



The 19th Knesset: What to Expect

A new Knesset and government following the 22 January elections will bring renewed challenges for human rights in Israel and the OPT. Polls indicate that we may well be heading towards a more hard-line Knesset on many key human rights issues, but at the same time, one in which social rights issues may also very much be at the front.

The 18th Knesset saw numerous attempts to pass anti-democratic laws, thus raising a warning flag for those who care about human rights and civil liberties in Israel. We define 'anti-democratic legislation' as laws that risk damaging Israel's basic democratic structure: not only laws that infringe on human rights, but legislation that has the potential to change the very rules of the democratic game or to erode what should have been constitutionally protected rights. Of course, through ACRI's work in the Knesset and with the public, we address all kinds of legislation that is inconsistent with human rights principles – both bills that we define as 'anti-democratic' as well as others.

The bills that we defined as 'anti-democratic' in the 18th Knesset took a number of different forms:

- attempts to violate the rights of and delegitimize the Arab citizens of Israel;
- attempts to limit the right to free speech and protest in Israel;
- attempts to weaken and delegitimize civil society organizations in Israel, first and foremost human rights organizations;
- attempts to challenge the independence, authority, and/or status of the Supreme Court, as well as delegitimize the Justice Ministry and the Attorney General's Office;
- attempts to pass legislation that would bypass rulings by the High Court of Justice.

Some of these bills passed into law, others were approved by the government, but not fully advanced following public and international pressure. Those bills that did not become law or even advance through the early legislative stages of the Knesset were nonetheless used for political gains, and often at a cost of public damage to those they targeted. We fear that the extent and volume of such legislation poses a serious threat to Israeli democracy, and (while hoping to be proven wrong) we expect to see similar initiatives in the new Knesset.

Below we recap on some of the disturbing legislation that made it through the last Knesset ([a complete list](#) can be found on our website), and offer an overview of some of the important trends we expect to see in the next government and Knesset, including further anti-democratic legislation; legislation in order to further advance the creeping annexation of Area C; and additional attempts to target the rights of asylum seekers rather than offer concrete solutions for their situation.

The passage of a bill and continuity between Knessets

Knesset bills must pass several stages in the Knesset plenum called "readings."

Preliminary steps

A government-proposed bill – Drafted by the relevant government ministry or by the Justice Ministry. The bill is then discussed by the government ministers and, if approved, it is submitted to the Speaker of the Knesset for a first reading in the plenum, after which it is forwarded to a relevant Knesset committee to be prepared for the second and third hearings.

A private bill – Drafted by one or several Members of Knesset. Such a bill must first be approved by the Speaker of the Knesset (the bill is not approved if the Speaker believes it is racist or denies the existence of the State of Israel as a Jewish state). The bill must undergo a preliminary reading in the plenum. Prior to this reading, the bill is presented to the Ministerial Committee on Legislation, which decides whether the government will support the bill or not. If the bill passes, it is forwarded to a relevant Knesset committee, which discusses it, changes it as needed, and approves it for the first reading in the plenum.

First Reading

The minister or MK who proposed the bill presents it, the Knesset plenum briefly discusses it and then votes. If the bill passes the vote, it is forwarded to the relevant Knesset committee in order to discuss, amend and prepare it for the second and third readings. This process may take some time – and after the bill is approved by the committee it is returned to the plenum for the final steps of its legislation process.

Second and Third Readings

These two readings usually take place at the same time. In the second reading, the plenum votes on the draft of the bill that was approved by the committee, as well as on any reservations that were raised. If a reservation is accepted by the plenum, it becomes part of the final bill. The bill then immediately continues to its third reading - a vote on the final wording of the bill. If the bill passes this reading it is then signed by the president, the prime minister, and the minister in charge of its execution, and is published in Israel's law books. Only after being published does the bill officially become part of Israeli law.

Continuity

Note that bills that have not passed their first reading cannot advance in the next Knesset and must be presented again to start over the legislative process. A bill that has passed its first reading can resume the legislative process from where it left off, once the sponsor requests a continuity motion. For government-sponsored bills, the government requests continuity and a vote is held in the Knesset plenum. For private members' bills, the sponsors must have been re-elected and they ask for continuity. The government has 21 days to establish its position, and then it goes to a continuity vote in the plenum.

