

The Palestinian Center for the Independence of the Judiciary and the Legal Profession

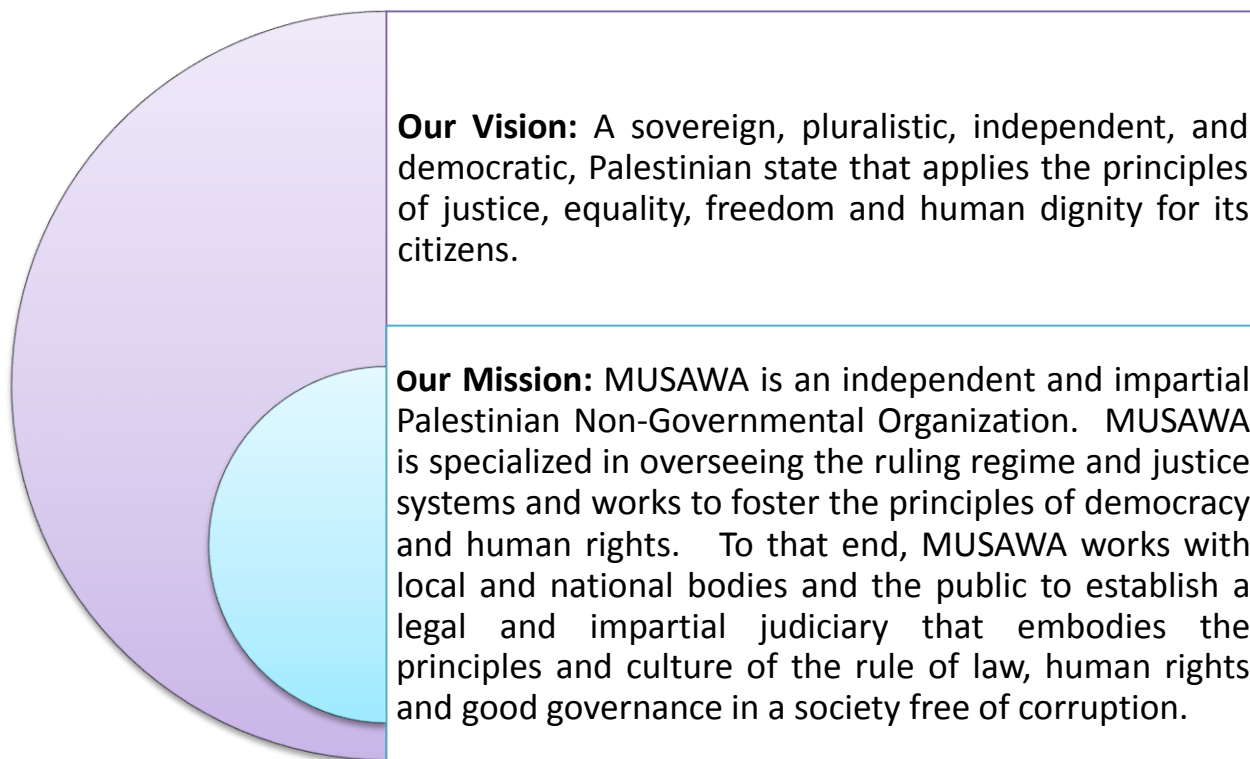
MUSAWA



Strategic Plan

2020 - 2023

Main Office: 57 Al Mahakim Al Balou', Al Bireh
Gaza office: Al Wadya Building, Annaser Street, Gaza



Foreword:

MUSAWA - The Palestinian Center for the Independence of the Judiciary and the Legal Profession is a neutral, unpartisan and independent Palestinian civil society organization based in Ramallah and Gaza, Palestine. Established in 2002 by a group of lawyers, former judges and human rights activists, MUSAWA is dedicated to defending the independence of the judiciary and the legal profession.

MUSAWA recognizes the importance of a sound legal and judicial system, and considers it a condition to the building of the Palestinian State taking into consideration that the development of a functioning justice system is still under progress and will not be finalized soon. MUSAWA has taken the initiative and has continued to work towards promoting respect for the rule of law through monitoring, documenting and following up rule-of-law violations and non-compliances; guaranteeing the positive separation of powers in the three branches of government; building on the capacities of legal professionals, and long-term training modules that respond to the needs of professionals, to assure quality practice of the law; and guaranteeing that the Palestinian law is accessible, fair, effective and accountable. Even in fully developed justice systems, such an organization would be highly relevant.

In a system as in Palestine, where important counterweights are still underdeveloped or missing, the existence of an independent and competent watchdog that monitors the justice system is of paramount importance. This becomes particularly important in a developmental context of an emerging justice system where the significance of lawyers as an integral part of a rule of law system is often not sufficiently valued. It is fair to say that improving the quality of legal services and strengthening the status and professional attitude of lawyers are connected to put the rule of law into effect.

To this end, this strategy represents the board of trustees, board of directors and staff intention to ensure that the organization delivers collectively on its mandate by being focused and effective. MUSAWA realizes that even as available resources continue to decrease, the monitoring role of MUSAWA on legal abuses in the judiciary, public prosecution or the executive branch, to ensure proper implementation of the law, is a demand.

The preparation of MUSAWA's Strategic Plan (2020-2023) required a significant level of reflection and consultation with MUSAWA's General Assembly, Board of Directors, staff and partner organizations. Reflections and consultations managed to explore challenges to the sector and priorities of MUSAWA to advance in achieving its mandate. The Organizational Process and External Evaluation regarding MUSAWA's Strategic Plan 2016-2019 highlighted that:

- The profound legal expertise within MUSAWA should continue to be expanded within and outside of MUSAWA;
- The organization should resume publishing opinions on laws issued by decree with a disclaimer noting that in MUSAWA's opinion, they are illegal;

