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2 Democracy and political questions

2.6 Neighbourhood Co-operation Priorities with Palestine* (2016-2017)

Document prepared by the Office of the Directorate General for Programmes and the Directorate of External Relations

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¹ This document has been classified restricted until examination by the Committee of Ministers.

* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

LIST OF ACRONYMS ET ABBREVIATIONS

CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
EU	European Union
EUPOL COPPS	European Union Co-ordinating Office for Palestinian Police Support
GR-EXT	Rapporteur Group on External Relations
PNA	Palestinian National Authority
ODGP	Office of the Directorate General of Programmes
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PATHS	Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean
PLC	Palestinian Legislative Council
PNC	Palestinian National Council
UNIDEM	University for Democracy
Venice Commission	European Commission for Democracy through Law

I. INTRODUCTION

Council of Europe Policy towards its immediate neighbourhood

At its 121st Session in Istanbul on 11 May 2011, the Committee of Ministers (CM) took note of the proposals made by the Secretary General regarding a Council of Europe (CoE) policy towards its immediate neighbourhood, and invited him to draw up action plans for the implementation of this policy, with a view to their approval by the CM.

This policy sets the following objectives:

- to facilitate democratic political transition;
- to help promote good governance on the basis of the relevant Council of Europe standards and mechanisms;
- to reinforce and enlarge the Council of Europe's regional action in combating trans-border and global threats.

Instruments of co-operation might include advice, election observation, parliamentary co-operation, and capacity-building in the areas of good governance, the rule of law and democracy.

Co-operation with the beneficiaries concerned, entirely governed by Council of Europe principles and standards shall be demand-driven.

Against this background, a framework for co-operation was developed, including:

- Neighbourhood Co-operation Dialogues and
- Neighbourhood Co-operation Priorities.

Bilateral CoE-Palestinian relations

Palestine* has been a partner for co-operation with the Council of Europe in the framework of the Policy towards neighbouring regions, since its inception in 2011.

The first step in the institutionalisation of relations has been reflected in the granting of "Partner for Democracy" status by the Parliamentary Assembly of the Council of Europe (PACE) to the Palestinian National Council (PNC) in 2011. President Abbas addressed the Assembly on this occasion and, since then, the PNC has participated actively in the Assembly's work.

As to high-level political dialogue, meetings between the Secretary General and President Abbas first took place in the margins of the United National General Assembly High-Level Segment in New York in 2011 and in the margins of President Abbas's address to PACE. The Secretary General paid an official visit to Ramallah in 2012, on which occasion he met with President Abbas and then-Prime Minister Fayyad and where it was agreed to establish a bilateral dimension of co-operation within the framework of the Council of Europe's policy towards neighbouring regions.

These political contacts were followed-up at technical level with a view to identifying specific fields and modalities of the bilateral dimension of co-operation. In September 2015, a high-level Palestinian delegation, which included the Assistant Minister for European Affairs of the Foreign Ministry and the Chief Justice, visited the Council of Europe. An institutional framework was subsequently established for this purpose and the programming committee set up in this context held two meetings (Ramallah, 26 April 2016; Strasbourg, 31 May 2016) where the topics and modalities of co-operation were agreed and the drafting process of the Neighbourhood Co-operation Priorities document were launched. This process led to the elaboration of the present document.

Institutional co-operation

Institutional co-operation started in 2005 with the granting to the Association of Palestinian Local Authorities of the status of observer to the Congress of Local and Regional Authorities.

Subsequently, in 2008, the CM agreed to authorise co-operation between the Venice Commission and the Palestinian National Authority. This enables opinions to be requested from the Venice Commission.

As mentioned above and in accordance with the Resolution 1830 (2011) of the PACE, the PNC was granted “Partner for Democracy” status with the Assembly in 2011. Since the granting of the status, PACE has adopted two resolutions – 1969 (2014) and 2105 (2016) on the “Evaluation of the partnership for democracy in respect of the Palestinian National Council”.

