



**STATE OF ISRAEL**

**THE OMBUDSMAN**  
**Annual Reports**  
**37 and 38**  
**for 2010 and 2011**

**Selected Chapters**



**OFFICE OF THE STATE COMPTROLLER  
AND OMBUDSMAN**

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I have the honor to make some introductory comments to the English translation of selected chapters taken from the Ombudsman's Annual Reports 37 and 38, for the years 2010 and 2011.

The reports were submitted to the Knesset by my predecessor, Judge (Ret.) Micha Lindenstrauss, who completed his term in July 2012. The reports highlight the Office of the Ombudsman's intensive activity in recent years and its significant contribution in protecting the rights of the individual and in facilitating the average citizen's contacts with governmental authorities.

Since the Office of the Ombudsman began to function as an independent, separate unit within the Office of the State Comptroller, about forty years ago, the State Comptroller Law, 5718-1958 [Consolidated Version] has been amended several times to strengthen the status and authority of the Ombudsman and to add to his powers. Ultimately, however, the Ombudsman is a "judge of persuasion," as his decisions are not binding or enforceable in a court of law (except where a protective order is given in favor of a person who exposes corruption). Nevertheless, the authorities consider themselves obligated to carry out the Ombudsman's decisions due to the public's high regard for the independence, the level of professionalism, and the moral prestige of the institution. This perception has been expressed in Supreme Court rulings stating that, although the Ombudsman's decision is a recommendation and not a binding order, it is unacceptable that the authorities will not rectify, in accordance with the Ombudsman's demands, the defects that were uncovered in the course of investigation of the complaint.<sup>1</sup>

Indeed, the activity of the Office of the Ombudsman and the implementation of its decisions by the authorities have led to an appreciable increase in the number of complaints submitted to the Office of the

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<sup>1</sup> HCJ 304/71 *Dudai v. Harel et al.*, IsrSCt 25(2) 542.

Ombudsman each year, attesting to the great trust that the public has in this institution. The Office opened more new complaint files in both 2010 and 2011 than in any previous year: approximately 14,000 in 2010 and 15,000 in 2011 (a 6.5 percent increase over 2010).

One of the reasons for the significant increase in the number of complaints was the launching of several regional reception offices. In recent years, in order to render its services more accessible, the Office of the Ombudsman has operated regional reception offices throughout the country: in Jerusalem, Tel Aviv, Haifa, Nazareth, Upper Nazareth, and Beer Sheba. In late 2011, an office was opened in Lod, and another office has just been opened this month in Kiryat Shmona, in the far north of Israel. The regional offices in peripheral areas grant access to persons far from the population centers, for whom the ordinary ways of addressing complaints to the Office of the Ombudsman are not always feasible. These offices empower the socially disadvantaged, among them new immigrants, the elderly, minorities, persons with special needs, and low-income families.

In the battle against public corruption in Israel, a significant part of the Office of the Ombudsman's efforts is directed at protecting whistleblowers, employees who expose acts of corruption at work. As a result of their exposure of corruption, whistleblowers often suffer at the hands of their employers, by termination of employment, demotion, withholding of benefits, harassment or other means. The Office of the Ombudsman does everything within its statutory powers to protect the rights of these employees, whether by issuing temporary and permanent protective orders or by other suitable means, thus recognizing that exposure of corruption by employees is an important element in ensuring integrity in the public service.

In recent years, the Office of the Ombudsman has given special attention to complaints involving the rights of disabled persons. The Office deals with many such cases each year, covering a wide range of complaints: defects relating to requests for recognition as a disabled person, violation of the rights of disabled persons, such as the failure to grant an allowance or the unlawful denial thereof or refusal to grant a tax discount or exemption, violation of rights of disabled students with respect to education, flaws in adapting public housing to meet the special needs of resident disabled persons, and the like. Details on complaints involving rights of disabled persons can be found at page 85.

