



THE PALESTINIAN CENTER FOR THE  
INDEPENDENCE OF THE JUDICIARY  
AND THE LEGAL PROFESSION



A Culture of Good  
Governance and Rule  
of Law in Palestine

# STRATEGIC Plan 2024 – 2026



# Foreword

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MUSAWA developed its Strategic Plan 2024-2026 against the backdrop of public trust in the governance and justice systems accompanied by the breakdown of the rule of law and a weakened democratic processes in Palestine. As an independent and impartial non-governmental organization exclusively devoted to promoting the rule of law and good governance as enablers of sustainable development and human rights, our mandate has become more relevant or more needed than in preceding years since the establishment of the Palestinian Authority in 1994.

To achieve a strong rule of law, it is a pre-requisite to promote the rule of law culture that places human security and social justice at its core. While it is critical to prioritize the role of the government institutes and adopt law-led strategies, there is an emerging need to recognize that efforts to strengthen the rule of law do not take place in a vacuum, but in social institutions and complex political, power, and human based interactions. To this end, promoting and enshrining the culture of the rule of law would need to recognize the governance and justice systems comprehensively, and to systematically address on-going challenges. It therefore, requires the equal participation and engagement of government institutes and civil society actors to influence change taking into consideration the behaviours of duty bearers and rights holders.

The independence of the judiciary, and of lawyers and prosecutors are fundamental to the rule of law and protection of human rights, nevertheless Palestine faces critical challenges that relate to the judiciary and governance systems across all sectors. Ensuring that people can equally benefit from the rule of law and fully enjoy their human rights remain fundamental challenges that requires immediate interventions and change. The latter can only be achieved through the implementation of international human rights laws, principles and standards, also through supporting judges, lawyers and prosecutors to be independent and safe to carry out their professional duties to respond to the threats of human life and human dignity. This further requires prospective laws that are resolved through proper procedures and gender-sensitive practices by an independent judiciary, by ensuring the incorporation of substantive elements of justice, principles of equality, fairness, and non-discrimination, in addition to commitments to democratic principles and good governance.

To this end, this strategy represents the board of trustees, board of directors and staff intention to ensure that the organization delivers collectively on its mandate by being focused and effective. MUSAWA realizes that even as available resources continue to decrease, the monitoring, reporting, and policy advocacy role of MUSAWA on legal abuses in the judiciary, public prosecution or the executive branch to ensure effective implementation of the law, is a demand.

The preparation of MUSAWA's Strategic Plan (2020-2023) required a significant level of reflection and consultation with MUSAWA's General Assembly, Board of Directors, staff and partner organizations. Reflections and consultations managed to explore challenges to the sector and priorities of MUSAWA to advance in achieving its mandate. We are immensely

grateful to them, and to all MUSAWA teams, whose contributions have helped produce a strategic plan that reflects the needs and priorities of the communities and people whom MUSAWA serves.

To this end, our profound legal expertise will continue to be expanded within and outside; we will resume publishing opinions on the illegality of laws issued by presidential decree; we will continue to be fully engaged in public debates and community consultations around challenges facing the justice sector; and we will create more common ground with judicial institutions, NGOs, community-based organizations and coalitions on relevant issues and areas of priorities. Moreover, MUSAWA will continue to expand proactive networking strategies and monitoring relationships and partnerships; and seek more opportunities for cooperation towards finding solutions and making the needed reforms, as opposed to focus on strong legal and gender-sensitive language statements that describe the problem and demand certain actions.

In its strategic plan, MUSAWA proposes a number of strategic enablers to improve our organizational performance, especially that the current operational plan sets out an ambitious vision for MUSAWA, representing the needs of a wider engagement of stakeholder community from human rights, gender equality, and social and climate justice perspectives. Achieving this vision will involve a significant level of change and flexibility to proactively respond to moving priorities and will therefore be challenging. Similarly, MUSAWA realizes that it must commit to its operational objectives in order to become sustainable and have a long-lasting impact.

MUSAWA's strategy provides a framework of vision, mission, strategic objectives and actions that the organization will implement within the next four years (2024 - 2026). It articulates the organizational mission and outlines measures that entrench concepts of the rule of law and good governance in the Palestinian Society and secure the rights of citizens' access to Justice, especially marginalized groups including women, youth and people with disabilities. The proposed measures and activities that were considered by MUSAWA's General Assembly, Board of Directors and staff are expected to facilitate effective utilization of MUSAWA's resources and legal tools to contribute to ensure those rights are met, and establish a legal and impartial judiciary that entrench the culture of the rule of law, human rights, and good governance in a corruption-free society.

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# Situation Analysis

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On paper, the Palestinian Declaration of Independence contains provisions for equality and non-discrimination, and Article 9 of the amended Basic Law of 2003 states that “Palestinians shall be equal before the law and the judiciary, without distinction based on race, sex, religion, political views or disability”. On the one hand, the absence of a National Legislative Council since 2007, and its formal dissolution in 2018 by a decision of the Constitutional Court of Justice mean that the implementation of such provisions in national court systems and in informal justice systems remain limited, despite the endorsement of international treaties and conventions by the Palestinian President in 2014. Critics consider the step a further attempt by the Executive Branch of the political system to consolidate power over all of the PA’s institutions and further curtailing any opposition. In April 2016, President Abbas issued a presidential decree to create the High Constitutional Court (HCC). The nine-member body, which would have supremacy over all lower courts, was the subject of wide legal criticism, because its members never took the oath in the presence of the Speaker of the PLC. It was also created during the current Palestinian political division with membership confined to a single political faction.

On the other hand, while the Israeli authorities continue to monitor and target civil society organizations and seek to dry-up their resources and restrict their movement and operations especially in Area C, east Jerusalem, H2 areas, among other areas controlled by the Israeli occupation, the Palestinian Authority has adopted practices to control and minimize the monitoring role of civil society organizations. A series of legislations threaten the existence of CSOs, especially the policy that was suggested by the government for the latter to give pre-approval to receive funds. This suggested policy was challenged by CSOs and international donors and has not been put into effect until present, yet it continues to comprise threats of imposing limitations on CSOs work. A third major challenge is the shrinking funding opportunities for CSOs and the increased interest of international governments to prioritize funding in other regions. Further evident PA trends include criminalisation, stigmatisation, and de-legitimation of human rights defenders’ activities occur. This is accompanied by other intimidation and attacks against civil society actors by stakeholders such as religious groups, henceforth, shaming NGOs in supporting foreign agendas or political groups; this trend is considered by CSOs as a technique used to isolate and weaken the influence of CSOs on the policy, legislation, and procedural levels.

