



Women Human Rights Defenders Speak Out: EU Must Act to Prevent the Further Closing of Civil Society Space in Israel March 2017

UN Human Rights Experts: “Every day, more women identify themselves as human rights defenders and undertake individually and collectively actions in pursuit of justice, equality, peace, and human rights for all.”¹

In the run-up to the EU-Israel Association Council meeting, the undersigned Palestinian and Israeli women’s rights and human rights organizations based in Israel call on the European Union (EU) and the EU Member States to take urgent actions to prevent the further closing of space for civil society in Israel.

The EU has long recognized the importance of an empowered civil society to protect and to promote human dignity, freedom, equality, the rule of law and human rights. These principles, in turn, are essential to the goals of international peace, security, cooperation and stability. Indeed, democracy, human rights and fundamental freedoms are the very values said to underlie EU-Israel relations and to guide the EU’s actions on the international scene.

Yet in Israel today, human rights organizations and civil society groups more broadly face growing limitations on their freedom of association and expression, and funding. Human rights defenders – men and women alike – work within an increasingly hostile environment in which their work is routinely de-legitimized by the Israeli government, right-wing organizations, and even the Israeli public. Key aspects that clearly show a significant closing of the space include: (I) An Adverse Legal Environment; (II) A Crackdown on Freedom of Expression: Policy and Practice; and (III) Constraints on Participation in Public Life and Funding.²

These trends represent a threat not only to the activities and influence of HR and CSOs in Israel, but also to their very existence. In the context of these worrying developments, the EU is planning to convene the first EU-Israel Association Council meeting since 2012, and considering ways of *strengthening* its bilateral relations with the State.

In line with commitments made in the **2015 EU Action Plan on Human Rights and Democracy and the 2008 EU Human Rights Defenders Guidelines**, as well as other UN declarations and EU instruments, the undersigned organizations call on the EU and its Member States to:

- Refrain from any form of upgrade or enhancement of EU-Israel relations in the current context and ensure that respect for human rights and democracy remains a central component in the elaboration of the EU-Israel Partnership Priorities.
- Monitor the implementation of Israeli legislation (e.g., the “NGO Transparency Law”; the “Anti-Terror Law”, “Expulsion of Members of Knesset Law”, among others) and their effect on HRDs and WHRDs, and take a strong, public position against proposed bills that violate the rights of freedom of expression, opinion, assembly and association. Urge the Israeli

¹See: <http://www.un.org/apps/news/story.asp?NewsID=55645#.WDI9vOmgHII>

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See: http://www.ohchr.org/Documents/AboutUs/CivilSociety/ReportHC/78_HRDN_%20Briefing%202014%20The%20Closing%20Space%20for%20Civil%20Society.pdf

government to repeal all laws/articles that violate these rights, and to cease the further introduction and enactment of legislation aimed at limiting the space of civil society.

- Urge Israeli government officials to refrain from issuing or supporting threats and/or attacks against HRDs, including WHRDs. Condemn all threats and attacks, including “smear campaigns” by non-state actors, against HRDs and WHRDs, through public statements and demarches, and call for the prompt and thorough investigation of all such cases backed by criminal charges, where appropriate.
- Increase the EU’s visible engagement with women’s rights and HR organizations by convening regular and high-level meetings with them and affected individuals by inviting them to public events.
- Urge Israel to fulfill its commitments, step up its implementation, and withdraw its reservations to the UN Convention on the Elimination of Discrimination Against Women ahead of the 2017 UN CEDAW review of Israel.
- Ensure that funding remains available and is even increased for women’s rights and human rights organizations in Israel, especially those groups fighting against discrimination against Palestinian citizens of Israel (women and men) and the Occupation. Both long-term core support and emergency assistance is needed as these groups and activists increasingly face de-legitimization campaigns, security risks and other obstacles in conducting their human rights work.

BACKGROUND

Three key areas clearly show a significant closing of the space in Israel as follows: (I) An Adverse Legal Environment; (II) A Crackdown on Freedom of Expression: Policy and Practice; and (III) Constraints on Participation in Public Life and Funding. These issues are discussed in detail below.

