

**Country:** **State of Palestine**

**Programme title:** ***Sawasya II - Promoting the Rule of Law in Palestine***

**OUTCOME 1:** Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards

**OUTCOME 2:** Service provision by rule of law institutions is effective, accountable and inclusive

**OUTCOME 3:** All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination

**OUTCOME 4:** Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women

<p>Programme duration: Three (3) years plus optional two (2) further years</p> <p>Anticipated start/end dates: 1 July 2018 – 30 June 2021/2023</p> <p>Fund management option(s): Pass-through</p> <p>Administrative agent: UNDP/MPTF</p>	<p>Total estimated budget*:</p> <p>1 July 2018 – 30 June 2021: <b>USD 30,000,000</b></p> <p>1 July 2021 – 30 June 2023: USD 20,000,000</p> <p>Out of which:</p> <p>1. Funded budget:</p> <p>2. Unfunded budget:</p> <p><small>* Total estimated budget includes both programme costs and indirect support costs</small></p>
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Sources of funded budget:

**Names and signatures of national counterparts and participating UN organisations**

On behalf of the United Nations	On behalf of the Palestinian Government	
<p>Mr. Jamie McGoldrick <i>Deputy Special Coordinator for the Middle East Peace Process</i></p>  <p>_____</p> <p><i>Date:</i></p>	<p>Mr Ali Abu Diak <i>Minister of Justice</i></p>  <p>_____</p> <p><i>Date:</i></p>	<p>Dr. Ibrahim Alshaer <i>Minister of Social Development</i></p>  <p>_____</p> <p><i>Date:</i></p>

**Names and signatures of national counterparts and participating UN organisations (cont.)**

<b>Participating UN organisations</b>		
<p>Mr Roberto Valent <i>Special Representative of the administrator</i> <i>UNDP/PAPP</i></p> <p>_____</p> <p><i>Date:</i></p>	<p>Ms Ulziisuren Jamsran <i>Special representative</i> <i>UN Women</i></p> <p>_____</p> <p><i>Date:</i></p>	<p>Ms Genevieve Boutin <i>Special representative</i> <i>UNICEF</i></p> <p>_____</p> <p><i>Date:</i></p>

<b>National coordinating authorities</b>		
<p><i>Mr. Emad Salim Saad</i> <i>Chief Justice</i></p> <p>_____</p> <p><i>Date:</i></p>	<p>Dr. Hamad Barak <i>Attorney General</i></p> <p>_____</p> <p><i>Date:</i></p>	<p>Dr. Mahmoud Al Habash <i>Supreme Judge</i></p> <p>_____</p> <p><i>Date:</i></p>

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## ABBREVIATIONS

<b>AG</b>	Attorney General
<b>AGO</b>	Attorney General's Office
<b>BGHR</b>	Bureau for Grievances and Human Rights (PCP)
<b>CEDAW</b>	Convention on the Elimination of All forms of Discrimination Against Women
<b>COGAT</b>	Coordination of Government Activities in the Territories
<b>COM</b>	Council of Ministers.
<b>CRC</b>	Convention on the Rights of the Child
<b>CSO</b>	Civil Society Organization
<b>EJ</b>	East Jerusalem
<b>EUPOL COPPS</b>	EU Police Coordinating Office for Palestinian Police Support
<b>FJP</b>	Family and Juvenile Protection Unit (PCP)
<b>GBV</b>	Gender Based Violence
<b>GLC</b>	Gender Legislative Committee
<b>HCC</b>	High Constitutional Court
<b>HJC</b>	High Judicial Council
<b>ICHR</b>	Independent Commission for Human Rights
<b>IDP</b>	Internal Displaced Person
<b>IG</b>	Inspector General (PCP)
<b>IS</b>	Internal Security (PCP)
<b>JAL</b>	Judicial Authority Law
<b>JLAC</b>	Jerusalem Legal Aid Centre
<b>JSWG</b>	Justice sector working group
<b>JSRS</b>	Justice Sector Reform Strategy
<b>JSRS GP</b>	Justice Sector Reform Strategy – General Policy
<b>LAB</b>	Legislative Advisory Bureau
<b>LHC</b>	Legal Harmonization Committee
<b>M&amp;E</b>	Monitoring and evaluation
<b>MOI</b>	Ministry of interior
<b>MOJ</b>	Ministry of Justice
<b>MOSD</b>	Ministry of Social Development
<b>MOWA</b>	Ministry of Women's Affairs
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPT</b>	Occupied Palestinian Territory
<b>PBA</b>	Palestinian Bar Association
<b>PCBS</b>	Palestinian Central Bureau of Statistics
<b>PCP</b>	Palestinian Civil Police
<b>PG</b>	Palestinian Government
<b>PJI</b>	Palestinian Judicial Institute
<b>PLC</b>	Palestinian Legislative Council
<b>PMF</b>	Palestinian Maintenance Fund
<b>PMO</b>	Prime Minister Office
<b>PPMU</b>	Planning and Project Management Unit (HJC)
<b>SJD</b>	Supreme Judge Department
<b>SOP</b>	Standard Operating Procedures
<b>SPP</b>	Specialized Public Prosecutors
<b>SFR</b>	Strategic Results Framework
<b>SSSP</b>	Security Sector Strategic Plan
<b>TOR</b>	Terms of Reference
<b>UNICEF</b>	United Nations International Children's Emergency Fund
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women
<b>UNDP</b>	United Nations Development Programme
<b>VAW</b>	Violence against women
<b>WB</b>	West Bank

## 1. Executive summary

*Sawasya II* represents the primary programmatic vehicle of the United Nations for advancing the rule of law, integrity, gender justice and human rights in Palestine for the period 2018-2023. Bringing together the main UN entities mandated and invested in these areas in an integrated programme framework (three years, with provision for a further two optional years), *Sawasya II* seeks to elevate the statebuilding enterprise for a progressively functioning and increasingly inclusive rule of law system that respects, protects and fulfils human rights and gender equality and promote peace and security. Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.

Acknowledging that the ability to access to justice is a human right itself and is key to the realization to all other human rights, *Sawasya II* will address gender justice gaps and discrimination against women which are deeply entrenched in the justice and security systems in Palestine. To do so, *Sawasya II* has conducted a gender analysis of the underlying causes of gender inequality and discrimination against women, and investigated the impact of those causes on women's access to justice and their realization to human rights. *Sawasya II* adopts a holistic gender mainstreaming approach and developed a gender strategy which sets out tools, methods and approaches to ensure that women's rights, needs and interests are adequately reflected in the programme's policy, programming frameworks and directions<sup>1</sup>.

As concerns children, the legal framework on advancing their access to justice is in place with the amendment of the Palestinian Child law in 2014 and the endorsement of the juvenile protection law by a presidential decree in 2016. The child justice and protection institutions made efforts to implement these laws but an assessment of children's access to justice conducted by UNICEF highlighted existing gaps and challenges. *Sawasya II* is informed by the recommendations made in the assessment and addresses a number of them.

The overarching objective of *Sawasya II* has UN Sustainable Development Goals (SDGs) 16 and 5 at its core: focussed on the promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and the realisation of effective, accountable and inclusive institutions at all levels (SDG 16), and on achieving gender equality and empowerment for women and girls (SDG 5). *Sawasya II* is fully aligned with the National Policy Agenda (2017-2022) and relevant sector and cross-sector strategies of the Palestinian Government, including the National Strategy to Combat Violence Against Women (2011-2019), Juvenile Protection National Strategic Plan and implementation Framework (2016-2019) and the Child Protection Action Plan(2018-2022).

*Sawasya II* is designed to contribute to key priorities of the forthcoming five-year United Nations Development Assistance Framework (UNDAF) for Palestine, which will be launched in 2018. *Sawasya II* has secured commitment from the Palestinian government at the highest level, and aims to reinforce broader national and international political and technical efforts aimed at supporting the realisation of a well-functioning Palestinian State, based on principles of good governance and the rule of law in accordance with gender equality and social inclusion.

*Sawasya II* builds on the considerable accumulated experience and expertise of the involved UN entities, at both global and local levels, including that of the *Sawasya I* joint programme of UNDP and UN Women, as well as the experience of UNICEF, and aims to leverage partnerships with other key bilateral and multilateral development partners, including the Office of the United Nations Special Coordinator for the Middle East Peace Process, the Office of the Middle East Quartet, the European Union (via both the Office of the EU Representative and the EUPOL COPPS), and lead bilateral donors in the justice and security sectors.

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<sup>1</sup> See Annex VI - Gender strategy

*Sawasya II* builds on established partnerships with government and civil society at all levels, and capitalises on the extensive reach of the involved UN entities across the West Bank, including East Jerusalem, and the Gaza Strip. This joint programme document represents the commitment of all signatory parties – national coordinating authorities and UN organisations – to achieving the results identified in the results framework (‘Table 1’) and detailed in annual work plans.

## **2. Situation analysis**

Efforts to advance the rule of law in Palestine continue to contend with three essential problems: the democratic deficit that profoundly affects the capacity, accountability and perceived legitimacy of the state’s justice and security apparatus; the obstacles to full realisation by the Palestinian people of their basic human rights and fundamental freedoms; and gender inequality and stereotypes that are deeply entrenched in legal, social and political norms. Stagnation of the peace process, the statebuilding process, and national reconciliation efforts have all hindered recent efforts to strengthen the rule of law, and while technocratic solutions have made positive inroads towards improving institutional capacities, strengthening services and advancing access to justice and security, many of the fundamental preconditions for sustainable rule of law development have yet to be realised.

There are key external and internal factors that affect sustainable development in the rule of law and the realisation of human rights in Palestine the key external factor is the ongoing occupation by Israel. While the key internal factors are the deep national division since 2006, a dysfunctional legislative environment, fractured legal jurisdictions, weak institutional capacities, corruption, discriminatory social norms, and a lack of clarity around institutional roles and mandates. Although there has been a recent breakthrough in the reconciliation process, the final outcome is far from clear. With the reconciliation process just unfolding there are numerous potential scenarios which will have a significant impact on the work in and of the justice sector. A flexible approach will be required in order to respond to the changing context to consolidate and capitalise on positive developments.<sup>2</sup>

As a conflict-affected population, women and girls experience multi- layers of insecurity and discrimination due to the ongoing Israeli Occupation and the entrenched patriarchal norms and practices within the Palestinian society. Women and girls are disproportionately impacted by the discriminatory practices of the occupation, such as houses demolitions, prevention of family unification, freedom of movement and others, which put them at higher risks of violence in the public and private spheres. Gender myths and stereotypes on the other hand, have structurally influenced women’s access to rights, power, resources and knowledge, and resulted in the development of discriminatory legislations, policies and practices, that undermine women’s experience, voices and rights, and reinforce males’ domination and supremacy over women. This is reflected in lenient legal provisions, which are inherited from various years such as the 1960 Jordanian Penal Code, still applicable in the WB, with lenient legal provisions regard family violence. In addition to the shortcomings in the Family Status Law, which is not in harmony with international conventions regarding early marriage, women right to child custody and others.

With this in mind, and due to the predominant cultural norms, women are often stigmatized when reporting GBV to the authorities particularly sexual assault crimes. In addition to the lack of proper specialized services for these cases in the justice system, which discourage them to pursue justice, and result in low number of prosecutions and convictions of VAW cases. Likewise, lack of serious official data regarding crimes against women and girls<sup>3</sup> is another aspect that is seriously affecting the realization of rights.

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<sup>2</sup> See Annex V – Gaza Strategy

<sup>3</sup> Data available on GBV and VAW prosecution is very limited as it tells only the number of cases, per felony offense, per district. Available statics do not specify rates of conviction or acquittal, the number of detentions, the sentence imposed, the

Notwithstanding the challenges noted above, important progress has also been made. On the legislative front, *Sawasya I* played a pivotal role in drafting and promoting a Family Protection Bill aligned with international human rights standards. With regard to justice for children, the new Juvenile Protection Law (by decree), passed into law in March 2016, has been widely welcomed as providing greater protection for children in contact with the law. It has galvanized justice sector actors to ensure child-friendly procedures and modalities are in place to implement the law. The law unifies domestic and international law, and updates the Palestinian juvenile justice system. It recognises minors – those under the age of 18 – as victims in need of protection, rehabilitation, and reintegration into society, rather than as criminals deserving punishment.<sup>4</sup>

In addition, the provision of specialised services by law enforcement and prosecution has afforded greater state protection for victims of gender based violence, the Palestinian Bar Association has initiated an office for *pro bono* legal assistance, and systems improvements have enhanced the case disposal rates in the courts. Recently, the National Policy Agenda (2017-2022) has also incorporated a strong justice and rule of law agenda for the coming six years, with specific plans to promote the rights of, and access to justice for, women and children.

Rule of law remains a cornerstone of statebuilding in Palestine, and continues to be an important focus for international assistance. The international community has long recognised that developing functioning and successful public institutions is a long-term challenge for governments, particularly in fragile settings, but also that both short-term and long-term results can be achieved through well-designed and committed development assistance programming. Within the United Nations system, there is a general consensus that in the post-2015 agenda, gender equality and the empowerment of women are pivotal as intrinsic human rights principles, and as catalysts for achieving all human development goals and good governance. Realizing women’s human rights implies recognizing and addressing the underlying foundations of gender based inequality, and the root causes of women’s human rights violations; challenging structural constraints to equal rights and putting in place appropriate policy and programmatic responses in line with human rights principles enshrined in the major UN Conventions.

Investments made by donors and the UN, including through the first *Sawasya* programme, have achieved progressively significant results in Palestine. However, impediments to achieving sustainable improvements on rule of law, integrity, gender justice and human rights remain.

At the level of institutional regulatory and policy frameworks, rule of law, integrity, human rights and gender justice in Palestine are all seriously affected by the democratic deficit, including the lack of regular elections and a functioning legislature, the bifurcated and fragmented legal and policy settings and weak enforcement of laws. Laws promulgated after 2007 are subject to questions of legality and legitimacy and although Palestine ratified the core set of international human rights treaties in 2014, they have yet to be published in the official gazette and formally incorporated into law, policy and practice in a systematic way. Budget allocations are not yet fully aligned to the national and sector priorities, and the availability of data and statistics is insufficient to form a sufficient evidence base for law, policy and service provision.

At the level of effective, accountable and inclusive service provision, the influence of personal relationships over institutional frameworks and formal processes prevails. Corruption, whether actual or perceived, erodes public confidence in the public administration. The lack of monitoring and oversight of the public service, the inward focus of the public service, and the lack of a stable and professional public service culture all impede an outward facing, service delivery-focused state

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gap between the number of complaints and the number of indictments, and the number of appeals and their rates of success. From this data, the prosecution cannot analyse trends.

<sup>4</sup> Previously, the Palestinian Authority in the West Bank had relied on a Jordanian law that dated back to 1954 and the Hamas government in Gaza applied British law enacted in 1937.

apparatus. Transparency and accountability mechanisms are also limited, both in the public sector and in non-government service providers who fill the gaps in service provision in Palestine where service delivery by the State is weak, limited, or unavailable. The efficiency of the justice chain in Palestine has been significantly improved by the UNDP-supported MIZAN2 case management system, but the referral links between the justice chain and related service providers (police, health, housing, education, social services) remain weak.

Finally, access to justice, security and protection remains impeded by resource constraints (for example in the provision of legal aid and specialised services for vulnerable groups) and centralisation of services. Information about services is limited and poorly coordinated, meaning people are often unaware of services or where and how to locate them. At the societal and normative level, access to justice, in particular for women, is often impeded by discriminatory social norms that do not recognise gender based violence as a crime; that do not recognise women's human rights claims; and promote harmful practices and behaviours in communities and families. Moreover, social norms of preserving family honour translate into the resolution of violations by informal actors, often not in the best interests of women or children. Access to justice for children is largely user-unfriendly, and traumatising for children as victims as well as offenders. Long delays in judicial proceedings, poor investigative techniques with specialist and non-specialist police and social services, almost non-existent diversion and mediation services, as well as limited alternatives to detention, and limited rehabilitation and reintegration support services result in families and communities reliant on unregulated informal justice actors. Working with informal justice actors to ensure the rights and best interests of children is critical.

Responding to these challenges is a long-term endeavour and one that must be based on collective and concerted efforts by all stakeholders. In consideration of these bottlenecks, *Sawasya II* presents a tailored response strategy and programme outcomes based on a coherent theory of change. 'Table 1' of this programme document (Section 4) sets out the intervention areas designed to achieve the intended results, while specific baselines are identified in the Joint Programme Monitoring Framework (Section 7), drawing on data and analysis collected to date, which will enable close monitoring of progress. As elaborated further in this programme document, *Sawasya II* is supported by governance, management and partnership mechanisms that have been carefully crafted to enable integrated delivery of the intended results.



### 3. Strategy<sup>5</sup>

#### International and National Policy Context

The overarching strategic approach of *Sawasya II* has the international human rights treaties and the UN Sustainable Development Goals (SDG) 16 and 5 at its core:

***SDG 5: achieving gender equality and empowerment for women and girls.***

***SDG 16: the promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and the realization of effective, accountable and inclusive institutions at all levels***

The 2030 Agenda for Sustainable Development contains the blueprint of the common vision of society towards which the world is trying to move. Inclusive and sustainable development is not only an end in itself but also considered the best defence against the risks of violent conflict. The 2030 Agenda contains the promise to leave no one behind in the quest to build such societies.

The 17 SDGs aim to significantly reduce all forms of violence and work with governments and communities to find lasting solutions to conflict and insecurity. Strengthening the rule of law and promoting human rights is key to this process, as is reducing the flow of illicit arms and strengthening the participation of developing countries in the institutions of global governance, as underscored by SDG 16. Ending all forms of discrimination against women and girls furthermore is not only a basic human right, but it also crucial to accelerating sustainable development, as covered by under SDG 5. It has been proven time and again, that empowering women and girls has a multiplier effect, and helps drive up economic growth and development across the board.

The SDGs provide clear guidelines and targets for all countries to adopt in accordance with their own priorities and the environmental challenges of the world at large. Importantly, they are a common benchmark to assess progress and addressing obstacles to development, providing the basis for cooperation and accountability. These goals do not stand on their own. Unlike its predecessor MDG agenda, many thematic areas covered by the SDGs and related targets cut across different goals. This recognition of the interconnectivity between Goal 5 and SDG 16 lies at the core of *Sawasya II* Theory of Change. It enables synergy across sectors, ensuring a holistic approach to gender-responsive rule of law development.

*Sawasya II* – as the UN family’s response to rule of law challenges in the State of Palestine – is uniquely placed to support its national counterparts in generating awareness on and mainstreaming Goal 5 and 16 in national planning and data collection frameworks. As the programme’s partnerships span across government and civil society, it will leverage this diversity of actors to support an inclusive approach towards implementing the SDGs in the State of Palestine. Within the justice sector, this work has already been initiated and will be further expanded under *Sawasya II*, as outlined in more detail under Outcome 1. The three agencies can furthermore leverage and link with their corporate initiatives to advance the SDG agenda globally, to the benefit of their partners in Palestine.

At the international stage, the *Sawasya* Programme will draw on knowledge generated from concrete country programming experience to inform global policy on sustainable development, including framing it within the General Assembly’s QCPR process. It will – in close collaboration with development partners – seek opportunities to showcase progress, challenges and lessons learnt from the specific state-building context that is Palestine. The High Level Political Forum mechanism

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<sup>5</sup> Several strategies which lay out the approach the programme intends to take toward a number of thematic areas are annexed to this document.

will one such important opportunity, along with other global initiatives such as the SDG16+ Roadmap initiative<sup>6</sup>.

At the national level, *Sawasya II* is fully aligned with the National Policy Agenda (2017-2022) and relevant sector and cross-sector strategies of the Palestinian Government.<sup>7</sup> Moreover, *Sawasya II* is congruent with the justice sector strategy synopsis and the proposed international community roadmap. *Sawasya II* is expected to contribute to key priorities of the forthcoming five-year United Nations Development Assistance Framework for Palestine (UNDAF), which was launched in 2018. By anchoring itself firmly within these frameworks, and by engaging national ownership at a range of different levels (from the highest political level to civil society and the grass-roots) *Sawasya II* is designed to be the leading mechanism by which the donor community can both influence and contribute to the realisation of national priorities and international commitments in the crucial areas of rule of law, integrity, gender justice and human rights through a sector-wide approach. The programme therefore builds on a wide range of established partnerships, and capitalises on the extensive reach of the involved UN entities and their partners across the West Bank, including East Jerusalem, and the Gaza Strip.

*Sawasya II* is also highly cognisant of the range of different actors and stakeholders engaged in promoting the rule of law, gender and juvenile justice in Palestine. Beyond the involved UN entities of the joint programme itself, several other key actors of the UN system are of particular note, including technical entities of the UN Secretariat system such as OHCHR and UNODC, as well as the Office of the Special Coordinator for the Middle East Peace Process (UNSCO). *Sawasya II* will ensure direct engagement and, where appropriate, strategic partnerships with these entities in particular. Moreover, *Sawasya II* will continue to nurture a close relationship with the Office of the Middle East Quartet, the European Union (via both the Office of the EU Representative and the EUPOL COPPS), and lead bilateral donors in the sector, such as The Netherlands (as co-chair of the Justice Sector Working Group) and the UK (as co-chair of the Security Sector Working Group). In terms of national stakeholders, while the primary counterparts of the *Sawasya II* joint programme are those government entities signatory to this programme document and the programme's civil society implementing partners, it is also important to note more peripherally relevant parties, such as the General Personnel Council, the Ministry of Finance and Planning, and elements of the private sector which may have a bearing on the frameworks for achievement of the objectives of the programme and its development partners.

## Lessons learned

The focus, content and strategy of *Sawasya II* as elaborated in this joint programme document is the product of considerable analysis and reflection on the successes and challenges of past and present international rule of law assistance in Palestine, and has been informed extensively by discussions with Palestinian counterparts and stakeholders. The programme has identified key lessons learnt from the implementation of the predecessor UNDP/UN Women *Sawasya I* programme in terms of: i) strategic and thematic focus; ii) programme implementation strategy; iii) programme governance structure; iv) programme management arrangements and v) programme gender, children and women's human rights integration. These lessons learned, which drew extensively on the recommendations of a mid-term strategic review, the final independent evaluation of the *Sawasya I* programme<sup>8</sup>, an independently produced report by Clingendael Institute<sup>9</sup>, and rolling internal analysis, have informed significantly the design of *Sawasya II*. In addition, the involved UN entities have drawn upon up-to-date analysis and commentary on relevant issues emanating from

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<sup>6</sup> <http://cic.nyu.edu/programs/sdg16plus>

<sup>7</sup> Including the justice sector strategy, security sector strategy, national cross-sectoral gender strategies, national juvenile justice strategy, and national anticorruption strategy.

<sup>8</sup> *Final Evaluation of Sawasya Programme 'Strengthening the Rule of Law: Justice and Security to the Palestinian People'*, General Consulting and Training, April 2017

<sup>9</sup> *Developing The rule of law in Palestine: A matter of values? A 'Theory of Change' perspective on the UN's Sawasya 1 and 2 rule of law programs*, Erwin van Veen, Clingendael (Conflict Research Unit), February 2017

multilateral forums concerned with Palestine, such as the *Ad Hoc Liaison Committee*, and on the experiences of other political, development and humanitarian actors on the ground.

## **Justice for Children**

In the Palestinian context, the UN protection and development mandates are closely related, both addressing the impact of the occupation, including addressing the legal needs for Palestinians in vulnerable areas. Indeed, the interface of protection and development exists in many conflict affected settings, where UNDP implements interventions under its crisis prevention and recovery framework. In this respect, the UN entities of *Sawasya II* perceive a strong value in maximizing linkages between protection and development, including working jointly on coherent political messaging with UN political offices. The area of justice for children is one of the most natural linkages identified between the protection and development agenda under the *Sawasya II* programme, wherein lies a clear complementarity between the protection agenda of UNICEF and the justice sector development work of UNDP – a complementarity that has become particularly acute since approval of the Juvenile Protection Law in 2016.

UNICEF joining *Sawasya II* will support that goal of strengthening the protection of children in contact with the law both as offenders, as well as victims and witnesses. The program will also be able to benefit from UNICEF's expertise in justice for children, its close partnership with the Ministry of Social Development and CSO partners to develop child-friendly social welfare and justice systems. The MOSD is the chair of the National Juvenile Justice Technical Committee, which oversees the implementation of the Juvenile Protection Law. UNICEF supported the MOSD to develop a road map for its implementation, which was later adopted into the Juvenile Protection National Strategic Plan and implementation framework (2016-2019). This positions UNICEF centrally to ensure the vulnerabilities of children in contact with the law are adequately addressed.

*Sawasya II* takes the shift in judicial approach for children initiated by the Juvenile Protection Law from a punitive retributive system towards an approach which centralizes the best interests of children. The aim is to ensure that all children coming into contact with the justice authorities, whether as alleged offenders, victims, witnesses or as parties to non-criminal law procedures have access to justice systems (formal and/or informal) and are better served and protected by these systems, through the full application of relevant international norms and standards. Additionally, justice for children is designed for the benefit of all children in contact with justice authorities to ensure that they are better served and protected by this sphere. *Sawasya II* aims to recognize different ways in which children come into contact with the law, and covers:

- Children in conflict with the law, i.e. alleged as, accused of, or recognised as having infringed the penal law;
- Child victims and witnesses of crime in contact with justice systems;
- Children in contact with justice systems for other reasons where judicial, state administrative or non-state adjudicatory intervention is needed, for example regarding care, custody or protection.

UNICEF conducted an assessment on the national juvenile justice system in 2016, focusing specifically on documenting detention practices, diversion possibilities, alternative measures and access to justice for child victims of serious crime. In line with its recommendations, *Sawasya II* will promote the strengthening of all parts of the child protection system, including the justice mechanisms, to operate in the best interest of the child. It will promote alternatives to detention, including diversion and restorative justice, which emphasises repairing the harm caused or revealed by criminal behaviour. Support to the training of police, prosecutors, judges, lawyers, personal status law lawyers and social services to effectively protect children in contact with the justice system is included. This includes working with community actors and civil society organisations. *Sawasya II* will also encourage the establishment of child sensitive courts and police procedures including enforcement mechanisms that give primary consideration to a child's right to protection

and are consistent with the Convention on the Rights of the Child and other non-binding international standards, guidelines, and rules. Particular areas of vulnerability with high levels of children justice and protection needs are in Gaza, Area C, Hebron 2 and East Jerusalem.

### **The proposed joint programme**

*Sawasya II* represents the primary programmatic vehicle of the United Nations for advancing the rule of law, integrity, gender justice and human rights in Palestine for the period 2018-2023. By harnessing the full capacities of those entities of the UN system in Palestine actively engaged in promoting the rule of law, integrity, gender justice and human rights, *Sawasya II* represents the most definitive package of development assistance in these areas to the Palestinian government and the Palestinian people, maximising the networks and developmental rule of law and human rights expertise of UNDP, the critical gender justice, mainstreaming and empowerment mandate of UN Women,<sup>10</sup> and the protection agenda of UNICEF.<sup>11</sup> In addition, as a UN family programme, it will draw on the human rights and political mandates of OHCHR and UNSCO to maximize impact. The logic for such an arrangement rests both on an identified added value in the Palestinian context and its consistency with emerging global best practices in the area of rule of law development assistance, while the scale of the programme rests both on the magnitude of the demand, and on the proven track record of the capacity of the participating UN organisations to deliver financially and substantively against agreed outputs.

In light of the challenges facing rule of law development in Palestine, recognition of the causes underpinning these challenges, and reflection on lessons learned from previous programming, *Sawasya II* is structured around four mutually reinforcing 'outcomes', designed to address the key problems and bottlenecks identified in the situation analysis. These four outcomes, detailed in the results framework and reflected on the cover page of this programme document, are underpinned by a coherent theory of change (see below), and rely on specific programme implementation strategies, which are elaborated in this programme document (including its Annexes). These strategies include: shoring-up national investment and alignment with national policy priorities; linking statebuilding and the social contract; integrating human rights, protection and development approaches; applying gender transformational approaches and gender analysis to root causes of gender inequalities in order to promote gender justice, women's human rights claims and substantive gender equality; enhancing approaches to child protection and justice for children; strengthening applied political-economy analysis in programme implementation; refining capacity-building approaches; tailoring approaches in East Jerusalem, 'Area C', and Hebron 2; strengthening engagement in Gaza; adjusting engagement with civil society, and; institutionalising approaches to legal aid. Human rights and gender justice are both major central and cross-cutting themes of *Sawasya II*.

By engaging the full spectrum of official State rule of law-related institutions in Palestine, as well as civil society and grass roots actors, *Sawasya II* enhances its ability to employ a system-wide approach in addressing the identified problems and their causes, bringing together the supply and demand sides of the rule of law equation to ensure that statebuilding and institutional development are focussed on improving services to the public, particularly to vulnerable groups such as women and children who face multiple forms of discrimination and violence, thereby reinforcing the social contract and the respect of the human rights as foundations of the state.

The international community has long recognised that developing functioning and successful public institutions and putting in place the conditions for sustainable rule of law development are long-

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<sup>10</sup> Noting, as agreed at the joint meeting of the Executive Boards of UNDP/UNFPA, UNICEF, UN Women and WFP (4<sup>th</sup> and 7<sup>th</sup> February 2011) on mainstreaming gender through the work of the agencies and envisaged collaboration with UN Women, that this does not diminish the responsibilities of *all* UN organisations to continue their support for gender equality.

<sup>11</sup> The rationale in the context of the *Sawasya II* programme being fully consistent with the 'UN Common Approach to Justice for Children' policy (March 2008).

term processes, particularly in fragile settings.<sup>12</sup> The specific circumstances and unpredictability of the Palestinian context render this arguably even more so the case than in many other fragile settings. It has also reached a general consensus that in the post – 2015 agenda, gender equality and the empowerment of women are pivotal as intrinsic human rights principles, and as catalysts for achieving all human development goals and good governance.

Accordingly, *Sawasya II* envisages a five-year implementation period (three years, with a further two years based on a mid-term review of implementation and results). This timeframe necessitates both careful sequencing of interventions, as well as a greater degree of flexibility, which has been built into the programme's strategy, its governance and management structures, and instruments.

*Sawasya II* is conceived under a Direct Implementation Modality (DIM), with responsibility for implementation and delivery resting primarily with the involved UN entities. Nevertheless, the absorption and delivery capacities of *Sawasya II*'s implementing partners are of importance for the success of the programme and the sustainability of its results. On the one hand, *Sawasya II* has capacity development at its core, vis-à-vis both for state and non-state partners, and is thus well positioned to scale or focus its support according to the capacities and/or capacity gaps of its main partners. On the other hand, safeguards are in place to micro-assess and monitor implementing partners' capacities, and ensure a Harmonised Approaches to Cash Transfers (HACT) such that the risk of partners being unable to absorb assistance is mitigated to the fullest extent possible.

