Internet Filtering in
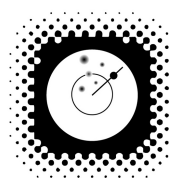
Israel

OpenNet Initiative

Overview

Israel is among the world's leading countries in terms of broadband Internet penetration. Although the censorship of information considered vital to national security is a reality, both under law and by voluntary pact, Israel has yet to legally authorize or implement filtering of the Internet.

Background

Since its founding as a state in 1948, Israel has contended with the proper limits of security forces as a democracy under military threat. The Israeli Defense Forces' Military Censor decides what information should not be published, and both domestic journalists and foreign media organizations must comply as a condition of operating in Israel. This longstanding practice has been at the center of an ongoing debate about the curtailment of freedom of expression in order to protect national security and order.[1]

Internet in Israel

As a country self-described as always having to "depend on its intellectual resources for survival and development," Israel is home to one of the most vibrant technology centers in the world.[2] In 2003, the country drew USD1.1 billion in venture capital funding, placing it behind only Boston and Silicon Valley in attracting funding for start-ups,[3] and despite the global economic crisis, Israel's technology sector continues to grow.[4] Five main Internet service providers (ISPs) and approximately 70 smaller ISPs[5] serve 4.5 million Internet users, about 61.9 percent of the total population in 2008.[6]

Israel ranks highest in the world in hours per user spent on the Internet, at 57.5 hours a month.[7] The vast majority of Israelis access the Internet from home, though many also do so at school, work, and other sites.[8] Although blogs remain a relatively marginal activity in Israeli cyberspace, the Internet is now the main source of news for 26 percent of online users, second to television but surpassing print newspapers.[9] The Internet is also increasingly seen as a communication tool,[10] even a "new battleground," for vital Israeli interests and the national image.[11]

Initially, Internet penetration in Israel increased relatively slowly, because of the high cost of service, especially for broadband access.[12] Since 2001, however, the government has taken steps to allow more service providers to

RESULTS AT A GLANCE					
Filtering	**No evidence of filtering**	**Suspected filtering**	**Selective filtering**	**Substantial filtering**	**Pervasive filtering**
Political	●				
Social	●				
Conflict/security	●				
Internet tools	●				

Other factors	**Low**	**Medium**	**High**	**Not applicable**
Transparency				●
Consistency				●

KEY INDICATORS

		worst	best
GNI per capita, PPP (current international $)............................	25,864		
Life expectancy at birth (years)...	80.3		
Literacy rate (% of people age 15+)....................................	97.1		
Human development index (out of 177)...............................	23		
Rule of law (percentile)...	73		
Voice and accountability (percentile).................................	70		
Digital opportunity index (out of 181).................................	14		
Internet users (% of population)..	47		

compete in Israel, reducing costs and dramatically increasing Internet use in general and broadband access in particular.[13] Bezeq, a formerly state-owned telecommunications giant that privatized in 2005, began offering ADSL service in 2001.[14] In large part because of the introduction of broadband cable modem access offered by cable companies in 2002, the percentage of households using broadband Internet increased from 4 percent in 2002 to 62 percent in 2006, with broadband service costing approximately USD9.00 a month.[15]

Legal and regulatory frameworks

The Ministry of Communications (MOC) regulates the Internet as part of the telecommunications sector.[16] Prior to the 1980s, the Israeli government controlled both telecommunications regulation and operations. In 1984 those functions were split, and all telecommunications facilities were transferred to Bezeq, a state-owned company.[17] Bezeq's monopoly on fixed-line transmissions within Israel led to a relatively high cost of Internet service in Israel.[18] After Bezeq's legal monopoly on fixed-line services expired in 1999, the MOC began liberally issuing licenses to competitors. This and other regulatory changes led to a burst of competition within the Internet sector, lowering prices and contributing to a large increase in Internet penetration after 2001.[19]

In 2009, all three of Israel's leading cellular providers began offering independent Internet access. The move more than doubled the options available to mobile Internet subscribers, as only two companies had previously offered mobile Internet services. This change is likely to assist with lowering Internet costs, and may result in a significant increase in the total amount of Internet users in Israel.[20]

Israel's history as a state under constant military threat has strongly influenced its approach toward the control of information. Censorship of the media was legitimized in law in 1945, when the military censor was authorized to ban the publication, printing, importing, and exporting of any material that will or is likely to cause damage to the security of Israel or public order.[21] Since then, censorship of sensitive, security- or military-related information has operated through voluntary agreements between military authorities and the Israeli Committee of Daily Newspaper Editors. These agreements provide a platform for practical negotiation with a built-in arbitration body and have been renewed periodically since 1949 with some significant amendments.[22] Despite the lack of full consent from all media, all news organizations operating in Israel, including foreign agencies, must agree to abide by the censor's rulings.[23]

