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Sida Decentralised Evaluation

Nordic Consulting Group (Denmark) and Tripleline

# Evaluation of Sweden's support to the Human Rights Programme in Palestine 2018–2023

Final Report



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**Final Report  
November 2022**

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# Abbreviations and Acronyms

CSO	Civil Society Organisation
DCIP	Defense for Children International -Palestine
HR	Human rights
ICC	International Criminal Court
IHL	International Humanitarian Law
IHRL	International Human Rights Law
INGO	International Non-Governmental Organisation
NDC	NGO Development Center
NCG	Nordic Consulting Group
NGO	Non-Governmental Organisation
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OECD- DAC	Organisation for Economic Co-operation and Development-Development Assistance Committee
PA	Palestinian Authority
PNGO	Palestinian Non-Governmental Organisation Network
UN	United Nations
UNICEF	United Nations Children's Fund

# Preface

The authors of this evaluation report would like to thank the staff at the Swedish Consulate in Jerusalem for commissioning this timely evaluation, for participating in the process and for providing advice and support throughout.

We would also like to thank staff at the NGO Development Centre for their advice, support, contextual insights, and access to their documentation.

What has made this evaluation so rewarding for us was the opportunity to interview at length Sweden's partners who continue to work with utter commitment in an extremely challenging and volatile environment - Al Haq, Al Mezan, DCIP, B'Tselem, Breaking the Silence, Yesh Din and Gisha. Thank you for giving up your valuable time to answer the evaluation questions. Every interview brought a fresh perspective, and your insights were always captivating.

We would also like to thank other external stakeholders from international institutions who work on human rights and international humanitarian law in relation to Palestine. Their insights too have been invaluable.

If there are any errors of fact in this report, the authors are responsible. The views stated in this report are the authors' own.

# Executive Summary

This is a report of an evaluation of Sweden's Palestinian Human Rights Programme (1<sup>st</sup> January 2018 to 30<sup>th</sup> June 2023). It was commissioned by the Swedish Consulate in Jerusalem. The purpose of the evaluation is to learn whether the programme design maximises opportunities to facilitate the work of Israeli and Palestinian non-government organisations defending human rights and to provide a broader audience with insights on the programme's value.

The evaluation applies OECD DAC criteria to assess the programme's relevance, impact, effectiveness, efficiency, coherence (and coordination). The scope of the evaluation is limited to the current phase (2018-2023) but it considers the programme's evolution since 2005 and synthesizes lessons from the previous phases.

The core objectives of the evaluation are to assess:

1. Whether the programme remains relevant and how Sweden's support matters in terms of creating an enabling environment.
2. The effectiveness and likely impact of the current programme.
3. How core funding contributes to results and/or achievements.

## **Methodology and approach:**

The evaluation used a qualitative approach which was based on primary and secondary sources. Secondary sources included a comprehensive review of programme documents, including partner strategies, the fund managers annual reports and the broad discourse on human rights and adherence to IHL in Palestine produced by international institutions and organisations, including academia and respected global media. Primary sources were individual online interviews with 15 external stakeholders (international human rights institutions, organisations, and actors) and 10 internal stakeholders (former and present Swedish Consulate staff, the fund manager and programme partner representatives). The initial evaluation findings were shared and discussed with Sweden and the fund manager in July 2022. A workshop was held on 25<sup>th</sup> October 2022 to share and discuss findings with the partners. A key limitation of the evaluation is that its terms of reference did not include interviews with rights-holders due to the conflict and limited resources.

## **Programme design and evolution:**

Section 4 of this report provides insight into the design of the current programme and earlier phases dating from 2005. The current programme has several important features. Sweden is the sole donor and the programme provides core funding to seven human rights (HR) non-governmental organisations (four Israeli and three Palestinian), all of whom are internationally recognised. One Palestinian partner,

BADIL exited because they disagreed with contractual arrangements as explained in this report. Partners set their own strategic agendas, including for capacity strengthening. A locally based Fund Manager, NDC conducts routine grant management tasks and convenes regular policy dialogues where issues of mutual interest are discussed.

Earlier phases of the programme were supported by a consortium of donors (e.g., Netherlands, Switzerland, Denmark). There was often a mix of funding modalities (core funding and grant funding); more partner organisations (e.g., 35 or so); and the fund manager role was held at times by an international organisation with a local office and/or local organisational support. The report draws out lessons from these earlier phases and concludes that Sweden had good justification to decide in this phase to act alone as this eliminated tensions between donors and allowed for greater focus on programme and partner strategic priorities, operational challenges, and achievements.

The findings of the evaluation are structured around a set of main and sub-evaluation questions. In this executive summary, we provide a summary of the answers to the main evaluation questions before discussing the lessons and recommendations.

### **1. Relevance: How has the programme remained relevant to the evolving context and needs for HR in Palestine since 2005?**

Section 5 of the report provides clear evidence of programme relevance. It notes continual programme adaptation to context since 2005. The programme's relevance has stemmed from maintaining the same objective throughout, i.e., supporting stronger civil society HR actors to strengthen respect for HR and IHL in Palestine and to influence the behaviour of duty bearers, including Israel, the Palestinian Authority, and the de-facto government in Gaza.

Over the last 17 years, despite some advances, the rights of Palestinians continue to be seriously and systematically violated by all duty bearers. While the trajectory is downward on many key aspects of the conflict (occupation, movement and access, settlements and settler violence, house demolitions, detainment and torture, elections, the blockade of Gaza, and the continuing erosion of civil space) the report notes some positive developments. These include: the role played by international actors on accountability measures which have drawn on the high quality of evidence provided by the programme's partners; some positive developments for child rights and Palestinian policies on juvenile justice; stronger voices and capacities of civil society actors, including partners; and a shift in the narrative with more nuanced arguments that are rooted in HR and IHL frameworks and which demonstrate the injustice of occupation and its inherent discourse of inequality based on ethnicity and religion. This section of the report also highlights factors that support relevance, and the value and importance of the partners' work.

## **2. Effectiveness: How effective is this phase of Sweden's programme?**

Section 6 of the report provides evidence that demonstrates that the programme is effective in that it empowers partners and gives them the flexibility they require. Core funding has played an essential role, but so too have other factors. For example: Sweden's choice of partners, robust strategies and implementation approaches, Sweden's role as the sole donor, the fund manager's role, and other elements such as regular dialogue between partners and staff from the Swedish Consulate, information sharing, and joint work practices.

This section of the report also provides insights on how Sweden's programme facilitates the effectiveness of partners working to improve HR and adherence to IHL. It shows how strategies and approaches interlink and reinforce one another. It also provides an overview of partners' insights into factors that support effectiveness, such as continual problem analysis, strategy adaptation, reframing how occupation is understood and empowering rights-holders to 'see with new eyes'. The section also notes the importance of core funding: It is empowering, predictable and it puts partners in the driving seat. The evaluation finds that it is more suited to human rights programming than project funding because of the flexibility it accords in a rapidly changing context.

Section 6 additionally identifies examples of partner efforts to apply core human rights principles with a focus on gender and non-discrimination. It identifies examples of actions to mainstream these issues at both an organisational and operational level. It notes however that in this area partners recognise more could be done and it provides some lessons in this regard.

## **3. Effectiveness: Are there different programme design modalities that may be more effective, including for minimising and countering risks?**

Section 7 of the evaluation concludes that the present programme modalities are the most effective for achieving change and for minimising and countering risks. All stakeholders endorse this view. Both external stakeholders and Sweden's partners noted the importance of continued third-party support in minimising the risks and threats stemming largely from the state of Israel but also increasingly from Palestinian duty bearers. All stakeholders, but particularly Sweden's partners noted examples of the risks they face. Most said that Sweden's continued support and solidarity supports broader third-party state demands for accountability. This section also provides insights into the synergies created by this programme with other programmes. It notes the need for a new partner as one Palestinian partner, BADIL left the programme and it explains why.

## **4. Impact: What are the notable impacts of this programme?**

Section 8 notes the higher-level achievements identified by external stakeholders are often the same or very similar to those noted by internal stakeholders (primarily partners but also staff from the Swedish Consulate). High level achievements include: **tangible changes to policies and practices on the part of duty bearers** that

improve the respect and protection of the rights of men, women and children affected by the conflict and often living in marginalised communities; and direct support to victims of HRs violations, especially in the form of legal and litigation support on a range of issues where outcomes on a case-by-case basis have been successful (detention, movement and access, including to education, medical services, family reunification etc.). Other notable impacts noted by internal stakeholders include the significant, expanding and improving evidence base, and detailed analysis of IHRL and IHL that is changing the discourse, and becoming more nuanced and sophisticated. There are also examples of progress towards international accountability, evidenced particularly by cases lodged with the ICC and in other international jurisdictions. Partners also note their deepening partnerships with one another and joint work; programme adaptation and evolving strategies and strengthened capacities including in the areas of digital security, child protection, social media and digital advocacy.

#### **5. Efficiency: What supports efficiency in the programme and what factors undermine it?**

The report identifies factors that support efficiency including the flexibility accorded by multi-year core funding; Sweden's steadfast solidarity and the Consulate's availability and interest in convening dialogue and using programme knowledge for political briefings. Partners also noted the valuable role of the fund manager, NDC.

#### **6. Lessons and recommendations**

The evaluation findings were validated in a workshop on 25<sup>th</sup> October 2022. Partner insights (minor corrections) are integrated into this report. Key recommendations drawn from the evaluation are:

- Maintain the key features of the programme design as it stands as it promotes relevance, effectiveness, efficiency, coherence and coordination and it has and continues to deliver higher level achievements.
- Re-establish balance between Palestinian and Israeli partners. Recruit a partner to replace BADIL, or find a compromise and encourage BADIL to return, as their strategic area of focus is so important. Regardless, of whether BADIL returns or not, recruit a new partner with a gender equality and women's rights focus to address a gap in this area. Increase funding so that the level of core funding for the existing partners is maintained.
- Continue to engage NDC as the fund manager and broadly maintain their role as it stands with some minor modifications.
- Nudge a collective effort on mainstreaming core human rights principles, with a focus on gender equality and non-discrimination using entry points that include the policy dialogues.
- Take action to reinvigorate the policy dialogues as a forum for learning, including peer learning on a range of issues. Invite guest speakers, document agendas and insights so future evaluators can assess progress.
- Recognise that Sweden's solidarity plays an important role in countering risks.

# 1 Introduction

## 1.1 ABOUT THIS EVALUATION

This is a report of an evaluation of Sweden's Palestinian Human Rights Programme (1<sup>st</sup> January 2018 to 30<sup>th</sup> June 2023). It was commissioned by the Swedish Consulate in Jerusalem. The evaluation was conducted by a team of three evaluators from the Nordic Consulting Group (NCG) and Triple Line: Juliette Seibold, Mark McGinty and Maisa Shquier. The evaluation began in mid-March 2022 and ended in early October of the same year. It is based on triangulated primary and secondary data sources that include 25 in-depth interviews with stakeholders and implementing agencies, and a comprehensive review of programme documentation and publicly available reports authored by international human rights defenders and academics.

## 1.2 RATIONALE, PURPOSE AND OBJECTIVES

### 1.2.1 Rationale

An evaluation of the programme was part of the agreement conditions with the fund manager, NGO Development Center (NDC). It was also considered important given the continuing erosion of space for civil society to defend human rights in Palestinian and the lack of adherence to IHL.

In addition, over the years, previous phases of the programme have used different funding and management modalities, for example, Sweden acting alone or Sweden pooling funds with others, having a local fund manager versus an international one, and having a limited pool of partners versus a larger number. As Sweden looks to prepare for a new phase, an important additional rationale is to take stock of the history of Sweden's engagement and the lessons learned.

### 1.2.2 Purpose, scope and objectives

The purpose of the evaluation is to learn whether the programme design maximises opportunities to facilitate the work of Israeli and Palestinian NGOs in defending human rights and to provide a broader audience with insights on the programme's value. The evaluation applies OECD-DAC criteria to assess relevance, impact, effectiveness, efficiency, coherence (and coordination).<sup>1</sup>The scope of the evaluation is

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<sup>1</sup> Evaluation Criteria - OECD. Coordination is not an OECD DAC criterion.

limited to the current phase (2018-2023), but it considers the programme's history and evolution since 2005.<sup>2</sup>

The objectives were to assess:

1. Whether the programme remains relevant despite changes to the context since 2006 and how Sweden's support matters in terms of creating an enabling environment.
2. The effectiveness and likely impact of the current programme.
3. How core funding (10-30% of partner budgets) contributes to results.
4. The efficiency of the programme in relation to the added value of Sweden's support beyond financing; of having a local fund manager, and of whether other funding modalities might be more suitable.
5. The priorities of other human rights organisations and whether there is scope for future strategic alliances.
6. Draw conclusions regarding the relevance and impact of the programme.
7. Facilitate partners in identifying recommendations for a new phase of the programme, including different design options.

Supporting annexes include the Terms of Reference (Annex 1), Bibliography (Annex 2), List of interviewees (Annex 3), and Evaluation Validation Workshop with Partners, Facilitator's notes (Annex 4).

### 1.3 APPROACH AND METHODOLOGY

#### 1.3.1 Maximising utility and participation

The evaluation was qualitative. It sought to maximise its usefulness by giving voice to all stakeholders in interviews and through participatory approaches, including through a planned workshop in Ramallah to validate and augment findings. The evaluation began with an inception period where consultations were carried with staff from the Swedish Consulate and the Fund Manager, NDC.

During the inception period, with the advice of key stakeholders, the evaluators refined an evaluation framework structuring key questions reflected in the evaluation around the OECD/DAC criteria (effectiveness, impact, efficiency, coherence and coordination). At the end of the inception period, the evaluators submitted an Inception Report which laid out the methodology and approach and which was approved by the Swedish Consulate, who together with the Fund Manager, NDC provided further valuable guidance. Of critical importance to the success of this evaluation as a tool for learning have been the contributions made by staff from the Swedish Consulate (present and former) in Jerusalem, and the fund manager, NDC,

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<sup>2</sup> The TOR for this assignment specifies 1989 but documentation provided from the Swedish Consulate for the programme dates from 2005.

Sweden's implementing partners; and other human rights actors from donors and UN agencies and the INGO and NGO community. The primary users of the evaluation are the Swedish Consulate General and Sida. Secondary users are the fund manager, the grantee organisations, and possibly other donors active in the sector.

### **1.3.2 Confidentiality and adherence to core principles**

Interviews were based on informed consent and confidentiality. The evaluation was guided by a human rights-based approach and humanitarian principles that respect neutrality, impartiality, and independence.

### **1.3.3 Qualitative data gathering methods**

Secondary data included programme documents dating from 2005, previous independent evaluations and reports from other human rights organisations not directly involved in Sweden's programme but contributing to similar goals and objectives (See Annex 2: Bibliography). Primary sources were derived from in-depth interviews by the evaluators with 15 external and 10 internal stakeholders (See Annex 3: Stakeholders). Internal stakeholders included those directly involved in implementing the programme, and external stakeholders included key human rights advocates. The evaluators used an interview guide of open-ended questions that were agreed with the Swedish Consulate. The interviews were not recorded, but the evaluators took in-depth notes, which are archived. Data gathering took place between March and July. Respondents were not always immediately available for interview, with Ramadan falling during this period.

### **1.3.4 Data analysis approach**

The data analysis approach included Excel data capture sheets to summarise findings from both the secondary data review and the interviews, as well as internal analyses meetings that also included Consulate staff. The evaluation team presented the preliminary findings in an online Teams meeting on 22nd June 2022 to staff from the Swedish Consulate and Sida. A separate meeting was held with NDC on 14th July 2022. The findings presented in this report are structured around the evaluation questions. The sub-questions are framed as sub-headings.

### **1.3.5 Stakeholder validation of findings and strategizing for the future**

The evaluation team facilitated a workshop with Sweden's partners and Swedish Consulate staff on 25th October 2022 in Ramallah. The purpose will be to consolidate the partnership, validate the evaluation findings, fill any perceived gaps, and consider how to take the lessons and recommendations forward. As a result of the workshop minor corrections have been made to this version of the report.

### **1.3.6 Limitations**

The evaluation TOR did not include interviews with Palestinian rights-holders directly or the Israeli public engaged by partners due to the conflict and budget limitations. The next section provides a description of the current phase of the programme as well as previous phases dating from 2005 and it synthesizes lessons.

# 2 The Evaluated Intervention

## 2.1 PROGRAMME DESIGN AND EVOLUTION

Since 1989, Sweden has provided support to organisations working for human rights in Palestine. The current programme (2018-2023) is led by Sweden and provides core funding to seven human rights organisations (four Israeli and three Palestinian) that are internationally regarded as leaders in their field.<sup>3</sup> These partners set their own strategic agendas, including for capacity building, and they work both individually and collectively. A locally based Fund Manager (NDC) conducts routine grant management tasks and convenes regular policy dialogues where issues of mutual interest are discussed.<sup>4</sup>

This section explains the key features of the programme and in so doing it answers in part a sub-evaluation question for ‘Relevance’ (*what are the key features of Sweden’s HR programme?*). The current programme design contrasts significantly from three earlier phases reviewed under the evaluation, which date from 2005-2007; 2008-2014; and 2013-2017.<sup>5</sup> In these phases, Sweden worked with a consortium of donors. A larger group of human rights organisations could apply for core funding and, in some instances, small grants. In the past, some donor partners sought to exert more control over the human rights agenda and the type of capacity strengthening provided. Indeed, a critical factor that influenced Sweden’s decision to act as a single donor from 2018 onwards was ongoing frustrations in reaching consensus amongst donors on the scope of the programme.<sup>6</sup> The sub-sections below provide further insights into the evolution of the programme design from 2005. It opens with the current programme and then steps back to 2005.

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<sup>3</sup> The programme began with eight partners but one, Badil exited as explained in this report.

<sup>4</sup> Fund manager tasks include reviewing grant partners strategic plans, workplans and financial documentation and capabilities, including compliance with agreement conditions. The agreements signed between NDC and the grantees include compulsory agreement requirements. NDC signs agreements with grantees and is responsible for transferring the grants, monitoring and checking compliance. NDC provide an annual report which captures programme outcomes.

<sup>5</sup> The terms of reference for this evaluation envisaged capturing data for two distinct phases from: 1989-2004 and bridge funding in 2005 but no documentation was available.

<sup>6</sup> Some donors faced more pressure than others from changes to their foreign policy agendas and were more susceptible to the influence of the Israeli lobby.