## **Sustainability of results**

*Sawasya II* recognises that sustainability is a particular challenge in a situation of ongoing occupation and territorial isolation. Indeed, the Palestinian context is arguably not sustainable from almost every perspective, whether political, financial or territorial, with challenges both external (vis-à-vis the impact of the Israeli occupation) and internal (e.g. vis-à-vis the political and territorial division, the absence of a functioning Palestinian Legislative Council, the lack of legal and institutional clarity, the ongoing fiscal crisis, and the stagnation of structural reforms). However there are several ways in which this joint programme aims to enhance the sustainability of results, by focussing on developing the capacities of individuals, systems and institutions (and how these interact) in a manner that empowers targeted counterparts with increased professional skills, legal and regulatory frameworks and strategies, improved and standardised work processes, and a service oriented approach – and, importantly, by doing so in a manner commensurate with national ownership and investment (state and non-state) in the process. Among the specific sustainability strategies internalised and promoted by *Sawasya II* are the following:

- i) **Strengthened capacity development approaches:** Learning from both positive and negative experiences of the involved UN entities, *Sawasya II* envisages clear parameters for the provision of technical assistance to partners to ensure greater sustainability of results, including structured milestones for knowledge transfer and the establishment of systems for monitoring implementation, evaluating impact, and making necessary adjustments. While continuing to support the development of technical skills of individuals within partner institutions (e.g. via structured training programmes, such as those offered in partnership with Birzeit University, as well as via direct technical support) *Sawasya II* will no longer employ the strategy of deploying long-term seconded experts within government institutions. Moreover, learning from previous experience, the dysfunctional organizational culture and weakness of institutions have proven to be a significant obstacle to knowledge and skills transfer by seconded experts. To foster the gender mainstreaming parameters within targeted institutions, the programme will set clear targets to the gender related capacity building and knowledge strengthening interventions with public institutions, and communicate them to the decision makers within those institutions. The interventions will

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<sup>12</sup> See, for instance: <http://www.kpsrl.org/browse/browse-item/t/a-remedy-for-poor-design-professionalizing-accountability-of-security-justice-programs>

include capacity building to staff including heads of departments on gender and women's human rights, data collection, gender analysis, gender mainstreaming strategies, gender responsive planning and budgeting, and gender awareness and mentoring sessions; in addition to supporting the establishment and strengthening of Gender Units and providing technical advice and expertise to decision makers and others as relevant.

Further, the programme will create other forms of gender professionals such as gender champions, gender focal points and gender support teams, to accelerate the gender impact of the programme on targeted institutions and the sector at large. The presence of these professionals, will facilitate the creation of agents of change from within the institutions, foster coordination between departments and units and increase opportunity of sustainable results.

While this will be a challenge, as local stakeholders have come to expect such long-term imbedded experts, the programme will focus more resources on the development of institutional structures that can serve as the depository for knowledge so that there is capacity development rather than replacement. A range of mechanisms will ensure that direct technical support is planned, deployed, monitored and evaluated in accordance with principles of effective capacity development,<sup>13</sup> sustainability and development results. In relation to institutionalised training programmes, *Sawasya II* will not only work to ensure the sustainability of these programmes themselves (e.g. by linking more closely with the Palestinian Judicial Institute), but will rigorously enforce obligations assumed by the institutions benefitting from such programmes to support and institutionalise the results in practical terms. Systems development and the enhancement of data collection and analysis capabilities (including IT, M&E, and workflow process development) will take greater precedence in order to create sustainable capacity for institutions to take charge of their own development trajectory. In line with the NPA and relevant sector strategies, *Sawasya II* will also place a greater focus on service-oriented organisational development and improving the responsiveness of institutions to the rights of the Palestinian population – as well as the ability to measure impact and be held accountable for the same. Increased representation of women in institutions will be supported as one means of sustainably enhancing the gender responsiveness of government partners, while systems to monitor the implementation and impact of institutional gender strategies will help retain a focus on the sustainability of results. To the greatest extent possible, therefore, change processes will be institutionalised to ensure their sustainability long beyond the lifespan of the programme, and will be linked together to enable cross-institutional learning and boost resilience to fluctuations within individual institutional environments. *Sawasya II* will nurture the child protection approach stipulated in the amended child law and juvenile protection law for all children who come in contact with the law as victims as well as offenders by limiting the interaction of the children with the justice system and supporting the institutionalisation of mediation and alternatives to detention mechanisms.

- ii) **Civil society strengthening and grass roots engagement:** While effective and accountable rule of law institutions are essential for sustainable change and development, change will be swifter and more resonant if it is also driven by grass-roots demands. *Sawasya II* will work to empower citizens to demand sustainable change and access to improved services at the community level, including through building awareness through advocacy on justice and human rights, increasing provision of legal aid and assistance, and through strengthening mediation and diversion, as well as providing alternatives to detention measures. However, this work must go hand-in-hand with development of state-sponsored structure that should be providing services. While there are numerous models, there has

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<sup>13</sup> Drawing on best practice guidance, such as: [http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/support-capacity-development-the-undp-approach/CDG\\_Brochure\\_2009.pdf](http://www.undp.org/content/dam/aplaws/publication/en/publications/capacity-development/support-capacity-development-the-undp-approach/CDG_Brochure_2009.pdf)

been a reliance on civil society to fill the gap of state services (i.e. legal aid). *Sawasya II* will focus on the policy level of getting consensus to an approach in order either utilise civil society to take up this service provision in a sustainable manner or to build the capacities of state sponsored structure to fulfil these services (see above and below sections). *Sawasya II* will build on and further leverage the strong relationships built by the participating UN entities with civil society and grassroots organisations, but will modify its support approach, from predominantly grants provider to a more strategic-level engagement. This will include strengthening the oversight and monitoring role of civil society organizations on justice and security performance, including court monitoring of VAW cases and the resilience of CSOs to internal and external shocks through stronger coordination, political dialogue and advocacy, and organisational sustainability. It will also include increased support to advocacy coalitions and networks on specific gender justice issues that can amplify the voices of women and their human rights demands. A critical aspect of this is increasing the leadership and participation of women's civil society organisations with networks of mainstream human rights organisations and ensuring civil society is mainstreaming a gender transformative approach with focus on quality of the provided services. These approaches will entail a partial shift from project funding to core funding modalities, whilst retaining flexibility for the programme to be able to respond to emerging needs in the volatile environment in which it operates.

- iii) **Institutionalisation of legal aid:** Ultimately, a national, institutionalised legal aid scheme is the best means of ensuring sustainability of legal aid services. Acknowledging the criticality of legal aid in promoting access to justice, particularly amongst women and children as one of the most vulnerable groups in the society, the programme will work with stakeholders to ensure that eligibility criteria are gender responsive, and that women as claimant or accused are provided with early representation, *Sawasya II* will build on the extensive support provided by its predecessor programme to activate a National Legal Aid Strategy (NLAS) through the National Legal Aid Committee, ensuring that the NLAS is consistent with international standards and best practices, enhances the most marginalised groups access to justice, particularly women and children, and sustainable in the Palestinian context. Following the adoption of the NLAS, *Sawasya II* will provide support to the governance of the entity mandated to coordinate legal aid in Palestine and technical assistance to build the capacity of that entity to develop systems, procedures and protocols for the new legal aid system, provide quality assurance of legal aid, support for the coordination of legal aid (including intake, referrals, monitoring and reporting of legal aid cases). *Sawasya II* will also support the specialisation and accreditation of legal aid lawyers to receive funds from the scheme, and build on its' previous experience in providing specialized training to more than 40 lawyers on gender responsive representation in courts to women survivors of violence, thereby enhancing its quality and responsiveness of service delivery.
- iv) **National ownership:** At the heart of *Sawasya II* is anchoring the programme goals in national frameworks and instruments to ensure national ownership and alignment with nationally driven processes. Against this backdrop, *Sawasya II* also proposes a more 'politically smart'<sup>14</sup> form of programming elaborated in more detail in Annex IV of this programme document, designed to employ an analytical and adaptive approach that maximises windows of opportunity to affect sustainable change.

## Vision

- i) **PROBLEM:** The State of Palestine has poor national coordination systems in place, it is a nascent state, and lacks a functioning legislature. The PG has the NPA in place, but it has

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<sup>14</sup> See, for instance, Folke Bernadotte Academy (Sannerholm, Quinn and Rabus), *Responsive and Responsible: Politically Smart Rule of Law Reform in Conflict and Fragile States* (FBA, 2016).

limited application at the Ministry level in terms of strategic plans and monitoring mechanisms. Limited financial and human resources mean Ministries have limited capacities and means to implement national priorities. There is inter-ministerial division, especially between MOSD, MoJ, AGO, HJC and the police, with multiple donors and NGOs supporting different activities.

Existing coordination mechanisms (such as the JSWG or the National Juvenile Justice Committee) have proven ineffective in coordinating due to structural challenges. Often separate and divergent humanitarian and development channels of funding means special attention needs to be made to ensure complementarity of support to justice and rule of law program. The result is that we are seeing isolated interventions (many excellent) which are having a limited impact on the broader system changes necessary to strengthen rule of law and justice systems.

- ii) WHAT NEEDS TO BE DONE AND HOW SAWASYA ACHIEVES THIS: The UN is central in supporting the PG to adhere to international standards and to implement various conventions – such as the CRC and CEDAW. Support to state party documentation as well as domestic operationalization takes place. Domestication often requires drafting and approval of key laws (such as the JPL and Amended Child Law supported by UNICEF).

In general, the UN has convening power amongst government, development partners and CSO. In Palestine, there are established relationships between *Sawasya* and all the relevant national institutions and civil society organizations involved in the security, justice and anti-corruption sectors. UNDP and MoJ/AGO/HJC/SJD/PACC, UN Women with Police and MOSD, and UNICEF with MOSD and AGO. *Sawasya* will also utilize its position with civil society in order to ensure that they have a voice in pertinent issues. In many areas of governance and rule of law, policies and procedures do not afford transparency and accountability. *Sawasya* is well placed to work with existing coalitions to bring greater say in the rule of law sector.

This puts the *Sawasya* programme in a unique position to be able to facilitate change in the justice sector. *Sawasya* can bring together these national institutions and CSOs on a joint approach with potentials for systemic changes, versus piecemeal short-term impacts. *Sawasya* will work toward strengthening coordination systems including forums that ensure inclusive participation of all justice actors to reach consensus on priorities, and which oversee implementation.

*Sawasya* will work with development partners on a joint programme approach to strengthening justice and rule of law. *Sawasya* will support national counterparts to identify and develop priorities across justice, rule of law and gender. Once support and consensus is reached on national priorities, a framework will be developed in conjunction with development partners, UN agencies and key NGOs to work together. This framework will ensure that national consensus and support is achieved. *Sawasya* has the potential to strengthen national prioritization, harmonisation and coordination of justice programmes.

The work *Sawasya* will conduct is underpinned by the Sustainable Development Goals (SDGs). The UN is uniquely placed to help implement the SDGs through our work in some 170 countries and territories. The various UN agencies' strategic plans focus on key areas including gender equality, poverty alleviation, democratic governance and peacebuilding, climate change and disaster risk, and economic inequality. *Sawasya* and other UN initiatives provide support to governments to integrate the SDGs into their national development plans and policies. This work is already underway in the inception phase of *Sawasya*. The UN's track record working across multiple goals provides us with a valuable experience and proven policy expertise to ensure that Palestine reaches the targets set out in the SDGs by 2030. But this cannot be done alone. Achieving the SDGs requires the partnership of



governments, development partners, private sector, civil society and citizens alike to make sure that Palestine reaches its full potential.

The UN is best positioned to support the PG to implement their international commitments under human rights conventions, including the CRC and CEDAW, UNCAC and the SDGs. In this regard, it is important for *Sawasya* to leverage the political power of the development partners vis-à-vis the UPR process to ensure that bottlenecks related to human rights standards are raised during this process. Legal reform is a vital component of implementing conventions, and the UN is best positioned to support this process considering the mandates of agencies involved in furthering the human rights agenda. This can only be accomplished by the combined work of the agencies within the *Sawasya* programme in conjunction and cooperation of our sister agencies such as UNODC and OHCHR.

The United Nations, through the Quadrennial Comprehensive Policy Review (QCPR), development system is promoting more effective integrated support, including delivering as one, and is working toward greater coherence with opportunities to address cross-cutting issues, offer an integrated package of support, including specific programming support, monitoring and evaluation, reporting, pooled and flexible financing. The UN agencies working on *Sawasya* have the global expertise working in other countries and contexts, especially in the MENA region. *Sawasya* provides an opportunity to bring together this global expertise to the benefit of the PG. *Sawasya* is also building on previous experiences and achievements, and takes stock of lessons learned (such as from the previous *Sawasya* programme), and is informed by evidence (such as the justice assessment for children and numerous other knowledge products).

## **Theory of change**

The figure below depicts the theory of change that underpins the *Sawasya II* and articulates a development approach for fostering a rights-based rule of law culture in which people experience greater peace and security, and have greater opportunities to exercise their rights. This theory of change is based on years of UN experience in this area, and postulates that through high-quality, targeted assistance to key rule of law and human rights actors and institutions – when delivered through a people centred approach – positive outcomes can be achieved in improving access to justice and redress, strengthening community security, and protecting and promoting human rights.

The Theory of Change describes the change pathway that starts from the current manifestation of deprivation, where a peaceful and inclusive society for sustainable development is lacking, in which not everyone can equally access justice, institutions are not effective, accountable and inclusive, and there continuous to be gender inequality and lack of empowerment of women and girls. It moves to the desired end state where the “Rule of Law system respects, protects and fulfils human rights and gender equality and promotes peace and security”.

To achieve the desired state, 4 critical and interlinked preconditions must be met:

1. Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards;
2. Service provision by rule of law institutions is effective, accountable and inclusive
3. All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination
4. Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women

The Theory of Change pathway that will lead to the scenario described above is:

IF key legislations are revised to strengthen the independence of Rule of Law institutions and ensure their consistency with international standards, and;  
IF evidence-based planning and policy development in the justice and security sector is strengthened through enhanced data collection, monitoring and evaluation (in alignment with SDG/HR indicators); and  
IF West Bank and Gaza rule of law institutions are reunified, and  
IF advocacy on strengthening rule of law institutions and promoting human rights is reinforced.

THEN there will be rule of law institutions that are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards;

AND

IF quality and efficiency of security and justice services provided to Palestinians are improved; and  
IF, quality and efficiency of security and justice services provided to areas unserved by the Palestinian government are improved;

THEN Service provision by rule of law institutions will be effective, accountable and inclusive;

AND

IF vulnerable populations have access to justice, security and protection; and  
IF vulnerable populations in areas underserved (Area C, Hebron 2, and EJ) by the Palestinian government have access to justice, security and protection;

THEN All Palestinians, especially children and vulnerable groups, will have access to justice, security and protection without discrimination;

AND

IF capacity of rule of law institutions to respond to needs of women are improved; and  
IF new practices of justice and security services providers are supported to transform their attitudes and behaviours towards women and girl; and  
IF women and children have access to justice, security and protection

THEN Women's access to justice and security will be improved through gender-responsive service delivery and empowerment of women.

If all of these conditions are achieved, then the rule of law system will respect, protect and fulfil human rights and gender equality and promote peace and security.

Please see figure 1 for a visual representation of the Theory of Change.

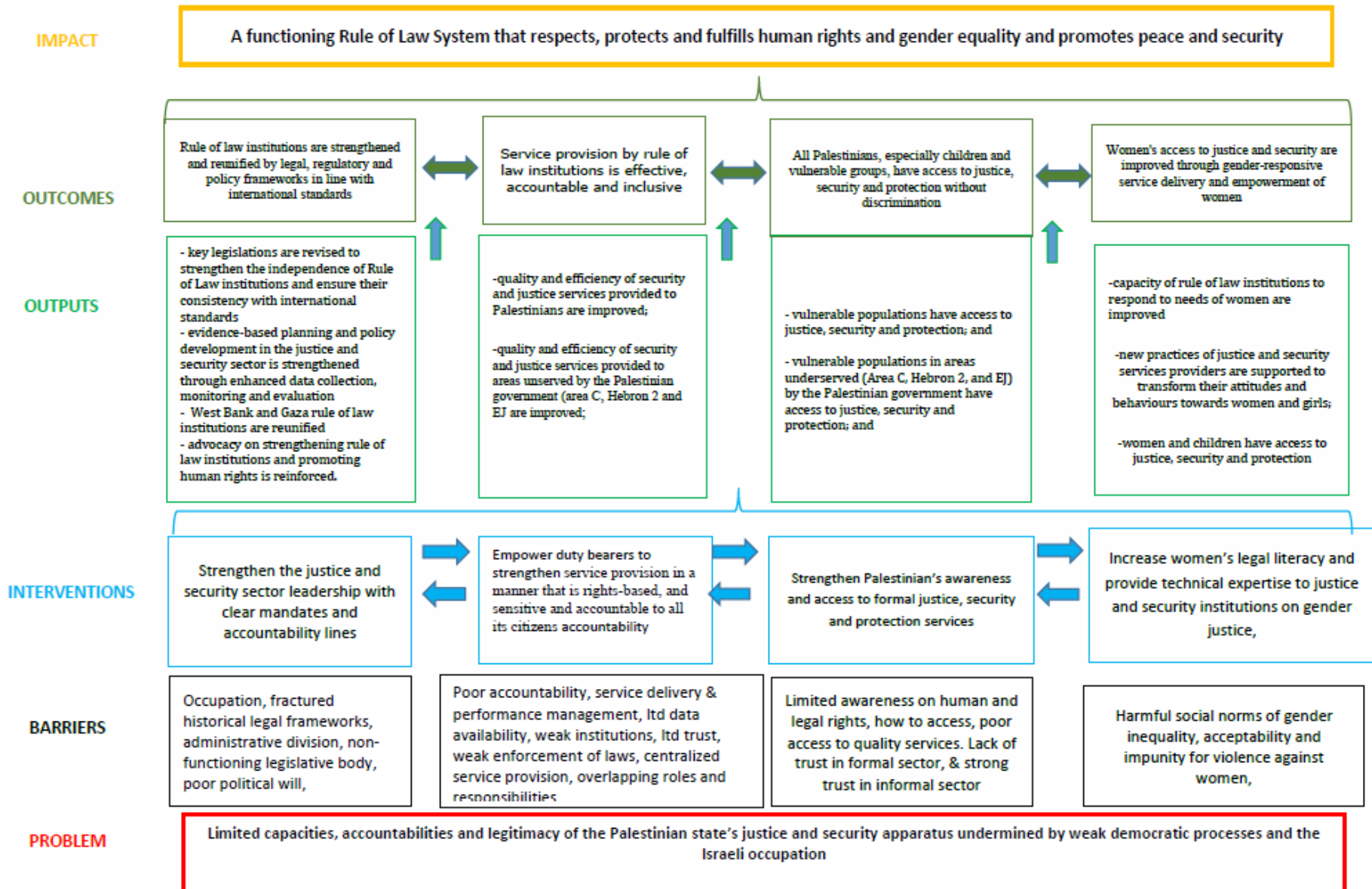
### **Assumptions and Risks**

There are seven major assumptions which underpin the Theory of Change:

- Organizational development needs to be service oriented to produce better justice outcomes for Palestinian citizens:
- Better internal systems for data gathering, analysis and reporting will help organizations chart an appropriate development trajectory

- A deliberate and focused strategy to engage with civil society, supported by selective, long-term funding, helps increase PG accountability on justice issues. It also increases citizen advocacy on much needed justice changes
- Legal aid (including clinics and education) increases access to justice and raises legal awareness. Both will empower marginalized groups to make good on their legal claims
- Working towards a national legal aid system will put it on a sustainable footing, provides systematic services delivery, and foster relevant inter-institutional relationships
- Presented with the right incentives (reputational), leadership in institutions are supportive of enhancing internal accountability and services delivery which may impact existing power dynamics
- Increase in awareness (on rights issues, on harmful gender stereotyping, child protection), if targeted correctly, will lead to changes in behaviour and agency

Risks have been identified which would block the change pathway from occurring in the event of their happening. These are listed in ANNEX II (Risk Log) along with the measures that the programme will deploy to mitigate these risks.



## 4. Results framework

*Sawasya II* is aligned with national and UNDAF priorities to achieve full sovereignty/independence for the State of Palestine (UNDAF 2018-2022 SP1; NPA NP1). This is not simply a political or a developmental issue; it is about nurturing the social contract. Longer term statebuilding efforts require the population's trust and confidence that state institutions are effective, accountable and inclusive, and capable of upholding their basic human rights. In this respect, statebuilding efforts in Palestine (including in relation to laws, policies and provision of services) must translate into measurable improvements in the lives of Palestinian people if they are to contribute effectively to the overall statebuilding objective.

With this in mind, *Sawasya II* defines its overarching goal as 'a functioning and inclusive State of Palestine that respects, protects and fulfils people's human rights, and promotes development, peace and security.'

National priorities supported by *Sawasya II's* overarching goal include the 'path to independence', government reform and sustainable development. The programme goal is also aligned with UNDAF priorities that the State of Palestine adheres to inclusive and democratic processes; ensures representative and people centred governance; that Palestinians enjoy access to security, justice, rule of law and protection of human rights, the benefit of responsive and enabling state functions at the national and sub-national levels and the promotion, monitoring and enforcement of gender-equality and non-discrimination.

The proposed 'Outcomes' of *Sawasya II* are captured in the box below.

<b><u>SAWASYA II: PROGRAMME OUTCOMES</u></b>	
<b>OUTCOME 1:</b>	<b><i>Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards</i></b>
<b>OUTCOME 2:</b>	<b><i>Service provision by rule of law institutions is effective, accountable and inclusive</i></b>
<b>OUTCOME 3:</b>	<b><i>All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination</i></b>
<b>OUTCOME 4:</b>	<b><i>Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women</i></b>

By capitalising on the comparative advantages of all involved UN entities, *Sawasya II* will maximise the technical and operational resources of the UN system in Palestine to advance programme implementation in accordance with the defined strategy and theory of change.

### **OUTCOME 1: Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards**

Consistent with the theory of change outlined above, Outcome 1 of *Sawasya II* is premised on the principle that ***by revising key legislations and ensuring their compliance with international standards; by strengthening planning and policy development capacities in justice institutions; by reunifying West Bank and Gaza justice institutions; and by increasing***

***advocacy efforts at the national and international levels; the independence of rule of law institutions will be strengthened.***

Within this outcome, *Sawasya* aims at achieving policy-level and legislative changes that will strengthen rule of law institutions. This result will be obtained through direct support to the revision of key legislations, the development of and integrated and accountable planning process and the reunification of West Bank and Gaza justice institutions. The support provided to CSO advocacy will be key in achieving this outcome since the program will facilitate and strengthen the engagement of civil society with the PG on each of these issues. To achieve this result, *Sawasya II* will also leverage political mandates across the UN system, including via UNSCO, OHCHR, Special Rapporteurs and the Office of the Quartet.

Under Output 1.1, the UN agencies will support the revision of key legislations in order to strengthen the independence of rule of law institutions and ensure their compliance with gender and human rights standards. On this topic, *Sawasya* will complement the efforts already provided by other international stakeholders such as EUPOL COPPS and will work jointly with OHCHR. The program will focus its support on ensuring that all relevant national institutions and civil society organisations are involved in the revision of key rule of law legislations (Basic law, JAL..) and will provide a complementary technical expertise linked to the support the UN provided in several countries around the world and especially in the MENA region (Tunisia and Morocco). On legal harmonization, *Sawasya* will focus in particular on making the review methodology more sustainable and systematic, including through electronic tools and guidance on reviewing legislation against HR standards. *Sawasya* will also focus on the incorporation of gender sensitivity in the law-making process through its support to the gender legislative committee. Finally, the program will also further strengthen the accessibility and sustainability of the Al Muqtafi legal database developed by Birzeit university.

*Sawasya II* will seek to reinforce rule of law institution capacity in developing and implementing relevant sector strategies by closer alignment with the National Policy Agenda and with Palestine's commitment on achieving the 2030 Sustainable Development Goal agenda. In the framework of output 1.2, the UN agencies will provide technical support to strengthen the planning capacity of the justice institutions, on producing, monitoring and evaluating the national justice sector, national anticorruption, and national cross-sectoral gender strategies. *Sawasya* will concentrate its support to strengthening the capacities of the MoJ to play a lead role in this process and to coordinate the development of the annual integrated work plan linked to the justice sector reform strategy. The program will continue supporting the planning capacities of the PMO to ensure the linkage between the NPA and the JSRS and the SSRS. *Sawasya* will also ensure a large dissemination of these strategies in order to increase their use as an accountability tool by the public and civil society organizations. This support will leverage inclusive processes and the engagement of all relevant justice actors and civil society to strengthen national ownership and leadership and ensure that justice sector end-users' needs and experiences are taken into account. A dedicated support will be provided to the Ministry of Justice in strengthening its role in monitoring and the co-ordination, planning, monitoring of progress towards achieving SDGs 16.

Under output 1.3, the programme will support the ongoing reunification process between Gaza and West bank rule of law institutions. This support will target specific issues such as the harmonization of WB and Gaza legislation and the treatment of decisions taken by de facto authorities in Gaza since 2017. The UN agencies will also support the reestablishment of justice institutions in Gaza through training, logistical support and sensitization to bring the population back to the formal justice system. Moreover, the program will further explore issues related to transitional justice initiatives with the aim of ensuring the involvement of populations and civil society organisations, especially women's group, in the reconciliation process and achieving accountability for human rights violations committed since 2007. Strategic and focused partnerships with civil society in Gaza, as well as with the Palestinian Bar Association and the Independent Commission for Human Rights, will be essential to advance an agenda in which lawyers, the judiciary, prosecution, police

and other service providers in Gaza are respectful of the rights and needs of the population, in accordance with international standards (See Annex V).

Finally, *Sawasya* will support Civil society organisations in monitoring the security and justice sector and advocating for further changes in Rule of Law institutions. In the framework of output 1.4, UN agencies will support existing CSO coalitions<sup>15</sup> in order to ensure more coherence and synergies between their actions. Technical support will also be provided to increase the quality of the monitoring work and expand it throughout the West Bank and Gaza. The program will also facilitate the establishment of exchange platforms between these coalitions and state actors to reinforce their advocacy and role in improving the security and justice systems. A specific support will be provided to coalitions working on gender and juvenile justice. The support provided to CSO will follow the guidelines developed on the basis of the lessons learned during the first phase of the program (See Annex VIII).

## **OUTCOME 2: Service provision by rule of law institutions is effective, accountable and inclusive**

Consistent with the theory of change outlined above, Outcome 2 is premised on the principle that ***by empowering duty bearers at all levels to strengthen service provision in a manner that is rights-based, child sensitive and accountable to the citizenry, institutions will develop on a trajectory that ensures they are 'fit for purpose' and capable of adjusting to meet the rights and needs of the population.***

Within outcome 2, *Sawasya* will target specific bottlenecks in justice and security service provision identified on the basis of informed assessment and ongoing analysis of gaps and vulnerabilities. Duty-bearers (including police, prosecution, judiciary, line ministries, etc.) will be supported to strengthen the quality and efficiency of the services they provide to Palestinian rights holders, and institutions supported to overcome, where necessary, entrenched behavioural/attitudinal shortcomings. Support will therefore range from strengthening systems and processes to improve case disposal rates, to enhancing judicial, prosecutorial, or police competencies to handle certain types of cases.

Under output 2.1, *Sawasya* will support security and justice institutions (PCP, AGO, HJC) in improving the quality and efficiency of their services. As concerns the PCP, *Sawasya* will support the implementation of community based policing approach and accountability mechanisms developed in 2017. On community policing, the program will focus its support in ensuring the participation of communities and CSO in this process. On accountability mechanisms, the program will support the opening of unified complain offices throughout the State of Palestine.

As part of its support to the AGO and the HJC, *Sawasya* will use the information generated through HJC case management system (HJC Mizan) to identify and solve bottlenecks and transversal problems that are affecting the functioning of the courts. This support will be implemented in partnership with the HJC inspection department and the Palestinian Judicial Institute (PJI) and in close collaboration with of all the relevant international stakeholders. *Sawasya* will also further support civil and criminal enforcement mechanism to improve case enforcement rates and contribute reducing the backlog of cases. In relation to the support to the PJI, *Sawasya* will complement the support provided by the EU by finalizing the new PJI web platform and developing specialized/continuous trainings. *Sawasya* will also ensure that all specialized trainings supported by the program will be implemented in the framework of the PJI in order to ensure their long-term sustainability and to contribute to strengthen this institution. *Sawasya* will also continue supporting the further development of HJC Mizan system.

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<sup>15</sup> According to a recent mapping finalized by *Sawasya*, there are 10 coalitions and 3 CSO networks working on security, justice and anti-corruption related issues

The development of specialised justice and protection services to meet priority rights and needs of the most vulnerable will be an important feature of this outcome. The recently enacted Juvenile Protection Law will provide an opportunity to consolidate existing efforts and advance justice for children in Palestine, working with all institutions of the National Juvenile Justice Committee (MOSD, MOJ, HJC, AGO, police). Building on the comparative advantages of UNICEF, UN Women and UNDP, *Sawasya II* will work with relevant national partners in strengthening the services provided to children in contact with the law. The Juvenile Protection National Strategic Plan and implementation framework (2016-2019) takes into consideration the total requirements and key priorities of the sector for the coming three years to implement the Juvenile Protection Law. It aims to promote effective partnership and integrative constructive work among constituent entities of the Juvenile Protection sector, and partnerships between the public sector and NGOs working in the area of justice for children.

*Sawasya II* will also support the improvement of security and justice services in area unserved by the PA (area C and EJ). In the framework of output 2.2, the program will support security and justice institutions in accessing and providing services in those areas. As concerns the police, *Sawasya* will focus its support to the implementation of the community police approach developed by the PCP in area C by helping the communities to establish local coordination community police committee with the external support of the police. *Sawasya* will then support the PCP in participating and providing advice to these committees to solve their local security issues. *Sawasya* is also planning to support judicial institutions (HJC and Shari courts) to facilitate the implementation of courts decisions in those areas. The programme will also further support the development and strengthening of alternative dispute mechanisms to provide local populations with easily accessible dispute settlement tools.

