CAPACITY ASSESSMENT OF THE PALESTINE INDEPENDENT COMMISSION FOR HUMAN RIGHTS

Palestine Independent Commission for Human Rights (ICHR)
Asia Pacific Forum of National Human Rights Institutions (APF)
Office of the High Commissioner for Human Rights (OHCHR)
United Nations Development Programme (UNDP)

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Table of Contents

ABBREVIATIONS

APF	Asia Pacific Forum of National Human Rights Institutions
CA	Capacity Assessment
CD	Capacity Development
CDG	Capacity Development Group
CO	UNDP Country Office
ICC	International Coordinating Committee of National Human Rights Institutions
ICHR	Independent Commission for Human Rights of Palestine
NHRIs	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
oPt	Palestinian Occupied Territories
PA	Palestinian Authority
PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organization
RCC	Regional Centre in Cairo
SCA–ICC	Sub-Committee on Accreditation
SOPs	Standard Operating Procedures
UN	United Nations
UNDP	United Nations Development Programme
UPR	Universal Periodic Review

CAPACITY ASSESSMENT OF THE PALESTINE INDEPENDENT COMMISSION FOR HUMAN RIGHTS

1.   INTRODUCTION

This is a report on the findings and recommendations arising out of a Capacity Assessment (CA) of the Palestine Independent Commission for Human Rights (ICHR), undertaken in April 2011. The assessment is part of the "Regional Initiative in Support of the Capacity Development of National Human Rights Institutions", a joint initiative of the United Nations Development Programme (UNDP), Asia Pacific Forum of National Human Rights Institutions (APF), and the Office of the High Commissioner for Human Rights (OHCHR).

The structure of the report is as follows:

1.   The report outlines the Middle Eastern context and provides background on the "Regional Initiative in Support of the Capacity Development of National Human Rights Institutions", on the Capacity Development (CD) approach and the process through which the Capacity Assessment framework was adapted to the specifics of the ICHR.
2.   It analyses the results of the Capacity Assessment process for the ICHR.
3.   It proposes a number of strategies and actions for Capacity Development aimed at enhancing the operational effectiveness of the ICHR, but it does not address the human rights situation in Palestine.
4.   The appendices provide additional materials on the ICHR and the Capacity Assessment process.

This assessment is part of the regional initiative to support the capacity development of National Human Rights Institutions (NHRIs) which started in the Asia Pacific region in 2008, and was rolled out in the Arab States in 2010[1]. The Capacity Assessment team consisted of representatives of the Capacity Development Team and Democratic Governance team of the UNDP Regional Centre in Cairo,[2] and the Asia Pacific Forum of National Human Rights Institutions[3], with the support of the National Institutions and Regional Mechanisms Section of OHCHR. The Deputy Secretary General of the National Human Rights Commission of Thailand[4] was also part of the Assessment team, to facilitate exchange of experience between NHRIs.

The ICHR went through an external evaluation in the middle of 2010[5], which produced a list of recommendations. At the time of the Capacity Assessment, the ICHR had already started implementing some of the recommendations. This report will also build on the recommendations made during the evaluation.

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[1] See Appendix 2
[2] Ms Abla Amawi and Ms Danakhan Malhas, CD Team, and Ms Mitra Motlagh DG team, UNDP RCC.
[3] Mr Christopher Sidoti, APF.
[4] Mr Weerawit Weeraworawit
[5] Evaluation conducted by Chris Sidoti, Hassan Jabareen, and Rania Jaber (2 September 2010).

2.   BACKGROUND

2.1   The Independent Commission for Human Rights of Palestine (ICHR)

The Palestine Independent Commission for Human Rights (ICHR) was established by the late President Yasser Arafat, on September 30th 1993 under the Presidential Decree "Establishing the Palestinian Independent Commission for Citizens' Rights"[6]. It was named in the Presidential Decree as the "Palestinian National Supreme Commission on Human Rights", but was known as the "Palestinian Independent Commission for Citizens' Rights". The name was later changed to the "Palestine Independent Commission for Human Rights" in 2008.

The ICHR's mandate, as defined by the Decree, was to "follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the State of Palestine and the Palestine Liberation Organization (PLO) meet the requirements for safeguarding human rights". The Decree also laid out that the ICHR could draft its own constitution, laws and basic regulations in a manner that would ensure its independence and effectiveness.

Its status was later enhanced to a constitutional institution through the Palestinian Amended Basic Law, promulgated on 18 March 2003, which affirmed the ICHR's status as an independent national human rights institution. According to Article 31 of the Amended Basic Law, "an independent commission for human rights shall be established pursuant to a law that will specify its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council (PLC)." Consequently, the ICHR submitted its draft law to the Palestinian Legislative Council in May 2005, taking into consideration the Presidential Decree and Article 31 of the Amended Basic Law. The draft law sought to define a dual personality for the ICHR as national human rights commission with an ombudsman function. The draft law provides the ICHR with a broad mandate in accordance with national and international norms. It gives the ICHR the authority to deal with cases of human rights violations; complaints submitted by citizens related to abuse of power; education and promotion; monitoring; and generally integrating human rights into Palestinian legislation and practices. The draft law also empowers the ICHR to take cases to court and have access to information. In other words, the law defines the role of the ICHR in protecting basic liberties and freedoms as prescribed in the Basic Law and international law. The draft law passed its First Reading in the PLC but had not been enacted by the time the PLC collapsed in 2007. In spite of the lack of the organic law approved by the legislative authority, the ICHR has passed its own by-laws, under the Presidential Decree, governing its composition and mode of operation since its establishment. The ICHR commenced its activities in the beginning of 1994.

The ICHR was given "A status", or full accreditation, by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in 2009, on the basis that it complied in full with the Paris Principles. This accreditation gives full recognition of the ICHR's role in protecting and promoting human rights in the face of external and internal difficulties, despite the absence of an organic law governing its operation, and despite the fact that it carries out its duties and responsibilities in a territory not yet recognised as a state by the UN.   It also attained full membership of the Asia Pacific Forum of National Human Rights Institutions (APF) in the same year, on the basis of the ICC accreditation.

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[6] Published in the Palestinian Gazette, No.2 (January 1995), Decision No. 59 of 1994, p. 33

The ICHR has been unique in acting as the independent human rights institution in a situation as extremely difficult as the Israeli occupation and the internal political conflict between the competing Fatah and Hamas authorities. The mandate of the ICHR is to deal with human rights violations committed by the Palestinian authorities only, and not those committed by Israel in the occupied Palestinian territory (oPt). However, even the protection of human rights against violations by the Palestinian authorities is severely setback by the political division of Palestine into the Fatah – controlled West Bank and the Hamas-controlled Gaza Strip since 2007.

2.1.1   The ICHR's structure

The ICHR's headquarters are in Ramallah. It also has regional offices in Gaza City, Khan Younis, Nablus, Ramallah and Hebron, and sub-offices in Bethlehem and Tulkarem. An important challenge is communications between the Gaza offices and those in the West Bank due to Israel's blockade of Gaza and the division between the Hamas authorities (in Gaza) and the Fatah authorities (in the West Bank), thus restricting freedom of movement of persons and necessitating communication by video conference.

The ICHR currently has one part time Commissioner General and 16 unpaid Commissioners. Members are drawn from among prominent and distinguished members of the Palestinian community, residing both within and outside Palestine. The ICHR currently has about 55 staff and follows the organisational chart below (as revised in 2008):
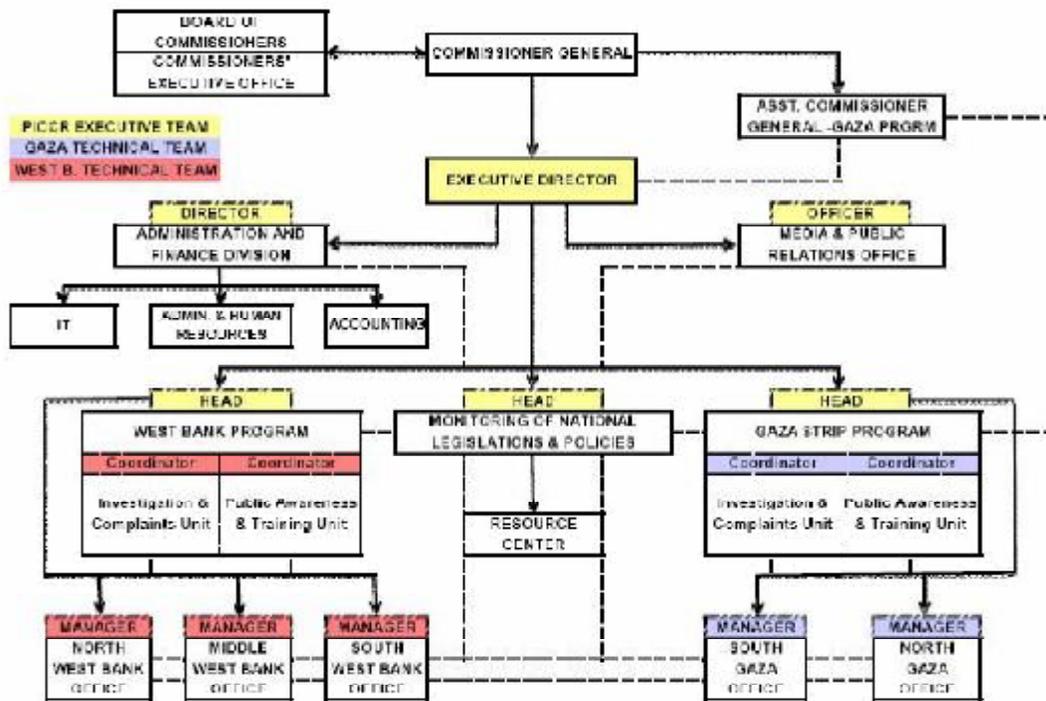
The ICHR's regional offices are its basic service deliverers. They perform four core functions:
- complaint handling
- visits to places of detention (prisons, detention centres and social welfare institutions)
- public awareness raising, and
- training

As indicated by the chart, the ICHR has two programs: the West Bank Program and the Gaza Program. Each program is headed by a director and has two coordinators, one for investigations and complaints and the other for public awareness and training. The program director and the coordinators are located in Ramallah for the West Bank Program, and in Gaza City for the Gaza Program. Each program has a technical team consisting of the program director, the two coordinators and the regional office managers. The technical team meets every two weeks and develops the annual activity plan for the program and then supervises the plan's implementation by the regional offices.

The West Bank Program has three regional offices: Northern West Bank Regional Office (Nablus with a field researcher with an office in Tulkarem and another without an office in Jenin), the Central West Bank Regional Office (Ramallah), and Southern West Bank Regional Office (Hebron with a subsidiary office in Bethlehem). The Gaza Program has two regional offices, the Gaza and North Regional Office (Gaza City) and the South Gaza Regional Office (Khan Younis). Each regional office has a regional manager, field researchers and administrative staff.

2.2   Human rights situation in Palestine

2.2.1   The Israeli occupation

While human rights violations are committed by the Israeli occupying military forces in the occupied Palestinian territory, the ICHR's mandate is restricted to human rights violations for which the Palestinian authorities are directly or indirectly responsible. This is quite specific, and puts the ICHR in a situation where it cannot deal with complaints against the occupying forces, while it is, in fact, the reality of the occupation. Nonetheless, the ICHR's mandate is appropriate as a national human rights institution (NHRI). Indeed, such an institution should only focus on its own government and governmental authorities, not those of other States. The ICHR has recognised that it can consider Israeli actions that impede the capacity of the Palestinian authorities to promote and protect human rights, and has analysed and commented on these in annual reports and elsewhere. It has rightly kept its focus, however, on the Palestinian authorities as its particular responsibility as an NHRI.

2.2.2   The internal Palestinian conflict

The division of Palestine into the West Bank, controlled by the Palestinian Authority, and Gaza, controlled by Hamas, in 2007, has compounded the difficulties of the ICHR in carrying out its duties and responsibilities. The ICHR is denied access to any kind of prisons or detention centres in Gaza but is given access to those in the West Bank. It is accused by both sides of being impartial, as it has to monitor and address complaints against both authorities, especially against the security services. It is facing severe threat to its existence and difficulties in the Hamas-controlled Gaza, as the Hamas government has initiated, but not completed, steps to set up its own human rights commission.

The ICHR is also dealing with complaints from school teachers and civil servants of being purged for failing to pass the security clearance in both the West Bank and Gaza. Both Fatah and Hamas governments require security clearance for teachers and civil servants on a discriminatory basis, with the intention of removing those who are suspected of being the opposing faction.[7] The practices of both the Fatah and Hamas governments in dealing with the status papers of Palestinian citizens and the treatment of vulnerable groups in Palestinian society, especially women, children, and the people with disability, raise other matters of serious concern.

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[7] The Prime Minister of the Palestinian Authority Government has indicated that the requirement will be abolished but this has not yet occurred.

This Palestinian internal conflict has put the ICHR in the difficult situation of having to deal with two governments in protecting the human rights of Palestinians. It has no choice but to deal with these two governments as best as it can while trying to maintain independence and impartiality.

2.2.3   Palestine and the international human rights system

As Palestine is not recognised as a State by the United Nations, it is not subjected to the Universal Periodic Review. It will be included in the next cycle of the UPR, however, if it obtains recognition and becomes a UN member State later this year, as the Palestinian Authority hopes.

In 1993, a Special Procedure was established to cover the situation of human rights in the Palestinian territory since 1967. The mandate of the Special Rapporteur is to investigate, study and report on the extent to which human rights are observed in the occupied Palestinian territory. His mandate does not require reporting on the politics of Palestine. Since its creation, five people have been appointed as Special Rapporteur and have produced regular reports.[8] These reports address Israel's compliance with its obligations under international law, in relation to the situation in the Palestinian territory that it has occupied since 1967. Israel had consistently criticised the existence and nature of the mandate and the persons appointed to it and has failed to cooperate with them.

The Palestinian Authority has unilaterally declared that it will abide by the international human rights instruments. It cannot and is not required to report to any of the treaty bodies, however. Because of the occupation, the occupied Palestinian territory is considered under the jurisdiction of Israel and in this regard all treaty bodies always include in their Observations on Israel a statement along the following lines.

> "Applicability of the Convention:
>
> Recalling its previous concluding observations (CEDAW/C/ISR/CO/3, para.23), the Committee regrets the State party's position that the Convention does not apply beyond its own territory and, for that reason, the fourth and fifth periodic reports did not provide any information on the status of implementation of the Convention in the occupied Palestinian territories. The Committee notes, however that the delegation acknowledged that the State party had certain responsibilities, including in the context of humanitarian law, and that the delegation, while maintaining its position, provided responses to some of the questions raised by the Committee concerning the situation of women in the occupied territories. The Committee reiterates that the State party's view that the Convention is not applicable in the occupied territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture and also of the International Court of Justice in its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the occupied Palestinian territory, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party's obligations under international human rights conventions to the Occupied Territories."[9]

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[8] Reports available at http://ap.ohchr.org/documents/dpage_e.aspx?m=91
[9] CEDAW/C/ISR/CO/5 - 4 February 2011

2.3   The Capacity Development process and Capacity Assessment methodology

The ICHR conducted the Capacity Assessment (CA) from 3 to 14 April 2011. Prior to this, an initial scoping mission was conducted in February 2011 to brief the board of commissioners, the executive team and staff members on the objectives, nature and process of the assessment. The CA was facilitated by a joint team from APF and UNDP RCC.[10] The team chose a systematic approach to assess the capacity of departments and units, identify needs, and develop strategies to enhance capacities and assess the results. This approach enables a staged capacity development model and a methodology for planning and monitoring capacity development.

SCOPING	ASSESSMENT
* Briefing on the CD Approach * Identify challenges * Literature Review * Adapt CA methodology * Develop self-assessment work sheets	* one-to-one interviews * Focus groups discussions * CA self-assessment work sheets * results analysis * CA response strategy * implementation action plan

It employed a number of research and stakeholder facilitation methodologies:

- analysis of relevant documents and reports to understand the context of the ICHR and the Capacity Assessment;[11]
- separate focus group discussions with Commissioners, unit heads and staff of each unit;
- key informant interviews and focus group discussions with external stakeholders;[12]
- self-assessment process in which individual Commissioners, heads of units and staff provided quantitative capacity ratings for specific capacity parameters.

This methodology aims to support the institutional development of the ICHR, targeting the three levels where capacity resides: the enabling environment, the organisational and the individual levels. The ultimate objective is to improve the performance of the ICHR, and thus to enable it to carry out its mandate in a more effective, efficient and sustained manner. Towards this end, the exercise aims at assessing the existing capacity of the ICHR to carry out its functions and develop recommendations to be prioritised into capacity development responses for the short, medium and long terms.

The Capacity Assessment focussed on four core development issues that were identified in interviews and consultations as the primary challenges faced by the ICHR:

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[10] OCHCHR, the third partner in the CA Partnership, was unable to participate as its representative was not granted a visa by Israel to enable her to enter Israel and the oPt.
[11] See Appendix 5 for a list of documents provided to the facilitation team and consulted by them.
[12] See Appendix 6 for a list of those participating in meetings with the team.

