Report of the
Project Evaluation Mission
on the OHCHR Technical Cooperation Project
with the Palestinian National Authority

Gaza and the West Bank
4-11 January 2001
Table of Contents

I. Basic Project Data ................................................................................... 1

II. Executive Summary ............................................................................. 1

III. Background .......................................................................................... 1

IV. Purpose of the Evaluation Mission ....................................................... 2

V. Project concept and design ................................................................. 2
   1. The Project as designed in 1995/96 and added to in 1997 .................. 2
   2. Evaluation of Project concept and design ...................................... 4

VI. Project implementation (evaluation of activities) ................................. 6
   1. Objective 1: Official human rights policy ........................................ 6
   2. Objective 2: Fair administration of justice ..................................... 7
   3. Objective 3: Legal Framework ...................................................... 10

VII. Project results (evaluation of output and objectives achieved) .......... 12
   1. Outputs ......................................................................................... 12
   2. Immediate objectives .................................................................... 13
   3. Long-term objective ..................................................................... 14
   4. Unforeseen effects ......................................................................... 15
   5. Sustainability ............................................................................... 16

VIII. Special considerations ................................................................. 18
   1. Gender ....................................................................................... 18
      (a) Project design ......................................................................... 18
      (b) Project implementation .......................................................... 19
   2. Economic, social and cultural rights .............................................. 19
      • Demolitions and confiscations: .................................................. 20
      • Closures and their consequences: .......................................... 21
   3. Follow-up .................................................................................... 21

IX. Findings of the Evaluation Mission .................................................. 22
   • Budget ......................................................................................... 23

X. Recommendations of the Evaluation Mission .................................... 24

XI. Policy implications and lessons learned ........................................... 28

XII. Evaluation team ................................................................................ 28

XIII. Annexes .......................................................................................... 29
   1. List of documents consulted by the Evaluation Mission ................. 29
      (a) Documents received from OHCHR ...................................... 29
      (b) Documents received from interlocutors, and other documents consulted 31
         • Documents received from PNA institutions .......................... 31
         • Proposals received from Palestinian civil society organisations ...... 31
         • Other documents received from Palestinian civil society and academic organisations 32
         • Documents received from international agencies and their local chapters 34
         • Other background material consulted .................................. 34
2. Interviewees of the mission ____________________________________________ 35
   • OHCHR ___________________________________________________ 35
   • Palestinian National Authority ________________________________ 35
   • Palestinian national organizations _____________________________ 36
   • Palestinian non-governmental organisations ______________________ 36
   • International and inter-governmental organisations ________________ 37
   • Palestinian affiliates of international non-governmental organisations___ 37

3. Terms of Reference of the Mission _________________________________ 38

4. Programme for the Evaluation Mission _____________________________ 38

5. Status of expenditure report as of 30 June 2000 ________________________ 38

6. Project proposals received from Palestinian interlocutors______________ 38
I. Basic Project Data

**Project Number and Title:** PAL/95/AH/24

Support for the Rule of Law in Palestine

**OHCHR Budget:** US$ 3,205,223 (or rather US$ 3,096,950 – the sum of original budget + addendum !?) (this includes staff salaries)

**Government Executing Agency:** Palestinian National Authority

**Date Project approved:** 24 April 1996

**Date Project began:** 4 November 1996

**Date Project completed:** 31 December 2000 (extended till 28 Feb. 2001)

**Sector:** Social Development (1700) Human Rights (1710)

**Prior phase(s) and duration:** Phase 1 (based on Project Document): Nov. 1996 – Dec. 1997. Project was originally envisaged to last 2 years from April 1996. It effectively started in Nov. 1996, and was reassessed in September 1997.

Phase 2 (based on Addendum): 2 years (1998-99)

Phase 3 (based on formless extension): 1 year (2000)

Phase 4 (extension until 28 February 2001): 2 months

**Actual expenditure at evaluation:** US$ 1,031,101 (this does not include staff salaries)

II. Executive Summary

OHCHR’s field office in the Occupied Palestinian Territories (OPTs) has engaged in a number of important activities to support the rule of law in Palestine. At the end of four years of operation, a National Plan of Action for Human Rights is ready to be launched. Much has been done to disseminate knowledge of human rights standards among Palestinian police forces. Some Palestinian legislation has been revised in consistency with international human rights standards. Palestinian civil society has benefited from OHCHR’s presence as a resource centre. OHCHR has thus made important strides on the path to achieving its development objective.

It is of utmost importance for the sustainability of what has been achieved that OHCHR maintain its activities in the OPTs – all the more so at the present moment of crisis in the Palestinian state building process. In renewing its mandate, OHCHR should focus more clearly on the institutional foundations of the rule of law, and on strengthening civil society on which ultimate sustainability of the rule of law depends. Improved administrative and operational support of field operations by headquarters is a condition sine qua non for the success of any new Project.

III. Background

The United Nations, fundamentally concerned with the promotion and protection of human rights since the drafting of the Universal Declaration of Human Rights, has been engaged since 1955 through its Technical Cooperation Programme in the Field of Hu-
man Rights in assisting States, at their request, to build and strengthen national structures that directly impact on the overall observance of human rights and the maintenance of the rule of law. Advisory services and technical cooperation activities under this programme are complementary to but distinct from human rights monitoring activities.

The Palestinian National Authority (PNA), set up in 1994, requested UN assistance under the Technical Cooperation Programme. Responding to this request, and following a needs assessment mission in June 1995, the then United Nations Centre for Human Rights established a field office in Gaza that began its activities in ‘Support for the Rule of Law in Palestine’ in November 1996. The initial Project period of two years was extended three times (till end of 1999, end of 2000, and 28.02.2001), and the PNA has requested a further extension until the end of 2001.

IV. Purpose of the Evaluation Mission

The present mission took place both as a post-implementation evaluation to measure the effects of the assistance rendered so far and in response to the PNA’s request for an extension of the Project until the end of 2001. Apart from assessing the basic project concept and design, it had to analyse practical implementation with regard to quality and timeliness, and to evaluate the extent to which the Project achieved its stated objectives. Secondly, the Evaluation Mission (EM) had to assess the continuing relevance of the Project, to suggest any adjustments necessary to achieve the overall objectives, and to make recommendations regarding the possible need for an expansion of the Project’s activities.

V. Project concept and design

1. The Project as designed in 1995/96 and added to in 1997

The Project’s overall aim is to support and strengthen Palestinian institutions, of both state and civil society, that have an impact on the observance of human rights and the rule of law in the Palestinian territories occupied by Israel in 1967, including East Jerusalem (hereinafter: OPTs). This goal is pursued in the three interdependent areas of policy, law, and national structures. Accordingly, three immediate objectives were set:

(1) to strengthen the capacity of the PNA to develop an official human rights policy, elaborated in a National Plan of Action for Human Rights;

(2) to strengthen the national capacity to secure a fair administration of justice, through support, advice and training offered to the Ministry of Justice, the judiciary and legal profession, police and prison services;

1 In practice, due to the realities on the ground, Project activities focussed on the areas under the jurisdiction of the PNA.

2 The meaning of “police” requires some clarification, due to the complex nature of the Palestinian security services. “Palestinian Police” is a term used in the Cairo Agreement on the Gaza Strip and the Jericho Area of May 1994 for the Palestinian Directorate of Police Force, also known as the General Security Service (GSS). The GSS is an umbrella organisation nominally responsible for coordinating most Palestinian security bodies, not only the police, but also intelligence services. The GSS operates under the supreme command of PNA President Arafat. It has a Director General (Nasr Yusuf) and two Public Security Directors, one each for Gaza (Abdel Razzeq El-Majaida) and the West Bank. The GSS coordinates ten services, five of which are mentioned in the Cairo Agreement, and one (the Preventive Security) in the September 1995 Interim Agreement (“Oslo II”); four others are not mentioned in these Accords although they existed at the time. The six GSS bodies recognized by the Oslo Accords are (with names of commanders and approximate 1998 manpower figures): Civil Police (resp. for public order
(3) to support the development of a strong legal framework consistent with international human rights standards, through advice and training in legislative drafting, through strengthening the capacity of Palestinian organisations to conduct legal analysis, and through having them review relevant Palestinian laws and prepare revisions of them consistent with international human rights standards.

These objectives were to materialise as follows:

(1) In the realm of policy, a National Plan of Action for Human Rights was to have been approved by the PNA and made widely known in Palestinian civil society. To prepare this plan, several Palestinian human rights organisations were to write six working papers on specific human rights issues; and a national workshop was to discuss the draft Plan before its adoption by the PNA. — Further, the Presidential Advisor for Human Rights was to be taken to a study tour to Geneva for the exchange of human rights expertise at the international level, and his office be provided with relevant publications. — To strengthen civil society structures, the Palestinian Centre for Human Rights (an NGO) was to establish an operational Women’s and Group Rights Unit. In addition, Palestinian NGOs (to be identified) were to be supported in their efforts to raise general awareness of women’s rights within the Palestinian community, in particular with regard to necessary legislative changes.

(2) To strengthen national structures for the promotion and protection of human rights, the Ministry of Justice was to receive technical equipment for a training centre and to improve its electronic information handling capacity; select staff of the Ministry of Justice, of the police and prison services, and members of the judicial and legal profession were to receive training both locally and abroad; and both the Palestinian police and the Prison authorities were to draft, adopt and implement standing orders for human rights.

(3) In the legal realm, 16 laws were to be revised in consistency with international human rights standards. OHCHR was chiefly to support a review of these laws by the Palestinian Independent Commission for Citizens’ Rights (PICCR, a national human rights organisation established by Presidential Decree) and by three Palestinian NGOs (Al Haq, Gaza Centre for Rights and Law, Birzeit Legal Centre [strictly speaking not an NGO but an academic institution]), following which relevant law reform projects were to be submitted to the Palestinian Legislative Council (PLC) and to the President of the Palestinian National Authority (hereinafter:
the President) for adoption. Further, lawyers from the Ministry of Justice and other relevant Ministries were to be trained in legislative drafting, and members of the PLC’s Committee on Human Rights and Public Monitoring were to be trained in human rights and the work of Parliamentary human rights committees.

2. Evaluation of Project concept and design

1. Identifying problems. Following the 1995 needs assessment, the Project Document identified four major human rights problems: a lack of coordinated planning for human rights policy; a complex maze of laws of diverse origin governing different parts of the OPTs; a weak judicial system; and civil society institutions rich in expertise but suffering from a shortage of funds and materials. Another problem was identified after the creation of the Palestinian Legislative Council in 1996: the lack of technical skills in legal drafting among all PNA institutions. Also, in the course of the first year of OHCHR field operations in the OPTs, it became obvious that the parallel structures of all official institutions imposed by the Israeli limitations on movement between Gaza and the West Bank necessitated the duplication of all activities to strengthen Palestinian institutions.

While these human rights problems were clearly stated, the Project document did not define what precisely it understood by ‘rule of law’. This had significant consequences. Since the Project Document did not elaborate on the institutional provisions necessary to maintain the rule of law, its criteria for setting priorities of action to support the rule of law were not reflect on. They remain implicit only and therefore more easily escape critical review. The most fundamental institutional issue affecting the rule of law and the human rights situation in general remained therefore outside the scope of immediate attention of the Project: the overpowering strength of the executive and the lack of a balance of power within the nascent Palestinian state. This is ultimately a matter to be settled under a future constitution. The absence of a system of independent checks and balances on the executive has, however, been widely discussed in Palestinian civil society, and several Palestinian and international agencies have tried to address this problem. The OHCHR Project Addendum could have stated the need to ensure the balance of powers more forcefully.

In keeping within the limits of the set goal of strengthening the rule of law (and not of enhancing the respect for human rights in general), the Project Document did not specifically formulate objectives in the field of economic and social rights. This is important to note here since economic and social rights are prominently on the minds of many of the Project’s direct and indirect beneficiaries, and their expectations influenced their attitude to and approach of OHCHR. In practice, OHCHR did respond to these expectations, understanding that support for particular institutions can and should address the full range of human rights (see further below).