Civil Society and Freedom of Expression

Anti-Boycott Law

This [law](#), officially titled "Preventing Harm to the State of Israel by Means of Boycott," enables the filing of civil lawsuits against individuals who call for boycott of settlement products. The law, approved in June 2011, also includes several sanctions that would primarily hurt NGOs or companies participating in a boycott. On 10 December 2012, [the High Court of Justice issued an order nisi](#) (order to show cause), ordering the state to justify the legality of the law. The order came following a hearing on a petition against the law filed by Adalah – The Legal Center for Arab Minority Rights in Israel and ACRI on behalf of eight civil society organizations. Lawyers and lawmakers, including the Knesset's legal adviser, have harshly criticized the law, which allows entities to demand compensation in civil court from individuals or organizations who call for a boycott of Israeli settlements or Israel, without having to prove actual damages.

Status: Approved June 2011; state to respond to High Court's order nisi by April 2013.

Funding from Foreign State Entities

Officially titled "Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity," under the final version of this law, NGOs supported by "foreign state entities" (as defined by law) will be required to submit financial reports on those funds once every quarter (i.e. four times a year instead of once annually, as already required before this law was passed), and if an advertising campaign is funded by a foreign state entity it must be stated within the framework of this campaign. Despite claims made by the promoters of this law, as though it is intended to increase transparency – in practice its purpose was to delegitimize and curtail the activities of organizations that receive funds from, among other sources, foreign states.

Status: Passed final reading in February 2011.

Bill on Foreign Funding of NGOs – Hybrid Version

This [bill](#) combined two NGO foreign funding bills into one larger bill with several new addenda. This hybrid bill divides all NGOs receiving funding from foreign state entities into three categories: (1) Those that will be completely banned from receiving it; (2) Those that will be allowed to receive it by virtue of being also funded (now or in recent years) by governmental sources in Israel; (3) All the rest – which will be taxed (on this kind of income) at a 45% rate, unless they get a waiver from the Knesset.

Status: The hybrid bill was drafted in November 2011, but never made it to its first reading following harsh local and international criticism. It would need to start the legislative process from the beginning in the next Knesset. For further information regarding ACRI's position on this law, click [here](#).

Libel without Proof of Damages

Originally two separate proposed amendments to the Anti-Defamation Law, which were later [united into one bill](#). The bill authorizes the court to order those who have published libel, including media outlets, to pay punitive damages of NIS 300,000-NIS 500,000 even without proof of damages – a significant increase on the NIS 50,000 currently set under Israeli law.

Status: The combined version of the bills passed its first reading in November 2011. The new bill can only advance in the new Knesset after a continuity motion.

Pardoning Protesters of Gaza Disengagement

Originally introduced in 17th Knesset, the law received final approval from the 18th Knesset. Under this law, those arrested and charged during ant-disengagement protests in 2005 would be pardoned for all but the most severe offenses. The law applies to all those without prior criminal records. Though legislation that eases punitive measures against persons who exercised their right to political protest is welcome in principle, this particular law is problematic because it makes a distinction between political and ideological activists of various groups. This bill was promoted by the political majority on behalf of their electorate alone. A petition filed against the inequality that is at the heart of this law was rejected by the High Court of Justice in February 2012.

Status: Passed final reading in January 2010; High Court rejected petition.

Undermining the Courts

Civil Damages (State Liability) (Amendment No. 8)

In 2005, the Knesset approved [an amendment to the Civil Damages Law](#), whose purpose was to deprive Palestinian residents of the Occupied Territories from the right to receive compensation for damages caused by Israel's security forces, even if this happened outside the scope of active warfare. In December 2006, following a petition filed by ACRI, Adalah - The Legal Center for Arab Minority Rights in Israel, and HaMoked: Center for the Defense of the Individuals and others, the High Court struck down the amendment because it was unconstitutional. Six months later, the government prepared a bill to circumvent the High Court's decision and to reenact the overturned amendment. The bill passed its first reading in the 17th Knesset, extended by the continuity rule into the 18th Knesset, and passed its final reading on 16 July, 2012. It grants the State with sweeping immunity from tort suits even when the actions undertaken did not involve risk of any kind to soldiers or other security force personnel – so long as it took place in the West Bank or Gaza. The result is that the State will be immune from damages caused by almost any action taken by military forces in the Occupied Territories. The practical result of the bill might be that orphans, widows, maimed persons, or persons left destitute after the destruction of their property – will all be left without remedy.

