



## **FIDH and OMCT in the framework of the Observatory for the Protection of Human Rights Defenders**

**15 February 2021**

*Submission to the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression ahead of her upcoming report to the Human Rights Council on disinformation and freedom of opinion and expression, to be presented in June 2021.*

**FIDH and the World Organisation Against Torture (OMCT), in the framework of the Observatory for the Protection of Human Rights Defenders, express their deep concern about the use of disinformation against civil society actors in Israel.**

In Israel, disinformation, or intently spreading false information, can take various forms, including smear campaigns, in order to discredit all critical voices, including human rights defenders; gather political support; justify restrictions and intimidations; defund and hinder their activities. Authors of disinformation are generally government authorities, political groups, or government operated non-governmental organisations (GONGOs).

Disinformation therefore poses a real threat to civil society's work in Israel and to its very existence.

In Israel, the main tactic of the Israeli government and pro-governmental groups has been to carry out smear campaigns to discredit human rights organisations, especially those perceived to be associated with the [Boycott, Divestment, Sanctions \(BDS\) movement](#), despite its non-political and peaceful/non-violent nature. Israeli civil society organisations and their members are often portrayed as traitors or enemies of Israel, while Palestinian and Syrian organisations and their members operating to defend the fundamental rights under Israeli occupation are labelled terrorists and are declared to be anti-Semitic. Since 2015, the Ministry of Strategic Affairs and Public Diplomacy (MSA) has been tasked to « lead the campaign against the actions of anti-Israel delegitimization and boycott campaigns»<sup>1</sup>, in close cooperation with infamous GONGOs such as the NGO Monitor, Im Tirtzu, the Jerusalem Center for Public Affairs, Meir Amit, and others.

### **1. What do you believe are the key challenges raised by disinformation? What measures would you recommend to address them?**

#### **1. Challenges**

Acknowledging the systematic and ongoing smear campaigns carried out by the Israeli occupying authorities, the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, noted, in his report in March 2019, with particular concern “the harmful practices employed by political leadership and States authorities in Israel to silence human rights defenders’ criticism of certain government policies. This includes verbal attacks, disinformation campaigns and delegitimization efforts, as well as targeting of civil society funding sources...Those accused included respected European and Palestinian organizations such as Al-Haq, the Palestinian Centre for Human Rights and Al-Mezan”.<sup>2</sup>

- **Disinformation delegitimizes human rights organisations and harms human rights defenders’ credibility by equating them with « spies », « traitors », foreign agents », « terrorists » or « anti-Semitics »**

1 Government of Israel. Prime Minister's Office. Ministry of Strategic Affairs and Public Diplomacy. [https://www.gov.il/en/departments/Units/ministry\\_of\\_strategic\\_affairs\\_and\\_public\\_diplomacy](https://www.gov.il/en/departments/Units/ministry_of_strategic_affairs_and_public_diplomacy)

2 See UN Document A/HRC/40/73, Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, 15 March 2019.

In a letter<sup>3</sup> addressed to Mr. Reuven Rivlin, President of the State of Israel in June 2016, several heads of Israeli NGOs denounced the deterioration of democratic standards in Israel, much of which was illustrated by the systematic public smearing of human rights organisations:

*“These initiatives are taking place in a hostile atmosphere of incitement and political persecution against human rights and social change organizations. Senior politicians allow themselves to label members of Breaking the Silence<sup>4</sup> “spies,” “traitors” and “foreign agents”; Right-wing organizations use public funds to pay impostors to infiltrate organizations as “moles” with the aim of defaming them; (...) This reality, in which it is legitimate to label and slander individuals and groups [...] solely for their moral, social, and political positions, is unacceptable and must be stopped. It is clear to all that the common ground shared by these initiatives is the desire to narrow the impact of organizations that do not align with the government, both in Israel and abroad.”*

As a consequence, and with the rise of the nationalist far right wing in Israel, the Israeli NGOs critical of the Israeli government are often seen as being part of a dissenting movement and have lost support from the Israeli public opinion that is largely buying the arguments presented by the government.

- Equating foreign funding with foreign interference to delegitimize civil society

In Israel, foreign funding to NGOs is generally equated with foreign interference with the aim to delegitimize civil society. For instance, in September 2009, the Goldstone Report on 2008-2009 Operation Cast Lead in Gaza<sup>5</sup>, which documented allegations of war crimes by Israel and Hamas, triggered a propaganda campaign initiated by the GONGO Im Tirtzu that aimed at demonising and delegitimising the New Israel Fund (NIF). NIF is a non-profit organization established in 1979 in the United States, whose aim is to advance democracy and equality in Israel. Im Tirtzu accused NIF of helping, through the various organizations it supports, the UN fact-finding mission on the Gaza war<sup>6</sup>. In February 2010, a personal and aggressive campaign against NIF's President, **Naomi Chazan**, began. For three weeks, Im Tirtzu plastered billboards across Israel with posters featuring cartoon images of her face with a horn coming out of the forehead (a play on the Hebrew word for “fund”), and the caption “Naomi Goldstone-Chazan”<sup>7</sup>. It was deemed “savage” by Haaretz<sup>8</sup>. Im Tirtzu campaign went as far as branding Ms. Chazan as an “enemy of the people”<sup>9</sup>, circulating her personal information on the internet through material designed to promote hatred against her.