The Project Document indicated clear technical approaches to address the problems identified. A National Plan of Action for Human Rights was to be developed and promulgated to guide national policy. A concerted effort was to be undertaken to review and consolidate national legislation consistent with international human rights standards. The judicial system, including staff of the Ministry of Justice, members of the legal profession, and law enforcement officials, was to receive extensive human rights training. The strengthening of civil society institutions was envisaged not as a separate objective, but through involving them in drafting the National Plan of Action and in reviewing legislation, as well as in financially supporting Palestinian NGOs and a national human rights institution to establish Women’s Units, conduct field research, and upgrade their libraries. Alternative approaches were not discussed in the Project Documents, and the technical input considered could of course only partly hope to contribute towards solving the
problems identified. Nevertheless, the overall approach was sound in limiting itself to generally achievable objectives that were stated explicitly though not perhaps with utmost precision.

2. \textit{Verifiability and achievability}. The three immediate Project objectives were formulated somewhat vaguely, so that their achievement cannot be measured precisely but is open to interpretation. Objectives 1 and 2 were expressed in the form, “capacity to … will have been strengthened”; objective 3 as, “a strong legal framework developed”. They were, however, translated into readily measurable or at least observable outputs and activities. On the assumption that the production of the expected outputs signifies progress towards achieving the overall objectives, the Project Document may be said to indicate means for observing Project goals. This assumption is, however, only implicit, leading to the major weakness of the Project’s design: the lack of openly discussed alternatives. Thus, while outputs and activities appear reasonably linked to the objectives, it is not necessarily evident \textit{to what extent} they contribute towards achieving the objective stated. Thus, for example, the development of a National Plan of Action for Human Rights will clearly help towards the stated objective of ‘elaborating and implementing an official human rights policy’. Given that the lack of checks and balances on the executive is one of the main reasons for human rights violations in the OPTs it may be asked, however, to what degree the goal of \textit{implementing} such a policy is covered by this or any of the other outputs planned for this objective. The same may be said regarding the fair administration of justice. These reservations notwithstanding, however, it is clear that the Project outputs were formulated within reasonable limits of achievability, even if these limits were not openly discussed.

3. \textit{Phasing}. The original Project Document was very ambitious in its time frame. Given the situation on the ground and the human resources made available to the Project, it was overly optimistic regarding the envisaged phasing of the activities. Activities to achieve the three major objectives in the political, judicial and legal realm were largely phased to run not concurrently, but following each other, leaving only four to eight months for each objective. After a year of field operations, adjustments were made to address the problem of duplicate structures in the West Bank and Gaza, but the pace envisaged was maintained. Formal measures for observing progress and making adjustments accordingly were not built into the Project. After three years of operations, when the project was extended for another year, no formal reconsideration of Project design and phasing was made.

4. \textit{Beneficiaries}. Direct and indirect beneficiaries of the Project were listed in detail in the Project Document, even to the extent of identifying individual NGOs. In line with the nature of the Project as a technical cooperation programme, victims of human rights violations were not included among the direct beneficiaries. There was no formal mechanism for adjusting the Project to include other or different beneficiaries, but such adjustments were effectively made when the addendum included members and staff of the Palestinian Legislative Council that was elected in 1996. Other adjustments were made by the field office without being reflected in the Project Documents.

5. \textit{Scheduling}. The Project Document contained a tentative work-plan for 24 months of activities, scheduled originally for the period April 1996 – March 1998. After the actual beginning of field activities in November 1996, this work-plan was adjusted for the first year of operation, i.e. until December 1997. The Addendum, which provided the basis for the Project’s activities in 1998-1999, no longer included a work-plan. No work-plan exists for 1998. For 1999 and 2000, work-plans were drawn up internally. It seems, however, that these plans were not used systematically to monitor the progress of activities and to adjust operational planning accordingly. There was no regular mid-year review.
VI. Project implementation (evaluation of activities)

1. Objective 1: Official human rights policy

1.1. One of the major expected outputs of the Project was a National Plan of Action for Human Rights (NPAHR), to be developed by the PNA in cooperation with Palestinian civil society. This Plan – the first ever undertaken in the Arab and Islamic world – was scheduled to be submitted to the PNA “no later than” seven months after the start of Project activities and approved by the PNA three months later. Consultants recruited from Palestinian NGOs were expected to prepare six working papers on specific issues relating to the NPAHR within six months; the first tentative work-plan even left them with only two to three months.

In effect, it took almost four years to finalise the draft NPAHR. It was completed on 30 September 2000, two days after the beginning of the current uprising (Intifada) in the OPTs. An English translation was made, and OHCHR prepared to print and bind 500 copies of the Plan to be distributed among Government agencies and social society organisations. PNA representatives gave oral commitments to approve the Plan, and as late as 26 November OHCHR was still trying to arrange with the PNA to formally launch it on International Human Rights Day, 10 December 2000. In the event, this launching was postponed indefinitely, citing the current unfavourable circumstances.

Apart from formal approval by the PNA, all planned activities relating to the NPAHR have thus been completed, if only with considerable delay (most came to fruition only in 2000). This delay is, however, due to two major factors: an unrealistic schedule to begin with, and the attempt of the OHCHR Gaza Office to produce, through intensive cooperation of civil society and governmental partners, a well thought-through Plan that provides detailed guidelines to political actors, rather than simply a brief but vague document. Given the manifold external constraints, compounded by a shortage of staff especially at the beginning of the Project, it took a while to find suitable partners and organise the work. Nevertheless, Project Management has been imaginative in overcoming obstacles and regaining the momentum both on the political level and with regard to the actual drafting process. The Project Monitoring Mission of September 1997 – the only one ever held so far – noted the need for acceleration in drafting the NPAHR and argued for more sustained support, but made no substantial recommendations on how to improve activities in this regard.

On the Government side, the main body responsible for cooperation in drafting the NPAHR was the Ministry of Planning and International Cooperation (MoPIC). Both the EM and Project Management were surprised to hear from the MoPIC representative responsible (Ihab Qishawi) that the NPAHR still needed some discussion and incorporation of last comments before submission to PNA President Arafat for his signature. Project Management assured the EM that this point had not been made by MoPIC before. The issue remains to be followed up.

1.2. To strengthen official human rights policy, the Presidential Advisor for Human Rights received relevant documents and publications, and went on a study-tour to Geneva sponsored by OHCHR in March 1997. Activities in this respect were among the earliest carried out by the Office. Their main usefulness should be seen as opening up channels and cultivating confidence among key PNA officials.

1.3. To strengthen women’s rights in particular, OHCHR funded the establishment and the first year of running costs of a Women’s and Group Rights Unit at the Palestinian Centre for Human Rights (a Gaza NGO), and assisted it in planning and through ongoing advice. Terms of reference were finalized as early as February 1997, and the Unit has been operational since May 1997. It continues to function,
conducting workshops and public awareness programmes and arranging legal aid to women in court.

1.4. A similar Women’s Unit at the LAW Society (a West Bank NGO) was supported following a recommendation by the September 1997 Project review, but it has not achieved much visibility yet. To do research and lobbying with an eye to improving the legal status of women, OHCHR eventually supported another NGO, Mashriqiyat. Following a public controversy on proposed changes to the Family Law from the point of view of Islamic values and women’s roles in a Muslim society, Mashriqiyat adopted a cautious approach to the issue that is not shared by all Palestinian women’s organisations but is designed to achieve progress on women’s legal status while respecting existing values shared by large sections of the Palestinian population.

In sum, the seven activities planned for this objective were all completed as far as OHCHR’s Gaza Office is concerned. One activity contained an element outside the full control of OHCHR – the adoption by the PNA of the National Plan of Action for Human Rights, and it remains outstanding insofar as this adoption is concerned. Three activities in this same field could only be completed with considerable delay.

2. Objective 2: Fair administration of justice

2.1. Human rights documentation was provided without delay to the Legal Opinion and Legislation Office (Diwan al-Fatwa wa’l-Tashri’) of the Ministry of Justice (Feb. 1997) and to the General Police Training Directorate (July 1997). Such material was also made available throughout the Project period to various Government departments, police sections, and NGOs. Envisaged provision of documentation to the three bar associations (one of which has been effectively non-functioning since 1967) did not take place, as OHCHR is waiting for the unification of the bar associations under the 1999 Bar Association Law (see below, 3.1.). Material assistance in the form of two computers for the Diwan al-Fatwa and an overhead projector for the Police Training Centre was also delivered in time.

2.2. Training fellowships abroad were arranged for two lawyers from the Ministry of Justice, to be trained in legal drafting techniques. For administrative reasons, venues for these fellowships were changed from Vienna and Geneva to London and Tunis. In addition, one staff member of the MoPIC received a fellowship to attend a human rights workshop in Strasbourg; this activity had not originally been foreseen. Fellowships in Geneva had also been planned for two human rights police focal points and for two high-level prison administrators; these were postponed at the request of the Palestinian Police.

2.3. Human rights training for members of the legal profession, the police, and prison staff developed into the core of OHCHR’s Project as it evolved over the past four years, and the Project was substantially enlarged in this area after the 1997 review by adding training activities aimed specifically at professionals in the West Bank (see below, 2.5.).

With regard to activities planned in Gaza, most progress was made concerning training for the police forces. Implementation of activities in this field was adapted to circumstances and therefore evolved considerably from the original plan that had simply foreseen a combined one-week course for 30 police trainers and 30 police commanders. In the event, the following courses were held in Gaza: “Training of police trainers” (July 1997, 34 participants); “Follow-up workshop” for 12 trainers selected from the first course (August 1997); “Police commanders

3 In August-September 1997, most of the twelve trainers gave OHCHR-assisted training courses implementing what they had just learned. They subsequently contributed lectures on human rights stan-
course” (December 1997, 29 participants); “Strategic Management [conducted in cooperation with the Danish Academic Police]” (April, May, and June 2000; total of 43 participants). In 1998, the Office concentrated on courses in the West Bank (see below). In August 1999, all training activities were brought to a halt by the General Director of Police (Maj.Gen. Ghazi Jabali) following a controversy about international assistance to the Palestinian Police Forces. This measure was not specifically directed against OHCHR but affected other Palestinian and international agencies as well. In February 2000, the Office was able to resume its training activities. Three courses were held in Gaza over the summer, and a prison guard course was scheduled for October but could not be held because of the renewed unrest in the Palestinian territories.

The course foreseen for 40 judges, lawyers and prosecutors was not held. This was explained by the difficulty to find suitable participants, due in part to organizational reasons and the bifurcation of the legal system in Gaza and the West Bank. Besides, many acting law professionals in the Palestinian territories have served in their profession for decades and do not readily accept the need for more training. The Ministry of Justice on the other hand, which was responsible for the selection of participants, argued that due to the long Israeli occupation, Palestine had only few capable judges and lawyers and that for the time being, legal professionals should be brought in from Egypt and Jordan to sit on Palestinian courts and train their Palestinian counterparts. Such arguments and counterarguments are not atypical for the problems the implementation of the Project had to face and that did at times considerably delay or prevent a planned activity from being carried out.

In sum, a total of seven training courses were held or scheduled in Gaza over a period of four years – that is roughly two per year. The Project Document had scheduled five courses over a period of originally two years. Given the highly ambitious pace set by the original Project plan and the unforeseen impediments encountered along the way, implementation of activities in this area proceeded rather well, and the Office team showed much imagination in adapting and developing activities to suit the situation on the ground.

