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# **Strategic Framework for the Justice and Rule of Law Sector 2014-16**

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## 1. Introduction

This Strategic Framework provides strategic directions and development priorities of the Palestinian justice and rule of law sector for 2014-16. It is a component of the Palestinian Government's approach to compiling a national development plan based on sector strategies. The Ministry of Planning and Administrative Development (MoPAD) has led and facilitated sector planning and requested that national teams be established to review 2011-13 sector strategies. In line with the Palestinian Government's Policy Framework, the review process will inform development of the 2014-16 cross-cutting strategies, including a statement of strategic objectives and policy directions underpinning each sector. To also promote the statehood effort as well as economic, social, security and social directions, all justice sector objectives, policies, programmes and interventions will align with the state institution building framework.

The Strategic Framework for the Justice and Rule of Law Sector 2014-16 is designed to create a joint framework for all justice sector actors, ensuring consistent and coherent action with a view to materialise good governance and consolidate principles of justice and rule of law. The Strategic Framework is also tailored to provide a framework of development priorities within the justice sector.

The Strategic Framework, including relevant implementation programmes, takes account of legal, legislative and justice consequences of the new status of Palestine as a non-Member Observer State in the United Nations as well as of Palestine's accession to 15 international treaties and conventions. These extend to other conventions, which Palestine would sign or declare to be committed to. Accordingly, national legislation and institutional frameworks will be aligned with these international legal instruments.

The Strategic Framework highlights significance of transitional justice in the context of the Palestinian national reconciliation effort. To this avail, it provides a set of judicial and non-judicial processes to be applied by the State with a view to address the consequences of the political separation between Gaza and the West Bank. These measures include judicial prosecutions, fact-finding missions, reparation of damage, various forms of institutional reforms and rehabilitate employees of the justice sector.

Led by the Ministry of Justice (MoJ), this Strategic Framework for the Justice and Rule of Law Sector 2014-16 has been developed by a representative national team of all justice sector components. In addition to the MoJ, the team includes representatives of partner institutions which comprise a broad range of the justice and rule of law sector. These are the High Judicial Council (HJC), Public Prosecution, High Council of Family Courts, Military Justice Authority, Palestinian Bar Association (PBA), Palestinian Anti-Corruption Commission (PACC), faculties of law at Birzeit University, Al Quds University and An Najah National University, Palestinian Judicial Institute (PJI), Palestinian Civil Police (PCP), Palestinian Private Sector Coordinating Council, civil society organisations, and technical

experts on public administration, planning and gender. This concerted effort has been guided to provide a review in tandem with national policies and approaches.

A review report has been developed for assessment of the Strategic Framework for the Justice and Rule of Law Sector 2011-13. In addition to exploring achievements, the report analyses the current situation and identifies gaps with a view to set proper policies and develop the Strategic Framework for the Justice and Rule of Law Sector 2014-16. The review report is informed by MoPAD's Guidance on Sector Reviews and Sector Strategy Development (March 2013). After the Strategic Framework for the Justice and Rule of Law Sector 2011-13 had been finalised, several meetings were organised to initiate development of the 2014-16 Strategic Framework. In agreement with the National Sector Strategy Team members and in fulfilment of a participatory approach, the justice sector vision, policy development priorities, and relevant intervention programmes have been stated. In this context, the term 'judicial/judiciary' includes regular, military and family courts unless a law stated otherwise. The Ministry is the MoJ.

The Strategic Framework for the Justice and Rule of Law Sector 2014-16 has encountered a set of procedural challenges. Some members on the National Team did not attend meetings. Some justice sector institutions changed their representatives on the Team, negatively reflecting on effective achievements and delaying delivery of the Strategic Framework on the date set by MoPAD. The National Team had to allow more time to re-present completed items on behalf of each absent or new member. The development process also lacked statistical data, which could have been built on to set clearly defined indicators and targets. Multiple discretions and standpoints on significant issues have sometimes forced the Strategic Framework team to come up with generalisations, allowing room for further clarifications and details by future implementation plans.

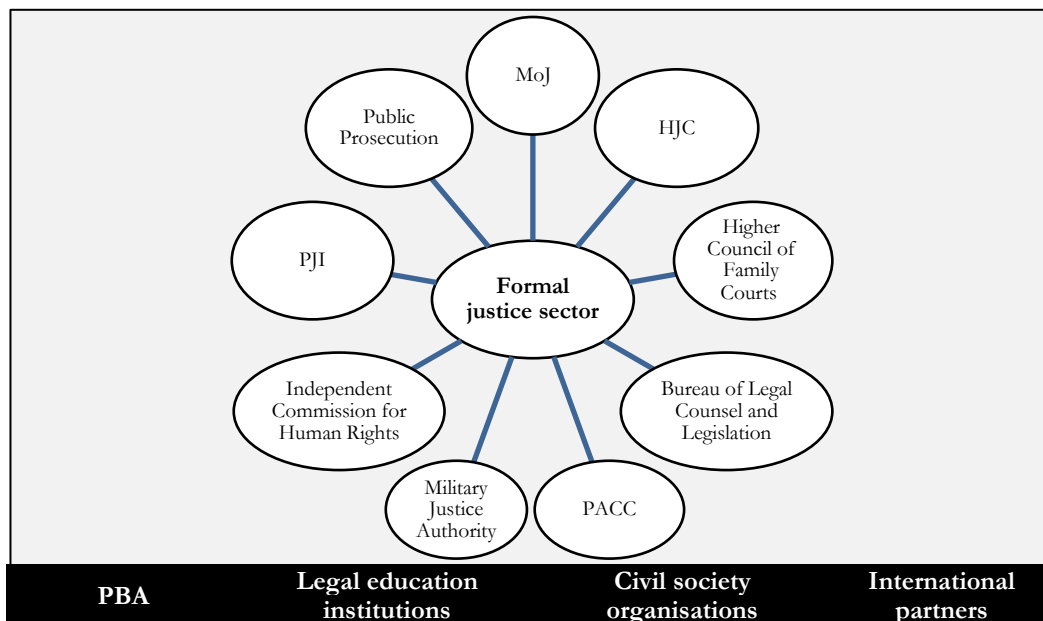
## 2. Background

In light of the circumstances under which it evolved, the Palestinian justice sector is still nascent and unique. In spite of extended efforts made to develop justice actors, the justice sector operates under complex and intertwined conditions as well as within a framework of legal, political and socioeconomic restrictions. Instability over several years (2001-2006) resulted in a dysfunction of courts and incapability of court decision enforcement. Limited jurisdiction, lack of control over resources, short sovereignty, and movement restrictions throughout the Palestinian territory have debilitated the justice sector performance. Between 2001 and 2006, the Palestinian Authority (PA) administration transformed from a presidential to a semi-presidential system, resulting in unclear legislation on responsibilities and powers of justice sector institutions. The working relationship between major components of the justice sector have also been obscured.

Additionally, the Palestinian Legislative Council (PLC) has continued to be inactive. According to Article 43 of the Basic Law, a set of draft laws have been presented to the President of the State of Palestine for enactment in the form of laws by decrees. However, a few of these legislative acts have been approved. On the other hand, many other draft laws have not been endorsed. Following upcoming legislative elections, or if the current PLC convenes, it must approve these regulations. Even though the PLC continues to be dysfunctional, government bodies, civil society organisations and international actors have joined forces to develop a set of draft laws and legislative amendments. Once approved, these are expected to greatly contribute to consolidating the justice sector performance. Thanks to changes introduced by the national reconciliation agreement and formation of the National Unity Government, an opportunity is now more favourable to build a clearer and more positive and integrated working relationship between justice sector actors.

