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ANNEX V

of the Commission Implementing Decision on the annual action plan in favour of Palestine¹ for 2022

Action Document for Support to Democratisation and Rule of Law

ANNUAL ACTION PLAN

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plan/measure in the sense of Article 23(2) of NDICI-Global Europe Regulation.

1. SYNOPSIS

1.1. Action Summary Table

1. Title OPSYS Basic Act	Support to Democratisation and the Rule of Law Annual action plan in favour of Palestine for 2022 OPSYS business reference: NDICI-GEO-NEAR/2022/ACT 60860 ABAC Commitment level 1 number: JAD.1091915 Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)
2. Team Europe Initiative	No
3. Zone benefiting from the action	The action shall be carried out in Palestine
4. Programming document	European Joint Strategy in support of Palestine, 2021 – 2024 ²
5. Link with relevant MIP(s) objectives/expected results	Pillar 1: Democracy, Rule of Law and Human Rights.
PRIORITY AREAS AND SECTOR INFORMATION	
6. Priority Area(s), sectors	151

¹ This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

² C(2022) 8279.

7. Sustainable Development Goals (SDGs)	Main SDG (1 only): 16 (Peace, Justice, and Strong Institutions) Other significant SDGs (up to 9) and where appropriate, targets: 5 (Gender Equality); 10 (Reduced Inequalities)			
8 a) DAC codes	15130 Legal and judicial development: 80% 15150 Democratic participation and civil society: 20%			
8 b) Main Delivery Channel	12004 - Other public entities in recipient country 41114 – International Organisations			
9. Targets	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
10. Markers (from DAC form)	General policy objective	Not targeted	Significant objective	Principal objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Principal objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	11. Internal markers and Tags	Policy objectives	Not targeted	Significant objective
Digitalisation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tags		YES	NO	

	digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	digital governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	digital entrepreneurship	<input type="checkbox"/>	<input type="checkbox"/>	
	digital skills/literacy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	digital services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<u>Connectivity</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Tags	YES	NO	
	digital connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	health	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	education and research	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Migration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	COVID-19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUDGET INFORMATION				
12. Amounts concerned	Budget line(s): 14.020110 Southern Neighbourhood Total estimated cost: EUR 5 000 000 Total amount of the current EU budget contribution EUR 5 000 000			
MANAGEMENT AND IMPLEMENTATION				
13. Implementation modalities (type of financing and management mode)	Project Modality Direct management through – Grants Indirect management with one or more entities to be selected in accordance with the criteria set out in section 4.3.2.			

1.2. Summary of the Action

This action aims to promote Democracy, Rule of Law and Human Rights as foundations of state-building to preserve the viability of a two-state solution and as conditions for inclusive growth and sustainable development. It will do so by contributing to improve access to justice and conditions for fair trial through enhanced services, legal aid, legal and judicial specialisation as well as strengthened judicial capacity. It also aims to promote fundamental Rule of Law reforms and enhance the protection of rights through improved institutional accountability as well as evidence-based planning and policy-making in the justice sector. Furthermore, it aims to strengthen democratic institutions and promote civic participation, with a particular focus on youth, women and people in marginalised areas.

By targeting the different state and societal elements that contribute to and are affected by a functioning rule of law and democratic system, the action aims to achieve three outcomes that are mutually reinforcing and contributing to fulfil the SDGs 16. on Peace, Justice, and Strong Institutions, 5. on Gender Equality; and 10. on Reduced Inequalities. The priority areas are also in line with those under

Pillar 1- Democracy, Rule of Law and Human Rights of the European Joint Strategy in support of Palestine, 2021 – 2024. The three outcomes are:

- 1. Enhanced accountability, independence, integrity and transparency of the justice system.**
- 2. Strengthened administration of justice in line with fair trial standards and improved access to justice for all, including women, children and vulnerable groups;**
- 3. Strengthened Democratic institutions and promoted civic participation, with a particular focus on youth, women and people in marginalised areas.**

The following expected outputs will contribute to achieve the above outcomes through separate projects:

- **Outputs 1.1, 2.1, 2.2, 2.3** (for Outcomes 1 and 2) plan to reinforce ongoing support to public oversight and evidence-based analysis for justice reforms; institutionalisation of state legal aid; and provision of services for protection of women and children from violence,
- **Output 1.2** (for Outcome 1), focusing on training of future and newly appointed judges and prosecutors, will be implemented through an entity mandated and with the necessary expertise to prepare qualified staff to fill positions in the Judiciary and the General Public Prosecution.
- **Output 2.4** (for Outcome 2), aiming at enhancing continuous training and legal specialisation of lawyers, will be implemented through an entity mandated and with expertise to train lawyers. It builds on the 2019-2022 grant project with the Palestinian Bar Association entitled “Lawyers’ Community Development in the West Bank and the Gaza Strip”.
- **Output 3.1 and 3.2** (for Outcome 3) are expected to be implemented through a specialised entity with expertise in elections and democratic processes building upon the ongoing project with the Central Elections Commission (CEC).

2. RATIONALE

2.1. Context

The Palestinian Authority (PA) has operated as a transitional authority with limited sovereignty over the West Bank and the Gaza Strip since its creation in 1994. In the West Bank, the Oslo Accords established three territorial jurisdictions and assigned the PA administrative, judicial and security jurisdiction on Area A (18% of the West Bank) and limited territorial and functional jurisdiction in Area B with security arrangements that require coordination with Israel to perform its functions. As for Area C (60% of the West Bank), the Accords foresaw a gradual transfer of civil powers and responsibilities not relating to territory to the PA and established its functional jurisdiction over Palestinian affairs, including legal and judicial powers, except for permanent status issues to be negotiated within five years. In Gaza, the PA was given territorial and functional jurisdiction except for settlements, military installations and Israelis in the Gaza Strip, which were all withdrawn in 2005.

These gradual arrangements were seen as steps towards the realisation of a two-state solution, whose viability is now at stake due to the progressive intensification of territorial fragmentation and shrinking ability of the PA to enforce its authority. In the West Bank, especially but not exclusively in Area C, Israeli growing settlement expansion, confiscation and demolition of Palestinian land and property, control of movement and access, military incursions and arrests, restrictive Israeli legal systems and increased settler violence affect also Palestinian economic and societal development. Palestinians in Area C are particularly vulnerable and marginalised. Gaza is under *de facto* control of Hamas since 2007, following the 2006 general elections and the ensuing violent confrontation with Fatah. Four armed conflict in 13 years have caused large-scale destruction, which coupled with the restrictions on movement that Israel imposed particularly since June 2007 with land, air and sea blockade, have crippled the economy and intensified humanitarian needs in Gaza³. East Jerusalem is completely cut off from the PA territorial jurisdiction, but Palestinians living in East Jerusalem may need to access both Israeli and Palestinian legal and judicial systems.

