



THE ISRAEL  
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## > Summary of 2024

# A Review of the Moves Designed to Weaken Israeli Democracy

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January 2025



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## **Summary of 2024**

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For a detailed overview of the proposed legislation and laws promoted in the current Knesset that harm Israeli democracy, see [Demonitor - the Israel Democracy Institute's database on democratic erosion in Israel](#)

**January 2025**



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## PREFACE

This document presents an overview of the main measures taken by the government and the coalition to weaken Israeli democracy in 2024. The document is based on a series of periodic reviews conducted over the past year, in which we identified the moves to weaken democracy and their expansion over time.<sup>1</sup>

The document reviews the various arenas in which the coalition is operating to weaken democracy: harm to the rule of law and the institution of the Attorney General; erosion of the independence of the judicial system and the Israel Police;

<sup>1</sup> See the reviews [in Hebrew] on the website of the Israel Democracy Institute: Anat Thon Ashkenazy & Daphne Benvenisty, *Processes of Weakening Democracy: A Status Report at the End of the Knesset's Winter Session, April 2024–Review No. 1* (Israel Democracy Institute, Apr. 9, 2024); Anat Thon Ashkenazy & Daphne Benvenisty, *This Is What the "Silent Reform" Looks Like: The Processes of Weakening Democracy Continue–Review No. 2: Apr. 10, 2024–May 30, 2024* (Israel Democracy Institute, June 6, 2024); Anat Thon Ashkenazy & Daphne Benvenisty, *The Coalition's Initiatives to Weaken Democracy: The 'Not-So-Silent Reform'–Review No. 3: June 1, 2024–Aug. 11, 2024* (Israel Democracy Institute, Aug. 13, 2024); Anat Thon Ashkenazy & Daphne Benvenisty, *Even during the Knesset Recess, the Attacks on the Judicial System, the Gatekeepers, and the Politicization of the Education System and the Police Continue–Review No. 4: Aug. 12, 2024–Sept. 16, 2024* (Israel Democracy Institute, Sept. 19, 2024); Anat Thon Ashkenazy & Daphne Benvenisty, *One Year after the Outbreak of the "Iron Swords" War and Ahead of the Knesset's Winter Session: A Review of the Moves to Weaken Israeli Democracy–Review No. 5* (Israel Democracy Institute, Oct. 27, 2024); Anat Thon Ashkenazy & Daphne Benvenisty, *The Winter Session Opens with a Storm of Steps for the Expedited Advancement of Moves to Weaken Democracy–Review No. 6: Oct. 27, 2024–Nov. 27, 2024* (Israel Democracy Institute, Nov. 28, 2024); Anat Thon Ashkenazy & Daphne Benvenisty, *The Coalition Is Openly and Conspicuously Promoting Moves to Harm Democracy and Weaken the Gatekeepers–Review No. 7: Nov. 28, 2024–Jan. 5, 2025* (Israel Democracy Institute, Jan. 14, 2025).

politicization of the civil service; and the diminishing of basic rights such as freedom of expression, together with threats to a free press.

The examination of these arenas is based on the extensive literature showing that in recent years the erosion of democracy has not occurred in one fell swoop. Rather, it is a gradual and ongoing process by which democratically elected governments weaken democratic institutions, values, and norms. The trend has focused on advancing legislation, constitutional amendments, and political appointments intended to hollow out liberal democracy of its substance.<sup>2</sup> The systematic analysis of the various arenas of action reveals that seemingly separate steps are, in fact, interconnected - and highlights their cumulative impact on the erosion of democracy.

The moves to weaken democracy in Israel did not begin in 2024,<sup>3</sup> nor did they emerge solely under the auspices of the current government.<sup>4</sup> However, the scope of the democracy-weakening measures undertaken by this government is exceptional compared to its predecessors. This was already apparent in the coalition agreements and the government's basic guidelines; in the speech of Justice Minister Yariv Levin on January 4, 2023; and of course in the initiatives to advance numerous and unprecedented amendments to Basic Laws and other laws, alongside changes on the ground aimed at altering Israel's system of government.<sup>5</sup> These changes are reflected, among other things, in attempts to transform the

2 See, for example: STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* (2018); Kim Lane Scheppelle, *Autocratic Legalism*, 85 U. CHI. L. REV. 545 (2018); Nancy Bermeo, *On Democratic Backsliding*, 27(1) J. DEMOCRACY 5 (2016); Kim Lane Scheppelle, *Never Again, And Not Quite*, VERFBLOG (July 23, 2024).

3 Suzie Navot, *An Overview of Israel's "Judicial Overhaul": Small Parts of a Big Populist Picture*, 56(3) ISR. L. REV. 482 (2023).

4 Amir Fuchs, Dana Blander, & Mordechai Kremnitzer, *Anti-Democratic Legislation in the 18th Knesset, 2009-2013* (Israel Democracy Institute, 2015) [Hebrew].

5 Suzie Navot & Guy Lurie, *An Attack on the Rule of Law in Israel*, 39(1) ISR. STUD. REV. 20 (2024).

Judicial Selection Committee into a body controlled by a political majority; significant restrictions on the scope of judicial review that the High Court of Justice may exercise over legislation and administrative decisions;<sup>6</sup> a dramatic reduction in the powers of the Attorney General and attempts to politicize this role; an expansion of the jurisdiction of the religious courts; the widening of the authority of the Minister of National Security to influence police policy; harming freedom of expression and protest; reducing budgets for the Arab community; and so forth.

Many of these measures, especially those requiring amendments to Basic Laws, were halted in 2023 thanks to a broad and unprecedented public protest movement.<sup>7</sup> Other measures—particularly those not requiring legislation—began to materialize, such as changes in the relations between the police and the Ministry of National Security. Some of the legislative initiatives were successful, such as the amendment to Basic Law: The Government regarding the grounds for declaring the Prime Minister incapacitated. The Knesset passed the main legislative initiative that reflected the coalition’s desire to limit the authority of the Supreme Court (sitting as the High Court of Justice (HCJ)) — the amendment to the Basic Law: The Judiciary abolishing the “reasonableness” standard.

6 Amichai Cohen & Yuval Shany, *Reversing the "Constitutional Revolution": The Israeli Government's Plan to Undermine the Supreme Court's Judicial Review of Legislation*, LAWFARE, Feb. 15, 2023.

7 A survey conducted in July 2023 found that about one quarter of respondents (23%) had participated in the protests against the judicial reform. See: Tamar Hermann & Or Anavi, *Flash Survey: Equality among Likud Voters between Those Supporting the Continuation of the Legislation and Those Who Believe It Should Be Halted in Favor of Increasing Unity in Israel* (Israel Democracy Institute, July 17, 2023) [Hebrew]. For the framing of "the people," who acted through protest against the judicial reform, as "a fourth branch that protects democracy," see Yaniv Roznai, *We the Fourth Branch? The People as an Institution Protecting Democracy*, in REDEFINING COMPARATIVE CONSTITUTIONAL LAW: ESSAYS FOR MARK TUSHNET (Madhav Khosla & Vicki C. Jackson, 2024).

