

Israel 2020: 20 Proposals for the New Knesset

For the past year, the State of Israel has been engulfed in political chaos and stalemate: there is no government in place, and the Knesset has not functioned properly. As a result, many important human rights issues have not been properly addressed. **The Association for Civil Rights in Israel has compiled a series of legislative proposals and suggested amendments to existing laws - to be presented to the Knesset, when it is established - intended to advance human rights and democracy.**

A new Knesset can serve as an opportunity for changes in perception and charting new directions for the State of Israel, among them: policies aimed at narrowing socioeconomic gaps, a commitment to the rights of its citizens and democratic values, equal enforcement of the law, protection of disadvantaged communities, and social justice.

The following fifteen proposals are a small selection of issues worthy of being promoted among the multitude of diverse issues that must be addressed. ACRI focused primarily on issues with which it was involved in the previous Knesset, issues that have a dramatic impact on the character of the State, or those pertaining to individuals' most basic rights. This is not a definitive list, nor is it arranged in order of priority. This is a sample intended to inspire Knesset members to pursue the advancement of human rights and to protect democratic values.

Some of the following proposals have been submitted to the Knesset, while some were already in advanced stages of legislation and it is important to continue to promote them in the upcoming Knesset.

ACRI also highlighted five issues, listed at the end of the document, which stood out among the previous Knesset's work as they severely harm the democratic nature of the State, and thus should not be ratified into Israeli law.

Legislation Worthy of Promotion

1. Basic Law: Social Rights

Social rights include the right to education, health, housing, employment and workers' rights, the right to live in dignity, and the right to social services. While these are basic rights, they have not yet been given the legal status they deserve, and have not yet been included explicitly in the State's Basic Laws. An environment in which social rights are not legally grounded allows the government to broadly infringe on them. In practice, these laws have been grossly violated in recent decades, as the State of Israel has further distanced itself from its responsibility to uphold these rights for its citizens.

Basic Law: Social Rights will, for the first time, enshrine social rights in Israeli legislation and stipulate that these notions are not luxuries, but rather basic rights that each and every individual deserves. The law will define the concrete rights and will detail their content, requiring authorities to act in a manner that ensures these rights and makes it harder for them to evade this responsibility. The law will forbid discrimination in exercising these rights and will include a restriction clause that sets conditions for violating them, as other Basic Laws do. Thus, lawmakers will determine the framework for future Israeli governments' socioeconomic policy, preventing a situation in which every new government determines this policy for itself.

For upwards of two decades, various proposals for Basic Law: Social Rights have been put on the Knesset table; however, past governments have refused to pass the proposals.

ACRI calls on the new Knesset to set a new social direction towards which Israel will stride: a policy of reducing socioeconomic gaps rather than setting international records by expanding them; a policy in which the State is committed to upholding the rights of its citizens rather than abandoning them, and a policy of social justice rather than unrestricted privatization.

[Example of Basic Law: Social Rights](#) that ACRI formulated in 2011 for the 18th Knesset.

2. Protecting Debtors' Rights

Due to cost of living, prevalence of loans, the unraveling of the State's social safety network and the privatization of social services, paying off debt has become one of the main challenges for residents of the State of Israel. Debt is particularly challenging for people already living in poverty, as is it keeps them stagnant, unable to climb up out of their financial situations.

The inability to pay off debts jeopardizes the basic rights of the debtor and his or her family to live in dignity; it infringes on the right to housing, food security, health, education, and other rights that the State has a responsibility to protect. Despite these and other implications that debt has on private households - for example, impacting economic stability on the national level - there is no broad national policy in Israel aimed at providing debtors with solutions. Within the two primary means of collection – the administrative collection method in accordance with the Tax Ordinance (Collection) and the Law Enforcement and Collection System Authority – there are tremendous power differentials between creditors and debtors, and a multitude of failures and other problems that violate the rights of debtors and restrict them from escaping the cycle of debt and rehabilitating their lives.

In a democratic country that does not abandon its weak, debtors' rights should be protected, particularly those from vulnerable sectors of the population, and their ability to support themselves and their families should be maintained. Preventing the impoverished and the indebted from becoming destitute is a national and economic interest.