It is also recalled that Palestine* is covered by the Council of Europe’s policy towards neighbouring regions and participates in the regional dimension of the European Union/Council of Europe Joint Programme “Towards strengthened democratic governance in the Southern Mediterranean (the “South Programme”).

II. POLITICAL DIALOGUE

A political dialogue has been accompanying the drafting process. This dialogue has been important not only to identify the issues relevant to the co-operation/action included in this document, but also to take into account the local and regional context of our action and other relevant factors. The dialogue will continue in the course of the implementation of these actions and will take place at both political and technical levels. Meetings at the ministerial as well as at senior official level are envisaged to fulfill that purpose.

III. PROGRAMME CO-OPERATION FRAMEWORK

Main Objectives

This document is a flexible and dynamic strategic tool, outlining a comprehensive bilateral co-operation framework. It sets out the priorities and framework of co-operation for the period 2016-2017, and seeks in particular to assist relevant Palestinian authorities in tackling domestic challenges in relation to human rights, the rule of law and democracy.

The main objectives and areas presented in this document have been identified on the basis of the Palestinian priorities in the Council of Europe’s areas of expertise. They are also based on an in-depth analysis of the co-operation activities being developed and implemented by other international organisations. The Council of Europe will act in the region with a focus on promoting synergies and avoiding duplication.

Structure

The co-operation actions included in this document are set out in accordance with the three Pillars of the Council of Europe’s programme of activities: (I) Human Rights, (II) Rule of Law and (III) Democracy.

Methods of Implementation

The current Neighbourhood Co-operation Priorities focuses on raising awareness about European standards and on developing the capacities of the relevant Palestinian stakeholders in key areas.

The Council of Europe will use different implementation methods to bring the Organisation’s experts’ skills and experience directly to the targeted beneficiaries: i) needs assessments is a prerequisite for the identification of gaps and shortcomings in the legal and institutional framework and for the expert’s recommendations; ii) the experts’ assessment of legislation and practice will help the authorities in drawing up and implementing laws and policies in compliance with European standards; iii) round tables/expert working groups will allow for exchanges of best practices and peer reviews; iv) conferences particularly for discussing with larger audiences expert recommendations, early implementation of recommendations and achievement of common positions; v) training courses allowing participants to acquire new knowledge and training-of-trainers courses providing groups of national trainers with the substantive knowledge and methodological skills to train on specific topics, policy areas; vi) public awareness measures.

Palestinian stakeholders will be invited to take part in regional events organised by the Council of Europe in the Southern Mediterranean region, as relevant.

All the actions, which will be implemented as part of this document will strive to ensure sustainability. In this regard, particular attention will be paid to pilot projects which can subsequently be rolled out, to the training of trainers, to the creation of professional networks of CoE experts and Palestinian stakeholders and to the development of professional and institutional capacities.

Particular attention will be paid to cross-cutting issues, in particular gender mainstreaming. In order to do so, Guidelines on gender mainstreaming in Council of Europe's co-operation activities will be used as a reference during the implementation of the actions identified. The implementation of the activities corresponding to the co-operation priorities should also facilitate the involvement of civil society where appropriate, following the Guidelines on Civil Society Organisations' participation in Council of Europe's co-operation activities.

Progress review

The overall review of co-operation will be carried out by the Committee of Ministers of the Council of Europe through its Rapporteur Group on External Relations (GR-EXT), which will be regularly informed by the Secretariat of the implementation status of the Neighbourhood Co-operation Priorities. For this purpose, the Office of the Director General of Programmes will issue a mid-term review report and a final evaluation report at the end of 2017, taking into consideration the joint evaluation carried out within the framework of a bilateral Steering Committee.

The impact of the activities implemented under this co-operation framework will be evaluated for every programme and project in line with the evaluation process and requirements of the different donors.