To this end, liberties and democratic life in Palestine have declined and basic human rights are not respected. CSOs and human rights circles raise fear that the Palestinian government will retreat from its commitment to the international agreements to which Palestine has acceded; this fear came as a result of the administrative circular of the Cabinet of Ministries since 2019 to formulate reservations on CEDAW as an example, which came as a result of a campaign of tribal groups against these treaties. This is greatly alarming and presents serious indicators to the lack of political will towards legislative reform and the respect and enforcement of the rule of law.

A December 2020 public opinion poll by the Palestinian Centre for Policy and Survey Research revealed that three quarters of the Palestinian public heavily support the convening of the elections, yet a third or less actually expect elections to be held as promised, demonstrating the lack of trust in democratic processes in Palestine. Furthermore, belief in the

plausibility of a two-state solution is waning, as three quarters do not expect the creation of a Palestinian state alongside Israel in the next five years, and the majority thinks the two-state solution is no longer practical or realistic, in large part due to settlement expansion and Israel’s general disregard for international law as evidenced by home demolitions, arrests, the continued displacement of Palestinians in east Jerusalem and other measures. There is also a widespread impression of corruption in the Palestinian governments, with perception of corruption in PA institutions standing at 86% and in institutions controlled by Hamas at 63%<sup>1</sup>.

The blockade imposed by the Israeli occupying regime on Gaza, the territorial fragmentation of the West Bank between Areas A, B, C, and in H1 and H2 in Hebron, and the denial of access to east Jerusalem, all exacerbate challenges for Palestinians to access and participate in decision making and national democratic processes, access basic services, livelihoods, and justice, and demanding accountability for the violations of their human rights. The occupation and its territorial fragmentation, and the hegemonic nature of the Palestinian political, alongside the disrespect of the separation of powers ethics, have exacerbated increased outbreaks on the communities, civil society actors and human rights defenders, which comprise significant challenges to the ability of civil society to: a) influence change in policies and direct service delivery; b) implement development interventions; or c) to mobilize and conduct lobby and advocacy actions. While civil society and human rights organizations are active in all these areas, there is still significant space for their interventions to be scaled up and to increase their impact.

In Palestine - where communities are subjected to violent conflict, intimidation or repression, authorities and non-state actors sponsor restrictions on the fundamental rights of assembly and freedom of expression, especially targeting human rights defenders and their organizations who are key agents for resistance and change. Moreover, different human rights challenges remain exacerbated since the onset of the COVID-19 pandemic, affecting the livelihood of marginalized communities in Palestine, accompanied by the human rights crises in the context of climate change. These challenges amplify the need to defend the rule of law, good governance and human rights system.

Moreover, restrictions of online and offline freedom of expression, which take the forms of arrests and prosecutions of activists for comments posted online have increased since the year 2019, and the authorities surveillance in which they resort more regularly to, censor websites or social media apps and use spywares to target or harass activists. To this end, the internet is regulated by the Palestinian Electronic Crimes Presidential Decree (16) of 2017, allows the detention of anyone who criticizes the authorities. Punishments include imprisonment for up to 25 years for disruption of what the law describes as ““public order”, “national unity” or “social peace”. Further, judges who have been explicitly critical of the regime have been made to leave their positions based on loose allegations. The invited space for NGOs to take part in policy making is mostly manipulated. Also, limitation of funding available for both grassroots activism and marginalised causes (such as Palestinian self-determination and counterterrorism and human rights) in favour of larger, less politicised organisations and ‘safer’, less ‘controversial’ issues, weakens or mostly silences the voices and demands of local communities.

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<sup>1</sup> Palestinian Centre for Policy Survey and Research <https://www.pcpsr.org/en/node/829>

Finally, the regulatory framework in Palestine is complex given outdated and fragmented laws that apply in the West Bank, Gaza Strip and East Jerusalem. In Jerusalem the regulatory system is complicated due to restrictions imposed by the Israeli Authority, similar is the case in Gaza Strip. Moreover, certain regulations that apply on tendering and transfer of funds to and from Gaza prohibits transfer of funds, henceforth restricting the work and efficiency of civil society organizations.

### Other challenges facing the Palestinian Justice Sector

The preamble of the Charter of the United Nations of 1945 states that the Rule of Law aims to “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained..”. To this end, the Universal Declaration of Human Rights of 1948 recognizes that all human beings have fundamental rights and freedoms, and that human rights should be protected by the Rule of Law.

Following the Declaration of Principles on Interim Self Government Arrangement of 1993 (Oslo Agreement I), the consolidation and approximation of various legal systems operative in the State of Palestine have faced critical challenges. From the one hand, the Israeli restrictions on access and movement, limit the overall functioning and jurisdiction of Palestinian justice and security actors. During the stage of institution and nation building, and within the context of the prolonged Israeli occupation since the year 1967, the development of democracy and an independent justice sector, and the adherence to the rule of law encountered unique problems. The absence of a democratic process in Palestine and the continuous failure to reach a comprehensive solution for the rights of self-determination for Palestinians, combined with the internal conflict between the leading two Palestinian political powers (Fateh and Hamas) have largely caused a discontent not only in the peace process, but in the overall political system. Although Palestinian reconciliation was agreed upon in May 2011, efforts to create a Unity Government between Hamas and Fatah political factions and announce national elections have failed until present. One of the main issues that could explain this failure is the exploitations and manipulation of the peace process and the reconciliation effort by a single political party without much coordination with or advice from the vibrant Palestinian civil society. Interactions and reconciliation talks have also been criticized by Palestinian activists as excluding the voice of the public.

In September 2017, the President issued a Presidential Decision to establish The National Committee for the Development of the Justice Sector, which has been tasked with developing an inclusive vision for the development of the justice sector. Many judges criticized the creation of the committee itself, and the Judges’ Association issued a press release on the matter, emphasizing that the formation of the Committee jeopardizes the integrity and independence of the judiciary. Many Palestinian human rights organizations supported the stance taken by the Judges’ Association at the time, as the latter is representative of the judiciary’s best interest and orientation.

To this end, MUSAWA issued its [position](#) on the issue. The paper confirms that the establishment of the committee does not solve the conflict over powers, and that the justice system has witnessed, and still does, a significantly accelerating deterioration. The paper presented two solutions; the first refers to the need to revive the justice system and rule-of-law institutes, where a) citizens can exercise their right to select their representatives

through periodic and impartial general elections, b) any reasons for political division are eliminated, c) the principle of the separation of powers is realized and respected, and d) the three branches of State play an active role in building a State where the rule of law prevails. The second solution refers to the need to overcome the serious deterioration of the justice system and its performance, more precisely the judiciary, the Public Prosecution, the Minister of Justice and the Constitutional Court, as an urgent matter that cannot bear any delay. In July 2019, the President issued two laws by decrees. The first one is to dissolve the HJC and assign a transitional council for one year. This law by decree was informed by the recommendations of the National Committee for the Development of the Justice Sector, which was established by decree described above. The second law amended the Palestinian Judicial Authority Law No.1/2002 and reduced judges’ retirement age to 60 years. Both Laws by Decree were published in the Official Gazette the next day, on 16 July 2019. These laws by decree involve an encroachment on the Amended Palestinian Basic Law, as well as on constitutional principles and values, particularly the principles of the rule of law, the separation of powers, and judicial independence. As a result of their adoption, the [laws by decree](#) have forced a quarter of judges into retirement.

