

# Annex I Human Rights Support

## Overview of human rights support

Support to human rights consisted mostly of funding activities, including the following disbursements:

- Support to the Independent Commission for Human Rights (DKK 8 million in 2009-2012);
- Support to the Human Rights NGO Secretariat<sup>1</sup> (DKK 39 million 2009-2013, of which DKK 29 million to NDC in 2009-2013 and 10 million to NIRAS Natura/Birzeit University only in 2013);
- Support to Birzeit University to develop a Family Law Database (ca. DKK 3 million in 2010) and a successor project on Access to Information about Women's Rights (DKK 3 million in 2013);
- Support to Palestinian Police Training (UNDP-EUPOL COPPS), (DKK 13 million in 2009-2013).

For the HR/GG NGO Secretariat, Denmark participated in a donor consortium including also Sweden, the Netherlands and Switzerland; Denmark provided 28,4% of the funding. The same donors of this consortium plus Norway also support the ICHR, where the Danish share is smaller 10% in 2008-09, 8% in 2010 and 19% in 2011-12.

## Donor coordination

The Justice Sector Working Group acts as a forum for coordination and exchange between donors and the PA on issues related to the justice sector, which comprises of the Ministry of Justice, the High Judicial Council and the General Prosecution. Moreover, the Ministry of Interior is also part of it since they are entrusted with the Police oversight role and civil affairs, where EUPOL COPPS provides technical assistance given their involvement as rule of law advisors in the Ministry of Justice. The SWG does not explicitly address human rights (apart from publishing occasionally analyses – e.g. a paper on women's rights by UNDP).<sup>2</sup> The Security SWG coordinates interventions involving the police and other security agencies under the Ministry of Interior.

Human rights support and CSO support is not the subject of any LACS donor coordination structure. This indicates a disconnection between human rights and the rule of law, and also between human rights and good governance. One explanation that was provided to the Evaluation Team is that the PA needs in the justice sector are very basic at the moment and related to infrastructure and staffing, etc. Given the PA chairmanship of SWGs the focus on human rights would not be a priority. Another explanation received from LACS is that human rights are mainstreamed into all sectors. Another governance topic that is central to Denmark and other donors and that is not addressed by any specific group in LACS is civil society development. The Palestinian umbrella organisation PNGO is member of the Agricultural Sector Working Group and the Social Development Strategy Group but this participation has to do with the role of NGOs as service providers and not with civil society development as a governance theme.

## Expansion of NGOs and donor funding

Lack of donor coordination regarding support to civil society goes hand in hand with overfunding and duplication of funding to NGOs. A recent article of Ma'an News Network<sup>3</sup> reports on the

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<sup>1</sup> Human Rights and Good Governance (HR/GG) NGO Secretariat in 2009-2013; Human Rights and International Humanitarian Law (HR/IHL) NGO Secretariat since 2013.

<sup>2</sup> Botmeh, R., A Review of Palestinian Legislation from a Women's Rights Perspective, United Nations Development Programme (UNDP), September 2011 <http://www.undp.ps/en/newsroom/publications/pdf/other/womenrreview.pdf>.

<sup>3</sup> Ma'an News Network. (2014). Retrieved on October 21, 2014 from <http://www.maannews.net/eng/>.

results of a new study conducted by the Observatory of social and economic policies revealing that the number of Palestinian NGOs operating in Palestine has dramatically doubled over the past years. It is reported that during the period 2006–2014 the number of newly registered organisations was at 1527 thus increasing the number of community-based organisations to reach more than 2770 organisations, many of which operating in the city of Ramallah. Other studies indicate that smaller community organisations are not so often considered in donor funding.<sup>4</sup> There is an increasing tendency of NGOs to focus on service delivery, for which they potentially may attract more donor funding and compete with public institutions, and which may go at the expense of their advocacy function.<sup>5</sup> The competition between PA and NGOs can be traced back to the establishment of the PA in the nineties. When the PA appeared on the scene, some donors felt that funding previously provided to NGOs should be provided to PA Ministries of Health, Education, Agriculture, Social affairs, etc. However, other donors preferred to continue or even to increase the funding to NGOs as they did not want to consider the PA as an implementing partner. Many donors started funding the PA, but also funded NGOs. For example, the World Bank funded with USD 15 million a NGO Development Centre<sup>6</sup> that later became the HR/GG NGO secretariat co-funded by Denmark. Donor funding enabled NGOs to endure in difficult political conditions torn between tendencies of the PA to control NGOs and issues related to the Israeli occupation. NGOs have remained a key force in Palestinian society, in particular in the delivery of services. However, funding issues have fuelled further suspicions and desires for control by the PA and further diffidence towards the PA by NGOs.<sup>7</sup> These tensions did not foster a viable democratic governance model based on healthy state-civil society relations.

