



**The State of Palestine**

**The National Strategy for Justice and Rule of Law**

**2014-2016**

## **Introduction**

Based on the directions of the Palestinian government for developing a national development plan, which will have to be based on sectorial plans, the Ministry of Planning and Administrative Development requested cross-sectorial groups to form national teams to review past strategic plans of 2011-2013, in preparation for drafting a cross-sector strategic plan for 2014-2016, and to identify strategic objectives, priorities and policy orientations for each sector in line with the Palestinian Government general policy framework and enhances the State's eligibility and its economic, social, security and environmental orientations, and in such a way that that will have to bring in all objectives, policies, programs and interventions of the Justice Sector into the context of building the institutions of an independent state. The Strategic Plan and its executive programs are characterized by legal, legislative, and justice features due to the fact that Palestine is a non-member State with observer status, and that Palestine has joined international conventions and agreements when the President of the PA signed to join 15 of them. The Plan is open to any convention that the President signs or declares Palestine's adherence to them, where the legislations and institutional frames will be done in accordance with these conventions.

In fulfilling all the above mentioned, and while answering the call of the Ministry for Planning and Administrative Development, and in the belief of the Justice Sector and the rule of law, in the importance of participating in the National Development Plan, the national team for the sector has been assembled at the invitation of Ministry of Justice. The team included, representatives from partner institutions that make up the broad framework for the justice and the rule of law

sector. The team included, besides the Ministry of Justice, representatives from the High Judicial Council, the General Prosecution, the religious judiciary, the military judiciary, the Bar Association, anti-Corruption Commission, law faculties at Birzeit University, the University of Jerusalem, and Al-Najah University, the Palestinian Judicial Institute, the Palestinian Police and representation of the private sector. Furthermore, the team included technical experts in management, planning and gender in order to have a review consistent with general national policies and orientations.

Furthermore, a review report has been completed to assess the strategic plan of the justice and rule of law sector for 2011-2013 session, in order to learn what has been achieved so far, and to be able to analyze the current situation and identify exiting gaps; for determining appropriate policies for developing strategic plan for the next session (2014-2016), which the Sectorial National Team is presently preparing. Moreover, the review report has been prepared on the basis of "principle guidelines for sectorial revisions and development of sectorial strategies", which had been prepared by the Ministry of Planning and Administrative Development (March 2013). Therefore, the revision report was structured as follow: an introduction, background and context, sector governance, policies and performance of the sector, sector financing, lessons learned and problems, recommendations for policy options.

The team, in its full body, held about 27 meetings and workshops in May 14 - June 2, 2013. Meanwhile, with the purpose of completing the review report, the team was divided into three groups: the first group included academic institutions and civil society organizations, which was entrusted in reviewing the report's background and context and sector governance, besides the sector policies and performance, in order to utilize their comprehensive views, which are based on various studies and research encompassing the sector. It also reviewed annual

reports, action plans and strategies of the institutions in the Justice Sector. On the other hand, the second group included heads of financial departments in various governmental institutions, as well as representatives from the Ministry of Finance and the Ministry of Planning. It was entrusted with reviewing the finance sector, both the government approved ongoing budget of the sector, and actual budgets of 2011-2013. It was also assigned the task of comparing the Sector's development budgets, given the information available at the Ministry of Planning through the (electronic) DARP program. In the meantime, the third group was entrusted to extract lessons learned from the earlier sector plan. After looking at the analysis outcomes of the work executed by the first two groups, problems which faced implementation of the previous plan were identified, hence it was easy to determine policy options for the next plan. It is worth mentioning that gender units have worked with the three groups to ensure reflecting gender issues in the review process, as highlighted by guidelines for the sectorial review provided by the Ministry of Planning and in coordination with the Ministry of Women Affairs. After the review report for 2011-2013 plans was completed, a series of meetings were held in order to set on developing the 2014-2016 plan. Accordingly, in agreement with members of the national team, in order to achieve the principle of participatory work, a vision was developed for the Justice Sector plan. The number of goals was reduced to two instead of four, and to 18 affiliated policies. Those were the most important conclusions extracted from the review of the previous plan. Hence it is the primary achievement made by the working team.

The sectorial plan was faced with a series of obstacles, which could be summed up in the following: lack of attendance by some members of the national team; some institutions kept on changing their representatives on the team, disrupting completion of the plan within the time frame specified by the Ministry of Planning, which forced the technical team to allocate additional time to provide completed

materials to each absent or fresh member.

To overcome these impediments, the number of members on the technical team was increased, in order to be able to work with institutions individually to assist in filling forms of the plan proposed by the Ministry of Planning and Administrative Affairs. Accordingly, the extended team helped out all the institutions in filling out such forms and assembled them in uniformly and handed them to the team's chairman.

This was followed up by holding a workshop to finalize items of the strategy, and file out information according to the guidelines manual for the preparing and updating sectorial strategies. It was agreed to hold a separate meeting for the heads of the Sector's institutions, in order to address some of the contentious points emerging from policy formulation and political orientations. It was, further, agreed to include the same in a separate policy, to be dealt with in the next three years.

Finally, we point out that the term judiciary includes the regular, military and religious judiciaries unless stated otherwise in the text, while the "Ministry" stands for the Ministry of Justice.

### **About the Justice Sector and analysis of reality**

The Justice Sector is the most important among other sectors and has a major effect on Palestinians, who evaluate the performance of the state through their relationship with its institutions in general, and through their relationship with the institutions in the Justice Sector, in particular.

The Justice Sector had faced many difficulties and challenges, mostly due to a number of internal and external factors. These factors hampered its development over time. Most prominent of these factors was weak material and human resources allocated to the Justice Sector since its inception, leading to the

accumulation of many issues and increasing the judicial burden on those working in the sector workers. Yet, another factor was the lack of security stability between 2001 and 2006, whereas unabated invasions by Israeli forces of Palestinian cities destabilized security and disrupted the work of courts and executing judicial decisions, due to the Israeli pursuit of members in the Palestinian security services, as well as destroying infrastructure of ministries and security headquarters. Other factors which followed and had a significant impact on the Justice Sector were changes in the governance system of Palestinian Authority during its transformation from a presidential system to a semi-presidential system in 2001-2006. These changes had resulted in ambiguous legislation regarding responsibilities and powers of institutions in the Justice Sector and in a problematic relationship among the main pillars of this sector, which had resulted from the desire to strike a balance between the independence of the judicial authority and responsibilities of the executive branch, in line with the complex political reality of that period. Ultimately, this had a major effect on the ability of the institutions to carry out their roles and their development and the rise of the Justice Sector and improve its performance.

Nevertheless, the Justice Sector has received the attention of successive Palestinian governments, especially since it started the reform process and executing institution and state building program. The sector was a key player in the governance sector and it was partially provided with its needs from development projects, both infrastructure and individuals. It was also provided with human resources and budgets, which was consistent with the desire to advance it. Moreover, the sector cooperated with other public, private and international institutions to set on devising a set of draft laws and legislative amendments, which is expected, if approved, to contribute significantly in enhancing the performance of the sector institutions, although, the Palestinian Legislative Council is still

inoperative, as a result of Hamas coup (in the Gaza Strip) and the Israelis' detention of members of the Palestinian Legislative Council, and despite numerous attempts to conclude a national reconciliation and holding of fresh elections.

Although, many of these law drafts had been forwarded to the head of the state for approval as a Presidential Ordinance under Article 43 of the Basic Law, however, few of them have been approved so far, while many of them had not been approved, awaiting the Legislative Council to be convened in the aftermath of a fresh legislative elections.

As part of the reviewing process of the previous Strategic Plan for the sector and diagnosing and analyzing reality and components of internal and external environments of the Justice Sector, to build on in the Strategic Plan for 2014-2016.

It included diagnosis of four basic themes:

- Identifying components of the Justice Sector institutions, formal and informal, international partners and supporting donors of the sector.
- Analyzing legal and institutional framework, governing the functions of these institutions.
- Internal and external obstacles to the Justice Sector.
- Strengths and available opportunities.

The national team has concluded that the opportunity is ripe now to overcome many of obstacles mentioned above, with respect to the potential of the Justice Sector and to build a clearer and more positive and complementary relationship among various parties in the Justice Sector. Accordingly, strategic objectives, policies and their intertwining were selected, in a manner consistent with this orientation.

The following are details of the themes of reality analysis mentioned above:

## **First; Components of the Justice Sector:**

### **Formal Justice Sector Institutions:**

#### **1. Ministry of Justice:**

It supports the sector institutions and promote a suitable environment to ensure fairness, impartiality and independence of the judiciary. Furthermore, it provides judicial and public services, particularly no-conviction certificates, forensic services, criminal records, documents attestation, granting arbitration certificates, legal translation and legal advice and supervision of the Judicial Institute. It has jurisdiction over the legal domain, drawing up of general judicial and criminal policies. It exercises powers and functions entrusted to the Ministry in accordance with related law, regulations and treaties. It also coordinates between the executive and the judiciary.

#### **2. The High Judicial Council:**

It devises policies, supervises judges and staff and regulate s the work of various courts, which decides all disputes and crimes, unless those excepted with special provision. It also exercises the authority of the judiciary on everyone.

In order to build and develop an effective judicial system, which has to be able to assume responsibilities and keep abreast of recent developments, and to help citizens in having a fast and easy access to justice, a further important step towards supporting the independence of the judiciary and to empower has been taken by



enacting the Judicial Authority Act No. 1 of 2002. This Act was a pioneer in promoting the independence of the judiciary. Based on this Act and the Basic Law, the judiciary exercises its powers.

### **3. Public Prosecution:**

It specializes in investigation and prosecution of criminal cases and their follow-up. It represents the state in civil litigation and the government before the administrative court. It executes judicial decisions, oversees law enforcement officers and monitor reform and rehabilitation centers. It consists of the General Prosecutor Office, who subsequently oversees a number of District Prosecutors' Offices in all provinces of the country, and specialized prosecutions. The Judicial Authority Law had regulated the function of the General Prosecution and identified its jurisdiction.

### **4. Sharia Judicial Council:**

Sharia courts decide on everything related to personal status among Muslims, as well as all issues related to inheritance, endowments, marriage and divorce contracts, and every marriage contract registered with the Islamic courts or a subordinate Ma'zoun, on the basis of Sharia Procedure Trials No. "31" of 1959, which is in force in the West Bank; the Sharia Procedure Trials No. "12" of 1965 in force in Gaza; the Personal Status Law No. "61" of 1976, in force in the West Bank; the Family Rights Law, issued by Order "303" in 1954, which is applicable in Gaza.

The Sharia High Judicial Council is tasked with the administration of Sharia courts and their affairs, besides the affairs of their judges, in accordance with afore

mentioned laws. It also coordinates with the Chief Justice in relation of supervising the courts, in pursuance of the law establishing Sharia courts; Law No. “19” of 1976 and its amendments, and Decree Law No. “3” for 2012. The Sharia HighJudicial Council seeks to empower Sharia courts to act neutrally, efficiently, with integrity and independence to achieve family justice for Palestinians.

### **5.The Military Justice:**

It is a judicial body which is directly linked to the supreme commander of the security forces. It specializes in prosecuting all military personnel subject to the service law in the Palestinian security forces, No. 8 for 2005 in its criminal part and affiliate civil suits, besides the legal framework governing body set of criminal legislation of 1979.

### **6.Police:** (The Executive partner for the success of Justice Sector Plan)

The police service is a component of Homeland Security, whose role has been identified as maintaining public security and order; protection of life and property; providing security, safety and stability; crime prevention, identifying perpetrators and bringing them before the competent authorities; law enforcement; fight against terrorism and violence; performing any other tasks which are the responsibility of the police.

It is also one of the components of the judicial police. Based on legislation governing both, the justice and security sectors, it was classified as judicial police. Consequently, the police force enjoys a close relationship with other components of the Justice Sector, as a part of its functions is in direct contact with the Justice Sector, whether the prosecution or the judiciary, in terms of executing memos

issued by the prosecution, judiciary and administration and supervision of reform and rehabilitation centers, in accordance with relevant laws and safeguarding court premises, prosecution staff and bringing wanted persons to justice.

### **7. Anti-Corruption Commission:**

It specializes in taking preventive measures to prevent the occurrence of corruption and in law enforcement by uncovering and prosecuting perpetrators of corruption through the General Prosecution deputed at the Commission. To be able to carry out its tasks, the Commission has authorized a range of disciplines relating to conservation of financial disclosure and investigation of suspicious corruption committed by persons subject to the provisions of law. Furthermore, the Commission is entrusted with devising a general anti-corruption policy. It has been granted a range of powers that enables it to exercise these functions, such as receipt of reports and complaints related to corruption offenses, prosecuting anyone who violates provisions of the anti-corruption law, conducting necessary inquiries and investigations in this regard, as well as coordinating with competent authorities to track, control and recover the money earned through corruption. It is also authorized to call and hear witnesses and request any file, data or documents from parties that have them. It may also dissolve any legal body, whether a company or an association, or stop it from functioning and liquidate its assets if any of its members, or its representatives or its workers commits a crime of corruption. It also enjoys the right of initiating cases of corruption.

### **8. Fatwa and Legislation Council (*Diwan*):**

It has been formed by a National Authority Council of Ministers resolution in 1994. Its functions regulated by a law enacted in 1995, and Presidential Decree

No. (286) of 1995, as well as Legislation Preparation Procedures Law No. (4) for 1995, and Decision No. (1) for 1998 on the technical subordination of legal consultants in formal institutions to the Fatwa and Legislation Council and Law Gazette No. 29 of 1949, and its amendments, and finally the President's decree issued on 10/28/2013 for adoption of the Legislation and Fatwa Council as a public and independent institution subordinate of the Cabinet.

The Council is entrusted with several tasks, including building a national and legal database and seeking its opinion on affairs concerning the work of public institutions, besides the membership of the Disciplinary Board for disciplining the diplomatic corps, from the rank of ambassador and less. The Council also devises the final form of legislation before its adoption and submission to the Council of Ministers for the President or the Prime Minister signature as stipulated by regulations. Furthermore, the Council regularly prepares and publishes "Palestinian Facts Journal", the official gazette. It also offers legal opinions to all public institutions, and reviews legislation and proposes mechanisms for their modernization.

### **9. Palestinian Judicial Institute:**

It was established in 2008 by Presidential Decree No. (6) for 2008, which provided for the establishment of the Institute, and granted it its legal personality and financial autonomy. The Decree also regulated its financial resources, its Board of Directors, meetings, powers, the need and priority for appointing the Institute graduates in judicial posts.

The Institute aims at preparing qualified judges to occupy judicial posts and at the General Prosecution, besides training and developing capacity of judges, prosecutors and other staff working in the Justice Sector.

The Council of Ministers issued the Judicial Institute Regulation No. 4 for 2008 to

emphasize the independent legal personality of the Institute, regulate conditions for admission at the Institute, granting diplomas, adoption of the Institute's programs, formation of an academic committee within the Institute, powers of the Institute Council in issuing instructions related to the organization of the Institute, which was issued in 2011, such as instructions of the Academic and Educational Committee, instruction for faculty teaching members, instructions for controlling the behavior of students, instructions for admission contest and a regulation for granting Higher Diploma in Judicial Studies.

## **10. The Independent Commission for Human Rights:**

It was established by a Presidential Decree on 30.09.1993. The decree was published later in the Palestinian Facts Journal under No. (59) of 1995.

Under this decree, functions and responsibilities of the Commission were identified for the follow-up of ensuring availability of requirement for maintenance of human rights in various Palestinian laws, legislations and regulations. This is the task of various departments, agencies and institutions in the State of Palestine and the PLO. The aforementioned decree has entrusted the Commission with the task of developing its statute to ensure its independence and effectiveness.

## **Second: Unofficial Institutions of the Justice Sector**

### **1. Bar Association:**

It is an association body, which aims at regulating the legal profession as a pillar of Justice realization and the rule of law. It also aims at defending human rights and freedoms. It is the ensuring party that lawyers discharge of legal services and that

for litigants receive legal representation before courts, besides protecting rights and interests of those working in the legal profession. Therefore, according to this conception, it has a supervisory role in legal matters.

## **2. Institutions of Legal Education:**

These are institutions and institutes that teach law at recognized Palestinian universities. Their contribution stems from specialized legal research and MA thesis prepared by students and graduates, enriching the Palestinian legal library. They also contribute to the Justice Sector by supplying it with qualified cadres and by training and qualifying personnel in the judiciary and the legal field.

## **3. Civil Society Organizations:**

These organizations play a significant role in promoting concepts of democracy, civil rights and good governance. They also play a monitoring role on the performance of official government and Justice Sector institutions. They, further, make recommendations and intervene, in order to improve the Justice Sector, and contribute in its development and ways to correct any violations against the law, in consistency with principles of international rule of law and rights of citizenship and rights. The role of these human and civil rights organizations is in line with the role of official institutions in preserving civil liberties, by contributing in offering initiatives for developing and improving delivery of justice services to ensure its continuity and evolution.

## **4. International Partners and Donors:**

There is a group of international partners who have worked and work on supporting the Justice Sector and implementing its strategic plans since 2008, and contributing in funding and running development projects. Most prominent of these institutions (no reason for the order they are mentioned in):

- The European Union (EU).
- United States Agency for International Development (USAID).
- Canadian Department of Foreign Relations on Trade and Development (DFATD).
- The Dutch government.
- US Bureau for International Narcotics and Law Enforcement Affairs (INL).
- Swedish Agency for International Development (SIDA).
- United Nations Development Programme (UNDP)
- United Nations Office for Drug and Crime Control (UNODC).
- *United Nations Office for Project Services (UNOPS)*
- UN WOMEN
- EU Police Mission in the Palestinian Territories (EUPOL COPPS)
- U.S. Treasury
- The Union for the *Mediterranean* (Euro- Med)
- Luxembourg
- Italian Cooperation
- The French government
- The British government
- Office of the Quartet
- Office of the High Commissioner for Human Rights

**Vision of the Justice Sector:**

An independent Palestinian state based on justice, equality and the rule of law, in which rights and freedoms are protected, and where everyone enjoys the ability to access justice without discrimination.

**Vision Statement:**

The State of Palestine will be committed to international legitimacy, International Law, the UN Charter and all resolutions passed by the United Nations and all its main and branch agencies and bodies. It shall adhere to the implementation of all resolutions passed by the UN General Assembly and the UN Security Council, which preserves the inalienable rights of the Palestinian people in their homeland; their land; self-determination; freedom; independence; sovereignty and statehood within the borders of June 1967, as well as strengthening their right to statehood; follow-up completion of its membership in international forums; strive hard to join international conventions; treaties and other international institutions that will strengthen the confidence of the international community in the State of Palestine; signing agreements governing international relations on the justice level.

Palestinian institutions of the Justice Sector, formal and informal, in its all levels, seek to attain a Justice Sector, which enjoys transparency, efficiency, specialization and the ability to respond to requirements of national independence and the establishment of a Palestinian state, where citizens will live in with safety and stability, and where respect for the Constitution is ensured. The Justice Sector Plan is within the framework of a state, which will have to grow in hearts until it germinate on the ground with civilized institutions and people, progress, prosperity and monitoring the quality of legislation through a party which will take stock of enforced legislations, reviewed and updated them. This will definitely contribute in



the provision of legislation that establish the realization of justice and the rule of law. It will, further, promote sustainable development, fortify the system of governance and judicial, executive, administrative and financial regulations of the State to ensure the embodiment of accountability, transparency, participation, and strengthen means of monitoring and anti-corruption measures; empowering the justice and the rule of law sector to ensure the rights of citizens and the protection of public and personal freedoms and stability of transactions and maintenance of public and private ownership; facilitate access of litigants to justice, especially the marginalized and vulnerable, and attaining individual rights and public right as soon as possible with the least effort and highest efficiency, in line with political, social, cultural, economic and technological the development; encourage investment environment in Palestine and promote cooperation and positive communication among pillars of the justice and rule of law sectors and the judiciary at national levels; enhance services of mutual legal assistance, justice and judicial cooperation at international levels, while depending on legal, judicial, administrative, executive and qualified national cadres and competencies, as well as accessible systems and procedures, appropriate infrastructure and modern techniques.

The executive and the government work equally with the legislature and the judiciary to launch and complete building the institutions of a Palestinian state, on the basis of nationalism and professionalism. They also follow up implementation of laws and ensure compliance with its provisions, besides passing legislation that will ensure realizing justice and promptly decide and implementing judgments. They also provide a competent, specialized, impartial and neutral judiciary. Furthermore, they both provide technical, administrative, financial and infrastructure support to courts and the General Prosecution. Moreover, they strive to ensure the provision of legislative, administrative and suitable political

environment for the realization of the principle of judicial independence and flexible separation between the executive and judiciary, while maintaining continuous cooperation and coordination among all powers (authorities).

