

26 September 2025

Letter of Concern – Government of Israel’s Non-Compliance with the Open Government Declaration

Dear Open Government Partnership Steering Committee

This Letter of Concern addresses a range of practices by the Government of Israel that are inconsistent with the values and principles of the Open Government Declaration and therefore calls for the Response Policy to be triggered.

I am submitting this request in my position as a member of the Steering Committee of OGP as is enabled by the procedures of OGP.

The practices of concern extend both to the Israeli government’s conduct within Israel’s recognized borders and to its conduct in the Occupied Palestinian Territories (OPT), including the West Bank, East Jerusalem, and Gaza.

Under international law, the responsibilities of an occupying power are set out primarily in the Hague Regulations of 1907 (Articles 42–56) and the Fourth Geneva Convention of 1949. These rules establish that an occupying force does not gain sovereignty over the territory but instead assumes temporary authority with the duty to administer it in the interests of the civilian population. The occupier must maintain public order and civil life, respect existing laws unless absolutely prevented, and ensure the provision of food, medical supplies, and essential services. The population under occupation must be protected from violence, collective punishment, and forced displacement.

Additionally, the occupying power has a duty to safeguard fundamental human rights and to refrain from transferring parts of its own civilian population into the occupied territory (Article 49, Fourth Geneva Convention). The occupier may not exploit resources or alter the territory for its own benefit but must act as a steward until lawful sovereignty is restored. In short, the legal framework emphasizes protection, preservation, and non-exploitation of the local population and their environment, reflecting the principle that occupation is temporary and must prioritize the welfare and rights of the occupied people.

Taken together, credible international and Israeli human-rights organisations, UN bodies, and independent monitors have documented a pattern of government policies and practices — especially regarding settlements, planning, policing, NGO regulation, judicial changes, and accountability for violence — that are inconsistent with OGP commitments to transparency, inclusive participation, accountability, and respect for human rights. The following is the evidence and the link from each practice to specific OGP principles.

1) OGP principle — Inclusive civic participation & non-discrimination

B'Tselem and other human-rights organisations document that Israel's land-, planning- and housing-policies in East Jerusalem, the West Bank and for Palestinian citizens inside Israel have been implemented in ways that systematically disadvantage Palestinians — limiting their ability to participate on equal terms in planning and to benefit from public services.¹

The UN Office of the High Commissioner for Human Rights (OHCHR) reports that the expansion of settlements and related planning decisions in the Occupied Palestinian Territory (OPT) are unlawful under international law and have major negative human-rights consequences for Palestinians' rights to housing, livelihoods, and participation.²

These actions are in conflict with the OGP requirements of inclusive participatory government practices grounded in respect for human rights. Systematic exclusion of a population from planning and public decision-making is directly inconsistent with "open government" commitments to inclusive participation and non-discrimination.

2) OGP principle — Transparency and access to information

The concerns regarding transparency and openness within Israel are not new. A 2016 NGO transparency/foreign-funding law for example, requires disclosure and labelling of foreign-funded civil-society organisations. Critics argued the law and similar measures constrain civil society and single out human-rights organisations. International and Israeli media and NGO commentary documented the law's practical impact on NGO operations and public debates.³

More recently, the Government of Israel has imposed significant restrictions on journalists reporting from Gaza. These measures have been widely criticized by international press freedom organizations, including Reporters Without Borders (RSF), the Committee to Protect Journalists (CPJ), and the United Nations.

Since October 2023, Israel has effectively banned foreign journalists from entering Gaza, except for brief, military-escorted visits. This policy has been in place for over 20 months, with no independent reporting permitted. Journalists allowed into Gaza are typically embedded with the Israeli military, severely limiting their ability to report freely and independently. These restrictions have been described as a "media blackout" by organizations such as RSF and the UN, who have called for an end to the ban to allow for independent reporting and accountability.⁴

¹ https://www.btselem.org/publications/summaries/199505_policy_of_discrimination

²

<https://www.un.org/unispal/document/a-hrc-58-73-israeli-settlements-opt-ohchr-report-march2025/>

³

<https://www.theguardian.com/world/2016/jul/12/israel-passes-law-to-force-ngos-to-reveal-foreign-funding>

⁴

<https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-ban-international-media-must-be-lifted>

Additionally, the Israeli military has imposed strict censorship orders on journalists, including requirements for prior approval before broadcasting news from combat zones or missile impact areas. These measures have been criticized for limiting the flow of information and hindering independent journalism⁵.