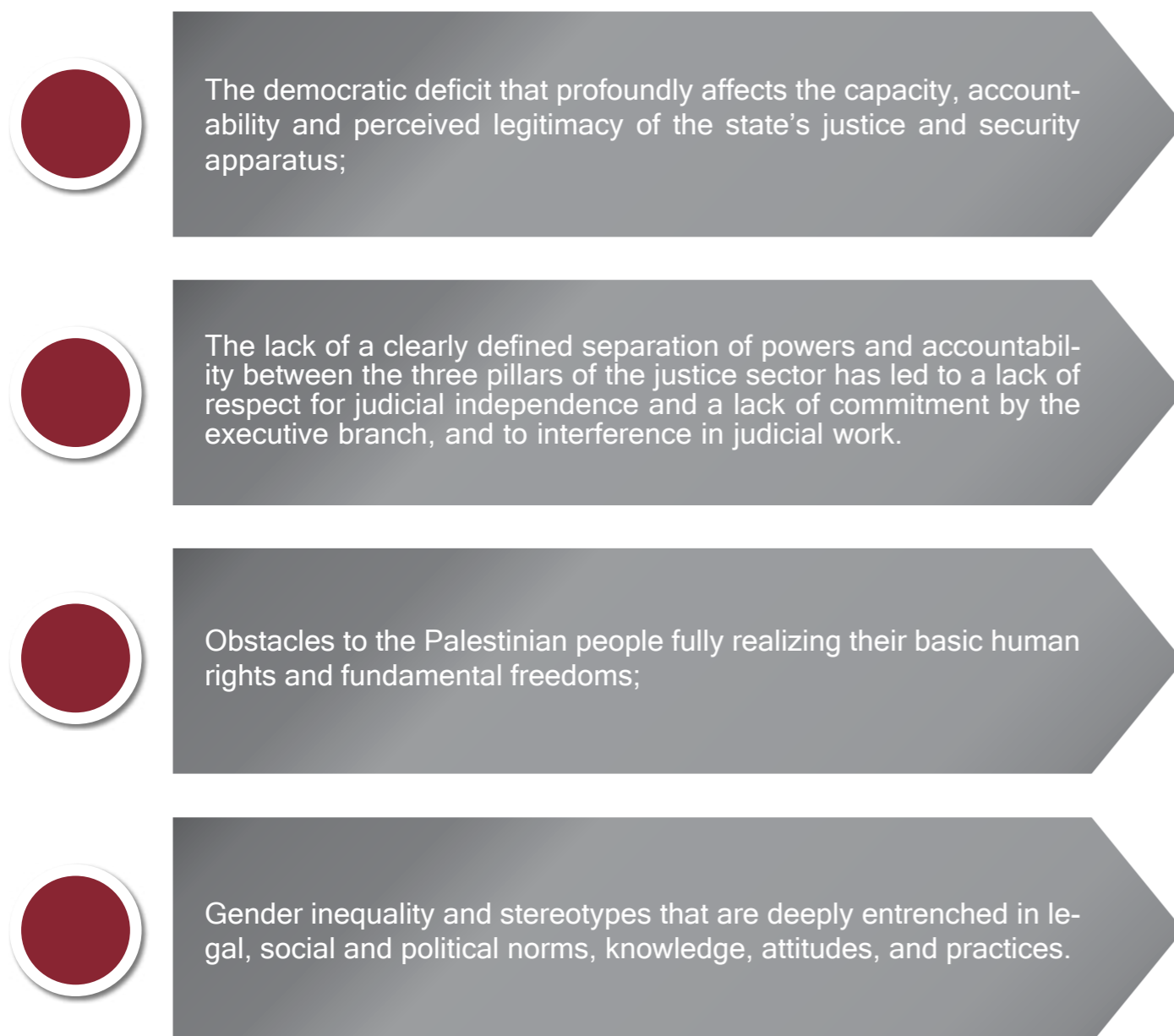
On the basis of this law by decree, the transitional council will be in charge of restructuring the next permanent HJC, and it will also develop draft legislation to amend judicial laws. The President has given the transitional council, a term of one year to exercise these very broad powers. Supporters of this move believe the decision to be a positive step towards the reform of the justice sector that has been facing increased criticism over the poor performance of the Palestinian judiciary. Critics of the move, however, consider the dissolution of the HJC a blatant interference in judicial affairs and independence of the judiciary in form and substance and a violation of the principle of separation of powers.

In its editions of “Eye on Justice”, MUSAWA affirmed that forming the transitional council is a constitutional violation of citizens’ rights and the principles of rule of law, separation of powers and the independence of judiciary and judges as enshrined in the Palestinian Basic Law and International Covenants and Agreements to which were ratified by the “State of Palestine”. Despite the fact that reform is a right of Palestinian society, the draft laws by decree were not presented for community consultation, reflecting the same long-standing approach and performance of the executive branch of Government.

The issuance of a law by decree (17) for the year 2019, amending the Judicial Authority Law and referring 19 judges to retirement, has caused legal controversy, especially since it was issued in light of allegations that the reason behind the referrals is due to corruption in the judiciary, within a process of reform of the judiciary and anti-corruption. The inherent danger behind referring those accused of corruption to retirement, forcing them to resign, or accepting their resignations in advance, whether recent or not, with full pension benefits paid, is not only a violation of the law but a clear representation of reward for corruption and impunity. Laws have been made by presidential decree, the legality of which has been questioned, and which Hamas has refused to recognize. As of July 2019, the number of laws by decree issued by the President is equivalent to three times the number of laws passed by the Palestinian Legislative Council (PLC) during its first ten-year constitutional term. Moreover, the Gaza-based PLC has issued as many laws as the number of laws passed by the PLC during its first ten-year constitutional terms. [Human rights organizations](#) believe that these laws by decree are part of a systematic policy to control the three authorities and pave the way for power absolutism.

Additionally, the key internal factors that affect sustainable development in the rule of law and the realization of human rights in Palestine require a flexible approach to protect human rights by a sustainable rule of law. Such factors include the continued dysfunctional legislative environment since 2006, fractured legal jurisdictions, weak institutional capacities, corruption, discriminatory social norms, and a lack of clarity around institutional roles and mandates.