- Institutional Arrangements or Human Rights Policy Formulation: internal procedures and processes of the ICHR;
- Leadership: the ability to influence, inspire and motivate ICHR staff as well as the ability to anticipate and respond to change;
- Knowledge and Human Resources: the ability to enhance, share and employ evidence-based information and experience about human resource related matters through training and use of research and to capitalise on this for the development of staff;
- Accountability: the responsibility of the ICHR to realise transparency and openness internally as much as externally in its procedures and decision-making.

Those challenges are paramount because, as experience has shown, the wealth of capacity development pertains to them. They are also of a composite nature because, to realise capacity development, complementary tasks are required. Those complementary tasks comprise the following functional and technical capacities:

- Capacity to formulate and implement human rights policies and strategies;
- Capacity to assess the situation and define a vision/mandate that is followed;
- Capacity to investigate, manage and handle complaints;
- Capacity to conduct human rights analysis;
- Capacity to advocate and raise awareness;
- Capacity to engage with stakeholders;
- Capacity to monitor, evaluate and report.

The functional and technical capacities cross-cut the development challenges that are to be supported. The paramount challenges can be addressed through investment in them. For example, support to the accountability of the ICHR hinges on the inter-related functional capacities of stakeholder engagement, monitoring and evaluation, and investigation, management and handling of human rights complaints. Likewise, promotion of knowledge pertains to the capacity to capture, analyse and communicate the evidence on which the assessment of a certain human rights situation and subsequent specification of the response of the ICHR is based.

The functional and technical capacities are thus integral for the work of the ICHR as they contribute to, and thereby help alleviate, human rights capacity issues. In devising a capacity development approach, the recommendations in response to the identified capacity needs will address functional and technical capacities of the ICHR with the goal to improve its overall institutional arrangements, knowledge exchange, accountability standards and leadership incentives.

Accordingly, capacity assessment worksheets were prepared, containing specific capacity indicators that related the challenges with the functional/technical capacities.[13] They were completed by ICHR staff members during the self-assessment workshops on 10 and 11 April 2011.

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[13] See Appendix 3 and 4 for the capacity assessment matrix and for a sample worksheet.

3. CAPACITY CHALLENGES AND ISSUES: EMERGING RESULTS

This capacity assessment has taken place at an appropriate time in the ICHR's work cycle, at the final stage of the adoption of the three-year strategic plan. It has been directed towards developing and strengthening existing institutional capacities to implement the plan. It has focused on the current level of capacities and the levels required for full, effective and efficient implementation.

3.1 Capacity challenges and issues – qualitative results

This section on qualitative results about capacity challenges and issues is organised by relating capacity challenges to functional and technical capacities. The presentation of results proceeds from institutional arrangements to leadership, human resources, knowledge and accountability. In section 4 on capacity development strategies, recommendations will be made that identify indicators to measure progress. The organisation of the CA report, along the lines of a comprehensive capacity development approach that specifies gradually developing capacity challenges, responses and indicators, helps to realise the full potential of the ICHR.

3.1.1 Institutional arrangements: programme implementation, policy development and human rights monitoring

This section focuses on the capacity challenges faced by the ICHR in developing programmes and policies and implementing its activities as far as institutional arrangements of the ICHR are concerned. Specifically, it examines the development and implementation of the strategic and annual work plans, the ICHR's capacity to fulfil its monitoring and reporting responsibilities, its ability to conduct human rights review and analysis, and its capacities to investigate and handle complaints. It further looks into the relationship between the ICHR and external stakeholders relevant to fulfilling its mandate, and potential areas for partnerships in the future.

Development and Implementation of Strategic Plans and Annual Action Plans

At the time of the assessment, the ICHR was in the process of finishing its new Strategic Plan for 2011-2013. At the end of 2010, the ICHR completed the implementation of its Strategic Plan 2008-2010. It commissioned an external evaluation to assist in assessing its effectiveness in implementing the plan, and in developing its new plan for the following three years. A strategic planning process followed the evaluation. The planning process has not been yet been completed due to several difficulties. A consultant was hired to support the drafting process of the new strategic plan but it was felt that the Executive Team should have been more involved. The donor consortium, which finances most of the ICHR strategic plan (see section 3.1.4), was concerned that the draft plan was too unfocused and contained too many objectives and activities. They considered it far too ambitious. The delay necessitated the signing of a document covering the extension period.

As indicated by the external review report, the ICHR has achieved its objectives of the previous strategic plan to a very high level and has been highly effective in its work of promoting and protecting human rights in the extremely difficult context of the occupied Palestinian territory. It has made good, steady progress that has seen significant gains achieved and consolidated. It faces great challenges but it is well placed to meet and respond to them.

Monitoring and reporting (internal and external)

As one of the main functions of the ICHR as presented by the new strategic plan, monitoring is an essential role of the ICHR, which is interrelated with all other areas of work undertaken. Through its

monitoring activities the ICHR can take the pulse of the human rights situation in Palestine – by observing performance, behaviour and trends of the authorities, and making sure that they comply with, and do not breach international human rights standards.

The ICHR has a Department of Monitoring of National Legislation and Policy, based in its headquarters in Ramallah. Most of the staff of the Department has legal qualifications.[14] The department collects and analyses information and prepares the annual report on the status of human rights violations in Palestine, in conjunction with other units. It prepares legal reports, such as reports on torture and the death penalty, and special reports on specific incidents or special topics. It also prepares legal correspondence, memorandums and advice on executive decisions and policies and on legislation.

When the Palestinian Legislative Council (PLC) was an active parliament, the ICHR monitored and reviewed legislation to provide analysis, comments and recommendations. However, with the PLC unable to meet since 2007, there has been no new legislation to monitor or review. Nevertheless, as highlighted by the external review report, the ICHR can use the Palestinian Basic Law to continue monitoring decisions and practices of the executive and the judiciary, taking and investigating complaints of human rights violation, and issuing position papers, reports and recommendations. It also contributes to developing and reviewing proposed draft laws being considered by the President or prepared in anticipation of the resumption of the PLC, for example, a draft Criminal Law and a draft Children's Rights Law.

Also, as part of the external monitoring, regional office staff visit places of detention regularly in both scheduled and "surprise" visits. Places of detention visited include prisons, Preventive Security detention centres and General Intelligence detention centres. Regional coordinators for investigations and complaints also take care of complaint analysis. They produce monthly analytical reports and annual reports.[15] The annual reports provide a deeper and broader analysis over a longer timeframe. While the reporting work done by the ICHR is considered of high quality, a key point, raised both by the ICHR staff and external stakeholders, is the need to adopt a standard terminology to refer to the authorities in Gaza and the West Bank.

There is broad agreement inside and outside the organisation that its monitoring work is strong and effective. However, there are concerns about the authorities' response to its reports and recommendations – or rather lack of response. Indeed, while the ICHR puts a lot of effort into its monitoring and reporting role, it is equally important to follow-up on the recommendations highlighted in the reports. In that regard, the collaboration with the authorities, and in particular the security agencies, was raised as challenge.

The ICHR does not have a systematic internal monitoring and evaluation framework to monitor internal performance, especially to measure the impact of activities such as training[16] and the effectiveness and efficiency of departmental operations/programs. However, the new strategic plan indicates the ICHR's intention to "adopt a clear monitoring and evaluation mechanism, under the supervision of the Executive Director, to measure levels of success through a system of standards and performance indicators, which will be built according to indicators used by national human rights institutions". Such monitoring and evaluation mechanism will also have an impact on internal and external accountability of the ICHR.

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[14] There is also a legal researcher based in the Gaza City office. This officer reports to the Director of the Monitoring Policy and Legislation Department, and works on legal research, monitoring and reporting.
[15] Available at http://www.ichr.ps .
[16] Staff have indicated that the numbers of complaints are currently used as an indicator of impact of training.

Human rights review and analysis

Human rights review and analysis is an important function of the ICHR as presented in the new strategic plan. The ICHR will not only monitor draft laws, decisions, rules and regulations from a human rights perspective. It will also prepare draft laws of relevance to human rights (Goal 1). In the unique situation of Palestine, it does not relate to treaty monitoring bodies but can relate to Special Procedures of the Human Rights Council. This could change upon UN acceptance of Palestine as a State, which would enable the ICHR to relate to the treaty monitoring bodies in relation to treaties ratified by the State of Palestine. It has incorporated this as a scenario in its strategic plan.

As mentioned above, the PLC has not met since 2007, putting the analysis of new legislation on hold. However, staff members have highlighted the overall need to strengthen the analytical work done when reporting. During the external evaluation, the use of international human rights law and comparative law analysis in the reports and legal memorandums was considered as variable. One of the reasons highlighted during the assessment is the language barrier, as an important part of international documentation on human rights law is only available in English.

Another example of important analytical work that the ICHR can carry out is related to complaints. Indeed, despite the fact that all complaints are archived in a central data base with important quantitative information available, the ICHR does not carry out thorough analysis of the complaints submitted to identify patterns of human rights violations in the Palestinian controlled territory, and highlight variations in those patterns over time. This analysis could supplement the policy and research work (with specific recommendations) and also support the development of the strategic plans.

Investigation, management and handling of complaints

The regional offices receive complaints from several channels:
- individuals who come into an office or otherwise initiate contact with an office or with an individual staff member;
- individuals during public awareness sessions in towns and villages and at community and NGO functions; and
- detained persons during visits to prisons and detention centres[17].

Upon reception of a complaint, the regional office staff prepares an advice and drafts correspondence. The program coordinator and the program director will then review and, if considered necessary, revise the advice/drafts before submitting to the Executive Director. The Executive Director has the responsibility to formally accept a complaint.

The number of complains submitted to the ICHR has increased very significantly over the period of the previous Strategic Plan (2008-2010). Of course, analysis of capacity and effectiveness based on the numbers of complaints needs to be done with care. Nonetheless, it is possible to say that many more people are coming to the ICHR with their grievances than three years ago as a result of the ICHR's increased visibility and credibility within the Palestinian population.

The regional office takes responsibility for follow up on complaints accepted by the Executive Director, unless the subject matter of the complaint raises policy or legal issues that can only be pursued at the central level. An element that was frequently raised during the assessment, both by

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[17] In Gaza the ICHR staff is denied access to the two principal places of detention in Gaza City of the internal security service and the police. Their program of scheduled and unscheduled visits is possible in relation to all other places of detention in Gaza.

staff and external stakeholders, is the need to strengthen the follow up on complaints and to clarify methodology that the ICHR can follow to request responses from authorities, especially with security authorities. While a complaints handling manual already exists, it could be updated with revised strategies and procedures, especially to support the staff in dealing with the relevant authorities.

The ICHR has developed a database for complaints' records. Existing complaints files have been scanned into the system and new documents are scanned when submitted to the ICHR. The central database is linked with sub-regional offices' servers for the transfer and sharing of data. However, only one person in the Central Office has full access to the database and can enter the records. Considering the need for strengthened follow up mechanisms, along with the need to analyse the complaints further to identify trends, this database could become a very powerful tool. A possible example raised on several occasions is to develop a platform, with different levels of security and access, which would allow staff and researchers to have safe access to relevant data. This would provide the capacity for reports and statistics to be easily prepared, and give greater transparency.

Stakeholder engagement

Interaction with the various ministries, departments and authorities has been variable, especially in the context of internal division between Gaza and the West Bank. As mentioned above, the ICHR is accused by both sides of being partial, as it has to monitor and address complaints against each. Its mere existence is facing severe threat and difficulties in Gaza, as the Hamas government has initiated steps to set up its own human rights commission. Another example: while the ICHR conducts visits to various places of detention such as prisons, Preventive Security detention centres and General Intelligence detention centres in the West Bank, the ICHR staff is denied access to the two principal places of detention in Gaza City. Their program of scheduled and unscheduled visits is only possible in relation to police controlled places of detention. Staff members also have highlighted the difficulty to cooperate with the authorities with regards to the follow up of individual complaints. Finally, the Ministry of Justice is also planning to establish an Advisory Council for Human Rights which will involve both the ICHR and NGOs.

The ICHR has worked with judges for some time to provide information about human rights but it has become involved in test case litigation only recently. Following the dismissal of large numbers of teachers in the West Bank because they were not given security clearance, the ICHR commenced action on their behalf in the courts. The decision was complex. The ICHR does not have an explicit power to undertake litigation on behalf of complainants and so it decided that one of the lawyers on its staff should take the action in his own name. Many in the ICHR were concerned that this approach was second best, that the ICHR should be able to commence legal action in its own name as one of its core functions. Similarly there is doubt whether the ICHR is able to intervene in cases as *amicus curiae* or friend of the court. Other NHRIs have used their *amicus* role to great effect, to advance human rights jurisprudence in their countries. There seems to be no tradition of *amicus* interventions in Palestinian law and so there is doubt whether it is possible. At present, then, many in the ICHR consider that it is not able to play a full role in advancing human rights through the courts. The ICHR is negotiating a memorandum of understanding with the Higher Judicial Council to enable *amicus curiae* interventions.

Since its "A" status accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and its full membership of the Asia Pacific Forum of National Human Rights Institutions, the ICHR has been engaged in international human rights mechanisms.

3.1.2   Leadership

This section examines the leadership role of the ICHR and its requirements in order to lead in the area of human rights protection and promotion and to foster a human rights culture in Palestine. By "leadership" we mean the leadership function within ICHR, not any specific person or group of persons exercising leadership. Those exercising a "leadership" function therefore include not only the Board of Commissioners, the Commissioner General and the Executive Director but also the heads of regional programs and managers of sub-offices. From looking at macro issues, such as ensuring that there is an enabling environment that allows the ICHR to function as an independent body and ensuring that there is an awareness among the public on human rights and the role the ICHR, to looking specifically at the institutional level at the leadership and management skills required to ensure the smooth functioning of the ICHR, this section tries to identify some of the challenges faced by the ICHR in developing its leadership role and requirements.

Enabling environment: legal framework

As mentioned in Section 2.1, the draft law prepared by the ICHR has not yet been enacted by the PLC. This has had important consequences for the work done by the ICHR and its leadership, as highlighted by staff at different levels of the organisation. It has affected membership of the Board of Commissioners (no clear procedure of appointment or terms of office) and also left open questions of the exact role of the executive team, hence blurring the roles and responsibilities from top to bottom.

The external evaluation report noted deficiencies in the draft law and recommended that it be revised to be ready for the PLC's consideration as soon as it resumes its operations. In the meantime, it also became clear that the ICHR needs to revise its internal by-laws to address some of the critical issues raised by staff, such as:
- clear definition of the broad mandate of the ICHR;
- membership of the Board of Commissioners (including procedure of appointment, terms of office, transition between appointments etc.);
- clear definition of the roles and responsibilities at all levels of the ICHR's leadership (including that of the Executive Team).

Awareness of the ICHR's mandate

Both the Presidential Decree and the Amended Basic Law refer to an independent institution with a human rights mandate. The ICHR's mission statement highlights the following functions:
- observe the Palestinian National Authority's adhesion to human rights principles through monitoring and documenting violations;
- handle complaints and ensure follow up;
- litigation;
- reviewing legislation to ensure compliance with international human rights standards;
- propagating a culture of human rights through awareness raising and training so as it becomes inseparable from the value system of Palestinian culture.

Discussions with both staff and stakeholders indicated that the role of the ICHR is well known and understood. Additional awareness raising activities might be required to distinguish the status of the ICHR from that of NGOs, however.

Awareness of general human rights issues

Most awareness raising activities are conducted at regional level by the ICHR field researchers. This is done in accordance with the annual plan approved by the program technical team. These activities include dissemination of information about ICHR and its functions and responsibilities (in particular its complaint handling jurisdiction), or events organised by ICHR or by other organisations to which ICHR staff members are invited to contribute. Both staff members and external stakeholders agreed these activities had an impact on the number of victims of human rights violations filing complaints.

As highlighted by the evaluation report and confirmed by the assessment team, the ICHR has an excellent collection of brochures with quite basic information in a form that is easy to read and understand. However, the assessment highlighted that it is important for all ICHR staff to be familiar with at least the basic information. For example, the ICHR support staff expressed interest in becoming more familiar with the ICHR's functions and responsibilities, along with basic concepts of human rights, as they are often approached by people seeking basic information.

The ICHR also conducts various training activities. However, the ICHR's training activities can be strengthened through a capacity development plan, with Standard Operating Procedures (SOPs), training of trainers and in-house training manuals. Equally important for the ICHR is the development of relevant indicators to monitor the impact of the training provided. In terms of impact, staff indicated that it would be interesting to develop continuous training for specific target groups to be able to follow the evolution of their performance.

Leadership skills and management structures

As highlighted by the external evaluation report, all Commissioners play an important role within Palestinian society, although not all have a strong human rights background. They are widely known and highly respected, which enabled the ICHR to establish itself as a strong and independent institution in spite of having no organic law. They have also been able to protect and defend the institution when it has come under pressure from parts of the Government and from forces outside the Government. However, while the quality of representation at the Board level is essential, as mentioned above, it is equally important to have clear procedures regarding the nomination of the Commissioners, their term in office and ensuring a smooth transition between Commissioners.

