

Restrictions on NGO's and activists – December 2018

For the past several years the democratic space in Israel has been consistently shrinking. All of the main pillars that make up Israeli democracy are being attacked and delegitimized, and there are constant attempts to restrict their authority and silence them. Among these pillars are civil society organizations—chief among them human rights organizations and activists. The delegitimization campaign against NGOs has been taking place for a long time and its effects are already clear and ingrained in today's society. Following is a description of the main initiatives against these organizations in recent years and their consequences:

1. Delegitimization Campaigns and Incitement: In recent years, there have been numerous aggressive campaigns against human rights organizations in which they have been accused, among other things, of advancing foreign interests and harming the state. Examples of some of the main campaigns include: a campaign referring to the Goldstone Report (2009) that accused organizations of passing on materials to Goldstone that defame Israel; a campaign that branded the organizations as supporting terrorism due to their protecting human rights in the Occupied Palestinian Territories or in criminal proceedings; a campaign that branded the organizations as traitorous and foreign agents due to their being supported by foreign governments. In addition, there is routine verbal and social media reference (including by members of the government and the prime minister) against the organizations and those associated with them. Also, various social struggles or public criticisms against the government or its policy are routinely attributed to these organizations, even if there is little or no connection between them whatsoever. For instance, during the most recent municipal elections, candidates running were defamed if they had any connection (even fictional) to these organizations.

2. Legislative Initiatives against the Organizations— There have been dozens of draft bill proposals against the organizations in the last few years. While most have not passed, the debate they cause in the public sphere in and of itself has negative influence over the organizations, deepening and continuing their delegitimization. Among these initiatives:

- a. A slew of laws that restrict financial support of the organizations or their tax-deduction status; in order to separate them from other organizations, certain areas of activity were designated as harmful and tax-benefits would only be restricted regarding donations from foreign countries to organizations advancing democracy and human rights.
- b. Draft bills to restrict the standing rights of NGOs to the High Court of Justice
- c. Draft bills intended on outlawing specific NGOs
- d. Draft bills regarding the “transparency” of the organizations. While these proposals are ostensibly about transparency, it is obvious that they are intended to delegitimize and

brand the organizations, since all of the information regarding the NGO's financials and activities are known and publicly published. Furthermore, the tools of transparency proposed are specific only to human rights organizations, as their differentiation from other organizations is determined by the donations received from foreign governments. In 2007, a law was passed that determined, unlike annual donation reports, that donations from foreign countries must be reported on four times a year. In 2016, a second law passed that requires organizations that receive most of their donations from foreign countries to highlight as such in all of their publications, marketing, and reports, and to publically report specifically and especially regarding their foreign donations

- e. "Breaking the Silence" Law, passed July 2018 – An amendment to the State's Education Law with the goal of preventing bodies with whom the Minister of Education disagrees from entering schools. It was determined that any group whose activity contradicts the general, wide-ranging goals of education, which includes encouraging enlistment in the IDF, or whose activity includes either the prosecution of IDF soldiers or lobbying against Israel abroad, will need the Minister of Education's approval in order to enter schools. The law was intended to harm the organization Breaking the Silence, but can be applied to any organization whose agenda is contrary to that of the government.
- f. Law V15 – Intended to restrict activity of non-parliamentary political organizations by restricting funding, types of activity, etc., especially before elections.

2. Investigating Committees for Organizations: Over the past few years, there have been various initiatives to create politicized investigation committees in the Parliament regarding organizations' activities or funding. Additionally, an attempt was made to promote the authority of Parliamentary committees to summon representatives of organizations for questioning. Summoning private citizens or NGOs for questioning is not the norm in Israel, and the Attorney General determined it to be unconstitutional.

3. Preventing the entry of foreign activists and delaying Israeli activists at the borders: For many years, but especially in the last year, the government has been preventing foreign activists connected, mainly, to BDS activity from entering Israel. Last year a law passed that strengthened the existing authority of the Minister of Interior to do so. Moreover, in the past year several Israeli human rights activists were detained at Israel's borders. Some of them were released without being questioned, while others were questioned on a purely political basis. Following ACRI's appeal to the Attorney General and the outpouring of criticism regarding these tactics, it appears that the practice has been suspended for the time being.

The Ministry for Strategic Affairs: This ministry was recently created in order to combat BDS or any other form of delegitimization against Israel, as the government deems to

define it, taking place abroad. All related activity from the Ministry for Strategic Affairs is confidential, including lists of the activities by international organizations, the methodology of the Ministry's activities abroad, and the funding of the Ministry as well as the bodies carrying out its projects abroad. The only blacklist published includes foreign BDS organizations that were barred from entering the country, and, as of recently, MKs are forbidden to receive funding to travel abroad from these organizations due to an amendment to the Parliament's regulations. There have also been announcements by MKs that they intend to advance legislation that will prohibit the transfer of donations from donors listed on the "blacklist," intended primarily against George Soros.

6. Advancement of Amendment to "Boycott Law" – The government is requesting to enact a new clause in the Israeli "Boycott Law" that was unanimously rejected by the High Court of Justice due to its violation of freedom of expression. The clause states that anyone who calls for a systematic boycott can be called to pay compensation, without proof of damage, in the amount of 100,000 NIS to those claiming damage.