Investigation of a complaint often reveals general flaws that are not related solely to the specific complainant's case. For example, the investigation of complaints about the nonresponsiveness of public institutions to requests or complaints submitted by the public, elicited that failure to respond is a widespread defect in service to the public. The Office of the Ombudsman receives many such complaints each year; unfortunately, the percentage of complaints about this issue that are found to be justified is appreciably higher than the percentage of justified complaints overall. Therefore, the Office of the Ombudsman chose to focus on the matter. The chapter surveying the Office's actions in this regard, which was published in Annual Report 37 and appears below at page 95, provides details on the handling of complaints of failure to respond in 2010.

In 2011, the Office of the Ombudsman continued to monitor the complaints about lack of response, and found that 27.4 percent of the complaints that year dealt with the subject of flawed service to the public, many of which concerned the failure to respond. As in the previous year, the percentage of these complaints that were justified was appreciably higher than that of complaints regarding other issues.

In March 2011, the Knesset's Committee on State Audit Affairs held a hearing at which representatives of the Office of the Ombudsman presented in detail the many difficulties facing the public in obtaining a response from government ministries within a reasonable period of time.<sup>2</sup> Representatives of the Office of the State Comptroller who had performed audit on this issue also appeared at the hearing. The combined handling of the matter – by state auditors from the Office of the Comptroller and by complaint investigators from the Office of the Ombudsman – is another example of the advantages pertaining to combining the functions of the State Comptroller and of the Ombudsman and of the synergy inherent in a single organizational framework.<sup>3</sup>

It is my hope that during my tenure as State Comptroller and Ombudsman, the Office of the Ombudsman will continue to facilitate and promote the protection of individual rights, especially of the underprivileged. To this end I will undertake to make the Israel Ombudsman institution more accessible to all segments of society as I endeavor to improve the level and quality of service provided to the public.



**Joseph Haim Shapira, Judge (Ret.)**

State Comptroller  
and Ombudsman

Jerusalem, December 2012

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<sup>2</sup> The hearing was held on March 15, 2011.

<sup>3</sup> See the introductory remarks of the Ombudsman, *Annual Report 36* (2009).

In accordance with section 46(a) of the State Comptroller Law, 5718-1958 [Consolidated Version], the Ombudsman submits to the Knesset, at the beginning of each year, a report on his activities in the preceding year, including a general survey and description of the handling of selected complaints.

The following translation presents parts of Annual Reports 37 and 38, which summarize the activities of the Ombudsman and the Office of the Ombudsman in 2010 and 2011. The translation includes a survey of the powers of the Ombudsman, data on the complaints that the Office of the Ombudsman handled in 2011 and that were reported in Annual Report 38, and a description of selected complaints taken from the two reports.

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# **General Summary**

## About the Ombudsman

The State Comptroller and Ombudsman fulfills his function as Ombudsman through the Office of the Ombudsman,<sup>1</sup> which investigates complaints against bodies subject by law to auditing by the State Comptroller (hereafter – body complained against).

At the head of the Office of the Ombudsman stands the director-general of the Office of the Ombudsman, who is appointed, at the recommendation of the Ombudsman, by the Knesset's Committee on State Audit Affairs. The director-general is subordinate to the Ombudsman and is directly responsible to him.

The Office of the Ombudsman has bureaus and public-reception offices in Jerusalem Tel Aviv, Haifa, Nazareth, Upper Nazareth, Beer Sheba, and Lod. The dispersal of the offices around the country enables ready access to the public and aids in the investigation of complaints, especially complaints relating to bodies located in the area of the office, or complaints whose investigation requires an on-site visit to a location in proximity to one of the offices (e.g., complaints about safety hazards, environmental nuisances, faulty maintenance of buildings, and the like).

