

Assessment of 24 CSO supported by HR/IHL donor consortium

1. Background

Under Pillar 3 of the Palestine Country Programme, Denmark supports Palestinian and Israeli CSOs to monitor and document human rights and international humanitarian law (HR/IHL) violations pertaining to Palestinians and to influence the behaviour, policies and practices of duty bearers to be more in line with their HR/IHL commitments and good governance standards. The Danish support is part of a donor consortium fund, consisting of Denmark, the Netherlands, Sweden and Switzerland. Sweden is leading this joint donor funding modality. The fund is presently managed by the HR/IHL Secretariat, established especially for the purpose under the auspices of the consultancy firm NIRAS and the Birzeit University's Institute of Law. By pooling resources and providing core funding to selected grantees, the donors aim to reduce fragmentation of funding and duplication of support, alleviate the administrative burden on partners, and free up resources for a more strategic and qualitative dialogue with duty bearers. Grantees are selected based on themes, their strategic and organisational capacity to implement, monitor and report their own work. In 2016, a study of "the effectiveness of core funding to CSOs in the field of human rights and international humanitarian law in occupied Palestine" was conducted, which i.a. recommended to reduce the number of core funded CSOs from 24 to some 15 in order to increase the % of core support, and thereby enhance aid efficiency. The Palestine Country Programme (2016-2020) Appraisal similarly advised to "gradually reduce numbers of CSOs receiving core funding from 24 to 10-15".

The overall environment is also characterized by increasing pressures from authorities in particular on Israeli but also on Palestinian CSOs, not least HR CSOs.

Another Israeli bill under preparation seeks to amend the Income Tax Ordinance to revoke the tax exempt status of "public organizations" that, "act against the State of Israel abroad". According to the bill, a relevant "act" would include publishing a claim that Israel has committed war crimes or calling for a boycott of Israel or its citizens (including Israeli settlers in the West Bank). The purpose of the bill is to reduce donations to these organizations and therefore impair their ability to continue their operations. The legislation passed a preliminary reading on 8 March 2017.

2. Objective

The objective is to assess the currently supported CSOs with reference to the quality, coverage and effectiveness of their work (documentation, holding duty bearers accountable, advocacy, awareness raising) as HR Defenders in relation to the IHL & HR scenario in Palestine.

3. Methodology

The assessment is based on a desk review of publicly available material from the CSOs' websites, Facebook (FB) and Twitter accounts, in English, Arabic and Hebrew,

with focus on the period of current consortium engagement (2014- till today). The desk review was conducted internally by staff of the DRO in Ramallah, utilizing a pre-designed format for capturing the data in a uniform manner.

The assessment has obvious limitations and would need to be supplemented by considerably deeper review, if it shall be used to assess any individual organization. The filled out format invariably would still reflect some measure of individual 'judgement call' as several staff were involved in the review of the many websites, FB and twitter accounts in three languages, which should be kept in mind in case of reference to individual CSO profile sheets. Furthermore, the websites of the various CSOs vary considerably in quality, frequency of updates, and transparency (i.e. what kind of information is placed in the public domain). The attached CSO profiles reflect this variation. Where certain data were unavailable from the websites, to the extent possible this data have been filled in from other sources such as Annual Audit reports etc, available to DRO as donor.

There were **no substantive differences found across the English/Arabic/Hebrew websites of any of the CSOs with regard to content and tone.**

4. Focus are (IHL/HR) & geographic coverage

The geographic coverage of the HR/IHL agenda seems good. The 24 CSOs cover HR/IHL issues in oPt, i.e. West Bank, Gaza and East Jerusalem – and the Palestinian minority in Israel. The HQ of the CSOs are in West Bank (10), Israel (8), Gaza (4) and East Jerusalem (2), with several organizations having regional offices in different part of the West Bank.

