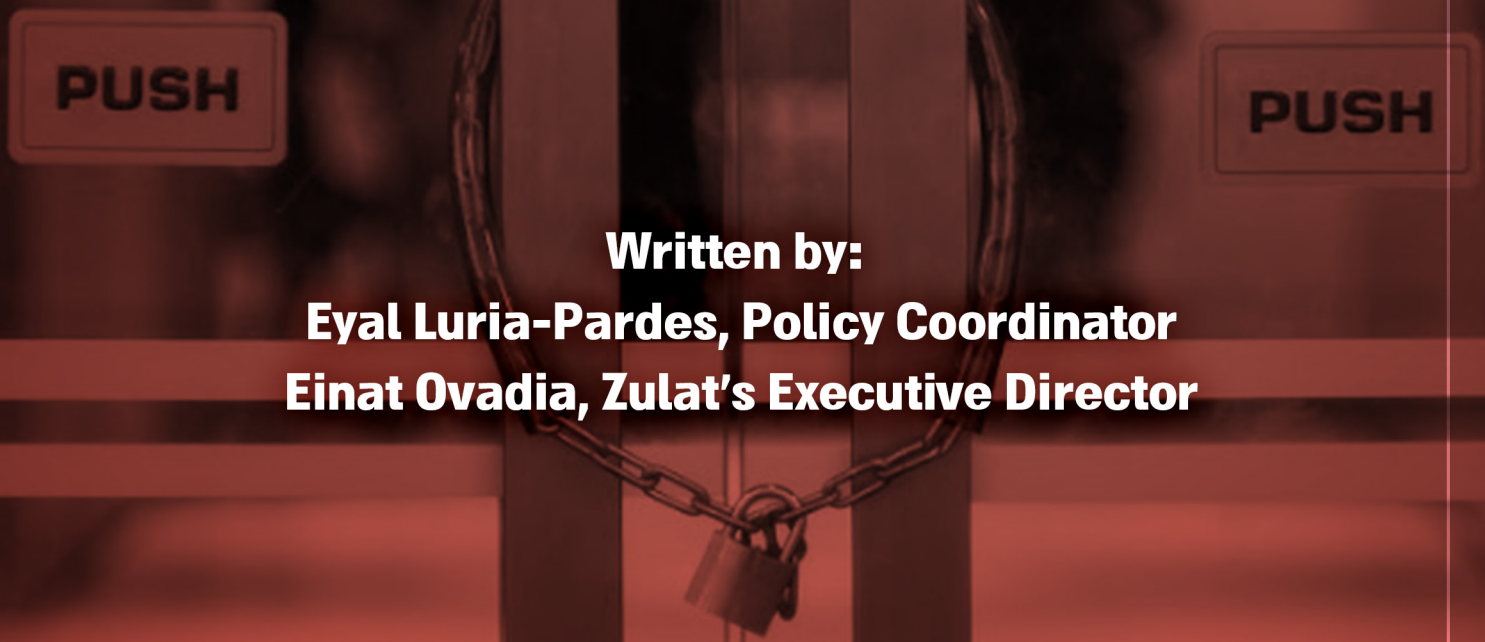
ZULAT
Equality and Human Rights

Concealing the Minutes of the Corona Cabinet: Violation of Human Rights



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Policy Paper No. 5
Israel, November 2020

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SUMMARY

Article 35 of Basic Law: The Government stipulates that the government itself is the one that decides which of its meetings or those of its ministerial committees will be publicized and which will remain secret for 30 years.[1] As a result, throughout the corona crisis, the Israeli public has been denied the possibility of effectively passing judgment on the decisions of the Corona Cabinet in the face of numerous accusations about the advancement of an inappropriate policy that contravenes the position of the professional level.

Such an affirmation entails serious consequences for the democratic regime in Israel, as will be detailed later in this document. It is too broad and general, disproportionate and unreasonable, and denotes a serious violation of the people's right to know. This right developed in the second half of the 20th century as a derivative of the people's sovereignty and fundamental right to freedom of expression in a democracy under international constitutional law, and was accorded broad constitutional protection in many countries, including Israel, where it has been anchored in law since the late 1990s.

As part of this operational policy paper, Zulat for Equality and Human Rights proposes to amend Article 35 of Basic Law: The Government and replace it with a mechanism that conforms with the constitutional protection required to fulfill the people's right to know. We propose to divide Article 35 in two: Subsection (a) shall provide for confidentiality and prohibit publicization of meetings of the government and its ministerial committees pronounced a priori as dealing with matters related to national security or foreign relations. Subsection (b) shall set an arrangement for issues that do not concern these sensitive spheres, whereby if the government wishes to determine that the minutes of the meetings of a particular ministerial committee shall remain confidential, it will have to bring the matter to the Knesset plenum for approval by a majority (of 61 MKs or more).

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1 Basic Law: The Government, Knesset website