## **Reality Analysis**

### **Analysis of the Institutional Framework:**

#### **Presentation on methodology to reach reality analysis**

The national team for the preparation of the strategy formed special working groups, which it tasked with reviewing and assessing the previous Strategic Plan of 2011-2013. These working groups reviewed policies, objectives and reality that prevailed while implementing that plan.

The team was distinguished for having a variety of expertise and experts, including public, civil and academic institutions. It was able to come out with a revision report, which was based on lessons learned and recommendations made by the working groups for developing the Justice Sector Plan for 2014-2016.

The team used the SWOT methodology in its reality analysis, which was based on information obtained from the sector institutions, and which was contained in various work reports, as well as a thorough reading by various experts for the sector reality and its institutions, on the basis of their expertise and practical experiences, both domestically and externally.

#### **Strengths:**

- Existence of a senior supportive political will to develop the Justice Sector.
- Existence of a legislative framework regulating the Justice Sector.

- Existence of a number of competencies in the Justice Sector.
- Availability of computerized information systems
- Existence of a strategic plan for the sector
- Existence of a primary potent basic infrastructure to develop and modernize the sector institutions

**Weaknesses:**

- multiplicity of legal systems in the State of Palestine.
- Weak alternative legal means for dispute resolution.
- Lack of specialized human resources.
- Juvenility of legal education and training in Palestine.
- Poor communication among justice institutions.
- Poor access to justice by marginalized groups
- Weak institutional structures
- Passing of administrative and financial legislation on the basis of absolute centralism.

**Available Opportunities:**

- Existence of donor institutions that can benefited from for implementing development programs and activities of institutions.
- Increased awareness of the importance of the Justice Sector and its major services.
- Cooperation, coordination and integration with private, civil society and academic institutions.
- Amending judicial and justice legislation, commensurate with requirements of statehood.

**Threats:**

- Israeli occupation and its practices on the ground
- Hamas coup that took place in the Gaza Strip
- Continuous inoperativeness of the Legislative Council.
- Existence of conflict in some powers and competences among institutions of the Justice Sector.
- Irregularity in the flow of financial resources.
- Lack of important legislations, which meet the needs of the Justice Sector.
- Failure to form a supreme constitutional court, in accordance with Article 103 and 104 of the Basic Law.
- Failure to complete development of infrastructure for reform, rehabilitation and detention centers and courts.
- Lack of legislation to regulate management of public institutions, according to the principle of administrative decentralization

**On the external level, the impediments are as follow:**

- Israeli occupation, and its direct role in causing chaos and destabilizing public confidence in the public order, especially in the judicial system.
- Restrictions on the movement of citizens within the Northern and Southern provinces, and between the northern and southern provinces, thereby hindering the course of justice.
- Lack of commitment by the Israeli occupation of signed agreements, especially matters pertaining to legal protocols.
- Lack of recognition and respect by the Israeli occupation of Palestinian judicial orders.
- Existence of the settlements has caused disparagement of the mandate of law in

the State of Palestine.

- Fleeing of wanted Palestinian to Israel.
- Lack of control by the state of Palestine on its border crossings.
- Weak mechanisms and means for exchange and extradition of criminals, both bilaterally and internationally, which contributes to blocking extension of jurisdiction and enforcement of judgments.
- Lack of extending Palestinian judicial jurisdiction on Israelis and Palestinians having Israeli identity cards who commit crimes in the state of Palestine.
- Diminution of inclusive regional criminal text. (Lack of Palestinian jurisdiction in “C” classified areas).
- Deficiency of the legal protocol annex of the Oslo Accords on the legal requirements state-building.
- Difficult in joining international conventions and treaties concerning the Justice Sector.

## **Analysis of the Legal Framework**

Decree No. (1) for 1994 was issued from Tunisia on 20/05/1994 by Chairman of the Executive Committee of the Palestine Liberation Organization, Chairman of the Palestinian National Authority. It stipulated that laws and regulations and military orders that were in effect before 05.06.1967 in the Palestinian territories, “The West Bank and Gaza Strip”, should continue to be in force until they are

consolidated. This was first task of the first legislative Council, i.e. consolidating the laws between the two wings of the country and replacing them with modern laws.

Council of the Palestinian Authority exercised the power of issuing laws since 07/05/1994, during the reign of the first government of 09/10/1994 - 9/1/1996. Legislation used to be issued through decrees by the Chairman of the Palestinian National Authority. However, when the Legislative Council was elected 20/1/1996, the power to issue legislation was vested in it, since 03/07/1996.

A set of laws and regulations established rules for the functioning of the Justice Sector, notably: Amended Basic Law for 2003; Judicial Authority Law No. (1) of 2002; Code of Civil and Commercial Trials Procedure No. (2) of 2001; Criminal Procedures Law No. (3) of 2001; the law of evidence in civil and commercial offenses No. (4) of 2001; the law on the Formation of Regular Courts No. (5) of 2001, as amended by Law No. (2) of 2005; Implementation Law No. (23) of 2005; the Constitutional Court Act No. (3) of 2006; Law No. (1) of 1995, on the amendment of the government law suits No. (5) of 1958 and No. (30) of the 1926 Act; the Rehabilitation Centers “prisons” No. (6) of 1998. Nevertheless, Sharia Courts laws and their amendments enacted after 1967 remained in force until the end of the Jordanian legal and administrative mandate on 01/10/1994. These laws are still in force.

Regarding of alternative means for resolving disputes and judicial support professions, the following laws were issued: the Arbitration Act No. (3) of 2000; the Council of Ministers Resolution No. (39) of 2004; the Arbitration Implementation Regulations No.(3) of 2000; Law No. (15) of 1995 on the

translation and translators, as well as Order of the Minister of Justice No. (1) of 1996 on the Regulations of translation and translators.

On the supportive judicial facilities the following decrees were issued: Decree No. (24) of the Council of Ministers of 1994 for establishment of Medical Forensic Centre; the Council of Ministers Resolution No. (98) of 2005 for the establishment of two criminal laboratories in both the West Bank and Gaza Strip; the Council of Ministers Resolution No. (97) of 2005 for the establishment of judicial national registry; the Council of Ministers Resolution No. (99) of 2005 on the establishment of a judicial police force; regarding Legislation and Decree (*Fatwa*) Council Resolution No. (286) of 1995 was issued ; Decree No. (4) of 1995 on the procedure for preparation of legislation was issued, besides the Presidential decree issued on 10/28/2013 approving the Legislation and Decree Council as an independent public institution subordinate to Council of Ministers.

Regarding the High Judicial Council Presidential Decree No (29) of 2000 was issued for the formation of the High Judicial Council. Later the Judicial Authority Law No (1) of 2002, as well as the Presidential Decree No. (11)of 2002 considering the High Judicial Council a transitional council. Furthermore, Presidential Decree No. (8) of 2003 on the formation of the High Judicial Council was issued.

Yet Decree No. (6) of 2008 on the establishment of the Judicial Institute was also issued, besides the Palestinian Judicial Institute Resolution No. (7) of 2008 was issued by the Council of Ministers.

The Anti-Corruption Commission was established under Decree Law No. (7) of

2010, amending the Law of Graft No. (1) of 2005, as an administratively and financially independent body. It was allocated jurisdiction and powers that enable it to carry out its tasks in its fight against corruption. This amendment was marked by complete simulation and consistency with the United Nations Convention against Corruption. The law became a law for fighting corruption, in all its forms. It conferred on it vast powers to enable it to carry out its tasks in the fight against corruption. Therefore, the Law of Graft No. (1) of 2005, Decree Law No. (7) of 2010 for amending the Law of graft No. (1) of 2005, in addition to in-force penal laws, the anti-Money Laundering Law No. (9) of 2007, in addition to the Criminal Procedures Law No. (3) of 2001 are among laws governing the function of the anti-Corruption Commission.

### **Priorities and Strategic Objectives**

The Justice Sector seeks to strengthen the rule of law and respect for human rights and freedoms. It also seeks to raise the level of its institutions performance, in order to enable them to play their part effectively in a manner befitting the State of Palestine. These institutions opted to adopt two basic strategic objectives: ensuring the rule of law, human rights and freedoms; and empower institutions of the Justice Sector to dispose of their part effectively. A set of policies was adopted to achieve these objectives.

What prompted institutions of the Justice Sector to adopt these two objectives is their faith in the importance of access to a Justice Sector marked with transparency, efficiency, specialization and the ability to respond to the requirements of national independence and the establishment of a Palestinian state,



besides monitoring, reviewing and updating the quality of legislations in force, hence contributing to the provision of legislations that establish achievement of justice and the rule of law and promoting sustainable development, to ensure the rights of citizens and to protect public and personal freedoms and stability of transactions and maintenance of public and private ownership, as well as facilitate access of litigants to justice, especially the marginalized and vulnerable, and attaining individual rights and public right as soon as possible with the least effort and highest efficiency.

Through the adoption of key strategic objectives for the Justice Sector, from which a set of policies and approaches grew out, and which directly act for raising the quality of services provided by the Justice Sector with both required efficiency and transparency, the Justice Sector developed appropriate mechanisms to ensure an ideal implementation of inputs and programs, and consequently achieve desired objectives for the sector justice during 2014-2016.

### **First Strategic Objective: Guarantee of Rule of Law, Human Rights and Freedoms**

By working on all aspects that would offer guarantees of fair trial, which is really the rights of litigants in terms of efficiency of the litigation process, with all its components, including the work environment and human energy, and promotion of access to justice.

In order to increase the public confidence in the judiciary and resort to it to resolve their disputes in all matters, and to strengthen the capacity of the judiciary to adjudicate all disputes, especially economic, corruption and tax evasion ones, as there is a disparity in the capacity of the Justice Sector, which leads to weak and

prolonged litigation, especially with the increasing number of cases annually. Subsequently, this calls for action to raise capabilities of staff in the Justice Sector, as well as the need to revise standards for the judicial functioning, given the perspective of human rights and social justice under in-force law system, which in turn needs to be updated to be compatible with international standards, and in line with the spirit of the Palestinian Basic Law, and befit the admission of Palestine as a non- member of the United Nations and its opening up to joint work with its neighboring countries in the field of mutual legal assistance.

Furthermore, this objective calls for pursuing best ways and practices that will enhance implementation of all judicial decisions; monitoring the quality of implementation of these provisions through the Justice Sector; seriously consider strengthening the commitment of the executive branch in respecting judicial decisions and executing them a manner preserving the rights and freedoms; issuing befitting internal regulations and legislation to guarantee the rule of law; facilitate access of justice to all segments of society in all regions and access to marginalized and vulnerable ones, which require special attention commensurate with the status of community.

This objective also achieves promotion of partnerships between the public and private institutions for the integration of outreach efforts to citizens and to facilitate access to information in a professional manner.

Through this strategic objective, which is related mainly to human rights and freedoms, work will be completed on the improvement and harmonization of infrastructure and regulations regarding arrest and detention, and ensure their compliance with best international standards related to human rights and freedoms,

and ensure caring for marginalized and vulnerable community groups by establishing appropriate and specialized human rights environment.

In order to promote implementation of all judicial decisions passed by courts, the sector will have to be committed to develop a methodology that develop both executive and monitoring levels, and devising specific mechanisms for the purposes of the progress to be made in implementing process effectively, in order to meet challenges in this area.

### **Second Strategic Goal: Enable Justice Sector Institutions to Perform their Role Effectively**

For the achievement of the Justice Sector objectives and taking into consideration the nature of the tasks they are performing, there is a continuous need to complete the institutionalization of the Justice Sector institutions to ensure the independence of the Judicial Authority, to enhance the individual independence of judges, the restructuring and the development of the Ministry of Justice in harmony with its mission and role, the development of administrative and financial systems that upgrade the level of performance and the development of the infrastructure. This is in addition to the need to provide the legislative tools to improve the working environment, the development and training of human resources and the institutionalization of specialized and continuous training on legal and administrative issues, the development of alternative means to resolve conflicts necessitating the capacity building of arbitrators, the institutionalization of the mediation process and the promulgation of the pertinent legislation. Moreover, there is a need for the activation and the development of the control and evaluation systems, judicial inspection (regular, SHARIAA and military), the administrative control and supervision of court staff and members of the Public Prosecution and the development of the complaints' system within the institutions. There is also a need for the enhancement of the concept of judicial media, the and the transparency with the public via the media and the development of radio and television programs that aim at raising the level of public awareness as to the tasks and roles of the Justice Sector and the attainment of the full explanation of the relationship between the security and the Justice Sector to achieve full coordination to uphold the rule of law.

## **Sector Policies**

### **First Goal: Uphold the rule of law, human rights and freedoms**

#### **- Policies:**

1. Guarantee fair trials.
2. Enhance the enforcement of judgments.
3. Facilitate access to Justice Sector services.
4. Enhance partnerships with civil society in the field of human rights.
5. Adapt infrastructures and the systems pertaining to admission, detention and holding in custody in line with human rights standards and best practices.
6. Develop a national updated and stable legal system that takes into consideration the needs of segments of society.
7. Enhance the relationship with the media.
8. Regulate the relationship between the justice and security sectors.
9. Facilitate the access of women, children, marginalized groups and refugees to justice.

### **Second Goal: Enable justice sector institutions to perform their roles effectively**

#### **- Policies**

1. Provide a suitable litigation environment.
2. Develop an effective legal aid system and the access to justice.
3. Enhance and develop the support means to resolve conflicts.
4. Enhance the control, accountability and transparency frameworks.
5. Enhance the institutional independence of the Judicial Authority including the individual independence of judges.
6. Enhance the roles of Justice Sector institutions.
7. Develop the environment of work.
8. The capacity building of the sector staff.
9. Institutionalize the Judicial Institute and upgrade the level of legal education.
10. Enhance the integration of juvenile and gender justice within the Justice Sector institutions.

<b>Sector Programs</b>		
<b>First Strategic Goal: Uphold the rule of law, human rights and freedoms</b>		
<b>Policy</b>	<b>Program</b>	<b>Pertinent parties</b>
1.1 Guarantee fair trial.	- Ensure the efficiency of the litigation process.	The Judiciary + the Prosecution + the

	<ul style="list-style-type: none"> <li>- Develop the performance of inspection departments.</li> <li>Enhance the legal aid system.</li> <li>- Enhance the trend towards the specialized judiciary.</li> </ul>	Ministry + the PBA + the partners.
1.2 Enhance the enforcement of judgments.	<ul style="list-style-type: none"> <li>- Develop Judicial Enforcement departments.</li> </ul>	The Ministry + the Judiciary + the Ministry + the PBA + the Police + ICHR.
1.3 Facilitate access to Justice Sector services.	<ul style="list-style-type: none"> <li>- Develop and enlarge Justice Sector services.</li> <li>- Develop the mechanisms for electronic services and the electronic link among the institutions.</li> <li>- Develop and organize the relationship with partner institutions of the Justice Sector.</li> </ul>	The Judiciary + the Prosecution + the Ministry + the PBA + the partners.
1.4 Enhance partnerships with civil society on human rights.	<ul style="list-style-type: none"> <li>- Establishment of the Consultative Council on Human Rights.</li> <li>- Adopt and develop civil society initiatives to enhance the Justice Sector.</li> <li>- Increase community awareness on the principles of the rule of law, human rights and freedoms.</li> <li>- Develop the relationship with civil society regarding the organization of the work of the legally specialized societies.</li> </ul>	The Ministry of Justice + ICHR + (the Judiciary + the Prosecution) + the PBA.

<p>1.5 Adapt infrastructures and the systems pertaining to admission, detention and holding in custody in line with human rights standards and best practices.</p>	<ul style="list-style-type: none"> <li>- Develop the detention system in line with the pertinent international instruments.</li> <li>- Develop the infrastructures in line with international standards.</li> <li>- Develop the control and follow-up mechanisms over the correction, rehabilitation and detention centers.</li> </ul>	<p>The Ministry of Justice + ICHR + (the Judiciary + the Public Prosecution).</p>
<p>1.6 Develop a national updated and stable legal system that takes into consideration the needs of segments of society.</p>	<ul style="list-style-type: none"> <li>- The formation of a sector committee to identify the priorities of laws and the proposed amendments.</li> <li>- Develop a mechanism for consultation between the sector institutions and civil society on laws and proposed amendments.</li> <li>- The creation of justice departments according to state needs.</li> <li>- The signature of justice agreements that strengthen the state.</li> </ul>	<p>The Ministry of Justice (the Judiciary, the Public Prosecution + the PBA + the Council of Legal Opinion and Legislation + the partners).</p>
<p>1.7 Enhance the relationship with the media.</p>	<ul style="list-style-type: none"> <li>- Develop the specialized media in the Justice Sector field.</li> <li>- Develop the partnerships with media institutes.</li> </ul>	<p>The Ministry of Justice + the Judiciary + the Public Prosecution + the PBA + the partners.</p>
<p>1.8 Regulate the relationship between the justice and security sectors.</p>	<ul style="list-style-type: none"> <li>- Sign MoUs for cooperation and coordination between the justice and security sectors.</li> <li>- The establishment of a joint steering committee</li> </ul>	<p>The Ministry of Justice + the Judiciary + the Public Prosecution + the PBA.</p>

	to supervise the follow-up of MoUs and joint action.	
1.9 Facilitate the access of women, children, marginalized groups and refugees to justice.	<ul style="list-style-type: none"> <li>- The capacity building of judges and staff to deal with gender issues.</li> <li>- Consolidate the trend towards the specialized judiciary and ensure that procedures are in line with the applicable international standards.</li> <li>- Raise community awareness on the freedoms and the nature of services provided by the institutions.</li> <li>- Consolidate the Justice Sector services relating to women and children through a unified services window.</li> <li>- Study the current legislation and submit proposals through the legislative committee for the enhancement of legal protection and the response to gender issues.</li> </ul>	<p>The PJI  The Judiciary + the Public Prosecution + the PBA + the Ministry of Justice + the Council of Legal Opinion and Legislation + the partners.</p>

<b>Second Strategic Goal: Enable Justice Sector institutions to perform their roles effectively</b>		
<b>Policy</b>	<b>Sector Programs</b>	<b>Responsibility</b>
2.1 Provide a suitable litigation environment	<ul style="list-style-type: none"> <li>- Develop the entire facilities of court houses and criminal justice to meet the needs of litigants according to international human rights standards.</li> <li>- Organize and develop administrative work that</li> </ul>	<p>Judiciary + Prosecution + the Ministry (forensic medicine) each within the scope of its authority.  Judiciary  The PJI  Prosecution + Police + PBA.</p>

	<p>supports the litigation process.</p> <ul style="list-style-type: none"> <li>- Develop the services of forensic medicine.</li> <li>- Develop the procedures in criminal cases before registering them in courts.</li> </ul>	
2.2 Develop an effective legal aid system and the access to justice.	<ul style="list-style-type: none"> <li>- Ratification of the Legal Aid Law.</li> <li>- The formation of the Board of the Legal Aid Fund.</li> <li>- Issue of by-laws and internal regulations.</li> </ul>	The Ministry + the partners + the PBA
2.3 Enhance and develop the support means to resolve conflicts.	<ul style="list-style-type: none"> <li>- Review and development of The Arbitration Law and the Arbitration Regulations.</li> <li>- Develop training programs on arbitration.</li> <li>- The institutionalization of the mediation system by the promulgation of the Mediation Law and Regulations.</li> <li>- Develop and activate the judicial settlement system and enlarging its scope in all courts.</li> </ul>	The Ministry of Justice + the partners. The Judiciary + the PBA.
2.4 Enhance the control, accountability and transparency frameworks.	<ul style="list-style-type: none"> <li>- Develop the judicial inspection mechanism.</li> <li>- The creation of a follow-up, evaluation and quality control system.</li> </ul>	The Judiciary + the Prosecution (the Ministry + the Judiciary + the Prosecution + the PBA) each within the scope of its authority + the Central Bureau of Statistics + MoPAD + PACC.
2.5 Enhance the institutional independence	- Develop a financial and administrative system for	The Judiciary The Judiciary + the



of the Judicial Authority including the individual independence of judges.	the Judicial Authority. - Develop judicial inspection and enlarging its scope to include the Public Prosecution.	Prosecution
2.6 Enhance the roles of Justice Sector institutions.	- Determine clearly competences: Complete efforts aimed at resolving the differences on competences and the responsibilities of the Justice Sector.	The Ministry + the Judiciary + the Public Prosecution + the PBA + the partners.
2.7 Develop the environment of work.	- Work automation and the use of modern technological methods. - Develop and ratify special financial and administrative systems to enhance control, accountability and transparency. - Develop the infrastructure of Justice Sector facilities. - Develop administrative and financial SoPs and legal delegation to serve achievements and improve performance in Justice Sector institutions	The institutions according to their competence and the nature of their work.  The institutions according to their competence and the nature of their work. + PACC The institutions according to their competence and the nature of their work.  The institutions according to their competence and the nature of their work.
2.8 The capacity building of the sector staff.	- The capacity building of staff. - Enhance and develop the incentives scheme. - Enhance staff confidence.	The PJI The institutions according to their competences and the nature of their work + PACC
2.9 Institutionalize the	- The institutionalization	The PJI

<p>Judicial Institute and upgrade the level of legal education.</p>	<p>and development of the Judicial Institute to be approved as a competent body for judicial and legal training for Justice Sector staff.</p> <ul style="list-style-type: none"> <li>- Develop training programs to meet the sector's needs.</li> <li>- Harmonization of the legal systems of education at universities which contributes to the advancement of the reality of judicial and legal work.</li> </ul>	<p>The partners The universities + the PBA + the Ministry of Higher Education.</p>
<p>2.10 Enhance the integration of juvenile and gender justice within the Justice Sector institutions.</p>	<ul style="list-style-type: none"> <li>- The capacity building of judges and staff to deal with gender cases and consolidate the trend towards specialized judiciary and ensure the harmony of procedures with the applicable international standards.</li> <li>- Study the current legislation and submit proposals through the legislative committee to enhance legal protection and to respond to gender issues.</li> <li>- Harmonization of the systems of work and the structures at institutions to take into consideration gender and human rights needs.</li> </ul>	<p>The PJI The Ministry + the Council of Legal Opinion and Legislation + MoSA + MoWA + the PBA</p> <p>The institutions according to their competences and the nature of their work + the partners.</p>

## **Parties to the National Strategy for Justice and the Rule of Law 2014 – 2016**

### **First: The official Justice Sector institutions**

- The Ministry of Justice
- The HJC
- The Public Prosecution
- The SHARIAA Judicial Council
- The Military Judiciary
- PACC
- The Council of Legal Opinion and Legislation
- The PJI
- ICHR
- The PBA

### **Second: The un-official Justice Sector institutions**

- Legal education institutes (Annajah University, Birzeit University. Al-Quds University).
- Civil society organizations.
- International partners and donors.
- MoPAD.
- The Ministry of Finance.
- Private sector representatives.
- The Palestinian Central Bureau of Statistics.
- The Office of the High Commissioner.
- MUSAWA
- Security sector representatives (the police).

