

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

## STRATEGIC PLAN

2016 – 2019



البيرة – البالوع، شارع المحاكم، مقابل مشتل وورود روز جاردن  
Al Bireh – Al Balou' – Al Mahakim Street in front of Rose Garden Flower Shop  
Ramallah - Palestine

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## Foreword

MUSAWA is a Palestinian NGO established in 2002 by lawyers, former judges and human rights activists dedicated to defending the independence of the judiciary and the legal profession. MUSAWA is a first specialized of its kind pioneer organization that works to contribute effectively to state building through empowering the separation of powers, rule of law, defending the independence of the judiciary, and promoting the legal profession.

The organization is governed by a Board of Directors that provides overall guidance and oversight. The board members represent a group of experts with extensive involvement in the development of the judiciary system in Palestine. The members of the Board of Directors are elected once every three years by the General Assembly. The General Assembly consisting of lawyers, former judges, and human rights advocates is qualified to set up and monitor MUSAWA's technical, administrative and financial performance.

Since its establishment, MUSAWA has carried out programs that serve its aspirations and vision of promoting a state of justice and rule of law, by ensuring the respect for the rule of law, guaranteeing the positive separation of powers in the three branches of government, building the capabilities of legal professionals to assure quality practice of the law, and guaranteeing that Palestinian law is accessible, fair, effective and accountable.

MUSAWA's Strategic Plan, which is formally approved by its Board of Directors, covers a four year period from 2016 to 2019. Its timing is opportune as both the justice sector and Palestine are likely to continue to experience considerable changes over the life of this Plan. The justice sector will undoubtedly alter, with increasing demand and the changing nature and expectations of the Palestinian people, under the backdrop of significant challenges in expectation of significant reform of the justice sector and the country itself under the Palestinian National Development Plan 2014-2016 "Full Liberation and State-Building".

The preparation of MUSAWA's Strategic Plan required a significant level of reflection and consultation, both on the challenges to the sector and the focus and priorities of MUSAWA. The Organizational Needs Assessment and External Evaluation regarding MUSAWA's Strategic Plan 2013-2015 highlighted that MUSAWA's work is highly relevant and unique, but also recommended a number of measures to improve its organizational performance. These have been largely implemented in 2016. The current plan sets out an ambitious vision for MUSAWA, representing the needs of a wide stakeholder community. Achieving this vision will involve a significant level of change and flexibility to proactively respond to moving priorities and will therefore be challenging. At the same time MUSAWA realizes that it must commit to its operational objectives in order to become sustainable and have a long-lasting impact.

The development of this strategic plan was made possible thanks to support from the Netherlands Representative Office in Ramallah. A special note of thanks is due to the Netherlands Representative Office in Ramallah for their encouragement to apply human rights based approach and results-based management consistently throughout the planning process.

We also thank all the staff of MUSAWA for their continued efforts, dedication, and commitment to maintaining and advancing MUSAWA's leadership role in monitoring the three authorities- and based on this monitoring, advocating, in strategic partnership with stakeholders, for the rule of law, good governance, human rights and the prevalence of justice in Palestine.

Thank must also go to all stakeholders for their contribution to the development of this Plan.

On behalf of MUSAWA, I look forward to engaging with those in the heart of the Palestinian justice sector, namely government institutions, civil society organizations, international and donor institutions working to promote improved justice sector, but most importantly the Palestinian people, in realizing the ambition of the Plan to 2020.

Advocate – Yasser Jaber  
Chief of the Board of Directors, MUSAWA

Ramallah, October 2015

# 1 INTRODUCTION

## 1.1 MUSAWA'S ASPIRATIONS AND VALUES

MUSAWA's **vision** "A State of Justice and Rule of Law in Palestine" reflects an inspiring view of the future of Palestine.

MUSAWA's **mission statement** has been reviewed and modified<sup>1</sup> and its new statement for 2017-2019 reads as "An independent specialized Palestinian monitoring body, working in strategic partnership with others, contributing to the establishment of a modern legal and juridical system built on legal foundations, and community monitoring to the performance of the justice pillars in courageous, transparent, professional, a set of values and good governance principles."

*هيئة رقابية فلسطينية أهلية مستقلة تسهم في بناء منظومة عدالة حديثة بجرأة ونزاهة ومهنية على قاعدة من القيم ومبادئ الحكم الرشيد، وبالإستناد إلى فعل جمعي لمؤسسات المجتمع المدني*

MUSAWA's **core values and beliefs**:

- Integrity and Accountability
- Neutrality and Impartiality
- Professionalism, Innovation, and Strive for Excellence
- Strategic partnership with civil society organizations and relevant stakeholders
- Active involvement of beneficiaries in program cycle management
- Gender Equity and Mainstreaming
- Commitment to National Development Plans and Priorities
- Respect for and Safeguarding of Human Rights using a Human Rights Based Approach

MUSAWA's mission and work are based on the following **rights-based** principles:

- The right to equality before and/or under the law
- The right to a fair trial
- The right to access to justice

Its work is grounded in its commitment to the Universal Declaration of Human Rights and the associated Treaties and Covenants, especially: 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.

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<sup>1</sup> Mission Statement of MUSAWA as described in 2013-2015 Plan: "An independent Palestinian civil society organization committed to the establishment of a modern legal and juridical system built on legal foundations, and community monitoring to the performance of the justice pillars in courageous, transparent, professional, a set of values and good governance principles."

## 1.2 ACHIEVEMENTS BY MUSAWA OVER THE LAST FEW YEARS

Many years of incremental progress is required to affect changes. The lasting positive impacts of the program are likely to manifest themselves in the medium and long-term and will be related to factors such as the security situation, peace process and the Government of Palestine's political will to tackle the issues of impunity and corruption which are almost completely beyond MUSAWA's influence.

Nonetheless, MUSAWA has achieved many things of which some are highlighted below:

### **New laws and legislation**

MUSAWA has devoted special attention to basic Palestinian laws and legislations. In this respect, eight new draft laws have been proposed over the last three years. MUSAWA has been the opinion former on a number of draft legislations, and has prevented amendments of the law on the Constitutional Court, and successfully opposed the enactment of the Legal Aid Law. Furthermore, MUSAWA drafted the first Palestinian Constitution, for which MUSAWA received a letter from the official committee for preparing the constitution, thanking MUSAWA for their valuable contribution in preparing the proposal and stressed on its importance. In addition UNDP asked MUSAWA to review and adjust their Police Code of Conduct according to legislation requirements.

### **MUSAWA's studies added to curricula of law universities**

MUSAWA has prepared more than 12 studies during the life of its Core Program 2013-2015. MUSAWA's comparative study, that highlighted the weaknesses and discrepancies of Palestinian law in light of and with the 15 signed UN conventions, which was conducted prior to the draft of the Palestinian Constitution, has been added to the curricula of MA Law faculties in Gaza and to the curriculum of MA Law Faculty at Birzeit University. MUSAWA expects that this will enhance motivation to effect changes in the justice sector.

### **Strengthening the quality of legal services**

Since its inception until today, MUSAWA has worked on the capacity building of lawyers, judges, public prosecutors, court clerks, trainee-lawyers, law college students and leaders from civil society and public institutions in the field. Over the last few years MUSAWA conducted over 200 trainings and awareness workshops. Beneficiaries and trainers stated that the delivered training programs by MUSAWA had significantly increased their knowledge and improved their performance in the workplace. MUSAWA offered long term training modules that responded to the needs of professionals, covered practical relevant topics and used competent consultants as trainers. Although the impact of these trainings was not measured, a significant positive effect on the capacities of participants, and thereby indirectly a medium term strengthening of the quality of legal services, access to justice and the rule of law can be assumed.

### **Public awareness**

MUSAWA managed to extend its circle of beneficiaries, whether through publications, website, traditional media and social media outlets, or public meetings. The editions of Eye on Justice and Justice and Law have been published on a regular basis, printing thousands of copies of each edition.

MUSAWA's publications have also caught the attention of international stakeholders, whom on different occasions translated these publications into English, in particular the Law and Justice magazine. MUSAWA's newsletter is being disseminated among a bigger network, following an increasing number of people that are signing up for the monthly newsletter.

Through local and international media outlets, as well as through social media MUSAWA believes to have enhanced the public's awareness of its presence and enhanced the public interest on the issues of democracy, the rule of law and human rights.

### **Legal Monitor Report**

MUSAWA's publication "The Legal Monitor" reports the situation of justice in Palestine. The study aims to clarify and identify indicators of progress or failure in the development of the justice sector to provide a reference for policy designs and remedial mechanisms. This publication constituted a remarkable evolution in the Palestinian judicial sector. MUSAWA, the General Prosecutor and the High Judicial Council have established a committee to work in cooperation on The Legal Monitor report.

Through its publications and through its plans for monitoring violations of the pillars of justice, MUSAWA has established itself as the foremost civil society organization working for the protection of the independence of the judiciary and for the rights of citizens.

## 2 SITUATION ANALYSIS – JUSTICE AND LAW SECTOR

### 2.1 APPROACH OF THE ANALYSIS

As of 2016 MUSAWA supports, and is supported by a Human Rights Based Approach (hereinafter: HRBA), which is focused on conscious and systematic enhancement of human rights in all aspects of project and program development and implementation. The HRBA gives equal attention to the process chosen to achieve the organization's goals as the very achievement of the goals themselves and has a twofold objective:

1. To empower people (right holders) to claim and exercise their rights, and
2. To strengthen the capacity of duty bearers, who have a particular obligation or responsibility to respect, protect and fulfill the rights of the most marginalized, and to comply with these obligations and duties.

In the course of 2016, MUSAWA identified articles 7, 8 and 10 of the Declaration of Human Rights as the rights it wishes to focus on. Following this, it conducted a thorough 'rights-based situation analysis', composed of:

- **A causality analysis:** To gain understanding of the root causes, the underlying causes, the immediate causes and the manifestations (effects) of the problem
- **A role-pattern analysis:** To know the performance and behavior of duty , rights holders and their institutions
- **A capacity gap analysis:** To identify the capacity gaps of the main duty bearers to fulfilling their duties, and of the targeted rights holders in claiming their duties
- **A partnership analysis:** To identify the key actors working in the same field to discover synergies; to avoid unnecessary overlaps and to ensure maximum development impact.

The analysis allowed MUSAWA to build further on the in-depth analysis it had already done during the course of its strategic plan 2013-2015.

This chapter starts with a description of the National and Justice Sector policy, to put MUSAWA's work in context, followed by the results of the HRBA analysis.

### 2.2 NATIONAL POLICY

- **Palestinian National Development Plan 2014 – 2016**

Further development and professionalization of the justice sector has been a priority of the PA since 2007 and has once more been underlined in the Palestinian National Development Plan (PNDP) for 2011-2013. Enhanced ability to provide access to justice is one of the good governance and institution building sector strategic objectives in the PNDP 2014 - 2016. Priority policies, which the government will implement in the course of before mentioned plan, include consolidating judicial independence and to upgrade and enforce laws in line with international standards of human rights, which directly



correlate to MUSAWA's mandate. Since its establishment MUSAWA has always tried to contribute positively to the goals as set out in the PNDPs.