The Palestinian governance and rule of law context

The Palestinian polity faces deep and growing governance challenges as the fading of the political horizon, linked to the stalled peace process, as well as the political split between the Fatah in the West Bank and Hamas in Gaza, have hampered the renewal of democratic legitimacy through electoral processes. While President Abbas' four year term as President of the PA expired in January 2009, the Palestinian Legislative Council (PLC) has not convened in regular session since 2007. Presidential and parliamentary elections have repeatedly been announced but later cancelled. The latest occurrence happened when PLC elections scheduled for 29 April 2021 were postponed indefinitely.

Local elections were held in 2017, but did not encompass the Gaza Strip due to a boycott by Hamas, and were thus held only in the West Bank in 145 localities, which accounted for around 70% of the eligible voters. Voter turnout was 53.4%, in line with the previous elections in 2012. Most recently, local elections were held in two rounds, with the first phase in December 2021 and the second phase in March 2022. They were boycotted again by Hamas. In the first phase actual polling took place in 154 localities in the West Bank and voter turnout was high, reaching 66.14% out of 405,687 eligible voters, signaling the eagerness of the communities to exercise their right to vote and with an apparent victory of independent lists/candidates. The second phase of elections took place on 26 March 2022 in 120 localities in the West Bank, including

³ The World Bank estimates that in 2021 59.3% of Gazans live below the poverty line. *Gaza Rapid Damage and Needs Assessment* June 2021, <https://www.worldbank.org/en/country/westbankandgaza/publication/the-gaza-2021-rapid-damage-and-needs-assessment-june-2021>

larger constituencies with about 70 % of total voters. According to the CEC, turnout in the second phase was 53.8%, and candidates associated with independent lists won 64.4% of the council seats. Women candidates were elected to 18% of the council seats contested.⁴

The erosion of democratic legitimacy in the absence of electoral processes has stifled urgent rule of law reforms, in a context that is permeated by a mixture of still applicable Ottoman, British, Jordanian, Egyptian, Israeli military and civil law and post-1994 Palestinian laws. Since the 2007 suspension of the PLC, legislation has been adopted through Presidential Decrees Laws that are *de facto* applied only in the West Bank. In Gaza, Hamas has been enacting laws through a proxy PLC. Separated legislative and institutional processes, including judicial ones, have aggravated a deeply rooted dichotomy of the Palestinian legal and justice system.

Moreover, in the absence of parliamentary oversight, democratic governance deteriorated. In the West Bank, the principles of separation of powers and checks and balances in the exercise of executive, judicial, and legislative functions have been blurred and resulted in the concentration of powers in the executive, at the expense of transparent administrative and legislative processes, judicial independence and societal freedoms.

The deterioration within the Palestinian territories is coupled by the simultaneous and unpredictable application of the Israeli military laws and court system, which were established in 1967 at the onset of the occupation, as well as of the civil Israeli law. The latter applies to settlers in the West Bank and may also apply to Palestinian residents of the West Bank who have disputes with Israelis. Palestinians living in annexed East Jerusalem have to resort to Israeli jurisdiction for judicial remedy.

Despite these challenges, the PA has implemented some positive reforms in the framework of national strategies. These include increased connectivity and collaboration between the justice institutions in areas of strategic planning and gender and juvenile justice, and between the justice institutions, other line ministries and law enforcement; the automation of court transactions and the creation of mobile applications to enhance public access to justice services; improved court efficiency and reduced backlog of cases; the launch of e-justice initiatives, the publication of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC); and the efforts towards specialised prosecution.

EU and Palestinian Policy Framework

The EU's medium term development efforts, building on the EU-PA Action Plan 2013⁵ and the review of modalities of the EU's engagement in support of a two-state solution, include a specific focus on **Democracy, Rule of Law and Human Rights**. This is also reflected in the *European Joint Strategy for Palestine 2021-2024*⁶. This is aligned to the EU Global Team Europe Democracy Initiative, contributing to the aspirations set out in the EU Commission Priorities for 2019-24⁷, particularly as regards "A stronger Europe in the world" and its underlying approach to uphold the rules-based global order. This action is also in line with the '*Renewed Partnership with the Southern Neighbourhood - A new Agenda for the Mediterranean*'⁸ and the , notably as regards the objective to promote an independent justice system with a

⁴ A quota system required that a minimum of either two or three women be elected to each council, depending on the number of seats contested.

⁵ https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-01/eu-palestine_action_plan_2013.pdf

⁶ C(2022)8279.

⁷ [A Union that strives for more. My agenda for Europe](#)

⁸ [Renewed partnership with the Southern Neighbourhood. A new Agenda for the Mediterranean JOIN\(2021\) 2 final, SWD\(2021\) 23 final, https://www.eeas.europa.eu/sites/default/files/joint_communication_renewed_partnership_southern_neighbourhood.pdf](#)

well-functioning, fair and transparent judicial administration and the need to provide equal access to justice for all.

Within the *European Joint Strategy* framework, European Development Partners (EDPs) are committed to support the Palestinian electoral authorities and civil society in promoting a democratic environment conducive to a participatory election and an engaged and expanded electorate. EDPs are also committed to support reforms that promote the rule of law in Palestine and allow Palestinian rights-holders, including those living in Area C, East Jerusalem and Gaza to increasingly enjoy human rights.

The EDPs' priorities for reform reflect the goals of the PA under the National Policy Agenda 2017-2020 and the current National Development Plan (NDP) 2021-2023 and the National Justice and Rule of Law Strategy 2020-2023. Additionally, this action contributes to SDG 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; as well as SDG 5 - Achieve gender equality and empower all women and girls.

Complementary actions

This action complements the programmes 2015/038-315 "Support to Governance at Local and National Levels", ENI/2018/041-137 "Support to sustainable economic development and enhanced governance" and ENI/2019/042-028 "Support to enhance Governance and Human Rights". These programmes respectively committed EU support to: 1) Develop conditions for the reintegration of the justice institutions focusing on training and regulatory function; 2) Improve access to a better justice system, particularly for vulnerable groups; and 3) Enhance policy and law-making within the Palestinian government. The 2018 programme is implemented through the UN Sawasya II - Promoting the Rule of Law in Palestine programme, which the Netherlands, Sweden and Spain co-fund as joint initiative to fulfil joint programming. This action will also be complemented by support to the Rule of Law Programme of the Office of the Quartet (OQ) through a different COM decision (2021 Measure on PEGASE). This support will aim, *inter alia*, to engage Israel as duty bearer to enhance the ability of the PA to provide justice services in Area C.

Moreover, the action complements the work of the CSDP mission EUPOL COPPS, whose mandate includes advising the PA on criminal justice and broader rule of law reforms. EUPOL COPPS and the EU Delegation (EUREP) cooperate closely to ensure operational synergy, policy alignment and effective donor coordination. In addition, the European Instrument for Democracy and Human Rights (EIDHR) has been supporting legal assistance to Palestinians. Italy is developing support to legal mobile clinics with the Ministry of Justice and to access to constitutional justice; Sweden and Netherlands support civil society and the Independent Commission for Human Rights, the quasi Palestinian Ombudsman, and France supports trainings on administrative justice.

