

Assessment of core funded HR CSOs supported through IHL/HR Secretariat

Report

1. Introduction

This assessment took place on the request of the joint Donor Programme, (comprising Denmark, the Netherlands, Sweden and Switzerland) which, since 2013, have channeled their support through a Secretariat (The Human Rights and International Humanitarian Law Secretariat) established to facilitate the process of transmittal of funding and related technical responsibilities.

2. Mandate

The terms of reference of this assessment are reproduced in Annex 1. Briefly it is intended to assess the institutional capacity, internal efficacy and performance of the core funded CSO, and the organisational work profile for effective adherence to IHL/HR principles and promotion of human rights towards rights holders and duty bearers. ¹.

3. Methodology

In carrying out this assessment, the team first carried out a preliminary overview from information in the public domain. It then set out a work plan consisting of three phases. The first phase was launched on 4 August 2017, when the team addressed a request for information to the organisations. The request was accompanied by a questionnaire. All CSOs responded with a completed questionnaire, supplemented by various documents and publications including strategic plans, recent reports and other materials. This comprised a considerable number of documents.

An examination of this information enabled the Team to form a first impression of the field covered by the CSOs and the specialized areas that some of them covered. Issues were identified for further discussion with the CSOs.

The second phase started on 11 September 2017 when the Team visited Ramallah, Jerusalem and Gaza. At the outset of its meetings in Ramallah, the Team met with the Donor consortium, when it shared its preliminary impressions and its proposed next steps.

¹ Although part of the TOR (point b iii of the Terms of Reference), the assessment did not come up with enough information to warrant analysis on the status of human rights defenders; among the organisations assessed. However, those dealing with the situation of persons in detention (mainly Addameer and PCATI) shared detailed information; Al-Haq and Al Mezan specifically reported harassment against their staff members, leadership and institutions.

At each of these locations, the Team first met with the organisations collectively and then proceeded to visit /or meet with individual organisations on a one to one basis.

Restrictions of movement resulting from the military occupation led to only one member of the Team to visit Gaza, and only two to travel to Jerusalem. The Team did its best to address this set-back by using internet facilities, which however, did not enable it to conduct its work as well as it would have wished.

The Team met the following organisations in Ramallah:

- Addameer Prisoner Support and Human Rights Association
- Al-Haq, "Law in the Service of Man"
- Defence for Children International (DCI)
- Democracy and Workers' Rights Centre in Palestine (DWRC)
- Palestinian Working Women Society for Development (PWWSD)
- Resource Centre for Palestinian Residency and Refugee Rights (BADIL),
- The Jerusalem Legal Aid and Human Rights Centre (JLAC),
- The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH),
- Women's Affairs Technical Committee (WATC)
- Women's Centre for Legal Aid and Counselling (WCLAC),

In Gaza:

- Al Dameer Association for Human Rights
- Al Mezan Centre for Human Rights
- Palestinian Centre for Human Rights (PCHR)
- Women's Affairs Committee (WAC)

In Jerusalem:

- Adalah - The Legal Centre for Arab Minority Rights in Israel
- B'Tselem - The Israeli Information Centre for Human Rights in the occupied territories
- BIMKOM - Planners for Planning Rights
- Breaking the Silence,
- GISHA – Legal Centre for Freedom of Movement
- Ha' Moked,
- Physicians for Human Rights (PHRI),
- Public Committee against Torture in Israel (PCATI)
- Women's Study Centre (WSC),
- Yesh Din - Volunteers for Human Rights

The Team also met with a number of stakeholders to obtain a wider appreciation of the CSOs work and contribution to the protection of human rights in Palestine.

The Team de-briefed the Donor Consortium on 21 September 2017.

The third phase of the Team's work consisted of the preparation of its report. This report will address the legal framework, analyze the information received and formulate its conclusions and recommendations. As stated earlier, the assessment resulted in an impressive volume of information. In preparing the report, the team has done its best to do justice to the extent and depth of this information by citing examples of some organisation's practices to illustrate key points. This is not to be taken as an exhaustive account of each organisation's feedback.

4. Legal Framework

Consistent with its terms of reference, this part of the report will set out the legal framework within which the information received will be analyzed. This has been the subject of several reports and analyses and the Team will not attempt to re-iterate them. It will limit itself to those legal aspects most pertinent to this assessment.

It will be recalled that on the matter of international assistance and cooperation, Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) underlines the importance of mutuality or complementarity between needs and resources in the quest to realize/implement the rights set out in that Covenant. Furthermore, international law, in particular International Human Rights Law and International Humanitarian Law are directly relevant to the work of these organisations.

In situations of international armed conflict, States are bound by both International Humanitarian Law (IHL) and Human Rights Law (HRL). The Geneva Conventions provide that in situations of armed conflict, including occupation, States are bound by International Humanitarian Law, even if not met with armed resistance, or if active hostilities have ceased. This was clearly demonstrated in the case of Palestine by the International Court of Justice (ICJ) in its Advisory Opinion on the Wall, which stated that the Fourth Geneva Convention is applicable in the occupied Palestinian territory. Additionally, all States are bound by Human Rights treaties they are party to as well as to those of a customary nature. The protection offered by human rights treaties does not cease in cases of armed conflict, except when rights are derogated. HRL is applicable in all times – of peace and conflict *reinforcing* protection. States are also bound to apply HRL extraterritorially, for example, the ICCPR in Article 2 indicates that all states must ensure the rights of all “individuals within its territory and *subject to its jurisdiction.*” The Human Rights Committee and the ICJ clearly stated that Israel is responsible to ensure the application of the ICCPR and ICESCR in the occupied Palestinian territory, as human rights treaties are applicable in “respects of acts done by a State in the exercise of its jurisdiction *outside* its own territory.”

The civil society organisations in this assessment carry out their mission within populations that are protected by human rights treaties to which Israel and Palestine are

States party. The Palestinians under military occupation are further protected under the Geneva Convention Relative to the Protection of Civilians in Time of War of 12 August 1949. Israel is not a party to the 1977 Additional Protocols I and II to the Geneva Conventions.

