



# Annual Report 2015

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#### **Our Overall Objective:**

*“...to contribute to the effective realisation of adherence to human rights and international humanitarian law in the occupied Palestinian territory (oPt) and to influence the behaviour of the relevant duty bearers...”*



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The Human Rights and International Humanitarian Law Secretariat in the occupied Palestinian territory (hereafter The HR/IHL Secretariat or “Secretariat”), is a project implemented by NIRAS NATURA AB – Sweden, and the Institute of Law, Birzeit University, Birzeit, Palestine, with generous support from the governments of Sweden, Denmark, the Netherlands and Switzerland.

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## EXECUTIVE SUMMARY

This report covers the performance of the Human Rights and International Humanitarian Law (HR/IHL)<sup>1</sup> Secretariat in the occupied Palestinian territory (oPt) during the first implementation year<sup>2</sup>.

The Secretariat has been established to: (i) provide effective and efficient management of core and project funding support to CSOs working on Human Rights (HR) and International Humanitarian Law (IHL) in Palestine; (ii) develop the capacity of CSOs using different methods and approaches; and, (iii) facilitate policy dialogue and networking between CSOs, the donors and other stakeholders/duty bearers in Palestine.

This report not only covers the contribution of the Secretariat and its partners to the realisation of and adherence to HR and IHL in the oPt, but also provides more detail about the extent of partners' contributions to influence the behavioural change of the Palestinian and Israeli duty bearers.

*“Contribute to the effective realisation of adherence to HR/IHL in the oPt, and influence the behaviour of the relevant duty bearers to that end, through civil society organisations”.*

**Secretariat Overall Objective**

In this report, the performance of the Secretariat is measured against its agreed objectives, as in the Results Framework, and in accordance with its Strategy. It tells the reader how, during 2014, the Secretariat and partners – despite obstacles faced and changes in context and country-wide priorities – has contributed to change.

Finally, the Secretariat will use this annual report for its own organisational learning, and operational planning in 2015.

### **The Context – influencing behaviour change**

On the level of policy change by the duty bearers, partners report influenced change in a total of 53 policies directly affecting the enjoyment of human rights in the oPt, though not all are of the same importance or likely to result in the same degree of change. Significant policy developments include Palestine joining international bodies and acceding to major human rights treaties, including the two major human rights covenants, the Convention on the Rights of the Child, Convention on the Elimination of all Forms of Discrimination against Women, Convention against Torture, and the Rome Treaty establishing the International Criminal Court. This move is of strategic nature, for which Secretariat partners have been advocating for years. In the period immediately following the PA's decisions,

<sup>1</sup> The Secretariat is a non-legal entity, established by NIRAS and Birzeit University Institute of Law, as Managing Partner, through agreement with a consortium of donors representing the governments of Sweden (lead donor), Switzerland, the Netherlands and Denmark.

<sup>2</sup> The inception period ended in January 2014 and therefore, year one covers the period 1 February-31 December 2014. However, the Secretariat, with donor approval, provided funds to its core funding partners starting 1 January 2014, i.e. partners activities covered in this report represent their work over a twelve month period.

Secretariat core partners have been adjusting their plans to ensure international treaties to which Palestine became party are taken seriously, and result in meaningful change.

The 2014-2016 Palestine National Development Plan's (PNDP) attention to human rights has been a major success. This, however, is only the beginning, and all involved, governmental, non-governmental and private sectors, have a lot to do in all spheres, in order for the goals of the PNDP to be realised. At the level of national legislation, amendment of article 98 of the penal code in a way which makes it more favourable to protecting the rights of women, is a success for which WCLAC and other CSOs have advocated for years. Protecting women from violence, needless to say, requires not only legislative action, but continued advocacy, education, enforcement, and persistent action.

CSO and Secretariat action during 2014 can better be understood in the context of the war on Gaza and the continued violations of Human Rights and IHL in the oPt. The war on Gaza has obstructed progress in Gaza for months, and has resulted in a shift in priorities at both the national and CSO levels. But the war on Gaza has not only impacted CSOs in Gaza; Israeli and West Bank CSOs faced difficulties carrying out substantial parts of their planned work, to focus on emergency interventions due to the war.

Another main obstacle for CSOs was the need to respond to the increased demand for legal aid, documentation and advocacy resulting from the accelerated settlement expansion and increased settler violence; especially in and around East Jerusalem.

In addition to the war on Gaza and increased settler violence, this report demonstrates that HR abuses, including serious violations of IHRL and IHL, have continued to be committed in the oPt throughout the year 2014. Human rights abuses committed include: extra judicial killings, torture, medical neglect, politically-motivated and administrative detentions, denial of free and fair trial, attacks on journalists and the press, forced population transfer, punitive house demolition, violations of the right to freedom of assembly, discrimination including against women, discrimination against persons with disabilities, restrictions on the right to freedom of movement, violation of the right to family life.<sup>3</sup>

Partner CSO policy recommendations are often communicated directly to the duty bearers, and sometimes developed upon their request. In other instances, donors and other sector stakeholder action is required or taken in support of CSO policy recommendations. Information available to the HR/IHL Secretariat suggests that donors and other stakeholders, including the EU, UN agencies and foreign diplomats and government officials, have taken action in a total of 86 occasions in support of or based on policy recommendations produced by Secretariat partners.

With regard to CSOs engagement in existing or new associations, coalitions or networks, 2014 witnessed a significant increase of partner's joint activities and campaigning. Approximately 67% of the Secretariat's

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<sup>3</sup> To the extent partner interventions and programs are indicative of the extent of violations committed by duty bearers, 7,174 interventions have been recorded.

partners report having engaged in or through a new association, coalition or network during 2014. The following actions are some of many that Secretariat partner CSOs have worked jointly on:

- The hunger strike by Palestinian detainees in Israeli prisons and blocking the Israeli force-feeding bill.
- Legal and international advocacy on torture and ill-treatment on behalf of prisoners/detainees.
- Raising awareness on widespread and systematic ill-treatment and torture of Palestinian children in the Israeli military detention system.
- Addressing the needs of divorced women in the West Bank.
- Establishing a journalism network forum.
- PCHR, Al-Haq, Al Mezan and Al Dameer formed a network during the war on Gaza, for unifying the efforts of monitoring and documentation human rights violations.

Regarding the extent of adherence by media to HR/IHL initiatives and outputs of the partner CSOs, 15 partner CSOs implemented evidenced Human Rights Based Approach (HRBA) training for their staff. Moreover, nearly 5,000 HR/IHL actions and initiatives of the CSOs were covered by media. This means that citizens and duty bearers are faced with reports on human rights issues virtually every time a newspaper or website is viewed.

The above represents a summary of information the Secretariat gathered to report against the broader set of indicators, as stated in the Secretariat's Results Framework. More specific indicators, associated with the specific objectives of the Secretariat are discussed in the respective chapters below.

### **Resourceful and Flexible Partner**

In order to become a resourceful and flexible partner, the Secretariat has focused during 2014 on strengthening its internal operational systems, diversification of communication and advocacy tools.

These included:

- Modifying the Fund Management Manual according to lessons learned from three grant cycles – core, project, and emergency funding cycles;
- Improving communication. To reach this result, the Secretariat has established a Communication Strategy; Grants and M&E Information Management System; website that 74% of Secretariat partners use; Portal that contains resources from partners and other resources of HR in Palestine; and, the Secretariat's Facebook page.
- Issuing three Secretariat Newsletters about the work of the partners and the Secretariat, which have been distributed, via email, to all partners, and is available from the Secretariat's website.
- Further development of the M&E system and the indicators of the Results Framework of the Secretariat.
- Ensuring quality. The managing partner has carried out two Quality Assurance missions during the year to ensure effectiveness, efficiency and relevance of the work of the Secretariat.
- Establishing the Reference Group of the Secretariat and holding two meetings of the group to provide advice and reflection on the alignment of the Secretariat work with the sector needs.

- Finally, enhancing transparency and internal learning. The Secretariat has established grievance procedures for CSOs and others to complain or recommend changes to the way the Secretariat services are provided.

Progress towards achieving the overall objective of the Secretariat to become a resourceful and flexible partner are highlighted hereunder. The analysis shows that the Secretariat has clearly succeeded in setting up its systems for grants making, capacity building and policy dialogue. As part of its Monitoring and Evaluation (M&E) system, the Secretariat conducts regular surveys of partner satisfaction. With respect to the Secretariat's performance in key areas and functions, the survey points out that the vast majority of partners are satisfied with the content the Secretariat provides through its events (between 62% and 69%), engagement with donors and space (53%), contribution to their stability (72%), and hub for knowledge (53%). These are considered important benchmarks in improving the relationship with partners that is built on trust, responsiveness and flexibility. There have been a number of incidents where the Secretariat has received complains either verbally or formally. As a flexible and transparent partner, the Secretariat has not only conducted two quality assurance missions, but has formally opened an online grievance procedures available to all its partners and other CSOs who may complain about the work of the Secretariat.

### **Channelling and Management of Funds**

By year end, the Secretariat has built partnerships with 43 CSOs (24 core grantees and 19 project grantees), in addition to responding, through nine emergency grants, to the need for resources to document violations of HR and IHL in Gaza during the war. Out of the 24 core grantees, four are Gaza-based, one is East Jerusalem-based, ten are based in the rest of the West Bank, and the remaining nine are Israeli. Out of the 19 project grantees, five are Gaza-based, two are East Jerusalem-based, ten are based in the rest of the West Bank, and the remaining two are Israeli. It is through these CSOs that much of the progress reported below has been influenced.

More than 90% (11,953,209 USD) of the total budget of grants has been committed. The grants fund available until the end of the project are 1,313,668 USD, which will be used during the upcoming cycles. The Secretariat has disbursed in 2014 the total amount of 2,908,333 USD. See the Financial Report for more information on the disbursement of funds.

156 CSOs have sought Secretariat funding in 2014. 30 of these organisations were thoroughly reviewed by Secretariat staff, using a tool the Secretariat team customised to suit the HR/IHL sector's properties, to ensure eligibility for core funding. 24 organisations were successful in acquiring Secretariat core grants. For the project funding cycle, the Secretariat received 84 applications with the total requested budget exceeding eight million USD. The Secretariat has announced the approval<sup>4</sup> of grants to 20 organisations allocating over 1.2 million USD for this cycle. This cycle required working with the 20 organisations to develop their concepts, and modify their full applications.

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<sup>4</sup> So far 18 grant agreements for project funding have been signed, and another will be signed before end of June 2015, bringing the number of project funding grants to 19. One approved application has been withdrawn.



During the year, the Secretariat has strengthened its cooperation with UNDP, OHCHR, and others as part of coordinating grant making; especially, that these organisations provide support to HR organisations in Palestine.

In response to the war on Gaza, the Secretariat has issued an emergency funding call for proposals after receiving additional funding from the donors. The call was not in the original Secretariat plans. Nine core funded organisations have received extra funds to monitor and document the violations during the war. For this cycle of funding, the Secretariat has made its utmost to ensure that partners are coordinating their documentation of the war in order to ensure efficient use of resources, as well as avoiding negative overlap or conflicting reports about the violations. Four of the nine organisations who received funds will issue a synthesis report documenting violations during the war in April 2015.

It is important to note that the Secretariat was the first to respond to the war with funding, which was highly appreciated by the partner CSOs and a clear indicator of the Secretariat being a flexible and responsive partner.

### **Capacity Building/Development of Partners**

The Secretariat focused in 2014 on assessing the capacity needs of the sector as well as developing the capacity building plan. Because of the war on Gaza, implementation of many activities of the plan were delayed to the beginning of 2015. The plan aims at empowering partner CSOs and improving their ability to participate more effectively in empowering right holders and duty bearers, advocating for change of behaviour, and ensuring results based management improvement. During 2014, the Secretariat has conducted the following in this regard:

- The Secretariat used a specific participatory organisational capacity assessment tool (POCAT) customised by the Secretariat, to assess the capacity of 30 organisations. 24 of them received core funding from the Secretariat. The gaps in capacity included: inadequate participation of board directors in CSO governance; limited use of HRBA principles in programming and management; weak M&E systems, limited use of media; poor human resource management; and poor fundraising skills;
- Established the capacity development plan of the Secretariat, which includes activities to be carried out by the Secretariat to develop CSOs capacities, peer-to-peer (CSO to CSO) capacity development activities; and, a system for a student-internship programme. The implementation of the plan will start in 2015.
- Partners have implemented two events on peer-to-peer learning during 2014, attended by 19 CSOs. Al Mezan Center in Gaza held one training on mechanisms to monitor and document HR violations, and the other was implemented by DWRC on mechanisms of protecting labour rights.
- Core funded partners have conducted 98 capacity building activities: 20 on HR and IHL; 20 on governance and management leadership; 19 on media and external relationship; 19 on programming and service delivery; twelve on human resources management, and 18 on financial management and accounting.

Results of the capacity building/development of partners are yet to be seen; however, the Secretariat has taken major steps towards analysing capacity gaps that will be used as a baseline for measuring improvement of partners' capacity. This knowledge in itself constitutes an important progress marker.

The following are key issues that the Secretariat will focus on in the near future with regard to capacity building of CSOs:

- Systematic review and analysis of partners annual reports to advise partners on how to improve their results based reporting;
- Improve partners' indicators and M&E systems;
- Develop their capacity development plans and include special focus on fund raising; and,
- Increase focus on HRBA in all partners' approach to development.

### **Policy dialogue**

The Secretariat is providing opportunities and facilitating policy dialogue with stakeholders of the HR sector in Palestine through providing organised space for likeminded CSOs, facilitating networking, and acting as a hub for knowledge.

Therefore, the Secretariat's role (expectation) in Policy Dialogue is:

- **Problem Identification.** As a result of the vast access to CSO proposals, experience of the staff, and activities carried out by the staff or the Secretariat's consultants, the Secretariat is a hub for knowledge, working on:
  - Problem analysis, stakeholder analysis, identify/analyse policy issues that CSOs and donors can be engaged around;
  - Diagnostic studies to identify important and priority policy dialogue issues; and,
  - Encourage thematic meetings among CSOs, including the Human Rights Council meetings.
- **Voicing views.** As a facilitator, the Secretariat is voicing the CSO views to the donors and the reference group either through:
  - Regular meetings with donors (formal) or ad hoc meetings (informal) as the situation arises. Strengthening trust between CSOs and donors through facilitation of dialogue.
  - Closed-rooms community of practice on the Secretariat portal moderated by the Secretariat.
- **Facilitating Policy Dialogue with duty bearers.** The Secretariat has in certain cases invited duty bearers to certain Policy Dialogue meetings with donors and CSOs, and will be doing more of this in the near future, particularly the Palestinian Authority.
- **Strengthening platforms** through the financial resources available channelled to existing or new platforms for Policy Dialogue. This is done through offering grants to coalitions, or encouraging policy research carried out by platforms or coalitions of likeminded CSOs.
- Ensuring that the Capacity Development (CD) Plan includes 'policy making and development' as formal training by the Secretariat for interested CSOs, or influencing partners to include it in their peer-to-peer CD plans, or in the individual CD plans carried out by CSOs themselves.

During 2014, the Secretariat, donors and partner CSOs have engaged in the following policy dialogue:

- Meeting in the summer of 2014 regarding the views of the CSOs and donors on what policy issues the Secretariat should focus on. The partners have identified the following to be key policy issues that need the Secretariat's support:
  - ICC accession;
  - HR situation in East Jerusalem;
  - Aftermath of the war on Gaza pertaining to the internal strife and reconstruction efforts;
  - Area C and Israeli expansion.
- Establishing the Dialogue e-group as a closed community of practice for partners and the donors to allow for exchange of information and policy dialogue.
- A number of meetings held with partner CSOs and the donors, organised by the Secretariat, aiming at increasing CSO-CSO and donor-CSO- policy dialogue. These included: meeting in Jericho on 26 March and in Gaza 13 May; three partners meetings in September 2014; meeting on 9 October between EU representatives, Norway, Switzerland and CSO representatives in Gaza, prior to the Cairo conference on CSO demands with regard to Gaza reconstruction; and 17 November meeting in Gaza with the Consul General of Sweden and CSOs on the reconstruction of Gaza.
- Meetings to discuss priorities for intervention in East Jerusalem.

There are numerous opportunities for policy dialogue, particularly for donor<sup>5</sup>-CSO dialogue, which makes it difficult to attribute results of the work of the Secretariat pertaining to policy dialogue. However, the services that the Secretariat provides<sup>6</sup> are all important structures/tools that should be considered as contributing to affecting policy changes. The latter is indicative of behaviour change of duty bearers.

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<sup>5</sup> Secretariat donors.

<sup>6</sup> Through meetings, acting as a hub of knowledge, capacity development on how to conduct policy dialogue, research on policy issues and others.

# 1 SECRETARIAT AS A RESOURCEFUL, FLEXIBLE PARTNER

The focus of the Secretariat throughout 2014 has been on delivering its services in the three key areas of fund management, capacity building and policy dialogue. For the Secretariat to be prepared and capable of performing key functions in the three areas mentioned above, the Work Plan for the year 2014 included a set of key activities, involving development and maintenance of internal systems, staffing, communication and outreach and performance monitoring. The following summarises the Secretariat's activities and interventions during the year 2014 in the above-mentioned areas. This report also reports on progress made to the extent possible, bearing in mind the fact that this is only the first year of the Secretariat.

**Programme Objective: A HR/IHL Secretariat is institutionalised and considered a key player and resourceful partner in the promotion of HR and IHL issues.**

## 1.1 INTERNAL SYSTEMS, TOOLS, PROCESSES

- The Inception Report, covering the period until 31 January 2014, was submitted to the Secretariat's donor consortium, and approved. The Secretariat's Work plan for 2014 has been approved early in the year, with the approval of the Inception Report. Towards the end of 2014, the Secretariat developed its Work Plan for 2015, through a collaborative effort, involving local Secretariat management, and support from Stockholm.
- The Secretariat's Strategy has been developed late in 2013, and finalized, approved and disseminated early in 2014. The Secretariat has conducted consultations with partner CSOs late in 2014, during which events partners indicated that they still see the Secretariat's Strategy as a valid guide. Thus, the modification of the Strategy in 2014 was not necessary. Needless to say that the Secretariat has taken partner CSO and donor feedback seriously, and has reflected this in its revision of the thematic and other priorities as it announced its call for proposals for project funding in 2014, and in its design of the 2015 call for project funding.
- The Secretariat's Fund Management Manual (FMM), was subject of comments and suggestions for improvement made by partner and non-partner CSOs. Discussions within the Secretariat and with partner donors have resulted in the modification of the FMM. In December 2014, a revised version of the FMM, as approved by the Secretariat's donor consortium Steering Committee, was released to partner CSOs, and widely disseminated. Changes generally were intended to ensure the Secretariat could respond to emergencies that may develop in the future, and that reporting requirements of partner CSOs are at the minimum level necessary for effective performance and financial management.
- The Secretariat's Capacity Development Plan was developed in collaboration with partners, approved and disseminated. The Plan is built on the collection of activities included in the core partner specific capacity building plans, a set of 13 peer-to-peer development initiatives by core partners, and collective capacity building activities the Secretariat will implement, all covering the period until the end of 2016. The plan also includes a pilot internship programme for young human

rights and law professionals, currently being tested in the West Bank, before expansion to the Gaza Strip is examined.

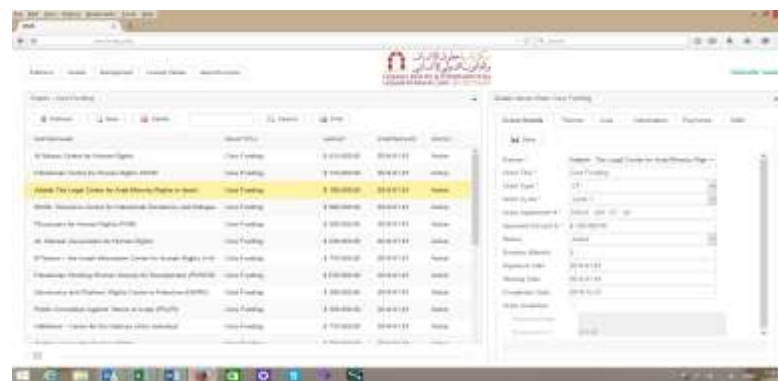
## 1.2 STAFFING

- Staff Refresher Training was conducted during the year, on two occasions, covering both aspects of the Secretariat's internal Operations Manual, and the FMM. This ensures team members are equipped with common understanding of the Secretariat's systems and tools, their goals and limitations, so they are prepared to offer the clients of the Secretariat the best service possible.
- The Secretariat's team did not grow during the year, though needs have significantly grown, especially as the Secretariat's fund cycles attracted increased interest and a larger than expected number of applications had to be reviewed. The need to respond to the war on Gaza also increased the workload. The Secretariat is learning from those experiences.
- The Communication Officer (CO) had to be replaced, twice, during 2014. The position requires both technical capacity necessary for the effective daily management of the FB page, website, including data entry, collection of stories and development of the newsletter, in addition to advanced knowledge in human rights and the CSO landscape in the country, and near native level of English. The mix of tasks and experience expected in the position holder made filling the position a challenge from the early days of the Secretariat.
- During 2014, the Secretariat, working closely with Sida, has developed the terms of references for a Bilateral Associate Expert (BAE) from Sweden. The BAE joined the team in January 2015. The BAE is proving invaluable to the team, especially given his research and writing skills. This way, at least part of the gap the CO left, has been filled. The expert is not paid by the Secretariat but through a different funding channel by Sida.

## 1.3 COMMUNICATION AND OUTREACH

The Secretariat's store of online tools includes: grants and Monitoring and Evaluation (M&E) Information Management System (IMS), website, portal, FB page, e-newsletter, dialogue e-group and calendar of events.<sup>7</sup> These provide easy, transparent, equal access to the Secretariat and its services, offer partners access to valuable current and relevant human rights and IHL materials, provide neutral space for partners to share news on upcoming

**Figure 1: Information management system**



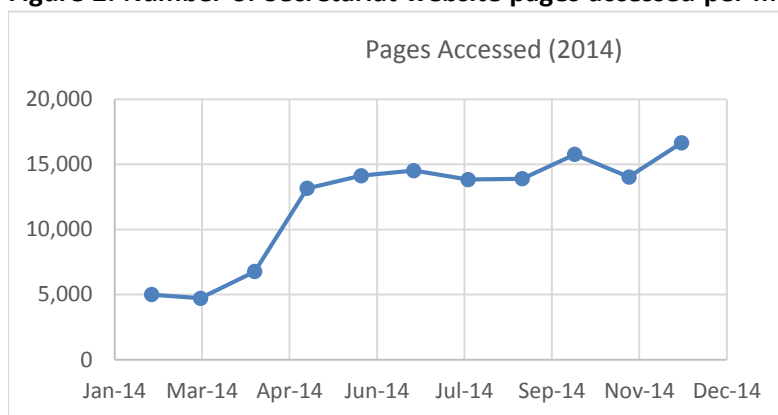
<sup>7</sup> The portal and the dialogue e-group are discussed in detail in the policy dialogue chapter (chapter 4).

and past events, and provide a valuable tool for collaboration.

- The Communication Strategy has been developed, and approved by donors. This has not been published, as it remains an internal document.
- The Secretariat has organised an **official signing ceremony**, including signing of the first core funding grants, in the West Bank, which Israeli and Palestinian core partner representatives, and high-level representatives of Secretariat donor countries have attended. A Gaza replica was organised, in the light of the fact that Gaza partners were not adequately represented in the West Bank event, due to Israeli travel restrictions.
- The **grants and M&E IMS** has been fully developed. The IMS is now in use, with all core grants already entered into the system, and project grants to be entered in the coming days. The system is configured for internal Secretariat use, but reports it generates can be customized for sharing with a broader audience, including via the Secretariat's online presence.

- The Secretariat's **website** has been operational since the middle of the inception period. As the CSO Perception Survey the Secretariat has conducted in January 2015 suggests, nearly 74% of the CSOs indicated they have been accessing the Secretariat's website, over 60% of these expressed their satisfaction with the website's accessibility. Monitoring of website statistics, as well as internal team discussions, and discussions with partners, suggested the design needs revision and improvement, to ensure improved accessibility. The team worked with the Institute of Law IT team, to make adjustments to the structure of the website, where the website now has a visible, prominent space for partner activities, past and upcoming, as well as

**Figure 2: Number of Secretariat website pages accessed per month**



**Figure 3: Facebook statistics, end of 2014**



recent developments in the HR sector. The result is increased demand from CSOs for publicizing their work through the Secretariat's website.<sup>8</sup>

- The **Portal**, comprising the ***Our Partners***, and ***HR Resources*** sections of the Secretariat's website is amongst the Secretariat's communication tools, also serving the policy dialogue function. These are discussed under policy dialogue.
- **Facebook page:** The Secretariat's Facebook (FB) page has been present from early in the inception phase. Since then there has been a significant increase in the activities on the page. Currently, the FB page is very active: we are reaching to thousands, mostly from the oPt, but also from Israel and Sweden. Now that we are making extensive use of the FB page to post partner and Secretariat news, as well as recent human rights developments, the audience of the page is on the increase. By the end of the year, the Secretariat's FB page has attracted 681 organic likes.<sup>9</sup>
- **Newsletter:** The Secretariat's newsletter has been published three times so far. The publication has not been regular, and content-wise the first three issues were not rich: they simply included information on Secretariat processes, with limited space for partner events. A survey has shown that just over 40% of the partner CSOs thought the newsletter was issued in a timely manner, or was satisfactory in terms of content. The Secretariat, in response to these results, has in the last issue, introduced changes, which respond directly to these: the newsletter will be issued regularly and in a timely manner. The Secretariat also receives more information from the partners, which has enriched the publication, including partner stories and current HR and IHL developments and issues.
- **Dialogue e-group:** the Secretariat has set up a dialogue specific donor-CSO discussion/sharing e-group, which is hosted at the Secretariat. This is discussed in detail in chapter 4.
- **Calendar of Events:** the Calendar of Events has also been activated, albeit with delay. This has become a tool for the Secretariat staff and partners to share information about upcoming events, including peer-to-peer capacity building activities. This tool also provides Secretariat team with timely information to plan field visits, and provides information necessary for the collection of data for the Secretariat's Facebook page and newsletter.

## 1.4 PERFORMANCE MONITORING

To ascertain and gauge partner satisfaction, and make informed assessment of Secretariat performance, identify gaps, and learn from lessons to improve performance, the Secretariat employs a number of strategies and tools. The lessons each of these provide are discussed below.