2.4. Police standing orders and prison human rights regulations were to be drafted and adopted by the Palestinian Police and Prison authorities, respectively. While some progress was made in this regard, much remains to be done. So far, the Palestinian Police has only adopted standing orders for the use of force and firearms. During the Strategic Management courses held in cooperation with the Danish Police in the summer of 2000, participants were assigned the task of drafting standing orders for their units by way of a training exercise. The results are supposed to be compiled and to serve as a basis for drafting comprehensive and unified standing orders that include human rights regulations. The matter is complicated by the complex command structure of the Palestinian police and security forces, the problems faced by police training in general in the absence of an established, comprehensive curriculum and the lack of a Police Academy, and by the fact that the Palestinian Police appears to have other priorities for the time being. OHCHR has worked, along with the UNSCO Police Advisor, to press the issue, and the message may have begun to sink in. In May/June 1997, a Pocket Book on human rights standards for the Palestinian Police was produced with OHCHR assistance. It was published a year later and distributed to Police officers who are said to

dards within the general police training courses. No specialized human rights courses have, however, been devised by the Palestinian Police Forces to date. – Two of the police trainers trained by OHCHR have meanwhile left the Police Forces.

4 The controversy was set in motion by the publication in a Palestinian newspaper of an AFP report on the Fifth Annual UNSCO Report on the Rule of Law Programme. The report is available on the UNSCO website (http://www.arts.mcgill.ca/programs/polisci/faculty/rexb/unsco-ruleoflaw/).
make it available to their subordinates upon request. A specialised curriculum on human rights and law enforcement was developed by OHCHR. Meanwhile, OHCHR has asked a lawyer (Abdel Hamid Al-Aila) to work on a draft for the standing orders. The UNSCO Police Advisor feels that a critical point has been reached and that real progress may soon be achieved in this issue.

**Prison human rights regulations** remain pending; the reason given was the need to complete prison training courses first (see above). Implementing partners in this field would be the Deputy Director of Police (Gen. Mohammed Asfur) and the General Director of Reform and Rehabilitation Centers (Col. Hamdi al-Rifi). Supported by UNSCO through the Danish Police, the latter has done a lot to improve conditions of detention in the seven Palestinian Reform and Rehabilitation Centers (as the Prisons run by the Civil Police were renamed) since he took office in 1997. What remains to be done is to institutionalise these standards.

In sum, budgeted activities to promote institutionalised human rights standards in the Palestinian police and prison services (with one week of international expertise to draft standing orders and prison regulations) remain outstanding.

2.5. **Human rights training for members of the legal profession, the police, and prison staff in the West Bank**, to mirror activities in Gaza, were added to the scheduled activities following a recommendation by the September 1997 Project review. Of these scheduled activities, the course planned for 40 judges, lawyers and prosecutors remains outstanding for the same reasons that are explained above (2.3.). For the police and prison forces in the West Bank, the following courses were held: “Training of police trainers” (Jericho, September 1997 – i.e. before the Addendum scheduled it; 32 participants); “Police commanders course” (Jericho, June-July 1998; 24 participants); “Preventive Security Trainers course” (Jericho, August 1998; 19 participants); “Strategic Management [conducted in cooperation with the Danish Academic Police]” (Jericho, February-March 2000; 10 participants); “Prison officers’ course” (Nablus, September 2000; 17 participants). This makes for a total of five courses over three years, an average roughly comparable to that achieved in Gaza. Police trainers and commanders benefited more from these courses than prison staff: a total of 51 police trainers (instead of 30 budgeted for) and 34 police commanders (instead of 30) received training, while only 17 prison administrators (instead of 30) attended a course, and the course for prison guards remains outstanding. The observations given above (2.3.) regarding implementation of training activities in Gaza hold true for the West Bank as well.

In April 1998, 23 police trainers selected from the introductory courses in Gaza and the West Bank were sent to Geneva for a follow-up course (7 out of the 30 originally selected were unable to leave because of Israeli security or immigration restrictions). This was the only training activity among those newly added by the Addendum to cover both Gaza and the West Bank that was actually implemented. The juvenile justice course for 40 civil police officers remains outstanding, as does the attorneys’ course to be organised in cooperation with the Bar Association. Reasons given were the pending state of the Juvenile Justice Law which has been submitted to the Palestinian Legislative Council but on which no readings have taken place yet, and disagreement among the three Bar Associations on the election process necessary to unify under the 1999 Bar Association Law.

In sum, of the 17 activities planned for this objective, 5 were completed, 3 were partly completed, and 9 remain outstanding.

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5 According to the Mandela Institute, this Pocket Book was effectively distributed only in Gaza, not in the West Bank.
3. **Objective 3: Legal Framework**

3.1. A minimum of 16 Palestinian laws were to be revised by Palestinian civil society organisations in consistency with international human rights standards, and the revised laws were to be submitted to Parliament and President for discussion and adoption. OHCHR was to support this revision financially and with expert advice. The Palestinian Independent Commission for Citizens’ Rights (PICCR) was to play a leading role in the revision, dealing directly with ten laws and subcontracting three Palestinian NGOs for six other laws.

In the event, 13 laws were worked on over the years in this framework, three of which were reviewed by Palestinian NGOs. OHCHR supported this process through expert advice, participation in workshops, and funding of research. A modus operandi was agreed upon in March 1997 with PICCR in consultation with the Ministry of Justice and the PLC, and a grant agreement was concluded with PICCR that same month. The status of the laws thus reviewed varies. Three laws tackled by PICCR have been discussed and enacted: (1) Rehabilitation Centres Law – 28 May 1998; (2) Public Assembly Law – 28 Dec. 1998; (3) Charities and NGOs Law – 16 Jan. 2000. One law reviewed PICCR was passed by the PLC and submitted to the President: the Judicial Authority Law (25 Nov. 1998). The same is the status of the Criminal Procedures Law (submitted 12 April 2000) that was reviewed since 1998 by the Palestinian Association for Legal Sciences. Two laws reviewed by PICCR were submitted to the PLC but have not been read yet: (1) Juvenile Justice Law (13 June 1999); (2) Social Welfare Law (1 Dec. 1999). Four laws reviewed have not been submitted to the PLC yet: (1) Police and Firearms Law reviewed by PICCR in 1998; (2) Penal Code, reviewed by PICCR and under consideration by the Ministry of Justice; (3) Family/Personal Status Law, subject of heated debates among different sections of the Palestinian public, reviewed by Mashriqiyyat (see above, 1.4.; as a result of Mashriqiyyat’s lobbying, the President appointed a committee to consider this law). PICCR has also worked on the Press and Publication Law that was legislated through the Council of Ministers in 1995, before the election of the first parliament. The PLC is trying to put this law back on its agenda but has not yet succeeded in doing so. Two laws need special mentioning. The Basic Law (reviewed by PICCR) passed its third reading by the PLC on 2 Oct. 1997 but was not signed by the President; it has meanwhile been replaced on the agenda by the project of a Palestinian Constitution. Al Mezan Center for Human Rights is reviewing the draft Constitution. Birzeit Law Centre prepared a study (in 1998) not on a specific law, but on legislative policy and the sources of legislation in Palestine.

Outside the budgetary framework of planned output 3.1., OHCHR also supported research on the Labour Law by the NGO Democracy and Workers’ Rights. The Labour Law has been passed and is consistent with about 80% of ILO standards, according to the OHCHR Technical Advisor. The Technical Advisor mentioned other important laws that need revision but that for various reasons are difficult to work on in the present circumstances. OHCHR has offered advice on these laws, but did not finance separate studies on them by Palestinian civil society organisations. Among these laws are the Social Insurance Law (on which PICCR did a study, but which would create huge financial problems for the PNA); the Land

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6 The original Project Document specified Al Haq, Gaza Center for Rights and Law, and Birzeit University Law Center as NGOs to be subcontracted. While cooperation with Birzeit University (not an NGO!) proceeded smoothly, consultations with Al Haq and GCRL on the terms of reference for the legal analysis work throughout 1997 eventually came to naught because of internal problems facing these NGOs at the time. They were eventually replaced by other NGOs (Palestinian Association for Legal Sciences, Mashriqiyyat, Al Mezan). At least Al Haq has meanwhile overcome its problems and OHCHR enjoys renewed contact and exchange of information with this oldest Palestinian NGO.
Law (difficult due to the unresolved status of much of the Palestinian territories); the Political Parties Law; and the Bar Association Law (passed by the PLC and promulgated by the President in 1999, but implementation is hampered by disagreement among the three existing Bar Associations on the election process for a unified BA).

Overall, activities planned for the revision of Palestinian legislation were initiated promptly and pursued with persistence. The Project Monitoring Mission of September 1997 noted the slow progress in revising legislation and argued for more sustained support, but made no substantial recommendations on how to improve activities in this regard. OHCHR continued to advise and support the Ministry of Justice and civil society organisations in their law review efforts. Part of the slow progress in effecting revised legislation is, however, due to a more general problem: the weak role of the Palestinian Legislative Council vis-à-vis the executive (for more on this, see below, VI.2.3.).

3.2. To strengthen research capacity for legal revision, the PICCR and the NGOs involved received human rights documentation and publications as planned.

3.3. Legal drafting capacity of the Ministry of Justice was to be strengthened through an international expert providing ongoing advice and training to Ministry staff, in addition to a two-week course in legal drafting techniques offered to 20 lawyers from the Ministry of Justice and other relevant Ministries. – In 1999, OHCHR and the Ministry of Justice began to look for a suitable international expert. In May 2000, an Egyptian lawyer was contracted. After finally obtaining his entry visa from Israel (which took three and a half months), he started to work on 18 August 2000 with a nine-month contract. Payment of his salary remained outstanding for two months, however, due to slow administrative backstopping, and he therefore left his post in early October. When his salary was finally paid on 15 October, he returned but left again following Israeli air attacks on Gaza in early November. This tale illustrates some of the practical problems faced in the implementation of activities by OHCHR.

This activity remains thus outstanding – another international expert will have to be found as well as 20 Ministerial lawyers suitable for the legal drafting course.

3.4. The Committee on Human Rights and Public Monitoring of the Palestinian Legislative Council was to receive human rights training both at home and abroad, as well as relevant documentation. All of the activities planned in this regard remain outstanding. Several changes in the chairmanship and the membership of the Committee rendered steady cooperation difficult. Because it is proved impossible to bring 20 members and staff of the Committee together for a two-week seminar, it was agreed in September 2000 to hold two one-week seminars in Gaza and the West Bank instead. The beginning of the Intifada on 28 September 2000 has prevented actual implementation so far. No concrete steps have yet been taken to select two members of the Committee for a one-month fellowship to observe the work of a parliamentary Human Rights Committee in an Arabic-speaking country with relevant Committee experience, apart from suggesting Egypt, Lebanon and Morocco as possible venues. A budgeted grant of USD 5,000 for human rights documentation has not been disbursed yet to the Committee because of unresolved questions regarding who should do the purchasing and according to what principles.

3.5. The Palestinian Independent Commission for Citizens’ Rights received a USD 10,000 grant to upgrade their legal library, as well as financial support to coordinate and conduct human rights field research (three year’s salaries for four field officers and one coordinator, 1997-99). The field research unit was successfully established and continues to function with third-party support.
In sum, the three activities concerning legal revision that were planned under the original Project Document may all be considered completed as far as OHCHR’s Gaza Office is concerned. Submission to Parliament and President is outside OHCHR’s control. On the other hand, four out of the six activities added after the 1997 Project review remain outstanding. While external constraints and lack of sufficient backstopping by project partners need to be taken into account, it seems that concrete steps towards implementing these activities were taken rather late.

VII. Project results (evaluation of output and objectives achieved)

1. Outputs
   1.1. The National Plan of Action for Human Rights has been drafted but has not been formally approved yet by the Palestinian National Authority.

   Apart from the formal approval by the PNA, this output has thus been achieved, if only with considerable delay as explained above. Representatives of all NGOs interviewed on this subject by the Mission expressed satisfaction with the draft Plan as it stands, and stated that it was not the delay in finalising the draft that was of concern to them but rather the implementation of the Plan once approved by the PNA.

   1.2. It is difficult to measure to what extent the work of the Presidential Advisor for Human Rights has been strengthened. The PAHR has only a consultative function, and the main usefulness of activities carried out in his favour should be seen as opening up channels and cultivating confidence among key PNA officials.

