THE
PALESTINIAN CENTRE
FOR
HUMAN RIGHTS:
AN EVALUATION

March 2004

Undertaken by:
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ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
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<td>EU</td>
<td>European Union</td>
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<td>Euro-Med</td>
<td>The Euro-Mediterranean Human Rights Network¹</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of all forms of Discrimination against Women</td>
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<td>CSO</td>
<td>Civil society organisation</td>
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<td>HR</td>
<td>Human rights</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICCPR</td>
<td>International Covenant on Civil, Political and Economic Rights</td>
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<td>OCHA</td>
<td>Office for the Coordination of Humanitarian Aid</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>PA</td>
<td>Palestinian Authority</td>
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<td>PLC</td>
<td>Palestinian Legislative Council</td>
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<td>PNGO</td>
<td>Palestinian Non Governmental Organisation coordinating body</td>
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<td>TOT</td>
<td>Training of trainers</td>
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<td>UNRWA</td>
<td>United Nations Relief and Works Agency</td>
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<td>WAC</td>
<td>Women’s Affairs Centre</td>
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<td>WCLAC</td>
<td>Women’s Centre for Legal Aid and Counselling</td>
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¹ A network of human rights organisations and activists from the Middle East, North Africa and the EU established in 1997 to support the protection of human rights according to the Barcelona Declaration of 1995
EXECUTIVE SUMMARY

Background
This evaluation was undertaken at the request of PCHR and funded by the consortium of donors providing support for PCHR. Its focus is on organisational issues, performance and external relations. The strategic relevance of programme of activity was addressed but, with the exception of the Women's Rights Unit, detailed programme activity was not examined.

Methodology
With a view to formulating conclusions and recommendations, data was collected, analysed and discussed. Data was principally obtained from documentary research and meetings with individuals and groups, internal and external to PCHR. The evaluation exercise was characterised by a high degree of discussion with staff and PCHR’s Administrative Board throughout, and particularly at its conclusion.

Organisational Structure of PCHR
PCHR is registered as a non-profit limited company and we accept PCHR’s arguments for registering as a company. Our recommendations regarding organisational structure primarily take three different factors into consideration:

• the need for accountability
• the importance to PCHR of control over the organisation
• the need for division of power.

Accountability is one important issue related to organisational structure. We believe that proper accountability measures do not depend on the form of entity and that satisfactory accountability measures can be introduced in PCHR with relatively minor changes to its structure. Division of power is another important issue about which we suggest only minor changes. Power in PCHR is not entirely concentrated in one person. A small group of three to four persons effectively control the organisation on a policy making level.

Organisational Capacity
Financial Management and Control: Our conclusion regarding financial management and control is that systems and structures are appropriate and fulfil the requirements of PCHR. During the evaluation, we have suggested to PCHR a small number of improvements to enhance internal control and efficiency. The two main recommendations are the following:

• We recommend that annual audited financial statements be prepared for the employees’ indemnity and savings fund.
• We recommend that yearly income budgets are prepared and matched against costs budgets.

Funding: PCHR rely on donor funding to cover all costs. Currently, future funding is a concern, both to PCHR and the donor consortium. PCHR has clear objectives regarding funding of the organisation. We agree with PCHR’s objectives of long-term agreements for un-restricted core funding, but find that the organisation lacks a clear strategy for how to achieve them. We recommend that from its objectives PCHR develops a realistic funding strategy.

Personnel Management: PCHR’s personnel policy covers most of the important areas of personnel management. The existence of the policy makes personnel issues transparent and clear to all staff. We have had no indications that staff matters are not handled according to the policy. We have made recommendations in two areas of personnel management:
• staff development
• reducing pressure on staff.

Gender
A concerted effort was made by an all-male team to integrate a gender dimension into the evaluation. The role of women in the context of the current intifada is complex. That complexity is set within a political and economic struggle for survival, weak Palestinian institutions and cultural traditions associated with patriarchal Arab norms. The team was alerted to a range of sensitive issues affecting the most fundamental rights of women. It was repeatedly suggested that abuse of these rights be brought into the open.

Gender balance in PCHR’s staff was reasonable, although with a bias towards using women in administrative support roles. The highest decision-making body of PCHR has no female representation. PCHR provides favourable terms of employment to female staff with, in local terms, generous maternity leave and time off during the nursing period. In terms of staff selection, where a man and a woman were equally strong candidates, a woman would be chosen.

Integration into programmes of gender awareness and empowerment of women was patchy. The protection of women’s rights was not comprehensive. Some of the rights of women under international human rights law were addressed, primarily by way of support for the assertion of rights under Shari’a law. However, their rights under CEDAW were not sufficiently addressed within unit programmes, some of which lacked gender sensitivity.

Performance assessment
PCHR has engaged with the performance assessment process and started to apply it across the organisation. It has created a clear high-level strategy defining its goal and purpose. It has established a sound 3 year plan within which to place its annual programme of activities. It has made good progress in defining organisational outputs. At the unit level, much has been achieved in respect of planning, identifying indicators and reporting. Problems encountered concerned the gathering of too much information and the lack of a demonstrable link between activities and the organisation's strategic outputs.

In addition to the annual unit reports, PCHR has instituted a system whereby unit coordinators produce monthly reports. Strategic assessment is carried out by the Administrative Board and reported on in the Annual Report. The process of setting indicators and measuring performance is already producing results. Planning is becoming clearer. Reporting is improving. Management is starting to obtain information on unit performance that allows it to address areas of concern. On the basis of this solid start, the process of developing performance mechanisms needs to be consolidated.

Programme relevance
The draft framework drawn up in January 2003 was used as the basis for examining PCHR's strategic planning and the delivery of its activities. The relationship between the purpose of the organisation—namely protecting human rights, promoting the rule of law, and assisting in democratic development – and PCHR's stated goal of supporting the Palestinian people's right to self-determination, was explored in the light of relevant international human rights instruments. The framework was considered logical and resonated well with international law. An analysis was made of how appropriate are outputs to the stated purpose, again using international instruments as a reference. In general, the relationship between output, purpose and goal was found to be consistent.

Responses were given as to whether organisational outputs are realistic and whether the organisation is sufficiently flexible in the way it operates. The section concludes with a detailed breakdown of the relevance of unit activities to the organisation's outputs. Findings
demonstrated that most unit activities have a high degree of relevance. Most outputs received significant contributions from at least three Unit programmes. Thus activities were generally considered highly relevant to outputs.

**External relations**
PCHR is a well-known and respected human rights organisation set within a complex matrix of networks. Four main external networks were identified and examined: international institutions, Arab partners, UN organisations and lastly local NGOs in Palestine and Israel.

PCHR has generated outstanding relationships at the regional and international level which greatly assist it in achieving its purpose. It was observed that good relations are associated with a synergy where both, or a multiplicity of parties benefit mutually from interaction. Where this occurs PCHR can be a willing and generous partner. However at the local level we note the existence of long-standing wrangles; moving beyond these would be to everyone’s benefit. There were widespread references to problems associated with a lack of coordination. Recommendations focus on coordination as being an important means of increasing the impact of advocacy, maximising resource use and providing more meaningful and credible data.

**Conclusion and recommendations**
PCHR is an impressive organisation operating in an extremely stressful environment with high levels of human rights abuse. Its structure was found to be appropriate to its operational management. Its capacity was adequate in respect of financial and personnel management. It is making progress in addressing the needs of women and establishing a performance framework. Programme relevance was strong and the organisation has been effective in generating strong regional and global links.

Challenges for PCHR are: to improve its organisational accountability and its capacity to obtain funding; to continue developing its approach to the empowerment of women and of creating a performance framework; to address the issue of coordination. The report concludes with a summary of recommendations.
1.0 Introduction

1.1 The evaluation and report

PCHR came into being in 1995. Its goal is to support the Palestinian people exercise their right to self-determination in accordance with international law and UN resolutions. PCHR sets about achieving its goal by protecting human rights, and promotion of the rule of law in accordance with international standards, and by assisting in the establishment of democratic institutions and a flourishing civil society.

This document reports on an evaluation of the Palestinian Centre for Human Rights (PCHR). The evaluation was undertaken at the request of PCHR and supported by the consortium of donors providing support for PCHR. The consortium is composed of Christian Aid, DanChurch Aid, Ford Foundation, Novib and the International Commission of Jurists (Sweden). It was proposed that the evaluation should take place in 1999 but for security and other reasons, it has not been possible to proceed until 2004.

The evaluation was undertaken by a three-person team composed of individuals with legal, auditing and social development skills. Other than a short period of work in Jerusalem, the evaluation took place in Gaza between 10-22 March 2004.

As made clear in the TOR agreed between PCHR and the Donor Consortium (Annex 1), the focus of the evaluation is on organisational issues, performance and external relations. While the evaluation closely examined strategic issues concerning programme relevance, apart from the gender dimension, the evaluation team was not asked to undertake a detailed examination of programme activity.

In order to respond to the TOR, the report is structured in the following manner. It starts with a brief account of the methodology used to undertake the evaluation. The report then moves on to deal with organisational structure and capacity. Since accountability and participation are closely related to the way that structure is addressed in the evaluation, the TOR item on these issues has been dealt with in the section on structure. The next section deals with gender and the empowerment of women, both within the organisation and in its programmes. This is followed by sections on performance assessment and programme relevance. Finally we describe and comment upon PCHR’s external relations. The report closes with a brief conclusion and a summary of recommendations.

1.2 PCHR's achievements

PCHR was established by a group of Palestinian men and women dedicated to the protection of human rights in Palestine. Its focus has been on human rights violations carried out by Israelis and on violations by the Palestinian Authority (PA). Once established, PCHR rapidly gained in credibility, with support from local, regional and international partners. The organisation has played a major part in setting the agenda for monitoring human rights violations in Gaza and the West Bank.

The organisation quickly became integrated into global human rights networks. Within the Arab world it has become engaged in several key partnerships with organisations sharing the aim of raising international awareness of human rights abuses committed across the region. It has established a wider base of regional contacts with NGOs whose agenda is the protection of international human rights.
Outside the Arab world, PCHR became known for its reports on human rights abuses in Palestine and for its advocacy initiatives. It became a member of the International Commission of Jurists (Geneva), the International Federation of Human Rights (FIDH), and the Euro-Mediterranean Human Rights Network. In the conference on racism held in Durban (2001), PCHR played an important role in promoting a motion which condemned Israeli territorial and demographic control in Palestine as apartheid.

PCHR and has played a leading part since 1994 in seeking to ensure that as an occupying power, Israel observes the Fourth Geneva Convention (concerned with the protection of civilians living under occupation). To this end, in cooperation with other regional and international actors, PCHR successfully lobbied for the convening of the first conference of the high contracting parties to the convention in 1999. Following the UN General Assembly’s 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its declaration of concern for the predicament of Palestinians, PCHR along with others lobbied for a second conference of the high contracting parties. PCHR has been awarded consultative status to the United Nations Economic and Social Council (ECOSOC).

PCHR forecast that the current intifada. It took steps to ensure that 10% of its budget was unearmarked. This allowed the organisation to respond with speed and flexibility to human rights needs as they emerged.

Providing information on the abuse of human rights to UN bodies has become central to the work of PCHR. PCHR receives a large number of diplomatic, international media and other international delegations in Gaza including in 2000, Mary Robinson, the UN Commissioner for Human Rights.

In recognition of the work undertaken by PCHR it was presented the French Republic Award in 1998 and the Bruno Kreisky Award (together with Israeli journalist Amira Hass) in 2003. The International Service Award for Human Rights was awarded to Raji Sourani in recognition of his personal and professional commitment to human rights in 2003.

2.0 Methodology

The approach used in the evaluation was the collection of data, data analysis, discussion within the team, followed by the formulation of conclusions and recommendations. Team members worked to their strengths. Meetings took place between members of the team at the end of every day where the day’s findings were discussed and views were shared.

Structures and systems were evaluated against generally accepted benchmarks and also took into account the specific circumstances, objectives and priorities of PCHR. Information gathering included both studies of official and internal documents kept by PCHR coupled with interviews with relevant staff.

Progress in performance assessment was undertaken by analysing plans, indicators and reports used over the past year. In-depth discussions took place with each unit to assess their approach to performance. Analysis of programme relevance involved assessing the linkage between outputs and organisational purpose in the light of international instruments relating to the protection of human rights.
To achieve an understanding of the situation of women in contemporary Palestine and of PCHR's relationships with other aid actors, an extensive range of meetings took place with NGOs, UN organisations and also well informed individuals both in Gaza and Jerusalem.

The evaluation was characterised by a high degree of discussion with PCHR staff and the Administrative Board of PCHR. This included one-to-one interviews, unit discussions, group meetings, focus groups and visits to both Branch Offices. Discussions were initially exploratory, with a view to collecting relevant data, and increasingly became used as a means to take soundings on conclusions. The presentation of findings took place in three phases: firstly a day spent with the Director, secondly a presentation to the Administrative Board and finally a resume of the evaluation presented at a staff meeting.

3.0 PCHR Organisational structure & Community Participation

3.1 Legal Form of Entity

PCHR is registered as a limited company under the Companies Act of 1929. The registered By-laws (Articles of Association) of PCHR stipulate that it is a non-profit company. This means that any profits earned by the company cannot be paid to the shareholders as dividends but must be used to achieve the objectives of the company. The company objectives according to its By-laws correspond well to those objectives stated by PCHR in other documents.