Palestine strengthened its international human rights mechanism in 2014 with its accession to eight HR/IHL conventions¹ (CAT, CEDAW, CPRW, CRC, CRPD, ICCPR, CERD, and ICESCR) and a number of protocols. However, the Independent Commission for Human Rights' (ICHR) recent shadow report on CEDAW points to the " non-obligatory nature of the human rights treaties, including CEDAW, for all official and non-official bodies in the State of Palestine due to the non-existence of a legal framework which would regulate the merger of these treaties in the national legal system. They have not been published in Palestine's *Official Gazette* and have neither been officially published nor translated"². All the supported Palestinian CSOs have activities directly referring to the international conventions, but with focus mainly on

¹ **Human Rights Conventions:** Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); Convention on the Political Rights of Women (CPRW); Convention on the Rights of the Child (CRC); Convention of the Rights of Persons with Disabilities (CRPD); International Convention on Civil and Political Rights (ICCPR); International Convention on the Elimination of all forms of Racial Discrimination (CERD); International Convention on Economic, Social and Cultural Rights (ICESCR); Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict. **International Humanitarian Law:** Hague Convention (IV) respecting the Laws and Customs of War and Land and its annex: Regulations concerning the Laws and Customs of War on Land; Geneva Convention (IV) for the Amelioration of the Condition of the Wounded and the Sick in Armed Forces in the Field; Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Geneva Convention (III) relative to the Treatment of Prisoners of War; Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts.

² ICHR's Intervention on Palestinian Government Report to CEDAW (Sept. 2017), pp. 3-4.

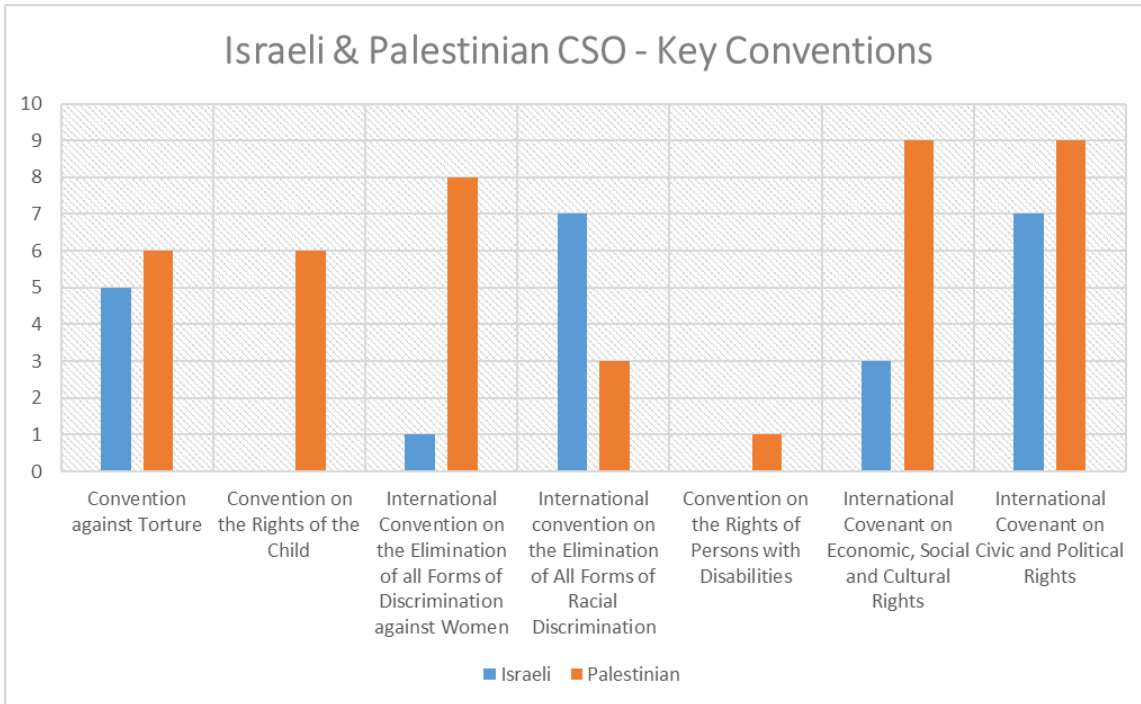
the ICESCR, ICCPR and CEDAW. However, an even stronger convergence of focus is on IHL and collaboration with ICC, which involves 10 of the Palestinian CSOs.