Finally, the action continues to build on past support to Central Elections Commission (CEC), which included the construction of its headquarters in Ramallah, which was completed in 2021 and the establishment in 2016 of the Electoral Awareness Fund in collaboration with civil society organisations.

Donor coordination

Under the Oslo Accords, the Local Aid Coordination mechanism (LACS) includes a Justice Sector Working Group (JSWG) with the participation of all justice sector institutions. The Ministry of Justice chairs the JSWG and EUREP acts as the Deputy-Chair. EUPOL COPPS acts as technical advisor. The JSWG allows for the sector and thematic policy dialogue, planning, and coordination between the PA, donors and civil society. Donors include European Union Member States such as France, Germany, Italy, the Netherlands, Spain, Sweden, as well as Canada, the United Kingdom, the United States, UNDP, UNICEF, UN Women, UNODC, OHCHR, and the Office of the Quartet (OQ).

Within LACS, the Election Ad Hoc Sector Working Group is chaired by CEC and EUREP acts as the Deputy -Chair. The group meets frequently on *ad hoc basis* (when elections are called for) and its members include Germany, Sweden, Netherlands, Italy, France, Italy and Norway, as well as the OQ, the UN (UNSCO, UNDP, UN Women), representative of the civil society (and the Independent Commission for Human Rights-ICHR, Marsad, AMAN, the Carter Center); the Ministry of Foreign Affairs and the Ministry of Finance.

2.2. Problem Analysis

Short problem analysis

The stagnation of the peace process, the decline of democratic processes, the missing parliamentary oversight and the protracted national and institutional divide have deeply affected the capacity, accountability and legitimacy of the justice institutions and of Palestinian people to enjoy their rights and freedoms. Ongoing efforts to promote fundamental reforms, improve institutional capacities, strengthen services and enhance access to justice across Palestine are slowly bearing some results, especially in the last three areas, but are hindered by slow progress in some cases (legal aid) or initiatives that deny the independence of judiciary, fair trial, sound legislative processes, and constitutional justice. Moreover, in recent years and especially in 2021 the authoritarian trend of the PA in the West Bank and Hamas in Gaza have resulted in heightened human rights violations, with reported arbitrary arrests and unlawful detention, increased Palestinian security control over civil society and reduced space for civic action⁹. This is compounded by Israeli violations of international Humanitarian and Human Rights Laws and control.

Budgetary constraints, low institutional capacities, inadequate service provision and limited access to justice, particularly for women and children are key constraints. The COVID-19 pandemic has further exacerbated these constraints. Emerging institutional mechanisms for legal aid through the religious courts in family cases need to get entrenched and anchored in more sustainable solutions. In the case of violence against women and girls, the legal framework remains inadequate as the adoption of a specific law on family protection has been in the making for 17 years but not yet adopted. Nonetheless, joint security and justice referral mechanisms have improved over the last year and now need to be expanded and consolidated. The same can be said of recent digital solutions that allow enforcement of judicial decisions and that need to be further expanded. Moreover, the effective delivery of justice services, particularly for women, children and Palestinians in vulnerable situations or marginalised areas, such as the Jerusalem suburbs, Hebron and Area C, also requires improved and more consistent security coordination between the Palestine and Israel. In addition, the efforts to develop specialised cadre of prosecutors on gender and juvenile justice need further enhancement and to be matched by specialised judges and lawyers. Finally, the ability of citizens to access justice also depends on further improving the quality of legal expertise.

⁹ ICHR *The Status of Human Rights in Palestine, 2020 Annual Report*, <https://www.ichr.ps/en/reports/annual-reports>

As regards democracy, the lack of national elections in Palestine over the past 15 years has contributed to widespread political distrust among the general population. More than 1 million Palestinians or approximately 40% of registered voters have yet to participate in the election of their leaders, while barriers to the participation of women, youth and persons with disabilities persist. Existing challenges, such as territorial and jurisdictional fragmentation, inadequate planning, lack of fiscal resources and lack of clarity with regards to roles, responsibilities and relationship between central and local government, have been further exasperated by the COVID-19 pandemic and the revamping of hostilities in the spring of 2021. This situation was further aggravated by the violent response manifested in the summer of 2021 by the Palestinian Security Forces and the Palestinian Civil Police towards demonstrators, critically undermining citizens' participation and empowerment.

The Central Election Commission (CEC) is assessed as a strong institutional partner with well-developed capacity to administer elections, nevertheless it has been working in an increasingly challenging environment in the past years, facing political division between the West Bank and Gaza Strip since 2007 that has hindered a regular electoral process across the Palestinian territories. At the same time, citizen participation and empowerment remain marginal, without structural inclusive systems in place. In particular vulnerable categories such as marginalised communities, women and youth are absent from the processes of decision-making, community development and participation. The latest local elections of 2017 demonstrated a low-level of electoral participation among the aforementioned underrepresented categories (i.e. less than 20% women elected for local councils) and highlighted a need of more focused and long-term electoral awareness programmes targeting these categories.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action.

Palestinian justice system and final beneficiaries

Through the current and previous National Justice and Rule of Law Sector Strategy, the justice system has made efforts to evolve into a service-oriented system that caters for legal protection needs of Palestinians. The public institutions below participate in developing and implementing the sector strategy. The Bar Association and civil society are consulted in the process.

Ministry of Justice (LACS JSWG Sector Chair): Its role and mandate are not clearly formulated by law. It is responsible for developing policies on both civil and criminal law matters, providing a link between the executive and judicial powers but its policy and law-making function are currently weak. It is in charge of harmonising legislation with human rights treaties, coordinating legal aid policies and reporting on Sustainable Development Goals (SDGs). It provides various services, including certificates of non-conviction, criminal record and arbitration.

High Judicial Council (HJC) and ordinary courts: The HJC works to guarantee fair trial by developing policies that aim to ensure the independence of the judiciary, supervising judges and court staff and regulating the work of courts. Ordinary courts adjudicate all disputes and crimes, with the exception of personal status cases and cases under military court jurisdiction. Recent legislative and institutional developments have undermined judicial independence. Judicial specialisation is still weak. The number of judges is inadequate to meet the needs.

Public Prosecution (Attorney General Office and Prosecution Offices): Its competences include initiating and prosecuting criminal cases; representing the State in civil and administrative cases; initiating cases before the High Constitutional Court; exercising the power of indictment, investigation, and referral; implementing criminal court rulings; supervising judicial officers; and monitoring correction and rehabilitation centres. In recent years, its specialisation improved. The PA's limited territorial access hinders its ability to perform.

Supreme Constitutional Court: It has jurisdiction over reviewing the constitutionality of legislation, deciding on conflict of jurisdiction between authorities, and adjudicating a (potential) challenge on the PA President's loss of legal capacity. Its formation, composition and decisions are frequently criticised by the Independent Commission for Human Rights and civil society as politically charged. It has weak capacity and expertise.

Higher Council of Sharia (Family Law) Courts: They have jurisdiction on personal status law of Muslim Palestinians, including, among others, cases related to marriage; divorce; custody; inheritance and succession. Ecclesiastical courts, that decide upon Personal status cases of Christian Palestinians, are not part of the sector.