### **OUTCOME 3: All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination**

Consistent with the theory of change outlined above, outcome 3 is premised on the principle that ***if vulnerable populations have access to justice, security and protection, all Palestinians, including children, will have equal means to seek and access justice and resolve disputes and problems.***

Within outcome 3, *Sawasya* will support and facilitate a policy dialogue between all relevant Palestinian government institutions and civil society organizations to develop a national framework for legal aid in Palestine. This framework will be developed and tailored to respond to the specific needs of each of the area of the State of Palestine (West Bank including area C, Hebron 2 and East Jerusalem and Gaza) and will cover both the Palestinian and Israeli jurisdictions. The program will also focus its support in strengthening PA capacities in coordinating all actors involved in providing legal aid especially in area C and East Jerusalem. In addition, *Sawasya* will also continue supporting the PBA, universities and other civil society organizations in providing legal aid services in the framework of the National Legal aid strategy to be developed with the support of the program. Any support provided to CSO by the program within this outcome will be discussed with all relevant development and technical partners in order to avoid any overlap and duplication of efforts.

Under output 3.1, the program will focus on supporting the government of Palestine in establishing a state legal aid system before Palestinian jurisdictions that is able to provide free legal consultation and representation services to all vulnerable populations in order to ensure its sustainability. This work will build on the previous support provided by *Sawasya* that led to the creation of the National Legal Aid Committee. The program will also ensure that this strategy includes a special focus on children's rights and women's right to legal aid and that consideration is given to the development of specialized child and women friendly legal aid services. Until the National Legal Aid Scheme is approved and fully funded, the program will also continue supporting the PBA, universities and other civil society organizations in providing legal aid services in complementarity - and not in substitution or competition - to state legal aid providers. The support provided by the program to CSOs will



focus more on legal awareness throughout Palestine in order to complement the legal consultation and representations services provided by the government of Palestine. As concerns legal awareness, *Sawasya* aims at building CSO/CBO networks in each of the 16 governorates to achieve legal awareness campaigns at the local level. The support to legal aid clinics will build on the support provided during the first phase of the program and will focus on enhancing quality control and monitoring impact on students' professional opportunities, formalizing linkages with the PBA, networking amongst clinics, and strengthening sustainability.

In the framework of output 3.2, the programme will focus its support in strengthening the government of Palestine's capacities to provide legal aid services in Area C, Hebron 2 and EJ before Palestinian and Israeli jurisdictions, and to ensure that a stronger coordination and a well-defined partnership strategy with civil society actors is articulated to leverage their comparative advantages on strengthening access to justice for populations living in those areas. Support to legal aid will follow in part the recommendations as outlined in the East Jerusalem Legal Aid Mapping (2016), and the research 'in the absence of justice' (2016) on challenges faced by Palestinian women and girls to access justice in East Jerusalem. As concerns the provision of legal aid services to vulnerable children, the program will support the provision of legal aid for children in contact with Israeli forces in East Jerusalem, residency rights and other specific issues related to their status as Jerusalemites. The most vulnerable children will be targeted and the provision of legal aid for children will be fully coordinated with other stakeholders. Finally, the activities in support to legal aid in Gaza will be included under this output until the reconciliation process is concluded. They will then fall under output 3.1 and all support will be implemented in the framework of the NLAS.

#### **OUTCOME 4: Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women**

Consistent with the theory of change outlined above, outcome 4 is premised on the principle that ***if capacity of rule of law institutions to respond to needs of women are improved, new practices of justice and security services providers are supported to transform their attitudes and behaviours towards women and girl; and women and children have access to justice, security and protection then justice and security institutions will be gender responsive and women are empowered to access and participate in service delivery.***

The first *Sawasya* programme achieved considerable milestones on women's access to justice in Palestine and it is imperative that *Sawasya II* builds on that momentum, upscaling interventions using the revised methodologies and approaches, including the gender transformative, and the service-oriented approaches highlighted above. *Sawasya II* is built on a theory of change that articulates a longer-term vision for gender equality in the Palestinian society. It focuses on the relationship between the availability of capable and gender responsive human resources and institutional capacities within the justice and security institutions on one hand, and women's access to justice on the other. It highlights specifically the cruciality of addressing root causes of gender inequality and discrimination against women, including gender stereotypes and discriminatory attitudes and perceptions towards women's rights and VAW.

Realizing that gender mainstreaming approaches in a highly patriarchal environment might not be sufficient, *Sawasya II* will implement different strategies, including gender targeted interventions, alongside direct service initiatives for women and girls resulting in progressively transformational behavioural change – ensuring also that initiatives are aligned to achieve legal obligations in CEDAW and IHRL and national and global level policy goals such as SDG 5 and elimination of violence against women. In line with this, and acknowledging the interlinkages between the discriminatory social norms and gender stereotypes on one hand, and the laws, policies and structures that regulate the justice and security sectors on the other, *Sawasya II* will address roots causes of gender inequality and discriminatory behaviour of the justice and security sectors service providers and the community at large. It will do so through working on altering and sensitizing the perceptions and attitudes of service providers towards VAW cases, supporting the integration of

responsive legal practices, challenging stereotypes and publicizing gender role models within these institutes. *Sawasya II* will also strengthen the Palestinian state's capacity to improve women's access to justice and fulfil their rights; by providing continuous technical and capacity building support to the stakeholders to enhance and improve their technical and institutional responses to VAW cases, in line with international human rights standards and best practise

More specifically, *Sawasya II* will target the specialized service providers within the justice and security chain, including the police, the prosecutors, the standard and sharia judiciary and the MoSD with capacity building interventions and specialized trainings, that aim at increasing their knowledge and strengthening their skills and capacities in managing VAW cases in an efficient and responsive manner. It will also support the justice and security institutions to develop and harmonize their procedures and by- laws in line with best practices and international standards, and guide and support the establishment of a holistic multi -sectoral coordinated services that provide multi-services to survivors under one roof, in alignment with international standards that maintain survivors' dignity and confidentiality.

Realizing the importance of women's engagement in the front-line services and in policy and decision-making positions, *Sawasya II* will support the enrolment of women in these institutes, including in the decision- making positions. It will do so through different mechanisms, including supporting stakeholders to put in place gender responsive human resources policies, building the capacity of Gender Units at these institutes to implement its' mandate in addition to providing women working in these fields with learning and empowerment opportunities.

In complementarity with other programmes such as the EVAW programme that will be implemented by four UN agencies, including UN Women, UNODC, UNFPA and UN Habitat, *Sawasya II* will introduce a unique approach to VAW services within the justice and security system, that evolves around the engagement of survivors in these services to enhance the quality of the services and increase women's trust in the system. Realizing the importance and sensitivity of survivors' experiences and voices, *Sawasya II* will support stakeholders, including CSOs to engage effectively with survivors, to learn about their stories and opinions in the quality of services, and their suggestions and proposals to address challenges.

Moreover, *Sawasya II* will further support civil society organizations to increase public awareness on women's rights, and advocate for responsive amendments to legislations, practices and behaviours within the justice and security chain. Empowering women and increasing their awareness on their rights, will enhance their access to justice and result in informed- decisions at their side when faced by a violent act or have their rights abused. CSOs' engagement strategies that are built on gender specific approaches, will encourage a stronger women's rights' movement by phasing out project-based initiatives and encouraging coalitions, joint programming, and cohesive messaging with existing partners; support to women's grassroots organisations to link communities with security and justice actors; create stronger linkages between civil law rights and Shari'a law to protect women's personal status; support robust oversight of informal justice sectors on women's issues; integrate human rights treaty obligations on women's rights in the work of the justice system; expand access to justice support to include marginalised women and establish restorative justice approach to ensure community acceptance of women in conflict with the law (See ANNEX VI).

## Results framework table

<p><b>SDG 16:</b> Promote peaceful and inclusive societies for sustainable development, provision of access to justice for all, and the realisation of effective, accountable and inclusive institutions at all levels</p> <p><b>SDG 5:</b> Achieve gender equality and empowerment for women and girls</p>
<p><b>National Policy Agenda 2017-2022:</b></p> <p>Pillar 1: Path to independence</p> <ul style="list-style-type: none"> <li>National priority 1.1: Ending the occupation &amp; achieving independence           <ul style="list-style-type: none"> <li>National Policy 1.1.1: Mobilising national and international support</li> <li>National Policy 1.1.2: Holding Israel to account</li> <li>National Policy 1.1.3: One land; one people</li> <li>National Policy 1.1.4: Upholding democratic principles</li> </ul> </li> </ul> <p>Pillar 2: Governance Reform</p> <ul style="list-style-type: none"> <li>National priority 2.1: Citizen-centred government           <ul style="list-style-type: none"> <li>National Policy 2.1.2: Improving services to citizens</li> </ul> </li> <li>National priority 2.2: Effective government           <ul style="list-style-type: none"> <li>National Policy 2.2.1: Strengthening accountability and transparency</li> </ul> </li> </ul> <p>Pillar 3: Sustainable Development</p> <ul style="list-style-type: none"> <li>National Priority 3.2: Social Justice and Rule of Law           <ul style="list-style-type: none"> <li>National Policy 3.2.3: Improving access to justice</li> <li>National Policy 3.2.4: Gender Equality and Women’s Empowerment</li> </ul> </li> <li>National Priority 3.6: Resilient communities           <ul style="list-style-type: none"> <li>National Policy 3.6.1: Ensuring community security, public safety and the rule of law</li> </ul> </li> </ul>
<p><b>UNDAF 2018-2022:</b> Strategic Priority Area 2 (All Palestinians, especially those exposed to vulnerabilities, have equal access to accountable, effective, and responsive democratic governance, in line with international human rights standards); Outcomes 2, 3 and 4</p>
<p><b>SAWASYA II OVERALL GOAL:</b> A functioning and inclusive Rule of Law system that respects, protects and fulfils human rights and gender equality, and promotes peace and security</p>

**Outcome 1: Rule of Law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards**

JP Outputs	UN org.	Imp. Partner	Indicative activities	Link with NP	Resource allocation and indicative time frame						
					Y1	Y2	Y3	Y4	Y5	Total	
<b>Output 1.1:</b> Key legislations are revised to strengthen the independence of Rule of Law institutions and ensure their consistency with international standards	UNDP, UN Women, UNICEF	PMO, MOJ, HJC, AGO, LAB, PG HCC, LHC, GLC, Birzeit university, civil society, int. partners	Support national committee on harmonisation of laws with international human rights & anti-corruption standards	JSRS GP 2.7	130,000	105,000					235,000
			Strengthen capacity of institutional stakeholders in gender-sensitive legislative drafting and review	JSRS GP 2.5, 2.7							
			Support the revision of key rule of law legislations to strengthen the independence of RoL institutions: - Support the revision of the basic law - Support the revision of the JAL - Support the revision of HCC law								
			Strengthen the sustainability of Al-Muqtafi legal database as a national compendium of law and jurisprudence and a tool for legal harmonisation - Support the update of Al-Muqtafi database - Support the further roll out of the legal compatibility tool based on Al Muqtafi and using AKOMO NTOSO standards								

<p><b>Output 1.2:</b> Evidence-based planning and policy development in the justice and security sector is strengthened through enhanced data collection, monitoring and evaluation (in alignment with SDG/HR indicators)</p>	<p>UNDP, UN Women, UNICEF</p>	<p>PMO, PCBS, MOJ, HJC, AGO, MOI, SJD, PCP, MOSD, ICHR, CSO</p>	<p>Support implementation of the justice and security sector strategic plans:</p> <ul style="list-style-type: none"> <li>- Strengthen the planning capacity of the MoJ and the preparation of integrated annual JSRS WP</li> <li>- Strengthen the planning capacity of justice sector institutions</li> <li>- Support sector-wide approach in the implementation of the JSRS and SSSP linked with the NPA</li> <li>- Support integration of gender considerations in the M&amp;E capacities and systems related to the JSS</li> <li>- Support coordination between sectoral strategies and Roadmap/action plans developed under the Juvenile Protection Committee</li> <li>- Support M&amp;E capacities and systems related to JSRS and SSSP (in the PCP)</li> <li>- Support information and awareness raising on JSRS</li> <li>- Support the development of the 2023-28 JSRS</li> <li>- Support production and dissemination of biennial public perception surveys</li> </ul> <p>Support MoJ in monitoring the implementation of SDG 16:</p> <ul style="list-style-type: none"> <li>- Support SDG 16 WG</li> <li>- Support information and awareness raising on SDG 16</li> </ul>	<p>JSRS GP 2.2</p>	<p>165,000</p>	<p>175,000</p>	<p>165,000</p>	<p>90,000</p>	<p>315,000</p>	<p>910,000</p>
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<b>Output 1.3</b> West Bank and Gaza rule of law institutions are reunified	UNDP, UN Women, UNICEF	MoJ, AGO, HJC, PBA, PCP, SJD, CSO	Support to the reunification of Gaza and WB justice institutions <ul style="list-style-type: none"> <li>- Support to vetting process</li> <li>- Support to legal harmonization of Palestinian legislations</li> <li>- Support the reconciliation of judicial decisions in Gaza</li> <li>- Support the training of the justice and PCP staff deployed in Gaza</li> </ul>	650,787	575,479	470,079	535,479	550,479	2,782,703
			Support the reestablishment of the formal justice system in Gaza <ul style="list-style-type: none"> <li>- Support to rehabilitation and equipment of justice institutions in Gaza</li> <li>- Support the implementation of MIZAN 2 in Gaza courts</li> <li>- Support awareness raising campaigns to contribute to the restoration of formal justice institutions in Gaza</li> </ul>						
			Support transitional justice initiatives in Gaza and WB <ul style="list-style-type: none"> <li>- Support consultations in Gaza on the reconciliation process</li> <li>- Support transitional initiatives on truth, accountability, reparation and guarantees of non-repetition</li> </ul>						
<b>Output 1.4</b> Advocacy on strengthening rule of law institutions and promoting human rights is reinforced	UNDP, UN Women, UNICEF	AGO, HJC, MoJ, PCP, PBA, CSO	Strengthen joint CSO advocacy on rule of law and human rights: <ul style="list-style-type: none"> <li>- Support CSO coalitions and networks in undertaking oversight initiatives of informal and formal justice and security sector delivery of services</li> <li>- Support to civil society organizations including Universities and research centers to produce studies on rule of law to inform evidence-based policy advocacy</li> </ul>	270,000	405,000	405,000	405,000	405,000	1,890,000

Strengthen joint CSO advocacy on women’s human rights/gender justice issues

- Support CSO to improve capacity to undertake public interest litigation cases on women’s human rights/gender justice issues
- Support CSO including Universities and research centers to produce studies on gender justice to inform evidence-based policy advocacy
- Provide training to CSOs to undertake gender responsive legislative reviews in accordance with international standards; develop position papers and to conduct effective national and international advocacy
- Support to women’s organizations on leadership, coordination and programme management training in order to strengthen coalitions and networks and undertake oversight initiatives of informal and formal justice and security sector delivery of services

Advance dialogue and advocacy among government and political actors on key rule of law and human rights issues

- Spearhead legal/policy analysis & timely research on key rule of law and human rights issues to inform national and international discourse & advocacy
- Advance rule of law advocacy through international mechanism including SDGs and Treaty-body reporting
- Coordinate with and provide regular briefings & information to relevant forums of the UNCT and other key multilateral entities on critical rule of law issues in the context of Palestinian state building

<b>Technical support for the implementation of outcome I</b>	UNDP, UN Women, UNICEF				261,060	261,060	261,060	261,060	261,060	1,305,300
<b>SUBTOTAL OUTCOME I</b>					1,476,847	1,521,539	1,301,539	1,291,539	1,531,539	7,123,003

**Outcome 2: Service provision by Rule of Law institutions is effective, accountable and inclusive**

JP Outputs	UN org.	Imp. Partner	Indicative activities	Link with NP	Resource allocation and indicative time frame					
					Y1	Y2	Y3	Y4	Y5	Total
<b>Output 2.1.:</b> Quality and efficiency of security and justice services provided to the Palestinians are improved	UNDP, UN Women, UNICEF	PCP, HJC, AGO, PJI, SJD, MoSD, MoJ, MoI	Support community policing: - Support communication and awareness raising on community policing - Support the establishment of initial and continuous training on community police - Support to local coordination committees in relation to community policing - Support integration of gender approach in implementing community policing - Support integration of juvenile needs in implementing community policing - Support the conduction of community based perception surveys on justice and security priorities	1.1.5. SSSP, 1.1.7. SSSP, 1.2.2. SSSP, 3.1.	1,441,450	1,499,700	1,540,500	1,558,300	1,486,900	7,526,850
			Support PCP accountability mechanisms - Support to PCP accountability mechanisms - Support the opening of unified complain offices in the North, center and South - Support awareness raising campaigns on PCP complain mechanisms	2.3.1. SSSP, 2.3.2. SSSP, 1.1.6. SSSP						



			<p>Support fair and equitable criminal procedures:</p> <ul style="list-style-type: none"> <li>- Assessment of courts' functioning based on Mizan</li> <li>- Support to the improvement of courts services in pilot jurisdictions (Court of cassation, Appeal, first instance, conciliation courts and notary public)</li> <li>- Support further roll out of the HR Unit within the AGO</li> <li>- Enhance HR mainstreaming throughout HJC, including through support to HR Unit (pending assessment)</li> <li>- Support the revision of penal laws</li> <li>- Support further development and strengthen sustainability of Mizan</li> <li>- Support the linking and compatibility of AGO and HJC IT systems (MIZAN)</li> </ul>	<p>SSRP 1.1.1, SSRP 1.1.2. , JSRS PP Progra m, JSRS PP Progra m, SSSP 3.3.</p>						
			<p>Support judicial institutions' inspection mechanisms</p> <ul style="list-style-type: none"> <li>- Strengthen the methodology and assessment tools of the inspection in the AGO and HJC</li> <li>- Support judicial inspection in the SJD</li> <li>- Logistical support to the inspection department in the SJD, AGO and HJC</li> <li>- Customize MIZAN and ADALLAH for the work of the judicial inspection</li> </ul>	<p>JSRS GP 2.2</p>						
			<p>Support to enforcement mechanisms</p> <ul style="list-style-type: none"> <li>- Support to the Enforcement Department within the AGO and HJC I</li> <li>- Support to the Judicial police in the PCP</li> <li>- Support law enforcement and notifications through IT systems</li> <li>- Support to Sharia courts enforcement department</li> </ul>							

			<p>Strengthen the capacities of the Palestinian Judicial Institute (PJI)</p> <ul style="list-style-type: none"> <li>- Support to the development of continuous training program including training related to justice for children and women's rights as part of curriculum</li> <li>- Support to the development of PJI portal and e-learning system</li> </ul>	<p>JSRS GP 2.2</p>							
			<p>Develop and implement an e-justice strategy to improve the effectiveness of justice and security institutions</p> <ul style="list-style-type: none"> <li>- Support to the development of the e-justice portal</li> <li>- Regional conference on the use of IT services to improve the functioning justice and security institutions</li> </ul>	<p>JSRS MoJ 2.1</p>							
			<p>Support the development of child-friendly justice procedures (incl. referral pathways) and guidelines for children in contact with the law (defendants, offenders, victims, witnesses, etc.):</p> <ul style="list-style-type: none"> <li>- Develop and/or finetune agency-specific SOPs, directive and rules for police, prosecutors, courts, mediators on handling children's cases</li> <li>- Strengthen access to mediation services for children in contact with the law.</li> <li>- Conduct an assessment of the juvenile courts to better understand bottlenecks, reduce backlogs and ensure that proceedings are conducted in a manner conducive to children's active participation for children in conflict with the law.</li> </ul>								

			<ul style="list-style-type: none"> <li>- Strengthen access to pre-trial diversion for children in conflict with the law, and post-trial rehabilitation and reintegration services</li> <li>- Develop, through a broad consultative process, a feasible and appropriate model for diversion, taking into consideration the potential role of informal justice actors, and outlining the most appropriate approach to mediating cases involving children, including by exploring and piloting Family Group conferencing for children accused of misdemeanor.</li> <li>- Support development of alternatives to Detention and referral pathways between justice and social welfare actors</li> <li>- Organize a consultation workshop to identify concrete measures to facilitate the participation of child victims and witnesses in the criminal justice process.</li> <li>- Develop and implement a comprehensive national sector wide justice for children strategy for children in Gaza and the West Bank.</li> <li>- Support MOSD to improve the responsiveness of CP counsellors/probation officers on care and planning.</li> <li>- Strengthen capacity of justice and security sector stakeholders to track cases involving children, monitoring progress on implementation of the law, and identify bottlenecks (M&amp;E, data management, incl. Mizan)</li> </ul>							
<b>Output 2.2:</b> Quality and efficiency of security and justice services provided to	UNDP, UN Women,	PMO, ACCO, PCP, HJC,	Support efforts to enhance security and justice institutions' access to service provision and coverage of Area C	Area C PG Strate	450,000	425,000	400,000	400,000	400,000	2,075,000

<p>areas unserved by the Palestinian government are improved</p>	<p>UNICEF</p>	<p>AGO, PCP, PJI, SJD, MSD, MoJ, MoI, CSO</p>	<p>Increase the capacity of communities, CSOs and professionals to deliver security and social protection services</p> <ul style="list-style-type: none"> <li>- Needs assessment and identification of pilot areas</li> <li>- Pilot project in two areas including a refugee camp to provide community security services</li> <li>- Expansion in additional pilot areas based on the previous pilot</li> </ul> <p>Support the development of alternative dispute resolution mechanisms in area unserved by the PG</p> <ul style="list-style-type: none"> <li>- Support the revision of legislations related to ADR mechanisms, including as they relate to mediation provisions in the Juvenile Protection Law and draft FPB</li> <li>- Support to mediation and arbitration mechanisms in area C and EJ</li> </ul>	<p>gy</p> <p>EJ – Hebron UN Strategy</p>						
<p><b>Technical support for the implementation of outcome II</b></p>	<p>UNDP, UNICEF</p>				<p>319,439</p>	<p>319,439</p>	<p>319,439</p>	<p>319,439</p>	<p>319,439</p>	<p>1,597,195</p>
<p><b>SUBTOTAL OUTCOME II</b></p>					<p>2,210,889</p>	<p>2,244,139</p>	<p>2,259,939</p>	<p>2,277,739</p>	<p>2,206,339</p>	<p>11,199,045</p>

**Outcome 3: All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination**

	UN org.	Imp. Partner	Indicative activities	Link with NP	Resource allocation and indicative time frame					
					Y1	Y2	Y3	Y4	Y5	Total
<b>Output 3.1.:</b> Vulnerable populations have access to justice, security and protection	UNDP, UN Women, UNICEF	HJC, AGO, MoJ, SJD, PCP, PBA, CSO, MoSD, Universities	Support the development of a sustainable legal aid system - Provide technical support to NLAC in developing a legal aid strategy - Provide technical support to NLAC in developing legislations related to legal aid - Support the implementation of the legal aid strategy and legislations	JSRS MoJ	901,206	899,106	939,806	979,806	909,106	4,629,030
			Support legal education through university legal aid clinics - Legal aid clinics assessment - Strengthen legal aid clinics							
			Support the establishment of legal information services in public services and/or jurisdictions - Support roll out of pilot legal information service project in one governorate - Support expansion of pilot legal information service project in one governorate							

			<p>Support PBA and/or CSO in providing legal representation services in conformity with the NLAS</p> <ul style="list-style-type: none"> <li>- Support legal representation services</li> <li>- Support the establishment of a quality control for legal representation services</li> <li>- Support the recording, monitoring and evaluation of outcomes of cases referred from legal aid providers or supported by legal aid lawyers to and from the informal justice sector and a database of jurisprudence.</li> <li>- Strengthen legal aid provision to Juveniles, including standards for services delivery, quality control and monitoring, capacity building)</li> </ul>							
			<p>Support legal awareness throughout Palestine</p> <ul style="list-style-type: none"> <li>- Support awareness raising campaign on the concept and availability of legal aid</li> <li>- Support legal awareness campaigns throughout Palestine</li> </ul>							
<p><b>Output 3.2:</b> Vulnerable populations in areas unserved by the Palestinian government have access to justice, security and protection</p>	<p>UNDP, UN Women, UNICEF</p>	<p>PMO, PCP, HJC, AGO, PCP, SJD, MoJ, PBA, CSO</p>	<p>Support PG and CSO efforts to address the legal needs of Palestinian residents of East Jerusalem:</p> <ul style="list-style-type: none"> <li>- Provision of legal aid to vulnerable populations in EJ</li> <li>- Provision of legal aid to vulnerable children in EJ</li> </ul>	<p>Area C PG Strateg y</p> <p>EJ – Hebron UN Strateg y</p>	<p>659,409</p>	<p>709,891</p>	<p>798,142</p>	<p>713,592</p>	<p>761,742</p>	<p>3,642,775</p>
			<p>Support PG and CSO effort to address the legal needs of Palestinian residents of Area C (including H2), including through provision of legal assistance, legal literacy and legal awareness</p> <ul style="list-style-type: none"> <li>- Provision of legal aid to vulnerable populations in area C</li> <li>- Support the provision of legal aid for children in military detention and victims of settlers and ISF violence</li> </ul>							

			Support CSO effort to address the legal needs of Palestinian residents in Gaza, including through provision of legal assistance, legal literacy and legal awareness <sup>16</sup>							
<b>Technical support for the implementation of outcome III</b>	UNDP, UN Women, UNICEF				263,548	263,548	263,548	263,548	263,548	1,317,740
<b>SUBTOTAL OUTCOME III</b>					1,824,163	1,872,545	2,001,495	1,956,945	1,934,395	9,589,545

<sup>16</sup> Once the reunification process will be concluded, these activities will be implemented in the framework of the support to the NLAS under output 3.1

**Outcome 4: Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women**

JP Outputs	UN org.	Imp. Partner	Indicative activities	Link with NP	Resource allocation and indicative time frame					
					Y1	Y2	Y3	Y4	Y5	Total
<b>Output 4.1.:</b> Capacity of rule of law institutions to respond to needs of women are improved	UNDP, UN Women, UNICEF	PCP, HJC, AGO, PJI, SJD, MoSD, MoJ, MoI, CSO	<p>Improve capacity of security institutions to respond to needs of women:</p> <ul style="list-style-type: none"> <li>- Support to implement PCP's gender strategy on human resources and recruitment; outreach; training curriculum; working arrangements and facilities; establish data management system by provision of expertise, funds and equipment</li> <li>- Support to PCP/FJPUs to integrate gender-responsive standards based on national legislations into internal directives and SOPs</li> <li>- Support to PCP/CRCD to develop and implement rehabilitation and integration policies and programmes for women in conflict with law and develop and implement GBV offender treatment programmes in prisons</li> <li>- Support internal coordination mechanisms in the PCP specialized units to ensure gender responsive services to women (GBV survivors and women and in conflict with the law)</li> <li>- Support MOI Gender Unit to build staff capacity to contribute to decision-making and implement GU's mandate and to support Security Sector Gender Advisory Committee to implement mandate to mainstream gender in the security sector</li> </ul>	1.1.5. SSSP,1 .1.7. SSSP, 1.2.2. SSSP, 3.1.	743,589	852,657	938,906	990,656	899,606	4,425,415



Improve capacity of prosecution services to respond to the needs of women

- Support to provide mentoring, coaching and legal expertise on women’s human rights for Specialized Prosecutors on SGBV to improve prosecution skills and meeting rights and justice needs of victims
- Strengthen AGO capacities in gender-sensitive investigation of criminal offenses
- Provide expertise to AGO to develop and implement practice direction on prosecution of VAW, appeals and cassation, and witness and victim protection based on national laws
- Support to AGO’s Gender Unit to develop and implement Gender Strategy
- Support internal coordination mechanisms in the AGO specialized units to ensure gender responsive services to women victims
- Support the justice institutions to institutionalize data collection on GBV and VAW cases through MIZAN (n. of investigations opened, either conviction or acquittal, n. of appeals filed, the result of each appeal)

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			<p>Support effective, operational, multi-sectoral services in place for SGBV victims</p> <ul style="list-style-type: none"> <li>- Support to PCP to establish One Stop Centers in Nablus and Bethlehem by refurbishing facilities; providing equipment and expertise to develop coordination of services SOPs and conduct outreach</li> <li>- Support MOSD on preparation and management of SGBV case files for court trials and to undertake an oversight function of case conferences, produce quarterly evaluation reports with recommendations to improve implementation of mechanism</li> </ul>	JSRS HJC 2							
			<p>Improve capacity of judiciary (civil and criminal) and Ministry of Justice to meet justice needs of women</p> <ul style="list-style-type: none"> <li>- Support to develop and implement specialized training courses for judges on SGBV adjudication, practice direction on implementation of rules of evidence and procedures (based on national laws) for SGBV cases and on victim and witness protection, develop gender bench books for judges</li> <li>- Support to undertake gender assessment of court facilities in all districts and improve gender-responsiveness of court facilities</li> <li>- Support the Ministry of Justice in developing gender responsive criminal justice policies;</li> <li>- Strengthen availability and use of data related to case processing of GBV cases</li> </ul>								

		<p>Support human rights-based development of technical and organizational capacities at the sharia courts (and PMF) to improve outcomes of the family law system (incl. vis-à-vis alimony, custody, marriage, divorce)</p> <ul style="list-style-type: none"> <li>- Support re-activation and capacity building of counselling units (primarily technical support) (both Gaza and WB)</li> <li>- Support the reform of the Personal Status Law</li> <li>- Support specialized Training on <ul style="list-style-type: none"> <li>- Human rights and gender standards for judges, prosecutors, clerks</li> <li>- Adjudication of VAW cases for judiciary</li> </ul> </li> </ul> <p>Support trainings for judges, clerks, prosecutors and lawyers on national and international standards relating to child rights, best interest determination and training of enforcement for judges/prosecution on child custody.</p> <ul style="list-style-type: none"> <li>- Provide specialized gender and women’s rights training for sharia court (lawyers, judges, prosecutors, registrars) and support SOPs and coordination mechanism on case referrals to AGO and strengthen sharia Court Gender Unit capacity to implement its mandate, including to develop and implement the Gender Strategy</li> <li>- Support to infrastructure improvements based on assessment of level of compliance to international HR norms, in particular as it relates to rights protection of women and children</li> <li>- Promote the use of the PBL and the IHRL (equality before the law, right to life, human dignity, promotion of CEDAW and CRC) to constitutionalize the criminal law and procedure in their practice</li> <li>- Promote gender jurisprudence of foreign national courts (comparative law) regarding GBV cases</li> <li>- Support training on general comments and concluding observations of UN HR treaty bodies to guide on how to interpret Palestinian law in compliance with PG HR obligations</li> </ul>	<p>JSRS GP 2.2</p>							
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|--|--|--|---|--|--|--|--|--|--|--|
|  |  |  | <ul style="list-style-type: none"> <li>- Support Sharia Courts Outreach/Awareness Raising: <ul style="list-style-type: none"> <li>- Targeted legal/media campaign on under-age marriage in WB Southern Governorate on under-age marriage and human trafficking, involving Governorate and IJS</li> <li>- Media campaign on custody</li> <li>- Communication materials on work of family courts (info graphs) and E-services to increase public awareness</li> <li>- Establishment of Hotline</li> </ul> </li> <li>- Integration/Coordination with Justice and Security Sector <ul style="list-style-type: none"> <li>- Alignment of civil records between Sharia Court and MoI</li> <li>- Strengthen linkages between the Shari'a courts and the MOSD in referrals and case management of cases of children on procedures</li> </ul> </li> <li>- Support the Palestinian Maintenance Fund in enhancing its access to beneficiaries and coordination with the justice sector institutions</li> </ul> |  |  |  |  |  |  |  |
|--|--|--|---|--|--|--|--|--|--|--|