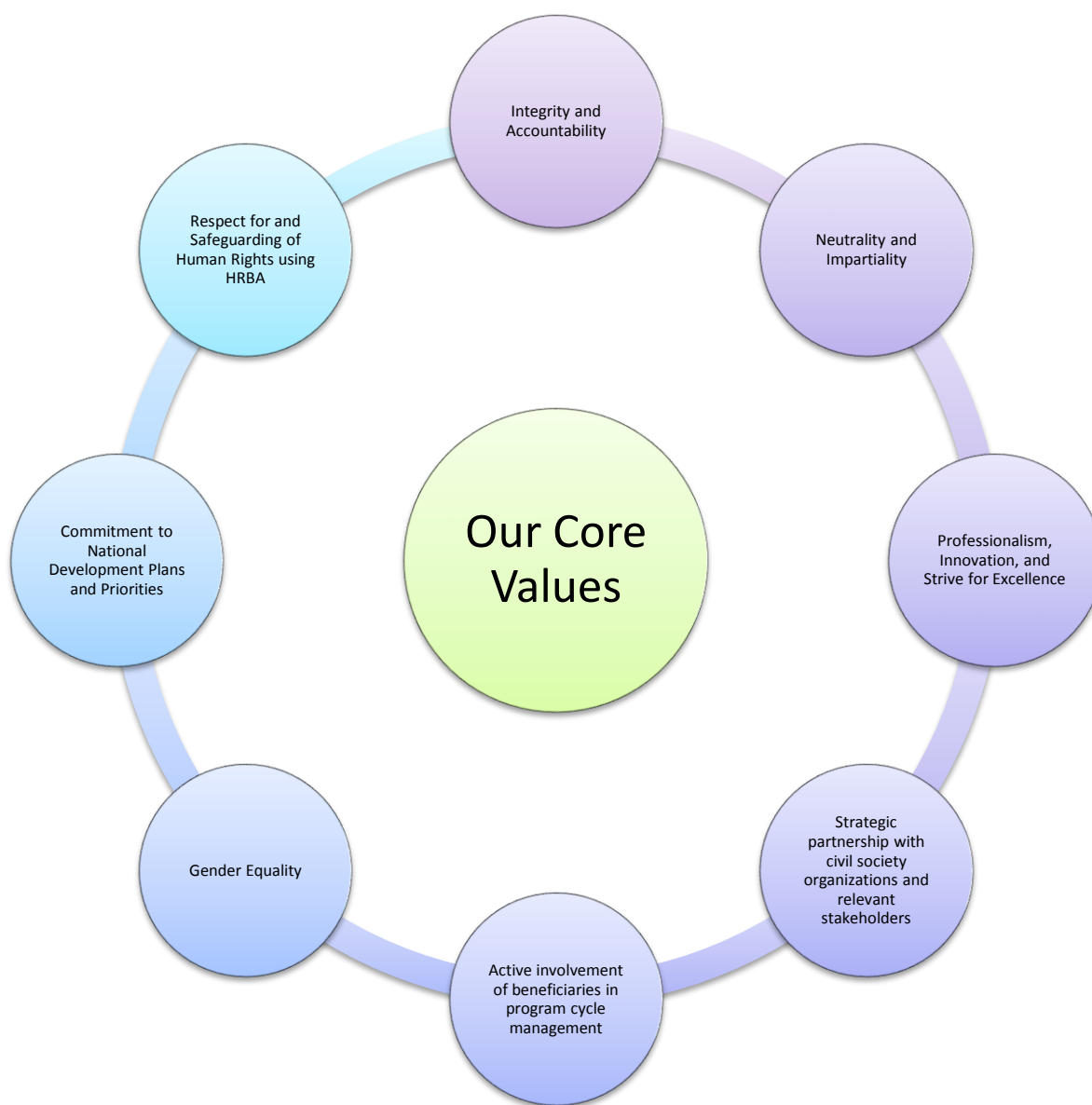
- MUSAWA needs to be fully engaged in public debates and community consultations around the justice sector and create more common ground with judicial institutions, NGOs, community-based organizations and coalitions on relevant issues and areas of priorities;
- MUSAWA needs to continue to develop proactive networking strategies and monitoring relationships and partnerships; and
- MUSAWA needs to creating more opportunities for cooperation towards finding solutions and making the needed reforms, as opposed to focus on strong language statements that describe the problem and demand certain actions.

MUSAWA's work is highly relevant and unique, but the organization proposes a number of strategic measures to improve its organizational performance. These have been largely implemented in the previous years. The current operational plan sets out an ambitious vision for MUSAWA, representing the needs of a wider engagement of stakeholder community from a human rights-based perspective. Achieving this vision will involve a significant level of change and flexibility to proactively respond to moving priorities and will therefore be challenging. Similarly, MUSAWA realizes that it must commit to its operational objectives in order to become sustainable and have a long-lasting impact.

MUSAWA's Strategy provides a framework of vision, mission, strategic objectives and actions that the organization will implement within the next four years (2020 – 2023). It articulates the organizational mission and outlines measures that entrench concepts of the Rule of Law in the Palestinian Society and secure the rights of citizens' Access to Justice, especially marginalized groups including women, youth and people with disabilities. The proposed measures and activities that were considered by MUSAWA's General Assembly, Board of Directors and staff are expected to facilitate effective utilization of MUSAWA's resources and legal tools to contribute to ensure those rights are met, and establish a legal and impartial judiciary that entrench the culture of the rule of law, human rights, and good governance in a society free of corruption.

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Situation Analysis:

CHALLENGES FACING THE PALESTINIAN JUSTICE SECTOR

The preamble of the Charter of the United Nations of 1945 states that the Rule of Law aims to “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained..”¹. To this end, the Universal Declaration of Human Rights of 1948 recognizes that all human beings have fundamental rights and freedoms, and that human rights should be protected by the Rule of Law².

Following the Declaration of Principles on Interim Self Government Arrangement of 1993 (Oslo Agreement I), the consolidation and approximation of various legal systems operative in the State of Palestine have faced critical challenges. From the one hand, the Israeli restrictions on access and movement, limit the overall functioning and jurisdiction of Palestinian justice and security actors. During the stage of institution and nation building, and within the context of the prolonged Israeli occupation since the year 1967, the development of democracy and an independent justice sector, and the adherence to the rule of law encountered unique problems. The absence of a democratic process in Palestine and the continuous failure to reach a comprehensive solution for the Israeli-Palestinian conflict combined with the internal conflict between the leading two Palestinian political powers (Fateh and Hamas) have largely caused a discontent not only in the peace process, but in the whole political system. Although Palestinian reconciliation was agreed upon in May 2011, efforts to create a Unity Government between Hamas and Fatah political factions and announce elections have failed until present. One of the main issues that could explain this failure is the exploitations and manipulation of the peace process and the reconciliation effort by a single political party without much coordination with or advice from the vibrant Palestinian civil society. Interactions and reconciliation talks have also been criticized by Palestinian activists as excluding the voice of the public.

Additionally, the key internal factors that affect sustainable development in the rule of law and the realization of human rights in Palestine require a flexible approach to protect human rights by a sustainable rule of law. Such factors include the continued dysfunctional legislative environment since 2006, fractured legal jurisdictions, weak institutional capacities, corruption, discriminatory social norms, and a lack of clarity around institutional roles and mandates.

¹ U.N. Charter preamble, <https://treaties.un.org/doc /publication/ctc/uncharter.pdf>.

² G.A. Res. 217 (III), Universal Declaration of Human Rights, at preamble (Dec. 10, 1948)
http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

Strengthening the process to develop a well-functioning law, justice, and security sector can provide accountability, prevent the abuse of power, and ensure that the Palestinian public and vulnerable individuals receive the services to which they are entitled and can defend and realize their rights. As identified in the Palestinian National Justice Strategy (2017 – 2022), efforts to advance the rule of law in Palestine continue to face challenges, including but not limited to the following causes:

- ⇒ The democratic deficit that profoundly affects the capacity, accountability and perceived legitimacy of the state's justice and security apparatus;
- ⇒ The absence of a clearly defined separation of powers and accountability between the three pillars of the justice sector (The High Judicial Council, The Public Prosecution and the Ministry of Justice), resulting from the lack of respect of judicial independence and lack of commitment by executive branch for the enforcement of court rulings, or interference in the judiciary's work;
- ⇒ The obstacles to full realization 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.

The stagnation of both the peace building process and national reconciliation efforts have all hindered recent efforts to strengthen the rule of law. In its National Policy Agenda (2017 – 2022)³, The State of Palestine has identified policy interventions to adhere to improving access to justice in Palestine (pp. 40), including the need to strengthen and implement human rights legislation, ensure a fair, transparent, efficient and independent judicial system, ensure effective implementation of court decisions, ensure integrated delivery of and fair access to judicial services, particularly for women and children, and strengthen the institutional capacity and organization of the justice sector.

The 2018 Public Perceptions of Palestinian Justice and Security System report published by MUSAWA in partnership with the United Nations Development Program (UNDP), and implemented by the Palestinian Central Bureau of Statistics (PCBS), show that there is a discrepancy between the WB and Gaza Strip regarding the future of the Palestinian Judiciary. Pessimism was evident among the public in the Gaza Strip on the opportunities for future improvement and development of the judiciary, compared to less pessimism in the WB. The same is the case regarding the success of the Palestinian state in maintaining the independence of the judiciary, and the integrity, neutrality, and fairness of the Palestinian judiciary in comparison to other Arab countries. The results show that only 18.8% of the Gaza Strip public see that the situation of the judiciary in Palestine is in constant progress, while 53.8% oppose that, and 27.4% are either neutral or have no opinion on the matter. On the other

³ https://eeas.europa.eu/sites/eeas/files/npa_english_final_approved_20_2_2017_printed.pdf

hand, 37.4% of the public in the WB see that the situation of the judiciary is in constant progress, while 29.2% oppose that and 33.4% are either neutral or have no opinion on the matter. In the Gaza Strip, 18.2% of the public believe that the Palestinian state has succeeded in maintaining the independence of the judiciary, while 53.4% oppose that and 28.4% are either neutral or have no opinion on the matter. In the WB, the percentage of those who believe the Palestinian state has succeeded in maintaining the independence of the judiciary converge with those who oppose them, by 30.5% and 29.7% respectively, while 39.8% are either neutral or have no opinion on the matter. At another level, 25.4% of the public in the Gaza Strip believe the Palestinian judiciary is neutral, has integrity and is fair compared to other Arab countries, whereas 46.7% of them oppose that and 27.9% are either neutral or have no opinion on the matter. In the WB, 33.9% of the public believe the Palestinian judiciary is neutral, has integrity and is fair compared to other Arab countries, whereas 28.1% of them oppose that, and 38% are either neutral or have no opinion on the matter⁴.

