PALESTINE (Country Case Study)

[State of Palestine]

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A. Background

1. Which UNCT members have collaborated on this case study?
   - UNDP
   - OHCHR
   - UN Women
   - UNICEF

2. Which national partners (governmental and non-governmental) were involved in developing this case study and how?
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3. Does the case study illustrate one or several phases or levels?

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<th>Implementing SDG 16</th>
<th>Monitoring &amp; Reporting on SDG 16</th>
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B. Case Study

OPTION 1 (pre-structured)

4. Country context for the achievement of SDG 16

The domestic process of building state structures in Palestine started 24 years ago, following the adoption of the Oslo Accords II, which establish key governance and judicial bodies. Since 1995, the Government of Palestine with the support of the international community intensively invested in developing effective, accountable and transparent institutions, which are today regarded by a majority of Palestinians as legitimate state structures. Palestine’s accession to seven of the international human rights treaties, including the International Covenant on Civil and Political Rights is an expression of the Government’s commitment to underpin its state-building efforts and development activities with the legally-binding commitments contained in the treaties.

However, alike many newly formed states Palestine faces important challenges that hamper further progress on the rule of law front. Among these, the protracted political split between the West Bank and the Gaza Strip continues to severely impair progress towards unified and inclusive rule of law institutions that cover the peace and justice needs of all Palestinians. The Palestinian Legislative Council (PLC) stopped operating in 2007 creating a democratic vacuum that let executive bodies directly assume legislative functions, thereby further aggravating the lack of separation between executive and legislative powers. Correspondingly, the central government lost oversight of institutional bodies in the Gaza Strip to the de facto authorities, which control over limited financial and technical capacities.
This situation deepened the judicial asymmetry and led to alarming administrative erosion - only worsened by the intensified Israeli blockade and the degradation of the humanitarian situation - that impairs access to the judiciary for many Palestinians today in the Strip. This continuous deterioration of the institutional space coupled with the protracted military occupation have substantially reduced the Palestinian government’s ability to deliver justice services through accountable and inclusive justice institutions, particularly in the Gaza Strip, East Jerusalem and Area C (including Hebron H2) where Palestinian rights are continuously challenged through property violation, arbitrary detention, restrictions on movement of goods and people, restrictions on access to land and sea as well as to basic rights and services.

5. Efforts to achieve SDG 16

Despite this multiplicity of duty bearers, the Palestinian government is strongly committed to developing a strategy for the implementation of the 2030 Agenda’s SDGs and to ensuring national ownership of all relevant key stakeholders involved. This is demonstrated by the State of Palestine’s strategy embodied in the National Policy Agenda, which emphasises on putting “citizens first” and on the integration of Palestine’s human rights treaty obligations within the Agenda’s priorities as a step towards the SDG implementation.

To achieve this, the Council of Ministers formed a national team, placed under the auspices of the Prime Minister’s Office (PMO), which, in close collaboration with the National Statistics Team (led by the Palestinian Central Bureau of Statistics (PCBS)) and the National Sustainable Development Forum, identified sustainable development priorities and mainstreamed key targets within the National Policy Agenda (2017-2022) as well as within related sectorial strategies. With regard to localization and monitoring of SDG indicators, the PCBS developed baselines for indicators and adapted its data management structure to make a more strategic use of institutionally produced data with the view of supporting informed reporting. To this end, a general directorate of ‘Records and Statistical Monitoring’ was established with the aim of collecting and formatting statistics extracted from administrative records of public institutions and to combine them with survey-related data. Through this approach, the national team has already been able to evaluate progress against key SDG targets, which materialized in 2018 in the submission of the State of Palestine’s Voluntary National Review (VNR), and will be able to re-adjust its strategy, if necessary, during the formulation of the next National Policy Agenda.

