



**The European Union Coordinating Office
for Palestinian Police Support**

Human Rights Strategy

This Strategy Document should be read in conjunction with the EU Strategic Framework and Action Plan on Human Rights and Democracy¹

Introduction

Sustainable peace, development and prosperity are possible only when grounded upon respect for human rights, democracy and the rule of law. Article 21 of the Treaty of the European Union reaffirms the EU's determination to promote human rights and democracy through all its external actions including Common Security and Defence Policy (CSPD) missions.

Rationale

In the Palestinian context, the protection of human rights by the rule of law continues to be severely hampered. During the last decade there has been no functioning legislator owing to the split between the two main political factions, Fatah and Hamas. As a consequence, the power to enact legislation rests with the President and executive branches of Government. This situation leads to a weakened protection regime, both in legislation and in practice.

In addition, effective protection of human rights is further reduced by the effects of the Oslo regime (dividing the West Bank and East-Jerusalem, and Areas A, B and C, H1 and H2), the protracted Israeli occupation and settlement policy, which has gradually diminished possibilities for the Palestinian Authority (PA) to have access, and to effectively assert control.

In light of the ongoing Israeli occupation and in the absence of a Palestinian legislature, the importance of stability, and the trust of the citizens in the Justice and Security Sectors, cannot be overstated. This stabilising potential is only realised when appropriate human rights standards are consistently applied by the Institutions within each of the two Sectors. It is therefore also essential that human rights are fully mainstreamed in the Mission's Mandate and in all of its activities with Palestinian counterparts.

Background

At the outset, it should be pointed out that there are three primary human rights duty bearers in Palestine: the PA, Israel and the de facto authorities in Gaza. The Mission's mandate relates solely to the PA.

Palestine's Basic Law provides for the general protection of many human rights and fundamental freedoms for all. However, the challenge has been the implementation of such protections into legislation and practice. In the absence of a functioning Palestinian

¹ See the EU Council's "EU Strategic Framework and Action Plan on Human Rights and Democracy", EU Council, Brussels, 20.7.2015 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf

Legislative Council, laws are adopted by Presidential decrees and civil society frequently report that there is a lack of transparency and inclusivity in the law-making process. The accession by Palestine to the seven core human rights conventions, without reservation, in 2014 represented a significant opportunity for the PA to strengthen the protection and promotion of human rights. Nevertheless, much work remains to ensure that the Palestinian legislative framework is harmonised with international human rights standards.

Civil society organisations and the Palestinian National Human Rights Institution, the Independent Commission of Human Rights (ICHR), continue to raise concerns about a multitude of human rights violations such as abuses of the freedom of expression and assembly, torture and arbitrary detention and an absence of fair trial rights.

Approach

Human rights are integrated in the Mission's overall operational implementation plan, which ensures that the Mission's operations are in line with peremptory principles of international law and best international practice. This approach has an internal and an external component:

Internal component

EUPOL COPPS' is committed to mainstream human rights on a strategic and operational level through the following actions:

- Employing dedicated human rights experts who, inter alia, update and advise the Senior Mission Management on relevant developments in theatre;
- Mainstreaming human rights in the Mission's planning, benchmarking, monitoring, reporting and evaluation;
- Ensuring the integration of human rights into the Mission's activities and projects in order to better target its actions and ensure a do no harm approach;
- Conducting regular human rights trainings and briefings to ensure a high level of knowledge and competence among Mission Members;
- Collecting and analysing human rights related data;
- Collaborating closely with the EU Representation Office, EU Special Representative for the Middle East Peace Process, and participating in EU human rights cluster meetings.

External component

EUPOL COPPS' applies a rights based approach in all activities with its counterparts. It seeks to have impact through the following actions

- Strengthening the human rights structures within the Palestinian Security and Justice Sectors;
- Supporting these structures in developing tailor-made human rights strategies, which are integrated into the institution's overall strategy, and ensuring that human rights are effectively mainstreamed by the Palestinian counterparts at all levels within their respective institutions;
- Providing strategic advice on human rights related issues to counterparts;

- Advocating for the adoption or reform of laws to ensure the full protection of human rights. Ensuring that these strategies are taken into account in human rights and political dialogues at all levels, in policy-making and during programming and implementing financial assistance;
- Delivering dedicated trainings on human rights issues and advising on human rights related training curricula;
- Working on the strengthening of accountability within the Justice and Security Sectors;
- Supporting reporting and the harmonisation of legislation with international treaties;
- Working on an inter-institutional basis on cross cutting themes such as torture, fair trial and juvenile justice;
- Coordinating closely with civil society, ICHR and other organisations on human rights issues.

Working with Others

In order to realise the full potential of the Mission's human rights work, alignment of the Mission's human rights strategy with that of the EU's overall human rights strategy is essential.

The Mission ensures it works closely with other members of the EU family, primarily the EU's Representation office in Jerusalem as well as with EU Member States to ensure maximum impact through a coordinated approach. This extends to close cooperation with other international actors including UN agencies to improve overall consistency and coherence.

Recognising the importance of local ownership, the Mission involves, and engages widely with Palestinian civil society actors.

EUPOL COPPS is s the EU Police and Rule of Law Mission for the Palestinian Territories.
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