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<sup>8</sup> These adjustments, unfortunately, have taken place only late in 2014, and thus the partner satisfaction survey may not reflect these improvements.

<sup>9</sup> By the end of 2014, post reach stood at 887, while total reach was 1.1k. Starting January 2015, the Secretariat has been actively pursuing expansion of its readers and contacts base, via Facebook. In a matter of few weeks, the likers of the Facebook page have tripled; currently standing at 2789 and growing.

#### 1.4.1 Partner Perception of Secretariat Performance

As part of its Monitoring and Evaluation (M&E) system, the Secretariat conducts regular surveys of partner satisfaction. With respect to the Secretariat's performance in key areas and functions, the survey points out to the fact that partners are fairly satisfied, but that there is a lot to learn and improve, as discussed in the following chapters. Following is a summary of the survey:

- CSOs are fairly satisfied with the content the Secretariat provides through its events (between 62% and 69%).
- CSOs clearly want even more engagement with donors and expect the Secretariat to provide that space. Only 53% are satisfied with the current level of engagement. However, given the fact that most dialogue activities organised so far have been about Gaza, and the Secretariat Gaza partners are the smallest number of partners, this is a good start.
- Over 72% of the respondent CSOs believe that the Secretariat has contributed to their stability.
- Over half of the CSOs surveyed believed that the Secretariat provided or constituted a hub of knowledge and current research on HR/IHL.

We take partner views seriously, and will pay due attention to crafting responses which address the gaps the survey identified, in the relevant chapters, below.

#### 1.4.2 Quality Assurance

The purpose of the NIRAS Natura Quality Assurance System is “to ensure efficient, effective and relevant delivery of Secretariat outputs towards programme stakeholders”. The scope of the QA system is internal to the programme, to provide a tool for the management to improve the performance of the Secretariat and promote learning.

The year saw two quality assurance missions carried out by the senior staff representatives of the Secretariat managing partners, NIRAS and Birzeit University. The approach in both cases was to engage with partners (both CSOs and donors) to attain structured feedback on Secretariat performance during the year, as a vital input in the results based management scheme of the Secretariat. The timing of both missions was such that some issues and recommendations provided by the QA team could be managed directly in the adjustment of the management systems and tools of the Secretariat. During the second mission, the QA team was also able to engage with the Secretariat team as a collective during the staff planning days in Bethlehem.

In summary, the main messages from these two QA missions are:

- The highly participatory approach combined with the accessibility to and professionalism of the team, the Secretariat has quickly become to be perceived as a “real” partner in the IHL/HR Sector.
- Partners required a bit of time to get accustomed to the adjusted conditions for grant management of the Secretariat.
- The establishment of Secretariat management systems (grant and administrative) has been relatively smooth and level of systems generally acceptable. Yet, administrative and management



solutions need to be flexible enough to response to changes in the sector and programme conditions.

- The focus of activities of the initial year on grants (core, project and emergency) management has implicated negatively on the other two components on capacity building and policy dialogue components. The conceptualization of the Secretariat's role in policy dialogue has been resource intensive, following series of discussions with programme partners, concluding in the need to test different allies of interventions. This way, the year 2015 should be perceived as a new phase of the Secretariat, where interventions of capacity building and policy dialogue (sometimes in combination) should prevail.

One QA mission is planned for early fall of 2015, of which the focus topic is yet to be determined in relation to the implementation of the capacity building plan and the policy dialogue activities of the Secretariat.

#### 1.4.3 Reference Group

The Reference Group (RG) supports the Secretariat in its work. The RG is a “group of 5-7 independent, impartial individuals, free from vested interest in either the Secretariat main stakeholders (Managing Partner or the CSO partners, as well as Donors and (other) duty-bearers)”, established to provide independent HR/IHL expert advice “and to ultimately contribute to the process of Secretariat programme alignment to sector needs.” The RG met twice during 2014, and the discussions RG members had with donors and Secretariat team have proven invaluable to directing Secretariat efforts to meet changing country and sector needs and priorities. RG members were approached before each funding cycle, and their views were instrumental in shaping the focus areas in the call for project funding proposals issued immediately after the first meeting of the RG. RG members were also consulted before the Secretariat's Work Plan was finalized and approved.

#### 1.4.4 Grievance Procedures

The Secretariat takes decisions, especially regarding the channelling of funds, which affect CSOs. Some CSO expectations – realistic or not – were not met, as Secretariat decisions were announced in the conclusion of fund cycles. CSOs have used different means and channels for passing on their complaints and comments regarding the Secretariat's fund management in particular. In discussion with the Secretariat's donors, a procedure for a transparent, orderly management of CSO grievances has been established. The launch of the procedure was announced widely through the Secretariat's website and Facebook page. The procedure can be accessed through: <http://www.rightsecretariat.ps/our-work/grantees/grievance-procedures>. Since the establishment and announcement of the procedure, no complaints or grievances have been received.

## 2 FUND MANAGEMENT

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One of the HR/IHL Secretariat core functions is to provide Palestinian and Israeli human rights and civil society organisations operating in occupied Palestine with funding to contribute to the Secretariat's overall objective "to contribute to effective realisation of and adherence to human rights and international humanitarian law in the occupied Palestinian territory and to influence the behaviour of relevant duty bearers".

**Highlights:**

- 1) Secretariat's strategy was developed by the end of 2013 where human rights intervention strategies and priority areas were identified.
- 2) The Fund Management Manual was developed by the end of 2013, to guarantee transparency and efficient and effective management of the fund.

By the end of 2013 the Secretariat completed the development of its strategy, where main intervention strategies, priority areas, that CSOs should consider in order to achieve the aforementioned objective have been identified: legislative and policy reform, human rights monitoring and documentation, advocacy and campaigning, networking and policy dialogue, enhancing gender mainstreaming and combating discrimination, conflict resolution, promotion of human rights, litigation against duty bearers, service delivery including legal aid and psychosocial services, change the behaviour of duty bearers, community participation and empowerment, and research.

### 2.1 FUNDING THE HR/IHL SECTOR

The governments of Sweden, Switzerland, Denmark and the Netherlands have approved a total fund of 13,266,877<sup>10</sup> USD to strengthen the role of civil society organisations in achieving the Secretariat's objective. Around 78% of this funding pool is designated as core funding to CSOs working entirely in the field of human rights, these CSOs are considered as the main contributors to real and sustainable change within the human rights sector. Around 19% is designated as project funding to support new and existing organisations or initiatives that will further improve the human rights sector in the occupied Palestine. The remaining 3% is designated as emergency funding to respond to certain emergencies that may occur and adversely affect the human rights situation in the occupied Palestinian territory. To guarantee transparency and efficient and effective management of the fund, the Secretariat developed a Fund Management Manual that was issued and made available to civil society organisations and the public through the Secretariat's website on 18 December 2013.

The Secretariat's team efficiently and successfully managed three funding cycles during 2014, including: evaluating and responding to applications received from more than 156 CSOs; improving the quality of 44 proposals; establishing partnerships with 24 core funding partners and 19 project funding partners; and monitoring the performance and providing coaching and capacity building to all Gaza, West Bank and Israeli partner CSOs. The team has also coordinated with UNDP, OHCHR and other donors to ensure

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<sup>10</sup> This amount includes the additional emergency allocated funding by the end of 2014, totalling US\$277,477, in response to the war on Gaza.

complementarity and prevent duplication. Details about these and other accomplishments are presented in the following sections.

## 2.2 SELECTION OF THE HR/IHL SECRETARIAT CORE FUNDING PARTNERS

The HR/IHL Secretariat received 72 prequalification applications in response to the call for expression of interest released in November 2013. It was published in Al-Quds newspaper and on the Secretariat website in order to maximize outreach and accessibility of available funds for all eligible CSOs. After rigorous evaluation of all received applications, 35 CSOs were found prequalified and eligible for core-funding. The Secretariat launched its call for core funding proposals on 29 December 2013, targeting the 35 prequalified CSOs. By the beginning of January 2014, the Secretariat conducted three pre-submission workshops in Jerusalem, Gaza City and El-Bireh, where the Secretariat's team provided participants with comprehensive information about the call for core funding applications, grant cycle management, proposal development, participatory organisational capacity development tool (POCAT), and monitoring and evaluation requirements. Immediately after these workshops the team started conducting POCAT assessments for the 35 prequalified CSOs to measure their grant management capacities and to identify their capacity building needs. All 35 CSOs submitted their full applications by 9 February 2014. The Secretariat team thoroughly reviewed and evaluated all received applications, and 24 CSOs were recommended for core funding, with a total grant value of 10,480,000 USD for a period of three years (2014 to 2016). The Steering Committee approved the List of HR/IHL Secretariat Core Funding Recipients and authorized retroactive funding, starting from the beginning of 2014 for all approved core funding recipients. CSOs were informed of the final decisions on 3 March 2014 and consequently 24 core funding grant agreements were signed with ten CSOs from the West Bank<sup>11</sup>, one from East Jerusalem, nine Israeli, and four from Gaza.

### Highlights:

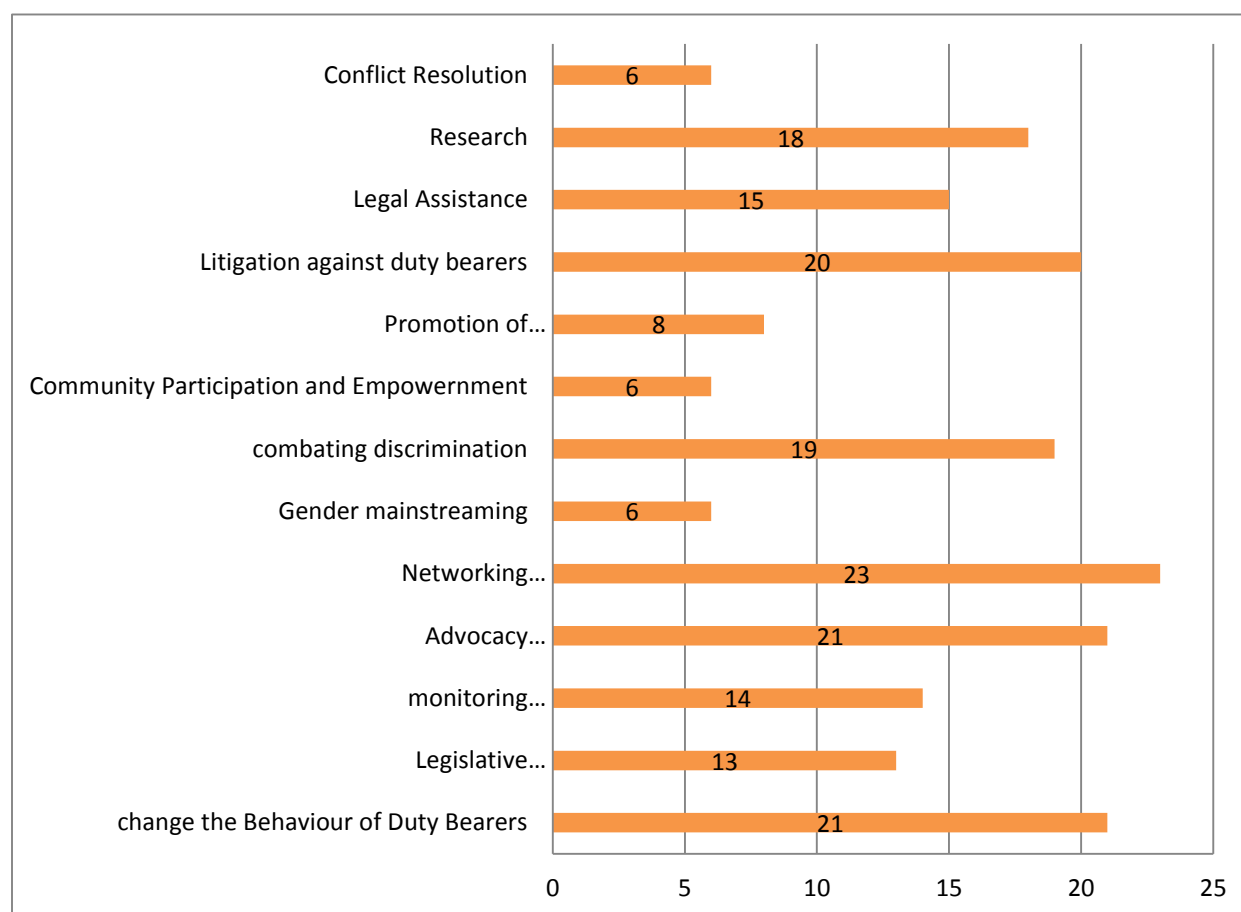
- 1) Prequalification: 72 prequalification applications were received and evaluated, 35 CSOs were prequalified.
- 2) Call for core funding applications was developed and three information workshops were conducted in Gaza, Jerusalem and El-Bireh.
- 3) Pre-award survey: 35 pre-award surveys were conducted using POCAT assessment tool.
- 4) Core funding applications: 35 applications were received and evaluated, 24 CSOs were selected for core funding.
- 5) Core funding grant agreements: 24 core grant agreements were signed with a total value of 10,480,000 USD for three years.

How the approved 24 core funding applications responded to the priority areas identified in the HR/IHL Secretariat strategy is made clear in table 1 below. Moreover, the Secretariat team took this in consideration while designing the call for project funding applications in order to cover the gaps.

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<sup>11</sup> Not including East Jerusalem.

**Table 1. Number of Core Partners targeting each of the HR/IHL Secretariat priority areas.**



## 2.3 PROJECT FUNDING OPTIONS

The Secretariat team has reviewed the Secretariat's Strategy and core partners' programmes and focus areas, and in consultation with the Reference Group and other stakeholders identified the following project funding priority areas: **research, litigation, media, gender, youth, persons with disabilities (PWD), advocacy, legislative reform and human rights education**. The call for project funding applications was developed by the Secretariat, taking in consideration all aforementioned priorities, and approved by the Steering Committee.

The first project funding cycle was more competitive than the first core funding cycle, 84 concept paper applications were received in response to the call for project funding applications, released by the end of April 2014. The Secretariat team has invested considerable amount of time to evaluate the large number of applications and by the end 23 concept papers were selected to proceed to the full application

development phase. Approval letters including development recommendations were sent to the 23 successful applicants to help them improve the design of their projects. Regret letters were also sent, to unsuccessful and ineligible applicants.<sup>12</sup>

To help successful concept paper applicants in designing and submitting good quality project proposals, the Secretariat team conducted two pre-submission workshops (on 14 June for West Bank CSOs, and on 16 June for Gaza CSOs) and conducted two meetings with the two successful Israeli applicants when the call for project proposals, application requirements, and human rights based approach were clarified. Participants were guided how to prepare each section of the project application, how to design the project using the participatory approach and engaging all relevant stakeholders, how to develop project budget, project monitoring, evaluation plan and capacity building plan. All 23 CSOs submitted full

**Main Highlights:**

- 1) Call for project funding proposals was developed including priority areas and published in local newspapers and Secretariat's website.
- 2) Concept paper applications: 84 concept papers were received and evaluated, 23 concepts were selected.
- 3) Pre-submission workshops: 2 workshops were conducted for West Bank and Gaza CSOs and 2 meetings with Israeli CSOs.
- 4) Project funding applications: 23 applications were received and evaluated, 20 CSOs were approved for project funding.
- 5) Pre-award surveys: 23 pre-award surveys were conducted.
- 6) Project funding grant agreements: 15 out of the 20 grant agreements were signed in 2014, and five more in early 2015.
- 7) The total value of the first project funding cycle is 1,232,351 USD.

applications in the end of June, that were reviewed and evaluated by the Secretariat team. Moreover, the team has conducted pre-award surveys of the 23 CSOs to measure their project management and financial management capacities. Taking in consideration pre-award survey results and evaluation results, the Secretariat prepared a list of 20 recommended and three not-recommended full applications for project funding by the beginning of September 2014. The list was shared with the Steering Committee members and included conditions and requirements pertaining to each application to be fulfilled before signing of grant agreements.

On 18 September 2014, the Secretariat Donor Consortium Steering Committee met, and approved the List of HR/IHL Secretariat Project Funding Recipients with a total value of 1,232,351 USD. The Secretariat team communicated the Steering Committee decisions directly to the 20 successful CSOs and met the following week with the three CSOs whose full applications were not approved, and explained to them the reasons behind the decisions.

As project funding CSOs are in need for capacity building support, the Secretariat team worked with 15 out of the 20 successful CSOs on modifying their full applications. Grant agreements were signed with 15

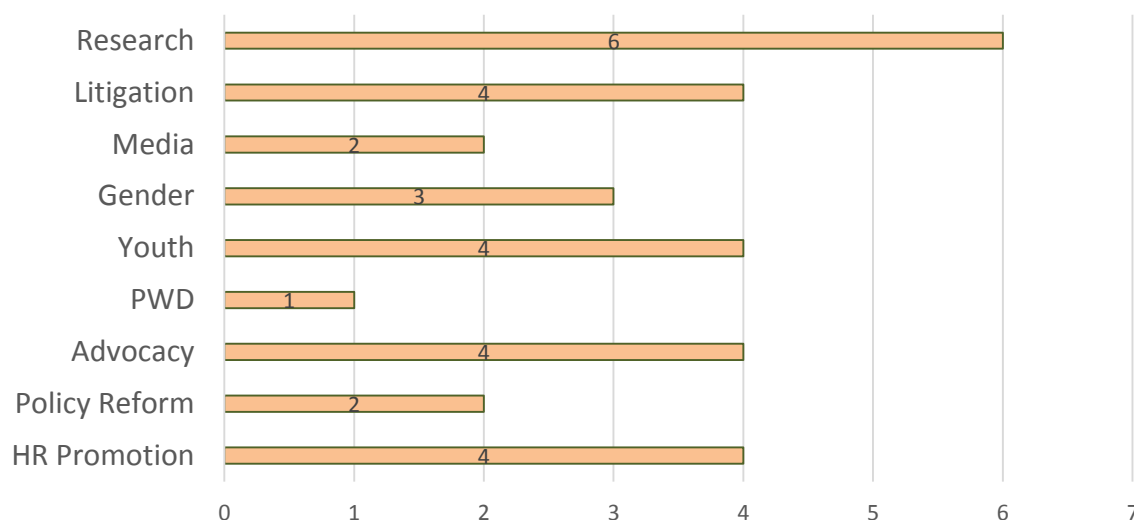
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<sup>12</sup> Following delivery of the regret letters, the Secretariat team has received and responded to queries and requests for more information on the assessment process and its outcome from more than 20 applicants. This was done through phone calls, individual meetings, and the sharing of evaluation scoring sheets, upon CSO demand.

out of the 20 project funding CSOs during 2014 and with four remaining CSOs during 2015. Implementation of eight projects started in December 2014<sup>13</sup>.

The below figure explains what project funding priority areas the approved 20 project applications were responsive to..

**Table 2. Number of project funding Partners targeting each of the Secretariat's project funding priority areas.**



It is also worth mentioning two especially innovative projects that have been granted funding during the first project funding cycle in 2014:

- In the project Protecting Palestinian's Housing and Land Rights in Area 'C', Land Research Center has established five information desks in the local councils of five villages in Hebron Governorate, those most affected by Israeli land confiscation and house demolishing orders. The information desks will be equipped with computers, GIS software and aerial photos and staff will be provided with comprehensive training on GIS mapping, surveying and principles of legal defense. Informative material containing guidelines on proper and timely response to demolition or confiscation threats will be developed and shared with victims, citizens and relevant stakeholders. The project will support preparation of legal files in 25 cases of house demolitions and/or land confiscations. These files will be shared with fellow human rights organizations to defend the victims' rights in the Israeli justice system.

<sup>13</sup> One of the applications was approved, but the Secretariat, in discussion with the applicant CSO, agreed that the application will be withdrawn, and no agreement will be signed. The Secretariat team launched a call for emergency response proposals in response to the Gaza war. This was given a priority, resulting in delaying the development and conclusion of the project funding cycle in 2014.

- In another project, Hurryyat is working on strengthening the culture of respect to HR and IHL among Palestinian security officials through seven awareness building sessions that will be organized in cooperation with the Palestinian security, intelligence and police bodies. The sessions will have a special focus on UNCAT and will target at least 150 officers who are directly responsible of interrogation in Palestinian detention centers. Hurryyat will also work on introducing detainees in Palestinian prisons to their right to be protected against any acts of cruel, inhuman or degrading treatment or punishment. Hurryyat's lawyers are visiting detention centers to assure that legal and safety measures are taken during the arrest and detention process.

## 2.4 HR/IHL SECRETARIAT'S RESPONSE TO GAZA WAR

The Israeli war on Gaza started on 8 July 2014. Within less than two weeks, the Secretariat coordinated a meeting between its core partners from Gaza and the donor consortium to discuss the human rights implications and possible response strategies. Immediately after the meeting, the Secretariat team developed a simplified emergency application form, simplified emergency proposal evaluation form and a call for emergency response proposals. The scope of the call was: **monitoring and documentation of IHL and human rights violations in the Gaza Strip arising from the armed conflict**. Simultaneously the lead donor, Sida, informed the Secretariat that a supplemental fund to deal with the emergency situation in Gaza will be approved, meanwhile the Secretariat can proceed with soliciting proposals. An emergency call/application/evaluation package was approved by the donor Steering Committee, and the call for proposals issued on 24 July 2014.

### Highlights:

- 1) **Quick response:** call for proposals issued on 24 July 2014 and CSOs notified of the funding decision on the 30 July 2014.
- 2) Emergency funding package including call for proposals, application template and evaluation form was designed and approved by donors.
- 3) Emergency funding applications: 11 applications were received and evaluated, 9 were approved.
- 4) Emergency funding addendum to grant agreements: 9 addendums to grant agreements were signed with a total value of 240,858 USD.

On 26 July, eleven emergency response proposals were received: four from Gaza, three from Israel and five from West Bank CSOs. One day later, the Secretariat team completed the evaluation of all received applications. On the evening of 27 July, the Secretariat got donor Steering Committee approval of the List of HR/IHL Secretariat Emergency Funding Recipients with a total value of 240,858 USD. On 30 July, during Eid Al Fitr holiday, the Secretariat sent approval and non-approval letters to all emergency funding applicants.

Most Secretariat core partners who received emergency funding from the Secretariat started monitoring and documentation of human rights and IHL violations during August 2014, before the end of the war. The Secretariat signed nine addendum grant agreements with the emergency funding partners shortly thereafter<sup>14</sup>.

<sup>14</sup> See section 5.9 for more information on Secretariat's work and partner contributions during the war on Gaza.

## 2.5 COORDINATION WITH DONORS

In order to be in line with the fund management component objective: “effective fund for the promotion of HR and IHL which is transparent, reduces corruption and duplication”, The HR/IHL Secretariat has coordinated with several donors during the year to ensure complementarity and prevent duplication.

The HR/IHL Secretariat has met twice with the UNDP – Rule of Law Programme team, during June and October, where lists of partners and summary of their interventions were mutually exchanged between the HR/IHL Secretariat and UNDP. Coordination with the UNDP – Rule of Law Programme during the HR/IHL Secretariat Gaza emergency funding cycle was of utmost importance.

The HR/IHL Secretariat has coordinated also with the UNDP – Community Resilience Development Programme, Office for the Coordination of Humanitarian Affairs (OCHA), Office of the High Commissioner for Human Rights (OHCHR) and Diakonia.

## 2.6 TRANSPARENCY

Transparency is one of the Secretariat fund management scheme characteristics that can be noticed in all grant making cycle phases. The Fund Management Manual, that describes in detail all grant making procedures, core, project and emergency funding parameters, evaluation criteria and other details, is available for all CSOs and the public on the Secretariat website. Evaluation results of received fund applications were shared with any CSOs who have requested to see the evaluation results of their applications, meetings were set up with many applicants where evaluation results were shared and explained.

Also, a grievance procedure has been developed and promoted through the Secretariat website and Facebook page, so that anyone has a complaint can share it with us. So far, the Secretariat has received nothing. Lists of core funding, emergency funding and project funding partners, including their amounts and summary of interventions, are available online at the HR/IHL Secretariat website.



## 2.7 INFORMATION SHARING AND CAPACITY BUILDING ON PROJECT DESIGN AND PROPOSAL DEVELOPMENT

In order to ensure receipt of quality applications that contribute to real development for the human rights situation in the occupied Palestine, the Secretariat team started each funding cycle by conducting information workshops to interested CSOs. The purpose of these workshops was to provide participants with information about the call for applications, full application development, monitoring and evaluation, capacity building, human rights based approach, budgeting, and project design taken in consideration participatory approach and stakeholder analysis. Under the core funding call for applications three workshops were conducted in El-Bireh, Gaza and Jerusalem and were attended by 77 participants. Under the project funding call for applications two workshops were conducted in Gaza and Ramallah and were attended by 53 participants. It is worth mentioning that under the call for project funding applications, the Secretariat team also met with the two successful applicants from Israel in their premises.



*Project Funding Pre-submission Workshop - Gaza*

Project funding applicants especially are in need for coaching and support in proposal development. Consequently, the Secretariat team has identified development recommendations for each of the 23 successful concept papers, and shared these as part of the approval letters sent to successful concept paper applicants. Development recommendations were explained to CSOs through one to one meetings and phone calls, and by the end 23 full applications were received. After evaluating the 23 received full applications, 20 were selected by the donor Steering Committee. The Secretariat team worked with successful applicants on modifying their applications<sup>15</sup>. The following table summarizes the number and purpose of meetings conducted during 2014 with project funding partners.

**Table 3. Number of meetings with the 23 project funding potential partners**

Type of Meeting	Number of CSOs at least met for one time
Discussion of development recommendations described in concept paper approval letters sent to applicants	14
Pre-award survey meeting	23
Full application development	20

<sup>15</sup> One of the 20 applications the Steering Committee approved was not pursued, as a result of discussions the Secretariat had with the applicant CSO. The application has been withdrawn, and no grant agreement has been signed.

The above meetings have contributed to improved project design, increased clarity of project activities and project budget and this by the end improved the efficiency and effectiveness in project implementation.

