

## The Mechanism of Democracy:

### Zulat's Legislative Reforms Presented to Israeli Pary Leaders

Amid a prolonged regime-political crisis, the dissolution of the 24<sup>th</sup> Knesset, and a fifth round of elections within two years, Zulat for Equality and Human Rights published a report titled, *Pseudo Democracy: State of the Regime in Israel*.

In order for the character of the regime not to hinge primarily on the democratic or authoritarian leanings of any particular prime minister, Zulat has drafted a series of legislative initiatives and bills which, if passed, may strengthen its democratic components. These join other proposals authored by our institute, which are intended to anchor the principles of democracy in the State of Israel.

The need for these proposals is underscored by the findings of the report, whereby Israel has never been a model of liberal democracy. From its early days, its regime has been a hybrid of both democratic and authoritarian components, which at different periods has tilted toward one of those extremes.

The democratic crisis in Israel did not begin only because of this or that prime minister, but evolved as a result of historical, political, social, and economic circumstances in the domestic and international arenas since the establishment of the state. The report shows how prime ministers abused these special circumstances to run the state's affairs in authoritarian ways, which included undemocratic legislative and institutional steps that broke the "rules of the game."

Zulat's legislative proposals are therefore intended to deal with the authoritarian foundations of the regime, as well as to prepare for the mounting dangers in recent years. They are based on the concept that a democratic regime must allow for the existence of a civil public space free of governmental intervention, as well as to respect and protect a range of basic human and civil rights that allow citizens to contemplate their choice of representatives and lifestyle.

Zulat believes that our initiatives and proposals, primarily those dealing with the core democratic components of our regime, merit an open and in-depth public debate, given that optimal transparency and fairness is attained when political parties declare their intentions before Election Day to enable voters to make their choice at the ballot box.

Therefore, Zulat proposes that political parties incorporate these bills, or the principles and ideas contained therein, in their political platforms and pre-election declarations of intent.

Following are Zulat's proposed new laws and legislative amendments divided thematically:

- Reinstatement of Nonpartisanship
- Strengthening Participation in the Political Game
- Legislation and Fortification of Equality
- Protection of Freedom of Expression and Protest
- Reinforcement of Human Rights Protection Mechanisms
- Enhancing Independence of Civil Society
- General

### **Bills on Reinstatement of Nonpartisanship**

- Amendment of Basic Law: The Government (anchoring ability of civil servants to do their job without fear or favor)
- Amendment of Knesset Elections Law [Consolidated Version], 1969 (addition of fake news to list of offenses)
- Amendment of Party Financing Law (ban on fake news)
- Amendment of Penal Code, 1977 (addition of impersonation aimed at disseminating fake news to list of offenses)
- Amendment of Communication Law [Telecommunication and Broadcasting], 1982 (definition of fake news as “offensive content”)
- Amendment of Combating Criminal Organizations Law, 2003 (definition of fake news as “crime”)
- Amendment of Commissions of Inquiry and Inspection Committees, 2021 (transparency of proceedings)

- Amendment of Basic Law: The Government (transparency of government and ministerial committee meetings)
- Amendment of Police Ordinance, 2020 (selection of prospective Israel Police commissioners by professional-public headhunting committee)

### **Bills on Strengthening Participation in the Political Game**

- Amendment of Elections Law, 1959 (definition of fake news as “unfair interference”)
- Amendment of Basic Law: The Knesset (reducing authority of Central Elections Committee to disqualify a candidate/list)
- Amendment of Knesset Law, 1994 (adequate representation of opposition factions in Knesset committees)
- Amendment of State Education Law, 1953 (repeal of “Breaking the Silence Law”)
- Amendment of Knesset Law, 1994 and Basic Law: The Knesset (repeal of “Impeachment Laws”)
- Amendment of Courts Law [Consolidated Version], 1984 (ban on appointment of judges based on political/party affiliation or if bias suspected)

### **Bills on Legislation and Fortification of Equality**

- Basic Law: Equality, 2022 (new law proposal)
- Amendment of Cooperative Societies Ordinance (repeal of Articles 6c(a)(5) and 6c(a)(6): “The Admission Boards Law”)
- Amendment of Knesset's statutes (integration of principle of equality in all bills)
- Amendment of Citizenship Law, 2022 (ban discrimination in family reunifications of Palestinian citizens of Israel)
- Amendment of Value Added Tax Law, 2022 (VAT exemption on female sanitary products)
- Amendment of Compulsory Education Law, 2022 (free-of-charge supply of female sanitary products in schools)
- Accessibility of Female Sanitary Products in Public Buildings, 2022 (new law proposal)

### **Bills on Protection of Freedom of Expression and Protest**

- Amendment of Police Ordinance (repeal of Article 82 banning flag hoisting)
- Amendment of Penal Code to combat false arrests, 2022 (repeal of Article 74)
- Amendment of Police Law to combat police violence, 2022 (prosecution of policemen)
- Amendment of Police Ordinance to enhance protection of Freedom of Protest and Expression Law, 2022
- Amendment of Budgetary Principles Law, 1985 (repeal of Article 3b: "The Nakba Law")
- Amendment of Police Ordinance, 2020 (mandatory use of bodycams at demonstrations)
- Amendment of Penal Code to enhance protection of journalists, 2020
- Amendment of Police Ordinance Law, 2020 (new guidance on dispersing demonstrations)
- Amendment of Freedom of Information Law, 2020 (infringement of right to privacy)

### **Bills on Reinforcement of Human Rights Protection Mechanisms**

- Creation of Human Rights Commission, 2022 (new law proposal)
- Human Rights Defenders, 2022 (new law proposal)
- Amendment of Basic Law: State Comptroller (regulating State Comptroller's authority to audit compliance of public bodies with recognized human rights)
- Amendment of Internal Audit Law, 1992 (regulating authority of public bodies' internal comptrollers to audit human rights issues)
- Amendment of Courts Law (requiring courts to establish departments to deal exclusively with sexual offenses)

### **Bills on Enhancing Independence of Civil Society**

- Amendments to combat racism among public workers and professions requiring state licensing, 2022
- Repeal of Law on Duty of Disclosure for Groups Supported by a Foreign Political Entity, 2011

- Repeal of Law for Preventing Damage to the State of Israel Through Boycott, 2011
- Amendment of Entry into Israel Law, 1952 (repeal of clauses imposing restrictions on entry of boycott supporters)

### **Bills on General Topics**

- Amendment of several laws to strengthen protections against authoritarianism
- Amendment of several laws to address phenomenon of fake news, 2021