- **Justice Sector Strategy 2014 – 2017**

The National Justice Strategy sets out the government's vision as a tool to strengthen the rule of law and respect for human rights and freedom. It also seeks to raise the level of institutional performances, in order to enable them to play their part effectively in a manner benefitting the State of Palestine. What prompted institutions of the justice sector to adopt these two objectives is their faith in the importance of access to a justice sector marked with transparency, efficiency, specialization and the ability to respond to the requirements of national independence and the establishment of a Palestinian state, besides monitoring, reviewing and updating the quality of legislations in force. Hence contributing to the provision of legislations that establish achievement of justice and the rule of law and promoting sustainable development, to ensure the rights of citizens and to protect public and personal freedoms and stability of transactions and maintenance of public and private ownership, as well as facilitate access of litigants to justice, especially the marginalized and vulnerable groups, and attaining individual rights and public right as soon as possible with the least effort and highest efficiency.

MUSAWA was part of the national team of civil society organizations that made recommendations to the Justice Sector Strategy.

## 2.3 CAUSALITY ANALYSIS: UNDERSTANDING THE PROBLEMS AND UNDERLYING CAUSES IN ITS CONTEXT

The 4.7 million Palestinians<sup>2</sup> living in the West Bank, including East Jerusalem, and the Gaza Strip live in political turmoil and uncertainty. The occupation and the impunity through which the Government of Israel implements policies and practices that violate international human rights law (IHRL) and international humanitarian law (IHL) define nearly every aspect of life in the State of Palestine. Movement of goods and people, access to land and resources, and political freedom, are all impacted upon and Palestinians are denied their basic rights regularly and with impunity. Many in the West Bank, especially in Area C, face risks of political violence and forced displacement; in the Gaza Strip, consecutive military assaults and longstanding sea, air, and land blockade, have led to economic collapse and humanitarian crisis. At the same time, internal Palestinian factors including the absence of internal democracy, social exclusion, and the Hamas-Fatah political divide reinforce the patterns of vulnerability created by the occupation.

During this stage of institution and nation building, and within the context of the Israeli occupation and the protracted Israeli-Palestinian conflict, the development of democracy and an independent justice sector, and the adherence to the rule of law face unique challenges. 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 vulnerable individuals receive the services to which they are entitled and can defend and realize their rights.

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<sup>2</sup> Mid 2015 population estimate, Palestinian Central Bureau of Statistics

Obstacles to improve the compliance of the Palestinian justice sector with domestic law and international standards are rooted in both external and internal factors. Compared to other countries in the world, legal status in the State of Palestine is at once complicated and unique. Various legal systems have prevailed and accordingly, an amalgam of different legal systems, including Ottoman and British Mandate laws, Jordanian laws (in the West Bank) and Egyptian laws (in Gaza Strip) and Israel military orders have affected political and legal structures. Since the establishment of the Palestinian Authority (PA) 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.

The political divide between the West Bank and the Gaza Strip, which took place in the year 2007, has negatively influenced the development and independence of the legal system, disrupting the work of the Palestine Legislative Council (PLC) and paralyzing its ability to exercise its legislative role and its oversight over the Executive Authority. Accompanying this internal conflict is an apparent increase in human rights violations that are endangering citizens' basic rights and infringement on their freedoms that are called for by international conventions and that are in line with the Palestinian Basic Law.

While doing the **causality analysis** of the judicial problems MUSAWA's would like to address, the root causes became clear, namely: the occupation; political division; absence of a rule-of-law culture; corruption; and discrimination and weak access to justice by women and other marginalized groups. Because of the political division, there are no periodical elections; no operative legislative council; no separation of powers which moves Palestine into the direction of a totalitarian system (underlying causes). Furthermore, the low legal capacities of professionals; the juvenility of legal education and training in Palestine; the poor communication and the existence of conflict in some powers and competences between justices institutions are the result of the underlying causes mentioned earlier.

Through its monitoring role, MUSAWA comes across the immediate causes of unfair trials and low access to justice: the non-implementation of court rulings; delay in court rulings; court rulings contradictory to the law; high court fees; illegal interferences in work of the judiciary; and no effective system to report to (in case of corruption). MUSAWA also concludes that national legislation is contradictory and outdated and not aligned with the international conventions that were signed by the State of Palestine. This leads to the infringements of rights of employees in the justice sector; suppression by the security services; decreased support for government policies; increase infringements to the right to a fair trial; mistrust in the judiciary and the use of primitive methods, especially in marginalized areas; and finally increase of violence, especially against women.

The causes are further elaborated in the paragraphs below:

- **Lack of coordination and cooperation in the relations inside the justice sector**

A factor that weakens the judiciary's authority is 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. This resulted from the lack of respect for judicial independence and some executive organs lack the commitment for the enforcement of court rulings, or interference in the judiciary's work especially on part of the Palestinian National Authority officials of security forces.

Through its legal memorandums over the past years, MUSAWA has brought the disrespect of court decisions to the attention of the Public Prosecutor, which in some cases has proven to be successful. MUSAWA will continue to fulfill its role as a watchdog and will continue its efforts to enhance respect for judicial independence.

- **Lack of specialized human resources**

Another factor that weakens the justice sector is the lack of specialized human resources within the justice sector. Capitalizing on its past achievements, MUSAWA will continue to design and deliver capacity development initiatives in such a way that could be reflected positively on the pillars of justice and rule of law.

- **Lack of important legislations**

In the past three years, two new issues have arisen: Palestine has achieved observer state status in the UN and 15 UN conventions have been signed. These developments offer MUSAWA an opportunity for a wide social dialogue for the development and/or amendment of judicial and justice legislation that is in alignment with the conventions signed and specific to MUSAWA's area of expertise. Since it was established, MUSAWA has focused on conducting holistic and systematic reviews of Palestinian laws, legislations and policies relating to the justice sector and rule of law, making sure that they are responding to Palestinian needs and are in line with international human rights standards.

- **Poor access to justice by marginalized groups**

Special studies about women and children's access to justice proved that there are numerous obstacles that prevent their access to justice, most importantly the negative cultural inheritance and lack of legal and justice sectors that respond to their cases and the numerous resulting manifestations, most importantly the long litigation measures and lack of legislations, buildings and services that respond to their needs and take into account the confidentiality and privacy of their cases, which led to rise in the rate of violence against women and children, specifically the one related to the so-called honor killing.

Over the last few years MUSAWA cooperated with several women organizations to identify key components relevant to women's access to justice and conducted workshops and trainings specifically targeting women.

- **Juvenility of legal education and training in Palestine**

As a result of different regimes that ruled Palestine since its separation from the Ottoman Empire in 1917, the applicable law in Palestine is mixed of various legal systems: Ottoman, British, Jordanian, Egyptian, Israeli and Palestinian. These regimes, in turn, derived their legal traditions from Islamic law, common law, and continental law. The mixed system has, naturally, influenced the legal education. Due to the fact that most law faculty graduated from Arab world and European universities, the teaching of law has been, by and large, based on the French model. Inspired by globalized trends and influenced by the tradition of career-oriented legal education, Palestinian law schools are increasingly shifting towards practical teaching methods, including clinical legal education, moot courts, and focusing on practical skills through the engagement with the legal profession, judges, prosecutors,

official, non-governmental and international institutions. Yet, the legal education system, as the whole status of the country, remains in transition and its future is undetermined.

Over the last few years MUSAWA, through its moot courts and trainings, has targeted universities, its lecturers and law students. In addition some of MUSAWA's studies are currently being used in the curricula of universities in West Bank and Gaza. In the course of 2016 MUSAWA will conduct thorough needs assessments to identify in which fields it can contribute.

- **Lack of citizens' trust in the justice sector**

Despite great efforts by the Palestinian justice sector to increase public trust in the justice sector and justice sector, the public trust in the justice sector is still low according to MUSAWA's latest Legal Monitor report – MUSAWA's valuable tool to measure the perception of the public of the justice sector. MUSAWA is committed to continuing its efforts to promote a state of justice in Palestine where the rule of law is the absolute power, by addressing the need for a independent judiciary to both duty-bearers and right-holders. The increase of citizens' trust in the justice sector will be hard to tackle through direct interventions but, through its work as a watchdog and through publishing its magazines, MUSAWA believes to contribute to the overall impact.

- **Weak independence of the judges and interference in their work**

The Palestinian judiciary operates in a highly politicized and difficult environment that encouraged lawlessness in Palestine and sometimes obstructed the process of prosecution and trials of individuals. MUSAWA monitors and reports such infringements to the authorities, which has proven to be a successful intervention. In addition MUSAWA develops legislation regarding the independence of the judiciary, appointment of judges and separations of powers.

## 2.3 ROLE-PATTERN ANALYSIS: IDENTIFYING THE STAKEHOLDERS

*The role-pattern analysis* provided MUSAWA more insight regarding the group of right-holders and duty-bearers it should target for the desired progress and changes in the justice sector as described in the previous section.

While all Palestinians are right holders, and should be empowered to claim their rights from the duty bearers set out below, MUSAWA's focus is on refugee women; the group with the largest distance to claiming their rights. Besides, MUSAWA will also target other marginalized group who faces difficulties to claim their right in the Palestinian justice sector. These marginalized groups are described more in detail in Chapter 6.

As for the duty bearers, MUSAWA identified lawyers, general prosecution, the judiciary, ministry of justice, legal department of the presidential office, Parliaments groups, official monitoring institutions and the security services as the main duty bearers to guarantee the right to a fair trial and access to justice, while the right to equality before the law should be guaranteed by the judiciary; the legislative council and the president's office.

## 2.4 CAPACITY GAP ANALYSIS: UNDERSTANDING WHAT REFRAINS RIGHTS-HOLDERS TO CLAIMING THEIR RIGHTS AND DUTY-BEARERS FROM RESPECTING THEIR OBLIGATIONS

For the capacity gap analysis, MUSAWA spoke to representatives of all identified marginalized groups. They shared the problem (causality) analyses as described above, and emphasized that refugees and women are generally not aware of their legal rights regarding access to justice, the right to a fair trial and equality before the law. UNWRA highlighted that for refugees this is partly because they have other priorities and might lack the motivation to claim their rights. Several women organizations mentioned that existing Palestinian legislation does not meet the rights of women, and is not consistent with international treaties and conventions which Palestine has joined on April 2016. While communication exists between women and organizations specialized in women's rights, there isn't a unified working mechanism to influence decision making to adopt legislation which complies with international treaties. This all makes it difficult to have an impact on marginalized groups.

Additionally MUSAWA consulted with the Palestinian bar association, judges and public prosecutor. They also subscribe to MUSAWA's problem analysis, yet emphasized their right to employment security (administrative and financial) to guarantee the right to a fair trial. More important, all duty bearers spoke of infringements by political parties and/ or the High Judicial Council in their daily work. Other obstacles that were mentioned by duty bearers include:

- Absence of a true political will to ensure the independence of the judiciary;
- Outdated legislation related to the judiciary, and constant threatening of amending the Judicial Authority Law;
- Lack of competent staff;
- The lack of nomination of judges based on clear professional standards; the lack of systematic documentation of court decisions;
- The lack of publicity of the courts' work by the media; the authorities' compliance with court decisions; and
- The physical obstacles of court buildings and courtrooms.

MUSAWA also took part in the consultation seminar held by EUPOL COPPS on June 5, 2016, in which the right to a fair trial in Palestine was discussed in detail, following a research period of two years. The results of the consultation will be published in 2017.