ACRI calls on the new Knesset to reform the legislation that regulates debt collection in Israel, so that the system will be balanced by the rights of collectors and debtors. Among other things, the establishment of a category of vulnerable debtors in terms of their socioeconomic status should be defined and established; the debt collection system should be accessible with information on exercising rights at the Law Enforcement and Collection System Authority. The law should also: formalize the duty of the registrar to inform the debtor of the option to obtain legal assistance from the State; formulate criteria regarding living in dignity, according to which the debt payments will be set; freeze the arrears interest for debtors without means and/or when they reach a debt settlement; offer interest-free loans on behalf of the State based on the debtor's socioeconomic condition; cancel the Tax Ordinance (Collection), and more. In tandem, the law addressing insolvency, which recently went into effect, sets an extensive insolvency mechanism and replaces the mechanism for debtors with limited means. To ensure debtors' rights, sub-legislation should require that the Justice Ministry staff dealing with these issues be trained on issues of poverty and living with dignity.

3. Enforcing the Construction Law – Changing Perceptions

On October 25, 2017, Amendment 116 of the Planning and Construction Law (referred to as the "Kaminitz Law"), which aims to exacerbate and expedite penalties for construction offenses, went into effect. The amendment expands the circle of people who can be assigned responsibility and given penalties in certain construction violations, and allows imposing steep penalties in a swift process. The "Kaminitz Law" has implications on enforcing planning laws throughout the country, but it has far-reaching, particularly extreme consequences in Arab towns, Arab neighborhoods in mixed cities, unrecognized Bedouin villages in the Negev, and neighborhoods in East Jerusalem.

Construction without permits in the Arab sector stems primarily from a lack of options. For many years the government and planning authorities did not update masterplans for Arab towns and neighborhoods, which could be used to address the needs of the growing population. Residents of these towns and villages were unable to obtain construction permits, and essentially had no housing solutions. As a result of local authorities' planning failures, and seemingly with no other option, Arab citizens resort to building their homes without permits.

The Planning and Construction Law must express the perception that planning is the precondition to enforcement of the law itself, and take into account the planning situation and the extended neglect by planning authorities. Enforcing construction violations is not a goal in and of itself, but rather an accompanying tool for planning: if there is a proper planning framework, state authorities must ensure that all construction is implemented within it. However, penalties cannot be imposed on those who do not have the option to build legally as a result of the authorities' lapses and failure. A country that upholds the rights to housing, equality, and due process may only exercise the power of enforcement and punishment for construction violations after putting in place the proper planning framework enabling legal construction in accordance with the population's housing needs.

Therefore, **ACRI calls on the new Knesset** to overturn extreme arrangements determined in the “Kaminitz Law,” such as hundreds of thousands of shekels in fines, and to determine a staggered fine system that considers, among other factors, the circumstances for construction without a permit. Special protection should be given for residential homes (rather than industrial buildings). The State must open channels of communications with local authorities and representatives of the Arab public until a detailed plan is approved and a framework for legal construction is arranged for Arab towns, including the option to regulate existing construction in appropriate cases.

4. Preventing Moral Harassment

Moral harassment is degrading, offensive, and hurtful behavior used repeatedly against an employee over time, making the workplace hostile and hurtful. Moral harassment can include: demonstrated disregard, excessive criticism and constant expression of dissatisfaction, false accusations, appropriation of responsibilities, invasion of privacy, delegating tasks with illogical or impossible objectives or time tables, etc.

Moral harassment occurs at all types of jobs: commercial companies, private businesses, and the public sector. It can be instigated by the employer, colleagues, or a person who is not formally employed at the workplace, but has work relations with the employee. The harassment may seriously hurt the employee, and even impact their family.

Labor Court rulings in recent years recognized moral harassment and the rights of victimized employees to receive compensation. There has been a lack of consistency in court rulings, proving that **there is a need to advance proper legislation** that will define what constitutes moral harassment, its characteristics, and the compensation for which victims are eligible. This legislation would determine a clear, uniform law, and provide victims of moral harassment the tools to fight against it. This bill was in legislative proceedings during the previous Knesset.