In 2015, Im Tirtzu published a report entitled “Foreign Agents report 2015”, which was followed by a media campaign, in which it labelled 20 so-called “left-wing” Israeli human rights NGOs such as Breaking the Silence, B'Tselem, Yesh Din, Adalah and others, as foreign agents and enemies of the state conducting foreign-sponsored activity against Israel and Israeli soldiers<sup>10</sup>.

In early April 2018, Prime Minister Netanyahu announced that he had instructed the launching of a parliamentary investigation into NIF, which he claimed “jeopardizes the security and future of the State of Israel as the country of the Jewish people”. He called the NIF a “foreign organisation that receives funding from foreign governments” with the ultimate goal of “erasing the Jewish character of Israel”<sup>11</sup>.

- False allegations linking human rights organisations to terrorism

3 Shrinking space for civil society in Israel: Open Letter to Federica Mogherini (23 June 2016) <<https://www.fidh.org/en/issues/human-rights-defenders/shrinking-space-for-civil-society-in-israel-open-letter-to-federica#>>

4 Breaking the Silence is an organisation of veteran soldiers who have served in the Israeli military since the start of the Second Intifada and have taken it upon themselves to expose the Israeli public to the reality of everyday life in the Occupied Territories. <<https://www.breakingthesilence.org.il/about/organization>>

5 Report of the UN Fact-Finding Mission on the Gaza Conflict, mandated by the Human Rights Council, and released on 25 September, 2009, was immediately rejected fully by Israel and partially by Hamas (<<https://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>>)

6 The Observatory, « Smear campaign against human rights NGOs (27 April 2010) <<https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/Smear-campaign-against-human>>

7 Esti Ahronovitz (Haaretz), *Fighting for Israel's Soul*, (22 July 2011) <<https://www.haaretz.com/1.5033122>>

8 *Ibid.*

9 *Ibid.*

10 Im Tirtzu, Foreign Agents Report 2015, <<https://imti.org.il/wp-content/uploads/2016/04/Foreign-Agents-Report.pdf>>

11 Noa Landau, “Netanyahu Accuses U.S. Human Rights Group of Foiling Asylum Seeker Deal With Rwanda, Says Will Investigate”, Haaretz (3 April 2018) <<https://www.haaretz.com/israel-news/.premium-pm-accuses-new-israel-fund-of-foiling-asylum-seeker-deal-with-rwanda-1.5975316>>

Israeli human rights organisations, and notably anti-occupation organisations, are occasionally depicted as terrorists<sup>12</sup> and, more generally, as aiding or abetting terrorist activities against Israel.

For instance in summer 2009, *Breaking the Silence* was deemed as "selectively anti-Israel" by Im Tirtzu and Prime Minister Benjamin Netanyahu.<sup>13</sup> In 2015, Im Tirtzu published a video inciting hatred against four human rights defenders, directors of the four following human rights NGOs: B'Tselem, the Public Committee against Torture in Israel (PCATI), *Breaking the Silence*, and HaMoked: Center for the Defense of the Individual. The directors were personally named and framed as "terrorist-supporting traitors".<sup>14</sup>

On June 29, 2017, the Permanent Representative of Israel to the United Nations, Ambassador Danny Danon, on the occasion of a media stake-out in front of the UN Security Council linked "Al-Haq (...), led by Shawan Jabarin" to the so-called "[Popular Front for the Liberation of Palestine -] PFLP terrorist organisation"<sup>15</sup>. Ambassador Danon went on to falsely characterize Al-Haq and Al Mezan as "supporters of terrorism", and "inciters of violence"<sup>16</sup>.

Similarly, in its 2017 report, the GONGO NGO Monitor celebrated major advances in raising awareness and attitudes among Europe parliamentarians about NGOs being used as "vehicles for incitement and justification of terror".<sup>17</sup>

- **Disinformation aims at raising concern among civil society funders** in order to create enough doubt to strain the donor-grantee relationship and **affect the ability of NGOs to operate and to access foreign funding.**

The Israeli government and anti-human rights groups have been conducting an offensive campaign by which, outside of Israel, they put pressure on European funders to stop supporting Palestinian human rights NGOs based on accusations of their alleged support to terrorism and, inside Israel, they portray those receiving funding from these same donors as "traitors" and "foreign agents" acting against the interests of Israel.

There are many examples of this, and among others:

In October of 2015, the Israeli Justice Minister Ayelet Shaked, in meetings with foreign counterparts<sup>18</sup>, attempted to link Al-Haq with terrorism and with the BDS movement and demanded that European countries cease funding the organisation.