Under these circumstances, building a public culture and raising awareness of the importance of independence of the justice sector, the rule of law, and separation of powers is very challenging yet extremely important. The effectiveness of Palestinian non-governmental organization (NGOs) and civil society organizations (CSOs) in this field is subject to interpretations. On the one hand, critics say that NGOs are currently unable to effectively mobilize large constituencies and are in themselves undemocratic with limited ability to influence the justice sector. On the other hand, some Palestinian NGOs are actually playing a significant role in the justice process. They manage to promote concepts of democracy, civil rights and good governance through playing a monitoring role on the performance of official government and justice sector institutions. MUSAWA is such an example, established to show professionals and local community another model - a model that could influence justice sector

and create the designated change. Such as the Independent commission for Human Rights (ICHR), and the Collation Accountability and Integrity (AMAN)

After conducting **the partnership analysis**, it became clear that MUSAWA is a one of a kind organization with a limited but unique mandate, as no other organizations in Palestine monitors the judiciary and advocates for maintaining the independence of the judiciary and the legal profession. To increase its impact, MUSAWA collaborates with various organizations that also play a pivotal role, with different strategies, in promoting rule of law, equality before the law and access to justice. The most important partners of MUSAWA are AMAN. ICHR, the Palestinian NGO network, Institute for Development Studies (IDS), Law colleges in Palestine, UNDP and LACS.

## 2.3 CHALLENGES BEYOND MUSAWA'S SCOPE OF INFLUENCE

The Palestinian judiciary and the rule of law are facing crucial problems. Building an independent judiciary and the rule of law therefore requires significant effort and time as there are a number of pillars that need to be addressed at different levels including attitudes, practices and legislation. At present, there are three challenges that are beyond MUSAWA's scope of work in contributing to an independent judiciary and the rule of law.

- **The Israeli occupation:**

There is a general impunity of Israeli violations of Palestinians human rights, despite UN resolutions and international laws. Human rights violations reached its utmost by the latest Gaza war in July and August 2014, killing more than 2100 people and maiming several thousands. Prospects for the future do not seem promising as reflected by the Israeli parliamentary elections of March 2015 where the rightists and extremists won. Obviously, these practices by the Israelis impede any progress towards a rule of law within Palestine. In addition, due to the Israeli occupation, the Palestinian Authority holds no jurisdiction over East-Jerusalem and Area C in the West Bank. It should be emphasized that there are also severe restrictions on the Palestinians' ability to construct, implement, and enforce their own laws. This as well makes progress towards a rule of law within Palestine difficult.

- **The Palestinian internal division**

The Palestinian internal division between Fatah and Hamas since 2007, which is expressed geographically between the West Bank and Gaza and which created two governments, seriously paralyzed and politicized the institution-building process. This affected many aspects of the separation of powers. For example, the Palestinian Legislative Council is not functioning due to these divisions, and the Palestinian President became a legislator by decree, as well as the executive power. In addition the growing political split may cause larger judicial fractures among the pillars of justice in a way that may create a state of mutual undermining to resolutions adopted by each party. And a conditional readiness to execute resolutions based on contradicting criteria that govern the mandate, structures and internal procedures of each party. Even though MUSAWA's influence is limited, it has introduced its own initiative to contribute to reconciliation efforts between the combating parties. A number of seminars were held to explore the available legal mechanisms to end the Palestinian internal crisis. In addition MUSAWA's latest international conference dealt with possible solutions for the judicial authority split between Gaza and West Bank, which were documented and brought to the attention of the President and political parties in Palestine.

- **Geographical division**

The Israeli occupation and the growing internal political split may cause larger judicial fractures among the pillars of justice in a way that may create a state of mutual undermining to resolutions adopted in each of the three geographical areas. And a conditional readiness to execute resolutions based on contradicting criteria that govern the mandate, structures and internal procedures of each party. This as well makes progress towards the rule of law within Palestine difficult. Absence of sovereignty results in inability to apply laws in certain areas, area C for example, as well as access to justice.

### 3 BUILDING ON LESSONS LEARNT

The updating of the strategic plan of MUSAWA for the period 2016-2019 is based on the analysis of the external environment of MUSAWA, on one hand (Chapter 2), and on the findings of the organizational capacity assessment and external evaluation<sup>3</sup> of MUSAWA, on the other hand. Drawing on the lessons learnt has been paramount in updating the Strategic Plan.

The development of a functioning justice sector in the State of Palestine is still a work in progress that will not be finalized any time soon. The relevance of MUSAWA's work has to be measured within this background – as an actor in a dynamic situation that sees the emergence of the Palestinian justice sector, and in times in which institution and nation building process is still ongoing, and where there is a democratic deficit, with blatant lack of checks and balances. In the given context, MUSAWA's interventions are relevant if they can serve as catalyst for the development of a functioning and fair justice sector that adheres to the rule of law.

The external evaluation for MUSAWA's core program over the period July 2013 – June 2015 concluded that the work of MUSAWA is highly relevant, effective and unique. MUSAWA has demonstrated a strong track record in the field of the justice sector and its commitment to working towards an effective, impartial and transparent state of justice in tandem with international standards is increasingly recognized at the national level. A key lesson learnt is that MUSAWA's should focus on where its strengths and value added lie, and that is – as an independent and competent watchdog that monitors the justice sector and advocates in support of improved judicial sector and the rule of law. Hence, the external evaluation recommended that MUSAWA continue its leadership role in monitoring the three authorities– and based on this monitoring, advocating, in strategic partnership with stakeholders, for the rule of law, good governance, human rights and the prevalence of justice in Palestine. MUSAWA must therefore strive to maintain and improve its professional and neutral relationships with the three authorities and maintain a healthy balance between monitoring, and proposing better ways of working for the elements of justice in Palestine while remaining impartial.

In terms of lessons learnt for the upcoming period, there has been a general agreement within the organization that the identity and value added of MUSAWA as a monitoring body needs to be better reflected in its mission statement. In the area of its core capacity as monitoring body, the evaluation suggests that MUSAWA could play an even stronger role, and grow in its importance as watchdog over the justice sector, as driving force for legal reform, in its territorial outreach beyond Ramallah, and as a permanent reference organization on the development of the justice sector and the rule of law. Growing while maintaining its quality standards, would require MUSAWA to improve its organizational structure and performance, including potentially hiring additional highly qualified legal staff on permanent contracts, and its financial management and sustainability. Investing in institutional development of MUSAWA would contribute to its long-term consolidation as a major force in the development of a rule of law system.

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<sup>3</sup> Conducted in July 2015 by a team of three experts.



### Critical Programmatic Issues

The organizational assessment and external evaluation highlighted that there are various current critical programmatic issues which MUSAWA. The most important issues are highlighted below:

**Need for Improved Strategy Development and Program Management Processes:** The external evaluation highlighted the need for more robust and effective program planning, management, monitoring and evaluation. In particular, the evaluation has recommended MUSAWA to (1) better involve beneficiaries in needs assessment and program design, (2) explicitly identify the logic underpinning programming and clarify how interventions are expected to lead to the intended results through developing, using for example Theory of Change and program mapping methods (3) ensure that all Results Based Frameworks are connected with an effective Monitoring and Evaluation Framework and reporting systems.

**Increased focus:** As part of its efforts to develop more results based approach to programming, MUSAWA should focus its resources on where it has a competitive advantage and where its strengths lie. As such, it should not scatter its efforts into too many projects and activities. The evaluation therefore recommends for MUSAWA to rethink its anti-corruption intervention, given that MUSAWA is a specialized organization, with limited resources. The organization therefore aims to concentrate on the core theme of its legal monitoring, advocacy, complemented by public awareness and mobilization programs and projects.

**Financial security:** MUSAWA's reliance on external funding is very close to 100% which consequently places it in a risky situation in terms of financial security. Current trends in donor funding coupled with difficulties presented by the political and economic situation have made it increasingly difficult to fund core activities and operate the organization's running expenses, placing the longer term sustainability of the organization at great risk. The lack of long term funding and the dependency on few strategic donors have also an adverse impact on human resource development and institutional learning. For example, many of MUSAWA's employees currently are hired on a temporary contract that are up to two years, this may lead to the loss of knowledge and experience gained by employees through their work at MUSAWA, especially given the lack of robust archiving and documentation systems.

## 4 THE STRATEGIC PLAN 2016 - 2019

### 4.1 HUMAN RIGHTS-BASED APPROACH

This Strategic Plan sets out the priorities for MUSAWA for the four years 2016-2019. It has been informed by a contextual & human rights analysis as described in the previous chapters. 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 thus assumes that the Palestinian Authority will continue to foster modest governance reform, even if the PLC continues to be paralyzed.

At the heart of MUSAWA's work is the Human Rights Based Approach, acknowledging that the state legitimacy is key for the future development of Palestine, the respect and protection of human rights and more specifically to guarantee the independence of the judiciary is imperative. MUSAWA believes that on the one hand capacities of justice institutions and actors need to be built to ensure more accountable state, and on the other hand, watchdog mechanisms and effective civil society advocacy and networking must be in place to ensure active citizenship. These will, in turn, further develop the conditions for justice sector oversight and monitoring – an imperative to ensure that the Palestinian state is based on the rule of law.

#### **HUMAN RIGHTS BASED APPROACH**

As a monitoring and advocacy organization aiming to contribute to a state of justice and rule of law in Palestine, MUSAWA supports, and is supported by a human rights based approach. Its work is based on international human rights standards and is operationally directed to promoting and protecting human rights, in particular access to justice which is a fundamental right, as well as a key means to defend other rights. Operationally, the organization aims to enhance the accountability mechanisms and processes through which human rights claims are protected (e.g. the justice sector). Its action in 2016-2019 will also be anchored in the basic principles of Human Rights Based Approach (HRBA) including non-discrimination, participation and inclusion, transparency, and accountability. These principles will guide all of MUSAWA's programming in all phases of program management, including assessment and analysis, program planning and design (including setting goals, objectives and strategies); implementation, monitoring and evaluation. For example, 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 "agents of changes" in their own communities and in wider context.

## **GENDER TRANSFORMATION BY MAINSTREAMING**

Going beyond previous interventions, MUSAWA will aim to mainstream gender. Mainstreaming is not about adding a "woman's component" or even a "gender equality component" into an existing activity. It goes beyond increasing women's participation. In MUSAWA's area of work, gender is about how social norms and power structures impact the Rule of Law and Access to justice to different groups. Gender is not only about women, but about everyone in their gendered positions: hence women and men, boys and girls, ethnic-, religious and other intersecting power positions. Internally, MUSAWA will work on gender transforming strategies, which includes the following key tasks:

- Raise awareness about inequitable gender norms, expectations and practices;
- Question the costs and risks of adhering to these norms, expectations and practices;
- Replace inequitable and unjust gender norms, etc. with redefined equitable and just norms.

To mainstream gender in all its capacity building activities; its legislative reform and advocacy programs; its awareness and advocacy campaigns; its partnerships with local organization; and in its monitoring program.

## 4.2 MUSAWA'S RESULTS CHAIN

In alignment with its vision, mission, core values, MUSAWA's targeted impact is to guarantee the independence of the judiciary and the legal profession. Based on the situation analysis, its extensive experience in the field, and achievements realized during the previous planning period, MUSAWA has defined three outcomes for the 2016-2019 Plan.