Status: Passed final reading in July 2012.

To read the letter sent by ACRI, Hamoked and Adalah to the Knesset's Constitution, Law and Justice Committee, click [here](#).

Restricting Public Petitions to the High Court of Justice

This proposed amendment to the Basic Law: The Judiciary seeks to substantially limit the ability of human rights and social change organizations to file petitions to the High Court of Justice, thereby limiting the amount of sensitive public issues that reach the Supreme Court. The bill seeks to restrict "public petitioners" – organizations and bodies that file petitions against state authorities even though they are not directly harmed in a certain matter.

Status: Tabled in February 2011; PM Netanyahu announced his opposition to the bill the night before it was due to come before the Ministerial Committee on Legislation and it has not advanced since.

In addition, the 18th Knesset saw a number of bills introduced that sought to influence the composition of the Supreme Court (which also sits as the High Court of Justice) and limit its areas of authority. This included:

- a bill that would establish hearings for all justices appointed to the Supreme Court in the Knesset Constitution Committee, which could then veto the appointment;
- a bill to ensure that the head of the Israel Bar Association would be one of the Bar representatives on the selection committee, in order to influence the (then upcoming) process;
- as well as bills that sought to significantly limit the role of the High Court of Justice (for example prohibiting the court from ruling on security issues or on the legality of the Citizenship Law).

None of these bills passed into law, but we may well see renewed attempts to influence and attacks on the High Court in the next Knesset.

Arab Citizens of Israel

The Praver Plan

Approved by the government in September 2011, the Praver Plan calls for limited recognition of Bedouin villages and leaves open the possibility of relocating up to 30,000 Bedouin from their homes. The Negev Bedouin whose lives will be thrown into turmoil by the plan were excluded from the Praver Committee. The Praver plan has already drawn international rebuke. In March 2012 the UN Committee for the Elimination of Racial Discrimination called on Israel to "withdraw the 2012 discriminatory proposed Law for the Regulation of the Bedouin Settlement

in the Negev, which would legalize the ongoing policy of home demolitions and forced displacement of the indigenous Bedouin communities".

Following the Government's approval of the Praver Committee's report, a law memorandum was published outlining the bill that would enact the committee's recommendations regarding the issue of the ownership of land into law. In April, ACRI and Adalah submitted their reservations about the plan in a 17-page letter to Benny Begin, the minister appointed to oversee the process, which was copied to the Prime Minister, the Attorney General and the Justice Minister. The letter addresses two of the most egregious aspects of the Praver plan: (1) the proposed dismantling of unrecognized villages and forced displacement and relocation of tens of thousands of residents to recognized settlements; and (2) the proposed process for recognizing or refusing to recognize Bedouin land ownership by decree, which violates residents' right to due process. The dissolution of the 18th Knesset meant that the bill did not come up for approval as planned. We expect to see renewed legislative attempts in the next Knesset, though the precise details and timing will depend on the new coalition and the political situation.

Another major concern facing the Bedouin community as a result of the implementation of the Praver Committee's report is the issue of planning and building procedures. Under the Praver Plan, the vast majority of Bedouin villages will not be recognized and tens of thousands of people will have to be moved. In addition, the Be'er Sheva Metropolitan Plan, which restricts the land rights of local Bedouin, is also being advanced and ACRI attorneys are following the process to submit objections to the process.

A seven-member implementation team has already been established in the Prime Minister's Office, headed by Maj. Gen. (res.) Doron Almog, to implement the Praver Plan. They are already working on issues such as dealing with undisputed, fallow land, sewage, and developing the master plan for the area.

Status: Praver implementation team already at work; bill to regulate Bedouin land ownership in the Negev may be revisited after the elections; planning procedures, meant to offer solutions for unrecognized villages, in the works too.