<p><b>Output 4.2</b> New practices of justice and security service providers are supported to transform their attitudes and behaviours towards women and girls</p>	<p>UNDP, UN Women, UNICEF</p>	<p>Strengthen women's decision-making power in the justice sector</p> <ul style="list-style-type: none"> <li>- Support professional peer groups of women working in the justice sector and facilitate career development opportunities / mentoring schemes</li> <li>- Support justice and security institutions to increase females' enrollment in decision making positions and front- line services within the justice and security institutions;</li> <li>- Strengthen the capacities of Gender Units at justice and security institutions to enable them to mainstream gender and women's human rights in their respective institutions;</li> <li>- Support cross-sector gender taskforce of (senior) judiciary, prosecution and police men and women to steer gender mainstreaming during implementation of justice sector strategy</li> <li>- Support career days/awareness raising activities at law faculties to address gender bias and promote female participation in the legal profession</li> </ul>	<p>454,072</p>	<p>261,972</p>	<p>240,972</p>	<p>250,972</p>	<p>260,972</p>	<p>1,228,850</p>
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			<p>Improve the perception and attitudes and reduce bias behaviors of service providers towards GBV survivors</p> <ul style="list-style-type: none"> <li>- Appoint gender champions within institutions and support exchange of views among them and with their peers</li> <li>- Promote change within justice and security institutions by publicizing role models and benefits of new approaches/behaviors and address root causes of VAW and GBV</li> <li>- Conduct advocacy and awareness campaigns to alter discriminatory perceptions and sensitize attitudes of the wider public towards VAW and women's human rights;</li> <li>- Challenge stereotypes and gender/ social norms that reinforce discrimination against women through different tools, including gender awareness and sensitization workshops</li> <li>- Support CSO partners to develop and conduct evidence based advocacy campaigns for quality services and promoting favorable social norms for greater gender equality</li> <li>- Conduct advocacy and awareness campaigns to alter discriminatory perceptions and sensitize attitudes of the wider public towards VAW and women's human rights;</li> <li>- Design and co- create targeted interventions that increase service providers' empathy towards women's rights and cases of women survivors of violence</li> </ul>							
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			<p>Engage rights holders in improving the response of service providers</p> <ul style="list-style-type: none"> <li>- Provide training to the OSC/FPJU to assess service (with specific attention to women) on users' satisfaction of the available services</li> <li>- Conduct an assessment with the OSC service users (focus on GBV survivors) on their satisfaction with the services provided by the PCP, the PPO and the HJC</li> <li>- Support the establishment of responsive forums with the support of CSOs to engage survivors/ beneficiaries of services and service providers in a constructive and responsive dialogue on experiences, needs and priorities of survivors.</li> <li>- Provide a report with recommendations on how to improve services provided by the RoL institutions</li> </ul>							
<b>Output 4.3</b> Women and children have access to justice, security and protection	UNDP, UN Women, UNICEF	CP, HPJC, AGO, PCP, PJI, SJD, MoJ, PBA, CSO	Support PBA and/or CSO in providing legal representation services for women in conformity with the NLAS		505,397	462,104	472,104	447,104	382,104	2,268,813
			Support Sharia Courts Lawyers in Gaza (including trainee lawyers) on human rights standards of litigation, with specific focus on women's rights and children's rights.							
			Support PG and CSOs efforts to address the legal needs of Palestinian women in area unserved by the PG							
			Support legal awareness on women's right throughout Palestine							
<b>Technical support for the implementation of outcome IV</b>	UNDP, UN Women, UNICEF				269,751	269,751	269,751	269,751	269,751	1,348,756
<b>SUBTOTAL OUTCOME IV</b>					1,972,808	1,846,485	1,921,734	1,958,484	1,812,434	9,271,835

**Management, monitoring and evaluation and project visibility**

JP Outputs	UN org.	Imp. Partner	Indicative activities	Link with NP	Resource allocation and indicative time frame					
					Y1	Y2	Y3	Y4	Y5	Total
	UNDP, UN Women, UNICEF		Joint program - Program Manager - Administrative assistant - Driver - Monitoring and evaluation		1,768,554	1,768,554	1,768,554	1,768,554	1,768,554	8,842,770
			UNDP component - Chief Technical specialist - Finance associate - Programme assistant (WB and Gaza) - Driver (Gaza) - Rent - Offices expenses							
			UNWOMEN component - Programme Specialist (P4) - Admin Associate SB3/4 - Programme Associate SB3/4 - Driver SB2/3 - WB - Rent - Office expenses							
			UNICEF component - Chief Child Protection (50%) - Child Protection Specialist (50% starting year 3) - Operational support - Rent - Office expenses							



### Total Joint Programme disaggregated resources (USD)

UN implementing agency	Cost type	Resource allocation and indicative time frame						
		Y1	Y2	Y3	Total Y1-3	Y4	Y5	Total Y4-5
UNDP	Programme cost	6,400,000	6,400,000	6,400,000	19,200,000	6,400,000	6,400,000	12,800,000
UN Women	Programme cost	2,000,000	2,000,000	2,000,000	6,000,000	2,000,000	2,000,000	4,000,000
UNICEF	Programme cost	1,600,000	1,600,000	1,600,000	4,800,000	1,600,000	1,600,000	3,200,000
<b>TOTALS</b>	<b>Programme cost</b>	9,253,262	9,253,262	9,253,262	<b>27,759,784</b>	9,253,262	9,253,262	18,506,523
	<b>Indirect support cost (7%)</b>	647,728	647,728	647,728	<b>1,943,185</b>	647,728	647,728	1,295,457
	<b>MPTF administrative cost (1%)</b>	99,010	99,010	99,010	<b>297,031</b>	99,010	99,010	198,020
<b>OVERALL TOTAL</b>		10,000,000	10,000,000	10,000,000	<b>30,000,000</b>	10,000,000	10,000,000	<b>20,000,000</b>

## 5. Governance, management and coordination arrangements

Building on lessons learned as well as standard global best practices for joint programming, *Sawasya II* integrates a number of mechanisms to ensure effective governance, programme management and coordination, both internally and externally vis-à-vis national stakeholders, donors/development partners and other implementers. The structures set out in this joint programme document do not substitute for organisation-specific arrangements required by respective internal policies of the participating UN entities. Fund management arrangements are detailed separately under section 7 of this programme document.

### Programme governance

A Joint Programme Steering Committee will be established in accordance with the terms of reference attached to this programme document as Annex II. The Steering Committee, which will be chaired by the UN Resident Coordinator, represents the main governance entity of the joint programme, responsible for guiding the overall strategic direction of the programme and reviewing implementation progress and results. The Steering Committee will be convened annually, and will include the programme's main national stakeholders, the participating UN entities, and key donors/development partners. The programme governance structure is illustrated in the diagram below.

### Programme management

Under the supervision of the three UN implementing entities of the Joint Programme, the Joint Programme Manager will be tasked with overall management of *Sawasya II*, ensuring that the Joint Programme produces the expected results set out in the programme document and subsequent annual work plans. In addition, s/he will be responsible for issuing (joint) narrative and financial reports to account for resources allocated and results achieved. The Joint Programme Manager will be supported by the 'Joint Programme Management Team' comprised of 'second tier' programme management from the three UN implementing entities, who will provide day-to-day management of the agency-specific teams and components. Second tier managers will report firstly to the Joint Programme Manager, with secondary reporting lines to their respective UN organisations. The joint programme as a whole will be supported by a 'Joint Secretariat', which will provide common support functions for the programme.

### Internal management and coordination

At the level of agency coordination and oversight, the Heads of Programme of the participating UN entities shall meet quarterly with the Joint Programme Manager as an **agency coordination committee**, designed to strengthen effective interagency cooperation and programme implementation.

In addition to physical colocation of programme capacities, to the extent possible, the management arrangements take into account the geographical 'split' between the West Bank, including East Jerusalem, and the Gaza Strip. Aimed at fostering programmatic coherence, as well as promoting teamwork, *Sawasya II* will make all efforts to overcome the challenges presented by this operational division, including by organising regular team meetings and exchanges between the West Bank and Gaza.

### External coordination

*Sawasya II* will ensure close coordination and cooperation with the various international assistance providers (bilateral and multilateral) working in the areas of rule of law, integrity, gender justice and human rights. Annual work plans will be extensively consulted with all relevant actors, and Memorandums of Understanding will be established to support coordination and collaboration (e.g.

with EUPOL COPPS, Human Rights/IHL Secretariat). The programme will remain actively engaged in the Justice Sector Working Group and the Security Sector Working Group, as well as with the Protection Cluster, the Legal Task Force, the Gender Task Force, the UNDAF's Governance Thematic Group, and the broader UNCT.

## **Donor coordination**

The formal legal relationship between bilateral donors and the participating UN entities of the joint programme is regulated by the 'Standard Administrative Arrangement' between the donor and UN agency/agencies administering the contribution. Without prejudice to the provisions stipulated in the respective Standard Administrative Arrangements, a 'Donor Consortium' will be established to facilitate collective engagement between the joint programme and its donors/development partners. *Sawasya II*, via the Joint Programme Manager, will convene quarterly formal meetings of the Donor Consortium to ensure maximal engagement.

## **6. Fund management arrangements**

The joint programme will use a pass-through fund management modality where UNDP Multi-Partner Trust Fund Office (MPTF) will act as the Administrative Agent (AA) under which the funds will be channelled for the programme through the AA.<sup>17</sup> Each participating UN organisation receiving funds through the pass-through will sign a standardised Memorandum of Understanding with the AA.

The Administrative Agent will:

- Establish a separate ledger account under its financial regulations and rules for the receipt and administration of the funds received from the donor(s) pursuant the Administrative Arrangement(s). This Joint Programme Account will be administered by the Administrative Agent in accordance with the regulations, rules, directives and procedures applicable to it, including those relating to interest.
- Make disbursements to participating UN organisations from the Joint Programme Account based on instructions from the Steering Committee, in line with the budget set forth in the Joint Programme Document.

The participating UN organisations will:

- Assume full programmatic and financial responsibility and accountability for the funds disbursed by the AA.
- Establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent.
- Each UN organisation is entitled to deduct their indirect costs on contributions received according to their own regulation and rules, taking into account the size and complexity of the programme. Each UN organisation will deduct 7% as overhead costs of the total allocation received for the agency.

The MPTF Office will charge administrative agent fee of one per cent (1%) of the total contributions made to the Joint Programme.

UNDP/PAPP, as 'lead agency' will consolidate narrative reports provided by the participating United Nations organisations. As per the MoU:

- Annual narrative progress report and the final narrative report, to be provided no later than three months (31 March) after the end of the calendar year.

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<sup>17</sup> Where donors to the programme are encumbered with requirements to earmark their funding contributions, alternative arrangements may be provided for at the country level, pending the agreement of the 'Donor Consortium'.

The MPTF Office will:

- Prepare consolidated narrative and financial progress reports, based on the narrative consolidated report prepared by the lead agency and the financial statements/reports submitted by each of the participating UN organisations in accordance with the timetable established in the MoU.
- Provide those consolidated reports to each donor that has contributed to the Joint Programme Account, as well as the Steering Committee, in accordance with the timetable established in the Administrative Arrangement.
- Provide the donors, Steering Committee and participating organisations with:
- Certified annual financial statement ("Source and Use of Funds" as defined by UNDG guidelines) to be provided no later than five months (31 May) after the end of the calendar year.
- Certified final financial statement ("Source and Use of Funds") to be provided no later than seven months (31 July) of the year following the financial closing of the Joint Programme.

**Budget preparation:** The Joint Programme Manager will prepare an aggregated/consolidated budget, showing the budget components of each participating UN organisation.

**Accounting:** Each UN organisation will account for the income received to fund its programme components in accordance with its financial regulations and rules.

**Administrative fees and indirect costs:**

- Administrative agent: The AA (UNDP) shall be entitled to allocate one percent (1%) of the amount contributed by the donor, for its costs of performing the AA's functions.
- Participating UN organisations: Each UN organisation participating in the joint programme will recover indirect costs in accordance with its financial regulations and rules and as documented in the Memorandum of Understanding signed with the AA.

**Interest on funds:** Interest will be administered in accordance with the financial regulations and rules of each UN organisation and as documented in the Standard Administrative Arrangement signed with the donor.

**Balance of funds:** The disposition of any balance of funds remaining at the end of programme implementation will be in accordance with the agreements between the participating UN organisations and the implementing partners as well as donors where applicable.

**Audit:** The Administrative Agent and participating UN organisations will be audited in accordance with their own Financial Regulations and Rules and, in case of MDTFs, in accordance with the Framework for Joint Internal Audits of United Nations which has been agreed to by the Internal Audit Services of the participating UN organisations and endorsed by the UNDG in September 2014.

**Transfer of cash to national implementing partners**

Cash transfer modalities, the size and frequency of disbursements, and the scope and frequency of monitoring, reporting, assurance and audit will be agreed prior to programme implementation, taking into consideration the capacity of implementing partners, and can be adjusted in its course in accordance with applicable policies, processes and procedures of the participating UN organisations. For the ExCom agencies, the provisions required under the [Harmonised Approach to Cash Transfers](#) (HACT) as detailed in their CPAPs or in other agreements covering cash transfers will apply.

In accordance with the United Nation's requirement, programmatic and financial monitoring in connection with the HACT will be incorporated into all partner Agreements.<sup>18</sup> The frequency of monitoring visits and financial spot checks will be based on micro assessment of each partner. Financial spot checks will also be conducted in line with HACT and FACE requirements.<sup>19</sup> The findings of the monitoring visits determine the level of technical / administrative engagement from UNICEF to ensure optimal achievement of the project. UNICEF will have regular meetings with the main stakeholders and implementing partners to discuss the findings of field monitoring and adopt solutions in case of constraints. The main implementers will participate in formal bi-annual reviews. The implementing partners will establish and maintain a system for monitoring progress of the implementation of their specific Project Document using the defined results, including outcomes, outputs, indicators and targets set out in the logical framework. Updates on indicators will be submitted through quarterly reports to the implementing agency (UNICEF, UNDP or UNWOMEN), and once in place, through the online reporting system. The Implementing Partners will accommodate monitoring visits of UN agencies and donors, as necessary for programme Monitoring.

## **7. Monitoring, evaluation and reporting**

A joint M&E framework has been developed and will guide the monitoring and evaluation work of the *Sawasya II* programme.

Drawing on best practices and lessons learnt from *Sawasya I* and other key UN rule of law programme experience, these indicators have been carefully selected for their ability to track key strategic changes envisaged by the programme. A combination of qualitative and quantitative indicators, they provide evidence against the theory of change that underscores the programme, as described in Section 3 of this programme document. At the outcome and impact level, indicators have been fully aligned with UNDAF, NPA and SDG frameworks. In addition to this 'core set' of joint programme indicators, implementing Agencies will develop activity or project level performance indicators as part of more regular monitoring against the annual work plan throughout the year.

### **Annual/regular reviews**

*Sawasya II* will implement a system of ongoing review of progress, at two distinct but inter-related levels:

- Ongoing monitoring against the theory of change and the results framework indicators. This will be done at an annual basis, and will form the basis for reporting to donors and other stakeholders. This review process will include review of the risks and assumptions that underscore the programme's theory of change, and will be revised as appropriate. The joint secretariat M&E team will be responsible for this process, including coordinating data collection and tracking of progress against these targets, with support from the joint programme staff of the participating UN entities.
- Monitoring of progress on implementing the annual work plan. This is a more detailed tracking of progress at the activity level, and responsibility rests with the individual agency who will draw on their corporate M&E systems as they deem relevant. However, the Joint Secretariat M&E team will set up mid-year and annual reviews, to ensure continued cross-agency coordination and coherence between the different inter-related implementation frameworks.

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<sup>18</sup> UNDP, UNICEF and UN Women will be responsible for submitting the progress reports (narrative and financial) as well as the final report at the end of the project period.

<sup>19</sup> The result structure for this programme is reflected in the attached logical framework. This includes the main indicators used to measure progress against the three planned outcomes. The means of verification will inform the monitoring and reporting for this programme.

*Sawasya II* will align its annual reviews with the reviews scheduled under the UNDAF implementation mechanism, given the fact that it has aligned – to the degree possible – its results framework indicators with those of the UNDAF framework.

## Evaluation

- Two and a half years into programme implementation a robust, independent mid-term independent evaluation will be conducted of *Sawasya II* that will take stock of progress against planned results and provide recommendations for implementation and any necessary readjustment of strategic direction for the final two years of the programme’s implementation. Recommendations of this evaluation will inform planning for the second phase of the programme (years four and five), and progress on implementation of its recommendation will be reported back to all stakeholders, including donors/development partners.
- A final impact evaluation will be conducted no later than 3 months before completion of the programme.

## Reporting

Reporting on programme implementation will follow the guidelines as set forth by the UNDP Multi-Partner Trust Fund Office, and as stipulated in the Standard Administrative Arrangements (SAA) signed between programme donors and the MPTF Office.

A joint programme annual report will be prepared that will present analysis of progress against results and indicator targets, and analysis of lessons learned, challenges and risks. Prepared by the joint programme secretariat with inputs from the joint programme staff of the participating UN entities, it will reflect progress and achievements of the three implementing agencies in an integrated manner. In addition, the programme will produce regular updates on progress for dissemination to stakeholders, and/or as required by donors.

## 8. Legal context

**Table 3: Basis of relationship**

Participating UN organisation	Agreement
UNDP	This programme document shall be the instrument referred to as the ‘project’ in United Nations General Assembly Resolution 33/147 of 20 December 1978, mandating UNDP’s Programme of Assistance to the Palestinian People (PAPP)
UNICEF	
UN Women	

*The Implementing Partners/Executing Agencies<sup>20</sup> agree to undertake all reasonable efforts to ensure that none of the funds received pursuant to this Joint Programme are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by Participating UN organisations do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this programme document.*

<sup>20</sup> Executing Agency in case of UNDP in countries with no signed Country Programme Action Plans.

## **9. Annual work plans and budgets**

Detailed, budgeted annual work plans (AWPs) will be developed by the joint programme on an annual basis. Annual work plans will detail the activities to be carried out within the joint programme and by the responsible implementing partners, timeframes and planned inputs from the participating UN organisations. Work plans will be presented annually at the meeting of the Joint Programme Steering Committee and approved by signature of the co-chairs of the Steering Committee. Donors/development partners shall be consulted on and approve the AWP separately in a meeting proceeding the meeting of the Steering Committee.

## Annex I: Joint programme monitoring framework

Expected results (outcomes & outputs)	Indicators (with baselines & indicative timeframe)	Means of verification	Collection methods (with indicative time frame & frequency)	Responsibilities	Risks & assumptions	Linkage with National/International policies
<p><b>SAWASYA II OVERALL GOAL:</b></p> <p>A functioning and inclusive Rule of Law system that respects, protects and fulfils human rights and gender equality, and promotes peace and security</p>	<p><b>Percentage of public who have trust in the Palestinian Civil Police</b> (disaggregated by sex and age)</p> <p>Baseline (2018): 54.8% (Men=55.9%, women=53.6%)</p> <p>Target (2020): Increase of 1%</p> <p>Target (2022): Increase of 1%</p>	PCBS Public perceptions survey	Biennial PCBS survey	Sawasya JPM	NA	UNDAF 2.2
	<p><b>Percentage of public who have trust in the judiciary</b> (disaggregated by sex and age)</p> <p>Baseline (2018): 47.7% (Male= 49.6%, Female= 45.7%)</p> <p>Target (2020): Increase of 1%</p> <p>Target (2022): Increase of 1%</p>	PCBS Public perceptions survey	Biennial PCBS survey	Sawasya JPM	NA	UNDAF 2.2



	<p><b>% of Palestinian public who are satisfied with the performance of the police</b> (disaggregated by sex and age)</p> <p>Baseline (2018): 53.7% (Men=54.9, Women=52.5%)</p> <p>Target (2020): Increase of 2% Target (2022): Increase of 2%</p>	PCBS Public perceptions survey	Biennial PCBS survey	Sawasya JPM	NA	SDGI 16 6.2 UNDAF 2.3
	<p><b>% of Palestinian public who are satisfied with the performance of judges.</b> (disaggregated by sex and age)</p> <p>Baseline (2018): 40.7% (Men= 41.9%, Women= 39.5%)</p> <p>Target (2020): Increase of 2% Target (2022): Increase of 2%</p>	PCBS Public perceptions survey	Biennial PCBS survey	Sawasya JPM	NA	UNDAF 2.3.

<b>OUTCOME 1:</b>  <b>Rule of Law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards</b>	<b><i>Number of existing/new laws amended/adopted in line with international standards</i></b>  <i>Baseline: 1 (2017)</i>  Target (year 1): 2 Target (year 2): 2 Target (year 3): 2 Target (year 4): 2 Target (year 5): 2	Official gazette of the government of Palestine	Monthly publication	Sawasya JPM	NA	
	<b><i>Number of policies/regulatory framework/plans adopted in line with international standards</i></b>  <i>Baseline: 0 (2017)</i>  Target (year 1): 2 Target (year 2): 2 Target (year 3): 2 Target (year 4): 2 Target (year 5): 2	Official gazette of the government of Palestine	Monthly publication	Sawasya JPM	NA	
	<b><i>Number of policies/harmonized laws/plans linked to the Gaza/WB reunification process adopted.</i></b>  <i>Baseline: 0 (2017)</i>  Target (year 1): 2 Target (year 2): 2 Target (year 3): 2 Target (year 4): 2 Target (year 5): 2	Official gazette of the government of Palestine	Monthly publication	Sawasya JPM	The achievement of this indicator will depend on the effective progress of the reconciliation process	
<b>Output 1.1:</b>	<b><i>Number of laws</i></b>	LHC, GLC,	Annually	Sawasya JPM	NA	

<p><b>Key legislations are revised to strengthen the independence of Rule of Law institutions and ensure their consistency with international standards</b></p>	<p><b><i>reviewed/ revised to align with HR standards.</i></b></p> <p>Baseline: 2 (2017)</p> <p>Target (year 1): 2 Target (year 2): 2 Target (year 3): 2 Target (year 4): 2 Target (year 5): 2</p>	<p>SAWASYA reports</p>				
<p><b>Output 1.2: Evidence-based planning and policy development in the justice and security sector is strengthened through enhanced data collection, monitoring and evaluation (in alignment with SDG/HR indicators)</b></p>	<p><b><i>Number of annual integrated work plan adopted in the framework of the justice and security sector strategies</i></b></p> <p>Baseline: 0 (2017)</p> <p>Target (year 1): 1 Target (year 2): 1 Target (year 3): 1 Target (year 4): 1 Target (year 5): 1</p>	<p>JSRWP, Anti-corruption strategy WP</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>NA</p>	
<p><b>Output 1.3: West Bank and Gaza rule of law institutions are reunified</b></p>	<p><b><i>Number of policies/harmonized laws/plans linked to the Gaza/WB reunification process developed.</i></b></p> <p>Baseline: 0 (2017)</p> <p>Target (year 1): 2 Target (year 2): 2 Target (year 3): 2 Target (year 4): 2 Target (year 5): 2</p>	<p>HC report</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>NA</p>	
<p><b>Output 1.4 Advocacy on strengthening rule of law institutions and</b></p>	<p><b><i>Number of monitoring reports on the justice and security sectors published and supported by the project</i></b></p>	<p>CSO, Sawasya reports</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>NA</p>	

<p><b>promoting human rights is reinforced</b></p>	<p>Baseline: 0 (2017)</p> <p>Target (year 1): 2</p> <p>Target (year 2): 2</p> <p>Target (year 3): 2</p> <p>Target (year 4): 2</p> <p>Target (year 5): 2</p>					
<p><b>Outcome 2:</b></p> <p><b>Service provision by Rule of Law institutions is effective, accountable and inclusive</b></p>	<p><b><i>Unsentenced detainees as a proportion of overall prison population</i></b></p> <p><i>(disaggregated by sex and age)</i></p> <p><i>Baseline (2018) = 56.1%</i></p> <p>Target (year 1): decrease of 1%</p> <p>Target (year 2): decrease of 1%</p> <p>Target (year 3): decrease of 1%</p> <p>Target (year 4): decrease of 1%</p> <p>Target (year 5): decrease of 1%</p>	<p>PCP statistics</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>NA</p>	<p>UNDAF 2.2</p>
	<p><b><i>Number of children in conflict with the Palestinian law detained at the Family and Juvenile Protection units</i></b></p> <p><i>(disaggregated by sex and age)</i></p> <p><i>Baseline (2017) = 386 (385 male and 1 female)</i></p> <p>Target (year 1): decrease of 3%</p>	<p>PCP, MSD statistics</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>NA</p>	<p>UNDAF 2.2</p>

	<p>Target (year 2): decrease of 3%</p> <p>Target (year 3): decrease of 3%</p> <p>Target (year 4): decrease of 3%</p> <p>Target (year 5): decrease of 3%</p>					
	<p><b>Public perception of a free trial: "Level of confidence that you will receive a fair trial if you were charged of committing a criminal act/delinquency"</b></p> <p><i>(disaggregated by sex and age)</i></p> <p>Baseline (2018) 39.8% (Male= 41.2%, Female= 38.5%)</p> <p>Target (2020): Increase of 10%</p> <p>Target (2022): Increase of 10%</p>	PCBS Public perceptions survey	Biennial PCBS survey	Sawasya JPM	NA	UNDAF 2.2
<p><b>Output 2.1:</b></p> <p><b>Quality and efficiency of security and justice services provided to the Palestinians are improved.</b></p>	<p><b>Percentage of public aware of the PCP community policing strategy</b></p> <p>Baseline (2018): 10.9% (Men= 13.6%, Women=8.2%)</p> <p>Target (2020): Increase of 10% in the pilot areas</p> <p>Target (2022): Increase of 10 in the pilot areas</p>	Sawasya, CSO reports	Annually	Sawasya JPM	NA	

<p><b>% of judgements enforced (disaggregated by criminal and civil, including Sharia courts and pilot/non pilot areas)</b></p> <p><i>Baseline (2018):</i></p> <p>For Sharia Courts = N.A  For Reconciliation Courts = 53.0%  For First Instance Courts = 50.8%</p> <p>Target (year 1): increase of 1% in the pilot areas  Target (year 2): increase of 1% in the pilot areas  Target (year 3): increase of 1% in the pilot areas  Target (year 4): increase of 1% in the pilot areas  Target (year 5): increase of 1% in the pilot areas</p>	<p>HJC Mizan IT system, Sharia court Adala IT system</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>NA</p>	
<p><b>% of justice sector users who are satisfied with the performance of HJC Mizan IT system</b>  (disaggregated by sex and age)</p> <p>Baseline (2018): 88.9% (Practicing lawyers= 84.4%, Prosecutors= 91.6%, Regular Judges= 90.7%).</p> <p>Target (2020): Increase of 2%  Target (2022): Increase of 2%</p>	<p>PCBS direct users survey</p>	<p>Biennial PCBS survey</p>	<p>Sawasya JPM</p>	<p>NA</p>	

	<p><b>% of children sentenced receiving a custodial sentence</b></p> <p><i>Baseline (2017): 4.2% (0 female)</i></p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>	HJC Mizan IT system	Annually	Sawasya JPM	NA	
	<p><b>% of children who benefit from alternatives to detention</b></p> <p><i>Baseline(2017)= 58.1%</i></p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>	HJC Mizan IT system	Annually	Sawasya JPM	NA	
	<p><b>% of children who benefit from mediation in the investigation process as alternative to detention</b></p> <p><i>Baseline(2017)= 60.6% (602/993)</i></p>				NA	

	<p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>					
<p><b>Output 2.2:</b></p> <p><b>Quality and efficiency of security and justice services provided to areas unserved by the Palestinian government are improved</b></p>	<p><b><i>% of judgements enforced in area unserved by the PA (disaggregated by pilot/non pilot areas)</i></b></p> <p>Baseline (2018) = TBD</p> <p>Target (year 1): increase of 1% in the pilot areas</p> <p>Target (year 2): increase of 1% in the pilot areas</p> <p>Target (year 3): increase of 1% in the pilot areas</p> <p>Target (year 4): increase of 1% in the pilot areas</p> <p>Target (year 5): increase of 1% in the pilot areas</p>	HJC Mizan IT system	Annually	Sawasya JPM	During year 1, the program, together with the quartet, will support the HJC in developing the Mizan IT system in order to obtain these data	
	<p><b><i>N. of security and justice related community services provided with the support of the project in the pilot areas</i></b></p> <p>Baseline (2018) = TBD</p> <p>Target (year 1): 5</p> <p>Target (year 2): 5</p> <p>Target (year 3): 5</p> <p>Target (year 4): 5</p> <p>Target (year 5): 5</p>	Sawasya, CSO reports	Annually	Sawasya JPM	NA	



<p><b>Outcome 3:</b></p> <p><b>All Palestinians, especially children and vulnerable groups, have access to justice, security and protection without discrimination</b></p>	<p><b>Percentage of public aware of the existences of legal aid services supported by the PG</b></p> <p><i>(disaggregated by sex, age and Palestinian/Israeli jurisdictions)</i></p> <p><b>Baseline (2018):</b></p> <p><i>The Prisoners Affairs Committee= 39.8%</i></p> <p><i>Colonization and Wall Resistance Committee= 21.5%</i></p> <p><i>The Ministry of Jerusalem Affairs subsequent courts and judicial bodies= 17.9%</i></p> <p><i>Prisoner Club= 39.4%</i></p> <p>Target (2020): Increase of 2%</p> <p>Target (2022): Increase of 2%</p>	<p><b>Public perceptions survey</b></p>	<p>Biennial PCBS survey</p>	<p>Sawasya JPM</p>	<p>NA</p>	
	<p><b>Percentage of public satisfied of the legal aid services provided by the PG</b></p> <p><i>(disaggregated by sex, age and Palestinian/Israeli jurisdictions)</i></p> <p>Baseline (2018): 41.3%</p>	<p><b>Public perceptions survey</b></p>	<p>Biennial PCBS survey</p>	<p>Sawasya JPM</p>	<p>NA</p>	