WOMEN'S RIGHTS AND GENDER EQUALITY:

A particular attention should be laid to resolve gender myths and stereotypes that have weakened women's access to rights, authority, resources and knowledge. As such, women are often stigmatized when reporting GBV to authorities, in addition to the lack of proper specialized services for these cases in the justice system, thus discouraging women to pursue justice. The patriarchal nature of the state institutional and structural systems, and the entrenched patriarchal norms in the Palestinian society, have resulted in the development of discriminatory legislations, policies and practices that undermine women's voices and rights, including the provision of the 1960 Jordanian Penal Code and Family Status law that are not in harmony with international conventions such as The Convention on the Elimination of Discrimination against Women (CEDAW). Realizing women's human rights implies recognizing and addressing the underlying foundations of gender-based inequality and the deeply-rooted causes of women's human rights violations, challenging structural constraints to equal rights, and putting in place appropriate policy and legislations that are in line with human rights principles enshrined in the major United Nations Conventions.

RIGHTS OF CHILDREN:

While the new Juvenile Protection Law was passed by Presidential Decree in 2016 in the West Bank to provide for the protection of children in conflict and in contact with the law, efforts are still required by juvenile actors and the Palestinian society to ensure child-friendly procedures and modalities are in place to implement the law. Nevertheless, the Juvenile Criminal Law applicable in Gaza Strip to children in contact and in conflict with the law includes some guidance on the arrest and investigation processes, but does not contain specific procedural provisions on the proper handling of children by the police according to the applicable international standards found in the United Nations Convention on the Rights of the Child (CRC), to which the Palestinian government has acceded in 2014.

⁴ For full report, visit <http://www.musawa.ps/uploads/4c22a4f657ce65d2aaf1e3517b1e49be.pdf>

RIGHTS OF PEOPLE WITH DISABILITIES:

While the Palestinian Authority introduced new legislations since 1993 Oslo Accords, the bulk of laws on record draw from the Ottoman and British Mandate eras, as well as from dated Egyptian and Jordanian laws. SIDA report in 2014 reveals that even with the existing laws and policies, disability remains a low priority for decision-makers, and often disability programmes are constructed as short-term interventions. The weak legal frameworks combined with male dominated and discriminatory law enforcement structures, alongside lack of societal awareness on the human rights of people with disabilities result in increased reluctance and inability to seek resolution through formal mechanisms.

Additionally, UNICEF report on Understanding the needs and perspectives of children with disabilities in the State of Palestine (2016)⁵ addresses the gender dimensions of disability and disability-related care and provides for the need to develop referral mechanisms (including safe spaces) for children (including girls) that takes into account needs of Children with Disabilities. As part of 2018 Humanitarian Needs Overview, OCHA has reported that *“disability remains a critical source of vulnerability, which can lead to gender based discrimination. Women and girls with disabilities suffer from amplified forms of GBV, and have limited access to services”*⁶.

LAWS BY PRESIDENTIAL DECREES

Laws have been made by presidential decree, the legality of which has been questioned, and which Hamas has refused to recognize. As of July 2019, the number of laws by decree issued by the President is equivalent to three times the number of laws passed by the Palestinian Legislative Council (PLC) during its first ten-year constitutional term. Moreover, the Gaza-based PLC has issued as many laws as the number of laws passed by the PLC during its first ten-year constitutional terms. Human rights organizations believe that these laws by decree are part of a systematic policy to control the three authorities and pave the way for power absolutism⁷.

ESTABLISHING THE HIGH CONSTITUTIONAL COURT

In April 2016, President Abbas issued a presidential decree to create the High Constitutional Court (HCC). The nine-member body, which would have supremacy over all lower courts, was the subject of wide legal criticism, because its members never took the oath in the presence of the Speaker of the PLC. It was also created during the current Palestinian political division with membership confined to a single political faction.

THE NATIONAL COMMITTEE FOR THE DEVELOPMENT OF THE JUSTICE SECTOR

In September 2017, the President issued a Presidential Decision to establish The National Committee for the Development of the Justice Sector, which has been tasked with developing an inclusive vision for the

⁵ (https://www.unicef.org/oPt/ODI_Report_01-06-2017_FINAL.pdf)

⁶ (<https://www.ochaopt.org/content/gender-analysis-and-priority-gender-needs-occupied-palestinian-territory>).

⁷ Al Haq, 2017. <http://www.alhaq.org/advocacy/topics/palestinian-violations/1443--qq->

development of the justice sector. Many judges criticized the creation of the committee itself, and the Judges' Association issued a press release on the matter, emphasizing that the formation of the Committee jeopardizes the integrity and independence of the judiciary. Many Palestinian human rights organizations supported the stance taken by the Judges' Association at the time, as the latter is representative of the judiciary's best interest and orientation.

To this end, MUSAWA issued its position on the issue⁸. The paper confirms that the establishment of the committee does not solve the conflict over powers, and that the justice system has witnessed, and still does, a significantly accelerating deterioration. The paper presented two solutions; the first refers to the need to revive the justice system and rule-of-law institutes, where a) citizens can exercise their right to select their representatives through periodic and impartial general elections, b) any reasons for political division are eliminated, c) the principle of the separation of powers is realized and respected, and d) the three branches of State play an active role in building a State where the rule of law prevails. The second solution refers to the need to overcome the serious deterioration of the justice system and its performance, more precisely the judiciary, the Public Prosecution, the Minister of Justice and the Constitutional Court, as an urgent matter that cannot bear any delay.

DISSOLUTION OF THE PLC

In December 2018, a decree was issued by the HCC dissolving the PLC and calling for holding legislative elections in six months. This decision was justified by the President's spokesperson as a way to reach new elections and was considered a positive move in that direction. However, critics considered the step a further attempt by the Executive to consolidate power over all of the PA's institutions and further curtailing any opposition.

Dissolving the High Judicial Council (HJC) and amending the Law on the Judicial Authority

In July 2019, the President issued two laws by decrees. The first one is to dissolve the HJC and assign a transitional council for one year. This law by decree was informed by the recommendations of the National Committee for the Development of the Justice Sector, which was established by decree described above. The second law amended the Palestinian Judicial Authority Law No.1/2002 and reduced judges' retirement age to 60 years. Both Laws by Decree were published in the Official Gazette the next day, on 16 July 2019. These laws by decree involve an encroachment on the Amended Palestinian Basic Law, as well as on constitutional principles and values, particularly the principles of the rule of law, the separation of powers, and judicial independence. As a result of their adoption, the laws by decree have forced a quarter of judges into retirement⁹.

⁸ <http://www.musawa.ps/post/position-paper-on-the-crumbing-trust-in-the-justice-system-serious-consideration-of-reform.html>

⁹ <http://www.alhaq.org/advocacy/14779.html>

On the basis of this law by decree, the transitional council will be in charge of restructuring the next permanent HJC, and it will also develop draft legislation to amend judicial laws. The President has given the transitional council, a term of one year to exercise these very broad powers. Supporters of this move believe the decision to be a positive step towards the reform of the justice sector that has been facing increased criticism over the poor performance of the Palestinian judiciary. Critics of the move, however, consider the dissolution of the HJC a blatant interference in judicial affairs and independence of the judiciary in form and substance and a violation of the principle of separation of powers.