### 2.1 Components of the justice sector

#### **Formal justice sector institutions**



### Mandates

Institution	Role and functions
<b>MoJ</b>	<p>Supports justice sector institutions; creates an enabling environment to ensure judicial integrity, impartiality and independence; delivers justice and public services, including certificates of no criminal conviction, forensic medicine, criminal record, and certifications; grants certificates of arbitration, legal translation, and offers legal advice. The Ministry also:</p> <ul style="list-style-type: none"> <li>- Makes justice and criminal policies in legal areas.</li> <li>- Implements all powers and mandates in line with relevant laws, regulations and treaties.</li> <li>- Provides a connecting link between the Executive and Judicial Authority.</li> <li>- General administrative supervision over courts.</li> <li>- <i>Working relationship with the PJI:</i> As the Minister of Justice is Chairperson of the PJI, a working relationship should be built as provided by law.</li> </ul>
<b>HJC</b>	<p>Develops policies; supervises judges; and regulates functions of courts of various levels. Courts adjudicate disputes and crimes, with the exception of those provided by a special law. The Council also:</p> <ul style="list-style-type: none"> <li>- Exercises judicial powers over all persons.</li> <li>- Builds and develops an effective and efficient judicial apparatus, which is capable of fulfilling relevant responsibilities, keeping pace with modern developments, and providing expedited and easy access to justice.</li> </ul>
<b>Public Prosecution</b>	Initiates and follows up on penal cases and represents the State in civil cases

	<p>before administrative courts. The Law of the Judicial Authority governs operation and jurisdiction of the Public Prosecution. The Attorney General's Office supervises a number of prosecutors' district offices and specialised prosecution units throughout Palestinian governorates. The Public Prosecution also:</p> <ul style="list-style-type: none"> <li>- Implements court decisions that fall within its jurisdiction.</li> <li>- Supervises police officers vested with judicial powers.</li> <li>- Monitors correction and rehabilitation centres (prisons).</li> </ul>
<p><b>High Council of Family Courts</b></p>	<p>Family courts hear and dispose all personal status cases between Muslims, cases of inheritance, properties and assets dedicated for pious purposes [<i>Waqf</i>], marriage contracts, and divorce certificates. Courts also have jurisdiction over all marriage contracts registered at family courts or by authorised registrars as well as consequences arising therefrom in reference of the Law of Procedure before Family Courts No. 31 of 1959 (West Bank), Law of Procedure before Family Courts No. 12 of 1965 (Gaza), Personal Status Law No. 61 of 1976 (West Bank), and Law on Family Rights issued by Order 303 of 1954 (Gaza). The High Council of Family Courts is also responsible for:</p> <ul style="list-style-type: none"> <li>- Ensuring impartial, effective, integral and independent family court functions with a view to materialise family justice for Palestinian households.</li> <li>- Managing family courts and judges in accordance with the laws mentioned above.</li> <li>- Coordinating supervision of family courts together with the Chief Justice in pursuance of the Law on Formation of Family Courts No. 19 of 1976, its Amendments, and Law by Decree No. 3 of 2012 on Family Courts.</li> </ul>
<p><b>Military Justice Authority</b></p>	<p>Reporting directly to the Commander-in-Chief of Security Forces, the Military Justice Authority is competent of prosecuting military personnel subject to provisions of the Law of Service in the Palestinian Security Forces No. 8 of 20005 in penal cases and in subsequent civil actions. The body of penal legislation of 1979 provides the legal framework of the Military Justice Authority.</p>
<p><b>PACC</b></p>	<p>Takes preventive measures to prevent corruption and enforce law by detecting and prosecuting persons who commit corruption crimes through the Anti-Corruption Prosecution team. To deliver assigned tasks, the PACC is authorised to:</p> <ul style="list-style-type: none"> <li>- Keep financial disclosures.</li> <li>- Investigate suspected corruption crimes committed by persons subject to provisions of the relevant Law.</li> <li>- Develop the general anti-corruption policy.</li> <li>- Receive reports, circulars, and complaints in relation to corruption crimes.</li> <li>- Prosecute any person who violates provisions of the Anti-Corruption Law and carry out necessary investigations.</li> <li>- Liaise with competent authorities to track, seize and restore properties arising from corruption cases, summon and hear witnesses, and request any files, statements or documents from agencies that possess them.</li> <li>- Dissolve or suspend operations of any juridical entity, including companies, associations and the like. Properties of such corporate bodies will be liquidated in case a relevant member, representative or</li> </ul>

	<p>employee commits a corruption crime.</p> <ul style="list-style-type: none"> <li>- Set corruption cases in motion.</li> </ul>
<b>Bureau of Legal Counsel and Legislation</b>	<p>The Bureau carries out several tasks, including:</p> <ul style="list-style-type: none"> <li>- Building a national legal database.</li> <li>- Providing legal advice on any functions of public institutions.</li> <li>- Providing membership on the disciplinary council of diplomatic staff of the grade of an ambassador or higher.</li> <li>- Providing final drafts of regulations before they are approved. These are presented to the Council of Ministers for recommendation and approval by the President or Prime Minister in due form.</li> <li>- Preparing and publishing the Palestinian Official Gazette in a periodic manner.</li> <li>- Offering legal counsel to all public institutions.</li> <li>- Reviewing and proposing mechanisms needed to upgrade legislation.</li> </ul>
<b>PJI</b>	<p>In addition to providing qualified judges to carry out judicial functions, the PJI delivers training and capacity building to judges, prosecutors, and justice sector personnel. Established in 2008 in line with Presidential Decree No. 6 of 2008, the PJI enjoys a juridical character as well as financial and administrative independence.</p>
<b>Independent Commission for Human Rights (ICHR)</b>	<p>The ICHR performs the following tasks and responsibilities:</p> <ul style="list-style-type: none"> <li>- Monitor and ensure provision of requirements to safeguard human rights under Palestinian legislation, including laws and regulations.</li> <li>- Monitor and ensure provision of requirements to safeguard human rights throughout functions of departments, agencies and institutions of the State of Palestine and Palestine Liberation Organisation (PLO).</li> </ul>
<b>Informal justice sector institutions</b>	
<b>PBA</b>	<p>As a component of justice administration and rule of law, the PBA regulates the legal profession and contributes to ensuring the right to defend human rights and freedoms. The PBA ensures that lawyers provide legal services and that adversary parties obtain legal representation before courts. It also provides protection to lawyers' rights and interests. In this sense, the PBA plays an oversight role in legal issues.</p>
<b>Legal education institutions</b>	<p>These include institutions and institutes that teach law at recognised Palestinian universities. Through specialised legal research and master's theses developed by students and graduates, legal education institutions add to the Palestinian legal library, provide qualified staff to the Palestinian justice sector, and deliver training and rehabilitation to members of the legal and judicial community.</p>
<b>Civil society organisations</b>	<p>Civil society organisations play a significant role:</p> <ul style="list-style-type: none"> <li>- Promoting concepts of democracy, civil rights and good governance.</li> <li>- Exercising oversight over performance of government agencies, including formal justice sector actors. This is part of a mutual oversight mechanism shared by civil society actors and justice sector institutions.</li> <li>- Submitting recommendations and interventions with the aim to develop and enhance the justice sector as well as to remedy any infringements in conflict with the law and international principles of the rule of law, citizenship rights, and human rights.</li> <li>- Maintaining civil freedoms by submitting initiatives designed to develop, improve and ensure a sustainable legal and justice service delivery.</li> </ul>
<b>International</b>	<p>Since 2008, a number of international partners have been supporting the</p>