In January 2019, Al-Marsad published a legal report on its investigation into Energix, an Israeli energy company planning to build a massive windfarm on Syrian agricultural land adjacent to three of the remaining Syrian villages in the Golan. In March 2019, a few local supporters of Energix's project sent a slanderous letter to Al-Marsad's largest funder lodging personal attacks against Al-Marsad's employees and claiming that Al-Marsad mismanaged its finances. A subsequent independent forensic audit report established that the allegations against Al-Marsad were completely unfounded. However, this report

12 Ronen Medzini « Lieberman: PM backed Tibi but not us », YnetNews.com (17 July 2011) <[https://www.ynetnews.com/articles/0,7340,L-4096299,00.html?fbclid=IwAR2e6CgY-dgsuixFwjCg32eCtsjCuZMk00kkZWs-ts-Qw6GooOT\\_71lhX\\_s](https://www.ynetnews.com/articles/0,7340,L-4096299,00.html?fbclid=IwAR2e6CgY-dgsuixFwjCg32eCtsjCuZMk00kkZWs-ts-Qw6GooOT_71lhX_s)>

13 Isabel Kershner (The New York Times), *Israeli Rights Groups View Themselves as Under Siege*, (5 April 2010) <<https://www.nytimes.com/2010/04/06/world/middleeast/06israel.html>>

14 Mira Sucharov, *Im Tirtzu's Pernicious Video Equates Human Rights with Treason*, Haaretz (16 December 2015) <<https://www.haaretz.com/opinion/.premium-im-tirtzu-s-video-equates-human-rights-with-treason-1.5377802>>; Chemi Shalev, *Im Tirtzu and the Proto-fascist Plot to Destroy Israeli Democracy*, Haaretz (16 December 2015) <<https://www.haaretz.com/opinion/.premium-the-proto-fascist-plot-to-destroy-israeli-democracy-1.5378187>>; See Youtube video here: [https://www.youtube.com/watch?v=02u\\_J2C-Lso](https://www.youtube.com/watch?v=02u_J2C-Lso)

15 The Observatory, « Israel / Occupied Palestinian Territory: ongoing smear campaign against Al-Haq staff members Mr. Shawan Jabarin and Ms. Nada Kiswanson » (10 November 2017) <<https://www.fidh.org/en/issues/human-rights-defenders/israel-occupied-palestinian-territory-ongoing-smear-campaign-against>>

16 *Ibid.*

17 NGO Monitor Annual Report 2017 : [https://www.ngo-monitor.org/pdf/annual\\_report2017.pdf](https://www.ngo-monitor.org/pdf/annual_report2017.pdf)

18 Al-Haq, « Israel Is Silencing Opposition: Who Will Stand Up? » (22 April 2016) <<https://www.alhaq.org/advocacy/6418.html>>

cost Al-Marsad 18,000 EUR and created a significant gap in the budget of the organisation.

In 2018, the MSA published a report “The Money Trail” attempting to make believe the EU funding to human rights NGOs was being channelled to terrorist organisations.

Prime Minister Netanyahu has repeatedly called on European government officials, and again in a January 2018 meeting with the Norwegian Foreign Minister, to halt their funding of Palestinian human rights organisation Al-Haq, accused of engaging in BDS activities or “lawfare” against the State of Israel<sup>19</sup>. This followed a similar meeting with the Danish Foreign Minister in May 2017, which led Denmark to reconsider its funding of Palestinian NGOs<sup>20</sup>.

Because of such campaigns, human rights groups are in turn getting numerous requests and questions from foreign governments and their usual donors, especially the European Union, who are nervous about having to justify the projects they support in Europe,

Indeed the smear campaigns conducted abroad by Israeli government affiliated groups and by the government itself, a trend which we increasingly witness globally, has resulted in a greater selectivity on the donors part regarding their beneficiaries and grantees (notably avoiding those involved in or supportive or seen as supportive of BDS or avoiding those doing litigation for instance), and in asking for more regular and stringent reporting procedures, imposing increasingly prescriptive calls for proposals, or being more intrusive into NGOs' priorities and how the projects are being implemented.

A number of European Union officials based in the OPT that were consulted ahead of this submission confirmed that NGO Monitor's advocacy campaign in Europe had the intended effect of increasing the pressure on European donors. While all interviewed donors stated that they would continue to support civil society organisations at the same budgetary level, the impact of the “anti-human rights NGO” sentiment on access to funding should not be underestimated.

The chilling effect resulting from these smear campaigns has had an impact on even the most committed donors and Palestinian civil society organisations by requiring near constant defence of development aid in various forums and extraordinary administrative measures unlike those required in other regions. In this way, Israeli government affiliated groups such as the NGO Monitor have positioned themselves as oversight mechanisms for all funding to the OPT and Israel and have had success in shifting the discourse at the expense of the work of human rights defenders. Furthermore, funders have become much more risk-averse and sensitive to anything that could raise the political sensitivity of projects and NGOs they fund. They are engaging in more self-censorship and reviewing the wording of proposals and reports more carefully, and sometimes asking NGOs to remove references to BDS, and the use of terms such as colonization, apartheid, forcible transfers, etc. In 2017, the French Platform for Palestine was censored by one of their funders who vetoed the publication of a document on popular misconception of BDS. Similarly, some donors have requested explicitly that funding not be used for work on submissions to or advocacy around the International Criminal Court, despite being legitimate, legal, and appropriate avenues for accountability.