The Directorate of Military Intelligence of the Israeli Defense Forces

maintains the Military Censor unit that holds the authority to prevent reporting of information that may aid attacks on Israeli citizens. News outlets are prohibited, for instance, from revealing the exact location of enemy missile strikes or stating that a high-ranking official is entering a threatened area.[24] After periods of more slack enforcement, the Censor has recently scaled up its efforts. During the 2006 war against Hezbollah in Lebanon, for instance, the government banned specific reports on troop movements, the location of Hezbollah rocket strikes, and other information that could be used to coordinate attacks or aim weapons.[25] In another example, the Military Censor blocked news about a National Security Council report on the vulnerability of an Israeli fuel depot. The censor was afraid the report might give terrorists ideas, but critics argue that such reports are necessary to spark public debate about security precautions.[26]

This regulatory structure has long been a source of controversy. A series of Supreme Court decisions limited the ban on publishing to content where there is a "tangible" and "near-certain" danger to the well-being of the public.[27] Over the decades, the Knesset has debated the role of the censors and the limits of free expression, especially in light of a changing media environment fueled by the growth of the Internet, but no legislation has been enacted to replace the current system.

In early 2008, The Commission of Inquiry Into the Events of Military Engagement in Lebanon 2006 (also known as the Winograd Commission) published its final report regarding the war against Hezbollah. One of the issues the commission choose to address was the issue of censorship on Israeli Internet sources such as forums and blogs. Colonel Sima Vaknin-Gil, Head of the Israeli Military Censor during the war, testified in front of the committee, saying, "I have no intention of entering

all the forums and chats and blogs, other than places where we identify an unequivocal breach of security. The source of the Internet's strength, namely that it is a jumble of information, is also the source of its weakness. So, as distinct from many people, I do not see the Internet as such a great danger."[28] However, two years later, an IDF spokesman published an announcement titled "The Military Censor will monitor blogs from now on," describing a new initiative by Colonel Vaknin-Gil's that will focus specifically on blogs.[29]

Israel has yet to establish any explicit legal authority for filtering of the Internet. In 1998 the Knesset's Committee for Scientific and Technological Research and Development met to discuss the subject of Internet filtering.[30] Some groups in Israel, particularly the Orthodox community, were concerned over widespread pornography on the Internet, though the legislature seems more worried about the availability of privileged information, such as Israeli missile deployments.

In 2007, Israel's Minister of Communication, KM Ariel Atias, who belongs to the Orthodox party Shas, tried to pass a bill to filter all "abomination and violence" content from Israeli Internet users who do not explicitly ask their ISP to remove them from the filtration process.[31] Atias's original proposal included mandatory installation of biometric identification technology to prevent minors from manipulating the filtering system, but this article was dropped later. The bill, nicknamed "Bill 892," caused concern among Israeli Internet experts, NGOs, academic institutes, and media and technology companies, who cooperated to lead a campaign against the bill. Despite their efforts, in April 2008 the Knesset Committee of Economics passed the bill on its first hearing by a surprisingly large majority. The Committee's Chairman, KM Gilad Arden, who strongly opposed the

bill, postponed the second and third hearings until after the 2009 elections. Bill 892 is unlikely to resurface, given Israel's governmental changes and the length of time that has passed since the first hearing, and no similar bills or other legislative initiatives currently exist. However, the incident serves as evidence that widespread Internet filtering in Israel is possible and perhaps more likely than ever before.

ONI testing results

ONI conducted testing on five Israeli ISPs in 2009: Barak Netvision, Netvision Ltd., Goldenlines, Bezeq, and Internet Rimon, a religious ISP that, for customers who voluntarily subscribe, filters sexual content and other sites considered to be immoral.[32] In addition to the global list, ONI tested sites with content critical of the Israeli government or reflecting sensitive national security issues and state policies, as well as content from Palestinian groups such as Hamas, human rights organizations, and militant organizations such as Hezbollah. Aside from content blocked by Internet Rimon, ONI found no evidence of Internet filtering in Israel.

Conclusion

After years of somewhat stagnant growth, the Israeli Internet community is expanding rapidly. The country is likely to remain a center for the development of new Internet technologies, with widespread Internet access and deep broadband penetration. Israel does not filter the Internet, and in this respect maintains one of the freest Internet communities in the Middle East. However, as proposed legislation to restrict access to pornography and violent content online continues to be debated, and as the space for online media increases, the Internet will likely challenge the bounds of the specific historical tradition and established practices of Israeli censorship.

NOTES

[1] Matti Friedman, "Stop the press," *The Jerusalem Report*, April 4, 2005.

[2] Israeli Ministry of Communications, Telecommunications in Israel 2006, November 6, 2006, p. 10, http://www.moc.gov.il/new/documents/broch_1.11.06.pdf.

[3] Matthew Kalman, "Venture capital invests in Israeli techs: Recovering from recession, country ranks behind only Boston, Silicon Valley in attracting cash for startups," *San Francisco Chronicle*, April 2, 2004, http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/04/02/BUG675V5L41.DTL.

[4] "Israel Information Technology Report Q2 2009," Companies and Markets, June 5, 2009, http://www.companiesandmarkets.com/Summary-Market-Report/israel-information-technology-report-q2-2009-80054.asp.

