

RECORD EXPLAINER August 20, 2026

Does Israeli Law Guarantee Equality?

Israel's 1992 Basic Law names six rights and contains no equality clause. The Supreme Court derived that rule in Ka'adan on 8 March 2000.

LAW AND COURTS Basic Laws Knesset Supreme Court Equality



Basic Law: Human Dignity and Liberty, enacted by the Knesset in 1992, runs to twelve operative sections and about 574 words in the Knesset's published English text. It protects six things by name: dignity, life and body, property, personal liberty, exit

from and entry into Israel, and privacy and intimacy. It contains no equality clause, no freedom of expression clause, and no provision on assembly or worship, and the Knesset states that its English translation is unofficial.

Figure	What it counts	Who published it	Period
12	Operative sections in the Basic Law, numbered 1, 1a and 2 to 12	Knesset	Text as published, amendments through 1 May 2022
6	Rights the Basic Law protects by name	Knesset	Same text
0	Occurrences of “equal”, “discrimin”, “race”, “religion” or “nationality” in the text	Knesset	Same text
8 March 2000	Date the Supreme Court derived the equality principle in HCI 6698/95 Ka’adan	Israeli Supreme Court	Judgment in Ka’adan v. Israel Land Administration
5	Justices on the Ka’adan panel	Israeli Supreme Court	HCI 6698/95
1	Justice dissenting in Ka’adan, and on retrospectivity rather than on equality	Israeli Supreme Court	HCI 6698/95

The Basic Law names 6 rights and no others

The Knesset published those six and no more. The Knesset states at section 2 that “One should not violate the life, body, or dignity of

a human being as such”, and at section 4 that “Every human being is entitled to protection of his life, body and dignity”.

Section	The right	Quoted from
2 and 4	Dignity, life and body	Knesset published English text
3	Property: “The property of a human being shall not be violated.”	Knesset published English text
5	Personal liberty, against imprisonment, detention, extradition “or in any other manner”	Knesset published English text
6	Exit from Israel, and entry for every Israeli citizen abroad	Knesset published English text
7	Privacy and intimacy, including premises, body, effects and communications	Knesset published English text

Israeli state bodies publish 2 different English texts of section 8

Section 8 is the clause every constitutional argument in Israel turns on. The Knesset published it as: “One is not to violate the rights accorded by this Basic Law save by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required, or on the basis of a law, as aforementioned, by force of an explicit authorization therein.”

The Ministry of Justice and the Ministry of Foreign Affairs published a different English rendering in 2010, in Israel’s 14th periodic report under the Convention on the Elimination of All

Forms of Racial Discrimination: “a statute which befits the values of the State and is intended for a proper purpose, and then only to the extent required.” That document is Israel’s own account of its own compliance, submitted by the State under a treaty reporting obligation rather than assessed by anyone else, and it is a description in a compliance report rather than the enacted text. Both renderings are Israeli government publications, the Hebrew governs, and a citation names which text it is quoting.

The Knesset’s text uses neither equality nor discrimination

The Knesset published no equality clause in it. A search of the text the Knesset published returns no occurrence of “equal”, “discrimin”, “religion”, “race” or “nationality”, and none of “freedom of”. That is a fact about the words in the instrument, and it is not a statement about how anyone is treated.

The one route from this law toward equality is section 1, in which the Knesset states that the basic human rights in Israel “shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel”. That is a weak route on its own terms: it does not incorporate the Declaration and does not enact the Declaration’s equality sentence. Compounding it, the two official English texts of that sentence differ on the operative word, the Knesset publishing “all its citizens” and the Ministry of Foreign Affairs “all its inhabitants”.

The equality rule is judge-made, from Ka'adan in 2000

The Israeli Supreme Court supplied it rather than the Knesset. The Israeli Supreme Court derived it in HCJ 6698/95 Ka'adan v. Israel Land Administration, decided 8 March 2000 by a panel of five, in a case brought by an Arab couple refused a plot in a communal settlement built on state land allocated through the Jewish Agency.

The Israeli Supreme Court declared, at paragraph 40A, “that the State was not permitted, by law, to allocate state land to the Jewish Agency, for the purpose of establishing the communal settlement of Katzir on the basis of discrimination between Jews and non-Jews”. At paragraph 34 the Court held that “The State cannot escape its legal obligation to respect the principle of equality by using a third party that adopts a discriminatory policy. What the State cannot do directly, it cannot do indirectly.”

What it ordered is narrower than what is usually reported. The Court required the State, at paragraph 40B, to consider the petitioners' request on the principle of equality and to decide, with appropriate speed, whether it can enable them to build “within the framework of the law”. The Court did not order that they be admitted.

