



Pseudo Democracy

State of The Regime in Israel

Executive Summary

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Introduction

In recent years, parts of the Israeli public and others around the world have been surprised to discover that Israel's democracy is weaker than its image in the eyes of many of its citizens and leaders, and that a real threat exists to the rule of law and to such democratic institutions as the Knesset, the courts, and the media.

Zulat's report shows that Israel has never fit the model of a liberal democracy. In other words, its regime has been a hybrid of both democratic and authoritarian components, which at different periods has tilted toward one of those extremes.

The flaws in the regime and its inherent deep tensions have afflicted the State of Israel since its inception. To illustrate this, we will briefly refer to the authoritarian tendencies in the first decades of the state when the Mapai party was in power. As we will see, the democratic crisis did not begin only because of this or that prime minister but also due to historical, political, social, and economic circumstances, both in the domestic and international arenas.

David Ben-Gurion, Israel's first prime minister, took advantage of the special circumstances surrounding its creation to run the state using undemocratic legislative and institutional steps that prevented real equality among the various groups in society. These included the forceful relocation of certain groups to border areas, a policy that pushed them to the economic and political fringes of Israeli society whose implications resonate to this day. In addition, the long-standing refusal of the political and legal establishments to recognize the discrimination against immigrants from Arab and Muslim countries as a distinct group continued to impede the achievement of equality, as evidenced by today's social stratification.

The report focuses on the reigns of the Mapai and Likud parties, due to the similarities between their authoritarian tendencies, and since these are periods that shaped the characteristics of Israel's regime. The main chapter elaborates on the authoritarian trends in the 21st century that reduced and limited the democratic space, and discusses developments in the relationship between the legislature, the judiciary, and the executive and their impact on this analysis.

The report does not purport to exhaust such an intricate issue or elaborate on the full breadth of the theoretical and historical canvas, but to present relevant examples along a 74-year timeline. This is a particularly difficult endeavor given that events and processes are still ongoing and continue to affect us.

The illegal annexation of East Jerusalem, which is unrecognized by the international community; the military rule over the Palestinian population in the Occupied Territories, which entails systematic and continuous human rights violations by Israel and its security

forces; the declaration of a constant state of emergency and the resultant use of draconian powers (such as administrative detentions) - all these make the discussion about the nature of the regime and the quality of democracy extremely complex and problematic. Some would even argue that it is an exercise in futility given that the occupation and its attendant consequences inevitably affects processes within Israel, in addition to the enormous harm it inflicts on the Palestinians.

Theoretical Background

Democracy and authoritarianism are perceived as the two ends of the scale against which political regimes are assessed and classified. These opposite poles embody sharp contrasts: rule of the people versus one-man rule, individual freedoms and rights versus a subject's duty toward a ruler, equality before the law versus partiality vis-a-vis select groups, checks and balances versus tyranny, protection of the rights of minorities that do not participate in government versus discrimination and persecution, separation of powers versus a judiciary and legislature subordinate to a ruler, a multi-party system versus a one-party regime or a ruling party propped by "puppet" parties, and the rule of law versus a ruler's arbitrariness.

Political science has seen the emergence of a trend that recognizes the existence of a spectrum or "gray area" in this equation: regimes that combine practices characteristic of democracies such as elections and representative institutions, coupled with the repression of opposition and minorities and human rights violations characteristic of authoritarian regimes.

To create an index that allows us to map out and assess the "degree of democracy", we will first expound on the main features and characteristics of the classical democratic and authoritarian models and of known hybrids, such as the ethnocratic and oligarchic models. A subsequent scrutiny of these characteristics will allow us to assess the degree of democracy and authoritarianism of the regime in Israel today.

As explained in the report, the criteria accepted by most researchers for assessing the degree of democracy or authoritarianism of any regime provides for the definition of Israel's regime as a hybrid. This model diverges from the dichotomous view (democracy or dictatorship) and, as stated, rests on the idea that it combines elements of both.

Authoritarian Elements in 20th Century Israel and Their Intensification in Early 2000s

The report presents several examples in order to provoke discussion and reflection on the processes that have brought the State of Israel to this point.

During the 1950s, the Israeli regime was characterized by several major authoritarian characteristics: a Military Government in Arab localities, restrictions on freedom of expression and protest, muzzling of criticism by violent means, monitoring of rival entities perceived to jeopardize Mapai's rule, procurement of political support through a diverse system of rewards, restrictions on civil society organizations critical of the government, lack of a binding constitutional framework, a vague definition of the powers of various institutions coupled with appointments of associates to key positions, non-independent courts, and a media with a strong partisan bias run exactly as under the British Mandate.

