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

Report¹

Committee on Political Affairs and Democracy

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Summary

The report takes stock of the developments in Palestine and the implementation of commitments undertaken by the Palestinian National Council in October 2011, when it became the second parliament to be granted partner for democracy status with the Parliamentary Assembly.

It welcomes the fact that the Palestinian delegation to the Parliamentary Assembly makes full use of its possibilities to participate in the activities of the Assembly and concludes that the continuation of the partnership for democracy is in line with the wishes of all political factions and a broad representation of Palestinian civil society.

The report asks both the Council of Europe and the Palestinian National Council to step up efforts to fulfil the obligations both took upon themselves when becoming a partner for democracy and proposes to continue to review the implementation of such commitments and to make a new assessment of the partnership within two years.

1. Reference to committee: Bureau decision, Reference 3836 of 23 January 2012.



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A. Draft resolution²

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, whereby it granted partner for democracy status to the Palestinian National Council (PNC). 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 taking forward reforms 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, amongst which 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, and that the formation of a Palestinian Government of national unity has not succeeded and, 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 Government of the United States. 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.
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 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;
 - 9.2. 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 such executions;
 - 9.3. 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;

2. Draft resolution adopted unanimously by the committee on 11 December 2013.

- 9.4. acknowledges the efforts made, in particular by the Ministry of Women's Affairs, 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 reports that violence against women is still a serious problem;
 - 9.5. 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;
 - 9.6. 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 States Parties to such instruments (unanimity);
 - 9.7. 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;
 - 9.8. 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 against corruption;
 - 9.9. 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;
 - 9.10. 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;
 - 9.11. 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 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.

B. Explanatory memorandum by Mr Kox, rapporteur

1. Introduction

1. In its [Resolution 1830 \(2011\)](#), adopted on 4 October 2011, the Parliamentary Assembly decided to grant partner for democracy status to the Palestinian National Council. It stated that “progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing the efficiency of this partnership” and it resolved “to review, no later than two years from the adoption of this resolution, the state of progress achieved in implementing the political commitments undertaken by the Palestinian National Council, as well as in carrying forward the specific issues mentioned in paragraph 12” of [Resolution 1830 \(2011\)](#).
2. The Committee on Political Affairs and Democracy appointed me rapporteur on 24 January 2012.
3. In order to prepare the present report, I paid a first fact-finding visit to the Palestinian Territories from 15 to 18 July 2012 and a second visit from 13 to 16 November 2013. In addition, I visited the region from 6 to 9 April 2013 with our committee’s Sub-Committee on the Middle East.
4. In the meantime, the request that Palestine be granted non-member State status was accepted by the United Nations General Assembly in November 2012 and, as a consequence, the Parliamentary Assembly of the Council of Europe decided to use the name “Palestine” in the Assembly list and related documents.
5. As developments were expected in the second half of 2013 (re-launching of the peace process, reconciliation between Fatah and Hamas and local elections), the committee accepted my proposal to postpone the debate on the evaluation of the partner for democracy status with the Palestinian National Council to January 2014. Unfortunately, the expectations on the peace process and on reconciliation have not yet been fulfilled.

2. The criteria

6. The Assembly had stressed the importance of free and fair elections as a cornerstone of genuine democracy and had expressed its expectation to be invited to observe parliamentary elections in the Palestinian Territories as from the next general elections, which had been announced to take place before June 2012.
7. The Palestinian National Council (PNC) committed itself to the same values as those of the Council of Europe, namely pluralist and gender parity-based democracy, the rule of law, and respect for human rights and fundamental freedoms, and committed itself in particular to:
 - continuing its efforts to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of issues relating to the abolition of the death penalty and to encourage the authorities concerned to maintain the *de facto* moratorium on executions that is in place since 2005;
 - making full use, in its institutional and legislative work, of the experience of the Parliamentary Assembly, as well as the expertise of the European Commission for Democracy through Law (Venice Commission), bearing in mind that the Palestinian National Authority has observer status with the Venice Commission;
 - continuing its efforts to create favourable conditions for holding free, fair and transparent elections in compliance with relevant international standards;
 - encouraging equal participation of women and men in public life and politics;
 - encouraging the competent authorities of the Palestinian National Authority to accede to relevant Council of Europe conventions and partial agreements that are open for signature and ratification by non-member States, in particular those dealing with human rights, the rule of law and democracy issues;
 - informing the Assembly regularly on the state of progress made in the implementation of the principles of the Council of Europe.