Israel and Palestine (since 2014) are party to a number of core (treaties carrying reporting obligations to a treaty body) international human rights conventions. They are both States Party to the two International Covenants:

- The International Covenant on Economic, Social and Cultural Rights, (ICESCR),
- The International Covenant on Civil and Political Rights (ICCPR)

They are also party to the following:

- The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, (CAT)
- The Convention on the Rights of Persons with Disabilities, (CPD)
- The Convention on the Rights of the Child, (CRC)
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, (CRC-OPAC)
- The Convention on the Elimination of All Forms of Discrimination against Women, (CEDAW)
- The International Convention on the Elimination of All Forms of Racial Discrimination. (CERD).

In addition:

- Israel is party to the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography.
- Palestine is party to the Convention on the Suppression and Punishment of the Crime of Apartheid.
- Neither Israel nor Palestine have acceded to any of the procedures which envisage complaints by individuals.
- Among the non-core human rights conventions, both are party to the Convention on the Prevention and Punishment of the Crime of Genocide and to the Convention against Corruption.

On 2 January 2015 Palestine acceded to the Rome Statute of the International Criminal Court and submitted a declaration under Article 12/3 of the Rome Statute.

The Special Procedures of the Human Rights Council also afford a form of protection. Specific to the situation resulting from the military occupation are two such procedures:

- The General Assembly's Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and

- The Human Rights Council's Special Rapporteur on the Situation of Human Rights in the Palestinian territories.

Some CSOs share their experiences with these mandates. In this context, the State of Palestine has extended an open invitation to these procedures, consistent with the provisions of General Assembly resolution 60/251 of March 2006. A number of such procedures have been invoked in regard to various aspects of the human rights situation in Palestine. These include:

- The Special Rapporteur on Violence against Women, its Causes and Consequences
- Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression
- The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Working Group on the issue of human rights and transnational corporations and other businesses
- Working Group on Arbitrary Detention

United Nations bodies, such as the General Assembly, the Security Council and the Human Rights Council – and before it the Commission on Human Rights – have pronounced themselves in resolutions regularly since the start of the military occupation.

The Human Rights Council has mandated eight Fact Finding Missions and/or Commissions of Inquiry on the situation in Palestine as follows:

- 23 July 2014 to June 2015 - UN Independent International Commission of Inquiry on the 2014 Gaza Conflict
- 22 March 2012 to March 2013 - Independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the occupied Palestinian territory, including East Jerusalem
- 2 June 2010 to September 2010 International fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance
- 25 March 2010 to May 2011 Committee of Independent Experts to Monitor and Assess and Domestic, Legal or Other Proceedings Undertaken by Both the Government of Israel and the Palestinian Side (follow up to Gaza FFM; see below)
- 12 January 2009 to September 2010 - United Nations Fact Finding Mission on the Gaza Conflict

- 15 November 2006 to September 2008 - High-level Fact-finding Mission to Beit Hanoun (northern Gaza)
- 11 August 2006 to November 2006 - Commission of Inquiry on Lebanon
- 6 July 2006 to (not implemented) - Fact-finding Mission on human rights situation on the Occupied Palestinian Territory since 1967

Most recently, the Human Rights Council asked for a database, to be prepared in close consultation with its Working Group on Business and Human Rights updated annually, of all business enterprises involved in activities detailed in the report of the Fact-Finding Mission on the implications of the Israeli settlements on the human rights of the Palestinian people. The Fact-Finding Mission had recommended that private companies must assess the human rights impact of their activities and take all necessary steps – including by terminating their business interests in the settlements – to ensure that they do not have an adverse impact on the human rights of the Palestinian people. It called on all Member States to take appropriate measures to ensure that business enterprises domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, that conduct activities in or related to the settlements, respect human rights throughout their operations.

The Council has convened 6 Special Sessions on various aspects of the situation in the territories under military occupation - of the 26 since its establishment in 2006. Civil Society participates in the work of the Council and has a role to play in the implementation of the treaties and the procedures spelled out above. In the course of its work, the team has attempted to identify the degree to which the organisations are involved in these treaties and procedures.

Palestine has submitted its report under CEDAW in March, 2017. A number of women's organisations participated in the preparation of the report. Some organisations shared the hope that women's organisations are also involved in the preparation of the other treaty reports. The Palestine Independent Commission on Human Rights submitted a parallel report to the CEDAW Committee raising a number of issues on the official report.

The preparation of the other reports due under the conventions to which Palestine is a party is currently in hand. Civil Society organisations participate in the preparation of these reports in committees established for this purpose. A number of them informed the Team that they have - or/and intend to - prepare 'shadow reports.' It is expected that the remaining reports will be finalized by the end of the year.

In the absence of an efficient protection system – due to the vacuum at the State level – civil society in Palestine plays a major role. In areas of protection, the administrative authorities, namely the Palestine Authority and Hamas, have a responsibility to provide a

limited protection – within the parameters set out in the existing administrative arrangements – and are therefore accountable. These areas are limited in geography and in level.

On the other hand, CSOs represent the channel of protection that the civilian population resorts to in time of need. This is whether the protection is necessary as a result of actions of the occupying authorities, or the PA or Hamas. CSOs provide the only common source of protection regardless of where the protection needs arise. CSOs do not substitute the authorities; neither do they remove the responsibility of the authorities and their accountability under international human rights and humanitarian law.

5. Analysis of Information

The Team had before it information in the public domain, replies to the questionnaire sent by the Team, documents submitted by the organisations and information shared in the course of meetings with the organisations. In its questionnaire to the civil society organisations, the Team sought information on institutional and substantive capacity.

Institutional Capacity

Most organisations have **General Assemblies** and elected (in some cases self-selecting) **Board of Directors**, and fairly clear decision making and devolving authorities. They do operate on the basis of multi-year strategic plans, which are then translated to annual work plans specifying inputs, activities, outputs, etc. Strategic plans are prepared taking into account the experiences and input from beneficiaries.

Most organisations follow a standard **structure**. Most CSOs' Board of Directors decide overall strategic directions, while the daily management responsibilities rest with the General Director, who sometimes is assisted by an executive or program committee consisting of senior leadership in the organisation. It is common that CSOs with larger staff have senior leadership committee assisting the director. In most of our individual meetings, the senior staff was present and thoroughly explained the work of their programs and departments. For example, in the Team's meeting with Miftah, Al-Haq, Al Mezan, PCHR and WCLAC, the senior management team was present and each person detailed the work of their department. The Team views the introduction of such senior committees as very helpful to the organisations, as it allows the staff to be part of the decision-making process rather than have it solely lie with the director.