To download a position paper on the Praver Plan written by ACRI, Bimkom, and the Regional Council of Unrecognized Bedouin Villages, click [here](#).

Acceptance to Communities Law

According to this [law](#) approved in March 2011, acceptance committees to villages and communities may turn down a candidate if the committee decides he or she "fails to meet the fundamental views of the community," its social fabric, and so on. The bill primarily intends to deny ethnic minorities' access to Jewish communities set up on predominantly public lands. On December 4, an extended panel of nine Supreme Court justices sitting as the High Court heard [our petition against the law](#). The petition was filed by ACRI along with members of the group Atid Misgav (residents of small communities in the north, who oppose the existence of such screening procedures in their communities) and the Abraham Fund Initiatives. A petition against the law filed by Adalah was also heard. The State Attorney and Knesset Legal Advisor argued that the law explicitly prohibits discrimination, and instead allows the examination of the degree of suitability necessary to protect the small communities. However, the data brought before the Court show that suburban communities of hundreds of people and more covered by the law do not really have any special characteristics that might justify such an examination, for example an unusual communal existence, or unique cooperative arrangements such as a kibbutz. ACRI's Attorney Gil Gan Mor argued at the hearing that "The screening procedures in place in many of Israel's small communities, which are devoid of any unique characteristics, severely violate the constitutional rights to dignity and equality." The law was meant first and foremost to exclude Arabs – as the MKs who advanced the original bill through the Knesset themselves proclaimed. Other communities, such as single-parent families, new immigrants, same-sex couples, religious people, the disabled, and many others are also often excluded too from these suburban developments.

Status: Passed March 2011; decision pending following December hearing at the High Court.

Abu Basma Bill on Regional Council Elections

This bill includes an amendment to the law concerning elections in regional councils, allowing the Minister of Interior to postpone democratic elections in new regional councils for an indefinite period. It specifically relates to the case of the Abu Basma, a regional council comprised of Bedouin villages in the Negev, which was recognized

six years ago but is still being administered by an appointed representative of the Minister of Interior, not by elected representatives of the Bedouin community.

Status: Passed final reading in November 2009. On 9 February 2011, following a hearing in a petition filed by ACRI and Adalah to the High Court against this law, the court ruled that elections in Abu Basma be held on 4 December 2012. The organizations withdrew the demand to discuss their principled claims against this law. Just six weeks before the elections, however, the Interior Ministry decided to split the local council into two and elections were not held. ACRI continues to closely follow and lobby on this issue.

"The Nakba Law"

An amendment to the Budget Principles Law of 1985, known as the "Nakba Law," was enacted by the Knesset in March 2011 and empowers the Minister of Finance to fine public bodies that benefit from public funding (for example schools, universities, or local authorities) if they hold events that commemorate "Independence Day or the day of the establishment of the state as a day of mourning." They could also be fined if they hold events that aim to revoke "the existence of Israel as a Jewish and democratic state." The ambiguous wording of this law raises concerns that fines will be imposed for holding events in which the Nakba is mentioned in any way, not only on Independence Day but throughout the year, and for criticism of the definition of a Jewish and democratic state. ACRI, together with Adalah, petition the High Court against the amendment. The Court ruled on 5 January 2012, [rejecting the petition](#) on the grounds they could not make any ruling on the petition's claims as the law had not been implemented and the court therefore had not been given concrete factual circumstances on which to judge. ACRI and Adalah said in response that "The High Court ignored the chilling effect of this law, and missed the opportunity to tell legislators that there are limits to their anti-human rights actions. This law encourages discrimination against Arabs in Israel".

Status: Passed in March 2011; petition rejected by High Court.

To read the ACRI position paper regarding this topic, click [here](#).

Extending Arrest of Persons Suspected of Security Offenses

This law extended (by two year) the emergency ordinance that enables the arrest of suspects in security related offenses for longer periods without judicial oversight, as well as extending their arrest without their presence. The arrangement anchored in this temporary order, part of which was already disqualified by the Supreme Court in 2010, severely infringes on the right to due process and on the basic principles of Israeli criminal law. Because this law denies the most basic guarantees required for a fair interrogation, it opens the door to mistreatment of prisoners and even to the conviction of innocent people.