A limited company is owned by its shareholders. The board and the director of the company are accountable to the shareholders for their administration of it. The shareholders of a company can be seen as the equivalent to members of an association, but with restricted membership. The ultimate decision-making power of the company lies with the owners, as with the members of an association. This power is primarily exercised at the shareholders’ annual meeting, when the board is elected by the owners.

According to the By-laws of PCHR, the shares of the company cannot be sold, donated or transferred in any other way by a shareholder without the agreement of the board. The effect is that the board controls both the number of owners and who those owners are.

Our understanding of the main reasons for registering PCHR as a company is the following:

- It was of utmost importance to the founders of the organisation to guarantee that their control over PCHR was secured and, for the future, to guarantee the control of their successors as shareholders. The objective of this control was to safeguard the independence of PCHR and to ensure that the objectives and focus of the organisation remained the same. The present shareholders still stress the importance of this control.

- Registration as an NGO with charitable status under the law governing Palestinian NGOs is seen by PCHR as endangering the independence of the organisation as it allows the authorities far more power over an NGO compared to a registered company. The interference and possible obstruction by authorities is seen by PCHR as a genuine threat, given the fact that PCHR is constantly criticising the PA for committing human rights violations.

- Opening up the membership of PCHR is considered by the organisation as opening it up to infiltration and obstruction by government and other groups critical of PCHR’s
agenda. This is again seen by PCHR as a genuine threat, in light of how other membership-based organisations have developed.

Without being in a position to confirm the validity of PCHR’s fears regarding registration under the law governing NGOs and becoming a membership organisation, we accept their arguments. From previous experience we have the impression that these concerns are widespread among Palestinian NGOs and there are research reports confirming the effect on Palestinian organisations of open membership. Most importantly, we believe that proper accountability measures do not depend on the form of entity and that satisfactory accountability measures can be introduced in PCHR. The applicable law is designed to ensure proper accountability. Our recommendations regarding accountability are presented later in this section.

3.2 Control and Accountability

To a large extent our recommendations below regarding organisational structure relate to the two important concepts of control and accountability. Control in this context can be defined as decision-making power over PCHR. Accountability is defined as an obligation by PCHR to explain or justify the actions and decisions of the organisation.

The two concepts of accountability and control are closely related. True accountability not only consists of the notion of being accountable to someone. Those you are accountable to must also be in a position to hold you accountable. They need to be in a position to impose sanctions or to act in some other way in response to undesirable actions or decisions. Holding someone accountable is clearly closely related to the concept of control.

3.3 Organisational Structure

The most important documents governing the organisational structure of PCHR are:

- the registered By-laws (Articles of Association) of the organisation
- the internal document named “By-laws and Organisational Structure of PCHR”.

These two documents and the Companies Act coupled with a description of the PCHR structure given by management staff, have informed the way in which the organisational chart below has been drawn (Figure 1). It should be pointed out that the chart has been drawn by us, according to our formal understanding of the structure of PCHR as described in the documents above. This understanding has been supplemented by descriptions of staff and our own observations as to how the organisation operated.

The lines in the chart represent delegation of authority. The arrows represent points of contact and communication.
Figure 1: Organisational Chart of PCHR

Shareholders

Shareholders’ General Meeting

Administrative Board

Director

Deputy Director

Programme Committee

Khan Younis Branch Office

Jabalya Branch Office

Co-ordinator

Co-ordinator

Co-ordinator

Co-ordinator

Co-ordinator

Co-ordinator

Co-ordinator

Co-ordinator

Legal Unit

DD Unit

Ecosoc Unit

Women’s Rights Unit

Fieldwork Unit

Training Unit

International Unit

Admin Unit

Local Community
3.4 Division of Power

Division of power within an organisation is important for several reasons:

- Concentration of power in one person increases the risk of abuse of power and corruption.
- Including several persons, and thus differing views and opinions, in both the policy-making process and in management operations produces better results than having a single person leading an organisation.
- Delegating authority to subordinates will, if managed right, in most cases result in better performance from those persons.

Power in PCHR is not entirely concentrated in one person. But a small group of three to four persons effectively control the organisation at the policy-making level. Most members of this group are represented in the organisation as shareholders, in the Administrative Board and Programme Committee as well as some being Unit Co-ordinators. In our opinion, changes are needed for effective division of power. These changes relate both to authority and to accountability. Our recommended changes are relatively minor and will not drastically change the structure of PCHR. These recommendations are presented later in this section.

Delegation of authority to lower levels in the organisation relates primarily to Unit Co-ordinators but also to individuals in the Administration Unit. This delegation of authority is relatively far-reaching and the Unit Co-ordinators have sufficient authority both to plan and to implement their activities independently. The same goes for several staff members in the Administration Unit.

The work of PCHR is further influenced by two non-decision making bodies: the Programme Committee and the monthly general staff meetings, where the former is most influential. The Programme Committee is considered to have an important role within PCHR, though precisely what that role is and the authority it provides are somewhat unclear.

3.5 Conclusions and Recommendations regarding Organisational Structure

Below are our conclusions and recommendations regarding the organisational structure of PCHR. Our recommendations primarily take three different factors into consideration:

- the need for accountability
- the importance to PCHR of control over the organisation
- the need for division of power.

**Shareholders:** The shareholders are the owners of the company. According to the By-laws there must be a minimum of four and a maximum 50 shareholders. The shareholders can be seen as equivalent to members of an association, with restricted membership. The shareholders, through their general meeting, are the most important element in ensuring the accountability of a company.

PCHR currently has four shareholders. All of them are employees of PCHR, and can thus be described as internal. The shareholders are seen by PCHR as a formality. They are there as required by law, but they exercise no real power. This offsets the mechanisms for accountability.

We recommend that proper mechanisms for accountability are introduced by increasing the number of shareholders and introducing external shareholders. We suggest that this is done in three steps, introduced over a period of several years, where the first step can be taken immediately:
1. Increase the number of internal shareholders with at least two persons.
2. Introduce at least one external shareholder.
3. Increase the number of external shareholders to a majority.

Shareholders’ General Meeting: According to the Companies Act and By-laws, the Shareholders’ General Meeting is the ultimate decision-making body of the company. According to the By-laws, at least one General Meeting must be held annually. The main tasks of the General Meeting are to elect the Administrative Board, approve the yearly financial statements, and appoint an auditor.

General Meetings are currently not held and the ultimate power of the General Meeting is not recognised by PCHR. The last General Meeting was held in January 2000 when a new Administrative Board was elected. A fourth board member was appointed by the Board itself in February 2000, offsetting the power of the General Meeting in violation with the By-laws. Further, the auditor is appointed by the Board, again offsetting the power of the General Meeting in violation with the By-laws.

We recommend that PCHR recognises the General Meeting as the ultimate decision-making body. This recognition should be clearly stated, both internally and externally. Most importantly, the Shareholders’ Annual General Meetings should be held in accordance with the By-laws.

Administrative Board: The Administrative Board is equivalent to a board of directors or a governing body. According to the By-laws:
- the Administrative Board is the ultimate decision-making body between Shareholders’ General Meetings
- it is elected for two years by the General Meeting
- there must be a minimum of two board members and a maximum of four

The Chairman of the Administrative Board has an important role. According to the By-laws:
- the Administrative Board shall appoint Chairman and Deputy Chairman among its members
- the Chairman convenes Administrative Board meetings and Shareholders’ General Meetings
- when votes in the Administrative Board are equal, the Chairman has the casting vote
- the Chairman has the authority to act on behalf of the company by entering into agreements on behalf of the company and to represent the company in legal and other matters.

Currently, the Administrative Board has four members, all internal. The Director, Raji Sourani, is Chairman of the Administrative Board and the Co-ordinator of the Legal Unit, Iyad Alami, is Deputy Chairman. In several cases, PCHR has assigned the Administrative Board the authority that according to By-laws lies with the Shareholders’ General Meeting. For example, the Administrative Board appoints the auditors and has appointed a board member.

We recommend that the composition of the Administrative Board be changed to include external members and to separate the two posts of Director and Chairman of the Administrative Board. (N.B. There is no stipulation in the by-laws that board members must be shareholders.) We further recommend introducing female representation on the Administrative Board. This issue is further discussed in §5.3 & §5.4 below. We suggest that the changes are carried out in three steps, over a period of several years.
1. Elect one external member.
2. Appoint the external member as Chairman of the Administrative Board.
3. Elect a second external member.

With the introduction of external members to the Administrative Board, the work of the Board would become less operational than it is today, where weekly meetings are held and primarily operational decisions are made by the Board. Instead the decisions by the Board would be fewer and more strategic in nature. The Board would meet less often. The practical role of the current Administrative Board could be taken over by a Management Group, appointed by the Director. We would support the introduction of such a Management Group.

**Director:** According to the By-laws, the Director is appointed and dismissed by the Administrative Board. According to the document “By-laws and Organizational Structure of PCHR”, the Director:

- manages PCHR’s daily work
- assigns responsibilities and duties to members of staff according to programme needs
- makes administrative decisions regarding staff according to applicable policies
- represents PCHR officially
- is a member of the Administrative Board

Apart from being Director of PCHR, Raji Sourani is Chairman of the Administrative Board, member of the Programme Committee, and head of the Administration Unit. This creates a heavy workload on the Director. We believe that there is a need for concentrating the efforts of the Director on strategic issues and co-ordination of units to a larger extent.

We recommend that a co-ordinator, or head, of the Administration Unit is introduced and that a Public Relations Unit is created. This would enable the Director to concentrate on strategic issues and co-ordination to a larger extent. In addition, we have recommended above separating the two posts of Director and Chairman of the Administrative Board.

**Deputy Director:** The post of Deputy Director is not mentioned in the By-laws or “By-laws and Organizational Structure of PCHR”. According to the document “Looking Ahead: Activities 2004-2006”, the Deputy Director is responsible for:

- management of the two branch offices
- co-ordinating visits of international solidarity delegations
- public relations and media relations within the Arab world and internationally

The Deputy Director is acting Director when the Director is away. This is not stated in any official document. We find the post of Deputy Director somewhat unclear, but do not see this lack of clarity as being significant. Accordingly, we do not give any recommendation on this matter.

**Programme Committee:** According to “By-laws and Organizational Structure of PCHR”, the Programme Committee has no decision-making authority. The mandate of the Committee is described as follows:

- ensure effective interpretation of annual plan to achieve collective participation of the staff
- consider suggestions by staff regarding matters that fall under the Committee’s authority
- approve the annual plan and submit it to the Administrative Board for approval

According to “By-laws and Organizational Structure of PCHR”, the Programme Committee is appointed by the Administrative Board.
From our discussions with staff at PCHR, it is obvious that the Programme Committee plays an important role. This is where the most important discussions regarding programmes are taking place. The view of the Committee’s decision-making authority differs among staff.

We recommend that:
- the composition of the Programme Committee is specified to all unit Co-ordinators and the Director
- the role of Programme committee is primarily to act as an advisory body regarding programme issues, giving recommendations to the Director. In addition, it would serve as an important communications channel between the Director and the Unit Co-ordinators
- the authority and tasks of the Programme Committee is specified in “By-laws and Organizational Structure of PCHR” to clearly distinguish them from those of Administrative Board, Director, and Unit Co-ordinators.

**Unit Co-ordinators:** The role and authority of Unit Co-ordinators are not specified in “By-laws and Organizational Structure of PCHR”. Our understanding is that Unit Co-ordinators are responsible for implementing the annual plan and that the necessary authority is delegated to them by the Director to enable them to take that responsibility.

We recommend that:
- Unit Co-ordinators are re-named Heads of Unit to reflect their real responsibility and authority
- the responsibilities and authority of Unit Co-ordinators are specified in “By-laws and Organizational Structure of PCHR”.

**Board of Trustees:** The Board of Trustees is mentioned in “By-laws and Organizational Structure of PCHR” as part of PCHR’s structure, but the authority and duties are not specified and its position in the organisational structure is not explained. The Board of Trustees is not mentioned in the By-laws or Companies Act. In other, less official, documents, the Board of Trustees is described in the following way: “PCHR is accountable to and acts under the overall guidance of the Board of Trustees.”

PCHR is in no way hiding the fact that the Board of Trustees is not active and in fact non-existent. Still, describing the intention of PCHR as being accountable to the Board of Trustees must be described as misleading. Its role is not described in any of the main documents of PCHR and its role is described by management as unclear.

We do not recommend giving the Board of Trustees any decision-making authority or any role connected to accountability. Internal discussions within PCHR are taking place to change the Board of Trustees into an Advisory Board. We do not give any recommendations in this regard.

### 3.6 Benefits of Recommendations Regarding Organisational Structure

The shareholders are the owners of PCHR and in that capacity they have the ultimate control over PCHR, through the General Meeting. The Administrative Board and the Director, as the highest executive decision-makers of PCHR, are ultimately accountable to the shareholders. The shareholders’ ultimate control over PCHR enables them to actually hold the Board and the Director accountable. This is a situation of true accountability.

Our recommendations would create a situation where there would be a group of shareholders that can assume the role of holding the Administrative Board and the Director accountable.
Our recommendations would further introduce procedures that would enable the shareholders to exercise their role of holding the Administrative Board and the Director accountable. The most obvious and most common way of holding the Administrative Board accountable for undesirable actions or decisions would be to elect a new Board.