	Target (2020): Increase of 2% Target (2022): Increase of 2%					
<b>Output 3.1:</b>  <b>Vulnerable populations have access to justice, security and protection</b>	<b><i>N. of individuals living in area served by the PG who benefited from legal aid services supported by the project</i></b>  <i>(disaggregated by age, gender, geographical area, type of jurisdiction (Palestinian/Israeli) and type of legal aid providers (CSO or PG))</i>  Baseline (2018): TBD  Target (year 1): increase of 1% Target (year 2): increase of 1% Target (year 3): increase of 1% Target (year 4): increase of 1% Target (year 5): increase of 1%	Sawasya, PG and CSO reports	Annually	Sawasya JPM	During year 1, the program will establish a monitoring system able to provide disaggregated data by type of jurisdictions	
	<b><i>N. of individuals living in area served by the PG who benefited from legal awareness services supported by the project</i></b>  <i>(disaggregated by gender, geographical area)</i>  Baseline (2018) = TBD  Target (year 1): increase of	SAWASYA, CSO reports			During year 1, the program will establish a monitoring system able to provide disaggregated data by geographical area	

	<p>1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>					
<p><b>Output 3.2:</b></p> <p><b>Vulnerable populations in areas unserved by the Palestinian government have access to justice, security and protection</b></p>	<p><b><i>N. of individuals living in areas unserved by the PG who benefited from legal aid services supported by the project</i></b></p> <p><i>(disaggregated by age, gender, geographical area (area C, H2, EJ, Gaza), type of jurisdiction (Palestinian/Israeli/Gaza de facto) and type legal aid providers (CSO or PG))</i></p> <p>Baseline (2018): 1321 Representations= 263 Consultations= 1035 Mediation= 23</p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>	SAWASYA, CSO reports	Annually	Sawasya JPM	During year 1, the program will establish a monitoring system able to provide disaggregated data by type of jurisdictions and geographical area)	
	<p><b><i>N. of individuals living in area unserved by the PG who benefited from legal</i></b></p>	SAWASYA, CSO reports			During year 1, the program	

	<p><b>awareness services supported by the project</b></p> <p><i>(disaggregated by gender, geographical area (area C, H2, EJ, Gaza)</i></p> <p>Baseline (2018) = 2655 (2190 women and 465 men)</p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>				<p>will establish a monitoring system able to provide disaggregated data by geographical area</p>	
	<p><b>N. of children living in areas unserved by the PG who benefited from legal aid services supported by the project</b></p> <p><i>(disaggregated by age, gender, geographical area and Palestinian/Israeli/Gaza de facto jurisdictions)</i></p> <p>Baseline (2018) = 72 Representations= 12 Consultations= 56 Mediations= 4</p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of</p>	<p>SAWASYA, CSO reports</p>	<p>Annually</p>	<p>Sawasya JPM</p>	<p>During year 1, the program will establish a monitoring system able to provide disaggregated data by geographical area</p>	

	1% Target (year 4): increase of 1% Target (year 5): increase of 1%					
<b>Outcome 4:</b>  <b>Women's access to justice and security improved through gender-responsive service delivery and empowerment of women</b>	<b><i>Number of cases on violence against women filed with FJPU annually</i></b>  Baseline (2017) = 3346  Target (year 1): increase of 1% Target (year 2): increase of 1% Target (year 3): increase of 1% Target (year 4): increase of 1% Target (year 5): increase of 1%	<b>PCP</b>	Annually	Sawasya JPM	NA	
	<b><i>Number of cases on VAW that were transferred by public prosecution to courts (disaggregated by type of case and age)</i></b>  <b><i>Baseline (2017)=2263</i></b>  Target (year 1): increase of 1% Target (year 2): increase of 1% Target (year 3): increase of 1% Target (year 4): increase of 1% Target (year 5): increase of 1%	<b>AGO/PP</b>	Annually	SAWASYA JPM	NA	

	<p><b>Number of VAW cases that are convicted (including types of cases, types of sentences)</b></p> <p><b>Baseline (2017)= 638</b></p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>	HJC/Mizan system	Annually	SAWASYA JPM	NA	
<p><b>Output 4.1:</b></p> <p><b>Capacity of rule of law institutions to respond to needs of women are improved</b></p>	<p><b>N. of tools (policies, strategies, SOPS, etc.) developed to deal with VAW cases in line with international standards</b></p> <p>Baseline (2017) = 0</p> <p>Target (year 1): 2</p> <p>Target (year 2): 2</p> <p>Target (year 3): 2</p> <p>Target (year 4): 2</p> <p>Target (year 5): 2</p>	Sawasya reports	Annually	Sawasya JPM	NA	
<p><b>Output 4.2:</b></p> <p><b>New practices of justice and security service providers are supported to transform their attitudes and behaviours towards women and girls</b></p>	<p><b>Number of gender champions (e.g. focal points, agents of change, leaders, etc.) and role models identified and promoted within justice and security institutions</b></p> <p>Baseline: TBD</p>	Programme's reports	Annually	Sawasya JPM	NA	

	<p>Target (year 1) increase of 5%;</p> <p>Target (year 2) increase of 5%);</p> <p>Target (year 3) increase of 7%;</p> <p>Target (year 4) increase of 7%</p> <p>Target (year 5) increase of 10%</p>					
<p><b>Output 4.3:</b></p> <p><b>Women have access to justice, security and protection</b></p>	<p><b><i>N. of women who benefited from legal aid services supported by the project.</i></b></p> <p><b><i>(disaggregated by age, geographical area and Palestinian/Israeli/Gaza de facto jurisdictions)</i></b></p> <p>Baseline (2017) = 5401  Representations= 2204  Consultations= 2612  Mediations= 585</p> <p>Total= 5938 (Adult= 5401, Juvenile=537)</p> <p>Consultations = 3408 (Adult= 3197, J=211)</p> <p>Representations= 2530 (Adult= 2204, J=326)</p> <p>Target (year 1): increase of 1%</p>	SAWASYA's reports.	Annually	Sawasya JPM	During year 1, the program will support the CSOs in establishing a monitoring system able to provide this data	

	<p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>					
	<p><b><i>N. of women who benefited from legal aid services supported by the PG (disaggregated by age geographical area and Palestinian/Israeli jurisdictions)</i></b></p> <p>Baseline (2017) = NA</p> <p>Target (year 1): increase of 1%</p> <p>Target (year 2): increase of 1%</p> <p>Target (year 3): increase of 1%</p> <p>Target (year 4): increase of 1%</p> <p>Target (year 5): increase of 1%</p>	SAWASYA's reports.	Annually	Sawasya JPM	During year 1, the program will support the NLAC in establishing a monitoring system able to provide this data	
	<p><b>Number of people (disaggregated by sex) targeted with awareness and sensitization interventions on women's right</b></p> <p>Baseline (2017) =</p> <p>Total= 35334 (Men=5432, women = 9574, children= 20484).</p>	Reports of activities	Annually	Sawasya JPM		



	<ul style="list-style-type: none"><li>- Target (year 1): increase of 1%</li><li>- Target (year 2): increase of 1%</li><li>- Target (year 3): increase of 1%</li><li>- Target (year 4): increase of 1%</li><li>- Target (year 5): increase of 1%</li></ul>					
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## Annex II: Risk log

Description	Programme Activities Affected	Risk Impact & Probability			Mitigation Measures
		Likelihood	Impact	Level	
<b>EXTERNAL RISKS</b>					
Regional geopolitical dynamics impact donor priorities/international attention for development assistance to Palestine	The impact of ongoing conflicts in Syria and Yemen, and tensions between major regional power holders in the region may influence level of attention and priority assigned within foreign policy and development assistance decisions vis-à-vis Palestine. Reductions in development funding to Palestine generally would have a knock-on effect on the ability of the programme to implement rule of law interventions, and have significant impact on the PA's overall ability to function given its heavy reliance on international assistance.	Medium	High	Medium	Many of the factors influencing this risk are beyond the control of the programme. However, the programme will put measures in place that will enable it to adapt its programme to changing funding availability and reduced operational capacities within the Palestinian institutions.
Israeli occupation, military actions and incursions	<p>Many programme activities might be affected due to increased access and movement restrictions, especially in relation to 'Area C' and East Jerusalem. Tightening of permit restrictions for entry into Gaza would furthermore limit the ability of the programme to convene nationally representative forums and support dialogue and discussion on a broader, Palestinian perspective.</p> <p>In Gaza, another military conflict and a further deterioration of the humanitarian situation would result in delays or suspension of some or all programme activities.</p>	Medium	High	Medium	<p>As a member of the UN System, the programme will rely on UNDSS coordination and support and will closely follow UNCT/RC directions for operating within this particular context.</p> <p>All three agencies support staff permit applications with reasonable success, as well as communications with COGAT. The programme will put contingency in place in the event of movement restrictions to maintain connectivity (parallel workshops, ICT facilities etc.). Gaza senior team in place to support necessity of decentralisation of project management. Partner resilience, experience and effective coordination will furthermore ensure best possible coverage and beneficiary needs in circumstance of duress.</p>
Reaction of States to perceived or actual programme engagements	Defamation or misinformation may trigger additional risk-management measures by donor governments vis-à-vis the programme, increase scrutiny over activities/partners, and in certain cases slow down delivery.	High	High	High	<p>Robust monitoring and risk management measures (such as HACT) have been put in place to ensure effective and immediate oversight of institutional and civil society partner engagement.</p> <p>The Sawasya Programme SM, including through its close coordination with UNSCO, will optimize UN system strategies to mitigate potential reputational risks. The programme's communication/media strategy will ensure consistent messaging and communication that pro-actively guards programme components.</p>
Deterioration in ongoing coordination and cooperation with the government of Israel	This risk potentially affects all activities and interventions of the Programme, as access to the West Bank and Gaza depends on coordination with - and authorisation by - the government of Israel. In addition to impacting programme implementation directly, deterioration in the ongoing coordination and cooperation with the government of Israel might affect the functioning of the PG more broadly, jeopardising the long-term sustainability of the programme.	Medium	High	Medium	The programme has no direct influence on the coordination and cooperation with the government of Israel, although mitigating measures will be taken to circumvent access and movement restrictions (e.g. by using Skype or videoconference facilities). A flexible approach to programming will ensure that funding can be re-directed to civil society if the need arises.
Deterioration of prospects for peace talks	A further narrowing of prospects for peace talks between Palestine and Israel may further undermine the credibility of the PG, deepen internal divisions between Gaza and the West Bank. At the same time,	Medium	Medium	Medium	Sawasya II might have to take measures to mitigate the impact on implementation of the programme by focusing on national implementation mechanisms and/or shifting focus

	there is the risk of further disengagement by the international community with the overall peace process.				away from the PG to support civil society partners to help fill gaps in service provision where possible. At the same time, settlement expansion and demolitions may require a greater investment in the provision of legal aid services to allow Palestinians to realize their right to an effective remedy.
Collapse of Hamas - Fatah reconciliation/reunification process	<p>In addition to increased political unrest and, possibly, a further deterioration of the security situation, breakdown of the reconciliation process between Fatah and Hamas may result in slow decline of international support, and restrictions on engagement (low contact policy) with de-facto authorities.</p> <p>A further increase in internal political division would furthermore undermine the credibility and legitimacy of the PG, and deepen the geographical 'split' between the West Bank and Gaza. Violations against perceived political opponents may increase and place additional politically sensitive demands upon the programme, while programme partners may face additional pressures from the <i>de facto</i> authorities in Gaza and possibly the PA.</p>	Medium	Medium	Medium	The programme has built provisions within its programme planning that enable it to respond to different political scenarios vis-à-vis the reconciliation process. These are outlined in more detail in ANNEX V (Gaza Strategy). Overall, a harmonised approach to rule of law development across the oPt will be the underpinning principle of Sawasya II, including supporting civil society to influence political dialogues and pressure for improvements with regards to the political divide. The CSO Strategy (ANNEX VIII) further explains how the programme has built in a modality for flexible funding of innovative or timely projects to seize (political) windows of opportunities.
Continuous non-functioning of the Palestinian Legislative Council	Should the reconciliation process not come to fruition and the PLC continue to be inactive, the absence of a legislature evidently will pose restrictions on the programme's efforts to advance legal reform, and democratic law-making.	High	High	High	Sawasya will invest in empowering civil society actors to contribute – in a constructive manner and informed by data analysis - to legal reform processes, play a watchdog role and influence policy-making. Simultaneously, and in joint partnership with other international actors (such as EUROL COPPS) it will invest significant efforts in – to the greatest extent possible - supporting inclusive and participatory law and policy making processes.
Continued lack of progress on key justice sector reform issues	The fact that clarification of functional mandates of the main justice institutions remain unresolved continues to weaken justice service delivery. Additionally, recent actions by the executive has put under pressure the independence of the judiciary. This has created frustration amongst international donors over lack of progress on key reform issues, and impacts the programme's ability to have a sustainable impact in terms of rule of law progress.	High	High	Medium	The programme has ensured that its interventions are in full alignment with the justice sector reform priorities advanced by the international community through the LACS Informal Donor Group and other fora. The programme will continue to actively support these coordination bodies, and serve as a mechanism to align support towards jointly identified benchmarks for change. It will put in place measures to ensure mutual accountability over progress against those benchmarks with institutional counterparts, and will continue to support the ability of the PG in monitoring progress against the NPA and Justice Sector Strategies. Operational measures will be put in place within the programme to operate in a 'politically smart' manner and to respond to changing political dynamics and opportunities, as outlined further in ANNEX IV (Sawasya II Political Strategy).
Resistance to change	Part of the Programme's interventions focus on reforming existing work processes, as well as challenging entrenched notions related to gender stereotypes and power structures. Achieving this change is a difficult and slow process, as there are often vested interests and entrenched differences of opinion.	Medium	High	Medium	Changing existing work processes requires careful planning and full counterpart buy-in to ensure that the introduction of new ways of working are not being resisted and undermined. Extensive consultation and discussion has preceded the design of the interventions, to ensure buy in from the onset. Furthermore, the three agencies have over the years developed strong relationships within the sector to allow for identification of 'champions of change' and analysis of interests and motivations of key decision

					<p>makers.</p> <p>The programme will apply a 'gender transformational approach' that focuses on, i.a., changing attitudes and behaviours of strategically placed individuals in institutions ('champions) and encouraging and creating opportunities for individuals to actively challenge gender norms. See for further detail ANNEX V (Gender Strategy).</p>
<p>Risk of overlap with other donor funded interventions in support of rule of law in Palestine</p>	<p>A multitude of internationally funded programmes and actors operate within the rule of law sector in Palestine. There is a real risk of overlap of interventions if not coordinated properly, which would negatively impact cost effectiveness and efficiency (VfM) of the programme's investment.</p>	Medium	High	Medium	<p>Given the longstanding experience of the programme in the sector, intensive coordination with other international programmes/organisations forms part and parcel of the programme and team's work on a daily basis. Sawasya II will mitigate the risk of overlap with other actors through its ongoing participation in the LACS coordination mechanisms, and has undertaken extensive consultations with stakeholder during the design of the current project document. A mapping of actors against activities is included in the Result Framework. At the technical level, regular coordination meetings are taking place between the team and colleagues from other organisations, to not only avoid overlap but importantly seek opportunities for joining forces, to maximise impact.</p>
<b>INTERNAL RISKS</b>					
<p>Joint programme modality</p>	<p>The joint programme modality used for the implementation of this programme could, besides many opportunities and synergies, pose certain risks related to issues such as reporting, cost-effectiveness or Value for Money as well as overall coherence in delivery and coordination.</p>	Low	Low	Low	<p>Building on lessons from its previous phase, the design of Sawasya II has been well planned and prepared in order to mitigate any risks to implementation. The roles and responsibilities, work planning and reporting/accountability arrangements are fully agreed upon and will be overseen by the senior management of each agency, so as to avoid any implementation risks and to maximise opportunities and synergies of the partnership. The three agencies have designed an organisational structure that allows for maximum pooling of resources and capacities, under the overall leadership of a senior level Joint Programme Manager. The project team composed of staff of the three agencies will be co-located in the same premises to ensure daily coordination</p>
<p>Cumbersome internal support processes</p>	<p>A risk to the programme could be that the internal support processes are not keeping up with the required pace of implementation. In particular, the efforts on the recruitment of human resources will be extensive and time-consuming.</p>	Medium	Medium	Medium	<p>This risk can be mitigated by proper planning, both internally and with the counterparts. Where feasible, activities across the different outcomes should be planned in such a manner that bottlenecks are avoided as much as possible. Identified well in advance, unavoidable coincidence of support requirements will be solved with appropriate measures, such as overtime, assignments and temporary recruitments. If necessary, the programme will appeal to its senior management to ensure that service units are responsive to the programme implementation needs.</p>
<p>Programme geographical division</p>	<p>There are potential risks associated with the fact that the Sawasya Programme implements their activities in different geographical locations. These risks include differences in development context, as well as access and movement issues and security.</p>	Medium	Medium	Medium	<p>The extensive consultation of the counterparts and beneficiaries, the different approaches to implementation and the previous experience of operating in Gaza, will all contribute to sufficient mitigation of the involved risks. Specific implementation strategies have been designed for</p>

					<b>East Jerusalem, Gaza and Area C. That said, the programme is committed to the 'one country-one people-one programme' approach and will proactively address the geographic division by ensuring that staff members are provided ample opportunity to confer and consult, including by organising regular team meetings and retreats as well as frequent exchange visits between the West Bank and Gaza.</b>
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## **Annex III: Steering Committee - terms of reference**

### **Composition:**

The Steering Committee (SC) is Chaired by the UN Resident Coordinator (RC). Members include the relevant UN agencies, government representatives and donors. Steering Committee composition will ensure the principles of national ownership, inclusiveness and balanced representation, as well as the need to have a manageable size for decision-making effectiveness.<sup>21</sup> The Administrative Agent will be an ex-officio member of the Steering Committee.

### **Key tasks and responsibilities:**

- Reviewing and approving its Terms of Reference and Rules of Procedures, and updating and/or modifying them, as necessary, in case of compelling requirements;
- Providing programmatic guidance, advice and oversight, and contributing to the strategic direction of the Programme;
- Ensuring the Programme adheres to development principles, including national ownership, empowerment, participation, and inclusion;
- Ensuring appropriate consultative processes take place with key stakeholders at the country level so as to avoid duplication or overlap between the Programme and the interventions of others;
- Reviewing the Annual programmatic and financial reports and other relevant documentation pertaining to the Programme;
- Providing recommendations to ensure that the agreed targets and benchmarks are produced satisfactorily and adjustments are made as necessary;
- Reviewing Annual Work Plans (AWPs) and approving major deviations from the Programme Document, if and when required;
- Providing guidance and agreeing on possible management actions to address specific risks;
- Supporting arbitration of any conflicts within the Programme or negotiating a solution to any problems between the Programme and external bodies including through assisting the Joint Programme Manager in managing the interface with key stakeholders, if and when required;
- Providing quality control and inputs for commissioned programme evaluations and ensure that these are used for performance improvement, accountability and learning;
- Upon completion of the Programme, reviewing the final report and lessons learned report;
- Fostering constructive policy dialogue on issues of concern within the Programme and providing concrete suggestions and recommendations on how to ensure achievement of the Joint Programme goals.
- To ensure appropriate consultative processes take place with key stakeholders at the country level so as to avoid duplication or overlap between the MPTF and other funding mechanisms;
- To review and approve the periodic progress reports (programmatic and financial) consolidated by the Administrative Agent based on the progress reports submitted by the Participating Agencies<sup>22</sup>. To ensure consistency in reporting between clusters; Consolidated annual reports should include a section on the activity of the Steering Committee.
- To review findings of the summary audit reports consolidated by the internal audit service of the

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<sup>21</sup> The RC will consult with participating UN Agencies on all relevant issues and the design/development of proposals for consideration by the Steering Committee will involve formal consultations with all relevant agencies. For Joint Programmes the Steering Committee will include all signatories of the MOU.

<sup>22</sup> The standard reporting period is as per the SAAs and MoUs.

Administrative Agent. To highlight lessons learnt and periodically discuss follow up by Participating Agencies on recommended actions that have MPTF-wide impact;

- To agree on the scope and frequency of the independent “lessons-learned and review” of the MPTF commissioned by the SC, in consultation with the HQ Fiduciary Management Oversight Group.
- To review the draft/final reports on lessons learnt, ensure the implementation of recommendations and identify critical issues for consideration by the HQs Fiduciary Management Oversight Group (to be brought up to the ASG Group, if/as required).

#### **Decisions:**

The Steering Committee makes decisions by consensus. Decisions of the Steering Committee shall be duly recorded.

Prior to presenting their position on a significant issue to the SC, its UN members have to make sure that it is endorsed internally by their Agencies and is in line with their Agencies’ regulatory requirements.

Decisions on programme/project proposals will only be taken upon completion of a review by the appropriate thematic clusters, sectoral working groups or other SC agreed review bodies.

#### **Role of the UN chair of the Steering Committee:**

- To make sure that the decisions taken by the Steering Committee are in accordance with the regulatory requirements and frameworks of the Participating Agencies and agreements with the programme country and donors;
- To ensure that the decisions taken by the SC are duly recorded and promptly communicated to the members of the SC, including Participating Agencies, the programme country, and donors, as appropriate;
- To monitor the implementation of the decisions of the SC;
- To report to the MPTF Fiduciary Management Oversight Group on the evolving risks and to flag issues that may affect the implementation of the decisions of the SC or otherwise impede the operations of the Fund;
- The UN chair, representing the SC, is accountable to the Chair of the MPTF Fiduciary Management Oversight Group, representing the Committee, for the inter-agency fiduciary issues related to the Participating UN Agencies on issues related to funding through the UN for the MPTF activities.
- To provide instructions to the Administrative Agent on behalf of the Steering Committee.

## **Annex IV: Political strategy**

### **Background and Rationale**

A key lesson learnt from the implementation of the *Sawasya I* programme is that technical support investments in the rule of law sector in Palestine will not have the desired sustainability and longer-term impact if this is not accompanied by progress on broader rule of law and governance reform processes. Lack of progress on important preconditions for reform in Palestine (such as national unity, a functioning legislative power, public administration reform, clarity on roles and mandates amongst institutions, and core rule of law principles such as separation of the legislative, executive and judicial powers)<sup>23</sup> have in the past impacted the programme's ability to produce longer term change, and to fully capitalize on its investment. The reasons for this observed lack of progress are due to factors that are outside law in the formal sense but relate to or are influenced by individual and collective behavior, networks and alliances between institutions, public trust and perceived legitimacy of state institutions, as well as the broader impact of the ongoing Israel occupation on the Palestinian statebuilding endeavor.

Therefore, *Sawasya II* recognizes the importance of understanding these dynamics and being able to engage politically to advance systemic reform (both internal to the justice and security sector and beyond), and to effectively influence political conflict parameters.

### **Purpose**

This Annex articulates the approach taken by *Sawasya II* to identify and seize opportunities, address blockages and inform broader processes that are political in nature, as integral part of its implementation strategy. This paper does not purport to present a political analysis of the state of rule of law in Palestine. Rather, it is an operational piece that presents the mechanisms and tools to ensure that political dynamics inform programme implementation, with a view of enhancing the impact and sustainability of *Sawasya II* as a holistic rule of law programme. In doing so, it recognizes that the concept of rule of law is intrinsically political and often confrontational to prevailing structures and cultural or normative frameworks, and that rule of law programming needs to become more 'politically smart' in order to address the underlying causes of obstacles to rule of law<sup>24</sup>.

This note has been informed by lessons learnt from its preceding phase, the programme's mid-term and final evaluations<sup>25</sup>, and ongoing discussions with national and international programme stakeholders. It also dovetails with a justice sector reform agenda in Palestine spearheaded by members of the international community in relation to the recent development of the National Policy Agenda and the Justice Sector Strategy.

This note serves as a 'chapeau' piece for the implementation of *Sawasya II* as a whole, as it directly impacts on the implementation of the various programme outcomes, in that it intends to institute mechanisms to query – throughout its implementation cycle - the assumptions underscoring the programme's theory of change. Therefore, elements of this strategy will also feature in other policy documents developed for the programme, such as its civil society strategy, gender mainstreaming strategy, Gaza strategy, institutional engagement and M&E strategy.

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<sup>23</sup> See for more detail the situational analysis presented in *Sawasya II* Programme Document, page 3

<sup>24</sup> Richard Sannerholm, Shane Quinn and Andrea Rabus "Responsive and Responsible: Politically Smart Rule of Law Reform in Conflict and Fragile States" Folke Bernadotte Academy, 2016

<sup>25</sup> R. Langen, Mid-term Strategic Review *Sawasya* Programme, Final Report (April 2016) and M. Sonderskov, Final Evaluation *Sawasya* Programme (June 2017)



## **Operational measures for politically smart programming**

Through the different measures presented below, the programme will ensure that it has the required capacities, organizational and programmatic set up and partnerships in place to be able to systematically operate through a 'political lens', in order to maximize impact in advancing a justice, integrity and human rights agenda in Palestine.

### *1. Sawasya II as a vehicle for donor alignment and political leverage*

The design of the programme in itself is reflective of the intention of the three agencies to move away from being a solely technical legal programme towards an inter-agency one that can influence and respond to political parameters in the interest of strengthening the rule of law more broadly. It presents the largest rule of law programme implemented in Palestine and by the UN in a non-mission setting globally. It therefore has the leverage to inform and influence broader political processes, due to its size and scope and positioning within the larger UN system. With UNICEF, UN Women and UNDP weighing in their mandates, networks and comparative expertise, the programme can function as a vehicle for donors to rally around a common framework of progress on justice, integrity and human rights in Palestine.

It is increasingly being recognized that fragmentation of international assistance strategies in Palestine has impeded the international community's ability to leverage its investments to effectively pressure for reform. Through *Sawasya II*, the UN agencies – together with donors, and in alignment with programmatic and *non*-programmatic assistance providers – are able to shape coordinated and coherent interventions via an integrated programmatic approach, mobilise resources, leverage comparative advantages, jointly report, maximise visibility, advocate for change and accountability and engage the Palestinian government in mutual commitment to a programme of reform and development. The programme thus offers the opportunity for members of the international community to channel investment through a UN-implemented instrument in line with the SDG and national (sector) strategies, and tightly link it to their political advocacy agenda.

### *2. Integrating Political Analysis in Planning, Monitoring and Evaluation*

In order to be able to work more 'politically', systematic political, social and economic analysis will need to be integrating throughout the implementation cycle of the programme. One lesson from the previous phase of the programme is that unless dedicated resources are made available to do so and mechanisms are designed to incorporate and use this analysis to inform planning, it cannot be assumed that this automatically occurs. As also recommended by van Veen<sup>26</sup>, political socio-economic analysis will need to form integral part of the planning, monitoring and evaluation strategy of *Sawasya II*. The aim of such analysis is to develop a regular and deepening understanding of the implications of the political context of the conflict on rule of law development in Palestine, and having its directly inform programme planning. Given the complicated intersectionality between the different socio- political and economic dynamics on women's rights, special attention and tools will be utilized to address implications of the political context on women's rights and women's access to justice. Therefore, on a half-yearly basis, the programme will update its analysis of political drivers and obstacles for change, through a pre-determined methodology, as integral part of its analysis of progress against milestones and targets of the programme's results framework, thereby fully integrating it into its M&E strategy.

Political socio-economic analysis requires a specific set of skills that does not automatically form part of the competency profile of rule of law professionals. It is also a time-consuming effort that requires networking and ongoing intelligence gathering on i.e. motivations, interests and potential for change amongst stakeholders. Therefore, in order to institute this as regular practice as part of the programme management cycle, dedicated capacity for political analysis will need to be fostered within the team. To that end, it is anticipated that the joint programme secretariat will be reinforced

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<sup>26</sup> E. van Veen, Developing the rule of law in Palestine: a matter of values? February 2017, Clingendael

by a political analyst, seconded by the Folke Bernadotte Academy, who will lead the above-mentioned process of ongoing political analysis to inform the strategic direction of the programme and feed into political advocacy undertaken by other parts of the UN or international community.

This is however not the sole responsibility of a political analyst. Within the programme team, the technical experts in particular possess in-depth knowledge, through their long-standing partnerships, of the internal dynamics within institutions and other stakeholders in the sector. All members of the team are hence expected to keep track of developments and feed a centrally managed risk assessment and stakeholder mapping process based on analysis of developments and institutional assessment within their respective portfolios. The scenario and rolling risk assessment tool, which was introduced in the previous phase of the *Sawasya* programme, will hence continue to be a central feature of the programme's Planning, Monitoring and Evaluation (PME) strategy, along with already existing data collection methodologies, such as surveys, that provide insights into stakeholder perceptions on rule of law issues in Palestine. The risk assessment tool will be regularly updated and shared with the donor consortium, to underscore discussions on progress. It will be accompanied by a stakeholder mapping tool that allows for mapping of positions vis-à-vis key issues of reform, in order to be able to identify either spoilers and champions of change within institutions and amongst stakeholders.

The programme furthermore anticipates a significant upgrade of its data and knowledge management system through introducing an electronic data management platform. Such an electronic M&E platform will enable a more structured management of data and information generated by the programme, and inform analysis and decision-making on implementation strategies.

### *3. Utilizing and involving stakeholder networks*

UNDP, UN Women and UNICEF have – through their longstanding involvement in the sector – built and fostered extensive networks and partnerships within the rule of law community, amongst civil society actors, human rights activists, academic experts, and public-sector officials. As recommended by the *Sawasya* Final Evaluation<sup>27</sup>, the programme will seek ways to draw on these networks and engage sector stakeholders more systematically in discussions on reform, to build ownership and mutual accountability. For instance, in the framework of its support to civil society, the programme will put specific focus on coalition and network building amongst civil society organizations, with a view of strengthening its role as 'watchdog', including through facilitating more systematic points of dialogue with institutions to influence and call for justice sector reform.

Furthermore, key experts from academic institutions and research institutes will be invited on a regular basis to share their views on developments in the sector, focused particularly on identification of opportunities and bottlenecks for unblocking or catalyzing change.

### *4. Leveraging the Good Offices of the UN System*

The past years has seen active engagement from rule of law experts, including from *Sawasya*, in policy discussions on justice sector and security sector reform. Such discussions tend to often fall exclusively within the purview of technical legal experts and less so of political units within the same offices. De-linking such processes from broader political advocacy initiatives undertaken by the political sections in missions and UN offices has the risk of missing opportunities to pressure for change that derive from analysis of the broader context. For instance, advocating for reform in relation to the regulation of the judiciary needs to be approached from the point of view of how it intersects with broader reconciliation and political dialogue initiatives, to be able to identify both conditions and incentives ('carrot and stick') to drive change.