However, the amendment was struck down by the HCJ in a precedential ruling delivered at the beginning of 2024.<sup>8</sup>

In the first days after the murderous Hamas attack of October 7, 2023, and during the subsequent war, many coalition members declared that “we had been dealing in nonsense,” that “the public wants a different kind of politics,” and that the “judicial reform” was off the table. It might also have been assumed that the HCJ’s unequivocal ruling at the beginning of 2024, in which a clear majority of 12 out of 15 justices on the panel found that the HCJ has the authority to strike down a Basic Law that harms the core characteristics of Israeli democracy—would seal the fate of the efforts to harm democracy. Despite this, as the war progressed, it became clear that the government and the coalition had not abandoned their efforts to undermine Israel’s already weak system of checks and balances. Instead, over the course of 2024, the government shifted its main course of action in pursuit of its goal of weakening democratic mechanisms: no longer focusing on amendments to Basic Laws, but instead on creating facts on the ground, reflected in numerous moves circumventing legislation through appointments, decisions, and by disregarding mandatory legal opinions—with similar, and at times even more destructive, results. At first, the Attorney General defined the sequence of measures as a “quiet reform”; however, as time went on, the reform became far less quiet. The coalition’s initiatives continued to escalate at the beginning of 2024 and the damage to democracy became evident in multiple arenas and with increasing frequency.

Thus, the independence of the judicial branch—functioning for almost a year and a half without a permanent president of the Supreme Court (equivalent to a chief justice), with a shortage of judges at all levels, including the Supreme Court, and facing repeated attacks on the legitimacy of both the President and the Judicial Selection Committee—has been compromised. In addition, in recent months the

8 HCJ 5658/23 Movement for Quality Government in Israel v. The Knesset (Jan. 1, 2024).

government has doubled down on its assault against the rule of law, ignoring the Attorney General's opinions, contesting her sole authority to represent the government before the courts, and even openly seeking to depose her.<sup>9</sup> Throughout the past year, the Minister of National Security tightened his control over the police through actions that appear to constitute repeated violations of the HCJ directive forbidding him from intervening in the operational work of the police. At the end of 2024, however, a ruling struck down one of the amendments to the Police Ordinance that had enabled the Minister to set general policy in the field of investigations. At the same time, the government advanced the politicization of appointment procedures for key positions in the civil service, such as the Civil Service Commissioner and the Ombudsman for Complaints against Judges, and reduced the level of representation of women in senior positions in the public service to an unprecedented low. In addition, over the past year, the government imposed a disproportionate cut in the budgets for Arab society, a trend that may worsen in the 2025 budget with respect to other underprivileged groups in Israeli society.<sup>10</sup>

In recent months, the efforts to weaken democracy have also become increasingly evident within the Knesset. Following the HCJ's decision requiring the Judicial Selection Committee to set a final date for appointing a president to the Supreme Court, the Minister of Justice and other ministers announced plans to push forward a bill to change the Committee's composition, which is already awaiting its second and third readings in the Knesset. The coalition is also seeking to change

9 Daphne Benvenisty & Anat Thon Ashkenazy, *Separate Representation Is Not Separate Counsel: Cases in Which the Government Was Permitted to Obtain Separate Legal Representation in Petitions to the High Court of Justice* (Israel Democracy Institute, Sept. 8, 2024) [Hebrew].

10 For example, as part of the 2024 budget, the government approved a sweeping, disproportionate cut in the five-year plans aimed at strengthening Arab society. Government officials even signaled their intention to freeze benefits as part of the 2025 budget, a move that could further deepen the harm to vulnerable populations.

the method of appointing the Ombudsman for Complaints against Judges. Additionally, with the opening of the winter session, we have witnessed an assault on the freedom of the press, particularly aimed at the Public Broadcasting Corporation, as well as on freedom of expression. Moreover, during this session, the coalition has begun advancing an amendment to Section 7a of Basic Law: The Knesset, intended to broaden the grounds for disqualification from voting and standing for election, with particular emphasis on Arab society. It is also pursuing legislation aimed at further weakening the civil service.

The year 2024 ended against the backdrop of statements by the Minister of Communications that he would not comply with an interim order of the HCJ extending the term of members of the Council of the Public Broadcasting Corporation. The picture that emerges at the beginning of 2025 is troubling and requires ongoing scrutiny. The government and the coalition are vigorously advancing measures to weaken Israeli democracy across multiple arenas, in a coordinated manner. Additionally, the presentation of the “agreement” outline published by Minister of Justice Levin and Foreign Minister Saar at the beginning of January—which includes a proposal to change the composition of the Judicial Selection Committee and to enact a Basic Law: Legislation—indicates the coalition’s intention to return soon to amendments of Basic Laws that will politicize the selection of judges and significantly curtail the Supreme Court’s authority to exercise judicial review over legislation. At the beginning of 2024, the government acted “under the radar,” primarily through resolutions and on-the-ground measures. It has since shifted to a full-scale barrage of Basic Law amendments, primary legislation, ordinances, resolutions, appointments, and even threats of dismissal—all directed at weakening the state’s democratic institutions.

## Summary Table: Key Steps Taken by the Government and Coalition in 2024

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)	
Harm to the independence of the Judicial System	Non-appointment of a president to the Supreme Court.	Since the retirement of (former) President Hayut in October 2023 and throughout 2024, the Minister of Justice prevented the convening of the Judicial Selection Committee to appoint a permanent president to the Supreme Court.	H CJ ordered the Minister of Justice to bring the appointment of the president to a vote in the Judicial Selection Committee by January 26, 2025.	
		Declarations by ministers of the coalition's intention to promote an amendment to Basic Law: The Judiciary, granting it a majority in the Judicial Selection Committee.	The Constitution Committee has begun advancing the "Levin-Saar outline," which will lead to the politicization of the process of appointing judges.	
	Changing the procedures of the Judicial Selection Committee.	The Minister of Justice is preventing a discussion in the Committee of judicial candidates that he does not approve of, on the grounds of insisting on "broad consensus," even when there is a legal majority for approval of the appointments.	The vacant positions in the judicial system have not yet been filled.	
	Budgetary Harm and Additional Sanctions on the Judicial System.		The Minister of Justice decided to cancel unfilled judicial positions, even though the reason they are unfilled is his refusal to convene the Judicial Selection Committee and appoint judges.	
			The Minister of Justice decided, in a sweeping and arbitrary manner, not to allow judges to teach in academia alongside their work in court, without any individual examination of the requests on the matter.	
	Attempt to politicize the office of Ombudsman for Complaints against Judges.		Promotion of a bill that will give the political majority control over the appointment of the Ombudsman.	The bill is in preparation for its second and third readings.
Weakening the Israel Bar Association.		Promotion of a bill to impose limits on the membership fees that the Bar Association is allowed to charge.	The bill is in preparation for its second and third readings.	
		Promotion of a bill to abolish the Bar Association and establish instead a Council of Lawyers controlled by the government.	The bill is in preparation for its first reading.	

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)
Harm to the Rule of Law	Flawed and improper decision-making process in government meetings.	The Attorney General has repeatedly clarified that government decisions are being made through defective procedures, without prior professional staff work, and even based on legal opinions issued by those not authorized to do so.	The Attorney General warned about this recently in a Supreme Court hearing regarding the petition against applying the continuity rule to the bill granting exemption from military service.
	Ongoing disregard for the Attorney General's legal opinions and frequent requests for separate representation.	<p>The Prime Minister and several ministers act contrary to the Attorney General's opinions, in open defiance of the institution of the Attorney General.</p> <p>The government frequently asks the Attorney General to approve separate legal representation, even on non-substantial matters.</p>	
	Improper advancement of legislative procedures in the Knesset.	Ministers admitted to using private members' bills instead of government bills, as required, since they fear their proposals would not be approved by the Attorney General.	The Supreme Court criticized this practice, clarifying that "private members' bills are not meant to serve the government as a 'bypass channel' to the mechanisms that apply to government bills."
	Efforts to dismiss the Attorney General on irrelevant grounds and through personal attacks.	Members of the government promoted moves to remove the Attorney General, including compiling a "dossier of evidence" against her and calling for a quasi "hearing" for her within the government.	
	Attempt to avoid establishing a state commission of inquiry into the events of October 7, alongside the coalition's increasing delegitimization of the institution of a state commission of inquiry	Coalition members declared that no state commission of inquiry would be established, despite the Attorney General repeatedly clarifying that this is the appropriate mechanism to investigate the events of October 7.	The Supreme Court ordered the government to submit an update within 60 days (i.e., by February 9, 2025) on holding a discussion in the full cabinet regarding the establishment of a state commission of inquiry.