Several organisations follow a **participatory approach**; the beneficiaries are involved in the planning process, and in deciding the CSO's priorities and activities. Badil, for example, decides on its action plan by meeting with its beneficiaries, who are nominated through Badil's local partners and CBOs. The organisation meets with the beneficiaries, explains the

overall theme, and then exchanges ideas on activities and its future action plan. A similar approach is followed by DCI, in which they work with children nominated through partner CBOs to form a Children Council-Advisory Board that decides on issues to take on with the Ministry of Education. B'Tselem follows a participatory approach in both the project design and in the implementation of its projects, for example the camera distribution project enables beneficiaries to expand the impact of their voices and gain access to, an otherwise, inaccessible audience. This approach is especially helpful with organisations working with specialized sectors, such as women, children or refugees.

The CSOs number of staff varies, with the smallest organisations employing 11 staff members, Al-Dameer, Badil and WAC, to larger organisations with 65 staff members, PCHR. The Team noticed that during the meetings with CSOs women had leading positions in the organisations. Out of the 24 organisations, more than half had women in the general director's position. During the individual CSOs meetings, it was also evident that organisations are employing younger generations. In all the Team's meetings, there was a clear presence of younger females. For example, PWWSO, had three young females in the meeting, each responsible for implementing a different project. Their youngest staff member, 24 years old, is traveling to Geneva to attend the HRC sessions.

Several organisations indicated they have advisors. Upon closer examination of the role of these advisors, the Team learned that the advisors are consultants to the organisations; some paid while others unpaid. Yesh-Din, for example, has nine advisors who are legal counsels that support the organisations work. Badil also has 28 consultants that form their Legal Support Network, they are legal experts mostly residing abroad supporting their work. Most of the CSOs seek the consultants support in specialized legal issues, when such expertise is not available within their staff.

Most of the CSOs utilize volunteers. Some heavily depend on volunteers in order to reach a larger audience and to conduct advocacy work on behalf of the organisation; B'Tselem, Al-Dameer and WATC, each work with several scores of volunteers. This allows the organisations to reach a larger audience, and puts less strain on their employees.

All CSOs have a **Board of Directors** with regular elections. Many of their members are either knowledgeable in the field or influential in their community. In general, women make up 30% of most of the CSOs' Board of Directors. The BoDs of the women's organisations are made up of mostly, if not exclusively, women.

The Team noted, in studying the newly elected BoDs, that there has been an increase in recruiting and electing new members, including younger ones. The Team finds it effective that the BoD strikes a balance between institutional memory and fresh new people. For example, Addameer's BoD combines members who have been with the organisations since

its founding in 1992, with members newly elected in the past two years. Others such as WSC and Yesh-Din, have a fairly new board, with most of its members elected in the past two-three years. The Team noted a trend emerging within the CSOs in electing new members to their BoDs, some giving space for younger people.

Some BoDs are more specialized than others, depending on the specialized nature of the CSO's work. For example, all PHRI's BoD is medical personnel, while all WATC's BoD is influential women in different sectors within the Palestinian society. Other more general human rights organisations, such as Al-Haq, have more variety within their board; some are lawyers, while others are doctors, engineers and academics.

Generally, all CSOs have three of four **departments**, with a department director/coordinator managing the department. It is common for CSOs to have the following departments: Legal Aid, Legal Research and Documentation, Advocacy, Outreach or/and Media, Administration and Finance.

In some instances, the Team found that organisations experienced difficulties staffing their departments due to lack of funding. As a consequence, staff from other departments was usually asked to fill in for the missing staff members. For instance, Badil have not replaced staff members that have moved on in the past two years due to funding problems, accordingly current staff members have to take on more work, while giving up some of their projects. One of Miftah's programs is currently not staffed, so the work is distributed among the current staff members; they also previously worked on training civil society institutions on women's rights but had to stop due to funding problems.

The organisations in general serve **a large community of people**, including Palestinians in the West Bank, East Jerusalem and Gaza, Palestinian refugees wherever they reside, Palestinians with Israeli citizenship and Bedouins in the Negev. Some organisations' work includes collecting data from the field, which necessitates employing field researchers. Through these researchers, the organisations have a larger reach to different geographical areas. PCHR, for example, has 11 field researches deployed in different areas in Gaza, to document human rights violations. B'Tselem has 12 field researchers working in all areas in Gaza and the West Bank, including Jerusalem.

The assessment found **ongoing systematic and ad hoc coordination**. The Team especially noted that level of coordination and collaboration amongst the organisations reviewed is unprecedented in the region as a whole. The organisations collaborate on both national and international levels. Several organisations are part of national coalitions such as the National Coalition for the Implementation of the UNSCR 1325 (2000), the Civil Society Coalition on the Monitoring of the Legislation Processes, the Civil Society Coalition for Amending the Penal Law, the Palestinian NGO Network (PNGO) and Palestinian Council of Human Rights organisations (PHROC).

Eight of the assessed organisations are part of PHROC, which is a network of Palestinian Human Rights organisations, in which organisations can harmonize and coordinate aspects of their human rights work on the national and international level. Through PHROC, open letters were issued to member States of the General Assembly and the EU advocating for Palestinian rights and condemning Israeli violations of such rights. Further, the network also issues statements condemning the Palestinian Authority's violations of Palestinians rights.

With regard to legal aid and representation, some organisations file joint petitions before courts, especially when organisations and lawyers are restricted to working in certain jurisdictions. For instance, Adalah, Al Mezan, and JLAC submitted an objection regarding an Israeli law through a collective case involving 18 effected local village councils and municipalities throughout the West Bank. Also, JLAC, Al-Haq, and Addameer collectively represented a joint case in Palestinian national courts objecting to the postponement of Palestinian elections.

CSOs indicated that they frequently refer issues and cases to other organisations when such issues are not within its mandate. For example, JLAC refers labor issues to DWRC, prisoner issues to Addameer and cases of violence against women to WCLAC.