8. Furthermore, the Assembly considered that a number of specific measures were of key importance for strengthening democracy, the rule of law and the respect of human rights and fundamental freedoms in the Palestinian Territories. It included their implementation – in addition to the implementation of the commitments listed in paragraph 4 – among the criteria against which the partner for democracy status should be evaluated. These were:

- rapidly concluding the negotiations for the formation of a government of national unity and setting universally acceptable dates for the presidential, parliamentary and local elections;
- holding such elections in accordance with relevant international standards throughout the Palestinian Territories;
- taking definite and significant steps in the direction of the three pleas made by the Quartet: to refrain from violence; to recognise the right of the State of Israel to exist; to abide by all the agreements signed by the Palestinian representatives in recent years;
- reforming the structure of the Palestinian National Council so that it becomes, to the largest possible extent, a democratically elected body;
- actively promoting equal opportunities for women and men in political and public life; fighting all forms of discrimination (in law and in practice) based on gender; ensuring effective equality between women and men, including as regards marriage, divorce, polygamy and inheritance law and, where necessary, initiating a process of legislative revision; fighting all forms of gender-based violence;
- abolishing the death penalty set out in the Penal Code, going beyond the *de facto* moratorium on executions which has been established, at least in the West Bank, since 2005;
- explicitly rejecting the use of terrorism and combating it actively with measures respecting human rights and the rule of law;
- freeing the soldier Gilad Shalit;
- ending all illegal smuggling of weapons into the Gaza Strip and the West Bank;
- adhering to and effectively implementing relevant international instruments in the field of human rights, including full co-operation with United Nations special mechanisms and implementation of the United Nations Universal Periodic Review recommendations;
- guaranteeing freedom and pluralism of the media;
- eradicating and preventing torture and inhuman or degrading treatment of persons deprived of their liberty; fighting impunity for crimes of torture and ill-treatment;
- improving conditions of detention, in line with the United Nations prison-related norms and standards;
- fighting racism, xenophobia and all forms of discrimination;
- fighting corruption;
- strengthening local and regional democracy;
- ensuring full respect for freedom of conscience, of religion and of belief, including the right to change one's religion;
- guaranteeing and promoting freedom of association and of peaceful assembly.

9. A partnership implies responsibilities for both partners and the present evaluation should also consider how the Council of Europe, and in particular the Parliamentary Assembly, performed with respect to its own responsibilities.

10. For instance, the Assembly had hoped that granting partner for democracy status to the Palestinian National Council would contribute to intensifying co-operation between the Palestinians and the Council of Europe and promoting Palestine's accession in due course to Council of Europe conventions. It had therefore encouraged the Secretary General of the Council of Europe, in co-ordination, as appropriate, with the European Union, to mobilise the Organisation's expertise, including that of the Venice Commission, with a view to contributing to the full implementation of democratic reforms in the Palestinian Territories.

3. The findings

11. On my first visit, I met the Minister of Justice and the Minister of Women's Affairs, the Chief Justice, the Chief of the Anti-Corruption Commission and the General Commissioner of the Independent Commission for Human Rights. I also held talks with members of the Palestinian partner for democracy delegation, with representatives of the political parties and with a member of the Palestine Liberation Organisation (PLO) Executive Committee.

12. I also met one of the working groups of the Palestinian Legislative Council (PLC) in Ramallah. These working groups have been created to guarantee that at least some tasks of the PLC are dealt with, in spite of the fact that the PLC, as such, cannot operate due to the impossibility for PLC members from Gaza to participate. The working groups, which are open to PLC members of all factions, have to examine and to comment on presidential proposals and to discuss actual developments. They meet with ministers and with official institutions, such as the Supreme Judicial Council, the Human Rights Commission and the Anti-Corruption Commission.

13. Furthermore, I met representatives from women's, civil society, human rights and prisoners' organisations and of the Palestinian Central Elections Commission. Finally, I made working visits to Bethlehem and to Nablus.