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)
Harm to the Independence of the Israel Police and Politicization in the Use of Force	Prohibited intervention by the Minister of National Security in police operations.	Reports that the minister interferes in police work (e.g., in allocating forces, suspending officers, and participating in raids).	The Supreme Court struck down part of the amendment to the Police Ordinance that had permitted the minister to set general policy regarding investigations.
	Ongoing intervention of the Minister of National Security in police appointments and dismissals.	The Minister of National Security was involved in appointments and dismissals of officers, even at junior ranks. It was also alleged that in promotion interviews, he asked police officers whether they would be "loyal."	The Department for the Investigation of Police Officers opened an inquiry into these suspicions.
	Improper distribution of firearm licenses.	Rapid change to firearms regulations, easing the requirements for obtaining a weapons license without orderly staff work.  A criminal investigation found that more than 1,000 firearm licenses had been issued unlawfully.	
Politicization of the Civil Service	Politicization in the appointment of the Civil Service Commissioner.	The Prime Minister appointed an acting Commissioner despite the Attorney General's opinion that there was a legal impediment to approving the appointment.	The HCJ is hearing a petition against the temporary appointment.
	Frequent turnover and avoidance of appointments to key positions.	The government has avoided filling many senior positions, or has appointed only acting officials, thereby weakening the civil service.	
	Failure to appoint women to senior positions in the civil service.	Out of 31 government ministries, only one is headed by a woman Director General (in an acting capacity), and none of the few recent senior appointments have been women.	The HCJ is hearing a petition concerning the violation of the obligation to provide adequate representation of women in Director General positions in government ministries.

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)
Threat to Free Media	Passing laws harmful to media.	The Knesset passed several laws benefiting small license-holders (chief among them Channel 14, which is close to the government) while weakening the Public Broadcasting Corporation.	
		The Knesset approved a law allowing sanctions against channels deemed harmful to state security, even though such sanctions do not contribute to reinforcing security, and it is discussing additional proposals to toughen the law.	A petition against this law is currently being heard by the HCJ
		Promotion of the "Ratings Law," which would grant the Minister of Communications control over the Ratings Committee; promotion of legislation to shut down Galei Tzahal (the Army Radio).	These bills are being prepared for their first reading
		Memorandum of Law on the distribution of broadcasts via digital broadcasting stations, granting exceptional benefits to Channel 14.	The memorandum was published
	Legislative initiatives undermining the Public Broadcasting Corporation.	The Minister of Communications published an "Outline for Changes in Public Broadcasting," which includes: closure of the news and current affairs division of the Public Broadcasting Corporation; closure of the Arabic-language public channel; cuts to the Corporation's budget; and a ban on advertisements and sponsorships within the Corporation.	The outline was discussed in the Knesset Economic Affairs Committee
		Promotion of a bill authorizing the government to approve and cut the Public Broadcasting Corporation's budget, as well as a bill to privatize the Corporation.	These bills are being prepared for their first reading
Infringement of the Right to Vote and Be Elected	Amendment to Section 7a of Basic Law: The Knesset.	A bill to expand the grounds for disqualifying candidates or lists from participating in elections, a move that could harm the right to vote and be elected, particularly in Arab society	The bill is being prepared for its first reading

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)
<b>Infringement of the Right to Equality</b>	Amendment to the Student Rights Law.	A bill to expand the ability for institutions of higher education to impose gender segregation, without conditions, and in a way that would not be considered as prohibited discrimination.	The bill is being prepared for its first reading
<b>Infringement of Freedom of Expression, Protest, and Artistic Creation</b>	Amendment easing prosecution for offenses related to freedom of expression.	Proposal to empower the police to open investigations into suspected incitement to terrorism without the approval of the State Attorney, as currently required.	The bill is in preparation for its second and third readings.
	Infringement of the Right to Protest by the Police.	Increased police violence at demonstrations, including against families of hostages, Members of Knesset, and journalists, as well as the use of crowd-dispersal measures in breach of regulations.	
	Curtailment of Freedom of Creative Expression.	Publication of a draft proposal to change the criteria for allocating film-support funds, granting preference to commercial productions, and potentially undermining critical content.	
		Steps by the Minister of Culture and the police to withdraw budgets from cultural institutions that screened films critical of the state. In addition, reports indicated that the Film Review Council has been warning cinematheques against screening films that have not received its approval, departing from established practice.	

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)
<b>Growing Politicization in the Education System and Academia</b>	Politicization of the Education System and Infringement of Fundamental Rights.	A law enabling the Minister of Education and the ministry's Director General to dismiss teachers and withhold budgets if, in their opinion, the teacher or institution expressed support for terrorism.	The law has been enacted
	Politicization in Academia.	A bill authorizing an administrative authority within a higher education institution to dismiss a faculty member who, in its view, "incited to terrorism," supported a terrorist organization, or endorsed a terrorist act, without conforming to the conditions established in law for prohibited incitement.	The bill is in preparation for its first reading.
		A proposed amendment to the Students' Rights Law seeks to impose broad restrictions on expression (not necessarily prohibited under criminal law) and to obligate academic institutions to enforce them against students, in a way that could result in permanent expulsion from the academic institution.	The bill is in preparation for its first reading.
	Politicization of Research and Science in Israel.	The Minister of Education acted on political grounds to end the term of the chair of the Planning and Budgeting Committee, while refraining from filling the positions of deputy chair and director general of the Council for Higher Education (CHE).	A new chair was recently appointed, but the Council still operates without a deputy chair and without a permanent director general.
		The Minister of Education sought to abolish the Israel Prizes in research and science, disregarding the position of most professional bodies.	The move was abandoned following a petition to the HCJ.

Nature of Harm	Measure	Manifestation on the Ground	Status (as of January 19, 2025)
Harm to Civil Society	Efforts to instill the perception that civil society operates against the interests of the State of Israel.	Promotion of a bill requiring any NGO petitioning the HCJ that receives most of its funding from a foreign state entity to disclose this in the petition, and requiring the Ministry of Justice to send the petition to the Ministry of Foreign Affairs.	Bill is being prepared for its first reading
		Promotion of a bill stipulating that a donation to an NGO from a foreign state entity (such as the United States or Germany) would be subject to an 80% tax on the amount of the donation.	The bill has been tabled before the Knesset.
		Members of Knesset and ministers alleged that organizations involved in the protest movement against the judicial overhaul had "led to the massacre," while seeking to portray other organizations as disloyal to Israeli society.	