5. Protecting Weak Employees

Hundreds of thousands of employees in Israel, including in the public sector, are employed in abusive employment structures – primarily contractors and workers paid hourly – under poor conditions and with low job security. Weak populations, including women, new immigrants, and Arabs, are overrepresented in this group. In addition to the prevalence of “flexible” means of employment, the phenomenon of poor workers whose salary is insufficient to allow them and their families to live in dignity has grown.

ACRI urges the new Knesset to ensure employees’ rights to respectable work conditions, job security, and dignity.

Action should be taken to limit the scope of contracting work and return to direct employment. This can be done by amending the Manpower Personnel Employment Law so that it applies to all contracted workers, regardless of what kind of service they are contracted to carry out. Enforcement of the law can also be broadened so that it applies

to all branches of the economy in which indirect employment exists to ensure that the person/organization requesting the service is responsible for all facets of employment, thereby reducing the phenomenon of contracted workers.

Legislation should restrict employing workers on an hourly basis unless they work limited hours, and should prevent paying employees an hourly wage when they have set hours. In parallel, legislative solutions should be advanced to eliminate the gaps between hourly workers and those earning monthly salaries. The minimum wage should be raised, paid breaks should be required for all employees and not just for manual laborers, as is currently stipulated by law, and the amount of notice given to an hourly worker being let go should be increased to that given to employees with monthly salaries. In addition, the salary calculation should be modified for high-risk pregnancy payments, maternity pay, and the right to time for nursing.

Compensation for emergency workers in combat zones, for whom existing arrangements are unsuitable, should be formalized through legislation. The compensation mechanism used to pay for military reserve duty (compensation by the National Insurance Institute, which is later offset by the employer) should also apply to those absent from work due to combat; the compensation zone should be expanded beyond 40 kilometers, and solutions should be found for those earning an hourly wage, those working for small employers, domestic workers, those who are self-employed, and workers who stay home with their children or with a relative requiring long-term care.

6. Combatting Racism in Education

There is no dispute that racism exists in the public sphere in Israel. It rears its head on the soccer fields, the street, online, and –unfortunately – spills from the mouths of elected officials in the legislature. Racism is particularly noticeable in extreme cases that evoke a public outcry, but it is also present through innuendo that expresses a more covert, elusive racism. Phenomena including discrimination, incitement, and exclusion of various populations in Israeli society stem from racist attitudes. Discrimination, incitement, and exclusion are among the most hurtful and degrading acts towards other people, and pose a threat to the country's democratic space.

The education system plays a central role in combatting racism, and it must prioritize the issue. Despite the existence of a unit in the Education Ministry aimed at imparting education about democracy and shared society, the State Comptroller determined that in practice, the Ministry's emphasis on these topics is minimal and insufficient.

Several bills placed on the Knesset table in the past requiring that educational institutions regularly instruct against racism were removed from the agenda, practically and symbolically. Education on human rights, which constitute the foundation for a democratic state, must be validated by the legislature. Disregarding the inherent danger of deepening racism in society is an implicit consent to its existence.

ACRI calls on the new Knesset to formalize the State of Israel's commitment to education against racism through legislation requiring that the issue be addressed through teacher training, training courses, and student curricula. This commitment does not require significant allocation of funding, but mainly a shift in priorities. Such legislation will not only ensure that education against violence is embedded in the education system, but will also convey that the issue is one of the State's top priorities.

7. Transgender Rights

Transgender men and women face a long series of challenges in dealing with state institutions when they demand their rights, including when they seek to change the gender in their state identification documents and passports or access required medical services. A significant percentage of transgender people are discriminated against in the job market, and many members of the trans community face hatred and violence. Unlike other minority groups, the trans community's right to equality is not directly grounded in Israeli law; despite important developments that resulted from rulings in recent years, there is no legislation barring discrimination because of an individual's gender identity, excluding the Student's Rights Law.

