Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**Resolution 1969 (2014)**[1]
Final version

# Evaluation of the partnership for democracy in respect of the Palestinian National Council

Parliamentary Assembly

1. On 4 October 2011, the Parliamentary Assembly adopted Resolution 1830 (2011) on the request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council (PNC), whereby it granted partner for democracy status to the Palestinian National Council. The PNC thus became the second parliament, after that of Morocco, to request and to be granted this status, introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of the Council of Europe's neighbouring States.

2. Upon making its official request for this status, the Palestinian National Council declared that it shared the same values as those upheld by the Council of Europe and made political commitments in accordance with Rule 61.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 4 of Resolution 1830 (2011).

3. In addition, the Assembly stated in paragraph 12 of the aforementioned resolution that a number of specific measures were of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in the Palestinian territories. It stressed that progress in moving reforms forward is the prime aim of the partnership for democracy and should constitute the benchmark for assessing its efficiency.

4. The Assembly supported the Palestinian bid for full membership of the United Nations in 2011. However, as the United Nations Security Council was not able to make a unanimous recommendation on the Palestinian bid, full membership was not achieved, although over 130 member States of the United Nations, including 18 member States of the Council of Europe, have already recognised the State of Palestine.

5. The Assembly took note of Resolution 67/19 of the General Assembly of the United Nations granting Palestine "non-member State" status, which improves the possibilities for Palestine to join some international organisations and to accede to some international treaties and conventions, and decided, following that resolution, to use the name "Palestine" in the Assembly list and related documents.

6. The Assembly notes that since the adoption of Resolution 1830 (2011) an agreement on reconciliation has been reached between the Palestinian authorities and the *de facto* rulers in Gaza, but regrets that the agreement has not been put into practice, that the formation of a Palestinian Government of national unity has not succeeded and that, consequently, dates for the much needed parliamentary and presidential elections have yet to be agreed upon.

7. The Assembly welcomes the opening of new negotiations between the Governments of Palestine and Israel, also thanks to the efforts of the United States Government. Recognising that progress is slow, it urges all parties to support the negotiations and is optimistic that an agreement can be reached. It reiterates its support for a two-State solution, calls for an end to the illegal occupation of the Palestinian territories by Israel and regrets the ongoing construction of illegal settlements in the Palestinian territories.

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1. *Assembly debate* on 28 January 2014 (4th Sitting) (see Doc. 13382, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Tiny Kox; and Doc. 13398, opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Gülsün Bilgehan). *Text adopted by the Assembly* on 28 January 2014 (4th Sitting).

8. Both the division between the West Bank and the Gaza Strip and the ongoing Israeli occupation of the largest part of the Palestinian territories have made it impossible for the Palestinian National Council to comply with some of the political commitments entered into upon requesting partner for democracy status and to implement some of the reforms mentioned in Resolution 1830 (2011).

9. In this context, the Assembly:

9.1. welcomes the efforts of the Palestinian National Council in striving to comply with the political commitments of a partner for democracy despite all the hardships and impediments of the ongoing occupation and illegal measures such as arbitrary arrests and restrictions on freedom of movement;

9.2. welcomes the active participation of the Palestinian parliamentary delegation in the work of the Assembly and its committees, which provides opportunities to keep the Assembly informed about the political developments in the country in the light of the values upheld by the Council of Europe;

9.3. notes that, while a *de facto* moratorium on executions has been in place since 2005 in the West Bank, courts in Gaza continue to hand down death penalty sentences and Hamas authorities continue to carry out illegal executions. The Assembly strongly condemns all forms of capital punishment. It urges the Palestinian National Council to intervene with the Hamas authorities to stop executions in Gaza and to abolish the death penalty in the Palestinian Penal Code, in line with the commitment entered into under the partnership;

9.4. notes that the structure of the Palestinian National Council has not yet been reformed so that it becomes a democratically elected body and that the Palestinian Legislative Council has not been able to function properly. The Assembly considers that the lack of legislative power causes a severe imbalance in the Palestinian State structures;

9.5. acknowledges the efforts made, in particular by the Ministry of Women's Affairs and women's organisations, to promote the participation of women in political and public life, to fight discrimination based on gender, to ensure effective equality between women and men, and to fight gender-based violence. It expresses concern, however, at the increase of violence against women and calls on the Palestinian authorities to take resolute action against this scourge, in co-operation with civil society and more specifically women's organisations;

9.6. notes that the fact that Palestine is not a full member of the United Nations prevents full co-operation with its special mechanisms, including the United Nations Universal Periodic Review;

9.7. notes, however, that such a fact does not prevent it from adhering to Council of Europe conventions and other legal instruments, provided that there is agreement within the Council of Europe Committee of Ministers (by a two-thirds majority) and among the parties to such instruments (unanimity);

9.8. welcomes the fact that the media in the West Bank is in general free and pluralistic, but regrets some reported incidents of harassment of journalists by security forces. It notes with concern that there is no freedom of the press in Gaza;

9.9. welcomes the work of the Anti-Corruption Commission, which, together with that of the State Audit and Administrative Control Bureau, has been effective in fighting corruption;

9.10. notes that, after being postponed several times, local elections were held in the West Bank in October and November 2012. The elections were considered to meet international standards but the low turnout and the refusal of Hamas to take part are to be regretted;

9.11. notes that the soldier Gilad Shalit was released after a long and illegal detention, and in exchange for hundreds of convicted Palestinian prisoners, soon after the partnership for democracy came into force;

9.12. welcomes the fact that the illegal smuggling of weapons into the Gaza Strip and the West Bank has been reduced.

10. The Assembly calls on the Palestinian National Council to speed up the implementation of its general commitment to the core values of the rule of law and respect for human rights and fundamental freedoms, and to address issues in these areas, including those reported by civil society organisations and the media. It is of the utmost importance that the lack of checks and balances, due to the current absence of an effective legislative power in Palestine, be overcome. The Assembly offers, where and when needed, its assistance to the Palestinian delegation to enable it to make full use of its rights to participate in the work of the Assembly.

11. The Assembly recalls that, when granting partner for democracy status to the Palestinian National Council, it had hoped that this would contribute to intensifying co-operation between Palestine and the Council of Europe. The reform of the judiciary, the promotion of good governance and the prevention of trafficking in human beings were identified as areas for co-operation, but unfortunately there has been no follow-up.

12. In this context, the Assembly notes that, due to the lack of a real legislative process in Palestine, there have so far been no grounds to mobilise the expertise of the European Commission for Democracy through Law (Venice Commission). It further notes with regret that the participation of the Palestinian Authority in the intergovernmental activities of the Council of Europe has remained very limited and it encourages the Secretary General to take all necessary steps, together with relevant partners, to mobilise the Organisation's expertise to assist in the further development in Palestine of human rights, the rule of law and democracy, and to investigate future possibilities for Palestine to make more use of the relevant instruments of the Council of Europe.

13. The Assembly encourages the members of the Palestinian partner for democracy delegation to accelerate the implementation of the process of reform and to address remaining concerns with regard to the rule of law and respect of human rights and fundamental freedoms, in line with the political commitments entered into under the partnership.

14. In conclusion, the Assembly welcomes the progress achieved and resolves to continue to review the implementation of political reforms in Palestine and to offer its assistance to the PNC. It will make a new assessment of the partnership within two years from the adoption of the present resolution.