### 2.1.1 Key features of the current programme

Sweden is the sole donor and fund administration, and financial management is provided by a Ramallah-based Fund Manager, NDC, with local expertise and in-depth knowledge of the context. Core funding is provided to three Palestinian and four Israeli NGOs, each of whom is a long-standing, respected, internationally recognised NGO (see Table 1 below). The programme has provided a one-off supplementary grant for untied capacity strengthening.<sup>7</sup> The programme includes regularly convened ‘policy dialogues’ with partners to discuss issues of mutual interest. The agenda is agreed upon together, and Chatham House rules apply.<sup>8</sup> The implementation period is from 1st January 2019 to 30th June 2023. The total value of the contribution is SEK 145.000.000 (USD 14.19 million).<sup>9</sup> The programme contributes to area 1 of the Swedish Strategy for Development Cooperation in Palestine 2020-2024: Human Rights, democracy, the rule of law and gender equality<sup>10</sup> and contributes to Sweden’s third-party state responsibilities under international law.<sup>11</sup>

The overarching objective is to support and strengthen the respect for human rights and international humanitarian law (IHL) in Palestine and to influence the behaviour of national duty bearers, Israel, the Palestinian Authority (PA) and the de-facto government in Gaza, as well as to influence the behaviour of actors within the international community, based on their third state responsibility and their obligations under IHL.

Core funds represent 10-30 per cent of partner organisations’ annual budgets. Partners were selected by Sweden according to pre-determined criteria and then assessed by the Fund Manager prior to a signed agreement. The initial design included short-term project support to other organisations, but this was not utilised and was removed in the 2021 amended agreement. Earlier iterations of the programme were significantly different, as the sub-sections below illustrate.

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<sup>7</sup> This stemmed from a reallocation of funding for a partner who exited the programme Badil.

<sup>8</sup> A rule or principle according to which information disclosed during a meeting may be reported by those present, but the source of the information may not be explicitly or implicitly identified.

<sup>9</sup> Source: Sweden’s terms of reference for this evaluation. See Annex 1.

<sup>10</sup> More specifically it addresses objective 1.1 of the strategy: *Improved conditions for individuals and civil society to participate in, and influence political processes, and greater respect for human rights*. It also partially contributes to objective 1.2: *Strengthened democratic public institutions, including reduced contribution and increased accountability*.

<sup>11</sup> The United Nations Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in accordance with the UN Charter affirms that states have “a duty to refrain from forced actions that deprive peoples of their right to self-determination, freedom and independence,” and that peoples who resist such forced actions in pursuit of their right to self-determination, “are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.”

Table 1: List of programme partners

Implementing Partner	Background	Area of focus
1. Al Haq	Palestinian NGO, Ramallah based. Has special consultative status with the United Nations Economic and Social Council (UNESCO).	Aims: Documents HR violations of the individual and collective rights of Palestinians. Outputs: Research, reports, studies and interventions on breaches of HR and humanitarian law; advocacy. Ensures HR standards in Palestinian law and policies (outcome).
2. Al Mezan Centre for Human Rights	Palestinian NGO, independent and non-partisan, based in the Gaza strip.	Aims: Protects and advances respect for HR. Supports victims of violations of international HR law and international humanitarian law. Enhances democracy, community and citizen participation, and respect for the rule of law in Gaza.
3. BADIL (exited in 2020)	Palestinian NGO is committed to defend and promote the rights of Palestinian refugees and internally displaced persons.	Aims: Defends the rights of Palestinian refugees and internally displaced people. Has special consultative status with the UN since 2006. Outputs: Legal and international advocacy; research and documentation; and community mobilization.
4. Breaking the Silence	Israeli organisation of veteran Israeli soldiers serving in the Israeli military since the start of the Second Intifada (uprising).	Aims: end Israeli occupation; expose the Israeli public to the reality of everyday life in the 'Occupied Territories'. Stimulate public debate about the price paid when young Israeli soldiers are engaged in the process of controlling the everyday lives of Palestinians. Outputs: research; publishing soldier testimonies; lectures; public events; tours; media outreach.
5. B'Tselem: Israeli Information Center	Israeli NGO. Established in 1989.	Aims: Human rights, liberty and equality for all people,

for Human Rights in Palestine.		Palestinian and Jewish alike, living between the Jordan River and the Mediterranean; and the end of Israeli occupation and ‘apartheid regime end’. Outputs: documenting, researching, and publishing statistics, testimonies, video footage, position papers and reports on HR violations committed by Israel in Palestine.
6. Defence for Children International - Palestine	Local NGO. Palestinian office was established in 1991. Overarching mandate: effective implementation of the UN Convention on the Rights of the Child (UNCRC) at the local, national and international level.	Aims: secure a just and viable future for Palestinian children Palestine. Outputs: Investigations, documentation, and exposure of HR violations against children. Legal services to children; hold Israeli and Palestinian authorities accountable; advocacy at international and national levels to advance access to justice and protection.
7. Gisha	Israeli NGO founded in 2005. Gisha means access and approach. Board includes legal academics and practitioners, women and men, Arabs and Jews who have helped shape Israeli HR law.	Aims: Protect Palestinian freedom of movement, especially for Gaza residents. Outputs: Research and investigations; legal representation of individuals and organisations in Israeli administrative proceedings and courts. Advocacy to public, opinion and decision-makers to promote awareness and sensitivity for HR in Palestine, and policies. <sup>12</sup>

<sup>12</sup> Gisha achievements for last 15 years: <https://gisha.org/UserFiles/File/HiddenMessages/Gisha-achievements-2005-2020-eng.pdf>

8. Yesh Din – Volunteers for Human Rights	Israeli NGO, established 2005. Lawyers, HR experts and volunteers.	Aims: End occupation. Law enforcement for settlers/others; criminal accountability for Israeli security forces in West Bank; HR violations related to takeover of Palestinian land and access to it. Document, collect, disseminate reliable and updated information regarding systematic HR violations in the Palestine. Works on individual cases and accumulates individual cases to demonstrate structural HR violations. Outputs: public and legal advocacy.
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### 2.1.2 Earlier Phases of the programme with lessons and insights

#### **2005-2007: Pooled funds supporting Human Rights and Good Governance**

Key features:

- Donor consortium: Denmark, Sweden, Switzerland and Austria, acting through a Steering Committee.
- Funding mechanisms: Core funding and a small grant facility
- Secretariat managed by Mu'assasat, a local arm of a Danish consultancy firm: Copenhagen Development Consulting who also provided limited capacity strengthening.
- Bilateral agreements with 24 Palestinian NGOs
- Sida's management costs: USD 425,006; donor partner contributions: USD 1.528 million – funding levels are not clear from the documents available.

In this phase, the **goal was improved human rights and good governance** and the overall objective was 'increased impact by enhancing partner coordination, cooperation and improving internal performance'. Funds were provided to 24 NGOs in the West Bank and Gaza. There was a project management unit and a capacity strengthening component.

The original intention was for multi-year funding to larger NGOs but supported smaller CSOs in marginalised communities were able to access small grants. The programme faced challenges: Not all donors understood the concept of pooled funding, and some required their own bilateral agreements. Also, the Danish Consultancy firm overseeing the Secretariat filed for bankruptcy and was replaced by NDC. Sweden provided bridge financing to ensure continuity.

An evaluation concluded that donors should not impose an agenda on their human rights partners but rather encourage greater coordination and networking. Evaluators noted the importance of “Policy Dialogues” for coordination, collaboration, and agenda-setting and questioned the absence of a monitoring and evaluation framework.

**2008-2014: Pooled funds through an internationally managed local Secretariat**

Key features:

- Donor Consortium: Sweden, Denmark (lead), Switzerland and Netherlands. (Austria exited), acting through a Steering Committee
- Funding mechanisms: Pooled funding with a co-financing agreement. Core funding (three calls for proposals); small grant facility (two calls).
- Strategic objectives: donor harmonization; results; provision of technical support with large INGOs mentoring smaller NGOs.
- Secretariat managed by NDC (fund management/capacity strengthening).<sup>13</sup>
- Funding: Core funds (three calls for proposals); Small grants facility (two calls)
- 28 NGO proposals.<sup>14</sup>
- A commissioned Briefing Paper: Diana Buttu’s *‘Mapping of Underserved Areas and Sectors’*, January 2011.<sup>15</sup>
- Funding: USD 16.2 million. Management costs: USD 1.58 million (9.8 per cent of the total) for 2010-2012.

Two separate evaluations (Dammers/Madi and Rishmari) note continued tensions within the consortium group as some members sought to shape the human rights agenda. Some donors felt the Secretariat should interpret their policy positions to implementing partners, which was at odds with the Secretariat’s understanding of its role. Donors were also frustrated by a perceived lack of progress on partner capacity strengthening, and although Political Dialogues were deemed useful to many, they lacked purpose.

Three lessons from this phase stand out.

1. Recognition that core funding enables partners to work on an extensive range of human rights issues more creatively and flexibly than project funding with its prescribed impact, output and outcome statements.

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<sup>13</sup> Inputs were provided by the Director (30%), Grants Programme Manager (50%), Finance and Administration Manager (40%), Finance Officer, Gaza Programme Manager, a Capacity Building Coordinator and External Human Rights Consultants.

<sup>14</sup> 49 per cent of funds to West Bank NGOs; 20 per cent to Israeli NGOs; and 6 per cent to Jerusalem-based NGOs.

<sup>15</sup> Diana Buttu is a Palestinian-Canadian lawyer and a former spokesperson for the Palestine Liberation Organization. She worked as a legal advisor and participant in peace negotiations between Israeli and Palestinian organizations from 2000 to 2005.

2. When multiple donors work together, they need frequent and systematic communications to reduce tensions arising from their different policy positions;
3. When partners are involved in assessing their own capacity-building needs, the results are more effective, and finances are used more efficiently.

Other lessons highlighted a need for greater programme efficiency by, for example, better defining the role of the Secretariat, developing a grant selection and appraisal manual, and greater timeliness and transparency in calls for proposals. Evaluators also suggested a theory of change, a results framework and action to make policy dialogues more purposeful.

### **2013-2017 Donor consortium, an international fund manager, a local HR Secretariat**

#### **Key features:**

- Donor Consortium: Sweden (lead donor), Denmark, Switzerland and Netherlands.
- 24 Partners
- Funding mechanisms: core funding
- Programme Management: Niras, Sweden AB;
- Human Rights Secretariat: Birzeit University, Ramallah (reference group providing donors and the Secretariat with independent advice)
- Capacity strengthening
- Policy dialogues
- Results framework (2017) with sector-level indicators
- Funding: USD 5.43 million

In this phase, there was a notable shift in goals from ‘human rights and good governance’ to ‘a contribution ...to HR and IHL in the occupied Palestinian territory, and influence on the behaviour of duty bearers through CSOs’. Other objectives were also modified to emphasise the need for funding effectiveness and transparency to reduce duplication, strengthen the CSO environment in the HR/IHL sector through institutional development, internal efficiencies, effective participation in the democratic processes and improved performance, and securing a meaningful contribution to HR/IHL policy development.

End of project documents point to continuing tensions amongst donors and a lack of a shared vision. Partners had to continually weigh up individual donor interests and concerns. The choice of partners was also problematic: A decision in 2015 to ‘support smaller, weaker NGOs in and around Jerusalem’ absorbed more grant management resources than intended. Budget reductions in 2016 further constrained the

Secretariat's capacity building agenda. The original idea of asking Birzeit University to host the Human Rights Secretariat was also 'side-lined'.<sup>16</sup>

At the end of this phase, the evaluation concluded that pooled donor funding resulted in cumbersome and time-consuming decision-making, which left little space for donors to actively engage with partners. It recommended a programme redesign; that there should be focused long-term support to a set of well-established human rights partners with a relevant strategic focus and who complement each other; that core funding was the most effective way to achieve change, and that present funding rates were too low.<sup>17</sup> In 2017, a review funded by the Swiss concluded that during 3 – 4 years, many partners had improved their capacity in HR/IHL approaches, partly due to the engagement of the Secretariat in promoting peer-to-peer learning and cooperation. A key reason for Sweden acting alone in the present phase stems from the difficulties they faced in adapting to the various political sensitivities of different donors. Adapting to donor sensitivities felt as if it had become the centre of attention, taking away from the strategic focus of the programme to strengthen human rights and adherence to IHL and the priorities of partners.

These findings from the different phases of the programme since 2005 explain Sweden's decision to design the programme as it stands today.

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<sup>16</sup> Despite deficiencies in fund management, the Niras/Birzeit's final annual report provides notable examples of progress on the part of the consortium's human rights partners, including their instrumental role in highlighting the impact of occupation and conflict on the rights and wellbeing of Palestinians, and contesting a range of Palestinian legislation and regulations that undermine basic freedoms. The report also sheds light on different areas of focus and partner approaches.

<sup>17</sup> Recommended by a study conducted in May 2015 on the effectiveness of core funding.

# 3 Findings

## 3.1 HOW HAS THE PROGRAMME REMAINED RELEVANT

### 3.1.1 Summary of findings

Evaluation criteria: Relevance. The main evaluation question is: *How has the programme remained relevant to the evolving context and needs for HR in Palestine since 2005?*

There is clear evidence that the programme continues to be relevant, and it has adapted to the evolving context in Palestine since 2005, particularly for human rights defenders/civil society and Palestinian rights-holders.<sup>18</sup> A key factor is ensuring relevance is the programme's approach, which while evolving, has maintained its core objective of supporting stronger civil society human rights actors to strengthen respect for human rights and international humanitarian law (IHL) in Palestine and to influence the behaviour of duty bearers.

Over the last 17 years, despite some advances, the rights of Palestinians continue to be seriously and systematically violated, primarily by the actions of the government of Israel, but also the Palestinian Authority and the de facto power in Gaza, Hamas. Duty-bearers are actively eroding rights and rights-holders are left with ineffective institutions and accountability mechanisms to claim their rights. There has been a continuous shrinking of civic space, with attacks (increasing in frequency) on civil society organisations defending human rights. Most recently these attacks have culminated in the designation by Israel of six well established Palestinian human rights organisations as terrorist organisations last year, which included two of Sweden's partners.<sup>19</sup> The Palestinian Authority and Hamas continue to expose human rights defenders, including journalists, to threats and arrests.

Recent years have seen the number of Palestinians killed by the Israeli Security Forces dramatically increase, with over six thousand killed as a result of the conflict

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<sup>18</sup> The quality of the evidence is strong and it comes from both the document review and the internal interviews with partners, the local fund manager and Sida staff, and from external interviews with stakeholders.

<sup>19</sup> <https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders>

since 2008 to present day.<sup>20</sup> Settlements expansion continues,<sup>21</sup> and house demolitions and forced relocations are also increasing.<sup>22</sup> There have been longstanding restrictions on the movement of people and goods and Gaza remains under blockade.

In response, the programme has enabled the participating partners to act as an effective voice of Palestinian rights-holders to Israeli and Palestinian duty-bearers and internationally. Palestinians have been increasingly informed about their rights and helped to voice their concerns and claim their rights. Internationally, the level of scrutiny of international human rights law and international humanitarian law has continued to increase throughout the period, despite vigorous objections of the Israeli government. A major landmark in the process of international accountability was the accession in 2014 of the State of Palestine to many of the core international human rights conventions and the Rome Statute of the ICC in 2015.

The capacity of Sweden's partners to monitor, document and advocate has improved since 2005, which is noted in evaluations of earlier phases of the programme and in a separate capacity building study of the partners conducted by Switzerland. According to internal and external interviewees, Sweden's partners have improved their analytical ability, changed the narrative and reframed the conflict using HR and IHL frameworks.

In brief, factors that support the relevance of the programme identified by this evaluation and which are explained in more detail below include: clear, consistent and broadly stable high-level objectives; core funding which provides partners operational flexibility and the ability to adapt according to the demands of the situation on the ground; broad thematic and geographic coverage of issues that have compromise human rights and adherence to IHL; the choice and the mix of robust Palestinian and Israeli partners; mutual support and trust; partners driving their own capacity strengthening agenda; Sweden's role as an enabler and facilitator and the ability to have learnt lessons from earlier phases.

### 3.1.2 Changes in the overarching context since 2005

This section answers the sub-evaluation question *1.1 How has the overarching context changed since 2005 (has it improved or worsened, and if so how?)*

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<sup>20</sup> <https://www.ochaopt.org/data/casualties>

<sup>21</sup> <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/>

<sup>22</sup> House Demolitions and Forced Evictions in Silwan Israel's Transfer of Palestinians from Jerusalem, 2020, AL-HAQ / Palestinian children displaced again and again, Israeli authorities repeatedly demolish Palestinian community in the northern Jordan Valley, 2021, DCIP.

The evaluators highlight critical changes in the evolving context noted from the document review and by interviewees (internal and external stakeholders). The account is not exhaustive as its purpose is to highlight some key areas of HRL/IHRL concerns, especially relevant to the programme. The section concludes that the overall situation for Palestinian rights holders has worsened since 2005 and that the downward trajectory continues. There is consensus amongst internal and external stakeholders that without the programme's influence, the situation would be even worse. At the same time there are small incremental positive changes in certain areas and these relate to, for example the policy and practice changes in the treatment of children and prisoners, an ever-growing confidence amongst the partners in how they use HR and IHL frameworks to claim the rights of Palestinians and seek justice and accountability for violations.

2005 marked the end of the Second Intifada that began in 2000.<sup>23</sup> Since then, **Israel has increasingly normalized occupation as a legitimate response to its security concerns.** The occupation extends distinct and unequal legal rights to Israelis and Palestinians. It creates a two-tiered structure of rights and protections, systematically privileging Israeli settlers and discriminating against Palestinians. **The steady rise in violence since 2005 is linked to occupation and its apparatus of control,** including, but not confined to the West Bank Barrier, other checkpoints and barriers within the West Bank and around Gaza, and the Israeli settler population on Palestinian land.<sup>24</sup> Currently, over 60% of the land in the West Bank is restricted for Palestinians,<sup>25</sup> while Israel's security barrier runs inside the West Bank, separating Palestinian families and communities and restricting freedom of movement.

**Palestinian political rights have been eroded as election processes falter and fail:** The Palestinian Authority has held several presidential, legislative, and local elections since 2005. The presidential election of 2005 was won by Mahmoud Abbas of Fatah. Legislative elections held in 2006 and in Gaza were won by Hamas. The Palestinians in the West Bank and Gaza area therefore not only divided geographically but also politically ever since. The oPt is therefore trapped in a complex constitutional arrangement, with the Fatah controlled PA (recognised by Israel and by the international community) in the West Bank, and Hamas, the de facto government in the Gaza Strip (and not recognised by Israel or the international community).

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<sup>23</sup> This Palestinian uprising against Israel was a response to the failure of the 2000 Camp David Summit which failed to meet expectations for a final agreement on the Israeli-Palestinian peace process in July 2000.

<sup>24</sup> The number of Palestinians killed by the Israeli Security Forces has risen dramatically in recent years. The conflict has led to the death of 6,036 Palestinians since 2008 to present day, most of which have occurred in the Gaza Strip (5,293). Most fatalities are a result of air strikes (3,147) and the large majority are men (4,047) and boys (1,090). Since 2008, there have been 272 Israeli fatalities, 124 were from the IDFs and 148 were civilians, including 74 settlers. There have been 138,118 Palestinians injured as a result of the conflict since 2008.

<sup>25</sup> UN OCHA Area C, 2021.

A series of local elections took place in the West Bank but not in Gaza, effectively disenfranchising Gaza residents. In the West Bank, the local elections due to be held in 2010 were delayed until 2012, and the scheduled elections of 2016 did not go ahead until 2017. Most recently, local elections were held in the West Bank in December 2021 for smaller towns and villages, while larger towns are due to go to the polls in March 2023.