In addition, the exact role of the Executive Team needs to be defined, as highlighted by the members of the Team themselves, in order to clarify the exact nature and responsibilities of the Team, its leadership role, its way of functioning (rules for decision making) and a clear line of authority (see next section).

With regard to the internal mechanisms for decision-making, the ICHR staff indicated that there is capacity to develop a culture of delegation that allows staff to make decisions about their assigned tasks.

3.1.3   Knowledge and human resources

Knowledge and Human Resources capacity refers to individual Commissioner and staff capacities within the ICHR, the technical knowledge and skills set of these individuals vis-à-vis their relevant functions, that bring together these individual capacities towards joint achievement of the ICHR's role, function, and mandate. Providing the right competencies within the ICHR's members and staff is also critical to ensure that the ICHR will effectively promote and protect human rights in Palestine. In terms of human resource management, ICHR would benefit from improving performance

measurement and staff development; recruitment policies; participatory decision-making; and internal and external coordination.

A continuous staff development programme

The need for continuous updating and upgrading of knowledge and skills is crucial to an effectively functioning NHRI. In this regard, an internal ICHR staff development programme needs to be established to ensure that staff members have, and are provided with, the human right skills and competencies required to perform their current functions, as well as respond to emerging human rights needs and issues in Palestine. The importance of enhancing technical and functional competencies of the ICHR staff members for its own mandate and programmes was raised by several staff members at different levels. This would also enhance the ICHR's competency to carry out its functions and mandate independently.

The ICHR does not have an overall capacity development plan and no designated unit responsible for training and development of ICHR's own staff. However, a number of capacity priorities have been identified through discussions with the Commissioners and staff, which include specific human rights topics such as gender, but pertain also to communications, English language, management, strategic planning, monitoring and evaluation, and activity planning. The development of such plan is another responsibility that should fall on Human Resource specialist/unit. Training needs have been included in the newly introduced staff assessment form. However, no mechanism is yet in place to respond to the identified training needs.

It is imperative for the ICHR to ensure that learning opportunities are provided to its staff members, and that they are exposed to new and emerging tools, knowledge, mechanisms, and practices to better promote and protect human rights. While good opportunities are often provided through staff participation in conferences, seminars and training programs internally, regionally and internationally, an important barrier remains language. In addition some staff say they do not understand the guidelines and procedures for selection of staff to attend such training opportunities. Therefore, it is very important to facilitate access to English language courses in addition to improving and explaining selection processes that could be linked to the incentive system for ICHR staff.

Access to training opportunities outside Palestine is also important, particularly to Gaza staff members as they face, due to the current political context, a situation of isolation with no possibility to travel to the West Bank.

Management structure, including staff supervision

The revision of the organisation structure in 2008 was perceived positively by most staff as it helped transfer authority and responsibilities for implementation to the regional offices. This has been particularly important as the regional offices are now more accessible to large proportions of the population, and can also reach a larger number of people through awareness raising activities.

The new chart does not include a human resource unit or a senior position in human resources. Rather it integrates that function in other positions, including that of the Executive Director. The CA team considered it difficult to manage an organisation of almost 60 staff members without a specialist with responsibility solely for human resources, ensuring clear internal personnel policies and procedures, including accurate job descriptions for all positions, staff conditions (regulations for travelling, scholarship, participation in outside trainings etc), salary scales, recruitment processes, performance appraisal, and staff training and development. Some in the ICHR, however, thought the

funding required for a specialist position could be better utilised for an additional officer doing human rights work.

Another issue in terms of recruitment is the need for more female field researchers in the regional offices. Women victims of human rights violations are more likely to accept talking to a woman. The present number of women field researchers is not sufficient to meet this need.

Another challenge faced by the ICHR is the definition of the exact role of the Executive Team. Because of this lack of clarity, the Executive Team is not able to provide sufficient effective leadership or strategic vision to the ICHR and adequate and timely feedback to the middle management level. The evaluation team has already concluded that the management structure of the ICHR is experiencing lack of clarity in the roles of senior and middle managers, in lines of supervision and accountability and in the responsibilities of the program coordinators. This was confirmed during the assessment as staff from regional offices indicated that they were not adequately informed by the Executive Team on ICHR policy and activity. There is a need therefore to prepare clear terms of reference for the Executive Team and the program teams at the ICHR that accurately describe

- the purpose and background of the team
- the main duties and responsibilities
- the lines of reporting and supervision
- expected results
- competencies, experiences, grades and locations of positions for which the teams and team members are responsible.

An example of this problem of communication is the issue of the number of staff in Gaza, an issue of considerable debate between the Gaza staff and central office. Clearer channels of communication would help clarify the ground of such decisions and facilitate discussion between central and regional levels.

Performance based staff incentives

Retention of staff at the ICHR is high, despite the difficulties and challenges faced by the ICHR in fulfilling its functions. Also, all staff (regardless of level) has shown a very high level of commitment to the mandate of the institution. However, the ICHR has no formal scheme to provide incentives to staff for excellent performance. It was obvious to the assessment team that the staff is motivated and driven to succeed. Support for the leadership of the ICHR was also strong and positive. It was noted that such motivation would be difficult to sustain in the long-term without increased incentive systems in place. Having an incentive-system in place would help in attracting and retaining high quality staff.

The ICHR's staff salary scale was reviewed and adjusted in 2008. However, a majority of staff expressed important concerns about the impact of the exchange rate on their salaries. The ICHR staff is paid in US dollars and so is suffering a significant decline in real income as a result of the instability in the exchange rate. Additionally, some staff say that the lump sum provided by the organisation for phone calls, transportation, and health insurance is insufficient, which leads to them having to cover the difference from their decreasing salaries. However, according to ICHR management, transportation expenses related to ICHR work are reimbursed at cost, that is, at exactly the amount paid by the employee. The costs of mobile telephone calls are reviewed with the Palestinian service provider every six months and analysed to determine the appropriate reimbursement for each relevant officer staff. In the last six monthly analysis, the service provider recommended decreasing reimbursements because of lower mobile charges.

Many staff members referred to the long hours of work, mostly in comparison to other public institutions. In particular, regional staff highlighted the time wasted because of transport difficulties, not only because of the current situation in Palestine, but also because of unreliable public transport.

Effective performance management needs to be linked to organisation and department work plans. This allows the identification of clear results and indicators of success. Self-assessment combined with assessment by the supervisor will provide an opportunity for capacity development at an individual and unit level. The performance assessment process needs to identify opportunities for capacity development and training needs. It is an important tool to enable individuals to improve their performance and, at the same time, encourage them to be accountable for their agreed results. Following the adoption of the previous strategic plan (2008-2010), the ICHR put in place an appraisal system, and started implementation in 2009. Feedback from staff shows that the system still requires some improvement as it was not perceived as fully transparent (feedback not provided to all staff). Also, it is important for the ICHR to ensure appropriate opportunities for career progression based on performances.

Taking into consideration the harsh conditions in which many of the staff work, especially the field researchers, there is an important need to provide them with appropriate access to psychological support.

3.1.4   Accountability: internal and external standards

Accountability refers to monitoring and accountability frameworks within the ICHR and to the ICHR's capacities to introduce such frameworks. At present there is no unified monitoring and evaluation system for the ICHR. The new Strategic Plan highlights the objective of adopting a clear monitoring and evaluation mechanism. The internal accountability should be tackled at different levels:

- at unit level: through unit performance measurement and evaluation systems
- at individual level: through individual work plans linking individual performance to that of the units, and subsequently of the units to the overall organisation work plan.

Creating a strong internal and external accountability system will involve establishing Standard Operating Procedures, such as internal business procedures, and communications within and across the ICHR's units as well as streamlining procedures. Consultation and feedback mechanisms for the ICHR staff are as important as introducing an effective monitoring and evaluation system to measure the impact of the ICHR's activities and codify lessons learned. Responsibility for monitoring and evaluation should be a senior management function with specialist support. Moreover, the relationship of the ICHR and its donors as well as strategies for engagement with various stakeholder warrants consideration to strengthen mutual accountability.

Internal Communication

Internal communication includes staff meetings. These meetings provide an opportunity for staff and the leadership to facilitate internal communication, review divisional and organisational progress and outputs, and discuss any emerging internal issues. Staff can be involved in developing the agenda for these ICHR staff meetings and these meeting can provide an opportunity for anyone from the ICHR to raise issues of concern to them and be able to provide feedback without fear of

reprisal. These ICHR staff meetings can serve to strengthen internal professional relationships and teamwork and, by creating a safe environment, can empower the staff to voice their ideas and opinions.

Information exchange is currently facilitated through monthly staff meetings involving all staff, e-mails sent to inform staff of certain activities being conducted, and through weekly meetings within units. However, as explained above, the lines of Communication between the Board of Commissioners, the Executive Team and the rest of the staff can still be improved.

Business processes and Standard Operating Procedures (SOPs)

The ICHR must measure its progress well, and ensure that its short-term measures are building into, and contributing progressively, to a long-term vision and strategy for the protection and promotion of human rights in Palestine. Strengthening Standard Operating Procedures (SOPs), such as internal business procedures, communications within and across the ICHR's units and streamlining procedures, among others, is critical to ensuring an efficient ICHR. Efficient business processes and SOPs will not only allow the ICHR to function efficiently; they will also allow the ICHR to exercise its independence more strategically, towards creating alliances and understanding potential resistance to its initiatives. Since the external evaluation, the ICHR has been working on the development of administrative and financial procedures (to be approved in 2011).

Along with these more classic types of SOPs, and based on the particularly difficult context in which the ICHR is working, the ICHR also needs to develop clear procedures and guidelines to manage emergency situations, such as arrest and detention of staff members. Another important element would be the adoption of a policy statement by the Board of Commissioners that will govern how the ICHR will seek to relate with the authorities in Gaza.

Similarly, there is no system for knowledge collection, analysis and dissemination mechanisms within and between departments of the ICHR, and insufficient horizontal communication and coordination between departments and vertical coordination between the ICHR and other external stakeholders. The ICHR should consider developing a communication strategy to tackle these obstacles.

Financial resources

Financial Resource capacity refers to the ICHR's capacity to deliver its functions and mandates through ensuring the availability and effective, efficient and accountable management of financial resources. This includes resource mobilisation, including capacities to develop contingency plans under financial pressure.

The ICHR has been receiving almost all its funding from five donor countries (Denmark, the Netherlands, Norway, Sweden, and Switzerland) from its establishment. At the time of the assessment, the donor countries had completed their 3-year funding agreement with the ICHR under the 2008-2010 Strategic Plan and were providing financial assistance to the ICHR for the extension period of January-May 2011, pending the approval of the new 3-year strategic plan of 2011-2013 and the commensurate 3-year budget. Some minor funding is also made available from the Palestinian Authority. It is important to note that the donor's support has been essential to the ICHR's functioning. As highlighted by the external evaluation report, the ICHR could not have been as successful and effective as it has been without the donors' strong, consistent, collaborative support base. However, the relationship between the ICHR and this donor consortium is becoming very difficult, as reflected in their interaction regarding the new strategic plan. During the last months of 2010 the ICHR completed a new Strategic plan. The donors first approved it and then rejected it. Consequently, the ICHR was unable to commence implementation of a new strategic plan in January

2011 and an extension to the previous strategic plan was required. This was perceived as a strong obstacle to full independence of the ICHR as the donors seem to be placing more conditions on their funding than governments would do with their NHRIs.

The assessment team met with the donors, who exposed their concerns at the management of the ICHR (lack of transparency and clear procedures) which can affect the ICHR's work in addressing political changes. It is important for the donors that the ICHR has strong and transparent management, to be able to focus on its technical work, and, based on its view of the situation of human rights in Palestine for the next five years, establish its leading role, as opposed to an NGO. The donors also want the ICHR to be ready for the eventual Palestinian Authority financial phasing in. While the positions of both parties are understandable, it seems the situation has now reached a very difficult phase. It is critical to revitalise the relationship between the ICHR and the donors, to start again on good ground and look toward similar objectives.

The ICHR budget covers a three-year period, in accordance with its three-year strategic plan. It prepares an annual budget for each year under the plan. It has clear written financial procedures. The ICHR prepares its accounts according to both income and expenditure (cash flow) and accrual accounting. The understanding of results based management and associated planning and budgeting techniques needs to be improved.

Strategies for engagement with stakeholders

Effective engagement with the general public and stakeholders - including civil society, victims of human rights violations, groups exposed to risk of human rights violation - is a crucial component of the ICHR's work. This section examines the NCHR's work in partnering with and reaching out to the public and civil society to raise awareness on human rights and to advocate on behalf of those at risk of human rights violations.

Non-governmental organisations

Clear and effective cooperation between the ICHR and NGOs is essential to the effectiveness of the ICHR, both as a process and a target in itself. The ICHR leading role as watchdog of human rights violation is well recognised by civil society. NGOs recognise the ICHR's unique capacity to obtain regular access to places of detention, make recommendations and ensure follow up. NGOs interact with the ICHR for information sharing on cases of human rights violations, and through various activities such as meetings organised by the ICHR. The current level of coordination with other CSOs is considered uneven, which is not due to the ICHR's unwillingness to coordinate but the context of occupation.

Media

As an independent body responsible for protecting and promoting human rights in Palestine, the ICHR must consciously cultivate in the country a culture and image of authority, independence, and competency with regard to the Commission's mandate and functions. The media can be a valuable partner in building the credibility of the ICHR by enabling it to demonstrate quality outputs and results.

The ICHR's media and public relations are the responsibility of an office under the Executive Director. The office's functions are media outreach, public relations, including contacts with external groups for speaking engagements or meetings, and publication of ICHR's quarterly, *Al-Fasliya*. The

office is separate from the public awareness and training units, which are located in the West Bank and Gaza Programs. There is also a media officer attached to the Gaza Program and based in Gaza City who is separate from the central office media officer but coordinates with him at the professional level.

The ICHR enjoys widespread, extensive and positive coverage of its work in the main, local Arabic newspapers and in the international Arabic media and significant coverage in the international English speaking media. The evaluation report had concluded that the ICHR's media work has contributed effectively to its strong public profile and to public recognition of its status as an independent NHRI. The ICHR website is also well developed and updated on a regular basis. However, staff members have highlighted the need to develop a strong media and communication strategy that would cover both relations to media and the use of the website.

3.2   Results of the Capacity Assessment – Quantitative Results

This section below presents the disaggregated results of the quantitative self-assessment and the supporting qualitative information derived from the worksheets, to give a holistic understanding of the capacity needs being faced by the ICHR, as well as the overlying enabling environment and policy issues that influence its operations.   It is important to keep in mind that the quantitative methodology is guided by the results of the qualitative sessions of the capacity assessment. For the purpose of this report, data has been disaggregated between the Central Office in Ramallah and the regional offices in Nablus, Hebron and Gaza.

The quantitative self-assessment used a four-point capacity rating system, defined as follows:

Capacity rating	Category	Definition
0	No capacity	
1	Low capacity	Only basic or low level of capacity exists
2	Medium capacity	Partially developed level of capacity exists
3	High capacity	Well developed level of capacity exists

As a general introductory comment the scores of the capacity assessment were frequently lower in the Nablus and Gaza offices than in the Central Office and the Hebron office. It is not possible to provide a definite explanation of this. It may be due to staff in the Nablus and Gaza offices assessing the ICHR's capacities more strictly than those in the Central Office and Hebron office, that is, a subjective difference in scoring. It is possible for subjective differences such as these to affect the average scores, given the small numbers undertaking the assessment in each office. However, it is more likely that there is in fact a significant difference in the actual views of the staff in those offices from the views of staff in the Central Office and Hebron office. For Gaza, that could be due to the isolation of the staff there from the rest of the organisation due to the longstanding blockade of Gaza by the Israeli and Egyptian Governments. There is no obvious explanation of the lower scoring by the Nablus staff. This warrants further examination within the ICHR.

Table 1 below shows the assessment of the ICHR's capacity to engage with stakeholders such as governmental entities, civil society or the media. While the Central office and the regional offices in Nablus and Hebron assess the ICHR's capacity to engage with key stakeholders as fairly strong, the Gaza office shows lower results, in particular when it comes to engaging with governmental entities (1.53) and the judiciary (1.5). Developing a framework for strategic partnerships with key stakeholders, including the judiciary, civil society and media will not only enrich the human rights knowledge and experience of staff members, but will also systematise engagement with change agents in the country, generate greater impact for the ICHR's advocacy and awareness campaigns, and result in greater understanding amongst the public on the ICHR's important role and mandate.

Considering the particular context the Gaza office is working in, a policy statement governing the relation between the regional office and the authorities in Gaza is essential.

The results in Table 1 also highlight that the ICHR is not making the most effective use of information technology and its efficiency is suffering as a result. The ICHR has already developed an interesting and useful website, but further improvements are needed. The lower scores indicate the need to significantly strengthen the use of IT to engage with relevant stakeholders, e.g. through the development of an electronic database made available to appropriate partners, especially at regional level.