Palestinian Judicial Institute (PJI): It is responsible to train law graduates to fill judicial and prosecution positions as well as judges, prosecutors and administrative staff of the judiciary. For years, its status between the executive and the judiciary stalled its efficiency. Legislative changes in 2021 put the PJI under the judiciary.

Palestinian Bar Association (PBA): It is mandated to regulate the legal profession, ensure that lawyers provide legal services and that litigants and defendants have legal representation before courts. It operates through two main branches in the West Bank and Gaza Strip and several offices in both regions. It is a key partner of the Justice Sector Working Group and plays an oversight role in legal issues.

Civil Society Organisations (CSOs): They are key stakeholders as legal aid service providers and to promote accountability and reforms. They operate both individually and in coalitions to monitor the justice and rule of law environment. Their capacity to fulfil an oversight role in a structured and effective manner is still weak.

Palestinian population and rights holders: Women, children, vulnerable people, particularly those living in marginalised areas, but also ordinary citizens. The ongoing framework contract on "Palestinian Justice System Assessment and Programme Formulation" will assess legal and justice needs and opportunities.

Justice System International stakeholders and implementing partners

UN agencies: UNDP, UN Women, and UNICEF support rule of law and access to justice reforms. They have the ability to simultaneously reach out to Gaza and the West Bank, including marginalised areas such as East Jerusalem and Area C, and support structured dialogue on policy matters between the PA and civil society.

Stakeholders for Democratisation

Central Election Commission (CEC): The CEC is an independent, permanent body established pursuant to Palestinian Elections Law of 1995 and mandated with organising and conducting Presidential and Legislative elections in Palestine as well as conducting and supervising Local Elections since 2005. Its work is guided by the principle of ensuring fair and transparent electoral processes. The CEC enjoys credibility among all election stakeholders, in both the West Bank and Gaza Strip and internationally, leading the discussion among all stakeholders, including political parties, relevant ministries, decision-makers, legal advisors, etc. to tackle all elections related issues, including electoral law reforms, based on the recommendations of stakeholders and election observation reports.

Ministry of Education (MoE): The MoE is a key partner to the CEC, in providing polling staff during elections (so called 'the election cadre' mainly composed of teachers) and schools as main location for polling stations. At the same time, the educational system is the most appropriate for much needed civic education programmes to address the lack of electoral awareness among Palestinian citizens in general, and

youth in particular, thus MoE has collaborated with CEC in implementing awareness projects targeting children and youth at schools and universities through civic education and mock elections.

Civil Society Organisations (CSOs): They serve as observation bodies during elections and play a vital role in electoral and democratic awareness through their capacity to reach a wide section of social categories, reaching underrepresented and marginalised segments of the Palestinian society, particularly women, youth, the Person with Disability and the voting public in remote areas.

2.3. Lessons Learned

The proposed programme builds on and contributes to ongoing initiatives, including the UN programme *Sawasya II - Promoting the Rule of Law in Palestine* and the EU current support to developing legal and judicial education through the Palestinian Judicial Institute (PJI) and Bar Association (PBA).

As foreseen in the programme ENI/2018/041-137, the UN agencies conducted a mid-term evaluation of the Sawasya II programme, which confirmed its efficiency, effectiveness, relevance and overall positive impact. The evaluation found that programme is a critical element of support to improving the access and delivery of justice to the Palestinian population. Sawasya II also plays a critical role in supporting the PA's strategic reform efforts, including planning and sector strategy development. However, the evaluation also highlighted the several fundamental contextual issues that limit gains, including oscillating political will to reform, inadequate resources of the justice system due to financial hardship, and crisis constraint created by the continued occupation of Palestinian territory and the related lack of coordination between Palestinian and Israeli justice systems. The Palestinian state capacity to provide adequate justice to all Palestinian people remains clearly limited, cannot be improved rapidly, and requires ongoing support. The evaluation team concluded that the programme efforts should continue and recommended, *inter alia*, that the programme should focus on advocacy efforts targeting known reform blockages, and attempt to broaden the components of civil society involved in advocacy.

A Results-Oriented Monitoring (ROM) review of the action in support of Judicial training confirmed the relevance of the action despite the challenging institutional and sector dynamics in the years 2019-2020 that hindered the efficiency of the Palestinian Judicial Institute (PJI) and the action. Since 2021, following legislative and institutional reforms that affected the PJI, it has shown a strengthened ability to fulfil its role in support of judicial independence. International partners consider support to the PJI a cornerstone to enhance judicial integrity. The action in support of legal education with the Palestinian Bar Association (PBA) has shown that at civil society there are opportunities to positively contribute to national and organisational re-integration and service harmonisation between Gaza and West Bank.

Lessons learned from the last EU funded project implemented by the CEC, emphasised the importance of maintaining a democratic discourse alive within Palestinian society, so as to foster public interest in democratic processes even in the absence of national elections. The EU Election Expert Mission to the West Bank in 2017 provided priority recommendations, many of which relate to human rights and fundamental freedoms as well. The evaluations of the electoral process recommended also the importance of having a unified electoral law which tackles the legal gaps to enhance sound legal understanding of stakeholders of the legal rules and procedures applied by the CEC and to increase confidence in the electoral process by all stakeholders (political parties, CSOs and legal institutions).

3. DESCRIPTION OF THE ACTION

3.1. Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to contribute to a peaceful, democratic and inclusive Palestinian society for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

The Specific Objectives (Outcomes) of this action are:

1. Enhanced accountability, independence, integrity and transparency of the justice system.
2. Strengthened administration of justice in line with fair trial standards and improved access to justice for all, including women, children and vulnerable groups in marginalised areas.
3. Strengthened Democratic institutions and promoted civic participation, with a particular focus on youth, women and people in marginalised areas.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

- 1 Contributing to Outcome 1 (or Specific Objective 1)
 - 1.1 Enhanced mechanisms for public oversight through civil society and evidence based analysis for dialogue on and planning of key reforms.
 - 1.2 Established and implemented mechanism for transparent and merit based recruitment and training of judges and prosecutors.
- 2 Contributing to Outcome 2 (or Specific Objective 2)
 - 2.1 Enhanced mechanism for institutional legal aid.
 - 2.2 Increased availability of inter-agency services for protection and prosecution of gender-based and sexual violence against women and children.
 - 2.3 Improved quality and efficiency of security and justice services provided to the Palestinian citizens, including vulnerable segments of society.
 - 2.4 Increased legal specialisation.
- 3 Contributing to Outcome 3 (or Specific Objective 3):
 - 3.1 Strengthened institutional capacities for an efficient, transparent, and effective electoral process.
 - 3.2 Increased electoral awareness, engagement of electoral stakeholders and participation among the voting public, with particular focus on women, youth, Persons with Disabilities (PwDs) and vulnerable groups.