In its 35 edition of “Eye on Justice (2019)”, MUSAWA affirmed that forming the transitional council is a constitutional violation of citizens’ rights and the principles of rule of law, separation of powers and the independence of judiciary and judges as enshrined in the Palestinian Basic Law and International Covenants and Agreements to which were ratified by the “State of Palestine”. Despite the fact that reform is a right of Palestinian society, the draft laws by decree were not presented for community consultation, reflecting the same long-standing approach and performance of the executive branch of Government.

The issuance of a law by decree (17) for the year 2019, amending the Judicial Authority Law and referring 19 judges to retirement, has caused legal controversy, especially since it was issued in light of allegations that the reason behind the referrals is due to corruption in the judiciary, within a process of reform of the judiciary and anti-corruption. The inherent danger behind referring those accused of corruption to retirement, forcing them to resign, or accepting their resignations in advance, whether recent or not, with pension benefits paid, is not only a violation of the law but a clear representation of reward for corruption and impunity.

[Palestinian Civil Society Freedom](#)

The laws by decree related to Civil Society and the functioning of its organisations (CSOs) have been enacted without due consultation with civil society itself. Among the more significant of these laws was the Electronic Crimes Law, which President Abbas issued by Executive Decree in July 2017.

CSOs and relevant coalitions have played a pivotal role in lobbying and advocating for human rights in Palestine. However, CSOs advocacy efforts and impact continue to be limited by the on-going absence of the Palestinian Legislative Council (PLC). The absence of the PLC removes a crucial avenue for public lobbying and engaging directly with legislators. Moreover, the dependence of the CSO sector in general on foreign donor support has led to the deterioration of CSOs’ financial viability due to the reduction of donor support. This has led to placing the sector at risk.

Organizational SWOT ANALYSIS

| Strengths | Weaknesses |
|---|--|
| <ul style="list-style-type: none"> • Embraces Equality values • Development approach to strengthening the justice sector • Independent and a vigilant monitor of the legal system and process • Strong networking and outreach at the local, regional and global levels • Available human resources and support elements within (BoD, GA, legal staff) and outside of the organization (supporters present in many government and non-government organizations) continues to be significant • Well established organizational structure, and improved internal systems and procedures - management, financial, and operational • Diverse experiences of the general assembly, board of directors, and staff in the justice sector • External and internal audits administered • Established Gender Mainstreaming and Human Rights Based Approaches • Active member of national, regional, and international coalitions and networks • An active member in the Civic Coalition for Monitoring the Legislative Process. • Strong relationships with academic institutes and CBOs at the local and international levels • Developed media interventions and outreach that serve to fulfill Musawa's objectives and mission • In process of establishing a fully-capacitated legal training department • Competent publications and reference materials in the rule of law and justice sector. • Established Monitoring and Evaluation System | <ul style="list-style-type: none"> • Differences in the board members' engagement • Insufficient oversight by the general assembly • Lack of funding for core legal staff professional • Lack of funding to fully cover operational costs • M&E expertise still need more efforts and consolidation, performance indicators requires development, and lack of funding for Monitoring and Evaluation professionals • Profound legal expertise within MUSAWA should continue to be expanded within and outside of MUSAWA |
| Opportunities | Threats |
| <ul style="list-style-type: none"> • Increased networking and coordination at the local and international levels • The profound legal expertise within MUSAWA should continue to be expanded within and outside of MUSAWA • Develop the capacities of younger legal experts within its organization to become the future holders and implementers of MUSAWA's mission, and to maintain its strong held principles along with the legal expertise • Members in the Arab anti-corruption and integrity Network (ACINET) since 2012 and members in the National Team for Implementing SDG16 • Increased need and importance of a CSO watchdog role for increased influence at the policy level • The Palestinian Basic law as a legal tool to promote MUSWA's monitoring role • People's trust and outreach covering all geographical areas. • lawyers and relevant stakeholders trust MUSAWA's analysis and judgments and believed them to be objective and evidence-based | <ul style="list-style-type: none"> • Retrenchment of donors from the sector • Deterioration in sector context and limitations on the role of civil society within the regression in the level of democracy in the political system • Absent culture of the rule of law makes informal tribal customs systems fundamentalist and discourse strong • Dismantled Palestinian Legislative Council (PLC) limits and prevents changes in legislation and entrenchment of the culture of rule of law |

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Theory of Change, Impact and Goal

MUSAWA's Strategic Plan (2020-2023) identifies causality analysis of the judicial problems in Palestine. The main root causes that will be tackled by MUSAWA include, among others, the absence of a rule of law culture, unfair trial and weak access to justice by people including marginalized groups, delay in court rulings that are often contradictory to the law, and the juvenility of legal education and training in Palestine.

Responding to these challenges must be grounded on collective efforts by key justice actors, civil society, community-based organizations, and academic institutions. Therefore, MUSAWA has tailored a response strategy that is based on a logical theory of change and a set of interventions that are designed to achieve the intended results and objectives. Specific indicators are identified in the Logical Framework which will enable close monitoring of progress.

Building on the context presented above, our theory of change and results framework focus on changing the deep-seated state justice system that perpetuate exclusions and prevent citizens' equal access to justice service. State justice mechanisms must provide opportunities for equal access to justice and citizens need to mobilize, build movements and claim their rights.

There are crucial needs and opportunities to build responsive local level capacities in justice and governance to mobilize citizens and more aware community in support of a justice agenda, and to ensure that the recognition of Palestine by international institutions makes visible the impacts of the Occupation. Until present, the Palestinian authority has endorsed 54 international conventions as a step to ensure that the rule of law applies domestically. These conventions include:

The International Covenant on Civil and Political Rights; The International Covenant on Economic, Social and Cultural Rights; The Convention on the Rights of Persons with Disabilities; The Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict; The Convention on the Elimination of All Forms of Discrimination against Women; and The Four Geneva Conventions of 12 August 1949 and the First Additional Protocol.

The absence of a national legislative council to endorse international treaties and ensure compliant national legislation will mean that their implementation in national court systems and in formal justice systems will be limited.