The Team noted that most outreach to international procedures and international advocacy is done collectively among organisations. Last year DCI and Addameer jointly went on a speaking tour lobbying for the rights of Palestinian children, including child prisoners, in the USA and Europe. Currently Al-Haq, DCI and Addameer are jointly coordinating advocacy initiatives in the USA. This year PWWSD and WCLAC coordinated a side event in Geneva in conjunction with the 36th Human Rights Council Session, on the Israeli violations against Palestinian women under occupation. On the other hand, Adalah, Al-Haq and Community Action Center-Al Quds issued an oral statement and a written submission under HRC Agenda Item 7 on Israel's use of residency and citizenship revocation as a punitive measure. Additionally, Al-Dameer, PCHR, Al-Haq, and Al-Mezan submitted a fourth joint communication to the International Criminal Court entitled "Israeli Settlement Activity in the oPt."

Programmatic focus

Human rights organisations in Israel and Palestine emerged in the course of the last forty years. Of the 24 reviewed organisations, the greater majority (17) have been working for at least 20 years, with seven being active for 27-40 years. On the other end of the spectrum, the three youngest organisations have been active for 12 and 13 years. This represents a significant accumulation of experience and investment and a wealth of knowledge and expertise in the human rights field.

Eight of the organisations are broadly mandated to cover a wide range of human rights and rule of law issues, whereas the others are dedicated to serving and advocating the rights of specific groups such as prisoners, children, refugees, and workers. Others still focus on thematic priorities such as planning, freedom of movement, prohibition of torture, the right to health and others. Of particular note is a strong constellation of five organisations actively working in the area of women’s rights and empowerment. The broadly-mandated organisations also work on many of the specific beneficiary and thematic priorities of the others. The review noted a high degree of complementarity rather than duplication, with significant cross-referral of issues and cases between the organisations, demonstrating a sharing of expertise and mutual support and coordination, as discussed earlier in this report.

Nearly all of the organisations reviewed operate on the basis of *strategic plans* that envision multi-year strategies and generally define around three to five strategic goals each. One has a two-year strategic plan and three operate on the basis of annual planning. They translate their strategic goals into annual implementation plans, supported in most cases with log frames, time frames and results frameworks that vary in structure and approach. These tools and processes have been historically donor-driven or required for grant proposal purposes, and the team noted that the organisations’ usage of and approaches and attitudes to these tools varies. Many find them useful and articulate them with specific numbers and detailed expectations, while a few appear to have a more perfunctory approach to utilizing them. Despite these variances, the team found those plans to be generally well-structured and thought out, and indeed help the organisations to plan their work in a studied and focused manner.

5-year plans: 5 CSOs.
4-year plans: 8 CSOs.
3-year plans: 7 CSOs.
2-year plans: 1 CSO.
1-year plans: 3 CSOs.

In terms of methods of work and approaches, the organisations under review demonstrate the full range of activism open to human rights organisations everywhere. The following summary illustrates, albeit not exhaustively, the various methodologies used by these organisations to advance their general or specific human rights work. These different methods and tools are very closely interrelated in most areas. The organisations are generally evenly distributed in their utilization of the various methods and tools of human rights protection and promotion. While all purport to be engaged in nearly all of these arenas of work, some variance in focus and skills was noted by the team. This however is

offset by the levels of cooperation, coordination and cross-referrals that happen between them.

Legal aid and counseling is offered by 13 of the 24 CSOs and this is perhaps one of the most important human rights protection activities they undertake. Some of the organisations have become quite specialized and effective in the provision of badly needed legal aid to victims of human rights violations. The cases cover the gamut of issues from house demolitions to residency rights to freedom of movement, detentions and trials and more. Hamoked, for example, provided legal aid in 6,767 cases in 2016. JLAC noted that it had handled about 50% of legal aid cases in Area C of the West Bank, and that in the last five years alone, it had succeeded in stopping the demolition of around 2,200 homes there and in E. Jerusalem. As Palestinian lawyers are unable to appear before Israeli courts, an ongoing cooperation takes place between the Palestinian and both Palestinian-Israeli and Jewish-Israeli human rights organisations. Beyond legal aid, many of the organisations undertake direct challenges to Israeli laws and administrative procedures - up to the High Court - on issues such as discrimination, land confiscation, home demolitions and other forms of collective punishment, residency rights, planning, settlements, detentions, water rights, and other issues. Palestinian organisations such as al-Haq, JLAC and the women's organisations also challenge the Palestinian Authority and the Hamas authorities in Gaza on draft legislation and executive orders.

Documentation and reporting is carried out by 12 of the organisations, who work at collecting the information in the form of retrievable databases accumulated over 20-30 years of activism, which constitute an important resources and historical data for current and historical analysis. Several organisations (ex. JLAC, B'Tselem, Mezan, PCHR, Al-Haq) have extensive databases of violations and incidents that together form a very rich pool of resources, which are relevant to international humanitarian advocacy efforts. These include submission of shadow reports, complaints to special procedure, or information provided to treaty bodies, including submissions to the International Criminal Court. However, it can be said that all the organisations carry out some form of collation of information and data and use it in their work.

Six of the CSOs include **research and analysis** as part of their programmatic focus. Such research is mostly of a legal nature that analyses violations in the context of applicable domestic and international law and is to be distinguished from the information gathering and reporting on violations. For others, research consists of on-site observation and collection of information. The analysis also goes to inform the local and international communities of patterns of violations.

The documentation, reporting and research are used for purposes of **advocacy and lobbying**, including direct and/or public interventions that the organisations undertake

with duty bearers, and at relevant international forums such as the United Nations Human Rights Council, the Treaty Bodies and Special Procedures, and the International Criminal Court. *Most of the Palestinian and Israeli organisations have made regular use of the human rights mechanisms made available by the United Nations Human Rights Council, its Special Procedures, and the Treaty Bodies.* At least 11 of the organisations include advocacy and lobbying as an essential component of their work, yet nearly all join in collaborative processes. Over the years, civil Society organisations, individually and collaboratively, have filed reports parallel to those submitted by Israel under its various treaties obligations. More recently, they have begun to undertake the same activity with respect to Palestine's upcoming treaty reporting processes. Several took part in consultations in connection with the preparation of the report by Palestine on its treaty obligations under CEDAW, which has been submitted, and have submitted their own shadow reports as well. Other reports by Palestine are due by the end of 2017.