ACRI calls on the new Knesset to promote policy and legislation that will respect the rights of every person for self-determination, and the rights of people with gender variance to life, bodily integrity, health, and equality. Furthermore, an explicit prohibition on discrimination based on gender identity should be added to the Equal Employment Opportunity Law and the Prohibition of Discrimination in Products, Services, and Entrance to Public Places. Gender identity based on self-declaration should be recognized, without the need for medical documents. Access to medical services associated with gender assignment should be granted based on informed consent rather than a psychiatric evaluation, as should eligibility for specific medications.

8. Ensuring Equal Opportunities in Education

The Mandatory Education Law ensures education that is free, equal, and free of discrimination for every child in Israel. In recent decades the State has engaged in a sharp, ongoing withdrawal from its obligation to ensure equal opportunities in education, and the overriding principle of everyone's right to free education has been abandoned.

The Education Ministry allows public schools to charge parents annual fees amounting to thousands of shekels, which results in granting some students a higher level of education, thereby paving their way to coveted majors at universities and professions that are more financially rewarding. This policy, approved in a disappointing ruling by the High Court in 2019, leads to the formation of separate educational systems for children whose families have means and those who do not, which is responsible to some extent for deepening the gaps between students from different backgrounds in Israel, which are among the highest in developed countries.

Moreover, despite the high importance of preschool education for child development, the Mandatory Education Law does not apply to children under the age of three, and

parents must pay for childcare for that age group. Families who cannot afford to pay refrain from sending their children to preschool, denying their children education and enrichment at this critical age. This generally also denies mothers the option of working. The gaps that emerge at this early age dramatically impact the rest of children's lives. Another critical problem, which was in the news this past year, is the lack of oversight at private preschools.

ACRI calls on the new Knesset to uphold the rights of all children in Israel to education and to equal educational opportunities. The maximum amount of money that schools may charge should be reduced; the Mandatory Education Law should be expanded to apply to children under the age of three, and the State should offer subsidized, monitored nursery schools.

9. Upholding the Rights of Weak Populations in the Welfare System

Individuals in the welfare system, generally those in great poverty who suffer from social and medical hardships, deal with conduct that is unacceptable in other administrative systems. For example, they aren't able to realize their rights to plea and appeal and they are unable to access information that they are legally entitled to receive. During procedures for children and youth at risk, parents are not entitled to representation, cannot obtain all of the materials relevant to their case, and are not able to appeal individually to the relevant courts. There is a low rate of legal representation for parents in juvenile courts as the Legal Aid Law stipulates that specific bureaucratic conditions be met in order to obtain representation, and this poses a significant challenge to parents.

Most of the social services in Israel are limited in scope, and are dependent on the economic standing of the local authority. There is no law in Israel stipulating the right to social services, outlining assistance services to which an individual is entitled, or a determination of their content and scope.

ACRI calls on the new Knesset to formalize the rights of those being treated in the welfare system, alongside their rights to dignity, earning a decent wage, and due process. A social services law should be legislated, determining a binding set of social services. A law upholding the rights of individuals treated by welfare services should be legislated, in the same vein as the Patients' Rights Law, which will define the rights of those treated by welfare service (such as the right to appeal). The process of treating at-risk children should be bound in law, and should include protection of the parents' rights to due process and access to courts, as well as the right to legal representation before the welfare authorities. The right to legal protection in youth proceedings should be formalized in law, while the current practice of conditioning the protection on economic conditions and prospects of the procedure should be annulled.

10. Barring Housing Discrimination

Housing is a realm filled with overt and covert racism and discrimination. The [High Court](#) recently ruled that construction companies that win land from the state cannot discriminate amongst buyers, and that if they discriminate, they can be sued in a civil suit.

However, the High Court did not determine whether companies that sell apartments on private land (rather than land won from the state) can be sued for discrimination. There is no law in Israel barring discrimination in selling and renting apartments owned by private individuals.

ACRI calls on the new Knesset to formalize the rights of every individual to housing and to housing equality. The law should bar housing discrimination, by construction companies as well as by individuals selling or renting apartments, similar to the American Fair Housing Act. At the very least the law should include a ban on discrimination in services offered by construction companies and commercial entities in the real estate market, such as realtors, in light of the controversy on the current applicability of the law on these factors. Furthermore, the Admissions Committee Law in Community Localities should be abolished, and the option for kibbutzim and moshavim to arbitrarily conduct racist screenings of candidates seeking to live in their communities should be reduced.