   1.3. & 1.4. Women’s Units were successfully established at two NGOs in Gaza and the West Bank respectively, and they continue to function after direct financial support from OHCHR ended. Direct impact of such measures on the general awareness of human rights of women within the Palestinian community is difficult to assess, but as part of an overall and multilateral support to a vital Palestinian civil society they certainly contribute towards the goal of general awareness raising. With regard to legislative changes improving the status of women, momentum has been built to review and revise the Family Law. The issue is particularly sensitive since it touches on questions regarding the understanding of the status of women in Islamic Law. As a result of OHCHR-supported research and lobbying by the women’s NGO Mashriqiyat (see above), President Arafat appointed a committee to look into this issue.

   2.1. Electronic information handling capacity of the Ministry of Justice has been strengthened, and the Ministry was provided with human rights documentation. Teaching equipment for the Police Training Centre was secured. Output 2.1. was thus achieved except for the assistance foreseen for the bar associations which was due to fissures between the three existing associations.

   2.2. Advanced training abroad in legal drafting techniques was arranged for two lawyers from the Ministry of Justice. Scheduled human rights training abroad for two police focal points and two high-level prison administrators is still outstanding. This output was thus achieved only to one third.

   2.3. & 2.5. Human rights training has been given to members of the police – chiefly, to police trainers and mid-level police commanders – in Gaza and the West Bank roughly according to plan. Beneficiaries among the operational services included 75 members of the Civil Police, 49 Preventive Security, 25 National Security, 18 General Intelligence, 16 Presidential Security, 2 Military Intelligence, 2 Civil Defence, 1 Coast Guard, and 1 Special Security. Among the administrative departments, beneficiaries included 8 members of the Political Guidance Department, 4
General Directorate of Training, 3 Medical Services, 1 Transportation & Maintenance, 1 Administration & Organisation, and 1 Finance. – Similar training for prison staff is behind schedule; only courses for prison administrators have so far been held (with a total of 32 participants). Human rights courses for members of the legal profession (judges, lawyers, and prosecutors) are all outstanding for reasons indicated above.

2.4. **Police standing orders and prison human rights regulations** have not been drafted and adopted by the Palestinian Police and Prison authorities, although some progress has been made in advancing the first issue.

3.1. & 3.2. **Legal revision of 13 out of a planned 16 laws** has been completed by Palestinian civil society organizations, and OHCHR has offered advice on at least four other laws, as well as on legislative policy in general. Palestinian organizations involved in this process received human rights documents and publications as planned.

3.3. The **legal drafting capacity of the Ministry of Justice** remains to be strengthened.

3.4. The **technical capacity of the Committee on Human Rights and Public Monitoring of the Palestinian Legislative Council** remains to be strengthened.

3.5. **PICCR’s field research and legal analysis capacity** has been enhanced according to plan.

### 2. Immediate objectives

The Project Document formulated immediate objectives in such a way as not to allow determining precisely to what extent they have been achieved. Bearing this in mind, the Evaluation Mission offers the following observations:

1. “A capacity within the PNA will have been developed, for the elaboration and implementation of **official human rights policy** to satisfy the recurrent needs of the target beneficiaries on a sustained bases.”

   The capacity to **elaborate** a human rights policy may have been strengthened more among Palestinian civil society organizations than within the Palestinian National Authority. Most of the reports prepared for the elaboration of the NPAHR were written by consultants drawn from NGOs, as was the final draft. Nevertheless, the Ministry of Planning and International Cooperation acted as official lead agency through the Palestinian Development Plan, and relevant Ministries served as focal points for their respective sector. This would appear to have strengthened the awareness within the PNA of the importance of human rights standards and of an official human rights policy. Sustained **implementation** of these standards, however, remains a matter of concern, as was clearly expressed by many NGOs interviewed on this issue.

2. “The national capacity to secure **fair administration of justice** in the Palestinian territories will have been strengthened and developed, through enhanced human rights capacities in the Ministry of Justice, the judiciary and legal profession, the police and prison services.”

   Several interlocutors of the EM noted that over the past few years, awareness of human rights issues and human rights standards has risen among Palestinian law enforcement agents. OHCHR’s activities to promote these standards are universally seen as one of the factors contributing to this development. Other international and national, governmental and non-governmental agencies are also working in this field, and the impact of their activities can only be measured collectively. The most tangible progress has perhaps been made in the Rehabilitation Centres – the prisons run by the Civil Police. Other detention centres – notably those run by the Preventive Security, the Intelligence Service, and the Presidential
Guard – may present a different picture. While OHCHR has not sought access to those detention places that fall outside the responsibility of the Police, officers from all Palestinian security services have participated in OHCHR’s training courses. Human rights training capacity within the PSS has been enhanced through these courses, and trainers trained by OHCHR deliver lectures on human rights standards within the general training of police and security officers. So far, however, no special human rights training blocks have been instituted as part of the overall curriculum. – Training apart, it may be said that as long as about half of all detainees are held in facilities outside the official prisons, and as long as prolonged detention without trial is a regular occurrence, fair administration of justice is seriously impaired.

Regarding human rights capacities of the Ministry of Justice and the judiciary and legal profession, most of OHCHR’s activities planned to enhance standards there were not carried out, for reasons outside OHCHR’s control but which are not unrelated to the unsatisfactory state of jurisdiction in the Palestinian territories in general – a state bemoaned first and foremost by the Minister of Justice himself. The complex maze of laws and contradictory legal traditions in the Palestinian territories, an insufficiently trained, over-aged and badly paid judiciary that is not independent from the executive and whose judgements are occasionally simply ignored, lawyers used more to working in military than in civilian courts and who for two years have refused to unite under the new Bar Association Law – these are some of the factors plaguing Palestinian jurisdiction. Capacities are low in general, and human rights capacities are only one element of the overall picture.

3. “A strong legal framework developed, consistent with international human rights standards and compatible with current Palestinian realities for the protection of human rights and fundamental freedoms.”

The period of OHCHR’s field presence in the Palestinian territories, which roughly coincides with the first Palestinian Legislative Council, has clearly seen some progress in developing a legal framework for Palestine. Some of the laws that were revised with OHCHR assistance and passed by the PLC comply with international standards to a greater extent than in most other Arab states – e.g. the Labour Law or the NGO Law. While these laws have been signed and promulgated, however, other laws passed by the PLC remain unsigned by the President for extended periods of time. And even if signed, a major problem besetting the rule of law in Palestine lies in the implementation of the legal standards, as confirmed to the EM by many NGOs interviewed. Behind this lies a more general problem: the weak role of the Palestinian Legislative Council vis-à-vis the executive, in particular the Ministry of Justice and the President. Meanwhile, the legitimacy of the PLC is also being called into question. Its term expired in 2000 but new elections were postponed because an independent Palestinian State – envisaged for that year under the Oslo process – has not yet come into being. Progress in Palestinian legislation thus hinges to a large extent on the institutionalisation of clear legislative procedures, and this in turn is frequently linked to progress in the peace process and the establishment of a Palestinian State.

3. Long-term objective

The Project’s long-term development objective is “to strengthen the rule of law through human rights institution building, both governmental and non-governmental, with particular attention to the legal framework and the justice system.”

Did the Project contribute to strengthening the rule of law and human rights institutions? The Palestinian Independent Commission for Citizens Rights, in its latest annual report, summed up its conclusions for 1999 as follows:
“There occurred no tangible improvement in the situation of citizens’ rights during the year 1999. No serious steps were taken to establish a separation of governmental powers, and hence the Executive Branch continues to dominate state functions. This domination of the Executive affected the situation of citizens’ rights and freedoms, as evident in curtailments and violations occurring throughout the year. Although there has been improvement in some areas of citizens’ rights in comparison with past years, there has been delay and retreat in other areas [...]. If there were signs of progress they were attributable first and foremost to the actions of particular individuals and not to the consolidation of institutions upon a strong foundation of constitutional, legal, and administrative reforms.” (PICCR, Fifth Annual Report. Emphasis added).

These are strongly critical words coming from an agency set up by Presidential Decree to act as ombudsman in human rights questions in Palestine. They clearly pinpoint two crucial problems: the dominant role of the executive over the legislative and the judiciary, and the weakness of constitutional and legal institutions supporting the rule of law. Both issues are evidently related.

If no tangible improvement could be seen so far in institution building and a separation of powers, does this mean that the Project failed? Not so, in the opinion of the EM and of all interlocutors met by it. For even though the development objective is far from being attained, achievement of the Project’s immediate objectives will undoubtedly contribute towards this goal, and some progress has been made regarding these immediate objectives as indicated above. Once an official human rights policy has been proclaimed through the National Plan of Action for Human Rights, this document will be available to Palestinian citizens as a standard by which to measure political action, and to demand accountability from Government agents. Enhanced human rights awareness within the judiciary and among law enforcement officers will help gradually to improve the situation of citizens’ rights. And a strong and accepted legal framework will be a tool to contain human rights violations and to strengthen the position of the judiciary vis-à-vis the executive.

In other words, what we are seeing here is very much an ongoing process, beset by many constraints both internal and external to Palestinian domestic politics, but in which OHCHR has played an important role highly appreciated by both the Palestinian National Authority and non-governmental organisations. The slow progress observable so far is chiefly a factor of these constraints rather than of bad design or implementation of OHCHR’s Project. The Project matters because it provides practical advice and training to Palestinians on how to improve the situation of human rights in their country, and because it demonstrates the continuing commitment of the international community to support the rule of law in Palestine.

4. Unforeseen effects

The most significant unforeseen effect of the presence of an OHCHR field office in Palestine is that it raised expectations from among the Palestinian public with regard to monitoring human rights violations. In the present circumstances, this means in particular violations caused by the Israeli occupying power. The Office of the High Commissioner for Human Rights is widely expected to lend its voice to the condemnation of such violations, and thereby to help to increase international pressure on the occupying power to desist from further violations. The Gaza Office has done its best to support the Special Rapporteur, the General Assembly Committee on Israeli Practices in the OPTs and all other relevant treaty bodies. Many Palestinians expect more public action from OHCHR in this regard. This is obviously a highly sensitive point, but in deciding which action to take, OHCHR needs to consider that at the present, particularly critical phase in the development of Palestinian affairs, its the credibility as a promoter and defender of human rights is at stake among the Palestinian public.

Another unforeseen effect is due to the fact that the Gaza Office is so far the only OHCHR field office in the Arab and Islamic world, and the Technical Advisor has on
occasion been called upon to represent OHCHR at regional meetings. Palestinian NGOs are now calling for a regional office of OHCHR to be established in the area to help them better to network and to promote human rights issues in countries with similar historical and cultural traditions, whereas currently they find themselves thrown together in the Asian region with NGOs from very different backgrounds such as Manila or Bangkok, for example.

5. Sustainability

As long as the overall political and economic situation of the Palestinian territories does not significantly improve, the Palestinian Authority and Palestinian society will continue to depend heavily on external assistance. Sustainability of project achievements needs to be assessed within this constraint. In other words, capacity will have to be weighted higher than budgeting of costs.

The Palestinian Authority has committed itself to promulgating the National Plan of Action for Human Rights, and even though this Plan has yet to be publicly launched, there is reason to believe that it will become a policy document that will leave its mark on actual policy making. It will set standards that the Government imposes on itself, and for which civil society will try to hold it accountable. Even if full implementation of these standards cannot be guaranteed in the short term, the NPAHR has set in motion a process of policy change that will be difficult to turn back, and that may generate its own momentum in the future.

For such momentum, great hope can also be set in the thriving Palestinian civil society organisations. Many of them have years of experience and can rely on highly educated and highly motivated staff. As elsewhere, Palestinian NGOs are not immune from political agendas and are sometimes weakened by political infighting; they also continue to subsist to an important degree on external financial support. Nevertheless, capacities within Palestinian civil society are good, and well-targeted technical assistance in specific fields can have a clear and sustainable impact. Examples from OHCHR’s work are the women’s units established at PCHR and LAW and the field research unit at PICCR, all of which continue to function and serve their purpose after direct OHCHR assistance has ended.