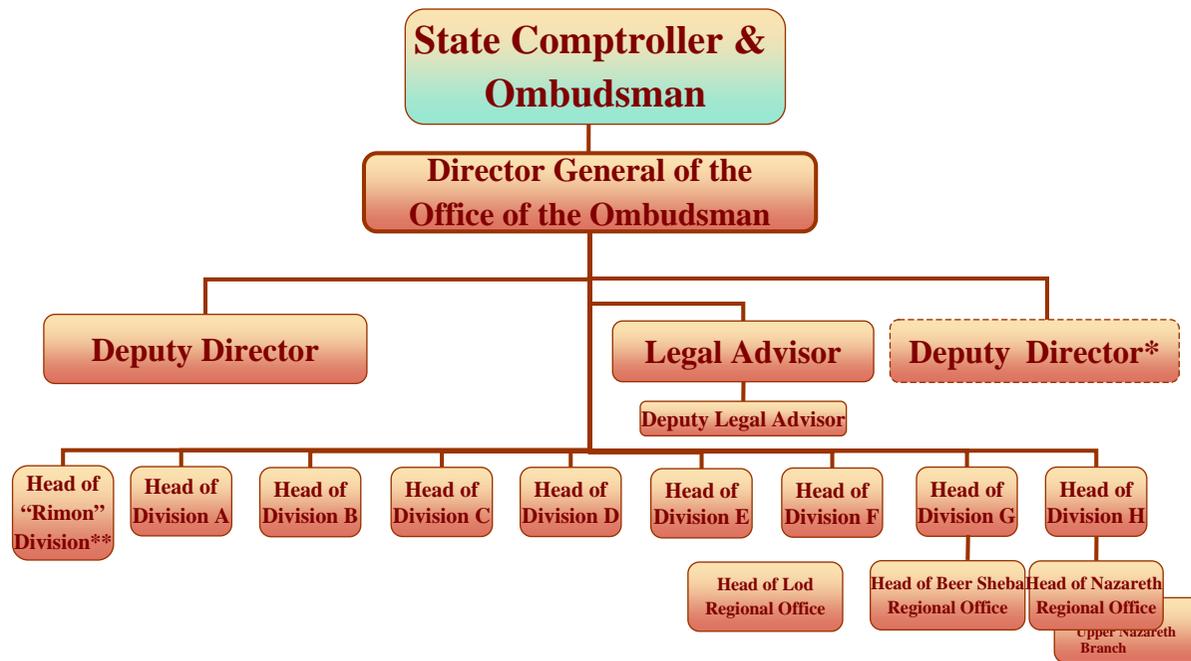
Some 75 attorneys and one social worker work at the bureaus and offices. They investigate the complaints, and receive the public as well. About 10 percent of the employees come from Israel's Arab sector, several speak Russian, and two employees speak Amharic.

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1 Section 4 of the Basic Law: The State Comptroller states: "The State Comptroller will investigate complaints from the public about bodies and persons, as provided by law; in this capacity, the State Comptroller shall bear the title 'Ombudsman.' "

The Office of the Ombudsman has nine divisions: one records the incoming complaints, sorts them according to the criteria prescribed by law for investigation of the complaints, investigates some of the urgent complaints, and channels the remaining complaints earmarked for investigation to the other eight divisions. Each of the other eight divisions investigates complaints involving certain bodies complained against. The separation into divisions makes for a more effective investigation, as each division gains expertise in the laws and work procedures pursuant to which the relevant bodies complained against operate. A complaint involving more than one body is jointly investigated by the appropriate divisions.

# Organizational Structure of the Office of the Ombudsman



\* The position is not currently filled.

\*\* Division of registration and classification of complaints.

## **Powers of the Ombudsman**

### ***Bodies against Which Complaints May Be Submitted***

The Office of the Ombudsman is authorized to investigate complaints against government ministries, local authorities, and other municipal bodies, such as intercity associations and water and sewage corporations, state enterprises or institutions, government corporations, and other public bodies as provided by law. The Ombudsman may also investigate complaints about employees and officeholders in those public bodies subject to complaint.

Upon receiving a complaint against a body not within the jurisdiction of the Ombudsman, the Office of the Ombudsman will inform the individual that the Office is not authorized to investigate his complaint and will direct him, if possible, to a body that may be able to assist him.