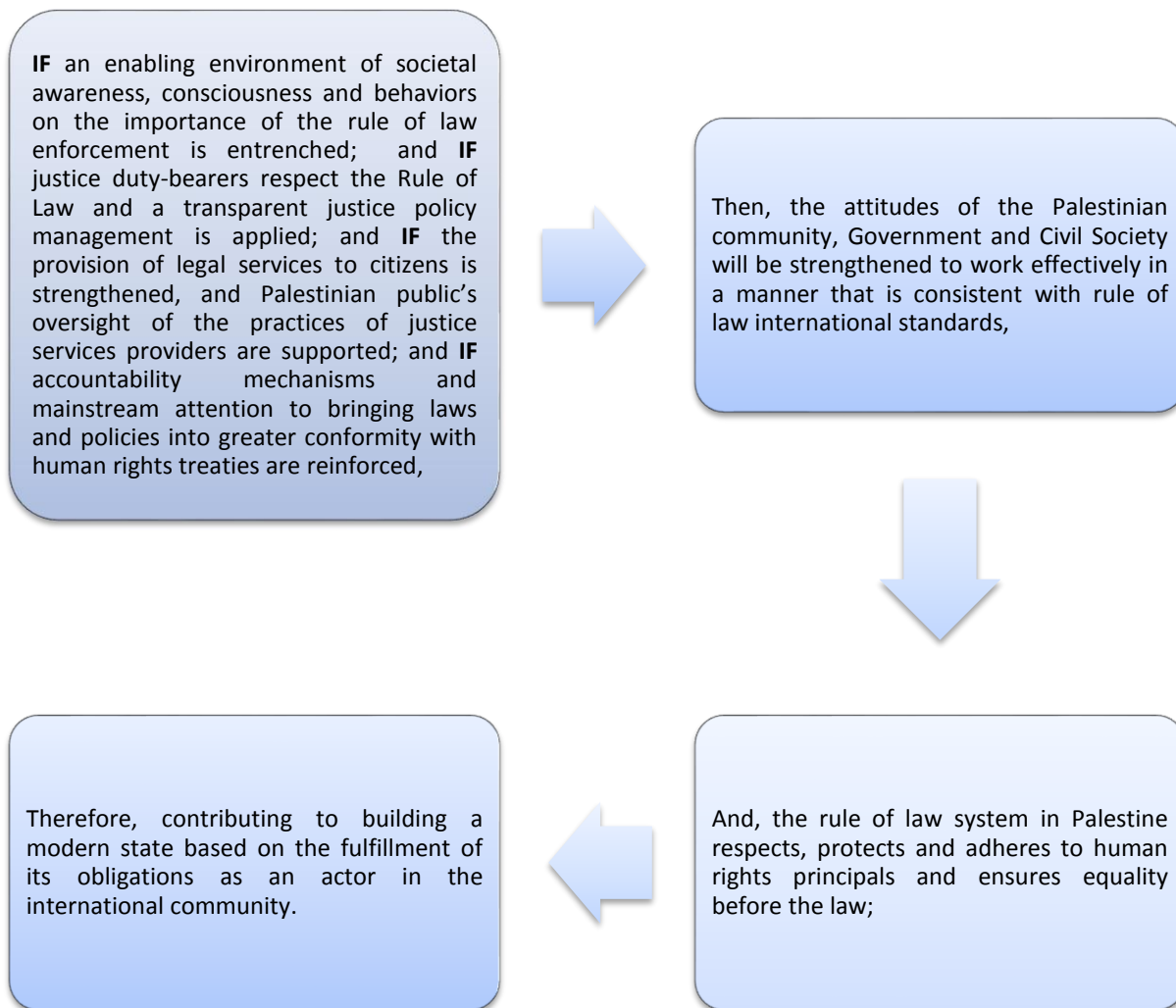
Therefore, MUSAWA aims to promote a society that embraces the culture of the rule of law with its relationship with the authority to provide an equitable environment that enables an activation of the society's oversight role on the system of justice and jurisdiction in Palestine. Thus, providing wider possibility for MUSAWA's lobbying

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and mobilization of the community to embrace the culture of rule of law to advocate for establishing components of the State in line with international standards that are based on the separation of powers, the right of people to choose their representatives, and professional legal and justice cadre who are capable of enforcing the law that is democratically developed by citizens. Hence, this strategy presents a tool of change toward strengthening the Palestinian State presence at the international community level, meaning a state that embodies the values of human rights in its legislations, practices and administration.

Building on the contextual analysis presented above, our theory of change and strategic results framework focus on challenging and changing deep-seated societal norms that render citizens access to justice at risk.

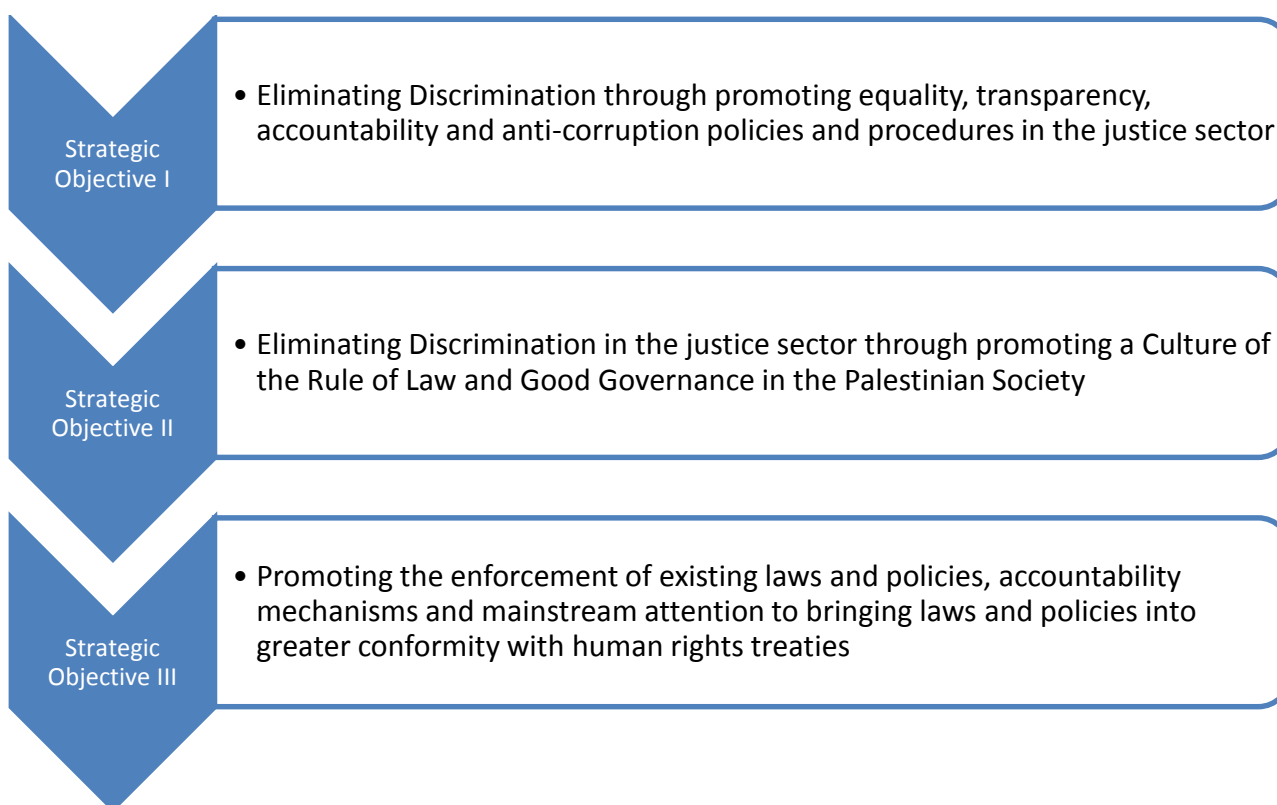
MUSAWA's **Theory of Change** reflects its experience that:



This theory is derived from our vision that **“it is only when pressure is applied from inside a society that we see real change there”**. To this end, increased community awareness and a society that embraces the culture of the rule of law in Palestine result in enhancing the role of governance and justice policy management for improved justice system, greater equality before the law and that for the realization of human rights in Palestine, hence, establishes a state that seeks the rule of law as a primary principal and sustained behaviour.