One of the most acute manifestations of the authoritarian nature of the regime was the Military Government in the Arab localities, which began during the 1948 war and remained in effect until 1966 by virtue of the Defense Regulations (Emergency), coupled with restrictions meant to prevent Arabs from establishing any independent political organization, and a series of laws enacted by the Mapai-led Knesset that set the basis for institutionalized discrimination between Arabs and Jews.

Israel occupied the West Bank and Gaza Strip during the Six-Day War in 1967, and thus began to rule over 5 million Palestinians. This population has never been officially annexed to the State of Israel and has been under Israeli military rule ever since (the situation of the Gaza Strip changed after the disengagement in 2005, but the area basically remains under Israel's military control). In this respect, the regime that exists in the territories occupied by Israel can be defined as classically authoritarian. Millions of Palestinians in the West Bank and Gaza Strip are forced to live under martial law and military control, with no option of participating in elections to a regime that in effect controls their lives, and no protection of basic human and civil rights. In addition, hundreds of thousands of Palestinians in East Jerusalem have been forcibly annexed to the State of Israel as non-citizen permanent residents, ruthlessly separated from their families and communities in the West Bank with no option of electing state institutions and without equal rights.

In parallel with the legal discrimination against the Arab minority, Mapai pursued a policy of repression, discrimination, and deliberate relegation to the economic, political, spatial, and social fringes of Jewish immigrants from Arab, North African, and Balkan countries. Those who tried to change the situation suffered political persecution and threats, including by the police and Shin Bet. Mapai used violence to silence criticism of this policy and conducted

racist incitement campaigns against independent political organizations set up by these immigrants in order to discredit their legitimacy.

In the 1980s and 1990s, Israel made significant strides within the democratic-authoritarian spectrum in the direction of liberal democracy, including with regard to the status of the Arab minority living within its recognized borders.

The dramatic shift of power in 1977, when for the first time in Israel's political history the Right won a plurality of seats and ended almost 30 years of left-wing rule, along with the unity governments of the 1980s and the fierce political rivalry in those years, the first intifada in the late 1980s, geopolitical changes following the end of the Cold War and subsequent international pressure on Israel to make certain changes, the beginning of economic liberalization and the peace treaties with Egypt (1979), Jordan (October 1994) and the PLO (1993-1995) - all of these set the stage for significant changes in the regime. Those years saw the Knesset become a more substantial institution, playing a more central role in the oversight of the government's activities, along with growing liberalization and democratization amid a deepening of the ideological and social divisions within Israeli society. The judiciary's refusal to recognize Mizrahim [non-Ashkenazi Jews] as a discriminated population, Sharon's land rezoning reform, and the enactment of the Admission Boards Law continued the discrimination against this group, as well as against Israel's Arab citizens. On the other hand, the aforementioned liberalization included significant steps toward the formulation of a constitution, more free and egalitarian political competition, major improvements in freedom of expression and the press, alongside the depoliticization of law enforcement agencies and more checks and balances among the branches of government. However, while the democratic components grew stronger within Israel's recognized international borders, the military regime in the Occupied Palestinian Territories intensified and came to resemble military regimes in the 19th century, despite the Oslo Accords.

During these years, four Basic Laws were enacted that significantly boosted the constitutional framework, and in particular the protection of liberties and individual rights from any abuse of power by the government, after they were acknowledged as fundamental rights by the Supreme Court. Furthermore, the right to demonstrate and protest, which is a vital element of a democratic regime, was considerably bolstered in several Supreme Court rulings, thanks to which they became a right with protected constitutional status (but not in the Occupied Palestinian Territories, where the military regime does not recognize the right to demonstrate).

During the 1990s, there were three shifts in power between the Labor and Likud parties. This governmental instability attested to fierce political competition and the lack of hegemony of one of the parties. Against the backdrop of the Oslo Accords and political rivalry,

venomous attacks began against Yitzhak Rabin and Shimon Peres, which culminated in the assassination of Prime Minister Rabin on 4 November 1995, at the end of a peace rally in Tel Aviv. The assassination and the wild incitement that preceded it reflected the weakness of the democratic mechanisms in Israel and their limited ability to deal with intense political controversy.