14. With the Sub-Committee on the Middle East, I met President Abbas, Chief negotiator Saeb Erekat, members of the Palestinian partner for democracy delegation, the Director of the Central Electoral Commission (CEC), former Prime Minister and former negotiator Ahmad Qurei, the Minister of detainees and ex-detainees affairs and prisoners associations, human rights organisations and the media. Afterwards, I met once again one of the PLC working groups and the president of the CEC. I had a fruitful discussion with secondary school students on their future and visited the Bir Zeit University where student elections were taking place, in which Fatah and Hamas candidates played major roles.

15. With the sub-committee, I visited the Am'ari refugee camp in Ramallah, the separation wall in Bethlehem and the Old City of Jerusalem. Afterwards, I made a working visit to Jericho near the Dead Sea.

16. On my second visit, I met President Abbas, Prime Minister Hamdallah, the Ministers of the Interior, Justice, Prisoners' Affairs, Women's Affairs and Agriculture, the Chief Justice, the Palestinian Human Rights Commissioner, the Chief negotiator, the Heads of the CEC, the Anti-Corruption Commission, the National Audit Bureau and members of all factions in the PNC. I also met with the Palestinian Youth Parliament, representatives of civil society, human rights organisations and the Palestinian media. In Jerusalem I was briefed by the office of the UN High Commissioner for Human Rights.

17. The Palestinian authorities, and in particular the Palestinian partner for democracy delegation, were very effective and professional in organising the meeting of the Sub-Committee on the Middle East and both of my fact-finding visits to the area.

18. To all my interlocutors, I explained the objective of my visits and asked questions related to the Palestinian expectations about the status and the compliance with the commitments. I also expressed concern about the lack of checks and balances, due to the current absence of an effective legislative power, which was the cause of a severe imbalance in the Palestinian State structures.

19. All those whom I met insisted on the difficulties resulting from the Israeli occupation, aggravated by the split with Gaza. However, while in 2011 almost all were optimistic about the end of the split, in 2012 and in particular in 2013, the hope for a quick solution was fading away. The "international community" – mainly the United States, but also, although to a lesser extent, Europe – was criticised for not pressing Israel into complying with its obligations.

20. Our interlocutors were less optimistic that the ongoing changes in the Arab World would have positive consequences on the Israeli-Palestinian conflict. On the contrary, the situation in Egypt was "not helping" the reconciliation process, in the words of President Abbas in November 2013. Reconciliation seemed to be his number one priority.

21. President Abbas praised European support for statehood-building in Palestine. He asked Europe to be "not only a major payer but also a major player" in the development of Palestinian institutions and in helping to resolve the Israeli-Palestinian conflict. The President praised the decision of the European Union to begin, from 2014, labelling products which come from Israeli settlements in the occupied Palestinian territories. According to the President, this had nothing to do with a boycott of Israeli products, but was a measure in line with Europe's position on the illegality of those settlements.

22. Prime Minister Hamdallah expressed gratitude to Europe, which was the largest contributor to Palestine. The main obstacle to economic development was the Israeli occupation. The lack of reconciliation with Gaza, and the ensuing failure to hold elections were standing in the way of fully fledged democracy.

23. The Head of the Anti-Corruption Commission spoke about fighting corruption, which was based on a modern law unequalled in the Arab world. The Commission was completely independent and perceived as such by the public. A special anti-corruption court was also in place. The efforts of the Commission, together with the activity of the State Audit and Administrative Control Bureau, were being effective in fighting corruption. This nevertheless remained a problem.

24. The Minister of Justice and the Chief of the Supreme Judicial Council explained how the Israeli occupation and the split with Gaza prevented the full implementation of the rule of law and the functioning of the judicial system. In the West Bank, the main problems were the lack of co-operation from the Israeli authorities and a shortage of resources, which led to unacceptably lengthy processes. In the Gaza Strip, the *de facto* authorities were responsible for the judicial system, which was politicised and not independent. The difference of access to areas A, B and C distorted the implementation of the rule of law. Courts in the West Bank were, however, more independent than in any other Arab State.