Organisations face the necessity to develop multiple strategies, including litigation and communication strategies, to respond to smear campaigns and attempts to delegitimise their human rights work. In the long run, the increasing resources dedicated to responding to these attacks may well significantly reduce the resources and time spent by these organisations on operational activities such as monitoring, documenting and reporting on human rights violations.

19 In PHROC and PNGO, "Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-fund Palestinian Civil Society Organizations and Human Rights Defenders", (26 March 2018) <<http://www.pngo.net/position-paper-on-the-ongoing-campaign-to-silence-delegitimize-and-de-fund-palestinian-civil-society-organizations-and-human-rights-defenders/>> ; Herb Keinon, Greer Fay Cashman, “Netanyahu, Norwegian FM at odds over Palestinian NGO” (7 January 2018): <http://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-Norwegian-FM-at-odds-over-Palestinian-NGO-533054>. See also Middle East Monitor, “Netanyahu thanks Denmark for cutting aid to Palestinian NGOs” (25 December 2017): <https://www.middleeastmonitor.com/20171225-netanyahu-thanks-denmark-for-cutting-aid-to-palestinian-ngos/>

20 PHROC and PNGO, "Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-fund Palestinian Civil Society Organizations and Human Rights Defenders", (26 March 2018) <<http://www.pngo.net/position-paper-on-the-ongoing-campaign-to-silence-delegitimize-and-de-fund-palestinian-civil-society-organizations-and-human-rights-defenders/>>

NGOs both in the OPT and Israel also face extra administrative hurdles when receiving or transferring funds overseas. Indeed, several NGOs have reported that they had been asked by their banks to provide numerous documents in order to receive funds, including from their usual donors. Documents requested have included grant agreements, registration certificate of the donor, email exchanges, separate bank accounts, etc.

*“A few years ago, our donors were partners, sharing our values and ideas. Now, many of them are so worried about administrative issues that we've lost this sense of partnership”,* according to an NGO.

Several NGOs have lost core funders, mostly European, over the last few years either because of heightened sensitivity to human rights work in the region, slandering campaigns, or changes in the priorities of funders. In some cases, the loss of funding resulted in the need to slash budgets and lay off a number of staff. For instance, one Israeli NGO did not have its funding renewed recently by a European donor because of concerns over the NGO's Palestinian partner. One NGO relied on a well-known Israeli funder as a fiscal sponsor to receive funds from smaller European foundations and donors, but lost that ability when the fiscal sponsor withdrew its support due to the NGO's support of boycotts.

The growing uncertainty of funding streams and administrative requests from funders, undermine the ability of NGOs to use funding effectively, because they cannot make long term plans and have to allocate more of their resources and time to administrative and reporting tasks.

- **Disinformation is used by authorities and their support groups to justify restrictive legislation against HRDs and silence criticism or sanctions against them**

Back in 2011, Israel adopted the Law for Prevention of Damage to State of Israel through Boycott, which made it a civil offence to call for a boycott against Israel<sup>21</sup>. This law clearly fed into demonisation of NGOs who endorse BDS or are deemed to support BDS because of their work with Palestinian or Syrian NGOs; it was soon followed by a similar legislative move in the US where, as of June 2020, 29 states had already enacted legislation that targets boycotts for Palestinian rights<sup>22</sup>. This law also led to a 'chill effect' with the result that organisations regulated by Israeli law who do not endorse BDS are hesitant to denounce certain human rights violations for fear of being accused of BDS activities and facing costly lawsuits.

In parallel, a campaign by the International Holocaust Remembrance Association (IHRA) has led several countries, including the US and France, to adopt a controversial definition of Anti-Semitism criticised by Palestinian rights organisations as politicised and inaccurate, as it allows for an interpretation that equates criticism of policies of the State of Israel to antisemitism.

In 2016, the “NGO Transparency Law” was passed to impose a series of obligations on NGOs that receive the majority of their funding from “foreign government entities”, which are defined in the bill as encompassing foreign countries, the European Union, the United Nations, government foundations, etc., in contradiction with the distinction made by United Nations Special Rapporteur on the Rights to Freedoms of Peaceful Assembly and of Association between domestic, foreign and international funding in a 2013 report, and included UN funds into the latter category. NGOs affected by this law, i.e. most of the human rights organisations in Israel, occupied East Jerusalem and the Occupied Syrian Golan, are concerned that this would delegitimise their monitoring and advocacy work within Israel, the OPT and abroad as they have to identify themselves in any communication as recipient of foreign funding<sup>23</sup>. The labelling implies that such NGOs are not independent, are seen as foreign agents, if not traitors and enemies of the State of Israel. This is another element of the campaign of vilification against human rights organisations. The bill came into force in 2018. Following the passing of the law, one occurrence has been reported as a consequence. During a hearing of the Knesset Foreign Affairs and Defence Committee, on 16 November 2020, a representative of the human rights organization “Yesh