The 1 dissent was on retrospectivity, not on equality

One justice dissented, and on a different question from the one usually reported. The dissenting opinion records that he concurred

with the President's fundamental approach on the value of equality, and dissented on retrospectivity, and it states that the judgment "is forward-looking and does not provide grounds for re-examining acts performed in the past".

3 clauses limit the Basic Law's own reach

The Knesset published all three limits in the text.

- Section 10 retains prior law: "This Basic Law shall not affect the validity of any law that existed prior to the inception of the Basic Law." It reaches nothing enacted before 1992.
- Section 9 exempts the security forces from the law's limits save by statute or regulation.
- Section 12 bars emergency regulations from changing or suspending the Basic Law, while permitting regulations that deny or limit rights under it during a declared state of emergency.

Section 11 runs the other way: "Each and every government authority is obliged to respect the rights in accordance with this Basic Law."

Where these figures come from

The section text on this page is quoted from the Knesset's own published English translation, which the Knesset labels unofficial and which states that it includes all amendments adopted through 1 May 2022. The Hebrew is the operative law.

The section numbering is a trap worth stating: the purpose clause is section 1a in the Knesset's current text, and the Ka'adan judgment cites it as section 1 and renders it differently, so a reader following the Court's citation lands on the Basic principles clause instead. Where equality is concerned, the rule is judge-made and the citation is Ka'adan, not this Basic Law. The absence of an equality clause is a fact about the text, not about anyone's treatment.

Neither of Israel's two ordinary anti-discrimination statutes, the Equal Employment Opportunities Law 5748-1988 and the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law 5761-2000, has a current official English text on any Israeli state host. The Knesset publishes English translations of the Basic Laws only.

Questions

When was Basic Law: Human Dignity and Liberty passed?

In 1992, as Basic Law 5752-1992, and the Knesset's published English text carries amendments through 1 May 2022.

Does it protect freedom of speech?

No. The phrase "freedom of" appears nowhere in the text the Knesset publishes.

Does it mention equality?

No. Neither “equal” nor “discrimin” appears anywhere in the text.

Can the Knesset override the rights it does protect?

Section 8 permits a violation only by a law that corresponds to the values of the State, serves an appropriate purpose, and goes no further than required. That is the limitation clause, and it is the provision Israeli constitutional argument turns on.

Does the Basic Law apply to laws passed before 1992?

No. Section 10 states that it “shall not affect the validity of any law that existed prior to the inception of the Basic Law.”

Does it bind the army?

Section 9 exempts the security forces from the law’s limits save by statute or regulation.

What happens in a state of emergency?

Section 12 bars emergency regulations from changing or suspending the Basic Law, while permitting regulations that deny or limit rights under it during a declared state of emergency.

What did Ka’adan decide?

The Israeli Supreme Court declared on 8 March 2000 that the State was not permitted to allocate state land on the basis of discrimination between Jews and non-Jews, and it ordered the State to consider the petitioners’ request on the principle of equality.

Did Ka'adan mean the family could move in?

The judgment ordered the State to consider the request and to decide whether it could enable it within the framework of the law. It did not order their admission, and paragraph 40B leaves that open in terms.

What did Ka'adan say about the Law of Return?

The Court held at paragraph 31 that members of the Jewish nation were granted “a special key to enter”, and that “once a person has lawfully entered the home, he enjoys equal rights with all other household members”.

Is the English text of the Basic Law official?

No. The Knesset publishes it and labels it unofficial, and directs readers to the Hebrew for the operative law.

Why do different sources quote section 8 differently?

Because the Knesset and the Ministry of Justice published different English renderings of the same Hebrew clause. The Hebrew governs, so name the text being quoted.

Sources

- Israeli Supreme Court sitting as High Court of Justice, 2000. HCJ 6698/95 Adel Ka'adan and Iman Ka'adan v. Israel Land Administration and others. Judgment of 8 March 2000. Official record (court judgment).

- Israel Ministry of Justice and Ministry of Foreign Affairs, 2010. Fourteenth periodic report of Israel under the International Convention on the Elimination of All Forms of Racial Discrimination. gov.il. Official record.
- Knesset, 1992, amendments through 2022. Basic Law: Human Dignity and Liberty, 5752-1992. Official English translation, main.knesset.gov.il. Official record (enacted legislation).
- Knesset, 2018. Basic Law: Israel as the Nation-State of the Jewish People. Official English translation, main.knesset.gov.il. Official record (enacted legislation).
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