If our recommendations are followed, the control of PCHR would be in the hands of:
- Shareholders: the shareholders are ultimately in control of PCHR but this control would normally be exercised only by electing an Administrative Board.
- The Administrative Board: the shareholders delegate their authority to the Board, which effectively is the ultimate decision-making power of the organisation.
- The Director: the Administrative Board delegates authority to the Director for the operational management of PCHR, which effectively gives the Director the ultimate decision making power over PCHR’s day-to-day operations.

PCHR would primarily be accountable to:
- Shareholders: as the owners of PCHR, the shareholders are the ones that can hold the Administrative Board and the Director truly accountable.
- Donors: by supplying the funds for PCHR, the donors are in a position to demand accountability from PCHR. Equally important, they are in a position to hold PCHR to account. This would ultimately be done by stopping funds.

### 3.7 Community Participation

Here we examine the extent to which PCHR’s clients and target groups influence the operations of PCHR at the strategic level and at the level of activities. We consider firstly the benefits of community participation to PCHR and secondly, the extent of current participation. We then provide recommendations as to how participation could be improved.

Clients and target groups can assist PCHR’s planning and management in two ways. Firstly, by seeking client’s views on the effectiveness of its activities, PCHR can make judgements about its programmes and thus improve performance. Secondly, listening to the views of clients and target groups as to the relevance of what PCHR wants to achieve (its outputs) can assist the organisation with strategic planning.

Responses from the community as to the effectiveness of programmes are received through daily contact with clients in the service provision Units, through feedback from participants taking part in training, and from attendees at conferences, seminars and workshops organised by PCHR. The Training Unit has recognised how it can benefit from evaluation of its activities by the community, including feedback from clients as part of delivering training. This is clear from the Unit’s Annual Plan and Annual Report. Other Units responded enthusiastically to suggestions that they should integrate similar techniques into their activities in order to receive feedback.

Views on the relevance of what PCHR wants to achieve are not formally sought. Informal communication in this respect takes place to a limited extent through client contact, training, and public events. At present, PCHR neither formally asks for, nor does it give ear to, the views of the community regarding strategic issues. This deprives it of a rich vein of strategically relevant ideas. Consulting public opinion would also legitimise PCHR in setting about what it wants to achieve. Efforts to obtain greater legitimacy in the eyes of the community were considered important by a number of Palestinian human rights NGOs.

Formalising a structure to listen to the views of members of the community on PCHR’s strategy would provide insights valuable to planning, and produce greater legitimacy. The
notion of an annual meeting open to the public was considered by PCHR to be too unpredictable in nature to be of use to the organisation. We recognise that this is an area of sensitivity for PCHR and that they were not comfortable with what was being suggested by the evaluation team.

However, community participation and feedback have functional benefits. There would, for example, be benefit in establishing a mechanism involving people with relevant professional knowledge and expertise which allowed them to make informed comments on the strategy and impact of human rights groups. Annual feedback from such a group composed of PA officials, lawyers, police officers, university lecturers and CSO leaders, whose expertise relates to that of PCHR and other human rights groups, could provide a valuable indication of the impact being made by human rights organisations. Such a mechanism would be best organised through PNGO. The costs of a PNGO-related exercise could be shared by members.

Another channel of information and communication would be to establish an annual survey undertaken by university students to measure changes in public attitude to important human rights issues relating to the work and strategy of PCHR. The use of such a form of feedback would assist PCHR in improving its performance by the provision of impact data (data which measures long term qualitative change). We note that some PCHR positions may be politically unpopular. However we are not suggesting an opinion poll on PCHR, but rather an exploration of public views on issues of social concern relevant to human rights policy and the measurement of long term change. The resources required are unlikely to be excessive. A survey would be a sub-contracted project. It would require an individual to liaise with a university, provide support as appropriate and manage information.

To summarise, we therefore recommend that wherever possible all Units introduce a means for clients and target groups to evaluate the services they provide. We also recommend a more structured approach to gathering views as to the relevance to the community of what PCHR wants to achieve in order to benefit strategic planning and to increase legitimacy. Suggested structures are annual feedback from a group of professionals working with human rights-related issues and an annual social and attitudinal survey on selected human rights issues, particularly those relevant to PCHR.

3.8 Recommendations

We recommend that proper mechanisms for accountability are introduced by increasing the number of shareholders and introducing external shareholders. We suggest that this is done in three steps, introduced over a period of several years, where the first step can be taken immediately:

1. Increase the number of internal shareholders with at least two persons.
2. Introduce at least one external shareholder.
3. Increase the number of external shareholders to a majority.

We recommend that PCHR recognise the General Meeting as the ultimate decision-making body. This recognition should be clearly stated, both internally and externally. Most important, Shareholders’ Annual General Meetings should be held in accordance with the By-laws.

We recommend that the composition of the Administrative Board is changed to include external members and to separate the two posts of Director and Chairman of the Administrative Board. We further recommend introducing female representation on the Administrative Board. We suggest that the changes are carried out in three steps, over a period of several years:
1. Elect one external member.
2. Appoint the external member as Chairman of the Administrative Board.
3. Elect a second external member.

We recommend that a co-ordinator, or head, of the Administration Unit is introduced and that a Public Relations Unit is created.

We recommend that:
- The composition of the Programme Committee is specified to contain all unit Co-ordinators and the Director
- The role of Programme committee is primarily to act as an advisory body regarding programme issues, giving recommendations to the Director. In addition, it would serve as an important communication channel between the Director and the Unit Co-ordinators
- The authority and tasks of the Programme Committee is specified in “By-laws and Organizational Structure of PCHR” to clearly distinguish them from those of Administrative Board, Director, and Unit Co-ordinators

We recommend that:
- Unit Co-ordinators are re-named Heads of Unit to reflect their real responsibility and authority
- The responsibilities and authority of Unit Co-ordinators are specified in “By-laws and Organizational Structure of PCHR”

We recommend that:
- All Units introduce a means for clients and target groups to evaluate the services they provide
- PCHR encourage the formation of an annual human rights review undertaken by a group of professionals working with human rights related issues to provide feedback to all HR groups.
- PCHR seek to undertake an annual public opinion poll on selected human rights issues, particularly those of interest to itself.

4.0 Organisational capacity

4.1 Financial management and control

PCHR employs one accountant, as a member of the Administrative Unit which is headed by the Director. The Administrative Board regularly receives financial reports and discusses the financial situation.

The accountant is responsible for setting up accounting systems, recording financial transactions and reporting to the Director and to the Administrative Board. He is well qualified for the post and is constantly improving accounting systems and procedures.

The accounting system is appropriate to the needs of PCHR and includes mechanisms for internal control. The term internal control relates to the prevention of both mistakes and fraud in financial management. Internal control systems are often based on the involvement in financial transactions by a number of persons. In a relatively small organisation like PCHR the possibilities of division of responsibilities are often limited. Financial management is basically handled by the accountant and the Director. With these limitations in mind, the
conclusion is that the financial system in most cases includes sufficient internal control mechanisms.

Audit by an external auditor is primarily a mechanism for the accountability of the board and director of an organisation towards the shareholders or members. That is why, according to the Companies Act, the Shareholders General Meeting elects the auditor. He or she is their representative regarding accountability. In PCHR, this has been offset by the lack of recognition by PCHR of the Shareholders General Meeting. Instead the Administrative Board itself elects the auditor. We have a recommended a change to this situation under “Organisational Structure”.

We want to state clearly, though, that we have found no indications that this failure to follow proper appointment procedures of auditors is intended to obstruct or influence the audit itself, or to harm the quality of the audit. The reputable international accounting firm Ernst & Young are appointed auditors and we have no reason to doubt that a complete annual audit of high quality is carried out.

Our conclusion regarding financial management and control is that systems and structures are appropriate and fulfil the requirements of PCHR. However, we want to point out that our assessment is based only on an evaluation of systems and structures. It has not included controls of accounts or voucher and is not a guarantee of the absence of either accounting errors or fraud.

During the evaluation, we have made minor suggestions in the area of accounting to the accountant. In a meeting with the Director and the accountant we further suggested a small number of improvements to enhance internal control and efficiency. Two of those recommendations are of such magnitude that they are included in this report. These two recommendations are presented below.

**Employees’ Indemnity and Savings Fund:** Separate accounting records and a bank account are maintained for an employees’ indemnity and savings fund. These records were audited separately until 1999 but not after that. They are mentioned in PCHR’s annual financial statements but it is unclear to what extent they have been submitted to a full audit. We recommend that annual audited financial statements are prepared for the employees’ indemnity and savings fund.

**Yearly income budgets:** Yearly income budgets are not regularly and systematically prepared by PCHR. In order to give early warnings of shortfalls in funding, we recommend that yearly income budgets are prepared and matched against costs budgets. A breakdown of the income budget according to the classification currently used by PCHR would be helpful for management’s analysis. The three categories of funding in this classification are:

1. Bridge funding: secured funding from multiple years agreements
2. Annual funding: annual agreements normally renewed every year
3. Expected funding: funding from new proposals.

**4.2 Funding**

PCHR relies on donor funding to cover all costs. In recent years, the organisation has experienced shortfalls in donor funding which has forced it to utilise its reserves, cut costs and find additional funding at short notice. Currently, future funding is a concern, both to PCHR and the donor consortium.

PCHR has clear objectives regarding funding of the organisation. The main points of those objectives are the following:
• To safeguard independence from donors regarding policy.
• Not to accept donors that could compromise the integrity or independence of PCHR.
• To maintain a donor consortium that provides unrestricted core funding.
• To enter into multiple-years agreements.
• To streamline the reporting to all donors within the consortium.
• The ideal situation would be that consortium donors are committed to fund fully PCHR’s annual budget or to arrange necessary additional funding from new donors. Funding PCHR would be the responsibility of the donors.

Although PCHR has clear objectives regarding funding arrangements, it lacks a clear strategy for how to achieve them. This has, in practice, resulted in a short-term view on funding. This short-term view relates both to planning procedures and to approaching donors to request funds. This short-term view is probably related to PCHR’s objective of donors’ responsibility for funding. The consortium donors have a responsibility to cover deficits on short notice because they have committed themselves to funding PCHR.

We agree with PCHR’s objectives of long-term agreements for un-restricted core funding. We recommend that from these objectives PCHR develop a realistic funding strategy. We suggest that PCHR consider the following recommendations for that strategy:

• Accept that PCHR is itself responsible for its funding. This is a fundamental requirement and a starting point for implementing the other recommendations.
• Understand donors’ objectives, priorities and procedures.
• Adopt a long-term view on finding new donors.
• Improve budgeting procedures to ensure early warnings of any need for additional funds. Follow costs budget procedures with indicative three year budgets and annual detailed budgets.
• Improve donor relations with focus on the needs, priorities and procedures of donors.
• Appoint a donor relations officer.

4.3 Personnel management

The ultimate authority over personnel management is with the Administrative Board. The most important way that the Board exercises this authority is by formulating a personnel policy. The relatively comprehensive personnel policy is included in the document “Bylaw and Organizational Structure of PCHR”. Day-to-day personnel management is delegated to the Director as one of the duties described in the same document. The Director is responsible for “making decisions with regard to personnel affairs, employment, evaluation, dismissal and warnings according to applicable policies at PCHR.”

The Director regularly refers difficult decisions regarding staff, for example warnings and dismissals, back to the Administrative Board. This means that the Director does not fully exercise the authority delegated to him but seeks to solve these matters in consultation with the Administrative Board. We see this as positive and believe that it increases transparency in deciding particularly difficult staff issues.

The personnel policy in “Bylaw and Organizational Structure of PCHR” specifies the policies of PCHR in the following areas:

• Calculation of salaries
• Annual staff assessments
• Employment and dismissal
• Working hours and leave
• Health insurance.
The personnel policy covers most of the important areas of personnel management. The existence of the policy makes personnel issues transparent and clear to all staff. We have had no indications that staff matters are not handled according to the policy.

**Staff development:** Currently, there is no official policy in PCHR for staff development. Management is generally positive to staff attending training courses, conferences etc., but active encouragement is not there. As a consequence, relatively few of the staff attend training courses to develop their skills.

We recommend that PCHR adopts an official staff development policy, where staff development is encouraged and financial and other conditions are stated. This policy would be included in “Bylaw and Organizational Structure of PCHR”. We further recommend that individual training needs and requests are included in the yearly staff evaluations.

**Pressure on staff:** Our impression is that PCHR staff on all levels and in all positions are dedicated to their work and to the goals of PCHR. The needs are never-ending and so is the amount of work. Many work more and more to cope with the amount of work.

This results in high pressure on the staff. The workload is heavy with long working hours. The work hours are irregular and unpredictable. Many staff members are confronted with demanding and dangerous situations and are exposed to much human suffering.

With this pressure, rest and recreation is important. You need to get away from work and think about something else, spend time with family and friends.

Within its defined areas of operations, PCHR seldom prioritises activities to regulate the workload. Many of the staff take little or no leave, often just a single day now and then. There is no regulation of working hours, everyone is allowed to work as much overtime as they feel they need.

It is the duty of the management of an organisation to keep pressure under control and to restrain staff from pushing themselves too hard.

We recommend that PCHR assumes responsibility for regulating the pressure on its staff. The Administrative Board and the Director need to prioritise work to adapt the workload to the number of staff of PCHR. They further need to formulate policy regarding working hours and leave. Staff should be ordered not to work more overtime than the policy allows and to take at least a specified amount of leave days.

