



Promoting critical debate and accountability of human rights NGOs in the Arab-Israeli conflict

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NGO Monitor's Submission to the United Nations Human Rights Council

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Israel is a vibrant parliamentary democracy facing many challenges, including the need to defend its citizens against terror attacks from Hamas-controlled Gaza, the West Bank, and Hezbollah-controlled Southern Lebanon, while protecting the rights of the populations in these areas. The civil society (NGO) network thrives in Israel and often provides valuable humanitarian assistance, including health services, education, and other basic requirements under many different and complex conditions.

Unfortunately, this network also often plays a counterproductive role in the context of efforts to end the Arab-Israeli conflict. As NGO Monitor and others have documented, some of the NGOs produce reports and launch campaigns that stand in sharp contradiction to their stated mandates of upholding universal human rights. These NGO activities regularly obscure or remove the context of terrorism, provide false or incomplete statistics and images, and disseminate gross distortions of the humanitarian, human rights and international legal dimensions of the Arab-Israeli conflict. This activity often stresses the rights of Palestinians at the expense of Israelis, and promotes the protection of some human rights – such as the “right to work” – at the expense of more fundamental rights – such as the right to life or the right to self defense. Moreover, violations of human rights and international humanitarian law committed by Palestinian actors or terror groups, including Hezbollah, are systematically ignored or minimized. As a result, NGO publications and campaigns, including submissions to the United Nations, provide an incomplete and often non-credible picture of the state of human rights in Israel.

The following analysis and examples highlight problematic NGO activity vis-à-vis human rights in Israel:

Freedom of Expression

The Israeli government should be commended for allowing NGOs to operate freely, even when many (including groups cited in this submission) promote an agenda in which Israel is demonized, often using unsubstantiated or false claims. Groups such as [B'tselem](#), [Machsom Watch](#), [Mossawa](#), [Yesh Din](#), are very active in Israeli civil society, while NGOs based outside of Israel, such as [Amnesty International](#) and [Human Rights Watch](#) are also able to operate without interference. In contrast, many NGOs do not acknowledge this basic freedom in their UPR submissions on Israel and in statements to other UN bodies.

The Israeli Committee Against House Demolitions ([ICAHD](#)), for example, conducts a project ([funded by the European Union](#)) entitled: “Re-Framing: Providing a Coherent Paradigm of Peace to the Israeli Public”, with the claimed objective of “alter[ing] the dominant Israeli paradigms regarding peace with the Palestinians”. In this project, ICAHD makes the unsupported claim that “Israelis lack critical information about the occupation” and mischaracterizes the robust and critical nature of the Israeli press and society. ICAHD levels charges such as “apartheid” against Israel in order to undermine its legitimacy through a comparison to the racist South African regime. The [false analogy](#) between Israel and South Africa used by ICAHD not only damages Israel, but lessens the severity of the crime of apartheid. [Adalah](#) is another example of an NGO that exploits the freedoms of expression available in Israel to undermine it. Its campaign for a so-called “Democratic Constitution” seeks the end of Israel as a democratic society with a Jewish character. The group also often promotes a “single state approach”, meaning the transformation of Israel into a Palestinian state, and relegation of the Jewish citizens into a minority.

Right to Self Determination

[Article 1](#) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) mandates that “[a]ll peoples have the right of self determination” and the right to “freely determine their political status”. Many politicized human rights NGOs involved in the UPR process, however, campaign on the basis that the right of self determination applies only to Palestinians and not to the Jewish people. These groups criticize Israel for efforts that seek to enforce this right for Jews. [BADIL](#), one of the preeminent campaigners for the “right of return” provides a clear example. In a November 29, 2007 [press release](#), for instance, BADIL announced “a year-long campaign of public awareness-raising and education about the Nakba and Israel's discriminatory Apartheid-like regime over the Palestinian people in the 1967 OPT, Israel and in exile”. In addition, BADIL [endorses](#) an alleged “right of return” for refugees, claiming Israel's very existence as a “Jewish State” contravenes international law. As mentioned above, [Adalah](#) also campaigns against the existence of Israel as a Jewish state through its “Democratic Constitution” campaign.

Right to Self Defense

Many NGOs with ECOSOC consultative status and involved in the UPR process disregard Israel's unequivocal right to self defense as codified in Chapter VII, Article 51 of the [UN Charter](#) when condemning Israeli anti-terror operations. Human Rights Watch ([HRW](#)) and [Amnesty International](#) (Amnesty) are two such NGOs that ignore this cornerstone of the UN human rights framework. For example, HRW [failed to condemn](#) Hezbollah's July 2006 cross-border attack killing eight Israeli soldiers and kidnapping two as an act of aggression even though the attack on Israel was illegal under any interpretation of international law, and there is both a moral and legal basis for distinguishing between aggressor and defender under the laws of war. Instead, HRW focused the [majority of its criticisms](#) on Israel's efforts to protect its civilians. Similarly, rather than acknowledging Israel's right to self defense, Amnesty [labels](#) Israel's attempts to stop daily rocket attacks on its civilian population launched from Gaza as “collective punishment” or “war crimes”.