25. The moratorium on capital punishment, one of the obligations the PNC took upon itself when signing the partnership with the Assembly, is fully respected in the West Bank whereas courts in Gaza continue to hand down death penalty sentences and Hamas authorities continue to carry out illegal executions. While we were in Ramallah in 2012, we were informed of three executions carried out by Hamas on 17 July in Gaza. In this respect, I issued a press release strongly condemning the executions.

26. The Minister of Justice underlined the independence of the prosecution. Gender balance among judges, prosecutors and lawyers would improve as there were more female than male students. The increase in drug smuggling was a serious problem. The situation in prisons had improved and was acceptable. Detention centres for minors still needed to be developed. The Minister valued Palestinian co-operation with the Venice Commission and was interested in contacts with the Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). There was a training programme for lawyers in co-operation with the European Union but more international support was needed.

27. The Minister of the Interior explained that the aim of the Palestinian Government was to develop State structures in accordance with the best international standards. In this context, it was ready to adhere to the relevant Council of Europe conventions. The member States of the Council of Europe should, however, agree on inviting the Palestinian Authority to do so.

28. The Minister of Women's Affairs was proud of the fact that, on gender issues, Palestine was a pioneer in the Arab world. The Ministry works together with other ministries, non-governmental organisations (NGOs) and other partner institutions to implement an inter-sectorial gender strategy. Much work had been done in the drafting of the new penal code, which was adopted by the PLC but not yet ratified by the President, to eliminate discrimination against women. This had received the support of religious leaders and of the population in general. The Minister had attended three sessions of the Parliamentary Assembly and she followed with interest the work of the Committee on Equality and Non-Discrimination.

29. Women were however still under-represented both in public and in political life. It was proposed to increase the quota for women from 20% to 30% on the occasion of the next general election. In 2013, the President of the Palestinian Independent Human Rights Commission reported an increase in violence against women, including so-called "honour crimes". Prosecution of perpetrators was not very effective due mainly to the lack of appropriate legislation.

30. Israeli soldier Gilad Shalit was freed from custody in Gaza in October 2011, in accordance to one of the obligations PNC took upon itself as a partner for democracy. Prisoners' organisations complained about the situation of prisoners in Israeli prisons, but also in Palestinian prisons. Concerning Israeli prisons, administrative detention was a serious problem and there were allegations of torture. Young prisoners were treated as adults and there were complaints that sick people did not receive appropriate medical assistance. There were also reports of serious violations of the rights of prisoners in Gaza, where Hamas was now executing prisoners who had been convicted in the 1990s.

31. The General Commissioner of the Independent Commission for Human Rights, Dr Ahmad Harb, pointed out positive developments in some areas: civilians were no longer brought before military courts and political prisoners had been freed. Shortcomings, however, still existed: police agents disrespected citizens'

rights; impunity was widespread; some people were arrested and detained for long periods for no reason; and torture cases had been uncovered. Structures and methods were in place to deal with most of the problems, but mentalities could not be changed overnight.

32. Dr Hanan Ashrawi, member of the PLO Executive Committee, was rather pessimistic about the situation. The Israeli occupation, and in particular the development of settlements, was making it more impossible to achieve the two-State solution as each day passed. The Israeli population was not even aware of the situation as this was not correctly reported by the media. Hamas was holding all Palestinians hostage. The Quartet was used by the Americans to show that something was moving when nothing was. Emigration, in particular of Christians, was changing the Palestinian identity.

33. We were told that the new Palestinian electoral law was ready and an agreement had been reached with Hamas in 2012 to start voter registration with a view to the holding of general elections in January 2013. The CEC had been appointed with the agreement of all political parties (including Hamas) to prepare for general elections in the whole of the Palestinian Territories. On 1 July 2012, however, the operation was postponed due to the refusal of Hamas to allow the CEC to start its work in Gaza. Reasons given for this included Hamas complaining that Israel put in jail any of their elected members or saying that there was no point in holding elections if the results were not to be respected. The reason could also be that Hamas did not really want elections because it feared it might lose them. In 2013, the CEC was finally allowed to finish registration in Gaza, so that technically Palestine is ready for elections.