**Gaza has suffered successive waves of Israeli offensives:** In December 2008, Israel launched ‘Operation Cast Lead’ or the first Gaza war, which lasted for three weeks with approximately 1,400 Palestinians killed, over 5,000 men, women and children injured and serious IHL violations occurring.<sup>26</sup> The second Gaza war lasted a week in November 2012 and was ended with a brokered cease-fire. In 2014, the third Gaza war broke out during the summer, known as Operation Protective Edge, which led to approximately 2,300 Palestinians being killed in hostilities (over 70% civilians).<sup>27</sup> According to Al Mezan this includes 521 children. An additional 10,224 people were injured during the attacks.<sup>28</sup> More recently, 2021 and 2022 have seen a return to war in Gaza.<sup>29</sup> These conflicts disproportionately affect the lives of Palestinian civilians.

**Gaza blockade leading to economic collapse and collective trauma:** In 2005, Israel withdrew its settlements from Gaza. However, Gaza remains effectively occupied as Israel maintains control over its borders, land, sea and air. Also, since 2007, Israel has maintained an economic blockade of Gaza with restrictions placed on the importation of goods, including fuel and electricity. The closure of border crossings for people, goods and services, seriously infringe the rights of the over two-million Palestinians living in Gaza and has led many to describe Gaza as an open air prison. The workforce can no longer access jobs in Israel and the West Bank, or export or import goods freely. The loss of male jobs from 2005 has forced many women into precarious work for the first time to support their families.<sup>30</sup> The poverty rate in Gaza stands at 64%, close to double that of the West Bank<sup>31</sup> and 1.4 million people in Gaza are considered food insecure.<sup>32</sup>

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<sup>26</sup> See B’Tselem for details: <https://www.btselem.org/statistics/fatalities/during-cast-lead/by-date-of-event>

<sup>27</sup> <https://www.afsc.org/resource/operation-protective-edge-what-happened-why-and-what-now>

<sup>28</sup> Ibid.

<sup>29</sup> The conflict in May 2021 was triggered by a protest to an Israeli court decision concerning the eviction of six Palestinian families from a neighbourhood of East Jerusalem.

<sup>30</sup> See World Bank report, February 2010/ Checkpoints and Barriers: Searching for Livelihoods in the West Bank and Gaza, Gender Dimensions of Economic Collapse.

<sup>31</sup> UN OCHA “Occupied Palestinian Territory (oPt) Humanitarian Needs Overview 2021” Dec 2020.

<sup>32</sup> Food and Agricultural Organization of the United Nations, 2021.

**A steady increase in settler population and demolition of Palestinian-owned property:** Israel began to place settlements of its population in occupied Palestinian territory, including East Jerusalem, and the occupied Syrian Golan from 1967.<sup>33</sup> The international community considers these settlements as illegal because they are in violation of Article 49 of the Fourth Geneva Convention, and they are in breach of international declarations. Settlements have town-like infrastructure, but there are also Israeli ‘outposts’ on confiscated Palestinian land which are more informal and lighter on infrastructure. Settlements drive violations of international human rights and humanitarian law and are an obstacle to peace.<sup>34</sup> They infringe on Palestinians’ right to self-determination.<sup>35</sup> Settlements also drive Israel’s road network on Palestinian land in the West Bank which connects settlement residents to Israel, and which Palestinians cannot use. The need to protect settlements also provides a key rationale for Israel’s security apparatus of checkpoints and barriers that prevent Palestinians from accessing livelihoods, education, health and other services. In 2006, the settler population was approximately 460,000, across the West Bank, East Jerusalem, and the Golan Heights.<sup>36</sup> This number has grown to more than 630,000 by 2020.<sup>37</sup> Israel continues to support a policy of settlement expansion despite international objection.<sup>38</sup> In addition to settlement expansion, the demolition of Palestinian-owned property continues (homes and infrastructure), resulting in the displacement of many. The highest number of demolitions since 2016 was recorded last year (2021), with 902 structures demolished or seized, displacing over 1,200 people.<sup>39</sup> Most demolitions occur with little or no notice being provided to the occupants, preventing them from objecting.

**Erosion of civic space:** The ability of CSOs to even exist and advocate for human rights is under serious threat. The Israeli authorities increasingly use repressive measures and attacks against civil society and human rights defenders. Civic space has been shrinking for a long time, with the introduction of a series of laws over the last 15 years that restrict the work of CSOs in Israel including the NGO Transparency Law (2016).<sup>40</sup> As a result, the watchdog role of civil society has been severely curtailed, including by Palestinian duty-bearers. The latest blow to civic space occurred on 19 October 2021, when Israel designated six Palestinian Human rights and humanitarian NGOs as ‘terrorist organisations’, including Sweden’s partners, Al

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<sup>33</sup> UN. The Question of Palestine. Report by the Secretary General. <https://www.un.org/unispal/document/auto-insert-188778/>

<sup>34</sup> For further insights see Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Statistical Yearbook of Jerusalem, Jerusalem Institute for Israel Studies, 1991-2004.

<sup>37</sup> UN OCHA “Occupied Palestinian Territory (oPt) Humanitarian Needs Overview 2021” Dec 2020.

<sup>38</sup> <https://www.btselem.org/topic/settlements>

<sup>39</sup> West Bank demolitions and displacement: An Overview. UN OCHA, 2022.

<sup>40</sup> Shrinking space for civil society in Israel and the occupied Palestinian territory, Diakonia International Humanitarian Law Centre, 2021.

Haq and Defence for Children International, Palestine. In August of this year, Israel entered their offices by force and attempted to shut them down.

**Notable decrease in Palestinian duty bearers' respect for HR<sup>41</sup>:** Since the Palestinian political divide between Fatah and Hamas, human rights violations committed by Palestinian duty-bearers have increased. Freedom of speech is being systematically curtailed, with media and social media restrictions, political arrests and killings. The PA frequently use the occupation to justify both its own human rights violations and its failure to hold legislative and presidential elections. Moreover, the de facto authorities in Gaza have shown little commitment to upholding human rights or adhering to international humanitarian law. There have also been restrictions placed on the work of civil society by the PA and the de-facto government in Gaza. Attempts by the Israeli state to increase control of civil society actors, include restrictive legislation, arrests and the detention of activists. There have been numerous cases of civil society actors and human rights defenders being threatened and even killed, exemplified by the recent killing of Nizar Banat (a Palestinian political activist, human rights defender and harsh critique of the PA) and the heavy-handed reactions to the protests following his death in the custody of the PA.<sup>42</sup>

**COVID-19:** The COVID-19 pandemic is likely to have further undermined the visibility of human rights abuses. The pandemic impeded advocacy work, with restrictions on international travel and tours within Palestine. Both Israeli and Palestinian governments used the pandemic as an excuse to hamper civil society's freedom of movement and expression.

### **More positive contextual developments**

Despite the downward trajectory of the overarching context, this evaluation highlights some notable areas where there are more positive developments. This includes the increasing voice of Palestinian rights-holders nationally and internationally, the role of international actors, some positive developments for child rights, and the strengthening role of civil society voice and capacities, and joint working.

### **Significant role of international actors drawing on evidence provided by the programme's partners:**

**United Nations/ICC:** In this area, there have been some positive developments over the last decade. For example, in 2012 the UN granted Palestine the status of "non-member observer state." A year later, the UN General Assembly proclaimed 2014 an International Year of Solidarity with the Palestinian People. In the same year Sweden

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<sup>41</sup> <https://www.amnesty.org/en/location/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/>

<sup>42</sup> <https://www.amnesty.org/en/latest/news/2022/06/palestine-authorities-have-failed-to-ensure-accountability-for-the-killing-of-nizar-banat/>

recognised the State of Palestine. In 2015, Palestine, for the first time, acceded to core international human rights treaties<sup>43</sup> and the Rome Statute of the International Criminal Court (ICC), formally committing its jurisdiction to the obligations of the international human rights system and the ICC.

The UN and other international actors continue to sound the alarm on a deteriorating human rights situation. Most recently, in May 2021, the UN Human Rights Council held a special session on “the Grave Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem” and adopted a resolution to establish an international commission of inquiry to investigate all alleged violations and abuses of international human rights law and the underlying root causes of the conflict in the oPt, including East Jerusalem, and in Israel, leading up and since 13 April 2021. The Commission’s first report was published in June 2022.<sup>44</sup>

In the period under review nine **EU member states** have recognised Palestine as a state, with Sweden being the first to do so. The EU continues to be the largest donor to the PA and have been steadfast in supporting a two-state solution to the conflict. A sign of joint European action was recently demonstrated when a joint statement was issued by Belgium, Denmark, France, Germany, Ireland, Italy, the Netherlands, Spain and Sweden condemning the designation of a group of Palestinian NGOs as terrorist organisations.<sup>45</sup>

The **United States of America** has long sought a solution to the conflict that results in two states. However, the previous U.S. administration under President Donald Trump adopted policies that diverged from this goal.<sup>46</sup> The U.S. relocated its Embassy to Jerusalem. They also led efforts to broker peace between Israel and several Arab states known as the Abraham Accords. More positively the current American administration has reaffirmed U.S. support for a two-state solution but has not pushed the restarting of negotiations. It has instead promoted Israeli-Arab normalization and resumed aid for Palestinians.

**Some positive developments for child rights and Palestinian policies on juvenile justice:** Palestinian children, under the age of 18 make up nearly 50% of the Palestinian population. They suffer from a range of rights violations, including being injured and often killed as a result of the hostilities. Israel also systematically prosecutes hundreds of children each year in military courts and places children in administrative detention. However, there have been some positive developments in

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<sup>43</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=217&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=217&Lang=en)

<sup>44</sup> Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 9 May, A/HRC/50/21, UN Human Rights Council: <https://undocs.org/A/HRC/50/21>.

<sup>45</sup> <https://twitter.com/SweMFA/status/1546872062622449666?s=20&t=cQuF1Jl9lpknLhFc-Lo3DA>

<sup>46</sup> <https://www.cfr.org/backgrounder/what-us-policy-israeli-palestinian-conflict>

the West Bank and Gaza in the area of child rights: 97% of children of elementary school age in Palestine are enrolled in school, which is among the highest attendance rates in the region.<sup>47</sup> Juvenile justice has been improved with the Juvenile Protection Law (2016) and efforts are underway to bring implementation and monitoring in line with international child rights standards. However, the law has yet to be successfully implemented in full.<sup>48</sup>

**Stronger voice and capacities of civil society actors, including partners:** Some stakeholders also noted that unwavering support for Israel in the face of its HR and IHL violations cannot be guaranteed. In recent years voices questioning occupation and related HR and IHL violations include not just Palestine and Israel activists but also those from global groups, the UN and non-governmental organisations including Jewish communities, European churches, and the mass media.

**Narrative change amongst HR defenders:** Many stakeholders interviewed noted that while there is an overall downward trajectory in the conduct of Israel (for the most part), but also for the PA and Hamas, on HR and IHL there are also important areas where the outlook is more positive. For example, stakeholders note tangible changes in the ‘narrative’ of HR defenders. By this they mean their capacity to use IHRL and IHL concepts and to draw comparisons between Palestine and apartheid. The evaluator’s review of the programme’s discourse (proposals, partner strategies, evaluations, reports etc., ) also notes how IHRL/ILH terminology has become increasingly more nuanced, sophisticated and targeted since 2005.

Many internal and some external stakeholders also made a link between Israel’s hardening position towards Sweden’s partners and their success in providing evidence of violations to the outside world, and in calling on global institutions, organisations and individual states to hold perpetrators accountable.

### 3.1.3 Key programme features that support relevance

This section answers two sub-questions: 1.2 *What are the key features of the HR programme that support relevance; and how does Sweden’s programme provide an enabling environment?*

During interviews, Sweden’s partners identified features of the programme that they feel have supported its continued relevance, and these include:

- **Clear high-level and stable objectives that have moderately evolved over time,** as demonstrated in the previous section.
- **Core funding which provides operational flexibility and the ability to adapt:** Vital long-term financial support to a collection of some of the most

<sup>47</sup> UN OCHA, 2022.

<sup>48</sup> [https://www.dci-palestine.org/juvenile\\_justice](https://www.dci-palestine.org/juvenile_justice)

effective civil society organisations dedicated to promoting human rights. It enhances the organisations' financial stability, which in turn creates the conditions for the partners to have degree of operational flexibility for medium to long-term strategic planning while also allowing them to respond to emerging and potentially emergency needs. Therefore, their actions remain relevant to the context.

- **Comprehensive thematic and geographic coverage:** This includes coverage of violations in the West Bank, Gaza and East Jerusalem. PA violations of the right to be free from torture and the right to freedom of expression, child rights and the promotion of accountability and participation; challenges faced by rights holders from Israel's occupation and security apparatus and violence; by both the military and settlers, conflict and fall-out from Palestinian internal divisions, and erosion of economic and social rights; political rights; shrinking of civic space by developing rights holder capacity to operate in a safe and secure environment; child rights, across the West Bank, East Jerusalem, and Gaza; the rights of Palestinians to freedom of movement; the right to an adequate standard of living and the right to family life; protecting the property rights of Palestinian landowners and victims of violence.
- **The ability to learn lessons from previous phases:** Key areas where Sweden changed course include leading the programme without other donors to reduce tension and conflict; reducing the number of partners; appointing a single local fund manager, focusing on core funding rather than a mix of funding mechanisms; and enabling partners to drive their own capacity agenda.
- **Sweden's role in providing an enabling environment:** This includes an open-door policy for dialogue and discussion. Also, Sweden's reputation on human rights lends credibility to the programme, which in turn supports relevance. Sweden's solidarity and unwavering commitment to HR/IHL, especially in recent years when faced with pressure from Israel on its partners, has been widely praised by all actors and makes a significant contribution to its third-party state responsibilities.
- **Choice of partners:** Sweden's partners are globally recognised as major HR actors with longstanding experience and credibility. They too, have learnt and evolved over time.
- **Cross-conflict partnerships and mutual support and trust:** Palestinian and Israeli HR organisations work together to reach duty bearers and rights defenders on both sides of the conflict. This supports relevance to multiple audiences. According to interviewees, joint work has taken off in the last three years.
- **Partners driving their own capacity strengthening agenda:** This allows for greater relevance and flexibility when faced with an evolving context that demands constant adaptation of strategies and tactics.
- **Partners educate rights-holders in Palestine, harnessing new technologies** such as social media and targeting a generation of young people.

- **Israeli partners continue to raise awareness and educate Israeli citizens** in the face of mounting public opposition to Palestinian rights and self-determination. They have adjusted their targeting policies to focus on a sustained engagement over time rather than a one-off induction.
- **Partners engage in direct advocacy and legal and material support** for some of the most marginalised and vulnerable Palestinians (men, women and children) and communities living in marginalised and vulnerable areas.
- **Partners continually monitor and document** human rights violations, analyse changes affecting rights holders' context, and adapt their interventions accordingly.
- **Partners advocate on behalf of rights holders and leverage** international human rights mechanisms, the ICC, third-party states, UN agencies and offices (including the UN HR office and UN OCHA), INGOs and other interested parties.<sup>49</sup>

#### 3.1.4 Relevance, value and importance of the partner's work

This section supports the sub-evaluation question: *1.3 how relevant, valuable and important is the partners' work to addressing HR violations?*

As indicated in the previous sections, Sweden's HR partners respond to critical aspects of the evolving situation for HR and IHL in Palestine, in their thematic and geographic coverage, and in the way they have become more sophisticated and adept in their strategies and tactics.

Many interviewees noted that the discourse and narrative used by Sweden's partners and other HR defenders are now more evolved and refined. Their analysis is more nuanced, targeted and sophisticated. They are more adept in their use of terminology and more knowledgeable about IHRL/IHL principles and norms. They have also become more experienced in key activities related to raising awareness and changing both Israeli and Palestinian policies, often at a micro level but in ways that have a real impact on rights defenders.

External interviewees, including bilateral and multilateral agencies and global HR advocates, testify to Sweden's partners' crucial role in advocating for the human rights of the Palestinians, documenting violations, and calling for the accountability of Israeli and Palestinian duty bearers. They point out that many violations would go unaccounted for without this programme, and Palestinian victims of violations would remain invisible and unheard.

The international human rights system or community has regularly acknowledged the importance of the work carried out by Sweden's partner organisations. The accession

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<sup>49</sup> <https://www.ochaopt.org/content/high-level-violence-israeli-settlers-rise-israeli-fatalities>

to international human rights treaties and the Rome Statute has provided an essential international avenue for partner organisations. The partners have effectively engaged with the international human rights and IHL systems. In March of 2021, the Office of the Prosecutor of the ICC announced that they are formally opening an investigation of Israel for suspected war crimes in the West Bank (including East Jerusalem) and the Gaza Strip.<sup>50</sup> Although progress may take decades this is a significant step.

Despite the highly challenging and deteriorating human rights context, the need for strong civil society human rights organisations has only grown in importance. The fact that the space for civil society to operate is shrinking, and the operations of NGOs are being directly targeted in detrimental ways is an indicator of how important civil society and the partners to the programme are in documenting violations and advocating for the promotion, protection and fulfilment of human rights and the adherence to IHL.

## 3.2 HOW EFFECTIVE IS THIS PHASE OF SWEDEN'S HR PROGRAMME?

### 3.2.1 Summary of findings

Evaluation criteria: Effectiveness. Main evaluation question: *How effective is this phase of Sweden's HR programme overall?*

The evaluators conclude that this phase of Sweden's HR programme is very effective. Core funding has played an essential role in promoting effectiveness, but so have other factors. These include the choice of partners, robust strategies and implementation approaches, Sweden's role as the sole donor, the fund manager's role (local, knowledgeable and well-defined) and other elements such as regular dialogue between partners and staff from the Swedish Consulate, information sharing, and joint work practices.

In this section, the evaluators have identified the strategies and implementation tactics used by partners and drawn-out factors that promote effectiveness. Of critical importance are: geographic and thematic coverage, evidence-based advocacy and partnership working.

One area where some progress has been made but more effort is required concerns mainstreaming core HR principles (gender equality and non-discrimination). While all partners have provided insights into action on this front, there is scope to deepen the programme's collective knowledge of why gender inequality is an HR issue and

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<sup>50</sup> <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine>

what data, and approaches are required to mainstream these issues better. Further insights are provided along with lessons to help strengthen the next phase.

### 3.2.2 Implementation and strategy effectiveness

This section answers the sub-evaluation question *2.1 how does Sweden's HR programme in Palestine facilitate the effectiveness of partners working to improve HR and adherence to IHL?*

Partners have well-defined implementation approaches laid out in their annual strategies, which are reviewed by the fund manager, NDC and approved by Sida.