### 4.4 Recommendations

**Financial management and control:** We recommend that annual audited financial statements are prepared for the employees’ indemnity and savings fund.

We recommend that yearly income budgets are prepared and matched against costs budgets. A breakdown of the income budget according to the classification currently used by PCHR would be helpful for management’s analysis. The three categories of funding in this classification are:

1. Bridge funding: secured funding from multiple years agreements
2. Annual funding: annual agreements normally renewed every year
3. Expected funding: funding from new proposals.

**Funding:** We recommend that from their objectives PCHR from develop a realistic funding strategy. We suggest that PCHR consider the following recommendations for that strategy:
• Accept that PCHR is itself responsible for its funding. This is a fundamental requirement and a starting point for implementing the other recommendations.
• Understand donors’ objectives, priorities and procedures.
• Adopt a long-term view on finding new donors.
• Improve budgeting procedures to ensure early warnings of need for additional funds. Follow costs budget procedures with indicative three year budgets and annual detailed budgets.
• Improve donor relations with focus on the needs, priorities and procedures of donors.
• Appoint a donor relations officer.

**Personnel management:** We recommend that PCHR adopts an official staff development policy, where staff development is encouraged and financial and other conditions are stated. This policy would be included in “Bylaw and Organizational Structure of PCHR”. We further recommend that individual training needs and requests are included in the yearly staff evaluations.

We recommend that PCHR assumes responsibility for regulating the pressure on its staff. The Administrative Board and the Director need to prioritise work to adapt the workload to the number of staff of PCHR. They further need to formulate policy regarding work hours and leave. Staff should be ordered not to work more overtime than the policy allows and to take at least a specified amount of leave days.

**5.0 Gender**

This was a team of three men and only one member has done any gender-related work with NGOs. The team does not thus claim to have the expertise to satisfactorily address the issue of gender, nevertheless a concerted effort has been made to integrate a gender dimension into every aspect of the evaluation. Before addressing the TOR in respect of the empowerment of women within the organisation and its programmes, it is appropriate to provide some background information deriving from actors external to PCHR interviewed during the course of the evaluation.

**5.1 Background**

A Palestinian psychiatrist observed that there is in general a clear dichotomy in men between the intellectual and emotional acceptance that women are their equals. There are issues of power that deeply condition relations between the sexes in the Palestinian people as in any other society. Responsibility in Palestinian society was described as being divided between the sexes. Males are generally responsible for external relations, that is relations with other men, status and politics. Women are responsible for all that takes place within the home. This stretches from housework and childcare to finance and business. Because of the extensive nature of their responsibility, women tend to have an extremely important role in the key institution of the family. They not only manage the home but the men that live in it from birth and through their lives.

The role of women in the context of the current intifada is complex and is by no means easily or quickly understood by the outsider. That complexity is set within the context of a political and economic struggle for survival. It is influenced by a situation whereby the lack of an effectively enforced criminal code and has brought about a persistence of, or perhaps a reversion to, values informed by religion and informal mechanisms of justice, both of which
are heavily mediated men. This, along with cultural traditions associated with heavily patriarchal Arab norms, greatly influences how each sex perceives the other.

One consequence is that a range of sensitive issues affecting crucial women’s rights such as violence against the person, incest and honour killings have come to represent a taboo. These issues have become very difficult to handle. As a consequence there is what is described by one well-informed commentator, as a conspiracy of silence.

It was repeatedly suggested to the team that these issues need to be brought into the open and that HR organisations have an obligation to do this, an obligation that they are by no means adequately fulfilling. It was described by one respondent as an area where culture must be challenged in the name of the development of Palestinian society. To start with ‘sensitive’ issues need to be brought out into the open and seriously discussed. Haidar Abdul Shafi, Director of the Red Crescent and a leading Palestinian figure, stated that debate needs to be encouraged and that discussions should take place with a wide range of Palestinian people. Human rights organisations have an important role in this. Secondly, while the situation is improving, women should be given a much greater role in the workplace and in decision-making. Our focus on women and PCHR will address these two issues.

5.2 Women and PCHR

Women’s Rights Unit: The responsibilities of this unit can be summarised as providing legal aid to Palestinian women and women’s organisations, awareness raising about women’s rights under domestic laws and international rights instruments and finally lobbying and advocacy to incorporate international standards for women and children into domestic law. The unit owes its origins to an initiative in 1996 when PCHR hosted a conference for women activists. From this beginning, the organisation started working in a small way with women’s issues until a decision was made to form a unit in 1997. This was supported by a $40,000 grant from the OHCHR. The unit has since become established as a small but highly effective part of PCHR. It has generated for itself a valuable crosscutting function across the organisation with a primary focus on the administration of Shari’a law. The unit provided important contributions to PCHR’s training programme. Its work is underpinned by a strong emphasis on awareness-raising. In respect of this it has secured project funding from the Swedish NGO ‘Women to Women’. The unit was observed to provide an extremely useful role in supporting poor women in need of legal support during times of family crisis or difficulty.

Training Unit: The unit provides training in human rights that are tailored for delivery to five different audiences. In all of these, CEDAW-related material plays a part. The unit provides data on gender breakdown and encourages the enrolment of women on the training courses it delivers. One course with a detailed focus on CEDAW is specifically designed to enhance the understanding of women activists and organisations as well as the PA on women’s rights. Men were also encouraged to participate in this course. The way that gender considerations were incorporated into course content and to a variety of audiences was impressive.

Legal Unit: Support for Palestinian women in Israeli detention is provided by the Unit. It does not collaborate with the Women’s Rights Unit other than in respect of transfer of cases. Unit staff, including one female lawyer, were positive about the current cooperation between male and female members, and would welcome more women in their team. Creating a more equal gender balance in the unit is constrained by the character of the emergency responses demanded of PCHR lawyers which requires they be on call 24 hours a day. It was also stated that there were fewer suitably qualified female lawyers in the Gaza Strip than there were male.
**Field Unit:** The coordinator of the field unit is a woman. She stated that it was difficult for the Unit to target violations relating to issues of women’s rights in a situation where the population in general was suffering widespread abuse of its human rights. However, no mention was made of women in the annual report. There was no gender breakdown of statistics nor were there any gender-related indicators used in the unit’s reporting system. Occasionally, information was passed to the Women’s Rights Unit when incidents came to light relating to the abuse of women and children. It was estimated that about five cases were passed to the Women’s Rights Unit during 2003.

**DDU:** The unit is not involved in women-related issues beyond the delivery of a component on female political participation. Women are not mentioned in the report on the 2003 annual plan. There are no indicators that relate to women. It is noted that this unit with responsibilities for advocacy is not including rights issues relating to Palestinian women.

**International Unit:** No statements, bulletins or advocacy initiatives relating to the situation of Palestinian women have been issued by the unit. There are no gender-related indicators in the unit plan.

**Economic, Social and Cultural Rights Unit:** Despite the emphasis in the ICESCR on ensuring that its rights are applied equally to women as to men, the Unit’s research over the past two years has only addressed gender issues to a very limited extent. It collaborated with an external partner in organising a five-day workshop on gender issues in 2002. Workshops planned in conjunction with the Women’s Rights Unit and the Training Unit for 2003 were not carried out. The ESCR Unit uses no indicators which relate to gender.

**Gender balance:** Approximately 40% of PCHR staff are female. The Administration Unit contains a high proportion of females working in support roles. If Administration Unit male and female staff are removed from this analysis, then the number of female staff in operational and decision-making positions is reduced to about 30%. It is true that the gender balance on the Programme Committee is 4:3, however our analysis concludes that as it stands, this is primarily a consultative body. It is to be noted, that the Administrative Board, the highest decision-making body of PCHR, has no female representation.

**Women’s employment rights:** Female staff were given 3 months maternity leave. On their return to work, they were given off one hour a day to nurse their babies. International Women’s Day was given as an additional holiday for female staff.

5.3 **Analysis**

Male staff felt that the female/male ratio in the organisation was, if not equal, then acceptable. The general impression when speaking to male staff was that they were satisfied with the way that women were treated in the organisation. Senior male staff stated that recruitment procedures were non-discriminatory and that staff were selected purely on merit. Where two candidates were of equal merit, then the woman was chosen. However it is noted that the number of female staff in operational units was around 30%. PCHR needs to decide whether this represents an adequate proportion. In patriarchal societies where opportunities and resources heavily favour the male child, females are inevitably disadvantaged and much female potential is wasted. Gender responsive organisations operating in a patriarchal society therefore need to consider whether selection procedures that rely entirely on formal educational qualifications are appropriate and whether they should generate a policy that recognises and fosters female potential.
Discussions with female programme staff indicates that they have good working relationships with their male colleagues but that they have a different perspective on gender differentiation within the organisation. While some felt that women were able to express their opinions, and that these were taken into account when programme objectives were being considered, others felt that the lack of female representation on the Administrative Board deprived PCHR’s decision-making body of an important perspective on programme objectives, personnel and other matters. We consider that this issue should be addressed as a matter of priority by the inclusion of a woman on the Administrative Board.

After discussions with a number of women’s organisations and leading Palestinian figures, we came to the conclusion that PCHR’s protection of women’s rights is not comprehensive. It is true that some of the rights of women under international human rights law were being addressed, primarily by way of support for the assertion of rights under Shari’a law. However, we consider that wherever possible programmes should seek to uphold the rights of women under CEDAW, and that there should be greater emphasis on this. In particular certain abuses that relate to sensitive issues such as violence against women, honour killings, incest and rape, where women are victims of a "conspiracy of silence" were neglected, despite a reportedly significant number of such cases occurring in Gaza.

A large proportion of PCHR’s response to the first public draft of this report (see Annex 3) concerned its dissatisfaction with the way in which the evaluation dealt with the issue of gender. This and a subsequent discussion make it clear that PCHR do not think they have been treated fairly by the evaluators on this matter. When this dissatisfaction is put into context, it can be seen to be located in what has been stated in the previous paragraph. The TOR require the evaluation team make a judgement about how effectively and systematically PCHR addresses gender issues and promotes the empowerment of women internally and in its programmes. The preceding paragraph expresses our considered response to the programmatic dimension.

PCHR states that they address the rights of women by means of Shar’ia law, representation in the civil courts and by grass roots awareness-raising. PCHR is concerned that they are being required to engage with a new agenda which carries resource implications and a further burden on an already over-worked organisation. PCHR states that there are a number of organisations addressing the rights of women and that women’s rights per se are not in their mandate. PCHR states that they are concerned with the rights of all Palestinians. We do not disagree with any of these statements. However, within the context of the TOR we found evidence which points to important areas of rights abuse which needed attention. Above all, improvements in the lot of women requires attitudinal change in men and the institutions they control. We do not argue for any significant re-allocation of resources, rather we argue for using the weight, power and prestige of PCHR to publicly support women’s human rights organisations in addressing the abuse of women by instigating a debate in Palestinian society on these issues and in so doing drawing attention to the way the intifada impacts particularly heavily upon women and also emphasising the indivisibility of human rights.

A final comment is that part of good gender awareness practice is to take note of how programme activities affect and reflect the lives of women. It is therefore of value to incorporate gender-related indicators into planning and reporting procedures. It was noted that this practice is not being applied systematically across the units.

5.4 Recommendations

- To incorporate into PCHR unit training workshops modules on:
  - Gender awareness
- CEDAW and how those aspects of the Convention can be applied to individual unit activities

- Heads of Units should ensure that gender sensitive indicators are integrated into their processes of planning and reporting.

- As a precursor to addressing identified yet unaddressed abuse of the rights of women, the issues need to be brought into the open. We recommend therefore that PCHR, along with women’s organisation and other interested parties, instigate a debate across Gaza society on the ‘sensitive’ issues mentioned above.

- As a first step to increase female involvement in policy-making, it is recommended that PCHR appoint a woman to the Administrative Board at an early opportunity.

- In order to address the disadvantages suffered by females in competing for posts as a result of difficulties in gaining access to education, it is recommended that consideration be given to trialing the recruitment of women with identified potential and providing them with appropriate training and support.

### 6.0 Performance assessment

PCHR has engaged with a process of performance assessment to improve its operational effectiveness and reporting. The first step in this process was a capacity building exercise which took place in January 2003. In this section we start by introducing the notion of performance measurement that has been adopted by PCHR. We next examine how individual PCHR units have planned their activities, set indicators and reported on them. On the basis of this information we then analyse PCHR’s achievements in developing a system of performance assessment by discussing it progress with planning, indicator setting and reporting. Finally we comment upon how PCHR’s operational activities are related to its strategic goals as defined in its outputs.

#### 6.1 Performance assessment – a definition

Performance assessment is a developing concept. It is being increasingly applied across public and private organizations. It is concerned with assessment of monitoring, evaluation and impact assessment activity relating to projects, programmes, strategies and policies. It involves the generation of performance indicators; examining the way in which indicators are applied to produce performance data; finally, it is concerned with using performance data to improve organisational performance.