<b>partners and donors</b>	<p>Palestinian justice sector, implementing strategic plans, and funding and managing development projects. These include:</p> <ul style="list-style-type: none"> <li>- European Union (EU), United States Agency for International Development (USAID), Department of Foreign Affairs, Trade and Development (DFATD), Government of the Netherlands, Bureau of International Narcotics and Law Enforcement Affairs (INL), Swedish International Development Cooperation Agency (SIDA), United Nations Development Programme (UNDP), United Nations Office on Drugs and Crime (UNODC), UNOPS, UNWOMEN, EUPOL COPPS, United States Department of the Treasury, Euro-Mediterranean Partnership (EUROMED), Luxemburg, Italian Development Cooperation, French Government, UK Government, Office of the Quartet Representative, and Office of the High Commissioner for Human Rights (OHCHR).</li> </ul>
<b>Support agencies</b>	
<b>PCP</b>	<p>The PCP is responsible for maintaining public order and security, protecting lives and properties, providing security, safety and stability, preventing crimes, detecting criminals and bringing them to justice. The PCP is also responsible for law enforcement, fighting terrorism and violence, and implementing any other policing tasks. As a component of the agencies tasked with judicial duties, the PCP delivers the following functions:</p> <ul style="list-style-type: none"> <li>- Implementing notices issued by the Public Prosecution, courts and public administration.</li> <li>- Exercise supervising on the management of the correction and rehabilitation centres in line with relevant laws.</li> <li>- Securing courthouses and Public Prosecution offices and providing protection to judges and prosecutors.</li> <li>- Arresting suspects.</li> <li>- Detain and arrest wanted people to the justice in accordance to the law.</li> </ul>

Both formal and informal justice sector institutions are nascent and operate under extremely complicated political and legal conditions. Nonetheless, performance, coordination and cooperation mechanisms have seen major improvements. To materialise justice and rule of law, much can still be done to set a framework and create systematic mechanisms to enhance coordination and cooperation, consistently leading to a more enhanced, effective and efficient performance. Consistent synergy will enable relevant actors to address primary concerns that require creative (procedural and legislative) solutions. Accordingly, functions will be concerted and integrated in several areas. With a particular focus on penal cases, effective case management will be coordinated between the Public Prosecution and courts. In addition to settling legal status of the Public Prosecution, courts will be managed in a coordinated and effective manner.

## 2.2 The legal framework of justice sector institutions

A set of laws and regulations provide guidelines for justice sector functions. Most prominent laws include the Amended Basic Law of 2003; Law of the Judicial Authority No. 1 of 2002; Law of Civil and Commercial Procedure No. 2 of 2001; Law of Penal Procedure No. 3 of 2001; Law of Evidence in Civil and Commercial Matters No. 4 of 2001; Law on the Formation of Regular Courts No. 5 of 2001 and its amendment by Law No. 2 of 2005; Law of Execution No. 23 of 2005; Law on the Constitutional Court No. 3 of 2006; Law No. 1 of 1995 on Amendment of the Law on Government Cases No. 5 of 1958 and No. 30 of 1926; and Law on Correction and Rehabilitation Centres (Prisons) No. 6 of 1998. After 1967, Jordanian laws and relevant amendments on family courts continued to be in force until Jordan's legal and administrative jurisdiction over these courts ceased on 1 October 1994. These laws and amendments are still effective to this day. In the meanwhile, Gaza Strip continued to apply laws and regulations adopted prior 1967.

In relation to alternative dispute resolution mechanisms and justice support agencies, the PA passed the Arbitration Law No. 3 of 2000, Decision of the Council of Ministers No. 39 of 2004 on the Bylaw of the Arbitration Law No. 3 of 2000, Law No. 15 of 1995 on Translation and Translators, and Decision of the Minister of Justice No. 1 of 1996 on the Bylaw of Law on Translation and Translators.

Regulations on justice support facilities include Decision No. 24 of 1994 on Establishment of the Forensic Medicine Centre; Decision of the Council of Ministers No. 98 of 2005 on Establishment of Two Forensic Laboratories in the West Bank and Gaza Strip; Decision of the Council of Ministers No. 97 of 2005 on Establishment of a National Criminal Record; and Decision of the Council of Ministers No. 99 of 2005 on Establishment of a Judicial Police Force. To govern functions of the Bureau of Legal Counsel and Legislation, Decision No. 286 of 1995 on Establishment of the Bureau of Legal Counsel and Legislation and Decree No. 4 of 1995 on Procedures for the Development of Legislation were issued. On 28 October 2013, the PA President passed a decision, approving that the Bureau shall be an independent public institution that reports to the Council of Ministers.

The body of legislation on the HJC includes Presidential Decree No. 29 of 2000 on Establishment of the High Judicial Council; Law No. 1 of 2002 on the Judicial Authority; Presidential Decree No. 11 of 2002 considering the High Judicial Council as a Transitional Council; and Presidential Decree No. 8 of 2003 on Establishment of the High Judicial Council. The PA also issued forth Presidential Decree No. 6 of 2007 on Establishment of the Palestinian Judicial Institute as well as Decision of the Council of Ministers No. 7 of 2008 on the Regulation of the Palestinian Judicial Institute.

As a financially and administratively independent agency, the PACC was established in line with Law by Decree No. 7 of 2010 on Amendment of the Law on Illegal Gains No. 1 of 2005. Mandates and powers enable the PACC to carry out anti-corruption activity. This

amendment is entirely consistent with the United Nations Convention against Corruption. It provides for fighting corruption of all forms, authorising the PACC with broad powers to carry out anti-corruption tasks. Combined, the Law by Decree No. 7 of 2010 on Amendment of the Law on Illegal Gains No. 1 of 2005, effective penal laws, Anti-money Laundering Law No. 9 of 2007, and Law of Penal Procedure No. 3 of 2001 regulate PACC's functions.

The Military Justice Authority reports directly the Commander-in-Chief of Security Forces. It is competent of prosecuting military personnel subject to provisions of the Law of Service in the Palestinian Security Forces No. 8 of 2005 in penal cases as well as in subsequent civil actions. The set of penal legislation of 1979 provide the legal framework of the Military Justice Authority.

Although the aforesaid body of legislation is relatively new, experience has marked gaps and obscure provisions, negatively impacting on effective and summary adjudication of cases. Disputes have also affected roles and powers in various areas. The legal framework lacks certain rules that ensure transparent and accountable functions of judicial institutions, including the HJC, Public Prosecution, and PACC. In addition, some significant laws in force are outmoded and no longer practical so as to address modern issues, particularly in relation to criminal cases. For instance, the Jordanian Penal Law has been in force since the 1960s. In the Gaza Strip the Penal Law no. 74 of 1936 has been applicable. This and other regulations should be revisited and upgraded in tandem with present day requirements. Amendment of the 2002 Law of the Judicial Authority is of pivotal importance in order to improve court performance, ensure transparent and accountable functions, and better regulate the working relationship between justice sector actors.

### **2.3 Infrastructure (buildings)**

A major progress has been registered in providing facilities of litigation. Courthouses and Public Prosecution offices have either been constructed, under construction. Building of other offices is under consideration. Public Prosecution facilities were built in Bethlehem and others are under construction in Tulkarem and Hebron. In Ramallah, the planning phase has been finalised and a Public Prosecution office is to be constructed. Courthouses in Nablus and Bethlehem need to be expanded. Several governorates, including Qalqiliya, Tubas and Salfit, still lack courthouses. Projects are underway in Hebron and Tulkarem to construct courthouses. Also, a proper facility needs to be built to house the PJI. As for Gaza, there is a need for new spacious constructions, notably there is a need to start the construction of the Justice Compound Project in the Gaza City and to find more suitable justice buildings for the districts. Only Khan Younis District enjoys modern construction was newly completed. The current courthouses are rented and were designed as residential or school buildings.

At the time this Strategic Framework was being developed, the Israeli occupying forces launched a war on the Gaza Strip, resulting in massive destruction of judicial infrastructure. Damages caused to justice sector facilities and infrastructure will be listed. A reconstruction plan and programme also need to be in place.

## 2.4 Human resources

In spite of a tangible improvement in their performance, there is still an urgent need to enhance functions and provide capacity building to justice sector staff, particularly in executive departments. Justice sector institutions will also be supported by qualified staff to fill primary vacancies in planning, human resources, training, research, monitoring and evaluation, gender, juvenile justice, and technical offices. To ensure professional, transparent and integral functions, recruitment methods, qualifications, evaluation, and allocations should also be reviewed.