# **Key Trends that Undermined Israeli Democracy over the Past Year – Details**

## **A. Harm to the Independence of the Judicial System**

### **A.1. Failure to Appoint a President of the Supreme Court, alongside Threats to Advance the "Judicial Reform"**

Due to the ongoing efforts by the Minister of Justice to abolish the seniority principle, the Supreme Court has been operating without a permanent president since President Hayut's retirement from the bench in October 2023. In September 2024, the HJC unanimously approved a petition obligating the Minister of Justice to convene the Judicial Selection Committee and proceed with the appointment of a president of the Supreme Court. In its ruling, the Court clarified that under the law, the president of the Supreme Court is to be appointed from among the justices of the Court by a simple majority of Committee members. The justices emphasized that "the appointment of a president of the Supreme Court is vital to the proper functioning of the judicial branch and of the State of Israel's law enforcement system, and that the proper functioning of these systems is a public interest of the highest order."<sup>11</sup>

After the ruling, the Minister of Justice did convene the Committee; however, he repeatedly postponed the actual selection through various tactics. For example, he published the names of all Supreme Court justices as candidates for the position, despite the fact that 10 out of 12 justices had withdrawn their candidacy, and in contravention of the seniority principle that had governed appointments since the establishment of the State of Israel. In addition, he sought to have the Committee's deliberations broadcast live, and even

11 H CJ 1711/24 The Movement for Quality Government in Israel v. Minister of Justice, para. 37, per Justice Wilner (Sept. 8, 2024).

summoned external experts to appear before the Committee—both steps contrary to longstanding practice.<sup>12</sup>

At that point, the HCJ set a deadline for the Minister of Justice to bring the selection of the President to a vote in the Judicial Selection Committee.

At the same time, the Minister of Justice and the Foreign Minister published a new outline for the Committee's composition, granting politicians and their representatives a majority that would undermine the role of the professional members. This will lead to the politicization of the judicial system, as judges would be appointed solely through political deals, abandoning professional considerations. According to the outline, if the terms of two Supreme Court justices have ended, and a year has passed since the first term ended, or since the beginning of a new Knesset's term, the opposition and the coalition will each draw up a list of three candidates, from which the other side will select one justice. This mechanism is liable to result in candidate lists being formed based on the most polarized political considerations, rather than professional ones.

## **A.2. Change in the Committee's Procedures and Refusal to Appoint Judges Without "Broad Consensus," Even When the Required Majority in the Committee Exists**

After the government was formed, the Minister of Justice refused to convene the Judicial Selection Committee, even though the judiciary was short of dozens of judges. In November 2023, the Minister announced that he would convene the Committee, but would only advance decisions that had "broad consensus."<sup>13</sup> While striving for broad consensus is a worthy goal, under the law a majority of five

12 Letter from Justice Yitzhak Amit, Justice Noam Sohlberg, and Justice Daphne Barak-Erez to the members of the Judicial Selection Committee, regarding [Summons to Committee Meeting on December 12, 2024](#) (Dec. 11, 2024).

13 HCJ 5692/23 Movement for Quality Government in Israel v. Minister of Justice (Minister of Justice's notice, Nov. 5, 2023).

Committee members is sufficient to appoint judges to most courts. Thus, insisting on appointments by broad consensus alone effectively alters the legal majority required in the Committee.<sup>14</sup> This insistence was used to prevent discussion of the appointments he opposed.

### **A.3. Budgetary Harm and Additional Sanctions on the Judicial System**

In recent months, the Minister of Justice has further undermined the judicial system by deciding to abolish unfilled judicial positions—positions that remain vacant precisely because of his ongoing refusal to convene the Judicial Selection Committee. The acting President of the Supreme Court, Judge Amit, warned that “such a move has never been made, as it undermines the core of the separation of powers and the independence of the judiciary, and constitutes the trampling of the judicial branch by the executive branch.”

In addition, the Minister of Justice made a sweeping decision not to allow the justices to teach in academia alongside their work in the court. It is doubtful whether a sweeping and arbitrary decision to reject these requests categorically and in advance, without individual examination, was made on relevant and reasonable grounds, and whether it is consistent with the law.

### **A.4. Attempt to Politicize the Office of Ombudsman for Complaints Against Judges**

The tenure of the Ombudsman for Complaints against Judges ended in May 2024, and no successor has been appointed. The reason for the non-appointment of the Ombudsman lies in the Minister of Justice’s wish to deviate from the established practice according to which the position is filled by a retired Supreme Court justice.

14 H CJ 1711/24 Movement for Quality Government in Israel v. Minister of Justice (Sept. 8, 2024).

Instead, he prefers to appoint a retired district court judge—a further move that weakens the judicial system and the standing of the Supreme Court.

Simultaneously, a bill is being advanced stipulating that the Ombudsman will be chosen by the Knesset, and that only the Minister of Justice or 10 Members of Knesset may recommend candidates. If there are two or more candidates, it is proposed that the one who receives at least 70 votes will be appointed to the position. This would replace the current arrangement, under which the Ombudsman is appointed by the Judicial Selection Committee on the joint recommendation of the Minister of Justice and the President of the Supreme Court. This constitutes an attempt by the political majority to seize control of an institution that holds disciplinary and ethical authority over judges, including the power to initiate dismissal proceedings, in a manner that could jeopardize the independence of the judiciary and the judicial system as a whole.<sup>15</sup> It has also been reported that the Minister of Justice attempted to link the legally required appointment of the Ombudsman for Complaints against Judges as well as the shelving of the bill to the appointment of a justice of his choosing to the Supreme Court.

### A.5. Weakening the Israel Bar Association

Against the backdrop of the aforementioned actions in the Judicial Selection Committee, the Knesset is advancing several bills aimed at weakening the Israel Bar Association, which has one representative on the Committee. Thus, the Knesset approved an amendment capping the membership fees the Bar Association may charge and restricting their use, thereby weakening the Bar's central institutions.<sup>16</sup>

15 Guy Lurie, *Opinion—The Proposal to Transfer the Appointment of the Ombudsman for Complaints against Judges to the Knesset Threatens Judicial Independence* (Israel Democracy Institute, June 30, 2024) [Hebrew].

16 Israel Bar Association Bill (Amendment No. 46) (Membership Fees), 2024, P/3787/25.

Alongside this law, a bill has been introduced to abolish the Israel Bar Association and establish in its place a Council of Lawyers under government control.

## **B. Harm to the Rule of Law**

### **B.1. Improper Promotion of Decision-Making Processes in the Government and the Knesset**

Throughout the past year, the Attorney General has repeatedly warned that the government has been failing to follow proper decision-making procedures, approving decisions despite legal impediments, conducting flawed working processes, and relying on private legal opinions instead of those of the Attorney General. Already in late 2023, the Attorney General stressed the need to return, as far as possible, to the “proper path” of governmental decision-making, through legislative amendments in the Knesset rather than by enacting emergency regulations, and by formal government votes rather than telephone polls.<sup>17</sup> The response of the Cabinet Secretary began to outline the confrontational stance the government would adopt in the months to come: he argued that he was “responsible for ensuring the government’s functioning in line with the exceptional situation we are in” and that “this is neither the time nor the place to shackle the government with unnecessary legal constraints.”<sup>18</sup>

17 Letter from the Deputy Attorney General (Public-Constitutional Law), Adv. Avital Sompolsky, and the Deputy Attorney General (Public-Administrative Law), Adv. Dr. Gil Limon, to the Cabinet Secretary, Adv. Yossi Fuchs, on the subject of [Government Decisions in a State of Emergency and Emergency Regulations](#) (Nov. 8, 2023).

18 Letter from the Cabinet Secretary, Adv. Yossi Fuchs, to the Deputy Attorney General (Public-Constitutional Law), Adv. Avital Sompolsky, and the Deputy Attorney General (Public-Administrative Law), Adv. Dr. Gil Limon, on the subject of [Government Decisions in a State of Emergency and Emergency Regulations](#) (Nov. 9, 2023).