I. AN ADVERSE LEGAL ENVIRONMENT

During the past year, the Israeli Knesset has continued to enact discriminatory and anti-democratic laws restricting freedom of expression, opinion, assembly and association, many with a disparate impact on Palestinian citizens of Israel and Palestinian residents of the Occupied Territories, including East Jerusalem.³The legislation is having a negative impact on the work of HRDs and WHRDs.

Major new pieces of legislation in 2016 focus on counter-terror/national security, the most sweeping of which is the **Anti-Terror Law (2016)**. This law substantially expands the scope of the Israeli penal law by incorporating severe provisions of the British Mandatory Defense Emergency Regulations 1945. The law contains broad and vague definitions of ‘terrorism’ and ‘terrorist organizations’, which may be exploited by the security services to criminalize legitimate political protest, and even humanitarian and cultural activities, against Israeli policies and the Occupation. In light of the draconian provisions of the law, and its possible great impact on stifling protest, human rights organizations will be closely monitoring its implementation on the ground over the coming months.

A new law that limits the operation and financing of human rights organizations is the **NGO Foreign Funding Transparency Law (2016)**. This law requires NGOs registered in Israel that receive more than 50% of their annual budget from *foreign governments*(not private sources) to declare their

³ See Adalah’s Discriminatory Laws Database: <https://www.adalah.org/en/content/view/7771> & ACRI’s Knesset Roundup: <http://www.acri.org.il/en/tag/knesset-roundup/>



sources of funding in all publications, including letters to government and public officials, and in reports to the

registrar of Non-Profit Associations. As 25 of the 27 organizations that currently receive more than half their budget from foreign governments, including the EU and EU member states, are human rights

NGOs, it is clear that the law targeted these groups, including the Coalition of Women for Peace (CWP) a signatory of this statement. A major campaign against the NGO Law, including a critique by the EU and EU member states, led to some of its most egregious provisions being cut from the originally-tabled bill.⁴ The law will go into effect on 1 January 2017.

A new, draconian restriction on the political participation rights of Palestinian citizens of Israel is the **Expulsion of Members of Knesset Law (MKs) (2016)**. This law allows a majority of 90 MKs to oust a serving MK for the full period of the Knesset's remaining term on the grounds of incitement to racism and/or support for armed struggle of an enemy state or a terrorist organization against Israel. The law would allow the Israeli Jewish majority in the Knesset to oust elected Arab MKs and political lists on the basis of purely political/ideological considerations, and presents a grave danger to the principle of separation of powers and the most basic civil rights in a democratic society: the right to vote and the right to be elected. While the law is against the representation of all Arab MKs, a particular target of the law is MK Haneen Zoabi, one of two Palestinian women citizens of Israel, serving in the Knesset, a member of the Tajammu'/Balad political party and the Joint List.

Previously enacted laws with a "chilling effect" on speech include the **Anti-Boycott Law (2011)**, which makes the public promotion of boycott by Israeli citizens and organizations against Israeli institutions and illegal settlements in the West Bank a "civil wrong" or an actionable tort. It enables parties targeted by boycotts to sue those who call for boycott. In 2012, a diverse group of HR organizations and political movements unsuccessfully petitioned the Supreme Court against the Law, arguing that it violated the constitutional rights of freedom of expression, dignity and equality.⁵ One of the petitioning organizations was the Coalition of Women for Peace (CWP), which used to promote an economic boycott as a legitimate, non-violent means to end the Occupation before the enactment of the law. The EU and more recently the Netherlands, Ireland and Sweden have reaffirmed that the right to boycott, advocate for change, express non-violent opinions and similar activities are protected by the rights of freedom of expression and assembly.⁶

Further, the **Nakba Law (2011)** authorizes the Finance Minister to cut state funding or support to an institution if it holds an activity that rejects the existence of Israel as a "Jewish and democratic state" or commemorates "Israel's Independence Day or the day on which the state was established a day of mourning." In 2012, the Israeli Supreme Court (SCT) ruled that the case was premature, as the law

