

Opponents of Biometric Law: 'It's a Step to a True Police State'

by David Shamah

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The first section of Israel's controversial Biometric Documents Identification Law (the "Biometrics Law") was approved Sunday for its second and third reading by a joint Knesset committee which included MKs from the Science and Interior Committees. The session was headed by MK Meir Sheerit, himself a former Interior Minister. Sheerit first proposed the law when he was Interior Minister and has been pushing it through various Knesset committees, despite strong objections from some MKs and citizens' groups.

The law empowers the Interior Ministry to set up a database that would include biometric identification information on every Israeli citizen. All citizens would be required to submit fingerprints and a facial profile to authorized government agents; those who refuse to do so could face jail time. The information would be stored in a special chip in ID cards, licenses, passports, and other identification documents, and citizens would be required to present the appropriate document when crossing borders, entering government buildings where identification is required, etc. In addition, the individual information would be saved in the Interior Ministry database.

Threat to civil liberties?

The first draft of the law was approved by the Knesset last October, before the fall of the Olmert government. Sheerit first proposed the law in order to help cut down on falsification of Israeli ID cards and passports – a major problem, Sheerit says, given the possibility that Arab terrorists could get hold of Israeli documents to infiltrate the country and carry out terror attacks. Sheerit says that there are as many as 350,000 forged ID cards in Israel.

But opponents say that while the extra security measures that biometric technology could supply are valid, the establishment of a database that would keep the information on file – advocated by both the Interior Ministry and the police – threatens civil liberties, and since the data could end up in the wrong hands, or be used for the wrong purpose, said MK Michael Eitan, chairman of the Knesset Constitution Committee and a sharp opponent of the law. "The database could leak and severely damage the right to privacy among Israeli citizens," he said before the Knesset Committee discussion Sunday. It was Eitan's idea to reopen discussion on a number of the approved sections of the law, out of fear that the public was not given a fair chance to learn the law's provisions.

'Police state'

At Sunday's session, a number of changes were inserted into several sections of the law, in response to criticism by many activist and citizens' rights groups, who have decried what many call "the first step to a true police state." In one limitation, the facial profile to be stored in the database will be low resolution, instead of the originally proposed hi-res image. The superior image will be used by officers at checkpoints in order to ensure the identity of an individual, but that image will be disposed of immediately.

In another limitation, the Interior Ministry will now have to erase identification from checkpoint computers immediately, as the data is transmitted to the database, which will be on secure servers using encryption technology. However, MKs agreed to allow police to have access to the data on the checkpoint computers before it gets erased. After protests by many in the room, Sheerit promised to hold another discussion on this issue.

Also discussed was how to deal with an individual who is not carrying any identification. Police attorneys said they would need access to the database in such situations. Sheerit proposed that police use "other reasonable methods" before such permission would be granted, but the attorneys said that defining such methods would be difficult and time consuming – and that innocent civilians would be forced to wait for hours while their identities were verified, unless police were granted access to the database in these instances. %ad%

Stormy debate

During the stormy session last October when the law was passed on its first reading, Sheerit told opponents that the database was necessary for a number of reasons; for example, he said, with the database in place, the United States would allow Israelis to

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enter the country without requiring a visa, like citizens of most European Union states.

In response, Dr. Michael Birnhack of Tel Aviv University said that, to the contrary, the U.S. was demanding the database only in relation to passports, not Israeli ID cards – and that none of the Organization for Economic Co-operation and Development states that Israel hopes to join next year have such databases, which in most western countries would be seen as a violation of civil liberties. "While some European countries do use biometrics for identification purposes, they do not store the information for use by police or other agencies, and even in the U.S, information is stored only on non-citizens."

According to Israeli activist group No2Bio, Israel would be joining countries like Ethiopia, Indonesia, Yemen, and Pakistan, which have similar databases, if the law were to pass in its present form.

An activist in Judea and Samaria also decried the law, saying it would most likely be put to political use by police. "For example, imagine the situation where the young girls from Amona who refused to identify themselves are dragged into a police station when this law comes into effect, despite their wishes. They would very quickly be identified against their will, and police might even compare their photos in the database to footage of the protest to see who 'interfered' with their 'work.' Isn't one of the principles of democracy the freedom to say – or not say – whatever one wants?"