- Outcome 1: Enhanced Equality before the Law and the Judiciary
- Outcome 2: Enhanced Right to a Fair Trial
- Outcome 3: Enhanced Equal Access to Justice

For each of the outcomes, specific outputs which MUSAWA will deliver during the strategic plan period have been identified. These are summarized in the table below, and described in greater detail in the following section.

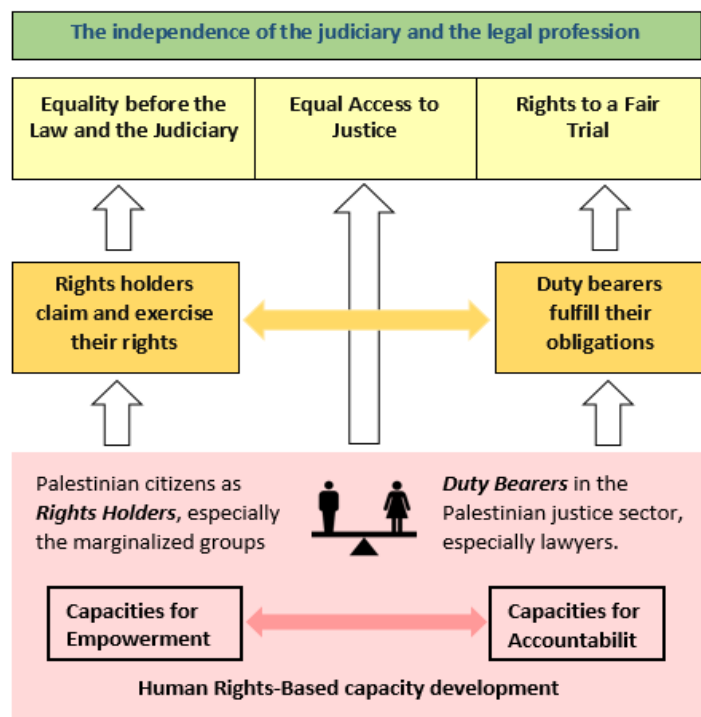
Outputs		
1. Equality before the Law and the Judiciary	2. Enhanced Right to a Fair Trial	3. Enhanced Access to Justice
1.1 New legislations and/or amendments and/or cancellation, and/or laws and bylaws of existing or proposed articles that contradict with Article 7 of the Universal Declaration of Human Rights are proposed	2.1 Rights violations are monitored and documented	3.1 Training courses are designed for Law Faculties and young practicing lawyers
1.2 Legislative and implementation process monitored and documented	2.2 Rights violations and fair trial infringements are published in MUSAWA's publications	3.2 Legal counseling is provided for the marginalized groups
1.3 Promoted legal awareness to marginalized groups	2.3 Promoted awareness about the existence of the rights complaints mechanism to target groups	3.3 Advocacy campaigns are designed and implemented according to plan and in relation to the memos
	2.4 Perceptions of public and legal stakeholders in the justice sector are assessed, documented and brought to attention.	

The Results Chain will be periodically reviewed and refined during the four year period, in a participatory manner with stakeholders not only to verify targets and results, but also as a means of fostering understanding and creating ownership of MUSAWA programs and its intended results among stakeholders.

In line with the human rights based approach, the intermediate outcomes of the Strategic Plan are the enhanced capacities of rights-holders and duty bearers related to the three outcomes (see Figure 1):

- Capacities for Fulfilling Obligations of Duty Bearers in the Palestinian Justice Sector, especially lawyers are enhanced.
- Capacities for Claiming and Exercising Rights for Palestinian citizens, especially the marginalized groups are enhanced

**Figure 1 – Enhancing capacities of Rights holders and Duty bearers**



In addition, MUSAWA will be focusing on achieving a third intermediate outcome, which will target its internal capacity and growth:

- Increased organizational growth and internal capacity

**Intermediate outcome 1:** Capacities for Fulfilling Obligations of Duty Bearers in the Palestinian Justice Sector, especially lawyers are enhanced

MUSAWA considers that an important building block of improving justice sector performance is to **build the capacity of future and current legal professionals**. Strengthening the status and professional attitude of lawyers, and improving the quality of legal services they offer, is

considered by MUSAWA as one of the most efficient ways to put the rule of law into effect. Lawyers who competently represent the interests of their clients, and who defend them against undue infringements of their rights are key agents for the development of a human rights conform justice sector. The investment that MUSAWA effects into them through trainings will be effective in their daily legal work, for many years, sometimes for decades of professional life to come.

Capitalizing on its past achievements, MUSAWA will therefore continue to design and deliver capacity development initiatives in such a way that could be reflected positively on the pillars of justice and rule of law. This will include activities such as:

- Exchange and update of knowledge and experience of legal professionals on issues pertaining to policy, legislation and the rule of law;
- Conducting thorough legal conferences and round table discussions;
- Conducting an annual legal moot-court competition to increase the capacity of law students;
- Organizing an annual training course for lawyers and law students at universities;
- Continuing the initiative “Lawyers for the Rule of Law” through developing lawyers’ legal and monitoring capacities;
- Notifying specific training needs of judges, prosecutors and administrators to the official bodies;

In terms of capacity development approaches, MUSAWA has prioritized an **advocacy approach**, whereby participants not only learn new knowledge, skills and attitudes, but also learn to educate the general public. This enables the organization to reach out to the greatest number of people and to have the multiplicative effect in its training programs. For example, “Lawyers as Educators” has been a key approach that has aimed at building the capacity of lawyers to effectively apply laws and at informing the public about their rights.

Building upon lessons learnt, MUSAWA will - before the start of the new Strategic Plan - better ensure that capacity development initiatives are informed by **capacity development needs assessment**, for example training design assessment questionnaires for trainings to deliver to the Faculty of Law. Such questionnaires could help MUSAWA in better targeting the needs of university students and contributing effectively in their future career. In addition, MUSAWA will consult with its partners to identify their needs regarding technical training options. This consultation process will be based on the intent of dividing responsibilities that could cover legal professional capacity needs. In addition, it will help in agreeing to standards and may allow a more effective approach.

**Intermediate Outcome 2:** Capacities for Claiming and Exercising Rights for Palestinian citizens, especially the marginalized groups are enhanced

Public awareness and outreach is an essential component of MUSAWA’s activities and this component will continue to be multi-faceted including **public meetings** held throughout the West Bank and the Gaza Strip. Such meetings aim to raise awareness of the public on some relevant issues such as the need for political participation through a true understanding of good citizenship, transparency, freedom of expression, the formation of political parties, and the need

for monitoring on the members of Parliament. Towards maximum outreach to the public, MUSAWA will continue to use **television and radio broadcast**.

To encourage sound discourse and debate that allows for the freedom of expression and respect for the views of others. These programs will aim to contribute to elevating the public knowledge base; encouraging them to think critically; and increasing their awareness on certain topics and issues. **Mobilizing public opinion** will also ensure that MUSAWA advocacy work is more impactful.

MUSAWA will work on engaging the public through both **social media and the traditional media outlets**. In addition, the whole **library** and soft copies of MUSAWA's publications will be displayed on MUSAWA's website. Through cultivating ties and partnerships with civil society and media networks MUSAWA will increase its **visibility as the premier civil society watchdog** in the West Bank and Gaza.

### **Intermediate Outcome 3:** Increased organizational growth and internal capacity

To deliver on MUSAWA's objectives, the organization needs to continue to invest in its organizational development. With the objective of playing a stronger role in Palestinian society, MUSAWA will take steps towards structural reform in order to grow in service delivery, geographical outreach and sustainability, including financial sustainability.

Numerous recommendations of the external evaluators concerning the internal organization (previously designated as 'objective 3'), have already been addressed in the course of 2016, but there remains some priorities for development, which will be discussed in more detail in the Organizational Development Priorities section.<sup>4</sup>

**The Intermediates Outcomes** will be reached through a set of outputs as described under each of the three Outcomes below.

## OUTCOME 1

Enhanced Equality before the Law and the Judiciary<sup>5</sup>

### Outputs:

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- 1.1 New legislations and/or amendments and/or cancellation of existing or proposed articles that contradict with Article 7 of the Universal declaration of human are proposed
- 1.2 Legislative and implementation process monitored and documented
- 1.3 Promoted legal awareness to marginalized groups

**Output 1.1:** New legislations and/or amendments, and/or laws and bylaws and/or cancellation of existing or proposed articles that contradict with Article 7 of the Universal declaration of human rights are proposed.

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<sup>4</sup> See page 40.

<sup>5</sup> Article 7 of the Universal Declaration of Human Rights states that "All are equal before the law and are entitled without any discrimination to equal protection of the law".

Since it was established, MUSAWA has focused on conducting holistic and systematic reviews of Palestinian laws, legislations and policies relating to justice sector and rule of law, making sure that they are responding to Palestinian needs and are in line with international human rights standards. These include legislative areas related for example to military judiciary legislation, Palestinian Legislative Council laws and regulations, and the Palestinian Basic Law.

MUSAWA will study existing legislations internally and will draft new legislation to modify, cancel or add existing legislation. These studies and draft legislations will be brought to the attention of the authorities. Since MUSAWA does not have expertise of all jurisdictions, it will closely cooperate with other organizations in Palestine to ensure that new drafts are of the highest standards, in addition to avoid overlap.

MUSAWA will subscribe to the formal governmental magazine to ensure it can monitor all newly announced Palestinian legislation. MUSAWA will study the new legislation to check if they are in accordance with Palestinian and international law and bring them to the attention of the public through its radio shows. In case new legislation is in violation of Palestinian or international law MUSAWA will suggest amendments that they will bring it to the attention of the authorities.

**Output 1.2:** Legislative and implementation processes are monitored and documented

In addition to the publication of its periodical **Justice and Law, which provides legal opinions in the drafting process of legislation**, MUSAWA will conduct an array of advocacy activities and interventions. In its advocacy work, MUSAWA will critically monitor the emerging justice sector, publish informed opinions on legislative reform decisions and comments on drafts of decrees, laws and bylaws. Advocacy interventions will include direct lobbying of decision makers on new drafts or amendments, multi-stakeholder workshops and seminars to seek the views of stakeholders and build consensus regarding redrafting legislation, and/or engaging with CSOs and CSO networks and advocacy and coalitions in order to challenge and campaign for legislation which undermines human rights.

Where relevant, MUSAWA will also provide **strategic litigation on public interest cases** to advocate for reduced violations of the rule of law. Strategic or public interest litigation is litigation which seeks to change the law, while also securing a benefit for the individual/group involved. It can range from a high impact test case to a series of administrative cases.

**Output 1.3:** Promoted legal awareness to marginalized groups

For the population to access justice, they must understand their rights and the means for claiming them. For most people in a war-torn state, the laws and the formal justice sector are alien institutions they fear or do not understand. Legal awareness helps counter this misunderstanding and promote access to justice. Legal awareness campaigns can be conducted by the state but they are most effective when conducted by civil society at a grassroots level or through the media. Because providing information to huge populations is a significant challenge, trusted and familiar social networks (i.e., community-based formal and informal networks) can be used to enhance legal awareness efforts. Legal awareness of suspects and the accused will also be promoted.