Table 1: Stakeholder Engagement Capacities

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's policy for engaging the following stakeholders	PLC, Ministries, other governmental entity	2.55	2.33	3	1.53	2.2
	Donors	2.25	2.5	3	2	2.25
	CSOs	2.5	2.83	3	2.53	2.6
	Judiciary	2	1.66	3	1.5	1.8
	NGOs	2.18	1.75	2	1.77	2
	Media	2.42	2.33	2	2.26	2.38
	Total Avg	2.31	2.23	2.66	1.93	2.21
2. ICHR's capacity in involving different stakeholders in the following aspects	Developing policy to involve stakeholders	1.7	1.5	2.66	1.64	1.67
	Building a database on stakeholders	1.47	1.33	2	1.6	1.52
	Developing mechanisms for continuous consultation and partnerships	1.82	2	2.66	1.57	1.87
	Total Avg	1.66	1.61	2.44	1.60	1.69
3. ICHR's capacities in the use of IT for communicating and engaging with others in the following aspects	Develop and update the ICHR's website	2	2	2.33	1.13	1.74
	Issue electronic reports and publish them periodically on the site and through email	1.37	0.8	1	1.46	1.3
	Develop and update the electronic databases and make them available as appropriate to partners	1.2	1	1.66	1	1.12
	Develop an electronic complaints and reports database that can be searched internally and	1.73	1.2	3	2.14	1.93

	externally as appropriate					
	Total Avg	1.57	1.25	2	1.43	1.52

Table 2 reflects the evaluation of the ICHR's capacity to assess the current situation, proactively identify and understand current and emerging human rights needs, and define a vision and priorities. The scores indicate that, while there is an overall strong knowledge of the functions, direction and priorities of the ICHR (confirmed by discussion with staff members), additional work should be done with the Nablus and Gaza offices (scoring respectively 1.61 and 1.9), especially following the restructuring of the organisation. Having a common understanding of the ICHR's direction and priorities at central and regional level is essential to ensure coherent and strategic planning.

The ICHR had already started using the complaints received by victims of human rights violation for the initial analysis of trends on human rights violations in the Palestinian controlled territory. However, this information needs to be complemented with the analysis of other reports made available on the human rights situation and mainstreamed into the planning processes at the ICHR. The ICHR staff confirmed a capacity gap in terms of analysis of reports of other national and international institutions, which had been highlighted during the interviews (with an average below 2). In particular, the Nablus and Gaza offices indicated the need to strengthen their capacity to benefit from studies and research for planning processes (1.5). However, it is commendable and interesting to note that staff members see strong capacity to use international and human rights law, including for the elaboration of the strategic plan, with ratings of 2.3 and above.

Table 2: Capacity to assess situation and define vision

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity to establish clear vision:	Clear vision which determines the ICHR's functions, values and roles	2.78	2.83	3	2.85	2.83
	Understanding of the ICHR's vision and goals	2.73	2.66	3	2.73	2.7
	Capacity to translate the vision into a specific set of goals	2.38	2.33	2.66	2.2	2.35
	Total Avg	2.63	2.61	2.88	2.59	2.63
2. Knowledge on the functions of the ICHR in terms of:	Roles and functions within ICHR (policy, financial, coordination, implementation and supervision)	2.5	1.66	2.66	1.86	2.13
	Direction and priorities of ICHR as a result of restructuring	2.27	1.66	2.66	1.78	2.02
	Direction and priorities of ICHR as a result of the new strategic plan	2.4	1.5	2.66	2.07	2.15
	Total Avg	2.40	1.61	2.66	1.90	2.10

3. ICHR's capacity to collect data and information for the development of the following:	Complaint handling	2.47	2.5	2.66	2.18	2.38
	Reports	2.72	2.66	3	1.66	2.53
	Programs and projects	2.33	1.5	3	1.53	2.04
	Planning	1.83	1.5	2.33	2.33	1.95
	Training and awareness raising	2.15	1.66	2	2.2	2.06
	Total Avg	2.30	1.96	2.6	1.98	2.19
4. ICHR's capacity to analyse data and information from the following sources to feed into planning purposes	Information provided by victims of human rights violations	2.33	2.66	2.66	2.13	2.36
	Results of investigation of human rights violation	2.15	2.33	2.66	1.8	2.04
	Studies and reports of local and international institutions	1.77	1.5	1.66	1.5	1.65
	Statistics and Indicators	2	1.6	2.33	1.71	1.90
	Media	1.55	2	2.66	2.15	2.09
	Total Avg	1.96	2.02	2.4	1.86	2.01
5. ICHR's capacity to benefit from studies and research to support the planning process in the following areas:	Identify priorities for ICHR research topics and studies	2.27	2	2.33	1.93	2.16
	Analyse the output of ICHR studies and research for policy formulation	1.88	1.8	2	1.71	1.85
	Knowledge of the studies and research carried out by the other parties	2.05	1.6	2	1.85	1.95
	Engaging appropriate stakeholders according to the subjects of studies and research	2.23	1.66	2	1.86	2.02
	Total Avg	2.11	1.76	2.08	1.84	1.99
6. ICHR's capacities in dealing with law and legal matters in the following areas:	Understanding and developing the legal framework governing the work of the ICHR	2.58	2.33	3	2	2.38
	Accessing and using global experiences of international human rights law and bodies and of other NHRIs	2.17	2.2	2.66	1.61	2.02
	Providing accurate,	2.42	2	2.66	2.2	2.27

	strategic and appropriate legal advice					
	Ensure the compatibility of ICHR's plans with local human rights context and the requirements of international human rights law	2.61	2.66	3	2.33	2.57
	Total Avg	2.44	2.3	2.83	2.03	2.31

The role of leadership in establishing a vision of the organisation is essential. Table 3 confirms the need to strengthen the capacity of the ICHR in establishing a clear vision and communicating it to regional offices, especially Nablus (1) and Gaza (1.73). Clarification of the role of the Executive Team will improve the provision of effective leadership and strategic vision to the ICHR as a whole and adequate and timely feedback to regional offices. Another area requiring significant strengthening, as mentioned during the interviews, is the management of emergency situations such as the arrest and detention of staff members and the danger to staff members arising from unexpected incidents of violence. While the need to strengthen the internal policies in that regard is particularly obvious for the Gaza office (1.19), the scores also show that the Nablus office has assessed the current capacity to deal with emergency situations as very low (1.11).

In addition, the current scoring indicates that standardised coordination and communication mechanisms for information sharing and participation on proposed policies, strategies, programs and projects, will also strengthen the efficiency and impact of the work carried out by the ICHR. Interestingly, the table below also indicates that the ICHR has a high capacity to mainstream gender within its work, and in particular shows a good assessment of the level of participation of men and women throughout the organisation.

Table 3: Capacity to formulate policies and strategies

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity in:	Leading and coordinating stakeholders in human rights monitoring, protection and advocacy	2.31	1.83	3	1.93	2.16
	Defining a clear division of roles and responsibilities, including leadership within the ICHR	2.15	1	2.33	1.73	1.85
	Propose policies to be implemented	1.93	1.83	3	1.92	2
	Total Avg	2.13	1.55	2.77	1.86	2
2. ICHR's capacity to manage crises and emergencies	Leadership and coordination in developing and implementing a crisis management plan	1.94	1.33	2.66	1.4	1.72

	Establishment of a database for analysis and use in crisis management	1.36	0.83	2.33	0.84	1.21
	Coordination with various relevant parties locally, regionally, or internationally, on crisis management	1.55	1.16	2.33	1.33	1.48
	Total Avg	1.62	<mark>1.11</mark>	2.44	<mark>1.19</mark>	1.47
3. ICHR's capacity to continue to engage with those participating in consultations on proposed policies, strategies, programs and projects	Promotion of consultative processes for planning	2.17	1.33	2.66	2.06	2
	Mechanisms to include the viewpoints of various parties in policy-making	1.87	1.33	2.66	1.6	1.77
	Provide feedback on the planning consultation process	1.76	1.33	2.66	1.6	1.70
	Total Avg	1.93	<mark>1.33</mark>	2.66	1.75	1.82
4. ICHR's capacity to mainstream gender issues in its policies and programs	Understand, articulate and meet women's needs in complaints and mainstream the concept within ICHR operations	2	1.5	2.33	1.57	1.75
	Ensure that gender concepts and applications are mainstreamed in the organisational strategies and work plans at all levels	1.93	1.66	2.33	1.78	1.87
	Ensure appropriate participation of women and men at all levels of ICHR	<mark>2.47</mark>	<mark>2</mark>	<mark>2.66</mark>	<mark>2.46</mark>	2.39
	Provide adequate vision and guidance to enhance national policies on protection of women from gender-specific violations and gender based discrimination	2.26	1.2	2.33	1.71	1.90
	Total Avg	2.16	1.59	2.41	1.88	1.98

Table 4 indicates that engagement of the ICHR with international and regional partners, such as UNDP, the ICC or the APF, is perceived as relatively strong. It is interesting to note that, while the

Hebron office usually rates ICHR's capacities with higher scores than the other regional offices, in this particular case it shows the lowest score of 2.33. The Hebron office is a strong advocate for the ICHR using the international machinery and is the only regional office to use it. Its score may be affected by its view of the capacity of the organisation as a whole in this area. The interaction with the international human rights mechanisms is an area that has been highlighted as needing additional strengthening. Discussions have indicated that a more proactive approach needs to be adopted. The worksheet responses suggest that additional attention should be brought to the elaboration of reports submitted to the international human rights mechanisms, such as shadow reports to treaty monitoring bodies and the Human Rights Council's Universal Periodic Review, as a way to raise awareness on the human rights situation in the Palestinian controlled territory. This will become especially significant for the ICHR when the United Nations recognises Palestine as an independent sovereign State, perhaps as soon as September 2011. Palestine will then be able to ratify international human rights treaties and will be subject to international human rights monitoring in its own right.

In terms of internal management, the revision of the organisation structure in 2008 was perceived positively by most staff as it helped transfer authority and responsibilities for implementation to the regional offices. However, the scores also confirm the assessment by staff located in Gaza that the ICHR needs to strengthen communication and coordination between the Central Office and the regional offices.

The scores also indicate a low capacity to monitor progress through the setting of indicators and milestones, which will be further detailed in table 5.

Table 4: Budget, Management, Implementation

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity in setting up budgets and implementing various departments' functions in the following areas:	Design a timetable for implementing action plans linked with the available resources	2.26	1.33	2.33	2.42	2.13
	Design indicators and milestones to measure progress	1.4	1.33	1.66	1.92	1.6
	Total Avg	1.83	1.33	2	2.17	1.86
2. ICHR's capacity in the implementation of planning processes	Develop budgets that correspond to the strategic plan	2.14	1.25	2	1.75	1.87
	Develop an integrated system to collect and monitor information on external funding	2.07	1.25	2	1.12	1.71
	Develop and implement mechanisms for auditing	2.46	1.5	2	1.92	2.08
	Total Avg	2.22	1.33	2	1.59	1.89
3. ICHR's capacity in engaging with the international and regional	Implementing commitments of international partnerships including	2.4	3	2.33	2.5	2.37

human rights systems and mechanisms	through the ICC and APF and UNDP					
	Developing clear mechanisms to communicate with international organisations, including through preparing reports and shadow reports for international human rights mechanisms in English	1.87	2	1.33	1.44	1.62
	Total Avg	2.13	2.5	1.83	1.97	2
4. ICHR's capacity for coordination within and between its administrative units	Defining and implementing the role of the executive committee in coordinating ICHR programs, departments and offices	2.26	2	2.33	1.78	2.11
	Coordinating among programs, departments and offices	2.22	2.2	2.33	1.8	2.11
	Coordinating among its head office and regional offices	2.83	2	3	1.8	2.39
	Coordinating between the West Bank and Gaza operations	1.44	2	2	1.8	2.19
	Total Avg	2.19	2.05	2.41	1.79	2.2

Table 5 confirms the perception of low capacity to monitor and evaluate the work carried out by the institution, with ratings below 2 on almost all areas. The ICHR does not yet have a systematic internal monitoring and evaluation framework to monitor internal performance but it is expected that implementation of the new strategic plan will lead to the establishment of a system of standards and performance indicators. Such monitoring and evaluation mechanism will also have an impact on internal and external accountability of the ICHR. As reflected in the ratings in Table 5, putting in place internal accountability mechanisms and a standardised mechanism for monitoring and evaluating the impact of the ICHR's work will lead to greater transparency and successful codification of lessons learned.

The scores in this area are notable for the Nablus office scores being by far the lowest in the institution.

Table 5: Capacity to monitor and evaluate

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity in monitoring and evaluation (M&E)	Setting up and implementing a clear policy and mechanism for M&E, including budget and staff	1.75	1.2	2.33	1.8	1.74
	Devising indicators for M&E for ICHR and for each of the units and projects	1.72	1	2	1.33	1.54
	Use M&E results to redesign strategies, programs and plans	1.62	1.16	1.33	1.26	1.43
	Total Avg	1.69	1.12	1.88	1.46	1.57

Table 6 takes a closer look at ICHR's leadership. Given the overarching nature of the ICHR's mandate with regard to the protection and promotion of human rights in the Palestinian controlled territory, it is inevitable that all staff are dealing with increasing demand to actively address and respond to priority and emerging human rights issues, while remaining politically impartial. Leadership capacities, which in this context refer to the entire leadership structure, including all ICHR staff members who have policy, management, decision-making and supervisory authorities, received an overall rating below 2. The lowest score (0.83) relates in particular to the participatory approach to decision making with the ICHR. This confirms that, while the strengths of the leadership lie in influencing public opinion on human rights issues, the main challenges for the ICHR leadership are internal processes for decision making, with participatory mechanisms and processes. Indeed, internal communications, coordination, and a participatory decision making process can help in bridging this perceived gap and achieving the full implementation of the strategic work plan and existing guidelines and processes that are waiting to be fully exercised.

Table 6: Leadership

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity for leadership	Board of Commissioners provides vision and strategic direction for the whole organisation	1.75	2.16	1.66	1.66	1.77
	ICHR's leaders are able to influence governmental decisions on human rights through access at the highest levels	2.33	2.16	2.33	1.23	1.95
	ICHR's leaders are able to influence public opinion on human rights issues	2.38	2.5	2	1.8	2.13

	ICHR has the capacity to renew and reinvigorate its leadership at appropriate intervals	1.6	1	2	1.35	1.45
	Total Avg	2.01	1.95	2	1.51	1.83
2. ICHR's capacity in decision making processes and mechanisms	Board of Commissioners makes all key strategic and policy decisions within ICHR	1.47	2	1.66	1.61	1.72
	Staff have opportunities to participate appropriately in decision-making	1.78	0.83	2.33	1.13	1.45
	Culture of delegation exists in ICHR, allowing staff room to make decisions about their assigned tasks	1.88	1.5	2.33	1.33	1.6744186
	ICHR is able to act independently of funders in making critical decisions	1.5	1.33	1.66	1.72	1.67
	Total Avg	1.66	1.41	2	1.45	1.63

As independent human rights body, ICHR is expected to serve as the national machinery which protects and promotes human rights, including advocacy and awareness-raising on human rights in the Palestinian controlled territory. Such a mandate necessitates a solid repository of human rights knowledge and experience available and accessible to all staff members. Table 7 takes a closer look at the ICHR's capacity to use and disseminate information. The assessment shows consistent reasonably high scores (with average ratings above 2), with the exception of use of data and information from the PLC by regional offices, and in particular by the Hebron office (0.66). This confirms the lower scores indicated in Table 1 and the need to establish a clear policy governing the relation with the authorities in Gaza. Its overall capacity to disseminate information through various channels is also consistently rated as strong.

Table 7: Knowledge

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity to use information and data from the following sources	Information and data compiled by ICHR's own programs, departments and offices	2.52	2.33	3	2.28	2.46
	individual complaints	2.55	2.66	3	2.26	2.5
	Office of the President, Ministries and other government institutions	2.41	2.16	2.33	1.64	2.1

		Ramallah	Nablus	Hebron	Gaza	ICHR
	Legislative Council	1.93	2	0.66	1.35	1.7
	Civil Society Organisations	2.35	2	2.33	1.86	2.11
	The Judiciary	2.41	1.6	2.33	1.26	1.85
	International institutions and organisations	2.16	2	2	1.42	1.87
	Total Avg	2.33	2.10	2.23	1.73	2.08
2. ICHR's capacity in disseminating information	News Media	2.47	2.33	2.66	2.4	2.45
	Website	2.26	2.16	2.33	1.33	1.97
	E-mail	2.38	2.16	2.33	2.33	2.36
	Formal meetings (workshops, symposia, meetings, training courses)	2.76	2.33	2.66	2.6	2.62
	Informal contacts	2.15	2.16	2	2.45	2.23
	Public service announcements on billboards and in the media	2	1.5	1.33	1.73	1.72
	Total Avg	2.34	2.11	2.22	2.14	2.23

Human resources is a key priority for the ICHR, as highlighted by the discussions with staff members. As mentioned in the previous section, while retention of staff at the ICHR and staff commitment are high, the ICHR has no formal scheme to provide incentives to staff for excellent performance. Considering the very complex and stressful context in which the ICHR works, maintaining the motivation of staff through adequate benefit packages is essential. During the discussion with the assessment team, a majority of staff expressed important concerns about the impact of the exchange rate on their salaries. This is again reflected in the rating of table 8, with particularly low scores on the incentive scheme (with rates below 1) and the remuneration and benefits package (with ratings between 0.83 and 2). The table also reinforces the need to provide psychological support, especially for regional offices (0.66).

