

# ROADMAP FOR ENGAGEMENT WITH CIVIL SOCIETY IN ISRAEL

## PART I – BRIEF ANALYSIS OF THE CONTEXT AND PAST EU ENGAGEMENT

### - THE STATE OF CS: BRIEF UPDATE ON RECENT DEVELOPMENTS (i.e. the EE, CS involvement in domestic policies and CD, including in each of the priority area/sector of cooperation)

This document is an update of the 2014-2017 EU Country Roadmap for Engagement with Civil Society in Israel. It is important to stress that the analysis of the previous Roadmap<sup>1</sup> as well as the mapping undertaken in 2013<sup>2</sup> in regards to the roles and capacities of CSOs remain valid, and therefore the analysis presented in this document will only address the changes and developments that occurred since then.

Israel is a democratic state by international standards and its civil society sector is characterized by pluralism and diversity. To date, there are over 40,000<sup>3</sup> NGOs, non-profit making companies and foundations working in almost every realm of life, from civil and human rights, democracy and minority rights to the environment, gender equality, social justice and welfare, education, culture and religious freedom and pluralism.

By all international standards both freedom of expression and association are respected in Israel. The Supreme Court has affirmed that freedom of expression is an essential component of human dignity. Hate speech and incitement to violence as well as expressing support for illegal or terrorist organizations is punishable by imprisonment. Freedom of association is recognized by the Israeli Supreme Court as a fundamental right, and is respected in practice. Israel enjoys a lively, pluralistic media environment in which press freedom is generally respected. Media outlets are subject to military censorship with regards to certain security related issues.

Most Israeli CSOs remain mainly oriented towards service provision (mostly that outsourced by the government), and are perceived as such by the government. CSOs working in certain fields, such as environment, gender equality and rights of peoples with special needs, are engaged positively in policy dialogue by influencing policy makers and legislation.

In recent years a number of CSOs, in particular those working in the field of HR have reported an increasingly challenging environment. This trend has manifested itself inter alia in public criticism by government officials and politicians as well in debates on the role of CSOs among NGOs based on political or ideological affiliation. In addition, CSOs highlight that a number of bills that target funding of NGOs or adversely impact their work in one way or another have been considered or adopted in the last three years, although most of those restrictive bills have not become laws.

The list of recently passed relevant Knesset legislation having an effect on the work of NGOs:

- "Law on duties of disclosure of NGOs funded by a foreign state entity" passed by the Knesset in July 2016. It applies additional reporting and disclosure requirements on Israeli NGOs receiving more than 50% of their funding from foreign public sources. A number of human rights NGOs argue that the very

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<sup>1</sup> <https://europa.eu/capacity4dev/public-governance-civilsociety/document/israel-update-roadmap-eu-engagement-civil-society>

<sup>2</sup> Mapping study of Civil Society Organizations in Israel, commissioned by the EU Delegation [http://wiki.sheatufim.org.il/w/upload/sheatufim/1/13/Mapping\\_study\\_of\\_Civil\\_Society\\_Organisations\\_in\\_Israel\\_%28December\\_2013%29.pdf](http://wiki.sheatufim.org.il/w/upload/sheatufim/1/13/Mapping_study_of_Civil_Society_Organisations_in_Israel_%28December_2013%29.pdf)

<sup>3</sup> According to the official website of the Registrar of Associations/Companies in the Israeli Ministry of Justice <https://www.guidestar.org.il/home>

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existence of this law creates extra burden with possible negative financial implications (including personal liability for staff) and reduces capacities to focus on their priorities<sup>4</sup>.

- "The National Service Law" of March 2017. The law bans national service volunteers from organizations that receive the majority of their funding from abroad.
- "The Amendment to the Entry into Israel law" of March 2017. The law enables the Ministry of Interior to deny foreign individuals' entry into Israel if they support boycott of Israel and/or the Israeli settlements. A list of 20 organizations concerned by this law was later published in January 2018.
- "The Amendment to the State Education Law" of July 2018 (known as "anti-Breaking the Silence law"). The law allows the Ministry of Education to prevent certain individuals or organizations, deemed of undermining the status of Israel or the IDF abroad from performing activities inside schools.
- "The Administrative Courts bill" of July 2018. The law extends the jurisdiction of the Jerusalem administrative court into occupied territory, which provides a second degree of appeal but also may make access to the High Court of Justice more cumbersome for NGOs working on human rights in oPt.