### ***Subjects of Complaints and Reasons to Intervene***

In general, the Office of the Ombudsman will investigate a complaint if it concerns an act – including an omission or delay in acting – that is directly injurious to, or directly withholds a benefit from, the complainant. In addition, the act must be contrary to law or without lawful authority or contrary to good governance or involve excessive inflexibility or flagrant injustice.

## ***Who is Entitled to Submit a Complaint***

Any person may file a complaint to the Ombudsman free of charge. The complainant is required to state his name and address. Anonymous complaints are not investigated.

It is permissible to submit a complaint on behalf of another person, if, in the judgment of the Ombudsman, the other person agreed to the filing of a complaint on his behalf.

Members of the Knesset may also submit complaints about harmful acts affecting others.

## ***How to Submit a Complaint***

A complaint may be handwritten in the complainant's own words; no legal knowledge or background is necessary. The complaint does not have to be written in Hebrew. Complaints written in foreign languages will be translated, if necessary.

For purposes of ease and efficiency of the investigation, it is important that the complainant provide his identity number, a precise address for sending letters, even when the complaint is sent by email, and a telephone number.

It is important to attach copies (it is best not to send originals) of the documents needed to investigate the complaint, such as correspondence with the body complained against, decisions rendered, and so forth.

A person may submit a complaint in a number of ways: via special letter-boxes situated in the Ombudsman's reception offices, by mail, fax, email; by filling out a complaint form which can be found on the Ombudsman's website ([www.nezivut.mevaker.gov.il](http://www.nezivut.mevaker.gov.il)); or orally, in

person, at the branch offices. Complaints may not be submitted over the phone.

## ***The Regional Reception Offices***

To make it easier for complainants to submit their complaints, the Office of the Ombudsman operates, as noted above, reception offices around the country: in Jerusalem, Tel Aviv, Haifa, Nazareth, Upper Nazareth, Beer Sheba, and Lod. Another reception office was recently opened in Kiryat Shmona, in the far north of Israel.

The reception offices in the country's peripheral areas make it easier for residents of these areas to access the Office of the Ombudsman; they enable weak segments of the population, for whom the standard methods of submitting complaints – by mail, electronically, or by fax – are not always available, to go to the office, consult with a member of the office's staff, and submit the complaint to him. The Russian and Arabic speakers on the staff assist complainants who speak those languages to submit their complaints and to obtain information. The Beer Sheba office has an Amharic-speaking attorney, who facilitates the contact between the office staff and immigrants from Ethiopia living in the south.

The regional offices engage in activities to publicize and increase public awareness about the existence of the Office of the Ombudsman, its powers in investigating complaints, and the methods of submitting complaints. These activities often take place at the departments of welfare and social services of the local authorities in the region and at the offices of social welfare organizations. In addition, the Office of the Ombudsman publishes informative material several times a year in the local press, in Hebrew, Arabic, Russian, and in newspapers distributed in the Ethiopian community.

The Office of the Ombudsman also distributes explanatory brochures in different languages at numerous locations, including municipal departments of social services and centers that provide public assistance,. The brochures provide information about the Ombudsman's functions and powers, and about how to submit a complaint.

It bears noting that the efforts of the Office of the Ombudsman to reach out to the public have achieved impressive results: since the regional offices began operation in 2007, many people have visited and contacted the regional offices, including a significant number from segments of the population that formerly had little or no awareness of the existence of the Office of the Ombudsman or of its powers.



In 2011, 5,200 persons sought assistance at the regional offices. Some submitted complaints and some obtained guidance and aid in solving their problems, obviating the need, in many cases, to file a complaint. Persons whose complaints could not be investigated by the Office of

the Ombudsman were advised about bodies authorized to handle their matters.

A description of the activities of the regional reception offices in 2011 follows.

### **Beer Sheba Office**



The office staff includes a Russian speaker, an Arabic speaker, and an attorney who speaks Amharic. In 2011 as well, the office engaged in extensive activity to acquaint the area's residents – primarily the Bedouin and Ethiopian communities – with the office.