These outcomes and outputs are mutually re-enforcing. Outcomes 1 and 2 will build on the one hand on the ongoing support to reform legal and judicial training systems through the Palestinian Judicial Institute and the Palestinian Bar Association and develop their institutional and functional capacities. Furthermore, outcomes 1 and 2 contribute to ongoing initiatives in the framework of the UN programme *Sawasya II - Promoting the Rule of Law in Palestine*, including the above outputs 1.1, 2.1 and 2.2.

3.2. Indicative Activities

Activities related to Output 1.1 and 1.2

Capacity building of civil society to perform a professional oversight function on rule of law, access to justice and fair trial; conduct of assessments of court decisions and legislation by civil society and expanded court monitoring; production and use of advocacy products based on data and assessments; support to policy dialogue; continued assistance to PA justice sector institutions to accompany structural institutional reforms, including through enhanced use of data for policy planning; conduct of a diploma programme clearly linked to an open recruitment of judges and prosecutors and of specialised judicial trainings.

Activities related to Output 2.1, 2.2, 2.3 and 2.4:

Definition and expansion of systemic mechanisms for legal aid; Development of national dialogue on transitional justice through civil society between West Bank and Gaza; technical assistance and capacity building in support of fair and equitable criminal procedures, judicial institutions' inspection mechanisms, enforcement mechanisms, the development of child-friendly justice procedures and judicial response to protect vulnerable populations and expansion of inter-agency services for the protection and prosecution of violence against women and children; specialised training for lawyers and support to develop legal research capacity and promote opportunities for female lawyers; Reinforcement of complaints mechanisms.

Activities related to Output 3.1:

Activities that sustain and further buttress the institutional capacities of electoral bodies in terms of building the capacities of its human resource base and sustaining partnerships with local, regional and international electoral management bodies, including: Provision of training courses, workshops and study visits to core staff as well as supporting their participation in regional and international electoral events; Upgrading equipment (IT hardware, software and systems) with focus on the enhancement of access and information security systems.

Activities related to Output 3.2:

Activities that aims at enhancing the dissemination of electoral education and knowledge among the voting public, particularly youth at schools (male, female and Persons with Disabilities) to instil democratic principles among the target groups and increase their level of participation in future elections as registrants, voters and candidates, including: Provision of training to teachers of civic education in collaboration with the Ministry of Education; Mock elections during civic education classes in schools and universities; Electoral awareness activities for the voting public and dissemination of electoral knowledge among all segments of the Palestinian community, with particular focus on women, youth, Persons with Disabilities (PwDs) and vulnerable groups living in remote and marginalised areas of the West Bank and Gaza Strip.

3.3. Mainstreaming

Environmental Protection, Climate Change and Biodiversity

Outcomes of the Strategic Environmental Assessment (SEA) screening

The SEA screening concluded that no further action was required.

Outcomes of the Environmental Impact Assessment (EIA) screening

The EIA screening classified the action as Category C (no need for further assessment).

Outcome of the Climate Risk Assessment (CRA) screening.

The CRA screening concluded that this action is no or low risk (no need for further assessment).

Nevertheless, opportunities exist to increase access to justice around environmental issues through support to develop specialised legal capacities and expertise and enhance environmental and climate change awareness.

Gender equality and empowerment of women and girls

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that the action will undertake legal and operational measures to ensure protection of women and girls against violence, to ensure realisation and protection of rights, and to promote women's equal participation in society, particularly to electoral processes and the legal profession. This action is also in line with the EU Gender Action Plan (GAP) III¹⁰ when it comes to enhancing women's roles as rights-holders and improving their access to justice and basic services.

Human Rights

This action directly targets human rights and gender equality issues as illustrated by the whole rationale of this action throughout the above sections. In particular, this action focuses on contributing to the implementation of fundamental democracy and rule of law reforms, including to support open, transparent and inclusive elections, enhanced and inclusive access to justice as well as fair judicial processes, as enabling conditions for all Palestinians to enjoy all fundamental freedoms and rights.

Disability

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D1. This implies that the action includes the active promotion of Persons with Disabilities' (PwDs) participation to electoral processes, including voter registration, access to polling stations and inclusive voting processes, while also enhancing PwDs' electoral knowledge.

Democracy

A regular, free, fair and inclusive electoral process, is at the base of any democracy, thus democratic renewal, remains a crucial step towards renewing legitimacy of national institutions and reuniting Palestinians under a single, legitimate and democratic state, based on the separation of powers. The action thus aims at supporting electoral management bodies and other electoral stakeholders in conducting inclusive electoral processes through enhancing transparency, strengthening institutional capacities, promoting the role of media in elections and ensuring an active and engaged civil society.

Conflict sensitivity, peace and resilience

Four key drivers are likely to shape peace and conflict in Palestine in the immediate future. The drivers are: (i) The ongoing Israeli military occupation and settler colonisation of the West Bank; (ii) Non-state armed groups and the use of violence means to resist the occupation; (iii) Palestinian fragmentation; and (iv) Palestinian de-legitimisation. Furthermore, women and youth are the most vulnerable as Palestinian society has become more conservative. This action contributes to address these drivers of conflict.

¹⁰ SWD(2020)284 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020JC0017&from=EN>

Disaster Risk Reduction

Not applicable.

3.4. Risks and Assumptions

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
1 – External environment	Deterioration of the security situation rekindling of conflict, Israeli occupation, military actions and incursions	High	Medium	A flexible methodological approach, similar to the one implemented during COVID-19, will enable a high adaptability to changing security environment across Palestine. This will include the available legal measures for contractual amendments and the use of virtual modalities for implementation. Enhanced communication with COGAT will be pursued as necessary.
1 – External environment	Political impasse, overall slow progress in governance reform, acute strain or full collapse of the PA	High	Medium	The project implementation design contemplates supporting public advocacy for reforms whilst also supporting the duty bearers for governance reforms. Service provisions through civil society, as it occurs in Gaza, would have to be scaled up. The project will remain sufficiently flexible to adapt to the changing environment.
1 – External environment	Continued lack of authority / weak jurisdiction of the PA in Gaza Strip, Area C and East Jerusalem and increased in internal political divisions and conflict.	High	Medium	The action will focus on engaging Israel to increase access of the PA to all areas of the West Bank through the Office of the Quartet. This action will also support efforts for reconciliation, looking for opportunities with civil society while upholding and safeguarding human rights of Palestinians across the West Bank and Gaza.
1 – External environment	Elections are not held	High	High	Seek enhanced EU dialogue with PA and Israel on holding national elections in all occupied Palestinian

				territories
1 – External environment	Institutional instability, reputational risk, weak disbursement capacity and administrative and financial management fragility of partners hinders the implementation of actions	Medium	Medium	Safeguards will be in place to monitor that funds are committed and spent according to plans.
1 – External environment	Shrinking space for civil society and human rights organisations to deliver justice services and uphold duty bearers accountable.	High	High	EUREP will engage diplomatic efforts to maintain political and operational space in coalition with like-minded development partner.
1 – External environment	Resistance to change and entrenched legal and social discrimination against women.	High	Medium	The action supports a multi-layered strategy that prioritizes legal needs of women, monitor the impact of legal aid services on women and girls, empowers women lawyers and will develop advocacy and lobbying campaigns based on analytical evidence on blockages for reforms.