An intensification of the authoritarian elements took place at the turn of the 21st century, during the tenures of Binyamin Netanyahu, Ehud Barak, Ariel Sharon, and Ehud Olmert, until the elections of March 2009, when Netanyahu was re-elected prime minister. This process, which redoubled against the backdrop of the second intifada, was largely influenced by the changes in the balance of political power in Israeli society after the assassination of Prime Minister Rabin. Thus, in parallel with the expansion of the settlement enterprise in the West Bank and rule over the Palestinian people, Israel saw the surge of delegitimization and discredit of the judiciary, the gatekeepers, the Left camp, and Israel's Arab citizens.

In 1999, Ehud Barak was elected prime minister to rebuild the peace camp after Rabin's assassination. Although he spearheaded the IDF's withdrawal from Lebanon, a move popular with the public, following the October 2000 events (a series of protests in Arab localities that escalated into violent rioting and resulted in the death of 12 Arab citizens in clashes with the Israel Police) and the failure of the Camp David Conference, Barak actually accelerated the dismantling of the Left and lost much Arab public support. Likud chairman Ariel Sharon, whose well-publicized visit to the Temple Mount in September 2000 triggered the outbreak of the second intifada, was elected prime minister in March 2001 thanks to the disappointment with Barak, as well as the Israeli Arabs' boycott of the elections and the severe security situation.

Sharon's two tenures were accompanied by suicide bombings inside Israel and fighting in the West Bank and Gaza Strip that entailed serious violations of human rights and international law. Against this background, Israel's control over the Palestinian population underwent dramatic changes. In addition, Sharon sharply criticized the Supreme Court's willingness to discuss the route of the separation fence and the actions of the security forces in the Occupied Territories, even though the Supreme Court carefully avoided to interfere in policy and actions in the area.

Concurrently with mounting suspicions about his involvement in several corruption affairs, in the summer of 2005 Sharon implemented his plan to "disengage" from the Gaza Strip, hatched primarily with his circle of associates and advisers and not subjected to any in-depth democratic process in the Knesset, the government, or the Likud party. This conduct

undermined the trust of parts of the public in the political system and set a precedent for future decision-making on crucial issues.

As these dramatic events unfolded, left-wing parties were pushed to the margins and struggled to find their place and voice, to take a critical stance on the protection of human rights and adherence to the laws of war, or to criticize the unilaterality of the disengagement plan and its expected consequences.

Prof. Daniel Friedman's appointment as justice minister during Ehud Olmert's 2006-2009 premiership on behalf of the Kadima party led to repeated clashes between the government and the justice system. Friedman advanced legislative initiatives to reduce judicial review, to cut the powers of the Supreme Court in its capacity as a court of appeals, and to shrink the concept of public interest standing, which ended up damaging the public's trust in the judiciary. Simultaneously with the campaign to delegitimize the judiciary and law enforcement systems, investigations were launched into serious corruption charges involving Prime Minister Olmert, which eventually led to his prosecution and incarceration.

Intensification of Authoritarian Elements During Netanyahu's Tenure as Israel's 9th Prime Minister

In March 2009, Binyamin Netanyahu was elected prime minister for the second time and served in office continuously until June 2021. As noted, since its inception, Israel's regime has conformed to a hybrid model combining democratic and authoritarian elements. During Netanyahu's second tenure of the premiership, existing authoritarian elements strengthened considerably, and the regime notably tilted toward the authoritarian pole. Over the past 20 years, Likud became the undisputed ruling party (in effect, the new Mapai) that sees itself as the only legitimate one. Even after the formation of the Bennett-Lapid government, Netanyahu refused to recognize its legitimacy and members of the opposition continued to refer to him as "the prime minister".

In this part of the report, authoritarian trends and the contraction of the democratic space during those years are examined in detail. As already noted, in order to entrench his and the Likud's rule, Netanyahu took advantage of existing authoritarian elements to follow in the footsteps of Mapai and of many prime ministers who preceded him. In addition, he spearheaded radical legislative and public moves that broke the rules of the political game in Israel.

The report describes the process of diminishing the status of Basic Laws. The attempts to halt the formulation of a comprehensive constitutional framework that recognizes basic rights

preceded Netanyahu's second premiership, and began as soon as Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation were enacted. However, during his last decade in power, after a hiatus of almost 20 years, two additional Basic Laws were enacted whose content and characteristics do not conform to the accepted conceptual framework of a constitution in democracies: Basic Law: Referendum in March 2014 and Basic Law: Israel-The Nation State of the Jewish People (hereinafter, the Nationality Law), which includes components that conflict with the value of equality.