To strengthen the fair administration of justice, OHCHR chiefly offered human rights training to police and prison staff, as well as to some staff of the Ministry of Justice. It has also helped to produce a pocket book on human rights standards for the police, given its input towards the development of a police curriculum, and pushed for the elaboration of police standing orders for human rights. These activities have begun to show effect in that human rights issues are now more regularly included in police training, so that all recruits will have heard at least one lecture on human rights. A more thorough and prominent coverage of human rights standards in police training needs, however, to be achieved. This is bound up with the reorganisation of police training in general and the establishment of a Police Academy. The Police Academy, which is strongly supported by UNSCO and several European donors, has been in planning since 1995. Its realisation faced a number of problems, some of which were related to factors internal to the Palestinian security services. These problems have now allegedly been overcome, and the project document to set up the Academy is about to be finalized. Once the Academy is in place, it will be much easier to incorporate human rights standards in a more regular and institutionalised fashion and to develop the curriculum accordingly. In sum, OHCHR has done important groundwork for strengthening the regard for human rights among law enforcement officers. Work on institutionalising human rights aspects within the overall police training needs to continue, however. The Public Security Director has asked for OHCHR cooperation in the future Police Academy. Sustainability of what has been achieved so far depends on continued support of these efforts until a sound institutional base duly incorporating human rights standards as relating to all aspects of police work has been set up for Palestinian police training.
This may then also have an effect on the regard for human rights within Palestinian detention centres in general, although the issue of detention centres not run by the Civil Police certainly needs more attention in the future if fair administration of justice is to be guaranteed in Palestine.

Regarding OHCHR activities for the Ministry of Justice and members of the legal profession, the question of sustainability of what has been achieved is premature since much of what had been planned has not been completed yet. Problems facing sustainability in this regard are potentially as complex as with regard to the police and prison services. Professional standards among judges and lawyers are mostly said to be low, training leaves much to be desired and is too theoretical, and the legal basis on which to operate is often anything but clear and stable. In other words, the problems identified by the 1995 Project Formulation Mission all persist, and it will need more coordinated development efforts to overcome them. Only within this general framework can respect for human rights within Palestinian jurisdiction be put on a sustainable base.

Palestinian civil society organisations have substantial experience in monitoring progress in this regard and in lobbying for improvements. Apart from their role in upholding a critical public sphere, many NGOs have projects specifically aimed at strengthening the fair administration of justice. Ultimately, it can only be through such support from the civil society that fair administration of justice can be sustained.

A strengthened legal framework is perhaps the most easily sustainable achievement of OHCHR’s field presence in the Palestinian territories. True, the role of the PLC in the legislative process is not yet fully established and recognized, and the Minister of Justice expressed reservations regarding some of the laws already passed by the PLC, arguing that they need to be revised again, and that this presupposed a unified legal framework for both Gaza and the West Bank. However, those laws already passed by the PLC and signed by the President do constitute legal texts largely consistent with internationally recognized standards that have become binding upon the authorities, and behind which it will not be easy to fall back. At the same time, this achievement provides a basis from which to enlarge and further strengthen the legal framework.

An assessment of the sustainability of OHCHR’s development efforts cannot ignore that the situation in which they are implemented has changed dramatically since the Project’s inception. The Project was originally designed in the context of a slow but steady state building process set in motion by the Oslo Agreements. This process has since seen a number of backlashes, culminating since 28 September 2000 in a new Palestinian uprising (“Intifadat al-Aqsa”). Harsh Israeli counter-measures (external and internal closures, the heavy use of firearms against civilians, the destruction of homes and property, and alleged extra-judicial killings) have not only taken a relatively higher death toll than during the first Intifada (1987-93) (with ca. 360 people killed during the period 28 Sep. 2000 – 13 January 2001). The closures (including, for the first time, internal closures in the Gaza Strip) have severely disrupted the movement of people and goods into, out of, and within the occupied and autonomous Palestinian territories. This has had grave effects on economic, social, cultural and political life in the Palestinian territories in general. It has strangled an already weak Palestinian economy, led to a dramatic loss of income for a large section of the population, and impeded medical and humanitarian aid. It also affected the functioning of Palestinian government and civil society institutions as well as the judiciary, as their members found it difficult or impossible to meet due to travel restrictions. Under these circumstances, a number of activities scheduled by OHCHR had to be postponed until the atmosphere is more conducive for implementation; other UN and international agencies have been similarly affected. Most time and energy has been consumed trying to circumvent the constraints and to address emergency needs, leaving little room for pursuing long-term development and institution-building goals. It remains to be seen to what extent development efforts can be seriously resumed should the current conditions persist for some time or even worsen. Palestinian opinions vary on this question. Some believe that at the present stage, all energy must be used to defend Palestinian national rights and end the Israeli occupation. Others ar-
gue that even as this struggle goes on, Palestinians need to continue building the institutional foundations of sovereign statehood and a democratic polity. Sustainability of the Project’s achievements will not least depend on the outcome of this debate and on a stable solution to Palestine’s political and economic problems. It is with this in mind that Palestinian interlocutors have unanimously called for the Office of the High Commissioner for Human Rights to play a greater role in addressing fundamental violations of human rights caused by the ongoing Israeli occupation, and to join other UN bodies in raising international pressure to end this occupation.

**VIII. Special considerations**

1. **Gender**

**(a) Project design**

In its report dated 13-24 June 1995, the Project Formulation Mission Team recommended to the PNA the establishment of a Palestinian National Plan of Action for Human Rights (NPAHR). The Team recommended in particular that the plan’s development process include inputs from women’s organizations. The Team’s report highlighted the fact that the new Palestinian Constitution had to provide for non-discrimination on the basis of gender, and stipulated that the legal framework protecting human rights and democracy under the Basic Law (the constitutional document envisaged at the time) would require review, consolidation and reform of laws with an eye to the protection of women. The Team also recommended strengthening Palestinian civil society by enhancing women’s organizations in particular.

Among the organisations consulted by the Project Formulation Mission there were three NGOs dealing among other things with gender issues, namely Al Haq, the Gaza Community Mental Health Programme, and the Gaza Center for Rights and Law. No dedicated women’s organizations were consulted. The approach of the Technical Cooperation Project to gender issues was thus based on the contributions of NGOs with a broad human rights mandate, as well as other relevant actors such as official institutions.

The Project signed by the Palestinian Authority and OHCHR in April 1996 noted the activities of different NGOs dealing with human rights problems affecting vulnerable groups including women, such as Al Haq, a Palestinian affiliate of the International Commission of Jurists developing activities in the West Bank, East Jerusalem and Gaza Strip, and the Palestine Human Rights Information Centre which is devoted to monitoring and documenting human rights issues.

In its output 1.3., the Project provided for the establishment of a Women’s and Group Rights Unit of the Palestinian Centre for Human Rights (PCHR) to be established and to be fully operational through one year of national expertise in these fields. Following the Project review of September 1997, the Addendum placed further emphasis on gender issues.

In order to develop the capacity of the PNA to elaborate and implement an official human rights policy (Objective 1), the Addendum to the Project aimed at increasing general awareness of the human rights of women within the Palestinian community, with special focus on legislative changes to be adopted in order to improve the status of Palestinian women (output 1.4). To this effect, it scheduled for one year of national expertise in the field of human rights of women to support Palestinian NGOs to conduct educational and research activities on women issues.
(b) Project implementation

In accordance with the Project plan, OHCHR assisted in establishing a Women’s and Group Rights Unit of the PCHR and supported its activities from May 1997. PCHR activities covered the following areas:

- **Law:** drafting legislation and reviewing legal discrimination.
- **Women’s participation in public life:** promoting women’s organisations, enhancing awareness in Palestinian society of women’s rights, and mobilizing political parties on gender issues.
- **Legal assistance to women:** Women’s Unit representing women before the Court in cases of abuses at home and at work.
- **Networking between women’s organizations and disseminating knowledge on the promotion and protection of women’s rights at the national and international levels.** In 1997, for example, the Women’s Unit conducted a workshop for women’s organisations, established a programme of work, and prepared an information booklet on marriage legislation.

OHCHR assistance to the PCHR and its Women’s Unit has been successful, and the activities carried out by the Unit have been an important contribution to the promotion and protection of human rights in the field of gender.

Gender issues were also addressed through OHCHR’s assistance to develop the Palestinian National Plan of Action for Human Rights. The draft NPAHR as finalised by the Arab Thought Forum constitutes a major achievement in this respect, and important provisions to improve the status of women were included in the NPAHR. In its Fourth Chapter, the NPAHR provides for the amendment of laws in order to address discrimination and abuse of women, in conformity with international human rights standards. The NPAHR also requires the participation of relevant national institutions to raise the awareness of decision makers’ and the general public of the status and rights of women, and provides for relevant implementation mechanisms. The gender provisions of the NPAHR represent both an ambitious and sound approach on women’s status and rights in the Palestinian Territories, covering their economic, social, cultural, political and civil rights.

Implementation of OHCHR project activities in the field of gender has been seriously affected by the human rights situation in the OPTs. In the context of ongoing human rights violations in the OPTs, Palestinian women are double victims. They are affected by abuses within their own society as well as by human rights violations committed by Israel and qualified as such by the Commission on Human Rights, meeting in a special session from 17 to 19 October 2000, in its Resolution 2000/S-5/1 entitled “Grave and massive violations of the human rights of the Palestinian people by Israel”. At the same time, one should highlight the unique role of many women’s NGOs in the Gaza Strip and in West Bank providing relief work and helping women to overcome the consequences of the current situation (such as bombings, demolitions and the killing of children) and their impact on the population’s mental and physical health.

Regarding OHCHR’s own compliance with gender requirements, these have been fully respected in the recruitment of women staff and consultants and in the implementation of activities directly or indirectly covering gender issues and involving women partners and/or interlocutors with gender expertise.

2. Economic, social and cultural rights

The Project was designed in full knowledge of the social and economic context marked by the Israeli occupation and military orders.
The overall objective of the Technical Cooperation Project was defined as strengthening of the rule of law through human rights institution building, with particular emphasis on the legal framework and the justice system. Thus, within the broad development objective, no particular emphasis was made on economic, social and cultural rights. The Project targeted Palestinian institutions without directly addressing their potential role regarding economic, social and cultural rights and their situation in the present context of conflict.

At the time of the presence of the EM in the OPTs, this conflict was in its fourth month. By then, the deterioration of the situation in the occupied Palestinian territories had resulted in grave and massive violations not only of civil and political rights of Palestinians, but even more so of their economic, social and cultural rights. The PNA as well as the NGOs were overwhelmed by the increase of these violations.

One of the consequences of this situation is that many activities of the Technical Cooperation Project were slowed down or even brought to a halt. A crucial question raised by the Evaluation Team was therefore to what extent it was possible to pursue Project activities while basic rights – in particular economic, social and cultural rights – were denied to Palestinians.

Most people interviewed by the Evaluation Team were of the opinion that OHCHR had to maintain its activities but also to develop, in its future plan, new activities assisting the PNA and the NGOs to address the effects of the new “Intifada” (including its effects on economic, social and cultural rights), and enhancing their capacity to address violations with the assistance of the international community and through its relevant institutions, mechanisms and procedures in the field of human rights.