Work on the strategic plan started on 15<sup>th</sup> May 2013 followed by meetings of the parties to the Justice Sector until 26<sup>th</sup> March 2014 (a total of 23 meetings).

### **10. Follow up and Evaluation**

It is a measurement process to monitor the accomplishment of the plan in its entirety; it is one of the approved tools that is used to measure the partial progress

that was accomplished throughout the phases of the practical implementation of the plan within the various institutions, which is dependent on a designated timeline for all the activities in the plan to ensure the quality of the implementation of activities and achieve the desired goals.

The design of the performance indicators was done according to the two objectives of the Justice Sector and the policies upon which they are based, which were drafted in accordance with the actual needs of the Sector, taking into consideration the vision of the Sector while developing it.

The performance indicators are considered one of the main elements of the Justice Sector's Strategic Plan and an integral part of it, for they reflect the results of the efforts that are exerted and the outcome of the funds that are spent. Moreover, the indicators are used as tools at the beginning of the implementation of the programs to evaluate the approved activities and programs that are prepared to achieve the desired objectives.

Evaluation will be conducted throughout the phases of the implementation process to measure the professional competence of the staff, to measure the improvement of the Justice Sector and the institutional development, to find the points of weakness and strengths of the justice system in Palestine, and to benefit from the learned lessons during the implementation of the activities in order to reach the desired objectives.

The Evaluation process uses several methods in gathering information and data related to the indicators variables to be measured. Some are conducted through in-person interviews which are done face-to-face with the targeted persons, by reviewing documents and publications issued by the institutions, or through polls aimed at the targeted group. The number of the surveyed persons is determined either by using a representative sample, or includes the whole population of the sample, if the sample is small.

The main goal of the poll is to know the attitudes of the surveyed persons toward the researched issue. This is done through using a standardized form that is designed in accordance with the determined objectives. In addition to what was mentioned, the evaluation may be conducted through field visits and live observation of what is going on the ground, through monitoring the environment of the work, the problems that are confronted at work, and the collective and individual success stories.

The evaluation process is conducted in phases within different timelines that are unified according to the nature of the indicators to be covered, or according to the timelines established in the Action Plan. It has been usual to conduct a comprehensive evaluation of the project at the end of each year in order to know the general approach of the project, to benefit from the positive and negative lessons, to know the challenges and problem that the work confronted and methods

of solving and dealing with them, and to discover the successes that were achieved and document them for the future.

Table (1) shows the indicators of the Strategic Plan of the Justice Sector and the Rule of Law according to the Strategic objectives and policies emanating from them:

Table (1) Performance Indicators of the Justice Sector's Strategic Plan

<b>First Objective: Ensuring the Rule of Law, Human Rights, and Freedoms</b>		
Policies	Performance Indicators	Measurement Tools
1.1. Ensuring fair trial	<ul style="list-style-type: none"> <li>• Percentage of the judicial rulings that end conflicts issued by the Court of Cassation in comparison to the total number of the rulings issued by it.</li> <li>• Percentage of adjudicated cases in comparison to received cases.</li> <li>• Number of the complaints related to litigation proceedings.</li> <li>• Number of the complaints that were adjudicated.</li> <li>• Average period for the case to be adjudicated.</li> <li>• Extent of the court visitors' satisfaction with the work of the courts and the Public Prosecution.</li> </ul>	<p>A poll by AWRAD Center on the situation of the Judicial Authority from the Public perspective in general, and the judges, lawyers, litigators, courts visitors, and the administrative staff in specific. April 2009.</p> <p>Analyzing the Justice Sector situation/ Study conducted by the Central Bureau of Statistics 2011, 2012</p> <p>Public poll/UNDP 1, 2 and the MUSAWA Legal Observatory 2013</p>
1.2. Enhancing the enforcement of judicial rulings	<ul style="list-style-type: none"> <li>• Percentage of the enforced cases in comparison to the cases received by the enforcement departments at the courts.</li> <li>• Extent of the clients' satisfaction with the enforcement procedures.</li> <li>• Number of cases in which people submit to the procedures</li> </ul>	<p>Periodical reports of institutions</p> <p>Periodical surveys</p> <p>Periodical reports of institutions</p>

	stipulated by law after refusing to enforce judicial rulings.	ICHR report Bar Association
1.3. Facilitating access to the Justice Sector services	<ul style="list-style-type: none"> <li>• Percentage of beneficiaries of the legal aid.</li> <li>• Percentage of women and children cases that were handled (registered, adjudicated, appealed, enforced).</li> <li>• Percentage of the cases that were handled outside Area (A).</li> <li>• Extent of public's satisfaction with the Justice Sector institutions</li> </ul>	Reports of legal clinics HJC report  Bar Association  Periodical surveys
1.4. Enhancing partnerships with the Civil Society in the area of Human Rights	<ul style="list-style-type: none"> <li>• Number of the Advisory Board's sessions.</li> <li>• Number of Justice Sector partnerships (protocols, memoranda of understanding, agreements) with other internal and external institutions</li> </ul>	Meetings reports  Institutions reports submitted separately
1.5. Harmonizing the infrastructures and regulations of admission, detention, and custody in accordance with human rights	<ul style="list-style-type: none"> <li>• Number of detention and custody facilities that conform to the international standards of human rights and best practices.</li> <li>• Number of detention and custody facilities for women and juveniles.</li> <li>• Number of regulations related to admission, detention, and custody</li> </ul>	ICHR reports ICRC report  Reports of the Ministry of Interior on the achieved progress Bar Association ICHR special reports

standards and best practices.	that conform to international standards of human rights.	
1.6. Developing a national legal, modern, and stable system that considers all the needs of the state.	<ul style="list-style-type: none"> <li>• Number of legislations that were drafted in accordance with the regulatory manuals of the legislative process.</li> <li>• Number of legislations that takes into consideration the needs of the society segments.</li> <li>• Number of articles in the legislations that contributed in streamlining the procedures.</li> </ul>	<p>Report of the Council of Legal Opinion and Legislation</p> <p>Ministry of Justice in cooperation with the Council of Legal Opinion and Legislation (special periodical report)</p> <p>Bar Association</p>
1.7. Enhancing the relationship with the Media	<ul style="list-style-type: none"> <li>• Number of memoranda of understanding signed with the Media institutions.</li> <li>• Number of joint programs concerning the work of the Sector (publications, brochures, TV and radio programs, etc.)</li> <li>• Number of laws and protocols that regulate the relationship.</li> </ul>	<p>Institutions in cooperation with Central Bureau of Statistics.</p> <p>Bar Association</p> <p>PACC/Ministry of Information</p>
1.8. Regulating the relationship between the Justice Sector and the Security Sector.	<ul style="list-style-type: none"> <li>• Number of meetings held between the Minister of Justice and the Minister of Interior and how often they are held.</li> <li>• Number of memoranda of understanding signed between the</li> </ul>	<p>The two Ministries - Periodical reports</p>



	parties concerning this issue.	
1.9. Facilitating access of women, children, marginalized groups, and refugee camps to Justice.	<ul style="list-style-type: none"> <li>• Number of specialized courts.</li> <li>• Number of specialized judges.</li> <li>• Number of specialized Prosecution.</li> <li>• Number of cases concerning juveniles, women, and people with special needs that the institutions of the Sector handled.</li> <li>• Number of the Justice Sector's facilities that conform to the standards of the juvenile and women justice.</li> <li>• Number of complaints submitted by women, juveniles, and people with special needs who benefit from the services of the Sector institutions.</li> <li>• Number of training and awareness programs related to juvenile justice and gender at the institutions of the Justice Sector.</li> <li>• Number of males and females who benefit from the Justice Sector facilities' awareness programs that are related to juvenile justice and gender.</li> </ul>	<p>Periodical reports of the Sector's institutions</p> <p>Quarterly reports of the Sector's plan.</p> <p>National surveys and polls that seek the opinion of beneficiaries of the Sector's institutions (women and children's satisfaction with the general services, with the time taken to handle their forms, with methods of communicating with women and children and the efficiency of these methods.</p> <p>Bar Association.</p>
Second objective: Enabling the Justice Sector institutions to assume their role effectively		

Policies	Performance Indicators	Measurement Tools
<p>2.1. Providing conducive environment for litigation</p>	<ul style="list-style-type: none"> <li>• Number of facilities that have been developed and equipped in the premises in accordance with the standards of security and safety, while taking into consideration the needs of women, juveniles, and people with special needs.</li> <li>• Number of developed bylaws and manuals of SOPs.</li> <li>• Number of employees that have been trained on dealing with the public.</li> <li>• Extent of the public’s satisfaction with the employees interaction.</li> <li>• Percentage of complaints related to the employees’ misconduct with the public.</li> <li>• Percentage of cases that have been registered by the Police and admitted by the Public Prosecution.</li> <li>• Number of understandings that have been reached between the Public Prosecution and the Police with regard to phases of preliminary investigation and</li> </ul>	<p>Reports of the institutions</p> <p>Reports of the institutions</p> <p>Reports of the institutions</p> <p>Surveys and polls</p> <p>Reports of the institutions</p> <p>Institutions/ICHR</p> <p>The institutions</p> <p>Surveys</p>

	<p>registration of the complaint file.</p> <ul style="list-style-type: none"> <li>• Extent of the public's satisfaction with the procedures that precede the registration of the criminal action at the courts.</li> </ul>	
2.2. Developing an efficient system for legal aid and access to justice.	<ul style="list-style-type: none"> <li>• Percentage of males and females who received legal aid during the litigation process.</li> <li>• Number of males and females who received legal consultations from the legal clinics before the litigation process.</li> <li>• Number of legal clinics that provide legal aid services.</li> <li>• Number of providers of legal service working in the legal clinics.</li> </ul>	<p>Reports of the institutions</p> <p>Reports of the legal clinics/universities/ and Bar Association</p> <p>Reports of the Universities and Bar Association</p> <p>Reports of the universities/ Bar Association/ the institutions.</p>
2.3. Enhancing and developing a system of support means to resolve conflicts	<ul style="list-style-type: none"> <li>• The regulatory frameworks of the arbitration processes have been reviewed and developed.</li> <li>• Promulgating the Mediation Law.</li> <li>• Percentage of arbitration decisions approved by the competent courts.</li> <li>• Judicial settlement procedures are activated in all courts.</li> <li>• Percentage of cases that have been resolved in accordance with</li> </ul>	<p>Ministry of Justice /Association/partners</p> <p>Ministry of Justice /Association/partners Judiciary reports</p> <p>Judiciary reports</p> <p>Judiciary reports</p>

	the procedures of judicial settlements.	
2.4 . Enhancing the frameworks of oversight, accountability, and transparency	<ul style="list-style-type: none"> <li>• Having efficient system for follow up and evaluation in all the Justice Sector institutions.</li> <li>• Extent of adherence to periodical and irregular visits/ Program of the Judicial Inspection Department.</li> <li>• Number of complaints that have been followed up by the Judicial Inspection Department.</li> <li>• Number of follow up and evaluation reports.</li> <li>• Number of the complaints that have been followed up by the disciplinary board of the Bar Association.</li> <li>• Number of bylaws and procedures that have been changed in accordance with the reports of follow up and evaluation.</li> </ul>	<p>Reports of the institutions/Ministry of Planning</p> <p>Report of the Judicial Department</p> <p>Report of the Judicial Department</p> <p>Report of institutions Report of the Bar Association</p> <p>Reports of the institutions + PACC</p>
2.5. Enhancing institutional independence of the Judicial Authority including the	<ul style="list-style-type: none"> <li>• Approved Financial and administrative system for the Judicial Authority.</li> <li>• Approved structures of the Sector's institutions that take into consideration the nature of its</li> </ul>	<p>Annual report of the Judiciary/Prosecution/Ministry.</p> <p>Reports of the institutions</p>

individual independence of judges.	work and needs.	
2.6. Enhancing the roles of the Justice Sector institutions	<ul style="list-style-type: none"> <li>• Laws are amended in a manner that defines the mandates of the Sector's institutions</li> </ul>	Council of Legal Opinion and Legislation/Official Gazette
2.7. Developing the work environment	<ul style="list-style-type: none"> <li>• Having an upgraded incentives system for human resources that takes into consideration gender equity.</li> <li>• Having facilities and regulations for the Justice Sector institutions that conform to the needs of male and female employees.</li> </ul>	<p>Administrative reports of the institutions</p> <p>Reports of the institutions + Report of the competent institutions ( Ministry of Women Affairs).</p>
2.8. Enhancing the capabilities of male and female employees in the Sector's institutions	<ul style="list-style-type: none"> <li>• Number of training programs approved for all the staff in the Sector's institutions according to their specialties.</li> <li>• Number of male and female employees who benefit from the courses.</li> </ul>	<p>Training plan of the institutions + training plan of the Judicial Institute</p> <p>Training reports of the institutions + training reports of the Judicial Institute</p>
2.9. Institutionalization of the Judicial Institutions and developing the level of the legal	<ul style="list-style-type: none"> <li>• Having a legal framework that regulates the Judicial Institute.</li> <li>• Having an organizational structure for the Judicial Institute.</li> <li>• Number of qualified staff that have been recruited.</li> </ul>	<p>Annual report of the Judicial Institute</p> <p>Training reports</p> <p>Training evaluation</p> <p>Training plans</p>

<p>education.</p>	<ul style="list-style-type: none"> <li>• Having an efficient educational system for the Judicial Institute.</li> <li>• Number of the agreements and memoranda of understanding between the Institute and the relevant institutions.</li> <li>• Number of male and female judges, members of Public Prosecutions, staff of the Justice Sector, lawyers, and students who benefit from the trainings of the Institute.</li> <li>• Number of the authorized qualified trainers at the Institute</li> </ul>	
<p>2.10. Promoting the integration of juvenile justice and gender into the Justice Sector institutions.</p>	<ul style="list-style-type: none"> <li>• Number of judges, members of Prosecution, and lawyers who are specialized in gender cases.</li> <li>• Number of judges, members of Prosecution, and lawyers who are specialized in juvenile justice.</li> <li>• Services that takes into consideration the nature of gender and juvenile justice.</li> </ul>	<p>Reviewing the executive plans of the Justice Sector institutions.</p> <p>Reviewing publications and periodicals.</p> <p>Reviewing reports of the Information Center</p> <p>Reviewing the administrative reports and budget of the Sector (the budget program).</p>

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Annex (A)

**Policies Summary Form**

<b>Sector</b>	Justice Sector 2014-2016
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<b>Strategic Goal</b>	Ensuring human rights, freedoms, and rule of law
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<b>Policy</b>	Ensuring fair trial
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<b>The situation in the period 2011-2013</b>	<p>This policy was a strategic goal in the Strategic Plan 2011-2013 (the second strategic goal). Fair trial was included in this strategy as a policy within the policies of the First Strategic goal, which guarantees human rights, freedoms, and the rule of law, because it is closer to being a policy or an objective rather than being a strategic goal. The fair trial is not the goal in itself, but attaining of fair trial leads to the enhancement of human rights and rule of law. The previous goal included several policies, which were included here in the plan as policies as well, such as creating an environment conducive for litigation, where the Prosecution offices and courts took initiative to create a sophisticated system for criminal and civil cases management, including developing and disseminating “Mizan 2” , and linking the Public Prosecution’s database and the HJC’s database to it. Additionally, a manual of SOPs was disseminated in the Public Prosecution and the Model Court at the HJC was created. Moreover, the HJC, in cooperation with experts from the HJC and international donors worked on preparing the optimum timelines of cases in order to accelerate the adjudication of lawsuits in accordance with valid scientific</p>
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	<p>principles. Also, work has been done on activating the legal aid through national work team; a comprehensive conference was held under the supervision of the Ministry of Justice to discuss legal aid and to introduce its principles, and to propose a draft law on establishing a national fund for legal aid.</p> <p>Furthermore, work has been done to train judges, Public Prosecution members, legal counselors, Forensic doctors at the Ministry of Justice, and the Bar Association in specialized fields such as Child Justice, gender, forensic medicine, combating corruption, and electronic crimes. This was done within the framework of building and developing the capabilities of the Judicial Authority staff. Moreover, the Military Judiciary held several training courses for the judges of the military courts, the members of the Military Prosecution, and the administrative staff for the purpose of building their capabilities. Also, the Military Judiciary prepared a draft of the legislations of the Military Judiciary Panel. But the Sahria' Judiciary, even though it is not mainly active in the Justice Sector Strategy of 2011-2013, it independently worked on enhancing guarantees for fair trial through issuing a law by decree through the President of the PA, in which the separation of Executive Authority powers from the Sharia' Judiciary was reinforced, and mandates of each authority were defined. It also centralized the cases in central courts, in which the standards of the judicial services were raised; and the level of the oversight of the judicial inspection was raised in it as well. In addition, it trained the judges of first degree courts on litigation proceedings where it aimed at enhancing and unifying these proceedings. The period of 2011-2013 witnessed a rise in the number of cases received by courts, especially civil cases (Annual reports of the Judicial Authority), and a rise in the number of decisions issued by the criminal, civil, and administrative judiciaries. (Annual report of the Judicial Authority).</p>
<p><b>Proposed approach of the Policy</b></p>	<p>Ensuring the efficiency of the litigation process with regard to the competence of judges, and the efficiency of the financial, administrative, and judicial work and system; enhancing judicial specialization; integrating concepts of human rights and social justice</p>



in the litigation process through reviewing the current legislation, and through enforcing the relevant human rights articles in the Basic Law and international conventions that guarantee that.

Activating legal aid while ensuring that groups in dire need and vulnerable groups in the society have access to it, and enabling access to justice for the victims whose human rights were violated.

Building and enhancing the capabilities of the judges, members of Public Prosecution, and staff working in the Justice Sector through training on international standards of human rights in order to guarantee and maintain rights and freedoms of the litigating parties. Also, enhancing the capabilities of the staff working in the notification and enforcement departments.

Separating the power of investigation from the power of indictment, and enhancing the balance in the criminal action between the Public Prosecution and Defense.

Shortening the duration of litigation through implementing the optimum timeline system.

Raising the awareness of male and female citizens about their rights and the principles of fair trial, such as the right of the defendant in appointing a lawyer, using his right in presenting evidence, his right to remain silent, and other fair trial standards stipulated in the international conventions, international protocols on human rights, and the Palestinian Basic Law.