More than half of the CSOs (15) specifically include ***Education and awareness raising*** as one of the pillars of their work and incorporated into their strategic goals. This assessment found, however, that nearly all of them incorporate some form of awareness raising and human rights education in their activities. Many undertake public education through their reports or through media strategies as part of their general advocacy strategies. The more issue-oriented CSOs provide human rights and legal education to their constituents and target groups, and thus we find an abundance of programs aimed at lawyers, soldiers, children and youth, women, doctors and health workers, governmental institutions, trade unionists and others.

Al-Haq has established a dedicated center for education and capacity building on international humanitarian law. Adalah, PCHR and Al Mezan all conduct regular training on IHL and IHRL for young lawyers. The four organizations together have accumulated particular expertise in international law, evidenced also by their documentation and presentation of cases for investigation by the International Criminal Court.

Some of those educational programs are combined with efforts to organize target groups to advocate for their own rights as many of the women's rights organisations do. For example, a group of 200 youth in the West Bank and Gaza were trained and have been working with WATC for the past two years and PWWSD's work in 90 villages is now resulting in around 80 women running for elections. DCI's educational programs have resulted in the establishment of a Palestinian Child Rights Council, composed of 22 youth, 12-16 years old, who are trained in CRC. This Council now acts as an advisory committee for the Palestinian Authority cabinet. WCLAC has established partnerships with women grassroots CBOs to work on violence against women issues, and is now helping them with strategic planning and fundraising. WSC promotes girls' rights through adapting school textbooks and children's stories to highlight human rights values, as well as through theatre and the arts.

Part of WCLAC's effort in this regard resulted in the establishment of **mobile clinics** for victims of violence against women, providing counseling as well as legal support. PHRI also uses mobile clinics in the West Bank and Gaza, in cooperation with Palestinian and Palestinian-Israeli doctors, to provide health services, collect information and provide needed assistance.

These levels of connection to the communities that the CSOs serve provide an important element of their **accountability** to those communities. This interaction varies from one organisation to the other. Some of the organisations, such as PCHR, formally incorporate members of those communities in their planning processes, including in articulating their strategic plans and program lines. Others, like Hamoked and Bimkom consult with the communities they serve and Al-Dameer undertakes participatory assessment sessions in the planning and evaluation stages of their programs.

Eleven of the organisations include institutional and staff **capacity building** as one of their strategic goals in their current multi-year plans. This indicates an interest in ongoing improvement in the performance of the institutions as a whole or of particular aspects of their programs, although some organisations noted being inundated with invitations to capacity building projects. Most of these goals are framed broadly as institutional development that includes management and monitoring and evaluation procedures, or strengthening of staff capacities for legal aid or in the use of international human rights mechanisms. Each organisation frames this differently.

A majority of organisations follow various methods for **monitoring and evaluating** their work, some more intensively than others. For the most part, these include ongoing meetings and discussions; the use of surveys, written feedback and questionnaires, particularly with their beneficiary groups and at the end of trainings or community work; statistical analysis; and periodic, usually quarterly, assessments of the progress of their plans. PWWSO has developed a monitoring and evaluation manual based on their results framework, while Al Dameer has a monitoring and evaluation coordinator and Bimkom utilizes project steering committees and data evaluations. Several have employed external evaluators for that purpose.

There is no 'overlap' between CSOs with a broad mandate and those with a specific thematic mandate; the information available to the Team indicates that in the existing arrangements, there is complementarity, cross-referrals and mutual support in handling cases, depending on the particularities of each case.

The assessment team found that there was more **complementarity** than was expected. The CSOs output is uneven, as may be expected, but collectively there is complementarity. The Team did find that there was an established trend in that matters of a specialized nature

were referred to or handled in conjunction with the specialized organisations, as for instance the case with DCI, and between Gisha and HaMoked, PCHR and Al Haq and Al Mezan, and between WSC, WCLAC and WAC to mention a few.

Overlapping and duplication may take place at the initial stages, when a case is brought to the attention of more than one organisation (including the ICHR) at the initial stages; but the relations between organisations are such that they are quick to streamline their handling of such cases, either by assigning them to one among them, or by agreeing to pursue certain cases together. Attribution is always difficult in human rights advocacy, but less so in legal aid. Only specified lawyers (or agencies like JLAC) legally represent their clients as attorneys and therefore can claim success if court judgments are positive. Support by others in terms advocacy and public pressure is certainly a factor, however .

In those cases that end up in a court or tribunal, the lead on the case is always one and cannot be multiple – as is the case in any legal system. Therefore, even if organisations are seized of the same case at the outset, the running of the case is taken by the lead. Organisations like Adalah, among others, regularly run such cases, as does Yesh Din. The same applies to the demarches at the international level, where organisations such as Al Haq, PCHR and Al Mezan, to name some, combine their resources to ensure the appropriate level of professionalism. There is no overlapping in such cases.

Similarly, support to organisations on both sides of the green line provides further complementarity and consolidation. The 10 CSOs ‘on the other side of the green line’ share a vital common denominator with the other 14 in that they too afford protection to a civilian population which has been subject to a military occupation for over 50 years. Their interaction is positive and the team has not found any reason to doubt the value of their contribution. One added value is certainly their interaction within Israeli society. For example, the public education work of Breaking the Silence, B’Tselem and Physicians for Human Rights-Israel cannot be undertaken by non-Israeli organizations, nor underestimated.

It goes without saying that the CSOs in the occupied areas are much closer to living and acting on the day-to-day realities under military occupation. The seminal role of the Palestinian CSOs is also essential for the added value of those ‘on the other side’.

6. Conclusions and Recommendations

Conclusions

The assessment produced an extraordinary amount of information, described earlier in this report. This information relates to the organisation and the work of the organisations, and the human rights context within which they work. As shown above, the organisations span a wide range of protection issues. They have different specializations, with much complementarity and little overlap. There is impressive outreach to society both directly and through community based organisations. Between them the CSOs provide hopes for protection to people in the very difficult situation in which they live.

These organisations work in an extremely difficult environment, and it's important to consider that context in this assessment. The past fifty years have witnessed a military occupation that has affected every aspect of daily life, as documented in reports produced over the years. The military occupation has elicited resistance on the part of those affected, which has taken various forms over the years, and which has provoked various forms of reaction from Israel including measures of reprisal. This pattern of confrontation has escalated over the years, during which the conduct of the occupation deteriorated further, as the struggle to shake off the occupation persisted and took various forms.

