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## Summary of the Ministry of Justice Needs Assessment Report



October, 2008

## **Introduction:**

The USAID- funded Netham Project has carried out a thorough and comprehensive needs assessment of the Ministry of Justice. The main objective of this needs assessment is to identify the main strengths and weaknesses of the Ministry and identify the potential areas of assistance.

During the assessment process, the assessment team mainly relied on information gathering through interviewing the Ministry's senior and key personnel. Further, the team conducted a thorough literature review in order to get the needed background regarding the Ministry's current systems and operations.

**Among other areas, the assessment focused on the following:**

- **Financial and Administrative Systems**
- **Organizational Structures**
- **Strategic Planning Unit**
- **Planning & Development Unit**
- **Public Relations Unit**
- **Council of Ministers' Affairs Unit**
- **Policies Documentation**
- **Decision Making**
- **Internal & External Communication**
- **Formation of Committees**
- **Complaints' Management Unit**
- **Central Archiving System**
- **Staff Development and Training Plans**
- **Authentication Unit**
- **Licensing of Legal Translators, Arbitrators and Associations.**
- **Legal Affairs & Legal Research**
- **Forensic Medicine Directorate and Criminal Lab**
- **Electronic Government System**

Following is a summary of the main findings and recommendations that came out of the Needs Assessment:

## Recommendation 1: Strengthen the Participatory Approach and the Strategic Thinking and promote the Institutionalized Work within all the Administrative Levels at the Ministry of Justice.

1. Enhancing the participatory approach in developing the National Plans through adopting a methodology that clarifies the Ministry's role and contribution in designing and developing the Justice Sector National Plans in cooperation with the judicial stakeholders and the Ministry of Planning.
2. Get the government's support towards enhancing the judiciary and maintaining the authorities' separation as well as promoting cooperation among those authorities based on a clear set of determined responsibilities.
3. Support and strengthen the Ministry's position as a partner in the strategic planning process for the national justice sector as well as the internal planning for the Ministry through supporting the existing Strategic Planning unit.
4. Use effective internal communication means to guarantee an efficient flow of information within the Ministry. Among other means, objective and clear internal memos should be used to allow better internal communication and to avoid unnecessary arguments and ambiguities. Additionally, the periodical evaluation and analytical reports are crucial to improve the performance at the administrative, technical and financial levels. Besides, holding regular meetings and documenting the proceedings through minutes and follow up lists will enhance the quality of information flow and ensure the proper implementation of the agreed on decisions.
5. Refer to the Ministerial Committees Operational Manual that was issued by the Council of Ministers' General Assembly in 2008, regarding the future formation and administration of the internal committees within the Ministry of Justice. A professional and effective system for forming and administering internal committees' needs to be developed and adapted based on this operational manual.
6. Take on the necessary measures to restore the citizens' trust through enabling the Complaints Unit from solving the incoming complaints with the relevant authorities.
7. Provide all possible assistance in order to successfully install and operate the governmental electronic archiving and automation system which is intended to be implemented in the near future. This system, once completed, will facilitate the services provided to the public including provision of the licenses and authentication, as well as promptly respond to the citizens' deeds and complaints.
8. Since the Ministry of Justice is considered to be a messenger to promote Justice, its internal relations need to be strengthened to reflect a respectable picture of the Ministry's achievements, which will increase the Ministry's chances in benefiting from developmental projects. Moreover, the Public Relations Department needs to be nationally and internationally activated. Further, the relevant staff needs to attend training courses that will enhance their skills and capacities. On the other side, the Public

Relations Department needs to be empowered to maintain good level of coordination and communication between the Ministry's political, administrative and executive levels. Also, the Ministry's Public Relations Department should maintain good coordination with the Public Relations Departments of other Legal Organizations.

9. Continuously assess the opinion of the Ministry's Senior Staff regarding the staff training needs and engage them in developing the training plans for their staff.

Recommendation 2: Provide all needed Support to Tackle the Obstacles that hinder the Ministry's Development Process, and Encourage the Administrative Change & Administrative Development.

The Ministry needs to recruit additional key staff members with notable qualifications and capacities that enable them from spontaneously transferring their experience to the current staff members while working in the various departments. The Ministry also needs to engage the current and the future staff in training programs that focus on a number of topics including the advantages of the administrative change.

Recommendation 3: Establish a Central Archiving System:

Establish a central archiving and automation system within the Ministry. This system will allow a better and more secured archiving of the Ministry's documents and correspondences. The system will also assist in avoiding the duplicated archiving. However, the Minister and his Deputy would have their own system to allow them from archiving their confidential documents.