In August 2024, the Attorney General personally warned the Prime Minister that “matters have reached a critical point.” The government is relying on legal opinions from private parties or from the Cabinet Secretary, even regarding legal matters with far-reaching implications in the security sphere and concerning the recruitment of yeshiva students.<sup>19</sup> She further argued that the Security Cabinet has become “a sanctuary for improper decision-making processes or for circumventing the work procedures set out in the Government Regulations.”<sup>20</sup>

Failure to follow proper procedures can be seen not only in the government, but also in the Knesset. Thus, government ministers admitted that they refrain from using government-sponsored bills as required, fearing that the Attorney General would not approve their proposals. They therefore prefer to advance private members’ bills, thereby circumventing this hurdle.<sup>21</sup> Recently, the High Court of Justice (HCJ) criticized this practice, clarifying that private members’ bills are not intended to be used by the government as a “bypass channel” to circumvent the mechanisms that apply to government bills.<sup>22</sup>

## B.2. Disregarding the Attorney General’s opinion, while advancing steps to remove her from office

19 Letter from the Attorney General, Gali Baharav-Miara, to the Prime Minister, Benjamin Netanyahu, on the matter of [Disruption of Work Processes in the Government's Work](#) (Aug. 6, 2024).

20 Letter from the Attorney General, Gali Baharav-Miara, to the Prime Minister, Benjamin Netanyahu, on the matter of "Disruption of Work Processes in the Security Cabinet" (Oct. 14, 2024).

21 A letter from MK Meirav Cohen to the Knesset Legal Advisor, Ms. Sagit Afik, on the matter of "Using private members' bills as a mechanism to bypass the governmental legislative process" (Dec. 19, 2024); The Minister for Regional Cooperation previously attacked the Attorney General, claiming that "everything stops with her. Because of her we switched to working through private bills."

22 H CJ 8987/22 Movement for Quality Government in Israel v. Knesset, para. 71 of the opinion of the Acting President, Justice Vogelmann (Jan. 2, 2025).

Over the past year, ministers have sought to act contrary to the Attorney General's opinion, in open defiance of this institution. For example, in May 2024, the Attorney General clarified to the Ministerial Committee for Legislation that there was a legal impediment to applying the rule of continuity to the Conscription Bill.<sup>23</sup> Despite this, the government chose to advance the bill, and recently the Cabinet Secretary asserted that there was no flaw in doing so, since the bill should be supervised only by the Knesset Legal Advisor and not by the Attorney General.<sup>24</sup>

The government also acted contrary to the Attorney General's position regarding the appointment of a Civil Service Commissioner. Accordingly, the government resolved that the candidate for the next Civil Service Commissioner will be nominated by the Prime Minister, and the appointment will be confirmed by the Advisory Committee for Senior Appointments—despite the opinion of the Attorney General that there is a legal impediment to deciding on such a method of appointment. A petition filed with the HCJ against this government decision is still pending. At the same time, the Prime Minister decided to appoint an acting Civil Service Commissioner, despite the Attorney General's unequivocal clarification that there is a legal impediment to making such an appointment, due to the candidate's unsuitability for the position.<sup>25</sup>

23 Letter from the Deputy Attorney General (Public and Administrative Law), Adv. Dr. Gil Limon, to the Minister of Justice, MK Yariv Levin, on the subject of [Applying the Continuity Rule to the Defense Service Bill \(Amendment No. 26\) \(Integration of Yeshiva Students\), 2022](#) (May 16, 2024). The Attorney General reiterated these points also in her response to the petition filed against the decision to apply the rule of continuity to the bill for exemption from military service, and further clarified them directly to the Minister of Defense. See: HCJ 4769/24 Guardians of Israeli Democracy v. Ministerial Committee for Legislation ([Preliminary Response on behalf of the State, Dec. 27, 2024](#)).

24 Letter from the Cabinet Secretary, Adv. Yossi Fuchs, to the Attorney General, Adv. Gali Baharav-Miara, on the subject of Conscription of the Ultra-Orthodox Public (Jan. 5, 2024);

25 Letter from the Attorney General, Adv. Gali Baharav-Miara, to the Prime Minister of Israel, MK Benjamin Netanyahu, regarding the [Appointment of an](#)

In this context, it should be recalled that the High Court of Justice recently reiterated that “the Attorney General is the authorized interpreter of the law for the executive branch. So long as the Court has not ruled otherwise, her interpretation of the law reflects the legal reality—both de jure and de facto—and this interpretation is binding on the executive branch. This position has been firmly established over decades of this Court’s rulings.”<sup>26</sup>

Against this backdrop, in recent weeks, public attacks on the Attorney General’s Office have intensified, and government ministers have begun advancing, at least declaratively, moves to remove the Attorney General from office.

### **B.3. The Government’s Attempt to Establish a "Legal Advisory Bypass Channel"**

Instead of acting in accordance with the Attorney General’s binding opinion, and, where necessary, being represented by the Attorney General’s Office, the body charged with representing the government, the government persists in its efforts to obtain private legal representation in proceedings conducted against it. A clear example can be found in the petitions concerning the conscription of yeshiva students. The Attorney General approved separate representation for the government in the proceedings, but emphasized that this permission was granted solely with respect to the government’s representation, whereas the other relevant statutory bodies—primarily the Ministry of Defense, the IDF, and the Ministry of Education—would not be represented privately.<sup>27</sup> Conversely, the government

[Acting Civil Service Commissioner](#) (Dec. 30, 2024).

<sup>26</sup> HCJ 6198/23 *The Movement for Quality Government in Israel v. Minister of Defense*, para. 84 of the opinion of Acting President Fogelman (June 25, 2024).

<sup>27</sup> Letter from the Deputy Attorney General (Public and Administrative Law), Adv. Dr. Gil Limon, to the Cabinet Secretary, Yossi Fuchs, regarding [Separate Representation for the Government on the Issue of the Conscription Outline for Members of the Ultra-Orthodox Community and the Continued Payment of Subsidies to Yeshivas for Conscription Candidates](#) (Apr. 21, 2024).

adopted a decision stating that “separate representation for the government in the HCJ means separate representation not only for the government itself, but also for all relevant government ministries and statutory bodies.” The HCJ reiterated the importance of the authority for exclusive representation and clarified that separate representation does not imply separate counsel.<sup>28</sup>

The list of cases in which the government requested separate representation demonstrates how a marginal phenomenon has been turned into a norm: whenever the government was dissatisfied with the Attorney General’s opinion, it resorted to obtaining private legal representation on its behalf. An analysis of the cases in which the government requested separate representation indicates that they reflect the same initiatives aimed at weakening Israeli democracy by undermining the Court’s authority to conduct judicial review of government resolutions, its independence, the right to equality, and the standards of proper administration required in appointment and dismissal procedures.<sup>29</sup>

#### **B.4. Attempt to Prevent the Establishment of a National Commission of Inquiry**

Over the past year, the government, and particularly the Prime Minister, have refused to establish a national commission of inquiry to investigate the events of October 7, despite broad public support (70%) and the Attorney General’s consistent position that such a commission is the most appropriate instrument for this purpose.<sup>30</sup> At first, the government’s avoidance was relatively implicit; however, in recent weeks, the refusal to advance the establishment of a national commission of inquiry has become far more defiant and public. For example, MK

28 HCJ 6198/23 *The Movement for Quality Government in Israel v. The Minister of Defense*, paras. 84–87 of the judgment of Acting President Vogelman (June 25, 2024).