The nation-state bill, which was adopted in July 2018, has been the subject of intense debate and criticism from a number of CSOs, notably in the Arab minority arguing it may undermine the concept of equality among citizens. Following a long debate, the adopted text of the law was improved in that respect compared to previous drafts, while its effects on future jurisprudence remain to be seen.

Additionally, a number of CSOs have raised concerns about the way in which the public debate and the media coverage are negatively influencing their credibility and legitimacy within the Israeli society and abroad. Some organizations covering sensitive issues are sometimes being publicly portrayed as disloyal to the State of Israel.

As mentioned in the previous roadmap, the government presented its policy regarding the non-for-profit sector in 2008. The policy acknowledged CSOs as partners in the provision of social services, encourages the government to promote social entrepreneurship and to integrate not-for-profit organisations in government contracts for social services. The policy acknowledged the role that CSOs can play and recognises the value of consultations. Finally, it emphasised the need for an independent, accountable, professional, and law-abiding not-for-profit sector<sup>5</sup>. There is currently little publicly available information or instructions available on how the policy should be implemented. Human rights organisations and Arab organisations reported difficulties in cooperating efficiently with the authorities. Organizations working in sectors outside of civil and political rights or as service providers (for instance, in education, social affairs or the environment) are sometimes more engaged at policy level or have the opportunity to engage with authorities at technical level.

At the Knesset, many CSOs enjoy a regular and structured engagement via participation in Knesset committee meetings (for example the Committee on the Status of Women and the Education Committee). This is facilitated by relationships developed with Knesset members and/or political factions.

Cooperation between CSOs and Local Authorities has intensified in the last few years due to the increasing importance of the role of Local governance in development processes and the Local

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<sup>4</sup> See also section b. Freedom of Peaceful Assembly and Association of the US State Dept. Human Rights report, p.24 <https://www.state.gov/wp-content/uploads/2019/03/ISRAEL-AND-THE-GOLAN-HEIGHTS-2018.pdf>

<sup>5</sup> For more details about Government-CSOs relationship, see the [2014-2017 EU Country Roadmaps for Engagement with Civil Society in Israel](#) & the [Mapping study of CSOs in Israel \(2013\)](#).

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Authorities' lack of expertise in certain fields (such as environment policies, informal education, public participation), especially among the peripheral and socio-economical weak ones.

### - **LESSONS LEARNT FROM THE EU ENGAGEMENT SO FAR (i.e. dialogue, operational support, EU coordination and division of labour, negotiation of partnership priorities/SSF)**

The European Neighbourhood Policy applies to Israel although the country receives a very limited bilateral envelope from the European Neighbourhood Instrument due to its high level of economic development (Israel is a member of the Organisation for Economic Cooperation and Development - OECD). Therefore this bilateral envelope is dedicated to institutional cooperation between Public Administrations of EU Member States and Israel (Twinning<sup>6</sup> projects). In addition, EU cooperation is implemented through the following funding instruments: EIDHR (European Instrument for Democracy and Human Rights), CSO-LA (Civil Society organisations and Local authorities) and EUPI (EU Peacebuilding Initiative). The EU strongly opposes boycott of Israel.

The EU Delegation is engaged in dialogue and consultations with Israeli CSOs, to seek their views and opinions regarding EU policies and programmes. These consultations with CSOs are usually held in the framework of both the EU-Israel policy dialogue under the Association Agreement and the ENP progress report exercise. Consultations also address specifically the EU-Israel informal working group on human rights and are linked to the EU's overall objectives relating to human rights where this specifically concerns Israel. The EU Head of Delegation regularly meets with prominent CSOs, activists and human right defenders to be briefed, to listen to their concerns and requests and clarify the policy of the EU and its engagement.

As far as policy dialogue is concerned, in addition to raising any relevant issues with the Israeli authorities in day-to-day contacts, the enabling environment shall be a key component in a number of formal EU-Israel policy dialogues in the framework of the ENP, most notably the annual Informal Working Group on Human Rights as well as the Sub-Committee on Political Dialogue and Co-operation. The last meeting of the Sub-Committee on Political Dialogue held in Jerusalem in April 2016 included a substantive agenda item addressing human rights issues in the context of Israel's responsibilities in the occupied territories. The Sub-Committee has since failed to convene against the background of the absence of an Association Council since 2012. The Subcommittee on Justice and Legal Matters can also provide a forum for relevant dialogue.

CSOs are also routinely consulted prior to the launching of local calls for proposals, to ascertain local needs and inform stakeholders on the implementation modalities of EU programmes. The EU Delegation conducted during 2015-2017 more than 20 consultation meetings with CSOs prior to the identifications of the objectives of Civil Society Facility and Local Authorities calls for proposals.

