



THE ISRAELI LAW PROFESSORS' FORUM FOR DEMOCRACY

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Summary of Position Paper No 57: Co-operative Societies Ordinance (Amendment No. 12) 5783-2023 - Expanding the Scope of the Admission Committees Law

3.9.2023

On 25.7.2023 the Knesset approved Amendment No. 12 to the Cooperative Societies Ordinance. This amendment expands the permissible scope of activity of Admission Committees. The bulk of the amendment relates to the size and type of settlement in which candidates for admission may be sorted and selected by an Admission Committee.

The first statute dealing with Admission Committees was passed in 2011, allowing settlements in the Galilee and Negev districts with up to 400 residential units to act through Admission Committees in selecting candidates for settlement. These Committees were authorised to reject candidates, among other things, on the ground that they are “not suited to the social life of the community”, or that they are not suited to “the social-cultural fabric of the community settlement, and there is reason to assume that they will undermine that fabric”.

The new Amendment considerably expands the possibility of acting through Admission Committees. It now permits settlements with up to 700 residential units (allowing for even more in case of a Ministerial Order) and it expands the territorial

area in which they may be used beyond the Galilee and the Negev to any settlement designated as having “national priority”.

The Israeli Law Professors’ Forum for Democracy, an ad hoc and voluntary group of experts on Israeli law, and particularly Israeli public law, are of the opinion that this Amendment is unconstitutional.

- The Amendment further undermines the right to equality, the right to privacy and the right to dignity of candidates for admission to a community, as well as the right to private property of members of the co-operative society and of those seeking to join a community.
- Granting community settlements the power to sort and exclude those they prefer not to have among them, including members of minority or otherwise disadvantaged groups, permits wrongful discrimination. Such discrimination goes against Supreme Court rulings on the matter and contradicts sec. 6c(c) of the Cooperative Societies Ordinance that forbids “discrimination on the basis of race, religion, gender, nationality, disability, personal status, age, parental status, sexual preference, country of origin and political opinion or party affiliation.”
- The circumstances in which it might be legally justified to exclude candidates for admission to a settlement with special characteristics do not exist in the majority of community settlements in Israel. Since Amendment No. 12 will increase existing spatial exclusion and will lead to severe discrimination of a significant number of people and groups in Israeli society, in particular disadvantaged groups such as Arabs, Mizrahim, single-parent families and people with disabilities, we are of the opinion that Amendment No. 12 is unconstitutional.