Table 8: Human resources

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity in developing and managing its human resources	All positions have clear job descriptions and duty statements	2.88	2.83	3	2.21	2.65
	ICHR has a human resource management policy and strategy	1.61	1.83	2.66	1.5	1.68
	ICHR has a performance appraisal scheme	2.17	1.5	1	2.13	2
	ICHR has an incentive scheme, including promotional	0.73	0.66	1.6	0.78	0.8

	opportunities					
	ICHR staff receive fair and adequate remuneration packages, including salary and benefits	1.3	0.83	2	1.46	1.58
	ICHR staff have appropriate access to psychological support	1.22	0.33	0.66	0.66	0.88
	Total Avg	1.65	1.33	1.83	1.46	1.60
2. ICHR's capacity to determine the developmental needs of the staff	Formal evaluation of staff and regularly monitoring their performance	1.76	1.33	2	1.6	1.64
	Assessment of the training needs based on their responsibilities, performance and development goals	1.61	1.33	1.66	1.53	1.54
	Total Avg	1.68	1.33	1.83	1.56	1.59

The overall rating of the ICHR's capacity to provide accessible information to the public is quite high. This is a clear indication of the ICHR goal to prioritise accountability to the public on the work it is doing on the ground.

Table 9: Accountability

		Ramallah	Nablus	Hebron	Gaza	ICHR
1. ICHR's capacity to provide easily accessible information to the public	Complaints and investigations	2.44	2	3	1.86	2.27
	ICHR policy and implementation	2.31	2.2	2.66	1.71	2.15
	ICHR views on human rights situations	2.55	2.83	2.66	2.07	2.85
	Community engagement	2.53	2.33	1.66	2.07	2.2
	Governance	1.53	1.66	2	1.81	1.84
	Financial audit	1.91	1.6	2.66	1.41	1.88
	Performance and impact	1.84	1.33	1.33	1.76	1.62
	Total Avg	2.16	1.99	2.28	1.81	2.12

4. CAPACITY DEVELOPMENT STRATEGIES FOR THE ICHR: SOME RECOMMENDATIONS

4.1   This report and the external evaluation of ICHR July 2010

The ICHR underwent a formal external evaluation in 2010. The report of that evaluation was made available to the capacity assessment team.[18] According to the report:

> The evaluation team has concluded that in the extremely difficult context of the Occupied Palestinian Territory the ICHR has achieved its objectives to a very high level and has been highly effective in its work of promoting and protecting human rights. It has made good, steady progress that has seen significant gains achieved and consolidated. It faces great challenges but it is well placed to meet and respond to them.[19]

The report made 47 recommendations to address issues identified in the course of the evaluation. The ICHR has accepted the recommendations on the whole and has commenced implementation. Most of the recommendations related to the ICHR's operations – its programs and projects – rather than its capacity. By contrast this capacity assessment report focuses on capacity. It does not duplicate work already done by the evaluation. Where the capacity assessment identifies a capacity issue that features in the evaluation report, it principally refers to the evaluation report, generally with a brief comment on the recommendations made in the evaluation report.

4.2   The institutional development context

There are three significant aspects to the ICHR's current institutional development context: the challenge presented by the political situation of the Palestinian controlled territory, the inadequacy of the ICHR's current legal position, and the commencement of a new cycle in strategic planning and implementation.

4.2.1   The political situation

Few national human rights institutions find themselves working in a more difficult context than the ICHR does. It is working in a situation of foreign military occupation in which the institutions of its own State are not in full control of any of its territory but are both excluded entirely from the majority of the territory (Area C under the Oslo Accords) and severely constrained in their effective control of the remaining parts of the territory (Areas A and B and Gaza). While the ICHR's mandate is directed towards full compliance with international human rights standards by all Palestinian governmental institutions, it recognises that the situation of human rights in Palestine is affected principally by the Israeli Occupation and its consequences, including consequences in the actions by Palestinian institutions. Palestinian officials are responsible for their own conduct but often the underlying cause of human rights violations is the Occupation.

The hardships of occupation are compounded by the divisions within the Palestinian political leadership, between the Palestinian National Authority in Area A in the West Bank and Hamas in Gaza. Like all Palestinian institutions and organisations the ICHR has found it difficult to identify, establish and maintain appropriate relationships with the Palestinian Authority and the Gaza de facto entity. Its status as an official Palestinian institution under the Basic Law has led the Gaza entity

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[18] C Sidoti, H Jabareen and R Jaber *Evaluation of the Palestine Independent Commission for Human Rights Report* 2 September 2010, accessible at www.ichr.ps/etemplate.php?id=8&lid=2.
[19] Evaluation report p 5.

to keep it at a distance and to threaten to establish an institutional competitor in Gaza. At the same time any efforts by the ICHR to relate to the Gaza entity have strained its relationships with some senior officials in the Palestinian Authority. The agreement announced on 4 May 2011 by the two parties for the formation of a joint transitional government and for elections throughout Palestine within a year will make the ICHR's role clearer and its work less complicated if the agreement in fact ends the political division. In the meantime the ICHR will continue to grapple with the complexities of the division in the Palestinian leadership.

4.2.2   The legal position

The Palestine ICHR was established on 30 September 1993 under a Presidential Decree, published as Decision number 59 of 1994. Its status was elevated to a constitutional institution under the Palestinian Basic Law of 2003, which provides:

> An independent commission for human rights shall be established pursuant to a law that will specify its formation, duties and jurisdiction. The commission shall submit its reports to the President of the National Authority and to the Palestinian Legislative Council.[20]

The foreshadowed law has not been enacted. The ICHR submitted a draft law to the Palestinian Legislative Council in May 2005. The draft law passed its First Reading but it was not finally adopted before the collapse of the PLC in 2007.

The 2010 evaluation report of the ICHR stated:

> The current state of the PLC is beyond the ICHR's control and there is nothing it can do at this stage to obtain passage of an organic law. It should prepare now, however, for the revival of the PLC so that a good draft law is ready for presentation as soon as legislation becomes possible. The 2005 draft has many deficiencies. Most significantly, it fails to give the ICHR the broad human rights mandate it requires as an NHRI.[21] Other amendments were recommended by the ICC Subcommittee on Accreditation in 2009. [22]

The evaluation report recommended that the ICHR revise the draft law so that it is ready for presentation to the PLC when it is convened again. If elections are held within a year, an operative legislature may be able to consider the draft law in 2012. The revision should take account of the requirements of the Paris Principles and the recommendations of the Subcommittee on Accreditation (SCA) of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). In particular the revision should ensure that ICHR has a broad mandate in relation to international human rights law and that its powers and functions are directed towards the promotion and protection of human rights recognised in international human rights law.

The evaluation report also recommended that, pending the enactment of a law, the Board of Commissioners revise and adopt new by-laws for the ICHR. The Presidential Decree authorised the Commission to "lay down its constitution, laws and basic regulations which will govern its work in a way which would ensure its independence and effectiveness".[23] It adopted by-laws but these are

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[20] Article 31.

[21] In draft Article 16, for example, ICHR can act on complaints relating to a limited number of specified rights but it is not given a general jurisdiction to handle complaints of any human rights violation.

[22] Evaluation report p 13.

[23] Clause 2.

now inappropriate for a Paris Principles compliant NHRI. This revision too should ensure consistency with the Paris Principles.

The capacity assessment endorses these recommendations. The absence of an organic law is certainly of concern because it limits the ICHR's effectiveness. However, the Presidential Decree authorises the Board of Commissioners to adopt by-laws to govern the ICHR's operations. The Board of Commissioners is able to address, at least on a temporary basis, some of the issues that arise from the lack of a law.

4.2.3   Cycle of strategic planning and implementation

As indicated in Section 3, the ICHR completed its last three-year strategic plan at the end of 2010. Before that, it commissioned the external evaluation of its implementation of the strategic plan and embarked on the process of preparing a new three year plan, for 2011 to 2013. That process was not completed as anticipated before the end of 2010 but was nearing completion at the time of the capacity assessment. The new plan was in draft form at that time.

This capacity assessment, therefore, has taken place at an appropriate time in the ICHR's work cycle. It has been directed towards building institutional capacities to implement the new plan. It has focused on the current level of capacities and the levels required for full and effective implementation. The strategies and actions recommended in this section of the report address the most important capacity gaps. They are drawn from proposals made by the ICHR leaders and staff in the discussion groups and in the capacity assessment worksheets, the comments of external stakeholders and the analysis by the assessment team.

The strategic plan for 2011-2013 is a very ambitious document – rightly so, given the context in which the ICHR works in Palestine – that sets challenges for implementation. All those who participated in the capacity assessment indicated that the current workload presents challenges of sustainability and there was desperate need for additional staff and resources. Full implementation of the draft strategic plan would require substantial additional funding which ICHR has no guarantee of being able to raise.[24]

The strategies and actions discussed in this section are directed towards the ICHR having the capacity to implement its strategic plan to the greatest extent possible with resources at or about their current level. If the ICHR is to do more with the same resources, it must be more efficient and more effective in its operations. The strategies and actions discussed here are directed towards that result.

This section looks first at the ICHR's compliance with the Paris Principles and issues arising in relation to that. It then discusses actions under six key strategies:

Strategy 1   strengthen decision making and management
Strategy 2   strengthen key external relationships
Strategy 3   strengthen staff capacities
Strategy 4   revise and adopt internal strategies, procedures and manuals
Strategy 5   enhance ICHR programs and activities
Strategy 6   increase accountability

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[24] Actual expenditure in 2010 was USD 1.72m. The draft strategic plan projects expenditures of USD 2.34m for 2011, USD 2.28 for 2012 and USD 2.35m for 2013.

4.3   The ICHR's compliance with the Paris Principles

The ICC accreditation process provides a unique opportunity to NHRIs both to contribute to the development of their legal framework and to increase their effectiveness, including in the international arena. To increase the ICHR's capacity to act within the international system, therefore, its legislation should be reviewed to respond to the comments of the Sub-committee on Accreditation (SCA).

The SCA last reviewed the ICHR in March 2009, when it highlighted a number of continuing concerns that needed to be addressed:

- while acknowledging the specific circumstances regarding the Palestinian Authority, the Sub-Committee encourages the ICHR to continue to engage with the Palestinian Authority to formalise its status through the adoption of an enabling law

- neither the Presidential Decree nor the by-laws contain a definition of human rights

- the by-laws do not provide guarantees of tenure for members of the governing body nor do they contain provisions setting out a dismissal procedure for Board members and

- the budget of the ICHR is nearly totally funded through international donor funding and that funding from external sources should not compose the core budget of an NHRI. [25]

The ICC Sub-Committee noted that, while Palestine was not a nation state, it has received a standing invitation to participate as an observer in the sessions and the work of the UN General Assembly and maintains a permanent observer mission at the UN Headquarters.[26]

Furthermore, in the context of deliberations on the ICHR, the ICC Sub-Committee developed a General Observation to deal with the "functioning of an NHRI in a volatile context". It states that the Sub-Committee "acknowledges that the context in which an NHRI operates may be so volatile that the NHRI cannot reasonably be expected to be in full conformity with all the provisions of the Paris Principles. When formulating its recommendation on the accreditation status in such cases, the Sub-Committee will give due consideration to factors such as: political instability; conflict or unrest; lack of state infrastructure, including excessive dependency on donor funding; and the NHRI's execution of its mandate in practice".[27]

This section of the report comments on the concerns raised in the 2009 ICC accreditation review and proposes actions to address them. The ICC accreditation is reviewed each five years. The ICHR will be subjected to its next review in 2014. It will be expected to have addressed these issues of concern, including by revising its by-laws, before then.

4.3.1   Enactment of an enabling law

The enactment of an enabling law has been discussed above.

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[25] *Report and Recommendations of the Session of the Sub-Committee on Accreditation Geneva, 26-30 March 2009*, p 7-8, accessible at www.nhri.net/default.asp?PID=607&DID=0.

[26] *Report and Recommendations of the Session of the Sub-Committee on Accreditation Geneva, 26-30 March 2009*, p 8, accessible at www.nhri.net/default.asp?PID=607&DID=0.

[27] *Report and Recommendations of the Session of the Sub-Committee on Accreditation Geneva, 26-30 March 2009*, p 32, accessible at www.nhri.net/default.asp?PID=607&DID=0.

4.3.2   Definition of human rights

The definition of human rights should be broad and accord with international human rights law. It should not be based solely on human rights recognised in domestic law. Palestine is not yet a State and so cannot be a party to human rights treaties. The ICHR's jurisdiction, therefore, cannot be based on human rights treaties ratified by Palestine. The definition should refer to international human rights law and standards generally.

4.3.3   Appointment and dismissal process and tenure of members of the Board of Commissioners

The by-laws provide for a Board of Commissioners. Members are those who originally established the ICHR and others appointed by them. The by-laws do not prescribe a term of office or any special procedure for dismissal to guarantee independence. As a result, members serve indefinitely. The by-laws were adopted at a time when it was anticipated that a law would be enacted swiftly and so were seen as interim measures to address a short transitional period. That has not proved to be the case, however.

The revised by-laws should provide a term of office for members and procedures for their selection and dismissal. The Paris Principles do not prescribe any specific term of office for members of NHRIs. The term should be long enough to encourage independence. The SCA has said that a two year term is too short for that and has been sceptical about the adequacy of a three year term.[28] Most of the laws governing NHRIs provide terms of between five and seven years.

The Sub-committee on Accreditation has identified several factors that should be taken into account in designing a selection procedure:

- transparent process
- broad consultation throughout the selection and appointment process
- advertising vacancies broadly
- maximising the number of potential candidates from a wide range of societal groups
- selecting members to serve in their own individual capacity rather than on behalf of the organisation they represent.[29]

Institutions should also have special procedures for dismissal, similar to those that apply to judges, to promote independence by ensuring that members can only be dismissed for serious misconduct and in accordance with a formal and transparent procedure.[30]

4.3.4   Budgetary independence

As indicated in previous sections, the ICHR's budget is predominantly funded by a consortium of international donors.[31] These donors have been strong and consistent supporters of the ICHR and,

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[28] See for example, the accreditation of the Malaysian NHRI in April 2008 in *Report and Recommendations of the Sub-Committee on Accreditation 21 to 23 April 2008* p 5, accessible at www.nhri.net/default.asp?PID=607&DID=0.

[29] See Sub-committee on Accreditation *General Observations* paragraph 2.2 at www.nhri.net/default.asp?PID=608.

[30] See Sub-committee on Accreditation *General Observations* paragraph 2.9 at www.nhri.net/default.asp?PID=608.

through their consortium funding under multi-year agreements, have ensured financial security for the ICHR with a minimum of bureaucracy and duplication in the application and reporting processes. In recent years the Palestinian Authority has provided a small annual allocation that has expressed its support for us as the ICHR and its recognition of the ICHR's status as an official state institution. Nonetheless the donor consortium remains the principal source of funding for the ICHR.

The SCA has expressed concern about this in general and specific terms. It has adopted a general observation on funding that includes

> Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI's minimum activity budget in order to allow it to operate towards fulfilling its mandate.[32]

In considering the ICHR application for re-accreditation in 2009, it commented on the ICHR's funding situation and referred to this general observation.[33]

Action 1 Revise ICHR's draft law to ensure full compliance with the Paris Principles and revise and adopt new by-laws as an interim measure to provide greater compliance pending enactment of the law. The revisions should address in particular the definition of human rights, the procedure for appointment and dismissal of members and their terms of office, and ICHR funding arrangements.

4.4   Strategies for Capacity Development

The main objective of this capacity assessment of the Palestine Independent Commission for Human Rights is to identify strategies and actions to upgrade the institutional capacity of the ICHR. This section of the report sets out those strategies and actions, in response to the capacity challenges and capacity gaps identified in the previous section. It identifies both short term and long term strategies in core areas of the ICHR's functioning and operations. A number of these strategies are not new. Some have been articulated by various internal and external stakeholders during the capacity assessment. Some have been included in earlier assessments and plans.

STRATEGY 1 – STRENGTHEN DECISION MAKING AND MANAGEMENT

Action 2   Strengthen the ICHR's independence as a national human rights institution – independence from government, opposition, media, outside groups and all others – by, in addition to strengthening its legal foundation,

a.   building constructive but independent relationships with Palestinian political groups
b.   undertaking investigations and producing reports that are and are seen to be legally based, on human rights law, and not influenced by any extraneous factors

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[31] Historically the consortium has included the governments or official development agencies of Denmark, the Netherlands, Norway, Sweden and Switzerland. This was mentioned above already (repetition)
[32] See Sub-committee on Accreditation *General Observations* paragraph 2.6 at www.nhri.net/default.asp?PID=608.
[33] *Report and Recommendations of the Session of the Sub-Committee on Accreditation Geneva, 26-30 March 2009*, p 32, accessible at www.nhri.net/default.asp?PID=607&DID=0.