Israeli & Palestinian CSO								
Ratification	PA/IL	PA/IL	PA/IL	PA/IL	PA/IL	PA/IL	PA/IL	Total
CSO*	Convention against Torture (CAT)	Convention on the Rights of the Child (CRC)	International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	International convention on the Elimination of All Forms of Racial Discrimination (CERD)	Convention on the Rights of Persons with Disabilities (CRPD)	International Covenant on Economic, Social and Cultural Rights (ICESCR)	International Covenant on Civil and Political Rights (ICCPR)	
Adalah	1			1		1	1	4
Addamer for Prisoner Rights	1					1	1	3
Al Dameer Assoc for Human rights	1					1	1	3
Al Mezan	1					1		2
Al-Haq	1					1	1	3
B'Tselem	1			1			1	3
Badil				1		1	1	3
Bimkom						1	1	2
BtS				1				1
DCIP	1	1						2
DWRC		1	1			1		3
Gisha				1		1		2
HaMoked	1			1			1	3
JLAC				1		1	1	3
MIFTAH			1				1	2
PCATI	1		1				1	3
PCHR	1	1	1		1	1	1	6
PHRI	1			1			1	3
PWWSD			1					1
WAC – Gaza		1	1					2
WATC		1	1			1	1	4
WCLAC			1				1	2
WSC		1	1	1				3
Yesh Din				1			1	2
Total	11	6	9	10	1	12	16	

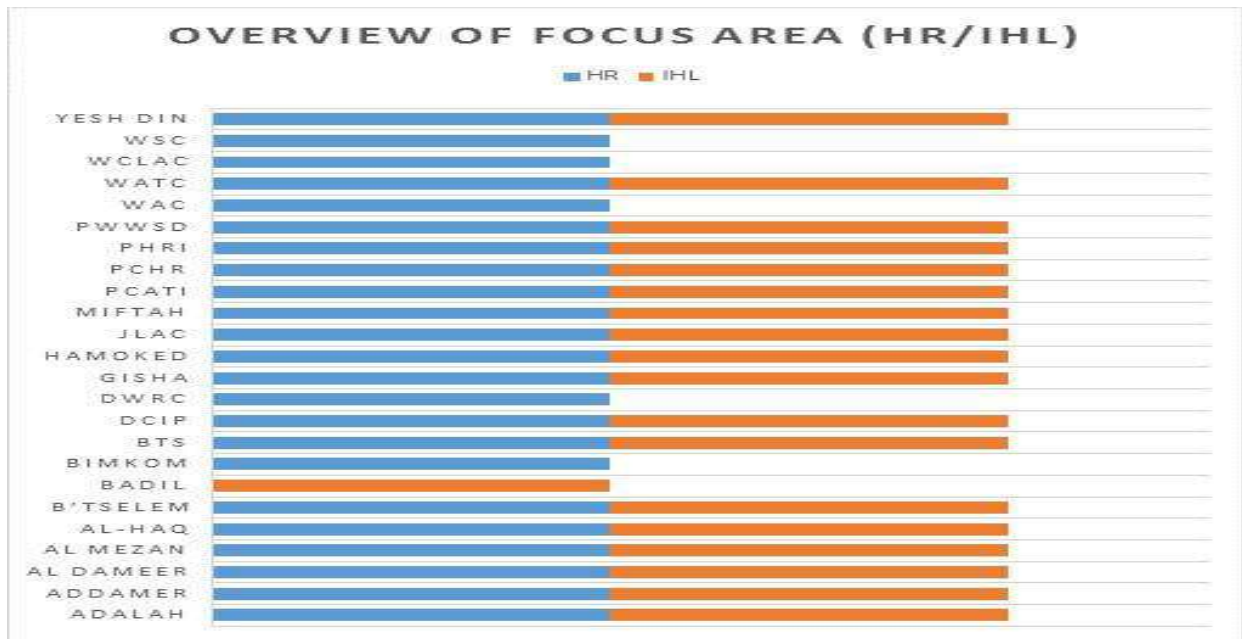
*Palestinian CSO's are listed in black; Israeli CSO's are listed in white

Israel is party to the following conventions⁴: CAT, CEDAW, CERD, ICCPR, ICESCR, CRC, CRPD. The Israeli CSOs are equally focused on ICCPR, but also on CERD, and on CAT. Seven out of the nine CSOs frame their work specifically in the context of the occupation and IHL.