## 2.5 Current and future challenges

Palestinians are in an increasing need for an effective and efficient justice administration. In addition to maintaining achievements scored, the justice sector will have to meet statehood requirements, drive economic growth, and align with international standards after Palestine acceded to many international treaties and conventions. Consequently, an effective, focused strategy will be devised to cope with internal and external challenges in cooperation with local and international partners.

In light of the recent Palestinian national reconciliation agreement, a key challenge is posed by an integration of formal institutions. The process will take account of legal, administrative and financial predicaments that have generated from dichotomous institutions in the West Bank and Gaza Strip.

### 2.5.1 Challenges to organisational development and institution building

- Inadequate financial and human resources, resulting from a backlog of cases and short implementation of court decisions.
- Irregular communications between justice sector institutions.
- Untenable development of organisational structures so as to reflect institutional mandates and functions.
- Unimproved infrastructure of correction and rehabilitation centres, detention facilities, and courthouses.
- Underdeveloped legal education and rehabilitation in Palestine.

- Short capacities to develop administrative systems, operations, and procedures with a view to enhance effective and efficient judicial functions.
- Inadequate competence and professionalism of justice sector personnel, including judges, prosecutors, and judicial staff.

### 2.5.2 Legal challenges

- Need to address duplicate laws, regulations and institutions (MoJ, courts, and Public Prosecution) in the West Bank and Gaza Strip. In addition to fulfilling transitional justice requirements, In this vein, the national reconciliation agreement does not cover these issues clearly.
- Unclear laws and regulations in relation to powers authorised to justice sector components. Some powers and mandates are under dispute among justice sector institutions.
- Inadequate alternative dispute resolution mechanisms.
- Need to amend justice- and judiciary-related regulations to align with statehood requirements, especially after the end of the Interim Agreement in accordance to Oslo Accords.
- Lack of significant legislation that meets the justice sector needs, including regulations on the right to access information, cybercrime, and privacy.
- Need to establish a High Constitutional Court in line with Articles 103 and 104 of the Basic Law.
- Inadequate provisions of the Protocol Concerning Legal Matters attached as Annex IV of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip.
- Need to accede to international conventions and treaties on the justice sector and relevant legal requirements.
- Need to form specialised legal committees to examine laws issued in both the West Bank and Gaza Strip in the aftermath of 14-06-2007.

### 2.5.3 Political and legal challenges

- Israel is not committed to the agreements signed with the PLO, particularly in relation to the Protocol Concerning Legal Matters.
- Israel does not recognise nor respect Palestinian court decisions.
- Individuals wanted by justice authorities recurrently flee to Israel.
- The State of Palestine does not control national borders and crossing points.
- Inadequate bilateral and international extradition procedures, obstructing establishment of jurisdiction and enforcement of court judgements.

- Short Palestinian jurisdiction over Israelis and Palestinians holding Israeli-issued ID cards who commit offenses on the territory of the State of Palestine.
- Lack of an inclusive territorial jurisdiction over crimes (short Palestinian jurisdiction over Area C).

### 3. Vision, Mission and Strategic Objectives

All justice sector actors, including those involved in common issues or programmes and projects of a certain actor, will work towards materialising the following vision:

#### **Vision**

An effective, impartial and transparent justice sector, which establishes justice, equality and rule of law, and where all citizens are sufficiently capable of accessing justice without discrimination in tandem with international standards.

Justice sector institutions will design relevant and common policies and programmes in line with this vision.

#### **Mission**

Palestinian formal and informal justice institutions of all levels will seek to create a transparent, effective and specialised justice sector, which is capable of responding to national independence requirements and establishing of the State of Palestine. Justice sector actors will provide quality control of legislation and align Palestinian regulations with international conventions and treaties, to which Palestine is a party or is committed to honour. Accordingly, legislation will be enacted with a view to consolidate justice and rule of law, promote sustainable development, and immunise the governance structure and judicial, executive, administrative and financial state institutions. To safeguard citizens' rights and protect public and personal freedoms, the process will ensure materialised accountability, transparency, public participation, promotion of control systems and anti-corruption mechanisms, and empowerment of the justice and rule of law sector. Besides stable transactions, justice sector actors will safeguard public and private property and facilitate public access to justice, especially for marginalised and vulnerable groups. They will ensure individual and public rights as soon as practicable, with the least effort, most effectively, and in line with political, social, cultural, economic and technological developments. The justice sector will promote the investment climate in Palestine. On the national level, it will enhance positive cooperation and communication between justice actors, rule of law providers and judicial bodies. On the international level, it will scale up mutual legal aid services and legal

and judicial cooperation. In this vein, national qualified legal, judicial, administrative and executive staff will be utilised. The process will be further facilitated and guided by streamlined regulations, appropriate infrastructure, and modern technologies.

The Executive Power will closely work with the Legislature and Judicial Authority to finalise building of and inaugurate the Palestinian state institutions on national, professional grounds. These will monitor law enforcement and ensure commitment to legal provisions. Legislation will be passed with a view to ensure justice administration, summary adjudication of disputes, and due execution of court decisions. In addition to an effective and efficient judicial apparatus, an integral, impartial judicial authority will provide technical, administrative and financial support to courts and Public Prosecution. It will also create an enabling legislative, administrative and political environment to materialise judicial independence, resilient separation of executive and judicial powers, and cooperation and coordination among all relevant authorities.

Against this backdrop, justice sector components will be committed to:

- Providing legislation that promotes justice administration, rule of law, and sustainable development.
- Consolidating oversight, accountability and anti-corruption processes.
- Following up on and ensure enforcement of and compliance with laws.
- Facilitating effective and efficient public access to justice, particularly for marginalised and vulnerable groups.
- Establishing an effective, specialised, integral, impartial and independent judicial apparatus.

Based on this vision and mission, the Palestinian justice sector's objectives over the upcoming three years will focus on intertwined and overlapping components. These have informed creation of a set of policies and approaches, which should be coordinated and implemented by formal and informal justice sector actors.

### **Strategic Objective 1: Enhance quality of justice service delivery**

To materialise this objective, efforts will be made on all fronts to enhance access to justice, ensure compliance with fair trial guarantees, and safeguard an efficient litigation process of all phases. This objective will be realised by:

- Promoting public trust and confidence in the judicial system, encourage citizens to resort to and resolve disputes at courts, and improve courts' capability of disposing all disputes, with a particular focus on murder of women and girls, economic crimes, corruption, tax evasion, and narcotic drugs.

- Bridging gaps in the justice sector's capacities. These shortfalls cause weak and prolonged litigation procedures in light of an annual increase of filed cases. To this end, capacity building will be duly provided to justice sector staff.
- From a human rights and social justice perspective, reviewing judicial standards in light of current body of laws. Legislation needs to be upgraded so as to align with international standards and conform to the spirit of the Palestinian Basic Law. National regulations will be consistent with Palestine's admission into the United Nations a non-Member State as well as with Palestine's openness to joint action with neighbouring countries in common areas of legal cooperation.
- Implementing the best practices and processes with a view to enhance enforcement and oversight of all court decisions. Serious thought will be invested to promote the Executive's commitment to respecting and enforcing court decisions with a view to maintain rights and freedoms. Laws and bylaws will be enacted to safeguard rule of law and facilitate access to justice to members of the society from across the spectrum and throughout the Palestinian territory. With a view of their social status, special focus will be given to marginalised and vulnerable groups.
- Promoting partnerships between government bodies and civil society organisations to concert efforts of public sensitisation and ensure easy, professional access to information.
- Continuing to refurbish and align facility infrastructure and regulations on arrest and detention, ensuring consistence with the best international standards on human rights and freedoms.
- Making sure that disadvantaged social groups are taken into account by creating a proper, specialised legal and judicial environment.
- Promoting and developing mechanisms to enforce all court decisions by setting an approach to improve enforcement and oversight. Informed mechanisms will also be set to guide effective enforcement and cope with relevant challenges.

