Building a Sustainable Legal Aid System in Palestine

The project aims to strengthen institutionalised approaches to the provision of legal aid services in the State of Palestine, and to support a national legal framework that is unified, coherent and human rights compliant.

The focus of the project is to support the establishment of a National Legal Aid Committee to develop a National Legal Aid Strategy through inclusive and participatory processes across the West Bank, including East Jerusalem, and Gaza Strip. The project will also support the coordination and networking of national legal aid providers (government, universities and civil society), quality assurance processes and best practice guidance to improve service delivery by lawyers.

The second component of the project is to support the development of a national legal framework. The drafting and review of laws is a complex task due to jurisdictional fragmentation and lack of a methodology or tool for the integration of international human rights treaty obligations into domestic law.

The project is supporting the development of an online tool that provides conceptual linkages to Palestinian laws and court decisions and international human rights treaties so that the links are readily identified and consistency between national laws and harmonisation of international standards becomes feasible. The online tool will also facilitate participatory law making between agencies and potentially with civil society actors in the future.

The “Building a Sustainable Legal Aid System in Palestine” Project is implemented under the auspices of the joint UNDP / UN Women Programme “Strengthening the Rule of Law in the Occupied Palestinian Territory: Justice and Security for the Palestinian People (2014 – 2017)” (“Sawasya Programme”). Sawasya is funded by the Government of Netherlands, the Swedish International Development Agency, the United Kingdom Department for International Development (DFID) and the European Union (EU).

The National Strategy for Justice and Rule of Law (2014 – 2016) prioritized the establishment of a national legal aid system as a means to improve access to justice. Legal aid is also a strategic concern of the Sawasya Programme; it is an essential precondition to access to justice particularly for the most vulnerable.

Most legal aid services are currently provided through civil society organisations (CSOs) and university legal clinics, which are primarily donor-funded and unsustainable without continued donor support. Despite the efforts by various actors to provide legal aid for Palestinians, there is no legal aid system in the State of Palestine that institutionalizes legal aid in a sustainable way and supports the coordination of legal aid and quality service delivery.
Project Overview

Status: Active

Project Start Date: November 2015

Estimated End Date: April 2017

Donor: European Union (EU)

Partners: Ministry of Justice, Palestinian Bar Association, Birzeit University Institute of Law, UN Women, 7 universities, over 30 CSO legal aid providers

Geographic Coverage: West Bank, including East Jerusalem, and Gaza Strip

Focus Area: Rule of Law and Access to Justice / Legal Sector

Sustainable Development Goals Goal 16 - Peace, Justice and Strong Institutions, Goal 5 - Gender Equality

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Project Number: 00098489 Award Number: 00077565

www.ps.undp.org

Accomplishments and Progress

❖ The Ministry of Justice and the Palestinian Bar Association will co-convene the National Legal Aid Committee to develop a national legal aid strategy including Gaza, the West Bank and East Jerusalem.

❖ The Palestinian Bar Association has approved and is implementing its Legal Aid Strategy, which provides pro bono legal representation for criminal cases for people who cannot afford a lawyer. Juveniles and women in detention automatically qualify for free legal representation under the scheme.

❖ The Palestinian Bar Association has established Legal Aid clinics in Ramallah and three regional offices, established a roster of legal aid lawyers and is already receiving cases for legal aid and representation in court.

❖ The Palestinian Bar Association has revised and re-published its Code of Conduct which determines the standards of practice that apply to lawyers in the State of Palestine, and is developing a quality assurance system.

❖ Civil society legal aid providers and university legal clinics are engaged in discussions with the Palestinian Bar Association about building a legal aid network, improving the sustainability of legal aid in the State of Palestine and introducing quality assurance mechanisms.

❖ The online platform for the review of legislation is under development, and a consultative process to develop a methodology for the review of laws and to identify 10 laws for review, has commenced.

Finances and Delivery

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<td>European Union</td>
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Challenges and Constraints

❖ The project addresses both the supply and demand sides of access to justice so that flexible adaptations can be made according to political developments and access and security issues affecting a project that spans the West Bank, Gaza and Jerusalem.