



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**BASIC LAWS
ON HUMAN DIGNITY AND LIBERTY AND
FREEDOM OF OCCUPATION
OF ISRAEL**

(information document)

Basic Law: Human Dignity and Liberty*

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| <i>Purpose</i> | 1. The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state. |
| <i>Preservation of life, body and dignity</i> | 2. There shall be no violation of the life, body or dignity of any person as such. |
| <i>Protection of property</i> | 3. There shall be no violation of the property of a person. |
| <i>Protection of life, body and dignity</i> | 4. All persons are entitled to protection of their life, body and dignity. |
| <i>Personal liberty</i> | 5. There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise. |
| <i>Leaving and entering Israel</i> | 6. (a) All persons are free to leave Israel.
(b) Every Israel national has the right of entry into Israel from abroad. |
| <i>Privacy</i> | 7. (a) All persons have the right to privacy and to intimacy.
(b) There shall be no entry into the private premises of a person who has not consented thereto.

(c) No search shall be conducted on the private premises of a person, nor in the body or personal effects.

(d) There shall be no violation of the confidentiality of conversation, or of the writings or records of a person. |
| <i>Violation of rights</i> | 8. There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required. |
| <i>Reservation regarding security forces</i> | 9. There shall be no restriction of rights under this Basic Law held by persons serving in the Israel Defence Forces, the Israel Police, the Prisons Service and other security organizations of the State, nor shall such rights be subject to conditions, except by virtue of a law, or by regulation enacted by virtue of a law, and to an extent no greater than is required by the nature and character of the service. |
| <i>Validity of laws</i> | 10. This Basic Law shall not affect the validity of any law (<i>din</i>) in force prior to the commencement of the Basic Law. |
| <i>Application</i> | 11. All governmental authorities are bound to respect the rights under this Basic Law. |
| <i>Stability</i> | 12. This Basic Law cannot be varied, suspended or made subject to conditions by emergency regulations; notwithstanding, when a state of emergency exists, by virtue of a declaration under section 9 of the Law and Administration Ordinance, 5708-1948, emergency regulations may be enacted by virtue of said section to deny or restrict rights under this Basic Law, provided the denial or restriction shall be for a proper purpose and for a period and extent no greater than is required. |

YITZHAK SHAMIR
Prime Minister

CHAIM HERZOG
President of the State

DOV SHILANSKY
Speaker of the Knesset

* Passed by the Knesset on the 12th Adar Bet, 5752 (17th March, 1992) and published in Sefer Ha-Chukkim No. 1391 of the 20th Adar Bet, 5752 (25th March, 1992); the Bill and an Explanatory Note were published in Hatza'ot Chok, No. 2086 of 5752, p. 60.

Basic Law: Human Dignity and Liberty - Amendment*

In the Basic Law: Human Dignity and Liberty (5752 - 1992):

Amendment of section 1 (1) Section 1 shall be designated 1(a) and shall be preceded by the following section:

Basic principles

1. Fundamental human rights in Israel are founded upon recognition of the value of the human being, the sanctity of human life, and the principle that all persons are free; these rights shall be upheld in the spirit of the principles set forth in the Declaration of the Establishment of the State of Israel.

(2) At the end of section 8, the following shall be added:

"or by regulation enacted by virtue of express authorization in such law."

YITZHAK RABIN
Prime Minister

EZER WEIZMAN
President

SHEVAH WEISS
Knesset Speaker

* Passed by the Knesset on the 21st Adar, 5754 (9th March, 1994) and published in Sefer Ha-Chukkim No. 1454 of the 27th Adar 5754 (10th March, 1994), p. 90; the Bill and an Explanatory Note were published in Hatza'ot Chok No. 2250 of 5754, p. 289.

Basic Law: Freedom of Occupation**Basic principles*

1. Fundamental human rights in Israel are founded upon recognition of the value of the human being, the sanctity of human life, and the principle that all persons are free; these rights shall be upheld in the spirit of the principles set forth in the Declaration of the Establishment of the State of Israel.

Purpose

2. The purpose of this Basic Law is to protect freedom of occupation, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state.

Freedom of occupation.

3. Every Israel national or resident has the right to engage in any occupation, profession or trade.

Violation of freedom of occupation

4. There shall be no violation of freedom of occupation except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required, or by regulation enacted by virtue of express authorization in such law.

Application

5. All governmental authorities are bound to respect the freedom of occupation of all Israel nationals and residents.

Stability

6. This Basic Law shall not be varied, suspended or made subject to conditions by emergency regulations.

Entrenchment

7. This Basic Law shall not be varied except by a Basic Law passed by a majority of the members of the Knesset.

Effect of nonconforming law

8. A provision of a law that violates freedom of occupation shall be of effect, even though not in accordance with section 4, if it has been included in a law passed by a majority of the members of the Knesset, which expressly states that it shall be of effect, notwithstanding the provisions of this Basic Law; such law shall expire four years from its commencement unless a shorter duration has been stated therein.

Repeal

9. Basic Law: Freedom of Occupation** is hereby repealed.

Provisional

10. The provisions of any enactment which, immediately prior to this Basic Law would have been of effect but for this Basic Law or the Basic Law repealed in section 9, shall remain in effect two years from the commencement of this Basic Law, unless repealed earlier; however, such provisions shall be construed in the spirit of the provisions of this Basic Law.

Amendment of Basic Law: Human Dignity and Liberty

In Basic Law: Human Dignity and Liberty -

(1) Section 1 shall be designated 1(a) and shall be preceded by the following section:

Basic principles

1. Fundamental human rights in Israel are founded upon recognition of the value of the human being, the sanctity of human life, and the principle that all persons are free; these rights shall be upheld in the spirit of the principles set forth in the Declaration of the Establishment of the State of Israel.

(2) At the end of section 8, the following shall be added:

"or by regulation enacted by virtue of express authorization in

such law."

YITZHAK RABIN
Prime Minister

EZER WEIZMAN
President

SHEVAH WEISS
Knesset Speaker

* Passed by the Knesset on the 26th Adar, 5754 (9th March, 1994) and published in Sefer Ha-Chukkim No. 1454 of the 27th Adar, 5754 (10th March, 1994) p. 90; the Bill and an Explanatory Note were published in Hatzat'ot Chok No. 2250 of 5754, p. 289.

** This Basic Law: Freedom of Occupation repeals and replaces the former Basic Law on freedom of occupation, enacted in 1992 (Sefer Ha-Chukkim of 5752, p. 114.)