## **Strategic Objective 2: Empower justice sector institutions to effectively play assigned roles**

To enable the justice sector to deliver on all assigned duties and responsibilities, relevant actors need to:

- Continue to institutionalise justice sector components to ensure independence of the Judicial Authority and promote judge's independence.
- Restructure and develop the MoJ in line with the Ministry's mission and role, and compile administrative and financial regulations with a view to enhance performance.
- Develop human resource capacity and upgrade infrastructure.
- Provide legislative tools to improve the working environment.



- Develop and train human resources, and institutionalise specialised and continuing education and training in legal and administrative fields.
- Develop alternative dispute resolution mechanisms, provide capacity building to arbiters, institutionalise mediation processes, and enact relevant legislative acts.
- Rejuvenate and improve oversight and evaluation systems, exercise inspection over (regular, family and military) courts, provide administrative oversight and supervision over court staff and members of the Public Prosecution, and develop complaint processes throughout justice sector institutions.
- Promote the concept of justice media, consolidate transparency through various media outlets, and design radio and television shows to raise public awareness of the justice sector's tasks, powers and role.
- Fully make clear the working relationship between the security and justice sectors in order to maintain full coordination and safeguard rule of law.

## Vision

An effective, impartial and transparent justice sector, which achieves justice, equality and rule of law, and where all citizens are sufficiently capable of accessing justice without discrimination.

## Strategic Objectives and Intervention Polices

1. Enhance quality of justice service delivery:  
Effective and efficient justice service delivery, ensuring equitable access to justice.

1. Ensure fair trial
2. Promote implementation of all court decisions
3. Facilitate access to justice sector services
4. Enhance cooperation with the civil society in the area of human rights
5. Align facility infrastructure and regulations on reception, custody and detention in line with human rights standards and best practice
6. Develop and upgrade a national legal system, taking account of the needs of all social groups
7. Promote a working relationship with the media
8. Regulate the working relationship between security and justice sectors
9. Facilitate access to justice to women, children, marginalised groups and residents of refugee camps

2. Empower justice sector institutions to effectively play assigned roles:  
Justice system, including a strong, independent, specialised, transparent, accountable, professional and integrated judicial system, which also maintains rule of law.

1. Create an enabling environment for litigation
2. Develop an effective system for legal aid and access to justice
3. Promote and develop alternative dispute resolution mechanisms
4. Consolidate oversight, accountability and transparency frameworks
5. Strengthen institutional independence of the Judicial Authority, including judges' independence
6. Promote the role of justice sector institutions
7. Develop the working environment
8. Provide capacity building to justice sector staff
9. Institutionalise the PJI and enhance legal education
10. Enhance integration of the concepts of juvenile justice and gender throughout justice sector functions

#### 4. Policy Interventions, Outputs and Indicators

This section provides an overview of intervention policies in the context of each strategic objective. In addition to a set of relevant indicators and means of verification, it covers outputs that need to be achieved.

##### 4.1 Enhance quality of justice service delivery

Effective and efficient justice service delivery, ensuring equitable access to justice

No.	Policy intervention	Outputs	Indicators	Means of verification
1	<p><b>Ensure fair trial</b></p> <ul style="list-style-type: none"> <li>- Ensure an effective litigation process and develop court procedures</li> <li>- Promote specialised judicial practice</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals to enact a modern law for review</li> <li>▪ An integrated guidance manual on the litigation process</li> <li>▪ Proposal of standards for evaluation of judges and prosecutors</li> <li>▪ Specialised training programmes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Percentage of Court of Cassation decisions settling disputes compared to total Court of Cassation decisions</li> <li>▪ Percentage of dispositions compared to filings</li> <li>▪ Number of complaints on litigation procedures and percentage of processed complaints</li> <li>▪ Average time for disposition of cases of various types</li> <li>▪ Percentage of public satisfaction with the performance of courts and Public Prosecution</li> </ul>	<ul style="list-style-type: none"> <li>▪ Court records</li> <li>▪ Public opinion polls</li> <li>▪ Studies and reports by local and international organisations on justice in Palestine</li> </ul>
2	<p><b>Promote enforcement of all court decisions</b></p> <ul style="list-style-type: none"> <li>- Develop civil judgement departments</li> <li>- Improve relevant government bodies' commitment to implementing court decisions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals to develop a smooth, non-bureaucratic system for court judgement enforcement</li> <li>▪ An advanced archive</li> </ul>	<ul style="list-style-type: none"> <li>▪ Percentage of dispositions compared to filings to civil judgement departments at courts</li> <li>▪ Percentage of public satisfaction with enforcement procedures</li> <li>▪ Number of cases where persons who</li> </ul>	<ul style="list-style-type: none"> <li>▪ Periodic reports of institutions</li> <li>▪ Regular surveys</li> <li>▪ ICHR Report</li> <li>▪ PBA</li> </ul>

	<ul style="list-style-type: none"> <li>- Enhance oversight and accountability of civil judgement departments</li> </ul>	<p>system to enable effective access to information</p> <ul style="list-style-type: none"> <li>▪ A system for automating civil judgement files</li> <li>▪ A system to classify civil judgement cases of various types</li> <li>▪ Proposals to invigorate judicial police operations</li> <li>▪ Training programmes</li> </ul>	<p>abstain from implementing court decisions are subject to legally prescribed procedures</p>	
3	<p><b>Facilitate access to justice sector services</b></p> <ul style="list-style-type: none"> <li>- Invigorate the legal aid system</li> <li>✓ Approve the Law on Legal Aid</li> <li>✓ Establish a board of directors for the Legal Aid Fund</li> <li>✓ Issue forth relevant bylaws and regulations</li> <li>- Develop e-service mechanisms and inter-agency e-links</li> </ul>	<ul style="list-style-type: none"> <li>▪ Enact the law and regulations needed to put the legal aid system into effect</li> <li>▪ Implementation plan</li> <li>▪ Inter-agency e-links using MEZAN</li> <li>▪ Expand deliverable services on the public webpage</li> <li>▪ Develop information departments</li> </ul>	<ul style="list-style-type: none"> <li>▪ Percentage of beneficiaries of legal aid</li> <li>▪ Percentage of handled cases involving children and women (cases registered, disposed, appealed, executed)</li> <li>▪ Percentage of handled cases outside Area A</li> <li>▪ Percentage of public satisfaction with the justice sector services</li> <li>▪ Number of legal clinics that provide legal aid services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Legal clinic reports</li> <li>▪ HJC Report</li> <li>▪ PBA</li> <li>▪ Periodic surveys</li> <li>▪ Institution reports</li> <li>▪ Reports from universities, PBA, or institutions</li> </ul>
4	<p><b>Promote partnerships with the civil society in the area of human rights</b></p> <ul style="list-style-type: none"> <li>- Establish the Advisory Council on Human Rights</li> <li>- Raise community awareness about principles of the rule of law, human rights and freedoms</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish the Advisory Council on Human Rights</li> <li>▪ Approve operable communication mechanisms</li> <li>▪ Launch joint sensitisation campaigns</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of sessions held by the Advisory Council</li> <li>▪ Number of internal and external partnerships (protocols, memorandums of understanding, agreements, etc.) between justice sector actors and other institutions</li> <li>▪ Number of joint programmes of action</li> </ul>	<ul style="list-style-type: none"> <li>▪ Meeting minutes</li> <li>▪ Institution reports</li> </ul>
5	<p><b>Align infrastructure and regulations on</b></p>	<ul style="list-style-type: none"> <li>▪ Buildings to house</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of detention facilities that meet</li> </ul>	<ul style="list-style-type: none"> <li>▪ ICHR reports</li> </ul>