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<sup>27</sup> M. Sonderskov, Final Evaluation *Sawasya* Programme (June 2017), recommendations 5 and 7

It is therefore crucial that systematic channels of cooperation and information sharing are established between technical rule of law programmes and those offices engaged in such broader political analysis, advocacy and dialogue. Without pre-determined formats of cooperation or coordination, the risk exists that these two tracks do not sufficiently reinforce each other.

The programme, as the UNCT's primary rule of law programme, will therefore draw on its comparative advantage of being part of a larger 'UN family', and establish systematic coordination with the UN Office of the Special Coordinator (UNSCO), as the office mandated to pursue political dialogue and advocacy with both Israeli and Palestinian authorities on behalf of the UN System. Regular lines of communication have already been established with the relevant focal points within the UNSCO office, and the joint programme secretariat will establish a system of sharing key messages with the office at a pre-determined frequency.

In addition, UNSCO will be invited – as relevant - to meetings organized with the donor consortium, and be involved in the political analysis exercises mentioned above. Throughout the year, a series of 'policy dialogues' will be organized by the programme to discuss key rule of law issues, building on the formula used to discuss the East Jerusalem legal aid mapping in early 2017. These policy dialogues will form part of a joint agenda between the programme and UNSCO. *Sawasya II* will also closely coordinate with OHCHR in particular, as the UN agency mandated with spearheading the United Nations' human rights efforts. In that respect, the ratification of core human rights treaties by the State of Palestine in 2014 presents an important framework for sustained advocacy and dialogue on its obligations under these treaties.

At the implementation level, *Sawasya II* and OHCHR have already established means to complement their work in relation to legal harmonization, capacity building, support to civil society and M&E. In addition, *Sawasya II* will feed OHCHR with key messages as they derive from engagement with rule of law institutions and organizations across Palestine, to inform human rights advocacy. Part of this will also be realized through the coordination mechanisms set up under the 2018-2022 UNDAF, where the first and second strategic priorities will be chaired by OHCHR and UNDP respectively.

Finally, the programme's reach across West Bank and Gaza and its longstanding relationships within civil society and institutional stakeholders across the justice and security sectors, gives it a particular holistic perspective. This makes it well suited to serve as a source for policy advice and analysis on developments across the rule of law sector for the larger international community, including through its membership – representing the UN – of the LACS- coordinated IDG and the Justice Sector Working Group.

##### *5. Involving the UN Resident coordinator*

As presented in the programme document, the *Sawasya II* programme board will be chaired by the UN Resident Coordinator or his designated representative from among the implementing UN agencies. The chairmanship of the Resident Coordinator and the participation of a representative of the Prime Minister's office in the committee will help elevate discussions to a sector-wide strategic level, moving away from focus on (and potential conflicts between) the agenda's or interests of individual institutions. It will furthermore facilitate the framing of *Sawasya II* within the National Policy Agenda (NPA) (2017-2022), as the programme mirrors the NPA in content and timeframe, placing obligations on the implementing agencies, donor partners, and the Palestinian government. This envisaged role for the RC and the PMO is primarily focused on enhancing coordination at a more strategic level, and should hence not be perceived as a means to strengthen interference by the executive with the work of the judiciary.

The leadership of the Resident Coordinator will not only help retain close linkage with UNSCO as mentioned above, but also help further solidify the political advocacy channels, and connecting the political and technical 'tracks'. The programme has already engaged with the PMO during its

inception phase, with the aim of strengthening its role of providing oversight and measuring progress against the NPA, through enhancing its M&E capacity.

#### 6. *Safeguarding flexibility in Implementation and Funding Modalities*

With the expectation of operating 'political smart' comes the necessity to develop implementation modalities that can be flexible and respond to changing political dynamics. In order to effectively seize windows of opportunity, a certain level of flexibility is required in terms of planning, whilst simultaneously ensuring accountability through clearly formulated short and long-term results with matching indicators and benchmarks for progress. Therefore, and unlike the previous programme, the results framework as presented in the programme document provides overall outcomes, outputs and indicative activities, but is relatively limited in the level of detail it provides at the level of activities. On an annual basis, detailed activity workplans will be developed, which will be informed - i.a.- by ongoing analysis of the political context as mentioned above.

In the same vein, the programme's M&E matrix is a streamlined set of strategic results indicators that – at higher level – will measure change produced by the programme and within the sector, as a way of providing an evidence-based 'story of change' on progress as result of the programme's investment ('tier 1'), as well as identify bottlenecks for progress within the sector that will feed into the political advocacy strategy. The implementation team will in addition develop more activity level indicators for progress at the project level on an annual level ('tier 2'), to ensure strict adherence to planning.

In addition to ensuring that the internal M&E, coordination, partnership and governance structures accurately respond to the need for *Sawasya II* to implement activities in a 'politically smart' manner, the programme's funding instruments/engagement strategies will need to be able to – based on evidence based analysis - redirect investment and adjust partnership modalities as required. This requires availability of different funding and partnership options, in order to be able to tailor, reverse or - in the most extreme situation – freeze support to interventions when called for. Therefore, as an example, for its civil society component, the programme foresees two different modalities: a programmatic partnership window will allow for longer term strategic partnerships against a jointly developed results framework with a select number of organizations. In addition, a smaller 'innovation' window will be retained for shorter term projects that allows the programme to seize or invest in political windows of opportunity, and capitalize broader processes of change<sup>28</sup>.

In relation to engagement with institutional stakeholders, the type and focus of partnership modalities will continue to be informed by institutional needs or capacity assessments. In addition, and in line with the *Sawasya* Final Evaluation recommendations<sup>29</sup>, the programme will seek ways to identifying individuals in leadership positions that are interested or have the ability to challenge practices, cultures, perceptions and organizational group dynamics that may be an obstacle to change within institutions.

Finally, and to ensure mutual accountability for change between the programme and its partners, *Sawasya II* will ensure that contractual agreements with counterparts enforce obligations assumed by institutions under the various national and international frameworks, and that continuous support is contingent on progress against jointly defined benchmarks for progress.

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<sup>28</sup> See for more detail the *Sawasya II* civil society strategy

<sup>29</sup> See recommendation 2

## Annex V - Gaza strategy

### Background

The Gaza Strip is one of the most densely populated areas in the world, with approximately 1.9 million people living in less than 365 square kilometers. The Israeli Occupation policies, the intra-Palestinian divide, the recurrent Israeli Offensives<sup>30</sup>, and the decade-long blockade have exposed Gaza to a protracted humanitarian crisis and perpetual aid dependency. As a result, nearly 1.3 million people in Gaza need humanitarian assistance aid; 47 per cent of families in Gaza are food insecure; and 9 per cent of the households are headed by female family members.<sup>31</sup> More than a million people in the Gaza Strip require access to basic services assistance, including health care, water and sanitation<sup>32</sup>. Displacement following all three Israeli military operations in Gaza, combined with chronic overcrowding has negatively impacted upon basic services delivery; people in Gaza continue to suffer from energy shortages, with electricity available for only 6 hours a day<sup>33</sup> further straining provision of essential services and resulting in negative coping mechanisms. Thereby, the political context and poor governance have strangled the economy, in 2015 the World Bank economic update reported the unemployment rate in Gaza as the highest in the World at 43% of the population, and at 60% among the youth<sup>34</sup>.

Within this protracted humanitarian context, access to justice services and the functioning of formal justice institutions has suffered, directly affecting the lives of those seeking legal recourse. For the past 10 years there was limited or no support provided by the international community to increase the capacities or functionality of critical formal justice providers; this is because of the sanctions imposed on Hamas. In 2007, Hamas failed to abide by the three principles set out by the Middle-East Quartet outlining conditions for its recognition. However, these principles were later linked to the provision of international aid following the US and EU no contact policy<sup>35</sup>, since then, these measures amounted to a sanctions regime imposed on the de facto authorities. Security Council Resolution 1850 (2008) later referenced the Quartet principles while calling upon Member States to continue support to the Palestinian government<sup>36</sup>.

However, international support for basic services like education and health service continued to be provided in Gaza. Nevertheless, justice services sector suffered the most, further compromising protection of civilians and especially for the most vulnerable and disadvantaged groups. Despite the vital support provided by civil society and informal justice providers to facilitate access to justice, due process guarantees remain limited or lacking because of the inefficiency of the formal justice sector. Thereby, systematic support provided to civil society and informal justice actors over the past 10 years could not yield durable transformation to the justice sector in Gaza. The policy and institutional limitations persists, the internal Palestinian divide and its repercussions<sup>37</sup> has further compounded the defragmentation of justice institutions further weakening the provision of justice services in Gaza. Furthermore, the inability of formal justice and security institutions to deliver services and oversee due processes has compromised protection measures, in particular for children and women.

*Sawasya I* (2014- 2017) provided support to increase access to justice, ensure gender and human rights responsiveness of justice and security service delivery through partnerships with the civil

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<sup>30</sup> Three military operations that took place in 2008/2009, 2012 and 2014 and had yielded thousands of deaths and injuries as well as significant destruction to infrastructure.

<sup>31</sup> <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=1336>

<sup>32</sup> United Nations Country Team in the State of Palestine, 'Gaza: Two Years After', August 2016

<sup>33</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21866>

<sup>34</sup> <http://www.worldbank.org/en/news/press-release/2015/05/21/gaza-economy-on-the-verge-of-collapse>

<sup>35</sup> Further details see: [https://www.brookings.edu/wp-content/uploads/2016/06/02\\_middle\\_east\\_elgindy\\_b-1.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/02_middle_east_elgindy_b-1.pdf)

<sup>36</sup> UNSC Resolution 1850 (December 16, 2008) referred to the Quartet Principles but did not endorse them per se. Among other things, the resolution calls on members states "to support the Palestinian government that is committed to the Quartet principles and the Arab Peace Initiative and respects the commitments of the Palestinian Liberation Organization"

<sup>37</sup> <https://www.imf.org/~media/Files/Countries/ResRep/WBG/2016WBGRR.ashx>

society, universities and informal justice. The programme facilitated the resolution of hundreds of cases, legal assistance and dissemination of information. The programme also supported efforts of building capacities of the legal profession, building alliances, and to the extent possible, promoting shared vision between Gaza and West Bank through supporting coordination and collaboration efforts. However, challenges included the dominance of social norms and practices that are at times not in line with international standards or in the best interests of children and women, and which often prevails given the lack of trust in formal courts and its ability to carry out due processes. Hence the increased reliance on informal systems for dispute resolution.

Consistent with *Sawasya II's* (2018 – 2021) overarching strategic approach underpinned by the international human rights treaties and UN SDGs 16 and 5<sup>38</sup> at its core, Gaza response strategy outlines *Sawasya II* approach to enhancing engagement and results in Gaza<sup>39</sup>; through providing technical and justice service delivery assistance following a conflict-sensitive and human rights based approaches. The programme engagement in Gaza strip will continue to be intrinsically “needs and human rights driven” and “people centered”. It will provide strategic assistance that will continue to facilitate and provide access to justice services at the local level; in addition, *Sawasya II* will initiate technical support to *critical* formal justice providers in Gaza to promote due process, advance human rights and gender responsive approaches. It will also contribute to advance policy reform discourse through advocacy and capacity building.

Furthermore, the recent political developments aiming at achieving a government of national unity and reconciliation between West Bank and Gaza, is likely to positively impact the programme’s engagement in Gaza. In particular, it might foster an enabling environment for policy and rule of law reforms, which are usually very complicated and highly political; nevertheless, justice and security reforms are of a vital importance to achieving an end to the national division and to enhance the prospects of a unified State of Palestine based on the rule of law and human rights.

Should the political processes advance on the road to reconciliation between the political factions, *Sawasya II* will increase its investment to achieve strategic priority objectives related to legal harmonization and integration of rule of law institutions. This new robust posture and strategy will further operationalize the programme’s fundamental elements of “politically smart programming”; assistance to state-building and strengthening of the social contract, through strategic technical interventions; institutional building for service delivery, which will also facilitate integration of rule of law institutions, resumption of core government functions and robust linkages between formal and informal institutions. Supporting the operability of formal justice institution will directly contribute to the political process towards reconciliation and reintegration of rule of law institutions. Against this backdrop, this strategy outlines the programmatic support and strategic direction in the Gaza strip under two different political scenarios, and within the framework of *Sawasya II* four outcomes and its theory of change.

## **1. Access to Justice in Gaza - A Problem Analysis:**

The legal status in Palestine is at once complicated and unique because several authorities have ruled over Palestine throughout history. Various legal systems have prevailed in Palestine.

Accordingly, multiple legal systems have affected the political and legal structures. The partition of Palestine has also led to the emergence of complex and varying legal systems in the West Bank and the Gaza Strip<sup>40</sup>. Most of applicable laws governing Palestinians in the Gaza Strip are not unified

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<sup>38</sup> SDG 16: Promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all, and the realization of effective, accountable and inclusive institutions at all levels; SDG 5: Achieving gender equality and empowerment for women and girls.

<sup>39</sup> See *Sawasya II* concept note, Response Strategy critical elements.

<sup>40</sup> See Birzeit University, ‘Legal System and Legislative Process in Palestine’, available at [http://muqtafi.birzeit.edu/PDFPre.aspx?PDFPath=en/Uploads/supportive\\_research\\_and\\_studies/dd.pdf](http://muqtafi.birzeit.edu/PDFPre.aspx?PDFPath=en/Uploads/supportive_research_and_studies/dd.pdf) (last accessed on 24 February 2017).

with the West Bank's laws and basically derive from Ottoman, British Mandate, Egyptian, Palestinian Authority, Islamic law, and most recently, the parliamentary Change and Reform Bloc led by Hamas. Hence, there seems to be three-overlapping legal systems in Gaza: formal justice system, the Shari'a justice system, and the informal justice mechanisms.

Following the Oslo Accords in 1995, the State of Palestine introduced legislative changes with the objective of harmonizing existing legislation across both the West Bank and Gaza. Following Hamas ascension to power in Gaza Strip in mid-2007, the intra-Palestinian division between Fatah and Hamas has affected legal harmonization efforts. The paralysis of the Palestinian Legislative Council in the aftermath of the political division in 2007 has only further exacerbated uncertainty regarding applicable law and increased the schism between West Bank and Gaza. Post Hamas takeover of the Gaza Strip, Israel froze the transfer of customs revenues it collected on behalf of the State of Palestine. This has rendered Gaza and the justice institutions within excluded from legal revision processes; this has further contributed to the isolation of Gaza, widened the political divide and lessened the prospect of integration<sup>41</sup>.

In 2007, nearly all formal PG employees in Gaza went on a strike and the judiciary ceased to function. The local authorities in Gaza began a process of appointing new judges and replaced those on strike with approximately 43 new judges (only 3 females), many with little or no experience. With only 43 formal judges and 23 Shari'a judges serving a population of almost 2 million, the need for more experienced judges is immense. In addition, there is only one judge who has been nominated to deal with juvenile justice issues. Having said that, the juvenile court convenes irregularly resulting in a backlog of juvenile cases and delayed procedures. Furthermore, the juvenile justice system continues to be guided by the out-dated Juvenile Offenders Ordinance No. 2 of 1937 despite the enactment of the Juvenile Protection Law in 2016. The minimum age of criminal responsibility is nine compared to 12 years old in the new law and special juvenile justice protections apply only to children under the age of 16. In order to overcome some of the gaps in the law, the Attorney General issued Instruction No. 25/2013 and No.15/2014 on "Interrogation of Juveniles and Court Procedures" and "Dealing with Juveniles Based on their Best Interest" respectively<sup>42</sup>. Nevertheless, this does not provide sufficient protection in line with the Juvenile Protection Law and international standards.

In the same vein, protection needs for girls and women remain vast and pressing. Over the past decade there has been rising levels of gender based violence in the Gaza strip. The UN Country Team in Palestine reported the number of females facing GBV is 148,000<sup>43</sup>. And that between 2011 and 2014 UNRWA identified 3,160 survivors of GBV; 27 killings of women and girls was reported in 2014 by the Women's Center for Legal Aid and Counselling; 15 cases in 2015 and 18 cases in the first eight months of 2016. In addition, women continue to face disproportionate repercussions in the aftermath of conflict, in a study conducted following the Israeli offensive in 2012, a range of legal and protection issues facing women were identified<sup>44</sup>. Power relations throughout Gaza society render female headed households, especially widows without a son of legal maturity, at high risk of manipulation or exploitation, including issues of custody of children and visitation, control of pensions, bank accounts, movable assets such as businesses or cars, as well as immovable property such as housing. Such challenges facing girls and women usually require legal recourse, and hence access to justice for girls and women remain a critical protection measure.

In the meantime, the formal court system in Gaza is ineffective and suffers acute capacity limitations. Gaps and limitations identified within the formal system such as prolonged delays; a backlog of cases due to limited number of judges and lack of rapid case-disposal system; lack of accountability measures and professionalism; limited gender responsiveness and insufficient child-friendly procedures; high fees charged both by the court and by lawyers representing the cases; in

<sup>41</sup> Independent evaluation of SAWASYA programme, General consulting and training Jul 2017

<sup>42</sup> Access to Child Justice in Palestine, Assessment and Recommendation for future programming, UNICEF, 2017.

<sup>43</sup> See [https://unsco.unmissions.org/sites/default/files/gaza\\_10\\_years\\_later\\_-\\_11\\_july\\_2017.pdf](https://unsco.unmissions.org/sites/default/files/gaza_10_years_later_-_11_july_2017.pdf)

<sup>44</sup> UNIFEM 'Towards gender equality in humanitarian response: Addressing the needs of women & men in Gaza'

addition to outdated archiving system and shortage of funding. The limited capacity of the justice system has collectively disabled the courts from functioning properly<sup>45</sup>.

Furthermore, the local authorities in Gaza have established a parallel justice system and law-making processes which resulted in contravening a series of Palestinian laws; including the Judicial Authority Law, the Formation of the Courts Law and the Palestinian Basic Law<sup>46</sup>. This in addition to the issuance of decrees that are equally incompatible with the West Bank laws. Some of these laws are controversial, for example, the new Education Law (no.1 of 2013) passed by local authorities which promotes gender segregation in schools and prohibit men from teaching at girls' schools. The law has sparked a wave of criticism from civil society organizations. An overall assessment of the Education Law in Gaza shows that most of its provisions adopt an ideological stance and uses terms imbued with political meaning, such as "normalization"<sup>47</sup>. This will probably add to the complexity of legal harmonization once a sincere effort to unify laws is initiated.

In addition, the authorities in Gaza created a High Justice Council of Gaza, which is in fact not recognized by the Constitution, unlike the High Judicial Council (West Bank), created by Article 100 of the Basic Law<sup>48</sup>. The decisions of the Supreme Judicial Council (Gaza) have accordingly been regarded as having no legal basis.

Alongside the formal and Shari'a justice systems, informal justice providers arose through the clan-based and tribal structures dominant in some Palestinian communities such as in the Gaza Strip. It facilitates negotiations and reconciliation procedures mediated by community leaders in accordance with customary law and traditions. The absence of a legitimate functioning justice system in Gaza as well as low public confidence in the current system, have contributed to an increasing dependence on informal justice providers.

Civil society organizations continued to boycott Hamas-appointed judges, save for the exception of some NGOs which continued to work with the Shari'a courts. However, the Shari'a court system like the civil courts system, suffers from limited capacities due to shortage of judges, limited capacity, outdated archiving and data management systems, and has limited financial support<sup>49</sup>. With the increasing recognition of the counter-productive impact of boycotting justice institutions, many civil society actors in Gaza are now working with the courts. Human rights organizations that have boycotted the courts since 2007 indicated two years ago that selected cases will be represented before the formal courts. Meanwhile, the no/low contact policy adopted by the international community meant that most of the new judges, have had limited or no training, and only minimal contact with judges from outside Gaza.

The Palestinian Bar Association (PBA) boycotted the justice system for a period of six months before reconsidering its position; this is because there was a recognition that such a boycott will negatively affect vulnerable groups and the legal in Gaza, especially given the change in regimes and the governance deficit. Thus, PBA has ended up being the only unified entity that has linkage with the West Bank at the national level.

All these challenges have increased the complexity of the lives of Palestinians in the Gaza Strip amidst a serious deterioration of human rights, attacks on public freedom, and a prevailing weakness of the judicial system.

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<sup>45</sup> UNDP Interview with Judge Ashraf Nasrallah, Gaza, 18 Dec 2016.

<sup>46</sup> UNDP/PAPP, Access to Justice in the oPt: Mapping the Perceptions and Contributions of Non-State-Actors, April 2009

<sup>47</sup> See Birzeit University, 'Legal Encounter Presents Shortcomings of New Gaza Education Law, available at <http://www.birzeit.edu/en/news/legal-encounter-presents-shortcomings-new-gaza-education-law>

<sup>48</sup> Palestinian Basic Law, 2003, article 100 'A High Judicial Council shall be created. The law shall specify the way it is constituted, its responsibilities and its operating rules. The High Judicial Council shall be consulted about draft laws relating to the Judicial Authority, including the Public Prosecution'.

<sup>49</sup> UNDP Interview with Higher Shari'a Court Council, Gaza, 20 Dec 2016.



## 2. Engagement in Gaza: Progress and Lessons Learned

UNDP's Rule of Law and Access to Justice Programme implemented between 2010 – 2013 contributed to strengthening Palestinians' access to justice in Gaza through introducing the concept of free legal aid within the Gaza community. The work, institutionalized through the establishment of 18 legal clinics, enabled 1,257 people to receive legal representation, 5,977 people to receive legal advice and around 30,000 beneficiaries to receive legal information. The UNDP/UN Women joint programme *Sawasya I* made significant progress towards addressing the immediate legal needs of vulnerable segments of society, through the provision of legal aid services and support to informal justice providers. Cases handled by programme partners related primarily to a range of family/personal status related issues, including domestic violence and GBV, maintenance and alimony, forced marriages, and child custody.

The programme's approach focused on investing in partnerships with civil society organizations, and the Palestinian Bar Association. The programme worked towards strengthening the rule of law 'from the bottom up', and aimed to strengthen the capacity of CSOs to deliver quality legal aid services to vulnerable individuals and communities. The programme partnered with universities and 24 CSOs including the Palestinian Bar Association; carried out the first mapping survey of legal aid services and established the Legal Aid Database in the Gaza Strip, which has enabled better coordination and the establishing of the Awn Access to Justice Network. The programme facilitated the resolution of hundreds of disputes and brought civil peace to many neighborhoods in a lawful manner largely consistent with basic human rights standards.

*Sawasya I's* Final Evaluation report (April 2017) has further outlined clear barriers for change with recommendations to further enhance results. Best practices included the programme's persistence to lead and inspire actors of the vision of one Palestine consisting of the West Bank and Gaza<sup>50</sup>; as well as the programme efforts on investigation of systems and processes in Gaza supporting rights and bridging the gap between an increasingly isolated Gaza and the West Bank<sup>51</sup>.

However, barriers for change included national ownership (commitment of leadership), internal geographical and political division, and the low-contact policy among others<sup>52</sup>. While the final report has alluded to the measures already considered to address identified "barriers of change" in *Sawasya II* inception phase and programme document, it has further outlined the impact of the "low contact" policy in limiting the programme from achieving its objective.

The "low-contact" policy and the way it has been interpreted is reported to have hindered the programme's ability to contribute to the overall objective of 'strengthening the rule of law in Palestine (West Bank and Gaza) by developing efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based'<sup>53</sup>. Hence, rendering the achievement of the programme's overall objective impossible. Furthermore, a UN Women led study has shown how non-engagement with justice government sectors (deemed essential actors in prevention and treatment of GBV in global best practice standards) has undermined or put serious limits on what can be achieved for victims by NGO providers alone. And most urgently, the study found that this policy had made it impossible for NGO providers to ensure the safety and protection needs of GBV victims, including those in life-threatening circumstances<sup>54</sup>.

Moving forward, *Sawasya II* seeks to enhance its engagement in Gaza based on the findings of the *Sawasya* Mid-Term Strategic Review and the final evaluation report recommendations. In particular, *Sawasya II* will enhance engagement by focusing on activities that will increase service delivery, but

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<sup>50</sup> See *Sawasya* Independent Evaluation, April 2017

<sup>51</sup> *Sawasya* Independent Evaluation, April 2017

<sup>52</sup> See *Sawasya* Independent Evaluation report, April 2017

<sup>53</sup> *Sawasya* programme document

<sup>54</sup> See Source: UN Women Navigating Through Shattered Paths: NGO Service Providers and Women Survivors of Gender-based Violence: An Assessment of GBV Services in Gaza (2017).

that will also contribute to transformational and sustainable change. In doing so, support to access to justice and rule of law will capitalize on investing the programme's partners comparative advantages, builds on the achievements of previous engagements including UNDP ROL programme (2008 – 2010), *Sawasya I* led by UNDP and UN Women (2014 – 2017), as well as UNICEF's justice for children programme including the technical support to the Government of Palestine on the drafting of the Juvenile Protection Law and Action Plan.

### **3. Gaza Response Strategy: The Way Forward**

*Sawasya II* seeks to employ a system-wide approach in addressing identified gaps and limitations hindering access to justice and the rule of law. By engaging the full range of official State rule of law-related institutions in Palestine, as well as civil society and grass roots actors, the programme will support both the "duty bearers" and the "right holders" of the rule of law equation to ensure that state-building and institutional development are focused on improving services to the people; thereby reinforcing the social contract. It is also informed by its partner's accumulated experience, extensive analysis and the outcomes of continuous assessments and consultations. Adjusting engagement in the Gaza strip will assist in addressing barriers for change identified in *Sawasya's* final evaluation.

Programmatic support will include interventions that will build the technical capacity of critical justice service providers, potential national partners, and will systematically promote gender and children responsiveness; thereby, promoting the rule of law and due process. The programme will also deploy robust and systematic advocacy on thematic legal issues, that will contribute to legal harmonization efforts, policy reforms and promoting the supremacy of the rule of law. This will entail support to increase technical coordination and collaboration between justice service providers in Gaza and the West Bank (bringing Gaza into the national conversation), leverage civil society engagement including to combat impunity, as well as to advocate for accountability of duty-bearers in line with Palestine's international obligations.

The programme's politically "smart" approach while seeking to enhance results in Gaza, it also mandates a rigorous due diligence exercise, thorough conflict-sensitive analysis and a human-rights based approach; including careful monitoring through robust risk mitigation strategies (see Section V).

#### A. Politically "smart" approach and Enhancing Results in Gaza:

A political smart approach means that the programme will provide support informed by a robust political and conflict analysis. In particular, the programme will invest in political openings and partner with "campaigns" to promote the rule of law.

Gaza continues to suffer from acute humanitarian challenges, a continued Israeli blockage and political isolation since 2007. The political process to achieve reconciliation and establish a government of national unity has been stagnant since 2014. However, the recent concessions made by Hamas including dissolving the administrative committee and relinquishing all government functions to the PG may lead to a different outcome ending the 10 years division.

Against this backdrop, there are two possible scenarios, which are a) the political progress comes to a halt and continues its stagnation, which will translate to the persistence of the status quo; b) the political process will yield positive results, reconciliation is achieved and a national government is effectively established, this will mandate increased support to operationalize State institutions and assist it deliver on their mandates. Such support is also critical for the credibility of the political process and its dividends.

These political assumptions are the "most likely" scenarios, and could materialize in the near to medium term future. *Sawasya II* will provide support and continue its engagement in **all** scenarios,

and will assume appropriate adjustment and configuration to adequately response to the needs while also investing in political opportunities to promote rule of law and access to justice. In both political scenarios and the ensuing programmatic configuration, *Sawasya II* will assume a robust risk assessment log and will place adequate risk mitigation measures (see Section V).

The following are the main programmatic interventions and indicative activities following each political scenario;

**a) Political Assumption 1: The political progress comes to an impasse, and the status quo persists;**

No progress in the political process, closing of opportunity and shrinking space for engagement to increase policy and rule of law reforms. In this case, *Sawasya II* will continue to build upon its investment and partnership with civil society and informal justice institutions to increase access to justice, but will also engage with formal technical level justice service providers that are critical for people's access to justice in Gaza. It will also promote coordination between the West Bank and Gaza institutions, to further engage justice institutions and civil society in rule of law reform discourse at the national level. This is envisioned to support increase access to justice; ensure child-friendly and gender responsive procedures; increase technical capacities of justice providers; promote human-rights based approaches; advocate for legal harmonization and integration between Gaza and West Bank; and will contribute to factors that will aid political processes in the future.

**Indicative activities may include:**

Activities contributing to *Sawasya II* outcome 1: Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards

- Engage in systematic advocacy and training of local authorities in partnership with human rights and legal organizations on human rights based approaches and international state-obligations. Such support is envisioned to advocate and encourage local authorities including judges and investigators to assume human rights based approaches;
- Support increase the role of media and advocacy organizations to carry out monitoring and oversight of justice service providers in Gaza. This can be done through increasing reporting capacity building, establishing thematic discussion forums and drafting skills.

Activities contributing to *Sawasya II* outcome 2: Service provision by rule of law institutions is effective, accountable and inclusive

- Update electronic case management system (Mizan II) in courts<sup>55</sup> and especially Shari'a courts in Gaza; this will support effective case management and data collection, that will improve the process inside courts and therefore will improve people's access to information; A particular focus could be to track cases referred from formal to informal justice system;
- Provide legal aid services and alternatives to detention to juveniles at Al Rabee Rehabilitation Center, through partnership with national and international NGOs;
- Advocacy with MOSD and MOJ to reactivate the specialized juvenile's in Gaza;
- Strengthen legal aid service through maintaining and leveraging strategic partnerships, this will include legal aid services, dissemination of legal information, and representation before formal and Shari'a courts;
- Support the role of arbitration through capacity building and coordination with the Ministry of Justice in Gaza to ensure they obtain adequate licenses;
- Increase interface between formal and informal justice institutions through increased coordination between MoI, MoSD, MoJ, Shari'a courts and CSOs;
- Establishing SOPs and coordination mechanisms for informal justice actors within a unified body, develop tools to ensure observing the best interest of children and women,

<sup>55</sup> UNDP support installing MAZAN I in courts in Gaza, support ended in 2006.

accountability, and monitor and track cases. Such support can be achieved through partnership with CSOs engaging in the informal justice system;

- Support Shari'a courts in Gaza with gender responsive and child sensitive trainings and through placing mechanisms address and challenge cases of discrimination against women;
- Support accountability mechanisms and complaint procedures at the administrative level;
- Carry out systematic human rights and due process trainings, targeting justice and law enforcement personal. Such support can be carried out in partnership with ICHR and other key human rights actors.