[5] Global Technology Forum, "Doing Business in Israel," *Economist Intelligence Unit*, http://globaltechforum.eiu.com/index.asp?layout=newdebi&country_id=IL&channelid=6&country=Israel&title=Doing+e-business+in+Israel.

[6] "Israel Information Technology Report Q2 2009," Companies and Markets, June 5, 2009, http://www.companiesandmarkets.com/Summary-Market-Report/israel-information-technology-report-q2-2009-80054.asp.

[7] comScore Networks Press Release, "694 million people currently use the Internet worldwide according to comScore Networks," May 4, 2006, http://www.comscore.com/press/release.asp?press=849.

[8] Lauren Rapaport and Paige Wunder, "The Information Technology Landscape in Israel," American University, http://www.american.edu/carmel/nk3791a/Internet.htm.

[9] Judy Siegel, "Web sites are a major source of news for a quarter of Internet users," *The Jerusalem Post*, November 14, 2006, reprinted by BBC Monitoring International Reports.

[10] Michal Lando, "Ingathering of the intellectuals," *The Jerusalem Post*, January 9, 2007.

[11] Steve Linde, "Israel's newest PR weapon: The Internet Megaphone," *The Jerusalem Post*, November 29, 2006. Linde describes a computer software tool called the "Internet Megaphone" that acts like a beeper alert system, encouraging citizens to bring a pro-Israel slant to public opinion polls.

[12] Israeli Ministry of Communications, "Telecommunications in Israel 2006," November 6, 2006, http://www.moc.gov.il/new/documents/broch_1.11.06.pdf.

[13] Ibid.

[14] Global Technology Forum, "Doing Business in Israel," *Economist Intelligence Unit*, http://globaltechforum.eiu.com/index.asp?layout=newdebi&country_id=IL&channelid=6&country=Israel&title=Doing+e-business+in+Israel.

[15] Israeli High-Tech & Investment Report, "Overview of Israel's Internet & broadband," January 2007, http://www.ishitech.co.il/0107ar3.htm.

[16] See the Israeli Ministry of Telecommunications Overview at http://www.moc.gov.il/new/english/index.html.

[17] Israeli Ministry of Communications, Telecommunications in Israel 2006, November 6, 2006, http://www.moc.gov.il/new/documents/broch_1.11.06.pdf.

[18] Ibid.

[19] Ibid.

[20] Stav Rave, "Israeli Communication Map Changes," *The Mobile Blog of Israel*, January 2, 2009, http://mobileisrael.wordpress.com/2009/01/02/israeli-communication-map-changes/.

[21] Articles 87(1), 88(1), Defense Regulations (State of Emergency), 1945, 1442 Palestine Gazette Index 855, (1945), cited in Hillel Nossek and Yehiel Limor, "Fifty years in a 'marriage of convenience': News media and military censorship in Israel," *Communication Law and Policy* 6(1): 1–35. Article 87(1) states that the "the censor is entitled, in general and in particular, to order the banning of the publication of material, the publication of which, will, or is likely, in his opinion, to harm the security of Israel or the well-being of the public or public order." Article 88(1) states that "the censor is entitled to order the banning of the importing and exporting, the printing and publishing, of every publication ... whose import or export, printing or publication, were or are likely to cause damage, in his opinion, to the security of Israel, to the well-being of the public or to public order."

[22] See Hillel Nossek and Yehiel Limor, "Fifty years in a 'marriage of convenience': News media and military censorship in Israel," *Communication Law and Policy* 6(1): 1–35.

[23] Ibid.

[24] BBC Monitoring International Reports, "Analysis: Is Israel censoring media coverage of Lebanon war?," July 18, 2006.

[25] Benjamin Harvey, "Israeli censor wields great power over coverage of rocket attacks," *The Associated Press*, July 19, 2006.

[26] Aviv Lavie, "Sensing the censor," *Haaretz*, May 27, 2002.

[27] See Hillel Nossek and Yehiel Limor, "Fifty years in a 'marriage of convenience': News media and military censorship in Israel," *Communication Law and Policy* 6(1): 1–35.

[28] Uri Blau, "This article has been approved by the censor," *Haaretz*, March 21, 2008. http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=966687.

[29] Uri Tal, "Ha'tzanzura Ha'tzvait Harashit Mefakachat Me'ata Gam Al Blogim [Central Military Censor Starts Monitoring Blogs]," *Ba'machane*, March 25, 2009, http://dover.idf.il/IDF/News_channels/bamahana/09/13/1308.htm.

[30] Protocol no. 33 of the Knesset's Committee for Scientific and Technological Research and Development, The Internet, Freedom of Information and its Limits, February 24, 1998.

[31] Johnathan J, Klinger, "Internet Censorship In Israel:: Updates," February 29, 2008, http://2jk.org/english/?p=86.

[32] Yechiel Spira, "Internet with a Belz Hechsher," *Yeshiva World News*, July 13, 2008, http://www.theyeshivaworld.com/article.php?p=20953.