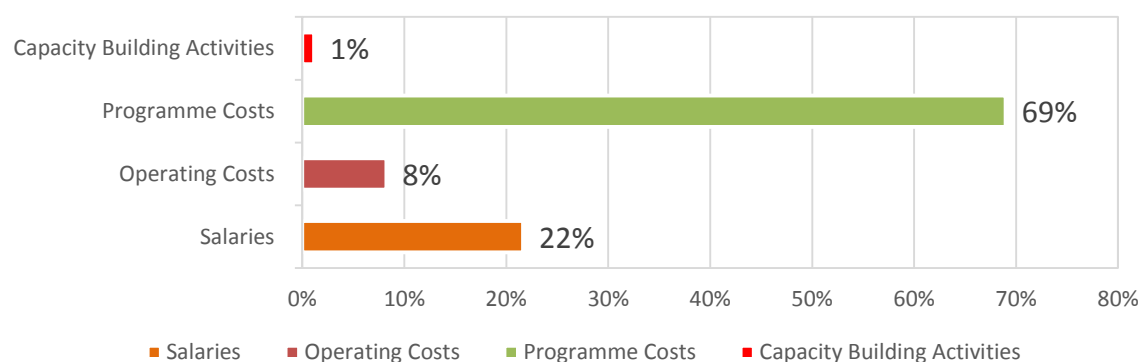
## 2.8 MONITORING PARTNERS' PERFORMANCE

To monitor partner CSOs performance, the HR/IHL Secretariat depends on the review of partner technical and financial reports against their annual action plans, M&E plans, capacity building plans and budgets, as well as the review of partner CSO external audit reports, monitoring and evaluation reports, and field visits by Secretariat team members.

By July 2014, the Secretariat team received 20 semi-annual technical reports and 20 semi-annual financial reports from core funding partners.<sup>16</sup> The team reviewed all reports and communicated with almost all partners asking for explanation about implementation of certain activities and some details related to bank statements and cost centres. Second payments of 2014 were released to core partners based on satisfactory technical and financial performance.<sup>17</sup>

The **semi-annual report** review process resulted in, amongst other things, the conclusion that almost all partners underspent on capacity building: the below chart describes the percentage of spending of the first payment by core partners per cost category: programme, operations, salaries and capacity building.

**Table 4. Core funding CSOs breakdown of expenses as % of first payment.**



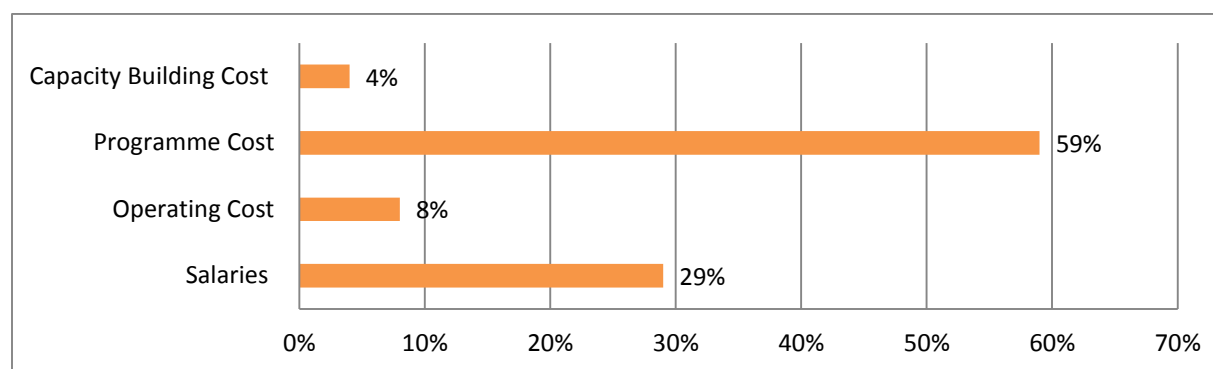
<sup>16</sup> The Secretariat's Steering Committee has decided that semi-annual reports from partner CSOs no longer will be required from core grantees, starting in 2015.

<sup>17</sup> The Secretariat has released the second payment to its four Gaza core funding partners, before receiving and reviewing their semi-annual financial and technical reports. This flexibility by the Secretariat towards Gaza core partners was necessitated by the conditions prevailing in Gaza during the war, where Secretariat partners were busy monitoring and documenting human rights violations resulting from the war on Gaza and could not submit semi-annual reports on time. These CSOs, however, submitted their reports in October 2014 and reports received were reviewed by the Secretariat.

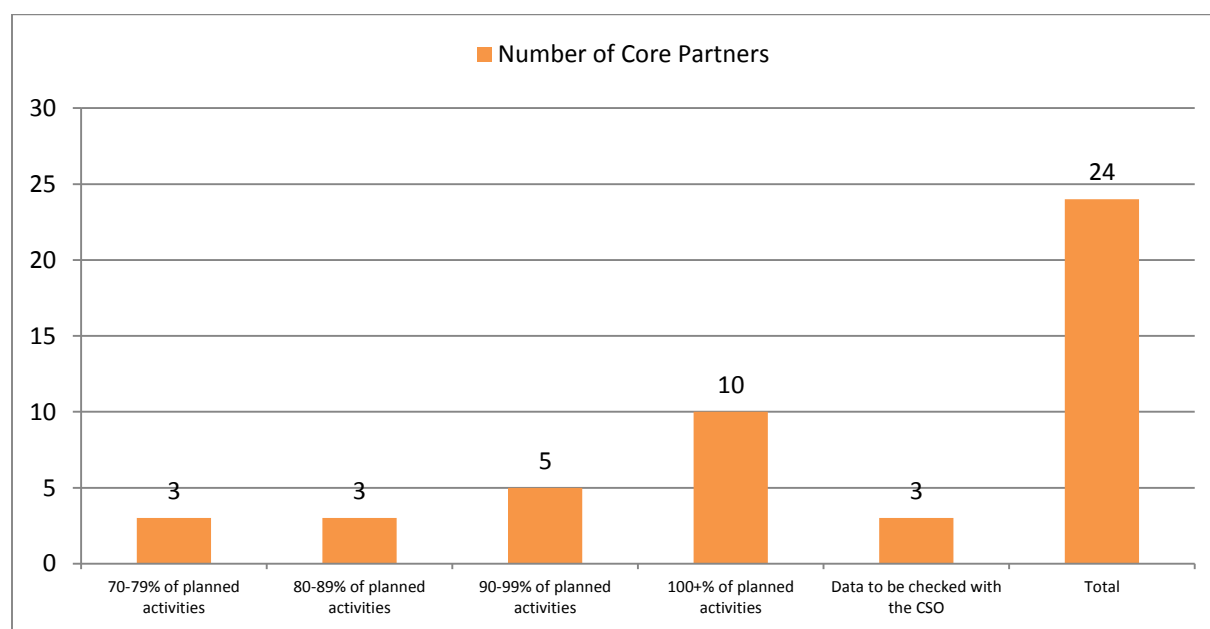
It is clear from the above chart that spending on capacity building is weak. The Secretariat Manager communicated, via email, with the 24 core funding partners, indicating the Secretariat's finding of significant low spending and performance in the capacity building area, and CSO Facilitators emphasized the same message during field visits, phone communications and emails with partners. This is dealt with in more detail in the capacity building chapter (section 3.4.2).

Review of 2014 annual financial and narrative reports reflected improvement in core partner implementation of capacity building activities. Spending on capacity building has increased from 1% of the Secretariat's approved budget to core funding partners in the first half of 2014 to an overall percentage of 4% by the end of 2014 as the below chart clarifies.

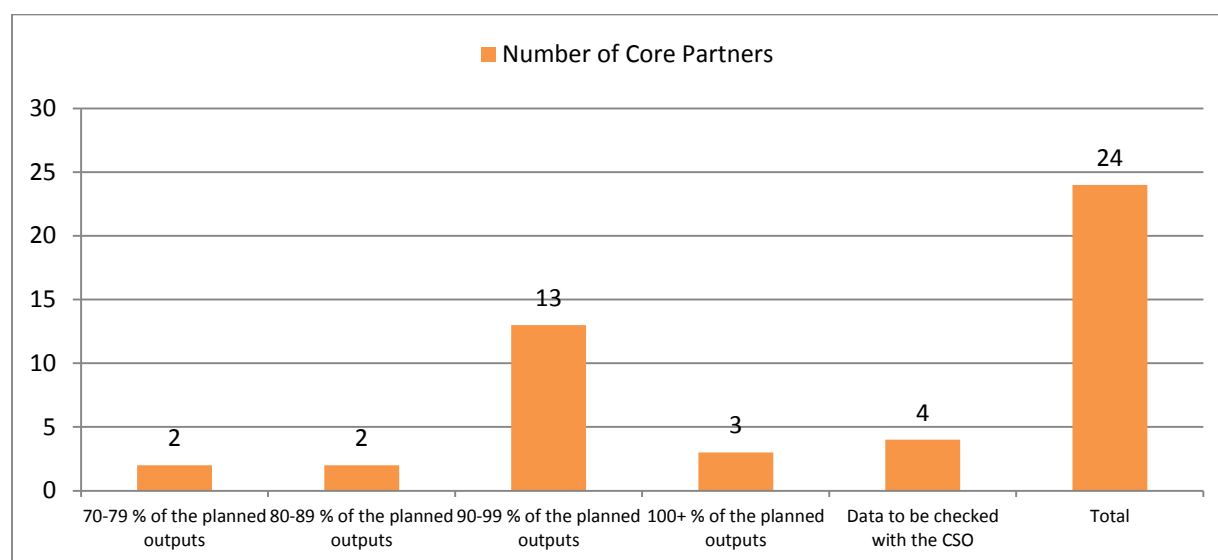
**Table 5. Core funding partner breakdown of expenses as % of first year payments.**



**Table 6. Number of core partners against % completion of 2014 annual action plan**



**Table 7. Number of core partners against % accomplishments of 2014 planned outputs.**



Review of core partners' reports revealed that almost half of them submitted result based reports. Partner CSO Badil submitted an excellent report, written according to the human rights based approach, and was therefore asked to share their experience, through the Secretariat's peer to peer training program, with the Secretariat's core partners. The other half of Secretariat partners submitted activity based reports. In order to improve partners' reporting capacities, the Secretariat is planning to conduct result based reporting training as part of its 2015 capacity building activities.

In addition to review of semi-annual and annual reports during 2014 the HR/IHL Secretariat team conducted two field visits to each of the core funding partners. The purpose of these visits was mainly to monitor CSOs' progress, provide coaching, and to discuss semi-annual report review findings.

Only eight out of the 20 project funding partners started project implementation in December 2014 and around half of them started after mid-December. Consequently, field visits to project implementation sites will be conducted in 2015.

## 2.9 PARTNER NETWORKING EVENTS AND MUTUAL EXCHANGE OF INFORMATION

The HR/IHL Secretariat conducted three partner meetings during 2014: West Bank core partner meeting on 22 September, attended by 21 participants, Israeli core partner meeting on 30 September, attended by 15 participants, and Gaza core partner meeting on 4 September, attended by 28 participants. The purpose of these meetings was to share and discuss with participants updates under fund management, capacity building, policy dialogue and communication components, recent human rights and IHL related developments in the occupied Palestine and to consult with

the partners about their needs and concerns. Participants discussed various topics in these meetings, including inter alia President Abbas' signing of 15<sup>18</sup> treaties on 2 April 2014, the war on Gaza, the importance of policy dialogue with donors, need for capacity building in monitoring and evaluation and writing of success stories. A survey conducted indicated that 69% of event participants were satisfied with the events. Consequently, the Secretariat will consider the content and organisation of future events.



*West Bank partner meeting*

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<sup>18</sup> President Mahmoud Abbas signed on 31 December 2014 another 20 international treaties.

## 2.10 GEOGRAPHICAL DISTRIBUTION OF HR/IHL SECRETARIAT FUND AND PARTNERS

According to the below table, the total amount of committed fund by the HR/IHL Secretariat is 11,953,209 USD. 1,365,529 USD is remaining and is planned to be committed in the second call for project funding that will be implemented in 2015.

**Table 8. Fund Analysis Table**

Funding Type	Budget (USD)	Committed (USD)	Remaining (USD)	Committed Funding Per CSO Location (USD) (2014-2016)			
				West Bank <sup>19</sup>	East Jerusalem	Israel	Gaza
<b>Core Funding</b>	10,391,520	10,480,000	(88,480)	4,655,000	350,000	3,600,000	1,875,000
<b>Project Funding</b>	2,597,880	1,232,351	1,365,529	696,290	75,000	130,000	331,061
<b>Emergency Funding</b>	277,477	240,858	36,619	59,800	0.0	42,908	138,150
<b>Total</b>	<b>13,266,877</b>	<b>11,953,209</b>	<b>1,313,668</b>	<b>5,411,090</b>	<b>425,000</b>	<b>3,772,908</b>	<b>2,344,211</b>

The following table describes the distribution of grants, per geographical location and type.

**Table 9. Grant Geographical Distribution Table**

Funding Type	No. of grants to WB CSOs <sup>20</sup>	No. of grants to East Jerusalem CSOs	No. of grants to Israeli CSOs	No. of grants to Gaza CSOs	Total (per type)
<b>Core Funding</b>	10	1	9	4	24
<b>Project Funding</b>	10	2	2	5	19
<b>Emergency</b>	3	0	2	4	9
Total (per location) <sup>21</sup>	<b>23</b>	<b>3</b>	<b>13</b>	<b>13</b>	<b>52</b>

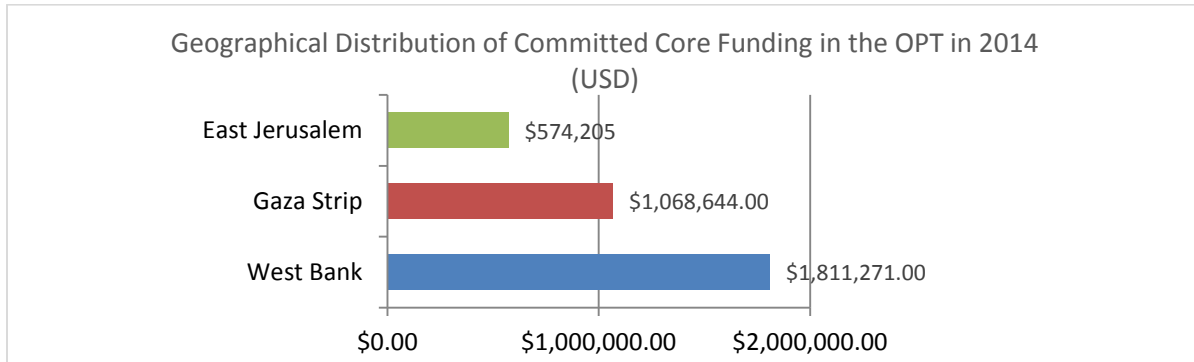
<sup>19</sup> Not including East Jerusalem.

<sup>20</sup> Not including East Jerusalem.

<sup>21</sup> Recipients of emergency grants are Secretariat core funding partners. Consequently, the total number of grants is 52 while the total number of partners is 43, 20 in the West Bank, three in East Jerusalem, eleven in Israel and nine in Gaza.

The below chart describes the geographical distribution of committed core funding for the year of 2014. A total of 3,454,120 USD has been committed in 2014 for core funding in East Jerusalem, the rest of the West Bank, and Gaza.

**Table 10. Grant Geographical Distribution Table**



### 3 CAPACITY BUILDING

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The objective of the Capacity Building component of the Secretariat is to *empower partner organisations and improve their ability to participate more effectively in empowering right holders and duty bearers; advocate for change of behaviour of duty bearers; and ensure results-based improvement of their work in the light of their specific mandate.*

The Secretariat Capacity Building plan (CBP) was derived from two comprehensive assessment sources, the Participatory Organisational Capacity Assessment tool (POCAT) covering 35 CSO partners, and a sector capacity assessment/mapping study carried out during the programme inception. These assessments were also intended to serve as a measureable programme baseline against which progress and outcomes can be compared. To this end, there is an intent to repeat the POCAT at the end of the grant (post-data) to measure improvement in terms of business practices and organisational performance. At the same time, the window will be open to individual CSOs to use the POCAT as a self-assessment tool on a yearly basis. The development process of the CBP has been strictly participatory, both in the analysis of capacity gaps in the sector and developing the Secretariat strategy to fill identified gaps with programme partners.

#### Highlights:

- 1) Secretariat's capacity building plan was in close consultation with partners using a variety of strategies to address existing capacity gaps amongst partners. The plan was approved in the end of 2013.
- 2) Core partners cooperate with Secretariat on capacity building in initial peer to peer learning.

This section of the Secretariat annual report provides an overview of the identified capacity building needs of partners in the sector; the Secretariat capacity building approach to address those needs; an analysis of partners' reports on capacity building interventions and outcomes (focus here is on internal capacity building activities implemented by partners during 2014, while the external with respect to constituent right holders, etc. is reported under each Secretariat strategy theme, see chapter 5 below); and the initial implementation of the Secretariat CBP. The section is concluded with a brief analysis of Secretariat challenges of the component and means how to address these during 2015. In an effort to elaborate on a synthesis report on partners' capacity building activities, and provided that this is the first Secretariat annual report, the analysis for this initial year will include both observations of the quality of partners' reports as such as well as their features, trends, etc.

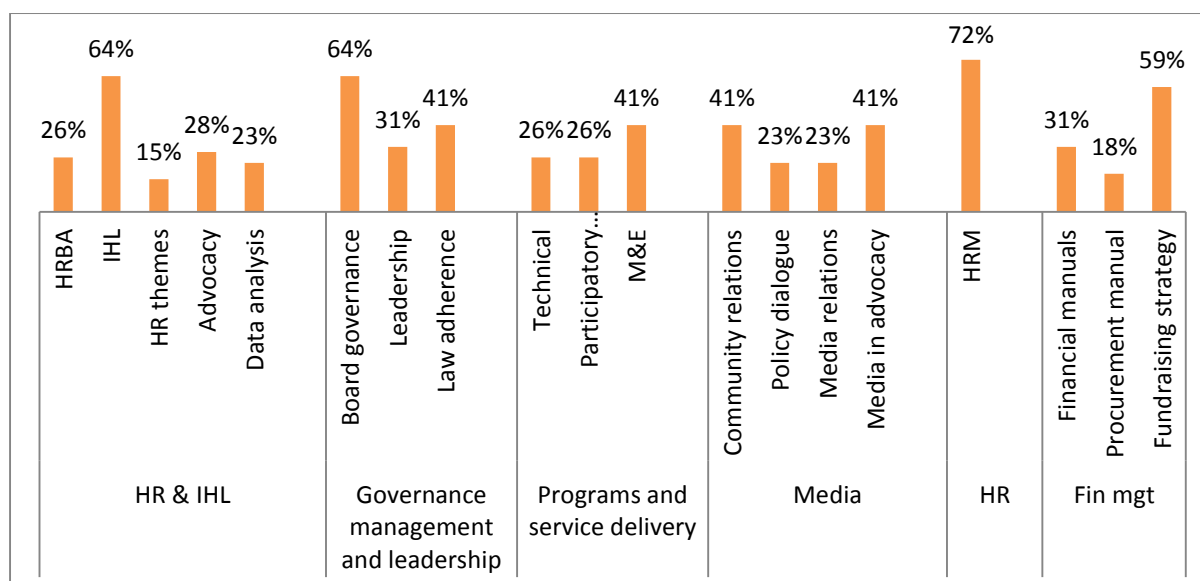
#### 3.1 OVERVIEW OF CAPACITY BUILDING NEEDS IN THE SECTOR

The comprehensive needs assessment (the POCAT) undertaken during the Secretariat's Inception phase included a total of 30 CSO partners covering six domains, including: Human Rights and International Humanitarian Law; Governance Management and Leadership; Programmes and Service Delivery; Media and External relations; Human Resources; and Financial Management and Accounting. Feedback from partner CSOs suggests that while some perceived the POCAT to be overly comprehensive and time-consuming, most partners found it useful in that it depicted areas for needed organisational development investments. For each organisation, specific needs within domains were



highlighted, and later reflected into individual capacity building plans to be partially funded by the Secretariat.

**Table 11. Partner capacity building needs**



Source: POCAT

The Secretariat's capacity assessment findings confirm the conclusions of the Management Development Foundation report, particularly regarding the need to expand capacity building measures to include elements of organisational development and performance of partner CSOs as representatives of right holders in the sector<sup>22</sup>. Similarly, the findings are compatible in that indicated CSO priorities for capacity building are in areas of financial management, organisational management, proposal writing and the use of new media. Secretariat team engagements with partner CSOs during the initial year of implementation further confirm this gap analysis.

Generic findings of the capacity building survey amongst partners in the different sectors suggest that there is:

- Inadequate participation of CSOs' boards of directors in CSO governance due to lack of skills and knowledge in HR/IHL, which hampers the board in providing strategic guidance and input to the policy development processes of CSOs. This reflects negatively also on the access of boards to decision-making, which in turn may challenge the accountability and transparency of CSO operations.
- Limited internalisation of the Human Rights Based Approach (HRBA) in programming and management operations to for example, infuse democratic practices in partners' own operational systems and decision-making processes. In addition, while most partners engage in the right holder spectrum in empowering disadvantaged groups and communities, a few

<sup>22</sup> Mervat Rishmawi et al, Final report: Impact Assessment of the Human Rights and Good Governance Secretariat in the occupied Palestinian territory, MDF Training & Consultancy BV, Bosrand, The Netherlands, February 2014.

engages in building capacities of duty bearers, such as service providers and local government officials.

- Significant lack of skills in Monitoring and Evaluation (M&E). Very few partners use their M&E systems for knowledge management. Focus is on quantitative reporting against implementation plans.
- Limited skills in relations with media outlets, particularly skills concerning the use of media in the advocacy work of CSOs. The reports from Partner CSOs reflected relatively limited impact of advocacy campaigns and joint CSO efforts, particularly on the international level. Many CSOs lack the skills in mobilizing media to cover advocacy campaigns effectively, therefore, this limitation will be considered in the forthcoming capacity building initiative on international advocacy tools to be done by the Secretariat.
- A need for CSOs to develop skills in human resource management and staffing (develop and make use of human resource manuals, performing annual appraisals and human resource development).
- Lack of skills in developing fundraising strategies in order to diversify funding resources and strategizing fund raising into CSOs' strategic and action planning. This gap has been explicitly expressed by several partners, both core and project grantees.

The Secretariat also engaged with partners on effective approaches to capacity building to ensure adequate alignment of the CBP with partners' development plans. Partners recommended Secretariat CBP to frame its activities systematically, to link organisational development interventions with content of the work of partners (e.g. international HR law, international criminal law, HRBA, gender analysis, government budgeting, etc.), and link capacity building with policy dialogue where appropriate<sup>23</sup>.

### 3.2 SECRETARIAT STRATEGY AND APPROACH TO CAPACITY BUILDING IN THE SECTOR

Donors approved the Secretariat capacity building plan in December 2014. It sets out to empower CSOs' capacities in the promotion of IHL and HR in Palestine using a multi-pronged approach in both its content as well as delivery approach, including:

**Collective Capacity Building approach** – that brings together CSO practitioners to address top priority needs of CSOs using an organisation development (OD) approach to training to improve organisational performance, including interventions in areas such as Human Rights Based Approach (HRBA) in programming; International Advocacy; UN tools and mechanisms; IHL education; and Media Capacity Building. To sustain Secretariat capacity building, a Training of Trainers (ToT) programme is developed to link up with collective capacity building provision, whereby qualified trainers/facilitators of partner CSOs are nominated and coached by the Secretariat to provide training for other partner CSOs' teams on behalf of their organisation. The bulk of collective capacity building activities will be performed

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<sup>23</sup> See chapter 4 for more on policy dialogue.

using peer-to-peer learning mechanisms, where partners of relative strength and specialised expertise in needed capacity building areas, are used as capacity building resources. The emphasis on peer-to-peer approaches of the programme is also intended to strengthen the dynamics, partnerships and coalitions amongst sector stakeholders for effective organisational learning and collaborative advocacy around pressing HR and duty bearer accountability issues.

**Individual capacity building** – is captured in partner CSOs' own capacity building plans for the period 2014-2016. These interventions will be delivered by the CSOs themselves, for their own benefit, based on needs identified during the POCAT exercise, using resources already available to them, received from the Secretariat or other sources. Core partners, however, are required to report on progress related to their capacity building plans in their annual reports for learning and sharing.

**Student internship programme** – offers and monitors a student intern programme to develop opportunities for Palestinian students to build their capacities in the fields of international human rights and humanitarian law by placing students in partner CSOs premises and engaging them in their programmes and eventually to promote employment. The programme considers current Palestinian students and recent Palestinian graduates (within six months of graduation) from Birzeit University. The internships will take place during the fall (September-December), spring (January-May) and summer (June-August) academic semesters. It is expected that summer interns will be available full-time, while fall and spring interns will be available part-time. In the future, the Secretariat is planning to expand the programme to other Palestinian universities in the West Bank and Gaza.

The Secretariat team has made deliberate efforts upon the finalisation of the CB plan to present the plan thoroughly and repeatedly during conducted field visits and in series of workshops to ensure sector ownership of the plan.

The Secretariat team will stay in close dialogue with partners on the effectiveness of the capacity building interventions and remain flexible to emerging capacity building needs and innovative approaches during the course of the programme. The Secretariat shall coordinate and liaise implementation of the CB Plan with partner CSOs and development partners (including Diakonia and OHCHR). This is necessary to avoid duplication, and ensure complementarity.

### 3.3 IMPLEMENTATION OF SECRETARIAT CAPACITY BUILDING (CB) PLAN

The essence of the initial year of the programme has been focused on engaging with sector partners, testing and setting up of appropriate Secretariat management systems and structures for the launch of the programme. As a result, sector capacity building is expected to be the core feature of the programme for its second year of implementation. The contents and approach of the Secretariat CB plan is elaborated above in section 3.2. Upon the approval of the CB plan by donors, the team has prepared the terms of reference for the consultants in each of the identified CB areas.

As part of the CB plan, the Secretariat facilitated and supervised the implementation of two peer-learning events during 2014 for learning and sharing, where individual CSOs implemented the training for sister CSOs. In total, representatives from 19 CSOs participated.

The first training was organised by Al Mezan Center for Human Rights on "Mechanisms to monitor and document human rights violations and international humanitarian law." It was distributed over four days covering the following topics: International conventions of Human Rights, international humanitarian law and principles, mechanisms of monitoring and theoretical documentation, mechanisms of monitoring and practical documentation (case study and application), conduct field investigation and drafting field reports. 20 participants joined the training (twelve female and eight male)<sup>24</sup>. 55% of the participants believed that the training was satisfactory. However, a set of recommendations was presented and focused on the following: the need to distribute the training material among the participants prior and during the training to facilitate the follow-up and consolidation of information and to benefit from it at work. Participants also raised the issue of the possibility to provide opportunities to volunteer in human rights institutions. The duration of the training was limited with regard to the training content and the need for practical training (field work).