Status: Passed final reading in December 2010. We expect the temporary order to be extended again once the Knesset reconvenes.

Revoking Citizenship for Persons Convicted of Terrorism or Espionage

The law authorizes the Minister of Interior and the courts to revoke citizenship of persons convicted of terrorism, espionage, or disloyalty. When citizenship is denied, a series of basic rights that follow from it are denied too. The bill was approved by the Knesset Interior Committee with two amendments: First, that it will not be permissible to leave a person state-less. Second, that the decision to revoke citizenship will require the approval of the Attorney General. Israel's General Security Services have expressed opposition to this bill. This law infringes on the basic rights of Israeli citizens, since when citizenship (a basic right in and of itself) is denied, a series of basic rights that follow from it are denied as well. Israel's criminal law already includes legal tools for dealing with persons convicted of terrorism or espionage.

Status: Passed final reading in March 2011.

Creeping Annexation of Area C

Levy Committee for the Arrangement of Outposts

In January 2012, Prime Minister Benjamin Netanyahu appointed a committee, headed by retired Supreme Court Justice Edmond Levy to investigate the legal status of unauthorized West Bank settlements. The committee presented its findings to the government in mid-2012, and renounced the existence of a state of occupation in the West Bank. The [recommendations](#) may very well be brought before the new government for approval. ACRI condemns the findings, and believe that the conclusions are legally unfounded and authorize a regime of institutionalized discrimination that has been in place for 45 years. The devastating consequences of Israeli settlements on the human rights of the Palestinian population are the ultimate proof of the importance of following the directives of international law in general and the laws of occupation in particular. A country that occupies a territory is obligated, in accordance with international law, to ensure the well-being of the local population and to protect this population's rights. What is happening de facto in the West Bank is the complete opposite: Israel, which transferred and continues to transfer its own citizens onto the occupied territory – in contradiction of the law – affords Israeli settlers absolute preference over Palestinians in all aspects of life, thereby creating in the West Bank a regime in which two different populations are subject to two different systems of law. Therefore, the situation in the West Bank is neither normal nor legal, and any attempt to authorize or normalize it threatens the rule of law in the State of Israel.

Status: Findings presented to outgoing government; may be officially adopted by incoming government.

To read ACRI's position paper regarding the activities of the Levy Committee, click [here](#).

Bills for Arrangement of Outposts

In June 2012, two proposed bills were scheduled to be brought before the Knesset plenum for a preliminary reading with the goal of authorizing illegal outposts built on private Palestinian land: the proposed Law for the Protection of Holders of Land in Judea and Samaria and the proposed Law for the Protection of the Rights of Founders of Structures in Judea and Samaria. These bills were another step in a series of proposals that have been presented in the Knesset in recent months, in various versions, with a single goal: to grant retroactive legitimization to unauthorized construction on private land in the West Bank, while confiscating this land from its lawful Palestinian owners.

Status: PM Netanyahu vetoed the bills and instead the government came to an arrangement with settlers over the evacuation of the Ulpana Hill neighborhood and announced that 851 housing units would be built in the West Bank. We expect to see similar bills presented to the next Knesset.

To read ACRI's position paper regarding the proposed bills for the arrangement of outposts, click [here](#).

Amendment to the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law

The original law sought to advance equality and prevent discriminations on grounds such as nationality, religion, ethnic origin, gender, sexual orientation or political outlook. In July 2012, the Economic Affairs Committee approved for its first reading a proposal to amend the law and include a ban on discrimination based on place of residence. The bill, however, included the occupied territories as part of the territory of the state. The attempt to equate the territories and Israel is fundamentally unacceptable. Ironically, the bill would actually serve to aggravate discrimination by nationality in the occupied territories, as it would apply only to Jewish residents.

Status: Passed preliminary reading; draft approved ahead of first reading. We expect it to be reintroduced in the next Knesset.