## OUTCOME 2

### Enhanced Right to a Fair Trial<sup>6</sup>

It is a key role of any government to maintain law and order on behalf of the whole society; to hold people to account for crimes they have committed and to ensure that justice is done – and seen to be done. But this carries with it a grave responsibility, because convicting someone of a criminal offence and potentially taking away a person's liberty is one of the most serious steps any government can take against an individual. This step can only be justified after the person has been given a Fair Trial.

The Right to a Fair Trial means that people can be sure that processes will be fair and certain. It prevents governments from abusing their powers. A Fair Trial is the best means of separating the guilty from the innocent and protecting against injustice. Without this right, the rule of law and public faith in the justice sector collapse. The Right to a Fair Trial is one of the cornerstones of a just society.

MUSAWA has identified four outputs to influence the Right to Fair Trial in the West Bank and Gaza.

#### Outputs

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- 2.1 Rights violations are monitored and documented
- 2.2 Rights violations and fair trial infringements are published in MUSAWA's publications
- 2.3 Perceptions of public and legal stakeholders in the Justice sector is assessed, documented and brought to attention
- 2.4 Awareness among the target groups about the existence of the Online Complaints Mechanism is increased

#### **Output 2.1:** Rights violations are monitored and documented

MUSAWA has established a specialized monitoring unit for monitoring, documenting and following up on right violations. A database for documenting complaints has been created and categorized in a structured, gender sensitive, manner. Received complaints will be fed into this database and will immediately be brought to the attention of the authorities through legal memos. The results of MUSAWA's interventions will be inserted into the database, including the source of the data; MUSAWA; its networks; or its online complaint system.

In its efforts to contribute to the upholding of the rule of law, MUSAWA will closely work together with the two monitoring networks it has established: *Lawyers For the Rule of Law Group* and the *Palestinian Human Right Defenders Network*. Both networks consist of small groups distributed

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<sup>6</sup> Article 10 of the Universal Declaration of Human Rights states that "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

among the West Bank and Gaza Strip, who are mobilized to monitor the work of the justice sector. In order to strengthen the monitoring networks, MUSAWA will revise the networks' current conditions and mechanisms of work and will update their procedure manuals, which will include a monthly reporting system. In addition it will develop and implement an incentive system to motivate its networks to monitor the justice sector, also continuous capacity building will be in place. Strong networks also significantly contribute to MUSAWA's visibility and they assist in the distribution of MUSAWA's publications.

MUSAWA's website will be further developed and utilized to monitor right violations and to increase geographical outreach. In order to guarantee the legitimacy of the complaints received online, MUSAWA will establish a legal committee internally to ensure that the online complaint system meets all legal requirements. The legal committee will also ensure that legal jargon is minimized to assure that the complaint system is user friendly.

**Output 2.2:** Rights violations and fair trial infringements are published in MUSAWA's publications

MUSAWA will continue to undertake court monitoring and documenting violations in the rule of law in its periodicals '**Eye on Justice**', which is also the name of a **radio program** produced by MUSAWA, and **periodical 'Justice and Law'** which also provides legal opinions in the drafting process of legislation and publishes legal articles. To report and address the violations through these periodicals, MUSAWA publishes self-observed violations in the rule of law and complaints collected from the public and contracts legal experts to comment on court case verdicts and highlights incidents where Palestinian institutions have failed to implement court judgments.

As recommended by the evaluation, to strengthen its monitoring and oversight role, MUSAWA will become more involved in the debates about the functioning of the Palestinian legal system and integrate this information into its monitoring activities, including research studies and surveys.

**Output 2.3:** Perceptions of legal stakeholders and the general population will be monitored and brought to the attention of justice authorities

MUSAWA will continue to prepare and publish the '**Legal Monitor**', a bi-annual report on the perception of legal stakeholders and the general population with regard to the progress or failure in the development of the justice sector. The Legal Monitor provides a reference for policy designs and remedial mechanisms. MUSAWA will review the current concept and methodology of the legal monitor report in the course of the first year and will prepare and publish the report in the second and fourth year of its core program.

**Output 2.4:** Awareness among the target groups about the existence of the Online Complaints Mechanism is increased

In 2016, MUSAWA identified the geographical areas where marginalized right-holders in Palestine live and conducted a right-holders' needs-assessment, in order for right-holders **to better protect themselves and access legal mechanisms**. Based upon the needs-assessment MUSAWA will establish, announce and implement a public awareness program as from 2017. The program will include legal clinic workshops, in addition to opening its library to the public through its website. MUSAWA will try to build linkages, networks and partnerships with other organizations in Palestine to participate in MUSAWA's public awareness program. Besides its program, MUSAWA

will engage with the public through both traditional media and social media outlets. Through cultivating ties and partnerships with media networks, MUSAWA will discuss the rights of right-holders through radio shows, and encourage the use of MUSAWA's website to record **legal complaints**.

## OUTCOME 3

### Enhanced Access to Justice<sup>7</sup>

Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards. There is no access to justice where citizens, especially marginalized groups, fear the system and do not access it; where the justice sector is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice sector. Access to justice involves normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight. Access to justice supports sustainable peace by affording the population a more attractive alternative to violence in resolving personal and political disputes.

#### Outputs

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- 3.1 Training courses are designed for Law Faculty students and young practicing lawyers
- 3.2 Legal counseling is provided for the marginalized groups
- 3.3 Advocacy campaigns designed and implemented according to plan and in relation to memos

#### **Output 3.1:** Training courses are designed for Law Faculty students and young practicing lawyers

Core opinions and values of justice stakeholders are firstly shaped in universities. Several studies, in example a comparative study that highlighted the weaknesses and discrepancies of Palestinian law in light of and with 15 UN conventions, have been added to the curricula of MA Law faculties in Gaza and to the curriculum of MA Law Faculty at Birzeit University.

MUSAWA will further develop the existing training course programs for law students, and will start implementing them, while continuing to build strategic partnerships with other organizations in the field of law and good governance. A baseline study among a selected number of law students and young practitioners will be used to measure the degree and quality of change during the implementation of the training course programs. This becomes particularly important as MUSAWA aims to integrate its training programs into local processes in the course of its Strategic Plan (i.e. chosen curricula of universities, 'law-firm school' Palestinian Bar Association etc.). In the second MUSAWA will start pilot scheme to use these training courses as a source of income through charging fees for conducting such training programs.

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<sup>7</sup> Article 8. of the Universal Declaration of Human Rights states that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

**Output 3.2:** Legal counseling is provided for the marginalized groups

Increase access through provision of legal counseling. Legal information centers and legal aid offices that offer free or low-cost legal advice, propose projects that train people to represent themselves, and paralegal-based projects that train and employ people to serve as advocates and mediators, can all increase public knowledge of the legal system. Supplement legal counseling schemes with paralegal counseling schemes run by NGOs. Paralegals are trained in criminal law and procedure in order to provide legal advice to suspects or accused persons who are brought before the informal justice sector. They also sit in on police interviews and go to court to provide advice (but do not represent the accused). Legal assistance can also be provided by law students or recent graduates through their law schools or legal resource centers.

**Output 3.3:** Advocacy campaigns designed and implemented according to plan and in relation to memos

MUSAWA will take a leading role in the establishment of strategic lobbying and advocacy groups. Round table discussions will be held to ensure each partner can contribute and to come to a mutual understanding how to best address the focus points and advocate for them to the PA.

Public workshops will be hosted by MUSAWA in order to engage legal bodies and civil society organizations in discussions regarding the content of MUSAWA's monitoring magazines and fact sheet. In addition the progress of the implementation of the National Justice Strategy 2014 – 2017 will be discussed during these workshops. The aim of these workshops is to come up with main focus points that could be later advocated for in advocacy groups and at the annual international Palestinian justice conference.

MUSAWA will organize an International Palestinian Justice Conference on a yearly basis. During these conferences, international experts that have dealt with cases or models similar to those in Palestine will be asked to conduct a detailed case study. During these conferences, solutions will try to be found for the unique situation the Palestinian justice sector finds itself in order to better uphold the rule of law in the State of Palestine. The status regarding the implementation of the National Justice Strategy 2014 – 2017 will be an annual main point of the conferences, concluded by a third subject relevant to Palestine that will be different each year.

MUSAWA's publications (see box below) will provide evidence-based inputs to the advocacy campaigns.

**MUSAWA's Publications**

**Eye on Justice**

Eye on Justice, a magazine which documents the daily work of the justice sector, will be prepared and published by MUSAWA two times a year. This magazine is considered as a monitoring tool to better inform judges, lawyers, the president's office, the Palestinian Authority and other relevant departments and the public.

**The Legal Monitor Report**

The Legal Monitor Report is a bi-annual report which aims to clarify and identify indicators of progress or failure in the development of the justice sector to provide a reference for policy

designs and remedial mechanisms. MUSAWA will review the current concept and methodology of the legal monitor report in the course of the first year and will prepare and publish the report in the second and fourth year of its core program.

**Justice and Law magazine**

Justice and Law is MUSAWA's third monitoring magazine. In this magazine, published twice a year, MUSAWA monitors the final decisions from the court and analyses them to ensure that they are using the appropriate laws in their decisions. It also contracts regional experts (i.e. judges) to comment on the verdicts of the Palestinian Courts. MUSAWA will develop tools and mechanisms to improve the quality of Justice and Law magazine, so that it meets all academic standards.

## 5 TARGET GROUPS AND PARTNERS

### 5.1 TARGET GROUP 1: MARGINALIZED RIGHTS HOLDERS GROUPS

A research was conducted by MUSAWA in order to identify marginalized rights holders groups in both the West Bank and Gaza. Research was done through consultations with organizations which have implemented projects on marginalized groups and, therefore, could represent marginalized groups well; such as Aman, Arij, and the Palestinian Grassroots Anti-Apartheid Wall Campaign. Also, field visits to the Ministry of Social Affairs and the Palestinian Central Bureau of Statistics were conducted.

Accordingly, MUSAWA selected two categories of marginalized rights holders groups within the scope of work it focuses on:

❖ **Villages and refugee camps** are considered marginalized areas due to the low level of awareness in the right to fair trial, the right to access to justice and the right to equality before the law (access to justice in particular), in addition to the lack of awareness regarding the legal tools available for them to claim their rights.

- 16.7% of the Palestinian population resides in villages (2015).
- 9.4% of the Palestinian population resides in refugee camps (2015).

❖ **Women who are widowed, divorced, unemployed and/or illiterate in general and particularly those who live in marginalized areas** not only lack awareness about their rights but also have to deal with restrictions imposed on them by society and traditions, which contributes further to the problem of them not being able to claim their rights. Therefore, MUSAWA will work on shedding light on the vitality of raising the awareness of both males and females regarding women's rights, in addition to legal clinics and free legal counseling.

- Widowed women: 5.8% of Palestinian women are widowed (2015).
- Divorced women: 1.7% of Palestinian women are divorced (2015).
- Unemployed women: 44.7% of Palestinian women are unemployed (2016).
- Illiterate women: 5.1% of Palestinian women are illiterate (2015).

