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Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Palestinian National Council

Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Ms Özlem TÜRKÖNE, Turkey, Group of the European People's Party

A. Conclusions of the committee

1. The Committee on Legal Affairs and Human Rights congratulates the rapporteur of the Political Affairs Committee, Mr Tiny Kox, on his excellent report and supports by and large the proposed draft resolution.
2. The request for partner for democracy status, made on 3 November 2010 by the Palestinian National Council, is the second such request, after that of the Moroccan Parliament. The committee concurs with the Political Affairs Committee that the Palestinian National Council meets both in form and in substance the requirements set out in Rule 60.2 of the Assembly's Rules of Procedure.
3. The committee wishes, however, to propose some amendments to further strengthen the draft resolution from a legal and human rights perspective.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

In the draft resolution, paragraph 11, first sentence, replace the words “draw inspiration from” with the words:

“adhere to and promote”.

Amendment B (to the draft resolution)

In the draft resolution, replace paragraph 12.7 with the following sub-paragraph:

“explicitly rejecting the use of terrorism and combating it actively by measures respecting human rights and the rule of law”.

C. Explanatory memorandum by Ms Türköne, rapporteur for opinion

1. I can only congratulate Mr Kox on his excellent report, which deals with a wide range of political and legal issues stemming from the request of the Palestinian National Council for partner for democracy status with the Parliamentary Assembly.

1. Reference to Committee: Bureau decision, Reference 3729 of 24 January 2011. Reporting Committee: Political Affairs Committee. See [Doc. 12711](#). Opinion approved by the committee on 3 October 2011.



2. I concur with the rapporteur that the development of democracy, the rule of law and human rights in Palestine is an ongoing process which is some way from reaching fruition. The report and the draft resolution highlight a number of areas where there are still significant shortcomings and where genuine progress must still be made. In particular, it is worrying to note that, as outlined in paragraph 86 of the report, five persons were sentenced to death in the Gaza Strip in 2011. More efforts must be made to abolish the death penalty in law and in practice, as is also stressed in paragraph 12.6 of the draft resolution. Conferring partner for democracy status should assist progress in this direction.

Amendment A

Council of Europe standards in the domain of human rights, democracy and the rule of law should not only be a source of inspiration but they should be adhered to and actively promoted. This is also reflected in the request for partnership status by the Palestinian National Council itself, in which it states that it intends to make full use, in developing its institutional framework and its legislative work, of the experience of the Parliamentary Assembly and of the expertise of the European Commission for Democracy through Law ("Venice Commission"). Since these bodies contribute to setting and implementing Council of Europe standards, the Palestinian National Council should make the best use of their work, in which it should actively participate. Moreover, paragraph 13 of the draft resolution states that the Assembly expects the Palestinian National Authority to accede in due course to relevant Council of Europe conventions and partial agreements, in particular those dealing with human rights, the rule of law and democracy.

Amendment B

The amendment aims to strengthen the wording with respect to the fight against terrorism while underlining that terrorism must be fought by means respecting human rights and the rule of law.²

2. See also the report of the Committee on Legal Affairs and Human Rights, "Human rights and the fight against terrorism", [Doc. 12712](#), rapporteur: Lord John Tomlinson.