External Assumptions

These outputs are based on the assumptions that relevant stakeholders open and committed to the action objectives and results and that space for civil society is protected.

3.5. Intervention Logic

The underlying intervention logic for this action is that the Rule of Law, with all its prerequisites that allow for access to fair justice, fair trials and inclusive, participatory, representative accountable decision-making are simultaneously the foundations of state-building and at the core of inclusive growth and sustainable development. This is reflected in the United Nations’ 2030 Agenda for Sustainable Development (SDG Agenda) and its Sustainable Development Goals (SDG), which set them as key goal under SGD 16.

In line with SDG 16, this action aims to contribute to promote a peaceful and inclusive Palestinian society for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. It aims to achieve this through a holistic path of mutually reinforcing

outcomes that target the different state and societal elements that contribute to and are affected by a functioning rule of law and democratic system.

Behind this choice there is a comprehensive strategic approach to simultaneously address key problems identified in the above analysis including fundamental rule of law issues that require governance reforms and increased accountability, capacity constraints, limitation to service provision and access to justice, human rights violations, national and institutional fragmentation and weak social cohesion, marginalisation of women, children, youth and people living in underserved areas like Hebron and East Jerusalem areas not included in the Israeli municipality boundaries.

To this end, the action will engage a large spectrum of Palestinian rule of law and democracy related institutions and civil society. It will also support initiatives to enhance the ability of the PA to provide services in Area C and underserved areas and improve the ability of vulnerable people in these areas to access justice.

The holistic approach foresees to support the justice and democracy state institutions in accomplishing their mandates and ensuring access to justice, fair trial and the conduct of democratic processes while simultaneously engaging civil society in their complementary and support function to state institutions' mandate (Bar Association and legal aid service provision, particularly in Gaza) as well as in their public oversight and community development function.

At a strategic (outcome) level, the logic of this action presupposes that all duty bearers remain committed to an international legal framework that is conducive to a two-state solution and to Palestinian state-building. It is based on the assumption that European Development Partners maintain their support to this as committed to in the EU-PA Action Plan, reiterated in the Foreign Affairs Council Conclusions of 2016¹¹ and reaffirmed in the European Joint Strategy for Palestine 2021-2024. It is also based on the assumption that the PA maintains commitment to its statehood agenda and its international commitments and obligations on Democracy, Rule of Law and Human Rights.

Under the assumption that the PA adheres to its commitments to statehood and democracy, the key challenges to democratisation and elections support in Palestine are to maintain strong partnership with election stakeholders in the absence of elections and to strengthen civic participation/engagement, notably of women and youth. Sustaining the institutional capacity of key electoral bodies, of electoral observers and of the media, ensures the very possibility of democratic elections. While promoting awareness-raising initiatives that reach out to the wide public, including marginalised segments (i.e. women, youth and PwDs) contributes to enhancing the public's knowledge of elections and their importance, fostering civic participation in political life, at national and at local level, and nurturing citizens' demand for democratic processes.

On this basis, the logic to achieve the three outcomes of the action is the following:

OUTCOME 1

- If evidence-based planning and policy development in the justice and security sector is strengthened through enhanced data collection, monitoring and evaluation (in alignment with SDG/HR indicators); and

¹¹ <https://www.consilium.europa.eu/en/press/press-releases/2016/01/18/fac-conclusions-mepp/>

- If public oversight and advocacy are enhanced through structured monitoring and analysis that holds the PA accountable on all elements related to access to justice and fair trial; and
- If judicial capacity is increased through appropriate recruitment and training of judges and prosecutors;

THEN there will be a rule of law based system for the administration of justice that will have enhanced accountability, independence, integrity and transparency.

OUTCOME 2

- If systemic mechanisms for legal aid are institutionalised; and
- If the quality of security and justice services for vulnerable population, including women, children and people in underserved areas (Area C and EJ) are enhanced; and
- If lawyers can provide specialised services following training;

THEN access to justice for all will be strengthened and administered in line with fair trial standards, which requires ability to access legal services and right to qualified legal assistance (as stated by the International Covenant on Civil and Political Rights, ICCPR).

OUTCOME 3

- If democratic institutions are strengthened through buttressing of the institutional capacity of electoral bodies and stakeholders; and
- If civic participation is enhanced, through the promotion of electoral culture with a particular focus on youth, women and PwDs, including in marginalised areas;

THEN citizens (including women, youth and PwDs) will have better access to an efficient, transparent, and effective electoral process.