11. Cancelling Fees in Discrimination Claims

The Law Prohibiting Discrimination on Products, Services and Entrance to Entertainment and Public Places (Discrimination Prohibition Act) grants individuals the right to sue authorities, institutions, and private bodies in cases of discrimination based on race, religion, nationality, country of origin, gender, sexual orientation, political or personal views, and other important criteria. These claims are only submitted in a select number of incidents, due to economic barriers, among other things.

In January 2019, following recommendations of the Palmor Committee report on combatting violence, an important amendment to the Legal Aid Law went into effect. The amendment imparts the right to free legal assistance from the State in claims under the Discrimination Prohibition Act. **ACRI calls on the new Knesset** to complete the measure and initiate legislation that will waive fees for lawsuits and appeals submitted by virtue of the Discrimination Prohibition Act – another recommendation of the Palmor Committee. Lifting economic barriers to filing claims against discrimination will not only encourage filing lawsuits and deter discrimination, it will also send a message that the State prioritizes the battle against discrimination.

12. Discontinuing the Policy of Incarceration in Place of Paying Fines

Every year hundreds of people are forced to give up their freedom as a result of not paying fines imposed during criminal proceedings. While imprisoning debtors was phased out in 2014, the policy of incarceration in place of collecting fines, in accordance with Article 71 of the Penal Code, still occurs. In most cases an arrest was made due to an unpaid fine of less than NIS 5,000; as such, one can deduce that the debtors are from low-income families. The incarceration often occurs years after the initial verdict is handed down, without reviewing the debtor's current financial capacity. The public defender's office has been working on this issue for years.

ACRI calls on the new Knesset to halt the unequal discrimination against individuals without means. The law should be modified so that it completely cancels incarceration in

place of paying fines, and so that it requires an economic viability exam prior to starting a prison sentence.

13. Strengthening the Public Health System

The public health system in Israel is crashing, due to a lack of standards and an insufficient number of beds, primarily in the periphery; medical personnel who are overworked and worn out; long to nearly impossible wait times, and crowded emergency rooms with patients in the hallways and cafeterias. Private medicine has become the de facto fast lane for medical treatment, and it is gaining strength while creating two separate health systems – one for rich and one for poor. The health gaps between central Israel and the periphery, between socioeconomic classes, and between population groups continue to expand.

ACRI calls on the new Knesset to ensure the rights of every person in Israel to health and equality in health services. Criteria should be determined to grant health services, which will include a reference to the distance, waiting time, and quality of service, and will ensure the development of services and equality; add dental care and inpatient nursing to the public health basket; legislate an automatic update of the health basket budget at 2% per year; cancel supplemental insurance and allow the selection of a physician within the public hospitals; add essential medicine and services to the health basket, and bar HMOs from holding private-commercial ventures.

14. Restricting the Distribution of Weapons in the Public Sphere

In the past year the public became aware of the severity of the phenomena of domestic violence and killing of women, as well as violent crime, multiple cases of murder, and the deterioration of personal security in Arab society. These phenomena necessitate systemic mobilization of state authorities: efforts should be made to implement programs to prevent violence; protect women from domestic violence; enforce an equitable law that defines the right to life and security in Arab society; and minimize the distribution of weapons. After many years of restricting weapons licensing, in recent years the Public Security Minister led a policy change to ease restrictions on obtaining weapons licenses, resulting in an increased number of licensed weapons held by Israeli citizens.

Multiple weapons in the public domain do not increase security, but rather weaken it. Data and research indicate that the greater the prevalence of weapons in the civilian space, the higher the likelihood of a shooting, resulting in more deaths. Forty percent of all murders in Israel were committed with firearms, as opposed to an average of 28 percent in OECD countries. Also noteworthy: firearms were used in one-third of the incidents in which women were murdered in Israel in the past seven years.

ACRI calls on the new Knesset to protect the right of each person in Israel to life, security, and bodily integrity. A new, clear Firearms Law should be legislated to protect the personal security of people from diverse groups; cancel the current order allowing security guards to carry their weapon from work outside of the job and take them home; withdraw the expanded criteria for a civilian weapon license (Rifleman 07 criteria), and

determine the criteria for a civilian weapon license through sub-legislation (regulations), rather than the administrative directives handed down by the Public Security Minister.