The implementation of Article 47/1 of the Judicial Authority Law No.1 of 2002, which promotes and guarantees a fair trial for litigators, leads judges to devote themselves to their judicial work, issuing judgments, reviewing and adjudicating cases at courts in a speedy manner, without being engaged with administrative and oversight issues of the courts; administrative and oversight issues are within the mandate and duty of the

	<p>Executive Authority, represented by the Ministry of Justice, and they should perform them for the Judicial Authority.</p> <p>Amending the Judicial Inspection Bylaw and enhancing the capabilities of the Judicial Inspection Department in inspecting the judges and the members of the Public Prosecution; automating the complaint system; activating the system of complaint box in the courts and Public Prosecution; developing an electronic system for complaints at the Ministry of Justice; developing a manual of complaint procedures, written requests for cassation, and requests for retrial.</p>
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<p><b>Policy Justification</b></p>	<p>Ensuring a fair trial is the foundation for ensuring rights, and public and private freedoms; for increasing the confidence of the public in the judiciary; and for providing access to complete justice for marginalized groups in the society. It also helps male and female employers and employees to approach the Judiciary and resort to it to resolve their conflicts, especially economical and labor conflicts; and helps the government in surmounting corruption cases and tax evasion. (Enhancing the concept of administrative oversight of courts).</p> <p>It is clear that there is disparity in the capabilities of employees in the Judiciary, the Public Prosecution, and the administrative staff supporting them, which leads to poor litigation proceedings and to prolonging the duration of litigation, especially with the increasing number of the annual received cases, which calls for developing the capabilities of the workers in the Justice Sector. In addition, it is necessary to review the judicial work from human rights and social justice perspectives under the applicable laws, which need to be updated in order to comply with the international standards and conform to the spirit of the Palestinian Basic Law, especially after recognizing Palestine as a non-member observer state in the UN, and due to Palestine's openness to joint work with the surrounding countries in the field of legal joint cooperation.</p>
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<b>Scope of the policy</b>	Check the relevant policy general framework
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- Extending the Palestinian control over the land of the state and its resources, and developing them.
- Completing the institutional building of the state, and developing its efficiency and capabilities to provide high quality services.
- Restructuring an efficient democratic political system, and enhancing the social peace that is based on respecting human rights.
- Enhancing the independence of the national economy, and activating the Palestinian Private Sector.
- Combating poverty and unemployment, and enhancing social justice.
- Promoting the presence of the State of Palestine (official and unofficial) on the Arab, regional, and International levels.

<b>Implications of the policy</b>	Resolving conflicts in a fair manner; increasing the public's confidence in the effectiveness of the Justice Sector and the services provided by its institutions; and enhancing the Rule of Law and decreasing the number of crimes. That will lead to enhancing the confidence to invest or increase investment.
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## Annex (B)

### Distribution of Responsibilities

<b>Sectoral Strategy</b>	Justice Sector 2014-2016	<b>Strategic Goal</b>	Ensuring Human Rights, Freedoms, and Rule of Law
<b>Policy</b>	Ensuring fair trial		

list the name and the main role of the institution or the institutions inside or outside the government which play a critical role in executing the policy

#### 1. The Governmental Institutions

<b>Institution</b>		<b>Main Role</b> (what is the part that it will implement according to its mandate and tasks?)	<b>Programs</b> (Through which program/programs of budget will they be implemented?)
<b>Main institution</b>	1. HJC	<ul style="list-style-type: none"> <li>• Adopting and implementing the optimum timeline for cases.</li> <li>• (Making an inventory of all the cases that are repeated in the litigation proceedings which are incompatible with the fair trial principles, including long period of litigation or guarantees of right</li> </ul>	

		<p>of defense, and working on addressing these issues within a consultative framework, and holding training to evade them.</p> <ul style="list-style-type: none"> <li>• Completing the work on Mizan 2.</li> <li>• Supporting the Judicial Inspection Department, adopting the amended bylaw, and automating the complaint system.</li> <li>• Authorizing the Judicial Institute as a main body for training the employees of the Justice Sector.</li> <li>• Enhancing the quality of lawsuits performance.</li> <li>• Adhering to the provisions of the law and implementing them strictly.</li> <li>• Monitoring the actual working hours of judges.</li> </ul>	
	2. Higher Sahria' Judicial Council	<ul style="list-style-type: none"> <li>• Cooperating with the Civil Society in observing the Judiciary and citizens needs, and how to improve them.</li> <li>• Supporting and facilitating judicial inspection, and creating an efficient complaint system.</li> </ul>	
	3. Military Judiciary	<ul style="list-style-type: none"> <li>• Proposing legislative amendments to institutionalize the work of the</li> </ul>	

		<p>Military Judiciary.</p> <ul style="list-style-type: none"> <li>• Supporting and facilitating judicial inspection, and creating an efficient complaint system.</li> </ul>	
<p><b>Other governmental institution</b></p>	<p>4. Public Prosecution</p>	<ul style="list-style-type: none"> <li>• Inspecting detention centers and prisons.</li> <li>• Promoting impartiality in the work of the Public Prosecution; promoting fair investigation and representation procedure ; and increasing oversight of investigation.</li> <li>• Developing a special manual for the management of civil and administrative lawsuits.</li> <li>• Ensuring the rights of the suspects during investigation.</li> <li>• Establishing an electronic oversight system during investigation and interrogation; and activating the human rights unit in the Public Prosecution.</li> <li>• Issuing clear administrative instructions with regard to confronting the issue of referring files to court without auditing them, or without taking the necessary procedures concerning</li> </ul>	<p><b>Enhancement of criminal justice and the rule of law</b></p>

		the submitted cases, especially the cases of public opinion.	
	5. Ministry of Justice	<ul style="list-style-type: none"> <li>• Reviewing relevant judicial legislations, and making the necessary amendments.</li> <li>• Developing a continuous training system for the employees of the Justice Sector through the Palestinian Judicial Institute.</li> <li>• Raising the legal awareness of the citizens and relevant institutions.</li> <li>• Activating the complaint system.</li> <li>• Inspecting the custody and detention centers, and rehabilitation and correction centers.</li> </ul>	
	6. The Police	<ul style="list-style-type: none"> <li>• Helping the Public Prosecution in investigating crimes and pursuing people who are responsible for these crimes</li> </ul>	
	7. Bar Association	<ul style="list-style-type: none"> <li>• Training lawyers on international standards of fair trial, and how to apply them in Palestine in pursuance of the Basic Law.</li> </ul>	
	8. ICHR	<ul style="list-style-type: none"> <li>• Conducting visits to custody centers to monitor detention conditions to see if they are in</li> </ul>	

		<p>line with the national legislations and international standards.</p> <ul style="list-style-type: none"> <li>• Monitoring the extent of provision of fair trial guarantees in the work of courts.</li> <li>• Reviewing the performance and policies of the Judicial Authority and recording its recommendation concerning this.</li> </ul>	
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## 2. Non-governmental institutions

<b>Institution</b>	<b>Main Role (what is the part that it will implement)</b>	<b>Needed arrangements (what are the needed governmental arrangements and procedures to help and encourage the non-governmental institutions to implement this part?)</b>
<b>Local government (Municipalities, And local councils)</b>		
<b>Civil Sector Institutions</b>	Cooperating with the organizations of the Civil Society working in the area of human rights, especially, in monitoring judicial rulings, litigations procedures, helping in proposing amendment on legislations, and enhancing oversight of	



	<p>judicial work and judicial rulings. We suggest to cancel anything that is related to oversight of judicial rulings and substitute it with commenting.</p>	
<p><b>Private Sector Institutions</b></p>	<p>Supporting legal awareness of business owners, communicating with the Justice Sector institutions concerning the problems faced by the Private Sector while appearing before courts in commercial disputes, and suggesting to amend the laws if there are gaps in the law that affect the confidence of investors in working under the Palestinian legal system; and making initiative to support the Justice Sector and finance some of the projects in cooperation with the Justice Sector Institutions. Only through the Legislative and Executive Authorities.</p>	
<p><b>International Organizations and Institutions</b></p>	<p>Cooperating with the international institutions in the area of fair trial and how to enhance it. Exchanging experiences in this field and enhancing the role of the Palestinian institutions in the performance of their work through providing the necessary funding for the implementation of the programs approved in this plan,</p>	

	through the Executive Authority.	
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### Annex (A)

#### Policies Summary Form

<b>Sector</b>	Justice Sector Strategy 2014-2016
<b>Strategic Goal</b>	Ensuring human rights, freedoms, and rule of law
<b>Policy</b>	Enhancement of executing judicial rulings
<b>The situation in the period of 2011-2013</b>	This policy was not included in the Sector's strategy of 2011-2013, knowing that other policies related to acceleration of adjudication of lawsuits and treatment of cases backlogging were adopted. It has become clear that despite some progress in the two above mentioned policies, failure was observed in overcoming the obstacles faced by the Enforcement Department in dealing with the backlogging of enforcement cases received by them from the regular and

Sharia' Courts due to lack of sufficient human resources, failure to develop the bylaw of the Enforcement Department, lack of oversight of some corruption in the enforcement of judicial rulings, in addition to the inability of the enforcement bodies to provide the sufficient number of Judicial Police in order to start its work.

Concerning the Sharia' judiciary, the lack of enforcement mechanisms for the Sharia' cases led to delay of enforcement of the Sharia' courts' rulings , which posed a challenge to the litigators, where the cases end up at the Enforcement Department of the High Judicial Council and face the same problems mentioned above. The High Sharia' Judicial Council has tried to improve the enforcement of the Sharia' rulings through establishing new enforcement methods, such in rulings concerning the right of children visitation in custody cases through visitation centers that are subordinate to the Sharia' courts. The High Sharia' Judicial Council has continued the dialogue with the HJC concerning the need to improve the mechanisms for enforcing the Judicial rulings issued by the Sharia' courts.

Concerning the implementation of the foreign judicial rulings, the Ministry of Justice completed several foreign rulings requests received by the Ministry from foreign countries. Despite the successes in the enforcement of these rulings with the competent judicial bodies, this process faces some legislative and administrative problems that negatively affects the speed of enforcing these rulings. Additionally, the Ministry of Justice cooperated with the competent judicial bodies to send several extradition requests to several Arab states in order to deliver fugitives in these countries to the Palestinian authorities to try them in pursuance of the Rhiyad Convention on Judicial Cooperation of 1983. Moreover, the Ministry of Justice enforced a ruling of retrieving stolen money in cooperation with one of the Arab states in accordance with the Rhiyad Convention. The experience showed, while following up on these files, that there are legislative and administrative gaps and lack of bilateral agreements concerning judicial cooperation. The Ministry of Justice contributed effectively in enhancing the adherence of the governmental bodies and institutions providing a public service to the enforcement of judicial rulings; this was done through an issuance of a circulation by the President of the PA on the need to adhere to the

	<p>enforcement of judicial rulings, based on a recommendation from the Ministry of Justice; this circulation was sent to all the mentioned bodies.</p> <p>Inability to enforce judicial rulings in Areas “B” and “C” due to the difficulty of accessing these areas.</p>
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<p><b>Proposed approach of the Policy</b></p>	<ul style="list-style-type: none"> <li>- Setting up the infrastructure of the courts and the Public Prosecutions to facilitate the work of the enforcement departments; Developing the procedures of the judicial enforcement departments; rehabilitating the logistics and human resources in the departments; developing special mechanisms for enforcing the Sharia’ courts’ rulings; Establishing child family visitation centers in family dispute cases; training the existing human resources in the fields of psychological health and social service in order to have the ability to perform their tasks in this frame, and recruit more staff.</li> <li>- Focusing on specialized aspects of enforcement, and the need to take into consideration the nature of the cases involving offences against public or private funds, economical corruption, and tax evasion.</li> <li>- Raising the awareness of the public concerning the work of the enforcement departments and the obstacles which they face and how to help them in overcoming these obstacles, in order to reinforce the public’s confidence and their cooperation in enforcing judicial rulings.</li> <li>- Following up on enforcing judicial rulings through a competent committee; this committee will communicate with the optimum timeline committee in order to include special mechanisms for judicial rulings enforcement within the activities of the joint committee that deals with the judicial backlogging and the optimum timeline of lawsuits, where enforcement is included.</li> <li>- Enhancing oversight of the procedures and mechanisms for enforcing judicial rulings.</li> <li>- Concluding bilateral agreements and conventions in the field of judicial cooperation.</li> <li>- Making necessary amendments on some laws relevant to the enforcement of foreign rulings.</li> <li>- Adopting a law on Judicial cooperation.</li> </ul>
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<p><b>Policy Justification</b></p>	<ul style="list-style-type: none"> <li>- Enhancing the governmental bodies and institution’s adherence to enforcing judicial rulings.</li> <li>- Organizing awareness campaigns for governmental bodies about enforcement of judicial rulings.</li> <li>- Reviewing the Criminal Jurisdiction Protocol, which is attached to the Oslo Accords due to the change of the political circumstances; this requires the activation of the role of the Ministry of Justice in the Joint Palestinian-Israeli Security Committee.</li> <li>- The big load of forwarded and received cases at the enforcement departments.</li> <li>- Shortage of human resources, and limited resources available for the departments.</li> <li>- Insufficient bylaws, and failure to bridge the gaps.</li> <li>- Failure of the institutions of the Justice Sector and the Police to perform their duties concerning the enforcement of judicial rulings.</li> <li>- The number of complaints received concerning the delay in enforcing judicial rulings.</li> <li>- Difficulty to enforce rulings in Areas “B” and “C”.</li> <li>- Relevant bodies’ weak oversight of judicial rulings enforcement and weak follow up on them.</li> <li>- Shortage of legislations and agreements, and the bureaucracy of administrative procedures that regulate the enforcement of judicial rulings.</li> <li>- Phenomenon of the lack of adherence of the governmental bodies and institutions that provide public service to enforcing judicial rulings.</li> </ul>
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<p><b>Scope of the policy</b></p>	<p>Check the relevant policy general framework</p>
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- Extending the Palestinian control over the land of the state and its resources and developing them.
- Completing the institutional building of the state, and developing its efficiency and capabilities in providing quality services.
- Restructuring an efficient democratic political system, and enhancing the social peace which is based on respecting human rights.
- Enhancing the independence of the national economy, and activating the Palestinian Private Sector.

- Combating poverty and unemployment, and enhancing social justice.
- Promoting the presence of the State of Palestine (official and unofficial) on the Arab, regional, and International levels.

<b>The implications of the Policy</b>	<ul style="list-style-type: none"> <li>- Reinforcement of the public’s confidence in the Judicial system and the Palestinian Justice System.</li> <li>- Attainment of social justice, and public and private rights.</li> <li>- Promoting the official and unofficial presence of the State of Palestine on the regional and international levels in the area of judicial rulings enforcement.</li> </ul>
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### Annex B

#### Distribution of Responsibilities

Sector Strategy		Strategic Goal	
<b>Policy</b>			

List the name and the main role of the institution or the institutions inside or outside the government which play a critical role in executing the policy

#### 2. The Governmental Institutions

Institution		Main Role (what is the part that it will implement according to its mandate and tasks?)	Programs (Through which program/programs of budget will they be implemented?)
<b>Main institution</b>	HJC	<ul style="list-style-type: none"> <li>• Amending the bylaw of the enforcement departments.</li> <li>• Developing and rehabilitating the</li> </ul>	

		<p>enforcement departments in different areas.</p> <ul style="list-style-type: none"> <li>• Enhancing oversight and follow up.</li> <li>• Integrating the issue of enforcement within the work committees of the optimum timeline of the lawsuit, and the Model Court program/project.</li> </ul>	
	MoJ	<ul style="list-style-type: none"> <li>• Organizing awareness campaigns on adhering and observing judicial rulings by governmental institutions and the institutions that provide a public service.</li> <li>• Activating the role of the MoJ in the Joint Palestinian-Israeli Security Committee.</li> <li>• Providing Training to the employees of the Justice Sector on judicial rulings enforcement at the Palestinian Judicial Institute.</li> <li>• Concluding bilateral agreements and conventions on enforcement of judicial rulings.</li> <li>• Making the necessary amendments to the legislations related to the enforcement of foreign judicial rulings.</li> <li>• Adopting a Palestinian law on</li> </ul>	

		international judicial cooperation.	
	High Sharia' Judicial Council	Proposing a law to form the Sharia' courts while allocating a division for the Sharia' Judiciary. Coordinating with the HJC concerning the enforcement of the visitation orders, which is done currently at the Sharia' courts.	
<b>Other governmental institution</b>	Judicial Police	<ul style="list-style-type: none"> <li>• Providing premises for the Judicial Police.</li> <li>• Providing staff for the Judicial Police and training it.</li> </ul>	
	Public Prosecution	<ul style="list-style-type: none"> <li>• Activating and rehabilitating the enforcement departments.</li> <li>• Building the capabilities of the Judicial Officers in order to guarantee speedy enforcement of rulings.</li> <li>• Automating the work procedures in the departments and using "Mizan 2" for this purpose.</li> </ul>	



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**Non-governmental Organizations**

<b>Institution</b>	<b>Main Role (what part it will implement)</b>	<b>Required arrangements</b> (what are the required government arrangements and procedures to support and encourage non-governmental organizations to implement this part?)
Local Governance Institutions (municipalities and village councils)		
Local Sector Institutions		
Private Sector Institutions		
International Institutions and	Assist national institutions in the	

Organizations	exchange of experiences and work to implement programs designed in this field	
Other (specify)		

**Annex (A)**

**Policies' Summary form**

<b>Sector</b>	Justice Sector 2011 - 2013
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<b>Strategic Objective:</b>	Guarantee Human Rights, Freedoms and Rule of Law
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<b>Policy:</b>	Facilitate access to justice sector services
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<b>The situation in the period between 2011 and 2013:</b>	This policy was associated with the policy "to facilitate citizens' access to justice services and upgrading it" contained within the strategic objective "to ensure respect for the protection of human rights, fundamental freedoms and the rule of law" in the sectoral
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Strategic Plan of 2011-2013. We have monitored a number of achievements regarding this policy. We set up a special unit to receive and follow up on complaints from citizens, which currently works effectively in coordination with the competent departments in the High Judicial Council. As for the development of services provided to the public, all court registers have been rehabilitated and provided with electronic queuing systems, as well as the automation of some services for citizens and lawyers through the website of the judicial authority and others.

As for the dissemination of legal information, a link was created with Al-Muqtafi program in collaboration with the University of Birzeit. All available legal information have been published, in addition to the completion of printing all the decisions of the cassation and High justice courts, and published periodically annually.

As regarding the services provided by the Ministry of Justice, the Ministry has opened a new office in Tubas and the Jordan Valley. Also, the ministry has inaugurated and developed services center for the public with regard to licensing arbitrators and translators, and the approval of licensed associations. The ministry also organized the relationship with the High Judicial Council, embassies and representative offices with respect to the mechanism of notifying judicial warnings and enforcing foreign judicial judgments. In addition, the human rights and complaints unit has been developed and empowered, and all the branches of the Ministry of Justice have been linked to a unified electronic network, and the program of managing and archiving electronic files "Dimas" has been developed. This system enabled the ministry to automate its services. Clinics of forensic medicine have been established at An-Najah and Al-Quds universities. In addition to the clinic in the ministry's headquarters in Ramallah. The team working on forensic medicine has been provided with a range of training courses.

**Policy Proposed  
Orientation:**

Expand the range of providing services related to sharia judiciary, regular judiciary and military judiciary by establishing courts at the main population centers, military prosecution headquarters and military judiciary panel, and improving the services of court registers in line with the needs of both sexes, people with special needs and the children.

Develop IT infrastructure to automate and computerize work electronically and provide more effective services.

Open new branches for Ministry of Justice services in districts, and develop the forensic medicine center in Ramallah. In addition to opening legal clinics at Ministry of Justice headquarters in other districts, and develop the qualifications of forensic medicine staff and provide them with specialized staff that takes into consideration the needs of both sexes, people with special needs and the children. Institutionalize legal assistance, and provide legal assistance to different categories, especially the marginalized and the venerable.

Develop mechanisms to submit and follow up complaints, and develop mechanisms for electronic complaints and opening them before the public.

Intensify and develop the follow up of incoming complaints regarding sharia litigation systems.

Define time periods for the process of litigation, especially in military judiciary.

Facilitate the ability of lawyers to obtain information about cases.

Develop and enable electronic linkage between Justice Sector institutions.

Update and develop procedures of providing legal services to respond to the needs of citizens of both sexes and people with special needs.

Develop the services of judicial record to become available abroad.