Attacks on Journalists

The conflict has also seen a disturbing number of journalists killed or injured. According to the CPJ, over 75% of the 99 journalists and media workers killed worldwide in 2023 died in the Gaza war. This includes both Palestinian and foreign journalists. The targeting of journalists has raised serious concerns about press freedom and the protection of media workers in conflict zones.⁶

In response to these developments, over 250 media outlets worldwide staged a coordinated blackout protest to condemn the killing of journalists in Gaza and call for the protection of press freedom and independent reporting.⁷

These actions and restrictions have led to widespread condemnation from international organizations and governments, who argue that they undermine the principles of press freedom and the public's right to information.

OGP's core transparency/access commitments expect governing institutions to enable civic actors to operate freely and to provide open, timely information. Laws and practices that single out NGOs for disclosure and political pressure on OGP implementation undermine the environment necessary for open government. Restriction of media freedom runs counter to the OGP principles.

3) OGP principle — Accountability and investigations into abuse of power

Multiple credible sources document a widespread failure to investigate or to hold security actors or settlers accountable for violence and rights abuses in the West Bank and East Jerusalem. For example, Human Rights Watch reported (April 2024) that the Israeli military either participated in or failed to protect Palestinians from rising settler violence that led to displacement; OHCHR and other UN reports similarly document lack of effective accountability mechanisms for settlement-related harm.⁸

Independent international reporting (UN reports, State Department human-rights reports) have repeatedly pointed to practices such as extensive use of administrative detention, demolitions, and restrictions on movement — often carried out without effective remedies

⁵ <https://www.jurist.org/news/2025/06/israel-imposes-sweeping-censorship-on-foreign-media/>

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<https://rsf.org/en/rsf-and-avaaz-launch-international-media-operation-rate-journalists-are-being-killed-gaza-israeli>

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<https://www.i24news.tv/en/news/israel-at-war/artc-over-250-outlets-to-participate-in-blackout-to-protest-the-killing-of-journalists-in-gaza-ngo-says>

⁸ <https://www.hrw.org/news/2024/04/17/west-bank-israel-responsible-rising-settler-violence>

for victims. The US State Department's country human-rights report documents large numbers of administrative detainees and other due-process concerns.⁹

OGP's accountability commitments require that governments ensure public accountability for misuse of power, impartial investigations, and remedies for rights violations. Patterns of impunity, non-transparent security operations, and limited remedies are inconsistent with those commitments.

4) OGP principle — Respect for the rule of law, checks and balances

Domestic institutional reforms and political moves that weaken judicial review and checks on the executive have been widely criticized at home and abroad (Freedom House and other monitors document threats to judicial independence and separation of powers). For example, Freedom House's 2024 reporting and commentary on judicial reform proposals and Knesset legislation highlight how such reforms risk undermining judicial checks on government decisions.¹⁰

Open government presupposes functioning checks and balances to hold power to account. Erosion of judicial independence reduces the ability of citizens and civil society to challenge non-transparent or abusive government action — and thus weakens OGP commitments to accountable government.

5) OGP principle — Human rights protection in conflict/occupied contexts

Human Rights Watch (2021) issued a major report arguing that Israeli authorities' policies toward Palestinians in the OPT and inside Israel meet the threshold of apartheid and persecution in many respects. OHCHR and UN bodies have issued multiple recent reports (including 2024–2025 updates) documenting settlement expansion, demolitions, movement restrictions, and severe humanitarian impact in Gaza and the West Bank. More recent UN and international reporting around the Gaza war (2023–2025) documents extremely high civilian tolls and has led to severe criticism of Israeli conduct in terms of humanitarian law and human-rights protections.¹¹

Most recently, a UN Commission of Inquiry appointed by the Human Rights Council's 47 Member States – concluded that during the war in Gaza beginning on 7 October 2023 the Israeli authorities and security forces "committed four of the five genocidal acts defined by the 1948 [Convention on the Prevention and Punishment of the Crime of Genocide](#)".

These acts are:

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https://www.state.gov/wp-content/uploads/2024/03/528267_ISRAEL-2023-HUMAN-RIGHTS-REPORT.pdf

¹⁰ <https://freedomhouse.org/country/israel/freedom-world/2024>

¹¹

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>

- killing,
- causing serious bodily or mental harm,
- deliberately inflicting conditions of life calculated to bring about the destruction of the Palestinians, and
- imposing measures intended to prevent births.

OGP ties open government to respect for human rights and the Universal Declaration of Human Rights. Systematic policies and practices that infringe civilians' basic rights, or policies implemented without transparent legal bases and independent oversight, and policies and practices that amount to genocide, contradict the human-rights foundation of open government.

The conduct described above demonstrates a persistent pattern of policies and practices by the Government of Israel that are inconsistent with its obligations under the Open Government Declaration. These practices undermine OGP's core principles of transparency, participation, accountability, and respect for human rights.

I submit this Concern for review by the OGP Steering Committee and request consideration of appropriate follow-up measures.

Sincerely,

A handwritten signature in black ink, appearing to read "BS".

Barbara Schreiner