21 The decision was confirmed by the Supreme Court, which rendered a decision on the Law in April 2015, failing to defend the freedom of expression; FIDH, “FIDH supports the right to participate in and call for Boycott, Divestment, and Sanctions” (20 July 2017) <<https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/fidh-supports-the-right-to-participate-in-and-call-for-boycott#nh16-6>>

22 See [Palestinelegal.org](http://Palestinelegal.org) and [righttoboycott.org](http://righttoboycott.org)

23 The Association for Civil Rights in Israel (ACRI), “ACRI's response to the passing of the NGO law” (12 July 2016) <<https://www.acri.org.il/en/2016/07/12/acris-response-to-the-passing-of-the-ngo-law/>>

Din" was required by the Chair of the Committee to declare that Yesh Din was financed by foreign entities, before given permission to speak. This came after an intervention from "Betzalmo" - also considered a GONGO - whose representative also attended the hearing about settler violence, and an "emergency discussion" on the issue of "Intervention and financing of foreign countries", initiated by far-right Knesset members and attended by Gerald Steinberg, Head of NGO Monitor. While included in the "NGO Law", this aspect seemed to have never been enforced prior to this episode.

In March 2017, Israel revised its Entry Law to deny entry visas or residency to foreign nationals if they or the organizations they belong to publicly expressed support for boycott against the State of Israel or against Israeli settlements in the occupied West Bank. In May 2018, for the first time the Israeli authorities directly targeted an international human rights organisation operating on their territory by revoking the work permit of **Omar Shakir**, Human Rights Watch's Israel and Palestine Director, and ordered him to leave Israel within 14 days because of his "alleged support of boycott against Israel"<sup>24</sup>. In a statement, HRW highlighted that "*Neither Human Rights Watch nor Shakir as its representative has ever called for a boycott of Israel. Human Rights Watch has urged businesses to stop operating in illegal settlements as part of their global duty to avoid complicity in human rights abuses – just as it calls on businesses to comply with this duty in many other countries. A district court in April, and then the Israeli Supreme Court, found that this position constitutes "grounds for deportation" under an expansive reading of the 2017 law*"<sup>25</sup>.

A 2017 "National Service Law" integrates amendments that seek to prevent organisations that receive over 50 percent of its funding from a foreign entity from receiving national (civilian) service volunteers<sup>26</sup>. The bill was passed in its second and third readings on March 22, 2017<sup>27</sup>. The final version of the bill separates the possibility to receive a position for a national service volunteer from the possibility to receive government funding for the position. The ramification is that organisations that are active solely on behalf of Palestinian residents of the OPT will not be eligible for national service positions<sup>28</sup>. According to Israeli media *The Yeshiva World*<sup>29</sup> and *The Jerusalem Post*<sup>30</sup>, Im Tirtzu published a report, calling out organisations such as B'Tselem and PCATI for being entitled to national volunteer positions, which convinced a Member of Knesset to put forward the amendments with the objective of "put(ing) an end to an absurd reality in which organizations that receive the majority of their funding from foreign governments exploit the benefits provided by the Israeli taxpayer for their own harmful agenda".

In June 2018, a controversial bill to criminalise the filming of Israeli soldiers while on operational duty, cleared its first hurdle in the Knesset, the Israeli Parliament<sup>31</sup>, but did not go further and can no longer be revived. However, following the first passing, Im Tirtzu had immediately posted on its website a note and a Youtube video extolling the merits of its staff for having contributed to the wording of the bill with material compiled by them.<sup>32</sup> The Im Tirtzu report that led to the bill claimed that "delegitimisation organisations use "human rights" as an excuse to film IDF soldiers".<sup>33</sup>

## 2. Measures

The measures that follow have been developed by civil society organisations to counter disinformation and slandering campaigns, however, at the expense of other fundamental activities.

24 Human Rights Watch, "Israel Orders Human Rights Watch Official Deported" (8 May 2018) <<https://www.hrw.org/news/2018/05/08/israel-orders-human-rights-watch-official-deported>>

25 <https://www.hrw.org/news/2019/11/25/israel-expels-human-rights-watch-director-today>

26 The National Service program serves as a substitute for young Israelis (usually high-school graduates) for the Military Service <<http://www.ivolunteer.org.il/Eng/Index.asp?ArticleID=113&CategoryID=131>>

27 <https://law.acri.org.il/en/wp-content/uploads/2018/10/Overview-of-Anti-Democratic-Legislation-October-2018.pdf>

28 *Ibid.*

29 « Knesset Passes Law Ending National Service In Foreign Government Funded NGOs Working Against The State », *The Yeshiva World* (23 March 2017), <<https://www.theyeshivaworld.com/news/israel-news/1242387/knesset-passes-law-ending-national-service-in-foreign-government-funded-ngos-working-against-the-state.html>>

30 Udi Shaham, « Knesset passes law forbidding national service in left-wing NGOs » , *The Jerusalem Post* (22 March 2017) <<https://www.jpost.com/Israel-News/Knesset-passes-law-forbidding-natl-service-in-foreign-funded-NGOs-484916>>

