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Human rights situations that require the Council's attention

Written statement* submitted by the Arab Association for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Shrinking Space for Civil Society in Israel

1. The Arab Association for Human Rights (HRA) is increasingly alarmed by the systematic efforts of the Israeli government, Israeli public officials, and a vocal portion of the Jewish majority to delegitimize and diminish civil society in Israel. These efforts counter the internationally-recognized human rights of association and expression, which are integral components of healthy democracies and internationally-recognized basic rights.

Legislative Background

2. The following three laws recently passed by the Knesset have served to stigmatize, restrict, and penalize the speech of civil society groups and actors.
 - NGO Law (2016) – Requires that NGOs receiving more than 50% of their budgets from foreign governments and organizations report that fact to the NGO registrar and in their publications and communications with government officials. The law’s intent is to convey to the public that these human rights organizations represent foreign interests, rather than the legitimate values and concerns of the Arab minority in Israel.
 - Suspension Law (2016) – Allows a sitting Member of the Knesset (MK) to be suspended from the Knesset with a majority of 90 lawmakers. We are concerned that this law will ultimately be wielded to diminish the little Arab representation that exists at the national level.
 - Terror Law (2016) – Broadens the definitions of terrorist organizations and terrorist actions and expands the power of the State to fight terrorism. Under this law, identification with a terrorist group, incitement to terrorism, and failure to prevent a terrorist act all qualify as terrorist offenses. The law codifies British Mandate-era counterterrorism measures typically used in emergency situations, such as administrative detention, expropriation of money and property, travel bans, and computer surveillance.

Defamation Campaign

3. Israeli public officials routinely defame civil society organizations in Israel. Defense Minister Moshe Ya’alon described the work of Breaking the Silence as “treachery,” and Tourism Minister Yariv Levin accused the group of “treason” and “espionage.” After B’tselem presented at the UN Security Council forum debate on Israeli settlements in October, the Israeli ambassador to the UN suggested that B’tselem was “providing moral cover for anti-Israel activities.” Prominent MKs have denounced the Boycott, Divestment, and Sanctions (BDS) movement as a “strategic threat” and “anti-Semitic,” and Justice Minister Ayalet Shaked stated that the movement wants to “wipe the Jewish nation off the face of the earth.”¹
4. Ultra-nationalist Israeli NGOs also stigmatize civil society organizations in Israel. Im Tirtzu, an organization with ties to the government, released a video in December 2015 that portrays four Israeli human rights defenders as “foreign agents.”² The NGO Monitor, another mainstream organization, routinely brands human rights organizations as “anti-Israel.”

Targeting NGO Finances

5. In May 2015, Regev’s Culture Ministry froze funding for the Haifa-based al-Midan Theater after staging a production about the lives of Palestinian prisoners in an Israel prison. Although funding was reinstated, the

¹ Eldar, A. (2016, March). Why Breaking the Silence is prime target for Israeli right. *Al-monitor: The pulse of the Middle East*. <http://www.al-monitor.com/pulse/en/originals/2016/03/breaking-the-silence-ngo-btselem-yesh-din-punch-bag-right.html>

² Salhani, J. (2016, March 3). Israel’s right wing is trying to squash progressive speech. *Think Progress*. Retrieved from <https://thinkprogress.org/israels-right-wing-is-trying-to-squash-progressive-speech-8989cfa56eb1#.tki46q6tz>

theater will face deductions from its annual budget until 2019, a chilling reminder that critical artistic expression risks the institution's access to funding.³

6. In January 2016, Minister Regev proposed the "Loyalty in Culture Bill," which would make financial support from the State conditional upon the institution's "respect" for Israel, and in May proposed an initiative that will require all culture facilities built with state money to display the Israeli flag.⁴ These bills promote a political culture that stigmatizes dissent in civil society, contributes to the polarization of rhetoric in the country, and have destructive financial implications for civil society organizations.
7. In November 2015, MKs sent a letter to the New Israel Fund demanding that the foundation immediately cease its funding of the Baladna Association for Arab Youth,⁵ and in October 2016, Israel's ambassador to the UN promised that he would demand that the UN cease its funding of B'tselem.⁶ Israel's quiet diplomacy tactics aim to undermine international funding sources for NGOs in Israel, which in turn threatens the ability of NGOs to operate given the difficult nature of finding adequate funding domestically.