Recommendation 4: Review, Evaluate & Modify the Ministry's Organizational Structure, Job Descriptions & Departments' Descriptions:

1. The Ministry needs to conduct a comprehensive review, evaluation and modification for its organizational structure to ensure that it is clear and up to date. The reviewed and modified organizational structure will be the foundation for improving the administrative functions within the Ministry. In this context, the following issues need to be taken into consideration:
  - Analyze the current context within the Ministry and comprehensively review the descriptions of all administrative, technical and general departments and units.
  - Based on the Ministry's endorsed Strategic Plan for the years 2008-2010, and in line with the Ministry's future needs, objectives and activities, a vision for the technical and administrative departments that are intended to be established, should be designed.
  - Design a flexible organizational structure that includes the departments and units which are implementing the Ministry's endorsed activities. The newly designed structure shall be revised and updated as needed and in compliance with the applicable laws to allow the

establishment of some other new departments and units such as the Woman's Affairs Unit or the Council Of Ministers' Affairs Unit.

- Review the administrative structure and size of actual activities of all departments to examine the possibilities of merging some of them without causing any confusion to the operations or duplication of efforts. For example, explore the possibility of transferring the International Relations Department into the Public Relations Department under the General Directorate for Administrative Affairs and divide it into two sections: 1. Local Public Relations 2. International Public Relations. These two sections will work complementarily with the Public Relations Department of the Legal Organizations that is under the General Directorate for Legal Affairs and Research. Also, examine the possibility of merging the Planning and Development Unit with the Strategic Planning Unit to be either a department or a supporting unit assisting the Minister.
  - Develop the organizational structure and have it endorsed by the Ministry and the Council of Ministers. Once completed, it should be circulated to all staff members to ensure their knowledge about it and to facilitate the vertical and horizontal communication between all the administrative levels and avoid any intervention between the administrative and technical departments. It is worth noting that the organizational structure should be periodically reviewed and updated in line with the Ministry's plans. Moreover, some of the departments and units that are covered in the organizational structure shall be activated, particularly the Internal Control Unit.
2. The Ministry needs to review, evaluate and update the current job descriptions in line with the outputs of the newly developed organizational structure. In this context, the following issues need to be taken into consideration:
- Carry out a detailed analysis for all tasks and responsibilities of each department and unit that is covered in the newly developed organizational structure in order to design a relevant job description for each of them.
  - Based on the tasks and responsibilities of each department and unit, develop the job descriptions and identify the desired qualifications for all the job titles under these departments and units.
  - Review the adopted job titles based on the organizational structure and assign to the appropriate individuals whose actual responsibilities comply with these titles given that they have the desired qualifications.
  - By completing the job descriptions for all the job titles that appear in the organizational structure, the Ministry shall circulate those newly designed job descriptions to all its staff members.
  - A periodic review of the developed job descriptions needs to be carried out in order to update as needed.

3. The Ministry needs to carry out a re-allocation of the employments according to the intended organizational structure and in line with the experiences and qualifications desired for each employment. This re-allocation policy will contribute in professionally identifying the needed human resources. A vision for re-allocating the cadre at the Directorate of the Forensic Medicine and Criminal Lab needs to be developed based on the staff qualifications and administrative capacity, in addition to taking the necessary measures to provide a qualified cadre. It is generally recommended to support the Ministry with qualified cadre based on the re-allocation policy that will be adopted.

### Recommendation 5: Develop the Administrative and Financial Policies & Procedures Manuals:

The Ministry needs to develop a detailed manual that illustrates the administrative policies and procedures and a second manual for the financial policies and procedures. These manuals will enable the Ministry from operating according to clear financial and administrative policies. Additionally, the developed systems and manuals will assist in:

1. Ensuring the consistent implementation of procedures when relevant, using unified forms and templates.
2. Setting clear roles and responsibilities for the employees implementing those procedures.
3. Minimize the reliance on the physical presence of the employee to carry out these procedures. It will be possible to cover any absence through following the procedures mentioned in the manuals.
4. Having clearly documented policies will facilitate any updates if the need arises.
5. The documentation of the procedures will assist in clearly identifying the roles and responsibilities of each department, unit and staff member.
6. The documented system includes clear instructions and templates for implementing the procedures.

The recommended procedures include:

#### **1. The Strategic Work Procedures:**

1. A procedure that shows the methodology which will be followed in managing the Council of Ministers related Affairs taking into consideration the follow up template, the explanatory memo, and other important reports which are normally prepared as references to the decision making process. Additionally, indicate the means for documenting the archives of the Council of Ministers sessions, where to keep them and for how long.
2. A system that deals with the Ministry's decision making process and a list that indicates the technical, administrative and financial authorities.
3. A system that deals with the activities of the Judicial Affairs Unit in relation to bill drafting, managing the citizens complaints' against the Public Prosecution and the Judiciary, in addition to following up on the notarized notices with the Supreme Judicial Council, and the establishment of courts for the Non- Muslims.