Strengthening the process to develop a well-functioning law, justice, and security sector can provide accountability, prevent the abuse of power, and ensure that the Palestinian public and vulnerable individuals receive the services to which they are entitled and can defend and realize their rights. In Palestine, efforts to advance the rule of law continue to face challenges, including but not limited to the following causes:



### Advancing a transformative agenda to achieve gender equality and social justice

A particular attention should be laid to resolve gender myths and stereotypes that have weakened women's access to rights, authority, resources and knowledge. As such, women are often stigmatized when reporting GBV to authorities, in addition to the lack of proper

specialized services for these cases in the justice system, thus discouraging women to pursue justice. The patriarchal nature of the state institutional and structural systems, and the entrenched patriarchal norms in the Palestinian society, have resulted in the development of discriminatory legislations, policies and practices that undermine women's voices and rights, including the provision of the 1960 Jordanian Penal Code and Family Status law that are not in harmony with international conventions such as The Convention on the Elimination of Discrimination against Women (CEDAW). Realizing women's human rights implies recognizing and addressing the underlying foundations of gender-based inequality and the deeply-rooted causes of women's human rights violations, challenging structural constraints to equal rights, and putting in place appropriate policy and legislations that are in line with human rights principles enshrined in the major United Nations Conventions.

### Rights of Children

In 2014, the State of Palestine joined the UN Convention on the Rights of the Child and had signed two of its Optional Protocols related to Sale of Children and Children in Armed Conflict. The State of Palestine had submitted its initial report on Children's rights in Palestine to the Committee on the Rights of the Child, to which the committee had answered with comments and general observation. One of the major recommendation put forth by the committee states: "The Committee recommends that the State party enact comprehensive antidiscrimination legislation; review its legislation and practices, with a view to prohibiting all forms of discrimination, particularly against girls; and strengthen the effectiveness of its social protection system for all children in disadvantaged or vulnerable situations, without discrimination".<sup>7</sup>

Additionally, and in relation to Juvenile justice system, the Committee reiterated its concern, whereby it urged the state of Palestine to A) Bring its child justice system fully into line with the Convention and other relevant standards in all parts of the State party, including by providing the necessary human, technical and financial resources to fully implement the Decree Law on the protection of Palestinian juveniles in all parts of the State party; and B) Ensure that ill-treatment of children in places of deprivation of liberty does not occur, provide qualified and independent legal aid free of charge to children in conflict with the law and offer child-friendly and accessible complaint mechanisms.<sup>8</sup> Furthermore, a joint alternative report was submitted by several human rights civil society organizations in Palestine to the Committee on June 2019, indicating a serious lack of any information or data within a unified national system relating to children in conflict with the law, in addition to a gap relating to the application and the criteria of the best interests principle.<sup>9</sup> It states: "There are no social, psychological, or educational specialists consulted before deciding on measures to be imposed on children." Lastly, the report mentions several violations of child rights, of which detention with adults is one that was reported following 47 cases of children.<sup>10</sup>

While the new Child Protection Law was passed by Presidential Decree in 2016 in the West Bank to provide for the protection of children in conflict and in contact with the law, efforts are still required by Child Protection actors and the Palestinian society to ensure child-friendly procedures and modalities are in place to implement the law. Nevertheless, the Juvenile Criminal Law applicable in Gaza Strip to children in contact and in conflict with the law includes some guidance on the arrest and investigation processes, but does not contain spe-

<sup>7</sup> Concluding Observations on the [Initial Report](#) of the State of Palestine, 2020

<sup>8+10</sup> Ibid

<sup>9</sup> [Alternative Report](#), 2019

cific procedural provisions on the proper handling of children's rights by the police according to the applicable international standards enshrined in the United Nations Convention on the Rights of the Child (CRC).

### **Rights of People with Disabilities**

While the Palestinian Authority introduced new legislations since 1993 Oslo Accords, the bulk of laws on record draw from the Ottoman and British Mandate eras, as well as from dated Egyptian and Jordanian laws. SIDA report in 2014 reveals that even with the existing laws and policies, disability remains a low priority for decision-makers, and often disability programmes are constructed as short-term interventions. The weak legal frameworks combined with male dominated and discriminatory law enforcement structures, alongside lack of societal awareness on the human rights of people with disabilities result in increased reluctance and inability to seek resolution through formal mechanisms. Article 22 of the Basic Law grants persons with disabilities the right to social insurance, just like other citizens. It treats the provision of care, education and health and social insurance for persons with disabilities as a binding obligation on the Government of the State of Palestine that must be guaranteed. While Palestinian law requires the state to provide a just health insurance regardless of an individual's type of disability, the existing insurance system is flawed, and is granted to only those with a disability rate of more than 60 percent without clear guiding criteria for consideration of how disabilities are defined in International Laws. The current system does not cover some auxiliary services, including wheelchairs for people with mobility impairments, as well as hearing aids, certain lab exams, and certain restoration operations that are considered "cosmetic operations".

[OCHA's Humanitarian Needs Overview \(HNO\) in 2022](#), shows that the humanitarian crises in oPt continue to affect various aspects of the lives of the Palestinians, and gender and protection concerns. The HNO reveals gender-related protection concerns, including among others, safety, psycho-social wellbeing, denial of rights and access to services, higher incidence of intimate partner violence, sexual abuse and forced marriage in communities impacted by conflict, gaps in legal counselling and assistance with regard to residency rights, inheritance and property rights, social rights and access to humanitarian assistance. OCHA reported that around 2.4% of the Palestinians are with disabilities, and more than 50,000 Palestinians are in need as they have been affected by critical problems related to protection of civilians and forced displacements; including protection risks related to occupation, psychosocial distress, mental disorders, and gender based violence.

# Comparative Advantages ---

The Palestinian Center for the Independence of the Judiciary and the Legal Profession (MUSAWA) is a neutral, unpartisan and independent Palestinian civil society organization based in Ramallah and Gaza, Palestine. Established in 2002 by lawyers, former judges and human rights activists, MUSAWA is dedicated to defending the independence of the judiciary and the legal profession.

MUSAWA recognizes the importance of a sound legal and judicial system, and considers it a necessity to the building of the Palestinian State where the development of a functioning justice system is still under progress and will not be finalized soon.

MUSAWA has taken the initiative and has continued to work towards promoting respect for the rule of law through monitoring, documenting and following up rule-of-law violations and non-compliances; guaranteeing the positive separation of powers in the three branches of government; building on the capabilities of legal professionals, including through developing curricula of Masters Law faculties in national universities and long-term training modules that responded to the needs of professionals, to assure quality practice of the law; and guaranteeing that the Palestinian law is accessible, fair, effective and accountable. Even in fully developed justice systems, such an organization would be highly relevant.