The second training was organised by DWRC on "Labour respect and protection of employees" for two days. The training covered the following issues: definition of the law, the employment contract, probation periods, working hours, vacations, wages, cases of contract termination and expiration, organising the work of juveniles and women, labour and occupational health and safety injuries. 15 participants attended the training (nine female and six male)<sup>25</sup>. 86% of the participants believed that the training was satisfactory and responded to their needs. Concurrently, the participants presented the following recommendations: the nomination criteria shall include participants with between 2-10 years of experience to customize the duration of the training with the related material, the trainer shall use a combination of training methods (questions, working groups, case studies, discussion groups, etc.) and the training material shall be tailored based on the trainer's needs.

### 3.4 PARTNER CAPACITY BUILDING ACTIVITIES

Core grantees are critical partners for the Secretariat in building and sustaining capacities in the sector. For this purpose, a criteria for core partners is to use core funds for organisational capacity building, to share and report on planned capacity building activities with the Secretariat. During the initial year of implementation, core partners have been requested to report on capacity building plans twice a year.

#### 3.4.1 Quality of Partners' Reporting on Capacity Building

The Secretariat wants to make use of the lessons from its initial comprehensive annual report and have therefore made a systematic review of the reporting on partners' capacity building activities is summarized in overall observations of partners' capacity building reporting (listed below). It is proposed that identified gaps amongst these be addressed through targeted capacity building of core partners, through peer learning and sharing of existing good practice amongst partners on effective results reporting.

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<sup>24</sup>The participants represented the following CSOs: WATC; MA'AN Development Center – Gaza; Community Media Center; Al Dameer Association for Human Rights; WAC; Palestinian Bar Association; CWLRC.

<sup>25</sup> The participants represented the following CSOs: Institute of International Studies (IALIS), Birzeit University; PWWSD; Addameer Prisoner Support and Human Rights Association; JLAC; Teacher Creativity Center; WCLAC, The Palestinian Consultative Staff for Developing NGOs (PCS); DCI; Hurryyat – The Center for Defense of Liberties & Civil Rights; Psycho Social Counselling for Center for Women; Directorate of education; DWRC.

Core partners have been provided formats for their organisational capacity building plans to be implemented as a part of the contractual agreement for core funding along the six capacity building needs areas above in Table 11. Partners have been advised to use the capacity building plan format for the reporting on progress against the plan, and a M&E framework with indicators to report on progress and assess outcomes against stated capacity building objectives. Most partners have integrated their reporting on organisational capacity building with their overall results framework against plans. A few partners have provided separate reports of capacity building activities. While the vast majority of progress reports provide impressive quantitative and gender disaggregated reporting on progress, very few analyse deviations against plans, nor lessons learnt as a feedback to inform and possibly alter future capacity building activities and approaches. Some partners, however, report elaborately around overall operational challenges in separate sections, which provides useful overall insight.

Nevertheless, the bulk of reporting against results frameworks, with a few exceptions, is activity-based, indicating whether activities and outputs have been completed quantitatively (completion of planned activities, often expressed in quantitative terms, such as number of campaigns organised, etc.), rather than results based, analysing what positive (or negative) effects (outcomes) the partner activities have had for the target beneficiary of the capacity building. Very few reports refer to qualitative indicators in reporting on capacity building. This lack of results based reporting cannot only be explained by the fact that outcomes take time to achieve, but rather indicates that there are some competence gaps amongst partners in results based management, use of Theory of Change and performance indicators in reporting and knowledge management. Success stories are in some cases reported, but a majority of these are results of dealing with individual human rights cases and advocacy activities rather than results from consistent, systematic capacity building interventions.

The majority reported capacity building interventions make up training events and workshops to cover a range of topics. The purpose of workshops and training seminars is to increase knowledge, develop skills to use particular tools, and raise awareness. Despite the fact that capacity building plans are multi-year, capacity building activities seem to be treated as one-off trainings and do in most cases not indicate any alignment of training to any other work stream of the partner or beneficiary group in an effort to empower or build capacity beyond the training provided. This could partly be explained by a notion of capacity building being training and awareness raising, and assumptions that once people are trained, they are empowered. Another explanation could be that training and awareness raising type of activities is what partners' believe donors are expecting from a capacity building plan. The Secretariat should engage closely with core partners to communicate the organisational development approach of capacity building provided by the Secretariat, which combines training and awareness raising with on-the-job features of partners to move towards organisational performance changes, and providing space in partner organisations to implement new practices (and ultimately change behaviour).

Outcomes of rights based approaches in development are commonly intended changes in behaviour (improved access to services, decision-making etc. by often marginalized groups on the one hand and changes in policies and service standards of those responsible for respecting, upholding and protecting rights on the other). A related observation of partners' capacity building activities, from a human rights

based point of view (in the reporting for 2014), is that the vast majority of partners invest in building the capacity of right holders (their constituency and member base). A handful partners are reporting on building capacity also of duty bearers (PA organisations, service providers, local government officials, etc.). And even less partners are reporting on activities bridging the gap between the two, in bringing both duty bearers and right holders together to promote the advancement of specific right issues.

The considerable level of quantitative, gender disaggregated reporting of activities and outputs, and subsequent lack of results (in the meaning of outcomes), deviation and lessons learnt reporting, could be a symptom of donors' reporting requirements. And while recognizing the multiple sources of funding and reporting requirements of other donors, it is the explicit intent of the Secretariat to reduce all kinds of separate reporting requirements as much as possible. Yet, some features of results based reporting could be expected to be a common donor requirement, which would motivate targeted capacity building by the Secretariat. Targeted Results Based Management (RBM) to support partners' on-going development of M&E/Information Management Strategy systems would benefit the organisations at large. It needs also to be noted that the gaps in results reporting should have been attended to by the Secretariat initially during partners' submission of their first semi-annual report, where the team should have provided targeted feedback to strengthen results based reporting for the upcoming annual report. This way, with the elimination of the semiannual narrative reporting requirement by the Secretariat, the decisive move towards results (outcome) based reporting should become the 2015 benchmark.

### 3.4.2 Progress of Partners' Organisational Capacity Building Plans<sup>26</sup>

The Secretariat integrated partners' organisational development component into the full application for core funding. This approach has been designed to enable effective time management and implementation of the capacity building planned interventions to smoothly ensure CSOs staff availability and commitment to implement the capacity building priorities. Further, this will allow the partners to ensure a results based improvement of their work in light of their specific mandates and a greater impact of their work on the behaviour of duty bearers, despite the current situation of HR/IHL in the oPt.

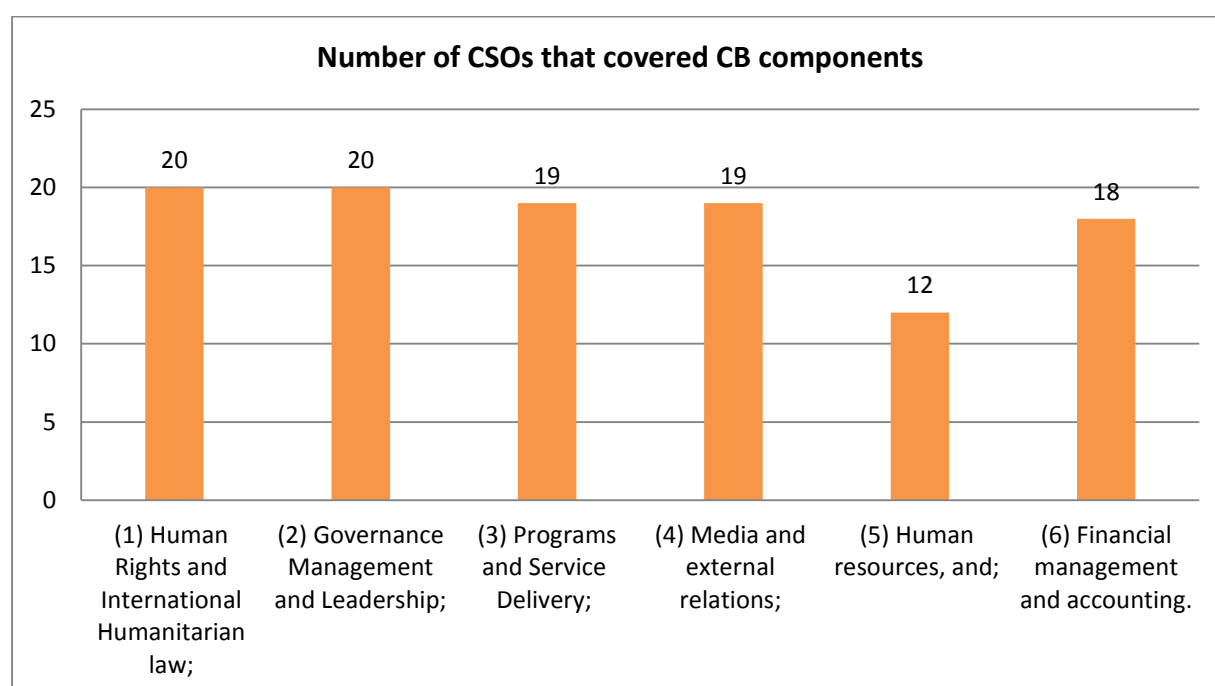
During the first year of the partnership, the Secretariat's team conducted several field visits with the aim to assess partners' Capacity Building Plans and progress against these. As part of the assessment, the team reviewed the partners semi-annual reports, developed questionnaires and communicated with 24 partners to collect data in an attempt to assess partners' performance of the capacity building plans and activities. Those core partners that report on their organisational capacity building activities against the plan for 2014 have implemented a majority of planned activities (beyond 60%). This despite of indications in the semi-annual reporting from many partners that suggested a slow start to capacity building due to the war in Gaza, which had partners refocusing activities, and, for some partners, the late reception of payments from the Secretariat to fund capacity building activities.

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<sup>26</sup> External capacity building activities and some outcomes in relation to Secretariat core themes are presented below in chapter 5.

A significant number of core partners have or are in the process of reviewing their organisational strategies, and a majority of core partners who report on internal capacity building activities, often refer to these as a consequence to that development process. Core partners invest in organisational development as they consider it an integral part to a system that relies on and impact other elements of the internal and external environment in which their organisation operates. It assists the CSOs to deliver organisational sustainability to improve organisational effectiveness and optimize performance through aligning their strategies, policies, people and processes aiming at delivering on their objectives. Upon the team review of CSOs annual reports, partner CSOs implemented and documented a numerous organisational development activities.

**Table 12. Coverage of internal capacity building activities amongst partners**



CSOs apply several means of advocacy and communications in their work. However, many CSOs may not effectively use new media and therefore lack the capacity to make use of all available mechanisms when engaging in international advocacy. To that end, several core partners (Adalah, Al Mezan, B'Tselem, PWWSD, Yesh Din, WCLAC, WAC, Breaking the Silence) trained journalists to be able to serve the media as HR analysts and media and communication staff on good practice in campaign management and on HR/IHL in order to use the HR vocabulary correctly when describing the HR situation in the oPt.

CSOs are noted to show a high level of commitment to applying principles of good governance in their planning, management procedures, administrative operations, human resources, structure, information systems and finances, as well as a good policy of transparency in documenting information relating to activities, procedures, decisions and policies. Many partners are in the process of settling new strategic directions of the operations and some have managed to link internal capacity building efforts into the implementation of the new organisational strategy. By the end of 2014, 75% of the partners have been revising their strategies. Other generic trends amongst core partners are organisational investments in gender mainstreaming, staff training on management of funds and on a

variety of legal and human rights topics, review of administrative and financial manuals, developing the database, improving the M&E systems as well as the development and institutionalization of a code of conduct for their staff.

Due to the war on Gaza, some partners considered reviewing strategies a necessity as areas of work were affected. In some cases (for example for Physicians for Human Rights - Israel), new work streams were introduced, such as international advocacy in Europe, an increased level of conflict and security focus, documentation and legal action. In other cases, planned activities were postponed. Some major policy changes during the year include B'Tselem starting to treat the occupation as a human rights violation in itself. Thus, it signifies a shift from working on fighting human rights violation under occupation to working to end the occupation. In addition, it will not engage with the Military Advocate General's internal investigation mechanisms to suspected violations of IHL in Gaza, a shift from previous policy.

Also, partners reflected in their reporting on their engagement in the peer-to-peer activities. 14 partners conducted a broad range of peer learning events amongst CSOs and coalitions in the oPt and in Europe. Topics included Nakba Commemoration, initiatives on Gaza campaigns, discriminatory zoning and planning, accountability and universal jurisdiction. However, only one peer-to-peer activity related to organisational development, which is the code of conduct on child labour.

When asked whether the Secretariat has contributed to their organisational development, most partners referred to none capacity building support, which can be explained by the absence of such activities during 2014 in the Secretariat work plan. Nevertheless, some partners referred to receiving Secretariat support in the strategic planning process, an enhanced understanding of M&E and reporting as a result of engagements with the team, the development of the partner capacity building plan, and the usefulness of the POCAT tool for organisational development.

Some core partners (such as Gisha, Addameer, Bimkom, HaMoked, PCATI) reported on no or very limited capacity building interventions overall. This could partly be explained by the fact that the core operations of these organisations are in the areas of legal advice, visitations, media outreach, and local and international advocacy, and partly due to the reprioritization of partners' activity planning as a result of the war in Gaza. However, this finding could implicate on conditions for core funding for the Secretariat review.

### 3.5 CHALLENGES AND REMEDIAL ACTION

Based on the team's experiences from preparing and partially implementing the Secretariat capacity building component, the following challenges are highlighted:

- Partner capacity gaps in RBM is confirmed with regards to results based reporting, the appreciation of attribution and contribution issues in partners' effect on outcomes in the sector, and the use of Theory of Change.
- Results reporting is overly quantitative, activity and output-focused, rather than describing contributions to outcomes in the sector. A few partners use RBM for self-reflection, organisational development and learning. While most reports are gender disaggregated, a



disaggregation of geographical coverage, which is highly relevant in the sector and a donor interest, is still missing to a large extent.

- Coordination on peer learning amongst partners is partially limited in the sense that Israeli CSOs are unable to participate in the peer-to-peer programme of the Palestinian CSOs in the West Bank and vice versa. The interest in participating in peer learning events is also limited amongst the CSOs in Jerusalem. This could be explained either due to the fact that Jerusalem CSOs perceive themselves to be relatively strong in the sector, or that there is limited interest amongst the Palestinian CSOs in Jerusalem to participate in the work of Israeli CSOs organised in Jerusalem. This issue should be addressed in a consultative meeting with partners to find the best way forward to make peer-learning events effective.
- There is a tendency amongst partners to continue sending volunteers to participate in peer-to-peer activities rather than the right staff members who will benefit and potentially improve CSO performance upon the completion of the learning process.
- The launch of the Secretariat Internship programme faced several challenges. With a delay in both student interviews and follow-up meetings with hosting partners, the placement process started only in December 2014. This delay further fitted the timing poorly amongst host partners as they were engaged with their programmes and tasks and closing of 2014 activities. Partners assigned several contact persons for the Internship programme, which weakened the communication and the launch process further. In one case, despite of the facilitation of the Secretariat, a misunderstanding between a partner and a student regarding the expected tasks of the intern resulted to a termination of the agreement. Furthermore, the internship programme objectives were not clear to all CSOs' staff, nor to students who expected to be able to pick their preferred organisation.
- The Secretariat's ambition to link capacity building with the policy dialogue component is becoming challenging as many of the core partners have worked on their strategies during 2014. One option is to engage with partners on their identified policy dialogue processes and devise capacity building activities around such objectives.
- The on-going review of the partners' strategic directions may change the direction of the partners' capacity building efforts. The Secretariat CB plan needs to allow for sufficient flexibility to adjust to such changes.

In 2015 and beyond, the Secretariat is taking the following remedial action:

- The systematic review of the partners' reports for the 2014 annual report provides the foundation for the Secretariat to focus on RBM for internal capacity building activities, targeting core partners in need. The Secretariat intends to use partners (i.e. Badil, WCLAC, and others) that demonstrate solid understanding of results based reporting and thorough understanding of attribution issues, in building and developing results based reporting within the sector. The annual report of 2015 will provide the benchmark for improved results based reporting. The Secretariat Organisational Development approach to all training will further promote the use of RBM in strengthening organisational performance. Some partners' current reviews of M&E systems provide a further development process for the Secretariat to tap into for RBM.
- Core partners will be advised and assisted to include indicators for M&E of capacity building plans.

- The relevance of the conditions regarding capacity building for core funding should be reviewed and discussed in partner consultations.
- Some partner organisations report on partnering with duty bearers to promote specific policies, which could be used as a portal also for Secretariat approaches on policy dialogue with duty bearers. The Secretariat should consider conducting consultative workshops to discuss linking policy dialogue with capacity building and the CSO's approaches on policy dialogue and capacity building with duty bearers.
- The Secretariat should engage with CSOs who work on building capacity of Palestinian duty bearers to address rights claims, to ensure transparent, equitable and accountable governance, and to address the gap between duty bearers and right holders.
- Best practice schemes of core partners, such as women's access to legal services in rural areas by WCLAC, should be identified by the Secretariat, and supported for best practice elevation and sharing in the sector.
- Revise the capacity building plan to include the development of fund raising strategies.
- HRBA Capacity building can be used to share expertise and experiences among partner CSOs.

## 4 POLICY DIALOGUE

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Amongst the core functions of the Secretariat is its contribution to providing *opportunities for policy dialogue* among all stakeholders of the HR sector. During 2014, the Secretariat's policy dialogue interventions have progressed, and the understanding of the Secretariat and its partners of its role in this regard has been ascertained and strengthened. In the following few pages, the Secretariat's involvement and contribution, as well as actions taken to ensure this contribution is increased will be discussed.

### 4.1 SOLICITATION OF STAKEHOLDER CONTRIBUTIONS ON POLICY DIALOGUE PROCESS AND ISSUES

The Secretariat planned to solicit, during the summer of 2014, the views of CSOs on the content, possible current themes, and process for policy dialogue. The war on Gaza during the summer, plus discussions the Secretariat had with its donors about the content and limitations of the Secretariat's role vis-à-vis policy dialogue have combined led to delaying progress. However, discussions the Secretariat had with partner CSOs, donors, and its Reference Group, have all resulted in the development of a list of themes, and greater clarity as to the role of the Secretariat in policy dialogue facilitation.

The role of the Secretariat is currently understood to include:

- Offering organised space for CSO-donor-duty bearer policy dialogue on key rights issues;
- Facilitating networking amongst like-minded CSOs for key rights issues in policy dialogue and strengthening of networks; and
- Acting as a hub of knowledge and current research on topics of HR and IHL.

#### **Current issues and topics for discussion:**

During the last months of 2014, CSOs and donors, and later Reference Group members, have advised of the importance of donor-CSO engagement around the following list of human rights issues:

1. The ICC following Palestine's accession: the road ahead and (realistic) expectations. This can include feedback from CSOs regarding the adaptation of their planned action for 2015 to related developments.
2. The human rights situation in East Jerusalem with special focus on the "Jerusalem 2020 Plan". The Secretariat is interested in this topic, as it is currently considering options for responding to the deteriorating human rights situation in the occupied city.
3. Gaza: human rights in the aftermath of the recent war and within the context of continuing political 'rift' and delayed 'reconstruction'. Gaza will likely be subject of special focus in any upcoming Secretariat call for project funding.
4. Area C: Israeli expansion, and the impact on Palestinian self-determination and end of occupation. Like in the case of Gaza, Area C of the West Bank will likely be subject of special focus in any upcoming Secretariat call for project funding.
5. A social accountability approach to policy dialogue. To what extent do CSOs engage Palestinian citizens to identify policy dialogue topics that are of interest to them?

## 4.2 DIALOGUE E-GROUP

The store of online support mechanism the Secretariat has been using includes a Community of Practice (CoP). The CoP, though it has been fully designed, has in fact not been used. Donor partners had concerns associated with data security. The Secretariat had to remove the CoP from its website, and in its stead has designed, configured and tested a Dialogue e-group, based on the Secretariat's servers. The Dialogue e-group provides a more secure vehicle for enabling donor-Secretariat-CSO dialogue and sharing of information about opportunities and priorities for policy dialogue. The e-group is, at least for the time being, closed to a predefined small group of core partners and Secretariat staff. Donors will be periodically briefed on the outcome of discussions amongst group members. The Secretariat has launched the e-group in early April 2015.

### Participants in discussions over the Dialogue e-group may:

- point to current interventions which respond to the above issues and topics;
- indicate interest in leading discussion on which issue/topic;
- point to the need for dialogue with duty bearers;
- suggest existing platforms which the Secretariat or its partners can engage or support;
- identify capacity building opportunities, through which stakeholders, governmental and non-governmental, are strengthened and their performance improvement is expected to translate into better enjoyment of rights by rights holders; and
- contribute to identifying the right moment for the Secretariat (or its donors/lead donor) to call for a 'physical' meeting, so that an issue can be discussed, in order for the group to deliberate action or policy direction.

## 4.3 POLICY PLATFORM EVENTS

In its proposal of 2013, the Managing Partner has indicated its belief that specific dialogue opportunities are useful entry points for influence. For this to succeed, however, the Managing Partner warned that the purpose of each dialogue opportunity needs to be clarified in advance, and be seen as complementary to the learning of sharing workshops.<sup>27</sup>

A combination of Secretariat stakeholder events and activities formed the Secretariat's set of policy dialogue interventions throughout the year 2014. A total of seven events offered opportunities for dialogue. Some of these were planned purposefully to serve more than one purpose, saving the Secretariat and its partners (CSOs and donors) valuable time and resources. The event in Jericho on 26 March 2014, as well as the Gaza equivalent on 13 May 2014, both included policy dialogue sessions, in which expectations of the policy dialogue component, and



*Launch event in Jericho.*

<sup>27</sup> Managing Partner for Support to a Joint Donor Fund for Human Rights and International Humanitarian Law in the occupied Palestinian territory, Technical Proposal, p. 47.

partner (CSO and donor) positions on current developments were discussed. Additionally, partner meetings organised during September 2014, to gauge progress made and issues to consider in shaping the Secretariat's 2015 work plan, amongst other things, also included sessions for policy dialogue. In these sessions (in Gaza on 4 September, in Ramallah on 22 September and in Jerusalem on 30 September), core-funding partners were consulted regarding current issues appropriate for dialogue with the Secretariat's donors.

On a number of occasions, the Secretariat, in discussion with its donor and CSO partners, organised events specifically for the purpose of policy dialogue. One such example is the meeting organized on 9 October 2014, in Jerusalem, between representatives of the EU, Norway and Switzerland with CSO representatives in Gaza, immediately prior to the Cairo conference on Gaza reconstruction (held on 12 October 2014). The meeting was intended to give participants space and opportunity to express and deliberate the key messages, which could be brought before the participants in the Cairo conference. The accompanying text includes a list of key messages, which the Secretariat hope were channelled to the conference participants, through the participating diplomats.

Another dialogue opportunity was organised, during which a group of Gaza civil society activists, including RG member Talal Okal, met the Consul

General of Sweden and the Director General of the Middle East/North Africa region in the Ministry of Foreign Affairs of Sweden. The meeting, organised on 17 November 2014 in Gaza, discussed reconstruction process and human rights concerns, plus accountability for human rights violations, Palestine's joining of the ICC, Swedish recognition of Palestinian statehood and the human rights implications of said developments.

***The HR/IHL Secretariat organised a meeting in Jerusalem on 9 October 2014 which brought together representatives from diplomatic missions of the European Union, Norway and Switzerland with representatives of CSOs in Gaza.*** The following is a summary of the key points raised during the meeting. Key messages discussed included:

- The blockade must be lifted to allow both the freedom of movement of people and the export and import of goods.
- Israel must be held accountable for war crimes committed.
- Gaza remains an integral part of the Palestinian territory.
- The blockade was a collective punishment for the people living in Gaza, which must end. The international community must put pressure on Israel to end the blockade, for the success of any long-term reconstruction effort.
- The UN negotiated tripartite mechanism for monitoring goods necessary for the reconstruction effort may actually cement the blockade, and is thus rejected by CSOs.
- Participation of the population in Gaza, including CSO's and women, is of vital importance.
- Civil society participation in the Cairo conference was of importance alongside with the PA and representatives of the private sector. CSOs expressed their disappointment of being excluded from the donor conference.

#### 4.4 ENHANCED NETWORKING AMONGST LIKE-MINDED CSOS

The Secretariat has contributed to CSO partner collaboration and networking around issues of common interest. In 2014, the Secretariat has engaged partner CSOs, both those who have received funding for the documentation of violations of human rights during the war on Gaza, and those who

have not, in discussion about the documentation effort, complementarity, and steps contemplated following the documentation and reporting phases.

During the year, approximately two-thirds of Secretariat partners have engaged in coalitions or networks that they previously were not part of, including both newly established and already existing networks. Notable examples of joint efforts include a network formed by PCHR, Al-Haq, Al Mezan and Al Dameer during the war on Gaza, for unifying the efforts of monitoring and documentation human rights violations; Physicians for Human Rights – Israel’s membership of a Fact-Finding Mission network, which investigated the 2014 war on Gaza; Adalah gaining status as Accredited Member of the UN Committee for Palestinian Rights; Al Mezan’s membership of the Coalition on Women and Armed Conflict and the Coalition on Gaza Conflict; and Badil’s membership of the Refugee Working Group and the Global Palestinian Refugee Network. Secretariat partners have also worked together on blocking a bill authorising Israeli force-feeding of detainees, raising awareness on torture and ill-treatment of Palestinian detainees – including children, and addressing the needs of divorced Palestinian women in the West Bank.

To ensure CSOs and the Secretariat have timely knowledge of and access to opportunities for dialogue, especially involving CSOs and networks and coalitions of CSOs, the Secretariat has introduced and reconfigured its website so that a Calendar of Events is one of its most prominent features. The Secretariat will in the coming year put more emphasis on using the various communication tools at its disposal, to that end.

Late in 2014, the Secretariat has also engaged a wide spectrum of CSOs, partners and non-partners alike, in discussion about priorities for East Jerusalem in the years ahead. Though the direct result of these consultations will likely be in the shaping of the direction the Secretariat’s funding takes vis-à-vis East Jerusalem, the discussions have made clear the need for collaboration amongst CSOs working in and around East Jerusalem. The Secretariat will continue to facilitate these discussions in the months to come, hoping local groups take the lead.

***CSO demand for CSO-CSO dialogue, facilitated by the Secretariat:***

“As you might know, the Palestinian civil society will be presenting a CEDAW shadow report shortly. Currently, we are receiving contradicting information with regards to this issue; some saying that the shadow report is to be presented 3 months after the PA official report, others saying that the shadow report is to be presented before the PA report.