31 Jeffrey Heller, *Israel targets rights groups with bill to outlaw filming of soldiers*, *Reuters* (17 June 2018) <<https://www.reuters.com/article/us-israel-palestinians-bill/israel-targets-rights-groups-with-bill-to-outlaw-filming-of-soldiers-idUSKBN1JD0KT>>

32 Website of Im Tirtzu, *New Bill to Protect IDF Soldiers Inspired by Im Tirtzu*, (June 2018) <<https://imti.org.il/en/billprotectingsoldiers/>>

33 *Ibid.*

- **Answering the attacks publicly**

When they are directly targeted by disinformation and slandering campaigns, NGOs have repeatedly published position papers, statements and other Q/A in order to denounce such accusations. For instance, PNGO and PHROC, two Palestinian networks of human rights NGOs, published a “Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-fund Palestinian Civil Society Organizations and Human Rights Defenders” in March 2018.<sup>34</sup> The position paper examines the shrinking of space for Palestinian civil society over the past few years revealing the nature of the attacks and the actors involved. It also makes recommendations to the international community and particularly to the EU, calling on member states to condemn and reject the smear campaigns against Palestinian civil society organisations, among others. In addition, PNGO has published a series of articles in on-line blogs and newspapers to reveal the tactics used by NGO Monitor and the state of Israel to silence Palestinian voices at the international level and especially in EU circles and to counter their narrative. The most recent article on the topic was published by PNGO in July 2018 in the *EU Observer* and described the sophisticated disinformation campaign that targeted editors of *EP Today* – a news magazine for the European Parliament – which withheld them from publishing a PNGO op-ed.<sup>35</sup> Enhancing the presence of Palestinian voices in the media has proven to be quite effective although many Palestinian organisations have expressed their need to be savvier about using media to do advocacy.

NGOs should also develop compelling narratives and hope-based messaging to effectively win public support.

- **Engaging in discussions with donors to build their confidence**

Many Palestinian NGOs have felt that the best response to slanderous attacks and disinformation has been to directly engage in discussions with donors. However, as most Palestinian NGOs receive funding for tailored projects, instead of core funding that provides some flexibility in the design of activities, they have found it difficult to assign budget lines for travel to Europe and elsewhere to meet with donors. Some donors like the Irish Trócaire have included budget lines in their programs to give the opportunity to NGOs to conduct advocacy trips every year to Ireland for their grantees to meet with the constituencies, government representatives and other relevant stakeholders. The Secretariat, before its dismantling, had a component in its contract called the “policy dialogue” for civil society to dialogue with members of Parliament, but it was never implemented. The Trócaire experience has not been the norm for most donor organisations, even though Palestinian civil society organisations have expressed the need to strengthen their relationship with their overseas funders and partners.

Israeli organisations on the other hand have been very proactive in countering attacks and smear campaign narratives. Many organisations have responded to comments made by NGO Monitor and others and sent the responses directly to their donors as a way to forestall questions from the donors. Many have received frequent questions about their activities and operations from donors, individuals, and political figures, and have to spend a considerable amount of time responding to all questions. They are also getting more media inquiries asking about their funding. One organisation has suggested to build up a set of FAQs that could help donors directly respond to queries about NGO Monitor and others reports.

Most of the Israeli and Palestinian organisations believe that the most efficient way to fight back is by building the confidence of donors. Most organisations have said that donors should stop listening to NGO Monitor and others and have more faith and confidence in their grantees and partners. The French Agency for Development (*Agence française de développement* - AFD) office in Jerusalem reported that in 2018 they regularly received phone calls from unknown individuals inquiring about projects they are funding in Israel and the OPT. AFD recently decided to stop answering NGO Monitor queries and refers all queries to their website for more information.

34 PHROC and PNGO, *Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-fund Palestinian Civil Society Organizations and Human Rights Defenders*, (26 March 2018) <<http://www.pngo.net/position-paper-on-the-ongoing-campaign-to-silence-delegitimize-and-de-fund-palestinian-civil-society-organizations-and-human-rights-defenders/>>

35 Issam Aruri (EU Observer), *How Israel silences Palestine in EU circles*, (17 July 2018) <<https://euobserver.com/opinion/142249>>

At the same time, some donors appear to be more attentive to listening to Israeli civil society organisations than Palestinian organisations, which are already in a more precarious position. The international community should therefore ensure that Palestinian voices are also heard and given an equal space for expression, especially at the international / capitals level. Partnership and trust need to be enhanced between donors and Palestinian grantees and donors need to take a stronger stand for and in favour of human rights and be able to counterattack themselves the accusations civil society faces as a result of the support they receive to undertake their activities.