As part of these efforts, the office's staff met with the heads and staff of social-services offices in Ashkelon, Segev Shalom, Kaseyfa, and Arareh. Also, the staff met with activists in social-welfare non-profit organizations: Friends Associations in Kiryat Gat, in Kiryat Malachi, and in Rahat, the Israel Lions Club in Beer Sheba, and the Citizens Advice Bureau in Ashkelon. The office was also active among the Ethiopian community in Arad, at the Steering Committee of Ethiopian Jews, in the educational system, and at the Tech Career academic

college for training of Ethiopian students. The office continued its practice of publishing notices in the local press in Hebrew, Arabic, and Russian about its activities and office reception hours, and distributing information leaflets and brochures at major public institutions.

In 2011, the office in Beer Sheba received 2,233 requests and complaints verbally and in writing, which resulted in the opening of 1,116 complaints files; 1,783 people came to the office personally during opening hours, presented their problem to a member of the staff, and received immediate attention to their problem.

Of the requests and complaints received in the office, forty-five percent were from new immigrants from the former Soviet Union, 29 percent were from the Bedouin sector, 22 percent were from veteran residents, and 4 percent were from members of the Ethiopian community.

The main bodies that were the focus of the complaints submitted to the Beer Sheba office in 2011 were the National Insurance Institute (22 percent of the complaints); local authorities in the area (7 percent), primarily the Beer Sheba Municipality; and Amidar, Israel's National Housing Company Ltd. (10 percent).

## Nazareth-Upper Nazareth Office



The office has a Russian speaker and an Arabic speaker, both of whom are lawyers. In the course of the office's activities, dozens of complaints and documents have been translated from Arabic and Russian. The office staff have visited bodies complained against and have also made on site visits to locations of nuisances and other defects complained about, in order to understand the substance of such complaints.

In 2011 as well, the office actively engaged in informing the public about the powers and functions of the Office of the Ombudsman. Staff members met with the mayors and heads of municipal social service departments in Nazareth, Akko, Afula, Nahariya, Migdal Haemek, Bir al-Maksur, Arabeh, Abu Snan, and Shlomi. Also, public-information activities were carried out in women's clubs and in clubs for the elderly in nearby Arab towns, as well as among Russian-speaking new immigrants in Afula. Similar activities were also conducted among representatives of the Ethiopian communities, and information about the office's activities was publicized in the local press in Hebrew,

Arabic, and Russian. The office also distributed some 4,000 informational brochures to mailboxes in Nazareth, Kafr Qana, and Kifia describing the activities of the Office of the Ombudsman,

In 2011, the office received 728 requests and complaints verbally and in writing, which resulted in the opening of 325 complaint files; 431 persons visited the office during opening hours.

At the Upper Nazareth branch office, 1,030 requests and complaints were received, which led to the opening of 318 complaint files, and 929 persons visited the office during reception hours. Thus, the two offices received a total of 1,758 requests and complaints.

Of the requests and complaints received in the Nazareth office, 75 percent were from the Arab sector, 18 percent were from veteran residents, and 7 percent were from new immigrants.

By contrast, in the Upper Nazareth branch office, 75 percent of the requests and complaints were from new immigrants, 14 percent from veteran residents, and 11 percent from the Arab sector.

In 2011, the principal bodies complained against by persons who came to the Nazareth office were local authorities in northern Israel (29 percent), the National Insurance Institute (15 percent), the Israel Police (6 percent), and the Ministry of the Interior (4 percent).

At the Upper Nazareth branch, local authorities in the area accounted for 17 percent of the complaints; 16 percent concerned the National Insurance Institute; 15 percent - Amidar, Israel's National Housing Company Ltd; 9 percent - the Ministry of Construction and Housing; 5 percent - the Israel Police; 4 percent - the Ministry of Education; and 3 percent were against Mey-Na, The Upper Nazareth Water and Sewage Company Ltd.

## Haifa Office



In June 2010, the State Comptroller and the Office of the Ombudsman moved to a new location in Haifa. Since the move, the Office of the Ombudsman in Haifa has served as a primary address for the submission of complaints in Haifa and the surrounding areas known as "the Krayot". The office's employees conducted numerous field visits, including to hostels for the elderly, residential neighborhoods, synagogues, and other sites that were the subject of complaints. These actions served to strengthen the ties between the office and the public seeking assistance and increased access to weak population groups in the area.