In addition, the legislation of amendments and changes to Basic Laws intensified as of the mid-1990s, in accordance with the momentary needs of the incumbent government. The frequency of these amendments and their ratification by a simple majority of MKs devalued their status as the foundation of a future constitution. Another factor that contributed to their devaluation during Netanyahu's last 10 years in office was their amendment through time-limited temporary laws and provisions, which further emphasized their transient and impermanent nature.

Netanyahu's governments spearheaded moves that reduced the Knesset's ability to limit and offset the powers of the government and the prime minister. A series of legislative measures pertaining to the annual approval of the state budget required by Basic Law: The Knesset neutralized parliamentary oversight of the executive (e.g., a temporary provision enacted in 2009 enabled the government to present a biennial budget that required Knesset approval only once every two years, while a provision enacted in 2014 extended the period of grace during which the government was allowed to operate without an approved budget, a situation that otherwise necessitates the dispersal of the Knesset).

The increased use of the Economic Arrangements Law, which allows for an accelerated legislative mechanism that is largely controlled by the government, is yet another example of the curtailment of the Knesset's powers. Since its enactment in 1985, this instrument was exploited by governments from all ends of the political spectrum. However, due to criticism by the Supreme Court, the media, and the Knesset's legal counsel, by 2008 it had been streamlined to only a few dozen articles. In contrast, as of the version submitted for 2009-2010, the Arrangement Law included several hundred articles each time.

Furthermore, an amendment to Basic Law: The Government in 2014 toughened the requirements for overthrowing the government via a no-confidence vote, in effect rendering it a completely theoretical option. Following this amendment, the no-confidence vote became a pure propaganda tool, which does not really threaten the government's existence. The Knesset was thus deprived of yet another instrument of oversight over the government and the balance between the executive and the legislature was further eroded.

The report also details a series of moves made during Netanyahu's rule to undermine the status and independence of the gatekeepers supposed to check and balance the executive branch. The "Rule of Clerks" campaign was launched in earnest in 2015 to delegitimize the civil service's professional echelons, alleging that ministry officials were subversive elements trying to run the government anti-democratically and carry out a "coup". The campaign was directed at professionals in public bodies and government ministries in general, but particularly targeted specific "clerks" who were involved in Netanyahu's investigations and criminal prosecution. In addition, as of January 2017, the Right began floating proposals to turn the job of a government ministry's legal counsel into a position of trust, thus to be appointed by the minister in charge and facilitating their firing when they disagreed with the minister's opinion. In other words, the purpose of these proposals was to attain accommodating legal counsels and to abolish their role as gatekeepers.

In yet another effort to harm the gatekeepers a campaign was launched to undermine public confidence in the Attorney General and the judiciary, and in their ability to oversee the executive branch. Although the Supreme Court in practice tended to accept the government's positions, exceptional critical rulings aroused the anger of right-wing politicians, who went on to launch a campaign of slander, delegitimization, and even incitement against it. The debate on ways to reduce the Supreme Court's judicial review and slash its powers became an integral part of the political crusade conducted by the Likud party, especially in the last years of Netanyahu's tenure. Most of those proposals remained mere declarations, but their goal was to intimidate the Supreme Court and, indeed, they may have had a chilling effect.

In addition, an initiative by then-Justice Minister Ayelet Shaked to transfer the Supreme Court's authority to hear Palestinian petitions on land issues to the Jerusalem District Court was approved as a draft bill, and representation of the state in court concurrently shifted from the Petitions Department in the State Attorney's Office (seen by Shaked as a leftist body acting against the settlements) to the Jerusalem District Attorney's Office. The move followed an extended campaign by right-wing organizations against the Supreme Court's stance on petitions seeking to evacuate outposts and settlements established on Palestinian private lands. In this respect, the report notes that the Right's initiatives to curtail the Supreme Court's powers tended to cite as justification its judicial review of government policy in the territories (despite the court's minimal interference in the subject), but their overall goal was to sweepingly limit the ability of the judiciary and of administrative law to oversee the government's actions in all areas.