34. After being postponed several times, local elections were held in the West Bank (but not in Gaza) in October and November 2012. The elections were deemed to have been free and fair but the turnout was quite low, as compared with the general elections in 2006, and the Hamas refused to take part or to accept the results. The CEC stands ready to organise elections in the whole of the Palestinian territories as soon as an agreement is concluded.

35. Many of those I met on my 2013 visit welcomed the European Union's "Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards", which exclude Israeli entities or activities based on the occupied territories. Some asked Europe to boycott products which originated in the illegal Israeli settlements in the West Bank. President Abbas emphasised that this did not mean a boycott of products made in Israel.

36. With respect to the Council of Europe and in particular the Assembly's responsibilities towards the PNC, the members of the Palestinian partner for democracy delegation, who have been very active in the Parliamentary Assembly since the granting of the status, are pleased with their participation in the work of the Assembly, at committee and plenary levels. Mr Bernard Sabella, the Chairperson of the delegation, said the Council of Europe was a "good school". Members of the delegation called for a more active role of the Council of Europe in making Israel respect its obligations.

37. Other parliamentarians, including from Hamas, agreed on the value of the partnership for democracy with the Parliamentary Assembly and asked for it to be continued. All those I met in my visits were of the same opinion.

4. Conclusions

38. A detailed assessment with respect to each of the commitments accepted by the PNC when it became a partner for democracy with the Parliamentary Assembly can be found in the draft resolution. I am convinced that the PNC would like to comply with all the commitments it undertook when signing the partnership. However, given the circumstances, it has become increasingly difficult, or even impossible, to meet some of these commitments. The ongoing Israeli occupation and the refusal of Hamas to respect the successive reconciliation agreements are the main blockades.

39. While I do not agree with all our interlocutors who feel that the Israeli occupation is the basis of all their problems, I have to state that such occupation makes solutions for the problems much more difficult and sometimes impossible for the Palestinians. As Mr Erekat put it, "I do not use the occupation as an excuse, but if the Israelis want, I will not be able to come to my office".

40. In this context, the PNC expects the Council of Europe and the Assembly to increase their efforts with a view to achieving the release by Israel of all elected PLC members and ensuring that all PLC members can participate in the elected Parliament of the Palestinian Territories. Israel, as a state whose parliament enjoys observer status with the Assembly, should allow and facilitate the PNC, as partner for democracy with the Assembly, to fulfil the commitments it undertook when signing the partnership with the Assembly.

41. At this point, I find it relevant to quote Mr Doron Avital when he intervened on behalf of the Knesset, in October 2011, in the debate on “The request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council”: “I have here today a full mandate to convey to you on behalf of our parliament, and on behalf of Israeli society at large, our hopes and belief that this step, as it represents a general drive in Palestinian society towards democracy and democratic ideals, will indeed prove helpful to the peace process and to the negotiations between our two societies, which I urge Palestinians to join. A commitment to democracy and to democratic ideals, as all of us in this room know, is an ongoing and demanding process. We Israelis know that very well, as the most recent events on our streets have proven. I am glad that Palestinian society has expressed the will to take this big commitment upon itself, and I wish it success in this important endeavour. I have no doubt that strengthening the democratic foundations of Palestinian society will prove a constructive and helpful step with respect to the peace process and, I hope, towards a historic resolution of the conflict between our two nations.”

42. 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. However, the non-recognition of Palestine as a State by most member States of the Council of Europe 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 States Parties to such instruments (unanimity).

43. The Assembly should encourage the Secretary General of the Council of Europe to take all necessary steps, together with relevant partners, to mobilise the Organisation’s expertise, including that of the Venice Commission, with a view to contributing to the full implementation of democratic reforms in the Palestinian Territories. I am informed that when the Secretary General visited Palestine in May 2012, the Palestinian Authorities had expressed interest in co-operating in the areas of the reform of the judiciary, the promotion of good governance and the prevention of trafficking in human beings. Unfortunately, there has been no follow-up in practical terms.

44. In conclusion, the Assembly should welcome the progress achieved and resolve to continue reviewing the implementation of political reforms in Palestine and to offer its assistance to the PNC. Finally it should make a new assessment of the partnership within another two-year period.