	<p>Establish just procedures for investigation and legal representation in all cases, taking into account the special nature of cases of violence against children and women.</p> <p>Mandate judges and prosecutors specialized in investigation and litigation of cases of violence against women and children along the lines of what has been achieved at police (Family and Childhood Protection Unit).</p> <p>Create a strategy for area (B, C &amp; Jerusalem) in line with the government's official orientation.</p> <p>Work to approve the new notary law.</p> <p>Work to approve the law of experts</p>
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<b>Policy Justification:</b>	<p>This policy responds directly and precisely to the needs of the Palestinian society, and its need in many instances to obtain judicial services. Therefore, it responds specifically to the needs of the marginalized and the unprivileged categories in the society, and addresses the needs of marginalized areas and areas classified as area C, refugee camps and Palestinian areas located under Israeli security control. Therefore, the Policy Justification can be summarized as follows:</p> <p>Facilitate access to judicial services by everyone anywhere.</p> <p>The need of marginalized categories to access justice.</p> <p>Weak integration of awareness efforts between official and civil institutions and inability to share information easily between them.</p> <p>Increasing community violence.</p> <p>Judicial burden and weakness of mechanisms implementing judicial rulings.</p>
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	Areas C and social problems there (alternative judiciary).
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Policy Scope	Tick the relevant general policy
*	Spread Palestinian control on state land and resources and developing it
*	Complete state institutional building and upgrade its effectiveness and abilities in providing high quality services
*	Rebuild an effective democratic policy system and strengthen community peace built on respect for human rights
*	Strengthen the independent national economy and activate the Palestinian private sector
	Combat poverty and unemployment and strengthen social justice
	Strengthen the presence of the State of Palestine (official and unofficial) at the Arab, regional and international levels

<b>Policy impact :</b>	<p>Contribute to strengthening rule of law.</p> <p>Limit resort to violence.</p> <p>Enhance trust in state institutions.</p> <p>Enhance community partnership in drafting structural frameworks that respond to needs.</p> <p>Support the marginalized and unfortunate categories.</p> <p>Strengthen the sovereignty of state institutions on its territories.</p>
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	<p>Improve litigation and provide safe access to judicial institutions at costs that suit the income of individuals.</p> <p>Raise legal awareness.</p> <p>Restore balance in the power relations between the different community components.</p>
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<b>Annex (B)</b>
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**Distribution of Responsibilities**

<b>Sectoral Strategy</b>	Justice and Rule of Law Sector	<b>Strategic Objective</b>	Guarantee Human Rights, Freedoms and Rule of Law
<b>Policy</b>	Ensure that citizens obtain judicial services		

Mention the name and the main role of the institution or institutions from inside or outside the government that assume a major role in policy implementation

**3. Government Institutions**

<b>Institution</b>		<b>Main Role</b>	<b>Programs</b>
		(What is the part that it will implement according to powers and tasks assigned to it?)	(Through which budget program/programs implementation will take place?)
<b>Main Institution</b>	<u>High Judicial Council</u> <u>Military Judiciary</u> <u>Ministry of Justice</u> <u>Sharia Judiciary</u>	<p>A.</p> <p>B. Develop the services of court registers</p> <p>2) A. Build headquarters for military judiciary</p> <p>B. Improve electronic linkage.</p> <p>3) A. Open new branches for the Ministry of Justice <u>and build and rehabilitate court houses.</u></p> <p>B. Develop forensic medicine.</p> <p>C. The development of judicial information.</p> <p>D. Strengthen general consultations in regulatory frameworks.</p> <p>E. The development and</p>	



		<p>institutionalization of complaints.</p> <p>F. Institutionalize legal assistance and provide legal aid.</p> <p>G. Develop and enable legal linkage with Justice Sector institutions.</p> <p>H. Approve the laws of experts and notary.</p> <p>I. Develop electronic judicial services.</p> <p>J. Sign memoranda of understanding with embassies and consulates regarding the implementation of judicial warnings.</p> <p>K. Bilateral agreements in the field of judicial cooperation.</p> <p>L. Work to accomplish a manual and a standardised form for complaints.</p>	
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		<p>4) Develop and build haria courts.</p> <p>2. Enhance the ability to follow up complaints.</p>	
<b>Other Government Institutions</b>			

#### 4. Non-governmental Organizations

<b>Institution</b>	<b>Main Role (what is the part it will implement)</b>	<b>Required arrangements (What are the required government arrangements and procedures to support and encourage non-governmental organizations to implement this part?)</b>
<u>Private sector</u>	<p>1. Contribute to establishing a national legal information center</p> <p>2. Contribute to improving the reality of legal assistance</p>	
<b>Local Sector Institutions</b>		

**Annex (A)****Policies' Summary Form**

<b>Sector</b>	Justice Sector 2014 - 2016
<b>Strategic Objective:</b>	Guarantee Human Rights, Freedoms and Rule of Law
<b>Policy:</b>	Promote partnership with the civil society in the field of human rights
<b>The situation in the period between 2011 and 2013:</b>	<p>This policy represents an extension of a policy ‘to strengthen links with the civil society and media’ within the first objective ‘promoting human rights, basic freedoms and rule of law.’ The policy focused on two interventions. They are the preparation of joint human rights reports with the civil society, and the formation of consultative human rights councils with civil society institutions.</p> <p>Generally, work on the implementation of these interventions was not effective. Justice Sector institutions continued to work on building its capacities, which had priority during 2011-2013, and there was no effective communication with civil society institutions before the end of 2013. Public Prosecution communicated with the Women’s Center for Legal and Social Guidance and Sawa Institution who is active in the field of violence cases against children and women, in addition to a group of trainers working in civil society institutions in fields of gender and juvenile justice. Work has been done to hold a</p>

number of meetings and training courses. The High Judicial Council has communicated with civil society institutions regarding the Council's strategic and executive plan. There has been also a discussion with Aman of the Council's administrative and financial system as a consultation to develop the system. In addition to discussing the development of the complaints office with Aman. The Council also held a number of round table meetings with civil society institutions on the development of litigation services in Palestine and taking into consideration the nature of women and children in this regard.

The Ministry of Justice has communicated with the civil society during 2011 and 2013 through the Consultative Council, meetings with (Bengo) and the Council of Human Rights Organizations. A technical document was prepared to integrate human rights in national development plans, in the framework of the Legislation Committee that included the participation of a number of civil society institutions like the Women's Center for Legal Guidance and the Forum of Local Organizations. These organizations participated in discussing a number of draft laws like the family protection law against violence, the national referral system for victimized women and juvenile protection law. The strategy of juvenile justice and gender for the Justice Sector was also drafted in cooperation with civil society institutions. National teams have been formed to prepare the draft Palestinian penal code and the draft law of legal assistance fund. Regarding provisions in the previous strategy, a small part was implemented in the field of joint reports. The High Judicial Council communicated with Musawa following the 'Legal Observatory' report that was issued by Musawa in 2012. It was agreed with Musawa to work jointly on issuing the 'Legal Observatory' report of Musawa. The Council looks at the method used to issue the report, cooperates in the field of drafting a questionnaire and specifying

	<p>samples in order to collect information to issue the Observatory report of 2014. It was agreed to continue this cooperation as part of an approved policy at more than one level. A report was accomplished on the extent of public's satisfaction with the services of the Justice Sector and tribal judiciary.</p> <p>The Consultative Council for Judicial Policies have been formed at the Ministry of Justice. Civil society institutions participating in the preparation of 2014-2016 strategy see these councils as an important step that must be implemented to guarantee the achievement of comprehensive justice and enhance the relationship between the civil society and justice institutions, especially if they were formed of representatives who have powers and it was agreed on clear work mechanisms for it.</p>
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<p><b>Policy Proposed Orientation:</b></p>	<p>Establish Joint Consultative Council: After the preparation of the strategic plan, work starts to discuss the requirements for the success of its implementation, translate it into executive plans, distribute tasks according to agreed standards and activate positive communication regarding the comprehensive role of the civil society institutions, especially in the field of human rights, gender and juvenile justice.</p> <p>Seek to approve the draft law on the right to access information.</p> <p>Consensus on legislative priorities and ensure control of the use of Article 43 of the Basic Law according to priority and urgent need.</p> <p>Cooperation in the field of raising the level of public awareness in the Palestinian society about the importance of the rule of law to respond to human rights and basic freedoms.</p> <p>Partnership in the adoption and development of civil society initiatives concerning</p>
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	the Justice Sector and work to enhance it and make it work.
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<b>Policy Justification:</b>	<p>Raising the awareness of the different categories of the society about their rights and legal methods to guarantee these rights will enhance their trust in their ability to access justice.</p> <p>Acknowledge the fact of state institutions' inability to meet all citizens' needs, and the necessity to work jointly with civil society institutions to bridge the gap in the strategy implementation.</p> <p>The existence of shortages in building the judicial system, which makes the supervision of civil society institutions a necessity to maintain work balance and comprehensiveness.</p> <p>Enhance public trust in the performance of national institutions in its official and civil parts</p>
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<b>Policy Area</b>	Tick the relevant general policy
*	Spread Palestinian control over the state's land and resources and develop it.
*	Complete state's institutional building and raise its effectiveness and abilities to provide high quality services.
*	Reconstruct the effective democratic political system and enhance civil peace built on respect of human rights.

*	Enhance the independent national economy and activate the Palestinian private sector.
*	Combat poverty and unemployment and enhance social justice.
*	Enhance State of Palestine (official and non-official) presence at the Arab, regional and international levels.

<b>Policy Impact:</b>	<p>Achieve social stability, limit the phenomenon of taking the law into one's hands and provide guarantee for citizens to access their rights justly and fairly.</p> <p>Many categories in the society will benefit from this intervention.</p> <p>Executive government departments, including municipal and local councils, will benefit from this policy. It will provide guarantees to resolve conflicts that belong to the state impartially and in a controlled way.</p> <p>Enhance development based on human rights methodology as a basis for sustained national development of the state of Palestine.</p> <p>It also affects the enhancement of the economy in regard to notifying business and capital owners that the legal environment secures their rights and provide them with legal security. Therefore, this will encourage investment and development.</p>
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<b>Annex (B)</b>
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**Distribution of Responsibilities**

<b>Sectoral Strategy</b>		<b>Strategic Objective</b>	
<b>Policy</b>			

Mention name or main role of institution or institutions inside or outside the government that plays a major role in implementing policy

### Government Institutions

<b>Institution</b>		<b>Main Role</b> (what is the part that it will implement according to powers and tasks assigned to it?)	<b>Programs</b> (through which budget program/programs implementation will take place?)
<b>Main Institution</b>	High Judicial Council	<p>Create an executive plan in partnership with civil society institutions to implement the Sector's Strategic Plan.</p> <p>Exchange the draft periodic reports for consultation.</p> <p>Communicate with civil society institutions according to its specialization to reach</p>	



		<p>understanding about joint reports.</p> <p>Secure a framework that guarantees free and easy access of information. In addition to publishing periodic reports in a way that facilitates accessing them or directly send them to relevant civil society institutions.</p> <p>Cooperation (exchange information and experiences) between judges, prosecutors, staff of Justice Sector institutions and experts in civil society institutions.</p> <p>Prepare clear terms of reference to respond to memos sent by civil society institutions.</p> <p>Work to define standard operating procedures with civil society institutions on the basis of specialization and experience.</p> <p>Publish periodic reports stating the extent of commitment to implement</p>	
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		the strategic plan and executive plans.	
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	Ministry of Justice	<p>Establish a joint consultative council.</p> <p>Support the draft law on the right to access information.</p> <p>Address relevant parties to form consultative councils and the different committees</p> <p>Work to adopt recommendations from civil work organizations and include them in draft laws.</p> <p>Involve civil work institutions in the sectoral coordination bodies.</p>	
	President Office / Legal Department	<p>Communicate with civil society institutions on legislative priorities and ensure control of the use of Article 43 of the Basic Law according to priority and</p>	

		urgent need.	
<b>Other Government Institutions</b>	Parliamentary Blocs	Activate communication with society on proposed draft laws or proposals related to request for taking action or reverse the action taken contrary to the ruling of law (work with the secretariat until the new legislative council is formed).	
	Legislative Plan at the Council of Ministers	Provide civil society institutions with all proposed draft laws and reach consensus on legislative priorities before they are adopted to ensure that the president is not used much in Article 43 of the Basic Law.	

### **Non-governmental Organizations**

<b>Institution</b>	<b>Main Role (what is the part it will implement)</b>	<b>Required arrangements (what are the required government arrangements and procedures to support and encourage non-</b>

		governmental organizations to implement this part?)
<b>Local governance institutions (municipalities and village councils)</b>		
<b>Local Sector Institutions</b>	<p>Achieve harmony between its strategic plans, Justice Sector plan and the national plan.</p> <p>Take into consideration specialization in performance in regard to focus on the content and results of each institution's work.</p> <p>Activate partnership between each other and with official institutions.</p> <p>Ensure the delivery of information to the public, the right of the public to access information and publish clear, periodic and precise reports about sector performance.</p> <p>Adopt the method of constructive criticism.</p>	

<b>Private Sector Institutions</b>	<p>Abide by laws and implement decisions and judicial rulings.</p> <p>Allocate part of the profits to provide an appropriate justice environment, including infrastructure, and commitment to support effective civil society institutions in the Justice Sector from corporate funds for community responsibilities.</p> <p>Support the initiatives of civil society institutions related to creating a legislative environment appropriate and encouraging for development based on human rights approach.</p> <p>Take into account legislative priority and unity of provisions in laws.</p> <p>Noninterference in the judicial matter to enhance public trust in the judiciary.</p>	
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**Annex (A)****Policies' Summary Form**

<b>Sector</b>	Justice Sector 2014 - 2016
<b>Strategic Objective:</b>	Guarantee Human Rights, Freedoms and Rule of Law
<b>Policy:</b>	Adopt infrastructure and regulations for reception, arrest and detention in accordance with human rights standards and best practices
<b>The situation in the period between 2011 and 2013:</b>	<p>This policy did not exist directly in the previous strategic plan of 2011-2013, but it was worked on within the policy of creating an appropriate environment for litigation and interventions to develop infrastructure for justice facilities.</p> <p>The principle of separation in detention facilities in prosecutions and courts has been developed. Juvenile, women, collective and individual rooms have been established to settle between disputing parties in the same case according to human rights guidelines in regard to arrest and detention facilities.</p> <p>Work has been done to resolve the problem of detention centers that did not have the status of judicial office, especially after granting the preventive security and the general intelligence service the power of judicial office.</p> <p>Nevertheless, there are still detention centers in the West Bank and Gaza Strip that are</p>

	<p>not in line with the provisions of law. In addition to the continued need to develop existing detention centers in line with the increasing number of cases.</p>
<p><b>Policy Proposed Orientation:</b></p>	<p>The preparation of a special reception, arrest and detention system that adopts to instruments, principles, norms and international standards of human rights and the rehabilitation of those in charge of these tasks.</p> <p>Rehabilitate places of detention and reform and rehabilitation centers in line with the standard rules for dealing with inmates.</p> <p>Activate supervision of rehabilitation and reform centers and adopt human rights standards.</p> <p>Provide human rights environment appropriate for inmates according to the international standards of juvenile justice and gender.</p> <p>Amend the law of reform and rehabilitation centers to subordinate detention centers, re-integrate inmates and provide for alternative penalties.</p> <p>Enhance community awareness and present a real image about reform and rehabilitation centers.</p> <p>Form a high national committee for reform and rehabilitation centers.</p>
<p><b>Policy Justification:</b></p>	<p>Reform and rehabilitation centers lack the minimum conditions necessary to perform its tasks, especially in cases of long detention and imprisonment periods due to the weak infrastructure of buildings.</p> <p>Places of detention and reception do not meet the model standards for treatment of inmates.</p>

	Weak rehabilitation and training programs.
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<b>Policy Area</b>	Tick the relevant general policy
	Spread Palestinian control on state land and resources and developing it
	Complete state institutional building and upgrade its effectiveness and abilities in providing high quality services
	Rebuild the effective democratic policy system and strengthen community peace built on respect for human rights
	Strengthen the independent national economy and activate the Palestinian private sector
	Combat poverty and unemployment and strengthen social justice
	Strengthen the presence of the State of Palestine (official and unofficial) at the Arab, regional and international levels

<b>Effects caused by the policy:</b>	<p>Rehabilitate the center in a model way and make it able to modify the conduct of inmates and develop their abilities towards integration in the society effectively and productively.</p> <p>Join international conventions.</p>
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**Annex (B)**

**Distribution of Responsibilities**

<b>Sectoral Strategy</b>	Justice Sector	<b>Strategic Objective</b>	Guarantee Human Rights, Freedoms and Rule of Law
<b>Policy</b>	Make the detention system convenient		

Mention the name and the main role of the institution or institutions from inside or outside the government that assume a major role in policy implementation

**7. Government Institutions**

<b>Institution</b>	<b>Main Role</b>	<b>Programs</b>
	(what is the part that it will implement according to powers and	(through which budget program/programs implementation

		tasks assigned to it?)	will take place?)
<b>Main Institution</b>	Ministry of Justice	Amend the law of reform and rehabilitation centers. Create a special system for reform and rehabilitation centers. Oversight of reform and rehabilitation centers	
<b>Other Government Institutions</b>	Judicial Council		
	Public Prosecution		
	Ministry of Interior		

**Annex (A)**

**Policies' Summary Form**

<b>Sector</b>	Justice Sector Strategy 2014 - 2016
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<b>Strategic Objective:</b>	First Strategic Objective: Guarantee Human Rights, Freedoms and Rule of Law
<b>Policy:</b>	Facilitate access to justice for women, children, marginalized categories and refugee camps
<b>The situation in the period between 2011 and 2013:</b>	<p>There was no particular orientation consistent with the needs of women and children for the services of Justice Sector institutions. Special studies about women and children's access to justice proved that there are numerous obstacles that prevent their access to justice, most importantly the negative cultural inheritance and lack of legal and judicial systems that respond to their cases and the numerous resulting manifestations, most importantly the long litigation measures and lack of legislations, buildings and services that respond to their needs and take into account the confidentiality and privacy of their cases. Hence, there was a need to create a special policy for a strategy on anti-violence against women, and justice between the two sexes that guarantee work for their access to justice. Memorandums of understanding have been signed with the Sector's institutions to ensure the implementation of this.</p> <p>The implementation of some main tasks in those memorandums has started, and also some main points of operational plans related to women's access to justice at public prosecution, Ministry of Justice and forensic medicine. It is worth mentioning here that there are great difficulties in the process of implementation because the strategic plan of the Justice Sector is not included in a policy for this matter.</p>
<b>Policy Proposed</b>	Take necessary procedures at the Justice Sector within its responsibilities and roles in the

<b>Orientation:</b>	<p>cross-sectoral plans to protect women and children against violence.</p> <p>Raise legal awareness about the rights of women and children, and the roles of Justice Sector institutions in this, in partnership with relevant institutions.</p> <p>Enhance legal protection for women and children in Palestinian legislations and oversight over the quality of these legislations to respond to this kind of cases.</p> <p>Complete work on taking necessary measures to allocate judges and prosecutors to review domestic violence cases in line with the nature of these cases and the speed of measures that should be taken towards them, and in line with the draft law of family protection against violence, and in integration with the experience of family protection at police.</p> <p>Develop standardized and systematic mechanisms to provide detailed data statistics about gender and children issues that come to the Justice Sector institutions, in partnership with the relevant institutions.</p> <p>Enhance Palestine's membership of the relevant international conventions and organizations in line with the Palestinian special nature and extending its sovereignty on the Palestinian territories.</p> <p>Enhance the general orientation to form a specialized judiciary.</p> <p>Enable forensic medicine to play its role regarding family issues.</p> <p>Enhance the role of the judicial institute in training all relevant parties and partners on gender issues.</p>
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	Complete the adoption and harmonization of all Palestinian legislations to ensure the protection and facilitation of women and children's access to justice.
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<b>Policy Justification:</b>	Special studies about women and children's access to justice proved that there are numerous obstacles that prevent their access to justice, most importantly the negative cultural inheritance and lack of legal and judicial systems that respond to their cases and the numerous resulting manifestations, most importantly the long litigation measures and lack of legislations, buildings and services that respond to their needs and take into account the confidentiality and privacy of their cases, which led to rise in the rate of violence against women and children, specifically the one related to the so-called honour killing. Hence, there was a need to create a special policy for a Justice Sector strategy that ensures women and children's access to justice in response to what was included in the previously mentioned cross-sectoral strategies and the above mentioned memorandums of understanding.
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<b>Policy Scope</b>	Tick the relevant general policy
*	Spread Palestinian control on state land and resources and developing it
*	Complete state institutional building and upgrade its effectiveness and abilities in providing high quality services
*	Rebuild the effective democratic policy system and enhance community peace built on respect for human

	rights
*	Strengthen the independent national economy and activate the Palestinian private sector
	Combat poverty and unemployment and strengthen social justice
	Enhance the presence of the State of Palestine (official and unofficial) at the Arab, regional and international levels

<b>Effects caused by the policy:</b>	<p>Limit crimes against women and children (domestic crimes).</p> <p>Enhance sustainable development based on human rights approach.</p> <p>Enhance the dignity of male and female citizens.</p> <p>Reduce financial burdens through joint projects between the sector institutions.</p> <p>Enhance the creation of unified policies and work in partnerships with civil, private and Justice Sector institutions.</p> <p>Enhance women and children's access to justice and Justice Sector institutions.</p>
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**Annex (B)**

### Distribution of Responsibilities

<b>Sectoral Strategy</b>	Justice Sector Strategy 2014 - 2016	<b>Strategic Objective</b>	First Strategic Objective: Guarantee Human Rights, Freedoms and Rule of Law
<b>Policy</b>	Facilitate women and children's access to justice		