### 5.2 TARGET GROUP 2: DUTY BEARERS IN THE PALESTINE JUSTICE SECTOR

*Lawyers, general prosecution, the judiciary, ministry of justice, legal department of the presidential office, Parliaments groups, official monitoring institutions and the security services as the main duty bearers to guarantee the right to a fair trial and access to justice, while the right to equality before the law should be guaranteed by the judiciary; the legislative council and the president's office.*

**Lawyers:** should operate independent of the executive and should be managed and regulated by an autonomous bar association that is governed by legislation. MUSAWA particularly targets law students and young professional lawyers, because capacity building efforts of young professionals is expected to have a long lasting, and more sustainable, effect within the Palestinian justice

sector. MUSAWA keeps regular contacts with the **Bar Association** to discuss and review issues related to the right to a fair trial and access to justice. To reach future lawyers MUSAWA collaborates with the MA Law faculties at West Bank and in Gaza by adding comparative studies related to discrepancies of Palestinian law to the curriculum.

**General prosecution:** The General Prosecutor and the High Judicial Council have established a committee to work in cooperation on The Legal Monitor report. Also, MUSAWA will develop some kind of cooperation in terms the code of ethics in the Prosecutors daily work, and to uphold this awareness about the marginalized groups such as women and children. In addition, they should respect the current laws and international treaties have been signed by the state.

**The judiciary** is responsible for dealing with litigants and for case management. They must guarantee the conduct of the profession and their independence and non-interference in their judgments. MUSAWA will monitor their work and pay their attention to how they deal with litigants and case management; to activate the Judicial Inspection Department regarding conduct for the profession and to advocate for their independence and non-interference in their judgments.

**The security services** are the embodiment of the security doctrine based on human rights. They have to harmonize their work with the International Covenant on Human Rights. MUSAWA will monitor the security services and report flaws to the authorities specifically in the field of trial right.

MUSAWA will active the monitoring role of **the legislative council** and ensure their participation in supporting MUSAWA's coalitions.

MUSAWA also targets **the President's office** to strengthen their role of accountability, and to advocate to stop issuing decrees.

### 5.3 PARTNERS AND DONORS

MUSAWA believes that establishing and maintaining long term relations and partnerships locally, regionally and internationally, will multiply efforts and initiatives impact. It believes that joint coordination will reduce overlap and create synergy, which will benefit the Palestinian society. On local level, MUSAWA coordinates activities and lobbying programs with two major partners; the Collation for Accountability and Integrity (AMAN) and the Independent Commission for Human Rights (ICHR) and consult with them on a regular basis. In addition, MUSAWA is a BOD member at the Palestinian Non-Governmental Organizations Network (PNGO) which contains 130 civil society organizations in West Bank and Gaza Strip. Furthermore there is a practice of sharing expertise among these organizations. Regionally MUSAWA is a member of ACINET, the Arab Anti-Corruption and Integrity Network, which is a leading platform in the region for knowledge networking, capacity development and policy dialogue in its field. Finally, the unique relation that MUSAWA developed with the Swiss Federal Constitution Institute internationally, fosters the responsiveness to MUSAWA's programs and activities and increases the community acceptance towards MUSAWA's program.

Furthermore, MUSAWA's Core Program is in alignment with plans of other partners and donors working in the field of good governance and rule of law. The UNDP has been a close strategic and financial partner of MUSAWA in its efforts to strengthen the capacity of law institutions and enhancing access to justice. Several meetings took place last year with the UNDP, and MUSAWA reviewed and adjusted the UNDP's 'Police Code of Conduct' according to legislation requirements. In its efforts to increase Palestinian legislation that is in line with international standards, MUSAWA has worked towards a justice section of the Palestinian constitution based on HR/IHL and societal consensus, in cooperation with the HR/IHL secretariat. MUSAWA will continue to foster its partnership with the HR/IHL secretariat, especially in its efforts to adopt the human rights based approach into MUSAWA's plans, program, and culture.

MUSAWA's activities and efforts are financed through core and project-based funding provided by various donors, such as representative offices, international and local institutions, foundations, grant making institutions and international agencies.

MUSAWA's previous donors include the Canadian Representative Office, the Norwegian Representative office, the German Representative Office, the European Commission (EC), the Geneva Center for Democratic Control of Armed Forces, Foundation for the Future, UNDP, Mu'assat, NGO Development Center, Konrad Adenauer Stiftung, and DPK and Arkan, both USAID projects.

MUSAWA is currently funded by the Ministry of Foreign Affairs of the Netherlands, UNDP and the EC. MUSAWA's Core Program is in alignment with the Palestinian National Development Plan 2014 – 2016 and the Justice Sector Strategy 2014 – 2017.



## 6 IMPLEMENTATION MECHANISMS

### 6.1 MONITORING AND EVALUATION

A critical component of this Strategic Plan is how it will be monitored and evaluated. At the heart of the Strategic Plan is to yield results and make desired impact in order to contribute effectively to the state building through empowering the separation of powers, rule of law, defending the independence of the judiciary and promoting the legal profession. The implementation of this Strategic Plan will require a strong monitoring and evaluation (M&E) system based on Results Framework to ensure efficiency and effectiveness in program implementation and to ensure the achievement of desired results. For measuring its achievements MUSAWA will develop indicators for each of the outcomes and outputs and will start measuring baseline values at the end of 2016.

One of the main organizational learning from the period 2013-2015 – and a lesson that was made evident in the external evaluation – is the need for an effective M&E framework to better enable MUSAWA to generate learning for participatory planning, implementation, and promotional purposes and to gather evidence, including for advocacy purposes. A comprehensive M&E framework should generate different reports, on a periodic basis, to be shared internally, including with Board of Directors, externally with donors and other relevant stakeholders.

As such, in the upcoming period, MUSAWA will intensify its efforts to develop a comprehensive M&E System. The system will include monitoring tools such as bi-annual Monitoring Review meetings with partners and relevant stakeholders to demonstrate and discuss **progress towards milestones** and stimulate **evidence-based discussion** about what is working, what is not, what MUSAWA has learnt and what it can do differently to better achieve impact at the community and policy level. To promote **learning**, the M&E system will be user-friendly enabling MUSAWA team to collect, analyze, document and disseminate knowledge internally and externally in relevant areas.

#### PURPOSE OF M&E SYSTEM IS TO ENSURE

- Accountability (upwards to the donor)
- Accountability (downwards to the beneficiaries)
- Control and supervision of staff and volunteers
- Evidence-based steering to improving the effectiveness and efficiency of our work
- Learning from our work
- Providing evidence for advocacy
- ‘Showcasing’ for public relations and fundraising

The M&E system will also outline **reporting schedules**, with data collected, through M&E tools used to generate different types of reports, on a periodic basis, to be shared internally, including with Board of Directors, externally with donors and other relevant stakeholders. Performance indicators will also be linked, in a professional and efficient manner, to **staff performance management**.

### **Outcomes and intermediate steps**

Monitoring the outcomes is about making sure that the outputs are used and lead to the intended change. If not, appropriate management decisions need to be taken. 'One can't change the direction of the winds, but can adjust the sails to always reach the destination.' The outcome is dependent on a number of 'small changes in the capacity of rights holders and duty bearers'. It is impossible to include all 'capacity changes' in the outcome. What is important is ensuring that the outcome reflects the highest ambition of the change process. The intermediate steps of the change process are reflected in the indicators at outcome level.

The following table describes the monitoring aspects per outcome of MUSAWA's 2016-2019 strategy. These will be further specified and validated in the coming months.

**TABLE 1. MONITORING ASPECT PER OUTCOME**

Outcome	Intermediate steps Closing capacity gaps of rights-holders and duty bearers	Proposed Indicators
<b>Equality before the law and the judiciary</b>	<ul style="list-style-type: none"> <li>- Marginalized groups are aware of their rights to equality</li> <li>- Marginalized groups are aware of international treaties</li> <li>- The Legislation process is coherent with international treaties</li> <li>- Judges, prosecutors, lawyers and legal staff are acknowledge importance of international treaties</li> <li>- Judges, prosecutors, lawyers and legal staff treat marginalized groups with 'equality'</li> </ul>	<p>Indicators to monitor observable changes in the behavior of duty bearers and rights regarding 'Equality before the law and the judiciary'</p> <ul style="list-style-type: none"> <li>❖ Number of laws amended in line with international treaties.</li> <li>❖ Number of documented violations related to 'inequality before the law and the judiciary'</li> </ul> <p>Qualitative indicators to measure the target group's perception to the 'Equality before the law and the judiciary'</p> <ul style="list-style-type: none"> <li>❖ Various indicators from the Legal monitor</li> </ul>

<b>Right to a Fair Trial</b>	<ul style="list-style-type: none"> <li>- Litigants have awareness on trial procedures and rights</li> <li>- Respect of separation between civil and military cases</li> <li>- Application of principle “no crime without legal text”</li> <li>- Noninterference of judges by other legal staff or decision makers</li> <li>- Judicial inspection department is functional</li> <li>- Judges and law enforcement officials apply the law correctly</li> <li>- Competent lawyers</li> <li>- All actors in the justice sector acknowledge the need for clear procedures for fair trial</li> </ul>	<p>Indicators to monitor observable changes in the behavior of duty bearers and rights regarding ‘Right to a fair trial’, e.g.</p> <ul style="list-style-type: none"> <li>❖ Percentage of violations of application of principle “no crime without legal text” to total number of documented violation</li> <li>❖ Number of Annual Inspection reports published by the judicial inspection department.</li> </ul> <p>Qualitative indicators to measure the target group’s perception to the ‘Right to a fair trial’, e.g.</p> <ul style="list-style-type: none"> <li>❖ Various indicators from the existing Legal monitor.</li> </ul>
<b>Access to Justice</b>	<ul style="list-style-type: none"> <li>- People have trust in the rule of law/justice sector</li> <li>- Women representation in the justice sector (judges, prosecutors, lawyers)</li> <li>- Transparency in judicial appointments</li> <li>- Efficient judicial procedures</li> <li>- Law responds to community problems</li> <li>- Laws in accordance with international treaties</li> <li>- Low financial cost for the access to justice</li> <li>- Legal awareness for marginalized groups</li> <li>- Court decision are respected</li> </ul>	<p>Indicators to monitor observable changes in the behavior of duty bearers and rights holders regarding ‘Access to justice’, e.g.</p> <ul style="list-style-type: none"> <li>❖ Waiting time of court cases</li> <li>❖ Number of program beneficiaries who have gotten increased access to justice</li> <li>❖ Percentage of women cases out of the total number of cases in courts</li> </ul> <p>Qualitative indicators to measure the target group’s perception of ‘Access to Justice’, e.g:</p> <ul style="list-style-type: none"> <li>❖ Various indicators from the existing Legal monitor</li> </ul>

MUSAWA will base the development of the program indicators for the three outcomes on indicators used and developed by international organisations working on the Rule of Law. The collection and comparison of data is therefore more accessible and more useful for analyses within the framework of the National Justice Strategy.

Output indicators directly relate to services provided by MUSAWA. The indicators will be collected by MUSAWA, but analysed periodically with partner and target groups as input for the steering & learning agenda to increase the programme's effectiveness and efficiency. The output indicators will be defined before the start date of the Strategic Plan. Examples of output indicators are given in Table 2.