Attacks and Threats

8. In October 2016, the government coalition Chairman threatened to strip the citizenship of the B'Tselem CEO Hagai El-Ad. This threat came amid a wave of backlash in Israel against B'tselem's address to the UN Security Council, in which El-Ad highlighted the damage caused by the occupation. Citizenship in Israel cannot be revoked unless an individual engages in terrorism, treason or espionage, and so the equation of El-Ad's nonviolent mode of advocacy to "treason" worthy of citizenship revocation constitutes a dangerous precedent that threatens human rights defenders in Israel.
9. Human rights organizations and human rights defenders in the Occupied Palestinian Territories (OPT) are also vulnerable to attacks and threats originating in Israel. In the February 2016, the General Director and a senior staff member of the Ramallah-based organization, al-Haq, received death threats called into their private phones.⁷ In August 2016, a staff-member of Gaza-based al-Mezan Center for Human Rights received a death threat to himself and his family, which included photos of his house taken from close range.⁸ The increase in both the quantity and severity of attacks launched against Al-Haq and al-Mezan have coincided with international inroads at the ICC and EU, suggesting that when organizations critical of Israel gain international acclaim, they can expect retaliation.

Bans and Attempted Bans

10. In November 2015, Israel's Security Cabinet outlawed the Northern Branch of the Islamic Movement by administrative order on the pretense that the Movement incited violence and racism as part of its "al-Aqsa is in Danger" campaign. The decision of the Security Cabinet – which was made without judicial review or democratic procedure – criminalizes "any entity or person belonging to this organization, as well as any person who gives it service, or who acts on its behalf." As a result of the ban, about 20 charity and social services organizations were effectively shut down through administrative order. Given that the ban removes an outlet for nonviolent political expression in Israel, it may in fact contribute to radicalization in the community.
11. In January 2016, MK Shuli Moalem-Refaeli submitted a bill to outlaw the human rights organization, Breaking the Silence, labeling it a "subversive organization acting to change Israel's policies ... through international

³ Beno, G. (2015, July 2). Haifa decides to renew funding of al-Midan Theater. *Ynetnews.com*. Retrieved from <http://www.ynetnews.com/articles/0,7340,L-4675434,00.html>

⁴ List, J., Ashkenazi, Y., Khoury, J., & Pulwer, S. (2016, February 25). Israel's nationalist 'loyalty in culture' bill passes legal test. *Haaretz*. Retrieved from <http://www.haaretz.com/israel-news/.premium-1.705312>

⁵ Blum, S. (2015, November 18). New Israel Fund is told to stop funding anti-Israel propaganda. *New Israel Fund Blog*. Retrieved from <https://newisraelfund.wordpress.com/2015/11/18/new-israel-fund-is-told-to-stop-funding-anti-israel-propaganda/>

⁶ Staff, Times of Israel. (2016, October 19). Israel's envoy to call on UN to end funding for B'Tselem. *Times of Israel*. Retrieved from <http://www.timesofisrael.com/israels-envoy-to-call-on-un-to-end-funding-for-btselem/>

⁷ Human Rights Watch. (2016, August 14). *Israel/Palestine: Palestinian Rights Defenders Threatened*. Retrieved from <https://www.hrw.org/news/2016/08/14/israel/palestine-palestinian-rights-defenders-threatened>

⁸ Front Line Defenders. (2016, August). *Death threats against staff members of Al Mezan organization*. Retrieved from <https://www.frontlinedefenders.org/en/case/death-threats-against-staff-members-al-mezan-organisation>

pressure which harms the State.”⁹ Although this blanket ban never came to fruition, MKs have had success in limiting the impact and activities of Breaking the Silence. In December 2015, the Education Minister Naftali Bennett banned Breaking the Silence from lecturing in schools and in the army in Israel, and the Knesset is currently moving forward with a bill that would give the education minister the power to ban Breaking the Silence, and other individuals and organizations, from entering schools if they oppose educational “goals” or defame Israeli soldiers.¹⁰

Recommendations

12. In light of the multi-faceted pressure faced by civil society in Israel, we at the HRA offer the following recommendations to the HRC:
 - Empower the “Special Rapporteur on the situation of human rights defenders, the “Special Rapporteur on the right to freedom of opinion and expression,” and the “Special Rapporteur on the rights to freedom of peaceful assembly and of association” to monitor and evaluate space for civil society in Israel, release reports documenting violations of freedoms of assembly and expression, make public statements in response to human rights violations in Israel, and request meetings with civil society organizations in Israel.
 - Raise the issue of space for civil society in Israel as a top priority on the agenda for diplomatic relations with Israel.
 - Highlight the topic of shrinking space for civil society in Israel in the 2018 Universal Periodic Review of Israel.
 - Adopt clear standards for protecting civil society and democratic space for human rights organizations; these standards should be supplemented with the development of mechanisms for monitoring compliance with the “UN Declaration on the Rights of Human Rights Defenders.”
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⁹ Lis, J. (2016, January 13). New Knesset bill seeks to outlaw Breaking the Silence. *Haaretz*. Retrieved from <http://www.haaretz.com/israel-news/.premium-1.697312>

¹⁰ Shaham, U. & Grave-Lazi, L. (2017, January 8). Cabinet approves bill to ban breaking the silence from schools. *The Jerusalem Post*. Retrieved from <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Cabinet-approves-bill-to-ban-Breaking-the-Silence-from-schools-477805>.