Some Israeli NGOs are looking into strengthening their international advocacy, though they recognise that donors are generally not keen to fund such initiatives. Yesh Din<sup>36</sup> said they received subsequent money to conduct research, documentation, and advocacy at the national level but not so much at the international level. Gisha<sup>37</sup> have had some projects that include international advocacy activities mostly supported by international institutions than by foreign government entities. Many Israeli NGOs have discussed the opportunity to conduct joint advocacy efforts in Europe, to present themselves as a unified civil society voice calling for an end to the occupation and the ongoing violation of Palestinian rights. Many Israeli organisations have already started touring Europe, meeting with Members of Parliament in various countries. Some organisations are considering recruiting a full-time staff working in Europe.

- **Denouncing the tactics used by the Israeli MSA and the GONGOs**

In September 2018, the Policy Working Group, a group of “Israeli academics, journalists, political activists and former diplomats who advocate for peace between Israel and the OPT based on the two-state solution” published a critical analysis of NGO Monitor: “Defaming human rights organisations that criticize the Israeli occupation”<sup>38</sup>. The report denounces NGO Monitor's aim to spearhead the shrinking space for Israeli and Palestinian human rights NGOs. It also reveals the ties between members of NGO Monitor and the Israeli government and notably the Ministry of Strategic Affairs. The report concludes and argues that “NGO Monitor is a government-affiliated organisation that selectively targets human rights organisations, relies almost entirely on funding from donors in the US, shirks the transparency it demands of others and disseminates misleading and biased information, which it presents as factual in-depth research”<sup>39</sup>.

This is also the intent of a report that the Observatory is planning to publish in March 2021, focusing on the systematic harassment and smear campaigns of Israel against human rights organisations in Israel and the OPT.

- **Litigation**

More recently, Palestinian and Israeli NGOs have explored litigation as a possible response to fight back against the disinformation, slanderous attacks and smear campaigns.

One precursor was one NGO based in Bethlehem, the Applied Research Institute-Jerusalem (ARIJ), that decided back in 2006 to file a lawsuit for defamation against the Jerusalem-based organisation NGO Monitor. At the time, NGO Monitor claimed that ARIJ, whose purpose is to “promote applied research, technology transfers, sustainable development, and the self-reliance of the Palestinian people through greater control over their natural resources”, “justified violence, rather than contributing to internal norms of good governance and civil society”<sup>40</sup>. Ironically, the Israeli court required proof that ARIJ was not a “terrorist organisation” in order to rule in favour of a defamation case. In February 2007, the court ruled against NGO Monitor. Professor Gerald Steinberg, Executive Director of NGO Monitor,

36 Yesh Din is a non-profit organisation registered in Israel, established in 2005 and works to protect the human rights of Palestinians living under Israeli armed forces' occupation <<https://www.yesh-din.org/en/about-us/>>

37 Gisha is an Israeli not-for-profit organization, founded in 2005, whose goal is to protect the freedom of movement of Palestinians, especially Gaza residents <<https://gisha.org/about/about-gisha>>

38 Policy Working Group, "NGO Monitor: Shrinking Space , Defaming human rights organisations that criticize the Israeli occupation", (September 2018) <[http://policyworkinggroup.org.il/report\\_en.pdf](http://policyworkinggroup.org.il/report_en.pdf)>

39 *Ibid.*

40 Correction to NGO Monitors 20 October 2005 report on Swiss Agency for Development and Cooperation (SDC) (13 February 2007) <[https://www.ngo-monitor.org/reports/correction\\_to\\_ngo\\_monitor\\_s\\_october\\_report\\_on\\_swiss\\_agency\\_for\\_development\\_and\\_cooperation\\_sdc\\_/](https://www.ngo-monitor.org/reports/correction_to_ngo_monitor_s_october_report_on_swiss_agency_for_development_and_cooperation_sdc_/)>



was ordered to remove all information about ARIJ on its website, and to issue an apology to ARIJ. NGO Monitor published a "Correction to NGO Monitors October 20, 2005 report on Swiss Agency for Development and Cooperation (SDC)" on February 13, 2007<sup>41</sup>, but attacks from NGO Monitor against ARIJ did not stop. NGO Monitor's website still has a page dedicated to ARIJ accusing it of being "among the leaders of the political warfare against Israel" and participating in "discriminatory campaigns".<sup>42</sup> Funding of ARIJ has now dropped by 70% compared to 2017.

Many NGOs, both Palestinian and Israeli, believe litigation is an interesting avenue for seeking accountability but will be time consuming and expensive. Unfortunately, it is also often seen as ineffective as Palestinians do not believe they can get justice from an Israeli court of justice, and denounce the Israeli judicial system as being complicit in the implementation of unlawful policies and practices which are in violation of international law, and further ensure the continued impunity of Israeli officials involved in violating the rights of Palestinians.

- **Advocacy towards UN mechanisms**

Advocacy towards United Nations mechanisms is also an avenue available to human rights organisations and defenders under attack.

For instance, Al-Haq, in August 2019<sup>43</sup>, solicited United Nations Special Procedures to denounce the continued harassment against members of its organisation, including death threats against its General Director Shawan Jabarin. In October 2020, Al-Haq sent a submission to the UN Special Rapporteur on the Situation of Human Rights Defenders in response to a call for input issued by the Special Rapporteur ahead of her upcoming report on the killings of human rights defenders, which will be presented at the 46<sup>th</sup> regular session of the Human Rights Council in March 2021. The submission focused on cases in which the Israeli occupying authorities, and government-affiliated organisations, have targeted Al-Haq and its staff members, including through conducting an organized and systematic smear campaign, incitement to racial hatred, hate speech, and death threats<sup>44</sup>.