The resulting situation produced serious violations of rights protected under international human rights and humanitarian law, which have been documented over the years in numerous official reports some of which are referred to above. In addition to the basic rights to life and to freedom and to physical security, these include basic freedoms of movement, expression as well as land ownership, resources, and more generally, basic livelihoods.

Measures of annexation and transfer of several thousand Israeli nationals to the Palestinian territory under military occupation further exacerbated the absence of any meaningful progress in the search for a political solution and divested the population of any meaningful protection. 'Interim' arrangements have served to further this process. In these conditions, people have taken recourse to civil society organisations for whatever protection these could offer them in their quest for protection, for liberation from occupation and for the realisation of their right to self-determination.

Measures taken by the local authorities in Ramallah and Gaza, and the fact that the Palestinian authority has signed on to eight of the core treaties in April 2014, have placed further responsibility on the shoulders of civil society. That, along with the ratification of the ICC statute in 2015, has created new avenues for advocacy. The powers of the State of Palestine to implement its responsibilities under its newly acquired treaty obligations are limited owing to its status as a state party under military occupation, and its consequent inability to exercise full jurisdiction.

The organisations as a group constitute an impressive reservoir of information and a deep level of outreach to the concerns of the community. These organisations have evolved over the years and civil society now reaches out to a much wider sector of the communities than it had done in the past. Their work is severely complicated by the overlay of authorities they are subject to: the Israeli government, the occupation of the West Bank and Gaza, and the administrations in Ramallah and Gaza. It may be said that civil society today advocates for and often provides the protection normally expected of the authorities.

At the international level, the human rights protection system has also evolved to include several international human rights conventions and several special procedures most of which have a bearing on the work of civil society organisations. However, not all 24 organisations have the capacity or required resources – substantive and material - to follow and invoke these procedures effectively.

The extensive outreach to the community is not always evident in the information accessible on most of these organisations' websites. Reference is made above to the collection of information through monitoring of developments, reporting and management of this information. This outreach is also important in establishing the CSO's accountability to their communities.

In interviews and materials analyzed by the Team, the term "*shrinking space*" recurred frequently in context of a steadily increasing workload coupled with an over-riding concern with shrinking financial support. This was described as a situation resulting from excessive restriction in flow of funding and resources through new regulations, threats, physical and via internet, control of communication, and abusive use of social media. This creates serious challenges to civil society. By the same token, the expansion in the work of civil society in the communities was not reaching donors.

An integral component of the resistance to the military occupation is non-violent measures such as the Boycott, Divestment and Sanctions Movement (BDS) aimed at Israel, the occupying Power. The team was made aware of concerted efforts to confront this movement in various quarters. Such efforts include proposing and sometimes passing legislation criminalizing BDS, targeted media campaigns and in some cases direct physical and psychological threats against activists, especially against those involved in litigation efforts against Israel. This includes the targeting of funding sources of CSOs that support BDS.

It is important to note that a human rights perspective clarifies that to engage in boycotts is not only protected freedom of speech and other rights, but is a time-honored non-violent means of resisting discrimination and generalized oppression. If such boycotts are for purposes of protecting and promoting universal human rights, then to engage in it even becomes a responsibility.

The Team shares the view that military occupation constitutes a serious threat to human rights and humanitarian law. Measures taken by Israel as the military occupier directly and negatively affect the population in virtually all sectors, and constitute violations of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights and other rights protected by international human rights law, (e.g. the Convention on the Rights of the Child, the Convention on the Protection of Persons with Disabilities). Advocacy pressure is needed to achieve a civilized ending of military occupation, which certainly depends on a political solution. Until that political solution is found, resistance to the military occupation and its human rights violations through non-violent means, such as BDS, is consistent with human rights practice and a legitimate measure; it does not constitute a political activity. See also the note at Annex 2 : [A Human Rights Lens on the Boycott, Divestment and Sanctions Movement](#).

Recommendations

The enhanced exposure of civil society both at the domestic and international level has attracted countermeasures characteristic of the confrontation originating from the military occupation. These include measures (including political pressure at the international level) to discredit the work of civil society or to reduce their effectiveness. The relations between donors and civil society sometimes suffer and could benefit from enhanced understanding in this regard.

It is clear to the Team that the real extent and nature of the human rights and humanitarian work of CSOs is not sufficiently known or appreciated. Knowledge and appreciation is an effective safeguard against misinformation The nature of the partnership between donors and civil society, emanating from the principle underlying Article 2 of the International Covenant on Economic, Social and Cultural Rights, cited earlier, appears to have drifted away from that notion of partnership. In the present case, this partnership rests on the basis of a shared commitment to human rights law and principles. It is this basis of commitment to universal human rights that can help both civil society actors and donor countries better confront periodic political attacks on them.

It would be most desirable for measures to be adopted to facilitate the sharing of information on a regular basis between donors and civil society. The team does not believe this requires a formal structure or arrangement. On the contrary, such briefings or conversations should be conducted frequently as and when any party feels a need to do so. Such information sessions would provide a direct source of understanding as well as an occasion to clear up misunderstandings, if any.

In the same context, organisations should carefully examine their public information arrangements, including their websites, in order to make sure that they indeed reflecting the breadth and depth of the work that they wish to share with the public.

As noted earlier, the team notes that there is a much higher level of cooperation and coordination among the CSOs, including cross referrals on specific cases. This is much higher than commonly assumed. A significant number of CSOs have extended roots within the communities they serve. The spirit of mutuality that underlies these links has become stronger and should continue to develop. This complementarity characterizes a wide range of activities, from individual cases requiring specialised attention, to addressing measures and trends affecting people.

The enhanced opportunities of access for CSOs to treaty mechanisms and special procedures provide an important window for sharing the concerns of the organisations. It was clear to the Team whereas some organisations were highly versed in and possessed expert legal knowledge in international law and procedures, others because of their specialized nature or lack of resources did not. The Team notes that CSOs with specialized focus areas that provide unparalleled assistance to the population maintain their work without significant focus on international procedures and mechanisms. At times, such duality of work cannot be maintained unless funding is increased and staff is expanded. However, some of these organisations have indicated their intention to enhance their knowledge of international procedures. Complementarity has been found useful to those organisations that are still in need to develop their knowledge of international procedures.