Our Strategic Objectives:

MUSAWA aims to achieve the following four Strategic Objectives to fulfil its mission:



Our strategy is particularly focused on the priority of building sustainable local capacities that will endure far beyond the scope of this strategy. We will employ a mix of **strategic directions** to achieve the strategies and outcomes that drive our work:

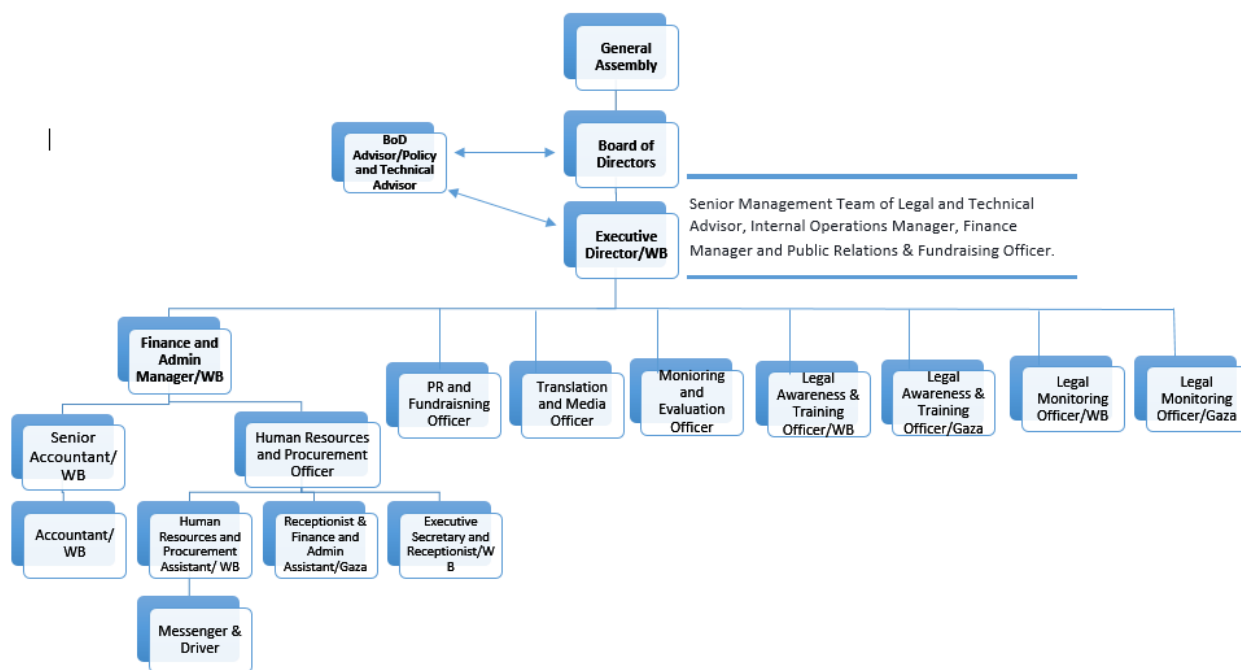
- Nurturing **strategic networks and coalitions, including at the local community level, for an equitable and efficient justice** to build local national agendas, shared leadership & collective impact.
- Building local capacity & global tools **to analyse justice regimes** that impede citizens' equal access to justice services.
- Expanding the diversity, capacity and numbers of **law professors, law practitioners and justice facilitators** who can develop and use law and justice curricula to nurture coalitions & collective impact.
- Harnessing **the power of mainstream and public opinion creators including (i.e. media actors) to change** knowledge, attitudes and practices related to rule of law and equitable and efficient access to justice.
- Creating **visible linkages** between local priorities, national processes, and globally agreed norms for an equitable and efficient justice system.
- Linking activists and activist academics in national and global hubs to **practice theory and theorize practice.**
- Combat **legal literacy**

Our core belief is that the complexity and dynamism of justice regimes and the discriminatory norms that hold them in place require interventions that are likewise dynamic and adaptable, and shaped by participants as they go. Consequently, this suite of strategies is intended to equip activists and allies with the resources, support, knowledge, relationships and habits of strategic learning necessary to continue building an enabling environment in their unique context long after the initiative has ended.

To this end, MUSAWA embraces well-tested participatory approaches that are shaped to the context at hand to build the power of citizens, such as poor and marginalized groups to engage in sustained collective actions that have the potential to shift existing behaviours and justice institutional norms. In addition, partners and participants are supported to experiment with a range of innovative and creative methods that can help fundamentally shift relationships between key actors, align them around a shared vision, and make visible systems-level dynamics and leverage points. Our engagement processes are aimed in part at recovering a sense of citizens' agency and hope, which in turn leads to rebuilding relationships and questioning what is really important. Our processes will enable individuals to feel empowered to act in the face of the overwhelming power of the macro issues and facilitate alliances among diverse organizations toward the goal of entrenching the culture of the rule of law within the Palestinian society and justice institutions. In short, we believe we must deploy well-tested strategies and experiment and learn from new global approaches in order to achieve more transformational and sustained results, including through exploring international models – through exchange

programmes among others, and present those experiences through local and national dialogue and debating to discuss and agree on the extent of its compatibility with the Palestinian context.

Organizational Structure:¹⁰



¹⁰ Upon General Assembly's approval.

Results Framework: Entrenching the Culture of Rule of Law in Palestine

MUSAWA's Strategic Plan (2020-2023) is aligned with national and international priorities to promote just, peaceful and inclusive societies (Goal 16 of the UN SDGs), and to achieve equality and empower all women and girls (Goal 5 of the UN SDGs). It is grounded on an overarching need "to promote a peaceful and inclusive society for sustainable development, the provision of access to justice for all, and building effect and accountable institutions at all level" (Goal 16 of the UN SDGs)¹¹. It further establishes an agreement on the criteria for a just society that integrates the voice, social contract and accountability to deliver better development solutions; hence provides for an improvement in the lives of Palestinians.

This Strategic Plan sets out the priorities for MUSAWA for the four years 2020-2023. It has been informed by a situational and human rights analysis, as well as internal perception poll with general assembly, board of directors and staff in the West Bank and Gaza Strip, as well as former judges, Human Rights Defenders, relevant stakeholders, academics, representatives of human rights organizations, and beneficiaries through interviews, meetings and focus group discussions and consultative sessions. The strategic plan is based on the context scenario of continued democratic transition, despite a highly polarized and sometimes violent political and security environment. The scenario assumes that the Palestinian Authority will continue to foster modest governance reform, even if the PLC continues to be dismantled by Constitutional Court Decision.

HUMAN RIGHTS-BASED APPROACH

At the heart of MUSAWA's work is the Human Rights-Based Approach (HRBA). The organization acknowledges that the state legitimacy is key for the future development of Palestine, the respect and protection of human rights, and guarantee independence of the judiciary. MUSAWA believes that on the one hand, capacities of justice institutions and actors need to be developed to ensure more accountable state, as key actors. On the other hand, watchdog mechanisms and effective civil society advocacy and networking must be in place to ensure active citizenship, as right holders. These will, in turn, further develop the conditions for justice sector oversight and monitoring – an imperative to ensure that the Palestinian state enshrines concepts and practices of the rule of law grounded on human rights based approach. To this end, MUSAWA is suited as a monitoring and advocacy organization that aims to contribute to a State of Justice and Rule of Law. Its work is based on international human rights standards and is operationally directed to promoting and protecting human rights, in particular right holders access to justice without discrimination, which is a fundamental right, as well as a key means to defend other rights. Operationally, the organization works to enhance the accountability mechanisms and processes through which human rights claims are protected (e.g. the justice sector). Its action in 2020-2023 continues to be anchored in the basic principles of HRBA, including non-discrimination, participation and inclusion, transparency, and accountability. These principles guide MUSAWA's programming, including

¹¹ <https://www.un.org/sustainabledevelopment>

assessment and analysis, programme planning and design, implementation, monitoring and evaluation. For instance, MUSAWA's programs assess the capacities of rights-holders to claim their rights and of duty-bearers to fulfill their obligations. It then develops "empowering" strategies to build capacities of local communities, including women and marginalized groups, recognizing that "program beneficiaries" are "change makers" at the individual, collective and institutional levels.