In a system as in Palestine, where important counterweights are still underdeveloped or missing, the existence of an independent and competent civil society organizations that monitors the governance system, inclusive justice system is of paramount importance. This becomes particularly important in a developmental context of an emerging political regime where the significance of separation of powers an integral part of a rule of law system is often not sufficiently valued. It is fair to say that improving the quality of legal services as well as strengthening the status and attitudes of key justice professions are two of the most efficient ways to put the rule of law into effect.

In a packed development sector with many actors working on similar issues, we realize that it is essential to prioritize our resources to engage and bring our comparative advantage through the organizational mandate, programmes, awareness raising, and policy advocacy programmes. Our team and partners have identified the following as MUSAWA's comparative advantages:



01

Focus on SDG 16 as an enabler of the 2030 Agenda. Goal 16 is about promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.



02

Active members in national regional and international coalitions and networks, as well as in the Civic Coalition for Monitoring Legislative Processes.



03

Specialized mandate on the rule of law, while embracing principles of human rights and equality values. MUSAWA is recognized as an independent and vigilant monitor, reporter and policy advocacy driver for change in the legal and governance systems.



04

Strong networking and outreach capacities at the local, regional and global levels. Our expertise is diverse starting from the volunteers, staff, human resources, programming, executive team, board of directors to the general assembly.



05

Strong believers in gender equality and social justice, hence we apply gender mainstreaming and human rights-based approaches in our programmes, both in awareness, researching and policy advocacy interventions.



06

We are in the process of establishing a fully-capacitated legal training department.



07

Our publications and reference materials in the rule of law and justice development are competent and highly recognized by stakeholders, including academics and international organizations.



08

We have an established monitoring and evaluation system and tools, and our external and internal audits are administered.

# Vision, Mission and Values



## OUR VISION

Independent, sovereign, pluralistic, and democratic Palestinian state governed by the rule of law, good governance, justice, equality, freedom, and human dignity.



## OUR MISSION

Promote principles of good governance, democracy, human rights, the rule of law and separation of powers in a corruption-free society.



## OUR VALUES

01 | People Centered

02 | Integrity  
Neutrality  
Transparency

03 | Gender Equality

04 | Human Rights Based

**PEOPLE CENTERED:** MUSAWA places people and their human rights needs at the center of the justice system. We work to ensure that the law and institutions that administers its work, whether government, justice institutions, civil society or informal systems, enable everyone live in dignity and equality.

**INTEGRITY, NEUTRALITY & TRANSPARENCY:** MUSAWA is committed to maintaining the highest standards of integrity, neutrality, impartiality, transparency and accountability. We work with professionalism, innovation, and strive for excellence in implementing our programmes, including through building strategic partnership with civil society organizations, local, global and global networks, and relevant stakeholders. We also believe that we cannot succeed without the active involvement of all those we serve in the programme management cycle.

**GENDER EQUALITY:** Gender is about how social norms and power structures impact the Rule of Law and Access to justice to all citizens without discrimination. The organization recognizes the significance of gender equality in the justice sector to ensure that policies and programmes are equally beneficial to men and women, boys and girls, elderlies, and people with disabilities, among others. Respectively, MUSAWA adopts a programmatic framework that aims to respond to people's needs, with a special emphasis on the rights of women, girls, children, elderlies, and people with disabilities. We therefore strive to promote inclusion and gender equality as a mainstreaming approach throughout our programmes and interventions.

Raising awareness of citizens at the individual level on inequitable gender norms, expectations and practices.

Gender Equality & HRBA

Deconstructing inequitable and unjust gender norms in the justice sector.

Questions the costs and risks of adhering to these norms, expectations and practices.



**HUMAN RIGHTS BASED APPROACH:** at the heart of MUSAWA's work is the Human Rights-Based Approach (HRBA). The organization acknowledges that the state legitimacy is key for the future development of Palestine, respect and protection of human rights, and guarantee independence of the judiciary. MUSAWA believes that on the one hand, justice institutions and actors need to be rebuilt to ensure more accountable state. On the other hand, effective civil society advocacy and networking must expand to ensure active citizens participation, as right holders. These will, in turn, further develop the conditions for justice sector oversight and monitoring - an imperative to ensure that the Palestinian state enshrines concepts and practices of the rule of law grounded on the human rights-based approach. To this end, MUSAWA is suited as a monitoring and advocacy organization that aims to contribute to a State of Justice and Rule of Law. Its work is based on international human rights standards and is operationally directed to promoting and protecting human rights, in particular everyone's access to justice without discrimination, which is a fundamental right, as well as a key means to defend other rights. Operationally, the organization works to enhance the accountability mechanisms and processes through which human rights claims are protected (e.g. the justice sector). Its action in 2024-2026 continues to be anchored in the basic principles of HRBA, including non-discrimination, participation and inclusion, transparency, and accountability. These principles guide MUSAWA's programming, including assessment and analysis, programme planning and design, implementation, monitoring and evaluation. For instance, MUSAWA's programs assess the capacities of rights-holders to claim their rights and of duty-bearers to fulfill their obligations. It then develops "empowering" strategies to build capacities of local communities, including women and marginalized groups, recognizing that "program beneficiaries" are "change makers" at the individual, collective and institutional levels.

## OUR HUMAN RIGHTS BASED APPROACH STRATEGY

Commitment to Human Rights Based Principles:

- The right to equality before the law
- The right to a Fair trial
- The right to access to justice

Commitment to Universal Declaration of Human Rights, International Treaties, Conventions and Agreements, namely:

➤ The International Covenant on Civil and Political Rights; The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Rights of the Persons with Disabilities; Convention on the Rights of the Child, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Commitment to contribute to achieving The 2030 Agenda Sustainable Development Goals:

- SDG 5: Achieve gender equality and empower all women and girls.
- 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.

# Theory of Change

MUSAWA's Strategic Plan (2024-2026) identifies causality analysis of governance and judicial problems in Palestine. The main root causes that will continue to be addressed by MUSAWA include the following:

- Weak culture of freedom of expression, assembly and association;
- Weak culture of the rule of law, unfair access to justice by people including marginalized groups;
- Backdrop of democratic processes and independence of justice;
- Weakened Human Rights system;
- Inequalities, discrimination and lack of protection of vulnerable groups, delay in court rulings that are often contradictory to the law, and the juvenility of legal education and training in Palestine; and
- Environmental degradation and climate injustice.