**TABLE 2. MONITORING THE OUTPUTS**

Outcome 1: Enhance Equality before the Law and Judiciary		
Output	Indicator	Collection method / Sources of verification
1.1 New legislation and/or amendments and/or cancellation, and/or laws and bylaws of existing or proposed articles that contradict with Article 7 of the Universal declaration of human rights	1. Number of proposals for amendment in 2017 2. Number of positive responses to the submitted suggestions.	Internal records The council of Ministers, Ministry of Justice, Legislative council
1.2 Legislative and implementation process monitored and documented	3. Number of documented legislations and decree laws	Internal records
1.3 Promoted legal awareness to marginalized groups	6. Number of marginalized areas targeted by awareness sessions per year 7. Number of topics related to article 7 addressed in awareness workshops in marginalized areas 8. Number of workshops on the right to equality before the law & judiciary conducted per year for marginalized groups	Internal records Legal Monitor

	9. No of participants in training courses 10. Percentage of participants who became aware of their legal rights (pre/post questionnaire, consultations).	
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Outcome 2: Enhanced Right to a Fair Trial		
Output	Indicator	Collection method / Sources of verification
2.1 Rights violations are monitored and documented	1. Periodic overview (reports) available on rights violations including an analysis of the type of violations and distribution by target group.	Internal records
2.2 Rights violations and fair trial infringements are published in MUSAWA's publications	2. Number of issues of Eye on Justice. 3. Number of copies disseminated to pillars of justice. 4. Number of issues of Justice and Law. 5. Number of copies disseminated to pillars of justice	Internal records
2.3 Promoted awareness about the existence of the rights complaints mechanism to target groups	6. Percentage of people within MUSAWA's target groups who know the Online Complaints Mechanism 7. Number of complaints coming to the system tracked and followed up 8. Number of complaints received on the system within MUSAWA's specialization.	Internal records
2.4 Perceptions of public and legal stakeholders in the Justice sector is assessed, documented and brought to the attention	9. Number of issues of the Legal Monitor developed and published.	Internal records

	10. Advocacy campaigns and round table discussions addressing critical issues found in the Legal Monitor Report	
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Outcome 3: Access to Justice		
Output	Indicator	Collection method / Sources of verification
3.1 Training courses are designed for Law Faculty students and young practicing lawyers.	1. Number of training programs implemented for lawyers 2. Number of young professional lawyers and students who received trainings 3. Number of meetings and workshops held with law faculties	Internal records
3.2 Legal counseling is provided for the marginalized groups	4. Number of marginalized areas targeted through legal counselling 5. Number of the beneficiaries of the legal counselling activities	Internal records
3.3. Advocacy campaigns designed and implemented according to plan and in relation to memos	6. Number of implemented advocacy campaigns	Internal records

**The data collection tools** that we envisage to use for the collection of outcome indicators are:

- Community surveys
- Un-structured/informal interviews
- Semi structured interviews
- Focus group discussions
- Case studies or testimonials
- Attendance lists and beneficiary tracking
- Pre and post test questionnaires
- Bi-annual Monitoring Review meeting

### Gender specific indicators

A number of indicators will be related to address gender and other specific target groups in the monitoring plan. All monitoring instruments that capture information at the individual level will allow for disaggregation of data according to gender, age and other target group characteristics.

Reporting is an integral part of MUSAWA's M&E framework. To move towards more analytical reporting especially for semi-annual and annual reports, as recommended by the evaluation, the following type of monitoring questions may be asked periodically in semi-annual and annual reports.

- Did the expected change occur, how so and if not why?
- How significant was this change?
- How many people were affected by the change and is this more or less than what was planned?
- What is the evidence that you have for your change?
- How do the changes compare to the baseline data?
- What has worked well and why?
- What can be improved and how?



## 6.1 RISKS & MITIGATION STRATEGY

MUSAWA operates in a dynamic socio-economic and political environment. Its legitimacy is constantly being questioned and accountability is demanded in the context of the growing importance of clear impact on society and concrete deliverables connected to the goals set.

The constantly changing environment, and therefore the way to bring about change and progress, generates both opportunities and uncertainty. It also implies a mind set for MUSAWA and its partners, in the sense that risks should be managed strategically in order to contribute to development.

Risk management will be integrated at all levels in the organisation and in the relationships with partners. For this purpose, a risk register will be built that identifies potential internal and external risks and monitors mitigating measures. In order to mitigate risks constructively and productively, and to respond to risks in a balanced way, risk management will be integrated in the MUSAWA approach at all staff levels. The risk register will be updated twice a year. The most important risk and mitigating measures are listed in the table below:

Risk	Risk mitigation
Institutions feel politically vulnerable by campaigns and pose threats to MUSAWA, risking a delay in activities due to the fact that MUSAWA is distracted from its core program.	Advocacy actions/campaigns and approach non-confrontational style
The deepening of the Palestinian political division. The divide could have significant repercussions on the legal system in the West Bank and could hamper the work of MUSAWA	MUSAWA good networking relations with NGOs & other stakeholders like PLC members and academics Besides, with MUSAWA's grassroots efforts and with our deep integration within Palestinian society we are able to absorb the impact of political blows and can continue our work to the fullest extent possible.
Law of NGOs or any other relevant laws change, risking that MUSAWA can no longer fulfill its monitoring role	MUSAWA good networking relations with NGOs & other stakeholders like PLC members and academics , using the approach of non – confrontational style
The budget will not be secured due to several reasons (donors cutting back on their aid for Palestine, inability to source funding from the private sector), risking that MUSAWA cannot fully implement its Strategic Plan.	A realistic financial and funding strategy with different options on the one hand, and a clear vision on cutting back which activities in case the funding cannot be secured.

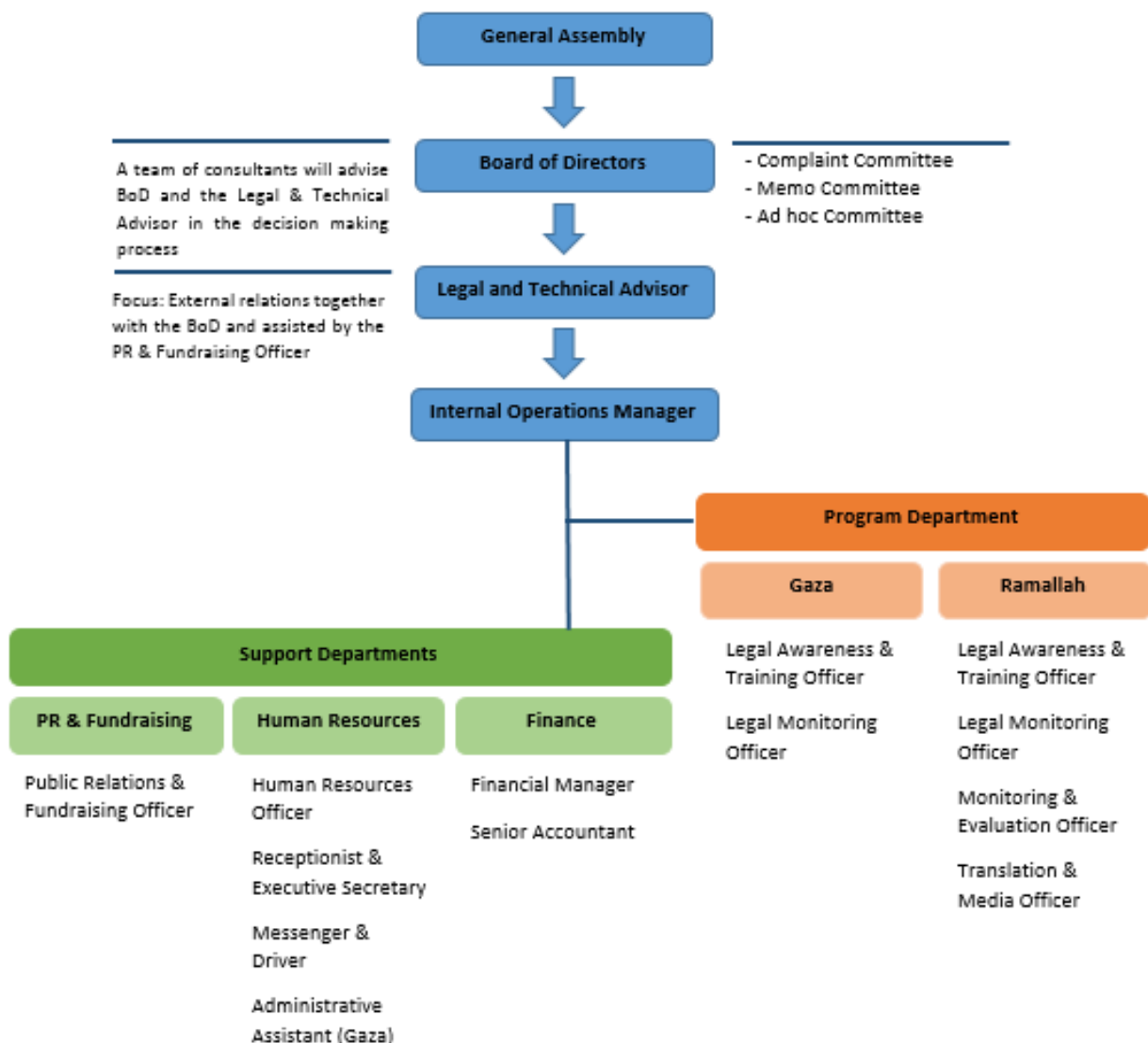
## 7 ORGANIZATIONAL ASPECTS

### 7.1 ORGANIZATIONAL STRUCTURE

MUSAWA operates under a new organizational structure (see Figure 1). Job descriptions and lines of authority have been reviewed and adjusted, where necessary, for the new organizational structure to be effective. A key position within this structure is the newly appointed Internal Operations Manager who is in charge of the internal management of MUSAWA.

As MUSAWA is aiming to play an even bigger and impactful role in the Justice Sector, it intends to increase the capacity of MUSAWA's staff through capacity building programs and the hiring of additional staff, when needed.

**Figure 3: Organizational Structure**



## 7.2 ORGANIZATIONAL DEVELOPMENT PRIORITIES

To deliver on MUSAWA's ambitious objectives, the organization needs to continue to invest in organizational development. Numerous recommendations of the external evaluators concerning the internal organization (previously designated as 'objective 3'), have already been addressed in the course of 2016, such as:

- New **structure**, as mentioned in 8.1
- Development of a **new website** with content in English and Arabic, including photos, videos and all uploaded documents. The website will act as an important tool for external communication with donors, international partners and public. The website, in a user friendly format, will also serve as a mechanism to report right violations.
- Revised **job descriptions, HR procedures and the introduction of a performance management system**, including appraisal and review meetings with staff. The system is in line with the requirements of Result-Based Management. Every staff member knows his/her role in the bigger picture, and the targets s/he has to achieve for MUSAWA to be successful.
- Strengthen the internal communication by the recruitment of a communication expert. She organizes regular internal meetings to ensure better internal communication among staff. These meetings will be documented and disseminated in order to have the desired impact.
- All MUSAWA's existing operational procedures and guidelines have been reviewed and amended by MUSAWA's senior staff and Board of Directors. New procedure manuals and guidelines have been established to which all staff has to adhere to in West Bank and Gaza Strip. Capacity building trainings on internal operations and procedures will be given to all staff of MUSAWA in 2016, before the start of the new Strategic Plan, in order to ensure that both offices are aware of the new procedures.