Refugees and Asylum Seekers

Law to Prevent Infiltration

This law, passed in January 2012 as an amendment to the existing Law to Prevent Infiltration, stipulates that asylum seekers and refugees, as well as their children, who enter Israel through the border with Egypt, could be imprisoned, without trial, for a minimum of three years and in some cases – indefinitely. Furthermore, every asylum seeker could be tried in a criminal court and could receive a five-year prison sentence. Six human rights organizations petitioned the High Court in October on behalf of themselves and five Eritrean asylum seekers – including a child – being held indefinitely in detention camps. The [petition](#) asks the Court to overturn the Law to Prevent Infiltration. The Law to Prevent Infiltration renders the right to liberty meaningless for many thousands of people, and deprives them of any legal defense. The purpose of this administrative detention is not to deport but rather to make the lives of the asylum seekers unbearable. The petition argues that Israeli and international law prohibit the detention of migrants in cases where they cannot be deported; that the administrative detention of asylum seekers, among them children, who suffered trauma intensifies the trauma and is likely to harm the health and wellbeing of those who are detained; and that deterrence is not an appropriate purpose for detention. For these reasons, and because the Law to Prevent Infiltration violates the Basic Law: Human Dignity and Liberty, the petition asks the High Court of Justice to strike down the law.

Status: Passed January 2012; High Court to hear petition in March.

For more information regarding the High Court petition, click [here](#).

'The Slavery Law': Amendment 21 of Entry into Israel Law

This government-sponsored [amendment](#) sets limitations on work permits given to migrant workers residing in Israel. It restores the measure by which migrant workers are bound to a single employer, an arrangement deemed illegal by the Supreme Court, which went so far as to call it "a modern form of slavery." The proposed amendment was initially added as a line item in the Economic Arrangements Law, but was separated from that legislation following the legal opinion of the Knesset's legal adviser.

Status: Passed final reading in May 2011.

Amendment Criminalizing Employment, Providing Shelter or Renting Accommodation and Transporting Asylum Seekers

Two bills laid before the Knesset in June 2012 seek to reinforce the penalization of Israeli residents who knowingly or unknowingly assist asylum seekers by providing employment, accommodation or transportation. The proposals passed their preliminary readings and were unified in preparation for the first reading. During the discussions in the Knesset Internal Affairs Committee, it was decided that the prohibition will apply only to employment, and not to the provision of accommodation or transportation. The draft states that the law will come into force once the massive internment camp for 60,000 asylum seekers is constructed. Such proposed legislation mislead and even harm the Israeli public in two ways: In the manner in which the laws portray asylum seekers and the current reality in Israel, and in the attempt to turn law-abiding residents into criminals merely because they wish to act in a humane and generally inoffensive manner. Such proposals will not solve the problems. Prohibiting the employment of asylum seekers will merely lead to a further deterioration in their situation and that of the residents of the neighborhoods where they live. Moreover, such bills encourage racial profiling and discrimination against people of African appearance, including those who hold permits or are Israeli residents or citizens.

Status: Bill prepared ahead of first reading; expected to be reintroduced in 19th Knesset.

To read a position paper on African asylum seekers arriving in Israel by the Refugees' Rights Forum, of which ACRI is a member, click [here](#).

Amendment Forbidding Asylum Seekers to Send Money Abroad

On July 8, the Israeli government proposed an amendment to the Law to Prevent Infiltration that would prohibit the transfer of funds from Israel by asylum seekers. According to the amendment, which passed the first reading on July 25, an 'infiltrator' who send money abroad will be punished by three months' imprisonment or a NIS

29,200 fine. The punishment for those who assist 'infiltrators' is more severe – one year imprisonment, or a NIS 29,200 fine / a fine double the sum of the amount remitted (whichever is higher). Withdrawal of the funds will be possible only upon the departure of the asylum seeker from Israel and even then he will be able to withdraw only half of the minimum wage for every month of stay in Israel. The ban will not apply in special humanitarian cases or to those recognized as refugees or those possessing a work permit (about 1,500 out of the 60,000 asylum seekers currently residing in Israel).

Status: Passed first reading; expected to continue legislative process in 19th Knesset following continuity motion.

Visit ACRI's Knesset Database: <http://www.acri.org.il/en/knesset-database>