Thus, I would like to suggest inviting human rights organisations, HR IHL Secretariat partners, to discuss the CEDAW shadow report, which will be a joint effort of the General Union of Palestinian Women and local human rights organisations. This meeting, to be held under the supervision of the Secretariat as part of its policy dialogue, will allow for discussion and consultation, as it is the first time that we present such a report.”

Amal Khreishe, Director General, PWWSD

*Extract from letter to the Secretariat, dated 22 February 2015.*

## **4.5 ENHANCED SECRETARIAT NETWORKING WITH DEVELOPMENT COOPERATION PARTNERS**

The Secretariat has successfully engaged development cooperation partners around grant cycles to ensure complementarity in its work. This in fact has started back in 2013, right before the start of the

core funding cycle, and has continued in 2014 as the project funding cycle progressed.<sup>28</sup> As the Secretariat responded to the emergency situation in Gaza during last summer's war, the Secretariat conducted meetings, and exchanged its list of grants with relevant fund making vehicles, most importantly UNDP and the OHCHR. The Secretariat considers this a necessary step in considering its options in response to developments and changing needs, and one area of improvement would be to include in these discussions not only lists of grants, but also policy direction and priorities of the various development partners. The Secretariat is in discussion with UNDP staff and other development cooperation partners regarding widening the scope of its coordination, and making its occurrence more regular, without institutionalization.

## 4.6 PARTNER CSO DIALOGUE INTERVENTIONS

The Secretariat's policy dialogue intervention and facilitation takes place in parallel to partner CSO efforts. Review of the annual reports of partner core grantees demonstrated that CSOs have given significant consideration to advocacy, especially at the international level. During 2014, partner CSOs have organized and were engaged in approximately 60 advocacy campaigns at the international level, complementing the work being done at the national level. More than 52,000 persons joined advocacy campaigns of the partners, whose campaigns addressed a variety of issues, including: Palestine joining the ICC; anti-death penalty campaign; food security (under the International Covenant on Economic, Social and Cultural Rights); accountability and access to redress; the need to comply with IHL during conflict; accountability and access to redress; Gaza closure/blockade; Palestinian internal split; compliance with IHL during conflict; forced feeding; death in custody; targeting of medical facilities; isolation of Gazan women from West Bank families; women's perspectives of human rights violations under occupation; humanizing the huge number of children who died in the war on Gaza; national parks in East Jerusalem, campaign on the failure of the military justice system to investigate serious human rights violations; olive harvest campaign; campaign on human rights defenders; 20 year anniversary of the Goldstein massacre in Hebron; and operation "Protective Edge". Some of these campaigns, understandably, targeted the various Palestinian authorities, others targeted the occupation authority, and some even targeted other authorities, including the UN and its organs.<sup>29</sup>

A major achievement following advocacy work of Secretariat partners is that the development of the 2014-2016 Palestine National Development Plan's (PNDP) was guided by the principles of human rights. A few other examples of when duty-bearers, donors and other stakeholders have acted as a consequence of policy recommendations produced by Secretariat partners include:

- UN Human Rights Council adoption of an interpretation of legal provision related to the protection of refugees, which extends previously-restricted protection to Palestinian refugees.
- Integration of the concept of "decent work" in the European Single Support Framework 2014-2015 for Palestine in the sector of economic development.
- PCHR Director participation in direct talks with PA's Head of Negotiations Saeb Eriqat for the ratification of the Rome Statute.

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<sup>28</sup> More on this in the Fund Management section (chapter 2).

<sup>29</sup> As some of these campaigns were in fact joined efforts by partner CSOs (sometimes involving non-partner CSOs), it is hard to ascertain to what extent the number of participants includes double counting of participants.



- Letter sent by WCLAC to President Abbas' office recommending steps for the practical implementation of Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in Palestine.
- References to the work of Breaking the Silence in a U.S. State Department Report and in the British Parliament before the vote on recognition of Palestine.

## 4.7 CHALLENGES AND REMEDIAL ACTION

### 4.7.1 Clarity with regards to Expectations and Content of the Policy Dialogue Component

Through the implementation of its 2014 work plan, the Secretariat and its Donors have realised that the Secretariat's role in the area of policy dialogue has not been sufficiently defined, as a result of different expectations on the Secretariat's role in this regard. To clarify matters for the Secretariat and its donors, as well as for CSO partners, the Secretariat conducted a series of discussions on the role of the Secretariat in policy dialogue.<sup>30</sup>

As a conclusion of these discussions, the role that the Secretariat is expected to play in policy dialogue in 2015 and beyond, has been clarified as follows:<sup>31</sup>

1. *Problem identification*: because of being a hub of knowledge, with vast access to CSO proposals, experience of the staff, and activities carried out by Secretariat's staff and consultants, the Secretariat will identify important and priority policy dialogue issues, encourage thematic meetings among CSOs, networks and groupings, and use the Secretariat's Dialogue e-group.
2. *Voice the views*: as a *facilitator*, the Secretariat will voice the CSO's views to its donors, through meetings regularly held with donors (formal) or ad hoc meetings (informal) as developments dictate, and through continuing discussions through the Secretariat's Dialogue e-group.
3. *Facilitate policy dialogue with duty bearers*, on as needed basis.
4. *Strengthening platforms*, through the financial resources available.
5. *Capacity Building on policy development*, starting with the Secretariat's own staff.

### 4.7.2 Vibrant, Timely, and Content-Rich Online Presence:

The Secretariat has started paying increased attention to the various online tools at its disposal. The **Portal**, comprising the **Our Partners**, and **HR Resources** sections of the Secretariat website, now hosts several dozen resources, including approximately five dozen publications, and two dozen reports on partner activities, including research and publications produced. The **HR Resources** section has proven to be of interest to thousands of surfers, thus the Secretariat will be enriching this section with additional resources on ongoing basis. The **Our partners** section of the website has become subject of increased partner interest; partners have been communicating their interest in finding their work

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<sup>30</sup> These included: discussions during September 2014 the donors and the Secretariat had on the content of the policy dialogue objective of the Secretariat; Formal and informal meetings with CSOs in Gaza, Jerusalem, and in Ramallah starting in September 2014; solicitation of the opinions of senior human rights and civil society experts, Ms Mervat Rishmawi, and Mr Fateh Azzam, on policy dialogue modalities; and, informal discussions with donors and individual CSOs.

<sup>31</sup> This has been integrated into the Secretariat's work plan for 2015.



featured on the Portal. The Portal also includes a Calendar of Events section, which now provides a list of upcoming activities by partners, in addition to important relevant upcoming events.

Statistics indicate that the Secretariat's website has received a total of 32,408 visits during the year, from a total of 12,026 unique visitors, nearly a thousand visitors daily. Maintaining the portal and ensuring it is rich in up to date content will be the key task of the incoming communications officer.

The Secretariat's Facebook page and website are increasingly becoming the 'gateway' for the work of partner production, and current developments alike. Moreover, the Secretariat newsletter will be more a resource than a repeat of pieces of news issued during a preceding quarter.

The above tools, when updated in a timely manner, with rich content, put the Secretariat in a strong position to identify opportunities for dialogue amongst CSOs on collaboration, joint action, lessons learned and best practices, generally or theme-based.

## 5 PARTNER CONTRIBUTION TO IMPROVED RESPECT FOR HUMAN RIGHTS IN PALESTINE

Fund management, capacity building and policy dialogue all contribute, mainly through the programmes of partner CSOs, to realising respect of human rights in occupied Palestine, and to change in the behaviour of duty bearers.

In early 2014, 24 grants agreements were signed, with Gaza, Israeli and West Bank (including East Jerusalem) CSOs. Selection of partners CSOs was based, amongst other things, on review of their applications, a determination that their programmes contributed to the above, and that they employ HRBA-based strategies.

A year after the selection of the Secretariat's core partners, and the review of their annual performance reports, the Secretariat wishes to show how its partners have contributed to the above objective. The Secretariat has identified, in the case of each CSO, the key rights areas addressed, and based on the collective contributions of partner core grantees, a list of eight rights areas/fields has been agreed. See table 13 below.

Obviously, these eight areas are not the only rights

addressed, but the rights which were subject of substantial action and programming by partner CSOs, and were visible in the reports of partner CSOs in 2014. One example is Breaking the Silence that in its work addresses settler violence, in as far as occupation soldiers contribute to it or condone it, but this

### The Universal Declaration of Human Rights

#### PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

is only a by-product. Also, many CSOs focus their reporting on the individual rights they address, and do not explain or pay due attention to how their work on the micro level affects or contributes to change on the macro level. The work of Al-Haq, Al Mezan, PCHR, B'Tselem, Breaking the Silence and others on accountability and advocacy on the international level ultimately contributes to ending the occupation and the realization of the right of the Palestinian people to self-determination, though none have explained their work in this manner.

CSOs are listed in the table in the order of the number of rights areas each CSO had addressed or contributed to, in 2014. However, this should be read with caution. CSOs making contribution towards improved respect of a more limited number of rights may represent a CSO with a niche, and filling a

**Article 1, ICCPR**

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence

gap others have not addressed. For example, Gisha's work on ensuring respect of the right to freedom of movement and access, and the work of Breaking the Silence towards exposing excessive force employed by Israeli occupation soldiers represent unique interventions.

Additionally, the table shows which rights have been subject of greater number of interventions. This, however, cannot be taken to suggest any activity or contribution is redundant. People's entitlement to rule of law and fair trial is subject of intervention by more core partners in 2014 than any other right; this represents a right to which all are entitled, but also a key strategy employed to access and protect all other rights, thus this is expected and understood – generally – to mean CSOs are putting their resources where necessary, and are employing the right strategies. The second in terms of ranking is the collection of "socio-economic rights", and rightly so. Under this category interventions pertaining to enjoyment of

a long list of rights affecting the quality of life of oPt Palestinians, including health and education, are included.

In the following eight sections, partner contributions to change, in the above-mentioned eight rights areas, are discussed. In each, key contributions and significant change is discussed. In addition, nine core Secretariat partners have engaged during and following the war on Gaza in documenting HR and IHL violations through emergency funding. This work of the Secretariat partners is dealt with in detail in section 9 under this chapter.

**Table 13. Partner contributions within key rights areas as identified by the Secretariat.**

CSO name/Theme	Rule of Law and Fair Trial	Socio-economic rights	Excessive use of force	Violence against women	Torture and ill treatment	Freedom of travel & movement	Settlement construction	Freedom of expression	# of rights addressed
Al-Haq " Law in the Service of Man"	1	1	1	1	1	-	1	1	7
Palestinian Centre for Human Rights (PCHR)	1	1	1	1	1	1		1	7
Al Mezan Center for Human Rights	1	1	1	1	1	1			6
The Jerusalem Legal Aid & Human Rights Center (JLAC)	1	1	1			1	1		5
Defense for Children International (DCI)	1	1	1		1	-		1	5
Physicians for Human Rights (PHR)	1	1	1		1	1			5
BADIL -Resource Center for Palestinian Residency and Refugee Rights	1	1	1			1	1		5
HaMoked – Center for the Defense of the Individual	1	1	1			1	1		5
B'Tselem – the Israeli Information Center for Human Rights in the Occupied Territories	1	1	1			-	1	1	5
Adalah – The Legal Center for Arab Minority Rights in Israel	1		1	1	1	-			4
Women's Centre for Legal Aid and Counselling (WCLAC)	1	1	1	1		-			4
Addameer Prisoner Support and Human Rights Association	1	1	1			-			3
AL Dameer Association for Human Rights	1		1		1	-			3
Yesh Din- Volunteers for Human Rights	1	1	1			-			3
Bimkom – Planners for Planning Rights	1	1				-	1		3
Democracy and Workers' Rights Center in Palestine (DWRC)	1	1				-		1	3
Public Committee Against Torture in Israel (PCATI)	1				1	-			2
The Palestinian Initiative for the Promotion of Global Dialogue and Democracy - MIFTAH		1		1		-			2
Gisha - Legal Center for Freedom of Movement	1					1			2
Palestinian Working Women Society for Development (PWWSD)				1		-		1	2
Women Studies Center-Jerusalem		1		1		-			2
Breaking the Silence			1			-			1
Women's Affairs Center (WAC)				1		-			1
Women Affairs Technical Committee (WATC)				1		-			1
# of interventions per right	18	16	15	10	8	7	6	6	86

## 5.1 SETTLEMENT CONSTRUCTION, LAND CONFISCATIONS AND RELATED ACTIVITIES

In addition to free legal aid programmes, JLAC, Bimkom, Badil, B'Tselem, Al-Haq, and HaMoked continued with strong advocacy efforts to provide planning assistance to beneficiaries in East Jerusalem, Area C and the area adjacent to the wall. Preventing forced evictions, land confiscations and home demolitions remain focus areas for the Secretariat and partner NGOs. Despite the efforts of Secretariat partners, the partner's annual reports show that the situation within this field is worsening with no visible progress. According to Jerusalem Legal Aid & Human Rights Center (JLAC), referring to numbers from OCHA, 1,177 persons in Area C were displaced through the destruction of 590 structures in 2014, the highest number since OCHA started to document these violations in 2008. Settlement activity is today so entrenched in the Israeli occupation policies that any victory in this regard remains marginal and intangible. Settlements on Palestinian lands are and remain illegal under international law and the struggle of human rights organisations vis-à-vis Israeli occupation authorities have continued throughout the year with numerous advocacy campaigns and filing of cases in the

Israeli courts. To deal with this, political action by third states is necessary, not only legal, let alone in Israel's own courts.

Due to the continuous increase in house demolitions, land grabbing and forced evictions in 2014, the need for legal service within this field is ever increasing. Communities and families affected by home demolitions and land confiscation during the previous two years are overwhelmingly marginalised (low economic status, Bedouin communities, residing in the area adjacent to the wall and marginalised areas of Area C), which makes this costly service (court and lawyer fees) ever more important. Individual legal aid cases saw an increase during the reporting period, partly due to the large number of house demolitions and the expanded ability of partner NGOs to reach remote communities through field workers.

With respect to free legal aid, JLAC provided legal aid in 1,327 cases of house demolition (in the West Bank including East Jerusalem, including the demolition of agricultural facilities) of which 170 were new cases in 2014. 282 cases of forced displacement of Bedouin and herder communities were treated, 60 of which were new cases. 57 cases of land confiscation were provided with legal aid, of which six were new cases. JLAC conducted twelve community awareness sessions in the northern and central West Bank and Jordan Valley, towards enhancing legal awareness of communities. The campaign addressed house

demolition, land confiscation, forced displacement, and settler violence. During the same period, 17 cases filed by HaMoked regarding house demolitions reached Israeli courts. HaMoked also petitioned the High Court of Justice regarding demolition of four houses in Hebron in August 2014 and six houses in Jerusalem in December 31, 2014.

#### **Section 5.1 Highlights**

- Settlement activity increase in 2014 at a larger pace than during any given year for a decade.
- Partners document how the Israeli army effectively acts under the command of settlers.
- While legal action at the local level has resulted in halting demolition orders, this is generally only temporary.

Particular concern during the reporting period was the status of Bedouin communities in Area C, and East Jerusalem. Bimkom filed six objections against the six plans that delineate the building of a new township which will concentrate many of the Bedouins of the central West Bank, against their will. The objections included two alternative plans (from among a number of alternatives formulated by Bimkom and the villagers).

Along with preventing house demolitions, partner NGOs worked actively with Palestinian communities and individuals in order to obtain building permits, influence zoning and planning policies, and prevent expansion of Israeli settlements in East Jerusalem and the rest of the West Bank. In the reporting period, Bimkom has continued to promote planning and development, ranging from objections to discriminatory plans, which answers the needs of Palestinian communities in Area C and East Jerusalem, and to limit discrimination, demolition and displacement. Bimkom has filed a number of objections and petitions against plans for Israeli settlements which harm Palestinian residents or limit their access to their land. Moreover, Bimkom is nearing the end of its survey of State Lands in Area C, and will soon approach the Israeli Civil Administration with requests for land to be allocated to Palestinian villages. Bimkom is also at the end of its survey of public land in East Jerusalem, and is identifying plots in which public services can be advanced for the benefit of Palestinian residents.

These activities are all ongoing, combining coordination and discussion with Palestinian residents and leadership, together with advocacy vis-à-vis the Israeli occupation authority: the Israeli planning authorities, the West Jerusalem Municipality and other duty-bearers.

The Secretariat's partners invested significant efforts in community mobilisation and public outreach work on the issues of forced displacement and house demolitions in 2014. Badil's campaign against forced population transfer began in the second half of 2012 with a series of trainings targeting communities facing the threat of forced displacement, with a focus on Area C, and continued along 2014.

Moreover, a number of partners (B'Tselem, JLAC, Badil, and others) conducted extensive advocacy efforts focusing on the UN and EU human rights systems. Partners have focused on the illegality of demolitions and forced evictions, with particular emphasis on Area C and vulnerable groups, such as the Jahalin Bedouins. Partners used written and oral submissions to inform the international public on Israel's illegal practice of forced evictions and population transfers. In this context, B'Tselem published two reports, posted on the organisation's web site, and circulated them among relevant international organisations.

In March 2014, Al-Haq participated in a joint advocacy trip to Brussels and Paris to engage with policy-makers and to present Al-Haq's paper "Institutionalized Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory". During the visit Al-Haq met with the European Coordination Committee for Palestine, DG DEVCO/Europe Aid, the Palestinian delegation to the European Union, the French Ambassador for Human Rights and the Deputy Director of the Middle East Department at the French Foreign Affairs Ministry, where in each meeting Al-Haq discussed settler's violence and its human rights implications.

The Visual Documentation Unit of Al-Haq has released a number of short documentary films during the reporting period. In the film "My Home", Muhammad Amireh speaks of his experience of having to demolish his own house in East Jerusalem. Housing demolitions carried out under the pretext of unlicensed construction are a common occurrence in occupied East Jerusalem. Palestinians are rarely granted permits by the Israeli authorities to build houses in the city, due to Israel's discriminatory planning policies, which make obtaining a building license by Palestinians a virtually impossible job. As a result, many people are forced to build without a permit, which often results in the Israeli authorities issuing demolition orders on unlicensed buildings. In recent years, self-demolition of houses has become common in East Jerusalem as Palestinian owners of "unlicensed" houses are forced to choose between demolishing the houses themselves or paying the Jerusalem municipality to do so for them.

## 5.2 JUDICIAL INDEPENDENCE AND FAIR TRIAL

*"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."*  
*Universal Declaration of Human Rights, article 10.*

For the Secretariat, fair trial is key and integral of the Secretariat Strategy. The Secretariat's partners provide legal and psycho-social services and enable victims of human rights violations to seek redress and ensure protection of their rights against abuse, particularly abuse of power.

There are eighteen core-funded partners who work on issues related to fair trial in Israel and Palestine through engagement in criminal, administrative, and civil procedures in Israel, and occupied Palestine, including East Jerusalem. These are: Al-Haq, DWRC, Badil, Al Mezan, WCLAC, HaMoked, DCI, JLAC, Adalah, B'Tselem, PCHR, PHR, Bimkom, Gisha, Yesh Din, Addameer Prisoner Support, Al Dameer Association for Human Rights, and PCATI.

### Section 5.2 Highlights

- Israeli violations of children's right to fair trial on politically related grounds increased.
- Increase in the demand by citizens for free legal advice and services by Secretariat partners.
- In November 2014, the Israeli cabinet adopted a draft law extending the maximum penalty for stone-throwing to 20 years. This extension, once approved the Israeli parliament, would primarily target children.
- Amendment no. 8 to the Israeli Tort Law (State's Liability) of 1952 exempts Israel of any liability arising from damages caused to Gazan Palestinians during 'combat action' or 'military operation', thus exempting Israel of any liability for violations committed during the war on Gaza 2014.

The violations against the principles of fair trial include: Trial by an independent, impartial and regularly constituted court<sup>32</sup>; Presumption of innocence until proven otherwise, with the burden of proof lies on the prosecutor, while the defendant has the benefit of the doubt; Information on the nature and cause of the accusation, without delay in a language the accused understands; Trial without undue delay.

The Secretariat partner's support to fair trial include the following: visits to detention and interrogation centres, holding centres, and jail (awaiting trial); legal assistance during interrogation; legal representation in the Israeli military courts and regular courts in Israel; and, monitoring their conditions within the Israeli military system and documenting violations against their rights.

### Violations and Partners' Responses

**Violations by Israeli duty bearers.** In 2014, violations of right to fair trial by the Israeli occupation and the Israeli Authorities not only continued but have in fact risen beyond expectations. Partners explained that this rise came as a direct result of increased levels of violence before, during and after the war on Gaza. The war was preceded with a number of politically motivated abductions and killings, and an escalation in deadly violence, particularly among Palestinians.

HaMoked reported that they have anticipated 7,000 new and ongoing cases for 2014. In reality, they have handled 7,341 new case, including tracing detainees. HaMoked also anticipated 400 direct legal aid activities and have actually done 463 during the year<sup>33</sup>. HaMoked noticed that the

<sup>32</sup> Military tribunals and special security courts are not independent nor impartial according to the said Convention. Even in the event that these courts are used, they still need to respect the same requirements of independence and impartiality as civilian tribunals.

<sup>33</sup> HaMoked handled 256 new legal actions and 207 ongoing legal cases during the period.

average number of detainee tracings in the weeks prior to the kidnapping of three Israeli settlers outside Hebron ranged from 100 to 120 per week. However, after the kidnappings, the number of detainee tracings was around 260-280 per week, including those for Gaza.

JLAC's Jerusalem branch office has also witnessed an increase in the total number of services provided in 2014 by a staggering 9% compared to the year 2013<sup>34</sup>; especially, when considering that the year 2013 was considered an exceptional year in terms of growth in needed services offered by JLAC, at 35% as compared to 7% in 2012. The majority of JLAC services provided in 2014 involved violations of economic rights, which amounted to 1,331 services.

PCATI also reported that they have witnessed a sharp increase in their work with nearly 650 allegations being made, conducting 248 visits to detention centres and prisons and five medico-legal assessments of Palestinian victims. PCATI has further invigorated the comprehensive documentation of torture and ill-treatment.

Adalah lodged 28 new legal cases and interventions to Israeli courts and state authorities, and follow-ups on pending cases and land planning objections. B'Tselem's field workers submitted 1,811 testimonies and incident reports about suspected human rights violations in Palestine, compared to 1,532 in 2013. They also viewed this increase as 'significant'.

Physicians for Human Rights – Israel (PHR), noticed a rise in the number of referrals for children under 14, particularly in June 2014. This included refusal of access or delay of entry. These types of referrals constituted 30% of their case load. In August, during the war on Gaza, PHR also noticed a high rise in number of referrals on behalf of children under 14 (constituting half of the total amount of referrals from Gaza), which they attributed to the proportionally higher number of child casualties during the war.

Israeli violations against children's right for fair trial on politically charged actions have also increased. For instance, DCI reported that the average number of children held in Israeli military detention centres is at 197 per month, compared to 199 in 2013. Similar to DCI, Addameer reported that the number of arrests in Jerusalem increased, reaching 850 Palestinians arrested from 14 July until the beginning of September. They also estimated that more than 2,000 people were arrested. Presently, the total number of Palestinian political detainees in Israeli detention centres increased to 6,500, while it was 5,000 in June 2014. Addameer also handled 556 cases of violence against children in Jerusalem alone in 2014, many of them under administrative detention, and reported on mass arrest campaigns in East Jerusalem and the rest of the West Bank. During the time of a hunger strike, the total number of administrative detentions was 137, while by the end of the year the number had risen to 500 detainees.

PCHR submitted 1,080 notifications of intent to take a civil complaint forward with the Israeli Ministry of Defence, and 254 requests of criminal investigations to the Israeli Military Attorney General.

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<sup>34</sup> The total number of services provided by JLAC in 2013 was 3,577 compared to 3,889 in 2014.



**Changes by Israel.** In 2014, Israel issued a new military order (1745), involving the interrogation of children, and establishing specific requirements for audio-visual recording. DCI experience stipulates that this military order may seem on the surface as a good progress towards safeguarding children's rights during interrogation. However, it does not apply to children suspected of committing "security offenses" such as throwing stones, which constitutes the vast majority of offenses by children.

In February 2014, the Israeli army declared that a new pilot programme, whereby the army will issue written summonses as an alternative to night arrests. The children are summoned – either by telephone call from Israeli intelligence officers or by written summons delivered by Israeli forces during a night raid – to order the children to report for questioning the following morning.

In November 2014, the Israeli cabinet promulgated a law whereby extending the maximum penalty for those found guilty of stones throwing to 20 years. This extension does not exclude children. Stone throwing is by far the most common reason for proceedings against children, and therefore they are badly affected by this new law. The punishment for such an offense is in fact equivalent to the longest possible sentence for manslaughter. The violations continue even during interrogations phases (before trial), where children are kept in solitary confinement as a means of coercing confessions, and the arbitrary use of house arrest.

PCHR reported that their work is hindered by amendment no. 8 to the Israeli Tort Law and other procedural hindrances and high cost of legal fees other procedures.

**Violations by the Palestinian Authority and Gaza authorities.** Despite the big steps that the Palestinian Authority have taken towards ensuring separation of powers, the Palestinian judiciary continues to suffer from internal (within the judiciary) and external (other powers) interference in the work of judges. Interference from fellow judges, supervisors, police, security forces, governors, ministries, legislative bodies, other officials, militants, or others are seriously threatening the independence of the Palestinian judiciary.

It is important to note that Palestinian CSOs<sup>35</sup> that have focus on the right to fair trial have been concentrating most of their work on violations by the Israeli authorities, be those in the West Bank (including East Jerusalem) or Gaza Strip. On the violations by the PA and Gaza authorities, partner CSOs focused on monitoring and documenting violations, providing legal aid and counselling and lodging complaints to authorities. The violations of the right to fair trial in Palestine are by large related to politically motivated detentions by security and intelligence forces and militant groups/factions, as a result of the political strife in Palestine. Very few CSOs focus on civil, social and economic rights in Palestine.

For instance, JLAC has administered ten cases of political detention (of which six were new) and has provided 920 legal consultations to beneficiaries in addressing violations by the PA. Addameer has provided support and protection for 38 political prisoners. In addition, Addameer has monitored relevant legislation to fulfil international standards of HR together with the PHROC. As

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<sup>35</sup> CSOs based in Israel do not focus on the Palestinian judiciary.

a result, the PA took a very important step at the international level by signing a number of international treaties of IHL and IHRL on two different instances during the year.<sup>36</sup> Addameer Association in Gaza has focused on conducting visits to interrogation centres, providing 132 legal advices to victims and complainants and reviewed 60 complaints against authorities.