With regard to the ‘peace and justice component’, this work was done through the MoJ-led SDG 16 working group (SDG 16 WG), which proved successful in bringing on board key civil society players, which cover both the West Bank and the Gaza Strip, including the Palestinian Human Rights Organizations Council (PHROC) and the Coalition for Accountability and Integrity (AMAN) as well as the Independent Commission for Human rights (ICHR). This group also includes representatives of all the relevant governmental partners including the Ministry of Interior, the Palestinian Anti-Corruption Commission (PACC) and the PCBS. The group, supported by UNDP in the framework of the joint UNDP/UN Women/UNICEF joint programme and OHCHR, was able to localize and inform the SDG 16 indicators and provide the necessary inputs for the Voluntary National Review (VNR). Congruent with its advocacy role, the SDG 16 WG worked to raise the awareness of civil society and governmental institutions on the 2030 Agenda and SDG 16 (including the gender dimension of its indicators), particularly in the Gaza Strip, targeting the Civil Society Team for Enhancing Public Budget Transparency (CSTPBT) and other CSOs, through UNDP, which acts as the primary SDG platform.

6. Results so far and Way Forward

Under the auspices of the PMO and with the close support of the SDG16 WG, the State of Palestine submitted its first Voluntary National Review (VNR) in 2018. The review highlighted the State of Palestine’s commitment to strengthening the rule of law through institutional reinforcement, which concretely translated into upgraded ICT systems that enhance connectivity between duty bearers and right holders (including an online complaint mechanism to report police abuse). Further to this, the Palestinian government adopted the Juvenile Protection Law in 2016, which unifies domestic and international law, and updates the Palestinian juvenile justice system. It recognizes minors – those under the age of
Taking the above into account, the SDG 16 WG is working towards the development of an action plan that will highlight the alignment of existing national strategies with the objectives and indicators linked to SDG 16, will identify any gaps in the relevant sectors that remain to be covered and will structure outreach to further sensitize the public and CSO actors on peace, justice and strong institutions. Further to this, the Palestinian government will review its domestic legislation for compatibility with the international human rights treaties. The government will also pursue on its path to improve online-based services with a view to improving the expediency of the judicial process and thereby to make rule of law institutions more effective, accountable and transparent. In an effort to end abuse and all forms of violence against children, the State of Palestine will intensify its efforts to adopt specific legislations to respond to the peculiarities and sensitivities associated with family violence in line with its human rights treaty obligations under the Convention on the Elimination of All Forms of Discriminations against Women and the Convention on the Rights of the Child (called the “Family Protection Bill”) and will continue to operationalize some of the legislation’s elements (the Palestinian government already appointed 26 specialized prosecutors to deal with family violence related cases). The Family Protection Bill will provide an encompassing framework to prevent and adequately respond to violence against women – including family violence. Efforts to ensure equal access to justice for all will also be intensified through the rollout of specialized services across the justice chain and through the implementation of the National Legal Aid Strategy that was endorsed in 2019 by the National Legal Aid Committee. With the ‘leave-no-one-behind’ principle at its core, this strategy sets out the framework of a sustainable national legal aid scheme that will be incrementally implemented focusing at the early stage on criminal justice and family law cases - reflective of society’s most pressing legal needs – and prioritizing access to legal aid services for vulnerable groups, including women and children in contact with the law.

7. Lessons Learned

Building upon the previous MDG experience, the SDG16 WG involved a wide range of actors (18) including the PCBS, West Bank and Gaza civil society organizations. Cognizant of the difficulty to comprehensively tackle corruption and address access to justice, the SDG 16 national team adjusted its working methodology with the creation of two dedicated sub-groups (“access to justice and human rights” and “anti-corruption”). With the PCBS being a party to the SDG16 WG, the group integrated the necessity of reflective disaggregated indicators that highlight the responsibility of the multiple duty bearers and will enhance its monitoring methodology accordingly.

The SDG16 WG will also aim to identify and cover organizational needs that would allow CSOs to better contribute to SDG 16 in a timely manner (e.g. technical training, community outreach). Similarly, UNDP and OHCHR will continue working on enhancing team members’ knowledge of SDG 16 with the view of using the platform’s leverage to achieve wider governance’s goals and to provide for stronger institutions able to build synergies between the different SDGs. Cognizant of the fact that SDG 16 is not a standalone goal, the SDG16 WG will work to foster a culture of peace and non-violence (SDG 4) through enhanced public access to information (SDG 16) and will use its institutional leverage to push for the adoption of the law on the Right of Access to Information ("Freedom of Information Law"). Similarly, the SDG 16 WG will use its position to push for the expedition of the Family Protection Bill’s adoption process that will contribute to ending all forms of violence (SDG 16) - particularly violence against women and girls (SDG 5) – and to educating the general public on human rights and gender equality (SDG 4).