⁴ **Human Rights Conventions:** International Convention on the Elimination of All Forms of Racial Discrimination (CERD), International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), Amendment No. 14 to the Youth (Trial, Punishment and Modes of Treatment) Law 5731-1971, in July 2009, and Convention on the Rights of Persons with Disabilities (CRPD).



Most of the Israeli and Palestinian CSOs work both within the framework of HR conventions and IHL. A few, however, centre their work around either HR only or IHL only.



5. Thematic Work Areas of CSOs

Among the supported CSOs, 96% mention that they address Israel as responsible duty bearer while 63% address the PA, and Hamas in case of Gaza, as duty bearer. The focus on IHL however, also causes a number of CSOs to address the international community as a 'Third

Party' with responsibility for the Palestinian 'situation', both in terms of its origin and its continued existence.

	Duty bearer						
	PA	IL	Hamas	PA/IL	IL/Hamas	PA/Hamas	Pa/Hamas/IL
Adalah		x					
Addamer for Prisoner Rights**				x			
Al Dameer Assoc for Human Rights							x
Al Mezan							x
Al-Haq							x
B'Tselem		x					
Badil		x					
Bimkom		x					
BtS		x					
DCIP				x			
DWRC*							x
Gisha		x					
HaMoked		x					
JLAC				x			
MIFTAH							x
PCATI		x					
PCHR**							x
PHRI							x
PWWSO				x			
WAC – Gaza						x	
WATC							x
WCLAC				x			
WSC							x
Yesh Din		x					
Total	0	9	0	5	0	1	
* include the private sector as a duty bearer							
** include the int'l community as a duty bearer							

Further, the focus on IHL also leads some CSOs to extend their advocacy and campaign activities towards the role of the private sector engaging/investing in settlements in the oPt, which according to IHL is deemed illegal.

The main focus areas of the CSOs, according to their website information, roughly fall in the areas indicated in below chart:

CSO	Location	Focus Area
Adalah	Israel	Arab minority rights in Israel, prisoners, civil & political rights, land rights, legal aid
Bimkom –Planners for Planning Rights	Israel	Planning, land rights
Breaking the Silence	Israel	The occupation, IDF's role in occupation, settler violence

B'Tselem - Israeli Information Centre for HR in oPt	Israel	Women, children, prisoners, occupation, settler violence, land rights, freedom of movement, civil and political rights
Gisha- Legal Centre for Freedom of Movement	Israel	Gaza blockade, freedom of movement, legal aid
HaMoked – Centre for the Defence of the Individual	Israel	Prisoners, occupation, freedom of movement), civil & political rights, legal aid
PCATI - Public Committee Against Torture	Israel	Prisoners, torture, legal aid
PHR – Physicians for Human Rights	Israel	Prisoners, incl. torture, occupation, right to health
Yesh Din – Volunteers for Human Rights	Israel	Occupation, Palestinian land rights
Addameer – Prisoner Support and Human Rights Association	WB	Prisoners, incl. children, occupation, legal aid
Al Dameer Association for Human Rights	Gaza	Prisoners, occupation, Gaza blockade, civil & political rights, legal aid
Al Mezan Centre for Human Rights	Gaza	Gaza blockade, civil & political rights, good governance, legal aid
Al Haq	WB	Fængslede incl. tortur, besættelsen og voldsudøvelse, blokade af Gaza, jordrettigheder, civile og politiske rettigheder, retshjælp
BADIL – Resource Centre for Palestinian Residency and Refugee Rights	WB	Women, right to return, refugees & displaced, civil & political rights
DCI/Palestine – Defence for Children International	WB	Children, legal aid
DWRC – Democracy and Workers’ Rights Centre in Palestine	WB (& Gaza)	Women, civil & political rights, legal aid
JLAC – The Jerusalem Legal Aid & Human Rights Centre	East Jerusalem (& WB)	Civil & political rights incl. legal aid
MIFTAH – The Palestinian Initiative for the Promotion of Global Dialogue and Democracy	WB	Women, civil & political rights, good governance
PCHR – Palestinian Centre for Human Rights	Gaza	Occupation, civil & political rights, legal aid