⁴ See, "MEPS send an open letter on Israeli Government NGO bill," 8 February 2016: http://www.juliewardmep.eu/meps_send_an_open_letter_on_israeli_government_ngo_bill; ItamarEichner, Moran Azulay, "EU slams NGOs bill: 'Reminiscent of totalitarian regimes'," *Ynet News*, 27 December 2015: <http://www.ynetnews.com/articles/0,7340,L-4744712,00.html>; Barak Ravid, "German MPs Implore Netanyahu to Bury NGO 'Transparency' Bill," *Haaretz*, 3 December 2015: <http://www.haaretz.com/israel-news/.premium-1.689735?date=1449134456871>.

⁵ The Israeli Supreme Court rejected most parts of a petition filed by Adalah and ACRI on behalf of leading HR organizations and political movements against the Anti-Boycott Law in 2012. See HCJ 2072/12, *The Coalition of Women for Peace, et al. v. The Minister of Finance, et al.* (decision delivered 15 April 2015).

⁶ See Joint Statement of EuroMed Rights, OMCT and FIDH: <http://www.omct.org/human-rights-defenders/urgent-interventions/israel/2016/06/d23796/>



had not yet been used against any specific institution, and that, “The questions that this law raise will

only become clear with its implementation.”⁷ The SCT’s ruling ignores the chilling effect that the mere existence of the law has particularly on Palestinian Arab citizens of the state.

As these laws illustrate, civil society space in Israel is under serious threat: for HR organizations; HRDs, including parliamentarians who are members of the Arab national minority in Israel; and for political activists opposed to discriminatory governmental policies and the Occupation.

II. CRACKDOWN ON FREEDOM OF EXPRESSION: POLICY AND PRACTICE

As is their right in a proclaimed democratic state that upholds the rule of law, demonstrators have taken to the streets throughout Israel and to social media platforms such as Facebook and Twitter to voice their dissent from government policies that harm the human rights of Palestinians. Women and girls are often well represented, including as leaders, among protestors on the street and online.

However, these political protestors are paying an increasingly high price for their human rights activism. A raft of law enforcement policies and practices are being followed by the state that breach the fundamental rights to freedom of expression and assembly, as well as the due process rights of detained protestors. In the ongoing crackdown on protest, the authorities are being supported by a compliant justice system and State Attorney.⁸

Recent demonstrations have included protests against: home demolitions and the Praver Plan to dispossess and forcibly displace Palestinian Arab Bedouin citizens living in villages in the Naqab (Negev) desert, that were denied the state’s recognition; the 2014 War on Gaza; and police brutality against Palestinians including extrajudicial executions beginning in mid-September 2015.

The most serious illegal practices used by the police to suppress protests, based on the testimonies of demonstrators and detainees, include: dispersing the demonstrations illegally and arresting protestors; refusing to give authorization for protests, claiming threats to public order; declaring in advance that assemblies are illegal; imposing restrictive conditions, such as restraining orders and house arrest, to prevent demonstrations; summoning protestors for ‘talks’ with the GSS/police; making illegal preventive arrests including those of family members of lead demonstrators; using excessive force and brutality against demonstrators; arresting protestors as groups, with the courts upholding “group detentions”; demanding lengthy times of pre-trial detention and house arrest; and failing to abide by special procedures that apply to children including conducting arrests and investigations during the late hours of the night, preventing children from meeting with a lawyer, and preventing parents from being present with their children during the investigation, as required by law.⁹ Importantly, Israeli Jewish protestors did not receive this treatment.

A significant number of women protestors, including minors, who have reported being subjected to some of these arbitrary and illegal practices during demonstrations and/or after arrest face

⁷ HCJ 3429/11, *Alumni Association of the Arab Orthodox School in Haifa et al. v. The Minister of Finance and the Knesset* (decision delivered 5 January 2012).