The team is of the opinion that a virtual process of sharing should be introduced. The team recommends that a virtual group is established among those organizations who possess international legal expertise to be made available on demand to those organisations who need advice on international law and procedures. Consideration may be given to using existing networks.

The team noted criticism levied against the CSOs for “politicization” of human rights work. In general, the work of human rights defenders is often characterized as political in an effort to undermine its legitimacy. This assessment found that the work of the 24 CSOs was consistent with efforts to protect rights in accordance with internationally accepted standards. In the particular conditions of life under prolonged military occupation protection of civil and political rights is a major human rights issue.

As stated earlier in this report, the 24 organisations subject of this assessment form an impressive whole and deserve continuing support. It is acknowledged that each organisation has its own particularities, and is subject to different pressures, internal and external. Some may be in a situation of transition whereas others may be expanding their areas of activity as new talent becomes available or new challenges have to be faced.

Bearing these considerations in mind, the Donor Consortium is to be congratulated for the wisdom and consistency of their support, for which the Team would advise continuation. The team recommends:

- 1. A closer awareness between donors and CSOs of the activities and interaction on the ground.**
- 2. A deepening of the dialogue among the CSOs.**
- 3. A higher systematic level of engagement at the international level through sharing of knowledge and expertise.**

Final Remarks:

The Team wishes to re-iterate at the outset that its report, in accordance with its Terms of Reference, is meant to convey an assessment of the core-funded CSOs in reference to

- a.** The institution and management capacities regarding the organizational structure (including the board) as well as the operations and activities, geographical coverage, thematic areas of engagement for each core funded CSO
- b.** Strategic Plan/Orientation of the CSO, including vision, mission and results framework. Assessment will include references to the quality of work conducted including documentation, papers/reports and studies published as well as advocacy work toward rights holders and duty bearers.

As the Team has pointed out since the outset of the assessment, the volume of work precluded an in-depth evaluation of each of the 24 organizations, given the limited time available. Instead an overall assessment was professionally possible. This was again underlined on 11 September 2017 and again on 20 September 2017, when the Team briefed the Donor Consortium.

At the time of the first briefing, the assessment had completed its first phase under its work plan, and was about to embark on its second phase in Gaza, Jerusalem and Ramallah. At that time the Team shared its preliminary observations with the Donor Consortium in regard to, among other aspects, the profile that was emerging in regard to the extent of the outreach and role of the CSOs in Palestinian and Israeli society, the interaction among the CSOs in terms of efficiency of complementarity of actions and approaches and the degree to which the CSOs were able to invoke international law and procedures.

Thus the report is not and cannot be construed to be an evaluation of the 24 CSOs subject of this assessment. The Team trusts that supporting documentation might enable the Donor Consortium to form its own appreciation of 'added value' and other evaluatory opinions. As stated in its report, the Team found that the CSOs formed an excellent group as a totality, although disparate in several aspects of their subject matters of concern, size and methodology.

In general, considerable misinformation from obviously hostile sources has left relationships between donors and CSOs vulnerable. Such misinformation, in the Team's view, needs to be urgently addressed if the value of the core funding support is to be

understood. It is for this reason that the Team's first recommendation sets out the need to increase communication between the Donor Consortium and the CSOs.

This is also very important because of the exemplary nature of the support by the Donor Consortium given the political context and the strong human rights and humanitarian advocacy needs that this support provides in such difficult circumstances. In the Team's view, this support stands at an extraordinary level.

The Team has acknowledged the success of the core funding approach as well as the combination of CSOs supported as a totality and as individual institutions. If the choice is between increasing or reducing support, the conclusions of this assessment would have to lean towards the former. There is no doubt that the needs continue to grow. In a sense, the Donor Consortium is a victim of its own success, and should circumstances make it necessary to revise the amount of funding or the number of organisations funded, it will need to do so on purely pragmatic grounds related to fund availability and not to any evaluative view of the totality of the work and performance of the CSOs supported

John Pace
Halla Shoaibi
Fateh Azzam

October 2017

Annex 1

Terms of Reference

Assessment of core funded HR CSOs supported through IHL/HR Secretariat

1. *Background*

The Human Rights and International Humanitarian Law Secretariat, hereinafter called the HR/IHL Secretariat, is a joint donor programme including Denmark, the Netherlands, Sweden and Switzerland. Sweden, represented by the Consulate General of Sweden, leads the consortium of the donor countries of the HR/IHL Secretariat. The overall objective of the programme is to contribute to the effective realisation of adherence to human rights and international humanitarian law in the occupied Palestinian territory and to influence the behaviour of the relevant duty bearers, including Israel, the Palestinian Authority and the de facto government in Gaza. Since 2013, on behalf of the donors, the HR/IHL Secretariat is managed by the Swedish consultancy firm NIRAS Natura AB in consortium with Birzeit University Institute of Law.

The HR/IHL Secretariat has been set up to strengthen the operations of key societal players, the CSOs, to promote respect and accountability of prioritised human rights and international humanitarian law values and principles in the occupied Palestinian Territory, through the provision of financial means (core funding) to established CSOs. Core funding was provided to 24 Israeli and Palestinian HR/IHL CSOs operating in the oPt on the assumption that it is an efficient and effective way of supporting organisations by providing predictable funding that enables more long term planning and a focus on core activities.

In 2017, it was decided to assess the currently core funded CSOs **in reference to the following:**

- a. The institution and management capacities regarding the organisational structure (including the board) as well as the operations and activities, geographical coverage, thematic areas of engagement for each core funded CSO
- b. Strategic Plan/Orientation of the CSO, including vision, mission and results framework. Assessment will include references to the quality of work conducted including documentation, papers/reports and studies published as well as advocacy work toward rights holders and duty bearers.

2. *Specific questions -aspects to be assessed:*

The scope and focus of the assignment is to assess if the work of the core funded CSOs has been well managed internally and efficiently with a human rights based approach. In more detail, the assessment should focus on the following:

- a. **The Institutional capacity, internal efficacy and performance of the core funded CSO:**
 - i. Does it have sufficient structure, resources, and international Law competences to review and achieve its strategic orientation? If not, why?
 - ii. Does it have well-established, effective and clear internal procedures and capacity for follow-up (monitoring), risk assessment structures and evaluation?
 - iii. Does the organisation have membership/s in local and international networks (a.i. PNGO, Protection Cluster)?
 - iv. What are the internal and external challenges and the recommendations for improvement?