In spite of the political will of the PA to protect children<sup>37</sup>, there are still many gaps in the legislation and policies, causing violations of child rights in Palestine. Palestine needs to expedite promulgation of draft Juvenile Protection Law and other legislation in line with the Convention on the Rights of the Child (CRC), to ensure alignment of child protection system with the international standards of children's rights.

**Changes in Palestine.** The most significant global event pertaining HRs is probably the Palestinian Authority's accession to various international treaties, particularly the request to access the International Criminal Court, and other HR conventions. Despite being marred as merely a political move, it could also show the governmental support for this essential legal instrument that would shape the CSOs work, responsibilities as well as further potentials for dialogue.

On child right, the PA amended Child Law, and with the official sign of the CRC. However, there is still a need to exert more efforts at the legislative and political level to develop legislation, policies and systems that are compatible with international standards for the rights of the child. This includes additional legislation in line with the CRC, in particular the Juvenile Protection Law draft and the alignment of child protection system with the international standards of children's rights.

An order by the Director General of Prisons stating that a child can only be detained by a judicial order, was implemented and this prevents any form of unlawful arrest or precautionary detention.

#### *Partners' Key Success*

Partners have reported to the Secretariat the following success in defending the right to fair trial and independence of the judiciary in 2014. Despite the fact that some partners are not listed below does not mean that they did not have impact within the area.

DCI enhanced and formalised their coordination with Nablus detention centres, who started to refer legal cases of those who cannot afford legal representation to DCI. DCI lawyers handled 25 pro bono cases referred by the Nablus detention centres.

HaMoked legal cases in 2014 have recorded in a number of policy changes: 1) West Bank spouses living in East Jerusalem who are involved in family unification can open bank accounts in Jerusalem; 2) Since December 2014, over 100,000 Palestinians living in the Ramallah district are able to use the DCO checkpoint coming in the direction to Ramallah; 3) as of April 2014, electronic billboards in bus stations in Jerusalem present station and route information in Arabic as well as Hebrew; 4) as of April 2014, West Bank residents with permits to live and work in Jerusalem may go through

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<sup>36</sup> In two instalments, PA President Abbas signed accession letters to a total of 35 international treaties and conventions.

<sup>37</sup> Demonstrated by providing legal cover for the protection of child rights, including the issuance of the Child Law and acceding to the Convention on the Rights of Child.

the Shuafat checkpoint, and are not required to use only Qalandiya, saving hours of waiting daily; 5) due to HaMoked's petition, in May 2014 the National Insurance Institute informed the Court that it would supply Arabic translators in all Medical Committee activities at the request of the client and not just conduct activity in Hebrew only.

HaMoked established a new coalition of NGO's in East Jerusalem dealing with life in the shadow of the Separation Wall in the city, in preparation to new legal activity attacking the restrictions placed in residents in these areas. Following the June 2014 West Bank incursions, HaMoked participated in meetings with Palestinian and Israeli human rights organisations held in Ramallah and hosted a meeting of this coalition in their offices in East Jerusalem.

Investigations opened into suspected war crimes in Gaza during the war. Adalah filed 14 complaints with Al Mezan to Israeli authorities to demand the opening of independent criminal investigations into suspected war crimes and crimes against humanity by the military. In September, the Israeli Military Advocate General (MAG) announced that he would open investigations into two of the cases filed: 1) the targeting and killing of four children on a beach in Gaza; and 2) an attack on an UNRWA school resulting in killings of civilians in a safe haven. Adalah is continuing to follow-up other complaints.

Gisha reported that its Freedom of Information petition to the Court of Administrative affairs in Tel Aviv has succeeded to force The Coordinator of Government Activities in the Territories Unit (COGAT) to publish procedures and protocols. Some 60 previously unpublished procedures and protocols are expected to be published in both Hebrew and Arabic. Before this petition, COGAT had refused to abide by the law and voluntarily publish the information requested despite countless letters over the years in an attempt to have COGAT procedures published, most of which remained unanswered.

Bimkom won a law case whereby it changed the zoning of 13 dumums in Ash-Shayyah from expanding the Jewish cemetery to a housing area for the Palestinians. Nonetheless, the final stage of authorising this change has been delayed. Bimkom is monitoring the situation and will be available to support the residents should they wish to take further action.

PCATI has succeeded to expand the right to be accompanied by the person of choice to torture victims, thereby making torture complaints investigations more victim-centred. Following a precedent in March 2014 so far 16 victims have already been accompanied by either PCATI's Field Workers or Complaint Coordinator.

After intensive work from PHR in a five year struggle, during which the Ministry of Health avoided recognising the titles of 300 medical graduates of Al Quds University in East Jerusalem, the Magisterial Court ordered that 54 current graduates must be allowed to access the Government Certification Examination, without delay. In another PHR case, the Health Ministry have, after a four year legal court case, ensured all people affected by the 2003 Amendment to the Citizenship Law access to the National Health Law of Israel. This case affects an estimated 8,000 people, mostly women married to Israeli spouses. There is still more work to be done, however the major objective of changing the regulation was achieved and is a notable success.

JLAC served 1,757 families in Jerusalem in 2014, aiding in restoring their social and economic rights through undertaking cases, the provision of legal services, and legal correspondences. JLAC has carried 1,327 cases of house demolition (in the West Bank including East Jerusalem, as well as the demolition of agricultural facilities). Moreover, 282 cases of forced displacement of Bedouin and herder communities were treated, legal aid was provided in 57 cases of land confiscation, 22 cases of confiscations' of goods, and 36 cases of freedom of movement, of which 19 were newly opened. 2,755 legal consultations were rendered to beneficiaries in the West Bank including East Jerusalem in addressing violations by Israeli authorities.

In regard to violations made by the PA, JLAC treated ten cases of political detention (of which six were new), and five cases of public interest, and began undertaking cases of medical malpractice. Additionally, 920 legal consultations were provided to beneficiaries in addressing violations by the PA.

Al-Haq does not provide an open legal aid mechanism for any complaint, and only intervene in selecting cases which represent a broader policy of violations. In 2014, Al-Haq received 181 complaints on HR violations, six cases related to Military Judiciary for breaches of fair trial guarantees. Al-Haq's lawyers continued in 2014 to conduct surprise visits to interrogation centres in Palestine.

In 2014, Al-Haq succeeded to acquire a pledge from the public prosecutor to open a criminal investigation into the communications, which they received with respect to refrain from implementing the decisions of the courts. The advocacy regarding this issue has been featured at many media outlets. As part of its advocacy effort, Al-Haq sent a number of legal memos to the President of the General Intelligence Service, Military Policy and the Attorney General, demanding respect for the law and implementation of court decisions. PCHR succeeded after twelve years of legal procedures to acquire compensation for the al-Telbani family for the killing of their son 13 years ago. The case goes back to 31 January 2001, when Israeli forces stationed at the former "Nitsarim" settlement in Gaza.

### 5.3 EXCESSIVE AND UNLAWFUL USE OF FORCE

After the killing of three settlers near Hebron in June 2014, and the subsequent brutal killing of Mohamed Abu Khdeir, who was burned alive by Israeli settlers, a discernible wave of protests among Palestinians was triggered against police and settler brutality, which included clashes in the West Bank, most notably in East Jerusalem. Israeli occupation forces executed extensive attacks against civilian Palestinians, including mass arrests – especially of children, killing of protesters, and excessive use of force in dispersing protesting crowds.

Three weeks later, the Israeli occupation army launched its war on Gaza, which resulted in 2,203 deaths amongst Palestinians, more than 500,000 Palestinians displaced, and 32,032 destroyed or severely damaged housing units.

#### Section 5.3 Highlights

- Israeli mass arrests, especially of children; killing of protesters; and excessive use of force in dispersing protesting crowds.
- Large documentation efforts from partners on the effects of the war on Gaza and other HR violations in the oPt.
- UN Human Rights Council established a Commission of Inquiry for Gaza.

Secretariat partners (Adalah, DCI, Al Dameer, WCLAC, Al-Haq, PCHR, HaMoked, Yesh Din, Al Mezan, B'Tselem, Badil, PHR, Addameer, JLAC, and Breaking the Silence) invested immense efforts in combating violations of Human Rights with regard to settler violence, Israeli military unlawful use of force (including excessive force) and advocating for the accountability of duty bearers. Partner's areas of work included monitoring and documentation, the provision of legal aid, promoting accountability for human rights violations and advocating for policy change. One related development worth of mention here is the fact that B'Tselem has clearly concluded the Israeli authorities own investigations are useless, ineffective, and that the organization 'is not going to call for Israeli authorities to investigate allegations through existing mechanisms.'

***"No official body in Israel can currently carry out an impartial investigation of suspected violations that would meet international standards, nor does there seem to be any interest in creating such a body. The existing procedures merely facilitate the pretense that Israel fundamentally complies with international law."***

***B'Tselem Annual Report 2014, p. 23.***

To respond to the Israeli military attacks on Gaza, the Secretariat provided funding, advice and support enabling Al-Haq, Al Mezan Centre for Human Rights, Palestinian Centre for Human Rights (PCHR) and Addameer to carry out documentation of human loss and damage to property, using unified forms of data and information collection. The purpose of the documentation effort was contributing to advocacy for accountability for IHRL and IHL violations committed in the recent Israeli military war.

In the same context, Adalah filed 14 complaints, in collaboration with Al Mezan, with the Israeli authorities, demanding the opening of independent criminal investigations into suspected war crimes and crimes against humanity by the Israeli occupation army during Israel's war on Gaza. In response, the Israeli Military Advocate General (MAG) announced that he would open investigations into two of the cases filed: 1) the targeting and killing of four children on the Gaza beach; and 2) an attack on an UNRWA school resulting in the killing of civilians in an UN-designated and clearly marked and announced shelter. Adalah is also continuing to follow-up other complaints.

Moreover, 14 CSOs, among them Adalah, signed a joint statement urging the international community to halt the war on Gaza. The letter was sent to the UN Human Rights Council and demanded the opening of investigations into IHL violations.

After extensive efforts by Secretariat partners and other CSOs and networks (Palestinian and international) the UN Human Rights Council established the Commission of Inquiry for Gaza, which is examining events in the oPt from mid-June 2014. The Secretariat partners are contributing significantly to the work of the UN Commission of Inquiry, through the provision of information, documentation and analyses. Several partner reports have been submitted to the Commission ahead of its report to the HRC, due June 2015, and attended the HRC meeting during its March 2015 session, dedicated to review the work of the Commission of Inquiry, to try to influence how the work of the Commission is translated into concrete action towards accountability for human rights violations during the recent war.

Defense for Children International – Palestine (DCI) documented the killing of at least eleven Palestinian children in the West Bank, including East Jerusalem, by Israeli occupation forces in the aftermath of the death of Mohamed Abu Khdeir. DCI documented Israeli army's routine use of excessive force to disperse crowds, including using live ammunition, resulting in injuries and fatalities to children. DCI found no evidence that suggests that in any of the cases involving the death of children in 2014 a serious threat to the Israeli army soldiers at the time of the attack. Live ammunition, according to the Israeli military's own regulations, must only be used in circumstances in which a direct, mortal threat is posed to a soldier.

In one of the most reported incidents near Ramallah, Nadeem Nawara and Mohammad Abu Daher were apparently killed by Israeli soldiers, using live ammunition, but the Israeli army denied it was responsible or its forces had used live ammunition. However, the thorough documentation and analyses, and advocacy, of DCI revealed that the two boys were shot during a lull in the protest, the two boys were unarmed, and were killed by live bullets. In its advocacy efforts related to this case, DCI released a video on YouTube that highlights the unlawful killings that occurred on May 15.

Moreover, during speaking tours in the US and UK, DCI focused on Palestinian children in Israeli military detention centres, the excessive use of force by Israeli soldiers against children during demonstrations and Israel's war on the Gaza Strip in 2014. The killing of Palestinian children with live ammunition by Israeli soldiers was covered by the New York Times, BBC News, CNN, Reuters, BBC News, The Guardian, Al Jazeera America, The Washington Post, among others.

As part of raising awareness on human rights violations, Al-Haq organised tours for students and supervisors to places like Hebron, Jordan Valley, Bethlehem, Jerusalem and Jenin to see the effect of the annexation wall, deprivation of the natural resources of the Palestinians as well as the violations committed against Palestinians by the settlers in Hebron. During 2014, Al-Haq collected 110 affidavits on settler harassment against Palestinians.

Badil provided youth from various communities in Area C with training to raise their awareness of their rights and enhance their skills in recognizing and documenting human rights violations. They also

published a brochure entitled “Colonialism and Colonists’ violence against Palestinians” and produced the documentary “I’m from here and this is my land”, addressing exposure to violence from colonizers.

Through its three main programmatic areas of focus (Criminal Accountability of Israeli Citizens, Criminal Accountability of Israeli Security Forces, and Land), Yesh Din identifies and monitors areas of violence and provides legal aid and consultation to Palestinian individuals who have been victims of violence of ideologically-motivated offences perpetrated by Israeli citizens and Israeli security forces in the West Bank.

A total of 72 new cases were received during the reporting period, of these Yesh Din took legal action in 57 cases (45 cases involving military personnel and twelve cases involving law enforcement personnel/Israeli Police). Of the 72 new cases, 13 involved testimonies taken from women. In 49 cases, the offences took place inside villages or in homes. 25 cases involved shooting live ammunition, nine shooting rubber bullets/stun grenades/tear gas grenades, twelve violent attacks, seven violent attacks combined with damage to property, eleven damage to property and eight classified as ‘other’.

Within the field of holding Israeli citizens accountable for criminal offences, Yesh Din released the report “The Lawless Zone”. The report covers how the Israeli military investigative and prosecuting agencies have handled about 500 complaints that were filed on grounds of alleged criminal offenses committed by Israel occupation army and other security forces personnel against Palestinian civilians and their property in the West Bank.

In East Jerusalem, Yesh Din launched a six-month pilot programme to monitor law enforcement on Israeli civilians in the occupied city. Preceded by consultations in 2014 with numerous activists and NGOs operating in East Jerusalem, the pilot was designed to respond to incidents, provide legal counselling and aid and advocate on behalf of Palestinian residents of East Jerusalem who face daily incidents of violence and intimidation by Israeli civilians in their neighbourhoods.

Regarding the rest of the West Bank, Yesh Din's legal team sent a letter in November 2014 to the Legal Advisor of the Israeli occupation army in the West Bank following repeated complaints of violence during the 2014 olive harvest in Burin. Yesh Din also organised a legal clinic in Beit Furik in cooperation with the village council to offer legal assistance to the people of Beit Furik in cases of lack of access to lands and violence perpetrated by Israeli settlers. The majority of the 19 testimonies recorded focused on severe lack of access to agricultural lands, settler violence and intimidation, lack of army protection, limitation on coordinated access during harvest, as well as other cases. Yesh Din drafted a letter to the Legal Advisor of the occupation army in the West Bank demanding adequate protection for residents of Beit Furik in particular, who are routinely subjected to threats, intimidation and violence from settlers of neighbouring settlements and outposts to prevent them from accessing their lands. In 2014, Yesh Din also submitted three appeals to reopen closed investigations, based on monitoring of the police and military case files; one appeal that was submitted in 2013 was accepted in 2014.

To raise awareness of the reality of the Israeli ongoing occupation and human rights abuses in the oPt, Breaking the Silence established an emergency ad-hoc team of interviewers in order to quickly conduct and process interviews and collect testimonies from fifty Israeli occupation army soldiers who

served in the war on Gaza, a work that began in the early weeks of August. A booklet of testimonies will be released in the first half of 2015.

To promote accountability for human rights violations and to advocate for policy changes in the oPt, B'Tselem documented HR/IHL violations, testimonies, organised and launched media campaigns, launched the Eyes Wide Open photo blog and produced a documentary film. B'Tselem also worked on the project Visual Impact: Deterrence, Accountability and Public Awareness Video Project in which Palestinian volunteers in volatile areas throughout the East Jerusalem and the rest of the West Bank received training on documenting the experience of living under occupation on film. A total of 213 Palestinian video volunteers were trained in 2014, including 130 men, 77 women, and six children participating. B'Tselem published 30 new video items on its YouTube channel alone. Video footage was involved in twelve of the cases B'Tselem sought accountability on in 2014.

480 hours of video footage was collected from video volunteers in 2014, including material from demolitions in the Jordan Valley, settler violence, clashes with security forces in East Jerusalem, weekly demonstrations against the closing of the road in and out of Kufur Qadum, the war on the Gaza Strip and its aftermath and incidents in or near Ramallah, Hebron and the south Hebron hills. 20 out of the 37 total requests to open investigations were made on the basis of video documentation.

Regarding advocacy work within Israel, B'Tselem continued to engage with the Israeli military, initiating dialogue with key personnel, such as the Israeli occupation forces spokesperson unit. B'Tselem gave two lectures on human rights violations at the Israeli occupation forces spokesperson's unit and another in a seminar of the Military Advocate General.

B'Tselem's data coordinators are in continuous correspondence with the Israeli authorities, pushing for accountability on specific cases as well as issuing petitions on urgent issues. A lobbyist was employed throughout much of 2014 to promote B'Tselem's human rights message in the Israeli parliament, the Knesset, and Israeli government offices. Among the issues the lobbyist was involved in during 2014: expulsion of communities from the Jordan Valley, the water crisis in the West Bank, settler violence and East Jerusalem checkpoints.

During the intensified violent atmosphere during the summer, PCATI has taken up the challenge and managed to pave the way for further policy change, providing victims with the possibility of improved access to justice and further challenging and dismantling the dysfunctional torture complaint mechanisms the Israeli occupation force employ.

PCATI, together with Swedish Kvinna till Kvinna and the Ramallah-based Palestinian Working Women Society for Development (PWWSD), developed and submitted three joint project applications, aimed at joining their forces for the protection of Palestinian women who endure occupation-based violence in their encounters with the Israeli security forces.

An example of the persistent efforts of PCATI is a case involving police brutality in Jerusalem. In May 2011, police officers brutally assaulted and arrested a group of demonstrators in Ras Al Amud in East Jerusalem. Demonstrators did not resist their arrest, and when in Israeli police custody, the police allowed a group of settlers to attack the demonstrators, some of whom were already handcuffed. In



June 2011, PCATI filed a complaint with the Israeli Police Internal Investigations Division (PIID), on the behalf of 24 of the demonstrators. In December 2012, the PIID decided to close the case for “lack of public interest”. In March 2013, PCATI filed an appeal, which was denied in December 2013 after finding that “the officers acted in accordance with the law”. Based on the contradictory reasoning between the two decisions, PCATI filed an amended appeal in March 2014 in which it asked to be allowed to respond to the finding that the police officers in question acted lawfully. The amended appeal was denied in the same month. In June 2014, PCATI filed a petition with the HCJ asking the Court to order a new criminal investigation. The hearing has been scheduled for July 2015.

## 5.4 TORTURE AND ILL-TREATMENT

According to customary international law, the use of torture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are strictly prohibited. PCATI, Al Mezan, PHR, PCHR, Al-Haq, and Addameer all contribute towards the full implementation of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), as well as to the related articles of CEDAW and CRC; namely to the cessation of torture and ill-treatment of all persons deprived of their liberty and who are in the custody of or in contact with the Israeli occupation security authorities.

One of the major successes in the year, was the quashing of an Israeli bill authorising forced-feeding of Palestinian detainees. Moreover, Israeli authorities have, late in 2014, changed their policy allowing detainees who complain of torture to be accompanied by a person of one’s choosing.

### Section 5.4 Highlights

- The right to be accompanied by a person of choice when testifying in front of the Israeli authorities regarding alleged torture is increasingly respected.
- The rate at which indictments are filed stands at 1.5%.
- Progress has also been made concerning efforts to dismantle the current torture complaints investigation system.
- Alleged torture in Gaza increased during 2014.

The Secretariat partner Public Committee against Torture in Israel (PCATI), the largest contributor within this field, took the following actions during 2014:

- As for reaching out to victims of torture and ill-treatment, 650 situation analysis on the ground (in average: 54 per month) and 248 visits to Israeli detention facilities were conducted, and 248 affidavits were taken.
- To improve the documentation of torture and ill-treatment, five medico-legal assessments of Palestinian victims took place and four medico-legal assessments were submitted to the Israeli occupation authorities.
- In order to pursue access to justice for the victims, while challenging impunity, 115 new cases were adopted, more than 100 ongoing cases were followed up and 44 new complaints submitted to Israeli authorities. Access to review preliminary investigation materials was granted in three cases. Moreover, eleven new appeals were submitted to the Israeli Authorities and follow-up on 14 pending appeals and ten principal petitions was handled.

- A significant improvement in the treatment of victims during the preliminary investigation is that the right to be accompanied by a person of choice when testifying in front of the Israeli authorities now is viewed as a general rule, both for Palestinian men, women and minors. So far, 16 victims have been accompanied by either PCATI's Field Workers or Complaint Coordinator to testify in front of the Israeli authorities.
- PCATI also contributed to several activities on strategic national and international policy advocacy. PCATI was mentioned in media 42 times, conducted two consultation meetings at the Minerva Centre on the United States forthcoming UNCAT report, made seven joint statements with local and international HR organisations, conducted two social-media campaigns and completed seven international advocacy missions.

Progress has also been made concerning efforts to dismantle the current torture complaints investigation system and to further the evidence based documentation of torture and ill-treatment committed by the Israeli security forces against Palestinians. PCATI has visited detainees during the year and has registered an increased brutality in the torture methods used by the Israeli security forces, including increased use of sleep deprivation (24 reported cases in 2014), stress positions (eight cases of the so called frog and ten cases of the so called banana), sexual harassment (eight cases), actual assault (three cases) and violent shaking (two cases). The majority of the aforementioned methods were outlawed by the Israeli High Court in its 1999 landmark ruling.

Regarding accountability of soldiers, a PCATI study published in June 2014 found that out of the 133 torture and ill-treatment complaints filed by the organisation between 2007 and 2013 with the MPID "only two [...] materialized into indictments against soldiers, for the crime of assault". As of early 2014, 27% of the complaints are still pending at the offices of the Military Advocate General. 73% of the complaints were closed, in most cases by decision of the Military Prosecutor Corps. The rate at which indictments are filed stands at 1.5%. During the year, PCATI prepared a petition to the Israeli High Court on behalf of a dozen victims, demanding the IDF to respond to the still pending complaints and create more effective procedures of investigation of torture complaints. The petition was filed with court in December 2014.

In October 2014, Adalah, Al Mezan, and Physicians for Human Rights-Israel submitted a report to the UN Human Rights Committee (HRC) regarding Israel's lack of compliance with the International Covenant on Civil and Political Rights (ICCPR) concerning the use of torture and cruel, inhuman and degrading treatment against Palestinian prisoners and detainees held in Israeli prisons and Palestinians living in the occupied Palestinian territory. PHR states in their annual report that they intend to utilize more international mechanisms for accountability in the future.

Defence Children International Palestine (DCI), has collected information and torture reports from underage detainees and ex-detainees. DCI documented 30 cases of torture and mistreat, including 26 where the victims had been tortured by the Israeli Defence Forces and four cases involving children in conflict with the law in Gaza. DCI has also followed up cases with children in Israeli military courts, through visits to detention and interrogation centres and prisons. Furthermore, DCI provided legal assistance during interrogations and representation in the Israeli military courts. The aim of the legal

representations in military and regular courts is to provide legal services for children and help their families to be with the children when they appear in courts. DCI also aims to defend the children's legal rights properly and adequately and provide them and their families with legal advice.

The lawyers of DCI were also able to monitor Israeli violations against human rights and torture. The information collected is used for the purposes of advocacy at the international level to highlight and expose these practices. In this context, DCI received 114 new files during the reporting period; leading to three detainees being released from police custody with certain conditions, 18 being released from police custody without conditions and five being released from court with certain conditions. 109 files were closed with the issuing of a different sentence, alternatively the prosecutor did not file charges against the detainee. Moreover, the lawyers of DCI conducted 64 visits to Israeli prisons visiting in total 188 children. They also collected 122 sworn affidavits and 122 torture forms covering Israeli violations against children during arrest, interrogation and trial. Following the visits and the collection of the sworn affidavits, nine complaints against the Israeli occupation army were also lodged on behalf of children.

As part of the Raising Awareness campaign, aiming to protect children during detention and educating them of their rights, DCI launched a "Know Your Rights" campaign for Palestinian children. The campaign focuses on empowering and educating Palestinian children to secure their basic rights while detained in the Israeli military detention system. DCI also conducted training sessions for Palestinian children in schools to raise awareness on what to expect during the arrest and detention process. The trainings focused on understanding relevant International Human Rights law concerning arrest, transfer and interrogation practices. Additionally, trainers discussed rights found in Israeli military law and how these rights are systematically denied Palestinian child detainees. As a result of the new summons procedure, the lawyers and fieldworkers were asked to highlight to children the importance of contacting a lawyer before going to the DCO offices when summoned. During the reporting period, 104 training sessions were conducted to children of age 12-17 in schools. In total, 4 549 children were targeted in these training sessions.

Physicians for Human Rights – Israel (PHR) has also contributed to follow up the situation of Palestinian detainees, provide them with legal aid services and represent them before courts in case of torture and ill-treatments during incarcerations. In this context, PHR filed 334 complaint letters related to ill-treatment and torture of prisoners, particularly ill people. 21 legal letters were filed in preparation of legal interventions. 14 petitions and 36 legal interventions were filed. Moreover, 45 doctors and lawyers visited prisons and provided a total of 1,200 hours of medical consultations. On the advocacy level with stakeholders, PHR sent two appeals to UN Special Rapporteurs, one letter to the UN Secretary General, one letter to World Medical Association, and two letters to the Israeli Ministry of Health addressing the issue of ill-treatment of prisoners.

In continuing support of Palestinian prisoners in Israeli jails, PCHR's legal unit succeeded in helping five prisoners to get released from Israeli jails. Also, 59 prisoners from the Gaza Strip received legal aid as their lawyers visited them, located their imprisonment place and provided their indictments to their families, 27 of which were imprisoned during "Operation Protective Edge." The unit also provided legal aid to 13 prisoners who suffer a medical condition, submitting a complaint to the Israeli Prison Service, the Israeli General Attorney, Israeli Judicial Advisor, the Public Committee against Torture and

PHR. In terms of Palestinian prisoners in Palestinian prisons and detention centres, 23 prisoners were represented by PCHR. Also, the unit provided 132 legal consultations to families of prisoners.