29 For further discussion, see: Benvenisty & Thon Ashkenazy, *supra* note 9.

30 HCJ 4889/24 *The Movement for Quality Government in Israel v. Government of Israel* (Response to the Petitions on behalf of the Attorney General, Dec. 4, 2024).

Galit Distel-Atbaryan claimed that the coalition is “fighting” against the military and legal leadership and the media; in her words: “let them dream that they’ll be given a national commission of inquiry about the massacre disaster.”<sup>31</sup> In the background, concerns have been raised over the past year about harm to the raw materials that will one day serve the Committee, including through changes to cabinet protocols from the wartime period.<sup>32</sup>

## **C. Harm to the Independence of the Israel Police and Politicization in the Use of Force**

### **C.1. Ongoing Intervention by the Minister of National Security in the Operational Work of the Police**

Over the past year, claims have been raised regarding deep involvement by the Minister of National Security in the work of the police, contrary to the decision of the HCJ.<sup>33</sup> For example, in March 2024, the Minister of National Security visited the Police Internal Investigations Department to express support for a police officer who shot and killed a 12-year-old boy in the Shuafat refugee camp, and even publicly criticized the decision to investigate the officer. The Attorney General clarified that such conduct severely undermines the rule of law and constitutes politicization of the law enforcement bodies. In May 2024, it was reported that the Minister demanded that the Police Commissioner change the allocation of units guarding aid convoys to the Gaza Strip, and that he spoke directly with the Commander of the Border Police, concluding with him that police officers documented as having behaved violently toward Ultra-Orthodox Jews at Mt. Meron would be suspended.

31 See part of [the speech](#) in the Knesset.

32 Nadav Eyal, [The General Turned to the Attorney General: Concern that the Prime Minister's Office Attempted to Alter War Protocols](#) YNET (July 10, 2024) [Hebrew].

33 HCJ 8987/22 The Movement for Quality Government in Israel v. The Knesset (decision of Mar. 19, 2023).

It was further reported that the Minister's intervention in police operations is preventing the organization from fulfilling its duties in cases that do not align with the Minister's position. For example, reports indicated that the National Fraud Investigations Unit has delayed investigations into staff members of Minister Ben-Gvir's office on suspicion of unlawfully distributing firearms, out of concern that the inquiry could implicate the Minister himself.

Against this backdrop, the High Court of Justice, in a majority opinion, struck down an amendment to the Police Ordinance that authorized the Minister of National Security to set general policy in the field of investigations, and clarified that the Minister is prohibited from operational intervention in police work.<sup>34</sup>

## **C.2. Ongoing Intervention of the Minister of National Security in Police Appointments and Dismissals**

Political involvement in the work of the police is particularly troubling when it involves appointments and dismissals within the organization. For example, in May the Minister attempted to dismiss the previous Police Commissioner and summoned him for a hearing. The Attorney General clarified that the hearing should not be held, as the close timing between the Commissioner's report to her that the Minister had exceeded his authority over the Israel Police and the summons to the hearing raises serious concern that its purpose was to punish the Commissioner for trying to prevent the Minister's improper intervention in police work. Although the attempted dismissal did not materialize, the Police Commissioner stepped down a mere month later, warning that the politicization of the police and its drift away from a professional track was already well underway.

At the end of October, the incoming Police Commissioner announced the effective dismissal of the police's legal advisor. According to senior police officials, the Minister of National Security was behind this move, after the police legal advisor

34 H CJ 8987/22 The Movement for Quality Government in Israel v. The Knesset (Jan. 2, 2025).

adopted the positions of the Attorney General and the prosecution in several cases. This move was thwarted by the Attorney General.

In recent months, the Minister of National Security has also increased his involvement in officer appointments, extending even to junior ranks. It was also reported that, during promotion interviews, the Minister asks officers whether they “will be loyal” [to him and his agenda], a revelation that prompted the Internal Affairs Unit to open an investigation.

A long list of such incidents has led senior defense officials to warn that “the police are being taken over by Ben-Gvir,” while the head of the Shin Bet told the Prime Minister, “there is no police left in Israel.”

Against this backdrop, and as part of the petition to the High Court of Justice seeking the removal of the Minister of National Security, the Attorney General recommended reconsidering the Minister’s tenure in light of recent information indicating his ongoing efforts to undermine the independence of the police and the rule of law.

## **D. Politicization of the Civil Service**

### **D.1. Politicization in the Appointment Process of the Civil Service Commissioner, and the Appointment of an Acting Commissioner Despite a Clear Legal Impediment**

The Attorney General clarified to the Prime Minister that, to ensure a proper and appropriate appointment procedure for the next Civil Service Commissioner, the appointment must be made by a selection committee headed by a retired Supreme Court justice. The importance of establishing an independent appointment process stems from the very nature of the Civil Service Commissioner’s role: to serve as a “gatekeeper” for senior appointments and bearing the duty to act independently on behalf of the civil service. In practice, the government rejected the Attorney General’s clarification and approved a resolution whereby the

Advisory Committee for Senior Appointments would be authorized, on a one-time basis, to nominate a candidate for the position of Civil Service Commissioner to the government.<sup>35</sup> At the same time, the term of the current Commissioner was extended by three months.

In December 2024, the Commissioner concluded his term of office. The Prime Minister notified the Attorney General of his nominee; however, the Attorney General determined that there was a legal impediment to completing the appointment, as the candidate's experience and personal qualifications rendered him unsuitable for the position.<sup>36</sup> Nevertheless, the Prime Minister went ahead and appointed the candidate as Acting Civil Service Commissioner.<sup>37</sup>

In parallel, a bill was submitted stipulating that the Prime Minister will appoint a committee to examine the eligibility of candidates for the position of Civil Service Commissioner and will nominate a candidate for the post. The committee (most of whose members are political appointees) will approve the appointment if it finds the candidate suitable for the position.<sup>38</sup>

## D.2. Frequent Turnover in the Civil Service and Failure to Fill Key Positions

Over the past year, the civil service has been marked by frequent turnover, with key positions left vacant or filled only by acting officials. This has been evident

35 [Appointment of the Civil Service Commissioner and Amendment of a Government Resolution-Draft Decision](#) [Hebrew].

36 Letter from the Attorney General, Adv. Gali Baharav-Miara, to the Prime Minister of Israel, MK Benjamin Netanyahu, regarding the [Appointment of an Acting Civil Service Commissioner](#) (Dec. 30, 2024).

37 H CJ 10548-01-25 The Movement for Quality Government in Israel v. The Prime Minister.

38 Civil Service Bill (Appointments) (Amendment-Appointment of the Civil Service Commissioner and Appointments through a Selection Committee), 2024.

in the legal system, as noted above. More than a year after the retirement of President Hayut, a permanent president of the Supreme Court has yet to be appointed. Additionally, the Court is operating with a reduced bench of 12 out of 15 justices, and no Ombudsman for Complaints Against Judges has been appointed. In the Israel Police, the Commissioner retired after warning of the politicization of the force, with several other senior officers also concluding their terms. The Commissioner of the Israel Prison Service likewise left her position after the Minister of National Security declined to extend her tenure, despite the ongoing state of emergency and in contradiction to the coalition agreement between the Likud and Blue and White (Kahol Lavan, the party led by MK Benny Gantz). A similar pattern has been seen across various government ministries, where numerous employees and senior officials have stepped down.