Strategies include interlinking approaches, the most important of which are:

- **Monitoring and documentation of HR/IHL violations.** This data is used by governments, international organisations, international accountability mechanisms, media and academics.
- **Evidence-based targeted advocacy** at different levels, including international advocacy conducted by Israeli and Palestinian organisations. This advocacy is aimed at galvanising international pressure which is considered essential to achieve change. For example, Israeli organisations engage repeatedly with the Knesset, army duty bearers, military courts, Israeli army recruits, and Israeli citizens, including youth prior to conscription; Jewish groups living abroad; and the Israeli public in general. Palestinian partners target: the PA, including specific government departments: youth; students, and security personnel on detention, torture, and freedom of speech. Implementation approaches include briefings, guided tours, legal representation, and bringing court cases to challenge policy and behaviour.
- **Awareness raising through a sustained engagement with rights holders** using education outreach, including online and targeted towards different age groups and capabilities.
- **Legal assistance and advice for rights holders.** Legal representation support to HR rights defenders and litigation on a range of issues including family reunification (from Gaza to the West Bank and vice versa), scholarships abroad, access to healthcare, including specialised services.
- **Outreach to the media and academic institutions** (local, regional and global).
- **Accountability work aimed at ending impunity** (ICC; providing examples of apartheid etc.).
- **Partnership, cooperation and strategic affiliations.**<sup>51</sup>

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<sup>51</sup> Strategic affiliations: the International Commission of Jurists – Geneva, the International Network for Economic, Social and Cultural Rights (ESCR-Net), the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), the Palestinian Human Rights Organisations Council (PRHOC), and the Palestinian NGO Network (PNGO).

- **Working with thematic coalitions in other programmes or with other partners**, e.g., on protection in Area C; house demolitions; settler violence; access to health, education, livelihoods etc.

In interviews, partners provided insights into factors that they say are essential for supporting the effectiveness of their strategies:

- **Continuous problem analysis**: recognising that occupation is not temporary and will only change if power is held to account.
- **Building and consolidating approaches** that hold power to account.
- **Reframing how occupation is understood** for multiple audiences.
- **Empowering rights holders to ‘see with new eyes’** through education and outreach: this requires partnership working to target the public (young and old) in Palestine, Israel and beyond, including Jewish communities in Europe and America.
- **Multifaceted, interconnected strategic approaches**, developed through partnerships and joint working.

Three partners noted that unanticipated issues had affected the effectiveness of the programme's current phase, including the pandemic, the designations and the conditional funding clause introduced into their contracts. The section on Impact demonstrates further the effectiveness of the programme's collective strategy and implementation efforts.

### 3.2.3 How the programme promotes effectiveness

This section answers the sub-evaluation question: *how does Sweden's HR programme facilitate the effectiveness of partners working to improve HR and adherence to IHL?*

The evaluators distinguish five elements of the programme that contribute to or promote its effectiveness.

- **A more coherent and harmonious programme design**: Sweden has applied key lessons from earlier phases, and this has eliminated the need to deal with tensions that arise from donor consortiums to focus more on strategy, implementation, challenges, and dialogue.
- **A local fund manager with a well-defined role who understands the context**. Crucially the fund manager does not overburden partners but plays a useful role in financial oversight, reviewing strategies and collating results.
- **There are now fewer, but more experienced and skilled Palestinian and Israeli partners** (24 in the last phase – but now down to 7).
- **Joint work** within the programme and other HR-related initiatives (see Coherence and Coordination for further insights).
- **Convening and information sharing** (See Coherence and Coordination).

One well-placed Israeli interviewee felt that the programme could be sharper in identifying joint opportunities for highlighting apartheid-like practices and

galvanising third party state support coupled with greater public outreach and education in Israel.<sup>52</sup>

### 3.2.4 The role of core funding in facilitating effectiveness

This section answers the sub-evaluation question 2.2 *how does core funding contribute to the effectiveness of the partners' work and approaches?*

*'Core funding means we identify what we need to do.'* HR Partner

*'It puts us in the driving seat.'* HR Partner

*'It contributes to the programme's flexibility (so that) developments on the ground guide us rather than having a donor-drive agenda.'* HR Partner

The evaluators, with input from partners identified reasons why core funding facilitates programme effectiveness that internal and external stakeholders voiced:

- **Affords partners greater flexibility:** Allows partners to address actual rather than perceived needs; allows partners to 'do things that are unpredictable but need to be done at short notice such as travel, capacity building etc.,
- **Enhances organisational confidence and promotes some sense of security,** particularly when funding is multi-year.
- **Empowering and less restrictive:** Shifts control from donors to partners for the problem analysis for setting/refining/adapting the strategic agenda and choosing approaches.
- **Enables partners to assess their own needs for capacity** and meet them.<sup>53</sup>
- **Sends a message of Sweden's continued solidarity** – particularly important for those partners who are designated (Al Haq and DCIP).

In interviews, partners noted a worrying trend concerning the shift to project funding. One interviewee explained: *'In the past, we used to receive 100% core funding, but now that has reduced to about a third.'*

### 3.2.5 Examples of partner efforts to apply HR principles

This section answers the sub-evaluation question: 2.3 *Are there examples where partners have taken efforts to apply core human rights principles, including gender mainstreaming and non-discrimination, participation, transparency etc., and what more could be done?*

<sup>52</sup> M. Sfarid gave the example of the Israeli Association of Universities which recently accepted for the first time, a university located in a West Bank settlement (illegal under IHL). Young Palestinians who live in proximity are unable to access even if they have the correct qualifications. He notes that key European governments have joint academic programmes with Israel which are of strategic importance. If Sweden and other European governments were to voice a re-think on their academic relationship with Israel, he believes that the Israeli public would begin to see the need for change. During the workshop with partners, Al Haq staff noted that they were working on this issue.

<sup>53</sup> Partners have used core funds to capacity build by, for example: hiring additional staff, improving their security arrangements (including cybersecurity), improving the quality of their data, providing psychosocial counselling to traumatised staff.

The evaluation examined two aspects of human rights principles: gender equality and non-discrimination. Our expectation was to find examples of mainstreaming gender equality in two areas:

- Organisational level: Initiatives in partner organisations to promote gender equality (and social inclusion) in the workplace.<sup>54</sup>
- Operational level: Examples in partners organisations of strategies and approaches that recognise that gender inequality in Palestine exists, and it is a human rights issue that needs to be uncovered through research (including the collection and analysis of gender disaggregated data), widely understood by duty bearers and rights holders, and addressed as part of individual and collective strategies.<sup>55</sup>

Regarding non-discrimination, the evaluators sought to understand what lens might be used to unpack this term in context and to develop implementation approaches.

#### Gender at the organisational level

The evaluation found that Sweden's partners have different capacities in mainstreaming gender within their organisations and operations. Our findings mirror the Gender Self-Assessment that partners carried out in 2020, namely that there are some capacities but also gaps. Israeli organisations are more advanced at an organisational level as they are subject to a more robust regulatory framework.<sup>56</sup> Palestinians are weaker on gender, and West Bank-focused organisations are stronger than those in Gaza.

In interviews, all partners cited examples of organisational gender mainstreaming (mainly the introduction and/or existence of policies on equal pay and staff gender balance). However, no mention was made of practices such as annual gender pay audits, mixed recruitment panels, routine staff training on sexual exploitation, abuse and harassment. Many partner representatives said they had women in senior positions as well as female field workers. Two organisations conducted a gender audit in 2021, and one used extra funds to improve its organisational gender policies. One Israeli partner achieved a shift in gender balance in their staff in favour of women.

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<sup>54</sup> E.g., Human Resource Management policies and practices around diversity, inclusion and equality – e.g., equal pay, promotion, equal access to facilities and resources, flexible working, paternity and maternity leave, action to eliminate sexual abuse, exploitation and harassment.

<sup>55</sup> In this respect we sought to identify how HR partners considered the different and gendered ways in which the rights of men, women, girls and boys are infringed, not just by the conflict and occupation but also by social norms; attitudes and behaviours in families, communities, businesses, institutions, as well as legislation, policies and practices on the part of PA/Hamas.

<sup>56</sup> The assessment showed three out of four Israeli organisations have a code of conduct, sexual harassment policies, child protection measures, and grievance mechanisms whereas gender mainstreaming at the organisation level is only now progressing amongst Palestinian organisations. While some have adopted Palestinian Non-Government Organisation's network (PNGO) policies (Al Haq).

Following the validation workshop on 25<sup>th</sup> October, 2022 one partner noted that Sweden's partners who are also members of the OHCHR-led Protection Cluster are required to have a Protection From Sexual Exploitation and Abuse (PSEA) policy that includes an internal and external complaint mechanism.

#### Operational level

At this level, partners appeared less confident about mainstreaming gender. Their examples were often more limited, and all acknowledged they could do more. However, one organisation did mention that Palestinian women face multi-layered oppression and discrimination on the basis of religion, class, age, disability and location. Examples provided by partners of action to mainstream gender in operations include:

- One partner mentioned re-shooting a film on the destruction of the industrial zone in Gaza to include women's voices.
- Some organisations mentioned partnerships with Palestinian organisations that promote women's rights, e.g., Al Mezan and Al Haq who support women's rights organisations on issues such as so called honour killings.,
- Most organisations mentioned collecting (but not analysing) sex-disaggregated data.
- Two Palestinian and two Israeli partners mentioned targeting women for legal awareness and education sessions, and one initiative where women are taught to document HR/IHL violations.
- No organisations mentioned research to understand how PA/Hamas legislative frameworks, policies, social norms, roles, access to resources and assets, attitudes, behaviours and legislation drive a culture of gender relations where women are primarily discriminated against. This, along with gender analysis, is the fundamental basis for gender mainstreaming.

#### **Non-discrimination**

There are notable examples of applying this principle at the operational level. The evaluation did not explore this issue at the organisational level due to time constraints. At the operational level organisations target marginalised groups and communities (Area C, Hebron and its surrounds, hard-to-reach areas, refugees); adults and children with disabilities; those with urgent medical conditions (injured/amputees, cancer and cerebral palsy patients from Gaza). They also strive to maintain a city/village/camp balance.

For both gender and non-discrimination no partner mentioned LGBTQI+ issues which suggests that this is not yet registering as a concern for human rights.<sup>57</sup>

### 3.2.6 Important lessons on effectiveness

This section answers the evaluation sub-question 2.4: *What are the important lessons on effectiveness?*

Progress is being made to integrate HR principles on gender and non-discrimination, but more action is required at both levels (operational and organisational). The evaluators note from research in other contexts that government regulatory frameworks supporting organisational gender equality in the workplace and compliance mechanisms help drive progress. Israel has such frameworks, but Palestine does not.

In the absence of Palestinian regulatory frameworks, it's important to encourage Palestinian partners to link up with efforts spearheaded by UNICEF and PNGO on gender mainstreaming in the workforce and addressing sexual abuse, exploitation and harassment. At the same time, Sweden could do more to leverage programme conditionalities in contracts for action on gender mainstreaming. The policy dialogue space could also be leveraged for guest educators and peer learning.

## 3.3 ARE THERE DIFFERENT PROGRAMME DESIGN MODALITIES THAT WOULD BE MORE EFFECTIVE, INCLUDING FOR MINIMIZING AND COUNTERING RISKS?

### 3.3.1 Summary of findings

The evaluation criteria is effectiveness. The main evaluation question is stated in the heading above.

The evaluation concludes that the present programme modalities are the most effective for achieving change and for minimising and countering risks. Almost all stakeholders endorse this view.<sup>58</sup> Both external stakeholders and Sweden's partners noted the importance of continued third-party support in minimising the risks and threats stemming largely from the Israeli state but also increasingly from Palestinian duty bearers.

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<sup>57</sup> LGBTQI+ refers to Lesbian, gay, bisexual, transgender, queer, intersex and others. People who identify as LGBTQI globally routinely experience marginalization, ostracization, discrimination, abuse, exploitation and harassment. This prevents them in many instances from hiding their identities.

<sup>58</sup> One external stakeholder, a former bilateral donor felt that the earlier phase of consortium working was the gold standard, even though there were on-going tensions.

All stakeholders, but particularly Sweden's partners, noted examples of the risks they face both from Israeli and Palestinian duty bearers. Most partners said Sweden's continued support and solidarity contributed to broader third-party state demands for accountability.

Strategic partnerships and networks are considered important, but most partners say they are adept at developing these themselves. Some Palestinian partners would like Sweden to encourage BADIL to return to the programme to restore the balance between the number of Israeli and Palestinian partners.

### 3.3.2 Measures taken to minimise risks

This section answers the sub-evaluation question *3.1 to minimise risks, what measures do other HR organisations take?*

*'We feel we could be attacked at any moment.'* Human Rights Organisation

*'No matter how many measures you take, if Israel targets you, there's nothing you can do. And yet, even designated organisations are working within legal framework – we don't know the answer.'* Human Rights Organisation

*'What we are trying to do is support NGOs who are the subject of attacks, by advocating on their behalf...by intervening with the donor community'.* International INGO

All stakeholders interviewed expressed concerns about the shrinking space for civil society. Sweden's partners face daily attacks from Israel and, increasingly, from Palestinian Duty Bearers. Attacks, according to partners are verbal, physical, and psychological. A broader group of stakeholders expressed in interviews concerns about the proliferation of factually incorrect material on social media and the level of hostility towards individuals, organisations and countries who are critical of Israel.

Most external stakeholders (donors and other agencies) interviewed say they minimise and counter risks in much the same way as Sweden does, that is - they stand in solidarity with their partners when they come under attack. Donors who are more constrained politically expect the UN, the European Union and other donors to act. Showing solidarity and third-party state responsibility is considered by Sweden's HR partners as paramount for countering risk.

Former consortium partners and others interviewed for this evaluation highlight a range of measures that they take to counter risks, for example:

- Research and analysis of the risks (most)
- Calls to the European Union to respond to the shrinking space for human rights work in Palestine (Diakonia)

- Capacity strengthening for human rights defenders on digital and advocacy security (Switzerland)
- Convening to define third party state responsibilities (Switzerland)
- Ensuring compliance with anti-terrorism and money laundering clauses in contracts (all)
- Supporting partners to conduct their own risk assessments and take mitigating actions (most).

Sweden's core funding has been used by partners for: staff therapy sessions, staff life insurance policies; scanning documents to preserve evidence and archival material; internal reviews to ensure accuracy; robust systems to promote financial transparency; investments in computer security; consultation with Israeli human rights defenders on strategy and approach, among other things.

### 3.3.3 Benefits from other strategic alliances

This section answers the sub-evaluation question 3.2 *would the programme benefit from other strategic alliances?*

*'We won't solve the conflict without financial support. The discussion needs to be in the political arena with other donors.'* External stakeholder

Sweden's HR partners broadly feel they have robust networks and strategic partnerships. They think the programme does not require an additional modality for this purpose. Some say they already receive support when they need it, by reaching out to, for example, Swedish organisations. Some feel they are sufficiently influential in securing access to, for instance, Swedish parliamentarians or other HR defenders, others, particularly Israeli organisations would like assistance in this area – a request voiced in the final partner workshop on 25<sup>th</sup> October 2022 in Ramallah.

At the same time, some partners would like Sweden to work more with like-minded European donors who could help HR organisations persuade other European Union states to do more on accountability. One former programme manager felt that action in this respect was needed but it should be funded separately to manage risks.

### 3.3.4 Replacing BADIL

This section answers the sub-evaluation question: 3.3 *given that Sida lost a partner, is there an obvious replacement?*

*'BADIL is irreplaceable because of their mandate.'* Palestinian partners

BADIL left the programme in 2021 because they did not wish to sign Clause 15 in the Swedish grant agreement template.<sup>59</sup> BADIL felt their sphere of influence over their beneficiaries was such that they couldn't guarantee adherence to the clause.

Some Palestinian partners feel BADIL is possibly irreplaceable due to their thematic focus and UN consultative status. In contrast, Israeli organisations felt this issue was for Palestinian partners to address. All partners, however, feel a replacement must be Palestinian. Some favour compromise with BADIL.

Some interviewees favour a Palestinian partner focusing on women's rights and gender equality. One stakeholder mentioned the Women's Center for Legal Aid and Counselling. They focus on gender inequality, discrimination and gender-based violence in Palestinian society. Others favour an open call for proposals. The expectation that a new partner could both implement a human rights strategy and provide capacity strengthening to other programme members is perhaps too ambitious.

### 3.3.5 Perceptions around programme flexibility

This section responds to the sub-evaluation question: *3.4 is the programme sufficiently flexible?*

Most internal stakeholders said they felt that the programme is flexible and not overly demanding. Partners appreciate the 'straightforward management approach' in contrast to other donor programmes, the annual review of partner strategies and the annual report on performance. They said: *'reporting is not onerous.'*

However, one stakeholder felt financial arrangements were potentially overly rigid when, for example, partners were required to return funds. This was considered unproductive and inefficient, particularly if the funds were being used well.

Others had concerns that were more aligned to the programme approach than programme flexibility. For example, one interviewee felt NDC's management and administration costs should be lower so that more funds were available for programming. The evaluators note that the programme is well within standard operational costs at eight percent.

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<sup>59</sup> BADIL Resource Centre for Palestinian Residency and Refugee Rights is an independent, human rights non-profit organization committed to defend and promote the rights of Palestinian refugees and internally displaced persons. BADIL was established in 1998 and it holds special consultative status with the UN 2006

## 3.4 WHAT ARE THE NOTABLE IMPACTS OF THE PROGRAMME?

### 3.4.1 Summary of findings

The evaluation criteria is impact. The main evaluation question is stated in the heading.

In the inception phase of the evaluation, Sweden and the evaluation team identified the challenges with assessing impact. It is unrealistic to map a pathway to change for achieving HR and adherence to IHL using standard approaches (theory of change/results frameworks with indicators and achievements set against a baseline with expected results). Therefore, this evaluation has assessed the impact using a more pragmatic and experimental approach: internal and external stakeholders were asked to identify the most significant cumulative impact or change. Evaluators have also drawn on NDC's annual reports, which collate higher-level results.

Sweden's HR programme's overarching impact is two-fold: maintaining a space for civil society human rights organisations in Palestine and Israel to give voice to Palestinian rights-holders, and providing credible evidence, campaigning and action that enables human rights defenders at local, national, regional and global levels to hold duty bearers to account.

Higher level results identified by internal and external stakeholders are highlighted in this section, and they also include: a worse counterfactual for HR without Sweden's programme and partners; tangible changes to policies and practices both in Israel and Palestine albeit at a functional level; changed levels of awareness amongst the Israeli and Palestinian public and at a global level; joint working ; an increased emphasis on accountability; changing the discourse – using an apartheid lens to challenge Israel's security narrative; and strengthened partner capacities.

### 3.4.2 Notable impacts identified by external stakeholders

This section answers the sub-evaluation question: *4.1 what do internal and external stakeholders consider to be the most significant higher-level results in terms of the individual partner organisations?* As noted below, external stakeholders note:

#### **Tangible changes to the policies and practices of Israeli and Palestinian duty-bearers.** Examples include

- Changes in PA legislation regarding the detention of children. Children, especially those in conflict with the law, have more rights due to changes to the laws and practices for child rights.
- Policy changes around the institutional response to COVID.
- Some informants remarked that land annexation did not go ahead as a result of the pressure put on the Israeli authorities by partner organisations.