OUR HUMAN RIGHTS BASED APPROACH STRATEGY

Commitment to Human Rights based Principles:

- The right to equality before the law
- The right to a fair trial
- The right to access to justice

Commitment to the Universal Declaration of Human Rights, International Treaties, Conventions and Agreements, namely:

- The International Covenant on Civil and Political Rights; The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Rights of Persons with Disabilities; Convention on the Rights of the Child; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

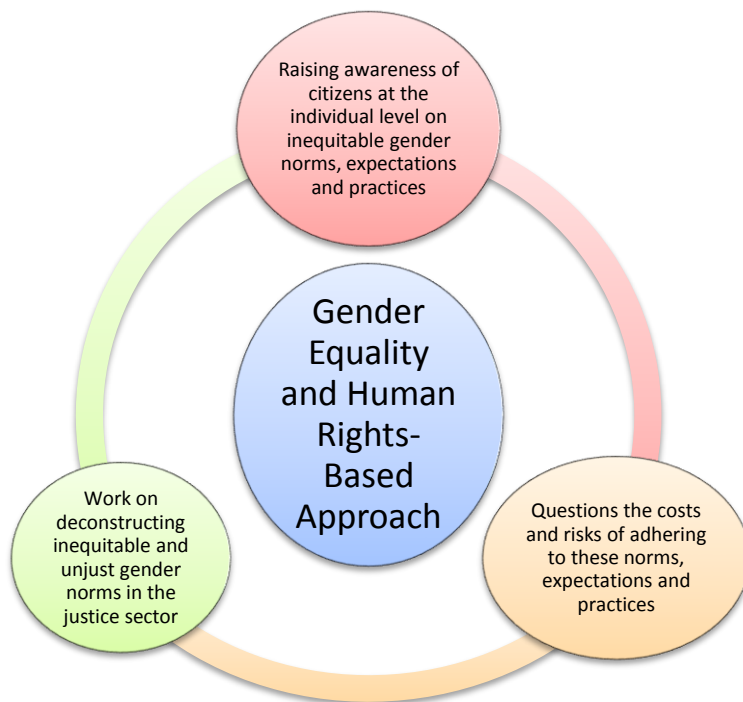
Commitment to contribute to achieving The 2030 Agenda Sustainable Development Goals:

- **SDG 5:** Achieve gender equality and empower all women and girls
- **SDG 16:** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

GENDER TRANSFORMATION BY MAINSTREAMING

MUSAWA believes that gender is about how social norms and power structures impact the Rule of Law and Access to justice to all citizens without discrimination. The organization recognizes the significance of gender equality in the justice sector to ensure that policies and programmes are equally beneficial to men and women. Respectively, MUSAWA adopts a programmatic framework that aims to respond to people's needs, with a special emphasis on the rights of women, girls, children, and people with disabilities.

MUSAWA's strategy to promoting respect for gender equality and human-rights based approaches to address lasting inequalities in the justice sector.



RESULTS FRAMEWORK (2020 – 2023)

Strategic Objective I: Eliminating Discrimination through promoting equality, transparency, accountability and anti-corruption policies and procedures in the justice sector

Outcome 1.1. Policies and procedures within the Palestinian courts that ensure equality before the law and the judiciary are reinforced

Output 1.1.1. Policies, procedures, and performance evaluation within the judiciary are monitored

| Indicative Indicators | Means of verification | Assumptions |
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| <ul style="list-style-type: none"> Number of visits to justice institutions Number of documented violations Number of complaints monitored, documented and treated Number of legal memos | MUSAWA's publications Internal records MUSAWA's complaint system/database Newsletters | Qualified cadre to monitor the pillars of justice (employees and volunteers). High citizen demand for a better equality before the law, particularly for women. |

Output 1.1.2. Policies and procedures of litigation process that ensure non-discrimination before the law and the judiciary are promoted

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| <ul style="list-style-type: none"> Number of informative / media activities Number of debates with duty bearers Number of guidelines and tools as resources developed by MUSAWA Number of position papers Number of policy papers Number of joint advocacy initiatives with coalitions/ Number of community campaigns | Media reports Newsletters Success stories Internal records | Duty bearers collaborate to adopt and reinforce policies. High citizen demand for a better equality before the law, particularly for women. |
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Outcome 1.2. Palestinian citizens are mobilized to monitor the implementation of transparency, accountability and anti-corruption policies and procedures within the justice system

Output 1.2.1. Palestinian citizens, including women, youth, and people with disabilities, understand their rights for transparent, accountable and corrupt-free justice system

| Indicative Indicators | Means of verification | Assumptions |
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| <ul style="list-style-type: none"> Number of legal clinics/legal awareness sessions Number of beneficiaries desegregated by gender and age Number of reports submitted by MUSAWA on corruption in the justice system Number of national surveys and researches on the magnitude and impact of corruption in the justice system Number of public cases raised Number of study circles and round table discussions Number of media initiatives on citizens' monitoring the implementation of anti-corruption plans and policies. Number of complaints filed against corruption | MUSAWA's publications Activities' reports Media reports Attendance sheets Photos MUSAWA's complaint system | Commitment from all stakeholders. CBOs facilitate the access to target groups. Qualified cadre to conduct raising awareness activities (employees, volunteers). |
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| Output 1.2.2. Palestinian citizens, including women, youth, and people with disabilities contribute to changing attitudes and behaviors of duty bearers in the justice system | | |
| Indicative Indicators | Means of verification | Assumptions |
| <ul style="list-style-type: none"> Number of public debates Number of hearing sessions Number of media interventions engaging duty bearers Number of memos communicated to the government on corruption cases monitored and documented Number of conferences | Activities' reports Media reports MUSAWA's publications | Political support at a high level to fight against corruption. High public awareness of the Public on corruption practices. High public awareness on anti-corruption policies and mechanisms. |
| Strategic Objective II: Eliminating Discrimination in the Justice Sector through Promoting a Culture of the Rule of Law and Good Governance in the Palestinian Society | | |
| Outcome 2.1. Palestinian citizens, including in schools and universities, challenged discriminatory attitudes and norms in legal/justice institutions in Palestine | | |
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| Output 2.1.1. Palestinian citizens, including less privileged populations, are aware of their rights to access to justice and fair trial guarantees | | |
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| Indicative Indicators | Means of verification | Assumptions |
| <ul style="list-style-type: none"> • Number of awareness raising workshops in local communities, schools, universities and academic institutes, and community based organizations • Number of legal professionals and practitioners capacitated • Number of legal professionals and practitioners are engaged in awareness raising workshops, desegregated by age and gender • Number of broadcast productions in social and traditional media • Number of user-friendly awareness raising publications • Legal needs assessment study of population residents of marginalized areas • Number of legal services addressed for residents of marginalized areas including women, children, and people with special needs, desegregated by gender • Justice and legal curricula documents in schools endorsed by the Ministry of Education and Higher Education • Justice and legal curricula documents in universities endorsed by the Ministry of Education and Higher Education • Field test of curricula in schools and universities • Number of cases supported through the hotline desegregated by gender • Number of training courses for CBOs • Number of advocacy campaigns • Number of legal studies/reports • Number of complaints through the hot line | <ul style="list-style-type: none"> • Activities reports • Social and traditional media tracking report • MUSAWA's Publications • Legal assessment study • Reports on curricula's field test • Field test of curricula reports • Consultation & Research Unit's reports • Photos • Attendance sheets • Training manuals • Newsletters | <p>Political will of the Ministry of Education to adopt revised curricula.</p> <p>Available capacity to field test curricula in schools and universities.</p> <p>High citizen demand for a better access to justice and fair trial guarantees, particularly for women.</p> |

| Output 2.1.2. Strengthened capacity of community leaders, media professionals, human rights defenders, juvenile justice actors and women activists on the justice/legal system | | |
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| <ul style="list-style-type: none"> • Number of trained community leaders, media professionals, human rights defenders, law students disaggregated by age and gender • Number of initiatives implemented by trained community leaders, media professionals, human rights defenders, and law students • Number of cases of human rights violations in the justice sector, desegregated by gender, reported by trained community leaders, media professionals, human rights defenders, and law students • Number of cases of human rights violations in the justice sector addressed by MUSAWA • Number of legal memos and position papers • Number of cases reported by women that have been addressed | <ul style="list-style-type: none"> • Training reports disaggregated by age and gender • Initiatives reports • Human rights violations reports • Reports prepared by MUSAWA on the status of cases of human rights violation reports in the justice sector • Photos • Attendance sheets • Training manuals • Initiatives' plans and reports • Newsletters | <p>Local communities' leaders, media professions, human rights defenders and juvenile justice actors buy in and are ready to fully engage in capacity development programmes and advocacy interventions proposed by MUSAWA</p> |
| Output 2.1.3. Palestinian teachers and students understand and contribute to promoting the culture of rule of law | | |
| <ul style="list-style-type: none"> • Number of dialogue and study circles with teachers in schools, universities and academic institutes. • Number of students participants in MUSAWA's capacity building programmes disaggregated by age and gender • Number of school competitions (Q&A) debates on legal issues. • Number of study tour visits for selected students to justice institutions to get acquainted of procedures in coordination with the Palestinian Bar Association (PBA) • Number of scholarships awarded to winning students in national and international law schools | <ul style="list-style-type: none"> • Capacity building activities reports with disaggregated data • Competitions and debates reports • Exchange visits reports • Progress reports of students in national and international law schools | <p>Ministry of Education is willing to cooperate in implementing activities.</p> <p>Willingness and ability of teachers and students to participate in MUSAWA's awareness knowledge and capacity development activities</p> |