⁸ See Adalah report, “Silencing the Opposition,” August 2015: <https://www.adalah.org/uploads/Adalah-Report-Silencing-the-Opposition-11-Aug-2015.pdf>

⁹ Id.



additional oppressive tactics, including: being touched inappropriately in sensitive places; being subjected to gender-specific insults and sexual slurs; unsolicited comments on their appearance; improper bodily searches; sexual harassment and assaults in the investigation room, when women protestors are held

in a closed room with male officers; and being denied access to toilet facilities, showers, and hygiene supplies.¹⁰ In the case of Palestinian women citizens of Israel, several incidents have been recorded of police officers *arresting the fathers of teenage female demonstrators* in an attempt to pressure the young women to give up on their protest activities.¹¹ Likely due to these illegal practices and policies, in combination with various legal restrictions now in place, the Human Rights Defenders Fund see a fall in protest activities during 2016.

Facebook arrests

In addition to stifling street protests, the Israeli police continue to make “Facebook arrests” of Palestinian men and women for alleged instances of incitement to violence or racism made in social media posts, photographs and videos. These arrests and subsequent criminal charges are discriminatory, overwhelmingly targeting Palestinians: Jewish Israelis are almost never charged for their inflammatory speech on social media networks. According to Israeli police statistics 81% of arrests for incitement-related charges made in 2015 were of Palestinians citizens, and 82% in 2016.¹² Around 400 “Facebook” arrests have been made over the last two years, the vast majority against Palestinians, many of whom were engaging in legitimate political debates, including a client of Adalah who was arrested after he posted about his opposition to Israel’s recruitment of Christian Arab citizens to the Israeli army.¹³ This kind of surveillance/arrest unlawfully restricts the freedom of expression of Palestinians and in general hinders the exercise of their civil and political rights. Its discriminatory nature is clear from the fact that 70% of the 175,000 recorded posts in Israel that specifically incited to violence on social networks between June 2015 and May 2016 were actually made by right-wing Israeli Jews against Arabs and left-wing Jews.¹⁴

III. CONSTRAINTS ON PARTICIPATION IN PUBLIC LIFE AND FUNDING

Over the past few years, HR organizations in general, including women’s rights groups and WHRDs, have come under vitriolic attacks for their work, and particularly for raising human rights violations against Palestinians in international forums. Smear campaigns aimed at undermining and delegitimizing the role of women’s rights and HR organizations in Israel target organizations and individuals alike, in an attempt to discredit them locally and internationally, distance them from decision-making processes, and pose a real threat to their operations by targeting their donors at a time of global financial insecurity and significant cuts in the resources available to them.

Attacks by right-wing organizations

Right-wing groups claim that HR NGO engagement with international human rights mechanisms, including the UN, is by definition a form of de-legitimization of Israel by „foreign agents“ or

¹⁰Presentation of HRDF director to Kvinna till Kvinna partners’ meeting, November 2016.

¹¹See Adalah, Protect the Protest: Palestinian Child Detainees Speak out:

<https://www.youtube.com/watch?v=PdtAxSQyZ4o>

¹² See: <https://www.adalah.org/en/content/view/8948>

¹³See: <https://www.adalah.org/en/content/view/8275>

¹⁴<https://www.adalah.org/en/content/view/8948>



„traitors“. Their politically-motivated attacks against the HR NGOs, many of which are personal in nature, mean that human rights defense increasingly comes with a high degree of personal risk, including for women. Right-wing organizations involved in smear campaigns against HR NGOs include the NGO Monitor, ImTirtzu, the Institute for Zionist Strategies, among others.