PWWSO – Palestinian Working Women Society for Development	WB (& Gaza)	Women, civil & political rights, legal aid
WAC – Women’s Affairs Centre	Gaza (& WB)	Women, prisoners
WATC – Women’s Affairs Technical Committee	WB (& Gaza)	Women, civil & political rights, rule of law
WCLAC – Women’s Centre for Legal Aid and Counselling	WB (& East Jerusalem)	Women, civil & political rights, legal aid
WSC-Jerusalem - Women Studies Centre	Jerusalem (& WB)	Women

Main Advocacy and Campaigns

All CSOs, with the exception of three, indicate engagement in campaigns in relation to HR issues and/or the occupation and IHL.

From the 15 Palestinian CSOs supported, 11 are listed as members of the BDS movement of 2005, which was established with very broad support from Palestinian political parties, unions, associations, coalitions and organizations, representing Palestinian refugees, Palestinians under occupation and Palestinian citizens of Israel. The formation of the BDS movement was an attempt to emulate the boycott of the South Africa apartheid regime and gain broad international support for non-violent, punitive measures against Israel, to force Israel to meet its obligations to recognize the Palestinian people’s right to self-determination and fully comply with the precepts of international law. The formal membership of the 2005 BDS movement is not indicative of any specific BDS activities today. However, five of the supported Palestinian CSOs in addition have specific activities and campaigns directed at BDS:

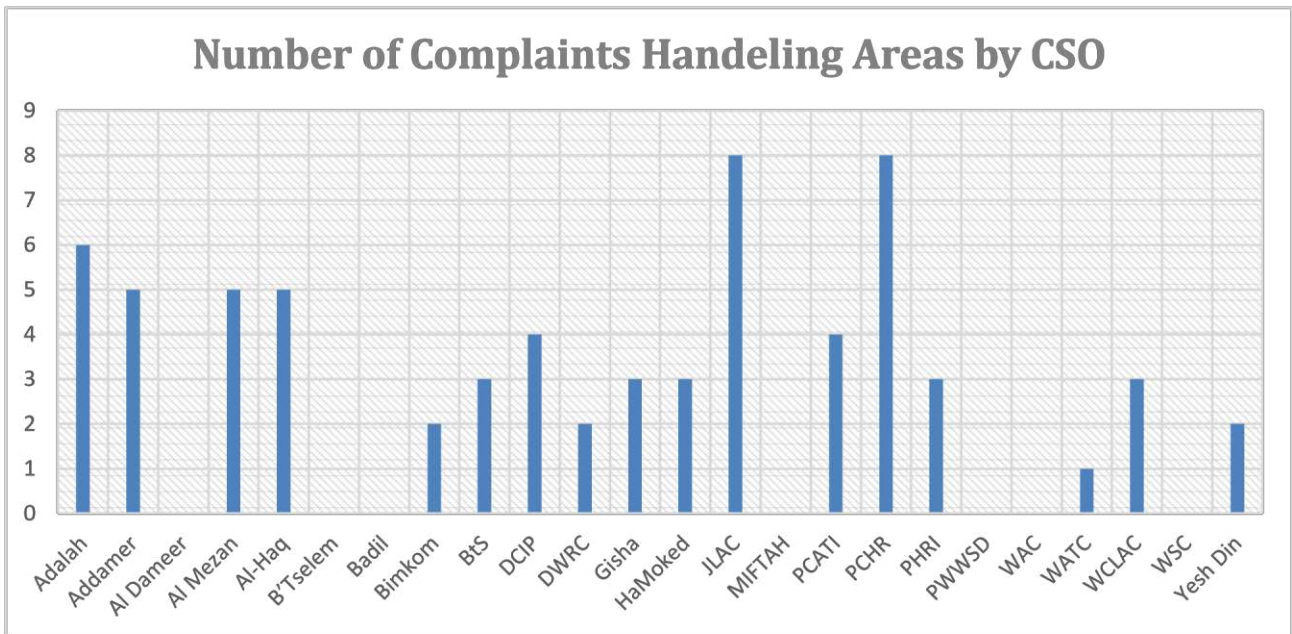
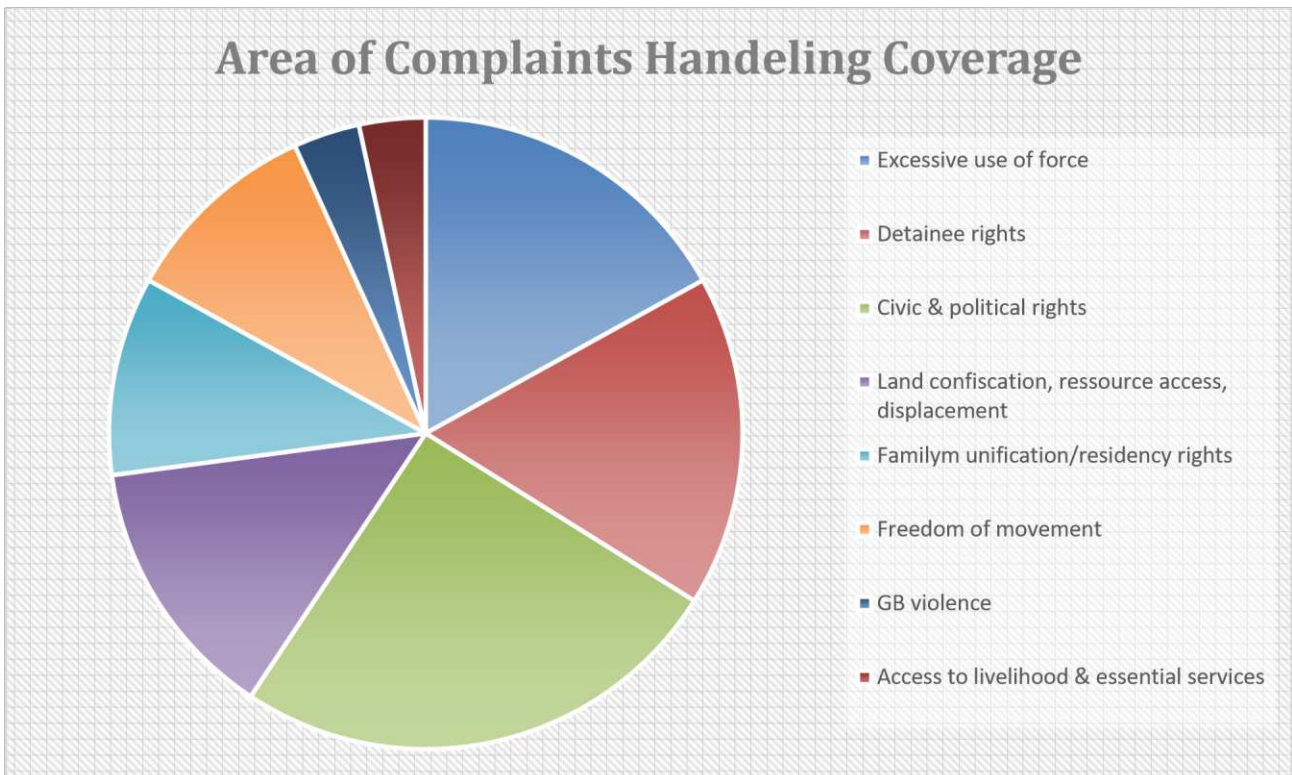
Campaigns by the Israeli CSOs focus on Israeli violations of HR and IHL in connection with the occupation of the WB, East Jerusalem and the blockade of Gaza. The focus is on discrimination, torture of prisoners, imprisonment of children, demolitions and revoking of residency rights, expropriation of resources in oPt (land, water and minerals) in violations of IHL, and Israeli defence Forces’ HR violations.