These issues can be addressed by adopting a performance framework composed of three principal sub-systems: goals, performance assessment and performance management. These constitute a cycle which can be used to bring about improved organization learning. The cycle requires: the establishment of a hierarchy of goals; the establishment of assessment procedures across the organisation and over time; systems whereby performance information is managed. The analysis of performance data offers the opportunity for lesson learning and provides evidence for either continuing or realigning policy. A performance culture is thus a dynamic built upon the creation of the three sub-systems (goals; performance assessment; performance management) and the establishment of effective linkages between them. In particular successful performance is associated with addressing the potential disconnect between assessment and performance management.
Performance assessment therefore needs to extend beyond measuring outputs and the quality of staff activity, to scrutinising the relationship between goals and outcomes (i.e. the consequence of activities). This is a significant challenge to many development organisations. As has been stated, if the information derived from such scrutiny is to improve performance then it needs to be effectively managed and applied. The capacity to learn and apply lessons is embedded in and reflects organisational culture.

The logframe (otherwise known as logical framework analysis) is an important tool in making possible the assessment of performance. It is a matrix which allows the various tiers of an organisation's objectives to be defined more specifically. Logframes should be simple and concise. They are useful in organising thinking, relating activities to expected results, setting performance indicators and in allocating responsibilities. The logframe draws together all key components of planned activity and relates them to the outputs, purpose and goal of the organisation. They are of assistance in planning and reporting on activities. They establish a framework for monitoring and evaluation.

6.2 Performance assessment in PCHR

PCHR has engaged with the performance assessment process and started to apply it across the organisation. It has undertaken an important first step by creating a clear high-level strategy, succinctly defining the organisation's goal and its purpose. It has established a good 3 year indicative plan within which to place its annual programme of activities. It has made good progress in defining the outputs of the organisation. These are commented on in more detail in §7.0 below.

At the unit level, much has been achieved in respect of planning, identifying indicators and reporting. In order to describe these achievements, the team has undertaken a detailed study of unit level activity looking at the planned and actual indicators used and then assessing how they were reported against. This was undertaken for each of PCHR’s seven units. The detailed assessment will be sent separately to donors and PCHR since the volume of data is too much to include in this report, even as an annex. The information can be used by PCHR as a learning aid in developing its system of performance assessment. A summary of unit planning, use of indicators and reporting is provided below in Figure 2. It is important to remember that we are commenting on process, not on programme content.

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2 The system currently adopted by PCHR and integrated into its logframe approach, is that the Goal is its long-term objective. Purpose refers to the primary concerns of the organisation. Outputs refer to what the organisation needs to deliver in order to realise its purpose. Activities refer to what must be accomplished to achieve the outputs.
### Figure 2: Assessment of PCHR’s Unit planning, use of indicators and reporting for 2003

<table>
<thead>
<tr>
<th>Unit</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal</strong></td>
<td>Strong on providing a clear breakdown with statistics of the results of each activity. The Unit’s work is quickly understood from the Annual Report. The impact of activities is assessed in a judicial sense (results of rulings and any consequent judicial precedents). Current indicators do not allow for feedback from clients as to the quality and usefulness of the service provided. No gender-related indicators are provided.</td>
</tr>
<tr>
<td><strong>Democratic Development</strong></td>
<td>The report sticks to the plan. Much thought and effort put into producing indicators most of which are used to report against plan. This unit has a complex range of activities against which to report. It is an example of where it is essential to use aggregated indicators to report on clusters of activities. Excessively breaking down activities produces an abundance of data that is in fact of little use in improving unit performance or in reporting to management. The unit is probably performing quite well but the sheer quantity of data makes it hard to easily make a judgement on this. There are no indicators that relate to how the unit is promoting the rights of women.</td>
</tr>
<tr>
<td><strong>Economic, Social &amp; Cultural Rights</strong></td>
<td>There are substantial discrepancies between planned and reported activities that indicate significant problems with planning. The plan does not provide for responding to urgent commissions made after annual planning has occurred. Generalised reporting on indicators fails to precisely convey what the Unit has achieved. No qualitative assessment of unit activities is made through the reporting process. No gender-sensitive indicators are utilised.</td>
</tr>
<tr>
<td><strong>Field Work</strong></td>
<td>Reporting on indicators is generally thorough, and gives a transparent view of how the Unit’s workload is broken down. Full statistics with regard to each activity are given (some are left out in the final English version of the 2003 Annual Report). Indicators do not allow for assessing the qualitative nature of activities, which in most cases relates to the provision of information. No gender sensitive indicators are used. A willingness to coordinate with fieldworkers in other human rights organisations is noted in the report for 2003, and was said to be a potential way of increasing efficiency in carrying out Unit activities.</td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td>An excellent example of how to formulate and report on indicators. The report exhibits a clear understanding of the performance measurement process. Course data indicates close attention is being paid to the rights of women and provides some engendered data. The level of detail provided exceeds that required for most reporting purposes. There is a need now to aggregate indicators so as to provide information useful for learning about how performance may be improved. Now the process is clearly understood, it is possible to develop evaluative approaches that refine feedback. For example, information can be generated to specifically improve course content by means of trainee ranking/scoring of relevant criteria.</td>
</tr>
<tr>
<td><strong>Women’s Rights</strong></td>
<td>A very good report on unit annual activities. The annual plan was demonstrated as having been successfully implemented. The indicators used to record and measure performance were followed through and provide a good account of the unit that can easily be checked. Where there was a problem it was simply stated. Reporting procedures indicate a good understanding of the use of indicators. Attention now needs to be given towards examining how indicators can be reduced through aggregation whilst ensuring they capture the key qualitative and quantitative dimensions of the programme and provide the information required by management and donors.</td>
</tr>
<tr>
<td><strong>International</strong></td>
<td>Patchy response to the use of indicators. Key areas were well reported as set out in the annual plan. However there were a number of indicators used that differed from those stated in the annual plan. In these cases it is not possible to measure performance against plan. The inappropriate selection of initial indicators suggests that there is need for more flexibility and clarity in planning. If the indicators chosen are to successfully measure performance against plan, there is a need for systems that permit the gathering of improved information that demonstrates the demand for products and the use to which they are put. There are no indicators that demonstrate how the Unit is contributing to defending the rights of women.</td>
</tr>
</tbody>
</table>
In addition to the annual unit reports which have been commented on above, PCHR has instituted a system whereby unit coordinators produce monthly reports that they use for their own internal planning purposes and for reporting to the Director, Programme Committee and Administrative Board. This is found to be a useful management tool both in gauging progress and assembling annualised data. It was noted that the Women Right’s Unit undertakes a six month assessment of its activities thus providing an additional means of monitoring its achievement of targets. Strategic assessment is carried out in the Administrative Board and is reported on in the Annual Report.

6.3 Analysis

Following the participative mapping of PCHR activities and strategy that took place as a result of the capacity building exercise undertaken in January 2003, PCHR produced a logframe that clearly identified its goal, the purpose of the organisation, its outputs and the activities by which it produces outputs. It identified the relationship between activities and outputs, outputs and purpose, and then purpose and goal. However, rather than use this to formulate its annual plan, the 2003 annual report describes the planning process as follows:

1. Each unit conducted internal discussions, according to which coordinators drafted a plan of activities for their units.
2. PCHR's Programme Committee reviewed the units' plans and discussed them with unit coordinators.
3. Following these discussions, the coordinators amended their units' plans.
4. Under the supervision of the Director, the Programme Committee formulated a final draft of PCHR's annual plan.
5. The Administrative Board of PCHR approved the annual plan.

The consequences of using this approach were twofold. Firstly, responsibility for the outputs was removed from senior management and transferred to individual unit coordinators who were requested to set their own 'objectives' for unit activities and thus they did not focus on the previously determined outputs. The 2003 logframe was redrawn at the unit level so that each unit had a number of self-defined objectives which provided the basis for its activities and no mention was made of contributions to outputs. A substantial amount of autonomy has been placed on coordinators and not enough explicit responsibility was being taken by senior management in prioritising and ensuring programme direction was addressing the required strategic outputs.

Secondly, the lack of focus on outputs and the generation of a new layer of unit 'objectives' has resulted in some units generating an excess of indicators against which to measure activities and it is difficult to see how they are contributing to outputs. The costs of collecting and processing data on so many indicators is high and reporting becomes increasingly complex. A reading of the unit reports, summarised in Figure 2 above, reflects an uneven understanding and application of the principles of performance assessment across PCHR; some units have done remarkably well, others less so. The aim should be to have as few indicators as possible while ensuring there are sufficient to measure the type and breadth of change which is taking place.

The situation whereby an organisation establishes a clear goal and purpose and then has a range of autonomously decided lower level objectives is surprisingly common in international development and is by no means isolated to PCHR. The phenomenon is dubbed ‘the missing middle’. This refers to a failure to adequately link activities to strategically determined outputs. Without mechanisms in place to maintain strategic focus and the application of consistent management scrutiny, organisations can easily be driven by their implementing
departments so that departmentally determined objectives are met at the expense of fulfilling the strategic requirements of the organisation.

In its use of the logframe PCHR therefore needs to keep in mind the following definitions:

OUTPUTS = The components that need to be delivered to achieve the organisation’s purpose
ACTIVITIES = What needs to be done to deliver to one or more organisational output

One other feature in the logframe approach to which close attention needs to be paid is to provide the means of verification and the verifiable indicator for each activity listed. It is important to recognise the distinction between the two features. Failure to do so has lead to a significant number of indicators being applied as means of verification and vice versa. It is one of the factors that have led to so many ‘indicators’ being used and has resulted in some confused reporting. Therefore it is important to note the distinction between these two features:

Verifiable Indicator = The type of indicator to be used (report etc.)
Means Of Verification = Where or what information is to be obtained to assess activities

This activity will contribute to PCHR output 'the promotion of a democratic culture'.

Our final comment on the performance assessment process relates to using reports on outputs to provide information about how the organisation is achieving its purpose. Human rights organisations have a particular problem in demonstrating how their activities and outputs are improving human rights. For this reason the capacity building exercise of 2003 introduced a number of indirect indicators which related to human rights. They formed a means by which outcomes could be translated into a human rights context so as to show how the organisation was performing in relation to its purpose. This issue of higher level reporting can wait until PCHR has established effective planning and reporting procedures which link activities to outputs. However the use of higher level indirect indicators should be addressed in future capacity building support. The indirect indicators proposed are:

- The establishment of the rule of law
- Personal security
- Equality of opportunity
- Political participation
- Freedom of expression
- Information dissemination

Notwithstanding the comments made in this section, it should be stated that PCHR has made a very significant initial step in establishing a system of performance assessment. The achievements are considerable and should be recognised as such. Its engagement with setting indicators and measuring performance is already producing results. Planning processes are becoming increasingly clear. Reporting processes are improving. Even in these early stages of the development of a performance system, management is obtaining valuable information on unit performance that is allowing it to address areas of concern. A feedback loop is already in operation. On the basis of this solid start, the process of developing performance mechanisms needs to be consolidated.
6.3 Evaluation

PCHR has suffered through a lack of evaluation, both internal and external. This is through no fault of PCHR but is rather as a result of the particular difficulties experienced in Gaza since 2000. However evaluative procedures need to be instituted and adhered to. The development of PCHR's performance assessment capacity will result in a much clearer picture of how the organisation is delivering its outputs. There is a need to ensure that learning is institutionalised. It is suggested that this can occur in two ways.

Firstly, by introducing an annualised self-assessment. This would take place in a workshop to be held towards the end of the year. It would provide space to allow the organisation to reflect on its work, to identify the strengths and weaknesses of individual units and to establish how the organisation is performing, particularly in respect of delivering against outputs. Such a self-assessment would be a means of increasing staff participation in planning and allow greater cross-unit learning to take place. The outcomes from such a self-assessment would be several:

- Access to consolidated information will improve management capacity to prioritise
- Improved synergy between units
- It will be a useful planning tool for the following year’s activities
- It will be helpful in producing the annual report

Secondly, by addressing the problem of the ‘missing middle’, that is to say by introducing systematic reporting against outputs, PCHR will be laying the basis for effective external evaluation. It is suggested that henceforth external evaluations should take place in the autumn of every third year to assist in determining the next three year strategic plan and to fit in to its funding cycle. These external evaluations will then essentially be output-to-purpose reviews which undertake in-depth scrutiny of outputs, and therefore programme performance, in order to determine the extent to which PCHR is achieving the purpose it has defined for itself.

6.4 Recommendations

- To aggregate reporting on unit activities by reducing the number of indicators and ensuring that the qualitative and quantitative indicators chosen are adequate to measure the type and breadth of change taking place.
- The Director/Senior Management Team need to ensure that unit activities directly contribute to PCHR's identified strategic outputs.
- To receive capacity building support once a year for two years.
- To introduce an annual self-assessment workshop.
- To ensure that an external valuation takes place in the autumn of every third year.

7.0 Programme Relevance

We assess the relevance of PCHR’s programme by examining whether the identification of what it wants to achieve at programme-level builds towards its purpose. The goal of the organisation is identified and, by making reference to certain instruments of international law,
it is shown how the goal is fleshed out as the purpose of PCHR. Consideration of whether the purpose fits the goal will provide a sound basis for assessing the appropriateness of PCHR’s outputs, namely what PCHR wants its programmes to achieve. We then consider how realistic the outputs are, and PCHR’s adaptability to changes in its external environment. Finally, to demonstrate the strategic relevance of its programmes, we look at the contributions made towards each output by Unit activities recorded in the Annual Report for 2003.

7.1 Goal and Purpose of PCHR

In the Draft Framework on the delivery of its activities, PCHR states its goal as “support for the exercise by Palestinians of the right of self-determination”. According to the framework, a two-part purpose has been formed to reach that goal: protecting human rights and promoting the rule of law on the basis of international standards; and, secondly, establishing democratic institutions and a flourishing civil society. Our view of the relationship between the goal and purpose is as follows.