In 2011, the Haifa office received 892 requests and complaints verbally and in writing, which led to the opening of 652 complaint files, and 256 persons visited the office during reception hours.

Of the requests and complaints received in the Haifa office, 75 percent were from veteran residents, 16 percent from the Arab sector, and 9 percent from new immigrants. Forty-nine percent of the persons who contacted the office for assistance were residents of Haifa.

In 2011, the principal bodies complained against in the Haifa office were northern municipalities and local authorities (26 percent), primarily the city of Haifa (14 percent). Other bodies complained against were the National Insurance Institute (9 percent), the Israel Police (6 percent), Clalit Health Services (4 percent), the Mey-Carmel Haifa Water and Sewage Corporation Ltd., the Ministry of Finance, the Ministry of Education, and planning and zoning committees (3 percent each).

### Lod Office



On September 6, 2011, the Office of the Ombudsman opened a regional office in Lod. The office was opened for the purpose of increasing the level of awareness among central region residents about the Office of the Ombudsman, its powers, and the opportunity to submit complaints. Another aim of the office is to provide assistance

to weak population groups living in the center of the country and to make the Office of the Ombudsman more accessible to these groups.

Office staff carried out extensive activity throughout the central region to inform the residents about the Office of the Ombudsman. They met with the mayors of Lod and Ramle, with social activists and non-profit organizations in Lod, Ramle and surrounding areas, and with the staff of municipal social services departments in these cities. The office staff includes a Russian speaker, who has been instrumental in informing the Russian-speaking population in the region about the office, including holding a meeting at a club for the elderly in Lod..

Since the launching of the Lod office a few short months ago, the number of persons seeking assistance at the office has steadily increased. From 9 September 2011, the day the office opened, to the end of 2011, 314 persons contacted the Office verbally and in writing, resulting in 210 complaint files. One hundred and twenty-four persons visited the office in person.

The breakdown on the persons contacting the Lod office is as follows: 69 percent were veteran residents, 16 percent were new immigrants, 10 percent were from the Arab sector, and 5 percent were members of the Ethiopian community.

### ***Complaint Investigation Procedure***

After a complaint has been submitted, the Ombudsman's office opens an investigation, unless it is found that the complaint does not meet the conditions provided in the State Comptroller Law, 5718-1958 [Consolidated Version] (hereafter - "The Comptroller Law" or "the Law"), or that it is frivolous or vexatious or if the Ombudsman believes that he is not the proper body to investigate the complaint.

The Ombudsman may discontinue the investigation of a complaint if he is satisfied that one of grounds justifying the non-opening of an investigation exists or that the matter to which the complaint relates has been rectified or that the complainant has withdrawn the complaint, or if the complainant has not responded to the Ombudsman's requests addressed to him.

The Office of the Ombudsman is authorized to investigate complaints in any manner it sees fit and is not bound by the rules of procedure or the rules of evidence. It may contact any person if it may benefit the investigation and may require any person or body to answer any questions and provide any documents or information that are likely, in its opinion, to assist in the investigation of the complaint.

### ***Outcome of Complaints Investigation***

If the Ombudsman concludes that a complaint is justified, he then notifies the complainant and the body complained against of his decision and the reasons therefor. The Ombudsman may point out to the body the need to rectify a defect revealed by the investigation, and he may specify the method and timetable for doing so. The body complained against must then notify the Ombudsman of the steps it took to correct the defect.

If a complaint is found not to be justified, the Office of the Ombudsman notifies the complainant and the body complained against and explains the reasons for the decision.