6. Extent and functionality of Legal Aid and Grievance Redress Mechanism

Seventeen out of the 24 CSOs indicate that they provide Legal Aid or undertake some kind of complaints handling within a wide range of areas, which, as the table below indicates, results in considerable overlap of focus areas across CSOs. However, it should be kept in mind, that the Israeli and Palestinian CSOs are complementary in this respect, as the Israeli CSOs alone are able to represent Palestinian interests vis-a-vis the Israeli legal system.

Among the Palestinian CSOs, 10 out of 15 CSOs are engaged in legal aid/complaints handling, and mostly across a range of thematic areas. This would indicate a certain level of duplication of functions across the CSOs - quite apart from the fact that ICHR also has it within its mandate to address complaints handling.

Among the Israeli CSOs, 8 out of 9 CSOs activities related to legal aid/complaints handling, but in most cases with a narrower focus area, corresponding to the clearer functional division of labour existing across these organizations.



7. Overall Profile of CSOs

Adherence to HR Defender Status

Most of the supported CSOs directly invoke Human Rights and/or International Humanitarian Law in their Vision or Mission statement, while a few mainly refer to specific areas of HR/IHL as their focus. Among the Palestinian CSOs, some define their work area as building a free and

democratic Palestine based on rule of law and human rights. Other CSOs define a more focused mandate, such as Child Rights, Women's Rights and Prisoners' Rights and Refugees' and Displaced Peoples' Rights, as illustrated above.

In general, the Israeli CSOs are more specialized, such as Legal Aid to the Arab minority, Health Rights, anti-Torture, Right to Movement and Access, documentation of IDF actions against civilians and Human Rights and Planning Policies.

None of the CSOs directly spell out on their websites or printed documentation what is required to formally qualify to be labelled as HR Defender, i.e. the recognition of the universality, interdependence and indivisibility of human rights, irrespective of gender, ethnicity, nationality, religion, sexual orientation or other characteristics, and being committed to implement, uphold and promote these HRs by non-violent means only. However, the review did **not** find any breach of the above criteria on any CSO website, FB, twitter account or published material.

The only issue in this context is the social media, where none of the CSOs have a disclaimer on their websites and other social media regarding external content posted, which at times are applying strong language.

Apart from the lack of disclaimer on the social media platforms, there does not appear to be any criteria applied by a CSOs as to what kind of external content is acceptable to appear on the social media.

Organizational Character

The organizational structure of the various organizations are in many cases not clearly spelled out on their websites. While none of the supported CSOs appears to be outright membership organizations, some CSOs have a broader basis obtained through a number of supporters and volunteers.

Generally, organizations seem to be founded by a smaller or larger group of like-minded persons and in some cases institutions or political parties, which today are reflected in a General Assembly or Public Council (self-supplementing?), from which a smaller Board may be formed/elected, to oversee the work and administrative set-up of the CSO. How a person gets to participate in the General Assembly and how the Board is formed (appointed or elected) by the General Assembly is not explained on any website. As far as the General Assembly and Board of many of the Palestinian CSOs is concerned, there is a certain overlap of persons across several organizations, and some organizations have people from the executive on the Board or in General Assembly (e.g. such as ministers or mayors).

8. Conclusion

CSOs compete for money, visibility, relations, research subjects and areas of operations.

- The 24 CSOs provide **a fair coverage of the geographic area** (West Bank, Gaza, East Jerusalem and Palestinian minority in Israel). Gaza and East Jerusalem have special access restrictions for Palestinians, and 4 CSOs are Gaza based and 2 are based in East Jerusalem, which ensures coverage of these areas;
- **The Palestinian CSOs primarily focus on IHL and HR conventions of ICESCR, ICCPR and CEDAW with far less attention to other conventions. The Israeli**

CSOs, selected based on their work related to Palestinian issues (not general HR issues in Israel that are beyond the mandate of the Secretariat), **mainly focus on ICCPR, CERD and CAT, and most reference their work in the context of the occupation and IHL;**