EU: a key partner

The Council of Europe and the European Union have been working in close co-operation in the region of the South of the Mediterranean since 2012, currently under the Joint Programme "Towards strengthened democratic governance in the Southern Mediterranean" (South Programme II, 2015-2017), which has been the main instrument of co-operation between the Council of Europe and the Southern Mediterranean since then. The South Programme targets above all Jordan, Morocco and Tunisia, but has backed regional co-operation with other beneficiaries in the region.

As one of the beneficiaries of this Programme, Palestinian representatives have taken part in a number of regional events organised by the Council of Europe, such as the Lisbon Forum, UNIDEM and PATHS Seminars and PACE conferences. This regional dimension of co-operation will be pursued in the frame of this NCP.

A steering committee, bringing together the Palestinian representatives, the Council of Europe and the European Union will bring support, monitor and evaluate implementation of the projects described in this document which will be backed by the European Union.

Funding

Besides the Council of Europe's contribution (expertise, advice, co-ordination), the Organisation's co-operation with neighbouring regions will be funded through extra-budgetary resources, such as the South Programme II and voluntary contributions from international donors.

Co-operation with other national and international partners

The priorities, described below, will be carried out not only in the context of co-operation with the European Union, but also in close collaboration with other national and international partners and financial contributors.

1. HUMAN RIGHTS

1.1 Preventing domestic violence

Overall objective: to prevent and combat violence against women

Concerns regarding violence against women in Palestine* have been raised by international and national actors as well as in PACE Resolution 2105 (2016) evaluating the Partner for Democracy status for the PNC. PACE “calls on the Palestinian authorities to take resolute action against this scourge, in co-operation with civil society and more specifically with women’s organisations”. In this context, raising awareness about European standards in this area is considered a priority. Palestinian representatives already participated in the international conference to celebrate the entry into force of the Istanbul Convention (Rome, 18-19 September 2014), co-organised by the PACE, the Italian Ministry of Foreign Affairs and the Italian Parliament.

Expected results:

- Awareness is raised among relevant Palestinian stakeholders and law enforcement professionals regarding CoE standards to prevent and combat violence against women;
- The capacities and co-ordination of institutional and other stakeholders active in the field of review and amendments of laws and on how to deal with cases related to gender-based violence are enhanced;
- Access to justice by women, victims of violence, is improved.

Main partners: Ministry for Women’s Affairs; Ministry of Justice; General Personnel Bureau; civil society; legal, judicial and law enforcement professionals (including police); social services and health professionals

2. RULE OF LAW

2.1 Justice reform

Overall Objective: to support the reform of constitutional justice through enhanced co-operation with the Venice Commission and to improve court performance with the support of the European Commission for the Efficiency of Justice (CEPEJ)

The Venice Commission and the Palestinian National Authority (PNA) established co-operation in May 2008². This enables opinions from the Venice Commission to be requested. In March 2009, the Venice Commission adopted an opinion on the “Law on the High Constitutional Court of the Palestinian National Authority” and an independent Palestinian representative attends the Venice Commission’s plenary sessions. Palestinian representatives have also taken part regularly in Venice Commission regional activities such as UNIDEM. The first Constitutional Court was established in April 2016 and is not yet fully functioning.

The Palestinian Development Plan in the area of justice identifies 5 main priorities for the next 7 years.

In the context of the justice reform, there is a significant scope to improve the efficiency of justice on issues such as the backlog of cases. The CEPEJ has an outstanding experience in assessing judicial systems in Council of Europe member states but also in countries like Morocco, Tunisia and Jordan.

Expected results:

- Co-operation with the Venice Commission is further strengthened in particular in the areas of constitutional justice;
- Relevant CEPEJ tools are introduced in one selected pilot court in order to improve day-to-day court functioning and the quality of justice;

² CM/Del/Dec(2008)1026/10.1d.