### ***Complaints that Will Not be Investigated***

The State Comptroller Law determines which subjects and which officials or authorities are not to be investigated. According to the

Law, complaints against the President, Knesset and its committees or a Knesset member will not be investigated; neither will the Ombudsman investigate complaints against the government and its committees, complaints against a Minister's actions done in the discharge of his functions as a member of the government, as opposed to his actions as the person in charge of a Ministry or sphere of activity, or complaints against the Governor of the Bank of Israel, except as to his activity as the person in charge of the Bank. Also, the Ombudsman will not investigate complaints against judicial or quasi-judicial actions or complaints concerning subjects pending in a court or tribunal or as to which a court or tribunal has given a decision on the substance thereof.

The Ombudsman does not have the authority to investigate complaints filed by soldiers, police officers, and prison officers concerning service procedures, terms of service, or disciplinary matters; nor can he investigate complaints of State employees and employees of other audited bodies on matters relating to their service as employees, except for an act alleged to be contrary to any law, regulation, the Civil Service Regulations, a collective agreement or similar general agreements. Exceptions to this rule are specified in sections 45A-45E of the State Comptroller Law, which relate to the investigation of a complaint of an employee in an audited body whose rights have been violated as a result of his exposing acts of corruption and a complaint of an internal auditor regarding action taken against him as a result of carrying out his professional duties (see below).

The Ombudsman will not investigate complaints regarding a matter in which a decision has been rendered, against which decision a contestation, objection, or appeal can be or could have been filed under any law, nor will he investigate a complaint filed after a year has elapsed from the date of the act to which the complaint relates or

the date on which such an act became known to the complainant, unless there is a special reason justifying such an investigation.

## **Protection of Whistleblowers**

### ***The Power of the Ombudsman to Issue a Protective Order***

Sections 45A-45C of the State Comptroller Law set forth the power of the State Comptroller and Ombudsman to investigate complaints of employees who complain that they have suffered as a result of their exposure of corruption within the body in which they are employed, and provide the Ombudsman's authority to issue temporary or permanent orders to protect the rights of these employees. These sections of the law also authorize the Ombudsman to protect an internal auditor in an audited body against retaliation for acts performed in the course of his professional duties.

It should be noted that the Legislature limited the power of the Ombudsman to investigate complaints related to employment issues as per section 38(8) of the Law, to prevent undue interference of the Ombudsman in labor relations. Nevertheless, due to the importance of protecting whistleblowers and internal auditors, the Legislature authorized the Ombudsman to investigate the complaints of these employees.

The Law's provisions regarding protection of persons who expose corruption strike a balance between the rights of employers to make management decisions relating to their employees (promotions, dismissals, transfers, and so forth) and the need to protect employees

who expose acts of corruption and who suffer harsh retaliation from their employers as a result.

## **Preconditions to Investigating such Complaints**

For a complaint of a whistleblower or internal auditor to be investigated, it must meet several conditions set forth in section 45A of the Law, as follows:

### **A) Whistleblower Complaints**

1. The complaint must be made by an employee in an audited body against an action committed by his superior in the workplace in retaliation for the employee's exposure of corrupt actions committed in the audited body.

It should be noted that the term "corruption" is not defined in the State Comptroller Law or other laws. In light of the role of the institution of the State Comptroller – to preserve the integrity and the proper administration of the public sector and to protect employees who protest against highly improper actions committed in their workplace, especially those employees who suffer retaliation as a result – the term "corruption" has been given a broad interpretation, as necessitated by the circumstances of each case.

2. The retaliatory act of the superior was directly injurious to the complainant and was contrary to law or without lawful authority or contrary to proper administration or involved excessive inflexibility or flagrant injustice.

3. The complainant disclosed the acts of corruption prior to the commission of the retaliatory action subject of the complaint.

4. The disclosure was made in good faith and in accordance with proper procedure. "Good faith" in this regard means that the employee believed that the acts of corruption that he disclosed indeed were committed, and that he had a reasonable basis for his belief. Disclosure "in accordance with proper procedure" means disclosure to a person authorized to investigate the complaint either within the body itself (e.g., the employee's superior or the internal auditor) or outside of it (e.g., the State Comptroller or Israel Police). However, under section 45B of the Law, if the Ombudsman deems it justified, he may investigate the complaint even if the employee did not report the acts of corruption in accordance with proper procedure.