Activities that will contribute to Outcome 3: All Palestinians, especially women, children and vulnerable groups, have access to justice, security and protection without discrimination

- Increase capacity and coordination of the legal professionals, including lawyers and legal practitioners throughout different governorates in Gaza; this support can be carried out in partnership with PBA, women's centers and justice system actors (formal and Shari'a);
- Support the role of CSOs in monitoring and documenting human rights violations perpetrated by local authorities and reporting; Such monitoring role requires facilitation and training sessions on monitoring and documentation;
- Increase coordination on advocacy and legal reform discussions with partners including AMAN, ICHR, AWN Access to Justice Network, the Legal Task Force and the protection cluster.

Activities that will contribute to Outcome 4: Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women

- Increase capacity and training of formal justice providers on gender based violence and gender responsive services provision;
- Support development of SOPs and protocols systems linking justice services with health and social sector;
- Support civil society and other oversight institutions to ensure that formal and informal justice and security institutions provide access to justice for women.

**b) Political Assumption 2: The political process is successful, reconciliation between political factions is achieved, and a government of national unity is effectively established;**

Government of national unity assumes power over the West Bank and Gaza, serious steps are taken towards the implementation of the reconciliation framework, including legal harmonization and integration of rule of law institutions. On the onset, and while *Sawasya II* will **continue** its activities outlined above, in addition to increasing its level of engagement in Gaza to include policy level engagement, and to increase coordination efforts in relation to rule of law reforms national discussion. Depending on the final political agreement/outcome, *Sawasya II* together with partners will consider supporting newly created national reconciliation structures if any. Nevertheless, the programme will also continue to leverage its support to justice service delivery at the local level, in partnership with civil society and informal justice providers (activities under political assumption I).

Furthermore, a strategic assessment and scenario planning exercise in Gaza will be carried out during the inception phase of the programme (May 2017 – April 2018). The strategic assessment will build on the findings of previous efforts including the legal harmonization assessment, SBGV assessment among others. The outcomes of the strategic assessment will further inform *Sawasya II* priority objectives and sequencing under political assumption II. *Sawasya II's* strengthened engagement with UN political bodies (UNSCO) will further facilitate coordination, joint analysis and planning.

Pending the strategic assessment outcomes and should the political process lead to establishment of government of national unity, *Sawasya II* will leverage its engagement in Gaza by including the following **indicative activities** to its existing portfolio in Gaza as follows:

Activity contributing to *Sawasya II* outcome 1: Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards

- Policy Support and Institutional Development;  
*Sawasya II* will provide technical assistance to key rule of law institutions on managing organizational change, place effective governance and accountability structures, and support on-budget planning and sustainability. Such support is envisioned to provide critical expertise and accompaniment of national partners in their efforts to unify rule of law institutions. Most importantly, establishing rule of law institutions that are sustainable and are able to discharge its mandate in a professional and transparent manner. In doing so and depending on the needs, *Sawasya II* may activate existing UN mechanisms that enables the deployment of relevant expertise available in the UN system, including UNDP's express roster and/or the Global Focal Point for Police, Justice and Corrections<sup>56</sup>.
- Legal Harmonization and Policy Reforms;  
Provide technical assistance to Diwan Al Fatwa Wal Tashri in Gaza, and support coordination with the legal harmonization committee in West Bank. Engagement with CSOs including academic institutions and Birzeit Institute of Law, to increase their capacities pertaining to legal harmonization, law review, and compliance with international standards.
- Joint Analysis and Strategic Planning;  
*Sawasya II* partners will engage in a strategic planning process together with the programme's international partners. Such planning process will generate options for engagement, increased coordination and sequenced approaches. Planning exercise will also look into risk mitigation measures that are fit to scale, the programme will also seek guidance from relevant bodies in the UN system.

Activities contributing to *Sawasya II* outcome 2: Service provision by rule of law institutions is effective, accountable and inclusive

- Upscaling and leveraging access to justice interventions;  
Informed by its joint planning, *Sawasya II* will update its strategies to elaborate the continuation and upscaling of its existing support to access to justice in Gaza. Upscaling the level of support, mainly to include respective formal institutions at the policy level and to ensure non-interruption of services amid a transitional period in Gaza. This will also ensure the continuity of partnerships that will facilitate a greater engagement of the civil society and women's organizations in rule of law reforms, and integration of justice and security institutions at the national level; given the long period of the isolation of Gaza, this will be a valuable support to ensure inclusive political processes, and increase accountability of the newly established government.
- Leverage support to establish accountability mechanisms and complaint procedures at the administrative level;
- Continued systematic human rights and due process trainings targeting justice personal working in courts and police stations. Such support can be carried out in partnership with ICHR and other key human rights actors.

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<sup>56</sup> <http://www.undp.org/content/undp/en/home/ourwork/democratic-governance-and-peacebuilding/rule-of-law--justice-and-security/global-focal-point-for-police--justice--and-corrections.html>

Activities that will contribute to Outcome 3: All Palestinians, especially women, children and vulnerable groups, have access to justice, security and protection without discrimination

- Continued support to strengthen coordination of legal professionals, including lawyers and legal practitioners throughout different governorates in Gaza. This support can be carried out in partnership with PBA, women's centers and justice system actors (formal and Shari'a);
- Continued support to the role of CSOs in monitoring and documenting human rights violations perpetrated by local authorities and reporting. Such a monitoring role requires facilitation and training sessions on monitoring and documentation;
- Increase coordination to advance advocacy on legal reform and harmonization.

Activities that will contribute to Outcome 4: Women's access to justice and security improved through gender-responsive service delivery and empowerment of women

- Continued capacity development efforts of formal justice providers on gender based violence and gender responsive services provision;
- Continued support to development of SOPs and protocols systems linking justice services with health and social sector;
- Strengthen the role of civil society and other oversight institutions to ensure that formal and informal justice and security institutions provide access to justice for women.

B. Potential Stakeholders under Political Scenario 1 and 2:

*Sawasya II* will continue to invest in its strategic partnerships with the bar association, CSOs and informal justice providers. In addition, *Sawasya II* will consider partnering with critical national justice service providers as outlined above. The programme's engagement with formal institutions will be primarily focused on technical support, which is directly linked to improving service provision and delivery. Engagement with national partners will also be informed by *Sawasya II's* overall strategic direction, including its CSO engagement and gender strategies. Potential partners may include:

- **Ministry of Justice:** The MoJ is responsible for providing leadership and coordination of the justice sector and ensuring that the justice sector is capable of effectively upholding citizens' human and legal rights and ensuring that public justice services are efficient, accountable and non-discriminatory. Since the Hamas takeover of the Gaza Strip, the MoJ in Gaza has become fragmented and there have been no contacts between its offices in Gaza and MoJ in West Bank. The programme will support the MoJ under scenario 1 or 2 at different levels depending on the political process, priority objectives and assessment outcomes.
- **Ministry of Social Development** (previously Ministry of Social Affairs): This Ministry has been leading the juvenile justice agenda and instrumental for the adoption of the Juvenile Protection Law in the West Bank. While not implementing the Juvenile Protection Law in Gaza, the Ministry there has been leading efforts to ensure a more child-friendly approach to juvenile justice. The program will continue supporting the ministry to ensure that the Juvenile Protection Law is ultimately formally implemented in Gaza and harmonization of approaches with the West Bank, with a focus on mediation and alternatives to detention, in line with international standards and guidelines in both scenario, by promoting an emphasis on restorative justice and diversion measures.

- **Formal Courts:** According to Article 14 of the Judicial Authority Law, as well as to Articles 27 and 28 of the Code of Civil and Commercial Procedures No. 2 of 2001, Regular Courts have jurisdiction over all claims and disputes. Different levels of the court have jurisdiction over different cases depending on the location, type and value of the dispute. For example, disputes arising in Rafah and Gaza City are in the jurisdiction of the Rafah Magistrate Court and Gaza Magistrate Court respectively. Thus, lawyers can pursue claims through several levels of courts, including local Magistrate Courts, Courts of First Instance, Appellate Tribunals and Palestinian High Court. Pending the outcomes of the strategic assessment to be undertaken during the inception phase, the programme *may* support formal courts in scenario 1 to ensure the operation of critical functions that have vital impact on the lives of the Palestinian people, this could include first degree courts, Shari'a Courts, technical and administrative staff of the judiciary, *inter alia* as necessary and depending on the programme priority objectives.
- **Shari'a Courts:** The Shari'a Courts operate under the authority of the Shari'a High Judicial Council. The jurisdiction of Shari'a Courts are usually restricted to matters of personal status such as marriage, custody, divorce and maintenance. According to Articles 4 and 5 of Procedural Law of the Religious Courts 1965, Shari'a Courts also have jurisdiction over disputes related to inheritance rights. Much like the civil system, the Shari'a Court system is divided into tiers: 10 courts of first instance, two courts of appeal and one Supreme Court. The mandate of sharia courts touches upon the lives of many Palestinian and has specific impact on the lives of girls, women and children. The programme is likely to engage with Shari'a Courts in Gaza under both political scenarios.
- **Al Rabee Rehabilitation Center:** The center operates under the oversight of the Ministry of Social Development (MoSD) in Gaza, which is the only center that is authorized to detain juveniles between the age 12-16 years for rehabilitation, vocational and reform programmes. It receives about 800 juveniles annually and houses about 40 juveniles at any given time, however, the number may reach up to 60<sup>57</sup>. UNICEF, operating within *Sawasya II*, will continue advocating for alternatives to incarceration in lieu of detention in closed rehabilitation center and based of successful experiences in Gaza. As such, it will continue to engage with MoSD and engage with other institutions under scenario 1 and 2.
- **The Independent Commission for Human Rights:** The Independent Commission for Human Rights (ICHR) was established in 1993 upon a Presidential Decree issued by President Yasser Arafat in his capacity as President of the State of Palestine and chairman of the Palestine Liberation Organization. The decree was subsequently published in the Official Gazette in 1995. In accordance with the Presidential Decree, the duties and responsibilities of ICHR are: "to follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization meet the requirements for safeguarding human rights". The Commission shall submit its reports to the President of the National Authority and the Palestinian Legislative Council. Since then, ICHR has strived to achieve its mandate, firmly committing itself to the values of democracy, good governance and respect for human rights.
- **Diwan Al Fatwa Wal Tashri** (senior legal advisory body): The Diwan is an independent entity that provides opinions and legal advice for the President of Palestine, the Council of

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<sup>57</sup> As such overcrowding exceeds the capacity of Al Rabee, it also affects the various programs that are held inside the center. The center suffers not only due to lack of funding, limited resources and logistical difficulties, but also the living conditions inside Al Rabee does not compile with minimum human rights standards, in particular in relation to hygiene conditions and practices. This is an area where UNDP could be strongly improved through supporting efforts to rehabilitate the center and equip it with necessary vocational facilities and materials, in addition to case management, referral, legal aid services.

Ministers and other government institutions. Its mandates include law development and to ensure constitutional (Basic Law) compliance. It is also responsible for the issuance of the Official Gazette in the State of Palestine, which includes the Palestinian legislations published according to issue, number and date. Since the internal Palestinian political division in 2007, a new Gaza-based Diwan was established and there is no contact between the Diwan in the West Bank. The programme will engage with the Diwan to strengthen coordination and collaboration under scenario 2.

- **Palestinian NGOs and Civil Society:** As previously stated, since 2007 the vast majority of local human rights and women's organizations in Gaza have refused to recognize the existing judiciary and therefore do not represent beneficiaries before the civil court system, though they still engage with the Shari'a Court system<sup>58</sup>. Both the Palestinian Center for Human Rights (PCHR) and Al Mezan have stated informally that they are revisiting this policy and do intend to re-engage with the judiciary in Gaza. For example, the PCHR recently brought a court case challenging the restriction of freedom of movement imposed by the local authorities through the Supreme Court in its constitutional capacity ultimately considered the application in both cases to be inadmissible. The Palestinian Center for Democracy and Conflict Resolution (PCDCR) did not disengage with the judiciary in 2007 and continues to bring and represent cases before the civil judiciary. The programme will engage with NGOs and CSOs under both scenarios; this includes, PCHR, Al Mezan Center for Human Rights, PCDCR, the Coalition for Accountability and Integrity (AMAN)<sup>59</sup> and women centers<sup>60</sup>. The programme will engage with partner NGOs and CSOs in both scenarios.
- **Palestinian Bar Association:** The PBA is a statutory body that regulates the practice of law in the West bank and the Gaza Strip. The PBA defends the interests of the association and of the lawyers. It preserves the objectives of the legal profession and guarantee the freedom of the lawyer in performing his/her mission; entrenches the principle of the rule of law and the respect of human rights; organizes the efforts of members of the association in the development of legal thought in the service of rights, justice, and advancement. The PBA also engages in the development of legislation for the purpose of facilitating justice without material obstacles or administrative complications; organizes cooperation in the practice of the law and provide legal aid to those in need. The programme will engage with the PBA in both scenarios.
- **Media Organizations:** A group of active media and communications specialists working in the Gaza Strip aim at bridging the gap between the media, decision makers and the local community. They use a different mix of tools and strategies including advocacy campaigns, oversight and monitoring techniques; information sharing; public events and discussions; and policy days with key relevant stakeholders to influence the change and pursue a social development agenda. The media organizations have been working hard to reinforce and develop the role of the Palestinian media towards the social and developmental issues of the Palestinian society; women rights and gender responsiveness; identify pressing issues of the marginalized groups and put pressure on decisions makers to advocate for social change in Gaza. The programme will engage with media organizations in both scenarios.

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<sup>58</sup> Norwegian Refugee Council, 'The Shari'a Courts and Personal Status Laws in the Gaza Strip', 2011, p13

<sup>59</sup> For more details about AMAN see :<http://www.aman-palestine.org/en/about-aman/about-organization>

<sup>60</sup> There are strong and well-established women's centres guided by human rights principles that continue to play significant role in the Palestinian community in Gaza, to advocate for gender equality, women's rights, women's legal and psychosocial empowerment, political participation and accountability, to ensure justice and dignity for women. Different programmes and initiatives have been implemented on areas such as capacity development, legal information and research and advocacy initiatives.



#### 4. Risk Mitigation Strategies and Mechanisms:

*Sawasya's* mid-term strategic (MTSR) review outcomes included a set of recommendations related to the programme risk assessment, in specific recommending a "risk and mitigation action" log that considers specific risks disaggregated for East Jerusalem; Area C and other areas of the West Bank and the Gaza strip. Such a risk log should provide an area-based approach to the set of measures to be taken to navigate risks in each area<sup>61</sup>. Furthermore, the MTSR stressed that *Sawasya* must adhere to the United Nations Human Rights Due Diligence Policy for all engagements with the Palestinian administration, security sector, and MoI that will require the support of the Resident Coordinator.

Hence, *Sawasya II* activities and risk mitigation actions will be informed by its a risk assessment log detailing three levels of risks, including security, political and operational will be placed taking into account the recommendations of the MTSR and that will be revised bi-annually. The programmes new configuration and management structure provides for a programme analyst post (political analyst) whose function is to carry out a rolling context analysis that will directly feed into the programme risk assessment at its three levels. In addition, *Sawasya II* strengthened linkages to the UNSCO brings the UN system comparative advantages on political analysis in support of the programme.

Furthermore, *Sawasya II* may rely on several tools that ensure risks are assessed, and that mitigation measures are timely triggered. This includes the following;

- a) UN Human Rights Due Diligence Policy- An Implementation Tool for Decision-making Process:

*Sawasya II* will be initiated in a context of political transition, and since the level of engagement is likely to unfold under two different political scenarios, the programme will utilize the HRDDP implementation tool to aid its strategic decisions pertaining to support provided to the security sector. The Human Rights Due Diligence Policy on UN support to non-UN security forces (HRDDP) was issued by the Secretary-General of the United Nations on 13 July 2011<sup>62</sup>. It can be understood as a risk management mechanism aimed at ensuring the organization or its personnel does not provide support to entities committing grave violations of international humanitarian, human rights and refugee law ("grave violations") when engaging with the security sector<sup>63</sup>. In 2017, UNDP Global Rule of Law Programme produced an implementation tool with an overall objective to enable programme managers to make risk-informed decisions when entering a programmatic commitment with the security sector and provide a framework for the implementation of the policy.

The accountability framework consists of (1) a questionnaire on pre-requisites; (2) a questionnaire assessing the reputational risk for the UNDP (Joint programmes) when entering the sector; and (3) measures aimed at mitigating the risks identified.

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<sup>61</sup> See Mid-Term Strategic Review *Sawasya* Programme Final Report, 28 April 2016

<sup>62</sup> Cf. Paras 20 and 21 of the HRDDP: "Implementation of the HRDDP must consider the specific mandates of the UN entity concerned, as well as the nature and extent of the support, and the political and operational context in which it is delivered" (Para 20); "Each UN entity providing support must develop an implementation framework in accordance with its management practices in order to ensure compliance with this policy. That framework should be clearly set out in a Standing Operating Procedure (SOP) or similar instrument [...]"

<sup>63</sup> The HRDDP focuses on grave violations committed by a unit or by "civilians or military authorities that are directly responsible for the management, administration or command of non-UN security forces" – Cf. Para 12 of the HRDDP

## **Annex VI – Gender strategy**

Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable. Acknowledging that the ability to access justice is a human right in itself and is also key to realization to all other human rights, including the rights to non-discrimination and equality. The present strategy is designed to inform and guide the decision making process and parameters of *Sawasya II* as to ensure that the programme is exerting its fullest potential to address gender justice gaps and structural discrimination against women which are deeply entrenched in the justice and security systems in Palestine.

This strategy is based on the gender analysis of the underlying causes of gender inequality and discrimination against women, and the impact of those causes on women's access to justice and thus to women's realization of human rights.

Accordingly, this paper suggests a holistic gender mainstreaming approach to the programme and sets out tools, methods and approaches to ensure that women's rights, needs and interests are adequately reflected in the programme's policy, programming frameworks and directions. Realizing and acknowledging the impact of the historical and structural discrimination against women, this paper indicates a two-fold gender strategy, which includes, first, a gender mainstreaming approach that aims to ensure that the programme in its entirety takes into consideration women's needs and rights and consistently analyzes the implications of interventions and policies on women's rights and needs, and second, a gender targeted approach aiming at addressing the specific challenges and gaps that hinder women's access to justice.

### **Introduction**

Gender equality is at the very heart of human rights and United Nations' values. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women"; protecting and promoting women's human rights is the responsibility of all States. Although acknowledging that multiple forms of vulnerabilities affect women and men, girls and boys in Palestine which lead to social exclusion and discriminative patterns in access to rights, the present strategy stems from a focused analysis of social norms and negative stereotypes which inform laws, legal practices and policies which discriminate specifically against women and limit their opportunities to realize their human rights and equal access to justice.

Stereotypes are both descriptive (perceiving all members of a certain group to have the same attributes regardless of individual differences) and prescriptive (setting the parameters for "acceptable" behavior)<sup>64</sup>.

Stereotyping is part of the mechanisms that underlie inequality and discrimination. Social norms shape women's and men's views and expectations on the roles, responsibilities and images of each of them and, determine the wrong and the righteous. In the Palestinian social contexts, gender stereotyping reinforces male's domination over women, support men's hegemony and control of women's lives, and dictate on women and girl's subordinate roles to their male counterparts, by portraying women as individuals who are in constant need for protection and who in turn have to show obedience, while perceiving men as superiors, breadwinners and decision makers.

Gender stereotypes have structurally influenced women's access to rights, power, resources and knowledge, which denied and blocked women the opportunity to participate in various aspects of life, including in the knowledge production field. This includes amongst others, the development of legislations, laws and policies which over time reflected men's positions and views on life affairs and relations between the two sexes and served men's interests, while denying women's voices,

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<sup>64</sup> Cook R. and Cusack S. (2010), *Gender stereotyping: transnational legal perspectives*, University of Pennsylvania Press, p. 1.

experiences and interests. In the Palestinian case, the Family Status Law and the Penal Code are examples of legislations that incorporated men's interests, discourse and views and neglected women's voices, interests, and experiences. Within this, violence against women<sup>65</sup> remains a pervasive type of abuse, which is reproduced through stereotypes that devalue women; through the practices of socialization, that orient boys towards power, control and endorsement of violence; but also through the weak legal framework and the limited implementation of the existing laws, which signals to perpetrators that they can act with impunity; and, not least, through the still limited ability of the criminal justice system to respond.

Patriarchal and gender-discriminatory oppression is therefore exercised through local laws, bureaucracies, and laws that tend to disregard and/or marginalize women's entitlements, needs, and rights and that treat them unfairly by focusing on the promotion of male power and agency at the expense of female development in Palestinian communities.

Justice and security officers, including legislators, policy makers and service providers are part of these social dynamics and environment and do hold its narratives, prejudices, stereotypes and discrimination. They have their preconceived judgements particularly on relations between men and women and rights and roles of each, which in turn shape their attitudes and affect their judgements and behaviors. For instance, judicial stereotyping cause judges to reach a decision on cases based on preconceived beliefs rather than facts and actual inquiry in GBV cases.

In addition to social violence that is enshrined in social norms and discriminatory laws and legislations, access to justice is critical for women living in conflict or post-conflict situations in the context of occupation and, other oppressive systems. This is particularly relevant in the Israeli-occupied West Bank, where Palestinians are denied of their basic human rights in every societal sphere: political, economic, and social. Palestinian women living in occupied West Bank and Gaza suffer therefore at least from three layers of gendered oppressions which relate to patriarchal ideologies, policies, and practices and socio-legal discrimination; and to the military occupation, which besides forcing people to live in militarized areas, impoverish them and hinder their access to basic human rights.

Addressing gender stereotypes and bias social norms is crucial in cases of sexual and gender-based violence, where spurious 'myths and misconceptions' ultimately inform the legal framework and the justice and security sectors actors behavior towards women GBV survivors.

Due to the prevalence of gender myths and stereotypes, women often face additional risks when reporting GBV to the authorities, and there is often no guarantee that they will be believed and treated respectfully by the justice system. The tenacity of misconceptions in relation to the prevalence of false sexual and gender base violence reporting also contributes to the low number of prosecutions and convictions.

With respect to children, access to child-sensitive justice is hampered by lack of specialized courts, judges, and lawyers specially trained on children's issues. Child victims and witnesses of crime receive minimal support through formal channels, and as a result many communities seek to resolve conflicts through informal justice systems, either as an alternative to or a complement to formal procedures<sup>66</sup>.

Within the United Nations system, there is a general consensus that in the post – 2015 agenda, gender equality and the empowerment of women are pivotal as intrinsic human rights principles, and as catalysts for achieving all human development goals and good governance. *Sawasya II* contributes in particular to SDGs 5 and 16 in relation to gender equality and access to justice to all.

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<sup>65</sup> Data of the Statist Bureau indicates that 37 percent of ever-married women were exposed to one form of violence by their husbands, 29.9 per cent in the West Bank compared to 51.1 per cent in the Gaza Strip.

<sup>66</sup> Terre des Hommes (2013a) Assessment of the Informal Justice System in the Gaza Strip and its Treatment of Children in Conflict with the Law and Child Victims

Realizing women's human rights implies recognizing and addressing the underlying foundations of gender based inequality, and the root causes of women's human rights violations; challenging structural constraints to equal rights and putting in place appropriate policy and programmatic responses in line with human rights principles enshrined in the major UN Conventions.

The joint programming amongst different UN agencies represents a promising approach for integrating gender equality and women's human rights issues into "hard" sectors, such as the justice and security. Indeed, the partnership and collaboration between UN agencies represents an optimal opportunity to mainstream gender and women's human rights into larger RoL landscapes, which leverages the programme's capacity to address root causes of gender inequality and discrimination and achieve sustainable results.

This policy paper will form a strategic guiding reference to *Sawasya II*, to boost the gender responsiveness of the programme to gender justice gaps and GBV. It will first provide a general background about the strategies and methods that were used in the previous phase of the programme to integrate gender perspectives, then outlines lessons learned and proposes strategic directions, to inform the development of the programme's frameworks, policies, and interventions. The strategic directions that this policy outlines touch upon *Sawasya II*'s overall programming frameworks and policy, including the designing, planning, implementation, monitoring and evaluation cycles of the programme, in addition to the cooperation and coordination mechanisms and aspects amongst UN partner agencies under.

## **Background:**

Gender equality and women's access to justice have been one of the main pillars of *Sawasya I* and will continue to be for *Sawasya II*.

Different strategies were employed by the programme in its' first phase to integrate gender and women's human rights perspectives throughout its support to strengthening the rule of law. First and foremost, the overall approach of a joint programme aimed to embed UN Women's efforts to improve women's access to justice within a larger UNDP framework of assistance on strengthening the rule of law. Second, the programme improved gender mainstreaming into UNDP's Rule of Law portfolio by increasing cooperation and coordination between UNDP and UN Women. Third, the programme included enhancing gender expertise among different types of experts seconded to PA justice and security institutions. Fourth, the programme strengthened the gender units within the line ministries, to foster gender mainstreaming capacities. Fifth, the programme targeted civil society organizations, to reinforce their capacities to integrate gender and international human rights principles into their interventions.

Although *Sawasya II* has achieved critical gains relating to gender justice and gender mainstreaming, it has also faced some challenges and obstacles which caused delays or impeded progress in some areas. Acknowledging that some of these might be due to reasons outside the impact or control of the programme, many still can be mitigated and addressed by drawing on lessons learned and recommendations from the previous phase. The lessons learned and recommendations include the following aspects; the programme's approach, theory of change, gender mainstreaming strategy, engagement with beneficiaries and enrollment of survivors in the system, knowledge transfer and alteration of perceptions in relation to gender issues, engagement with the justice and security sector services, in addition to engagement with the Ministry of Women's Affairs and other ministries and institutions; the programme's processes and frameworks and partnership between the three UN agencies.

## **The programme's approach:**

*Sawasya* unveiled weaknesses related to the difficulty of mainstreaming gender and promoting women's access to Justice into patriarchal structures and male dominated institutions, while not

sufficiently addressing the underlying factors of discrimination against women beneficiaries and providers of services. The working environment of the justice and security sectors institutions respective institutions, including gender norms, stereotypes and images are critical aspects to consider and address when designing the programme's interventions and approaches.

To integrate gender and women's human rights issues into policies, structures, culture and work of the justice and security institutions, *Sawasya II* **will adopt a gender transformative and human rights approach** to strengthening the rule of law and access to justice, by investing more resources and efforts towards identifying and addressing deeply entrenched discrimination, working towards changing attitudes and behaviors of individuals in these institutions, encouraging and creating opportunities for individuals to actively challenge gender norms, promoting women's positions and influence within the institutions and supporting them to reflect on their experiences as women and transforming institutions.

Moreover, *Sawasya II* will pay special attention to how children experience the justice system particularly as victims. Children are facing many challenges in accessing justice for two main reasons, their limited agency and the low reporting level of cases where children's rights have been violated. The programme acknowledges that in many instances girls and boys demand different approaches depending on their different age group and types of cases. Interventions through the *Sawasya II* programme within the formal justice sector will focus on ensuring that the special needs of children are recognised and fully integrated into the broader GBV reform process. In particular, concrete measures to facilitate children's testimony and reduce secondary victimization, in line with the UN Guidelines on Justice in matters involving Child Victims and Witnesses in Criminal Proceedings, and regional MENA guidelines between actors involved in cases of child victims and child witnesses of crime (2017).

#### **The theory of change:**

Further elaborating the theory of change visualizes the pathways through which gender interventions outputs/results are expected to contribute to gender equality – related longer-term development outcomes of a given sector. For gender-transformative approaches, the development of a theory of change takes into account the nature of gender relations and gender constraints in the target areas, along with participatory consultations with both female and male duty bearers and rights holders, including the most vulnerable groups, on their concerns and priorities. A well-designed gender analysis serves this purpose. Some specific recommendations on how to ensure that the development and eventually the adaptation of the theory of change to the contextual changes utilizes **a gender-transformative approach** which includes the following:

- The presence of gender expertise through UN Women presence both during the initial development of the theory of change and during the reflection processes during which the theory of change is modified. This will increase the likelihood that gender-transformative aspects are brought to the forefront of discussions.
- The revision of the extent to which the theory of change embodies characteristics of gender-transformative approaches, which include: - fostering critical examination of inequalities and gender roles, norms and dynamics – recognizing and strengthening positive norms that support equality and an enabling environment – promoting the position of women, girls and marginalized groups–addressing the transformation of the underlying social structures and policies.

#### **The gender mainstreaming strategy:**

This strategy emphasizes the importance of strengthening cooperation among the partners agencies towards reinforcing the efforts exerted by the programme to mainstream gender, gender justice and human rights concerns into the broader interventions of *Sawasya II*. While it is critical to have gender targeted objectives on women's access to justice and gender equality, it is very important to ensure that the programme adopts **a multiple – track gender mainstreaming strategies**, which combines both; gender targeted interventions/objectives and gender – integrated objectives. These

strategies should be applied when relevant at different levels, including at the level of direct interventions on specific themes; long term measures, including systematic change in behavioral and social change, in addition to government specific measures (legislations policies and practices) and sector specific measures. Within this, proper analysis to possible implications on women's status and rights should be exercised on regular basis by senior management and technical staff, to ensure that responsive measures and actions are in place to mitigate possible risks.

### **Mainstreaming Gender outward**

#### **Engagement with rights holders and enrollment of survivors within the services provision:**

The needs of beneficiaries have always been considered a cornerstone to any proposed interventions and policies in the programme's first phase. However, in order to ensure that women's and girls' voices are adequately heard and effectively addressed by service providers, SAWASYA II should encourage duty bearers to engage effectively with rights holders, to ensure that their experiences, voices, needs and concerns are documented and analyzed and proper responses are put in place.

In addition, it is highly advisable that the programme learns from other successful experiences in the world, that have enrolled survivors into services provision, and enabled them to provide services to other -survivors foster women's trust in the system and encourage them to pursue justice, by building their capacities, supporting their safe re- integration and providing them with an adequate space and platform to synergize with other survivors. *Sawasya II* should explore the possibility of working with duty bearers in the justice and security sectors, to enable them to duly replicate this modality of support to women victims of violence within the justice chain.

#### **Engagement on knowledge transfer and alteration of perceptions in relation to gender issues:**

The dysfunctional organizational culture and weakness of institutions have proven to be a significant obstacle to **knowledge and skills transfer by** seconded experts. For the gender experts, the obstacles are even more challenging as they face an additional obstacle in their work – individuals within the justice and security institutions who have a normative bias against gender equality issues and tend to underestimate the roles and importance of gender expertise to their work. The roles of seconded experts faced confusion at certain times, as they were seen as contracted personnel to take on responsibilities of public institutions personnel, which has compromised the opportunity of building the capacities of targeted personnel and units within the respective ministries.