In several serious respects, Palestinians are currently prevented from exercising their right of self-determination, which is defined under international law in these terms:

- *All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

- *All peoples may, for their own ends, freely dispose of their natural wealth and resources...In no case may a people be deprived of its own means of subsistence.*

It is our view that both parts of PCHR’s purpose address the obstruction of that right for the following reasons. We take the position that Palestinians are prevented from determining their political status and from pursuing their economic, social and cultural development. With that assumption in mind, we believe that the inability of Palestinians to exercise their right of self-determination can be addressed by insisting on respect for specific rights to which they are entitled under the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR). The rights conferred by those instruments may be termed universal human rights. In aiming to protect those human rights, PCHR supports the aim of Palestinian people to determine their political status and to pursue their economic, social and cultural development.

In addition to the protection promised under the ICESCR and the ICCPR, we believe that the Fourth Geneva Convention® confers on Palestinians specific rights on the grounds that they are a civilian population whose territory is occupied by another power. Where it applies, the Convention entitles civilians to protection of property, personal security, liberty, and health. In part, they reinforce the right of Palestinians to pursue their economic, social and cultural development under the ICESCR and the ICCPR. By calling for the enforcement of

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4 As cited in Article 1 (1) and (2) of both the International Covenant on Economic, Social and Cultural Rights, 1966, and the International Covenant on Civil and Political Rights, 1966.
6 Prohibitions on all violence to civilians, humiliating and degrading treatment, and unlawful detention are set out respectively in Article 3.1, (a) and Article 32; Article 3.1 (c); and Article 3.1 (d). Special protection of invalids, hospitals and medical personnel, medical transport and medical supplies is provided by Articles 16-23. Respect for the values and customs of civilians is required by Article 27. Destruction of civilian property is prohibited except where absolutely necessary to military operations under Article 53. Internment, or detention without trial, is only permitted if an offence is committed which solely intends to harm the occupying power according to Article 68. Deportation and transfer to any other territory are prohibited regardless of their motive by Article 49.
Palestinians’ rights under the Convention, PCHR further supports their right of self-determination.

In our view, human rights can only be protected where the rule of law is in place. Promoting the rule of law is therefore essential to protecting the human rights of Palestinians. For these reasons, protecting human rights and promoting the rule of law are relevant to supporting the exercise of the right of self-determination in Palestine.

Furthermore, we consider that to determine their political status in accordance with the right of self-determination, Palestinians would benefit from establishing democratic institutions. Aiming to assist in that process therefore relates to PCHR’s goal. We understand that PCHR successfully complements that aim by promoting democracy within Palestinian society, and that, as stated in the organisation’s purpose, establishing “a flourishing civil society” is part of that process.

7.2 Review of relation between Outputs and Purpose

In our view, the majority of outputs set out in the Draft Framework are appropriate to the purpose. A few are not appropriate because they do not represent what PCHR hopes its programmes will achieve, but are rather activities through which programmes are pursued. We assess the appropriateness of the outputs as follows.

Figure 3: Appropriateness of PCHR Outputs to its Purpose

<table>
<thead>
<tr>
<th>Output</th>
<th>Analysis</th>
<th>Appropriate to Purpose?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The promotion of a democratic culture</td>
<td>The growth of democratic institutions and of civil society would seem to rely on encouraging a democratic culture in Palestinian society. For that reason, promoting a democratic culture is entirely appropriate to purpose.</td>
<td>Yes</td>
</tr>
<tr>
<td>2. To monitor and record human rights violations by Israel and the Palestinian Authority and to provide information on violations to PCHR Units and other interested parties</td>
<td>By recording human rights violations, PCHR raises awareness of human rights violations. Without awareness of such violations, neither the organisation nor any other body can actually protect Palestinian human rights. PCHR often relies on data which it collects in order to address human rights violations through advocacy or service provision to the victim of the violation. By providing the same data to NGOs working at international, regional and local levels, to UN bodies amongst others, PCHR encourages external contribution to the protection of Palestinian human rights. Monitoring and recording violations, with a view to providing information to PCHR Units and other interested parties, is therefore appropriate to protecting those rights.</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Promoting the rule of law and respect for human rights by assisting the development of an efficient, fair and independent judiciary, and by providing legal support for people subject to human rights violations</td>
<td>This realizes the first part of PCHR’s purpose: protecting human rights and promoting the rule of law. The two ways in which PCHR states it will achieve that purpose address the current predicament of the Palestinian people. On the one hand, the functions and independence of the Palestinian judiciary are jeopardized in several</td>
<td>Yes</td>
</tr>
</tbody>
</table>
serious respects. On the other, abuse of rights conferred on Palestinians by international law, including the ICESCR, ICCPR and the Fourth Geneva Convention, is commonplace. In this context, developing efficiency, fairness and independence in the judiciary and providing legal support for victims to address the violation of universal human rights are initiatives which are both clearly important to the rule of law and to protecting human rights.

4. Provision of assistance to Palestinian women by way of free consultation for women and organizations specializing in women’s rights; the provision of legal representation to women otherwise unable to afford it; contributing to the creation of greater equity within the family; and contributing to the amending of laws which deny women their rights.

The organization does not explicitly refer in its purpose to protecting the rights of women. But PCHR has committed itself to ensuring those rights by stating it will seek to protect human rights, which we understand to include the rights conferred by the ICESCR and ICCPR. Both Covenants emphasise that the rights they confer must be applied equally to women and men. Protecting human rights, we consider, also includes asserting international standards relating to women’s rights as defined by the CEDAW.

PCHR lays an emphasis on protecting women’s rights by listing it distinctly in its outputs. We think this emphasis is appropriate to organisational purpose for two reasons. Separate provision of legal assistance for women enhances contact with female clients, according to those we spoke to who work in this field. Secondly, in addition to protection of women’s rights under international law, Shari’a law (and an equivalent body of law for Christians) has the potential to provide further protection. For these reasons, there are differences in how PCHR goes about giving legal consultation and representation, and lobbying for legislative change in the field of women’s rights. It seems appropriate that it is distinguished as a distinct output contributing to the protection of human rights.

5. Provision of support for the economic, social and cultural rights of Palestinians in accordance with international instruments and humanitarian law

Clearly supporting these rights, as defined under the International Covenant on Economic, Social and Cultural Rights, relates to protecting human rights. But this support is also covered by monitoring and by providing information and legal support in relation to the violation of human rights in general. We do not think that this warrants listing as a distinct output.

6. The provision of training to promote the understanding and implementation of human rights and democratic principles

We believe that training is properly considered an activity. It is not in itself what PCHR wants to achieve. We recommend that training is not identified as an output. On the assumption that it should be located at the level of activities rather than at the strategic level, we have examined the provision of training under our assessment of programme performance.

7. In the international arena: to advocate Palestinian issues to governments and multi-lateral

Again, we consider international advocacy, in all forms listed here, is an activity which assists the organisation to achieve what it wants rather than

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7 The former at Article 2(2) and Article 3; the latter at Article 2(1), Article 3 and Article 23(4).
agencies, to maintain and develop interaction with the media, to undertake criminal prosecutions and to maintain communication with stakeholders

an end in itself. We recommend it is not identified as an output. In this evaluation, it has been addressed in our assessment of programme performance.

8. An efficient and effective administration of the organisation and its activities

This too, is a means by which PCHR works towards what it wants to achieve. We recommend that it is not identified as an output. No

7.3 Analysis of data on programme relevance

Our conclusion is that the outputs identified by PCHR are in large part well suited to its goal and purpose. This observation is subject to the following qualifications:

- Support for economic, social and cultural rights is an integral part of monitoring human rights violations and promoting respect for human rights through provision of legal support to victims. Removing the former from the list of outputs would avoid duplication.

- Training, international advocacy and effective administration are not properly located at the level of outputs; they are rather activities by which PCHR undertakes to achieve its outputs. In our view, these should not be identified as outputs.

The TOR seek responses to three further questions:

1. How realistic are PCHR outputs and purpose (i.e. short and long term objectives)? We are in no position to make detailed judgements about whether PCHR's stated outputs and purpose are realistic. Nevertheless, we consider that given the widespread, systematic and increasing abuse of human rights by the agents of the State of Israel and the virtual collapse of any meaningful Palestinian public administration, PCHR has evolved policies that face these crises by invoking relevant standards enshrined in international law; we referred to these in §7.1. Clearly whether or not PCHR can accomplish what it sets out to achieve is seriously affected by the climate of crisis in which it works. But the relevance (see below) and the productivity (see Annex 2) of its programmes demonstrate that PCHR continues to make significant contributions to the targets it has set itself. In an unstable working environment, we understand that to be realistic in identifying what it wants to achieve, strategy depends on a degree of flexibility.

2. How flexible is PCHR in adjusting to unanticipated developments? PCHR is responsive to its external environment in two ways. At a strategic level, the Administrative Board gives careful consideration to changing circumstances. Possible shifts in strategy are then discussed in detail in the Programme Committee and strategy is modified in the annual plan. For example, the vacuum created by the collapse of LAW saw PCHR discuss the issue in the Administrative Board and Programme Committee and then respond by placing four field officers in the West Bank.

At an every-day level, PCHR was seen to be highly responsive to unanticipated events. During the evaluation Sheikh Yassin was assassinated by the Israelis. We noted the PCHR staff turned up to work on time and calmly set about field investigations and producing press releases and statements. However, while clearly PCHR has the capacity to adjust to the unexpected, the serious security situation inevitably impacts on its activities, to the extent that programmes are regularly obstructed in accomplishing what they set out to achieve. There are
adverse effects on development and research activities, as well as on service delivery. Lobbying meetings are cancelled. Trainers and trainees cannot reach venues due to internal closures within Gaza. 'Unexpected events' often prevent PCHR and its stakeholders from undertaking routine development-related work. Given this complex and difficult security situation, that programmes reach a majority of their targets is testament to the commitment, stamina, and initiative of PCHR staff.

3. How clearly do PCHR's activities relate to outputs and purpose? We have concluded above that PCHR's outputs are well suited to its purpose. We now outline how in our judgement programme activities relate to outputs. We have based our assessments on evidence presented in Annex 2, which is drawn from the unit performance reports in PCHR’s Annual Report for 2003. It must be emphasised that we have not evaluated unit activities apart from, to a limited degree, the Women’s Rights Unit. Therefore the findings outlined in Figure 4 below should be regarded as indicative of the relevance of activities and not as deriving from a systematic study of objectively verifiable indicators. It should be noted that once activities are properly monitored and monitoring data integrated into verifiable annual unit reports, then future evaluation will be possible by means of output to purpose reviews.

Figure 4: Contribution of unit activities to PCHR outputs

<table>
<thead>
<tr>
<th>Output</th>
<th>The promotion of a democratic culture</th>
<th>To monitor and record human rights violations by Israel and the PA and to provide information internally and externally to PCHR</th>
<th>Promoting the rule of law and respect for human rights</th>
<th>Providing support for the protection of the rights of Palestinian women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>None</td>
<td>Minor</td>
<td>Significant</td>
<td>Minor</td>
</tr>
<tr>
<td>Democratic Development</td>
<td>Significant</td>
<td>Significant</td>
<td>Minor</td>
<td>None</td>
</tr>
<tr>
<td>Economic, Social &amp; Cultural Rights</td>
<td>Minor</td>
<td>Minor</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Field Work</td>
<td>None</td>
<td>Significant</td>
<td>Minor</td>
<td>None</td>
</tr>
<tr>
<td>Training</td>
<td>Significant</td>
<td>None</td>
<td>Significant</td>
<td>Significant</td>
</tr>
<tr>
<td>Women’s Rights</td>
<td>Significant</td>
<td>Minor</td>
<td>Significant</td>
<td>Significant</td>
</tr>
<tr>
<td>International</td>
<td>None</td>
<td>Significant</td>
<td>Significant</td>
<td>None</td>
</tr>
</tbody>
</table>
This table illustrates our assessment of how the programmes of each unit have contributed to meeting the outputs defined by the organisation. What we are commenting on here relates to the “missing middle”, or the relationship of activities to outputs as discussed in §6.3, p.22. The findings presented here demonstrate that most unit activities have a high degree of relevance. Most outputs receive significant contributions from at least three Unit programmes. Almost all unit programmes are contributing significantly in some way to the outputs. While there is always room for improvement, we have shown in §7.2 that programme relevance, in terms of the definition of outputs to meet the purpose of PCHR, is high and that, according to the data presented in Figure 4, activities are in general highly relevant to outputs.

7.4 Recommendations

- Remove 'Support for the economic, social and cultural rights of Palestinians' from the list of outputs since this is covered in another output.

- Training, international advocacy and efficient and effective administration should be removed from the list of outputs since they are activities.

8.0 External relations

PCHR is a well-known and respected human rights organisation set within a complex matrix of networks. The task of fully examining how it coordinated, exchanged information and worked jointly with other key actors in Palestine, Israel, the Arab world and internationally is a large project. However within the time constraints of the evaluation we were able to have meetings with a fair selection of local actors and also gain information from PCHR files. In order to examine the nature of its external relations, we identified four main groupings: international institutions, Arab partners and institutions, UN organisations and lastly local NGOs in Palestine and Israel. These are now examined.