It is in this context that the recurring initiatives to split the job of Attorney General should be seen. Although this is a legitimate and important debate and there are many who believe that the Attorney General holds too much power in his hands, the proposals often came up

in connection with cases where the Attorney General disagreed with the government or a minister on a specific issue, or with criminal investigations and indictments of politicians (this campaign intensified especially in the last two years of Netanyahu's tenure against the backdrop of the decision to charge him with serious suspicions of corruption).

Another legal battleground was the Judicial Selection Committee in charge of appointing judges. Repeated proposals to change its composition or to reduce the number of judges in the Supreme Court proved unsuccessful, but following an amendment to the Courts Law in 2008, Shaked succeeded to appoint 330 judges and registrars between 2015–2019, including six Supreme Court justices, some considered conservatives and others either religiously observant or associated with the Right and the settlements.

Yet another move to hurt the gatekeepers during Netanyahu's rule was a campaign to weaken the media's independence and work. Despite widespread criticism, Prime Minister Netanyahu served as minister of communications in 2014–2017, and meddled in the work of others appointed to the job over the years. At the same time, the media market underwent major changes in recent decades, partly due to interference by politicians and the government intended to reduce the media's latitude and to encourage the emergence of outlets with a clear ideological leaning that is supportive of the Likud and Netanyahu.

The constant denigration of the media and attempts to control it harmed not only the independence of editors and journalists, but also the views of the general public, which largely perceived it as "leftist" (even though studies showed that the mainstream media aligned largely with the government). Social media, too, became a fighting arena for freedom of expression, with efforts to silence opinions unsupportive of the ruling party, to intimidate harsh critics of the government, and demands to take disciplinary action against civil servants who posted their criticism online.

The report also addresses discriminatory legislation against both the Mizrahi and Arab populations (Israel's land policy, the Admission Boards Law and the Nationality Law), and laws specifically targeting the Arab public such as the Citizenship Law, the Nakba Law, and the Kaminitz Law, which deepened and emphasized the inherent discrimination against Israel's Arab citizens as reflected in legislation since the 1950s. In this context, the report focuses on the attempt to label the very notion of cooperation with Arab citizens as illegitimate in order to exclude them from the political arena, and describes other efforts to harm the political participation of Arab citizens, such as placing cameras at polling stations in order to intimidate and lower voter turnout in Arab society.

The report reviews the steps to exclude representatives of the Arab community from parliament, such as raising the electoral threshold in 2014, in a move designed to make it

harder for Arab parties to enter the Knesset, and intensified efforts to disqualify Arab parties and candidates from being elected to the Knesset by legislating amendments to Basic Law: The Knesset. This was followed in 2016 with Amendment No. 44, the so-called "Impeachment Law", which was meant to enable the termination of a sitting MK for the same reasons that invalidate running in elections.

A significant part of the report addresses the efforts to undo the political legitimacy of the Left by means of legislation (the NGOs Law) and incitement against left-wing and human rights organizations. A law was enacted to bar entry of human rights organizations into schools, and a policy of persecuting educators who cooperated with these organizations or identified with the Left was adopted, along with the promotion of nationalist ideology in schools.

Efforts were made to delegitimize the participation of left-wing activists and human rights organizations in the Israeli cultural sphere. These included bids to stop funding cultural bodies and works of art identified with the Left or with opposition to the occupation, as well as attempts to harm cultural institutions or even to close them down on the grounds that they collaborated with left-wing and human rights organizations. In this context, in 2018 the government advanced the Loyalty in Culture Law (its promotion was halted following the dispersal of the 20th Knesset) and the Nakba Law, which in addition to violating the freedom of expression of the Arab minority and its representatives, also led to countless demands by right-wing activists to prevent the staging of events by left-wing and human rights activists.

Another massive campaign waged during Netanyahu's tenure was against the notion of a boycott, both internal and external, as part of which the Law for Preventing Damage to the State of Israel Through Boycott was enacted in 2011. The Supreme Court approved the constitutionality of the law, but repealed the provision that allowed for compensation without proof of damage. Given that the law does not define support for a boycott as a criminal offense, in practice it was used primarily to intimidate left-wing and human rights activists and organizations opposed to the settlement enterprise and to the annexation of the territories.

