



Anti-boycott law violates human rights and further undermines Israeli democracy EU must unequivocally condemn the law

Brussels, 15 July 2011: APRODEV, the Euro-Mediterranean Human Rights Network (EMHRN), Front Line, the Observatory for the Protection of Human Rights Defenders - a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) - and the Quaker Council for European Affairs are extremely concerned about the 'Law for Prevention of Damage to the State of Israel through Boycott – 2011' (anti-boycott law). This new law, which was adopted by the Israeli Knesset (Parliament) by a majority of 47 to 38 votes on 11 July 2011 constitutes another attack against freedom of expression and association in Israel.

The anti-boycott law prohibits calls for a “boycott of the state of Israel” by Israeli citizens and organisations, and, in some cases, agreement to participate in a boycott. The definition of “boycott of the state of Israel” does not only comprise the state of Israel and its institutions but also any area under its control, thus including the Israeli settlements in the Occupied Palestinian Territory (OPT) erected contrary to international law.

The law defines calling for a boycott of the state of Israel as a ‘civil wrong’ and applies the law of tort to it. Anyone who publicly calls for a boycott can be sued for damages by their intended target, and fined even if no actual damage has been caused to the boycotted party.

The law also allows the government to revoke tax exemptions and other rights and benefits from Israeli individuals and groups, as well as academic, cultural and scientific institutions that receive state support, if they support a boycott. In many cases, this means that those affected may no longer be eligible for external public funding, including from the European Union, on which many depend.

Besides this, Israeli businesses and industries (including Israeli subsidiaries of foreign companies) are to be penalised by the law if they refuse to trade with settlement businesses (e.g. by signing on to such a condition in a contract with Palestinian associates).

Irrespective of the actual merits of the tactic of boycott, the attempt to prohibit it severely restricts freedom of expression as it targets non-violent public expressions of opposition to Israeli occupation policies. It will also affect freedom of association, since it will expose organisations engaging in public campaigning against the settlements and other human rights violations to legal and financial sanctions and costly compensation claims by settler organisations.

This new law constitutes an unacceptable attempt to silence and severely restrict the activities of civil society organisations in Israel. It is part of an ongoing campaign that seeks to delegitimise the activities of Israel's civil society organisations, in particular those defending the basic human rights of Palestinians in the OPT and denouncing the occupation and its consequences. This law violates international human rights treaties ratified by the State of Israel, in particular the International Covenant on Civil and Political Rights and therefore stands in stark contrast to the fundamental principles of democracy.

We express our solidarity and full support with the 53 civil society organisations in Israel that jointly signed a letter addressed to the Speaker of the Knesset, MK Reuven Rivlin, in February 2011 in protest against the then proposed law.¹ It is the second law adopted by the Knesset in less than six months that aims at restricting the activities of Israel's independent civil society.

We welcome the initial concerns raised by the EU High Representative, Baroness Ashton. However, in accordance with the EU Guidelines on Human Rights Defenders, we call on the EU and EU member States to:

- Unequivocally and publicly condemn the law and urge Israel to revoke it and refrain from any further legislation and practices which would effectively curtail the freedoms of association and expression in Israel.
- Use all means at their disposal to defend and protect the freedom of association and expression of human rights defenders and organisations in Israel.
- Strongly reiterate their concerns about the current restrictions imposed on human rights defenders and organisations at the upcoming EU-Israel Human Rights Working Group meeting due to take place on 13 September 2011.
- Continue to support financially civil society organisations in Israel which defend these fundamental rights and freedoms.

¹ For the letter, please see: <http://www.coalitionofwomen.org/?p=1760&lang=en>