8.1 International organisations

PCHR has a high level of co-operation with international NGOs promoting universal human rights and the growth of a global civil society. This is clear from PCHR’s membership of some such NGOs, and also from the fact that it participates in conferences organised or attended by them. PCHR is a member of the International Commission of Jurists (Geneva), the International Federation of Human Rights (FIDH), and the Euro-Mediterranean Human Rights Network. PCHR attends several conferences each year together with these international NGOs, and frequently gives presentations on violations of human rights in Palestine. In 2003, PCHR was represented at a number of conferences organised by other international NGOs promoting universal human rights and made contributions on the abuse of Palestinian human rights to audiences composed of organisations and activists dealing with the protection of universal human rights in many regions. Most significantly, speeches, workshops and interviews with media were given at the World Social Forum, in Brazil, on international justice and the Palestine; the Director took part in meetings at the International Service Human Rights Awards, in the UK, while receiving a prize for his work in Palestine.

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8 Full details are given in the Annual Report for 2003.
8.2 Arab partners

Co-ordination is well established between PCHR and NGOs working to protect universal human rights in the Arab world. Liaison takes place with at least ten organisations, though four are key partners for PCHR. In terms of activities, co-ordination occurs in two areas. Press releases concerning particularly serious and large-scale breaches of human rights in Palestine and other parts of the Arab world are drafted, jointly approved and jointly issued. Key partners for this purpose are the Union of Arab Lawyers (Egypt), the Cairo Institute for Human Rights Studies (Egypt), and the Egyptian Organisation for Human Rights. Secondly, PCHR co-ordinates with other NGOs in the Arab world to combine expertise in training for organisations in the human rights field on, for example, journalism and human rights law. The Arab Institute for Human Rights (Tunisia) is a key partner in this respect. PCHR consider the quality of co-ordination to be good; though primarily functional, this group of NGOs have the sense that they are working to the same agenda. A degree of mutual dependency can be implied from the Director’s comment that “The Arab world is our oxygen”.

8.3 UN organisations

Interviews took place with three UN organisations: UNRWA, OCHA and OHCHR. Each had an extremely positive view of PCHR. It was seen as the leading Palestinian HR organisation. UNWRA often turn to them for advice on HR related issues. They appreciated the organisation’s clarity and moral stance and found them consistently helpful. OHCHR stated that Raji Sourani had taken the leading role in promoting HR rights in Gaza. He found him to be very helpful and easily accessible. His office is always the first stop in Gaza for the UN Rapporteur on HR. Their relationship was more than cooperation, it was one of dependency. OCHA described their product as being unique.

These organisations placed great value on the information provided by PCHR, particularly the weekly reports. They all respected the validity of PCHR’s data. It was used by UNRWA to inform programme activities, by OHCR to send to their Geneva head office and by OCHA to file their reports. The value placed on PCHR data on Israeli HR abuse was constrained by the fact that PCHR was perceived as being partisan and that there were reservations over its use of language. OHCHR mentioned that although PCHR data on Israeli violations does not carry the same weight as that of an independent UN body, it was nevertheless seen as one of the respected representatives of the Palestinian people and thus had considerable influence in its Geneva office.

There was a general consensus that PCHR had a key role in monitoring HR performance of the PA where there are big problems in many areas, particularly regarding the control of the security forces. OHCHR emphasised the paramount need to focus on these internal violations and the rule of law. This was seen as the area in which PCHR already played an important role and which could benefit from being expanded.

UNRWA was exclusively dependent on PCHR providing HR training to its education department and other members of its staff. Likewise, OHCHR highly valued the training provided by PCHR. It was critically dependent on the provision of this support for their programme of technical assistance to the PA. OCHA found that the way in which PCHR covered special projects relating to HR abuse to very useful. The value of the Muwasi report

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9 Other Arab partners are the Arab Organisation for Human Rights (Egypt, Jordan, UK); Arab Centre for the Independence of the Judiciary and the Legal Profession (Egypt); Arab Centre for Human Rights (Syria); Arab Organisation for Human Rights in Lebanon; Arab Association for Prisoners. PCHR also has contact with human rights activists in Kuwait, Syria and Libya.
was mentioned by several organisations. It was noted that there was close informal contact and good cooperation between PCHR field staff and those of UNRWA, OCHA and OHCHR.

OCHA noted that cooperation between HR NGOs could be a lot better, they suffered from being personality-driven. Islamic organisations were seen as being more closely linked to their communities. In respect of monitoring the deteriorating HR situation in Gaza, OCHA was dependent on three sources of information: UNWRA, PCHR and Al Mezan. Their problem was that each of these organisations used different criteria, for example for measuring house demolitions. This was unhelpful to OCHA in producing meaningful data. OHCHR commented that all Palestinian HR organisations have failed to respond to the challenge of coordination. The consequence of too many HR NGOs is that there is much negative competition and bad relations between individuals. As a neutral actor, OHCHR is quietly trying to move forward in assisting the process of coordination in the West Bank but has not as yet started anything in Gaza.

8.4 Local NGOs

Interviews were undertaken with three Israeli NGOs, seven Palestinian NGOs in Jerusalem and Gaza and with the NGO coordinating body, PNGO (Gaza).

It was noted that when needed considerable collaboration was taking place with the Israeli NGOs Hamoked and Adalah on specific cases concerned with providing legal and administrative assistance to victims of HR abuse. The specialisms of the partner organisation were combined to bring cases before the Israeli judiciary in ways that defended the victims of abuse and lead to the establishing of precedents. Other benefits deriving from this cooperation included taking a second opinion on a legal matter and the ability to draw on PCHR field data.

Organisational synergies were well utilised between PCHR and Palestinian NGOs in many ways. With the collapse of LAW, closer links were developing between Al Haq in the West Bank and PCHR. A recent initiative has been putting joint submissions to ECOSOC. WCLAC and PCHR have worked closely to follow up cases previously managed by LAW. There were close links between PCHR and WAC whereby the latter used its connections with a network of woman’s organisations to introduce participants to the CEDAW training courses established by PCHR to spread knowledge about women’s rights. PCHR has close links with Al Dameer with whom they exchange cases, assist in the provision of HR training and undertake joint campaigning. Both organisations verify and use each other’s statistics for reporting purposes.

One example of how PCHR coordinates was observed during the evaluation when the team visited an entry point to Muwasi. The Israelis had arbitrarily closed access to the area. A reported 100 women and children had been prevented from returning to their homes for two days. Shelter had been provided for them, but they were hungry and penniless. The head of PCHR Khanyunis office contacted a charity to notify them of the women's need for assistance. We suspect that instances such as this occur quite frequently but are never reported. We also note that PCHR field staff are cooperating at a practical level with field staff from organisations with which PCHR has uneasy relations such as B’tselem and Al Mezan.

PCHR was a founder member of PNGO. The PNGO coordinator very much valued the presence of PCHR on the steering committee. He noted the need for less duplication among HR organisations. Political detainees were an example of where coordinated action is much needed.
There were a number of areas of cooperation which those NGOs visited thought could be improved. Although femicide (honour killing) is discussed within the context of PNGO, Al Haq states that this issue is not mentioned by HR groups. There is a need to link more explicitly the political with the social. Al Haq believes that believes HR groups should have stronger links with women’s organisations to enable improved lobbying on a wide range of legislation to redress gender discrimination.

WCLAC in Jerusalem expressed the view that all Palestinian HR NGOs need to learn how to compete less, to improve coordination and to work on economic and social rights as well as political rights in Palestinian society. The reportedly high incidence of rape and incest in Gaza convinces WCLAC that there is a need to collaborate with PCHR on this issue.

Al Mezan stated a lack of coordination between NGOs caused the same event to be covered by a number of organisations and because of using different criteria they come up with different statistics. Al Mezan stressed the need for maximisation of effort to produce coordinated advocacy and a stronger international voice. Coordination was described as being cosmetic. It was suggested that donors have a role to assist coordination by introducing conditionalities in their funding agreements. HR organisations practice little participation and were in danger of forming an elite.

Al Dameer are convinced that Palestinian HR NGOs had a duty to show the international community about what was happening to the Palestinian people and implied that coordination would assist this process.

8.5 Recommendations

PCHR is now clearly the leading Palestinian HR organisation. It has generated outstanding relationships at the regional and international levels which greatly assist it achieve its purpose. We observe that good relations are associated with a synergy where both, or a multiplicity of parties mutually benefit from an interaction. Where this occurs PCHR can be a willing and generous partner. However at the local level we also note the existence of long-standing and corrosive wrangles that are best forgotten. In addition, there are widespread references to problems associated with a lack of coordination.

As can be seen from the above, many organisations would like to see improved coordination in the HR sector. It is an issue that requires leadership. While recognising that coordination is time-consuming, difficult and raises high levels of emotion, we nevertheless suggest that it is important to maintain and improve current linkages. Firstly, the benefits of improved coordination will increase the impact of advocacy through HR organisations speaking with a common and concerted voice. This will enable attention to be more effectively drawn to human rights violations and will also assist PCHR achieve its goal of assisting the Palestinian people exercise their right to self-determination. Secondly, improved coordination will bring about more effective use of resources through enhancing complementarity and reducing duplication between organisations. Thirdly, it will produce more meaningful and credible data.

The failure to effectively coordinate will reduce the credibility of all HR organisations and thus of their effectiveness in assisting the Palestinian people.
We therefore recommend that PCHR should:

1. Use its leading position to take steps to bring about the reconstitution of a PNGO sub-group on human rights
2. Take steps to promote agreement on common criteria and standards for field reporting
3. Promote improved information sharing to reduce duplication
4. Define issues which can be used for joint advocacy initiatives

9.0 Conclusions

We now summarise our findings. PCHR's organisational structure was found to be appropriate to its operational management. Authority was delegated with the consequence that power was shared. PCHR's capacity was adequate in respect of financial and personnel management. We found that PCHR is seeking to address the position of women within the organisation and in its programmes.

Significant strides have been made in establishing a performance framework. We found that the goal, purpose and outputs identified by PCHR constituted a logical strategy and that activities contributed significantly to outputs. Programme relevance was strong. PCHR is an effective networking organisation with particularly strong regional and global links.

The challenges for PCHR are to improve its organisational accountability and its capacity to obtain funding. While much has been achieved in empowering women within the organisation and through programmes, more needs to be done. The challenge of creating a performance framework is ongoing and needs consistent support. Finally, the issue of coordination with local partners needs to be addressed.

This evaluation has involved an intensive examination of PCHR as an organisation. We found the organisation to be conscientiously undertaking an extensive range of human rights-related work. Despite the deeply distressing and disturbing circumstances to which the people of Palestine are being subjected, staff were motivated and morale was high. We left Gaza impressed by PCHR's seriousness of purpose.

10.0 Summary of recommendations

This summary presents an abridged version of the recommendations given in the body of the report. The recommendations are presented under their section numbers and headings.

3.0 PCHR Structure and Participation

- Accountability be improved by increasing the number of shareholders and introducing external shareholders in three stages over several years, where the first step is taken immediately:
  Stage 1: Increase the number of internal shareholders with at least two persons.
  Stage 2: Introduce at least one external shareholder.
  Stage 3: Increase the number of external shareholders to a majority.
• PCHR recognise the General Meeting as the ultimate decision-making body. This recognition should be clearly stated, both internally and externally. Most importantly, Shareholders’ Annual General Meetings should be held in accordance with the By-laws.

• Change the composition of the Administrative Board to include external members and to separate the two posts of Director and Chairman of the Administrative Board. Changes should take place in three stages over a period of years:
  Stage 1: Elect one external member.
  Stage 2: Appoint the external member as Chairman of the Administrative Board.
  Stage 3: Elect a second external member.

• Appoint a co-coordinator/head of the Administration Unit.

• Create a Public Relations Unit.

• The Programme Committee be composed of unit Co-ordinators and the Director.

• The Programme Committee be used primarily as a programme advisory body giving recommendations to the Director and secondarily as a means of communication between the Director and the Unit Co-ordinators.

• The authority and tasks of the Programme Committee should be clearly specified in “By-laws and Organizational Structure of PCHR” to distinguish the functions of the committee from those of Administrative Board, Director, and Unit Co-ordinators.

• Unit Co-ordinators are re-named Heads of Unit to reflect their real responsibility and authority.

• The responsibilities and authority of Unit Co-ordinators to be specified in “By-laws and Organizational Structure of PCHR”.

• All Units to introduce a means for clients and target groups to evaluate the service they are provided.

• PCHR encourage the formation of an annual human rights review undertaken by a group of professionals working with human rights-related issues to provide feedback to all HR groups.

• PCHR seek a means by which an annual public opinion poll is undertaken on selected human rights issues, particularly those of interest to itself.

4.0 PCHR Capacity

• Annual audited financial statements are prepared for the employees’ indemnity and savings fund.

• Annual income budgets are prepared and matched against costs budgets.

• A realistic funding strategy is established whereby PCHR:
  o Accepts responsibility for its funding.
  o Improves its understanding of donors’ objectives, priorities and procedures.
Adopts a long-term view on finding new donors.
Improves budgeting procedures to ensure early warnings of need for additional funds. Follow costs budget procedures with indicative three year budgets and annual detailed budgets.
Improves donor relations with focus on the needs, priorities and procedures of donors
Appoints a donor relations officer.

- PCHR adopts an official staff development policy, where staff development is encouraged and financial and other conditions are stated. This policy should be included in “Bylaw and Organizational Structure of PCHR”.