> c.   raising public awareness of the iCHR's independence through its reports and in media and public statements on human rights issues
>
> d.   explaining the ICHR's independence in training and awareness raising activities

The evaluation report found that the ICHR has been very successful in establishing itself as the Palestine NHRI.[34] That has required the assertion and recognition of its independence under Palestinian law. All NHRIs need to work continually to strengthen and build their independence. The ICHR should continue to do so. In addition to moving forward with the new law and revision of the by-laws, strengthening independence will include

> **Action 3   Clarify and institutionalise the ICHR's decision making and management by**
>
> a.   adopting management principles of decentralisation, consultation and participation in decision making, consistent with the defined roles and responsibilities of the key bodies and positions within the ICHR, and operational procedures to ensure implementation of the principles
>
> b.   defining appropriate roles at all levels of the ICHR leadership – the Board of Commissioners, Commissioner General, Executive Director, Executive Committee, directors and office managers
>
> c.   establishing appropriate formal delegations to implement those definitions of roles, empowering senior and middle managers to act within the scope of their delegations

The ICHR is now a well established and highly effective NHRI. It is now in a position to institutionalise its processes and procedures, including clarifying and formalising appropriate authority to make decisions and manage the organisation.

The ICHR's senior management needs to specify the basis on which its management and decision making processes will operate. The most effective and most appropriate basis is one built on consultation and participation. The ICHR staff are highly committed, highly motivated individuals, many of whom have long experience in working in human rights in Palestine and all of whom express great loyalty to the organisation and its work. They have much to offer. Their views can and should be sought on critical issues, both at the institution wide level and at the unit level. The ICHR's operations are very decentralised, with regional offices in both Gaza and the West Bank. The decision making processes should follow that decentralised structure. The principles for decision making, therefore, should be decentralisation, consultation and participation.

To translate those principles into processes and procedures, the ICHR should clarify roles within the management structure. This is different from job descriptions. Managers in general have job descriptions but the actual decision making responsibilities of groups and individuals within the ICHR are unclear and there are no formal delegations. Staff need clarity on what decisions are to be made at what levels.

The role of the Executive Committee or team in particular requires clarification. The Executive Committee consists of the Executive Director, the two program directors and the central office directors. It should be the leader and driver of implementation of the strategic plan adopted by the Board of Commissioners and the forum in which the most important management issues are

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[34] Evaluation report p 12.

discussed and resolved. It and its members should assist and support the Executive Director in the performance of her leadership responsibilities, taking on specific leadership functions.

As a state institution, the ICHR needs to have clear authorisations for decision making, from the Board of Commissioners to the Commissioner General and the Executive Director and from them to individual directors and managers. That means a delegations manual by which the Board of Commissioners, the Commissioner General and the executive director respectively provide authority to directors and managers.

> **Action 4** Provide opportunities for executive management and staff team building, including through joint planning and evaluation, for staff members, particularly to enable personal interaction with Gaza staff, if necessary by organising meetings in Egypt

The ICHR has long had staff located in Gaza. It currently has offices in Gaza City and Khan Younis. The Israeli Occupation and the sealing of Gaza have meant that the ICHR, like other Palestinian institutions and organisations, has been unable to maintain a normal operating arrangement between the West Bank and Gaza. Gaza staff are unable to travel to the West Bank and Commissioners, directors and staff in the West Bank are unable to travel to Gaza. The Executive Director has been able to make only two short visits to Gaza in three years. The Board of Commissioners, the Commissioner General and the Executive Director can only see and speak with the Gaza director, managers and staff by video-conferencing. There are no possibilities for broad interaction between staff in Gaza offices and staff in the West Bank offices. This has had consequences for both management and operations. The ICHR risks becoming a split organisation without a sense of common purpose within a single team.

This growing sense of separation must be addressed as a critical issue. The possibility of reconciliation between the Palestinian Authority and Hamas raises the hope that increased contact between the two sets of staff will be possible. The expectation that the new Egyptian Government will permit more movement through the Rafah crossing into and out of Gaza also raises hope. If it remains impossible for the ICHR's leaders and staff to meet as a whole in Gaza or in the West bank, other possibilities can now be explored, such as meetings in Egypt or Jordan. To address the consequences of the years of total separation, the ICHR should convene an annual gathering of Commissioners, the Executive Director and members of the Executive Committee and all staff. The gathering should incorporate meetings between the Commissioners and the Executive Committee, meetings of the Executive Committee itself and all-staff meetings. It should be held over five days and include not only business sessions but opportunities for social interaction to enable team building. The annual gathering should be seen as a core management function and be funded from the ICHR's core budget.

> **Action 5** Ensure appropriate ICHR presence in Gaza, through members of the Board of Commissioners and staff, and implement strategies for engagement with the Gaza authorities to encourage respect for and observance of human rights and ensure appropriate responsibilities for the Gaza Program Director and office managers

The nature and extent of the ICHR's presence in Gaza also needs to be reviewed to ensure that its work there is as effective as possible. The review should include consideration of the number of

members from Gaza of the Board of Commissioners, the number of staff in Gaza, the number and location of offices there and the range and number of activities to be undertaken there.

The review should include developing strategies for engagement with the Gaza authorities based on a clear statement of policy on that relationship by the Board of Commissioners.[35] The de facto authorities in Gaza are exercising governmental functions and bear governmental responsibility for human rights and so their performance must be monitored and alleged violations of human rights investigated and reported on. The strategies for engagement should seek ways to ensure that the Gaza authorities permit the ICHR staff to enter and inspect all places of detention, interview victims of alleged violations and witnesses to the violations, and interview possible perpetrators of violations. They should lead to increased protection for victims and witnesses, especially those who approach the ICHR for assistance. They should also enable regular dialogue between the ICHR staff and senior officials of the Gaza authorities to address and resolve complaints of violation and to prevent future violations.

Action 6   Adopt a program and timetable for renewal of the Board of Commissioners

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The Board of Commissioners has decided to introduce terms of office for members as part of the revision of the by-laws, pending the enactment of an ICHR law. The Presidential Decree establishing the ICHR and Clause 31 in the Palestinian Basic Law do not provide specific terms for members of the Board of Commissioners. The introduction of terms will regularise appointments and enable renewal of the Board. However, the ICHR would suffer if it lost the long experience and great political and public influence of all of its Commissioners at the one time. The Board should ensure that, in introducing terms of terms of office, it provides an orderly program and timetable for renewal to permit a structured handover of expertise and experience from present to new members. New members should also be provided with induction training to equip them to perform their duties fully and well without undue delay.

STRATEGY 2 – STRENGTHEN KEY EXTERNAL RELATIONSHIPS

Action 7   Adopt a clear, open ICHR policy statement to govern how the ICHR will seek to relate with the Gaza authorities, for the protection of staff and to avoid public misunderstanding and confusion

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The ICHR has had difficulty in developing a clear policy on relationships with the Gaza authorities. This is not surprising and is not unique to the ICHR. Most independent Palestinian institutions and organisations, including non-government organisations, have had similar difficulty. They are understandably concerned about the political division among Palestinians and do not want to do anything that may harden that division or imply acceptance of it. Yet, Hamas has been in effective control of Gaza, exercising governmental functions, to the exclusion of the Palestinian Authority, for almost four years. It has been responsible for human rights observance and human rights violation there throughout that period. As the institution charged with monitoring, investigating and reporting on Palestinian compliance with international human rights obligations, the ICHR cannot ignore the role of Hamas in Gaza.

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[35] The statement of policy is developed further in action 7 under strategy 2.

The ICHR's approach to the Gaza authorities has not been static but has developed over the four years. That is understandable in view of the uncertainty about how the situation itself would develop and whether, and how, it would be resolved. Finding and implementing an appropriate policy has not been easy and it is not easy now. It has been the subject of much debate within the Board of Commissioners, especially in relation to the decision early in 2010 to present the annual report on the state of human rights in Palestine to the head of the Gaza authorities as well as to the President of the Palestinian Authority. That decision distressed some Commissioners.

The developing nature of the Board's policy has resulted in some confusion outside the ICHR and even within the ICHR staff. This is evident in the number of ways, and the changing ways, in which the ICHR reports refer to the Gaza authorities – for example, "the deposed Government", "the de facto Government", "the Gaza entity" and "the Gaza Government".[36] The ICHR staff have been unsure how they should refer to the Gaza authorities and at times the staff in Gaza have been unsure if and, if so, how they should relate to officials of those authorities.

On the whole the absence of a clear statement of policy on the relationship with the Gaza authorities has been useful as it has enabled ICHR to adopt a flexible approach and develop its position over time, as the situation itself has developed and evolved. However, at this point, staff need greater clarity to be able to carry out their functions effectively and outsiders seek a better understanding of ICHR's approach. The Board of Commissioners, in close consultation with staff and with Palestinian human rights NGOs, should develop and adopt a statement of policy on relating with the Gaza authorities, even on a provisional basis and subject to further development.

Action 8   Revitalise relations with donors, through regular meetings, good communications and appropriate documentation and reporting

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The ICHR has benefited greatly from loyal, consistent support from the consortium of donors over many years.[37] The consortium has met the ICHR's core budgetary needs through multi-year contracts with standardised application and reporting requirements that minimised bureaucracy. The ICHR has not had to live with the insecurity of annual funding grants and it has not had to use any of its limited resources to hunt for funds for its core operations. The consortium's support has reinforced the ICHR's independence, built its confidence and increased its effectiveness.

In recent years, the relationship between the ICHR and the donors has become more difficult. The difficulty has arisen partly from problems with communications and partly from differing expectations. This has been distressing for both the donors and for ICHR. The donors have been loyal supporters of the ICHR but feel unappreciated. The ICHR has been very effective but feels that it cannot satisfy the donors' requirements and expectations. The donors do not want to micro-manage the ICHR but the ICHR feels that they are increasingly doing so. There is some justification in both sides' perceptions of the difficulties.

What is beyond dispute is that ICHR has benefited from the donor's commitment, and the donors have every reason to feel satisfied with and proud of what they has achieved in human rights protection and promotion through their contribution to and support of the ICHR. There is clear need to revitalise the relationship. There is an excellent opportunity for this with the completion of the

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[36] The Board of Commissioners has since decided to use the expression "the Government of Gaza" as indicated in its 2010 Annual Report.
[37] The consortium consists of the governments or official development agencies of Denmark, the Netherlands, Norway, Sweden and Switzerland. This was mentioned already twice above (repetition).

strategic planning process and the commencement of a new multi-year agreement between ICHR and the donors. The strategic planning is nearing completion. It will form the basis for the ICHR's work for the next three years, providing the institution's objectives and strategies. The donors will fund ICHR's work in the basis of that plan.

Having settled both the strategic plan and the funding agreement, the ICHR and the donors can commence the new funding cycle with new arrangements for communication and exchange. This should include regular meetings not only on organisational arrangements but also on substantive human rights issues. The evaluation report recommended:

> The ICHR should organise a high level dialogue once or twice a year between its most senior decision makers – the Commissioner General, other Commissioners and the Executive Director – and its principal donors, and possibly with other interested representative offices, at head or deputy head of mission level, to exchange analyses and views on the human rights situation in the Occupied Palestinian Territory generally and on the work, policies and views of ICHR in particular.[38]

Action 9	Increase international support and action for the promotion and protection of human rights in Palestine by increased interaction with the international human rights system, including by bringing to the attention of the international community the results of the ICHR's research and analysis

The ICHR has made good use of the international human rights system but there are further opportunities for engagement with that system to increase protection and promotion of human rights in Palestine. There is strong interest internationally in the situation in Palestine but most of that interest has focused on the overwhelming impact of the Israeli Occupation and not enough has responded to human rights violations within Palestine by or under Palestinian authorities. ICHR has unique access to information, extensive data, strong analysis and high credibility to be able to bring these issues to international attention. More international attention will also add to the ICHR's own domestic advocacy with Palestinian authorities on these issues, especially after September 2011, if the UN accepts Palestinian statehood.[39]

STRATEGY 3 – STRENGTHEN STAFF CAPACITIES

Action 10	Provide development opportunities for Commissioners and staff through, among other things,
a.	developing and implementing an institution wide human resource development plan and individual plans for all staff members, including formal postgraduate study with leave from the ICHR
b.	providing English language training for staff members, especially those involved in human rights legal analysis and in advocacy

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[38] Evaluation report recommendation 33.

[39] The Strategic Plan provides two scenarios, depending on whether Palestine attains statehood. If it does, then the ICHR will seek to increase its engagement with human rights treaty monitoring bodies when Palestine ratifies these treaties. Otherwise the ICHR will continue to use such other international advocacy opportunities are available.

<table>
<tr><td>c.</td><td>identifying and providing for the professional development needs of members of the Board of Commissioners</td></tr>
<tr><td>d.</td><td>providing management training and mentoring, including in monitoring and evaluation, for senior managers in the ICHR</td></tr>
<tr><td>e.</td><td>providing training for frontline staff (receptionists, enquiry staff and secretaries) in basic human rights and procedures for receiving and handling complaints</td></tr>
<tr><td>f.</td><td>ensuring appropriate opportunities for career progression within the ICHR for staff members</td></tr>
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The ICHR needs organisation wide and individual staff development plans that

- identify the staff training and development needs required for the ICHR as a whole, to ensure that the ICHR has the necessary range of knowledge, skills and abilities to implement its mandate and its strategic plan;
- provide each member of the staff with an individual training and development plan to identify and address the ICHR's needs and priorities in relation to the capacity development of that staff member;
- allocate an annual budget for the training and capacity development of staff and accessing additional external funding;
- seek out relevant staff development opportunities rather than simply responding to invitations from outside bodies.

In 2010, APF surveyed all its member institutions about their training needs. The ICHR indicated in its response that priority training needs were

very high priority	complaint handling human rights monitoring conduct of national human rights inquiries international humanitarian and human rights law human rights relating to torture, including CAT and OPCAT strategic planning
high priority	relationships between NHRIs and the executive, the parliament and the judiciary
medium priority	women's rights, including CEDAW the international human rights system national action plans for human rights policy development staff supervision

The training needs assessment also indicated that fluency in English was only fair in all three areas of speaking, reading and writing. During this capacity assessment, staff identified English language training as a high priority need, especially for those undertaking legal research and advocacy.

Particular groups of participants in the capacity assessment identified specific training needs. Members of the Board of Commissioners indicated a need for training, especially in international humanitarian and human rights law. They said that they were not all selected on the basis of their human rights expertise but on the basis of the contribution they could make to the work of the ICHR

as prominent members of the Palestinian community. Training to increase their knowledge of the provisions of the law would assist them in their leadership roles within the ICHR.

Managers indicated that they required training in management, including staff supervision. They suggested that they would also be assisted with management mentoring, that is, having access to someone outside the ICHR who was experienced in management who could offer advice and support to them in their roles as managers.

Frontline staff, including receptionists, inquiry staff and secretaries, commented that they received initial inquiries from members of the community and were expected to provide advice or referral on whether the ICHR could assist them or whether they should approach another, more appropriate organisation. They considered that they needed some basic training in human rights and in ICHR's complaint handling procedures to be able to give good advice to inquirers. They expressed their strong commitment to the ICHR and its work and wanted to know more about human rights to be able to be more effective workers within the institution.

Required developmental opportunities extended beyond training. They include opportunities for career progression within the ICHR. This is always difficult for a small organisation. There are only limited promotional positions for any individual members of staff. Career progression can include promotion but it can also include opportunities to broaden experience at the same level, for example through rotation among positions within the organisation. Career progression should be part of each individual staff member's personal development plan.

Action 11   Ensure appropriate protection and support for ICHR field staff and appropriate resourcing of field operations

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One important area identified by field staff was the need for physical protection and psychological support.

Field staff are often placed in situations of risk to their physical safety. The ICHR has a duty of care to and for them that requires it to ensure the physical safety of staff to the fullest extent possible. It needs to have a staff protection plan with clear instructions to staff on what to do when confronted by a situation in which they are at risk. The instructions should include basic procedures for informing designated officials within the ICHR and they should also include clear direction on how to respond to threats and dangers. The instructions should be directed towards the safety of the staff members first and then to what appropriate actions staff members could take to protect others at risk. Field staff said that they did not know what the expectations of the ICHR's managers were of them in these situations. The staff protection plan should also include procedures for extracting endangered staff from the situations of risk as quickly and safely as possible.

Psychological support, and at times counselling, is necessary because of the stress associated with the work of field staff. In the course of their investigations they are often exposed to the consequences of extreme violence and to traumatised victims and witnesses and members of their families. They themselves can be traumatised. The ICHR should establish structures and procedures to enable them to access the appropriate type and level of psychological support they require to deal with the effects of this exposure on them. In some circumstances, this may include short term travel from Palestine for respite and recuperation.

In the course of both the external evaluation in 2010 and this capacity assessment, regional office staff expressed grave concerns about the resourcing of field operations. They consider that they do not have the resources, especially personnel, to undertake their responsibilities adequately. Staff in other ICHR units also referred to the inadequacy of resources but none did so with the sense of urgency expressed by the field workers.