- Israeli partners report success with litigating in Israeli courts.
- Changes to Israeli army mapping invasion policy.
- Improved treatment of Palestinian prisoners in Palestinian prisons who now have more access to essential medical services. However, torture, inhumane and degrading treatment continues.
- Notable success to reduce Israeli raids on Palestinian homes and tackling settler violence was also highlighted.

**Tangible benefits for Palestinian rights-holders:** Most informants say that without Sweden's partners the extent of violations would be much worse. For example, partners have successfully exposed violations around annexations and the expansion of settlements. Benefits for rights holder's stem from legal aid and litigation support provided by partners on detentions, family reunification and movement and access issues.

**A significant, expanding and improving evidence base:** External stakeholders note that Sweden's partners produce reliable and comprehensive information and documenting violations and are recognised and highly respected internationally for doing so. The monitoring, documentation and publication of reliable, independent analysis, data and evidence are used globally by the international human rights system, the ICC, UN agencies, bilateral agencies, academics, global media outlets, and third states. The combined and sustained advocacy work of all of the organisations has had a notable impact on the awareness of the human rights situation amongst Palestinians, Israelis and the wider international community. One external informant reported that without the report on torture and other human rights violations, they would not have the evidence base to engage diplomatically with Israel, which includes issuing public statements and Demarches.

**Analysis rooted in IHRL and IHL/changing the discourse: changing the discourse and the framing of the conflict and occupation:** Sweden's partner organisations have helped change the narrative by using an apartheid lens to challenge Israel's continued occupation on the grounds of security. This finding was endorsed by external stakeholders who noted that the programme's partners have helped human rights defenders, academics, governments, and other actors to see the context through a human rights lens, focusing on people, especially those most vulnerable and being subjected to violations. The organisations are focused on identifying and using a narrative based on IHRL and IHL that matches the facts on the ground. This has resulted in the acceptance of the use of this terminology and, thus, legal responsibilities associated with the crime of apartheid at an international level. This in turn has prompted other prominent international human rights organisations, academics and the media to use these terms in debate, which places pressure on Israel to respond. The programme's partners have been instrumental in defining the discourse.

*'Amnesty International and Human Rights Watch could not have shifted to the apartheid position without these organisations who provided the monitoring and documentation of evidence.'* External Stakeholder

**International accountability:** The collective documenting of violations and international advocacy have provided the international human rights system and the wider international community with reliable information on the human rights situation and establishes a basis for international accountability, including feeding into the work of the UN Commission on Human Rights and has paved the way for the opening of a formal investigation at the ICC. The opening of an investigation before the ICC was part due to the long-standing work of some of the organisations of the programme, that submitted evidence to the ICC. This is a significant result on the international stage and the first steps toward international accountability for potential war crimes.

### 3.4.3 Notable impacts identified by Sweden's partners

This section answers the sub-evaluation question: 4.2 *What do individual partners consider to be the impact of Sida's HR programme as a whole?*

Sweden's partners corroborated the most significant areas of impact identified by external stakeholders above and identified important impacts an overarching programme level:

**Deepening partnerships and joint working:** The programme has facilitated solidarity between Israeli and Palestinian human rights organisations and defenders. It has created the conditions for shared connections and a 'sense of community', which is visible in joint actions and complementary work. However, Palestinian partners point out that they manage relationships so they do not infringe on their policy of non-normalisation of relationships.<sup>60</sup> Partners see their collaborative work at a programme level as contributing to a broader impact. They give examples of Palestinian youth and Israeli youth movements (and an older age cohort) speaking about the occupation in similar, nuanced terms.

*'Having both Israeli and Palestinian organisations working together is a huge thing. The solidarity is an ongoing impact.'*

**Programme adaptation and evolving strategies:** The programme has enabled partners to adapt their overall strategic approach and respond to a dynamic context.

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<sup>60</sup> This issue of 'no to normalization' was discussed during the final validation workshop on 25<sup>th</sup> October 2022.

**Strengthened partner capacities:** Partners highlight the role of core funding and additional budget allocations in helping them to strengthen their capacities in these areas: gender mainstreaming, digital security, child protection, social media and digital advocacy. For example, the programme extended the technical assistance budget to accommodate the partners' potential security and wellness needs.

## 3.5 COHERENCE AND COORDINATION: HOW DOES THE PROGRAMME COMPLEMENT EFFORTS MADE BY OTHER ACTORS ON HR?

### 3.5.1 Summary of findings

The evaluation criteria is: Coherence and coordination. The main evaluation question is stated in the heading above.

Sweden's HR partners play a role in multiple programmes funded by other bilateral donors, multilateral donors and INGOs. This creates essential synergies around triangulating evidence from monitoring and documenting violations. As highlighted earlier, they also influence the narrative framing of HR and IHL violations by a wider group of HR actors at local, regional and international levels. Programme managers also create synergies when they coordinate and collaborate with other donors, multilateral agencies and INGOs on common HR and protection agendas. These efforts lead to common policy positions and joint statements.

Palestinian and Israeli partners mentioned the value they gain from being grouped together (they cover a wide range of issues, and they complement each other and reinforce messages). One interviewee felt that partnerships and joint working within the programme have developed over time and existed less two or three years ago. This is a testament to the success of this current phase of the programme.

Overall, interviewees feel that the programme design is robust as it stands and that only minor refinements are required, and these are outlined in the section below.

### 3.5.2 How synergies created with other programmes

This section addresses the sub-evaluation question *5.1 is Sweden's HR programme creating synergies with other HR programmes, and if so, how?*

Synergies are created when Sweden's partners work with other bilateral, multilateral and INGO promoting HR. Synergies are also created when Sweden's political and aid representatives attend donor coordination meetings on HR-related issues in that they share knowledge and discuss concerns, strategic approaches and policy positions.

In interviews, Sweden's partners provided tangible examples of 'synergies' across the multiple programmes that fund them. Those who fund or participate in other HR initiatives noted that Sweden's partners were also their partners.

Four HR initiatives were mentioned in interviews with stakeholders in relation to synergies: the work of the UN Commission on Human Rights, the West Bank Protection Consortium, the Human Rights Platform initiated by Switzerland and co-chaired by Denmark and the UK, and Human Rights Watch and its advocacy agenda to support Palestinian rights and adherence to IHL.

An external stakeholder pointed out that one rationale for different HR programmes and 'synergies' stems from the need to triangulate data from multiple sources. He also noted that his organisation regard Sweden's partners as trusted sources of evidence and that their role in providing credible data is critical in a context where facts and accounts of HR/IHL violations are routinely contested, most notably by the Israeli state and Israeli civil society organisations that contest Palestinian rights.<sup>61 62</sup>

A prominent global HR organisation noted 'synergies' between Sweden's partners and their work on using an apartheid lens to frame the conflict and occupation, evidence for the ICC, and countering designations.

One bilateral donor representative, a former partner in the previous phase of the programme, noted strong synergies between Sweden's programme and the West Bank Protection Consortium, of which Sweden is a member. She said, *'we join forces when we need to protect the rights of West Bank residents from transfers in Area C'*.

Another former donor partner highlighted the importance of the Human Rights Platform co-chaired by Denmark and the UK. Political representatives from 15 countries and the EU regularly come together to discuss issues of concern and coordinate coherent policy positions.

### 3.5.3 The value of partners gain from being grouped together

This section addresses the sub-evaluation question<sup>63</sup>: *5.3 what value do partner organisations feel they gain from being grouped together in this fund?*

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<sup>61</sup> For example, the UN Commission on Human Rights requires two additional sources of evidence to support an original source and its representative noted that Sweden's partners often provide such evidence because they regarded as credible and trustworthy.

<sup>62</sup> For example, NGO Monitor is a right-wing non-governmental organization that reports on NGO activity from a pro-Israel perspective. It has been criticized by academic figures, diplomats, and journalists for publishing misleading information. See Peters, Joel (2012) *the European Union and the Arab Spring: Promoting Democracy and Human Rights in the Middle East*. Lexington Books. P85.

<sup>63</sup> The evaluators changed the order of presenting findings for 5.2 and 5.3 and have answered 5.3 – the value of being grouped together before missing elements.

*'In other programmes joint working between Palestinian and Israeli HR organisations is a dream and myth: in this programme, it's a reality'. Palestinian HR partner.*

*'Every time I am in a policy dialogue meeting, I am humbled by the persistence, grace, and professionalism of Palestinian partners under such challenging circumstances. I feel honoured to be part of it.' Israeli HR partner*

Sweden's partners provided insights into the value of being grouped together. Many noted that partnerships and joint working have developed and was less evident two or three years ago. Between them partners cover a wide range of HR and IHL issues; they often advocate together and reinforce each other's messages. Some external interviewees pointed out that the programme had made notable achievements in this area. Palestinian partners explain that their willingness to work with Israeli organisations stems from a shared common agenda on HR and IHL.

As stated earlier, Sweden's former programme managers see joint working as an impact level result. Many partners mentioned their different but often overlapping thematic and geographic areas of interest and that they work in a complementary way, regardless of a political solution.

Specific examples of group work or joint working were provided:

- Joint statements and actions in shared areas of focus because these are likely to result in more significant impact in terms of raising awareness, advocacy and influence;
- For organisations working on Gaza – joint working is essential for securing movement and access;
- Israeli organisations say they need Palestinian partner perspectives on issues such as designations, movement and access to empathise, strategise and choose tactics;
- The opportunity provided by regular meet-ups to share fears, thoughts, experiences and challenges in policy dialogue meetings;

Joint working is not without its challenges. In addition to managing relationships so as not to promote normalization, some Palestinian partners say they feel outnumbered at political dialogue meetings. Both Israeli and Palestinian partners also noted with sadness that the international community are more likely to listen to the voices of Israelis calling out violations on the part of the Israeli state than to the actual victims of HR injustices – the Palestinians.

#### **3.5.4 Stakeholder views on missing elements**

This section addresses the sub-evaluation question 5.2 *are there any elements which stakeholders feel are missing in terms of coherence and coordination?*

Overall, interviewees feel that the programme design is robust and that only minor refinements are needed. These insights were provided:

- In approach - more emphasis could be placed on advocacy for adherence to IHL on the part of Sweden. Similarly, one former manager felt the need for more internal discussion with Sweden's lawyers on the terrorism clause.
- Refine the purpose and objectives of policy dialogues and extend the time to half a day. Do more than discuss 'partner updates' and 'closing space for civil society'. One former manager from the Swedish Consulate suggested the space is used to learn about cross-cutting policies, particularly gender equality and environmental protection.<sup>64</sup>
- All partners would like to see BADIL replaced or the organisation's reinstatement. Some interviewees favour a Palestinian Women's Rights organisation. If more than one Palestinian organisation is selected, partners stress that they would not welcome a reduction in their core funding: funding levels should remain as they are.
- One partner suggested a networking or learning component that would connect them with other HR organisations working at a global level and with the global south. Others say such an approach might dilute the agenda.

## 3.6 EFFICIENCY: WHAT SUPPORTS EFFICIENCY IN THE PROGRAMME AND WHAT FACTORS UNDERMINE IT?

### 3.6.1 Summary of findings

The evaluation criteria is: Efficiency. The main evaluation question is stated in the section heading. Factors that support programme efficiency include: the flexibility accorded by multi-year core funding as detailed throughout this report; Sweden's steadfast solidarity, and the Consulate's availability and interest in convening and dialogue and using the knowledge within the programme for political briefings, (seen as both efficient and effective); and the well-defined role of the local fund manager as in earlier phases this aspect lacked clarity and caused tensions. Partners also noted NDC's ability to not 'overburden' them with demands. Partners also highlight efficiency gains when third-party states leverage the programme's collective knowledge of violations for accountability purposes.

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<sup>64</sup> As highlighted in Section 2 of this report, the need for more clarity on Policy Dialogues is a recurring theme in evaluations of earlier phases of the programme. The evaluators note Policy Dialogues agendas and discussion output is not recorded and yet Chatham House rules does not prevent this.

Factors that undermine efficiency include ongoing weaknesses in relation to the partners' understanding of HR principles (e.g., gender equality and non-discrimination) as highlighted in the section on effectiveness; and when donors abstain from voicing their concerns in international fora and processes.

### 3.6.2 How stakeholders value Sweden's role beyond financing

This section addresses the sub-evaluation question *6.1 how do stakeholders perceive and value Sweden's role beyond financing?*

*'The relationship between Sweden and its HR partners is a two-way street in terms of benefits.'* Former Swedish programme manager.

Sweden's partners consider that the most important role Sweden plays is in standing in solidarity with Palestinians on HR and adherence to IHL and being a constant and faithful funding partner who listens and acts. Every partner organisation highlighted the importance of Sweden's role as a third-party state and its potential influence over other states to act in defence of Palestinian human rights and to hold Israel and Palestinian duty bearers to account. Partners believe Sweden plays a vital role in global and regional institutions – the UN and the EU and has the potential to influence individual states such as the United States.

Consulate staff (present and former) believe Sweden's programme and presence in Jerusalem provide partners with some sense of security and assurance that their voices will be heard and that they will be protected from Israeli efforts to shut them down. They also say partners play an essential role in briefings, and their insights are valued by diplomats and visiting government officials.

Many interviewees also noted Sweden's value in convening policy dialogues but that the space could be used more effectively as stated earlier in this report.

### 3.6.3 Added value of the local fund manager

This section answers the sub-evaluation question *6.2 what is the value added of having a local fund manager?*

Overall, NDC is considered a 'programme asset': that is, a robust manager and administrator with experience and skills in understanding the context and its complexities. Interviewees said they had a 'good working grasp' of HR/IHL and were dedicated to executing their duties. They have avoided the tensions experienced by fund managers of earlier programme phases. They are considered easy to work with, flexible and helpful. Partners say they facilitate their work rather than impede it or add to it. They are deemed even-handed by both Palestinian and Israeli partners. Some partners noted NDC's skills in collating and presenting the achievements of the programme and their efforts to avoid over-taxing partners on reporting.

### 3.6.4 Access to funds and operational challenges

This section answers the sub-evaluation question *6.3 Is access to funding equal for Palestinian and Israeli partners, and if not, what are the challenges?*

#### **Equality in accessing funding**

Some stakeholders note that the playing field for accessing funds between Israeli and Palestinian organisations is not level. They say Israeli HR organisations can access funding sources that Palestinians cannot, for example, from crowdfunding and individual donations from within Israel and abroad – in addition to donor funding.

Palestinian partners, on the other hand, face significant bureaucratic barriers in accessing funds outside the donor community. Some believe that the sole purpose of ‘designations’ is to prevent funding (‘it’s a strategy to pressurize donors’). Palestinian HR defenders fear their funding will become increasingly constrained due to: Israeli pressure, the war in Ukraine, shifting humanitarian and human rights priorities, and the energy-related cost of living crisis combined with the economic fallout from the pandemic.

Some Israeli and Palestinian partners suggest that Palestinian organisations need more funding to redress this inequality. However, neither Israeli or Palestinian partners would welcome this translating into less funds for Israeli HR/IHL strategies.

#### **Operations**

In relation to operations, the playing field is also not level. Both Palestinian and Israeli organisations face challenges, but there are significant differences.

#### **Palestinian organisations are more likely to:**

- Face violence from Israeli security forces and settlers than Israeli organisations. They also have fewer assurances of legal redress.
- Live with the daily fear of being shut down, having their staff arrested and detained without charge, or having their staff physically harmed or killed. The risk of Israeli state violence increases if Palestinian organisations are ‘designated’.
- Be increasingly vulnerable to violence and arbitrary detention when travelling to and in the West Bank and Gaza.
- Face increasing levels of violence from the PA’s security forces and Hamas during protests that support freedom of expression.
- Deal with the constant threat of violence which has a psychological impact on the health and well-being of rights defenders. (Evaluators note that some HR donors are making funds available in their support programmes for psychological counselling and life insurance policies).

#### **While Israeli organisations are more likely to:**

- Face growing approbation and marginalisation at home.

- Hold views that are now considered by their public to be unpopular if not unacceptable. Therefore, they face being ostracised by family and friends, which also has a psychological impact on the health and well-being of human rights defenders.
- Risk encountering violence when they demonstrate in Israel and travel to the West Bank. Indeed, they take high risks in crossing the West Bank Barrier as Israel has made it illegal for Israelis to do so.

### 3.6.5 Ways in which the future strategy could be adjusted to meet challenges

This section answers the evaluation sub-question, *6.4 Could Sweden's future funding strategy be adjusted to better meet any challenges identified?*

It's difficult to see what minor changes could be made to meet funding challenges. The most significant action the Swedish Consulate can take is to increase the level of funding for this programme or, at the very least, protect the budget in line with inflation.

It's noted that NDC (fund manager) plays a significant role in reporting achievements. Still, some improvements could be made if they were provided with some capacity strengthening support to: provide peer leadership support to partners on improving their strategies and in reporting on adherence to core human rights principles, and to help partners distinguish more accurately between outputs, outcomes and impact level results in their annual reports. In addition, Sweden could clarify when partners need to return funds if they have over-estimated percentages.

## 4 Evaluative Conclusions

The evaluation concludes that Sweden's HR programme in Palestine (2018-2023) is valuable and important. The seven organisations it supports (3 Palestinian, and 4 Israeli - Al Haq, Al Mezan, DCI, B'Tselem, Breaking the Silence, Gisha and Yesh Din Volunteers for HR) and their strategies and action on HR and IHL are relevant to context and needed. The situation for Palestinian's human rights and adherence to IHL is worsening and it requires a continuing high calibre response from credible and robust civil society organisations from both sides of the conflict who have committed and sustained support from a third state (Sweden), which this programme provides. Unfortunately, space for civil society's voice and participation in claiming rights for Palestinian citizens (men, women, girls and boys) is being continually eroded – primarily by Israel but also by Palestinian duty bearers. A key factor in this phenomenon is the role of the Israeli state and non-government organisations and bodies to delegitimise human rights organisations, and to stigmatise and shut down their work.

This evaluation has demonstrated that Sweden's partners play an invaluable role in: documenting violations of human rights and failures to adhere to IHL; in raising awareness amongst rights holders, and in campaigning and advocating for changes in attitudes, policies and practices on the part of duty bearers. Israeli organisations also reach out and educate the Israeli public. Sweden's partners are continually adapting and evolving their strategies and building their capacities. They also work together which means the voices of Palestinians are reinforced by an independent Israeli voice from civil society. Sweden has provided sustained core funding for over 20 years which provides partners with the flexibility and commitment they require.

The current design of the programme works well. Sweden's decision in 2017 to act alone after working in donor consortiums since 2005, and to fund a smaller number of partners (8 rather than approximately 24) has shifted the focus away from donors and their internal differences and tensions to the work of the partners, their challenges, needs, strategies and achievements.

Supporting a smaller group of partners who are considered leaders in their field has played an important role in promoting the programme's effectiveness. So too has core funding which provided partners with the flexibility they need. It's also put them in the driving seat in terms of assessing and meeting their own capacity strengthening needs more effectively and adapting their strategies and responses without being tied to unrealistic predetermined project-related outcomes. Other factors supporting the programme's effectiveness include joint working; convening and information sharing through political dialogues facilitated by Sweden, and a local fund manager with a

well-defined role who understands the context. One area where more work is required concerns gender mainstreaming and recommendations are provided.