One of the main recommendations of these consultations is the need to encourage, in the framework of EU Call for Proposals, the cooperation between CSOs and LAs in order to ensure a tangible impact on the final beneficiaries and guarantee sustainability. The CSO-LA programme encourages Local Authorities and CSOs cooperation, and indeed in all of the 5 EU-funded projects with Israeli local authority, the latter partnered with a CSO. Many of the projects under EIDHR and EU Peace Building Initiative feature work with government as these are considered likely to have enhanced impact and sustainability. For example,

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<sup>6</sup> Twinning is a European Union instrument for institutional cooperation between Public Administrations of EU Member States and of beneficiary or partner countries, including Israel. Twinning projects bring together public sector expertise from EU Member States and beneficiary countries with the aim of achieving concrete mandatory operational results through peer to peer activities.

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projects which work in schools or on school curricula will require the agreement of the Ministry of Education.

In addition, better engagement between CSOs and government on the different policy areas (rights of persons with disabilities, labours rights, governmental accountability and transparency, MEPP) would be vital for achieving sustainable results.

Transparency regarding the funding of EU and EU MSs-funded projects is and remains a central element of engagement with CSOs."

In the case of the EUPI programme, the latest external evaluation report noted that better engagement between CSOs and governments would be important to maintain the programme's link to, and have a greater impact, on the Middle East Peace Process.

As a direct result of the above mentioned consultations and in complete coherency with EU policies in regards to the importance role of CSOs in governance, as part of the Twinning and TAIEX<sup>7</sup> programmes and projects the Delegation has encouraged direct interaction between CSOs and government in its cooperation programming and activities in a wide range of sectors on different regulatory issues ranging from environment to energy efficiency, from statistics to sanitary and phytosanitary standards. In the Twinning programme, all projects are required to hold a consultation with a wide range of stakeholders regarding proposed changes to legislation.

As mentioned above, Israel as a developed country and an OECD member is not a recipient of development aid, and therefore coordination with other donors is limited.

Nevertheless, there is a need for more donor coordination's approach with EUMSs, like-minded states and EUREP/EU Missions in Jerusalem/Ramallah in order to confront common challenges and devise effective strategies to overcome them whenever relevant.

Negotiations on Partnership Priorities are yet to formally start between Israel and the EU.

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<sup>7</sup> **TAIEX** is the Technical Assistance and Information Exchange instrument of the European Commission. TAIEX supports public administrations with regard to the approximation, application and enforcement of EU legislation as well as facilitating the sharing of EU best practices

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### PART II – EU STRATEGY AND ACTION PLAN TO ENGAGE WITH CSOs

KEY CHALLENGES AND OPPORTUNITIES	PRIORITIES FOR EU ENGAGEMENT WITH CS	TARGETS OF EU ENGAGEMENT WITH CS	ACTIONS/ACTIVITIES (analysis, policy dialogue, financial or non-financial support)	INDICATIVE MEANS (programmes/instruments, etc.)
<b>General EU engagement with civil society</b>				
<p><i>Preserving an enabling environment for civil society and addressing restrictions affecting CSOs</i></p>	<ul style="list-style-type: none"> <li>- To enhance efforts to promote conducive environment for CSOs</li> <li>- To foster common and coherent EU approach/position to address public targeting of CSOs in Israel</li> <li>- To address, via diplomatic channels, the governmental and non-governmental initiatives creating challenges for CSOs in Israel</li> </ul>	<ul style="list-style-type: none"> <li>- The space for CSOs is more secured</li> <li>- public targeting of EU and its MSs for funding and supporting CSOs in Israel decreases</li> <li>- CSOs promote joint responses to public targeting</li> </ul>	<ul style="list-style-type: none"> <li>- Monitoring of draft bills and laws impacting Civil Society operating in Israel and in the oPt</li> <li>- Dialogue with IL authorities and government</li> <li>- EU funding to CSOs preserving an enabling environment for civil society and addressing restrictions affecting CSOs</li> <li>- Effective communication and visibility campaigns on EU constructive support to CSOs covering a wide spectrum of themes</li> <li>- Shifting the EU discourse of the EU from funding projects and CSOs in Israel to promoting values and policies</li> <li>- Improve mutual trust between IL and EU insofar as EU support to CSOs is concerned</li> <li>- Organise regular discussions on concerns of the Roadmaps between with EU missions based in Tel Aviv and the ones based in Jerusalem/Ramallah whenever relevant</li> <li>- Support to initiatives promoting basic freedoms and supporting human rights defenders</li> </ul>	<ul style="list-style-type: none"> <li>- EU policy dialogue with Israel in the framework of the IL EU association agreement and on an ad-hoc basis is held on a regular basis, as well as within all existing dialogue mechanisms that provide policy dialogue between the EU, EUMS and Israel</li> <li>- EU thematic programmes (CSO-LA &amp; EIDHR)</li> <li>- EU Peace Building Initiative Programme (EUPI)</li> <li>- Communication and visibility activities</li> </ul>