### **D.3. Failure to Appoint Women to Senior Positions in the Civil Service**

The absence of women in senior positions in the civil service is particularly striking. In the 31 government ministries there is currently only one female director general, serving in a temporary capacity. Of the few new appointments that have been made, none were women.<sup>39</sup> The HCJ is currently hearing a petition against the government regarding the breach of its obligation to ensure appropriate representation of women in appointments to director general positions in government ministries.<sup>40</sup>

39 Indeed, it has been found that in 2023–2024 there was a sharp fall in women's representation in the political and economic arenas, leading to a dramatic decline in the level of gender equality in Israel. See: Hagar Tzameret, Hadas Ben Eliahu, Naomi Chazan, Hanna Herzog, & Rona Brayer-Garb, [GENDER INDEX: GENDER INEQUALITY IN ISRAEL 2024](#) (Van Leer Institute, 2024) [Hebrew].

40 HCJ 1363/23 Israel Women's Network v. Government of Israel.

## E. Threat to Free Media

Over the past year, the Knesset passed several laws intervening in the media sector:

**Amendments benefitting Channel 14**—the Knesset approved a temporary provision requiring that broadcasting bodies holding a minor license (chief among them Channel 14, which is close to the government) must also distribute their broadcasts through the “Idan Plus” digital terrestrial platform, which is available for free reception. At the same time, the commercial channels—including Channel 14—are exempt from paying for the distribution of their broadcasts on the platform, with the associated costs to be covered by the Israel Broadcasting Corporation, the Knesset, and the Ministry of Finance.

**Law for the Prevention of Harm to State Security by a Foreign Broadcasting Body (Temporary Provision—Iron Swords), 2024**—this law authorized the minister of communications to employ a range of measures (including shutting down a channel’s broadcasts and seizing devices used to provide content) against any foreign channel whose content was deemed to cause significant harm to state security. Consultation in such matters is required only with security officials, not with legal authorities. The law’s validity has since been repeatedly extended and several bills are currently being advanced in the Knesset to amend it in order to facilitate the suspension of broadcasts of a foreign channel by blocking satellite and internet transmissions, among other means. It is further proposed to transform the temporary provision into permanent legislation, thereby allowing the government to close down foreign broadcasting bodies even during routine times.<sup>41</sup> A petition against the principal law has been submitted and is still pending before the High Court of Justice.

41 Bill for the Prevention of Harm to State Security by a Foreign Broadcasting Body (Temporary Provision–Iron Swords) (Amendment–Permanent Provision), P/4626/25.

**Bills undermining the Public Broadcasting Corporation and free media** are currently being prepared for their first reading: one authorizing the government to approve and amend the corporation's annual budget;<sup>42</sup> another to privatize the Public Broadcasting Corporation;<sup>43</sup> and a so-called "Ratings Law" aimed at transferring control over audience-measurement methods to the Minister of Communications. In parallel, the Minister of Communications presented an "outline for changes to public broadcasting," which centers on shutting down the corporation's news division. Concerns have been raised that these initiatives are intended to stifle criticism of the government.

## **F. Threat to Freedom of Expression, Protest, and Artistic Creation**

The year 2024 was marked by a significant erosion of freedom of expression and the right to protest. This harm has repeatedly been caused under the pretext of the war on terror. In practice, however, the measures taken contribute nothing to the legitimate fight against terrorism, while inflicting serious damage on freedom of expression.

### **F.1. Amendments to the Counter-Terrorism Law Restricting Freedom of Expression**

At the beginning of the war, the Knesset approved an amendment to the Counter-Terrorism Law prohibiting the systematic and ongoing consumption of publications inciting to terrorism, in circumstances indicating identification with a terrorist organization. The amendment has failed to contribute to the fight against terrorism, since existing legislation already enables indictment and trial

42 Bill for the Israeli Public Broadcasting Corporation (Amendment–Budget of the Israeli Public Broadcasting Corporation), 2024, P/4736/25.

43 Bill for the Privatization of the Israeli Public Broadcasting Corporation, 2022, P/176/25.

in certain cases. Instead, it has created a precedent whereby mere consumption of publications, without active publishing or any other public act of identification, is treated as a felony.<sup>44</sup>

In addition, the Constitution Committee discussed an amendment to the Counter-Terrorism Law that proposes easing the evidentiary threshold. Instead of having to prove that there is a “real possibility” that the inciting publication will lead to the commission of a terrorist act, it would be sufficient to prove a “reasonable possibility.” Later, it was proposed to further toughen the amendment so that the police would be able to open an investigation into suspected incitement to terrorism without the approval of the State Attorney, as is currently required.<sup>45</sup> If adopted, this amendment could lead to an expansion of wrongful arrests and sham investigations aimed at intimidating those who wish to express themselves critically or in ways that the police may not approve of.<sup>46</sup> The bill is in preparation for its second and third readings.

## F.2. Reduction of Political Freedom of Expression

In January 2024, an unprecedented attempt was made to expel Knesset Member Ofer Cassif of the Hadash party, which predominantly represents the Arab minority in Israel. The initiators collected the signatures of 87 Members of Knesset (MKs) in order to raise the matter for debate. The Knesset Committee subsequently approved his expulsion, despite the fact that both the Attorney General and the Knesset Legal Advisor made it clear that no legal grounds for expulsion existed and warned of the severe harm this move would cause to the right to

44 Counter-Terrorism Law (Consumption of Terror Publications—Temporary Provision), 2023.

45 State Attorney's Directive 14.12.

46 Amir Fuchs. [Opinion: Granting the Police the Authority to Initiate Investigations for Incitement to Terror without Prosecutor Approval Opens the Door to Investigative Floods and False Arrests](#) (The Israel Democracy Institute, Sept. 16, 2024) [Hebrew].

vote and be elected, as well as to freedom of political expression, both of which are fundamental pillars of democracy. Ultimately, the expulsion procedure was unsuccessful due to the failure to secure the legally required threshold of 90 MKs.

Additionally, over the past year, there have been incidents of police brutality directed against MKs participating in demonstrations.

### **F.3. Restriction by the Police of the Right to Demonstrate**

The role of the police in routine times, and especially in times of emergency, is to maintain public order while safeguarding fundamental rights, including freedom of expression and the right to protest. In practice, however, the police have severely curtailed the right to protest over the past year. Following the outbreak of the war, then-Police Commissioner Kobi Shabtai issued an unprecedented statement declaring that he would not permit demonstrations expressing identification with the residents of the Gaza Strip. He further stated: “Whoever wishes to be an Israeli citizen is welcome (he used the Arabic phrase *ahalan wa-sahlan*), and whoever wishes to identify with Gaza is welcome to, and I will put them on a bus to take them there right now.” Throughout 2024, the police acted to restrict the right to demonstrate: they refused to authorize protests or dispersed them by force, even in cases where there was no apparent legal justification; employed severe violence against protesters—including family members of hostages, Members of Knesset, and journalists—in clear violation of regulations and without legal basis; confiscated politically themed signs at demonstrations, contrary to the directive of the Police Legal Advisor;<sup>47</sup> and even eased the procedures governing the use of stun grenades at protests.

### **F.4. Infringement on Freedom of Artistic Creation**

The Ministry of Culture published a draft proposal seeking to reform the model of state support for cinematic production. In particular, the proposal would

47 See HCJ 3139/24 Noy v. Commissioner of Police (Aug. 25, 2024).

grant preference to commercially oriented filmmaking, to promote commercially successful cinema, relying on ticket sales as a central metric. These changes to the eligibility criteria raise serious concerns regarding severe harm to diverse fields, such as documentary filmmaking, as well as to innovative and critical artistic creation.