The most significant achievements of this programme are:

- **Sustained action to support HR and IHL for Palestinians in the face of mounting pressure and security risks.**
- **Tangible changes to policies and practices** brought about by targeted advocacy and dialogue. Examples include a halt or delay to some proposals by Israel to annex land; a reduction in Israeli raids on Palestinian homes; the Juvenile Protection law (2016) which has unified and updated the existing juvenile justice system, bring it in line with international child rights standards (full implementation is a work in progress); and improved treatment of prisoners by the PA and Hamas.
- **Rights accorded to individuals, families and communities living in the West Bank, Gaza and East Jerusalem through successful litigation in Israeli courts** including around the release from detention of individual children; success in reuniting families from the West Bank and Gaza and in securing movement and access to healthcare and higher or specialised education on a case-by-case basis.
- **A high-quality and increasing body of evidence on human rights and IHL violations** that is used by global international human rights actors and institutions as well as third states, the media and academics.
- **Raised awareness on Palestinian rights and violations of rights amongst Palestinians (predominately young); Israelis (including young people prior to conscription), and the international community** (third states, the media and academics). Social media has played an important role in engaging and informing a new generation of young Palestinians on their rights.
- **An increasingly nuanced and informed analysis rooted in IHRL and IHL frameworks and principles** that has changed the discourse and the narrative framing of occupation and conflict.
- **International accountability:** The work of the partners has fed into the work of the UN Commission on Human rights, and it has paved the way for the opening of a formal investigation at the ICC.
- **Deepening partnerships and joint working.** The programme has facilitated increasing solidarity between Palestinian and Israeli human rights organisations. Partners see their collaborative work at the programme level as contributing to broader impact.

Sweden's partners are vulnerable to security-related risks, and many note the importance Sweden's continuing solidarity in reducing threats.

## 5 Lessons and recommendations

This section of the report begins with evaluation lessons and recommendations, and it ends with an account of the **evaluation validation workshop** held in Ramallah on 25<sup>th</sup> October 2022 with the partners and staff from the Swedish Consulate.

### **Programme design**

Donor consortiums supporting cross-conflict, home-grown HR organisations are, in theory, a gold standard but in practice they are challenging (tensions between donors are likely to arise), and they are also resource and time intensive to operate.

A single donor-led programme that has synergies with other HR initiatives is more effective because it is less ridden by governance and political related tensions and more focused on supporting partnerships and implementation. The current group of partners work well together. They are credible leaders in their field. They cover a comprehensive range of HR/IHL issues. Core funding has helped partners assess and drive their own capacity building agendas and this appears to have worked well.

**Recommendation 1: Maintain the current programme design with Sweden as the sole donor; with the current group of partners.** As demonstrated by this evaluation the current programme promotes relevance, effectiveness (and flexibility), efficiency, coherence and coordination, and it has delivered higher level results (impact).

### **Re-establishing balance between Palestinian and Israeli partners**

Partners want to see a better balance between Palestinian and Israeli organisations.

**Recommendation 2: Recruit a fourth Palestinian partner so that balance is restored between the number of Palestinian and Israeli organisations supported.** Partners would prefer BADIL to return if a compromise can be made.

**Recommendation 3: Regardless of whether BADIL returns or not, recruit a new Palestinian partner with a gender equality and women's rights focus to address a gap in this area.** This may mean arguing for more funds to maintain the level of support for the existing partners. Recruit a new partner based on a competitive call for proposals that outlines the need for a human rights partner that focuses on gender equality and women's rights. The view of this evaluation is that it would not be prudent to expect the new incumbent to provide capacity strengthening of the existing partners on mainstreaming gender equality as this would over burden them. It would also be at odds with the philosophy of core funding and the role of partners in driving their own capacity strengthening needs assessments and strengthening agendas.

However, the new partner could be expected to share their approaches in the political dialogues.

**Recommendation 4: Sweden and partners should ensure that BADIL’s area of expertise (refugees and the rights of Palestinians in East Jerusalem) remains adequately covered in other human rights programmes,** and as a cross cutting or a coordination issue in Sweden’s programme. To do this – integrate this issue into political dialogue agenda. The importance of the rights of Palestinians living in East Jerusalem and in other areas as refugees and BADIL’s role in this regard was emphasised by all Palestinian partners in interviews.

#### **The role of the fund manager**

The fund manager’s role is now well defined compared to earlier phases. NDC understands the context for HR and IHL and is a valued member of the programme, particularly in relation to strategy appraisal, financial management and in collating and reporting achievements.

**Recommendation 5: Continue to engage NDC as the fund manager and broadly maintain their role as it stands (with some minor modifications).** In the present phase NDC’s role as fund manager is well defined and their value-added is robust fund administration, financial management, monitoring and reporting and coordination.

#### **Addressing core human rights principles of gender and non-discrimination**

Efforts are being made in this area, but partners acknowledge more can be done. Partners should remain in the driving seat when it comes to assessing their own needs assessments and identifying the support they need. At the same time Sweden has a role to play in providing insight into what is possible at a technical level, both at an organisational level and an operational level.

**Recommendation 6: Encourage NDC to engage more on mainstreaming gender and non-discrimination in their own work both at an organisational and operational level** so they can set an example, and be better able to act on this issue as they review partner strategies and report on partner achievements.

**Recommendation 7: Both NDC and partners should be encouraged to consider in their annual strategies how they will mainstream gender and non-discrimination** as core HR principles at both an organisational and operational level, and to report on achievements. For NDC the operational level will concern reviewing the partners strategies and reporting on results.

**Recommendation 8: To improve gender and non-discrimination at an organisational level NDC and partners can be required to conduct a simplified gender audit each year** that explains status/progress on key organisational indicators: e.g., gender balance (using an organogram), equal pay, equal recruitment

(mixed interview panels; efforts to recruit women into positions usually occupied by men); maternity/paternity leave; childcare; equal access to training opportunities. Sweden should look for a trajectory of improvement year by year and an honest discussion of the challenges rather than perfection in the first instance.

**Recommendation 9: In their strategy documents partners should be encouraged to demonstrate how they integrate a lens on gender and non-discrimination in their operations, in these areas:** research/data gathering and analysis, including efforts to understand discriminatory social norms in homes, communities, schools, workplaces, the media; in evidence-based advocacy and campaigns (drawing attention to the specific plight of women and girls/and or boys and men and the key differences between them, based on gender), and in any services that they provide (policy engagement with Palestinian/Israeli duty bearers, litigation, and awareness-raising).

**Recommendation 10: Palestinian partners who operate in an environment where there is a weaker legislative framework on gender and non-discrimination should be encouraged to link up with efforts spearheaded by UNICEF and PNGO on gender mainstreaming.**

### Political dialogues

Policy dialogues are valued but partners agree the time allocated is too short and that while they are valuable for information sharing, they could achieve more.

**Recommendation 11: Leverage political dialogues as a forum for learning,** including peer learning on a range of issues including gender mainstreaming and non-discrimination, advocacy strategies, tactics and campaigning, engaging with the ICC and other international accountability mechanisms, international media outreach, and the area human rights, environmental protection, etc. Invite high-calibre guest speakers who can present and facilitate dialogue.

**Recommendation 12: Sweden should ensure policy dialogues include agendas and minutes (albeit confidential).** While the dialogues are subject to Chatham House rules this does not preclude keeping agendas and taking confidential hard-copy notes. This information is required if future evaluations are to understand the value of this component over time.

### Countering risks

**Recommendation 13: Other donors are providing targeted support for the mitigation of risks.** Sweden's partners value such support but they also point out that the most important risk mitigating measure is when donors and third-party states show continued solidarity and when they act in concert to hold duty bearers to account.

**Recommendation 14: Partners call for more efforts to ensure coherence between support for HR at a local level, and support in international venues.** The evaluators endorse this recommendation.

### **Insights from the evaluation validation workshop 25<sup>th</sup> October 2022**

The evaluation team facilitated a workshop in Ramallah on 25<sup>th</sup> October 2022 with staff from the Swedish Consulate and representatives from the seven partners. Annex 4 provides the facilitator's notes. This section provides a brief overview of what was discussed and it captures additional important insights.

#### **Presentation and validation of findings**

- The evaluators presented the findings of the evaluation to the partners and checked whether there were any significant oversights or additions. Partners agreed with the findings. Some minor corrections and additions were flagged, and these have been integrated into this version of the report.
- Partners reiterated the importance of Sweden's sustained core funding to the performance, effectiveness and impact of the partners' work but also their solidarity in the face of increasing action on the part of Israel to silence those working on human rights issues.
- NDC noted difficulties designated partners face in recruiting auditors as the big four and local companies do not wish to accept the reputational risk.
- Partners noted that currency exchange fluctuations have not acted in their favour and they face constraints with banks. The Consulate advised partners to communicate these issues to NDC so that solutions can be found.

#### **Group discussions**

The partners, Swedish Consulate staff and the facilitators divided into three groups to discuss three issues and to report back. The questions posed to each of the groups are provided in the bullets below along with a summary of what was discussed.

#### ***Group 1: What more could be done on gender and non-discrimination? Would partners be able to highlight in future what they are doing in the annual strategies and in reporting?***

- Partners who attended this group were from Israeli organisations (by chance rather than intent).
- There was a discussion on the balance between Israeli and Palestinian staff in the programme.
- Participants did also speak about the need for more gender analysis and gender focused research on HR violations and violations that impact on women and other marginalised groups.
- At the organisational level there was a discussion about the need for more women at senior levels, including managers.
- The evaluation facilitator felt that there is a need for more knowledge and opportunities for learning about the gendered context in relation to HR. Such

efforts could usefully begin at quite a basic level: e.g., why and how gender equality matters for human rights in Palestine (and Israel). This could begin with an examination led by a well-informed facilitator of how government legislation in the West Bank and Gaza privileges men and boys before moving on to: un-pack and de-bunk myths around culture and the role of women and girls; examine evidence on how the rights of women and girls are compromised in access to essential services and as a result of conflict and occupation.

- **Maternity leave:** Following the validation workshop, one partner wrote to highlight problems associated with maternity leave. Small organisations cannot afford to find temporary cover and so other team members who are already overburdened take on additional responsibilities. This can engender and entrench resentment and discrimination of women in the workplace. Could Sweden set aside funds to enable partners to hire temporary replacements for female staff members on paid maternity leave as long as these temporary staff are also female?

**Group 2: *How to better assess risks and improve security? What support could Sweden provide?***

- Group members said partners need strong organisational capacities for digital security and support to field workers, including security protocols, psychosocial support (counselling services), insurance (personal and family), etc.
- Different partners have different capacities and face different security challenges, with Palestinian organisations facing greater risks than Israeli organisations as reflected in the evaluation report. Security risks have increased dramatically, especially since the designation and raid on designated organisations.
- Sweden has an ongoing pilot project on security for NGOs/HRDs, and could see whether the project can cover the oPt.
- There are other dedicated international support services for NGOs/HRDs at risk, such as the EU funded: Protect Defenders and Irish based, Frontline Defenders.
- An unexpected impact of the legal challenges and the designation placed on Palestinian human rights NGOs, has been the difficulty for organisations to contract auditors/accountants, seriously risking their financial security.
- **Agreed action:** NDC to facilitate a security and risk audit of all partners to identify needs and determine follow-up actions.

**Group 3: *In what ways could the policy dialogue be improved? Participants said this convened space was very important.***

- Members of this group said the space should continue to give them the opportunity to provide organisational updates as well as to discuss and learn about ‘thematic issues’ such as gender equality and non-discrimination. Following the validation workshop, one partner from Group 2 wrote to

suggest topics on gender, including: an update from Israeli partners on measures they have taken to improve gender at an organizational level; and a session on gender analysis and the collection and analysis of gender disaggregated data.

- It could also be used to help partners find common ground ('it's one of the only spaces where Israeli HR organisations meet Palestinians and hear their perspectives'); give partners the opportunity to hear the 'perspective from Sweden/Stockholm'; and provide an opportunity for thematic learning.
- The issue of normalisation was discussed, and one Palestinian partner noted that limits of the engagement needed to be understood.<sup>65</sup> Organisations can 'hear' each other's perspectives, but Palestinian organisations cannot collaborate with Israelis to produce joint outputs (e.g., strategy papers).
- Space for private and informal discussions should be kept.
- The time allocation could be usefully increased to four hours with lunch three times a year (rather than four).
- **Representation in meetings:** Following the validation meeting one partner with respect to the evaluation finding that Palestinian partners often outnumbered in policy dialogue meetings. It was pointed out that one reason for this is the inability of Al Mezan to exit Gaza for these meetings. Could Sweden do more to assist in securing a travel permit so they can attend these meetings?

### Sweden's management response to the evaluation

- Annika Karlsson from the Swedish Consulate said that they were 'proud and happy with the evaluation' and that it was a 'very positive report of a flagship programme.'
- The Consulate accept the main evaluation recommendation that no major changes would be made to the programme.
- The Consulate note points made by partners about BADIL's exit and Clause 10 conditionalities, namely that BADIL should return as a partner and Clause 10 should be amended. However, Sweden is not able to offer BADIL new or different conditions as Clause 10 applies to all , and for the foreseeable future adherence is required.
- The Consulate will seek a new Palestinian partner in the next phase and will issue a call for proposals from Palestinian women's rights organisations.
- The Consulate will ask NDC to increase their capacity on gender and they strongly recommend partners to do the same (organisational and operational levels) as this is a key priority area for Sweden.
- The policy dialogue component will be reconfigured with more emphasis on peer-to-peer learning, and women's rights will be on the agenda.

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<sup>65</sup> Non-normalization is a very sensitive issue for Palestinian HR organizations. Respect for Palestinian red lines on this issue is required.

- Partner security and risks is also an area which requires more attention.
- The agreement for the next phase of the programme was announced along with funding for a further four years.

### **Partner feedback**

*'Most programme evaluations are torturous, painful, and not productive. This evaluation was not torturous or painful, and it was productive'. Partner.*

The evaluators sought informal feedback at the end of the programme and were pleased with the positive response. An indicator of the evaluation report's usefulness is that partners asked if they could share it with their downstream partners and other donors once a final version has been issued.

# Annex 1 – Terms of Reference

## 1. General information

### 1.1 Introduction

The situation of human rights in Palestine is becoming increasingly difficult and democratic space for CSO active in this field is shrinking on all sides. The political division between the PA in the West Bank and the de-facto authority in the Gaza Strip, the absence of democratic norms, the dim political horizon, the weakness of Palestinian institutions, and the consolidation of power at the top, are all contributors to this decline in Palestinians' ability to exercise basic human rights in their daily lives. Israel as an occupying power is a primary duty bearer under IHL and the Israeli occupation negatively affects the human rights for the Palestinian population, directly but also indirectly through the limitation it creates for the Palestinian authority to assume its responsibilities as duty bearer. The fracturing of responsibilities and power between three primary duty bearers leaves the rights holders with unclear and weak mechanisms to demand their rights, which in turn affects the populations confidence in the State and the political system, although IHL and obligations under third state responsibility opens up additional venues for accountability.

Strengthening the capacity for accountability with duty bearers, and possibilities for rights holders to demand their rights is therefore a key priority in the Swedish strategy for development cooperation and for Sweden's work in support of human rights and democracy in Palestine. Civil society organizations constitute a central channel for achieving this aim. Palestinian civil society has historically been pluralistic and resilient. Its watch dog function becomes even more relevant in the absence of a legislative assembly (parliamentary elections have not been held since 2006 and the legislative assembly is absolved). But the various duty bearers, Israel, the PA and the de-facto authority in Gaza, all contribute to a shrinking space for civil society in Palestine.

In October, Israel decided to designate 6 well established Palestinian human rights organizations as terrorist organizations without providing any evidence to support this decision. Thus, Israeli law prohibits the financing, support, or cooperation with these organizations, and they run the increased risk of having assets frozen or seized, offices looted, and staff arrested. There is a great risk that banks will refrain from transferring money to them and that donors may terminate partnerships with them. It is still unclear what the long-term consequences of this decision will be. The expansion of settlements continues and has even increased in pace. House demolitions and forced relocations of Palestinians escalated in 2021 with the highest number of buildings destroyed since 2016. It was also the deadliest year since 2014, when 319 Palestinians were killed by Israeli forces or settlers. At the same time, there was an escalation of domestic violence, both in the number of attacks and the degree

of violence used. 410 attacks took place during the first ten months of 2021 and four Palestinians were killed by settlers during the year. OCHA reports that the number of demolished and confiscated structures in the West Bank, including East Jerusalem, and the number of forcibly displaced Palestinians in 2020 reached the highest levels since 2016. The Palestinian Authority continues to expose journalists and human rights defenders to threats and arrests, which increased in connection with the postponement of the elections and the amendment of the law for civil society actors. In June 2021, a human rights defender was killed in custody and in the protests that followed, the arrests and attacks on those who protested increased. Decisions are made by presidential decree; the independence of the judiciary has continued to be undermined and corruption is a major obstacle. The de-facto authorities in Gaza also expose civil society actors and human rights defenders to threats, harassment and arrests.

Sweden has a long standing support to organisations working for human rights in Palestine. Since 1989 the support was channelled through different coordination mechanisms. Between 1989-2005 support was provided to 15 local organizations through the International Commission of Jurists (ICJ). Between 2005 and 2017 Sweden and three other donors pooled funding under the Human Rights Secretariat mechanism, which was disbanded in 2017. As a continuation of its support, Sweden created the **Human Rights Programme 2018-2023** through which financial support is granted to Palestinian and Israeli human rights civil society organisations, whose work focuses on Palestine and that clearly have a human rights-based perspective.

Other contributions financed under area 1 of the Swedish cooperation strategy include support to

**IMS (International Media Support) Palestine programme 2022-2024**, which partners with 10 local media organisations with the aim to strengthen their capacity to provide conflict sensitive, gender balanced, professional and reliable information to people.

The **Ecumenical Accompaniment Programme to Palestine and Israel (EAPPI)**, focusing on protection through preventive presence, international advocacy and solidarity and coordination with HR actors working on the ground. Sweden along with twenty other countries sends accompaniers that are based on the ground in vulnerable communities.

Core funding, jointly with five other donors to the **Independent Commission for Human Rights (ICHR)**. The commission is an independent institution which monitors and documents human rights violations both on the West bank and in Gaza with the aim of holding Israel, PA and the de facto government in Gaza to account.

**SAWASYA II**, a joint program financed by Sweden and 3 other donors and implemented by UNDP, UN Women and UNICEF. The program aims at strengthening the rule of law and access to justice with a particular focus on the rights of women and children.

The **Equal Rooting programme implemented by Alianza por la Solidaridad** which focuses on women and girls' meaningful participation, gender equality and gender based violence and works through 4 local partners in the West Bank and Gaza.

**Shaml implemented by UN Women** and focusing on the furthest left behind groups of women and girls who are denied access to sheltering services as per the cabinet's decision of 2011 on Protection Centers for Women Victims of Violence with the purpose of visibilizing them and improve their access to protection and integration services.