There are two issues here. First, given the ICHR's responsibilities and the importance of investigating alleged violations, adequately resourcing field operations has to be an organisational priority. More broadly, however, allocation of staff in a context of limited resources requires detailed, regular assessment of needs and priorities. ICHR should incorporate this kind of assessment into its planning and implementation cycle so that the allocation of resources is reviewed at least three yearly as part of the planning cycle and more frequently on an ad hoc basis if and when there is significant change in the circumstances confronting the ICHR.

> **Action 12** Review staff remuneration packages, including salaries, allowances, benefits and incentives, and ensure appropriate relativities with staff in comparable institutions in Palestine

The perceived fairness and adequacy of staff remuneration packages affect staff morale and staff performance. The ICHR staff have been adversely affected by relative declines in their real income due to the rapid fall in the value of the US dollar, the currency in which they are paid. Many consider their present package to be insufficient for even a basic standard of living for a family in Palestine. There is a general perception that they have been unfairly disadvantaged compared with other civil servants and other workers in Palestine. The capacity assessment was not able to test these perceptions and form any conclusions on their validity, but the perceptions are clearly having a significant impact on morale and, as a result, risk affecting performance if they are not addressed. If the perceptions are inaccurate, they need to be challenged and rejected. If they are correct, then the underlying unfairness and inadequacy need to be overcome. The starting point should be a review of remuneration packages to ensure their adequacy in themselves and their fairness compared to salaries in comparable institutions in Palestine.

The ICHR should also consider paying its staff in local currency rather than US dollars. This will ensure that salaries are related to local cost structures. To be just, however, any change in the currency of payment should not be on the basis of the current value of the US dollar but on an historic value averaged, for example, over the past five to ten years.

> **Action 13** Review and improve the internal structures by which the ICHR deals with specialist areas of human rights, such as prisons and places of detention, gender equality and disability rights

The ICHR's staffing structure is organised both geographically, with West Bank and Gaza programs and offices, and functionally, with an administration and finance unit and a unit on monitoring, policy and legislation. The evaluation report did not recommend basic change to this structure and the capacity assessment does not. However, areas of specialisation need to be identified within the structure and procedures developed by which those specialisations are accessed and used throughout the organisation. Staff expressed concern that some issues were not receiving the

specialist attention required. They highlighted areas of specialisation relevant to the Palestinian context as including detention and conditions of detention, gender equality and disability rights.

There are different ways in this specialisation could be addressed. One approach is the use of individual focal points for issues identified as requiring specialist attention. A staff member would be designated as focal point on a specific issue. She or he would develop expertise on that issue, including through education and training programs arranged by the ICHR and through regular contact with NGOs and other organisations working on the issue. A second approach is for issues to be allocated across the various existing units, so that each regional office or central office unit would take responsibility for one or two issues identified as priorities. In either of these approaches structures would need to be developed to ensure communication within the ICHR between the specialist focal point or unit and other members of the staff.

At some point in the future, the ICHR may need to examine the desirability of employing specialist staff to handle priority issues. They could be located within the central office policy unit with a mandate not only to act on behalf of the ICHR in relation to that issue but also to inform and advise other staff on it. ICHR does not have sufficient resources to consider this level of specialisation at this time but it may need to do so in the future.

Action 14 Ensure the appointment of women and men to Board and staff positions on the basis of equality, especially ensuring that women victims of human rights violations are able to access women representatives of the ICHR to assist them

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The position of women within the ICHR was highlighted in discussions during the capacity assessment. This had two dimensions.

The first related to equality. Women are under-represented among the members of the Board of Commissioners. Although the executive director is a woman, women are also under-represented in senior management positions in the ICHR. As a human rights organisation, the ICHR has a particular responsibility to ensure equality in its appointment and employment practices and procedures.

The second dimension is the ICHR's capacity to services to women victims of human rights violation. Women victims often feel comfortable only when relating their experiences to a woman investigator. This is especially the case when the violation involved sexual assault or abuse. Nonetheless, the ICHR has only three women field researchers. Responding adequately to the needs of women victims requires a greater number of women among the ICHR's field researchers.

Action 15 Establish formal grievance procedures for staff members

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All organisations require grievance procedures for staff that are known to staff and are viewed by the staff as providing redress with fairness when warranted. Small organisations can sometimes provide these procedures informally on an *ad hoc* basis. Larger organisations, however, require procedures that are more formal. This is part of institution building. The ICHR does not yet have clear grievance procedures and so should move to establish them.

A grievance procedure should include a number of different stages with different approaches and different degrees of formality. Not every complaint requires a formal process of investigation. Most

complaints can be resolved informally, even within a formally established procedure, through conciliation and compromise. Some grievances, however, require more formal investigation because of their seriousness. A complaint of sexual harassment, for example, is a serious matter that requires serious investigation and report to senior management.

The ICHR should examine the grievance procedures adopted by other NHRIs and develop procedures appropriate to its work and context. This should be done in close consultation with staff because it is essential that staff have confidence in whatever procedures are adopted.

STRATEGY 4 – REVISE AND ADOPT INTERNAL STRATEGIES, PROCEDURES AND MANUALS

The ICHR has already developed internal procedures and manuals in a number of relevant areas but some areas have not been covered. In any case these procedures and manuals need review and revision to ensure that they incorporate lessons learnt from past implementation, reflect contemporary conditions and respond to current needs. In a human rights organisation internal procedures and manuals should always reflect human rights values and standards.

Action 15   Develop or revise, as appropriate, internal procedures and manuals for

a.   complaint handling
b.   financial procedures
c.   handling and responding to crisis or emergency situations
d.   recruitment, promotion and terms and conditions of staff
e.   media and communications

and train staff in their use and implementation

Internal procedures and manuals are only beneficial when they are known to staff and used by staff. Their development should include close consultation with staff, especially those staff members expert in the subject area of the particular manual and those who will be expected to make use of it. They can bring their experience to bear to help ensure that the procedures are relevant and as effective as possible. They can also assist in ensuring that the procedures can be easily understood and applied. Once a manual is adopted, staff who will be expected to implement it require training in its use. Induction for new staff should include training in the use of procedures and manuals relevant to their areas of work.

The ICHR should schedule a regular cycle of review and revision of all procedures and manuals and incorporate it into the annual work plans.

STRATEGY 5 – ENHANCE ICHR PROGRAMS AND ACTIVITIES

Action 16   Develop and adopt procedures and by-laws to offer protection to victims of human rights violations and witnesses

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Victims of human rights violations and witnesses to those violations provide information to ICHR. In doing so those victims and witnesses may place themselves at risk from those in relation to whom they make allegations or from people associated with them or from those in organisations against

which complaints are made. The laws establishing most NHRIs provide for criminal penalties for harassment or intimidation or victimisation of victims and witnesses who provide information to the institution. The ICHR has no law to govern its work and so there is no legal penalty applicable in such a situation.

In the absence of an enabling law, the ICHR needs to take such measures as it can to increase the protection of victims and witnesses. It should have procedures to guide staff to take appropriate action when they become aware of any threats to or intimidation or victimisation of victims or witnesses.

Further, in revising the ICHR's by-laws provision, the Board of Commissioners should recognise the need for better protection of victims and witnesses and provide as much legal protection as is possible in by-laws for them. In particular ICHR should seek legal advice on whether the Presidential Decree authorising it to make by-laws is sufficient to authorise the imposition of penalties for intimidating, harassing or victimising victims and witnesses who assist the ICHR in its work. The legal advice should also consider what other measures the ICHR can take through the by-laws to provide better protection.

Action 17   Recognise and support the work of human rights defenders

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Related to the need to offer better protection to victims and witnesses is the role the ICHR can play in supporting and protecting human rights defenders.

The important work of human rights defenders has been affirmed by the United Nations in the Declaration on Human Rights Defenders and in the work of the Human Rights Council's Special Rapporteur on Human Rights Defenders.[40] The Declaration defines human rights defenders widely and functionally to include all those who contribute to the promotion and protection of human rights. The definition includes both human rights NGOs and NHRIs. It also includes people in the media who investigate and report on human rights issues. The Declaration requires that the rights of human rights defenders be respected and protected. This recognises that defenders can themselves be especially vulnerable to violations of their own human rights precisely because of their human rights work.

In 2006 the Asia Pacific Forum of National Human Rights Institutions (APF)

> affirmed the complementary roles of national institutions and nongovernmental organisations as defenders of human rights and as human rights defenders themselves. It recognised the particular responsibilities of national institutions towards human rights defenders and visa versa.[41]

In 2007 APF called for further consideration of "practical mechanisms to enhance NHRIs' protection

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[40] The *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* was adopted by the General Assembly in resolution 53/144 on 9 December 1998 on the occasion of the 50th anniversary of the Universal Declaration of Human Rights. The mandate of the Special Rapporteur on Human Rights Defenders (originally the Special Representative of the Secretary General on Human Rights Defenders) was established in 2000 through Commission on Human Rights resolution 2000/61 and was confirmed in 2008 by Human Rights Council resolution 7/8.
[41] Concluding Statement APF 11, 3 August 2006, at www.asiapacificforum.net/about/annual-meetings/11th-fiji-islands-2006.

of human rights defenders".[42] This has been taken up by human rights NGOs in the Maldives.

The ICHR should collaborate with NGOs in recognising and supporting the work of human rights defenders. It should also seek to involve the media in human rights defenders' work, building links in this way between ICHR, NGOs and media.

Action 18 Strengthen the advocacy role, especially in relation to following up policy statements, reports and complaint investigations

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The ICHR undertakes investigations, conducts research and produces reports of very high quality, but often Palestinian authorities and institutions ignore or dismiss its findings and recommendations. It needs to strengthen its advocacy, both public and private, to encourage more positive responses to its work.

Internally and externally, there are expectations that the ICHR will follow up its investigation and reporting activities with advocacy of its recommendations and that the Palestinian authorities and institutions will respond positively, accepting and implementing the recommendations. The ICHR has little control over the political response to its findings and recommendations but it can decide on the advocacy it will undertake to achieve the desired and required results.

The ICHR should develop an advocacy strategy to follow up its recommendations through

- direct representations, including meetings, with key personnel in the relevant ministries and agencies, including ministers and senior officials
- strategising jointly with partners and supporters in civil society, including human rights NGOs, trade unions and academics
- soliciting the support of those outside the Palestinian institutions who have influence on decision making
- using the media to propagate the ICHR's views and recommendations and to build public support for them
- encouraging and engaging in activity with international human rights forums, such as the Human Rights Council and the human rights treaty monitoring bodies, and mechanisms, such as the Special Procedures
- meeting with key committees and members of the Palestinian Legislative Council when it is re-established.

Action 19 Develop ICHR's capacity to undertake a review of the annual budget of the Palestinian Authority to assess its consistency with human rights standards and priorities

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Annual budgets set governmental priorities and allocate governmental resources. They, therefore, have direct and indirect effects on the State's performance of its human rights obligations and on people's enjoyment of their human rights. For example, where State resources are limited, expenditure in one area may reduce or eliminate expenditure in another – spending on armaments may reduce spending on health and education and deny enjoyment of the right to highest attainable

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[42] Concluding Statement APF 12, 27 September 2007, at www.asiapacificforum.net/about/annual-meetings/12th-australia-2007.

standard of health and the right to education. Many NHRIs are undertaking reviews of annual budgets to determine their effects on human rights, both positive and negative. These reviews influence public opinion and thereby governmental decision making and contribute to the overall assessment of a State's human rights performance.

The ICHR already produces an excellent annual report on the state of human rights in Palestine. That report details human rights violations and reviews policies and programs for their consistency with human rights. The report does not contain any economic analysis, however, including any analysis of the annual budget of the Palestinian Authority for its impacts on human rights observance. This analysis would provide an important addition to the overall assessment of human rights. It would also encourage the Palestinian Authority to undertake its own human rights impact analysis in preparing the annual budget.

Action 20	Build a comprehensive, centralised database, with decentralised data entry and appropriate levels of security for access, on human rights issues, including violations, within Palestine

The ICHR staff are concerned that they do not have access to the wealth of the ICHR information about human rights in Palestine. The ICHR receives information from many sources: complaints lodged by victims of violations, information provided by witnesses to violations, its own research and analysis, the reports of other organisations and individuals to which it has access, information provided by Palestinian authorities and institutions, and so on. All this information is disaggregated, however. It is not brought together in accessible form in the one place. It is not connected with information in the possession of other organisations, in particular human rights NGOs and international organisations. It is difficult, therefore, to locate reliable information about specific incidents or policies or broader information about the human rights situation generally, apart from the ICHR's annual report. It is also difficult to obtain up to date information. To be useful a database needs to be reliable and updated regularly.

The ICHR does not have adequate resources to develop and maintain a large centralised database. Any ICHR database will need to be easily maintained. It will need to avoid multiple handling of information and delays in posting information. The ICHR should permit staff in the various regional offices and units to include information directly on the database. Good procedures, a useful operating manual and an adequate number of trained staff are required to ensure that the database is reliable and up to date.

The ICHR is already moving in this direction in relation to complaints data, developing a centralised database with decentralised data entry, but only for complaints in the West Bank. It is not yet doing this for Gaza complaints or in relation to other areas of human rights work. However, it is developing a Management Information System, under the Monitoring Policy and Legislation Division, regarding prison visits, monthly reports with field data, courts monitoring and data from national inquiries.
The database should enable varying levels of security to be provided. Most information on human rights situations should be public and readily accessible. Other information is sensitive and its disclosure could place a person at risk of violence or other damage or, at the least, breach personal privacy. Access to these kinds of sensitive and potentially damaging information should be restricted to the ICHR Commissioners and staff on a "need to know" basis. So, for example, the ICHR may permit general access to broad information about the human rights situation in Palestine or even information about specific incidents but it would need to prevent access to information about the identity of victims and witnesses.

<table>
<tr><td>Action 21</td><td>Update the website to make it a better and more effective means of informing and educating about the Palestinian situation and bringing increased pressure to those with obligations for human rights in Palestine</td></tr>
</table>

The internet is an increasingly important instrument for human rights work. It is available to enormous numbers of people in all countries. It is a source of information. It educates. It can mobilise people for action. It exposes violations and violators. It contributes to persuading those in authority to give greater priority to human rights and to improve their human rights performance. It is more difficult to hide human rights violations in the internet age.

The ICHR's website is very useable and informative but it could be better. Some information on it is out dated. Some important information is hard to find or may be missing. For example, it does not contain a list of members of the Board of Commissioners with their qualifications and background. In some respects it has not kept pace with innovations in information technology, for example, for searching the site. The site map does not provide a true map of the site.

The internet is such an important resource for human rights advocacy and activism that ICHR must give greater priority to ensuring that its website is up to date and includes all relevant information about ICHR, who it is, what it does and what it thinks.

STRATEGY 6 – INCREASE ACCOUNTABILITY

NHRIs are state institutions and are ordinarily subject to the standard state requirements for reporting and auditing. They have formal accountability requirements that include as a minimum regular reporting to the parliament. Members and senior managers of the NHRI can be called to appear before parliamentary committees to speak to their reports and to respond to questions.

The ICHR is in a unique situation where ordinary accountability mechanisms do not exist or do not operate. It is required to report to the President of the Palestinian Authority and to the Palestinian Legislative Council.[43] However, the Council has not met since 2007. The members of the Board of Commissioners have no terms of office and new members are elected by the existing members. In this unique situation the ICHR has to take additional measures to increase its external and internal accountability. It has different requirements for direct transparency, for example through its website, as there is currently no opportunity for transparency through the legislature.

<table>
<tr><td>Action 22</td><td>Report publicly on all activities, including on the results of investigations into violations, monitoring and follow up on reports and recommendations and on financial income and expenditure</td></tr>
</table>

The ICHR has a strong sense of accountability to the broader community and a good record of releasing information about the organisation and its work. As previously noted the ICHR website already contains a great deal of information, even critical information. For example, the report of the external evaluation conducted in 2010 was released and posted quickly on the website. There are gaps, however. Financial reports are not posted there. There is little information about the ICHR

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[43] Palestinian Basic Law article 31.

action to promote implementation of its recommendations. The ICHR should ensure full reporting of its activities and of internal and external evaluations of its various programs and projects.

Action 23   Extend the system of performance evaluation to evaluate the impact of programs, projects and activities and performance of staff, including individual training and awareness raising activities, at institutional, unit and individual levels

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Internal accountability requires a program of continuous monitoring and evaluation of performance throughout the organisation, at institutional, unit and individual levels. The ICHR has a good record of commissioning independent external evaluations of effectiveness towards the end of each strategic plan. It has also introduced performance appraisal of individual staff members.

Current initiatives need to be completed by unit and program evaluations of effectiveness against goals and objectives. Evaluation should be built into the ordinary process of implementation of activities so that it is undertaken routinely with a minimum of cost and in a minimum time. The results of these evaluations of units, activities and programs should be incorporated into the annual review of the institution's performance as a whole and then into the external evaluations towards the end of each plan period.

The external evaluation of 2010 found that the ICHR needs to improve its evaluation functions and made recommendations to achieve that.[44] The capacity assessment indicated again that the ICHR's capacity in this area needs to be increased. Rather than proposing more specific actions in relation to that, the capacity assessment refers to the recommendations of the evaluation report.

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[44] Evaluation report p 50-51.