Mention the name and the main role of the institution or institutions from inside or outside the government that assume a pivotal role in policy implementation

### 8. Government Institutions

<b>Institution</b>		<b>Main Role</b>	<b>Programs</b>
		(what is the part that it will implement according to powers and tasks assigned to it?)	(through which budget program/programs implementation will take place?)
Main Institution	Ministry of Justice	Take necessary measures to ensure the implementation of its responsibilities and roles in cross-sectoral plans to protect women and children against violence.  Create plans to raise legal awareness about rights of women and children and the	Justice and rule of law program

		<p>roles of Justice Sector institutions in this, in partnership with relevant institutions.</p> <p>Complete work in the justice legislation committee for gender, work to review legislations and submit legislative proposals that enhance legal protection for women and children and oversight over the quality of these legislations in a way that responds to this kind of cases. Participate in the creation of plans to implement the necessary measures to allocate judges and prosecutors to review cases of domestic violence in harmony with the special nature of these cases, the speed of actions due towards them, in line with the draft law of family protection against violence, and in</p>	
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		<p>integration with the experience of family protection at police.</p> <p>Work to develop standard and systematic mechanisms to provide detailed data and statistics about gender and children issues that come to the Ministry of Justice.</p>	
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<b>Main Institution</b>	-		
<b>Other Governmental Institutions</b>	<b>Public Prosecution</b>	<ul style="list-style-type: none"> <li>- Developing investigation procedures, fair referral and representation of cases of child and women victims of violence.</li> <li>- Setting plans for implementing steps necessary for allocating specialist prosecutors to consider domestic</li> </ul>	

		<p>violence cases taking into account the privacy of these cases. The procedures of handling these cases should be fast and compliant with the Draft Law for Family Protection against Violence. They should also be in harmony with the experience of the Family Protection Unit of PCP.</p> <ul style="list-style-type: none"><li>- Adopting appropriate measures to ensure implementing its responsibilities and roles in the cross-sector plans for protecting women and children against violence.</li><li>- Setting plans for raising legal awareness of public prosecutors concerning women and children's rights and the role of the Justice Sector institutions</li></ul>	
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		<p>thereto in partnership with the relevant institutions.</p> <ul style="list-style-type: none"> <li>- Participating in the Legislations Committee on Gender, presenting legislative proposals that promote legal protection of women and children and monitoring the quality of these legislations to ensure their responsiveness to such kind of cases.</li> <li>- Developing unified and systematic mechanisms to ensure detailed statistical data about child and gender cases received by the Public Prosecution in partnership with the relevant institutions.</li> </ul>	
	<p><b>Judicial Council (Regular and Sharia’)</b></p>	<ul style="list-style-type: none"> <li>- Commitment to adopting the necessary steps to appoint specialist judges to</li> </ul>	

		<p>consider domestic violence cases. The procedures of handling these cases should be fast and compliant with the Draft Law for Family Protection against Violence. They should also be in harmony with the experience of the Family Protection Unit of PCP.</p> <ul style="list-style-type: none"><li>- Adopting necessary steps to ensure fulfillment of its responsibilities and roles in Cross-Sector Plans aimed at protecting women and children against violence.</li><li>- Setting programs for raising judges' legal awareness about the rights of women and children and the roles of the Justice Sector institutions in this</li></ul>	
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		<p>regard in partnership with the relevant institutions.</p> <ul style="list-style-type: none"> <li>- Participating in the Legislations Committee on Gender, reviewing these legislations and submitting legislative proposals to ensure legal protection for women and children and monitoring the quality of gender-responsive legislations.</li> <li>- Developing unified and systematic mechanisms to ensure disaggregated data and statistics concerning gender and child-related cases filed to courts. This should be in partnership with the relevant institutions.</li> </ul>	
	<p><b>Ministry of Women's Affairs</b></p>	<ul style="list-style-type: none"> <li>- Monitoring implementation of suggested policies and eliminating all</li> </ul>	

		obstacles and hurdles related to implementation.	
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## Annex A

### Policies Summary Form

<b>Sector</b>	<b>Justice Sector 2014-2016</b>
<b>Strategic Goal</b>	<b>Empowering Justice Sector institutions to perform their roles effectively.</b>
<b>Policy</b>	<b>Ensuring appropriate adjudication environment.</b>
<b>Description of the Situation(2011-2013)</b>	<p>This policy was included into the Strategic Plan of 2011-2013. To achieve the strategic goal of ensuring fair trial, we envisaged to include this policy into the policies of the first strategic goal which focuses on ensuring respect of human rights, freedoms and rule of law because it addresses the substance of the concept of human rights and rule of law.</p> <p><b>Strategy Achievements during 2011-2014:</b></p> <ul style="list-style-type: none"> <li>• Setting up advanced systems: Automated case management system (Al-Meezan 2) was introduced to all courts, particularly conciliation courts (which governorates was it introduced to during 2011-2013)?</li> <li>• Accelerate cases clearance: the process of developing a system to accelerate cases clearance optimally started. A Committee of Judges and Administrators was formed to prepare a flow chart of cases and disaggregate them into definite categories. A sample of each category was examined. Data were collected and analyzed to give an indicator about the average time these cases consumed and to compare that to the perspective of the Committee concerning the appropriate timeline the clearance of these cases requires. A final chart shall be prepared during the next stage to be adopted by the High Judicial Council to identify the cause of delay in case clearance and adopt the appropriate steps to correct that.</li> <li>• <b>Creating Specialist Courts:</b> <ul style="list-style-type: none"> <li>- Specialist judges were selected to provide treatment for juveniles' cases inside the Reform and Rehabilitation Facilities due to the privacy of such cases (2014-2016).</li> <li>- Corruption Crimes Court (CCC): A special panel was established for CCC.</li> <li>- A special panel was established for the Customs Court.</li> <li>- A special panel was established for the Income Tax Appeal Court.</li> </ul> </li> </ul> <p><b>Judges Rehabilitation: Referring to the training section.</b></p>

<p><b>Policy suggested direction</b></p>	<p>Improving trials and adjudication environment in terms of facilities, staff and legal staff. This include:</p> <ul style="list-style-type: none"> <li>• Completing construction and rehabilitation of courthouses.</li> <li>• Developing and implementing Al-Meezan 2 in all courts' departments.</li> <li>• Developing courts' clerks' skills and capacities to speed access to information and data of cases, ensure soundness of evidences and archive cases files.</li> <li>• Developing a special electronic system for Judicial Inspection to promote the capacity of the Department to handle regular inspection activities and complaints submitted to it.</li> <li>• Organizing courts' administrative affairs through reviewing the organizational structure of the High Judicial Council and courts, amending the terms of reference of some departments and creating new departments in compliance with article (47) of the Judicial Authority Law.</li> <li>• Setting up a system for continuing training of the Justice Sector staff through the Palestinian Judicial Institute.</li> <li>• Creating specialist courts or dedicating specialist judges to handle special cases (women, children, workers, etc.) and creating specialist prosecutions.</li> <li>• Training judges in accordance with adopted programs and specialist departments' decisions.</li> <li>• Completing and issuing a list of durations needed for clearing a case.</li> <li>• Completing allocation of special rooms for witnesses.</li> <li>• Implementing Mizan 2 program which has been agreed upon with the High Judicial Council, training IT staff to use it and training judges, military prosecutors and administrators thorough the Palestinian Judicial Institute to use it, as well.</li> <li>• Promoting jurisdictional separation between regular and Sharia' courts.</li> <li>• Modernizing and developing specialized criminal justice facilities (forensic medicine, crime lab and judicial police).</li> </ul>
<p><b>Policy Justification</b></p>	<ol style="list-style-type: none"> <li>1. Non-existence of appropriate justice facilities such as courthouses, courts' rooms and detention facilities.</li> <li>2. Non-existence of crime facilities (crime lab).</li> <li>3. Courts' sessions need to be organized in a manner that ensures appropriate environment.</li> <li>4. Absence of cooperation between the Palestinian Bar Association and universities which is necessary for upgrading the level of legal education in Palestine.</li> <li>5. Non-existence of specialized courts or judges dedicated to handle certain cases (journalists, media personnel, women, and children).</li> </ol>



	<ol style="list-style-type: none"> <li>6. Under-staffed justice facilities.</li> <li>7. Increase in the number of the cases filed to courts annually and time-consuming litigation proceedings lead to large caseload where insufficient time is dedicated to these cases.</li> <li>8. Lack of Military Judiciary facilities.</li> </ol>
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<b>Policy Scope</b>	Tick the relevant policy general framework
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- (\*) Extending Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- (\*) Promoting independent national economy and activating the private sector.
- ( ) Ending poverty and unemployment and promoting social justice.
- ( ) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impact</b>	<p>This policy shall impact all society categories and governmental Justice Sector institutions.</p> <ol style="list-style-type: none"> <li>1. Promoting social stability.</li> <li>2. Promoting the rule of law, culture of human rights and minimizing violence and crime.</li> <li>3. Promoting economic stability and attracting investors.</li> <li>4. Taking advantage from the experience of foreign countries that have evening court system to clear the backlog of pending cases.</li> <li>5. Upgrading acceptance standards at the Judicial Institute. It is implausible to have the minimum age for eligible applicants set at 22 years (fresh university graduates) because field experience is significantly important.</li> <li>6. Rehabilitating lawyers improves the reputation of the profession and that of the Justice Sector in general. It also helps preserve rights in a manner that promotes the Justice Sector institutions.</li> </ol>
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**Annex B**

**Responsibilities distribution:**

<b>Sectorial Strategy</b>	<b>Strategic Goal</b>	
<b>Policy</b>		

Mention the name and role of the governmental or non-governmental institution that has a pivotal role in implementing this policy:

**1. Governmental Institution:**

<b>Institution</b>		<b>Main role</b>	<b>Programs</b>
Main Institution	Ministry of Justice	<ol style="list-style-type: none"> <li>1. Rehabilitating courthouses.</li> <li>2. Adopting a specialized system to rehabilitate the staff of the Justice Sector institutions.</li> <li>3. Training human resources to meet courts' needs.</li> </ol>	
Other governmental institutions.	High Council of Shria Judiciary.		
	Military Judiciary		
	Public Prosecution		
	MoJ		

**Annex A  
Policies Summary Form**

<b>Sector</b>	<b>Justice and Rule of Law Sector 2014-2016</b>
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<b>Strategic Goal</b>	<b>Empowering Justice Sector institutions to fulfill their role effectively.</b>
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<b>Policy:</b>	<b>Developing effective system for legal aid and access to justice.</b>
<b>Description of the situation (2011-2013)</b>	<p>This policy was related to the policy of legal aid institutionalization and access of marginalized categories to justice under the strategic goal which focuses on fair trial guarantees (2011-2013). But, it was not realistic within the time frame set for its implementation, so its implementation was limited to providing legal aid at regular courts. This mechanism encountered several financial difficulties. It covered criminal cases but excluded cases of children and women, as a result. Furthermore, the provision of legal aid was limited to one level of litigation only. Legal aid was provided by a number of Palestinian CBOs before Palestinian courts. These CBOs also provided legal aid alongside the Ministry of Prisoners Affairs to Palestinian prisoners appearing before Israeli courts. But, they weren't regular and lacked identification data.</p>
<b>Policy suggested direction:</b>	<ol style="list-style-type: none"> <li>1. Reviewing and developing legal aid legislations to ensure justice and full access to it by all people.</li> <li>2. Raising sustainable and integrative awareness about legal aid.</li> <li>3. Establishing legal aid fund in accordance with the law to be approved in line with international standards to ensure justice for all.</li> <li>4. Promoting complaints system to cover all cases of all society segments.</li> <li>5. Establishing Advisory Council for Legal Aid.</li> <li>6. Increasing coordination among the different components of the Justice Sector towards a national vision for legal aid.</li> <li>7. Activating judicial representation services to include all litigation levels.</li> <li>8. Monitoring respect and commitment to legal provisions regulating legal aid and its standards.</li> <li>9. Broadening legal aid program to include the different categories of the society (women, children) and all types of courts, particularly Sharia, Customs and Taxes courts.</li> <li>10. Adopting the mechanism of linkage between legal clinics and legal aid programs.</li> <li>11. Taking into consideration financial cost for a long term program.</li> <li>12. Coordinating between the civil society organizations working in the field of legal aid and quasi-governmental organizations such as the Union and ICHR to agree on certain standards to distribute legal aid responsibilities to the institutions, each within the sphere of its jurisdiction to ensure delivery of legal aid for all the categories that need such kind of service.</li> </ol>

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<b>Policy Justification</b>	<p>Improving peoples' capacity to have access to justice, ensure legal services, promote doing justice to all society segments, take into account the economic conditions of the different segments of the society in relation to fair trial guarantees and deepen human rights frameworks, particularly those related to the right of every person to fair trial guarantees.</p> <p>Developing the capacities of the administrative staff through monitoring administrative performance, promoting the culture of the rule of law, further enforcement of the principle of separation of powers, allowing marginalized categories' further access to legal aid, activating professional competitiveness among specialist attorneys in this regard and effecting change in internal regulations to promote good governance.</p>
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<b>Policy Scope</b>	Tick the point relevant to the general policies framework
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- (\*) Extending Palestinian control over the land and resources of the State of Palestine.
- (\* )Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services .
- (\* )Restructuring an effective democratic political system and promoting human rights respect-based civil peace .
- ()Promoting independent national economy and activating the private sector .
- (X )Ending poverty and unemployment and promoting social justice .
- ()Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impact</b>	<p><b>This</b> policy constitutes an advanced step towards imposing the rule of law and abridging the gap between the different categories of the society with respect to access to justice. It also reduces crimes through empowering less fortunate people to have access to the different components of the Justice Sector, promotes good citizenship, and so imposes the sovereignty of the State.</p>
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## Annex B

### Distributing Responsibilities

<b>Sectorial Strategy</b>	<b>Justice Sector</b>	<b>Strategic Goal</b>	<b>Empowering Justice Sector institutions to fulfill their roles effectively.</b>
<b>Policy</b>	Developing an effective system for legal aid and access of marginalized categories to justice.		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

#### 1. Governmental Institutions

<b>Institution</b>		<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?	<b>Programs</b> (which program\ budget programs shall the implementation be conducted through?)
Main Institution	Ministry of Justice High Judicial Council Bar Association	<ul style="list-style-type: none"> <li>• Approval of the Legal Aid Law and the special fund allocated to it. (MoJ)</li> <li>• Providing legal advice for citizens (MoJ).</li> <li>• Contracting attorneys at law to provide legal aid.</li> <li>• Establishing professional coordination department for the attorneys at law who provide legal aid.</li> <li>• Managing legal aid delivery.</li> </ul>	Program of enforcing citizens' Right to Justice Services Enforcement Program.

#### 1. Non-Governmental Institutions:

<b>Institution</b>	<b>Main role:</b> what part shall it implement?	<b>Requirements</b> (what governmental requirements and procedures are required to support and encourage non-governmental institutions to implement this part?)
<b>Local Government Authorities (Municipalities, Local Councils)</b>	Establishing databases about the poor categories that need legal aid. Facilitating peoples' access to legal aid through awareness raising and legal aid channels.	
<b>Private sector institutions</b>	Encouraging attorneys and law firms to contribute to the legal aid program through providing legal aid free of duty or reducing defense fees. Coordinating with legal firms regarding legal aid. Supporting the National Fund for Legal Aid. Contributing to drawing relevant national policies.	

## Annex A

### Policies Summary Form

<b>Sector</b>	<b>Justice Sector</b>
<b>Strategic Goal</b>	Empowering Justice Sector institutions to fulfill their role effectively.
<b>Policy :</b>	Promoting and developing alternative dispute resolution methods.
<b>Description of the situation (2011-2013)</b>	<p>This policy was implicitly referred to in the second Strategic Goal relevant to fair trial guarantees under the Sectorial Strategy of (2011-2013). The implementation of this policy included training a number of arbitrators by the Ministry of Justice, establishing the Palestinian Arbitration Room in cooperation with the Italian Ministry of Foreign Affairs, holding workshops to discuss the legal framework regulating the alternative mechanisms, raising awareness about the importance of alternative dispute resolution mechanisms and the support they harness to the Palestinian justice system. A number of MoUs were also signed in this respect.</p> <p>Accordingly, the Minister of Justice issued instructions concerning the mechanisms of recruiting arbitrators. Preparation of Amended Draft Arbitration Law has started in partnership with the relevant authorities.</p>
<b>Policy suggested direction</b>	<p>Institutionalizing alternative dispute resolution mechanisms, improving Palestinian arbitrators' capacities, institutionalizing mediation process, lobbying to adopt the Law of Mediation, amending the Law of Arbitration and improving integration among formal, informal and private institutions to improve alternative dispute resolution interventions.</p> <p>This policy constitutes a solid ground for the authority in charge of encouraging trade and investment in Palestine since arbitration plays a vital role with respect to the relationship among commercial companies. It helps develop and institutionalize investment in Palestine, too.</p> <p>Empowering and rehabilitating arbitrators to handle arbitration procedures and amendment of its regulations. Empowering the staff working in the sphere of alternative dispute resolution to serve the Justice Sector and empowering the staff of the Ministry of Justice and the staff of the Justice Sector in general.</p> <p>The Ministry of Justice endeavors to regulate alternative dispute resolution.</p> <p>Institutionalizing the mediation process, including mediation in family cases.</p>



<b>Policy Justification</b>	<ol style="list-style-type: none"> <li>1. Reducing courts' backlog.</li> <li>2. Facilitating and accelerating settlement of civil and trade disputes.</li> <li>3. Facilitating alternative adjudication process.</li> <li>4. Encouraging investment in Palestine.</li> <li>5. Setting up central automated database of alternative dispute resolution mechanisms for all Justice Sector pillars.</li> </ol>
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<b>Policy Scope</b>	Tick the relevant general policies framework
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- (\*) Extending the Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- (\*) Promoting independent national economy and activating the private sector.
- () Ending poverty and unemployment and promoting social justice.
- (\*) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy impacts</b>	This policy contributes to increasing coordination, partnership and integrity among the institutions of the Justice Sector, improve access to justice, respond to contemporary needs of commercial transactions, facilitating economic transactions and ensuring safe investment environment.
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**Annex B**

**Responsibilities Distribution**

<b>Sectorial Strategy</b>	Justice and Rule of Law Sector	Strategic Goal	Empowering Justice Sector institutions to fulfill their role effectively
<b>Policy</b>	Developing and promoting alternative dispute resolution.		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

**1. Governmental Institutions**

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?		<b>Programs</b> (which program\ budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	<b>MoJ</b>	Preparing Draft Mediation Law.  Developing arbitrators and mediators' action mechanisms.	
	<b>Private Sector</b>	Amending the Law of Arbitration.  Improving the structural framework regulating ADR.  Developing arbitrators and mediators' capacities.  Leading the process of raising awareness about ADR.	

		<p>Leading the process of raising awareness of commercial companies and establishments, investors and other stakeholders about ADR.</p> <p>Creating safe investment environment for any entity resorting to ADR.</p>	
<b>Other Governmental Institutions</b>	<b>CBOs</b>	Training and developing arbitrators and mediators' capacities to participate in drafting relevant laws.	
	<b>Educational Institutions</b>	Improving educational structure for the entity responsible for deepening understanding of ADR and setting relevant specializations.	