Summary of petition submitted by “Gun on the Kitchen Table” Coalition

15. Ensuring the Right to Electricity

Normal life in a modern country cannot be conducted without electric appliances. Thus, the right to electricity is a fundamental right and an essential component of the right to live in dignity, the right to health, and even the right to life. However, each year power is cut to tens of thousands of homes in Israel due to debts to the Israeli Electric Corporation (IEC). Many of those who have accumulated debt are individuals who live in poverty and are unable to pay their bills. The lack of electricity is especially detrimental to those with health conditions or those who are particularly vulnerable – individuals the sick, elderly, children, and babies.

A state that supports human rights cannot cut off electricity as a means of debt collection. Fair arrangements should be made to collect debts from those living in poverty to align with the debtors’ circumstances. For example, debtors should be offered the option of paying in installments, interest fees on the debt should be canceled, and in extreme cases the debt should be waived. For those who find it challenging to pay the bills, the debt can be collected in more proportionate ways than cutting their electricity, such as contacting the Law Enforcement and Collection System Authority.

ACRI calls on the new Knesset to amend the Electricity Law so that it explicitly prohibits cutting the electricity supply to individuals living in poverty who owe money to the IEC, and barring the threat to disconnect electricity as a means of debt collection.

Legislation That Should Not Be Advanced or Should Be Repealed

16. Cessation of the “Override Clause”

In recent years the government tried repeatedly to legislate the “Override Clause.” If passed, the Knesset would be able to re-legislate a law that the High Court determined was illegal because it infringed on Basic Laws or human rights, or to preemptively excuse a law from judicial review.

This notion completely contradicts the principles of separation of powers, as well as balance of powers, which are the foundations of democratic rule. This system of checks and balances, and the High Court’s ability to examine the actions of the government and Knesset, ensure protection from the tyranny of the majority and protects the rights of minority groups. Other forms of government have systems of checks and balances that do not exist in Israel, including an upper house in parliament, a president with veto power over legislation, or subordination to international courts, such as the European Court of Human Rights. In Israel the only check against harmful Knesset legislation is the High Court of Justice.

The “Override Clause” constitutes a subordination of basic principles, the constitutional system of values, rule of law and human rights – solely for the political interests of the political majority, with no balance. This constitutes the absolute transfer of decision making to the political body, which is legitimately directed by political agendas, and it is naturally subordinate to a variety of public and political pressures. Furthermore, it would completely neutralize the ability of the High Court to balance interests and properly restrain the government’s unlimited power.

ACRI calls on the new Knesset to defend the democratic regime in Israel and not to advance the “Override Clause” under any circumstances – not even under “narrow” or softer versions (for example, the demand for a super majority or implementation of the Override Clause for a specific matter).

[The Override Clause Explained](#)

17. Nation State Law

Israel does not have a constitution. Basic Laws serve as a type of replacement for a constitution, and thus they have a unique standing. Basic Law: Israel as the Nation-State of the Jewish People defines the character and essence of the State of Israel, its governmental regime, and its founding principles, and as such it serves as a type of preamble to the Israeli constitution.

The Nation State Law passed by the 20th Knesset deals entirely in defining the State’s **Jewish** characteristics – it being the nation state of the Jewish people, securing the national anthem and flag, capital, holidays, calendar and language, heritage preservation, link to the diaspora, and Jewish settlement in Israel. The law makes no reference to the state’s **democratic** character, and it does not secure institutions that ensure democratic rule. Furthermore, the law does not ratify the state’s commitment to the **human rights** of all who live in it – Jews and non-Jews – and there is no assurance of the **right to equality**. No minorities are mentioned in the law – not the Arab minority that constitutes 20% of the country’s citizens, and not the hundreds of thousands of non-Jewish citizens and residents who live in Israel legally (including families of many new immigrants), whose rights are not enshrined in any way.