In recent months, there have also been several attempts by the Minister of Culture and the police to restrict cultural expression and creativity, through the delegitimization of artistic works and threats against cultural institutions. For example, in December, the Minister of Culture requested an examination of the possibility of revoking the budget of the Tel Aviv Cinematheque after it screened the film *Lod* (which presents the Palestinian narrative regarding the city); and similarly requested consideration of revoking the budget of the Batsheva Dance Company following a performance in which Palestinian flags were displayed alongside dozens of other flags. The police have also prohibited film screenings and even shut down a branch of the Hadash party to prevent the screening of a film that was not subject to any publication ban.

At the same time, it has been reported that the Film Review Council, which operates under a 1927 ordinance, has on its own initiative warned art cinemas against screening films that have not received its approval. This demand deviates from established practice, according to which the Council deals only with films distributed for commercial screenings in cinemas, whereas films shown outside of commercial distribution are not required to obtain its approval.

## **G. Increasing Politicization in Additional Spheres in the Education System, Academia and Research, and the Delegitimization of Civil Society Organizations**

### **G.1. Legislative Measures for the Politicization of the Education System and the Infringement of Fundamental Rights**

The Knesset approved a law granting the Minister of Education and the Director-General of the Ministry almost arbitrary authority to withhold budgets from

educational institutions “if it is proven to their satisfaction that the institution engages in or allows expressions of identification with an act of terrorism or with a terrorist organization,” even when such expressions fall outside the binding legal definition of prohibited incitement. This legislation could also serve as a gateway to politically motivated dismissals.

## G.2. Infringement on Academic Freedom and the Politicization of Higher Education

The Knesset is advancing a bill that would require a higher education institution to dismiss a faculty member if it is proven that he or she engaged in “incitement to terrorism” or “support for a terrorist organization, for armed struggle, or for a terrorist act of a terrorist organization,” provided that the institution has received a report from the disciplinary authorities along with the opinion of its own legal advisor and of the legal advisor to the Council for Higher Education (CHE), and that the faculty member has been given the opportunity to present his or her arguments. According to the proposal, the faculty member would not be entitled to severance pay or advance notice of dismissal. The bill also grants the CHE enforcement authority (including the reduction of budgets) against any institution that fails to comply with the obligation to dismiss a faculty member under these conditions. This proposal does not, in fact, contribute to the fight against terrorism, as academic administrators lack the tools to determine whether a faculty member’s statements constitute incitement or support for terrorism. Rather, the proposal threatens freedom of expression and academic freedom, as it creates a special and broader legal standard than the one applied to the general public, raising serious concerns that its true purpose is to create a chilling effect and intimidate voices within academia.<sup>48</sup> The bill is in preparation for its first reading.

48 Mordechai Kremnitzer, Edna Harel-Fisher, & Amir Fuchs, *Legal Opinion-Bill on the Council for Higher Education (Amendment-Dismissal of Academic Staff for Incitement or Support of Terrorism and Budget Reduction), 2024* (The Israel Democracy Institute, June 30, 2024) [Hebrew].

In addition, the Knesset is advancing an amendment to the Student Rights Law, proposing sweeping prohibitions on expression and obliging institutions of higher education to enforce them. For example, the proposal would prohibit the display of the Palestinian Authority flag (despite the absence of any law in Israel banning it), require the suspension of a student who does so, and, in cases of repeated violations, permanently expel the student and deny eligibility to receive a degree for five years. The proposal imposes broad restrictions on freedom of expression—going beyond the scope of existing criminal prohibitions under Israeli law—and turns academic institutions into enforcement bodies, without the checks and balances that apply to other expression-related offenses. The bill is in preparation for its first reading.

In addition, the Knesset approved in a preliminary reading an amendment to the Student Rights Law, according to which institutions of higher education that operate with separation between men and women will not be considered as practicing discrimination.<sup>49</sup> The bill would abolish the prohibition on sex-based discrimination in institutions of higher education, thereby harming the fundamental right to equality, especially for women. The proposal explicitly contradicts a 2021 Supreme Court (HCJ) ruling, as it seeks to enshrine gender segregation in practice without the conditions or limitations set out in that judgment.<sup>50</sup> The bill is in preparation for its first reading.

### G.3. Moves Toward the Politicization of Research and Science in Israel

The Minister of Education sought to assert control over the agenda, appointments, and funding of the higher education system, whose academic independence is a vital component of its functioning. He announced that he would not extend the term of the Chair of the Planning and Budgeting Committee (PBC) of the Council

49 Bill for the Student Rights Law (Amendment—Separate Courses of Study), 2024, P/4884/25.

50 Anat Thon Ashkenazy & Sapir Paz, [Legal Opinion: Expanding Gender Segregation in Academia](#) (The Israel Democracy Institute, Dec. 4, 2024) [Hebrew].

for Higher Education (CHE)—appointed by the previous Minister of Education, but later reversed his decision in light of public criticism. In addition, the CHE has been functioning without a Deputy Chair, following the Minister's failed attempt to appoint a candidate of his own to the position. These developments at the CHE join previous attempts by the Minister to politicize the Yad Vashem Council and the Council of the Israel National Library.

In addition, the Minister sought to avoid awarding the Israel Prize in most of the fields set out in the regulations. According to media reports, the reason for this was the decision to award one of the prizes to entrepreneur Eyal Waldman, who had spoken out strongly against the Prime Minister and against the government's moves to weaken democracy. After a petition was filed with the High Court of Justice (HCJ) on the matter, and following the Attorney General's declaration that she would not represent him in the proceedings, the Minister withdrew his decision.<sup>51</sup>

#### **G.4. Growing Delegitimization of Civil Society Organizations**

Over the past year, coalition members have intensified their efforts to undermine the legitimacy of civil society organizations—an essential component of a thriving democracy. Beyond public accusations that such organizations had “led to the massacre,” several legislative proposals have been introduced aiming to brand civil society organizations as disloyal and to restrict their activity. For example, the Knesset approved in a preliminary reading a bill that would require a petitioner who receives most of its funding from a foreign state entity to disclose this in the petition, and would further requiring the Ministry of Justice to send the petition to the Ministry of Foreign Affairs.<sup>52</sup> In addition, a bill has been tabled in the Knesset proposing that donations received by an NGO from a foreign state entity be subject to an 80% tax.<sup>53</sup>

51 HCJ 1651/24 Ben Meir v. Minister of Education.

52 Bill for the Courts Law (Amendment—Transparency in Supported Organizations), 2023, P/3174/25.

53 Bill for the Non-Profit Organizations Law (Amendment—Donation from a Foreign State Entity), 2024, P/5222/25.

## Conclusion

The measures advanced by the government and coalition over the past year are a direct continuation of the steps they promoted in the months preceding October 7. Over the past year, these measures have been manifested not only in legislation but also in actions on the ground: government decisions adopted unlawfully while systematically disregarding the opinions of the Attorney General; undermining the independence of the judiciary; the rapid and systematic promotion of politicization within the police; and harm to the civil service, the education system, and academia, including the appointment of political associates while senior civil service positions are left unfilled. Taken together, these steps are aimed at weakening democratic institutions, eroding Israel's already fragile system of checks and balances, and hollowing out the rule of law. Looking ahead, the coming weeks may prove decisive regarding initiatives to weaken democracy, particularly the High Court's directive to appoint a President of the Supreme Court; the swift moves to promote the "Levin-Saar" plan to alter the composition of the Judicial Selection Committee; the expected promotion of a conscription law, which the Attorney General has warned may be tainted by illegality; and the coalition's efforts to pass the state budget in the Knesset.



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