**Palestinian Medical Relief Society (PMRS)** focusing on improving the SRHR services and rights in Palestine

**Gaza Community Mental Health Program** contributing to improving the mental wellbeing of the population in the Gaza Strip through access to mental health services and emergency response.

During 2022 Sweden will also evaluate the possibility to take on three **smaller contributions** working on monitoring, documentation, and legal battles against the expansion of illegal settlements in East Jerusalem.

Until 2021 Sweden was supporting a number of organisations working on **freedom of expression**, some of which also received funding through NDC.

In addition to Sweden, several other donors are active funding contributions in the field of human rights. They include the EU Delegation, The Netherlands, Switzerland, Norway, Denmark, Finland, Canada, Germany (through German organizations and foundations) and Belgium.

## 1.2 Evaluation object: Intervention to be evaluated

The current Human Rights Programme is being implemented during 1 Jan 2019<sup>66</sup> to 30 June 2023. The total value of the contribution is 145.000.000SEK. The contribution addresses support area 1 of the Swedish Strategy for Development Cooperation in Palestine 2020-2024: Human Rights, democracy, rule of law and gender equality. More specifically it addresses objective 1.1 of the strategy: *Improved conditions for individuals and civil society to participate in and influence political processes, and greater respect for human rights*, and somewhat objective 1.2: *Strengthened democratic public institutions, including reduced corruption and increased accountability*.

The overall objective of the Human Rights Programme is to support and strengthen the respect for human rights and international humanitarian law (IHL) in Palestine and to influence the behaviour of the relevant national duty bearers, including Israel, the Palestinian Authority (PA) and the de-facto government in Gaza, as well as to influence the behaviour of actors within the international community, based on their third state responsibility and their obligations under International Humanitarian Law

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<sup>66</sup> The program also financed retroactively activities that had taken place in 2018.

(IHL). The main purpose of the grant-making programme is to provide core support to strategic local organisations that can demonstrate having the competence and capacity to contribute to real and sustainable change towards achieving the overall objective of the Human Rights Programme. The organisations are expected to apply human rights based as well as IHL based approaches in their work within the framework of a clear mandate, a long-term strategy, and a results framework with relevant, realistic, and measurable objectives.

The grantee NGOs were selected by Sweden according to pre-determined criteria and then assessed by the Fund Manager prior to signing agreements with them. The seven NGOs that currently receive support under this programme are all large, well established actors for change and leaders in their field. The number of grantees during the current program was originally eight, four Israeli and four Palestinian NGOs. However, one of the Palestinian partners chose to leave the program in 2020 and no replacement has been selected, given the relatively short period remaining in the program.<sup>67</sup> In earlier contributions, more organizations have received support (15 under ICJ and 23 under the HR Secretariat). The idea to limit the current program to eight partners was to keep a small enough number of organizations so that Sweden could have a direct and strategic dialogue with all grantee organizations. Regular planned policy dialogue meetings are held between Sweden, the fund manager, and the grantee NGOs, during which issues of common interest and concern are discussed.

The funds granted to each partner are core funds for implementation of the organization's strategic plan and should cover between 10-30% of the organizations budget. The initial project document also included the possibility to provide short term project support to additional organizations, but this possibility was not utilized and was later removed in the 2021 amendment of the agreement between Sweden and the fund manager.

A Palestinian organization based in Ramallah, NGO Development Centre (NDC), acts as Fund Manager for the Human Rights Programme. NDC also hosted the human rights secretariat in the period 2008-2014. The task of the Fund Manager includes receiving applications (from grantees pre-selected by Sweden) in the form of the CSOs' relevant strategies, workplans and financial documentation and conduct an assessment of the CSOs' financial structure and needs, as well as the CSOs' ability to receive the funds and comply with agreement conditions. NDC then signs the agreements with the grantee CSOs and is responsible vis-a-vis Sweden for transferring the grants, monitoring and follow up on the agreements, and to ensure compliance on the agreement conditions from the grantees. The agreements signed between NDC and the grantee CSOs include Sweden's compulsory agreement requirements.

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<sup>67</sup> The organization Badil left the program in 2020 because it deems Art 15 of Sida's General conditions for support to CSO as unacceptable.

The present design and set up of the human rights program is a result of an evolution that has been ongoing since 1989. For further information, the intervention proposals is attached as Annex D.

### 1.3 Evaluation rationale

The current human rights program is ending in 2022<sup>68</sup> and an evaluation of the program is foreseen in the current agreement. The recent situation where Israel has used counter terror legislation to outlaw some of the grantees has further prompted a desire to take a new look at the program to see how it could best be set up and designed in order to protect the space for civil society organisations and human rights defenders and at the same time minimize risks to both organizations and the donor. Sweden's long engagement in the sector and the lessons learned along the way should be taken into account when making such recommendations. During the various phases, different implementation modalities have been tested and evaluated, discussions have been had around type of funding (project or core), pooling mechanisms (Sweden implementing by its own and Sweden pooling funds with others), having an international or local organization as implementing partner, number of organisations to support, suitable funding levels etc. As Sweden now wants to prepare a new phase of the human rights program we would like the evaluators to evaluate the current program while taking the history into account, and use lessons learned over the years to make recommendations for the future program.

#### Evolution of Swedish contributions that have provided support to human rights organizations in Palestine:

1989- 2004: Support to 15 human rights organizations through International Commission of Jurists.

2005 Bridge year of direct bilateral funding from Sweden to most of the organizations that had received support through ICJ

Nov 2005- July 2007: Support to the Human Rights Secretariat together with other donors through Copenhagen Development Consulting

2008- 2014 support together with other donors to the Human Rights Secretariat through NDC

2013- 2017 support together with other donors Human Rights / IHL secretariat through Niras and Berzeit University

2018-2023 Sweden as sole donor to the Human Rights Program through NDC

### 2.The assignment

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<sup>68</sup> Funding to the grants organisations is ending 31 December 2022, NDC has another 6 months to finalize reporting and close the program.

## 2.1 Evaluation purpose: Intended use and intended users

The Human Rights Program is coming to an end in December 2022<sup>69</sup>. Sweden wants to use this evaluation as a basis for the design of a follow up phase. The evaluation should therefore be forward looking and make recommendations for the design of a future program based on what has been learned so far about what works and what does not. While Sweden does not have any desire to change fund manager or partners to the fund, we want the evaluation to freely consider whether the current set up and design is adequate or if improvements could be made. Given the hardening political climate, and in particular the outlawing of human rights organisations in 2021, Sweden would like the new program to be designed in such a way as to provide an effective support to human rights organizations and human rights defenders as well as to human rights in Palestine and at the same time to minimize risks facing both Sweden as donor, the fund manager and the partner organizations. This should be kept in mind when making recommendations on content and form. Finally, given the long period of support to human rights organizations active in Palestine, Sweden would also like the evaluation to say something about what impact Sweden's support has achieved and pronounce itself on the relevance of the support.

The primary intended users of the evaluation are the Swedish Consulate General and Sida headquarters.

Secondary users are the fund manager, grantee organizations, and possibly other donors active in the sector.

The evaluation is to be designed, conducted and reported to meet the needs of the intended users and tenderers shall elaborate in the tender how this will be ensured during the evaluation process. A participative/including approach should be adopted towards the partner organizations.

During the inception phase, the evaluator and the users will agree on who will be responsible for keeping the various stakeholders informed about the evaluation.

## 2.2 Evaluation scope

Sweden has been supporting human rights organizations in Palestine through the fund and its predecessors since 1989. The support has gone through different phases, from the support through ICJ, through the Human Rights Secretariat to the current set up where Sweden is the single donor to the fund. The mechanism for channelling support, the type of fund manager, the type of support (core or project), the size of funding and the number of supported organizations have changed over time.

- The current evaluation is limited to the current phase (2018-2023) but should take the full history and the evolution of the Swedish human rights support in

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<sup>69</sup> Ibid

Palestine into account as this is what has shaped the program into its current form.

- Based on the accumulated lessons learned, the evaluation should make recommendations on content and set up of a future program to run over 2023-2026 .

If needed, the scope of the evaluation may be further elaborated by the evaluator in the inception report.

### 2.3 Evaluation objective: Criteria and questions

The objectives of this evaluation are to

- Evaluate the state of the Human Rights Program 2018-2023 and formulate recommendations as an input to upcoming discussions concerning the preparation of a new phase of the intervention.
- In doing so the evaluators should consider the evolution of the support over more than 20 years and use the lessons learned along the way as a base for the recommendations.
- Draw conclusions regarding impact and relevance of the program.

The evaluation questions are:

#### a. Impact and results :

i. What impact has the Swedish support to the Human Rights Program 2018-2023 achieved in relation to the contribution’s theory of change and the objective of “...*support and strengthen the respect for human rights and international humanitarian law (IHL) in Palestine and to influence the behaviour of the relevant national duty bearers, including Israel, the Palestinian Authority and the de-facto government in Gaza, as well as to influence the behaviour of actors within the international community under the obligations of third state responsibility and using the various international mechanisms available for accountability*”? Is it useful to keep this objective in a future contribution? In evaluating the impact the evaluators should consider that the earlier Swedish contributions have influenced both the program objective and ToC.

#### b. What type of actors to support:

i. Based on lessons learned and looking to the future and a new program phase, can something be said about whether there is any area of human rights or type of organization that would be more relevant to support/is missing from the current program? Any geographical focus to be preferred? Mention something about the usefulness of maintaining the balance between Israeli vs Palestinian organizations in the fund.

iii. Would it be relevant and useful, given the current context especially, to open a possibility to support more and possibly smaller/less established organizations or movements in addition to the larger, strategic actors, and if so how should such a “track” look like, both organizationally and substantially?

**c. Risk management:**

- i. Events in 2021 has demonstrated risks that partners to the program could be delegitimized and outlawed under counter terrorism legislation. How can the program counteract and minimize such risks and their impact? Consider the risks to both the partner organizations, the fund manager and Sweden as a donor.

**d. Efficiency of the current program set up**

- ii. What can be said about the adequacy of funding levels and type of funding (core funding). Does the core funding free up resources for the organizations to work strategically?
- iii. The fund managers role. This includes assessing the pros and cons of having a local fund manager and the added value of the fund manager.
- iv. Sweden's role beyond that of financing, i.e. the dialogue between Sweden and the partner organizations. The tool for dialogue at present is mainly the policy dialogue meetings, is this a good tool? How could it be enhanced? Are there additional roles that have not been fully explored or utilised? Might there be gains to reap by connecting the program closer to the work of Swedish NGOs (consider the latter organisations ability to advocate for Palestine and Palestinian NGOs in Sweden, capacity for protection, thematic competence etc)?
- v. Suggest whether features could be added or developed within the program that would provide better support to the fund manager and partner organizations and their staff in times of increasing pressure and insecurity.

Questions are expected to be developed in the tender by the tenderer and further refined during the inception phase of the evaluation.

**2.4 Evaluation approach and methods**

It is expected that the evaluator describes and justifies an appropriate evaluation approach/methodology and methods for data collection in the tender. The evaluation design, methodology and methods for data collection and analysis are expected to be fully developed and presented in the inception report. Given the situation with Covid-19, innovative and flexible approaches/methodologies and methods for remote data collection should be suggested when appropriate and the risk of doing harm managed.

The evaluator is to suggest an approach/methodology that provides credible answers (evidence) to the evaluation questions. Limitations to the chosen approach/methodology and methods shall be made explicit by the evaluator and the consequences of these limitations discussed in the tender. The evaluator shall to the extent possible, present mitigation measures to address them. A clear distinction is to be made between evaluation approach/methodology and methods.

A *gender-responsive* approach/methodology, methods, tools and data analysis techniques should be used<sup>70</sup>.

Sida's approach to evaluation is *utilization-focused*, which means the evaluator should facilitate the *entire evaluation process* with careful consideration of how everything that is done will affect the use of the evaluation. It is therefore expected that the evaluators, in their tender, present i) how intended users are to participate in and contribute to the evaluation process and ii) methodology and methods for data collection that create space for reflection, discussion and learning between the intended users of the evaluation.

In cases where sensitive or confidential issues are to be addressed in the evaluation, evaluators should ensure an evaluation design that do not put informants and stakeholders at risk during the data collection phase or the dissemination phase.

## 2.5 Organisation of evaluation management

This evaluation is commissioned by the Consulate General of Sweden in Jerusalem. The intended users are the Consulate general of Sweden in Jerusalem, the MENA Unit at Sida Head Quarters, and the implementing- and partner organizations in the human rights program. As the evaluation will serve as an input to the decision on how to shape the next phase of Swedish support to the Human Rights Program, the principal user is the commissioner. The current fund manager has contributed to the ToR and will be provided with an opportunity to comment on the inception report as well as the final report, but will not be involved in the management of the evaluation. Hence the commissioner will evaluate tenders, approve the inception report and the final report of the evaluation. The start-up meeting and the debriefing/validation workshop will be held with the commissioner and fund manager. In addition the evaluation shall be carried out in a participative spirit where both fund manager and grantee organizations should be given ample opportunity to meet, exchange views and give input into the evaluation.

## 2.6 Evaluation quality

All Sida's evaluations shall conform to OECD/DAC's Quality Standards for Development Evaluation<sup>71</sup>. The evaluators shall use the Sida OECD/DAC Glossary of Key Terms in Evaluation<sup>72</sup> and the OECD/DAC Better Criteria for Better Evaluation<sup>73</sup>. The evaluators shall specify how quality assurance will be handled by them during the evaluation process.

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<sup>70</sup> See for example UNEG United Nations Evaluation Group (2014) Integrating Human Rights and Gender Equality in Evaluations <http://uneval.org/document/detail/1616>

<sup>71</sup> OECD/DAC (2010) Quality Standards for Development Evaluation.

<sup>72</sup> Sida OECD/DAC (2014) Glossary of Key Terms in Evaluation and Results Based Management.

<sup>73</sup> OECD/DAC (2019) Better Criteria for Better Evaluation: Revised Evaluation Criteria Definitions and Principles for Use.

## 2.7 Time schedule and deliverables

It is expected that a time and work plan is presented in the tender and further detailed in the inception report. Given the situation with Covid-19, the time and work plan must allow flexibility in implementation. The evaluation shall be carried out 1 March 2022 to 30 September 2022. The timing of any field visits, surveys and interviews need to be settled by the evaluator in dialogue with the main stakeholders during the inception phase.

The table below lists key deliverables for the evaluation process. Alternative deadlines for deliverables may be suggested by the consultant and negotiated during the inception phase.

<b>Deliverables</b>	<b>Participants</b>	<b>Deadlines</b>
1. Start-up meeting on Skype	Göran Paulsson, Annika Karlsson from GK Jerusalem  Sara Lindblom and Lena Johansson de Chateau Sida Ghassan Kasabreh NDC Evaluation Team	1 March 12:00-14:00 Swedish time
2. Draft inception report	Annika Karlsson Sara Lindblom Lena Johansson de Chateau	Tentative 1 April 2022
3. Inception meeting	Göran Paulsson, Annika Karlsson, GK Sara Lindblom, Lena Johansson de Chateau, Sida Ghassan Kasabreh, NDC Evaluation team	Tentative 8 April 2022
4. Comments from intended users to evaluators		Tentative 1-15 April
5. Data collection, analysis, report writing and quality assurance	Evaluators	15 April – 10 June
6. Debriefing/validation workshop in Ramallah/Jerusalem	Sida/GK NDC Partner organizations	10 June
7. Draft evaluation report		Tentative 1 July

8. Comments from intended users to evaluators		Tentative 15 July
9. Final evaluation report		15 August
10. Seminar In Ramallah/Jerusalem	GK NDC Partners	Tentative 15 September

**The inception report** will form the basis for the continued evaluation process and shall be approved by Sweden before the evaluation proceeds to implementation. The inception report should be written in English and cover evaluability issues and interpretations of evaluation questions, present the evaluation approach/methodology *including how a utilization-focused and gender-responsive approach will be ensured*, methods for data collection and analysis as well as the full evaluation design, including an *evaluation matrix* and a *stakeholder mapping/analysis*. A clear distinction between the evaluation approach/methodology and methods for data collection shall be made. All limitations to the methodology and methods shall be made explicit and the consequences of these limitations discussed.

A specific time and work plan, including number of hours/working days for each team member, for the remainder of the evaluation should be presented. The time plan shall allow space for reflection and learning between the intended users of the evaluation.

**The final report** shall be written in English and be professionally proof read. The final report should have clear structure and follow the layout format of Sida's template for decentralised evaluations (see Annex C). The executive summary should be maximum 3 pages.

The report shall clearly and in detail describe the evaluation approach/methodology and methods for data collection and analysis and make a clear distinction between the two. The report shall describe how the utilization-focused approach has been implemented i.e. how intended users have participated in and contributed to the evaluation process and how methodology and methods for data collection have created space for reflection, discussion and learning between the intended users. Furthermore, the gender-responsive approach shall be described and reflected in the findings, conclusions and recommendations along with other identified and relevant cross-cutting issues. Limitations to the methodology and methods and the consequences of these limitations for findings and conclusions shall be described.

Evaluation findings shall flow logically from the data, showing a clear line of evidence to support the conclusions. Conclusions should be substantiated by findings and analysis. Evaluation questions shall be clearly stated and answered in the executive summary and in the conclusions. Recommendations and lessons learned should flow logically from conclusions and be specific, directed to relevant intended users and categorised as a short-term, medium-term and long-term.

The report should be no more than 35 pages excluding annexes. If the methods section is extensive, it could be placed in an annex to the report. Annexes shall always include the Terms of Reference, the Inception Report, the stakeholder mapping/analysis and the Evaluation Matrix. Lists of key informants/interviewees shall only include personal data if deemed relevant (i.e. when it is contributing to the credibility of the evaluation) based on a case based assessment by the evaluator and the commissioning unit/embassy. The inclusion of personal data in the report must always be based on a written consent.

The evaluator shall adhere to the Sida OECD/DAC Glossary of Key Terms in Evaluation<sup>74</sup>.

The evaluator shall, upon approval by The Consulate General of the final report, insert the report into Sida's template for decentralised evaluations (see Annex C) and submit it to Nordic Morning (in pdf-format) for publication and release in the Sida publication database. The order is placed by sending the approved report to Nordic Morning ([sida@atta45.se](mailto:sida@atta45.se)), with a copy to the responsible Sida Programme Officer as well as Sida's Evaluation Unit ([evaluation@sida.se](mailto:evaluation@sida.se)). Write "Sida decentralised evaluations" in the email subject field. The following information must always be included in the order to Nordic Morning:

1. The name of the consulting company.
2. The full evaluation title.
3. The invoice reference "ZZ980601".
4. Type of allocation: "sakanslag".
5. Type of order: "digital publicering/publikationsdatabas.

The contribution to be evaluated is of a sensitive nature. The evaluators and the Consulate will maintain a close dialogue over whether information stated in the report should be restricted.