Responding to these challenges is only grounded on collective efforts by key justice and human rights actors, civil society including political factions and academia, community-based organizations, and local communities. To this end, MUSAWA has tailored a response strategy that is based on a logical theory of change and a set of interventions that are designed to achieve its strategic objectives, outcomes, and outputs results. Specific indicators are identified in the Logical Framework which will enable monitoring of progress. Our strategic plan for the years 2024 - 2026 has three Strategic Objectives that are interconnected and reflect our understanding of good governance, the rule of law and justice for all as an enabler of community development. Our objectives aim to enshrine concepts democracy, equality, inclusive participation, transparency, accountability, and anti-corruption in the society and the government systems. They further aim to ensure that the culture of rule of law, separation of power, and good governance are enshrined in the society and the justice system, as well as ensure that our legislations, and legislative policies and procedures are aligned with the Palestinian Declaration of Independence and international covenants to safeguard rights and freedoms.

To this end, we have identified 3 main enablers to strengthen concrete key aspects of our operations and programming to achieve our objectives and deliver quality results and long-term impacts. Enablers that will strengthen our ability to fulfil our strategic objectives are as follows:

- Improve systems by adopting more flexible ways of working, leveraging digital innovation through media, and promoting greater internal and external communication, public relations and outreach strategies.
- Expand and strengthen the scope of our strategic partnership and networking approaches.
- Enhance our evidence-based researching and policy innovation and impact by fostering multi-sectoral approaches and improving our ability to report on results.

The theory of change will be used during the design, planning, monitoring and evaluation and reporting stages of our operations, programme and projects to provide feedback on

whether our strategy is on track to accomplish the desired change and if the environment is evolving as anticipated in the project or programme design. The theory of change evaluation would assess whether our theory of change or assumptions of a programme are correct by identifying the causal linkages from inputs to expected results. In parallel, the results framework focuses on changing the deeply-seated state the governance and systems that perpetuate exclusions and prevent inclusive participation of citizens in decision making and their equal access to justice services. It is constructed on the basis that the government institutes and justice mechanisms must provide opportunities for equal access to justice and equality, and that citizens need to mobilize, build movements and networks and claim their rights individually and collectively.

There are crucial needs and opportunities to build responsive local level capacities in justice and governance to mobilize citizens and more aware community in support of a justice agenda, and to ensure that the recognition of Palestine by international institutions makes visible the impacts of the Occupation. Until present, the Palestinian authority has endorsed 54 international conventions as a step to ensure that the rule of law applies domestically. However, the absence of a national legislative council to align national laws and legislations with international treaties will mean that their implementation in national court systems and in formal and informal justice systems will be limited. Therefore, MUSAWA remains committed to the following conventions and treaties in line with the government commitments:

- ☑ The International Covenant on Civil and Political Rights (ICCPR).
- ☑ The International Covenant on Economic, Social and Cultural Rights (ICESC).
- ☑ The Convention on the Rights of Persons with Disabilities.
- ☑ The Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict.
- ☑ The Fourth Geneva Conventions of 12 August 1949 and the First Additional Protocol; and
- ☑ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

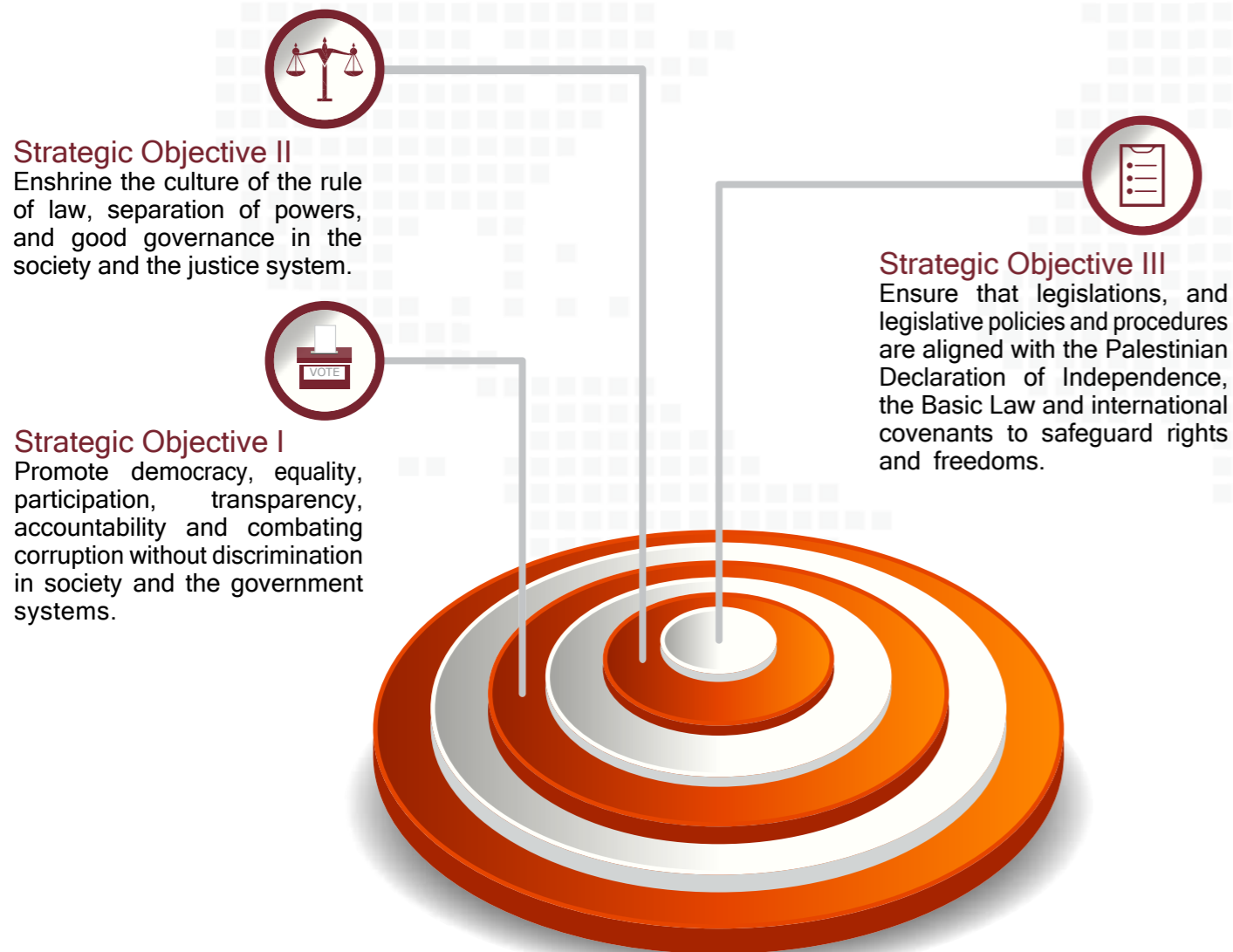
*"It is only when pressure is applied from inside a society that we see real change there"*



# Results Framework

MUSAWA's Strategic Plan (2024-2026) is aligned with national and international priorities to promote just, peaceful and inclusive societies (Goal 16 of the UN SDGs), and to achieve equality and empower all women and girls (Goal 5 of the UN SDGs). It is grounded on an overarching need "to promote a peaceful and inclusive society for sustainable development, the provision of access to justice for all, and building effect and accountable institutions at all level" (Goal 16 of the UN SDGs) . It further establishes an agreement on the criteria for a just society that integrates the voice, social contract and accountability to deliver better development solutions; hence provides for an improvement in the lives of Palestinians.