The report also refers to the contribution of right-wing organizations to the government's attempts to muzzle the Left, such as the incitement campaigns by the group Im Tirtzu against left-wing and human rights organizations or against lecturers in higher education institutions identified as left-wing activists. The report points to the close ideological and practical cooperation that existed between the Likud party and the Netanyahu-led government and right-wing organizations that supposedly operated independently. The joint attacks against the various gatekeepers of democracy (academia, education, culture and the arts, and of course civil society organizations) were intended to send a clear message to the public that

critics of the government were Israel's enemies and "traitors", or in other words, they were outside the boundaries of political legitimacy.

Furthermore, this report is being published after it came to light that the Pegasus spyware had been used against Israeli citizens during Netanyahu's tenures. Even if an investigation shows that the disclosures in early 2022 were totally or partially incorrect, there is no question that the Israel Police purchased this dangerous system. What is more, surveillance of citizens and databases expanded alarmingly during the period in question through the establishment of a government biometric database, Israel Police's purchase of the Hawkeye surveillance program to track the movement of citizens throughout the country, the use of the Shin Bet's phone surveillance technologies to track suspected contagion during the corona pandemic crisis, and the advancement of several legislative initiatives such as a law that would enable the use of cameras for facial recognition in the public space.

Civilian surveillance does not only violate the right to privacy, but attests to the weakening of the checks and balances that supposedly protect the public from the illegal use of intrusive and draconian tools that are irreconcilable with a democratic regime. Even if one were to accept the view that civilian surveillance is justifiable in exceptional and limited circumstances and under tight legal scrutiny, this would necessitate a strong democracy composed of a robust Knesset, gatekeepers, judiciary, and civil society as well as an independent and powerful media. As detailed in this report, all of these were greatly weakened under Netanyahu's governments.

Conclusion and Operational Recommendations for Addressing Authoritarianism

As stated, based on the criteria for assessing the degree of democracy and authoritarianism of any regime accepted by most researchers, it can be asserted that Israel's conforms to the hybrid model. Since its inception in 1948, the regime has combined authoritarian and democratic elements, tilting at different times toward either the democratic or the authoritarian pole. The country began its journey at the authoritarian end, which evidently influenced its evolution in the following years and continues to affect it to this day. A political culture, both policy-wise and in practice, was created while building the norms of government during the first two decades of the state, and some of those norms clearly took root. The regression that began in the 2000s may be thus seen as deriving from those precedents, especially given that Ben-Gurion's rule and his contribution to the construction and consolidation of the state went on to acquire mythical dimensions.

The 2000s, along with the political processes that took place during this period, were characterized by a shift away from the democratic pole and a return to the authoritarian and repressive practices of the old Mapai. The strengthening of the Likud's hegemony as the ruling party led to a continuous endeavor to dismantle the mechanisms of checks and balances, alongside efforts to restrict political rights and suppress a discourse critical of the government's actions and policies.

Zulat's legislative proposals are intended to update and reinforce existing legal provisions in order to strengthen the democratic foundations of the regime, deal with its authoritarian elements, and preempt the dangers that have grown acute in recent years. They also aim to repeal legislation that poisoned the political discourse, deepened rifts in Israeli society, contracted the democratic space, and branded citizens and organizations as a fifth column based on their ethnic and religious identities or because they hold political views contrary to those of the government.

These draft laws will not solve all the problems of the regime in Israel, but if passed, they may help strengthen the protections of human and civil rights, facilitate the struggle to curb authoritarian tendencies, and tilt Israel's hybrid regime in the democratic direction:

- **Strengthen the protection of civil servants' independence:** Zulat proposes to amend Article 31 of Basic Law: The Government to include under the definition of "government functioning" a phrase to the effect that the government will allow civil service professionals to act professionally, independently, and without fear or prejudice, and will uphold an autonomous, professional, and apolitical civil service. Zulat also proposes to anchor in Article 31 the case law whereby the Attorney General is the supreme authority on interpretation of the law for the government as long as a qualified court has not ruled otherwise.
- **Combat the politicization of the judiciary:** Zulat proposes to amend the Courts Law-1984 to include Article 7b stipulating that the Judicial Selection Committee and its members shall not propose the appointment of a judge based on his political or party affiliation or if other circumstances exist that might be construed as bias.
- **Strengthen the status of the opposition in the Knesset:** Zulat proposes to amend Article 3(a) of the Knesset Law-1994 to include a phrase to the effect that the opposition shall have adequate proportional representation in the committees.
- **Strengthen the right to participate in elections:** Zulat proposes to amend Article 7a of Basic Law: The Knesset, and anchor in it the Supreme Court's case law limiting the disqualification of a candidate or list to extreme and well-proven instances (as detailed

in the bill submitted to the Knesset). It is further proposed to ban the Central Elections Committee (CEC) from preventing a list or person from running for office on the basis of race, religion or religious group, nationality, country of origin, gender, sexual orientation, worldview, age, marital status, or parenthood. It is also proposed to stipulate that candidates will not be required to make any declaration whatsoever if the CEC seeks to disqualify them for reasons other than the above.

