



רופאים לזכויות אדם - ישראל (ע"ר)  
أطباء لحقوق الإنسان - إسرائيل  
Physicians For Human Rights - Israel



### Urgent Action Request:

#### Israel's anti-boycott bill curtailing freedom of expression and association

Dear Madam/Sir,

We are seeking urgent intervention from the European Parliament, the EU and EU Member States and their representatives, in the form of statements of concern and condemnation, and/or public or non-public bilateral approaches to the Israeli Ministry of Foreign Affairs and/or Israeli Embassies and Representations, based on the following points:

- On 27 June 2011 a final version of the 'Bill for prevention of damage to the State of Israel through boycott – 2011' was approved by the Constitutional Committee of the Israeli Knesset.
- The bill is scheduled to be brought to the Knesset assembly **by the end of the Knesset Summer session for its final (second and third) readings** and, bar delays, will become law. In annex I is an unofficial English translation of the bill. (For the original version in Hebrew: <http://www.acri.org.il/he/wp-content/uploads/2011/06/boycott-law-27.6.pdf>).
- The geographical application of the bill includes **not only Israel but also the illegal Israeli settlements in the Occupied Palestinian Territory (OPT)**.
- The bill defines public promotion of boycott, and, in some cases, agreement to participate in a boycott, as a **civil wrong** under Tort law. Israeli citizens and organisations calling for withdrawal of economic or cultural support from settlements or from Israel would be liable to pay heavy compensations, even if no actual damage is caused to boycotted parties.
- In addition, the final version of the bill includes a **new list of sanctions** against NGOs, public institutions and businesses engaging in boycott, including the **loss of tax exemptions** and the loss of eligibility for benefits afforded by various laws.

- **Israeli Human Rights Defenders and NGOs**, as well as **academic, cultural and scientific institutions** which depend on state support, will be financially harmed if they boycott Israeli settlements in the OPT or Israel itself; they may be penalised through revocation of their tax exempt status as well as liable for damages.
- **Israeli businesses and industries** are also targeted by the bill, with an eye to penalising Israeli businesses that agree to Palestinian trade conditions, which exclude trade with Israeli businesses that also trade with settlements. A recent example for this is the plan to build the new Palestinian city of Rawabi. Israeli contractors wishing to participate have been asked by Palestinians to refrain from also doing business with settlements. This bill seeks to penalise such contractors and will in effect deter Israeli businesses from trading with Palestinian businesses more generally.
- Irrespective of the actual merits of the tactic of boycott, the attempt to outlaw it severely **restricts freedom of expression**, since it targets non-violent public expressions of opposition to Israeli 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 compensations claims by settler organisations.[\[1\]](#)

*For further details please contact Miri Weingarten at [miri.weingarten@gmail.com](mailto:miri.weingarten@gmail.com)*

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[\[1\]](#) Fifty-three Israeli human rights and civil society organizations have sent a letter to MK Reuven Rivlin, the Speaker of the Knesset expressing their strong opposition to this bill – irrespective of their own positions on boycotts. Signatory organizations include e.g., the Association for Civil Rights in Israel, B'Tselem, Gisha, Amnesty Israel, Physicians for Human Rights-Israel, Rabbis for Human Rights, Yesh Din, Adalah, the Public Committee Against Torture in Israel and Hotline for Migrant Workers.

## **ANNEX I: Bill for prevention of damage to the State of Israel through boycott – 2011** *[unofficial English translation]*

### **Definition**

1. In this law, “boycott of the State of Israel” - deliberate avoidance of economic, cultural or academic ties with a person or other party, solely for reason of his/her/its relation to the state of Israel, to any of its institutions or to any area under its control, which could cause them economic, cultural or academic harm.

### **Boycott – a civil wrong**

2.
  - (a) Anyone who publishes a public call for a boycott of the state of Israel, and its content and circumstances may reasonably be expected to lead to a boycott, and the publisher is aware of this possibility - is committing a civil wrong and the law of Tort [new version] shall apply to him/her.
  - (b) Regarding Section 62a of the law of Tort [new version] causing breach of contract by calling for a boycott of the state of Israel shall not be seen as sufficient justification.
  - (c) If a court finds that a wrong has been committed under this law, it shall be permitted to order the party committing the wrong to pay compensation independently of actual damage done (exemplary damage). When determining the sum of compensation the court shall take into account the circumstances of the wrong, its severity and its scope.

### **Regulations regarding restrictions on participation in a tender**

3. The Minister of Finance is permitted, pending authorization by the Constitutional Committee of the Knesset, to set regulations regarding restrictions on participation in a public tender, due to undertakings made by a party making an offer to participate in a boycott of the state of Israel, including undertakings not to purchase products or services produced or provided in the state of Israel, in any of its institutions or in an area under its control.

### **Regulations regarding withholding of benefits**

4.
  - (a) The Minister of Finance, with the agreement of the Minister of Justice, is permitted to decide with regard to any party who knowingly publishes a public call to impose a boycott on the State of Israel or regarding any party who agreed to participate in a boycott [in special cases], that –
  - (b)
    - (1) The party shall not be considered a public institution for purposes of Section 9(2) of the Income Tax Ordinance;
    - (2) The party shall not be eligible to receive funding from the council for regulation of sports gambling according to Section 9 of the law for regulation of sports gambling 1967;
    - (3) The party shall not be considered a public institution for purposes of receiving support according to Section 3(a) of the Budget procedures law 1985;
    - (4) The provisions of the state guarantees law 1958 shall not apply to the party;
    - (5) The party shall not be eligible for benefits under the law for promotion of capital investments 1959 and under the law for promotion of research, development and industry 1984.
  - (c) The enforcement of the authority of the Minister of Finance in accordance with subsection (a)(2) shall be done with the agreement of the Minister of Sport, and the enforcement of his authority

in accordance with subsection (a)(3) shall be done with the agreement of the Minister appointed by the government to be responsible for the budget section, as defined in para (2) of the definition 'responsible for the budget section' in the Budget law 1985. The enforcement of his authority in accordance with subsection (a)(5) shall be done with the agreement of the Minister of Industry, Trade and Employment.

### **Implementation**

4[*sic*]. The Minister of Justice is appointed to implement this law.