- b. **The organisational work profile**, including internal procedures, budget, human resources and advocacy strategy, for effective adherence to IHL/HR principles and promotion of human rights towards:
 - i. Rights holders including:
 - a. Awareness raising campaigns pursued, list of publications issued over past three years (content and quality);
 - b. Extent and functionality of legal aid and grievance redress mechanism – and it's link to national level entities with relevant authorities or/and national human rights institutions (i.e. ICHR)

 - ii. Holding duty bearers accountable including:
 - a. Evidence based documentation and publications including reports, research papers or/and opinions over past three years (content and quality);
 - b. Main advocacy work pursued over the past three years towards duty bearers (be it Israel, Palestinian Authority and Gaza de facto authorities)
 - c. Respect and alignment to conventions/treaties ratified by duty bearers (Israel & PA)
 - d. Legal services and court cases at local or international levels (extra territorial jurisdiction).

 - iii. HR defenders, including legal submissions or advocacy activities conducted (Content and quality) again towards all duty bearers

 - iv. **Recommendations:** Based on the conclusions of the assessment, what are the main recommendations to the donors' consortium: regarding number of CSOs

funding, IHL/HR thematic priorities as well as the focus of partners' work profile.

List of supported CSOs:

Palestinian CSOs:

- Addammeer – Prisoner Support and Human Rights Association
- Al Dameer Association for Human Rights
- Al Haq
- Al Mezan Centre for Human Rights
- BADIL – Resource Centre for Palestinian Residency and Refugee Rights
- Democracy and Workers' Rights Centre in Palestine (DWRC)
- Defence for Children International (DCI)
- Palestinian Centre for Human Rights (PCHR)
- Palestinian Working Women Society for Development (PWWSD)
- Physicians for Human Rights (PHR)
- MIFTAH – The Palestinian Initiative for the Promotion of Global Dialogue and Democracy
- The Jerusalem Legal Aid & Human Rights Centre (JLAC)
- Women's Affairs Centre (WAC)
- Women's Affairs Technical Committee (WATC)
- Women's Centre for Legal Aid and Counselling (WCLAC)
- Women Studies Centre – Jerusalem

Israeli CSOs:

- Adalah – The Legal Centre for Arab Minority Rights in Israel
- Bikom – Planners for planning Rights
- Breaking the Silence
- B'Tselem – Israeli Information Centre for Human Rights in the Occupied Territories
- Gisha – Legal Centre for Freedom of Movement
- HaMoked – Centre for the Defence of the individual
- Public Committee Against Torture (PCATI)
- Yesh Din – Volunteers for Human Rights

ANNEX 2

A Human Rights Lens on the Boycott Divestment and Sanctions Movement²

- Boycotts have long been a civil society tool to combat repression, discrimination and racism. Within the long and honorable history of boycotts, three major examples can be recalled:
 - Mahatma Gandhi's anti-colonial struggle that included boycotts and civil disobedience;
 - The U.S. civil rights movement and
 - The anti-apartheid movement.
- The Boycott, Sanctions and Divestments movement (BDS) is a non-violent, civil society effort whose aims are consistent with human rights ideals and principles. As stated on its web site and demonstrated in its actions, BDS aims to bring pressure to bear to:
 - End the Israeli military occupation of Palestine and violation of Palestinian rights;
 - Ensure that Palestinian refugees are able to exercise their right to return to their homeland;
 - End the apartheid-like discrimination against Palestinian citizens of Israel.
- Governments have the primary duty for the protection of all human rights in accordance with the treaties they have ratified, including the treaties and conventions of international humanitarian law, international refugee law, and international criminal law. They are thus called *duty bearers*.
- When governments fail to discharge that duty, human rights protection becomes an international responsibility. Given such failure, citizens – especially in democratic societies – have the right and civic duty to pressure them to do so.
- There is ample documentation of the human rights situation in the occupied West Bank, Gaza strip, and in Israel. This documentation is found in United Nations documents and reports, including those of several commissions of inquiry. These documents span the years since 1948, most recently relevant to Gaza (2008, 2014).
- It is not unreasonable to deduce that the international community of states has historically failed to protect Palestinian rights. Therefore it is proper that Palestinian and international civil society advocate for this protection through non-violent means available to them, including through boycott and calls for sanctions

² Adapted from a public lecture by Fateh Azzam at Occidental College, Los Angeles, 16 November 2016. The author is solely responsible for this content.

and divestment. These are not partisan political acts but efforts to encourage respect for human rights, as discussed below

- To engage in boycotts is a composite right, comprising several human rights protected by international law and by the U.S. Constitution. These include freedoms of expression, association and assembly, freedom of conscience and belief, and freedom from any form of physical or psychological coercion.
- The U.N. General Assembly, in promulgating the UDHR, considered the Declaration as:

...a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. [Underline emphasis added]

- The UN Declaration on Human Rights Defenders also recognizes that everyone striving for the protection and realization of human rights has “the right and the responsibility” to do so. It introduces this right as follows:

“Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels, Declares,

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

- The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression also confirmed this in his 2012 report on Israel and the OPT (paragraph 34) that “Calling for or participating in a boycott is a form of expression that is peaceful, legitimate and internationally accepted.”
- Most recently, the Human Rights Council in its Thirty First Session adopted a resolution “in close consultation with the Working Group on the issue of human rights and transnational corporations and other business enterprises,” reaffirming the illegality of and of doing business with Israeli settlements in the occupied Palestinian territories. The resolution asked the UN High Commissioner for Human Rights “...to produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the report [of the fact-finding mission “to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian People...] (A/HRC/RES/31/35; 20 April 2016, paras. 17 and 18).
- Thus, involvement in BDS is not only a right, but also a responsibility of active citizenship. This is particularly important in today’s inter-connected world, where policies made in one country reverberate and have repercussions across the globe. Mutual support for the protection of human rights and fundamental freedoms is a responsibility of both states and civil societies. BDS constitutes one of the few avenues that are open to civil society actors to do so.