	<p><b>reception, custody and detention in line with human rights standards and best practice</b></p> <ul style="list-style-type: none"> <li>- Develop the detention system in line with relevant international instruments</li> <li>- Develop infrastructure in line with international standards</li> <li>- Develop mechanisms to control and monitor correction and rehabilitation centres and detention facilities</li> </ul>	<p>correction and rehabilitation centres in northern and southern West Bank</p> <ul style="list-style-type: none"> <li>▪ Review report on the current legislation, including laws and regulations</li> <li>▪ Refurbished correction and rehabilitation centres and detention facilities</li> <li>▪ A system of monitoring and oversight in line with the law</li> </ul>	<p>international human rights standards and best practice</p> <ul style="list-style-type: none"> <li>▪ Number of detention centres designated for female and juvenile offenders</li> <li>▪ Number of officially approved regulations on reception, arrest and detention that respond to international human rights standards</li> </ul>	<ul style="list-style-type: none"> <li>▪ Report of the International Committee of the Red Cross (ICRC)</li> <li>▪ Progress report of the Ministry of Interior</li> <li>▪ PBA</li> <li>▪ ICHR special reports</li> </ul>
<p>6</p>	<p><b>Develop and upgrade a national legal system, taking account of the needs of all social groups</b></p> <p><b>Constitutional Court</b></p> <ul style="list-style-type: none"> <li>- Establish the High Constitutional Court in reference of the relevant Law</li> <li>- Establish an ad hoc committee to set priorities of proposed laws and amendments. Laws will be upgraded in line with requirements for accession to international conventions</li> <li>- Set a mechanism of consultation between justice sector institutions and civil society actors on proposed laws and amendments</li> <li>- Sign justice-related agreements that support the statehood effort</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals to start preparations for establishment of the High Constitutional Court</li> <li>▪ Training programmes</li> <li>▪ Proper facilities</li> </ul>	<ul style="list-style-type: none"> <li>▪ President’s decision</li> <li>▪ An effective Constitutional Court established</li> <li>▪ Number of upgraded laws</li> <li>▪ Number of conventions and treaties Palestine accedes to</li> <li>▪ Percentage of regulations developed in line with guidance manuals on the legislative process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reference documents</li> <li>▪ Report of the Bureau of the Legal Counsel and Legislation</li> <li>▪ A periodic special report from MoJ in cooperation with the Bureau of Legal Counsel and Legislation</li> <li>▪ PBA reports</li> <li>▪ International reports</li> </ul>

	<p><b>Upgrade and develop laws and regulation that boost economic development</b></p> <ul style="list-style-type: none"> <li>- Review legislation on land, intellectual property rights, taxation, cybercrime, competition, concessions, private-public partnership, and promotion of small enterprises</li> <li>- Finalise laws on financial leasing and mortgage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prioritise laws to be amended</li> <li>▪ Upgraded laws</li> <li>▪ Justice-related agreements</li> <li>▪ Proposals for amendment of laws in consultation with private sector representatives</li> <li>▪ Upgraded draft laws</li> <li>▪ Final draft laws on financial leasing and mortgage for approval</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of growth incentive laws enacted</li> <li>▪ Number of laws and regulations amended and approved</li> </ul>	<ul style="list-style-type: none"> <li>▪ Official Gazette</li> <li>▪ Reports from the Bureau of Legal Counsel and Legislation</li> <li>▪ Relevant special reports</li> </ul>
7	<p><b>Promote a working relationship with the media</b></p> <ul style="list-style-type: none"> <li>- Develop a specialised media activity within the justice sector</li> <li>- Develop partnerships with media outlets</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training programmes on justice-related issues</li> <li>▪ Memorandums of understanding and joint programmes of action</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of memorandums of understanding concluded with media agencies</li> <li>▪ Number of joint programmes on justice sector activities (bulletins, brochures, TV and radio shows, etc.)</li> <li>▪ Number of laws and protocols governing justice-media working relationship</li> </ul>	<ul style="list-style-type: none"> <li>▪ Institution reports in cooperation with the Palestinian Central Bureau of Statistics (PCBS)</li> <li>▪ PBA reports</li> <li>▪ PACC / Ministry of Information reports</li> </ul>
8	<p><b>Regulate the working relationship between security and justice sectors</b></p> <ul style="list-style-type: none"> <li>- Conclude memorandums of understanding and coordinate functions between both sectors with a view to maintain an integrated activity</li> <li>- Establish a joint steering committee to supervise and monitor memorandums of understanding and joint action</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals to set up coordination and joint action mechanisms</li> <li>▪ Joint training programmes</li> <li>▪ Memorandums of understanding and cooperation agreements</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of regular meetings between the Ministers of Justice and Interior</li> <li>▪ Number of memorandums of understanding concluded between relevant parties</li> <li>▪ Joint training programmes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Periodic reports from both ministries</li> </ul>
9	<p><b>Facilitate access to justice to women, children, marginalised groups and</b></p>	<ul style="list-style-type: none"> <li>▪ Training programmes on gender and juvenile</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of specialised courts</li> <li>▪ Number of specialised judges</li> </ul>	<ul style="list-style-type: none"> <li>▪ Periodic reports from justice sector actors</li> </ul>

	<p><b>residents of refugee camps</b></p> <ul style="list-style-type: none"> <li>- Provide capacity building to judges and judicial staff to handle gender-sensitive cases</li> <li>- Consolidate an approach towards a specialised judicial activity, ensuring consistence with applicable international standards</li> <li>- Raise public awareness on human rights and freedoms and on services delivered by justice sector institutions</li> <li>- Combine justice sector service delivery into a single service gateway, targeting women and children</li> <li>- Examine current legislation and submit proposals through the Legislation Committee with a view to promote legal protection and response to gender and juvenile cases</li> </ul>	<p>cases</p> <ul style="list-style-type: none"> <li>▪ Specialised departments for juveniles, women, and domestic violence cases</li> <li>▪ Media campaigns</li> <li>▪ Legislation review document, including specific recommendations on legislative policies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number specialised prosecution units</li> <li>▪ Number of cases handled by the justice sector, involving children, women and people with special needs</li> <li>▪ Number justice sector facilities that are responsive to female and juvenile justice standards</li> <li>▪ Number of complaints filed by women, juveniles and people with special needs who benefited from justice sector services</li> <li>▪ Number of training and sensitisation programmes on juvenile and gender justice</li> <li>▪ Number of male and female beneficiaries from justice sector-sponsored sensitisation programmes on juvenile and gender justice</li> <li>▪ Number of amended and upgraded regulations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly reports on the Justice Sector Strategy</li> <li>▪ National surveys and opinion polls of beneficiaries (satisfaction of women and children benefiting from justice sector services and time to handle transactions)</li> <li>▪ How effective means of communication with women and children are</li> <li>▪ PBA</li> </ul>
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#### 4.2 Empower justice sector institutions to effectively play assigned roles

Justice system, including a strong, independent, specialised transparent, accountable, professional and integrated judiciary, ensuring rule of law

No.	Policy intervention	Outputs	Indicators	Means of verification
1	<p><b>Create an enabling environment for litigation</b></p> <ul style="list-style-type: none"> <li>- List damages caused to justice sector facilities during the war on Gaza and develop reconstruction programmes</li> <li>- Develop all courthouses and criminal justice facilities to meet litigants’ needs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposal of certain projects to develop and equip buildings in line with set standards</li> <li>▪ Administrative operational manuals developed and applied</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of facilities developed and equipped at buildings in line with safety standards, taking into account the needs of women, children and people with special needs</li> <li>▪ Number of bylaws and administrative operational manuals developed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Institution reports</li> <li>▪ Surveys and opinion polls</li> <li>▪ ICHR reports</li> <li>▪ Surveys</li> </ul>