Since its inception in 1979, Al-Haq has monitored and documented human rights violations perpetrated by Israeli occupying forces against Palestinian civilian population in the occupied Palestinian territory. With the establishment of the Palestinian Authority in the early 1990s, Al-Haq started to document human rights violations committed by the Palestinian security bodies. Special attention has been given to ill-treatment and torture of Palestinian prisoners held in prisons of the Palestinian Authority. During the reporting period, Al-Haq documented a number of cases of Palestinian prisoners who have been held under inhumane detention conditions and subjected to ill-treatment and torture. According to Al-Haq annual report, five torture cases by Israeli Authorities and another five torture cases by Palestinian Security services was registered during the year. This urged Al-Haq to call for investigation into cases of ill-treatment and torture and hold perpetrators accountable.

Moreover, as part of the advocacy efforts on torture and ill-treatment, Al-Haq Visual Documentation Unit produced three documentary films about ill-treatment and death during the Israeli occupation, entitled “This Is What Happened to Me”, showing the social and psychological impact of ill-treatment and torture on 28 year old Osamah al-Shawamreh; “In Search of a Wild Flower”, presenting the case of Yousef Shawamreh’s death; and “The Bullet”, depicting a situation in which 14 year old Atta gets shot by Israeli forces near his school and gets paralyzed for the rest of his life.

Al-Haq has also registered several instances where Palestinians have been subjected to torture and ill-treatment whilst in Palestinian custody. During the reporting period, Al-Haq documented 19 cases compared to eight cases in 2013. In these cases, there is often lack of accountability as the Penal Code considers torture to be just misdemeanour. Al-Haq believes that the work against torture needs new legislation and continued work from civil society organisations until new values have been instilled in the general public consciousness and among the Palestinian security personnel in particular.

Within the field of documenting Human Rights violations against Palestinian prisoners and detainees, Addameer Prisoner Support and Human Rights Association produced four major reports, nine factsheets in English and Arabic, 107 statements and ten videos. Addameer has also prepared 19 individual stories in 2014 that can be found on their website. The documentation and study unit conducted 137 visits for 392 prisoners in different prisons, interrogation and detention centres throughout 2014. Through these visits, Addameer followed up 24 individual hunger strike cases and a 62 day collective hunger strike involving around 120 hunger strikers. They also monitored 38 cases of prisoners in need of medical attention, which were documented and transferred to PHR and other relevant bodies and organisations. Addameer collected 14 affidavits on torture, tying to beds as well as other forms of ill-treatment and health neglect.

The documentation team conducted 26 field visits in the West Bank areas, collecting 36 affidavits on violations during the arrest process, and 83 field visits in Jerusalem collecting 77 affidavits on torture and ill-treatment of detainees, especially children.

To ensure monitoring and documentation on the use of torture and violations of civil and political rights under the Palestinian Authority, Addameer closely followed the attacks of the PA security groups against demonstrators supporting the prisoners hunger strike in the Israeli prisons. Addameer also monitored the targeting of students from Al Najah and Birzeit Universities, and followed arrests in Nablus and the refugee camps in Dhesha, Al Azza and Ayda. The organisation also participated in 119 interviews in English and Arabic with a range of different media outlets, advocating for the rights of Palestinian prisoners and detainees.

## 5.5 WOMEN'S RIGHTS AND GENDER-BASED VIOLENCE

Women in the occupied Palestinian territory suffer from high levels of poverty and unemployment, and are victimized to casual violence (common-day aggression from family, social network and the community), mundane violence (regularized violence from the Israeli occupation) and more directed violence (primarily due to male hegemony and increased conflict violence). In the Gaza Strip, women faced an increased level of violence due to the war in July and August. In the West Bank, the prevailing conservative norms have increased women's vulnerability in society. In response, part of partners' values, objectives and advocacy work is to promote Palestinian women's social, economic and political empowerment and work on reducing gender-based violence by encouraging women to raise their political voice, increase their opportunities to obtain decent and productive work and improve their access to protection and justice.

### Section 5.5 Highlights

- In the Gaza strip, women faced an increased level of violence due to the war in July and August.
- Palestine accession to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), is a game changer.
- WCLAC's Emergency Shelter in Jericho provided emergency protection to 51 women in 2014, a 42% increase compared to 2013.

Partners (PCHR, Adalah, Al Mezan, PWWSD, Al-Haq, MIFTAH, WCLAC, WSC, WATC, and WAC) made various interventions during the year, including legal aid and social services, legal representation in Sharia courts, individual and group psychosocial consultations, raising awareness of women's legal, civil and political rights and leadership, in addition to developing their capacities to defend their rights and advocate for change in policy through advocacy work.

Following the PA had signed 18 international conventions and four protocols, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Secretariat partners sent a letter to President Abbas acknowledging this important move and highlighting the steps that must be taken to close the gap between current legislation in the 1967 territories and CEDAW recommendations. Moreover, a coalition of organisations, namely the Forum to Combat Violence and the General Union of Palestinian Women, and al-Muntada (a Palestinian forum of twelve CSOs fighting violence against women) worked on the Personal Status Law and the adoption of a Palestinian penal code. They were able to freeze articles 98 and 340 (a and b) of the Penal Law to consider murder under the pretext of so-called family honour a crime punishable by law. Efforts were also made to develop a new draft, which will be submitted to President Abbas, that promotes gender equality and respects the rights of women in line with international human rights standards. The draft allowed women to be given advantage with regard to their property rights, decision to marry or divorce, as well as their

right to custody of children. Partners and other CSOs were invited by the PLO to formulate a draft law on “Code of Ethics” which contains commitment by the signees on protection of women's rights and the elimination of violence and discrimination against them in the Palestinian legislative system.

WCLAC provided professional legal and social services to women who are victims of violence, abuse and gender based discrimination through a team of lawyers and social workers based in East Jerusalem, Ramallah, Hebron and Bethlehem. Over the reporting period, 1,062 women received social and legal counselling, 462 received long-term direct social and legal counselling, 120 received legal counselling, 76 received social counselling, and 266 received joint social and legal counselling. Additionally, 370 women were supported through one-time direct socio-legal counselling consultations, 13 received e-counselling services, and 217 received emergency helpline services. A large number of these women had cases represented by WCLAC lawyers in Sharia and civil courts. In 2014, WCLAC opened a total of 450 new cases in 2014 – 386 of which went to court. This is in addition to 64 cases opened in 2013 (26 of which concluded in 2014 and 38 of which remain unconcluded), and 120 pending cases from the 2014 cycle, meaning that a total of 634 cases were worked on in 2014.

It is worth noting that email provision allowed WCLAC to create a new level of security for women wanting to make contact with the organisation without the knowledge of an abusive family member. With these new provisions, WCLAC expanded its horizons to meet a new and unforeseen demand among Palestinian women in the territories of 1948 and in the Palestinian diaspora.

Furthermore, through the Takamol National Referral System, WCLAC's emergency shelter in Jericho – the only shelter of its kind in Palestine – was able to provide emergency protection to an unprecedented number of women whose lives were under threat, hosting a total of 51 women in 2014, a 42% increase compared to 2013. In an effort to develop and maintain strategic relations for WCLAC's Service Unit and WCLAC shelter, a significant achievement was made with the agreement that the police would submit an initial report to WCLAC on their experiences of referring women to the emergency shelter. It is hoped that this will aid more efficient referral of women and help related authorities to better prioritize the level of threat to women's lives so that WCLAC's shelter can continue to prioritize women whose lives are under greatest levels of threat.

WCLAC also organised a three-day training conference on CEDAW with foremost experts in the field of national law, international law and women's rights aiming at bringing representatives from grassroots partners, CSOs working in the field of women's rights and state actors, including Ministry of Justice and Ministry of Women Affairs, together to discuss CEDAW and its implications for Palestinian legislation. Moreover, WCLAC team collected 152 testimonies from women who live at friction points; in areas near settlements or settler bypass roads in East Jerusalem, the rest of the West Bank, and the Gaza Strip.

In a project involving WCLAC and its partners, focus is on revitalizing Palestinian CSOs in East Jerusalem and mobilizing communities in five neighbourhoods (Silwan, Isawiya, Old City, Wadi Al Joz, and Sur Baher) to improve access to, and protection of, residents' social, political and economic rights. WCLAC intervention consists of providing services to women victims of violence through consultations, socio-legal counselling and awareness-raising activities targeting housewives, working women, students,

professionals and volunteers, in addition to the documentation of IHL violations by Israeli authorities in East Jerusalem.

Women's Studies Center (WSC) key intervention areas are women's empowerment, combating violence against women, promoting a feminist discourse and institutional development. Within the field of women's empowerment, WSC developed the capacities of 64 young men and women activists to enable them to carry out awareness raising campaigns in the West Bank in the area of women's rights and particularly the rights of divorced women. WSC also worked with victims of violence to empower them and enable them to speak about their cause and to contribute in future advocacy and awareness raising campaigns. Moreover, WSC profoundly contributed at the regional level to women response to the Arab Spring and the activation of unions and political parties in increasing participation of women. A number of women from political parties and unions were trained on gender mainstreaming locally and regionally in a manner that enables them to transfer the knowledge to other unions and parties.

In the area of combating violence against women, WSC maintained its work on its "protection from sexual exploitation program", supported by the Ministry of Education and UNRWA. With regard to Promoting a Feminist discourse, WSC developed two qualitative studies, the first assessed the gender based gaps within child rights and specifically female child rights in Palestine. The second was on women's political participation within the Palestinian political parties and labour unions. While in the process of supporting feminist discourse among the youth, WSC covered the tuition of 56 underprivileged university female students through fundraising opportunities. In addition, the WSC provided expert advice and capacity building needed to make large scale institutional changes, involving women's advancement through gender audit, gender mainstreaming, gender impact assessments, reports and analysis tools. WSC also conducted a gender audit for five municipalities across the West Bank.

In its efforts to promote advocacy and lobbying for women, peace and security agenda, MIFTAH worked on implementing the United Nations Security Council Resolution (UNSCR) 1325 in Nablus, Hebron, Jericho, and Jordan Valley. Furthermore, MIFTAH and the Palestinian Central Bureau of Statistics (PCBS) implemented a mapping survey in academic institutions during the year and arranged a policy meeting with political leaders from different political factions, aiming to assess the political narrative of Palestinian women and youth and identify challenges that hinder these groups' political participation.

PWWSD maintained their awareness raising activities on human rights in 2014. PWWSD conducted 100 educational workshops, 20 lectures, twelve field visits and four open panels. On the level of capacity building of target groups, PWWSD conducted one training for women Community Based Organisations (CBOs) on documenting human rights violations, one training for newly-graduated lawyers on judiciary procedures related to women's issues in the Family and Penal laws, and one training for youth in universities and schools in leadership, communication, community social work and voluntary work. As part of their advocacy and lobbying activities, PWWSD organised one hearing session between women and duty-bearers, one demonstration, and published a report on the Israeli violations against women in Gaza during the aggression. They conducted two campaigns on violence against women and women participation in decision-making. PWWSD provided 70 legal consultations,

200 legal and psycho-social services, 100 psycho-social consultations, and represented 30 women cases in court.

One of the main areas of intervention for the Women's Affairs Technical Committees (WATC) is women's rights to political participation. In this respect, WATC, in partnership with the Ministry of Local Governance, launched the first Female Local Council and Municipal Members database, providing full information about WATC. With a well-prepared curriculum, WATC has trained and enhanced the capacities of thousands of women. Throughout 2014, WATC supported 30 initiatives based on the results of the participatory action research that was conducted by 300 activists in the West Bank and Gaza. This research aimed to determine the different limiting factors of women's political participation, in accordance with the UN resolution 1325. Moreover, WATC worked on documenting the experiences of Palestinian women under the Israeli occupation, not least in Israeli occupation prisons. They also worked on documenting the impact of the occupation's violations on Palestinian women. A study entitled "Impact of Houses Demolition on Gender Roles and Relationship" was published. This study tests the impact house demolitions has on Palestinian families in general and Palestinian women in particular. In 2014, WATC issued and published six studies and reports addressing women issues. WATC also published a monthly newspaper (the Voice of Women) and a weekly radio program (Break the Silence).

In Gaza, WAC continued diverse legal consultations in 160 cases to address women's problems in divorce, custody and inheritance. WAC also provided individual and group psychosocial consultations to 60 vulnerable women. Through its legal clinic, WAC provided legal representation for 100 vulnerable women in sharia courts in an attempt to restore their rights related to divorce, custody, wife and children support, and child observation. WAC also conducted training for 20 young female university students, graduates and organisation members to develop their documentation skills on women cases, data collection techniques, IHRL and IHL. On the institutional level, WAC Board of Directors attended discussion meetings on HRBA and IHL to apply them within WAC programmes and projects. WAC's staff trained in HRBA, IHRL and IHL, international advocacy, defending human rights in international courts, and documenting violations of IHL related to women, finance and management information system.

Al Mezan issued a publication with women narratives, a fact sheet, a brochure on the protection of women and children in IHL, and a poster on women in armed conflict, highlighting IHRL and IHL violations against women during the offensive on Gaza..

Throughout 2014, PCHR excelled effectively with the provision of legal aid. PCHR supported 1,249 cases in ten courts across the Gaza Strip (1,180 cases were received in 2014 and 69 were referred from 2013).



## 5.6 FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

For Israel, peaceful demonstrations were often met with force (including lethal force), not appropriate for crowd control and/or dispersing of peaceful gatherings. In terms of the performance of Hamas in Gaza and the Palestinian Authority in the West Bank, attacks on assembly and free speech based on political affiliation continued to remain a problem. However, a number of Secretariat partner organisations have contributed to improvements within the fields of freedom of expression, association and assembly in 2014.

To counter the Palestinian Authority's continuous quelling of peaceful demonstrations in the West Bank, Al-Haq has documented and engaged in the legal processes of 26 cases concerning freedom of expression and assembly throughout the year, emphasizing that peaceful protests never shall be treated as criminal offences. Al-Haq also trained 15 journalists in 2014 on topics as IHL, IHRL and freedom of press and developed its work on monitoring and documenting human rights violations in the oPt.

### **Section 5.6 Highlights**

- Peaceful demonstrations often met with Israeli use of force.
- Repeated attacks on assembly and free speech from Hamas and PA.
- Increased pressure from CSOs on Palestinian politicians for the adoption of a trade union law guaranteeing freedom of association and right to organise.

The Palestinian Centre for Human Rights (PCHR) has documented a number of attacks on freedom of expression and right to peaceful assembly. The organisation has found that twelve attacks on journalists and 305 attacks on civil activists and international activists were conducted by Israeli actors during the year. PCHR also documented 15 violations against journalists and media outlets from Palestinian actors. Moreover, PCHR's Democratic Development Unit, that focus on issues of freedom of speech, right to peaceful assembly and the forming of associations, published a report called "Silencing the Press".

Democracy and Workers' Rights Center in Palestine (DWRC) has reached more than 6,000 persons (25.4% of them women) through its work on providing legal, technical and educational support to workers and unionists, in order to enable them to mobilize and claim their rights. For the moment, the West Bank is deprived of a specific law guaranteeing trade union rights as per international labour standards. In the Gaza Strip a union law, which violates these standards, was adopted in 2013 and still remains in force. Through workshops, DWRC has contributed to increase the number of workers, trade unions and CSOs that put pressure on Palestinian politicians for the adoption of a trade union law that will guarantee the freedom of association and right to organise. DWRC has prepared comments on a draft trade union law, currently being examined by a politically appointed reviewing committee, and has supported six trade unions in the West Bank in their efforts to elaborate comments on the same law. Furthermore, DWRC has submitted a legal memorandum and mobilized trade unions in Gaza to request the cancelation of the Gaza union law. The organisation also organised workshops concerning the right to organise, targeting specific categories of workers.

Another contribution from DWRC within this field is the preparation and issuance of a code on human rights principles for trade unions, based on a review of international human rights declarations and

conventions. During the year, DWRC organised or hosted 19 workshops and meetings with unions focusing on strengthening the organisational capacity, democratic processes and the capacity to struggle for workers' rights of independent unions. Moreover, DWRC has assisted six unions to hold conferences to elect new democratic leaderships. 838 union members and delegates participated in these conferences, 15.7% of them women.

A group that, for natural reasons, has difficulties to express their opinions – not least regarding human rights violations – is children. Furthermore, due to the imbalance between Israeli and Palestinian access to international media outlets, Palestinian stories in general are often forgotten or neglected. Defense for Children International – Palestine (DCI) has made efforts to address these problems and make the voices of Palestinian children clearer. The DCI Advocacy Unit has increased its focus on presenting stories of children and spread them through its website and different social media in order to support DCI's long term advocacy goal of raising awareness regarding violations against children's rights in Palestine.

Another group with limited possibilities to freely raise their voices is women. Palestinian Working Women Society for Development (PWWSD) has contributed to help women to express the suffering they face as a result of the occupation, for instance through organising a range of national lobbying activities, such as holding an open meeting in Tulkarim and a hearing session in Ramallah.

One outcome of PWWSD's work to develop women's capacity to advocate their legal and civic rights is that more women have organised in CBOs, trade unions, and different forms of women's community groups during the year. PWWSD has implemented work with 70 youth and women groups, each group consisting of 15-20 participants. PWWSD also contributed to the creation of 23 new so called shadow councils, which were created following the local elections in 2012, with 165 women as members. The shadow councils support newly-elected women members of local councils and monitor the work and plans of local councils from a gender perspective – thus increasing women's influence in local politics. Additionally, PWWSD followed-up and worked with the 15 shadow councils created in 2013. Two forums for women members of shadow councils were also established during the year.

Through its Counselling Programme, PWWSD has supported women that have been subject to violence to break their silence about their experiences, thereby increasing both the women's and their local communities' awareness of the importance of psychological health. These efforts have, in turn, increased the women's productive ability and contributed to improve their behavioural performance towards their environment. In total, 190 community awareness workshops were implemented during 2014, focusing on topics such as, among others: gender-based violence, sexual harassment, how to build trust with children, psychological first aid, self-esteem, self-reconciliation, drugs and their damaging effects, domestic violence, and communication. The community awareness platforms contributed to opening the public sphere for women to express their concerns and problems. However, despite the fact that many Palestinian women were encouraged to break their silence about the violence they have faced, the issue of domestic violence is still widely regarded as a private matter that should be kept within the family. Thus, PWWSD will maintain their work on changing societal attitudes and patriarchal structures.

B'Tselem, one of the most prominent players when it comes to raising public awareness about the situation in the occupied Palestinian territory, both regionally and on the international level, has continued its extensive research and documentation work. In 2014, the organisation collected 1,482 testimonies from victims and witnesses of suspected human rights violations in the West Bank and the Gaza Strip. A further 328 field reports were written about suspected human rights violations when no testimony was available. The information was then distributed to the public outreach department and international relations department, who brought the information on to the public and decision-makers. On B'Tselem's website, comprehensive statistical reports and analysis has been published in order for the public, policymakers and the media to get detailed and reliable information about i.e. fatalities, detainees and prisoners, destruction of property, the separation barrier, and settlements in the occupied Palestinian territory. B'Tselem also continued its work to integrate collected data into a single database, which has helped the organisation to target its information and messaging to stakeholders in a more efficient way. Furthermore, in B'Tselem's video archive, nearly 4,000 hours of video footage from the oPt is accessible and searchable. B'Tselem also provided researchers, students, diplomats, journalists and others with individual assistance regarding human rights issues in oPt. In its work to inform the public, the organisation also produced three major research reports, a short film documentary, and launched a number of public campaigns in 2014. 66 press releases were published, locally and internationally, and B'Tselem was cited about 3,000 times in Israeli and international press during the year – not least during the war in Gaza.

## 5.7 FREEDOM OF TRAVEL, MOVEMENT AND RESIDENCY RIGHTS

The occupied Palestinian territory, as a result of deliberate Israeli travel and movement restrictions, is divided into multiple “blocks” or “Bantustan”-like units.

Travel between these often requires or is subject to Israeli approval or permit. Also, travel from and to the oPt via international borders remains subject of Israeli control. Farther, Jerusalem has for over a decade been separated from the rest of the oPt, and for Palestinians to access the city, special Israeli permits are required. Applications for such permits are often turned down by Israeli authorities.

Partner organisations Badil, HaMoked, JLAC, PCHR Gaza, Al Mezan, PHR, and Gisha have, as one of their primary objectives, provided free legal aid services for residents of the West Bank and Gaza in order to secure travel permits and access to land in the area adjacent to the Israeli separation wall. During 2014, the Secretariat's partners provided 1,206 people from the oPt with legal assistance and advocacy regarding access to movement.

### Section 5.7 Highlights

- Gaza remained under siege.
- During the summer, and following the kidnapping of three Israeli settlers, Hebron governorate citizens were subjected to a blanket travel restriction.
- West Bank and Gaza Palestinians remained barred from entering Jerusalem, except for a few who manage to obtain Israeli-issued permits.
- Partners facilitated the travel of hundreds of patients through both Rafah crossing and Erez crossing during the year.

Al Mezan Center provided legal assistance to 544 persons from Gaza. HaMoked adopted 334 new cases during 2014, handled 619 ongoing cases, and succeeded in obtaining 403 permits for Gaza and Jerusalem. 30 new cases regarding restrictions of movement were adopted by JLAC (ten cases

concerning entry permits to Israel for medical treatment, ten cases concerning permits to visit relative detainees in Israeli prisons, and ten cases concerning travel through crossings controlled by Israel).

In the same context, Gisha helped Israeli citizens residing in Gaza to reunite with family, regulate their status and returning home. Throughout the year, Gisha continued to represent individuals with Israeli citizenship residing in Gaza, who experience restrictions on movement and difficulties regulating their status to obtain paperwork for themselves and their children. The organisation helped Israeli citizens to leave Gaza during the military operation in July and August and then return home afterwards. Gisha also filed two separate petitions to assist Israeli citizens wishing to join their Palestinian spouses in the Gaza Strip. This work involved various authorities in Israel, including the Population Authority, the courts, and the religious courts.

Badil has produced two thematic documentaries, called “Denial of the Right to Movement” and “Denial of Access to Natural Resource”, and factsheets in a networking and cooperation project with three local Palestinian organisations.

As Rafah remained closed at the end of the year, pressure mounted on the Israeli authorities to find mechanisms to allow greater numbers of students to transit abroad. The partner organisations continued to exert pressure in a collaborative way and through joint advocacy efforts, involving both the Israeli occupation authority and the Palestinian Authority. In late December, cooperation between Israel and the Palestinian Authority allowed 37 students to transit via Erez crossing to Jordan for their studies, yet hundreds more remain trapped. The overall impression is that Palestinian partners have had less success with Israeli authorities in securing travel permits compared to their Israeli counterparts, arguably due to entrenched discriminatory practices towards Palestinian human rights defenders.

Al Mezan Center for Human Rights made 634 interventions related to access to movement during 2014. In total, 569 complaints were sent to Israeli (460) and Palestinian (109) authorities. Three cases were heard before courts: two in Israel and one in Gaza.

Palestinian Centre for Human Rights (PCHR), followed 291 cases on freedom of movement, 115 of which received positive answers, 108 received negative answers, and the rest is under continued follow up. With regard to the right to receive health care outside Gaza, PCHR provided legal aid to 554 patients in cooperation with the Palestinian Ministry of Health and PHR. Also, PCHR worked on ensuring civilians’ access to health services through interventions with relevant bodies. The organisation facilitated the travel of 481 patients through both Rafah crossing and Erez crossing during the year. On behalf of 149 patients, PCHR made appointments directly with Israeli hospital staff and communicated with the Treatment Abroad Department to duly sign and ratify relevant medical papers. Furthermore, PCHR lawyers coordinated with competent authorities to guarantee the patients’ travel, and, in some cases, they arranged for ambulances to accompany them to Erez crossing to ensure their exit through the crossing and their arrival to the hospital.

PHR has provided medical help and treatment to more than 12,000 patients in the West Bank and Gaza via a Mobile Clinic. PHR also handled over 369 requests on freedom of movement to enable access to health services in Israel.

Nevertheless, with the continuing campaigns and advocacy efforts, in addition to the cases the Secretariat's partners have brought to courts, some policy changes from the Israeli authorities concerning the right of movement have been noted.

## 5.8 SOCIO-ECONOMIC RIGHTS

In 2014, the oPt has passed through different political turmoil. It encountered a political stagnation due to the existence of two distinct governments in the Gaza Strip and the West Bank and, most importantly, the numerous violations of human rights committed by the Israeli occupying forces. The siege on Gaza and the launch of new attacks against Palestinians in the Gaza Strip considerably impacted the Palestinian population, enforced their suffering and complicated already existing human rights problems in both scope and scale. The prevailing political and human rights situation in the oPt, in combination with economic and social violations that exacerbate already existing inequalities, has increased the number of extremely vulnerable people. The current situation has added more challenges for CSOs active in the HR sector and obstructs any meaningful policy change that may contribute to eradicate the embedded patterns of poverty, inequality and exclusion.

In light of these developments, partner CSOs (Addameer, Al-Haq, Al Mezan, B'Tselem, Badil, Bimkom, DCI, DWRC, HaMoked, JLAC, Miftah, PCHR, WCLAC, WSC, PHR, and Yesh Din) continued their steady delivery of protective services and responded to the needs of Palestinians in areas ranging from political, social, and economic rights. Partners undertook gigantic efforts and actions in lobbying and advocacy work, legal assistance and awareness, and increasing knowledge among the general public about their rights.

During 2014, JLAC serviced 1,757 families in Jerusalem, aiding in restoring their social and economic rights through undertaking cases and the provision of legal services and legal correspondences. In total, JLAC treated 1,319 cases on economic legal services, 308 cases on community legal services, 80 cases on social rights, 43 cases on economic rights, 18 cases before Palestinian public courts, and seven cases on legal correspondence before Israeli military courts. JLAC provided a total number of 3,889 services in 2014. The majority of these services involved violations of economic rights (1,331 services), but also included social rights (330 services) and house demolitions (91 services).

### **Section 5.8 Highlights**

- Partners serviced thousands of families in Jerusalem, assisting in restoring their social and economic rights.
- Partners provided legal aid and coordinated their efforts, to ensure hundreds of Gaza citizens had access to much needed medical care outside of Gaza.
- West Bank Palestinians undergoing family unification processes have been permitted, following advocacy by partners, to open bank accounts in East Jerusalem and Israel.

HaMoked's social programme witnessed significant achievements for residents of East Jerusalem. First, on all automated bus signs, information is now displayed in Arabic language, in addition to English and Hebrew. Second, HaMoked petitioned the High Court of Justice to order the National Insurance Institute to assign interpreters in medical committees' hearings reviewing disability pension claims. The court issued an order in favour of the HaMoked petition. Thirdly, West Bank residents undergoing family unification processes are now permitted to open bank accounts in East Jerusalem and Israel. HaMoked has informed both families and bank staffing about this change.