One of the first major smear campaigns was launched in 2010 by ImTirtzu and the NGO Monitor and consisted of a vilifying and personal attack on former MK Naomi Chazan of the New Israel Fund (NIF), a funder of HR and social change NGOs in Israel. The attack was launched in response to the cooperation of some HR organizations that receive NIF with the independent UN Fact-Finding (Goldstone) Mission on the Gaza Conflict of 2009. It included a nationwide billboard and newspaper campaign that depicted Chazan with a horn on her forehead in a dangerous show of demonization.¹⁵

ImTirtzu recently ran a widely publicized smear campaign in which it described human rights groups as “foreign agents”¹⁶. The group launched the campaign amid a wave of violence from mid-September 2015. In one incendiary video, the faces of four leading Israeli HRDs including a WHRD from the HaMoked: Center for the Defence of the Individual, appear with the following slogan superimposed over them: “While we fight terror, they fight us.”¹⁷ This kind of incitement against HRDs puts not only their work but also their personal safety at risk.

The so-called NGO Monitor is among the most vocal opponents of HR NGOs. The groups electively campaigns against HR NGOs, and directly targets their donors abroad. The Coalition of Women for Peace (CWP), Mossawa and Adalah are particular targets of the NGO Monitor, which has accused these groups of „promoting global campaigns to de-legitimize Israel“ and engaging in „anti-Israel propaganda“ abroad.¹⁸

The NGO Monitor, while portraying itself as a neutral watch dog, in fact issues biased reports revealing that it has a clear pro-Israel, right-wing political agenda and is far from being a balanced observer.¹⁹ For example, the NGO Monitor consistently over looks organizations that support West Bank settlers, and other right-wing groups.

While the claimed “objectivity” of the NGO Monitor has been successfully refuted to some extent, it continues to attempt to act as a constraining factor; it NGO Monitor routinely targets the EU and EU Member State governments, as it actively lobbies governments and parliaments of EU member states to cease funding human rights and women’s rights organizations.

Notably, the NGO Monitor, which always deplores foreign influence on Israeli politics, is funded almost entirely by private American donors.²⁰ According to the NGO Monitor’s website, it received a

¹⁵ See: <http://www.jonathan-cook.net/2010-02-22/israels-new-attack-on-freedom-of-speech/>;
<http://www.timesofisrael.com/rebranded-new-israel-fund-adapts-right-wing-tools/>

¹⁶ ImTirtzu, “Foreign Agents Report: Activity by Foreign Agent Organizations in Israel Against Israel and Israel Defense Forces Soldiers – 2015,” 2015: <https://imti.org.il/wp-content/uploads/2016/01/Foreign-Agents-Report-2.pdf>. See also: http://www.nytimes.com/2015/12/16/world/middleeast/group-calls-israelis-foreign-agents-for-work-on-behalf-of-palestinians.html?_r=0

¹⁷ https://www.youtube.com/watch?v=02u_J2C-Lso

¹⁸ See for example: http://www.ngo-monitor.org/reports/who_profits_from_the_bds_campaign_review_of_coalition_of_women_for_peace/

¹⁹ To illustrate its work, the four main campaigns currently hosted on the homepage the NGO Monitor’s website are: NGOs 101: The Basics on NGOs, Funding and Delegitimation; Boycott, Divestment and Sanctions (BDS); Lawfare, International Law and Human Rights; and The Central Role of European Governments in NGO Funding. See <http://www.ngo-monitor.org> (accessed on 19 November 2016).

²⁰ See <http://www.haaretz.co.il/magazine/1.1636887> (Hebrew).



including the NGO Monitor, and the government that dispel their claims of objective neutrality.³¹

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SIGNING ORGANIZATIONS

- Achoti
- Adalah – The Legal Center for Arab Minority Rights in Israel
- Al Tufula Pedagogical & Multipurpose Women's Center
- Al Zahara: Arab Women's Organisation
- AWC Arab Women in the Center
- Coalition of Women for Peace
- Gun Free Kitchen Tables
- Isha L'Isha Haifa Feminist Centre
- Kayan- Feminist Organisation
- Montada Alginsanya: The Arab Forum for Sexuality Education and Health
- Tandil: Movement of Democratic Women for Israel
- Human Rights Defenders' Fund (HRDF)
- Women Against Violence

³¹See, e.g., <http://972mag.com/what-is-ngo-monitors-connection-to-the-israeli-government/90239/>