3.6. Indicative Logical Framework Matrix

Results	Results chain: Main expected results	Indicators	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
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<p>Impact</p>	<p>To contribute to promote a peaceful and inclusive Palestinian society for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels</p>	<p>1 Proportion of human rights violations in the last 12 months reported by monitoring bodies and followed through by the judicial authorities.</p> <p>2 Percentage of Palestinians who express satisfaction with legal and judicial processes and institutions</p> <p>3 Proportion of population who believe decision making is inclusive and responsive, by sex, age, disability and population group</p>	<p>1. In 2020, response on: - Arbitrary arrest and unlawful detention: 0% in WB, not provided in Gaza; - Unnatural documented deaths: 42% in WB, 64% in Gaza; - Torture and ill-treatment 5.4% in WB, not provided in Gaza.</p> <p>2. 2020 WB Sharia Courts 72% Tribal Justice 63%; Public Prosecution: 60%, Police: 54%; Ordinary Courts: 51%</p> <p>3. 2018, 42% at national level trust ability to participate in national politics.</p>	<p>1 100%</p> <p>2 80 %</p> <p>3 To be decided when implementation starts</p>	<p>1. Independent Commission for Human Rights (ICHR)</p> <p>2. Palestinian Central Bureau for statistic. (PCBS)</p> <p>3. PCBS</p>	<p><i>Not applicable</i></p>
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<p>Outcome 1</p>	<p>1 Enhanced accountability, independence, integrity and transparency of the justice system.</p>	<p>1.1 Existence and full implementation of a legal framework that is conducive to meritocratic and transparent recruitment process of judges and prosecutors, in line with international standards</p> <p>1.2 Percentage of Palestinian population who have confidence that the judiciary system is independent from any external influences.</p>	<p>1.1 Not existent in 2022</p> <p>1.2 41.4% in 2021</p>	<p>1.1 Law on judicial and prosecutorial recruitment adopted and 100% new judges and prosecutors recruited accordingly in 2026</p> <p>1.2 60% in 2026</p>	<p>1.1.a High Judicial Council and Prosecution Office Annual Reports,</p> <p>1.1.b Civil society monitoring reports.</p> <p>1.2 Palestinian Central Bureau for Statistics (PCBS), Rule of Law Survey.</p>	<p>The international legal framework remains conducive to the two-State solution and to Palestinian state-building and the EU and EDs maintain support to it.</p> <p>The PA maintains commitment to statehood agenda and its international commitments and obligations on democracy, Rule</p>
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<p style="text-align: center;">Outcome 2</p>	<p>2 Strengthened administration of justice in line with fair trial standards and improved access to justice for all, including women, children and vulnerable groups.</p>	<p>2.1 Un-sentenced detainees as a proportion of overall prison population.</p> <p>2.2 Level of confidence in possibility to receive a fair trial</p> <p>2.3 Measures adopted to increase availability of legal aid (type of cases, geography and gender)</p> <p>2.4 Conviction rate of referred cases of violence against women and children</p>	<p>2.1 (2019) 54.5% in correction facilities under Palestinian Civil Police + 214 cases of detention under governor's custody in the West Bank.5% + 214 cases of detention under governor's custody in the West Bank</p> <p>2.2 39.8% in 2018 .3 0 2021 2.3 0 in 2021</p> <p>2.4 Number of cases on violence against women (2017):</p> <ul style="list-style-type: none"> • Filed annually:3346 • Transferred by public prosecution to courts: 2263 • Convicted: 638 	<p>2.1 (2024) 48% and 0 under governor's custody</p> <p>2.2 50% in 2024</p> <p>2.3 Legal Aid Law 2023</p> <p>2.4 +1% annually until 2024.</p>	<p>2.1 Correction and Rehabilitation Centres Department (CRCD)-Palestine, Independent Commission for Human Rights.</p> <p>2.2 PCBS- Rule of Law Survey.</p> <p>2.3 Official Gazette</p> <p>2.4 Public Prosecution and High Judicial Council Annual Reports via Mizan</p>	<p>of Law and Human rights.</p>
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<p>Outcome 3</p>	<p>3 Strengthened Democratic institutions and promoted civic participation, with a particular focus on youth, women and people in marginalised areas.</p>	<p>3.1 Status of organisational and operational capacity of Central Elections Commission (CEC)</p> <p>3.2 Proportion of women and youth participating in local and general elections as voters and/or candidates</p>	<p>3.1 TBD</p> <p>3.2 TBD</p>	<p>3.1 To be decided when implementation starts</p> <p>3.2 To be decided when implementation starts</p>	<p>3.1</p> <p>3.2</p>	
<p>Output 1 related to Outcome 1</p>	<p>1.1 Enhanced mechanisms for public oversight through civil society and evidence based analysis for dialogue on and planning of key reforms.</p>	<p>1.1.1 Number of Civil Society monitoring report on justice and security sector published with support by the action</p>	<p>1.1.1 – 3 in 2020</p>	<p>1.1.1 – 12</p>	<p>1.1.1 CSOs’ and Sawasya II Annual reports</p>	<p>Space for civil society is protected.</p> <p>Relevant stakeholders open and committed to the action objectives and results.</p>

Output 2 related to Outcome 1	1.2 Established and implemented mechanism for transparent and merit based recruitment and training of judges and prosecutors, in line with international standards.	1.2.1 Number of judges and prosecutor recruited following diploma programme training *	1.2.1 15 in 2016 0 from 2017 to 2022	1.2.1 40 in 2026.	1.2.1 High Judicial Council, Public Prosecution and Palestinian Judicial Institute Annual Reports	
Output 1 related to Outcome 2	2.1 Enhanced mechanism for institutional legal aid	2.1.1 Number of citizens who benefited from the legal aid services provided by the PA with EU support from this action	2.1.1 TBD	To be decided when implementation starts	2.1.1 High Judicial Council and Bureau of the Sharia Courts annual reports.	
Output 2 related to Outcome 2	2.2 Increased availability of inter-agency services for protection and prosecution of violence against women and children.	2.2.1 % increase of number of filed cases on violence against women with the Family Protection Unit.	2.2.1 3,346 filed in 2017	2.2.1 To be decided when implementation starts	2.2.1 Palestinian Civil Police	

Output related to Outcome 2	2.3 Improved quality and efficiency of security and justice services, including for vulnerable population.	2.3.1 Percentage of judgements enforced in area unserved by the PA.	2.3.1 All Areas including Area C: 83% in 2020.	2.3.1 87% (2024).	2.3.1. High Judicial Council Annual report	
Output related to Outcome 2	2.4 Increased legal specialisation.	2.4.1 Percentage increase of specialised lawyers within the Bar Association, following training by the action	2.4.1 TBD	2.4.1 To be decided when implementation starts	2.4.1 Palestinian Bar Association's website	
Output related to Outcome 3	3.1 Strengthened institutional capacities for an efficient, transparent, and effective electoral process	3.1.1 Number of electoral bodies staff and staff of the elections cadre trained* 3.1.2 IT equipment and information security system in place for electoral bodies	3.1.1 900 (2021) 3.1.2 IT equipment and security system partially in place (2021)	3.1.1 additional 500 (2025) 3.1.2 New and updated IT and security systems in place and functioning (2025)	3.1.1 Electoral bodies and MoE reports 3.1.2 Technical reports by IT staff of electoral bodies	

Output related to Outcome 3	3.2 Increased electoral awareness, engagement of electoral stakeholders and participation among the voting public with particular focus on women, youth, Persons with Disabilities (PwDs) and vulnerable groups	3.2.1 Number of universities and schools carrying out mock elections 3.2.2 Number of civic education teachers trained* 3.2.3 Number of communities reached by electoral awareness activities	3.2.1 200 (2021) 3.2.2 130 (2021) 3.2.3 140(2022)	3.2.1 600 (2025) 3.2.2 400 (2025) 3.2.3 300 (2025)	3.2.1 Electoral bodies and MoE reports 3.2.2 Electoral bodies and MoE reports 3.2.3 Electoral bodies and CSOs reports	
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* disaggregated by gender and/or age

4. IMPLEMENTATION ARRANGEMENTS

4.1. Financing Agreement

In order to implement this action, it is envisaged to conclude a financing agreement with Palestine.

4.2. Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3.1 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of entry into force of the financing agreement.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this financing Decision and the relevant contracts and agreements.

4.3. Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹².

4.3.1. Direct Management (Grants)

4.3.1.1 Grant to accomplish Output 1.2

a) Purpose of the grant

The grant will contribute to Output 1.2 *Established and implemented mechanism for transparent and merit based recruitment and training of judges and prosecutors.*

b) Type of applicants targeted

The type of applicant to be targeted should be a public body established in West Bank and Gaza and registered with the Palestinian Authority.

4.3.1.2 Grant to accomplish Output 2.4

a) Purpose of the grant

A part of this action may be implemented through a grant, which will contribute to achieve Output 2.4 *Increased legal specialisation.*

b) Type of applicants targeted

¹² www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

The type of applicant to be targeted should be a body established by public law in the West Bank and Gaza and registered with the Palestinian Authority.

4.3.1.3 Grant to accomplish Outcome 3 through Outputs 3.1 and 3.2

a) Purpose of the grant

A part of this action may be implemented through a grant, which will contribute to achieve Outcome 3 *Strengthened democratic institutions and promoted civic participation, with a particular focus on youth, women and people in marginalised areas strengthen democracy in Palestine*, covering both outputs 3.1 and 3.2.

b) Type of applicants targeted

The type of applicant to be targeted should be a public body established in West Bank and Gaza and registered with the Palestinian Authority.