In May 2020, the Cairo Institute for Human Rights Studies, Al-Haq, and Al Mezan submitted a joint submission to the annual report of the Secretary-General on "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights" in order to denounce the harassment and intimidation representatives had been subjected to during advocacy meetings in Geneva.

Following submissions from civil society, the Special Procedures sent communications to the State of Israel in May and in August 2019, requesting explanations for the acts of intimidation, harassment, and legislative shrinking space for civil society. The State of Israel has responded to some of the requests which is rare.

**2. Please share any suggestions or recommendation you may have for the Special Rapporteur on how to protect and promote the right to freedom of opinion and expression while addressing disinformation.**

Our recommendations therefore are:

**To the State of Israel:**

- to address and provide recommendations on the disinformation and smear campaign against NGOs and human rights defenders, including with regards to NGOs access to funding;
- to renew the invitations to the UN Special Rapporteur on the Situation of Human Rights Defenders and to the UN Special Rapporteur on Freedom of Association and Peaceful Assembly to visit Israel and the OPT as soon as possible;

41 *Ibid.*

42 NGO monitor: Applied Research Institute Jerusalem (ARIJ)  
<[https://www.ngo-monitor.org/ngos/applied\\_research\\_institute\\_jerusalem\\_arij/](https://www.ngo-monitor.org/ngos/applied_research_institute_jerusalem_arij/)>

43 Al-Haq <<https://www.alhaq.org/advocacy/14857.html>>

44 Al Haq « Israel's Ongoing and Systematic Smear Campaign against Al-Haq and its Staff Members » (22 October 2020)  
<<https://www.alhaq.org/advocacy/17466.html>>

- To fully assume the State's responsibility to respect, support and promote the work of NGOs, in particular by refraining from engaging in all forms of defamation, unfounded criticism and smear campaign directed against them because of the source of their funding or for any other reason, in accordance with its international human rights obligations.

**To Donors :**

- To not pay credit to slanderous accusations made against HRDs;

- To prevent a further funding gap and obstacles for entities and individuals promoting and protecting the rights of Palestinians, increase and facilitate the financial support to Israeli, Palestinian and Syrian NGOs and HRDs working for the rights of Palestinians, especially on the ground and include funding for international advocacy;

**To the UN human rights bodies and mechanisms:**

- **The Human Rights Committee:** during its upcoming review of Israel's obligations under the International Covenant for Civil and Political Rights, the Committee should address and provide recommendations on the smear campaign against NGOs and human rights defenders, including with regards to the issue of NGOs access to funding;

- **The Special Rapporteur on Human Rights Defenders, the Special Rapporteur on Freedom of Association and Peaceful Assembly, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967** should renew the invitation request to Israel in order to visit the country as soon as possible; they should also use the standing invitation extended to their mandate by the State of Palestine and visit the occupied West Bank

- **The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression** and to the **Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967** should request the government of Israel to refrain from feeding into and leading the campaigns of disinformation against human rights organisations and civil society in general and take steps for civil society that have been slandered to access remedy;

***To Member and Observer States of the UN Human Rights Council:***

- To condemn publicly and bilaterally all acts aimed at delegitimising the work of human rights organisations and human rights defenders, such as anti-Semitism, terrorism and foreign agents labels, and coordinated smear campaigns;

- To urge Israel to take effective measures to expand civic space and create and maintain a safe environment for civil society organizations, human rights defenders and journalists to operate freely, without fear of reprisals, including by aligning relevant legislations with international standards;

**To all UN Member States:**

- To urge Israel to immediately cease any and all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through institutionalised hate speech and incitement, repressive legislations, and other slandering campaigns.

- To examine Israel and the manner in which it is acting, notably through its Ministry of Strategic Affairs and government-affiliated organisations, to smear human rights defenders and activists, to restrict their work, deny their right to freedom of expression, and to threaten their lives;

- To not pay credit to slanderous accusations made against HRDs;

- To prevent a further funding gap and obstacles for entities and individuals promoting and protecting the rights of Palestinians, increase and facilitate the financial support to Israeli, Palestinian and Syrian

NGOs and HRDs working for the rights of Palestinians, especially on the ground and include funding for international advocacy;

- To encourage States which are decreasing support for NGOs and HRDs to recommit to their engagement with NGOs monitoring and denouncing human rights violations in the region

- To seize the next UN Human Rights Council's Universal Periodic Review (UPR) of Israel in 2023 to highlight the human rights violations committed by the Israeli authorities and recommendations brought up in this submission.

- To condemn the use of terrorism labelling and charges to justify the criminalisation and restrictions of legitimate human rights activities, and urge Israel to respect its obligations under internal law to respect fundamentals rights and freedoms while countering terrorism.