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<p>Involvement of CSOs in EU Programming and policies in Israel</p>	<ul style="list-style-type: none"> <li>- <i>To ensure CSOs involvement in EU-funded programmes implemented with IL government and advocate for allowing the space for better CSOs interventions in policy dialogue government actions</i></li> <li>- <i>ensure a regular and constant dialogue with CSOs on EU programmes and calls for proposals implemented in Israel</i></li> </ul>	<ul style="list-style-type: none"> <li>- Improve the impact, predictability and visibility of EU actions in Israel</li> <li>- Ensure consistency and synergy of actions and support throughout the various sectors covered by EU external actions.</li> </ul>	<ul style="list-style-type: none"> <li>- Dialogue and consultation with CSOs on Twinning future projects.</li> <li>- Thematic consultations with CSOs prior to EU-IL Sub Committees.</li> <li>- Systematic and institutionalized Donor coordination's meetings with EUMSs, like-minded states and EUREP/EU Consulates in East Jerusalem</li> <li>- Annual EU-CSOs meeting on the outcomes of the implementation of the roadmap</li> <li>- Promotion of CSOs-Government common actions, cooperation and policy dialogue as a general civic interest</li> </ul>	<ul style="list-style-type: none"> <li>- Role of CSOs in the design of Twinning &amp; TAIEX</li> <li>- At least one Donor coordination meeting organised annually</li> <li>- Number of Meetings with CSOs, as reported in the EAMR</li> </ul>
<p>Better engagement (or lack of engagement) of Israeli CSOs in the Israeli policy making processes and promoting an institutional policy dialogue mechanism</p>	<ul style="list-style-type: none"> <li>- To strengthen CSOs role in decision making processes at national and local level through different means (policy dialogue/consultations and advocacy)</li> </ul>	<ul style="list-style-type: none"> <li>- CSOs more empowered in performing their roles as independent actors of governance</li> <li>- Space for the CSOs inputs in governance and policy making is ensured</li> </ul>	<ul style="list-style-type: none"> <li>- Involvement of CSOs in Twinning and TAIEX in ongoing and future projects.</li> <li>- Priorities for the EU funding to CSOs promoting an institutional policy dialogue mechanism in Israel</li> <li>- Dialogue with CSOs in preparation of the IL EU sub committees and joint committees (Association Agreement implementation mechanisms)</li> </ul>	<ul style="list-style-type: none"> <li>- Role of CSOs in the implementation of Twinning &amp; TAIEX projects</li> <li>- EU thematic programmes (CSO-LA &amp; EIDHR)</li> <li>- Policy dialogue within the implementation of the IL EU association agreement</li> </ul>

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### PART III– FOLLOW-UP ON THE PROCESS AND STRATEGY

Process indicators		
INDICATOR	TARGET	BASE LINE INFORMATION AND FURTHER COMMENTS
Involvement of Member States in the RM.	Member States present in the country are actively involved in the RM process.	The involvement of MSs in the implementation of the previous roadmap was very limited. Coordination meetings between MSs on the issue of EU engagement with CSOs in Israel have been limited to political briefings and did not reach the required level of coordination.
Number and quality of consultations held.  Number and diversity (in terms of location, sector, capacities) of CSOs consulted regarding the RM.	The RM entails consultations with a broad range of local CSOs. Ultimately it leads to more permanent and structured dialogue.	Donor coordination's meetings must be more formalized.
Complementarity of RM vis-à-vis related EU and other Donor partners' processes.	RMs are complementary to related processes including human rights and democracy country strategies, the rights-based approach to development, gender action plans, etc.	The general approach of the roadmap is well presented in the EIDHR and CSOs calls and programmes implemented in Israel by the EU Delegation.

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Outcome indicators				
PRIORITIES	TARGET	INDICATORS	BASELINE INFORMATION (if available)	SOURCES OF INFORMATION & MEANS OF VERIFICATION