



» Palestinian Authority

EMHRN Factsheet: ENP Progress Report 2013

EMHRN summary of ENP Palestinian Authority Progress Report and recommendations for the next report.

Credit: Reuters

This is the first ENP Progress Report 2013 on the Palestinian Authority (PA) since the adoption of the new EU-PA Action Plan. According to the EU, the PA made progress towards implementing the new Action Plan, but human rights issues continued to be a matter of concern. Accelerated reforms are needed, particularly in the justice and security sectors. The EU calls on the PA to address the issues in the areas below:

Freedom of Expression

The report finds that journalists in the West Bank continued to face restrictions; no measures were taken to strengthen the legal framework governing their work or enhance their protection. Social media activists and journalists were summoned for investigation on various occasions. In Gaza, media and civil society actors faced severe scrutiny, arbitrary arrests and attacks by security forces.

EMHRN calls on the EU to address the issue of the regular use of charges of slander and defamation as a threat against journalists, bloggers and social media activists.

Freedom of Assembly and Association

The ENP Progress Report 2013 states that the right to peaceful assembly was undermined on several occasions by the Palestinian security apparatus' use of excessive force, and the arbitrary arrest and detention of peaceful protesters. Although the report acknowledges a decrease in the number of arbitrary arrests, it notes that the practice continued, particularly during heightened tensions between the different political factions in the West Bank and Gaza. The report addresses the concerns of NGO regarding the presidential decree establishing an 'NGO Affairs Committee' to oversee relations between the authorities and civil society. The report also highlights the increasing restrictions on civil society in Gaza, including the request by the State to provide detailed financial information regarding NGO operations or face dissolution, and the imposition of exit permit requirements for national staff working for civil society and international organisations.



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In the next report, the EU should urge the PA to:

- *End its unlawful interference in the work of civil society and revoke all existing decrees hampering their work;*
- *Reform the application of Act No. 12 of 1998 on public gatherings and the 1936 and 1960 Criminal Codes to ensure their conformity with international law;*
- *Abide by the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials when policing demonstrations;*
- *Conduct prompt, impartial and independent investigations into allegations of excessive use of force and ill treatment by law enforcement forces during protests. Implement the recommendations of the Independent Investigative Committee's report and those of the Ministry of Interior regarding the police's excessive use of force against peaceful protests in Ramallah on 30 June and 1 July 2012.*

Gender

The report maintains that violence against women and women's socio-economic vulnerabilities were still major challenges. This is the first time that the ENP Progress Report includes a key recommendation on this issue calling on the PA to:

- Develop and implement a policy to address violence against women and women's socio-economic vulnerabilities.

In the next report, the EU should urge the PA to:

- *Promote the political participation of Palestinian women in the different legislative, executive and judicial fields by introducing representation quotas and gender mainstreaming mechanisms;*
- *Implement the cross-sectoral gender strategy to fight discrimination against women, including in the areas of education, health and employment.*

Justice

The report notes that limited progress was made in reforming the justice and security sectors, but underscores the need to increase their transparency and public accountability. Concern is expressed over the detention conditions in Palestinian prisons, both in the West Bank and the Gaza Strip, including violations of detainees' rights, systematic ill-treatment and torture. Although no civilians have been tried in military courts in the West Bank since January 2011, 22 civilians sentenced by a military court prior to this date remain in prison without the possibility of re-trial before a civilian court. Finally, the EU reiterates its condemnation of the issuance and execution of death sentences in the Gaza Strip. In particular, the EU calls on the PA to:

- Increase the transparency and accountability of the justice and security sectors;
- Adopt a unified penal code adhering to international human rights standards and strengthen legal guarantees for all fundamental freedoms;
- Abolish the death penalty, and continue to respect the de facto moratorium on the death penalty in the West Bank;
- Clarify the responsibilities of the three main judicial institutions, i.e. the Ministry of Justice, the Attorney General's Office and the High Judicial Council.



EMHRN calls on the EU to address the following issues in its next report:

- *The PA's failure to separate the powers of its executive, judiciary and legislative branches, and to address the Attorney General's lack of independence;*
- *Security forces' lack of accountability under national and international law, including for torture, disproportionate use of force and arbitrary arrest/detention, as well as the lack of mechanisms to ensure that compensation is provided to victims of such violations;*
- *The unconformity of the national legislation relating to torture with the International Convention against Torture;*
- *The Ratification of the core human rights instruments and the Rome Statute of the International Criminal Court (ICC) in order to promote respect for human rights in line with the EU-PA action plan.*

The **Euro-Mediterranean Human Rights Network** is a network of more than 80 human rights organisations, institutions and individuals based in 30 countries in the Euromed region. The Network is deeply attached to universal human rights principles and convinced of the value of cooperation and dialogue across and within borders.

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