- While the Israeli CSOs define Israel as the relevant duty bearer, the Palestinian CSOs similarly address the PA and/or Hamas in case of Gaza. However, since the major HR violations in oPt is caused by the occupation and the blockade of Gaza, the Palestinian CSOs also address Israel as duty bearer. Beyond that, both some Israeli and Palestinian CSOs also refer to the international community as 'duty bearer', or more properly as Third Party responsible, with reference to IHL violations by Israel;
- There is a reasonably clear division of labour between the Israeli and Palestinian CSOs in terms of thematic areas of work. **The Israeli CSOs are generally operating with a narrow, well-defined focus, while many of the Palestinian CSOs define their mandate very broadly.** Overlap and possible duplication are found among both groups, but more so among the Palestinian CSOs;
- The volume and quality of documentation varies considerably across the 24 CSOs, probably partly a function of whether the organization perceives advocacy/awareness raising as its main focus, or holding duty bearers responsible incl. provision of legal aid services;
- **Most CSOs provide Legal Aid or undertake some kind of complaints handling within a wide range of areas, resulting in a certain overlap of focus areas across CSOs.** However, the Israeli and Palestinian CSOs are complementary in this respect, as the Israeli CSOs alone are able to represent Palestinian interests vis-a-vis the Israeli legal system, which is essential in the context of defending HR. However, for the Palestinian CSOs, the Legal Aid and complaints handling may indicate some duplication/overlap also with ICHR, which has complaints handling within its mandate;
- **Review of the 24 CSO websites, FB, twitter account and published material did not find any incitement to violence or other breach of the requirements of HR Defenders.** None of the CSOs have a disclaimer on their websites and other social media regarding *external* content posted, which at times are applying strong language;
- **From the 15 Palestinian CSOs supported, 12 are members of the BDS movement,** which was established in 2005 with very broad support from Palestinian political parties, unions, associations, coalitions and organizations, representing Palestinian refugees, Palestinians under occupation and Palestinian citizens of Israel. **BDS is defined as a non-violent means of objecting to the occupation. A few have directly engaged in awareness campaigns regarding companies investing in oPt in violation of IHL, and in advocacy campaigns supporting consumer boycott of settlement products;**
- All CSOs report engagement in wider networks domestic and international HR networks, but the actual extent of it is hard to determine from the available material;
- **Some CSOs have a clearly formulated political vision for the future of Palestine while others on their websites and FB present a more narrow HR/IHL focused approach.** This difference may also be reflected in their work and overall balance between awareness raising/advocacy, documentation and legal aid/complaints handling;
- The organizational structure of the various organizations are in many cases not clearly spelled out on their websites. While none of the supported CSOs appears to be outright membership organizations, some CSOs have a broader basis obtained through a number of supporters and volunteers;

- **The supported CSOs are in general founded by a smaller or larger group of like-minded persons, and in some cases institutions or by a broad range of (7) political parties**, reflected in a General Assembly from which a smaller Board is formed/elected, to oversee the work and administrative set-up;
- There are **no clear indication of current political membership/affiliation of any CSO or of its Board in the material scrutinized**. Any verification of such connection (and in particular association with any EU-banned political group) is beyond the resources and legal ability of DRO.

Annex

CSO	Total 2017 budget (US\$)	2017 Secretariat % support of overall budget
Adalah	1 150 000	10%
Bimkom	1 182 000	10%
Breaking the Silence	2 033 480	9%
B'Tselem	2 625 853	16%
Gisha	1 337 156	18%
HaMoked	2 271 000	18%
PCATI	586 501	30%
PHR	1 860 000	9%
Yesh Din	1 571 107	11%
Adameer	864 627	18%
Al Dameer	329 700	26%
Al Mezan	1 062 080	21%
Al Haq	1 817 586	23%
BADIL	662 925	26%
DCI/Palestine	1 741 111	20%
DWRC	1 050 984	16%
JLAC	1 340 000	15%
MIFTAH	1 173 000	17%
PCHR	1 806 000	23%
PWWSD	1 229 050	17%
WAC	1 340 000	15%
WATC	638 475	29%
WCLAC	1 806 402	23%
WSC-Jerusalem	846 879	19%