In light of these concerns, it is recommended that the JP to *carefully monitor risks* associated with engagement with the informal justice sector. The JP should also undertake more detailed research to understand positive and negative aspects of the JP engagement with the informal justice sector, as well as map-out the differences in approaches to dispute settlement between various communities in Gaza. The role of lawyers in the process and the mechanisms by which informal decisions are being “ratified” by the formal justice system needs to be captured in detail.