Main partners: Ministry of Justice, High Judicial Council, selected pilot court, the European Union Co-ordinating Office for Palestinian Police Support (EUPOL COPPS)

2.2 Prevention and combating corruption

Overall objective: To promote good governance and prevention of corruption on the basis of the relevant CoE standards, mechanisms and instruments by strengthening the institutional framework and the operational capacities

Palestine* has been a party to the United Nations Convention against corruption (UNCAC) since April 2014. Palestine* has been credited with having made significant progress in strengthening public governance systems, as reflected by findings of various corruption surveys and governance indicators. However, corruption remains a significant problem, as highlighted in reports of the European Union, the World Bank and Transparency International which give a complete overview of this phenomenon in Palestine* as well as of reforms and strategies to prevent and reduce corruption. Sectorial corruption in areas such as education and health, and the judiciary, also remain of concern.

Domestic surveys show that perceptions of corruption remain high across the population. According to a poll issued by the Palestinian Centre for policy and survey research³, more than 81% of the Palestinians believe corruption is prevalent in Palestinian institutions.

The Palestinian authorities have made efforts to strengthen the legal and institutional framework against corruption. A number of anti-corruption laws have been enacted and institutions have been created, such as the Anti-Corruption Commission and Corruption Crimes Court, the State Audit and Administrative Control Bureau, and the Economic Crime and Support Unit within the Attorney General's office. But efforts remain fragmented and there is a need for better co-ordination of anti-corruption efforts and institutions.

Expected results:

- Assessment of the anti-corruption legislative and institutional framework based on the CoE's monitoring methodology, providing specific recommendations concerning existing and non-existing frameworks;
- Capacity- building to prevent and combat corruption for the Anti-Corruption Commission and representatives of other relevant national instances involved in anti-corruption reforms.

Main partners: Anti-Corruption Commission, High Judicial Council, SAACB, Attorney General's office (Economic Crimes and Support Unit) and the Palestinian National School of Administration.

3. DEMOCRACY

3.1 Inter-parliamentary co-operation

Overall objective: familiarising the Palestinian National Council (PNC) and the Palestinian Legislative Council (PLC) with European parliamentary practices, and contributing to strengthening their capacities

The PNC was granted the PACE Partner for Democracy status in 2011. A delegation of the PNC attends regularly plenary sessions and committee meetings, as well as regional conferences/seminars organized by the PACE. As the functioning of the PNC is quite limited including as far as legislative role is concerned, the capacities of PNC members and staff as well as the PLC could benefit from exchanges of experiences on targeted questions from Council of Europe member states and neighbourhood partner parliaments.

³ Palestinian Public Opinion Poll No (54) - Press Release, Palestinian Centre for policy and survey research, 2014. <http://www.pcpsr.org/en/node/505>

Expected results:

- Co-operation between the Parliamentary Assembly and the PNC is strengthened, the representatives of the PNC and the PLC play an active part in the PACE plenary sessions and committee meetings, as well as in regional conferences and seminars;
- the capacities of PNC members and staff to address challenges relating to human rights, rule of law and democracy, in particular in the areas mentioned in Resolution (2015) 2016 and in priority areas of co-operation identified in the present document, are strengthened.

Main partners: Palestinian National Council and Palestinian Legislative Council.

Appendix: Financial table

Neighbourhood Co-operation Priorities for Palestine* 2016-2017	Estimated needs	EU funding	Voluntary contributions	To be funded
HUMAN RIGHTS				
Preventing domestic violence	55 000	55 000		0
Subtotal Human Rights	55 000	55 000	0	0
RULE OF LAW				
Justice Reform (CEPEJ+Venice Commission)	100 000	100 000		0
Prevention and combating corruption	150 000	150 000		0
Subtotal Rule of Law	250 000	250 000	0	0
DEMOCRACY				
Inter-parliamentary co-operation	50 000	50 000		0
Subtotal Democracy	50 000	50 000	0	0
TOTAL	355 000	355 000	0	0