

Implementation and accountability of State of Palestine under the international human rights treaties. A comparative study (Switzerland and Germany).

Yaser G. M. Alawneh

On April 02, 2014, the Palestinian President “Mahmoud Abbas” signed on joining (20) international conventions including (16) conventions on human rights and international humanitarian laws including the accession to the International Covenant on Civil and Political Rights (ICCPR).

With accession to human rights treaties, the Government of the State of Palestine has accepted legal obligations to promote and protect all of the human rights set out in the treaties, and as such, has taken an important step towards creating a Palestinian state founded because of respect for human rights. Palestinian national laws, as well as the Basic Law, recognise that the exercise of the right to freedom of expression carries with it special duties and responsibilities, and that it may be limited under exceptional circumstances. The right to freedom of opinion, on the other hand, is a right which the Covenant permits no exception or restriction, as emphasised in General Comment No.10 of the Human Rights Committee. Therefore and despite the recognition of the importance of the right to freedom of expression for democracy and the realisation of other rights, the safety and protection of activists who are expressing their opinions and journalists and human rights defenders remains one of the key obstacles for the full implementation of the right to freedom of opinion and expression in Palestine. Using the Implementation of Article (19-20) of the (ICCPR) by State of Palestine will be an example and part of an effective implementation of international treaties within the national legal system.

My PhD research, which has a three-year time-frame (2017-2019), will address the gap between international human rights standards and national legislation, policy and practice, with special focus on freedom of expression. The research will argue that the issue of clarity and predictability in the constitutional relationship between domestic and international law requires further attention in Palestine’s continuous pursuit of rule of law and constitutional reform. It also aims to explore the different elements which influence the implementation of the right to freedom of freedom and expression within the legal system of Palestine; the authority is competent to review it. Moreover, it also aims to provide a comprehensive review and analysis of the role of Palestinian courts in terms of implementing the right to freedom of opinion and expression and monitoring the (ICCPR). The research will have a comparative analysis and lesson-learning from some of EU countries experiences, particularly Switzerland, Holy See and Germany, in the application of the UN human rights conventions, particularly the (ICCPR) standers.