Supporting Rule of Law and Access to Justice for the Palestinian People

UNDP’s Rule of Law and Access to Justice Programme aims at the gradual development of justice mechanisms as the Palestinian people prepare for statehood. In this regard, the programme identified five key outputs:

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

Mindful that the rule of law is a function of both national institutions’ capacity to deliver quality justice and security services, and local communities’ capacity to use them, UNDP is building capacities throughout the justice chain: from the villages in which disputes emerge, to the ministries which provide the framework within which they are adjudicated. By so doing, UNDP is empowering Palestinians at both local and national level to strengthen the rule of law as a shared challenge and joint achievement.

UNDP is extending its support for institutional capacity development to the MoJ, HJC and AGO and developed a comprehensive access to justice strategy engaging actors at all levels, including Bar Association, CSOs and other grassroots initiatives. Efforts are being directed towards extending the reach out of free legal aid services and legal awareness programmes throughout the occupied Palestinian territory (oPt).

In addition, UNDP is supporting the civil society organizations in Gaza Strip and enhancing gender and juvenile justice conditions, in addition to engaging with the informal justice systems to bridge the gap with the formal system.

Moreover, the programme is working towards enhancing the confidence of legal professionals and rebuilding public trust in the Palestinian justice sector, through supporting networks of legal professionals and providing models for harmonization of the various existing legal systems in the oPt.

UNDP is currently in the last year of implementing Phase I, and following on from the programme’s strong track record and achievements, is now working to develop a Phase II of the programme for the years 2014-2016. Phase II is likely to expand into new areas to strengthen rule of law in the the oPt, namely to enhance anti-corruption and accountability mechanisms.
Accomplishments

Capacity of rule of law institutions strengthened

- UNDP consolidated internal coordination and communication mechanisms among PA’s rule of law institutions, MoJ, HJC and AGO.
- UNDP enhanced the effective administration of justice in the oPt through the adoption of a user-friendly electronic case file management system (MiZAN2) and supported the upgrade of the Al-Muqtafi website, a database storing around 17,000 pieces of Palestinian legislation, case law, judicial precedents and legal opinions which has come to be heavily relied upon by all justice actors.
- MoJ launched its UNDP funded project “Justice for the Future” and provided scholarships and legal internships to 25 disadvantaged law students, in addition to establishing a public Justice Information Centre
- UNDP has significantly strengthened the core planning, management, evaluation and administration capacities across the MoJ.
- The MoJ is now fully engaged in and able to make a substantive contribution to the development of a national legal aid policy and scheme.
- The HJC and AGO are better able to plan strategically and manage projects and respond to their own capacity development needs and the needs of stakeholders (including the public, civil society, lawyers, judges and development partners).

Access to justice at local and grassroots levels enhanced in the West Bank

- UNDP established strong partnerships with the Palestinian Bar Association, 33 carefully selected CSOs, and three universities. In addition, the programme provided, through its partners, legal information to approximately 13,355 beneficiaries, legal advice to 5,938 cases and representation to 3,977 cases. It also developed a continuous training programme for lawyers.
- UNDP enhanced the sustainability and quality of legal aid services through developing clinical legal education programmes and enhanced access to legal resources and institutionalized training courses for lawyers.
- Over the course of 2011 and 2012, Palestinian institutions were increasingly compelled to adhere to the rule of law as a result of civil society oversight and legal advocacy.
- Important human rights advocacy goals were secured in 2011 and 2012.

Gender and juvenile justice improved

- UNDP expanded access to justice for women and children through successful targeting of legal aid services and legal awareness raising activities. Through its CSO partners, the programme was able to provide 2,412 women with legal representation, 5,581 women with legal advice and 23,407 women with legal information with women comprising more than 65% of all programme legal aid beneficiaries.
- UNDP commissioned an independent legislative review examining Palestinian law from a women’s rights perspective which has subsequently been relied upon in a range of policy contexts.
- UNDP provided technical expertise to the MoJ and the MoSA, which resulted in generating significant legislative developments, including the draft Juvenile Justice Law, the draft Law to Combat Violence Against Women, and abolishing ‘honour crime’ as a defense to murder under the Penal Code.
- UNDP supported the development of draft strategies, action plans and indicators on gender and juvenile justice and supported the implementation of the PA’s strategies to combat Gender-Based Violence and Advance Juvenile Justice.
- UNDP partnered with EUPOL COPPS to help women navigate legal processes through setting up public ‘court information points’ in three courthouses in the West Bank.
- UNDP supported the development of a 200+ female lawyers’ network, and identification of concrete programmatic entry points to support women’s more active and equal participation in the legal profession.
- UNDP partnered with the Palestinian Maintenance Fund (PMF) and supported them in institutionalizing their relationship with relevant Palestinian government bodies which has increased the effectiveness of funds retrieval efforts and resulted in more vulnerable women and children receiving the maintenance payments they are entitled to by law.
- UNDP strengthened the capacity of the MoSA by supporting juvenile justice coordination processes, improving facilities in the youth rehabilitation centre and developing specialized legal defense services.

Rule of law in the Gaza Strip initiated

- Free public Legal Aid concept introduced and institutionalized through the establishment of 18 legal clinics which 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 programme in Gaza developed 24 strong partnerships with CSOs including the Palestinian Bar Association.
- Capacity of Palestinian Bar Association strengthened through providing technical and financial support.
- Upgrading the libraries of both branches of the PBA as well as the library of Al-Azhar School of Law, with new books, periodicals, and classification systems.
- Conducting the first ever Mapping Survey of legal aid services and Legal Aid Database in the Gaza Strip which has enabled legal aid need to be more readily identified and policies advanced.
- Consolidation of the coordination and networking mechanisms among different stakeholder through establishing the Network of Legal Aid Providers “Awn” and Legal Task force under the UN Protection Cluster.
- Mobilization of legal community and fostering consultations and dialogue among legal professionals and the public.
- Governmental and judicial authorities in the Gaza Strip have become more responsive to civil society efforts to hold them to account for breaches of the law and violations of human rights.
- Through engaging lawyers in informal justice processes in the Gaza Strip, the programme has facilitated the resolution of hundreds of disputes and brought civil peace to many neighbourhoods in a lawful manner largely consistent with basic human rights standards. In addition, the programme supported and trained the Gaza Strip’s first female mukhtar (community leader) who has been able to secure recognition of her role from the community thereby challenging deeply held stereotypes about the appropriate role of women in Gazan society.

Confidence Building among stakeholders promoted

- Confidence among stakeholders has been promoted by developing tools to measure the performance and perceptions of justice institutions through the second annual survey of Public Perceptions of Justice and Security Institutions.
- The programme supported PCBS to institutionalize its relationships with justice and security institutions thus enabling it to undertake the first ever survey of available justice sector data.
- CSO partners have been supported to use tools of advocacy and achieved greater accountability of justice institutions to the public.
- Citizens access to justice services and information has been improved.
- Confidence and trust between justice actors have been increased.