#### **2. Administrative Procedures:**



1. A human resources system that deals with time attendance, leaves, promotions, incentives, performance indicators.
2. Employees' evaluation system that directly connects with the employees training system, incentives system and performance indicators system.
3. Warehouse management system covering the management of expenditures, managing of fixed assets lists and inventory management among other things. The relevant templates for these systems shall be obtained from the Ministry of Finance, as they were prepared based on Law # (9) for the year 1998.
4. A fleet management system that deals with mobility and movement control.
5. A documented authentication system, which covers all the needed steps and necessary templates and instructions for authenticating the deeds, documents, and the special and general Powers of Attorney. Moreover, the Ministry needs to draft and circulate clear and comprehensive instructions regarding the needed documents and directions for authentication. This will assist the citizens and the Ministry in having the full needed documents before the authentication process.
6. Internal monitoring and evaluation documented system that covers the performance measurement procedures, internal auditing, and the administrative review which ultimately ensures the implementation of the work according to the adopted system. Also, it ensures the performance improvements through taking corrective and cautionary measurements.
7. Documents control and files management system which controls the financial and administrative systems according to a specific methodology that ensures the use of consistent documents.
8. A documented bill drafting system illustrating the methodology that is used while drafting the bills until the endorsement by the Legislative Council and the Council of Ministers.
9. A documented system that clarifies the methodology for expressing the consultative opinion while reviewing contracts and agreements.
10. A system for awarding the arbitration licenses including the criteria, terms and condition for awarding the license, in addition to the templates that should be used. Also, develop a document that explains the ethics and code of conduct for arbitration.
11. A system for awarding the legal translation licenses according to the Ministry's vision and conditions in various levels and fields.
12. A library management system including the membership control, indexing, classification etc.
13. A system that deals with correspondence management and archiving taking in to consideration the following issues:
  - Documenting the processes of preparing the correspondences, and the follow up in addition to classifying the incoming and outgoing correspondences.
  - Encourage the use of the e-mails in correspondences at least at the Directors' level and introduce the electronic archiving for such correspondences.
  - Register all the incoming and outgoing correspondences that are kept in the files through using the file indexing.
14. A system that clarifies the work methodology at the General Directorate of the Forensic Medicine and Criminal Lab.

15. A system that illustrates the processes of keeping and saving the numerical documents to avoid any damage or loss. Further, a maintenance system for protecting the computer devices and the installed software through providing a special section within the General Directorate for Information Technology that takes on the maintenance duties.

### **3. Financial Procedures:**

1. An effective financial system that includes detailed procedures for collecting revenues, managing expenditures, monetary control, budget preparation and control, financial audit, roles and responsibilities. This system will tremendously assist the auditing process especially that the developed financial system will be a reference for the auditor in carrying out a professional audit.
2. A system for controlling the procurement and purchases according to the adopted purchasing steps. Another system needs to be placed regarding the vendors' selection and evaluation based on their solicited offers for the Ministry's central tenders or the items that were no included in the central tenders. The Ministry of Justice also needs to submit the names of the disqualified vendors to the Ministry of Finance so that the latter will revisit their participation in future tenders.

### **Recommendation 6: Implement a Performance Appraisal System for Evaluating the Employees and Departments Performance:**

The Ministry is recommended to implement a performance appraisal plan that is designed based on the short and long term objectives to measure the employee's performance.

Given the increased complicated operations within the Ministry, the budget restrictions may deviate some of the priorities, thus, this system will assist the Ministry in redesigning the good performance priorities and get more clarity regarding the employees' roles, and increase the transparency and accountability within the Ministry.

It is worth to mention that carrying out periodic performance appraisals will motivate the employees towards improving their performance. Moreover, a performance appraisal system should be designed to evaluate the performance of the Ministry's various departments.

The objectives of the performance appraisal plan should include:

- Motivating the employees towards self development and performance improvement through productive and constructive discussion of their main strengths and weaknesses.
- Identify the training needs
- Develop a record to register the employee's improvement.
- Provide the Ministry with objective criteria and systemic standards to determine the promotions and raises based on the employee's appraisal system and the performance requirements.

## Recommendation 7: Design a Training Plan to Enhance the Capacities of the Ministry's Cadre:

The Ministry's employees need to attend training programs based on their actual training needs. As part of the employment development plan, the Ministry needs to directly encourage its employees to get engaged in educational programs that enhance their skills in their current employments and prepare them for future employments. Additionally, these training programs will keep the employees up to date with the latest techniques and developments.