## 2.8 Evaluation team qualification

In addition to the qualifications already stated in the framework agreement for evaluation services, the evaluation team shall include the following competencies

- Expertise in human rights and human rights organizations, including their role in strategic advocacy.
- Expertise in promoting and protecting civil society organizations and their role in a shrinking democratic space.
- Expertise in protection of human rights defenders.
- Very good knowledge of and work experience from Palestine and the sensitive political context in which the contribution is implemented, and/or from similar contexts.
- Fluency in English, written and spoken.

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<sup>74</sup> Sida OECD/DAC (2014) Glossary of Key Terms in Evaluation and Results Based Management.

It is desirable that the evaluation team includes the following competencies

- Fluency in Arabic
- Understanding of the debate around anti-terror legislation and its possible use for suppressing civil society

A CV for each team member shall be included in the call-off response. It should contain a full description of relevant qualifications and professional work experience.

It is important that the competencies of the individual team members are complimentary. It is highly recommended that local evaluation consultants are included in the team, as they often have contextual knowledge that is of great value to the evaluation. In addition, and in a situation with Covid-19, the inclusion of local evaluators may also enhance the understanding of feasible ways to conduct the evaluation

The evaluators must be independent from the evaluation object and evaluated activities, and have no stake in the outcome of the evaluation.

Please note that in the tender, the tenderers must propose a team leader that takes part in the evaluation by at least 30% of the total evaluation team time including core team members, specialists and all support functions, but excluding time for the quality assurance expert.

## **2.9 Financial and human resources**

The maximum budget amount available for the evaluation is 800.000 SEK  
Invoicing and payment shall be managed according to the following: The Consultant may invoice a maximum of 30 % of the total amount after approval by Sida/Embassy of the Inception Report and a maximum of 70 % after approval by Sida/Embassy of the Final Report and when the assignment is completed.

The contact person at the Swedish Consulate General is Annika Karlsson, Consul, Human Rights and Democracy. The contact person should be consulted if any problems arise during the evaluation process.

Relevant Sida documentation will be provided by Annika Karlsson, Consul, Human Rights and Democracy.

Contact details to intended users (cooperation partners, Swedish Embassies, other donors etc.) will be provided by Annika Karlsson, Consul, Human Rights and Democracy.

The evaluator will be required to arrange the logistics such as booking interviews, preparing visits including any necessary security arrangements and for calling the different meetings with Sweden as planned in the schedule of deliverables.

## **3. Annexes**

- List of key documents
- Data sheet of the evaluation object
- Decentralized evaluation report template
- Program document

**Annex A: List of key documentation'**

The Consulate general will assist in the compilation of key documentation on the evolution of the program from the Consulate archive, this will include

- Swedish development cooperation strategies for Palestine 2020-2024
- Program proposals and appraisal memos for the different phases of the Human Rights Program
- Final reports from the different phases of the human rights program
- Material evidencing internal discussions in the donor consortium that led to changes in program set up
- Earlier evaluations

**Annex B: Data sheet on the evaluation object**

<b>Information on the evaluation object (i.e. intervention)</b>	
Title of the evaluation object	Human Rights Program 2018-2023
ID no. in PLANIt	11347
Dox no./Archive case no.	UM 2018/1134
Activity period (if applicable)	2019-2022
Agreed budget (if applicable)	145000000
Main sector	Human Rights
Name and type of implementing organisation	NGO Development Centre
Aid type	Project type
Swedish strategy	Strategy for Sweden's Development Cooperation with Palestine 2020-2024

<b>Information on the evaluation assignment</b>	
Commissioning unit/Swedish Embassy	Swedish Consulate General in Jerusalem
Contact person at unit/Swedish Embassy	Annika Karlsson
Timing of evaluation (mid-term, end-of-programme, ex-post, or other)	End of program (preparing for a new phase)
ID no. in PLANIt (if other than above).	N/A

# Annex 2 – Bibliography

## **Programme documents:**

- Annual narrative and financial report 2019
- Annual narrative and financial report 2020
- Annual report 2021
- CDC Completion report 2008
- Effectiveness of core funding to CSOs in the field of human rights and international humanitarian law in occupied Palestine. Final report. 2015
- Feasibility study: Common Donor Secretariat for Support to NGOs in the Palestinian territories, 2004
- HR/GG Secretariat End of Phase Report 2010-2014
- HR/IHL Secretariat 2013-2017
- Human Rights Programme Cost-Extension Phase 2021 – 2023 NDC proposal
- Human Rights Fund Programme Swedish Consulate General in Jerusalem NDC proposal, 2018
- Impact assessment of the Human Rights and Good Governance Secretariat in the occupied Palestinian Territory, 2013
- Mid-term Review of the Management of the Human Rights and IHL Secretariat by NIRAS Natura AB in Consortium with Birzeit University Institute of Law , 2016
- Policy dialogue agenda 10 March 2022
- Policy dialogue agenda 14 December 2021
- Policy dialogue agenda 17 March 2021
- Policy dialogue agenda 17 June 2020
- Policy dialogue agenda 14 November 2019
- Policy dialogue agenda 23 June 2021
- Review of Human Rights/Good Governance Secretariat in the Occupied Palestinian territory, 2012

## **Partner's documents:**

- Al Haq Strategic plan 2016-2020
- Al Haq Strategic plan 2021-2026
- Al Mezan Strategic plan 2021-2023
- B'Tselem Strategic plan 2017-2019
- B'Tselem Strategic plan 2020-2022
- B'Tselem Logical framework 2020-2022
- DCIP Strategic plan 2019-2021
- DCIP Strategic plan 2022-2024
- Gisha Strategic plan 2019-2021
- Gisha Strategic plan 2022-2024
- Yesh Din summary of strategic plan 2017-2021

## Annex 3 – List of interviewees

<b>Stakeholder name</b>	<b>Contact Person</b>	<b>Position</b>
<b>Swedish Consulate General</b>	Annika Karlson	Programme officer
	Fredrik Westerholm	Former staff of programme
	Sara Lindblom	Focal point for Palestine at HQ
	Maria Ardaji	programme focal point gender – all programmes)
	Kim Zander	Former programme officer
	David Karlsson	Deputy Consul General
<b>SIDA</b>	Lena Johansson de Chateau	Advisor on Evaluation Issues
<b>NDC</b>	Ghassan Kasabreh	Director General
	Hazem Queneibi	Finance manager
	Naomi Graham	Information and communications specialist
<b>AI HAQ</b>	Shawan Jabarin	Director General
	Kifah Zuhour	Acting head of Development
<b>AI Mezan</b>	Isam Younis	General Director
	Sari Aqel	International Relations
<b>Breaking the silence</b>	Avner Gvaryahu	Executive Director
	Chagit Lyssy	Resource Development Director
<b>B'Tselem</b>	Hagai El-Ad	Executive Director
	Danya Cohen	International Relations Officer
<b>Defense for Children International - Palestine (DCIP)</b>	Khaled Quzmar	General Director
<b>Gisha</b>	Tania Hary	Executive Director
	Rebecca Lederkramer	Resource Development Associate
<b>Yesh Din</b>	Ziv Stahl	Executive Director
	Chanah Dulin	Director of International Relations
<b>Badil</b>	Lubnah Shomali	Administrative & Financial Affairs Unit Manager

<b>UNOCHA</b>	Sarah Muscroft	Head of office
<b>United Nations Commission on Human Rights</b>	James Heenan	Head of office
<b>Independent Commission for Human Rights</b>	Ammar Dwaik	Director
<b>Diakonia International Humanitarian Law Centre</b>	Eitan Diamond	Manager of the IHL Center in Jerusalem
<b>Swiss Representative</b>	Terry Boullata	Sweden's former partner in the HR Secretariat
<b>Denmark Representative</b>	Bodil Pedersen	Sweden's former partner in the HR Secretariat
<b>Netherlands Representative</b>	Pavel Nisha	Sweden's former partner in the HR Secretariat
<b>Danish Church Aid</b>	Mads Frilander	Director
<b>Norwegian Refugee Council</b>	Caroline Ort	NRC Director
<b>Amnesty International</b>	Saleh Higazi	Deputy Regional Director and Head of Jerusalem Office
<b>Human Rights Watch</b>	Omar Shakir	Israel and Palestine Director at Human Rights Watch
<b>Norway Representative</b>	Ruben Andre	HR Manager
<b>EU</b>	Sara Dominon	Programme manager
<b>HR Lawyer</b>	Michael Sfar	HR Lawyer

# Annex 4 – Evaluation Validation Workshop with Partners

## VALIDATION WORKSHOP WITH SWEDEN’S HUMAN RIGHTS PARTNERS

### FACILITATOR’S NOTES

**When:** 09:00am – 1pm, Tuesday, 25<sup>th</sup> October, 2022

**Where:** Caesar Hotel Ramallah

#### Objectives

##### The evaluators will:

1. Present the purpose and findings of the evaluation
2. Provide space for comment and suggestions from the workshop participants
3. Hear from Sweden their response to the evaluation
4. Facilitate a discussion with participations on key areas of interest: core human rights principles (gender mainstreaming and non-discrimination); security and political dialogues.

#### Participants

- Swedish Consulate Staff
- NDC
- Partners
- Triple Line Consulting

Timings	Session	Topics	
9am – 9.20 am	Welcome and introductions	<b>Welcome Housekeeping Participants introduce each other</b>	<b>Annika Karlsson:</b> Opening remarks. Introduces Juliette Seibold, Mark McGinty and Maisa Shquier <b>Ghassan:</b> Note on refreshments; location of toilets; coffee and refreshments throughout the day; COVID19 reminder. <b>Mark:</b> Ask each participant to introduce

			themselves – name, organisation, role.
9.20am – 9.30am	<b>Session 1:</b> Objectives of the workshop	<b>Workshop objectives are listed above.</b> <b>Workshop outline</b>	<b>Maisa:</b> Presents the objectives of the workshop. Use PowerPoint. Put on flip chart for the duration.
9.30am – 9.50am	<b>Session 2</b> background to Sweden’s HR programme	<ul style="list-style-type: none"> <li>- <b>Evaluation purpose and approach</b></li> <li>- <b>Brief overview of how the programme evolved from 2005</b></li> </ul>	<b>Juliette:</b> <ul style="list-style-type: none"> <li>- Brief presentation using PowerPoint.</li> <li>- On overview of the programme – before beginning A) Ask participants when they joined the programme and,</li> <li>- B) What differences have they noted between earlier phases and this last phase?</li> </ul>
<b>Findings of the evaluation – what was achieved?</b>			
9.50am – 10.15am	<b>Session 3</b> <b>RELEVANCE:</b> How has the programme remained relevant to the evolving context and needs for HR in Palestine since 2005?	<ul style="list-style-type: none"> <li>- <b>How has the overall context changed? V brief.</b></li> <li>- <b>What features of the programme support relevance? How does Sweden provide an enabling environment?</b></li> <li>- <b>How relevant is the partners work to addressing HR violations?</b></li> </ul>	<b>Mark and Maisa</b> <ul style="list-style-type: none"> <li>- Facilitators answer the main evaluation question.</li> <li>- Give overview of the context – the key benchmarks. State that it is not an exhaustive account.</li> <li>- Present findings for the other sub-evaluation questions – use PowerPoint.</li> <li>- Ask participants: Any there any reflections or questions?</li> </ul>
<b>10.15-10.25 Leg stretch and coffee</b>			

<p>10.25am – 10.50am</p>	<p><b>Session 4 EFFECTIVENESS (1)</b> How effective is this phase of Sweden’s HR programme overall?</p>	<ul style="list-style-type: none"> <li>- <b>How does the HR programme in Palestine facilitate the effectiveness of partners working to improve HR and adherence to IHL?</b></li> <li>- <b>How does core funding contribute to the effectiveness of the partners’ work and approaches?</b></li> <li>- <b>Are there examples where partners have taken efforts to apply core HR principles, including gender mainstreaming and non-discrimination, participation, transparency, etc.</b></li> </ul> <p><b>A.</b></p>	<p><b>Juliette/Maisa</b></p> <ul style="list-style-type: none"> <li>- Present findings for the main evaluation question.</li> <li>- Present findings for each of the sub-evaluation questions.</li> <li>- Tell participants that we will come back to the topic of core HRs principles at the end of the workshop.</li> </ul>
<p>10.50am – 11.15am</p>	<p><b>Session 5: EFFECTIVENESS (2)</b> Are there different programme design modalities that would be more effective, including minimizing and countering risks?</p>	<ul style="list-style-type: none"> <li>- <b>What measures do other HR organizations take to minimize risks?</b></li> <li>- <b>Would the programme benefit from other strategic alliances?</b></li> <li>- <b>Replacing BADIL – Is there an obvious partner?</b></li> <li>- <b>Is the programme</b></li> </ul>	<ul style="list-style-type: none"> <li>- Present findings for the main evaluation question.</li> <li>- Present findings for each of the sub-evaluation questions.</li> <li>- <b>Are there any questions or reflections?</b></li> </ul>

		sufficiently flexible?	
11.15am - 11.45am	<b>Session 5: IMPACT</b> What are the notable impacts or high-level results of the programme?	<ul style="list-style-type: none"> <li>- <b>What do external and internal stakeholders consider to be the most significant higher-level results?</b></li> <li>- <b>What do partners consider to be the impact of the programme as a whole?</b></li> </ul>	<ul style="list-style-type: none"> <li>- Present a non-exhaustive set of achievements from the report.</li> <li>- Make point about the difficulties in measuring achievements for HR / IHL programmes.</li> <li>- Explain that we have focused on identifying <i>changes in attitudes, behaviours, policies and practices; and improvements in people's lives</i> that have been identified in documents and in our interviews with participants.</li> <li>- <b>Ask participants – what challenges do you face in capturing higher level results? Knowledge management? Follow-up research.</b></li> <li>- End session by emphasizing the important role played by NDC in synthesizing results.</li> </ul>
11.45am - 11.55am	<b>Session 6: COHERENCE AND COORDINATION</b> How does the programme complement efforts made by other actors on HR?	<ul style="list-style-type: none"> <li>- <b>What value do partner organisations feel they gain from being grouped together in this fund?</b></li> <li>- <b>Are there any elements which stakeholders feel are missing in terms of coherence and coordination?</b></li> </ul>	<ul style="list-style-type: none"> <li>- Provide answer to overall question</li> <li>- Answer sub-questions</li> <li>- End by asking whether now on reflection there are missing elements?</li> </ul>

		- <b>What is the added value of the fund manager?</b>	
<b>B. 11.55am – 12.05 am Leg stretch and refreshment</b>			<b>C.</b>
12.05 – 1pm	<p><b>Session 7: VISSION FOR THE FUTURE</b> Facilitated discussion on improving core HR principles (gender and non-discrimination); risk and security and the future of political dialogues.</p>	<ul style="list-style-type: none"> <li>- <b>Evaluator’s recommendations</b></li> <li>- <b>Responses to the evaluation and recommendations (partners; Sweden)</b></li> </ul> <p><b>Group work</b></p> <ul style="list-style-type: none"> <li>- <b><u>Group 1: Core HR principles: What more could be done on gender and non-discrimination?</u></b></li> <li>- <b><u>Group 2: Risks and security: what more could be done to support partners?</u></b></li> <li>- <b><u>Group 3: Future of policy dialogues: how to reshape and re-invigorate?</u></b></li> </ul> <p>PLENERY SESSION</p>	<ul style="list-style-type: none"> <li>- Juliette – go through top line recommendations; round off the evaluation findings and ask partners for a response; then Annika/Sweden)</li> </ul> <p>12.15pm – 12.35pm</p> <ul style="list-style-type: none"> <li>- Maisa – divide participants into 3 groups as indicated. Invite Maria to G1; Sara to G2 and Annika to G3.</li> <li>- Maisa – provide a list of questions for each group to discuss. Don’t worry if you cannot answer all in the time allotted.</li> <li>- <b><u>Group 1:</u></b> What more could be done on gender and non-discrimination? Would partners be able to identify action on these areas in a) annual strategies; and b) annual reports? What would be the implications of doing this? Questions to think through if there is time: <u>Gender/Organisational level:</u> What could be done to improve gender equality and non-discrimination at an organisational level? What are the most important</li> </ul>

		<p>aspects, and why. Are there institutions/organisations known to you that can help build capacity in this area? What could be done to facilitate intra partner learning?</p> <p><u>Gender/operational level:</u> If a women’s rights organisation replaces BADIL – what role could they play in strengthening gender and non-discrimination at an operational level with all partners? Would such an approach be feasible? What are the risks? What might be the benefits? Are there other approaches that could be used to strengthen the attention given to gender and non-discrimination in all aspects of your work (evidence gathering, analysis, advocacy)?</p> <p><b><u>Group 2: How to better assess risks and improve security?</u></b> How, and how often do partners assess risks? Do you do this individually or jointly? Might there be benefits to jointly assessing risks? Do Palestinian and Israeli organisations face different or similar risks? Are there specific times during programme implementation that heighten risks (organisational/personal)?</p>
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			<p>If so, can we identify these times? What measures could be taken by the programme to improve partner security?</p> <p><b>Group 3: In what ways could the policy dialogues be improved?</b></p> <p>What should stay on the agenda; what could be introduced onto the agenda? If you were to use this forum to develop knowledge, capacity and learning – what topics would you choose? If you were to invite guest speakers – who would you invite and why? What would you stand to gain?</p> <p><b>12.35pm – 12.55pm</b></p> <p><b>Plenary</b></p>
1pm close	CLOSING SESSION	<ul style="list-style-type: none"> <li>- Annika Karlsson</li> <li>- Please provide feedback on the workshop (poster)</li> </ul>	



## Evaluation of Sweden's support to the Human Rights Programme in Palestine 2018–2023

This report is an 'Evaluation of Sweden's Palestinian Human Rights Programme (2018-2023)'. The purpose of the evaluation was to learn whether the programme design maximises opportunities to facilitate the work of Israeli and Palestinian non-government organisations in defending human rights and to provide a broader audience with insights on the programme's value. The evaluation has examined whether the programme remains relevant despite changes to the context since 2005. It also assesses the programme's effectiveness, impact, efficiency and coherence and coordination.

The evaluators conclude that there is robust evidence that the programme remains relevant, effective, and efficient and it has achieved impact at multiple levels. For example, it has improved the rights of some Palestinians (men, women, boys, and girls) to family reunification, medical assistance, legal aid, protection, and livelihoods. It has improved Palestinian policies concerning child rights. In an increasingly polarised environment, it has demonstrated the viability and value of Palestinian and Israeli organisations working together on a shared agenda to keep the issue of Palestinian rights on the international agenda. It has provided high-quality evidence to international bodies. Evidence generated by the programme continues to demonstrate a downward trajectory for human rights in Palestine and a worrying trend of increasing impunity and disregard for international human rights and international humanitarian law standards and norms - primarily by the State of Israel but also increasingly by Palestinian duty bearers.

This report recommends retaining current design features (core funding to a small group of internationally recognised Palestinian and Israeli human rights organisations). It recommends continuing with the present funding modality with minor adjustments that include: the need to continually assess and strengthen efforts to promote core human rights principles concerning gender equality and non-discrimination; leveraging political dialogues for peer-to-peer learning on this issue as well as strategy and tactics; and more efforts to ensure coherence between local support for human rights and support in international venues with other third party states and coalitions.

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