To enable *Sawasya II* to overcome these challenges, the programme should set clear targets to the gender related capacity building and knowledge strengthening interventions with public institutions, and communicate them to the decision makers within the institutes. The interventions will include capacity building to staff including heads of departments on gender and women's human rights, gender mainstreaming strategies, gender responsive planning and budgeting, and gender awareness and mentoring sessions; in addition to supporting the establishment and strengthening of Gender Units and providing technical advice and expertise to decision makers and others as relevant.

**The creation of other forms of gender professionals such as gender champions, gender focal points and gender support team** within institutions is highly recommended, to accelerate the gender impact of the programme on targeted institutions and the sector at large. The presence of these professionals, will facilitate the creation of agents of change from within the institutions and foster coordination between departments and units. *Sawasya II* will work on strengthening the capacities, knowledge and skills of gender focal points and gender champions, and provide them with arguments and evidence for use to influence and challenge attitudes of other ministry staff.

### **Sawasya's engagement for gender responsive justice and security sector services**

The establishment of specialized gender responsive services within the justice and security sectors have proven to be an effective approach and tool to promote women's access to justice. Building on this, *Sawasya II* will infuse new approaches in its phase two engagement. This includes in particular five possible new approaches.

**The first approach is** increasing the number of women in frontline service delivery as police officers, prosecutors, lawyers and judges and targeting them with empowerment and leadership interventions to enable them to bring their voices and perspectives as women to their respective institutions, and challenge patriarchal organizational culture of institutions and societal stereotyping. Evidence shows that having trained women in front line services in the justice chain increases reporting rates of gender based violence as well as reduces attrition and case drop out. While efforts towards changing prevailing attitudes and behaviors in these institutions will continue, the programme in its next phase should also increase its efforts towards advocating for changes in human resources policies in order to increase women's recruitment as service providers and identifying and addressing obstacles related to academic achievement and career progression and work-life balance and creating incentives for young women to enter these professions.

**The second approach is** increasing oversight and monitoring of justice sector service delivery by women's civil society and human rights based organizations and fostering linkages between CSOs and justice and security sectors. Continuing **trial monitoring of gender based violence cases** to demand accountability from prosecutors and judges will be scaled up in order to track the impact of new legislation and training provided to duty bearers, and challenging prevailing culture and stereotypes. In order to achieve this objective, national women's civil society and human rights organizations should be targeted in legal capacity building trainings to be able to comment on courts decisions, conduct strategic litigation, and be trained to analyze data from the police complaints unit in order to monitor whether police are responding to cases filed by women victims of violence. CSOs that provide services to women victims of violence should also be targeted in specific – tailored trainings to enable them to provide due services to women beneficiaries of their services. Other justice services such as the enforcement of alimony payments out of the PMF are also important services for women's civil society to monitor.

**The third approach is** to ensure a regular and systematic dialogue between women's civil society, human rights based organizations undertaking monitoring of services and the security and justice sector service providers in order to feed important lessons into the reform and improvement of justice and security sector services.

**The fourth approach is** to enhance the accountability of the justice and security institutions to gender responsive services, through the development of gender responsive monitoring and evaluation systems, specific gender marker and data collection systems within the justice and security institutions. UN Women will invest more efforts to familiarize technical and decision makers with principles of GE marker systems, which track and report on allocations and expenditures for gender responsive services, and build their capacities to use it.

**The fifth approach is** to allocate adequate support in *Sawasya II* to the development of gender responsive infrastructure within the justice institutions, to ensure the provision of gender responsive environment and space. The availability of proper infrastructure that responds to the needs of women, girls and victims, and preserves their dignity privacy and confidentiality is one of the critical aspects that influence women and girl's access to justice.

### **Sawasya's engagement with the gender units within the justice and security sectors:**

*Sawasya II* will be supporting UN Women's corporate efforts with the gender units, through providing capacity building to gender unit staff in the security and justice line ministries and key

institutions aligned with UN Women corporate approach. While the RoL programme will continue to engage with gender units in line ministries in the justice and security sectors, due attention and focus should be invested towards sensitizing other key departments in ministries such as Planning Department, Complaints Department, Legal Unit and Training Department on gender issues. Relations between gender units and other influencing departments/ units at institutions, such as Planning Departments, Advocacy and policy Units/ Departments will also be addressed in *Sawasya II* to build synergies on gender issues and foster coordination between gender units and other departments.

### ***Sawasya II's* engagement with umbrella institutions in Palestine, such as PCBS, GPC, MoFP, MoE and PLC:**

Although the programme's main focus is directed towards justice and security institutions, relations with other institutions that are not direct beneficiaries of the programme or do not have direct involvement in the justice chain, will be established and maintained under *Sawasya II*. Realizing the interlinkages between societal, economic, cultural, legal and political factors and women's access to justice and gender equality, it is of crucial importance that the programme builds a clear position on key priority issues that intersects with the justice and security sectors

### **SAWASYA' engagement with legislative bodies**

UN Women will capitalize on the previous experience in providing technical support to the CoM and to the main responsible Ministries (MoWA, MoJ, MoDS) to align national laws with international human rights standard relating to women and extend its support to other national committees particularly those engaging in reviewing and refining the Penal Code and the Family Status Law.

### **Mainstreaming Gender inward**

#### **The programming processes and frameworks:**

*Sawasya* developed multiple frameworks for the management of the programme, and put in place processes that eased the implementation, monitoring and evaluation of the programme. However, the programme's frameworks reflected to some extent a separation between gender issues and other related matters within the sectors, i.e., gender responsive frameworks were reflected mainly under a specific component, which limited the opportunities to integrate gender and women's human rights issues across all the programme's different interventions.

In *Sawasya II*, given the specific expertise and the mandate of UN Women at the international level on women rights and gender mainstreaming, increased efforts should be exerted by the UN Women to provide guidance to the other agencies **on gender responsive frameworks, processes policies and strategies**. This will be implemented through applying a gender analysis to the planning process all across the overarching programming cycle of the thematic sector, including contextual analysis, sector- related gender analysis, the programme's design including the selection of priority issues, target groups and their integration in terms of programme results, indicators, monitoring and evaluation, reporting and strategy readjustment. *Sawasya II* will conceptualize and agree on specific development targets under each goal that reflect efforts to address gender barriers that women and girls face; developing gender-sensitive indicators, and ensuring all indicators are disaggregated by sex and other gender related determinants.



## **Partnership between UNDP, UN Women and UNICEF:**

Partnership between UN Women and UNDP has been positive for women's access to justice. It has given UN Women access to non-traditional partners in the rule of law sector, while also leveraging UNDP's efforts towards improving women's access to justice all across the sector. Partnership between the two UN agencies has been fostered through different cooperation and coordination mechanisms, including but not limited to the technical committees which were formed under the programme: including the Gender Experts Committee, which provided platforms to the two agencies to discuss and address mutual concerns and issues; including partnering with five joint implementing partners in Gaza; the joint M&E strategy for the programme and joint publication of perception survey data, the joint CSO project review committee to ensure gender mainstreaming across portfolio's in addition to coordination of partnerships.

However, based on lessons learned from the previous phase, **new approaches should be infused into the work of these committees** to avoid the risk of isolating gender issues from committees/forums that do not necessarily work directly on gender issues and women's access to justice, or turning these forums into platforms to inform others on upcoming activities without providing clear directions on how to integrate a gender and women's human rights perspective into them.

More specifically, these approaches should put in place accountability measures into the work of the committees, to ensure that gender and women's human rights are integrated into their efforts, in addition to ensuring optimal use of programme's resources to promote gender justice through *Sawasya II*. These can include amongst others; the development of general principles or checklist on gender mainstreaming into the work of the committees; the enrollment of gender expertise, ensuring proper representation of *Sawasya* technical expertise, who can provide advice and opinion on gender related issues, in addition to the development of ToRs to the committees, with clear description on roles, responsibilities and reporting lines. Both, the themes of the technical committees and their membership will be carefully developed so that they function as effective fora for mainstreaming gender into *Sawasya II's* interventions.

Technical committees will include: the Gender Mainstreaming Committee, a Knowledge Management Committee, a Civil Society Engagement Committee, an External Relations Committee, a Legal Advisory and Policy Committee.

## **Annex VII – Legal aid strategy**

### **I. Introduction**

This Strategy sets out the vision for *Sawasya II*, as it relates to its support to ensuring access to legal aid services in Palestine (including in East Jerusalem and Area C) to vulnerable and indigent groups.

Drawing on the definition outlined by the ***UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems***, *Sawasya II* program adopted a broader definition for legal aid that includes:

- legal education and legal awareness;
- legal consultation;
- legal representation before courts.

### **II. Background**

Between 2014-2017, the *Sawasya* Programme (UNDP/UN Women) contributed to the provision of legal aid to the Palestinians in a wide range of fields. Areas of legal assistance included the Israeli judicial system (occupied Jerusalem), the Israeli military court system and the Palestinian jurisdiction.

Specifically, the Programme supported legal aid provision in the following manner:

- Legal advice/counselling and representation provided by legal clinics run by universities and civil society organizations in West Bank (including East Jerusalem) and Gaza (Palestinian, Israeli and Israeli military jurisdictions).
- Specific focus on legal aid services (consultation, representation) to women and girls and juveniles through specialized Civil Society Organizations (CSO).
- Support to the Gaza Branch of the PBA in providing legal aid services, through funding of salaried legal aid lawyers at the level of the PBA who inter alia provided legal support to female inmate (consultation and court representation); more than 40 lawyers were provided with an intensive training on VAW, gender equality and responsive representation to VAW cases in courts; as well as PBA's role in coordinating the AWN network (see below).
- Support to the West Bank Branch of the PBA in establishing a Pro Bono legal aid clinic, roster of pro bono lawyers, and development of a Pro Bono legal Aid Strategy for the PBA, for defendants in criminal cases including women and children.
- Support – through the West Bank Branch of the PBA – to specialized lawyers to provide free legal representation to female victims of VAW, both defendants and claimants.
- As part of its legal education approach: support to establishment and functioning of legal clinics of 8 universities in Gaza and WB engaging law students in legal aid service provision under supervision of a lawyer and outreach activities.
- Support to a network of Legal Aid Providers (AWN Access to Justice) in Gaza, to facilitate and coordination services provision and referrals.
- Legal Aid provision through the Ministry of Social Development's legal representation programme to juvenile offenders.
- Support to the process of building a sustainable legal aid model coordinated by the PA including through the establishment of a National Legal Aid Committee in charge of establishing a sustainable legal aid system where the state of Palestine will be responsible for providing the needed fund to operationalize the entity.

### **III. Legal framework for the provision of legal aid in Palestine**

In 2014 the Palestinian Authority ratified the key International Human Rights Conventions that recognize the right to counsel and the right to fair trial, including article 14 of the ICCPR<sup>67</sup>. Below are briefly mentioned the key national laws that compose the legal framework for the provision of legal aid in Palestine:

- Article 14 of the **Basic Law** provides that “any person accused of a crime shall be represented by a lawyer”.
- Article 244 of the **Criminal Procedure Code** requires courts to appoint a lawyer for any person accused of a felony unable to secure their own lawyer “because of the paucity of his financial resources”<sup>68</sup>. Article 307 extends the application of article 244 to conciliation courts and misdemeanors.
- Article 10 of the **Juvenile Protection Law**, provides that “The juvenile must have a lawyer for his or her defense, whether in the initial investigation or trial stage. If he does not appoint an attorney, the prosecution or the court will, as the case may be, pay the expense”.
- Article 44 of the **Law of the Palestinian Association for Regular Lawyers** which gives the Chairman the power to appoint lawyers for free services, including the representation of indigents in courts.

The “*National Strategy of Justice and Rule of Law 2017-2022*” recently adopted under the lead of the Ministry of Justice includes some policies that target specifically access to justice services with a focus on the institutionalization of legal aid for marginalized groups and the development of the required legislative framework.

### **IV. Legal Aid Providers in Palestine**

The legal system in Palestine is extremely fragmented and complex and the legal needs are broad and often urgent. Despite the efforts of legal aid providers in Palestine, there is a large unmet need for legal services and, according to recent perception surveys, those who can least afford legal services are the most likely to pay for it<sup>69</sup>.

The provision of legal aid services in the West Bank is ensured by different providers, CSOs, Universities, INGOs and some state bodies (courts and prosecution). However, a structured and coordinated system is not yet in place nor has a comprehensive mapping exercise been undertaken. Primary legal aid initiatives in the West Bank range from legal representation, legal advice, legal information, legal awareness and mediation in different areas of law, according to the mandate of the LA provider.

The following actors currently provide legal aid services:

#### **• Palestinian public institutions:**

- **High Judicial Council (HJC):** Court-appointed system of lawyers managed by judges of First Instance and Appeal Courts.

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<sup>67</sup> Everyone charged with a criminal offense should “have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”

<sup>68</sup> Art 244: “The court asks the accused if he has chosen a defense counsel and, if he has not done so because of the paucity of his financial resources, the president of the court appoints one for him from among the lawyers who have practiced at the bar for at least five years or who, before being admitted to the bar, worked in the Public Prosecution or in the judiciary for not less than two years”.

<sup>69</sup> Public Perception Survey of Palestinian Justice and Security Institutions (3<sup>rd</sup> edition, 2015) at 26.

- **Prime Minister's office (PMO):** Legal affairs unit is providing legal assistance to protect homes from demolition and preventing the eviction of Palestinians from their homes in East Jerusalem (EJ).
  - **Ministry of Social Development (MoSD):** Legal Representation scheme for juvenile offenders delivered by 3 salaried lawyers based in three Districts (Hebron, Ramallah and Turkmen).
  - **National Commission for Prisoners and Detainees Affairs:** 36 lawyers providing legal Representation for Palestinians detained in Israeli prisons and detention centers.
  - **Special Commission for resistance against the Wall and Settlements:** 6 salaried lawyers to provide legal representation for Housing Land and Property violations in the WB except EJ.
- **Palestinian Bar Association (PBA):** PBA is providing legal aid services through salaried legal aid lawyers in Gaza and a Pro Bono legal aid clinic in the WB supported by the SAWASYA program.
  - **CSO and Universities:** Legal aid services delivered by CSOs either through salaried lawyers or contracted lawyers paid per case. Some of these services are supported by the PA (prisoners' club).

#### **V. Sawasya II Strategic Direction "Legal Aid"**

Support to Legal Aid forms a central part of the implementation strategy of *Sawasya II*, and interventions are included in Outcome 3 and Outcome 4 of the program: **All Palestinians, especially women and vulnerable groups, have access to justice, security and protection without discrimination and Outcome 4: Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women.**

Within these outcomes, *Sawasya* will support and facilitate a policy dialogue between all relevant PA institutions and civil society organizations to develop a national framework for legal aid in Palestine. This framework will be developed and tailored to respond to the specific needs of each of the area of the State of Palestine (West Bank including area C, Hebron 2 and East Jerusalem and Gaza) and will cover both the Palestinian and Israeli jurisdictions. The program will also focus its support in strengthening the Palestinian government capacities in coordinating all actors involved in providing legal aid especially in area C and East Jerusalem. In addition, *Sawasya* will continue supporting the PBA, universities and other civil society organizations in providing legal aid services in the framework of the National Legal aid strategy to be developed with the support of the program. Any support provided to CSO by the program within this outcome will be discussed with all relevant development and technical partners in order to avoid any overlap and duplication of efforts.

##### **1. Support to legal aid before Palestinian jurisdictions**

Within the Palestinian jurisdiction, *Sawasya II* will focus on supporting the Palestinian government in establishing a state legal aid system for the West Bank that is able to provide free legal consultation and representation services to all vulnerable populations in order to ensure its sustainability. This work will build on the previous support provided by *Sawasya* that led to the creation of the National Legal Aid Committee.

There are different national legal aid models possible when establishing a legal aid scheme. Whilst not imposing a specific model to its counterparts, the legal aid scheme will need to adhere to international standards and best practices, and sustainable in the Palestinian context. The program will ensure that this strategy will be developed in full consultation with all relevant state and civil society actors and that it includes – at a minimum –the following elements:

- Legal consultation services available to all vulnerable populations outside (for instance through civil society or information points within municipalities) and/or inside court premises (legal information and consultation desks);
- Legal representation services not limited to criminal law cases, but to encompass broader range of areas of law, including Sharia/family law;
- Level of representation (early/pre-trial representation)
- Legal awareness and outreach strategy; this should explore the possibility of having legal aid information 'desks' housed within municipality or government managed services providers as well as within courts.
- Services will cover Gaza and West Bank, Area C and East Jerusalem
- Address specific needs of women (such as women in conflict with the law and women GBV victims), children and other vulnerable groups (residents of refugee camps, people with disabilities);
- Clear eligibility criteria for legal aid services and unified fees to be paid by all legal aid providers
- Reach and accessibility of legal aid services provision mechanisms: both in rural and urban settings in the West Bank and Gaza;
- Establishment of a legal aid fund at the level of the PA to subsidize legal aid services
- Development of a quality control/monitoring system that ensures the provision of sex-disaggregated data, in addition to other vulnerability related determinants, to assess the performance of legal aid services deliverables
- Capacity building of service providers, including lawyers and admin/finance staff
- Development of performance and qualification standards for service delivery
- Build a data collection and monitoring system -disaggregated by sex, age, vulnerability type that includes a legal needs assessment

Following the adoption of the NLAS, *Sawasya II* will provide support to the governance of the entity mandated to coordinate legal aid in Palestine and technical assistance to build the capacity of that entity to develop systems, procedures and protocols for the new legal aid system, provide quality assurance of legal aid, support for the coordination of legal aid (including intake, referrals, monitoring and reporting of legal aid cases). *Sawasya II* will also support the specialization and accreditation of legal aid lawyers to receive funds from the scheme, thereby enhancing its quality and responsiveness of service delivery.

Until the National Legal Aid Scheme is approved and fully funded, the program will continue supporting the PBA, universities and other civil society organizations in providing legal aid services in complementarity - and not in substitution or competition - to state legal aid providers. In Gaza, more direct service delivery will continue to be supported while waiting for the full redeployment of the Palestinian government's institutions. The support provided by the program to CSOs will focus more on legal awareness throughout Palestine in order to complement the legal consultation and representations services provided by the government of Palestine. As concerns legal awareness, *Sawasya* aims at building CSO/CBO networks in each of the 16 governorates to achieve legal awareness campaigns at the local level. The support to legal aid clinics will build on the support provided during the first phase of the program and will focus on enhancing quality control and monitoring impact on students' professional opportunities, formalizing linkages with the PBA, networking amongst clinics, and strengthening sustainability.

## **2. Support to Legal Aid in area C, Hebron 2 and East Jerusalem**

*Sawasya II* will also focus its support in strengthening the government of Palestine capacities to provide legal aid services in Area C, Hebron 2 and EJ before Palestinian and Israeli jurisdictions, and to ensure that a stronger coordination and a well-defined partnership strategy with civil society

actors is articulated to leverage their comparative advantages on strengthening access to justice for populations living in those areas. Support to legal aid will follow in part the recommendations as outlined in the East Jerusalem Legal Aid Mapping (2016), and the research 'in the absence of justice' (2016) on challenges faced by Palestinian women and girls to access justice in East Jerusalem. As concerns the provision of legal aid services to vulnerable children, the program will support the provision of legal aid for children in contact with Israeli forces in East Jerusalem, residency rights and other specific issues related to their status as Jerusalemites. The most vulnerable children will be targeted and the provision of legal aid for children will be fully coordinated with other stakeholders.

## **Annex VIII – Civil Society Organisations strategy**

### **Introduction**

This strategy presents the partnership modalities with Civil Society Organizations (CSO) that will be implemented in the framework of the second phase of the *Sawasya* joint Programme. It provides an analysis of the lessons learned from the previous phase and benefited from the recommendations provided in the final evaluation of *Sawasya* Programme and serves as an operational piece outlining the strategic direction and management of CSO partnerships under the new phase of the joint programme.

In so doing, the document sets forth modalities and procedures to support this strategy, with primary emphasis on delivering programme results in the most effective and efficient manner possible. This note serves as an overarching 'umbrella' document. References to more detailed information and guidance related to prequalification procedures, and selection processes are included throughout the document.

### **1. Support to civil society in Palestine: lessons learnt from *Sawasya I***

With an overall budget of approx. 9.8 USD million for three years (2014-2017), UNDP and UN Women supported more than 70 civil society organizations across the West Bank, East Jerusalem and Gaza under *Sawasya I*, within different jurisdictions. The civil society portfolio managed by both agencies contained projects ranging from legal aid provision (specifically targeting juveniles and women), legal literacy, legal education, human rights monitoring and documentation, monitoring of the performance justice and the security sector, anti-corruption, VAWG (primary) prevention and awareness raising. More than 120 grants were provided, ranging from 30.000 to 200.000 USD in value, to projects with implementation timeframes 6-18 months. Various granting modalities were applied: UNDP managed the Rule of Law Roster (of which approx. 90% members were contracted) and UN Women contracted partners through a thematic call for proposals.

*Sawasya I* revealed several important lessons that informed the design of the present strategy, and are outlined below:

- In terms of the strategic focus of the CSO portfolio, the distribution of thematic focus areas and geographic focus during *Sawasya I* was very broad: this may have led to scattering of resources, and challenges in ensure coherence/coordination across the portfolio. There is a need to develop a more strategic approach to the CSO portfolio, and at the same time developing area-specific strategies.
- Short-term and project-based contracting has negatively affected the continuity of interventions, and is not conducive to building a coherent and strategic CSO portfolio. Other modalities need to be explored to allow for longer term partnerships that produce sustainable change;
- Given the size of the portfolio under *Sawasya I*, staff time was primarily dedicated to delivery from a financial/grant management point of view. Working closely with large group of CSOs made it difficult to better engage at strategic level. This applies in particular to the UNDP portfolio. Nevertheless, efforts were invested in building the capacities of partners in M&E and reporting in particular through training and workshops in Gaza and the West Bank, and encouraging stronger networking amongst legal aid providers in particular. These efforts should be further intensified, and the programme should be able to act as a facilitator and provide technical assistance to partners.
- The roster modality implemented by UNDP allowed for swift contracting to adapt to changing contexts (ex. Gaza Emergency Component) and proved a flexible tool to adapt to changing

political circumstances. However, unless the roster is opened for applications on a regular basis, it also restrains the programme from renewing its portfolio.

- The CSO portfolio produced a large amount of knowledge products, including in depth studies and reports used for advocacy by partners. The programme should seek ways to use this rich source of knowledge and identify how it can play a meaningful role in reinforcing partners' advocacy efforts and utilising research to influence audiences, taking in consideration its positioning as Joint UN Programme.
- The need to develop an overarching advocacy strategy for the programme, in consultation with CSOs that defines the role of programme in upscaling advocacy messages/knowledge produced by partners. This advocacy strategy will be tailored to certain area or thematic-specific concerns, such as the legal challenges in relation to East Jerusalem or Area C.

## 2. Strategic directions

***Building on the knowledge generated during its previous phase, internal discussion amongst the three Agencies, and consultations with broader stakeholders, Sawasya II will focus on the following strategic areas of support to civil society, as outlined under the programs outcomes.***

- Under outcome 1 **“Rule of law institutions are strengthened and reunified by legal, regulatory and policy frameworks in line with international standards”** and outcome 2 **“Service provision by rule of law institutions is effective, accountable and inclusive”**, the program will support civil society to strengthen accountability and performance of Palestinian rule of law institutions in delivering services to the public, and enhancing public trust in those institutions.
- Under outcome 3 **“All Palestinians, especially women, children and vulnerable groups, have access to justice, security and protection without discrimination”** and outcome 4 **“Women's access to justice and security are improved through gender-responsive service delivery and empowerment of women”**, the program will support civil society efforts to ensure access to justice for vulnerable populations with a particular focus on juveniles and women and in complementarity with existing state legal aid services to contribute in building a Palestinian owned legal aid scheme that is sustainable.

In the framework of these four outcomes, the program will support CSOs in the following thematic areas:

### **i. Accountability and civilian oversight:**

*Sawasya II* will strengthen the role of civil society in playing an oversight and watchdog role vis-a-vis PA justice and security institutions through research, reporting, litigation and advocacy initiatives, with the ultimate aim of advancing the rule of law, strengthening civilian oversight, accountability and performance of Palestinian rule of law institutions in delivering services to the public, enhancing public trust in those institutions, fair trial and respect of human rights and international standards.

### **ii. Legal Aid to indigent people, vulnerable groups and in marginalized areas:**

In the West Bank and Gaza, the support to CSO on legal aid activities will be provided with a view to ensuring their long-term sustainability and their complementarity with existing state legal aid services to contribute in building a Palestinian owned legal aid scheme that is sustainable. Focus will be on public awareness campaigns on the rights of the most vulnerable with the wider society and national duty bearers and legal aid provision to vulnerable group, including women and juveniles.



Where relevant, legal aid assistance will be accompanied by support to psychosocial assistance. The program will ensure that only indigent people and vulnerable groups are being serviced and that quality assurance systems are in place to ensure the best possible service is provided to the beneficiaries. In areas underserved by the PA (East Jerusalem, Area C), the programme will focus its support in strengthening PA capacities to provide legal aid<sup>70</sup> and to ensure that a stronger coordination and a well-defined partnership strategy with civil society actors is articulated to leverage their comparative advantages on strengthening access to justice for populations. In Gaza, more direct service delivery will continue to be supported while waiting for the full redeployment of the PA institutions.

### 3. Cross-cutting principles

In addition to the above, the programme will design concrete ways to foster the following features in all its CSO partnerships:

- **Partnering between Organizations:** *Sawasya II* will play a conducive role in compelling larger organizations to partner with smaller, less experienced CSOs in the interest of (1) capitalizing on creative/innovative ideas and approaches; (2) mentoring their organizational development; (3) fostering constructive collaboration and effective synergies; (4) ensuring sustainability; (5) ensuring more outreach to marginalized groups and promoting human rights; (6) ensuring a comprehensive geographical coverage for all CSOs activities. Joint submissions will be strongly encouraged, in particular between a 'strong capacity' partners with one or more small innovative Community Based Organizations (CBOs).
- **Strengthening coalitions, networks and alliances:** Drawing on experience with coalitions, networks and alliances, the programme will further support such networks to strengthen their role as platforms for facilitating referrals, harmonizing data and professional standards for service delivery, and joining forces for collective lobby and advocacy purposes.
- **Cultivate West Bank/Gaza CSO partnerships:** *Sawasya II* will support civil society in overcoming or countering the political divide between Gaza and the West bank as part of supporting the reconciliation process. The program will support: collaboration and networking between women's groups to strengthen Palestinian's women movement; joint initiatives on various legal issues such as family law matters, human rights violations...; existing networks and coordination bodies at the national level (ex: PNGO, AWN network, PHROC, Al Muntada), supporting joint projects; regular consultation meetings.
- **Gender Mainstreaming:** In addition to supporting specialized service delivery for women and girls and advocacy initiatives and campaigns on women's access to justice, the program will ensure that gender is mainstreamed throughout all CSO projects including their strategy, activities, M&E framework and budget.
- **Partnership between CSOs and public institutions and policy dialogue:** partnerships between CSOs and public institutions will be encouraged by the program especially when it comes to the implementation of national strategies and public awareness on legal and HR issues. The program will also create policy dialogue platform among CSOs, CSOs and the joint program, CSOs with donors and CSOs with official institutions. The platform will give different parties the chance to discuss mutual issues, HR situation and political developments.

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<sup>70</sup> The PA is currently providing legal aid through the National Commission for Prisoners and Detainees Affairs, Special Commission for resistance against the Wall and Settlements and the Prisoner's Club.

#### **4. Operational Modalities:**

##### **i. Support to civil society through two separate funding windows:**

*Sawasya II* will structure its funding support to civil society through two separate funding modalities: the programmatic and the innovation funding windows.

- **Programmatic funding window**

Building on lessons learned from *Sawasya I* and discussions with donors, the programme will engage in a small number of strategic partnerships with key civil society partners through longer term contracts. Such programmatic frameworks will be developed around specific thematic or geographic focus areas, with contractual arrangements of relevant partners for up to 3 years. These programmatic supports will be developed in close consultation with other CSO donors such as HR Secretariat, to avoid overlap. CSOs involved in this programmatic window will implement their activities in accordance with *Sawasya II* results framework against which the program will measure progress of their individual projects. Within the *Sawasya* team, a CSO grant manager and technical/thematic analyst will jointly work on managing the programme, focusing on fostering coordination, providing technical expertise, sharing of experiences and practice and advocacy/policy work. CSOs projects implemented under this window will span across WB and Gaza.

- **Innovation funding window**

Through this innovation funding window, the programme will support projects that are urgent or respond to emergencies and new political circumstances. This funding window will be implemented through shorter contracts with smaller amounts, is designed to be flexible and responsive and could be used for innovative pilot projects or for small projects that could catalyze larger programs. Emergency projects in the event of rapid deterioration of political and security context will be financed through this finding window.

##### **ii. CSOs selection process**

CSOs will be selected through the existing Rule of Law roster that will be reopened for applications during the inception phase, through direct contracting modalities for CSOs pre-identified in the program document and through call for proposals especially in the framework of the innovation funding window.

CSOs will be selected through a joint UNDP, UN Women, UNICEF committee that will ensure that the projects are in line with *Sawasya II* outcomes/outputs and with the above-mentioned priorities and crosscutting principles. This committee will equally make sure that UNDP, UN Women and UNICEF portfolios are complementary and avenues for cross-fertilization and cost efficiency are identified.

##### **iii. Coordination with external stakeholders**

The program will closely coordinate its support to CSOs with all relevant development partners<sup>71</sup> and the Humanitarian Cluster System to ensure complementary approaches and avoid overlap. Members of the *Sawasya* team will also actively participate in and contribute to the work of the Protection Cluster in the West Bank and Gaza and its relevant sub-working groups.

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<sup>71</sup> The human Rights Secretariat that was providing core funding to several HR organizations will finish its activities in 2018. The programme will therefore exchange regularly with relevant development partners providing direct support to HR organizations

#### **iv. Visibility and knowledge management**

*Sawasya II* will be developing a common communication strategy to ensure the visibility of the CSOs activities including through social media and flyers. As per corporate policy, partners require written approval from *Sawasya* regarding the use of the Joint program logos or the logos of the joint program donors on any knowledge and communication products. As concerns knowledge management, the program will ensure the dissemination of all knowledge products produced by the CSOs including through the policy dialogue platform among CSOs that will be established by the program.