Right to Life

The right to life is perhaps the most fundamental of human rights included in the Universal Declaration of Human Rights ([UDHR](#)), and is applicable not only to Palestinians, but Israelis as well. In order to preserve Israeli (whether Jewish, Christian, or Muslim) right to life in the wake of the Palestinian suicide bombing campaign targeting Israeli civilians, the Israeli government built a [security barrier](#). Examination of the statistics indicates that the barrier has resulted in an [84% drop](#) in terrorist attacks against civilians between 2003 and 2004 compared to September 2001 and July 2002 (February 2005 Israel Ministry of Defence Report). Rather than campaign for the right to life for all on an equal basis, however, NGO Monitor's detailed analyses consistently demonstrate that prominent NGOs such as HRW, Amnesty, [Christian Aid](#), the International Commission of Jurists ([ICJ](#)), and B'tselem, emphasize rights solely from the Palestinian perspective when criticizing the barrier. The protection of Israeli civilians is either not considered at all, or at best, is relegated to a secondary concern by these organizations.

Moreover, these NGO activities erase the fact that, pursuant to the UDHR and the ICESCR, social, economic and cultural rights "may be subject to restrictions by law necessary for the protection of national security in a democratic society." Instead, these groups present a false image that focuses exclusively on claims that the barrier violates Palestinian "right to food" or the "right to work". A February 2004 [joint paper](#), "Legal Consequences of the Construction of the Wall in the Occupied Territories," released by the ICJ and [FIDH](#) alleged the barrier "seriously hinders the enjoyment of the most fundamental human rights by the Palestinian population" such as "freedom of movement, . . . right to privacy, family and home . . . [and] the right to an adequate standard of living". Similarly, Christian Aid [discounts](#) Israel's security concerns regarding the barrier and repeats highly politicized and false claims that it was built to enforce a "politics of separation" to put a "stranglehold" on and enact a "soft transfer" of Palestinians.

War Crimes and Other Violations of IHL Against Israeli Civilians by Palestinians/Hezbollah

While repeatedly condemning Israel for alleged "war crimes" and "violations" of international humanitarian law (IHL), many UPR-associated NGOs minimize or even ignore war crimes or IHL abuses committed against Israelis. Indeed, some of these NGOs absolve Palestinians and Hezbollah of the duty ([Article 30](#)) to refrain from any activity "aimed at the destruction of any of the rights and freedoms set forth [in the UDHR]" such as the "right to life". (B'tselem is a notable exception, and has [strongly criticized](#) Palestinian terror attacks on these grounds. See "Attacks on Israeli Civilians by Palestinians," March 7, 2008)

Moreover, many NGOs condemn Israel for conducting operations in civilian areas, yet ignore the fact that Palestinian and Hezbollah terror activity within such areas are themselves violations of IHL, including violations of the rule of distinction and the rule against human shields. [Al Haq](#), for instance, [condemns](#) "Israel for use of heavy weaponry in densely populated urban areas of the Gaza Strip", but makes no similar condemnation against the Palestinian terror groups embedded within Gaza's civilian population. FIDH, in an [appeal](#) to the Assembly of the State Parties of the Geneva Conventions labels an IDF military operation as "disproportionate," a "grave, flagrant and massive breach[]of the 1949 Geneva Conventions," and a "crime". Rather

than condemning Hamas' call for human shields, FIDH characterizes such appeals as acts of “defiance”. FIDH ignores Qassam rocket attacks on Israeli civilians and makes no call on the Hamas-led Palestinian Authority or other terrorist organizations to stop such attacks. The Palestinian Center for Human Rights ([PCHR](#)) regularly accuses Israel of “[ethnic cleansing](#)” and “collective punishment” while minimizing attacks on Israeli civilians. The organization also [describes](#) Palestinian terrorists as “activists” and “[resistance activists](#)”, even though Palestinian terrorists are engaging in flagrant violations of UNDHR Article 30 and IHL.

Summary: Given the impact of the UPR, it is important that the National Report, Compilation of UN Information, and Summary of Stakeholders’ information be credible, accurate and impartial. Reliance on politicized NGOs discussed herein regarding human rights issues in Israel is inconsistent with this requirement. The obsessive condemnations of Israeli responses to daily attacks on its civilians, as well as disproportionate criticism of Israeli attempts to balance rights within a complex society facing asymmetrical warfare, further highlights this issue.

This limitation in NGO reporting related to human rights is not unique to Israel. A 2006 [study](#), “The Work of Amnesty International and Human Rights Watch: Evidence from Colombia,” conducted by the Bogota-based Conflict Analysis Resource Center and the University of London reveals the lack of credibility in NGO reporting related to this conflict region. On this basis, we urge the Human Rights Council and OHCHR to carefully examine the credibility and biases in NGO submissions and claims. NGO Monitor has attached to this document copies of our submissions to the [UN Committee on the Elimination of Racial Discrimination](#) and to the [Durban 2009 Conference Preparatory Meeting](#) which highlight further examples of the weakening of universal human rights through the activities of politicized NGOs.

We hope that this information will assist the HRC and OHCHR in the UPR process.

Respectfully Submitted,

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