5. IMPLEMENTATION

The ICHR, as an independent NHRI, will determine itself whether to accept and implement any, some or all of these strategies and actions. It should, however, proceed in an open and transparent manner to consider the report and decide on its response.

The report is being provided to the ICHR's leadership, that is, the Commissioner General and members of the Board of Commissioners, the Executive Director and the heads of units. The assessment team recommends that, as a first step, it also be provided to the rest of the ICHR staff. This will enable staff members to provide comments to the Commissioner General and Executive Director on the report as a whole and on specific strategies and actions, to inform the consideration of the report by the Board of Commissioners. The report should also be made public through the ICHR website as part of ICHR's commitment to transparency in its operations.

The assessment team also commends to ICHR's leadership a simple implementation table produced by the Human Rights Commission of Malaysia as a template for responding to the capacity assessment report prepared with and for it in February 2009. The template is in Appendix 6. The ICHR could use the same kind of table as its means of recording its decisions in response to the report and then monitoring implementation.

APPENDIX 1: NHRIs in the Arab States

NHRIs in the Arab region are considered as a new phenomenon. Yet many of Arab NHRIs have managed to set and shape up their roles at national, regional and international level. The Arab NHRIs are divided between two major regional networks, with partly overlapping membership: the Asia Pacific Forum of National Human Rights Institutions (APF) and the Network of African National Human Rights Institutions (NANHRI). It is worth mentioning that Jordan is currently chairing the APF and Morocco is Chairing the NANHRI.

There are currently 13 Arab NHRIs in the Middle East & North Africa (MENA) region. Currently, five of these institutions (Egypt, Jordan, Palestine, Qatar and Morocco) are accredited with "A status", that is in compliance with the Paris Principles, by the International Coordinating Committee of National Human Rights Institutions (ICC). Algeria, Tunisia, and Mauritania NHRIs are accredited with "B status". Saudi Arabia, Oman, Bahrain, Djibouti and Libya have NHRIs but they have not yet applied for accreditation to the ICC. Lebanon, Syria, Yemen, Kuwait, Arab United Emirates, Comoros, Iraq and Sudan have not established NHRIs yet. However, it is worth mentioning that Iraq and Sudan have passed laws to establish NHRIs. In addition, Lebanon is in process of drafting a national law to establish a NHRI.

NHRIs are essential for an effective national human rights protection system, providing key opportunities through which human rights can be promoted, protected, mainstreamed and nationally owned from within. Indeed, as noted in the UN-wide Plan of Action, "Action 2", the human rights component of the Secretary General's Reform Programme:

> Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country [...] should therefore be a principal objective of the organisation.[45]

The APF is the association of NHRIs in the Asia Pacific region.[46] Its members include all NHRIs in the region that comply with the international standards for NHRIs, the Paris Principles.[47] It supports the establishment and strengthening of NHRIs, providing a framework for national human rights institutions to work together and cooperate on a regional basis through a wide range of services, including training, capacity building, networks and staff exchanges.

The OHCHR considers the establishment and strengthening of NHRIs in compliance with the Paris Principles as a priority of its human rights work around the world. Paris Principles compliant NHRIs stand out as partners that are central to national human rights protection systems and are important counterparts for OHCHR, as they can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. The OHCHR supports and closely works with individual NHRIs, the ICC and the four regional groups of NHRIs in the Americas, Africa, Asia Pacific and Europe.

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[45] http://www.un.org/events/action2/
[46] Members are: Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Maldives, Mongolia, Nepal, New Zealand, Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Thailand and Timor Leste.
[47] The Paris Principles are the principal source of normative standards for national human rights institutions. Adopted by NHRIs at an international workshop held in Paris in 1991, the Paris Principles marked the beginning of serious international co-operation and standardisation of NHRIs. Both the United Nations Commission on Human Rights and the General Assembly later endorsed them. The Paris Principles are broad and general and indicate the minimum international standards and benchmarks with which a NHRI must comply: see www.ohchr.org/english/law/parisprinciples.htm.

UNDP Country Offices (COs) are increasingly involved in supporting NHRIs. Support has generally been provided on a case-by-case basis, often in consultation and collaboration with OHCHR.

Different types of NHRIs exist. They can be categorised in terms of their mandate, organisational composition, political environment and legal framework. They are generally differentiated along the lines of an advisory role or a watchdog role. However there is no set model. The extent to which these institutions are forces for change depends on their compliance with the Paris Principles, the context in which they operate and the leadership within the institution. Much of the discussion of NHRIs so far, however, has tended to concentrate on the standards against which these NHRIs should be measured, rather than on their performance and operational effectiveness.

APPENDIX 2: Regional Initiative to Support the Capacity Development of NHRIs in Asia Pacific and in the Arab States

In 2008, the Justice and Human Rights Team and Capacity Development Team of the UNDP Regional Centre in Bangkok, in partnership with APF and the National Institutions Unit of the Office of the High Commissioner for Human Rights, launched a Regional Initiative to promote the institutional capacity development of National Human Rights Institutions (NHRIs) in the Asia Pacific region. The Regional Initiative is supported by the UNDP Global Human Rights Strengthening Programme.

The objective of the Regional Initiative is to assist NHRIs understand their capacity strengths and needs and to develop tailored Capacity Development strategies to address capacity gaps on a continuing, comprehensive basis. The initiative is intended to complement and enhance the support projects being implemented by UNDP Country Offices and UN Country Teams for NHRIs at the national level.

The starting point of any Capacity Development intervention is an assessment of institutional and individual capacities. The first step of the Capacity Development support process, as developed by the UNDP Capacity Development Group (CDG), is to facilitate a Capacity Assessment, a self-assessment process to identify capacity strengths and needs of the NHRI.

The benefits for NHRIs in developing and implementing Capacity Development strategies that result from capacity assessments are many. The systematic approach to the capacity assets and needs of the NHRI fosters engagement of NHRI members and staff and key external stakeholders, often across sectors. It leads to capacity development initiatives that are strategic, longer term and integrated, rather than ad hoc and fragmented. NHRIs will be able to implement the process themselves in the future, after having participated in the first assessment, through the selection of capacity development focal points in their own institution.

Following the successful completion of the first two assessments under the Regional Initiative in the Asia Pacific Region (Malaysian Human Rights Commission and Human Rights Commission of the Maldives) the roll-out of the exercise in the Arab states was initiated. The National Centre for Human Rights in Jordan was the first NHRI to undertake this exercise in the Arab Region in 2010. It was then followed by the Palestine Independent human rights commission in 2011.

APPENDIX 3: Self Assessment Questionnaire

Self Assessment Questionnaire - ICHR
General

Please state your unit	
Sex	
Male:	Female:

I. ENGAGING STAKEHOLDER

1. How would you assess ICHR's policy for engaging the following stakeholders?					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 the PLC, Ministries and other governmental entities					
1.2 Donors					
1.3 Civil society organisations					
1.4 The judiciary					
1.5 Non governmental organisations					
1.6 The media					

2. How would you assess ICHR's capacity in involving different stakeholders in the following aspects?					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 Developing a clear policy to involve stakeholders					
2.2 Building a database on stakeholders relating to various fields					
2.3 Developing mechanisms for continuous consultation and partnerships with stakeholders					

3. How would you assess ICHR's capacities in the use of information technology for communicating and engaging with others in the following aspects?					
	Strong	No Capacity	Weak	Medium	Not sure
3.1 Develop and update the ICHR's website					
3.2 Issue electronic reports and publish them periodically on the site and through email					
3.3 Develop and update the electronic databases and					

make them available as appropriate to partners through the ICHR's website				
3.4 Develop an electronic complaints and reports database that can be searched internally and externally as appropriate with various levels of access and security ensured				

II. ANALYSING A SITUATION AND FORMULATING A VISION FOR THE FUTURE

1. How would you assess your knowledge of ICHR's vision in terms of:					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 Existence of a clear vision which determines the ICHR's functions, values and roles					
1.2 A clear understanding of the ICHR's vision and goals					
1.3 The capacity to translate the vision into a specific set of goals					

2. How would you assess your knowledge on the functions of the ICHR in terms of:					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 Knowing the roles and functions within ICHR (policy, financial, coordination, implementation and supervision)					
2.2 Knowing and understanding the direction and priorities of ICHR as a result of restructuring					
2.3 Knowing and understanding the direction and priorities of ICHR as a result of the new strategic plan					

3. How would you assess ICHR's capacity to collect data and information for the development of the following:					
	Strong	No Capacity	Weak	Medium	Not sure

3.1 Complaint handling					
3.2 Reports					
3.3 Programs and projects					
3.4 Planning					
3.5 Training and awareness raising					

4. In general, how would you assess the ICHR's capacity to analyse data and information from the following sources to feed into planning purposes:					
	Strong	No Capacity	Weak	Medium	Not sure
4.1 Information provided by victims of human rights violations					
4.2 Results of investigation of human rights violation					
4.3 Studies and reports of local and international institutions					
4.4 Statistics and indicators					
4.5 The Media					

5. In general, how would you assess ICHR's capacity to benefit from studies and research to support the planning process in the following areas:					
	Strong	No Capacity	Weak	Medium	Not sure
5.1 Identify priorities for ICHR research topics and studies					
5.2 Analyse the output of ICHR studies and research for policy formulation					
5.3 Knowledge of the studies and research carried out by the other parties					
5.4 Engaging appropriate stakeholders according to the subjects of studies and research					

6. How would you assess ICHR's capacities in dealing with law and legal matters in the following areas:					
	Strong	No Capacity	Weak	Medium	Not sure
6.1 Understanding and developing the legal framework governing the work of the ICHR					
6.2 Accessing and using global experiences of international human rights					

law and bodies and of other NHRIs					
6.3 Providing accurate, strategic and appropriate legal advice					
6.4 Ensure the compatibility of ICHR's plans with local human rights context and the requirements of international human rights law					

III. FORMULATING POLICIES AND STRATEGIES

1. How would you assess ICHR's capacity in the process of:					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 leading and coordinating stakeholders in human rights monitoring, protection and advocacy					
1.2 defining a clear division of roles and responsibilities, including leadership within the ICHR					
1.3 propose policies to be implemented					

2. How would you assess ICHR's capacity to manage crises and emergencies?					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 Leadership and coordination in developing and implementing a crisis management plan					
2.2 Establishment of a database for analysis and use in crisis management					
2.3 Coordination with various relevant parties locally, regionally, or internationally, on crisis management					

3. How would you assess ICHR's capacity to continue to engage with those participating in consultations on proposed policies, strategies, programs and projects?					
	Strong	No Capacity	Weak	Medium	Not sure
3.1 Promotion of consultative processes for planning					
3.2 Mechanisms to include the					

viewpoints of various parties in policy-making					
3.3 Provide feedback on the planning consultation process					

4. How would you assess ICHR's capacity to mainstream gender issues in its policies and programs?					
	Strong	No Capacity	Weak	Medium	Not sure
4.1 Understand, articulate and meet women's needs in complaints and mainstream the concept within ICHR operations					
4.2 Ensure that gender concepts and applications are mainstreamed in the organisational strategies and work plans at all levels					
4.3 Ensure appropriate participation of women and men at all levels of ICHR					
4.4 Provide adequate vision and guidance to enhance national policies on protection of women from gender-specific violations and gender based discrimination					

IV. FORMULATING BUDGETS AND MANAGING AND IMPLEMENTING STRATEGIES

1. How do you assess ICHR's capacity in setting up budgets and implementing various departments' functions in the following areas?					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 Design a timetable for implementing action plans linked with the available resources					
1.2 Design indicators and milestones to measure progress					

2. How would you assess ICHR's capacity in the implementation of planning processes in the following respects?					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 Develop budgets that					

correspond to the strategic plan					
2.2 Develop an integrated system to collect and monitor information on external funding					
2.3 Develop and implement mechanisms for auditing					

3. How would you assess ICHR's capacity in engaging with the international and regional human rights systems and mechanisms in the following areas?					
	Strong	No Capacity	Weak	Medium	Not sure
3.1 Implementing commitments of international partnerships including through the ICC and APF and UNDP					
3.2 Developing clear mechanisms to communicate with international organisations, including through preparing reports and shadow reports for international human rights mechanisms in English					

4. How would you assess ICHR's capacity for coordination within and between its administrative units?					
	Strong	No Capacity	Weak	Medium	Not sure
4.1 Defining and implementing the role of the executive committee in coordinating ICHR programs, departments and offices					
4.2 Coordinating among programs, departments and offices					
4.3 Coordinating among its head office and regional offices					
4.4 coordinating between the West Bank and Gaza operations					

V. MONITORING AND EVALUATION

1. How would you assess ICHR's capacity in monitoring and evaluation (M&E) in the following respects?

	Strong	No Capacity	Weak	Medium	Not sure
1.1 Setting up and implementing a clear policy and mechanism for M&E, including budget and staff					
1.2 Devising indicators for M&E for ICHR and for each of the units and projects					
1.3 Use M&E results to redesign strategies, programs and plans					

VI. LEADERSHIP

1. How would you assess ICHR's capacity for leadership?					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 The Board of Commissioners provides vision and strategic direction for the whole organisation					
1.2 ICHR's leaders are able to influence governmental decisions on human rights through access at the highest levels					
1.3 ICHR's leaders are able to influence public opinion on human rights issues					
1.4 ICHR has the capacity to renew and reinvigorate its leadership at appropriate intervals					

2. How would you assess ICHR's capacity in decision making processes and mechanisms?					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 The Board of Commissioners makes all key strategic and policy decisions within ICHR					
2.2 Staff have opportunities to participate appropriately in decision-making					
2.3 Culture of delegation exists in ICHR, allowing staff room to make decisions about their assigned tasks					
2.4 ICHR is able to act					

independently of funders in making critical decisions					

VII. KNOWLEDGE

1. How would you assess ICHR's capacity to use information and data from the following sources?					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 Information and data compiled by ICHR's own programs, departments and offices					
1.2 individual complaints					
1.3 Office of the President, Ministries and other government institutions					
1.4 Legislative Council					
1.5 Civil Society Organisations					
1.6 The Judiciary					
1.7 International institutions and organisations					

2. How would you assess ICHR's capacity in disseminating information to the following ways?					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 News media					
2.2 Website					
2.3 E-mail					
2.4 Formal meetings (workshops, symposia, meetings, training courses)					
2.5 Informal contacts					
2.6 Public service announcements on billboards and in the media					

VIII. HUMAN RESOURCES

1. How would you assess ICHR's capacity in developing and managing its human resources?					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 All positions have clear job descriptions and duty statements					
1.2 ICHR has a human resource management policy and					

	Strong	No Capacity	Weak	Medium	Not sure
strategy					
1.3 ICHR has a performance appraisal scheme					
1.4 ICHR has an incentive scheme, including promotional opportunities					
1.5 ICHR staff receive fair and adequate remuneration packages, including salary and benefits					
1.6 ICHR staff have appropriate access to psychological support					

2. How would you assess ICHR's capacity to determine the developmental needs of the staff?					
	Strong	No Capacity	Weak	Medium	Not sure
2.1 Formal evaluation of staff and regularly monitoring their performance					
2.2 Assessment of the training needs based on their responsibilities, performance and development goals					

IX. ACCOUNTABILTIY

1. How would you assess ICHR's capacity to provide easily accessible information to the public on the following?					
	Strong	No Capacity	Weak	Medium	Not sure
1.1 Complaints and investigations					
1.2 ICHR policy and implementation					
1.3 ICHR views on human rights situations					
1.4 Community engagement					
1.5 Governance					
1.6 Financial audit					
1.7 Performance and impact					

APPENDIX 4: Documents Considered by the Assessment Team

ICHR Narrative Report 2010
ICHR Narrative report 2009
ICHR Action plan 2011 for the Extension period
ICHR Proposed 3 year Budget
ICHR Strategic Plan 2011-2013 (draft)
ICHR Strategic Plan 2008-2010
ICHR Action Plan for 2010
ICHR Indicators for measuring achievements strategic plan 2008-2010
ICHR Evaluation report 2010

ICHR 15th Annual Report
ICHR report on Complaints Handling and Oversight of Detention Centers in 2009 (Draft copy, for internal use only)
ICHR Legal Report on General Intelligence Law

Presidential Decree establishing ICHR

APPENDIX 5: Interview list

Sunday April 3:   ICHR Executive Director
ICHR Executive Team
ICHR Managers of Regional Offices and Coordinators for Training and Complaints (West Bank)

Monday April 4:   ICHR Administration department staff – West Bank (group 1)
ICHR Administration department staff – West Bank (group 2)
ICHR Field Researchers West Bank Regional Office

Tuesday April 5:   ICHR Gaza strip program administration staff (video conference)
ICHR Gaza strip regional offices field researchers (video conference)
ICHR Gaza strip coordinators for complaints, training and media (video conference)

Wednesday April 6: ICHR Legal researchers (West Bank and Gaza strip via video conference)
Al Haq
Musawa

Thursday April 7:   Palestinian Centre for Human Rights
Deputy Minister of Justice
ICHR Board of Commissioners

Tuesday April 12: Donor Consortium

APPENDIX 6: Implementation Table

STRATEGY

NO	ACTION	RESPONSIBILITY FOR PREPARATION	REMARKS	TIMELINE	PROGRESS
1					