4.3.2. Indirect Management with one or more pillar-assessed entities¹³

A part of this action may be implemented in indirect management with one or more pillar assessed entities that will be selected according to the following criteria:

- Specialisation in the field of Rule of Law,
- Specialisation in Gender Equality Promotion,
- Specialisation in the promotion of Human Rights
- Specialisation in Children and vulnerable groups protection,
- Consolidated presence in Palestine,
- This implementation entails funding to consolidate the current implementation of **the Sawasya II Programme, Promoting the Rule of Law in Palestine** into a new phase, contributing to achieve Outcomes 1 and 2 of this action through Outputs 1.1, 2.1, 2.2, 2.3 and related activities through a transitional phase while preparing for a follow up programme.

4.3.3. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances

If grants in direct management as described in sections 4.3.1.1 4.3.1.2 and 4.3.1.3 cannot be implemented in case of circumstances outside of the Commission's control, they may be implemented in indirect management by the pillar assessed entities as described in section 4.3.2.

¹³ The signature of a contribution agreement with the chosen entity is subject to the completion of the necessary pillar assessment

4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission’s authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

4.5. Indicative Budget

Indicative Budget components	EU contribution (amount in EUR)	Third-party contribution, in currency identified
Implementation modalities – cf. section 4.3		
Outputs 1.1, 2.1, 2.2, 2.3 contributing to Outcome 1 “Enhanced accountability, independence, integrity and transparency of the justice system” composed of:	1 500 000	
Indirect management with one or more Pillar Assessed entity.– cf. section 4.3.2	1 500 000	N.A
Output 1.2 contributing to Outcome 1 “Enhanced accountability, independence, integrity and transparency of the justice system”, composed of:	1 300 000	
Grants (direct management) - cf. section 4.3.1.1		N.A
Output 2.4 contributing to Outcome 2 “Strengthened administration of justice in line with fair trial standards and improved access to justice for all, including women, children and vulnerable groups in marginalised areas”, composed of:	1 200 000	
Grants (direct management) - cf. section 4.3.1.2		N.A
Outputs 3.1 and 3.2 contributing to Outcome 3 “Strengthened Democratic institutions and promoted civic participation, with a particular focus on youth, women and people in marginalised areas”, composed of:	1 000 000	
Grants (direct management) - cf. section 4.3.1.3		N.A
Grants – Total envelope under section 4.3.1	3 500 000	N.A
Evaluation – cf. section 5.2 Audit – cf. section 5.3	Will be covered by another Decision	N.A.
Communication and visibility – cf. section 6	N.A.	N.A.
Totals	5 000 000	

4.6. Organisational Set-up and Responsibilities

Outputs 1.1, 2.1, 2.2, 2.3

A Programme Board is to be established to, among others, provide programmatic guidance and oversight and contribute to the strategic direction of the Programme. It is chaired by the UN Resident Coordinator and comprises the UN agencies, government representatives and representatives of EU, ES, NL and SE. The Programme Board meets yearly. In preparation for the Programme Board, each year the Sawasya programme team organises several policy dialogue discussions on specific themes as well as bilateral and joint consultations with donors, PA representatives and civil society to discuss the substantive direction of the programme and the following year's work plan taking into account the sectoral context and other programmes.

Output 1.2

A Steering Committee consisting of the beneficiary entity, representatives of the High Judicial Council and of the Public Prosecution /Attorney General Office as well as representatives of EUREP will be established. EUPOL COPPS Advisors will be Members with Observer status. The Steering Committee will hold periodic meetings to monitor implementation according to the work plan and the planned expected results. The Steering Committee will monitor and review the achievement of objectives and expected results, including efficiency, effectiveness, quality and sustainability or results. In case of challenges, the Steering Committee will act to find joint solutions.

Output 2.4

A Steering Committee consisting of representatives of the beneficiary entity from the West Bank and the Gaza Strip and representatives of EUREP will be established. EUPOL COPPS Advisors will be Members with Observer status. The beneficiary entity and the European Union will co-chair the Steering Committee. The Steering Committee will monitor and review the achievement of objectives and expected results, including efficiency, effectiveness, quality and sustainability or results. In case of challenges, the Steering Committee will act to find joint solutions.

Outcome 3 (Outputs 3.1 and 3.2)

The project will be managed by a project Steering Committee comprised of representatives of the beneficiary entity and EUREP. The Steering Committee will oversee the overall implementation of various activities, monitor and evaluate progress, present progress reports, decide on necessary interventions and corrective measures and assess project impact. The Steering Committee will meet twice a year or at need. Wider coordination will be guaranteed within the Election Ad Hoc Sector Working Group (chaired by CEC and EUREP as Deputy-Chair).

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

4.7. Pre-conditions

The pre-condition for the grant for Output 1.2 is that the planned Diploma Programme operates as a legally established component of a coherent recruitment system for judges and prosecutors, including its

endorsement by the public agencies in charge of the accreditation of programmes leading to the award of a recognised degree. To this end, **the Palestinian Authority will need to formally adopt a legal act** at least one month **before the grant contract is awarded**. A draft legal act is currently under discussion in the Council of Ministers. Progress towards this objective will be monitored through bilateral engagement with the Palestinian Judicial Institute, the High Judicial Council and of the Public Prosecution /Attorney General Office in cooperation with EUPOL COPPS.

5. PERFORMANCE MEASUREMENT

5.1. Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring:

Close monitoring will be carried out at the action level and managed by the EU through EUREP. EUREP will conduct continuous monitoring of activities, occasional site visits and will review, propose and approve corrective actions where necessary. Implementing partners, including International Organisations, local institutions and contractors will conduct regular report on activities and progress in achieving the actions outputs and outcomes.

Additionally, under Outputs 1.1, 2.1, 2.2, the Sawasya Programme includes the collection and analysis of data as a key component on the action with the objective to produce analytical reports that can both the Programme and the PA can use for policy and planning purposes.

5.2. Evaluation

Having regard to the importance of the action, a final evaluation will be carried out for this action or its components via independent consultants for Outputs 1.2 and 2.3 and via an implementing partner for Outputs 1.1, 2.1, 2.2.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that it aims to promote fundamental reforms for the Rule of Law and access to Justice.

The Commission shall form a Reference Group (RG) composed by representatives from the main stakeholders at both EU and national (representatives from the government, from civil society organisations (private sector, NGOs, etc.), etc.) levels. If deemed necessary, other donors will be invited to join. The Commission shall inform the implementing partner at least 2 months in advance of the dates envisaged for the evaluation exercise and missions. The implementing partner shall collaborate efficiently and effectively

with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation services may be contracted under a framework contract. The financing of the evaluation shall be covered by another measure constituting a financing Decision.

5.3. Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

All entities implementing EU-funded external actions have the contractual obligation to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. To that end they must comply with the instructions given in the 2022 guidance document [*Communicating and raising EU visibility: Guidance for external actions*](#) (or any successor document).

This obligation will apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU Member States. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.

For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds. Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and the EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before the implementation. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.