The Evaluation Team therefore recommends that, in conformity with OHCHR policy and taking into account its expertise in the field of economic, social and cultural rights, OHCHR should pursue its activities in the Palestinian Occupied territories but with an added emphasis on economic, social and cultural rights. Assistance to Palestinian institutions is needed in order to improve their capacity to address the following main violations, at the local and the international level:

- **Demolitions and confiscations:**
  
  Between September and December 2000, the number of families whose houses had been destroyed exceeded one hundred. During the presence of the Evaluation Mission in the OPTs, there were daily reports of Israeli bulldozers destroying houses, trees and plantations. House and farm demolition allegedly aim at guaranteeing security for Jewish civilians living in the settlements, as well as deterring Palestinians from contemplating acts of resistance. These methods are, however, clearly a form of collective punishment prohibited under Article 33 of the Fourth Geneva Convention. The destruction of private homes is also prohibited under Article 53 of this Convention. The demolition policy also constitutes a violation of Article 25 of the Universal Declaration of Human Rights.

  Confiscation and demolitions have been accelerated since the conflict resumed. As for the demolition of farms and agricultural lands, according to data provided by the Ministry of Environment Affairs of the PNA, between the end of September and November 2000, about 82.4 hectares were destroyed in the Gaza Strip [? this would be 38% of the total Palestinian-controlled area of the Gaza strip, including all towns and villages! I would be careful with such figures in an official report for the UN. AHH], and 7500 trees were cut in the West Bank. Israeli authorities continue to uproot fruit-bearing trees and forests. Palestinian farmers remain subject to the aggression of settlers who prevent them from working on farms that are adjacent to settlements or Israeli army camps.

  In addition, Israel continues to impose regulations authorising the Israeli company Mekorot to control all water springs and sources in the OPTs. This policy leaves Israel in
control of about 80% of Palestinian water. According to PICCR data, Israeli farmers consume four times as much water for agriculture as Palestinian farmers. This violates the right of Palestinians to a fair use of their land and their natural resources, and consequently restricts their economic and social rights.

- **Closures and their consequences:**

Since 29 September 2000, Israeli troops have imposed external and internal closures on PNA territories, severely restricting the freedom of movement of Palestinians. The consequences of these closures are manifold: Palestinian workers cannot reach their places of work in Israel, producers are prevented from exporting their products, unemployment and poverty increase, police cannot guarantee public security, pupils and students are denied their right to education, injured and sick people are deprived of their right to healthcare.

A whole range of rights, in particular economic, social and cultural rights are thus violated. This grave and serious situation has deteriorated since 29 September 2000 and needs to be addressed by OHCHR within the framework of its mandate.

### 3. Follow-up

The 1997 Project review criticised the “absence of any back-stopping from Geneva. […] whereas the Gaza office reported regularly and completely on all its activities, there has been no detectable substantive direction or feedback from OHCHR Geneva; neither does it appear that the excellent situation reports have served any purpose, except perhaps for filing. […] It also appears that Geneva has rarely consulted OHCHR-Gaza on human rights policy issues. […] the Gaza office provided valuable information and alerted OHCHR - Geneva to issues of central importance to the mandate of the High Commissioner, with little, if any, detectable feedback”.

Three years later, the situation has changed little regarding feedback on the activity reports. Staff of the Gaza office report regularly on their activities, but in their own words “never know what Geneva thinks of what we are doing”. There is certainly no institutionalised regular (weekly or even monthly) exchange and discussion between the field office and the desk. Valuable project data and recommendations are therefore in danger of getting lost or not being followed up adequately and with sufficient backstopping from headquarters. If this were to improve, it could also allow the Project to be adapted more promptly to changing circumstances in the field.

*Situation reports provided by the Gaza Office to the High Commissioner have received greater attention since the beginning of the present Intifada and in the run-up to the High Commissioner’s visit to Israel and the Palestinian territories in November 2000; the Office has even been asked to provide daily reports. While these may have served their purpose in Geneva, however, regular feedback on the Office’s activities clearly needs to improve.*

In the same vein, it is to be regretted that the substantial experience and understanding of the situation in the field accumulated by the Office staff in the course of their mission is not tapped systematically and recorded for future use in end-of-mission reports (not even oral debriefings take place regularly). The Evaluation Mission was fortunate to be able to conduct telephone interviews with two former staff of OHCHR Gaza and feels that much of the information they provided during these interviews should have been made available in writing for the benefit of all. This is especially important since overlapping of Office staff cannot be guaranteed (the post of International Expert in Human Rights Training has been vacant for over half a year, and it appears that the present Chief Technical Advisor will also leave before the arrival of his successor).
IX. Findings of the Evaluation Mission

The Evaluation Mission came away with a fundamentally very positive evaluation of the role of the OHCHR field office in the Palestinian territories. Both Government and civil society strongly support the presence of the Office and have made it clear that they would like to see a continuation of its presence and even an expansion of its activities.

The Project rationale was clearly defined at the outset and remains valid. Project design was generally sound, even if it may be said not to have been comprehensive enough: it skirted some problems fundamental to achieving a fair administration of justice (see below), and paid less than prominent attention to developing activities in the realm of economic, social, and cultural rights so crucially important to a Palestinian population under ongoing occupation.

Office staff has been motivated and capable throughout the Project period. Nevertheless, there have been considerable delays in Project implementation. These can be explained by a variety of factors. The Office suffered from a shortage of staff since the beginning. Planned staffing needs were kept at a minimum, but even those were not always actually filled. The West Bank office, first recommended in 1997, was only opened in 2000. Administrative backstopping from headquarters was highly inadequate. Office staff were assigned activities that were useful for the general promotion of human rights in Palestine and the Arab world, but that were not scheduled in the Project Documents and that thus took away time and energy from pursuing Project objectives proper. Bureaucratic procedures, inefficient coordination and cooperation of Project partners, as well as the generally critical situation in the OPTs caused further delays.

On the side of clear achievements, the Office has helped to develop the first National Plan of Action for Human Rights in the Arab and Islamic world – a Plan that is very ambitious and has the potential to become an important instrument for guiding and monitoring compliance with human rights standards in the sectors of education, housing, health, social welfare, environment, and administration of justice. The challenge now is to have this Plan officially launched and implemented by the PNA.

The Office has also generally been successful in establishing good cooperation with Palestinian civil society organisations. NGOs in particular commended the positive role played by OHCHR in listening to their concerns and suggestions, in easing their often difficult relationship with the Government, and in being always available for advice on specific issues and for participation in workshops organised by the NGOs. As one NGO representative expressed it, OHCHR was “like the soul” of many NGO activities. Fulfilling this role as a resource centre – a function not sufficiently taken into account in the formal Project planning so far – has absorbed some time and energy outside formal Project activities. The EM is convinced, however, that this time and energy was spent usefully in pursuance of the Project’s long-term development objective.

With regard to the fair administration of justice, the Office has made greater strides in disseminating human rights principles than in institution building. Training in international human rights standards became one of the key services rendered by OHCHR in the OPTs. Less progress was made in developing standing orders and human rights regulations for the Palestinian security services. Other issues fundamentally impeding progress in achieving a fair administration of justice, such as the imbalance of power in favour of the executive, or the fact that about half of all detainees are held in facilities outside the official prisons, remained outside the purview of the Project design and could therefore not sufficiently be addressed.

Regarding training in particular, when looking at raw statistics, it is interesting to see that less than half of the activities originally scheduled were actually completed. This lesser-than-average rate of implementation compared with Objectives 1 and 3 is noteworthy for the Office was clearly staffed by motivated and capable personnel who spent much time and effort in trying to implement scheduled Project activities and who gave particular attention to the training courses. The gap between goal and achievement must
therefore at least partly be explained by the difficulties of cooperation with Palestinian partners. Regarding training for the police and prison services, these difficulties are due largely to the complex structure of the Palestinian security services (with the lack of a unified line of command), the absence of a well organised training institution with a comprehensive curriculum for police and security forces, and last not least the fact that an important part of Palestinian detention facilities fall outside the control of the police. As regards members of the legal profession, they are plagued by a complex, incomplete, and sometimes internally contradictory legal framework, have inadequate training institutions, are often over-aged and badly paid, and are beset by internal differences regarding their professional organisation. To improve performance regarding Objective 2, OHCHR should focus more on overcoming those constraints where it can give an input: curriculum development, training institutions, and official cooperation with security forces other than the civil police.

In terms of the sustainability of what has been taught in the training courses, the Office has not sufficiently followed up these courses to make sure that what has been learned in terms of content and techniques is actually put into practice and institutionalised in the training of police and prison staff. The Office itself recognised this shortcoming, and cited lack of time and human resources as the main reason.

To strengthen the legal framework, the Office has cooperated successfully with Palestinian civil society organisations to review legislation for consistency with international human rights standards. Cooperation with PNA executive and legislative bodies was less successful. While this was largely due to factors outside OHCHR control, swifter strategic planning could have helped to achieve planned objectives in spite of adverse circumstances.

Such strategic planning was, however, often obstructed by highly inadequate backstopping from Geneva. This applies both to feedback on project activities and direction and to administrative support which has been extremely slow, to the point of appearing non-existent at times. The Evaluation Mission is seriously concerned that the deficiencies in operational and administrative backstopping from headquarters have at times obstructed Project implementation by causing organisational delays and dispiriting staff.

**Budget**

In terms of budgetary expenditure, between November 1996 and 30 June 2000 (the period for which somewhat detailed figures were made available to the EM), the Project used 33% of its allotted budget – a figure that does not include, however, all salaries and common staff costs. Since such staff costs are included in the initial budget and the Addendum, but not consistently in the status of expenditure reports provided to the EM, it is impossible to give a precise evaluation of the budget. In fact, staff costs are not transparent at all. While the original Project Document estimated 2 international experts at USD 297,370 per year (under code 030), these same two experts appear in the Addendum at USD 134,200 only (this time, under code 070). Similarly, 1 national expert was calculated at USD 52,960 in the Project Document and at USD 36,000 in the Addendum. The Expenditure Report for 1996-June 2000 shows USD 282,477 expended under code 030, out of an allotted USD 487,480. It remains completely unclear how these figures were calculated and thus what they mean – they clearly cannot include all salaries and staff costs for four years.

Some general remarks can, however, be made. If we exclude staff costs, the Project spent about 65% of its allotted budget. The most obvious under-expenditure occurred in the fees for consultants (code 040), where only 5% of allotted funds were used (USD 25,887 out of USD 512,700). This reflects the fact that many of the training courses and long-term training programmes involving external consultants (such as the year-long training for Ministry lawyers or the consultancies to draft police and prison standing orders) were not implemented, and many others were held by OHCHR staff and external partners who came up with their own funding (e.g. the Danish Police). Nevertheless,
the figure of 5% is remarkable since item 040 also includes all costs for hiring legal review consultants (Objective 3) and providing them with documents and material.

Grants to NGOs (code 832) present some question marks. The 1996-June 2000 Expenditure Report shows USD 400,600 budgeted under this code. Cost estimate details from the Project Document and the Addendum, however, only list three grants totalling USD 192,000 under this code: 2 women units at USD 37,000 and USD 40,000 respectively, and a field workers grant to PICCR for 1998-99 at USD 115,00. Thus, only USD 134,500 are transparently accounted for – it remains unclear from the budgeted cost estimate what the remaining USD 266,100 were allotted for. Beyond the USD 134,500, the Project spent USD 216,100 under code 832. USD 48,600 of these were granted to PICCR already in 1997 on the basis of a signed Service Agreement. The remaining USD 167,500 were likely used to support other NGOs, but this is not clearly demonstrated in the expenditure report.

Internal reproduction, training supplies, office furniture, and transportation were slightly more expensive than originally foreseen (codes 520, 594, 610, 640). Less than half of the allotment was spent on library and documentation grants to the Project’s partners. Other budgetary items generally remained within the overall trend.

In sum, financial resources were used very carefully, but expenditure reporting is not transparent enough and needs to be improved.