In its current form, the Nation State Law presents a clear message of the State’s values: no equal rights, no individual rights, and no democracy, but rather subordination to a religious and nationalist agenda in which there are first class citizens (Jews) and second class citizens (whoever is not Jewish), and “values” of separation and racism, exclusion and discrimination. **ACRI calls on the new Knesset** to repeal the Nation State Law, and to bar racist legislation from Israel’s law books.

[ACRI petition to repeal the Nation-State Law](#)

18. Direct Knesset Legislation on the West Bank

The 20th Knesset legislated eight laws and amendments that directly apply to the West Bank. Some of them, including the Judea and Samaria Settlement Regulation Law, significantly change Israel's manner of rule in the territories, directly impacting the rights of Palestinians. Alongside the laws and amendments that were passed, the 20th Knesset submitted a range of additional bills regarding the West Bank that were not advanced or legislated, among them proposals for annexing settlements and declaring East Jerusalem neighborhoods that are beyond the security barrier as being outside Jerusalem's municipal boundaries.

These proposals are part of a political effort to entrench the annexation of settlements and land, and dispute the founding principles of the military occupation. Members of the 20th Knesset stormed the "sector boundaries" and sought to legislate outside the State of Israel's sovereign borders. Senior government representatives sought to fundamentally undermine the definition of the West Bank as occupied territory. In this reality, Palestinians lose both ways: they lack the rights and defenses of both international law and the Israeli justice system. In terms of defending human rights, this is unacceptable.

ACRI calls on the new Knesset to halt legislation pertaining to the West Bank and leave it under the auspices of the military commander, who is subordinate to the international legal system. Furthermore, parliamentarians must use the parliamentary tools at their disposal in order to oversee actions of the military and security bodies and ensure that international court orders are upheld in the Occupied Territories.

Dual Regime in the West Bank

19. Modifying the Method of Appointing Legal Advisors

An attempt was made during the 20th Knesset to advance legislation seeking to change the manner by which legal advisors are appointed in government offices, so that the appointment would shift from professional to political (appointment by the minister). The significance of such a reform would negatively impact the professionalism and quality of the public sector, which is ensured by the nomination of the most experienced and qualified person, and increase preference for narrow political interests over proper administration, rule of law, and advancing the public interest.

A method of political appointments will create an inherent conflict of interest for legal advisors in government ministries. It will infringe on their independence and ability to fully serve their position and remain loyal to the public, protect rule of law, and fight corruption. It will also negatively impact equal opportunity and diversity, and the coherence of the Israeli justice system.

ACRI calls on the new Knesset to ensure the continued professional and independent work of the legal advisors in government ministries, and to refrain from advancing a bill politicizing public service.

20. Restricting the Standing Law

Bills proposed in the 20th Knesset sought to determine that the High Court would not be able to hear petitions if the petitioner was not personally injured, or if the issue that caused damage also impacted the entire public or an unspecific part of it. In other words – public petitioners, like organizations, may not appeal to the High Court (they will not have the “right of standing”).

Public petitioners in Israel are very diverse and deal with a range of essential issues including good governance, the fight against government corruption, the defense of the rule of law, transparency, public participation and responsibility, environmental protection, and realization of human rights in all facets of life. The foundational principle for the broad right of standing allows petitioners to bring fundamental public issues concerning the rule of law, human rights, and proper administration to the court, even in cases in which an appropriate specific petitioner was not found.

The need for a specific petitioner is problematic for several reasons: first, at times private individuals fear standing at the forefront of a battle for fear of adverse consequences. Second, every individual petitioner has his or her unique circumstances, such that a specific petitioner does not represent all types of cases and problems that a fundamental issue can cause. Third, when there is a specific petitioner it is easier for the relevant government authorities to solve that petitioner’s specific problem, and by doing so prevent a fundamental decision that could affect similar cases; in addition to not solving the fundamental problem, such a situation encourages multiple petitions. Furthermore, there are cases in which the general public interest was hurt, rather than one person individually – particularly in cases of corruption, good governance, environment, etc.

ACRI calls on the new Knesset to protect the broad right of standing, in order to allow public petitioners to continue to protect the rights and interests of the general public, to allow the High Court to do its job, and to ensure the continued true and effective separation of powers.