In order to motivate the employees towards continuously developing their capacities; the Ministry needs to provide some incentives such as covering the training fees. Moreover the Ministry has to conduct a needs assessment to assess the employees' actual training needs taking into consideration the following issues:

- The employee's feedback and suggestions. Also, introduce training programs that cover topics like bill drafting, forensic medicine, criminal lab, report writing, effective communication skills, training skills, dealing with the citizens, financial management, managerial skills, public relations, English language, proposal writing, project management and follow up with donors, first aid, legal training skills, and other courses.
- The Ministry needs to provide the appropriate and relevant training for the staff member who is expected to be hired and serve at the library.
- The results of the annual employees' appraisal should be taken into account.
- The training needs from the direct supervisors' point of view
- The evaluators' assessment.

## Recommendation 8: Activate the Role of the Ministry's General Services & Maintenance Unit:

1. Activate the role of the Ministry's Maintenance Unit to allow regular maintenance of the Ministry's premises and equipment and take precautionary measures to minimize any damages or breakdowns. Also, provide qualified personnel to follow up on the maintenance work. As for the computers maintenance, it is recommended to continue having the maintenance through the special section within the General Directorate for Information Technology that deals with the software and hardware maintenance either internally or through an outsourcing contract.

2. Support the General Services Unit with a supervisor who would carry out effective internal coordination with the various departments, and ensure an adequate provision of services. Throughout the assessment process, it was observed that the Ministry's various departments do not smoothly coordinate with the Maintenance Unit especially when it comes to hospitality and cleaning services.

### Recommendation 9: Empower the Role of the Ministry's Legal Research & Legal Affairs:

1. Before authenticating a deed, the Legal Affairs unit at the Ministry has to review and provide legal opinion concerning the suspected deeds and documents, using a special template designed for this purpose.
2. Empower the Ministry's role in providing the legal support for the governmental authorities in various domains and particularly in bills drafting.
3. It is necessary to provide qualified personnel to follow up the operations of the Legal Affairs Unit. A Director will be nominated to manage this unit based on specific roles and responsibilities.
4. It is necessary to provide qualified personnel to follow up the operations of the Legal Research Unit. A Director will be nominated to manage this unit based on specific responsibilities and authorities.

### Recommendation 10: Provide all needed Support toward Qualifying Legal Translators and Capable Arbitrators in addition to Activating the Role of Arbitration:

1. Amending the Arbitration Law No. (30) For the year 2000 to include a set of criteria that lead to awarding the arbitration license based on strict standards. Additionally, it is worth to explore engaging any individual who wants to get the arbitration license in a training course for 6 months before submitting the licensing request. Moreover, it is worth to examine the possibility of coordinating with the Palestinian Businessmen Association, which intends to establish an advanced training center for this purpose. Also, it is worth to study the proposal of restricting the judiciary to exclusively rely on the arbitrators that are licensed by the Ministry in conducting arbitration.
2. Study the terms and conditions for classifying the translators into different levels and sectors. Also, benefit from the regional organizations that are authorized to award legal translation licenses like Jordan, Egypt, UAE, etc.

### Recommendation 11: Enhance the Role of the General Directorate for Forensic Medicine & Criminal Lab:

1. Explore the possibility of providing premises for the Forensic Medicine and Criminal Lab in association with the donor agencies.
2. Explore restructuring of the General Directorate's organizational structure. Also, explore the chances of any regional cooperation with the neighboring countries in the training fields.
3. Support the General Directorate with qualified cadre.

### Recommendation 12: Provide an Appropriate Working Environment for the Ministry's Employees:

1. Procure the needed furniture either through the Ministry's financial resources or through donor agencies. This will provide an appropriate working environment to positively affect the employees' performance.
2. Work within one team through engaging the cadre in the Ministry's various activities.
3. Work within an institutionalized system that ensures transparency and provides monitoring and evaluation mechanisms.
4. Continuously assess the employees' feedback and satisfaction.

### Recommendation 13: Larger Use of Information Technology to Maximize the Benefit:

The Ministry needs to prepare its staff for the new electronic-government system through providing training on the different computerized applications and programs. The entire Ministry's employees should attend relevant computer training courses covering the various applications, software, emails, etc. Such training will ensure the implementation of the e-government system as planned. It is worth to mention that, the e-government system will also cover the services granted to the public in authentication, translation licenses, associations' affairs, nomination, arbitration and complaints. If this system works well, the Ministry of Justice will be the pioneer, in terms of implementing the automated and electronic documents management system, at the government level.

At a later stage, the Ministry has to explore the automation of the human resources system after ensuring that it is effectively implemented, in addition to automating the warehouses management system and the library management system.

### Recommendation 14: Conduct Internal Audit:

The Ministry has to adopt a policy for carrying out a periodically scheduled internal audit (by qualified employees serving at the Ministry). Additionally, the Ministry needs to continue conducting an annual audit for its accounts and other official entities.