	<p>in line with international human rights standards</p> <ul style="list-style-type: none"> <li>- Regulate and develop administrative procedures to support the litigation process</li> <li>- Enhance forensic medicine services</li> <li>- Develop penal action procedures before they are registered at courts</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training programmes</li> <li>▪ Training and development programmes targeting forensic medicine</li> <li>▪ Forensic medicine labs</li> <li>▪ A documented system for penal case procedures</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of staff trained to deal with the public</li> <li>▪ Percentage of public satisfaction with staff interaction</li> <li>▪ Percentage of complaints on staff maltreatment</li> <li>▪ Percentage of cases registered by the PCP and approved by the Public Prosecution</li> <li>▪ Number of memorandums of understanding concluded between the Public Prosecution and PCP in relation to preliminary investigation and registration of complaint files</li> <li>▪ Percentage of public satisfaction with procedures preceding registration of penal cases at courts</li> </ul>	
2	<p><b>Develop an effective system for legal aid and access to justice</b></p> <ul style="list-style-type: none"> <li>- Approve the Law on Legal Aid</li> <li>- Establish a board of directors for the Legal Aid Fund</li> <li>- Issue forth relevant bylaws and regulations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals for a Draft Law on Legal Aid</li> <li>▪ Board of the Legal Aid Fund established</li> <li>▪ Proposals of bylaws and regulations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Law on Legal Aid approved and enter into effect</li> <li>▪ Legal Aid Fund active</li> <li>▪ Bylaws and regulations in force</li> </ul>	<ul style="list-style-type: none"> <li>▪ Relevant decisions and decrees</li> <li>▪ Periodic reports</li> </ul>
3	<p><b>Promote and develop alternative dispute resolution mechanisms</b></p> <ul style="list-style-type: none"> <li>- Review and upgrade the Arbitration Law and relevant bylaw</li> <li>- Develop training programmes on arbitration</li> <li>- Institutionalise mediation by enactment of a Mediation Law and Regulation</li> <li>- Develop and rejuvenate a judicial settlement system, and work towards expanding scope of application to all</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals for legislative interventions</li> <li>▪ Chambers of arbitration and mediation</li> <li>▪ Training programmes</li> </ul>	<ul style="list-style-type: none"> <li>▪ Arbitration frameworks developed and agreed on</li> <li>▪ Mediation Law promulgated</li> <li>▪ Number of training programmes on mediation</li> <li>▪ Percentage of arbitration awards approved by competent courts</li> <li>▪ Judicial settlement procedure in effect throughout courts</li> <li>▪ Percentage of cases resolved through judicial settlement procedures</li> </ul>	<ul style="list-style-type: none"> <li>▪ MoJ reports</li> <li>▪ PBA reports</li> <li>▪ Partner reports</li> <li>▪ Reports from the Judicial Authority</li> </ul>



	courts			
4	<p><b>Consolidate oversight, accountability and transparency frameworks</b></p> <ul style="list-style-type: none"> <li>- Develop performance of inspection departments and develop judicial inspection mechanisms</li> <li>- Put in place a system of monitoring, evaluation and quality control</li> <li>- Introduce transparency rules to HJC functions, particularly in relation to appointment, discipline, promotion, evaluation, inspection, transference, and delegation. Such rules might be reviewed. For example, the Law does not provide for an open national judicial competition prior to appointment. In respect of appointment mechanisms, the basic diploma programme or any other rehabilitation programme should be coordinated with the PJI with a view to fill judicial vacancies and meet annual recruitment needs</li> <li>- Reconsider the grading system and links between a grade and respective salary</li> <li>- Examine potential adjustment of the retirement age and minimum age of appointment for judicial and Public Prosecution positions</li> <li>- Introduce more transparent rules to the appointment, promotion and delegation of judges and members of the Public Prosecution</li> <li>- Examine the rotation of positions between the prosecutors and judges</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals to develop the judicial inspection system</li> <li>▪ An integrated complaint processing system</li> <li>▪ Legislative proposals</li> </ul>	<ul style="list-style-type: none"> <li>▪ An effective monitoring and evaluation system within each justice sector actor</li> <li>▪ Percentage of commitment to regular and irregular visits made by the HJC Judicial Inspection Department</li> <li>▪ Number of complaints processed by the HJC Judicial Inspection Department</li> <li>▪ Number of monitoring and evaluation reports</li> <li>▪ Number of complaints processed by the PBA Disciplinary Council</li> <li>▪ Number of bylaws and procedures changed based on monitoring and evaluation reports</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reports of institutions / MoPAD</li> <li>▪ HJC Judicial Inspection Department's report</li> <li>▪ Institutions' reports</li> <li>▪ PBA report</li> <li>▪ Reports of institutions + PACC</li> </ul>

	<ul style="list-style-type: none"> <li>- Re-examine the scale of salaries and privileges of judges, prosecutors and administrative staff, particularly notification officers (bailiffs)</li> <li>- Develop the Palestinian administrative judicial branch by establishing a two-tiered judicial system</li> <li>- Review inspection and discipline mechanisms within justice sector institutions, with a particular focus on rejuvenating inspection within the Public Prosecution</li> </ul>			
5	<p><b>Strengthen institutional independence of the Judicial Authority, including judges' independence</b></p> <ul style="list-style-type: none"> <li>- Develop a financial and administrative system for the Judicial Authority</li> <li>- Amend HJC rules of formation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals of a financial and administrative system for review and approval</li> <li>▪ Proposals of legislative interventions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Approved financial and administrative regulation for the Judicial Authority</li> <li>▪ Approved organisational structures of justice sector institutions, taking account of the special nature of their functions and needs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Annual Report of the HJC, Public Prosecution and MoJ</li> <li>▪ Reports of institutions</li> </ul>
6	<p><b>Promote the role of justice sector institutions</b></p> <ul style="list-style-type: none"> <li>- Review and decide on the legal status of laws and regulations issued in the Gaza Strip during the internal Palestinian political split. Laws and regulations will be enforced in line with the Amended Basic Law</li> <li>- Present all laws by decrees to the PLC for examination</li> <li>- Develop a vision, mechanism and parameters for administrative and financial consolidation of a single MoJ</li> <li>- Appoint one chairperson for a consolidated HJC</li> <li>- Appoint one Attorney General</li> </ul>	<ul style="list-style-type: none"> <li>▪ Set standards to process laws enacted in the West Bank and Gaza Strip</li> <li>▪ Documents to review and analyse all legislative acts passed during the internal Palestinian political split</li> <li>▪ Proposals to consolidate the MoJ, HJC and Public Prosecution</li> <li>▪ Programmes to rehabilitate Gaza-based judges</li> </ul>	<ul style="list-style-type: none"> <li>▪ Decision on establishment of the special court</li> <li>▪ Document on criteria</li> <li>▪ Number of disposed cases</li> <li>▪ Technical expert committee to work with all justice sector actors</li> <li>▪ Proposal approved by the senior management</li> <li>▪ Laws amended, including a definition of clear, unambiguous mandates of justice sector institutions</li> <li>▪ Percentage of justice actors' satisfaction with defined roles</li> </ul>	<ul style="list-style-type: none"> <li>▪ Records of justice institutions</li> <li>▪ Records of decisions made</li> <li>▪ Reports on studies</li> <li>▪ Record of law published in the Official Gazette</li> <li>▪ Reports of the Bureau of Legal Counsel and Legislation / Official Gazette</li> <li>▪ Reports of justice sector actors</li> <li>▪ Meetings and discussions</li> </ul>