- Individual training needs and requests should be included in yearly staff evaluations.

- PCHR management assumes responsibility for regulating the pressure on its staff by prioritisation and adapting workload to the number of staff.

- Formulate a policy regarding work hours and leave. Staff should be ordered not to work more overtime than the policy allows and to take at least a specified number of leave days.

### 5.0 Gender

- Incorporate into PCHR unit training workshops modules on Gender awareness, CEDAW and how to apply CEDAW in unit activities

- Heads of Units ensure that gender sensitive indicators are integrated into planning and reporting procedures

- PCHR, along with women’s organisation and other interested parties, instigate a debate across Gaza society on the ‘sensitive’ issues relating to the abuse of the rights of women

- A woman is appointed to the Administrative Board at an early opportunity.

- Consideration be given to trialing the recruitment of women with identified potential and providing them with appropriate training and support.

### 6.0 Performance assessment

- Aggregate reporting on unit activities by reducing the number of indicators and ensuring that the qualitative and quantitative indicators chosen are adequate to measure the type and breadth of change taking place.

- The Director/Management Team ensure that unit activities directly contribute to PCHR's identified strategic outputs.

- PCHR receives capacity building support once a year for two years.

- Introduce an annual self-assessment workshop.

- Ensure that an external evaluation takes place in the autumn of every third year.
7.0 Programme relevance

- Remove 'Support for the economic, social and cultural rights of Palestinians' from the list of outputs since this is covered in another output.

- Training, international advocacy and efficient and effective administration be removed from the list of outputs since they are activities.

8.0 External relations

- PCHR use its leading position to bring about the reconstitution of the Palestinian Council for HR organisations, possibly as focal group within PNGO.

- Promote agreement on common criteria and standards for field reporting.

- Promote improved information sharing to reduce duplication.

- Define and drive forward issues which can be used for joint advocacy initiatives.
ANNEX 1

Terms of Reference

The key questions to be addressed by the PCHR evaluation team are the following:

1. **PROGRAMME RELEVANCE**: In the context of the external socio-economic and political environment in which it operates, how appropriate are PCHR’s short and long term objectives to addressing the key strategic problems it has identified? How realistic are these objectives? How effectively has PCHR been able to adjust its objectives and programmes as needed in order to respond to unanticipated developments in the external environment? How clearly do PCHR’s programmes relate to and flow from the short and long term objectives it has set?

2. **ORGANISATIONAL STRUCTURE**: How appropriate is the present organisational structure of PCHR to the effective implementation of the programmes it has defined? Where required, recommend adjustments to the organisational structure and mechanisms that could enhance effective programme implementation. How clearly have PCHR programmes been translated into work plans and operational budgets?

3. **ORGANISATIONAL CAPACITY**: How effectively does PCHR plan and make provisions for addressing the human resource development and training needs of its staff? How appropriate is PCHR’s present financial management system to its organisational and programmatic needs and how could it be enhanced?

4. **PERFORMANCE ASSESSMENT**: How realistic and effective is PCHR’s present internal system of planning, monitoring and evaluation of its programmes, how does it relate to its longer term strategic planning, and how might it be improved? How clearly has PCHR identified quantifiable targets and or indicators against which it can measure its programme implementation and impact?

5. **PARTICIPATION/ACCOUNTABILITY**: To what extent do the planning and management systems of PCHR provide for the participation of the organisation’s internal and external stakeholders? Assess the level of internal democracy in PCHR and where necessary make recommendations to strengthen it. Assess the level of PCHR’s accountability to its various target groups, both within the organisation (Board and staff) and in the community.

6. **EXTERNAL RELATIONS**: Assess PCHR’s present level of co-ordination, exchange of information, and where possible, joint work with other key actors in Palestine, Israel, the Arab world and internationally, including both NGOs and governments.

7. **GENDER**: How effectively and systematically does PCHR address gender issues and promote the empowerment of women, both organisationally in terms of personnel policies and the roles and involvement of women staff in policy making positions, and in its programmes, through the Women’s Unit as well as through the other programme units?
## ANNEX 2

### Contributions of PCHR Units to organisational outputs (2003), specifying activities

<table>
<thead>
<tr>
<th>Outputs</th>
<th>Unit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>The promotion of a democratic culture</td>
<td>Legal</td>
<td>To monitor and record human rights violations by Israel and the Palestinian Authority and to provide information internally and externally to PCHR</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>Provision of assistance to Palestinian women and organisations; provision of legal representation to women; assist in amending legislation which denies women their rights.</td>
</tr>
<tr>
<td></td>
<td>Legal</td>
<td>None</td>
</tr>
<tr>
<td>The promotion of the rule of law and respect for</td>
<td>Legal</td>
<td>-Legal documentation of violations of human rights and international humanitarian law by Israelis and by Palestinians. Divided by category of violation</td>
</tr>
<tr>
<td>human rights violations by the Palestinian Authority and to provide information internally and externally to PCHR</td>
<td>Legal</td>
<td>-Contributions to international advocacy projects, particularly for interventions and testimonies before UN bodies and to inquiry missions</td>
</tr>
</tbody>
</table>
| Democratic Development | - Monitoring the performance of the PLC and urging it to assume its full responsibilities; four categories of activities indicated  
- Encouraging dialogue and promotion of democratic values in Palestinian society; several categories of activities listed  
- Encouraging adoption of legislation based on democracy and respect for human rights; categories of activities are listed  
- Encouraging political participation and support for holding fair and free elections; activities largely overlap with those listed above | - Documentation and reporting on violations of civil and political rights; several categories of activities are listed | - Advocacy initiatives | None |
| Economic, Social & Cultural Rights | - Encouraging Palestinian society to assume its role in respecting economic, social and cultural rights, including meetings held with governmental bodies such as the consultative committee on the Draft Public Health Law | - Documenting violations of economic, social and cultural rights in reports and press releases  
- Participating in visits by international delegations | None | None |
| Field Work | None | -Documentation of Israeli violations of human rights in Palestine; using several documentation methods  
-Documentation of Palestinian violations of human rights in the Gaza Strip; using several documentation methods  
-Maintaining a database of human rights violations in Palestine  
-Producing updated reports on Israeli violations of human rights in Palestine, in the forms of weekly reports, press releases and briefings to international delegations | -Referring victims of violations to PCHR Legal Unit for legal aid and assistance. The extent to which referrals are made by the Fieldwork Unit has not been recorded. | None |
| Training | None | -Providing training courses on democracy and rule of law | -Providing training on human rights to a range of public bodies, international bodies and civil society organisations | -Carrying out all training programmes with female target groups in mind, and monitoring gender balance among participants in all training groups. |
| Women’s Rights | -Lobbying for incorporation of international standards on women and children’s rights in domestic laws, including draft legislation | -Passing information to Legal and Democratic Units | -Legal aid for women and women’s organisations | -In addition to the activities already listed in this row, raising awareness for women and children of their rights as ensured by domestic and international legislation and human rights instruments. |
| International | None in 2003 | -Interventions (predominantly written) at several UN bodies on a range of human rights abuses  
-Interventions at Non-UN forums on human rights violations in Palestine  
-Publicising human rights violations to the international media  
-Editing all translations of reports and press releases translated from Arabic into English  
-Writing and distributing research and publications on human rights violations in Palestine | -International legal work regarding Israeli violations of Palestinian human rights. This includes contacts with current international legal partners, seeking new partners, preparing legal documentation, maintaining a database on developments in international humanitarian and criminal law, and holding expert meetings to develop capacity for international legal work. | None |
ANNEX 3

PCHR Response to the First Draft of Evaluation Report

A first draft of the evaluation report was sent to the commissioning agent and PCHR requesting comments. This Annex contains PCHR’s response to the draft. It is welcomed by the evaluation team as touching on some key issues. PCHR present three general observations and a number of specific comments. Some of the comments refer to factual inaccuracies which have been addressed. Where changes have not been made, the evaluation team comments as the situation demands both in this Annex and in the body of the report.

General Observations

1. PCHR would prefer that there was greater recognition of the environment in which the centre and its staff have worked and continue to work. The current security situation throughout the OPTs, and particularly in the Gaza Strip, is very poor on all levels and continues to deteriorate. This has an enormous impact on the way in which the centre works, and on the programmes which it implements. It presents major obstacles to implementation of PCHR goals and activities. PCHR has strenuously sought to overcome these obstacles in order to continue to provide a range of qualitative services to as wide a target group as possible, and to achieve its objectives as far as possible.

2. PCHR fully understands the importance of gender balance in any organization and the recommendations included in this report reflect an ideal towards which PCHR will continue to work. In the current environment this is necessarily a gradual process but one to which PCHR is fully committed.

3. PCHR is concerned that on the issue of women’s rights some of the comments in this report, section 5 and 6, are inappropriate and impractical. Some of these comments perhaps indicate a misunderstanding of PCHR’s mandate and its role. PCHR is a human rights organization with a broad mandate which essentially ensures that PCHR seeks to promote and protect the human rights of all Palestinians. Necessarily, PCHR has addressed the rights of vulnerable groups, particularly women. The decision to establish the Women’s Unit in 1997 was made in recognition of the need for specific focused legal protections for women’s rights, in the domestic arena. In doing so, PCHR also took into account the work already being done in this area by other organizations in the region in order to avoid repetition of efforts. The Women’s Unit has proven to be largely successful and its services are in increasing demand. PCHR provides specific services in the promotion and protection of women’s rights; through legal aid services, and through training courses focusing on women's rights issues. General PCHR advocacy materials are also used to raise the profile of different vulnerable groups including women; where appropriate statistics and cases are used specific to women. This can be seen most regularly in weekly reports, press statements, serial reports, UN reporting publications and briefings. However, it must be noted at all times that PCHR’s mandate is the protection of human rights of all Palestinians. PCHR is not, and has never intended to be, a women’s rights organization per se; it continues to seek to provide specific legal protection of women’s rights and raise the profile of women’s rights as one human rights issue pertinent to the promotion and protection of all human rights without discrimination. To insist that each unit at PCHR must have gender related indicators in their work (see page 21) and have specific projects focusing on women’s rights is both
impractical and outside PCHR’s mandate. Certain specific subjects relating to women are also mentioned in this report, including incest, domestic violence and honour killings. Again, these specific issues are not covered by PCHR’s mandate. PCHR clearly recognizes that there are a number of issues relating specifically to women which must be dealt with by civil society and government alike. Issues such as honour killings and domestic violence are of serious concern to all human rights organizations. However, these issues are complex and highly sensitive in Palestinian society. As such, effectively dealing with such domestic issues requires specific resources, staff with specific training and experience in these issues, provision of a full range of services including counselling and welfare services. Whilst PCHR understands the importance of tackling these problems, PCHR is not in a position to provide the necessary resources or experience in working on these issues. Seeking to tackle such issues would require huge focus of resources and a major expansion of PCHR’s mandate. In PCHR’s current circumstances, this is clearly not possible.

Evaluation team comments: The report neither insists or recommends that each unit have gender-related projects, but rather implies that gender concerns be crosscutting. The evaluation team suggest that ‘sensitive issues’ be examined by PCHR and that a debate is promoted. It is not suggested that a new service be provided. It is accepted best practice that development organisations be aware of how their activities affect women, hence it is now unusual for activities not to have gender-related indicators.

Specific Comments:

Pg7 – section 3.5 (Administrative Board), para 4, “We recommend that the composition of the Administrative Board is changed to include [please replace external members with one external member as agreed]”. Since there will be one external member of the Shareholders (as recommended in the short term), there can only be one external member of the Administrative Board. Members of the Administrative Board are elected by and from within the Shareholders. See PCHR By-Laws.

Evaluation team comments: Our recommendation in the short-run is one external member, in the long-run two external members. The suggested end-result is two members and thus we think “external members” in the text is appropriate. No stipulation was found in the by-laws that board members must be shareholders. The recommendation remains as stands.

Pg12 – section 3.8 (Recommendations)

a) “PCHR encourage the formation of an annual human rights review undertaken by a group of professionals working with human rights related issues to provide feedback to all HR groups” – PCHR does not consider that this is a practical activity and will not undertake to implement this recommendation due to the significant resources required to do so.

b) “PCHR seek to undertake an annual public opinion poll on selected human rights issues, particularly those of interest to itself” - PCHR does not consider that this is a practical activity and will not undertake to implement this recommendation due to the significant resources required to do so.

Evaluation team comments: After further discussions with PCHR and consideration of the above comments, no substantive change was made to the report, other than to suggest that the resource implications would not appear to be significant. Given that it is not a membership organisation, the evaluation team was confronted with the issue regarding participation about how to generate and utilise structures which could enhance PCHR’s wider accountability, reflexiveness (i.e. its ability to evaluate itself) and capacity to learn. The
evaluation team remain of the view that: Recommendation a) would bring greater cooperation between HR NGOs through sharing views, discussing issues of attribution (who has contributed what) and generating new ideas; Recommendation b) would assist PCHR increase its reflexiveness through improved information on public opinion, be of value as an advocacy tool, increase awareness of HR through the student population, contribute to student training and possibly act as a recruiting source.

Pg33 – section 8.5 (Recommendations) para 4
“Take steps to promote [please delete agreement on] common criteria and standards for field reporting”.

Evaluation team comments: The recommendation remains as stands. In this context, the notion of restricting efforts solely to promotion allows for the possibility of the status quo remaining. Agreement will probably require that compromises be made.