

Parliamentary Assembly
Assemblée parlementaire



Resolution 1830 (2011)¹

Request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council

1. In adopting Resolution 1680 (2009) on the establishment of a “partner for democracy” status with the Parliamentary Assembly, the Parliamentary Assembly resolved to establish a new status for institutional co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly’s experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries. A new Rule 60 of the Assembly’s Rules of Procedure, setting out the conditions and methods for granting such a status, including formal political commitments that the parliament concerned must undertake, came into force in January 2010.
2. The Assembly considers that by explicitly referring in its Resolution 1680 (2009) to the eligibility of the Palestinian Legislative Council to request partner for democracy status, it implicitly stated that such status was independent from recognition of a Palestinian state.
3. In September 2009, the Speaker of the Palestinian National Council (PNC) had already expressed interest in the status and, after the Assembly had decided on the admissibility of such a request in October 2010, the Speaker of the PNC conveyed the official request of the PNC to be granted the status of partner for democracy with the Parliamentary Assembly of the Council of Europe on 3 November 2010.
4. The Assembly takes note that, in his letter, the Speaker of the PNC, in line with the requirements set out in Rule 60.2 of the Rules of Procedure, reaffirmed that “the Palestinian National Council is committed 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 to:
 - 4.1. “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 that has been established on executions ... since 2005”;
 - 4.2. “making full use, in [its] institutional and legislative work, of the experience of the Parliamentary Assembly of the Council of Europe, as well as the expertise of the European Commission for Democracy through Law (Venice Commission), bearing in mind that the Palestinian National Authority has an observer status with the Venice Commission”;
 - 4.3. “continuing [its] efforts to create favourable conditions for holding free, fair and transparent elections in compliance with relevant international standards”;
 - 4.4. “encouraging equal participation of women and men in public life and politics”;

4.5. "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";

4.6. "inform[ing] the Assembly regularly on the state of progress made in the implementation of the principles of the Council of Europe".

5. The Assembly therefore considers that the request by the PNC meets the formal conditions set out in its Rules of Procedure.

6. The Assembly acknowledges that the Palestinian society at all levels – political parties, trade unions, human rights organisations, organisations for women, universities, religious communities and others – has high expectations about the PNC becoming a partner for democracy with the Parliamentary Assembly of the Council of Europe. Acquiring this status is considered to be an important incentive to further develop democracy, the rule of law and protection of human rights in the Palestinian territories.

7. The Assembly recalls that both the presidential election of 2005 and the parliamentary elections of 2006 in the Palestinian territories were observed by the Assembly and were considered to be free and fair. The Assembly also notes that new elections for the presidency and parliament are foreseen before June 2012.

8. The Assembly notes that important progress is being made in the parts of the Palestinian territories which are under the authority of the Palestinian National Authority towards the development of an independent judiciary and an efficient fight against corruption, and in favour of public transparency.

9. Further development of the core values upheld by the Council of Europe in the Palestinian territories is much hindered by the fact that the larger part of these territories is still under Israeli military occupation. Any progress in finding a peaceful solution to the Israeli–Palestinian conflict would open many new opportunities in the Palestinian territories to develop and strengthen democracy, the rule of law and the protection of human rights.

10. At a time when the people in a number of Arab and Mediterranean countries have clearly expressed the wish to enjoy fundamental political and social rights, the Assembly deems it important that Palestinians, with their emerging political institutions, continue firmly on the path of democratic transformation.

11. The Assembly welcomes the PNC's commitment to deep constitutional, institutional, political and legal reforms, and encourages the national authorities to make full use of the Council of Europe expertise and adhere to and promote Council of Europe standards in carrying out such reforms. It further welcomes the announcement of a reconciliation between those in charge in the West Bank and in the Gaza Strip. It considers that the partner for democracy status provides an appropriate framework for a stronger involvement of the PNC in the process of reforms.

12. Against this background, the Assembly considers that the following specific issues are of key importance for strengthening democracy, the rule of law and the respect of human rights and fundamental freedoms in the Palestinian territories:

12.1. 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;

12.2. holding such elections in accordance with relevant international standards in the whole of the Palestinian territories;

12.3. 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;

12.4. reforming the structure of the PNC so that it becomes, to the largest possible extent, a democratically elected body;

12.5. 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;

- 12.6. abolishing the death penalty set out in the Penal Code, going beyond the *de facto* moratorium on executions which has been effective, at least in the West Bank, since 2005;
- 12.7. explicitly rejecting the use of terrorism and combating it actively with measures respecting human rights and the rule of law;
- 12.8. freeing the soldier Gilad Shalit;
- 12.9. ending all illegal smuggling of weapons into the Gaza Strip and the West Bank;
- 12.10. 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;
- 12.11. guaranteeing freedom and pluralism of the media;
- 12.12. eradicating and preventing torture and inhuman or degrading treatment of persons deprived of their freedom; fighting impunity for crimes of torture and ill-treatment;
- 12.13. improving conditions of detention, in line with the United Nations prison-related norms and standards; the conditions under which the Israeli soldier Gilad Shalit has been detained since 2006 are particularly unacceptable;
- 12.14. fighting racism, xenophobia and all forms of discrimination;
- 12.15. fighting corruption;
- 12.16. strengthening local and regional democracy;
- 12.17. ensuring full respect for freedom of conscience, of religion and of belief, including the right to change one's religion;
- 12.18. guaranteeing and promoting freedom of association and of peaceful assembly.
13. 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, in accordance with the commitment contained in the letter of 3 November 2010 from the Speaker of the PNC.
14. The Assembly calls on the PNC to enhance its contribution to solving the Israeli–Palestinian conflict, in accordance with the relevant resolutions of the United Nations Security Council and as stressed in the relevant Assembly resolutions.
15. Furthermore, the Assembly expects the Palestinians to seek the settlement of international disputes by peaceful means in accordance with the Charter of the United Nations.
16. Noting that the PNC has reiterated its determination to work to ensure full implementation of the political commitments contained in Rule 60.2 of the Rules of Procedure and entered into by the letter of its Speaker on 3 November 2010, the Assembly resolves to:
- 16.1. grant partner for democracy status to the Palestinian National Council as from the moment of the adoption of the present resolution;
- 16.2. invite the PNC to appoint, from among its democratically elected members, a partner for democracy delegation consisting of three representatives and three substitutes to be composed in accordance with Rule 60.4 of the Assembly's Rules of Procedure.
17. The Assembly believes 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.

18. It accordingly resolves 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 PNC, as well as in carrying forward the specific issues mentioned in paragraph 12 above.

19. The Assembly stresses the importance of free and fair elections as a cornerstone of a genuine democracy. It therefore expects to be invited to observe parliamentary elections in the Palestinian territories as from the general elections expected before June 2012.

20. The Assembly is confident that granting partner for democracy status to the PNC will 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 therefore encourages 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.

¹ 1. *Assembly debate* on 4 October 2011 (30th Sitting) (see Doc. 12711, report of the Political Affairs Committee, rapporteur: Mr Kox; Doc. 12738, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Ms Türköne; and Doc. 12736, opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Ms Hägg). *Text adopted by the Assembly* on 4 October 2011 (30th Sitting).