**Annex A**

**Policies Summary Form**

<b>Sector</b>	<b>Justice Sector</b>
<b>Strategic Goal</b>	<b>Empowering Justice Sector institutions to fulfill their role effectively.</b>
<b>Policy</b>	<b>Promoting the levels of monitoring, accountability and transparency.</b>

<b>Description of the situation (2011-2013)</b>	<p>This policy was included into different levels of the Strategic Plan of 2011-2013, but was not listed into the general policies of the Sector in a manner that ensures achievement of the objective related to accountability and transparency towards achieving the goal of ensuring fair trial guarantees. We envisaged inclusion of this policy into the policies of the first Strategic Goal which focuses on ensuring human rights, freedoms and the rule of law since it addresses the substance of the concept of human rights and the rule of law. Quality Monitoring Departments were created at courts and at the High Judicial Council. Efforts were also made to broaden the scope of judicial inspection to include judges and prosecutors. This was in parallel line with developing a special vision to reconsider erroneous courts' practices through receiving citizens' complaints with regard to litigation services. This could be achieved through establishing a special Complaints Unit at the High Judicial Council and regular cooperation with the Administrative and Financial Audit Bureau to ensure quality of administrative and financial performance. It was noticed that non-governmental organizations monitoring over Justice Sector performance was irregular and seasonal. The Ministry of Justice also exercised its monitoring role over the performance of the Justice Sector institutions, but it was seasonal. This hasn't resulted in an objective monitoring mechanism that would upgrade the performance of the Justice Sector or respond to citizens' needs and aspirations.</p>
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<b>Policy suggested direction</b>	<p>Activating and developing monitoring and inspection mechanisms of regular and Sharia' judiciary, ensuring administrative supervision on regular and Sharia' courts in accordance with the law, setting up monitoring and evaluation system for the Justice Sector institutions and connecting them together, developing monitoring, inspection and accountability in the Public Prosecution and High Judicial Council on the judicial and administrative levels in compliance with the principles of human rights and international conventions on the rights of children, women and PWDs, monitoring the violations of human rights and pursuing their perpetrators, particularly law enforcement officers and adopting follow up mechanisms. National and international human rights organizations should also monitor detention centres and prisons, community accountability should be activated and information sharing systems should be put in place.</p> <p>A unified national report on human rights situation in Palestine should be issued by the relevant authorities.</p>
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<b>Policy Justification</b>	This policy responds to the determinants of increasing and developing monitoring over law enforcement officers and relevant institutions. This aims to upgrade individual and collective rights in the Palestinian society and deepen the concept of equality before the law. This increases the confidence of the private sector in adjudication mechanisms that achieve justice and equality.
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Policy Scope	Tick the general policies framework
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- (\*) Extending Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services .
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace .
- (\*) Promoting independent national economy and activating the private sector .
- ( ) Ending poverty and unemployment and promoting social justice .
- ( ) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impacts</b>	Promoting citizens' trust in the judiciary and justice institutions, adopting the standards of transparency, accountability and monitoring over the judiciary and law enforcement bodies. This influences the weight and implementation of courts' rulings, promotes the rule of the law, minimizes crime rates, consolidates the relationship among Justice Sector institutions and promotes institutions performance evaluation.
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## Annex B

### Responsibilities Distribution:

<b>Sectorial Strategy</b>	<b>Justice Sector</b>	<b>Strategic Goal</b>	<b>Empowering the institutions of the Justice Sector to fulfill their role effectively.</b>
<b>Policy</b>	<b>Promoting the different levels of monitoring, accountability and transparency.</b>		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

#### 1. Governmental Institutions

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?		<b>Programs</b> (which program\ budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	<b>Ministry of Justice</b>	Setting up a system for follow up, evaluation and monitoring Activating monitoring and inspection on the Reformation and Rehabilitation Centers. Activating administrative supervision on courts. Developing the mechanisms of filing disciplinary actions against judges, public prosecutors and the employees of the Justice Sector who are subjected to the Civil Service	

		Law.	
<b>High Judicial Council</b>		Activating monitoring over the performance of the judiciary and public prosecution, activating the sanctions system regarding regular contraventions.	
<b>Other Governmental Institutions</b>	Public Prosecution	Executing judicial rulings.	
	Ministry of Interior	Disciplinary accountability regarding human rights violations. Improving judicial rulings implementation. Emphasizing the ultimate value of human rights.	
	ICHR	Monitoring human rights situation, particularly in the detention centers. Monitoring trials to ensure commitment to fair trial guarantees. Providing legal aid for some citizens.	

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## Annex A

### Policies Summary Form

<b>Sector</b>	<b>Justice Sector 2014-2016</b>
<b>Strategic Goal</b>	<b>Empowering the institutions of the Justice Sector to fulfill their roles effectively.</b>
<b>Policy</b>	<b>Promoting the capacities of the staff of the Justice Sector institutions.</b>

<b>Description of the situation (2011-2013)</b>	This policy was being considered as one of the "interventions" of the Strategic Plan (2011-2013). A number of programs were implemented for the purpose of accomplishing it. These programs include: Diploma in Legal Skills; management program for the staff of the Justice Sector, managerial skills for medium administration and miscellaneous training courses.
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<b>Policy suggested direction</b>	Institutionalizing cooperation among the institutions of the Justice Sector to upgrade the capacities of their staff , unifying training channels and centralizing them in the Judicial Institute, exerting more effort to upgrade the capacities of the staff of this sector taking into consideration their different specializations, creating homogeneous culture among the staff of the Justice Sector institutions and unifying the levels of participatory thinking for the authority in charge of improving the outputs of the Justice Sector and the services it provides for citizens in addition to facilitating citizens' access to justice.
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<b>Policy Justification</b>	<p>The continuing need for administrative and legal education (Legal and Administrative Skills Diploma); upgrading the level of legal education and practice taking into account the needs of specialized judiciary (family judiciary and anti-economic crimes judiciary); implementing best human resources practice in conformity with international justice standards. This could be achieved through adopting advanced experiences in this regard; upgrading gender justice and child justice; intensifying building and developing the capacities related to combating organized and electronic crime.</p> <p>Unifying training levels, eliminating any duplication in regard to capacity building, rationalizing government's spending in this respect.</p> <p>Optimizing the use of internal skills in building and developing the capacity of the authority in charge of reducing dependence on suppliers.</p>
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Policy Scope	Tick the general policies framework
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- ( ) Extending Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- (\*) Promoting independent national economy and activating the private sector.
- ( ) Ending poverty and unemployment and promoting social justice.
- ( ) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impacts</b>	This policy contributes to increasing coordination, partnership and integrity among the institutions of the Justice Sector to upgrade the capacities of the staff of the Justice Sector. It also contributes to embodying the fact that the Judicial Training Institute is the basic training entity of the Justice Sector, rationalizing spending, minimizing duplication of training courses and overlap in the performance of the Sector's institutions.
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## Annex B

### Responsibilities Distribution:

<b>Sectorial Strategy</b>	<b>Justice and the Rule of Law Sector</b>	<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Promoting the capacities of the staff of the Justice Sector institutions.		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

#### 1. Governmental Institutions

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?		<b>Programs</b> (which program\ budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	Ministry of Justice	Developing the capacities of the Justice Sector institutions staff. Institutionalizing training in the Judicial Institute. Assessing the training needs of the staff of the Justice Sector institutions. Preparing continuing education program for the staff of the Justice Sector.	

## Annex A

### Policies Summary Form

<b>Sector</b>	<b>Justice Sector</b>
<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy:</b>	Developing work environment

<b>Description of the Situation (2011-2013)</b>	<p>This policy was included into the Justice Sector Plan of 2011-2013 under the third Strategic Goal which focuses on supporting and empowering the institutions of the Justice Sector. Training courses and workshops were implemented during that period to develop the experience of the Justice Sector staff. Several programs and systems were also suggested including: administrative and financial system; developing case file management program; developing the departments of the High Judicial Council and the offices and courthouses in the different governorates.</p> <p>The Military Judiciary Authority has upgraded the competence of its staff through training judges of military courts and members of the military prosecution. It also improved its administrative staff's computer skills. Additionally, the Ministry of Justice accomplished rehabilitation of the Forensic Medical Center and the Judicial Registrar Center in its premises. It also established a center for justice information, developed the Judicial Training Institute in Ramallah and opened branch offices in a number of governorates in the West Bank.</p> <p>Automated information system was accomplished in the Justice Sector institutions. Internal administrative information is shared within administrative system allocated for this purpose in the High Judicial Council. Also, a number of courts and courts' departments were rehabilitated and IMS system was developed in the Ministry of Justice. The Office of the Attorney General was built and its IT system was developed, as well. Finally, the premises of the Public Prosecution in different governorates were rehabilitated and a premises for the Public Prosecution of Bethlehem was built.</p>
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<b>Policy suggested direction</b>	<p>Preparing databases of the Justice Sector institutions in conformity with their needs.</p> <p>Forming IT team to improve electronic conference among the institutions of the Justice Sector.</p> <p>Forming a unified team of the Justice Sector for gender and children justice to improve justice services provided for the components of the society.</p> <ul style="list-style-type: none"> <li>• Upgrading the competence of the Justice Sector 's human resources.</li> <li>• Developing financial and administrative systems that contribute to the promotion of monitoring, accountability, independence, development and activation of monitoring and evaluation systems in the justice sector.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Developing the infrastructure of the Justice Sector in conformity with international standards in this respect.</li> </ul>
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<b>Policy Justification</b>	The job environment isn't responsive to work requirements. Human resources of the Justice Sector need to develop their capacities and skills. The administrative and financial systems don't meet work needs. Absence of integration among the databases of the institutions of the Justice Sector. Absence of automatic update of these databases. Duplicity of tasks.
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<b>Policy Scope</b>	Tick the point relevant to the general policies framework
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- Having Palestinian control over the land and resources of the State of Palestine.
- Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- Promoting independent national economy and activating the private sector.
- Ending poverty and unemployment and promoting social justice.
- Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impact</b>	Promoting the rule of law and reducing crime rates. Promoting the confidence of the Justice Sector staff. Promoting public trust in the services provided by the Justice Sector and increasing economic institutions and companies' trust in the judicial, justice and political system. This contributes to increasing the volume of investment in Palestine.
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## Annex A

### Responsibilities Distribution

<b>Sectorial Strategy</b>	<b>Justice Sector</b>	<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Developing work environment		

**Mention the name and main role of the governmental or non-governmental institution\|s that has\| have pivotal role in implementing this policy.**

#### 1. Governmental Institutions

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?	<b>Programs</b> (which program\  budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	<b>Ministry of Justice</b> <ul style="list-style-type: none"> <li>• Developing the infrastructure of the facilities of the Ministry of Justice.</li> <li>• Developing the administrative, financial, organizational structures and codes of conduct.</li> <li>• Eliminating all obstacles to having good quality electronic conference.</li> <li>• Preparing databases that meet work needs.</li> <li>• Developing the capacity of the staff of the Ministry of Justice.</li> </ul>	Promoting criminal justice and the rule of law.
	<b>High Judicial Council</b> <ul style="list-style-type: none"> <li>• Developing the infrastructure of the different courts, departments and units of the High Judicial Council.</li> </ul>	

		<ul style="list-style-type: none"> <li>• Eliminating all obstacles to having good quality electronic conference.</li> <li>• Preparing databases that meet work needs.</li> <li>• Developing the capacity of the staff of the High Judicial Council.</li> </ul>	
	<b>Public Prosecution</b>	<ul style="list-style-type: none"> <li>• Promoting the role of the Public Prosecution on the regional and international levels.</li> <li>• Promoting and developing the role of the different directorates.</li> <li>• Upgrading the competence of its staff.</li> <li>• Improving the infrastructure.</li> </ul>	
	<b>Military Judiciary</b>	<ul style="list-style-type: none"> <li>• Developing the competence of the staff of the Military Judiciary.</li> <li>• Developing work environment.</li> </ul>	
<b>Other Governmental Institutions.</b>	<b>Bar Association</b>	<ul style="list-style-type: none"> <li>• Clarifying the relationship between the Bar Association and the institutions of the Justice Sector on the judicial and legal levels.</li> <li>• Adapting lawyers' rooms at courthouses to facilitate information sharing and ensure fair trial guarantees.</li> <li>• Developing a legal clinic at the Bar Association in relation to the Law of Legal Aid.</li> <li>• Adapting the premises of the Bar Association in accordance with the privacy of its task.</li> </ul>	

### Policies Summary Form

<b>Sector</b>	<b>Justice Sector 2014-2016</b>
<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Promoting the capacities of the staff of the institutions of the Justice Sector.

<b>Description of the Situation (2011-2014)</b>	This policy was considered as one of the "interventions" under the previous Strategic Plan. A number of programs were implemented for the purpose of achieving it: Diploma in Law; Diploma in Management in partnership between the Ministry of Justice and the Institute of Law at Birzeit University. other training courses were also organized but without coordination among relevant institutions in relation to the topic of these courses and the beneficiaries.
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<b>Policy suggested direction</b>	Institutionalizing cooperation among the institutions of the Justice Sector to upgrade the capacities of the staff of the Justice Sector; coordinating awareness raising interventions; raising public awareness of the Justice Sector staff about the privacy of the Sector's function with regard to providing judicial and legal services for citizens.
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<b>Policy Justification</b>	<p><b>Continuing</b> need for legal and administrative learning ( Diploma in Legal and Administrative Skills).</p> <p><b>Upgrading</b> legal education and legal practice taking into account the needs of specialist staffers of the Justice Sector. <b>Implementing</b> human resources best practices in conformity with international standards of social justice. Training the staff of the Justice Sector on the concepts of children and gender justice.</p> <p><b>Upgrading</b> the performance of the sector.</p> <p><b>Upgrading</b> partnership among the institutions of the Justice Sector.</p> <p><b>Coordinating</b> joint cooperation and roles of these institutions and emphasizing performance clarity.</p>
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<b>Policy Scope</b>	Tick the point relevant the general policies framework
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- ( ) Having Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- ( ) Promoting independent national economy and activating the private sector.
- ( ) Ending poverty and unemployment and promoting social justice.
- (\*) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impacts</b>	This policy contributes to increasing coordination, partnership and integrity among the institutions of the Justice Sector, upgrading and promoting the capacities of the staff of the Justice Sector. It also contributes to minimizing overlap in the work of the Justice Sector institutions, create coordinating and integrative bodies and participatory approaches responsive to the needs of the sector.
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## Responsibilities Distribution

<b>Sectorial Strategy</b>	Justice and the Rule of Law Sector	<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Promoting the capacities of the staff of the Justice Sector institutions.		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

### 1. Governmental Institutions

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?		<b>Programs</b> (which program\ budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	Ministry of Justice	Developing the capacities of the members and staff of the Justice Sector.	
<b>Other Governmental Institutions</b>	High Judicial Council	Qualifying specialist trainers in different fields.	
	Public Prosecution	Holding training courses. Institutionalizing training in the institutions of the Justice Sector. Developing training curricula on gender issues.	

## Annex A

### Policy Summary Form

<b>Sector</b>	<b>Justice Sector</b>
<b>Strategic Goal</b>	<b>Empowering the institutions of the Justice Sector to fulfill their role effectively.</b>
<b>Policy</b>	Institutionalizing the Judicial Institute and upgrading legal education.
<b>Description of the Situation (2011-2013).</b>	<p>This policy was included into the Strategic Plan of 2011-2013 as two separate policies under the goal which focuses on supporting, empowering and developing Justice Sector. These steps were implemented under one policy since the Judicial Institute is part of the educational institutions which qualify judges and prosecutors within the judicial diploma program. Hence, its institutionalization needs to be linked with the policy of legal education development in Palestine.</p> <p>The status of the Judicial Institute was promoted during the period of 2011-2013. It was moved to a new location and a number of its rooms were refurbished. Several training courses were held for judges and public prosecutors. The organizational structure of the Judicial Council and a legal researcher was appointed. Higher Education Institutions and Universities weren't part of the previous Strategy, and so they didn't work in line with the strategy to develop legal education in a way that would promote the judicial setting. Legal education still needs to be upgraded through linking its outputs with the needs of the Justice Sector with more emphasis on specialized legal education that covers different areas such as forensic medicine and post BA programs. These programs include judiciary specialized in adjudicating administrative cases, family cases, juveniles cases, intellectual property and economic legislations, etc.</p>
<b>Policy suggested direction</b>	<ul style="list-style-type: none"> <li>• Adopting the Judicial Institute as the sole training entity in the Justice Sector.</li> <li>• Adopting a unified and sustainable judicial training program (Higher Diploma from the Ministry of Education and Higher Education).</li> <li>• Transferring the budgets allocated for judicial training as part of the Justice Sector budgets to the Judicial Institute.</li> <li>• Completing institutionalization of the Judicial Institute.</li> <li>• Promoting integrative relationship with the beneficiary institutions (Judicial Council, Public Prosecution, Sharia' Judiciary, Military Judiciary, Bar Association, Legal Advisors at official institutions).</li> <li>• Promoting the relationships of the Judicial Institute with similar Arab and international training institutions.</li> </ul>

	<ul style="list-style-type: none"> <li>• Contributing to reviewing courses outline of the Faculties of Law at the Palestinian universities and developing legal education to promote judicial programs.</li> <li>• Integrating the Palestinian legislations into the curricula of law at the Palestinian colleges and universities.</li> <li>• Adding some scientific courses for developing legal research skills.</li> <li>• Developing training methods used by teachers in conformity with legal professions (Public Prosecution and the Judiciary).</li> <li>• Advancing acceptance criteria.</li> <li>• Encouraging field training requirements.</li> <li>• Ensuring diploma programs to qualify the administrative staff of the Justice Sector.</li> <li>• Developing scientific research and supporting legal research centres.</li> <li>• Promoting partnership with private legal institutions.</li> </ul>
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<b>Policy Justification</b>	<ul style="list-style-type: none"> <li>• Multiplicity of the institutions that provide judicial training.</li> <li>• Absence of a unified vision for judicial training and judges, public prosecutors and Justice Sector 's staff qualifying programs while the demand for such a vision is increasing in light of the current development plans of the Justice Sector.</li> <li>• Absence of a unified body to communicate regional and international institutions in regard to legal education to ensure relevant institutions' compliance with regional and international standards.</li> <li>• The big gap between theoretical study-based outputs and practice.</li> <li>• Absence of coordinated planning concerning legal education and professional reality in Palestine.</li> </ul>
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<b>Policy Scope</b>	Tick the point relevant the general policies framework
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( ) Having Palestinian control over the land and resources of the State of Palestine.

- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- (\*) Promoting independent national economy and activating the private sector.
- (\*) Ending poverty and unemployment and promoting social justice.
- () Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impacts</b>	<ul style="list-style-type: none"> <li>• Unifying judicial training efforts represented by the Judicial Training Institute.</li> <li>• Empowering the Judicial Institute to qualify judges, prosecutors and Justice Sector 's staff.</li> <li>• Existence of a single judicial training entity capable of communicating regional and international institutions with respect to legal education to ensure Justice Sector staff compliance with regional and international standards and coordination thereof.</li> <li>• Upgrading the competence of the staff of the Justice Sector.</li> <li>• Promoting citizens' trust in the Justice Sector.</li> </ul>
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**Responsibilities Distribution:**

<b>Sectorial Strategy</b>	<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Upgrading the level of legal education.	

**Mention the name and main role of the governmental or non-governmental institution\|s that has\| have pivotal role in implementing this policy.**

**1. Governmental Institutions**

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?		<b>Programs</b> (which program\  budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	<b>Ministry of Justice \  Judicial Institute</b>	<ul style="list-style-type: none"> <li>• Preparing a training system for the Judicial Institute.</li> <li>• Preparing training programs.</li> <li>• Developing appropriate environment for the Judicial Institute.</li> <li>• Holding bilateral agreements for covering the financial cost of the training programs conducted by the Institute.</li> </ul>	
	<b>Judicial Council</b>	•	
	<b>Public Prosecution</b>	•	
	<b>Ministry of Education</b>	•	



## Annex A

### Policies Summary Form

<b>Sector : Justice Sector</b>	Justice Sector 2014-2016
<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Developing a national legal, updated and stable system that takes into account the needs of all society categories.

Description of the Situation (2011-2013)	<p>This policy was included into the previous Strategic Plan under the Strategic Goal of "unifying, updating and developing legislations", under the title of "establishing a national, updated, consistent and stable legal system. There were attempts to accomplish this policy despite disruption of the legislative authority "PLC".</p> <p>The coup d'état in the Gaza Strip and its consequences on the legislative system, particularly the legislations issued in relation to the Justice Sector rendered the legislative system in continuing need for development. These needs should be fulfilled during the period of the Strategic Plan of the Justice Sector of 2014-2016. The following laws and legislations should be issued or amended: contemporary Palestinian Penal Law responsive to the new types of crimes; Criminal Procedures Law; Regular Courts Formation Law; Civil and Commercial Courts Proceedings Law; Alimony Fund Law, Mediation Law, Arbitration Law, Experts Law, Notary Public Law, Administrative Courts' Law; Military Judiciary Law; Military Penal Law; Reformation and Rehabilitation Centers Law; Enforcement Law; Fees Law; Juveniles Law; Law on Family Protection against Violence; Legal Aid Fund Law; Sharia' Courts' Legislation; Personal Status Law; Law on the Protection of Witnesses; Protection Centers (Shelters) Regulation; Complaints Regulation and legislations pertinent to the police agency and other security agencies.</p>
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<b>Policy suggested direction</b>	<p>Setting a national plan to follow up the said legislations and laws taking into account the following:</p> <ol style="list-style-type: none"> <li>1. Completing the drafts of the said legislations and preparing proposals for other legislations.</li> <li>2. Identifying the jurisdictions of the military judiciary, regular judiciary and Sharia' judiciary.</li> <li>3. Eliminating weaknesses and ambiguity of the Military Penal Legislations of 1979.</li> <li>4. Unifying legislations and eliminating duplicity regarding implementation in the two parts of the homeland.</li> <li>5. Implementing legislative priorities under the National Strategic Plan for Combating Violence</li> </ol>
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	against Women of 2011-2019.
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<b>Policy Justification</b>	<p>The legal system that governs this sector and regulates its institutions has some gaps and shortcomings:</p> <ol style="list-style-type: none"> <li>1. Reducing crime, achieving stability and civil peace in addition to encouraging the national economic investment.</li> <li>2. Creating a unified and stable legal system that contributes to the embodiment of development rules responsive to human rights.</li> <li>3. Ending disputing over powers and jurisdictions and contributing to monitoring, follow up and accountability.</li> <li>4. The current effective legislations fall short of responding to women and children's rights.</li> <li>5. Promoting the rule of law and eliminating the impact of the cultural legacy in terms of tribal justice.</li> <li>6. Promoting the principle of gender equality and justice.</li> <li>7. Implementing the policies and interventions requested from the Justice Sector institutions under the National Strategic Plan for Eliminating Violence against Women and the Cross-Sector Plan of Gender Justice.</li> <li>8. Implementing the obligations under the MoU signed between the institutions of the Justice Sector and relevant Ministries, particularly the Ministry of Women's Affairs as a requirement for the implementation of other sectorial plans such as the National Plan for Eliminating Violence against Women, Gender Justice Plan.</li> <li>9. The need for an updated legal system that is responsive to contemporary international standards and contributes to the promotion of the presence of the State of Palestine in international panels.</li> </ol>
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Policy Scope	Tick the point relevant to the general policies framework
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(\* ) Extending Palestinian control over the land and resources of the State of Palestine.



- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- (\*) Promoting independent national economy and activating the private sector.
- (\*) Ending poverty and unemployment and promoting social justice.
- (\*) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impact</b>	<ol style="list-style-type: none"> <li>1. Making legal amendments to the Palestinian Justice Sector legal system to ensure civil peace and good investment environment.</li> <li>2. Ensuring protection for all society categories.</li> <li>3. Identifying the jurisdictions of each institution of the Justice Sector and ending dispute over jurisdiction.</li> <li>4. Empowering all categories in the society to have access to the services of the Justice Sector institutions.</li> <li>5. Promoting public trust in the institutions of the Justice Sector.</li> <li>6. Promoting the rule of law and reducing crime rates in the society.</li> <li>7. Unifying legal procedures before military and regular courts.</li> </ol>
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## Annex B

### Responsibilities Distribution

<b>Sectorial Strategy</b>	Justice Sector Strategy 2014-2016.	<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively and respond to social justice standards.
<b>Policy</b>	Developing an updated stable national legal system that takes into account the needs of the different categories of the society.		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

#### 1. Governmental Institutions

<b>Institution</b>	<b>Main role:</b> what part shall it implement according to the powers and tasks entrusted to it?		<b>Programs</b> (which program\ budget programs shall the implementation be conducted through?)
<b>Main Institution</b>	<b>Ministry of Justice</b>	<ul style="list-style-type: none"> <li>• Reviewing and preparing draft legislations relevant to the Justice Sector to put them on the agenda of the Council of Ministers.</li> <li>• Raising awareness about legislations.</li> <li>• Participating in preparing other legislations relevant to the institutions of the Justice Sector.</li> <li>• Developing services to facilitate citizens' access to justice.</li> </ul>	

		<ul style="list-style-type: none"> <li>Contributing to implementing the action plan of the Legislations Committee on Gender (arising from the National Committee on Combating Violence against Women).</li> </ul>	
	<b>ICHR</b>	<p>ICHR is developing the National Legal System through:</p> <ul style="list-style-type: none"> <li>- Reviewing some legislations relevant to the Justice Sector.</li> <li>- Participating in the committees formed to discuss any of the Sector's legislations.</li> <li>- Holding workshops for discussing legislations of the Justice Sector.</li> <li>- Highlighting any violations committed by any of the bodies of the Justice Sector in contravention of international human rights standards.</li> </ul>	

## 2. Non-governmental Institutions:

<b>Institution</b>	<b>Main role (what part shall it implement?)</b>	<b>Requirements (what governmental arrangements are required to support and encourage non-governmental institutions to implement this part?)</b>
<p><b>NGOs and CSOs</b></p> <p>Palestinian Human Rights Council; Civil Society Organizations Coalition to Combat Violence against Women; the Palestinian Network for Children's</p>	<p>Conducting studies to review some legislations relevant to the Justice Sector:</p> <ul style="list-style-type: none"> <li>Participating in committees formed to discuss legislations of the Justice Sector.</li> <li>Holding workshops to discuss legislations of the</li> </ul>	<p>Issuing decisions regarding institutions membership of the committees formed to review the legislations.</p> <p>Setting action plans for specialist committees formed to review the said legislations.</p>

<p>Rights; Penal Code Coalition; Personal Status Coalition.</p>	<p>Justice Sector.</p> <ul style="list-style-type: none"> <li>• Implementing educative and awareness raising and lobbying campaigns to adopt these legislations on the official and public levels.</li> </ul>	
<p><b>Private Sector Institutions:</b></p> <p>Unions and associations: Bar Association; Workers Union and Public Sector Servants Union; The General Union of the Palestinian Women; women's Affairs Committee; Palestinian Association for Psychiatrists and Social Counselors and Association of Banks in Palestine.</p>		

<p><b>International Institutions and Organizations</b></p> <p>High Commissioner of Human Rights.</p> <p>United Nations Development Program of Assistance to the Palestinian People.</p>	<p>=</p> <p>Financing previous activities.</p> <p>Providing relevant advice and experience.</p>	
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## Annex A

### Policies Summary Form

<b>Sector : Justice Sector</b>	<b>Justice Sector: 2014-2016</b>
<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Developing a national updated and stable legal system that takes into account the needs of the different categories in the society.

<b>Description of the Situation 2011-2013.</b>	<p>This policy was included into the previous Plan under the Strategic Goal of "unifying, updating and developing legislations", under the title of "setting a consistent, updated and stable national legal system. Several attempts were made to implement this policy but the absence of the role of the legislative authority affected that".</p> <p>The coup d'état in the Gaza Strip and its consequences on the legislative system, particularly the legislations issued in relation to the Justice Sector rendered the legislative system in continuing need for development. These needs should be fulfilled during the period of the Strategic Plan of the Justice Sector of 2014-2016. The following laws and legislations should be issued or amended: contemporary Palestinian Penal Law responsive to the new types of crimes; Criminal Procedures Law; Regular Courts Formation Law; Civil and Commercial Courts Proceedings Law; Alimony Fund Law, Mediation Law, Arbitration Law, Experts Law, Notary Public Law, Administrative Courts' Law; Military Judiciary Law; Military Penal Law; Reformation and Rehabilitation Centers Law; Enforcement Law; Fees Law; Juveniles Law; Law on Family Protection against Violence; Legal Aid Fund Law; Sharia' Courts' Legislation; Personal Status Law; Law on the Protection of Witnesses; Protection Centers (Shelters) Regulation; Complaints Regulation and legislations pertinent to the police agency and other security agencies. (review this text with the members of the National Team to re-draft this paragraph.</p>
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<b>Policy suggested direction</b>	<p>Setting a national plan to follow up the said legislations and laws taking into account the following:</p> <ol style="list-style-type: none"> <li>1. Completing the drafts of the said legislations and preparing proposals for other legislations.</li> <li>2. Identifying the jurisdictions of the military judiciary, regular judiciary and Sharia' judiciary.</li> <li>3. Eliminating weaknesses and in clarity of the Military Penal Legislations of 1979.</li> <li>4. Unifying legislations and eliminating duplicity regarding implementation in the two parts of the homeland.</li> <li>5. Implementing legislative priorities under the National Strategic Plan for Combating Violence</li> </ol>
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	against Women of 2011-2019.
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<b>Policy Justification</b>	<p>The legal system that governs this sector and regulates its institutions has some gaps and shortcomings:</p> <ol style="list-style-type: none"> <li>1. Reducing crime, achieving stability and civil peace in addition to encouraging the national economic investment.</li> <li>2. Creating a unified and stable legal system that contributes to the embodiment of development rules responsive to human rights.</li> <li>3. Ending jurisdiction-related disputing and contributing to monitoring, follow up and accountability.</li> <li>4. The current effective legislations fall short of responding to women and children's rights.</li> <li>5. Promoting the rule of law and eliminating the impact of the cultural legacy in terms of tribal justice.</li> <li>6. Promoting the principle of gender equality and justice.</li> <li>7. Implementing the policies and interventions requested from the Justice Sector institutions under the National Strategic Plan for Eliminating Violence against Women and the Cross-Sector Plan of Gender Justice.</li> <li>8. Implementing the obligations under the MoU signed between the institutions of the Justice Sector and relevant Ministries, particularly the Ministry of Women's Affairs as a requirement for the implementation other sectorial plans such as the National Plan for Eliminating Violence against Women, Gender Justice Plan.</li> <li>9. The need for an updated legal system that is responsive to contemporary international standards and contributes to the promotion of the presence of the State of Palestine in international panels.</li> </ol>
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<b>Policy Scope</b>	Tick the point relevant to the general policies framework
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- (\*) Extending Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services.
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace.
- (\*) Promoting independent national economy and activating the private sector.
- (\*) Ending poverty and unemployment and promoting social justice.

(\* Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impact</b>	<ol style="list-style-type: none"> <li>1. Making legal amendments to the Palestinian Justice Sector legal system to ensure civil peace and good investment environment.</li> <li>2. Ensuring protection for all society categories.</li> <li>3. Identifying the jurisdictions of each institution of the Justice Sector and ending dispute over jurisdiction.</li> <li>4. Empowering all categories in the society to have access to the services of the Justice Sector institutions.</li> <li>5. Promoting public trust in the institutions of the Justice Sector.</li> <li>6. Promoting the rule of law and reducing crime rates in the society.</li> <li>7. Unifying legal procedures before military and regular courts.</li> </ol>
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### Responsibilities Distribution

<b>Sectorial Strategy</b>	Justice Sector Strategy 2014-2016	<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively and respond to social
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			justice standards.
<b>Policy</b>	Developing a national updated and stable legal system that takes into account the needs of the different categories in the society.		

**Mention the name and main role of the governmental or non-governmental institution\|s that has\| have pivotal role in implementing this policy.**

**1. Governmental Institutions**

<b>Institution</b>	<b>Main role: what part shall it implement according to the powers and tasks entrusted to it?</b>		<b>Programs (which program\  budget programs shall the implementation be conducted through?)</b>
<b>Main Institution</b>	<b>Ministry of Justice</b>	<ul style="list-style-type: none"> <li>• Reviewing and preparing draft legislations relevant to the Justice Sector to put them on the agenda of the Council of Ministers.</li> <li>• Raising awareness about legislations.</li> <li>• Participating in preparing other legislations relevant to the institutions of the Justice Sector.</li> <li>• Developing services to facilitate citizens' access to justice.</li> <li>• Contributing to implementing the action plan of the Legislations Committee on Gender (arising from the National Committee on Combating</li> </ul>	

		Violence against Women).	
	<b>ICHR</b>	<p>ICHR is developing the National Legal System through:</p> <ul style="list-style-type: none"> <li>- Reviewing some legislations relevant to the Justice Sector.</li> <li>- Participating in the committees formed to discuss any of the Sector's legislations.</li> <li>- Holding workshops for discussing legislations of the Justice Sector.</li> <li>- Highlighting any violations committed by any of the bodies of the Justice Sector in contravention of international human rights standards.</li> </ul>	

### 3. Non-governmental Institutions:

<b>Institution</b>	<b>Main role (what part shall it implement?)</b>	<b>Requirements (what governmental arrangements are required to support and encourage non-governmental institutions to implement this part?)</b>
NGOs and CSOs  Palestinian Human Rights Council; Civil Society Organizations Coalition to Combat Violence against	<p>Conducting studies to review some legislations relevant to the Justice Sector:</p> <ul style="list-style-type: none"> <li>• Participating in committees formed to discuss legislations of the Justice Sector.</li> </ul>	<p>Issuing decisions regarding institutions membership of the committees formed to review the legislations.</p> <p>Setting action plans for specialist committees formed to review the said legislations.</p>

<p>Women; the Palestinian Network for Children's Rights; Penal Code Coalition; Personal Status Coalition.</p>	<ul style="list-style-type: none"> <li>• Holding workshops to discuss legislations of the Justice Sector.</li> <li>• Implementing educative and awareness raising and lobbying campaigns to adopt these legislations on the official and public levels.</li> </ul>	
<p>Private Sector Institutions:</p> <p>Unions and associations: Bar Association; Workers Union and Public Sector Servants Union; The General Union of the Palestinian Women; women's Affairs Committee; Palestinian Association for Psychiatrists and Social Counselors and Association of</p>		

Banks in Palestine.		
International Institutions and Organizations High Commissioner of Human Rights. United Nations Development Program of Assistance to the Palestinian People.	= Financing previous activities. Providing relevant advice and experience.	

## Annex A

### Policy Summary Form

<b>Sector</b>	Justice Sector 2014-2016
<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Regulating the relationship between the Justice Sector and the security sector.

<b>Description of the situation (2011-2013).</b>	The previous plan didn't include a policy direction or any programs relevant to this policy. Overlap marked the period of the previous plan but witnessed some progress. This progress is exemplified in the following: The powers of the judicial police were identified, the security sector was asked to enforce courts decisions and action methodology was designed for it. Also, coordination mechanisms between the two sectors (justice and security) were put in place, including the mechanisms included into the National Strategic Plan. Other mechanisms were used to facilitate the operations of the Justice Sector such as activation of the judicial police in Nablus governorate.
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<b>Policy suggested direction</b>	Full clarification of the relationship between the justice and security sectors with a view to achieve full coordination to ensure the rule of law.
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<b>Policy Justification</b>	Achieving integrative relationship between the Justice Sector and security sector to achieve justice, security and civil peace.
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<b>Policy Scope</b>	Tick the point relevant to the general policies framework
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- (\*) Extending Palestinian control over the land and resources of the State of Palestine.
- (\* )Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services .
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace .
- ()Promoting independent national economy and activating the private sector .
- () Ending poverty and unemployment and promoting social justice .
- ()Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy impacts</b>	Integration of work and linkage between the two sectors promotes citizens' trust in the official institutions, particularly in the judicial and security ones. It also constitutes a solid ground for developing socio-economic environment.
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## Annex B

### Responsibilities Distribution

<b>Sectorial Strategy</b>	<b>Strategic Goal</b>	
<b>Policy</b>		

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

#### 2. Governmental Institutions

<b>Institution</b>	<b>Main role: what part shall it implement according to the powers and tasks entrusted to it?</b>	<b>Programs (which program\ budget programs shall the implementation be conducted through?)</b>
<b>Main Institution</b>	<b>Ministry of Justice</b>	<ol style="list-style-type: none"> <li>1. Drawing criminal policies and reflecting them into legislations and decisions.</li> <li>2. Promoting monitoring over the institutions of the security sector to ensure its respect for human rights standards and for the Justice Sector. Also, to ensure its non-interference with the work of the Justice Sector.</li> <li>3. Emphasizing separation of powers.</li> <li>4. Promoting the role of the MoJ in the National Plan which promotes the role of criminal justice and combating crime.</li> <li>5. Setting up a central database necessary for</li> </ol>

		policy drawing.	
	<b>Ministry of Interior</b>	Drawing security policies and following up their implementation.	



## Annex A

### Policies Summary Form

<b>Sector</b>	Justice Sector Strategy 2014-2016
<b>Strategic Goal</b>	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Promoting integration of children and gender justice into the activities of the Justice Sector institutions.

<b>Description of the Situation (2011-2013)</b>	<p>This policy wasn't included into the Justice Sector Plan of 2011-2013 though it was included into cross-sector plans such as the National Plan for Combating Violence against Women (2011-2019) and Gender Justice Plan of 2011-2013 whereby institutions' roles and responsibilities were identified. That's why, the need for preparing Gender and Child's Justice Strategic Plan emerged . It was imperative to respond to the needs of the different categories of the society and to the content of the said cross-sector plans. It was separate from the Justice Sector Plan since the latter isn't responsive to gender and child's justice issues.</p> <p>Part of the lessons learnt from the review of the Justice Sector Plan of 2011-2013 and the notes of the donors, Ministry of Planning and the Ministry of Women Affairs concerning the fact that children and gender justice issues were not covered by the plan pushed for drafting a special plan in this regard.</p> <p>It is worth mentioning that the Ministry of Justice and the Public Prosecution set up action plans that were responsive to gender issues. They were put within the framework of financing projects, but they faced several difficulties due to several reasons, mainly non-inclusion of children's and gender justice into the Justice Sector Strategy and absence of budgets responsive to these needs. Hence, the need to include gender policy into the Justice Sector Plan of 2014-2016 arose. The aim of this policy is to unify visions, concepts and roles of the institutions of the Justice Sector regarding children and gender justice in a way that ensures implementation of the obligations of these institutions under other cross-sector plans and MoUs signed with other relevant Ministries. It should be noted that a number of activities were implemented such as training courses, workshops, conferences, formation of specialist committees on gender and children's justice at the Public Prosecution and the Ministry of Justice. These activities also include developing gender criteria to be integrated into the infrastructure of the new building of the Public Prosecution Offices. This solely is neither enough nor systematic. It doesn't flow into an integrative and inclusive structure of children and gender justice issues.</p>
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<b>Policy suggested direction</b>	Promoting integration of gender issues into the activities of the institutions of the Justice Sector, including monitoring, evaluation, development, contextualization and unification of the concepts and mechanisms of performance. This would be accomplished in a way that serves children and gender justice issues at all the institutions of the Justice Sector, unify financing plans and harness them to flow into the relevant needs not
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	into separate financing projects. It would be designed in a way that strengthens partnerships with relevant civil society, private sector and public sector institutions.
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<b>Policy Justification</b>	Ensuring Justice Sector institutions' implementation of their obligations under the cross-sector plans such as the National Plan for Combating Violence against Women. It is also important for including such steps into the achievement reports issued by the institutions listed in the action plans such as the previous review of the Sector Plan of 2011-2013.
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<b>Policy Scope</b>	Tick the general policies framework.
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- (\*) Extending Palestinian control over the land and resources of the State of Palestine.
- (\*) Completing State's institutions building and upgrading their effectiveness and capacities to ensure high quality services .
- (\*) Rebuilding effective democratic political system and promoting human rights respect-based civil peace .
- (\*) Promoting independent national economy and activating the private sector .
- (\*) Ending poverty and unemployment and promoting social justice .
- (\*) Promoting formal and informal presence of the State of Palestine on the Arab, regional and international levels.

<b>Policy Impacts</b>	It has different economic, social and political impacts such as women's access to decision-making circles, protection of marginalized groups (women, children, PWDs), reducing domestic violence, optimizing women, children and PWDs' benefit from the services of the Justice Sector institutions.
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<b>Annex B</b>
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**Responsibilities Distribution**

<b>Sectorial Strategy</b>	Justice Sector 2014-2016	Empowering the institutions of the Justice Sector to fulfill their role effectively.
<b>Policy</b>	Promoting integration of children and gender justice into the activities of the Justice Sector institutions.	

**Mention the name and main role of the governmental or non-governmental institution\ s that has\ have pivotal role in implementing this policy.**

**1. Governmental Institutions**

<b>Institution</b>	<b>Main Institution</b>	<b>Main role: what part shall it implement according to the powers and tasks entrusted to it?</b>	<b>Programs (which program\ budget programs shall the implementation be conducted through?)</b>
	<b>Ministry of Justice</b>	<p>Ensuring Justice Sector institutions' implementation of their obligations under sectorial and cross-sector plans.</p> <p>Adapting and developing work systems and environment in conformity with social justice standards.</p> <p>Allocating amounts of money within the budget of the Ministry to implement special programs aimed at promoting women and children's access to the services of the Justice Sector and justice.</p> <p>Promoting partnership with formal and informal national, regional and international</p>	

		<p>institutions working in this field.</p> <p>Reviewing legislations from gender perspective and submitting proposals for amendment in conformity with official legal levels.</p> <p>Coordinating among the institutions of the Justice Sector and unifying the work mechanisms that are relevant to children and gender justice.</p>	
	<b>Public Prosecution</b>	<ul style="list-style-type: none"> <li>- Adapting and developing work systems and environment in conformity with social justice standards.</li> <li>- Allocating amounts of money within the budget of the Ministry to implement special programs aimed at promoting women and children's access to the services of the Justice Sector and justice.</li> <li>- Promoting partnership with civil society organizations.</li> <li>- Participating in reviewing legislations from gender perspective</li> <li>- Conducting studies to identify gender gaps.</li> </ul>	
	HighJudicial Council	<ul style="list-style-type: none"> <li>- Adapting and developing work systems and environment in conformity with social justice standards.</li> <li>- Allocating amounts of money within the budget of the Ministry to implement special programs aimed at promoting women and</li> </ul>	

		<p>children's access to the services of the Justice Sector and justice.</p> <ul style="list-style-type: none"><li>- Promoting partnership with civil society organizations.</li><li>- Participating in reviewing legislations from gender perspective</li><li>- Conducting studies to identify gender gaps.</li></ul>	
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