<ul style="list-style-type: none"> <li>- Address the issue of judges and prosecutors appointed in Gaza during the internal Palestinian political divide in line with specific criteria</li> <li>- Rehabilitate judges and prosecutors who declared strike during the internal split period</li> </ul> <p><b>Transitional justice and redress</b></p> <ul style="list-style-type: none"> <li>- Establish the Transitional Justice and Redress Committee</li> <li>- Examine authorisation of current courts. Instead of re-establishing a special court, existing courts will be given a jurisdiction to adjudicate cases.</li> </ul> <p><b>A clear demarcation of powers: Finalise efforts made to resolve disputes over powers and responsibilities of the justice sector</b></p> <ul style="list-style-type: none"> <li>- Make clear the powers and responsibilities of justice sector actors with a view to terminate disputes over powers, including court administration, budget, notary public, HJC Judicial Inspection Department, and status of the Public Prosecution as a judicial body or as an agency that administratively reports to the Executive Authority.</li> <li>✓ Establish a national team to examine these challenges and propose dispute settlement mechanisms to be adopted in upcoming debates between executive and legislative</li> </ul>	<ul style="list-style-type: none"> <li>▪ Policies and criteria to review all decisions made</li> <li>▪ Ad hoc committees to examine cases in light of a clear terms of reference</li> <li>▪ Proposals to set working mechanisms</li> <li>▪ An effective committee to operate in line with comprehensive and clear principles and plan</li> <li>▪ A policy proposal for a clear and accurate organisational framework, roles and mandates of justice sector institutions</li> <li>▪ Proposal of legislative interventions</li> <li>▪ Proposal of an organisational framework for the MoJ</li> <li>▪ Proposals for enactment of laws</li> </ul>		
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	<p>branches</p> <ul style="list-style-type: none"> <li>- Institutionalise the MoJ so that powers are clearly defined and specified. The Ministry’s organisational structure will also be clear and approved.</li> <li>- Institutionalise the PJI, whereby it enjoys administrative and financial independence in line with the PJI-related decree and regulation.</li> </ul> <p><b>Military justice</b></p> <ul style="list-style-type: none"> <li>- Develop a legal framework of military justice and make clear the organisational structure and reporting relationship of the Military Justice Authority</li> </ul>	<ul style="list-style-type: none"> <li>▪ Approve a legal framework to regulate military justice activity</li> </ul>	<ul style="list-style-type: none"> <li>▪ A Military Justice Law is in force</li> </ul>	
7	<p><b>Develop the working environment</b></p> <ul style="list-style-type: none"> <li>- Automate operations and use modern IT systems</li> <li>- Develop and approve financial and administrative systems with a view to promote oversight, accountability and transparency</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals for automation of certain services</li> <li>▪ Proposals of up-to-date administrative and financial systems</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of computerised systems</li> <li>▪ New administrative and financial systems are in operation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administrative reports from justice actors</li> <li>▪ Institutions’ reports + Report of relevant institutions (Ministry of Women’s Affairs)</li> <li>▪ Systems reviewed</li> </ul>
8	<p><b>Provide capacity building to justice sector staff</b></p> <ul style="list-style-type: none"> <li>- Develop a generic study on training and development needs of justice sector actors based on job profile analysis, including skills, expertise and attitudes.</li> <li>- Provide capacity building to the administrative staff of the Public Prosecution. Targeted training will be based on a performance-related training needs assessment.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A comprehensive training needs assessment</li> <li>▪ Training programmes in line with defined needs of various justice sector institutions</li> <li>▪ Proposals on the incentive system</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of training programmes approved for justice sector staff approved according to relevant specialisations</li> <li>▪ Number of male and female employees who attended training courses</li> <li>▪ An upgraded incentive system for human resources, taking account of gender equality</li> </ul>	<ul style="list-style-type: none"> <li>▪ A specialised review of training plans and programmes</li> <li>▪ Training reports</li> <li>▪ Reports on human resources</li> </ul>

	<ul style="list-style-type: none"> <li>- Develop a training needs assessment and design programmes to provide capacity building to the MoJ staff..</li> <li>- Develop a training needs assessment and design programmes to provide capacity building to court staff..</li> <li>- Design and implement development programmes to enhance human capacity</li> <li>- Improve the incentive and reward system with a view to scale up motivation and performance.</li> </ul>			
9	<p><b>Institutionalise the PJI and enhance legal education</b></p> <ul style="list-style-type: none"> <li>- Develop the PJI to be approved as an accredited agency that provides judicial and legal training to justice sector staff</li> <li>- Compile annual training plans</li> <li>- Design well-structured and regular training programmes, including training of trainer (ToT) courses, curriculum development, and training evaluation</li> <li>- Align legal education programmes at universities with a view to improve legal and judicial functions</li> </ul>	<ul style="list-style-type: none"> <li>▪ Proposals for PJI development</li> <li>▪ Annual training plans</li> <li>▪ ToT system</li> <li>▪ Curriculum development system</li> <li>▪ Proposals for development of legal education at universities</li> </ul>	<ul style="list-style-type: none"> <li>▪ A legal framework to govern PJI functions is in place</li> <li>▪ An approve PJI organisational structure is operative</li> <li>▪ Staff members are rehabilitated both qualitatively and quantitatively</li> <li>▪ An effective and efficient education system is implemented by the PJI</li> <li>▪ Agreements and memorandums of understanding concluded between the PJI and relevant institutions</li> <li>▪ Number of judges, prosecutors, justice sector staff, lawyers and law students who benefit from PJI-sponsored training programmes</li> <li>▪ Annual training plans are developed</li> <li>▪ ToT system is in operation</li> <li>▪ Curriculum development system is in place</li> <li>▪ Number of university legal education programmes modified on grounds of justice sector needs</li> </ul>	<ul style="list-style-type: none"> <li>▪ PJI Annual Report</li> <li>▪ Training plans and programmes</li> <li>▪ Training and evaluation reports</li> <li>▪ Reports on legal education programmes at national universities</li> </ul>
10	<p><b>Enhance integration of the concepts of juvenile justice and gender throughout</b></p>	<ul style="list-style-type: none"> <li>▪ Training programmes targeting judges and</li> </ul>	<ul style="list-style-type: none"> <li>▪ Number of judges, prosecutors and lawyers specialising in gender-sensitive cases and</li> </ul>	<ul style="list-style-type: none"> <li>▪ Review implementation plans</li> </ul>

	<p><b>justice sector functions</b></p> <ul style="list-style-type: none"> <li>- Provide capacity building to judges and judicial staff to handle cases involving women and children, consolidate an approach to establishing specialised judicial branches and prosecution units, and make sure that procedures are consistent with applicable international standards</li> <li>- Examine current legislation and submit proposals through the Legislation Commission of the National Committee to Combat Violence against Women. These are tailored to promote legal protection and response to gender-related issues and juvenile cases.</li> <li>- Align operational systems and organisational structures of justice sector actors to accommodate needs of women, children and human rights.</li> </ul>	<p>judicial staff</p> <ul style="list-style-type: none"> <li>▪ Enact the Child Law</li> <li>▪ Specialised departments</li> <li>▪ Gender-responsive codes of professional conduct</li> </ul>	<p>juvenile delinquency</p>	<p>set by justice sector institutions</p> <ul style="list-style-type: none"> <li>▪ Review types of bulletins and periodicals</li> <li>▪ Review reports of the Information Centre</li> <li>▪ Review financial reports</li> </ul>
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## 5. Monitoring and Evaluation

### Monitoring mechanisms

- Establish a Steering Committee, including representatives of justice sector actors, to be responsible for supervising implementation of this Strategic Framework for the Justice and Rule of Law Sector 2014-16 and to coordinate needed interventions to achieve set goals. The Steering Committee will be supported by an administrative secretariat.
- Organise meetings of the Steering Committee once every two months to consider latest developments, review progress made, and correct functions as needed.
- Establish subcommittees, each to be chaired by a representative of a relevant institution. These will follow up on implementation of interventions in line with the Strategic Framework (i.e. interventions targeting the Judicial Authority, Public Prosecution, justice, security, etc.).
- Develop detailed implementation plans to cover activities and outputs of all intervention policies set by the Strategic Framework.
- Develop a framework and mechanisms to monitor indicators, including
  - Baseline of each indicator;
  - What information and data to be collected about each indicator;
  - Who will collect, analyse and report on data;
  - How and when data will be collected;
  - Who will receive results and who will use them; and
  - What decisions can be made in regard of progress or failure of performance.

### Reporting system

- Develop monthly reports on the progress made and challenges to implementation. Subcommittees will compile and submit these reports to the Steering Committee.
- Develop semi-annual reports on progress in relation to performance indicators.
- Provide annual reviews to assess progress and measure performance (progress indicators) and introduce adjustments to activities and outputs as necessary.