

Resolution 2105 (2016)¹

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, whereby it granted partner for democracy status to the Palestinian National Council (PNC). After the Parliament of Morocco, the PNC was the second to receive this status, which was 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 PNC declared that it shared the same values as those upheld by the Council of Europe and made political commitments in accordance with Rule 62.2 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 issues were of key importance for strengthening democracy, the rule of law and the respect for human rights and fundamental freedoms in the Palestinian territories. It stressed in paragraph 17 "that progress in taking forward reforms is the primary aim of the partnership for democracy and should constitute the benchmark for assessing [its] efficiency".
4. On 28 January 2014, the Assembly adopted [Resolution 1969 \(2014\)](#) on the evaluation of the partnership for democracy in respect of the Palestinian National Council, in which it noted that "[b]oth 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 PNC 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 \(2011\)](#)".
5. Two years later, the Assembly regrets that the situation on the ground has hardly improved. Agreements between the Palestinian authorities and the *de facto* rulers in Gaza have been announced – the recent Doha attempt at reconciliation being the latest – but have never been put into practice and negotiations between the governments of Palestine and Israel are at a standstill. There are no signs that the situation might unblock in the near future.
6. As a consequence, the long overdue parliamentary and presidential elections have still not taken place, and are probably not going to take place in the foreseeable future. The Assembly reiterates once again its support for a two-State solution and an end to the illegal occupation of the Palestinian territories by Israel and deplores the ongoing construction of illegal settlements in the Palestinian territories.

1. *Assembly debate* on 19 April 2016 (13th Sitting) (see [Doc. 14002](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Jordi Xuclà; [Doc. 14021](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Şaban Dişli; and [Doc. 14022](#), opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Marit Maij). *Text adopted by the Assembly* on 19 April 2016 (13th Sitting).



7. In this context and in the light of [Resolution 1969 \(2014\)](#), the Assembly:

7.1. 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 that concern the values upheld by the Council of Europe;

7.2. notes that the Palestinian delegation regularly participates in regional interparliamentary activities, organised by the Assembly with the aim of making its experience available to members and staff of the PNC, and encourages them to continue to participate in these activities;

7.3. 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 such executions and urges the PNC to intervene with Hamas 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 for democracy;

7.4. notes that the structure of the PNC has not yet been reformed to make it a democratically elected body and that the Palestinian Legislative Council is still unable to function as a legislative body. The Assembly considers that the lack of legislative power creates a severe imbalance in the Palestinian State structures;

7.5. acknowledges the efforts to promote the participation of women in political and public life, fight discrimination based on gender, ensure effective equality between women and men and fight gender-based violence. It expresses concern, however, at reports that violence against women is still a serious problem 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. Women's economic empowerment and their participation in peace talks should also be encouraged;

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

7.7. 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);

7.8. welcomes the fact that the media in the West Bank are 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;

7.9. regrets the fact that administrative detention is still in force;

7.10. regrets that some members of the Palestinian Legislative Council are detained by the Israeli forces.

8. The Assembly welcomes the efforts made by the Palestinian National Authority to preserve and support the role of Christian communities within Palestinian society, including an appropriate representation in the political and administrative structures, which is a model of good practice for the whole region.

9. The Assembly calls again on the PNC to put into practice 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 continues to offer, where and when needed, its assistance to the Palestinian delegation to enable it to make full use of its right to participate in the work of the Assembly.

10. The Assembly recalls that, when granting partner for democracy status to the PNC, and again when it carried out its first evaluation of the partnership for democracy in respect of the PNC, 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 still been no follow-up.

11. In this context, the Assembly notes that, due to the lack of a real legislative process in Palestine, there have been no grounds to mobilise the expertise of the European Commission for Democracy through Law (Venice Commission). It further notes with regret that four years after the granting of the partnership for democracy status, the efforts of both the Secretary General of the Council of Europe and the relevant Palestinian partners to mobilise the Organisation's expertise, with a view to contributing to the full

implementation of democratic reforms in the Palestinian territories, have not yet produced relevant practical results. It encourages again the Secretary General of the Council of Europe, in consultation with the Parliamentary Assembly, to mobilise the Organisation's expertise to assist in the further development of human rights, the rule of law and democracy in the Palestinian territories, and to investigate future possibilities to make more use of the relevant instruments of the Council of Europe.

12. The Assembly encourages the members of the Palestinian partner for democracy delegation to step up efforts 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.

13. In conclusion, the Assembly 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 when appropriate.