Priorities for organizational development 2017-2020 remain the following:

### INCREASE STAFF SKILLS IN GENDER POWER ANALYSIS AND GENDER JUSTICE INTEGRATION

Gender mainstreaming will be given a priority during the life of this Program. Internally, strategies and action plans will be developed to guarantee the address gender differences within MUSAWA's program and to guarantee a more equal representation of men, women, and/or other underrepresented groups in its governing bodies and staff, including decision-making positions. To adequately address gender issues, MUSAWA will seek external support to increase the staff skills in gender power analysis and gender justice integration.

### INCREASE STAFF SKILLS IN RESULT-ORIENTED MONITORING

An M&E expert has been recruited in July 2016. She should significantly contribute to MUSAWA's goal to adopt a results based monitoring & learning approach. She will further elaborate the M&E framework, and be responsible for analysis and reporting, in collaboration with program staff. The development of outcome indicators is a relative new, and challenging task, for which she needs

support, advice and/or peer review with M&E experts from other NGOs or projects working on access to justice and rule of law.

### 7.3 DIVERSIFICATION OF FUNDING

MUSAWA is working to develop a detailed financial and fundraising strategy and action plan to implement the strategy that will significantly contribute to MUSAWA's objective to become financially sustainable in the upcoming years.

A financial strategy in alignment with MUSAWA's strategic goals as set out in MUSAWA's Strategic Plan 2016-2020 including, but not limited to, the following three chapters:

#### **1. Strategy and implementation plan**

- Assessment of current financial sustainability;
- Set reasonable short term and long term goals for MUSAWA for the coming years;
- An feasible implementation plan leading to the desired end result, including (smart) indicators to measure progress;

#### **2. Budget allocation for MUSAWA's activities**

- Assess previous budget allocation;
- Identify gaps and which activities can be done more efficient and effective;
- Allocate funds for MUSAWA's main activities for the upcoming years in the most efficient and effective way;
- Include risk management, merely an overview of which activities will be cut back if MUSAWA does not manages to collect the required funds to implement its core activities;

#### **3. Fundraising**

- Identify different effective methods of fundraising;
- Develop a feasible social entrepreneurship system for MUSAWA's main activities and publications;
- Elaborate more on the developed donor database. Mapping of smaller donors operative in Palestine;
- Provide a short training regarding the key issues that should be addressed in project proposals;
- Develop a strategy, action plan to forge linkages with other strategic (program level) and possible financial partners

## APPENDIX A: MUSAWA'S RESULT CHAIN 2017-2020

Impact		
A State of Justice and Rule of Law in Palestine through guaranteeing the independence of the judiciary and the legal profession.		
Final Outcomes		
1. Enhanced Equality before the Law and the Judiciary		
2. Enhanced Right to a Fair Trial		
3. Enhanced Access to Justice		
Intermediate Outcomes		
<ul style="list-style-type: none"> <li>- Capacities for Fulfilling Obligations of Duty Bearers in the Palestinian Justice Sector, especially lawyers are enhanced.</li> <li>- Capacities for Claiming and Exercising Rights for Palestinian citizens, especially the marginalized groups are enhanced</li> <li>- Increased organizational growth and internal capacity</li> </ul>		
Outputs		
Equality before the Law and the Judiciary	Enhanced Right to a Fair Trial	Enhanced Access to Justice
1.1 New legislations and/or amendments and/or cancellation, and/or laws and bylaws of existing or proposed articles that contradict with Article 7 of the Universal Declaration of Human Rights are proposed	2.1 Rights violations are monitored and documented	3.1 Training courses are designed for Law Faculties and young practicing lawyers
1.2 Legislative and implementation process monitored and documented	2.2 Rights violations and fair trial infringements are published in MUSAWA's publications	3.2 Legal counseling is provided for the marginalized groups
1.3 Promoted legal awareness to marginalized groups	2.3 Promoted awareness about the existence of the rights complaints mechanism to target groups	3.3 Advocacy campaigns are designed and implemented according to plan and in relation to the memos
	2.4 Perceptions of public and legal stakeholders in the justice sector are assessed, documented and brought to attention.	

Outcome 1: Enhanced Equality before the Law and the Judiciary			
#	Output	Activities	Implementers
1.1	New legislation related to Art.7 proposed	1.1.1 Review and propose amendments on specific laws MUSAWA sees as contradictory to international treaties signed by Palestine	Advisor, Project Coordinator, Legal Monitoring Officer.
		1.1.2 Propose adding new legislation in coherence with international treaties.	Director, Project Coordinator, Legal Monitoring Officer
		1.1.3 Conduct advocacy campaigns including the design and implementation of the campaign; prepare research and information; and develop media work plan	Advisor, Project Coordinator, Legal Monitoring Officer
		1.1.4 Refer opinions and/or drafts once ready to the President and Council of Ministers.	Advisor, Project Coordinator, Legal Monitoring Officer.
		1.1.5 Organize and conduct one International Conference to identify the gaps within the legislation and its implementation, in relation to international treaties and based on best international practices	Advisor, IOM, Project Coordinator, Legal Monitoring Officer.
1.2	Legislative and implementation process monitored and documented	1.2.1 Regular communication with Council of Ministers, Presidential Office, Fatwa and Legislation Office, Palestinian Central Bureau of Statistics, and Legislative Council to know of any new legislation.	Legal Advisor, IOM, Program Coordinator.
		1.2.2 Follow up on weekly basis on decisions announced by the Council of Ministers through their website and the President office as well	Program Department.
		1.2.3 Keep track of recently issued legislation through communicating with relevant CSOs.	Program Department.
		1.2.4 Keep up with the international treaties signed by Palestine.	Program Department.
		1.2.5 Public opinion cases: issue legal memos on legislations that contradict with international treaties and document them in “Eye on Justice”	Legal Advisor, Legal Monitoring Officer, Program Coordinator. BOD & GA
		1.2.6 Establish Internal committees to analyze the legislations, and issue positions paper, Memos	

		1.2.7 Contract with 3 external legal advisors (consultants) in a specific topics	
		1.2.8 Organize workshops, round table discussions and meetings to discuss legislations	
		1.2.8 Hold Lawyers Conference (Video Conference between Gaza and the West Bank)	IOM, Legal Advisor
1.3	Promoted legal awareness to marginalized groups	1.3.1 1.3.1 Conduct awareness workshops and/or trainings for marginalized groups.	Program Coordinator (coordination + legal aspects).
		1.3.2 Prepare, issue and disseminate supporting materials, including brochures and leaflets, on 3 topics related to rights of marginalized groups and the litigation procedure in courts.	Program Coordinator (coordination + legal aspects).
		1.3.3 Organize and conduct TV/radio episodes to raise awareness on the rights marginalized groups.	Project Coordinator, Ibrahim

Outcome 2: Enhanced Right to a Fair Trial			
#	Output	Activities	Implementers
2.1	Rights violations are monitored and documented	2.1.1 Participate in formal Partnership to implementation National Justice Strategy	Internal Ops manager
		2.1.2 Conduct visits to courts and other pillars of justice to monitor law violations	Monitoring officer
		2.1.3 Organize meetings, workshops and round table discussions with lawyers to assess the rights violations that occurred	Monitoring officer
		2.1.4 Provide support for MUSAWA's monitoring networks in capacity building	Monitoring officer
		2.1.5 Conduct training courses for Lawyers for the Rule of Law Groups to build their capacities in monitoring and documenting violations of human rights in International Treaties	Program officer
		2.1.6 Regularly update the Internal Database for complaints	Legal staff
2.2	Rights violations and fair trial infringements are published in MUSAWA's publications	2.2.1 Develop and publish Eye on Justice (two issues per year)	Monitoring Officer, Legal Advisor
		2.2.2 Send Eye on Justice (6 months report) to pillars of justice	Monitoring Officer
		2.2.3 Hold Video conference workshops to discuss Eye on Justice	Legal advisor, IOM, Monitoring officer
		2.2.4 Form strategic partnerships with like-minded NGOS to work on reports in fair trial infringements	IOM, Legal Advisor
		2.2.5 Collect court cases (decisions), and select the most important cases.	Lawyers groups, Monitoring officer, Legal Advisor
		2.2.6 Print and Publish Law and Justice Magazine (two issues per year)	Monitoring Officer, Legal Advisor
		2.2.7 Hold Video conference workshop to discuss Justice and Law Magazine	IOM, Monitoring Officer, Legal Advisor
		2.2.8 Hold meetings with NGOs and community leaders to assess their views on violations	MUSAWA's Legal Advisor
		2.2.9 Hold communications with officials to discuss the observed and documented violations	MUSAWA's Legal Advisor
2.3	Increased awareness among the target group about the existence of	2.3.1 Organize campaigns to advertise MUSAWA's 'violations monitoring' activities to the public through MUSAWA' social media platforms	Program coordinator
		2.3.2 Design and develop database for complaints	Monitoring officer and financial manager



	the Complaints Mechanism	2.3.3 Advertise the Online Complaints mechanism in local media channels to increase number of complaints received through website	Media officer and monitoring officer
		2.3.4 Continue to improve the Online Complaints system to ensure its effectiveness	
2.4	Perceptions of public and legal stakeholders in the Justice sector is assessed, documented and brought to attention	2.4.1 Assess perceptions of public and legal stakeholders in the Justice sector (legal Monitor bi-annual report)	External company and/or consultants
		2.4.2 Develop and publish legal monitor report every two years	Legal staff
		2.4.3 Conduct meetings with duty bearers and decision makers to discuss the results found through the report	MUSAWA's legal advisor
		2.4.4 Hold public discussions about the results through press conference then workshops by video conference, and Radio and/or T.V Episodes.	Legal staff, external company, legal advisor, IOM
		2.4.5 Disseminate the report among the official partners.	Driver and legal staff
		2.4.6 Develop suggested public policies focusing on the problems found through the monitor report	External legal experts
		2.4.7 Organize lobbying and advocacy campaigns to encourage decision-makers to endorse suggested policies	Legal staff and IOM

Outcome 3: Enhanced Access To Justice			
#	Output	Activities	Implementers
3.1	Training courses are designed for Law Faculty students and young practicing lawyers, legal persons within the ministries and official departments	3.1.1 Organize training programs for students and young practicing lawyers	Program coordinator, IOM
		3.1.2 Design and deliver training program to a targeted group of lawyers for the rule of law.	
		3.1.3 Organize & implement Moot courts for law faculty students – competition. (8 universities in WB & Gaza. 4 training days for each university.	Program coordinator, IOM
		3.1.4 Organize & implement training Program for trainee lawyers and new lawyers (Full Training program per year).	
		3.1.5 Conduct comprehensive training needs assessment, keeping in mind HRBA/Gender Mainstreaming.	

		3.1.6 Organize meetings and workshops with law faculties in Palestinian Universities to ensure their curricula includes latest human rights issues	
		3.1.7 Provide technical support to universities to improve law faculty curricula	
3.2	Legal counselling is provided for the marginalized groups	3.2.1 Design legal counselling initiative and agree in modalities with partner institutions	Legal staff and IOM
		3.2.2 Provide free legal counselling through the legal clinic and field visits	Legal staff and external legal lecturers
		3.2.2 Prepare impact reports on legal counselling	Legal staff, IOM and M&E
3.3	Advocacy campaigns designed and implemented according to plan related to the memos	3.3.1 Organize advocacy campaigns related to memos issued by MUSAWA	