## **Result orientation**

It is not easy to establish outcome and impact indicators in the area of human rights, as stakeholders participating in the focus group on human rights highlighted. Certain indicators are ambivalent e.g. an increase of the number of human rights violations can indicate both an increased prevalence of violations (negative) and an increased awareness of right holders (positive). In order to measure progress regarding the awareness of duty bearers and right holders on human rights, surveys would need to be carried out, preferably in a joint effort by various human rights institutions. However, this has not happened yet.

Evaluations were conducted for the main projects. External evaluations of ICHR were carried out in 2010 and 2013. The HR/GG NGO Secretariat went through an external review in 2011 and an impact evaluation in 2013. Findings from these evaluations were taken into account, e.g. in designing the new edition of the HR NGO Secretariat in 2014, and to develop the new strategic framework of ICHR.

## **Organisations funded by the HR/GG NGO Secretariat**

The Danish funding was available for both human rights and good governance (HR and GG) focused organisations. In the calls, however, it was specified that for GG applicant organisations, preference would be given to those who promoted the observance of the principles of rule of law

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<sup>4</sup> For a detailed typology of Palestinian civil society actors, see Costantini, G., Atamneh, J., Ayesh, K. and Al Hussein, F., Mapping Study of Civil Society Organisations in the occupied Palestinian territory, European Commission, May 2011.

<sup>5</sup> Ibidem.

<sup>6</sup> It can be noted that the NGO Development Centre, which managed the Danish-Funded HR/GG NGO Secretariat during the evaluation period, is a direct product from this World Bank project. Retrieved on October 20, 2014 from: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/WESTBANKGAZAEXTN/0,contentMDK:22641181~pagePK:141137~piPK:141127~theSitePK:294365.00.html>.

<sup>7</sup> Brown, N.J. Palestinian Politics After the Oslo Accords: Resuming Arab Palestine, California Press, November 2003, p. 162.

and human rights in governmental and non-governmental institutions.<sup>8</sup> The majority of the funded organisations and especially those which received core funding were indeed human rights and legal aid organisations, or organisations focused on the rights of women and children. Very few organisations had a broader governance and democracy focus, for instance The Palestinian Initiative for the Promotion of Global Dialogue and Democracy – MIFTAH, and the Palestinian Centre for Peace and Democracy (PCPD) or the Arab Thought Forum.

### **Implementation of ICHR recommendations**

A review of the status of ICHR Recommendations of Annual Reports 2010- 2012 shows that the recommendations formulated by the Commission since 2010 were almost all still unapplied by the Palestinian Authority and the Gaza de facto administration. The few positive changes mentioned are the stop to bringing civilians to military courts in 2012, and some proposals for the reform of the justice sector by the Ministry of Justice. In Gaza, ICHR was eventually allowed to visit the security agencies' detention centres in 2012. Some citizens were also allowed to return to Gaza (authorities had been prohibiting this in previous years, and ICHR had recommended that they should not do so). However, this change might not have been the result of the ICHR intervention. As an example of improvement on the judiciary side, on September 4, 2012, the Palestinian High Court of Justice took a decision in favour of the teachers who were fired from their jobs on the basis of a security clearance, and the Council of Ministers decided to reinstate all of them accordingly.<sup>9</sup> This was considered important as the episode concerned one example of unequal different treatment of civil servants due to political considerations ( Hamas affiliation) that is a sensitive political issue in the Palestinian reconciliation process.

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<sup>8</sup> Human Rights and Good Governance (HR/GG) NGO Secretariat, Invitation to Submit Applications for Core Funding for Human Rights and Good Governance (HR/GG) NGOs Working in the occupied Palestinian territory (oPt), 2010.

<sup>9</sup> Ibidem.