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| Outcome 2.2. Rule of law students and legal service providers adherence to principles of human rights is strengthened | | |
| Output 2.2.1. Palestinian law students are aware and empowered to practice law from human rights perspective | | |
| <ul style="list-style-type: none"> • A legal library to archive legal researches and establish a database for legal researchers • Number of training programmes, including “summer camps”, competitions between students on emerging topics, with a focus on International conventions, treaties and laws and their applicability in Palestine, moot court models for university students. • Number of hearing sessions, intellect meetings and exchange of knowledge and experiences, with the engagement of female and male law students from various universities, professors of law, and law practitioners to address a legal point of disagreement in the law/legislation • Number of Exchange visits between female and male law students from Palestine and International Universities | <ul style="list-style-type: none"> • Legal library in place • Hearing sessions reports • Intellect meetings reports • Exchange of knowledge and experiences reports by participants • Exchange visits reports • Media reports | Readiness of law practitioners to engage in related interventions and beyond; meaning participation in advocacy interventions on key identified issues in the justice sector as identified during the different interventions. |
| Output 2.2.2. Legal service providers/practitioners are empowered to respect their obligations and apply law from a human rights perspective in line with international standards | | |
| <ul style="list-style-type: none"> • Number of training programmes for lawyers and new lawyers • Number of female and male participants in the training programmes • Number of local clubs and youth parliament specializing in legal public or private laws/policies • Number of female and male law academics and law practitioners as well as civil society legal service providers participating in local clubs and youth parliament | <ul style="list-style-type: none"> • Training workshops reports • Media reports • Local clubs plans • Local clubs interventions (TBD by participants) • Youth parliament plans • Youth parliament advocacy activities (TBD by participants) | Buy in and commitment of lawyers, new lawyers and law practitioners as well as community based and civil society organizations representatives to actively participate in the interventions. |
| Outcome 2.3.: Public accountability mechanisms to strengthen justice institutional performance and improve service delivery are strengthened | | |

| Output 2.3.1. Rights violations in the justice system are monitored and documented | | |
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| <ul style="list-style-type: none"> • Number of visits to justice institutions • Number of monitoring reports • Number of knowledge exchange meetings, training workshops, and study tours to International centers and academic institutes. • Number of female and male new lawyers and law practitioners participants in knowledge exchange meetings, training workshops and study tours to international centers and academic institutes • Number of International experts to train associated network and coalition members to identify best models to be applied in Palestine as well as to increase their knowledge on monitoring and documentation of violations to support a culture of a sustained rule of law in Palestine. • Number of associated network and coalition members participants in the training workshops • Number of law practitioners engaged in rights violations monitoring activities • Number of shadowing activities and commenting on formal reports on international treaties and internal policies. • Number of position papers by law practitioners • Number of policy papers • Number of policy dialogue sessions | <ul style="list-style-type: none"> • Knowledge exchange meetings reports by participants • Training workshops reports • Study tours reports by participants • International experts reports • Pre and post evaluation reports • Monitoring reports • MUSAWA publications • Shadowing activities reports • Position papers • Policy papers • Policy dialogue sessions reports • Media reports | <p>Buy-in and commitment of law practitioners and new lawyers to participate in relevant activities.</p> <p>Media institutes are committed to publish and communicate the outcomes of interventions.</p> |
| Output 2.3.2. oversight mechanisms on rights violations and fair trial infringements are effective | | |
| <ul style="list-style-type: none"> • Number of published Eye on Justice gazette and Law and Justice journal • Number of published Legal Monitor Report to the public | <ul style="list-style-type: none"> • Eye on Justice magazine published • Monitor reports published • Advocacy plans • Advocacy campaigns activities reports | <p>MUSAWA's commitment to continue publishing Eye on Justice and Monitoring Reports</p> |

| <ul style="list-style-type: none"> • Number of advocacy plans designed • Number of advocacy campaigns implemented engaging media and civil society to address rights violations and fair trial infringements. • Number of media practitioners engaged in advocacy interventions • Number of civil society organizations engaged in advocacy interventions • Number of public meetings organized, engaging citizens, civil society, policy and decision makers • Number of citizens, civil society representatives, policy and decision makers engaged in public meetings • Number of user-friendly brochures/ booklets produced and disseminated to the public on judicial processes and procedures from a human rights approach • Number of manuals produced for use by law practitioners on their rights and obligations in line with international standards | <ul style="list-style-type: none"> • Media reports • Public meetings reports • Brochures and booklets printed and distributed • Manuals produced and distributed to law practitioners • MUSAWA's publications | |
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| Strategic Objective III: Promoting the enforcement of existing laws and policies, accountability mechanisms and mainstream attention to bringing laws and policies into greater conformity with human rights treaties | | |
| Outcome 3.1. National legislations and policies in line with international standards are promoted | | |
| Output 3.1.1. New legislations and/or amendments and/or cancellation, and/or laws and bylaws of existing or draft articles that contradict with Article 7 of the Universal Declaration of Human Rights are proposed | | |
| Indicative Indicators | Means of verification | Assumptions |
| <ul style="list-style-type: none"> • Number of proposed amendments on specific laws MUSAWA sees as contradictory to international treaties to which Palestine has acceded. | <ul style="list-style-type: none"> • Policy meetings reports • Proposed laws amended in line with international standards | <p>Qualified legal cadre to review the legislations or draft legislations.</p> <p>Strong coalitions' work.</p> |

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| <ul style="list-style-type: none"> • Number of new legislation proposed in coherence with international treaties • Number of advocacy campaigns implemented • Number of opinions referred and/or drafts once ready to the President and Council of Ministers • International Conference to identify the gaps within the legislation and its implementation, in relation to international treaties and based on best international practices • Number of female and male local and international participants in the international conference | <ul style="list-style-type: none"> • New policies/regulatory framework/ adopted in line with international standards • Advocacy campaigns plans • TV and radio programmes implemented • Research for advocacy campaigns • Media workplans • Draft opinions • International conference reports and follow up recommendations • Media reports | Strong media/ social media involvement. |
| Output 3.1.2. Implementation process of legislation monitored and documented | | |
| <ul style="list-style-type: none"> • Number of weekly monitoring reports on decisions announced by the Council of Ministers through their website and the President office and High Judicial Council as well • Track records of recently issued legislation through communicating with relevant CSOs • Number of public opinion cases • Number of legal memos issued on legislations that contradict with international treaties and document them in “Eye on Justice” gazette • Number of local committees established to analyze the legislation, and issue positions paper, Memos • Number of position papers and memos issues • Number of workshops, roundtable discussions and meetings organized to discuss legislation | <ul style="list-style-type: none"> • Progress/activities reports • Media reports • Publications • Photos • Attendance sheets | <p>MUSAWA has good access of information from various resources.</p> <p>Other civil society organizations are interested in analyzing legislation (joint position)</p> |