- **Eliminating the option of impeaching MKs for political reasons:** Zulat proposes to repeal Article 42a(c) of Basic Law: The Knesset and Article 8a of the Knesset Law-1994, which were enacted in legislative amendments known as the "Impeachment Law". Although these articles are almost impossible to implement, they cause enormous damage in practice as they are used to intimidate MKs and lists representing the Arab minority and to portray their very participation in the political process as illegitimate or provisional.
- **Repealing the Admission Boards Law:** Zulat proposes to repeal Articles 6c(a)(5) and 6c(a)(6) of the Cooperative Societies Ordinance, which allow for the rejection of a candidate based on amorphous grounds that may include irrelevant reasons.
- **Combat the politicization of the education system:** Zulat proposes to repeal Amendment No. 17 to the State Education Law-1953, known as "Breaking the Silence Law", and instead reinforce the teaching of democratic values by requiring the education minister to publish an annual report listing the steps taken by his office to develop a respectful attitude toward human rights.
- **Eradicating the persecution of left-wing and human rights organizations:** Zulat proposes to repeal the Duty of Disclosure Law (known as the "NGOs Law") requiring NGOs benefitting from funding by foreign state entities to disclose it in their annual reports.
- **Eliminating restrictions on freedom of expression via boycotts:** Zulat proposes to repeal the Boycott Law, which has hardly been implemented since its enactment but is used to intimidate and harass left-wing activists and human rights organizations and keep them out of the political arena and the public space. In addition, Zulat proposes to repeal Articles 2(d) and 2(e) of the Entry into Israel Law-1952, which restrict the entry of boycott supporters. These articles provoked a number of incidents that caused international embarrassment, and their application has in any case been limited by the Supreme Court's ruling on the Lara Alqasem case.
- **Abolishing censorship of memory:** Zulat proposes to repeal Article 3b of the Budgetary Principles Law-1985. This article, known as the "Nakba Law", triggered countless requests by right-wing activists, organizations, MKs, and government ministers to local authorities

and cultural institutions to cancel events or prevent the participation therein of left-wing activists and human rights organizations.

- **Anchoring the State Comptroller's role on human rights:** Zulat proposes to amend Article 2 of Basic Law: The State Comptroller, and stipulate that as part of his duties the State Comptroller will also examine the compliance of audited bodies with those human rights that have been recognized by Israel and specified in international conventions ratified by it.
- **Anchoring the role of internal auditors of public bodies vis-a-vis human rights:** Zulat proposes to amend Article 4(a)(1) of the Internal Audit Law-1992, and stipulate that the internal auditor of a public body will check whether its actions and those of its officers and functionaries are in good standing in terms of the protection of human rights.
- **Establishing a Human Rights Commission:** Zulat proposes to establish a Human Rights Commission in Israel, as have many other countries around the world, along with legislation and case law recognizing human rights.
- **Regulating the status of human rights defenders and their protection:** Zulat proposes to promote the Human Rights Defenders Bill designed to regulate the status of individuals and organizations working to protect human rights.
- **Distributive justice vis-a-vis land:** Zulat calls for distributive justice with regard to land in a way that recognizes the historical discrimination between population groups and equates the status of residents in different types of communities, both in terms of the allocation of land and the ability to change its designation.
- **Anchoring social rights:** Zulat calls for the expansion of Israel's constitution to include social rights, in order to correct the deep inequality created between Jewish immigrants from European and American countries and Jewish immigrants from Arab, Muslim, and African countries, and native Arabs. The right to a dignified life, housing, and proper education must be enshrined in the constitution, in order to correct the historical wrongs that affect Israeli society to this today.



The role of Zulat and of advocates of democracy and human rights is to present a vision based on partnership and on equality for all residents of the country and among them, Jews and Arabs. Based on these principles, we propose to act toward the finalization of a humane and progressive constitution that will fortify the protection of human rights.

[Read more about our mission on Zulat website](#)

Zulat for Equality and Human Rights

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