**MUSAWA aims to achieve the following three Strategic Objectives to fulfil its mission:**



## How do we achieve our objectives?

### EMPOWERMENT OF PEOPLE:

The four-year strategic plan is guided by the belief that people use different pathways to seek redress and resolve their disputers. Therefore, MUSAWA invests its capacities and long-term expertise to empower rights holders and justice seekers while promoting a justice system that is built on the needs of people and their human rights. As indicated in the results framework below, our approach prioritizes reforms and innovative interventions which will promote inclusion and greater access to justice by rights-holders and justice seekers.

Legal empowerment for people, especially marginalized groups, seeks to equip them with the knowledge and tools to engage with legal formal and informal justice actors and government institutes on issues that affect their daily lives. Empowered citizens will become better able to participate in decision-making processes at all levels, helping build trust and confidence in the justice system and public institution.

MUSAWA's work places a special emphasis on the empowerment of women and girls, youth, children, elderlies and people with disabilities who might be in vulnerable situations to ensure that they are empowered to claim and enjoy their human rights, as enshrined in International Human Rights Law, and the Palestinian Declaration of Independence.

By empowering people we also increase their ability to access justice and services and engage with service providers, formal and informal justice actors, to claim their human rights.

We further work on promoting principles of democracy and good governance at the grass-roots, institutes and policy levels. To this end, we promote participatory and inclusive processes at the local and national levels to build trust and ensure accountability.

### MAKING LAWS AND JUSTICE SYSTEMS WORK FOR PEOPLE:

In the context of prolonged occupation and complex political systems in the West Bank including east Jerusalem, and Gaza Strip, the lack of political will outdated laws mean that justice institutes would need to be empowered and more knowledgeable and capacitated to make the justice institutes more effective, transparent and accessible, by addressing the most pressing justice needs.

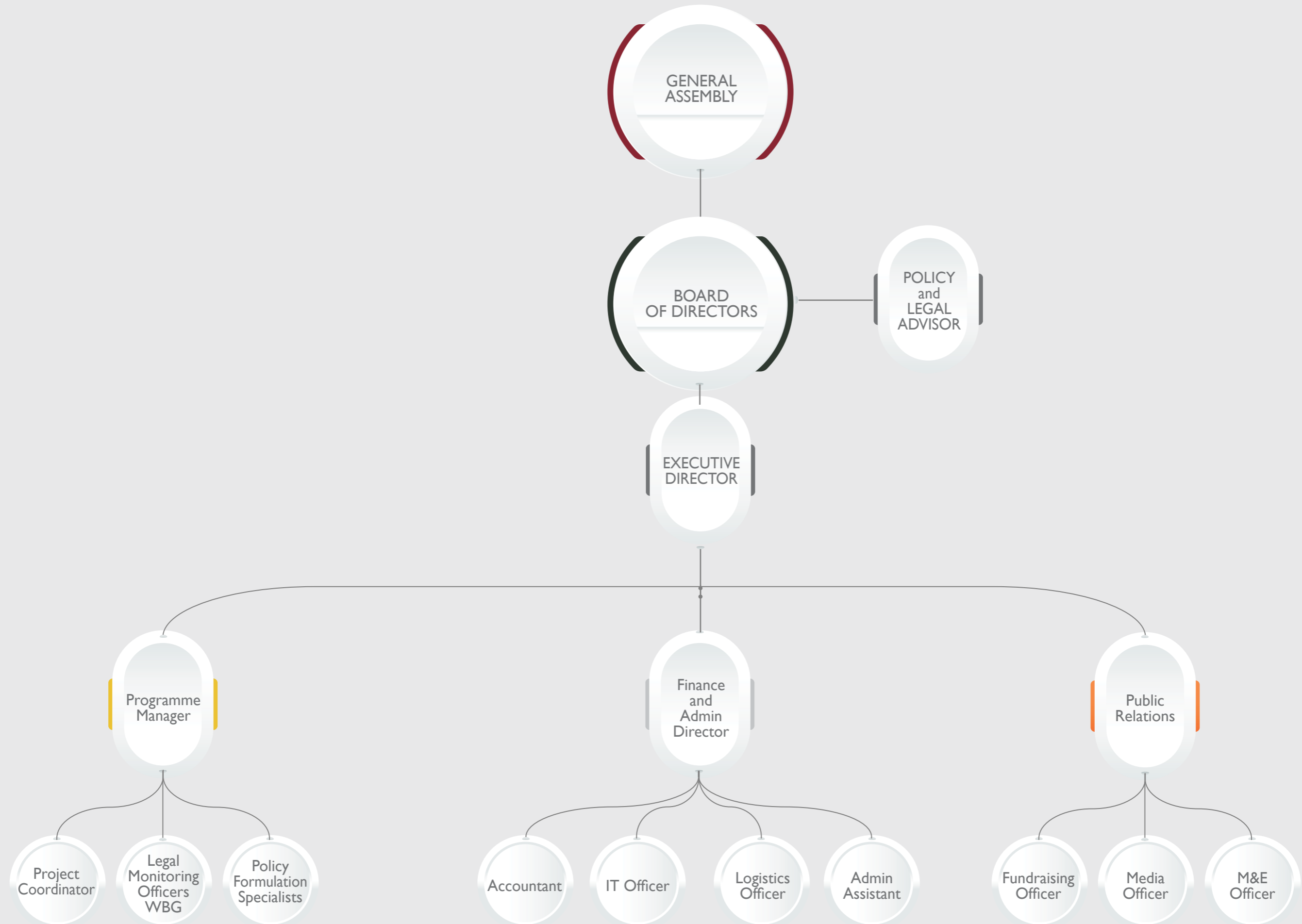
Support legal reform is a priority for MUSAWA and human rights organizations. To this end, we work to promote concepts and culture of democracy and human rights to ensure that a Palestinian legislative body is in place to develop inclusive laws in a participatory approach. For MUSAWA, our publications, policy papers, research and other evidence based documents provide for increased understanding of justice needs and inform changes in laws, behaviors and practices in society, justice and government institutes.