X. Recommendations of the Evaluation Mission

Based on the results of its field mission and the study of relevant documents, it is clear to the Evaluation Mission that the Project’s original rationale – assisting institutions that strengthen the rule of law in Palestine – remains valid and should be pursued. Human rights and the rule of law need to be promoted as instruments of statecraft that are fundamental to the political and economic progress of Palestinians. The process of Palestinian State building has been delayed several times due to the slow progress of peace negotiations with Israel. It is still not clear when and in what form Palestine will achieve sovereignty. The Palestinian people are going through a crucial period in their history, and they need continued international support for building the institutions that will eventually allow them to live in a democratic state that abides by the rule of law and guarantees respect for human rights. These institutions will also fulfil an important role in protecting the rights of Palestinians during the interim period during which different parts of the Occupied Palestinian Territories are subject to different legal regimes and enjoy varying degrees of autonomy.

Discontinuing the Project at the present moment – the violent crisis that the Palestinian territories are witnessing since 28 September 2000 – would also send a wrong political signal since it would be interpreted as withdrawal of international support for the Palestinian people at a time of greatest need, and perhaps even as a sign that the rule of law cannot be sustained in Palestine.

The Evaluation Mission therefore recommends accepting the request of the Palestinian National Authority to extend the Project until the end of 2001. It notes in this context that several Palestinian civil society organisations, including the PICCR, have signed a letter asking for a more long-term (3-5 year) OHCHR presence in Palestine. NGOs feel that a longer-term cooperation perspective would allow them to achieve more sustainable development and better meet the state-building needs of the Palestinian people. PNA interlocutors have commented on this approvingly.

Simply extending the Project for another year, as was done for 2000, can only provide a short-term solution. To continue OHCHR’s work in Palestine on a sound basis, a new Project Document should be drawn up as soon as possible, not merely as another Addendum, but integrating all outstanding needs, strategies, and activities in one comprehensive document. The question of a longer-term presence of OHCHR in Palestine might usefully be approached when negotiating a new Project agreement with the PNA.
At the same time, no Project extension or renewal can ignore the changed environment in which the Project will be pursued. As of this writing, the al-Aqsa Intifada is in its fifth month, and all interlocutors of the EM expected it to continue for some time. Project planning needs to take this into account or risk grave problems of implementation and credibility. To reduce organisational problems, planning should minimise activities that last longer than a week or that involve participants from physically separate parts of the OPTs. Beyond such practicalities, the Project should find a way to address human rights needs specifically caused by the present crisis. This may usefully be embedded within a more outspoken engagement regarding economic, social, and cultural rights. Remaining within the mandate of technical cooperation, the Project should

- Offer technical training to Palestinian national institutions and NGOs to raise awareness and detailed knowledge of international human rights and humanitarian law, to enhance capacities for professional monitoring of and reporting on economic, social, and cultural rights violations, and for ways of effectively working with the various UN and other international human rights bodies.

- Offer technical training to Palestinian NGOs cooperating with Israeli lawyers to prepare cases for Israeli courts.

OHCHR has to remain a resource centre for Palestinian national institutions and civil society, and this function should be formalised in the new Project Document. In addition to what it has already been doing in this regard, OHCHR should provide more focussed assistance to NGOs working in the field of economic, social, and cultural rights. This should include

- dedicated support to women’s organisations, in particular those aiming at enhancing the status and the rights of women, as well as those involved in relief operations. Special attention should be given to women’s empowerment projects in remote areas (cf. the Project Proposal of the Palestinian Working Women Society, in the Annex). This could be achieved through making more funds available through the ACT programme.

- support to organisations working for the rehabilitation of physically and mentally disabled persons, including the victims of the ongoing conflict.

OHCHR has provided an important bridge between the PNA and the NGO community. While continuing to do so, it should also encourage better mechanisms of coordination among the NGOs themselves.

Technical training in international human rights standards as relating to the work of Palestinian legislators, members of the legal profession, and law enforcement officers has been at the core of OHCHR’s activities and should remain so. In this regard, it is to be noted that fourteen training courses scheduled for the previous Project period are still outstanding or have only partly been completed:

- Participation of two human-rights police focal points in one-week human rights training course abroad (organised by Geneva) (2.2.1.)

- Participation of two high-level prison administrators in one-week human rights training course abroad (organised by Geneva) (2.2.2.)

- Training course in the administration of justice for 40 judges, lawyers, and prosecutors from Gaza (2.3.1.). Selection of participants will need perseverance, but the course should be held, given that prolonged detention without trial is one of the main problems in the administration of justice in Palestine.

- Training course in the administration of justice for 40 judges, lawyers, and prosecutors from the West Bank (2.5.1.).
- Training course on international human rights standards for 30 prison guards from Gaza (2.3.4.).
- Training course on international human rights standards for 30 prison guards from the West Bank (2.5.3.).
- Training course on international human rights standards for 30 prison administrators from the West Bank (2.5.3.; so far, only 17 prison administrators attended a course).
- Juvenile justice course for 20 civil police officers from Gaza (2.5.4.). Consider whether to open this course for members of the other security services as well.
- Juvenile justice course for 20 civil police officers from the West Bank (2.5.4.). Consider whether to open this course for members of the other security services as well.
- Training course on international human rights standards in the legal profession for 20 lawyers/attorneys from Gaza (2.5.6.).
- Training course on international human rights standards for 20 lawyers/attorneys from the West Bank (2.5.6.).
- Ongoing advice and training in legal drafting techniques to staff of the Ministry of Justice and other relevant Ministries (3.3.1.).
- Training course on the work of Parliamentary human rights committees for members of the PLC Committee on Human Rights and Public Monitoring (CHRPM) (3.4.1.).
- Fellowship for two members of the CHRPM to observe the work of a parliamentary human rights committee abroad (3.4.2.).

In the interest of the continuity of OHCHR’s work, it would seem useful to seek to achieve these courses in the period to come. With an average so far of roughly two training courses completed per year, however, the pace of implementation of these courses needs to be accelerated. To this end, Office staff should preferably be increased, but if this cannot be achieved, at least full staffing of the Office needs to be guaranteed throughout the Project period. Further, strategic planning and detailed scheduling for all courses needs to be undertaken right from the beginning in close coordination with Project partners. Finally, in the interest of sustainability beyond OHCHR’s field presence, cooperation with Palestinian NGOs offering training to the security services should increase and be formalised.\(^7\)

To sustain the output achieved through the training courses, the next Project Document must include formal mechanisms for following up on training; maintain a database of human rights trainers; and assess and support actual training courses given by these trainers. OHCHR should also advise the Palestinian security services on methods of diffusion of human rights standards through the line of command in the course of practical police and prison work.

\(^7\) In this context, better coordination should be sought with the EC-supported human rights training project for the Palestinian security services that the Mandela Institute is preparing with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Sweden, and other European partners, in agreement with the Political and National Guidance Directorate of the GSS. The European Commission has not been proactive in seeking cooperation with the UNSCO Police Advisor in this regard, and has not complied with requests by OHCHR Gaza and by the Evaluation Mission to provide more information on the project. Nevertheless, given the project’s size and potential importance, OHCHR should urge for better coordination in this field – if necessary, through OHCHR headquarters in Geneva.
Other activities still outstanding or only partially completed are:

- Police standing orders developed and adopted (2.4.1).
- Prison human rights regulations developed and adopted (2.4.2).
- Human rights documentation provided to the Bar Association (2.5.7).
- Human rights documentation provided to the CHRPM (3.4.3).

The EM strongly urges OHCHR to give more sustained support to the development of standing orders and regulations regarding the respect for human rights in the work of the Palestinian security services.

In the interest of long-term sustainable development of the rule of law, OHCHR must place greater emphasis on the strengthening of institutional structures. To this end, the EM suggests that OHCHR engage more vigorously in the following areas:

- Urge actual launching of the NPAHR and follow-up its implementation in the various sectors, including through advice on and support of legislation and specific regulations to put NPAHR provisions into practice, through technical training to enhance professional monitoring and legal reporting capacities of Palestinian civil society organisations, and through supporting appropriate awareness raising activities (radio & TV spots, booklets, street campaigns) by civil society organisations.
- Promote a more equal balance of power between the executive, the legislative, and the judiciary, and a system of checks and balances on executive authorities.
- Formalise support for curriculum development of the Palestinian security services.
- Support human rights training at the Police Academy once it is established, and help to institutionalise human rights aspects within the overall police training.
- Develop formal lines of communication with all branches of the Palestinian security services, not only the Civil Police, to enhance awareness of and respect for human rights standards among their members and in the places of detention operated by them.
- Together with members of the legal profession, law enforcement agencies, and civil society organisations, establish the reasons for the frequent occurrence of prolonged detention without trial, and develop a strategy to address the problems identified. This could include cooperation with and support for Law Faculties of Palestinian universities; cooperation in establishing a Judicial Institute; support to organizations lobbying for the independence of the judiciary.
- Continue support of legal revision work with civil society organisations.
- Intensify cooperation with the PLC and its Committees to strengthen the legislature structurally and to enhance legislative capacities of PLC members and staff.

Last but not least, to improve practical aspects of Project planning, monitoring, and follow-up, the following measures are necessary:

- Introduce formal instruments for observing progress and making adjustments to Project planning, including internal annual and mid-year reviews.
- Design more realistic work-plans and revise them according to regular project reviews.
- Allow for sufficient time in the work-plan for reporting on human rights developments in the OPTs as requested by Geneva.
• Provide weekly feedback from Headquarters on Project activities.
• Introduce written end-of-mission reports as well as regular oral debriefing.
• Clarify and formalise the relationship between OHCHR and the other UN agencies operating in the Palestinian territories, especially UNSCO and UNDP, and establish clear procedures of cooperation and administrative support. Advise other UN bodies in the OPTs on practical ways of better integrating the promotion and protection of human rights into their programmes.
• Dramatically improve administrative backstopping from Geneva, including binding regulations for time-scheduling necessary administrative support and procedures for effectively channelling and handling complaints in administrative matters.

XI. Policy implications and lessons learned
The most important general lesson learned from OHCHR’s four years’ experience in Gaza and the West Bank is that systems of Project planning and management are in great need of improvement. To some extent it may be said that in trying to work on many fronts, OHCHR’s activities in the OPTs lacked a certain sense of focus. This is not the fault of its staff but is due to the Project’s design where the ‘rule of law’ was not defined and where criteria for setting institutional priorities for strengthening it were not established with sufficient clarity. Clear, well-argued criteria for translating fundamental ideas into practical activities that will help to make these ideas a reality are a necessity of strategic planning. They may help to improve any Project design.

The best design will not help, however, if administrative and financial support is not forthcoming in time, and if operations are not regularly monitored and adjusted throughout the Project period. Without prompt and sustained administrative and operational support from Geneva, institutional performance in the field cannot improve, even with the most motivated staff.

Such backstopping is even more necessary when a crisis like the present one in the OPTs increases needs and presents OHCHR with added challenges. In a world where such crises are not unlikely to reoccur, OHCHR must improve its capacities to support field operations or face increasing problems of operational overextension and non-fulfilment of its core objectives.

To adapt the words of a former staff member, ‘this is not so much a complaint as it is a word of caution out of concern for the purposes of OHCHR’ to which the Evaluation Mission is as committed as the staff of the OHCHR Offices whom it was fortunate to meet.

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XIII. Annexes

1. List of documents consulted by the Evaluation Mission

(a) Documents received from OHCHR


2. Project of the Palestinian National Authority (PNA) PAL/95/AH/24 - Support for the Rule of Law. Signed by Mr Nabil Sha’ath, Minister of Planning and International Cooperation, on 17 April 1996, and by Mr Ibrahima Fall, for the UN Centre for Human Rights, on 24 April 1996.


10. Request of the PNA/MOPIC for extension of the Project for two more years [until the end of 2001] (letter from Nabeel Sha’ath dated 28 August 1999).

11. Agreement of the UNHCHR to extend the Project to the end of 2000 (letter from Mary Robinson dated 17 September 1999).


14. Fax to Col. Hamdi al-Rifi, General Director of Prisons, from Saber al-Nairab requesting a meeting to prepare human rights training course for the Palestinian Reform and Rehabilitation Centers, following Gen. Ghazi al-Jabali’s approval. Sent 25 January 2000 [meeting with visit to Gaza prison was scheduled for 1 February 2000].