In efforts to increase knowledge about economic, social and cultural rights and related services, DWRC targeted 298 workers, employers and community members (including 119 women). During 2014, DWRC provided follow up on 96 individual and collective labour complaints in front of Israeli labour courts and Palestinian ordinary courts. DWRC provided legal consultations to workers in the Palestinian and Israeli labour markets in which 688 direct beneficiaries of consultations have saved 344,000 NIS in legal advice fees.

On a policy level, Al-Haq continued its work on the objective to ensure accountability for Israeli and international corporations. Al-Haq highlighted the international legal paradigms governing the oPt and the limitations it puts on the activities of the occupying power, particularly regarding private businesses and the different means in which corporations violate human rights in the region. Al-Haq discussed this topic thoroughly with Palestinian CSOs, aiming at increasing the CSOs' knowledge of the UN Guiding Principles on Business and Human Rights and how these principles can be applied to the situation in the oPt. Al-Haq efforts came prior to their participation at the third annual UN Forum in Geneva on Business and Human Rights, entitled "Advancing Business and Human Rights Globally: Alignment, Adherence and Accountability". In a side-event on extractive industries, Al-Haq presented its special report on Israel's exploitation of natural gas resources in the oPt, demonstrating how Israel systematically prevents Palestine from developing its natural resources in its attempt to safeguard national and international corporate interests.

With respect to the right to health in the Gaza Strip (Al Mezan, PCHR, and PHR) provided legal aid and a tremendous effort of coordination and cooperation with all stakeholders in response to the people's dire need of medical care. Al Mezan conducted 30 field meetings with, among others, victims and survivors of the war in Gaza to collect information and support people with appropriate guidance and interventions. In total, 725 people took part in these meetings.

Al Mezan made 176 referrals to HR NGOs in Israel, mostly for access to health and other urgent needs, and four for service providers in Gaza. PCHR provided legal aid to 554 patients in cooperation with the Palestinian Ministry of Health and PHR and ensured civilians' access to right to health through interventions with relevant bodies, in issues of travel, transfer and financial coverage.

Partners have dealt with the right to education through their work and advocacy activities on restrictions on movement. In the West Bank, checkpoints and roadblocks makes short journeys long or impossible. In the Gaza Strip, students are denied to study in other universities in the oPt. Materials and text books purchased are often delayed by the Israeli occupation forces, which leads to a recycling of knowledge as students are not able to access the most up-to-date information. Moreover, in vast areas of the West Bank, it is prohibited to build education facilities. In East Jerusalem, Bimkom, along with HR organisations Acri and Ir Amim, addressed the issue of lack of classrooms. Bimkom is assisting in the five-year follow up to an Israeli Court's directive to the municipality to increase the number of classrooms in East Jerusalem. Bimkom will assist through maps and expert opinion where statutory public spaces in East Jerusalem, which could have been used for schools, exist and in a potential return to court if the municipality do not fulfil their obligation.

## 5.9 THE WAR ON GAZA<sup>38</sup> (8 JULY-26 AUGUST 2014)

In this section, the work of partners and the Secretariat in response to the war on Gaza during the summer of 2014 is highlighted. Emphasis in this section is put on the work of the organisations who have received emergency funding support. However, the work of other organisations who receive core support from the Secretariat is briefly mentioned. There are three subsections: background, achievements of partners' successes; and, finally challenges and reflections on how this war had affected the work of the Secretariat and its partners, both negatively and positively.

### 5.9.1 Background

The war on Gaza (8 July – 26 August 2014) outstands as the most infamous, significant, and intensive set of HR and IHL violations in terms of scale, destruction and brutality. It constitutes the third war on Gaza within the past six years, and is widely marred as the worst war in recent years against Palestinian civilians and properties, and even against IHL principles and rules of engagement in time of war (see adjacent box as an example of partner's view).

#### **Section 5.9 Highlights**

- More than 2,200 dead and thousands of injured Palestinians in the Gaza war.
- Large-scale material destruction, leaving large numbers of people homeless.
- Quick responses to the emergency situation from Secretariat and partner CSOs.

According to the figures of partner CSOs, the human losses by the Palestinians during the war were 2,203 deaths, (including 554 children). During the course of the war, over 32,000 houses were partially or completely destroyed, and public services were devastated, and trade stood still, leaving ever more Gaza residents without a livelihood. The Israeli human losses, on the other hand, stood at 71, of which 66 were soldiers and five were civilians.

The UNDP's "Detailed Infrastructure Damage Assessment" revealed that the most affected communities are located to the eastern side of Salah Al Deen regional road. The areas with concentrated damages during the hostilities were A) Beit Hanoun, Umm Al Nasser, East Jabalia and Beit Lahia in northern Gaza; B) Shuja'iyya and Al Zaitoon neighbourhoods, in addition to multi-storeyed buildings in different neighbourhoods in Gaza City; C) Al-Maghazi, Nusairat and Al-Bureij Camps, Johr Al Deek and Deir Al Balah in the middle area; D) Khuza'a, Al Zanna, Al Qarara and Bani Suhaila; and E) East Rafah.<sup>39</sup>

On yet another significant observation, PCHR investigations<sup>40</sup> revealed the use of a wide range of bombs and weaponry, some of which were used for the first time by the Israeli forces in this war. The suffering of Gazans continues, with the continuation of siege for the eighth consecutive year.

<sup>38</sup> Also known by many other names like the Offensive on Gaza 2014, the Assault on Gaza 2014, or the official Israeli name "Operation Protective Edge".

<sup>39</sup> UNDP, Detailed Infrastructure Damage Assessment Gaza-2014, p. 5, available online at <http://www.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-damageassessment2014.pdf>, last visited 4 March 2015.

<sup>40</sup> According to PCHR, the explosives used in al-Zanna area are known as 'explosive barrels'.

Examples of Israeli violations during this war extended to a variety of rights. For instance, the Israeli forces carried out attacks on at least three UNWRA schools killing hundreds of civilians, despite the use of so called 'precision weaponry'. In other cases, the Israeli army used artillery in very densely populated residential areas, such as Shuja'iyya. There were attacks on seven other UNRWA facilities used as shelters during the war.

The Israeli "warning system" did not function well. For instance, a statement by the Secretariat's partner PHR, released in January 2015, revealed that Israel's alert system had failed, and that the "roof-knock" system was ineffective, and criticized Israel for not giving civilians enough time to evacuate. The irony of the situation is that for many Gazans, evacuation was not a good option, because they did not have any other place to go to.

PHR stated in their report in January 2015 that the Israeli army has used Palestinians as human shields during the war. DCI also reported that a 16 year old child, Ahmad Abu Raida, was used as human shield for five days.<sup>41</sup>

On 23 July 2014, the Human Rights Council adopted resolution A/HRC/RES/S-21/1<sup>42</sup>, in which it decided to establish an independent, international Commission of Inquiry to investigate all violations of international humanitarian law and international human rights law in the occupied Palestinian territory, including East Jerusalem, particularly in the occupied Gaza Strip. The Commission started its work within the context of the military operations conducted since 13 June 2014, and was scheduled to report to the Council at its twenty-eighth session in March 2015. However, the report was delayed and the Commission of Inquiry is expected to submit its report to the UNHRC in June 2015. Important to note that the Commission's mandate include activities before, during, and after the war. The commissioner interprets this mandate to include investigations of the activities of Palestinian armed groups in Gaza, including attacks on Israel, as well as the Israeli military operation in the Gaza Strip and Israeli actions in the West Bank, including East Jerusalem. It is also looking at a broad range of alleged violations committed by all parties, and is considering the full range of human rights, including economic, social and cultural rights.

### 5.9.2 The Secretariat's Quick and Targeted Response

As soon as the war began, the Secretariat and the donors heeded to partners calls for support, and quickly responded with a specific call that was limited to the core-funded partners. The decision to limit the call to these partners<sup>43</sup> is justified by the following; on the one hand, they are the most experienced and relevant partners; and, on the other hand, the emergency situation compelled the Secretariat to save considerable and valuable time required for assessing eligibility of new partners. Other core funded partners were encouraged to reallocate Secretariat's funds, as permitted, in response to the emergency situations.

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<sup>41</sup> <http://www.dci-palestine.org/documents/israeli-forces-use-palestinian-child-human-shield-gaza>, last visited on 24 February, 2014.

<sup>42</sup> Also known as Schabas commission until the Commission Chair, Mr. William Schabas, resigned in February 2015 for alleged bias for having done a previous consultancy for the PLO. Mary McGowan Davis replaced Professor Schabas as Commission Chair. The commission's work has been faced with a lot constraints, particularly access to Gaza and limited cooperation of the Israeli authorities. Some of the interviews were done through technology instead of face-to-face.

<sup>43</sup> See chapter 2 on Fund Management for more details.



The emergency funding call focused on activities related to monitoring and documentation of IHL and human rights violations in the Gaza Strip, arising from the then ongoing war. The decision to limit the work on monitoring and documentation was based on best practices and research. Those two functions are more appropriate and most effective for HR and IHL organisation at times of ongoing armed conflict.<sup>44</sup>

Experiences from previous wars have shown that an investigation by UN mechanisms of the human rights violations conducted during the war was likely. The experience also showed that good documentation of these violations is needed to produce impeccable data. The Secretariat saw the need to ensure that all partner CSOs exercise a level of coordination to avoid redundancy, or worse, contradictions. Therefore partner CSOs were requested to actively cooperate, cross check data, and avoid negative overlap.

### 5.9.3 Achievements of partners

Nine core funded partners received funds as part of the emergency funding call. These are PCHR, Al Mezan, Breaking the Silence, WAC, Badil, B'Tselem, DCI, Al Dameer, and WATC).

All partners reported back that despite the fact that it is way too early to reap the impact of their documentation and monitoring work, they have been recording a number of successes that are worth noting in this report. Advocacy, litigation, and coordination strategies that are part and parcel of many of these partners core activities were used during and after the emergency funding to ensure that documentation and monitoring are used to hold duty bearers accountable, and advocate for the protection, promotion and fulfilment of these rights.

A great example of proper cooperation and efficiency of using resources is evident in the establishment of an ad hoc coalition by four of the Secretariat's partners – Al-Haq, PCHR, Al Mezan, and Al Dameer. This coalition is currently finalising a joint (synthesis) report on the war, which constitutes a proper indicator of the level of coordination and cooperation between these partners. Further, this joint report is likely to ensure more impact as a result of increased credibility of the data, avoidance of duplication or negative overlap.

These organisations have solidified this coordination with establishing a unified stand towards the Inquiry Commission whereby they welcomed cooperation with the Commission and urged it to ensure its credibility by ensuring access to Gaza, and avoid conducting the investigations remotely.

The below are the results reported by partners who received emergency funding. We only list the results, not the activities.

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<sup>44</sup> Thania Paffenholz, Civil Society and Peacebuilding, Summary of Results for a Comparative, Research Project, CCDP, 2009.

## **Women Affair's Centre in Gaza**

- Established a database containing 300 cases of HR and IHL violations with focus on women in Khuzaa, Shuja'iyya, Altuffah, Al Sabra, Beit Hanoun and the destroyed towers areas. The 300 violations were assembled in a documentary report that is available in Arabic and English.
- WAC also produced a documentary film ("Here Gaza") on the impact of the war on three women from three areas in Gaza. The first woman is a survivor from the Beach camp, a mother to an 11 years old child who was killed with another nine children during an Israeli F16 raid while they were playing in the neighbourhood on the day of Eid Al Fitr. The woman has earlier lost her eldest son in another incident. The second woman is from Abassan village and is a survivor of a F16 strike on the taxi she was going in with her grandfather and two brothers. All other passengers died, and she sustained permanent facial distortion. The third woman is from Shuja'iyya neighbourhood. She was forced to evacuate her home and went to the UNRWA displacement shelter at school. The film was presented in WAC's film festival.

## **Badil**

Badil has documented 139<sup>45</sup> cases involving displacement, which have been organised in a separate database to be used for future research and advocacy initiatives. Badil also reported that as a result of their documentation, they have established key and strategic partnerships with other Palestinian human rights organisations, which will be used for joint advocacy activities on the war. Badil, by virtue of its special consultative status at the United Nations, spearhead the legal advocacy initiatives of partner organisations in various UN fora and with specific duty bearers. This resulted in an increased number of joint advocacy initiatives that have added strength and value as well as highlighting the most crucial human rights violations and crimes to duty bearers. An example of this success include a side event held at 19 September, entitled "Palestine – Justice at the ICC to hold Israel to account". The event, arranged by Badil and a number of international and Palestinian organisations such as Al-Haq, Mouvement contre le racisme et pour l'amitié entre les peuples, Action against Hunger and The Emergency Water, Sanitation and Hygiene group, was attended by approximately 70 UN and non-governmental organisation representatives. The discussion focused on the necessary measures to be taken by the Palestinian Authority in order to become a signatory to the Rome Statute.

On 23 June, Badil Resource Center organised a side event in cooperation with Action Against Hunger and Al Mezan Center for Human Rights entitled "Nowhere left to go: Coercive Humanitarian Environment and the Risk of Forcible Transfer." Next to this, Badil participated in a side event on 20 June on the issue of "Right to Peace".

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<sup>45</sup> 105 males and 34 female.

## B'Tselem

During the war on Gaza, B'Tselem was an articulate Israeli voice for respect of human rights and international humanitarian law in Gaza, alerting the Israeli and international public to violations of human rights and international law in Gaza. Like other Israeli partner organisations, B'Tselem countered Israeli claims that they acted to prevent harm to civilians in Gaza. However, they inevitably became a target themselves. As a result of the documentation work, B'Tselem issued their Black Flag<sup>46</sup> report, which has focused on the policy of attacking residential buildings in Gaza during the war. The research was written during the emergency grant period and beyond. See adjacent box for more detail.

B'Tselem's Facebook exposure nearly quadrupled in 2014, driven by B'Tselem's outspoken criticism of human rights violations during the war. On their English Facebook page, the "likes" rose from 18,572 on 1 January 2014 to 53,291 "likes" on 31 December 2014. On their Hebrew Facebook page they grew from just over 17,000 to 51,424 "likes" in 2014. Just in the week of August 5, the page grew by nearly 13,000 from 37,901 to 50,677.

### ***Black Flag Report***

The report addresses one of the appalling hallmarks of the fighting in Gaza the summer of 2014: bombings in which hundreds of people were killed – constituting more than a quarter of all of the Palestinians killed in the fighting. Time and again Palestinian families suffered much grievous loss of life. In a single instant, so many families were ruined, with the wreckage of their lives mirroring the devastation of their homes.

B'Tselem's Facebook posts on documented human rights violations reached unprecedented audiences in 2014. Two of their Hebrew posts on the war in Gaza reached well over 1,000,000 people in 2014. B'Tselem's English posts reached hundreds of thousands, with the top post reaching over 650,000 people. It is significant that their posts on Gaza during the war elicited such a strong reaction, both positive and negative in Israel, and got massive exposure, compared to the potential international audience. The most viewed post on their English Facebook page during the emergency grant period was the testimony of Shadi Taleb, 29, a married father of two, who lives in Beit Hanoun in the northern Gaza Strip, published on August 4, 2014. 373,632 people were reached, and the post got 14,990 likes, comments and shares.

## Defense for Children International – Palestine

- DCI documentation of the use of a Palestinian child<sup>47</sup> as a human shield mentioned above was widely quoted and triggered reaction from the Israeli army, which was officially denying the incident. The case involved a 16-year-old boy who was detained for five days, physically assaulted, and made to search for tunnels inside the Gaza Strip. As a result of the publishing of this story, DCI has testified at the Russell Tribunal on Palestine extraordinary session on Gaza, and in particular on the case of this boy.<sup>48</sup> Following the reporting, there have also been unofficial reports that the Israeli army has opened a criminal investigation around this case.

<sup>46</sup> [http://www.btselem.org/publications/summaries/201501\\_black\\_flag](http://www.btselem.org/publications/summaries/201501_black_flag), last visited on February 24, 2015

<sup>47</sup> <http://www.dci-palestine.org/documents/israeli-forces-use-palestinian-child-human-shield-gaza>, last visited on Feb 24, 2015.

<sup>48</sup> <http://www.russelltribunalonpalestine.com/en/sessions/extraordinary-session-brussels>, last visited Feb 24, 2015

The documentation work have helped DCI conduct the following activities supported by Secretariat core funding:

- Campaign Supporting UN Commission of Inquiry: In October, DCI called on its supporters to raise their voices and collectively demand support for a UN inquiry investigating war crimes during the war. In December, they delivered 17,286 signatures to the White House and Downing Street calling on the US and UK governments to support the United Nations Commission of Inquiry into possible war crimes committed in Gaza. As part of the campaign, DCI sent a message to President Barack Obama and Prime Minister David Cameron. The campaign enjoyed enormous support and DCI is currently building upon this campaign, and providing the UN Commission of Inquiry with documents and field support.
- Presentation of the result of the documentation during the Global Network for Rights and Development conference “Children in Conflict” at the European Parliament.
- DCI issued the following publications on the war:
  - ‘For Gaza's children, 'safety' is just a word’.
  - Handful of Gaza children evacuated to Jerusalem for treatment.
  - An interview was made with the father of three months old baby Ahmed Abu Ammar, who passed away as a result of the siege and closure of the Rafah border, in addition to an interview with the child's doctor to discuss the case and the media coverage.
- The coordination of a joint written statement to the Human Rights Council during a special session on the human rights situation in the occupied Palestinian territory, including East Jerusalem. During this special session in July, the HRC voted to create the Independent Commission of Inquiry on the 2014 Gaza Conflict.

### **Breaking the Silence**

Breaking the Silence (BTS) presented a unique proposal for emergency funding whereby BTS attempted to interview (collect testimonies) from Israeli soldiers who were engaged in the war. BTS were very cautious about how effective their work would be at the peak of the conflict. At first, they were not even sure they would be able to interview soldiers or even feel safe to issue testimonies. The Secretariat was ready to accept even one testimony. Over the course of this project, BTS collected 57 testimonies from soldiers who were engaged in the war, which in itself was a huge success for this project. The testimonies collected are from a wide range of units who participated in the war from the Israeli Air Force, Navy and ground-troops. Early investigation teams also succeeded in reaching Israeli soldiers and officers who were based in headquarters and command centres in different brigades, the Gaza division and other control rooms.

The report has been finalised and published on BTS’s website. In the emergency funding report, submitted to the Secretariat BTS indicated that:

*“It is evident listening to these testimonies that the IDF’s plans and rules of engagement in this operation did not, in fact, do everything possible to minimize civilian casualties and infrastructure. Many of the civilians who were wounded and killed during this operation was due to problematic and careless bombardment policies and use of inaccurate weapons in urban areas resulting in gross violations of the basic principles of international humanitarian law. Yet again we have witnessed that*

*in each operation in Gaza we cross new red lines and that the rules of engagement employed by the IDF during Operation Cast Lead in 2009 lead the way for the policies used in 2014. It is very clear today that the activities we have seen in the Gaza is not the behavior of a “few bad apples” but was part of the doctrine of the Operation as a whole.”*

***Breaking the Silence Emergency Funding Report, p. 2.***

As part of the core funding support of the Secretariat, BTS is planning to address these issues in a public advocacy campaign which will be launched locally and internationally following the release of the report. Based on their past experiences in managing testimony collections and advocacy work following Operation Cast Lead in 2009, BTS has worked closely with external PR and communications consultants in order to prepare the most influential campaign possible. The campaign will include:

- Publication material in English and Hebrew;
- Testifiers press conference;
- New/social media activities surrounding the findings of the investigation locally and internationally;
- Advocacy with influential public figures, both locally and internationally, in order to brief them on the findings of the report and leverage BTS’s messages through their voices and spheres of influence;
- Briefings to members of the diplomatic community in Israel/Palestine prior and after the release of the testimonies;
- Lectures and salon meetings with members of the Israeli public;
- Advocacy tours to Europe and the U.S. to meet with decision makers, parliament members, diplomats, Jewish public figures, media and civil society in order to disseminate the findings of the investigation.

BTS reported that they have witnessed a small but significant shift in the opinion of liberal Jewish communities in the U.S. regarding the Israeli army’s policies in Gaza and the occupation as a whole.

### **Palestinian Center for Human Rights, Al Mezan and Al Dameer**

The three organisations received emergency funding to ensure that the centre is able to recruit and train new staff for monitoring, documenting, and reporting on HR and IHL violations in the Gaza Strip during the war. The Secretariat has yet to receive a special report on the activities of these organisations, however the below are some of the results that were lifted from their draft annual reports. For instance, PCHR has reported that their efforts were intensified during the war and that daily situation reports in English and Arabic were issued and uploaded to their website. Important to note is that the average visitor number of the PCHR’s website stands at 5,000 visitors per day. During the war, the average rose to around 11,500 visitors in July and 9,600 visitors in August.

PCHR has a mailing list of 10,147 people who received the daily PCHR reports during the war. They also have 8,142 followers on Twitter and have 36,508 likes on Facebook this year alone. PCHR’s webpage was visited 1,808,523 times last year.

In addition, the three organisations have been featured almost on daily basis at local, regional and international media as a reliable and first hand source for information about the war and the

violations. PCHR has documented, and prepared legal files for no less than 225 cases, all of them were submitted to the Israeli Military Prosecution office, requesting full investigation. Together with Al-Haq, the three organisations established the ad hoc coalition mentioned above. As a coalition, they have managed to recruit 76 volunteers to join a team of 15 of the coalition in order to help map and document violations. To properly administer this joint work, and avoid overlap and duplication, the coalition has divided the team into sub-teams: the first undertook documentation in the south and central parts of Gaza, the second focused on Gaza City and the northern part of Gaza, while the third group undertook data entry and control responsibilities. As a result, the coalition established a common database, and worked on legal clarification and documentation, and arrived to common understanding on which legal ground they should submit the cases to the Israeli courts. Finally, the coalition coordinated advocacy campaigns and used different means, including joint press releases, media conferences, and petitions to international bodies<sup>49</sup>.

All members of the coalition have been in close contact with the Inquiry Commission and are providing all the support they need, particularly since members of the Commission were denied entry to Gaza. Likewise, they have closely cooperated with the UN investigation commission on the attacks of UN premises.

#### 5.9.4 Secretariat work and challenges during the War

The War lasted until 26 August 2014. The Secretariat has only three permanent staff members working from its office in Gaza, who were difficult to establish contact with during the war due to loss of power, poor access to internet, or communications tools with staff. Permits were not issued, and move into or out of Gaza was not possible. All of these circumstances were on top of fear, psychological pressure and uncertainty. In addition to all these external factors, the Secretariat was in the middle of the review of a project funding process and determination, along with planning for capacity building and policy dialogue initiatives. The Secretariat staff had to put all the above aside and embarked on processing emergency funding proposals.

In terms of effects on the Secretariat's work plans, and operations, the emergency funding has:

- Delayed project funding cycle for 24 full applications for almost three months.
- Delayed review of the semi-annual reports for the core funding partners, and consequently delayed payments for almost a month.
- Delayed the development of the Capacity Building Plan and its implementation until after the end of the war.
- Affected Secretariat plans in general: review of the Strategy, the Fund Management Manual, and the Policy Dialogue events.
- Affected almost all partners' plans and delayed their work, whereby the Secretariat had to adapt its plans in response.

However, the emergency funding process has also had positive effects on the Secretariat and its partners and these are:

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<sup>49</sup> The coalition has published a synthesis report on the war on Gaza in early June 2015, and another analytical report is due before the end of June 2015.

- Increased CSO appreciation for the donors and the Secretariat because the Secretariat was the first to respond to the war with flexibility, and timely payment processes.
- Increased Secretariat coordination and relationship, particularly with UNDP.
- Increased coordination among Gaza CSOs and with other CSOs as reported above.
- Positively affected the staff morale because they felt they do something meaningful as a result of feedback from partners.

From this experience, the Secretariat has learned important lessons and they are:

- The Secretariat should have a contingency plan that includes a simplified system for emergency grant making.
- Working with current partners reduces the emergency grant making process because they are identified and qualified (risk is reduced).
- Monitoring and documentation are very relevant at the height of violence.
- The Secretariat realised there is a need for more human resources.

As mentioned above, the Secretariat has worked closely with all core funded partners to ensure that all their efforts around documentation of the war are coordinated. To this end, the Secretariat adopted two strategies:

1. Ensured in the call for proposals for emergency funding that partners who acquire core funding propose ways to coordinate their efforts.
2. Facilitated flow of information among partners, and facilitated holding dialogue, learning and sharing meetings with partners around the experience from documentation and advocacy work on the war.

By year end, the Secretariat has organised an event for dialogue, sharing and learning amongst CSOs, and another for dialogue with representatives of the diplomatic community, especially EU Member States. On 29 December 2014 in Gaza, participants discussed lessons learned from the documentation of the war, ways to benefit from the outcomes of these efforts to hold duty bearers to account, and experiences gained from these efforts. On 9 October 2014, CSO representatives and donors met to discuss the findings of the documentation effort, and how European countries especially can influence the reconstruction effort to ensure reconstruction is conformed with the needs of victims and is human rights based.

Among the most important lessons learned related:

- The coalition of four HR and IHL organisations in Gaza is a positive experience that only came to being because of partners' will to cooperate, at all levels of the organisations, starting from the top administration to the level of volunteers and field workers.
- As expected, the coordination of the coalition has improved efficiency of using resources, effectiveness including better coverage, relevance of the outcome, and therefore credibility of the information and the organisations.
- Despite some level of coordination between organisations outside the ad hoc coalition of the four CSOs, their coordination with others was weak and has caused some duplication of work and inefficient use of resources. Future efforts and coordination can benefit from more inclusivity.

- The work of other organisations outside of the coalition was also very important because it provided qualitative stories, stories about the suffering of the women and children during and after the war.
- Field workers have taken huge risks during the field work and there have not been sufficient plans to care for their physical and psychological well-being.
- CSOs also believe that despite that the Secretariat was the first to provide support to them, the process of delivering the financial resources was slow.

Among the most important recommendations that came out of the meeting is:

- The need for self-care programmes for the field workers during and after emergency situations should they happen again.
- The Secretariat is encouraged to provide more opportunities for partners to cooperate, be those through meetings, funding opportunities and coalitions or the like.
- The CSOs have to ensure that coordination is done at all levels within the organisation, i.e. management and operations.
- Hold thematic meetings for CSOs around violations and plans.





**OUR OVERALL  
OBJECTIVE**

“...to contribute to the effective realisation of adherence to human rights and international humanitarian law in the occupied Palestinian territory and to influence the behaviour of the relevant duty bearers...”

”

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