The Strategic Framework in the following pages shows an overview of MUSAWA's plan (2024 - 2026):

STRATEGIC PLAN 2024 – 2026   LOGICAL FRAMEWORK						
<b>VISION</b>	Independent, sovereign, pluralistic, and democratic Palestinian state governed by the rule of law, good governance, justice, equality, freedom, and human dignity.					
<b>MISSION</b>	Promote principles of good governance, democracy, human rights, rule of law and separation of powers in a corruption-free society.					
<b>STRATEGIC OBJECTIVE I.</b> Promote democracy, equality, participation, transparency, accountability and combating corruption without discrimination in society and the government systems	<b>OUTPUTS AND OUTPUTS</b>	<b>OUTPUT 1</b> People are empowered, mobilize and advocate for their rights to democratic processes, equality, participation, transparency, anti-corruption and non-discrimination	<b>OUTPUT 2</b> Duty bearers are more people centered and understanding of principles of good governance and human rights based on the needs of society	<b>OUTPUT 3</b> Reduce justice gaps for women and girls, children, people with disabilities, elderlies and young people	<b>OUTCOME 1</b> Transparency, accountability, anti-corruption and non-discrimination within the government systems are promoted.  Key outcome indicators:	
	<b>INPUTS</b>	<ul style="list-style-type: none"> <li>✓ Awareness interventions and digital innovative activities</li> <li>✓ National surveys, policy papers, and research studies on the magnitude and impact of discrimination and corruption in government system</li> <li>✓ Engage local authorities and informal justice system actors in awareness interventions</li> </ul>		<ul style="list-style-type: none"> <li>✓ Study circles and round table discussions</li> <li>✓ Public debates</li> <li>✓ Innovative Media Initiative</li> <li>✓ Youth Parliament</li> <li>✓ Combat gender-based violence</li> <li>✓ Promote women and girls' participation in decision making processes</li> </ul>		
<b>STRATEGIC OBJECTIVE II.</b> Enshrine the culture of the rule of law, separation of powers, and good governance in the society and the justice system	<b>OUTPUTS AND OUTPUTS</b>	<b>OUTPUT 1</b> Duty bearers are more accountable and responsible for upholding rule of law and realizing human rights	<b>OUTPUT 2</b> Justice systems, institutes and services are people-centered and effective	<b>OUTPUT 3</b> Palestinian citizens are mobilized and advocate for justice and their human rights	<b>OUTPUT 4</b> Rule of law promotes climate justice and use of land and natural resources	<b>OUTCOME 2</b> Justice systems are responsive to people's needs  Key Outcome Indicators:
	<b>INPUTS</b>	<ul style="list-style-type: none"> <li>✓ Awareness interventions and digital innovative activities</li> <li>✓ Advocacy and policy products and dialogue</li> <li>✓ Policy briefs</li> <li>✓ Media Interventions</li> <li>✓ Debates</li> <li>✓ Eye on Justice Gazette</li> <li>✓ Law and Justice Journal</li> </ul>		<ul style="list-style-type: none"> <li>✓ Training programs</li> <li>✓ Complaint system</li> <li>✓ Legal clinics</li> <li>✓ Public cases</li> <li>✓ Legal Monitor Report Published to Public</li> <li>✓ Public Meetings and Conferences</li> <li>✓ User-friendly brochures, info-graphics, booklets, video-graphics, podcasts, and manuals</li> </ul>		
<b>Strategic Objective III</b> Ensure that legislations, and legislative policies and procedures are aligned with the Palestinian Declaration of Independence and international covenants to safeguard rights and freedom	<b>OUTPUTS AND OUTPUTS</b>	<b>OUTPUT 1</b> Policies, procedures, and performance evaluation within the government system and judiciary are monitored	<b>OUTPUT 2</b> Democratic processes promoted and legislative system in place		<b>Outcome 3</b> Palestinian Legislations, policies, and procedures that ensure equality before the law and judiciary are reinforced  Key Outcome Indicators:	

<b>Our Enablers</b>	<b>INPUTS</b>	<ul style="list-style-type: none"> <li>✓ Advance gender-responsive policies and laws</li> <li>✓ Advocate for legal reform</li> <li>✓ Enhance anti-corruption and transparency</li> <li>✓ Promote equitable digital innovation</li> <li>✓ Proposed amendments of discriminatory laws</li> <li>✓ Local and International Conferences</li> </ul>	<ul style="list-style-type: none"> <li>✓ New legislation proposed in coherence with international treaties</li> <li>✓ Advocacy campaigns implemented</li> <li>✓ Opinions referred to power holders</li> </ul>
		Strengthening Partnerships and Coalition Building	Digital Innovation Greater Internal and External Communication
<b>Risk Assessment</b>	<ul style="list-style-type: none"> <li>⇒ The continuous penalization of the Palestinian Legislative Council;</li> <li>⇒ Duty-bearers and right-holders less probably have genuine collaboration and partnership;</li> <li>⇒ Expansion of fundamentalism and increase of social patriarchal norms;</li> <li>⇒ The PA imposes legal and procedural restrictions on CSOs including on MUSAWA's work in an attempt to hinder its monitoring and policy advocacy role;</li> <li>⇒ Human rights violations and infringements remain undocumented;</li> <li>⇒ The political division in the Palestinian territories turns into a complete separation;</li> <li>⇒ Corrupted judicial performance where people would have less access to justice. MUSAWA would not be able to resort to the judiciary, as a means of monitoring law enforcement procedures;</li> <li>⇒ Weakening the role of MUSAWA in proposing and influencing the amendment of legislations and government decisions in the justice sector;</li> <li>⇒ Decision-makers in both Gaza and the West Bank would hinder legal professionals from taking part in any legal or human-rights movement initiated by MUSAWA or any other human rights organization;</li> <li>⇒ Increased corruption that is manifested in the interference of political regimes and the political parties in the free will of members and allies, on the basis of mutual interest or perhaps blackmailing, accompanied by the failure of the authorities to effectively handle corruption in all its forms.</li> </ul>		
<b>Risks Mitigating Measures</b>	<ul style="list-style-type: none"> <li>⇒ Promote legal accountability and protection through local and global channels (i.e., UN rapporteurs);</li> <li>⇒ High dependence on social media and other media platforms as well as online activities;</li> <li>⇒ More focus on human rights violations complaint system;</li> <li>⇒ More focus on spreading community awareness to mobilize a wider range of the community with a view to realizing their demands and addressing their priorities. This would include developing tools of control, lobbying, and advocacy to keep-up with the developments taking place in the external environment. In addition, more focus on youth mobilization would need to be considered;</li> <li>⇒ Anti-corruption policy is produced to monitor fraud actions and combat corruption;</li> <li>⇒ MUSAWA's internal policies allow its board of directors and general assembly to promote accountability at all levels.</li> <li>⇒ Expand the scope of networking between MUSAWA and key stakeholders; seeking legal accountability at the different levels</li> </ul>		

# MUSAWA Organizational Chart



[www.musawa.ps](http://www.musawa.ps)