15. Fax to Col. Hamdi al-Rifi from Amin Mekki Medani, requesting a meeting on 19 April 2000 for Ahmed Othmani, President of Penal Reform International.

16. E-Mail message to OHCHR Geneva, 20 April 2000: Rifi expressed readiness to proceed with training courses; OHCHR Gaza plans to hold officer courses in June

18. Overview of the OHCHR technical cooperation project in the Occupied Palestinian Territories “Support for the Rule of Law in Palestine”. [Prepared by OHCHR, 2000].

19. List of 14 Laws reviewed by PICCR, the Palestinian Association for Legal Studies, Mashriqiyat, al-Mezan, and Birzeit in coordination with OHCHR.

20. UNOHCHR: “Assistance to the Palestinian Police”. Briefing note summarizing OHCHR activities in cooperation with the Palestinian Police as of September 2000.


27. “Visit of the H.C. to Israel and the OPTs (8-15 November, 2000); “Visit of the H.C. to the OPTs: Talking points for the meetings”. Briefing notes prepared by Dr. Amin Mekki Medani.


30. “Overview of the OHCHR technical cooperation project in the Occupied Palestinian Territories ‘Support for the Rule of Law in Palestine’ [briefing note, faxed on 30 November 2000].


33. Budget 1 January – 31 March 2001 by component, Project PAL/95/AH/24 “Support for the Rule of Law in Palestine”.

**(b) Documents received from interlocutors, and other documents consulted**

- **Documents received from PNA institutions**

34. PNA, Ministry of Justice: Letter to the Evaluation Mission from Freih Abu Middein, Minister of Justice, re proposals for assistance and co-operation with OHCHR. Dated 8 January 2001.

35. PNA, Ministry of NGOs Affairs: Letter to Hasan Asfur, containing protocol of a meeting on 19 July 2000 between representatives of the MinNGOs and Yusuf Abu Abdallah Daghas of the General Intelligence Service / Jericho, re (1) consolidating relations between MinNGOs and GIS, and (2) training courses for GIS to be offered by specialized NGOs in coordination with the GIS Training Unit; and recommending the institution of a regular meeting between human rights NGOs and the Director of GIS, Tawfiq al-Teyrawi.

36. PNA, Ministry of NGOs Affairs: Letter to Hasan Asfur, containing protocol of a meeting on 21 September 2000 between representatives of the MinNGOs’ Democracy and Human Rights Unit, the Preventive Security, and the Arab Thought Forum, re the organisation of training courses for the Prev. Sec. by the ATfF, with draft tripartite agreement.


38. Gaza Reform and Rehabilitation Centre [formerly Gaza Central Prison]: *Al-Islah*. Monthly journal edited by the inmates. Nr. 1 / July 2000 [the only one published so far].


40. Parliamentary Research Unit (PRU): Briefing leaflet.


- **Proposals received from Palestinian civil society organisations**

42. Defence for Children International/Palestine Section: Project Proposal: “Legal Aid Project in the Occupied Territories”. No timeframe, no budget.

43. General Union of Disabled Palestinians (GUDP): “Establishment of a legal unit in the GUDP”. 1 year, USD 95,040.

45. LAW Society: Request for extension of OHCHR’s financial support to LAW’s Women’s’ Rights Unit by one year, signed by Khader Shkirat, 23 August 2000. Budget: USD 40,000.

46. Mandela Institute: Letter to the EM containing ideas on developing joint training courses in the “Administration of detention facilities”, “International humanitarian law” for Palestinian security services and political factions, courses on “The rule of law” and “The independence of the judiciary” for members of the legal profession, and on “Forensic Medicine” for medical personnel. No timeframe, no budget.


48. Palestinian Centre for Human Rights (PCHR): Letter to the Evaluation Mission containing a positive evaluation of OHCHR and the request for a permanent OHCHR presence given the ongoing regional crisis. 3-4 January 2001. Drafted together with other NGOs, and signed by Addameer, DWRC, GCMHP, Al Huda Development Society, Al Maged Women Society, Mandela Institute, Al Mezan, Palestinian Agricultural Relief Committee, Palestinian Bar Association, PCHR, Palestinian Democratic Forum, Palestinian Hydrology Group, PICCR, PNGO, Shaml, TRC, Women’s Affairs Centre, Women’s Affairs Technical Committee.


• Other documents received from Palestinian civil society and academic organisations


64. Gaza Community Mental Health Programme (GCMHP): “Crisis Intervention Project”; “Empowerment of Survivors of Torture and Violence”; “Training and Capacity Building in Community Mental Health and Human Rights”; “Women’s Empowerment Project”.


72. Mandela Institute: “Mandela Institute for Prisoners”; “Human Rights Training Center for Palestinian Law Enforcement Officials” [briefing leaflets].


75. The Palestinian Working Women Society: “Profile” [briefing leaflet].
Documents received from international agencies and their local chapters


78. ARD: “Assistance to the Palestinian Legislative Council: Three-Year work plan for achieving results on legislative process”. Submitted to USAID/West Bank and Gaza, 30 June 2000.


83. DCI/PS: Briefing note, 2000; PR leaflet, undated.


Other background material consulted


Further material on the humanitarian, economic and social consequences of the current crisis was received from the Ministry of Planning and International Cooperation and the Palestinian Working Women Society.

2. Interviewees of the mission

- **OHCHR**
  2. OHCHR Gaza (formerly): Francesca Marotta [interviewed by telephone]. mailto:Francesca@cohchr.forum.org.kh.
  4. OHCHR Ramallah: Ammar Al-Dwaik, Human Rights Officer. mailto:ohchr_wb@hotmail.com.
  5. OHCHR Geneva: Gianni Magazzeni, Senior Human Rights Officer. mailto:GMagazzeni.HCHR@unog.ch.
  6. OHCHR Geneva: Karim Ghezraoui, Human Rights Officer. mailto:KGhezraoui.HCHR@unog.ch.
  7. OHCHR Geneva: Craig G. Mokhiber, Human Rights Officer. mailto:CMokhiber.HCHR@unog.ch.
  8. OHCHR Geneva: Sylvie Saddier, Human Rights Officer. mailto:SSadier.hchr@unog.ch.
  9. OHCHR Geneva: Myriam Tebourbi, Human Rights Officer. mailto:MTebourbi.hchr@unog.ch.
  10. OHCHR Geneva: Darka Topali, Human Rights Officer. mailto:DTopali.hchr@unog.ch.
  11. OHCHR Geneva, Voluntary Fund for Technical Cooperation: Peter Hellmers, Coordinator. mailto:PHellmers.HCHR@unog.ch.

- **Palestinian National Authority**
  14. Ministry of Justice, Legal Opinion and Legislation Office (Diwan al-Fatwa wa’il-Tashri’): Ibrahim al-Daghmeh, President, & Suleiman al-Dahdoh. mailto:diwan@hally.net.
  15. Ministry of Planning and International Cooperation (MoPIC), Palestinian Development Plan: Ghassan Zaki Qishawi, Productive Sector Coordinator.
16. Ministry of NGOs Affairs. Adli al-Yazori. mailto:smona@palnet.com
17. Advisor to President Arafat for Palestinian Human Rights: Ibrahim Salman Abu Dagga, Advocate.
20. Palestinian Police Forces / Reform and Rehabilitation Centers: Col./Police Hamdi Saleh al-Rifi, General Director.

• Palestinian national organizations
23. Palestinian Independent Commission for Citizens’ Rights (PICCR): Dr. Hayder Abd El Shafi, Commissioner General (and Member of the PLC); Dr. Said Zeedani, Director; & Mazen Shaqoura. mailto:piccr@piccr.org. http://www.piccr.org.
24. Birzeit University, Institute of Law: Dr. Ghassan Faramand, Director. mailto:Faramand@law.birzeit.edu. mailto:law@birzeit.edu. http://lawcenter.birzeit.edu [link not currently active]

• Palestinian non-governmental organisations
29. General Union of Disabled Palestinians (GUDP): Nizar Abd el-Jaber Basalat, Chairman; and Ziad Amro, Executive Manager. mailto:gudpal@palnet.com.
34. Al Mezan Center for Human Rights: Issam Younis, Director.  
mailto:mezan@hally.net

35. Al-Miftah – The Palestinian Initiative for the Promotion of Global Dialogue and Democracy: Dr. Hanan Ashrawi, Secretary General (and Member of the PLC),  
mailto:Ashrawi@miftah.org; & Rula Dajani, Head/Public Affairs Unit,  

mailto:pals@palnet.com.

37. Palestinian Centre for Human Rights (PCHR): Raji al-Surani, Director.  
http://www.pchrgaza.com [link not active].

mailto:phg_g@hotmail.com;  
mailto:phg@palnet.com.

mailto:pngo@hally.net.

mailto:pwws@planet.edu.

41. Parliamentary Research Unit (PRU): Adnan Owdah, Director.  
mailto:Adnan@pal-plc.org.  
mailto:pru@pal-plc.org.

42. Treatment & Rehabilitation Center for Victims of Torture (TRC): Dr. Mahmoud Sohwail & Suad Mitwalli.  
mailto:trc@jrol.com.

43. Women’s Affairs Training and Research Center Gaza: Na’ila Ayesh.

44. Women’s Affairs Technical Committee: Tami Rafidi.  
mailto:watcorg@palnet.com.

45. Women’s Center for Legal Aid and Counselling: Randa Siniora.  

- **International and inter-governmental organisations**

46. UNDP, Programme of Assistance to the Palestinian People: Khaled Mohammed Shahwan, Chief of Administration.  
mailto:Khaled.Shahwan@undp.org.

47. UNRWA: Emilie Tonogai, Deputy Director of UNRWA Operations, Gaza.  
mailto:E.Tonogai@unrwa.org.

mailto:NielsenT@un.org.

49. ICRC Mission to the Palestinian Autonomous Territories, Gaza: Stéphane Jacquier, Head of Mission.

50. European Union: Collective meeting with representatives of Austria, Belgium, France, Germany, Ireland, Italy, the Netherlands, Spain, Sweden, and the European Commission.

51. German Representative Office: Peter Gerl, Cooperation and Cultural Affairs.  
mailto:GerRpOf@palnet.com.

52. Amnesty International, International Secretariat: Dr Elizabeth Hodgkin, Researcher, Middle East Programme.

- **Palestinian affiliates of international non-governmental organisations**

53. ARD (Assistance for Rural Development), Project to Strengthen the Capacity of the Palestinian Legislative Council (PLC2): Mu’taz Qafisheh, Lawyer.  
mailto:Mutaz.Q@ardwb.com & Walid Batrawi, Technical Coordinator for Public Information.  
mailto:Walid.B@ardwb.com.  
The Guidance and Training Center for the Child and the Family (Vivika Hazboun) requested a meeting with the Evaluation Commission, but due to time constraints the EM was unable to see them and received a written briefing instead. – The Agricultural Development Center (Mohsin Abu Ramadan), the Agricultural Development Society (Abdel Karim Ashour), the Arab Thought Forum (Abdelrahman Abu Arafeh; mailto:multaqa@planet.edu), the Canaan Institute (Issa Saba), the Jerusalem Center for Social & Economic Rights, the Jerusalem’s Women’s Center (Soumaia Naser), Mashriqiyyat (Abdel Rahman Basyouni), Al Nashra Magazine (Osama Nassar), the Palestinian Human Rights Monitoring Group (Basem Eid; http://www.lebnet.com/phrmg/), and the Palestinian Association for Human Rights (Khalil Ez-Zibn; mailto:annashra@rannet.com) had been invited to participate in the collective NGO meeting but failed to attend.

3. Terms of Reference of the Mission
[see copy attached]

4. Programme for the Evaluation Mission
[see copy attached]

5. Status of expenditure report as of 30 June 2000
[see copy attached]

6. Project proposals received from Palestinian interlocutors
[see copies attached]