5. The act subject of the complaint was carried out in response to the complainant's disclosure of corruption, i.e., a causal connection exists between the action performed against the complainant and the disclosure of the acts of corruption.

## **B) Internal Auditors' Complaints**

1. The complaint must relate to an act committed by a superior of the internal auditor and the act is contrary to the provisions of law, regulations, Civil Service Regulations, a collective agreement, or similar general arrangements, or involves the removal of the internal auditor from his post.

2. The said act was committed in response to the actions of the internal auditor in the course of fulfilling his functions.

## **Protective Order or Other Remedy**

Only if all the aforementioned conditions are met – particularly the existence of a causal connection between the alleged retaliatory act and the disclosure of the corruption by the whistleblower or the actions of the internal auditor, as the case may be – may the Ombudsman issue an order protecting the complainant pursuant to his authority under section 45C of the Law.

The legislator granted the Ombudsman broad discretion with respect to the content of the protective order, and he may issue any order he deems just and correct to protect the rights of the employee, while taking into account the need to minimize the disruption to the body employing the complainant so that it can continue to function properly.

The Ombudsman may issue a temporary protective order, that is valid until the completion of the investigation or until the Ombudsman has arrived at another decision. The purpose of the order is to prevent additional injury to the complainant during the course of the investigation and to forestall changes to the employee's status, salary and working conditions, especially where there is cause for concern that upon completion of the investigation, it will not be possible to undo any changes made or to restore the employee to his current situation.

If the complaint is made by an employee whose employment was terminated, the Ombudsman may order the termination to be revoked; alternatively, if the Ombudsman believes that restoring the employee to his position may impair the proper functioning of the public body, he may award the employee special compensation, financial or otherwise. The Ombudsman may also order that the employee be transferred to another position in the service of his employer.

## ***Results of Issuing a Protective Order***

To date, every protective order issued by the Ombudsman has been honored. Under section 45D of the Law, the Attorney General, the Civil Service Commissioner, or the head of the body complained against may request the Ombudsman to review his decision. If the audited body raises objections to the outcome of the investigation or to the issuance of the order, or if it provides the Ombudsman's Office with new information that it did not have at the time of the investigation, the objection shall be brought before the Ombudsman to determine if he should review the matter. The same is true if a complainant objects to the decision of the Ombudsman not to issue a protective order.

When a whistleblower is obliged to return to his post with the employer against whom he complained, the situation may be uncomfortable for both parties. Generally, however, the parties are able to resume working cooperatively together. If they do not succeed in this, the complainant may apply again to the Ombudsman's Office, which will investigate this petition as well.

## ***Reasons for Not Issuing a Protective Order***

Many complaints are received at the Office of the Ombudsman from employees, who allege that their employers retaliated against them because they disclosed corruption in the workplace. The Ombudsman does not necessarily provide a protective order in each and every case, for the following reasons:

1. The primary reason for the non-issuance of a protective order is that the conditions specified in the Law for issuing an order have not been met:

(a) The investigation revealed that the employee requested the Ombudsman's protection even though he did not disclose acts of corruption, or that the acts disclosed did not constitute corruption, but indicated, at most, improper administration. It should be noted that the Office of the Ombudsman does not examine whether the acts of corruption disclosed by the complainant were actually committed, but rather whether the complainant believed in good faith that they were committed, and whether he had an apparently reasonable basis for his belief. The authority and responsibility to carry out an audit of the body complained against, including an audit as to whether acts committed at the body were corrupt, lie with the State Comptroller's Office and therefore, the Office of the Ombudsman forwards the allegations of corruption to the relevant audit unit at the State Comptroller's Office. The topics to be audited in a given year by the State Comptroller's Office are determined according to an array of considerations and constraints, including the statutory framework, public interests, constraints of manpower and resources at the disposal of the State Comptroller, and therefore, the allegations of corruption arising from the complaint are not necessarily examined by the State Comptroller's Office in tandem with the investigation of the complaint by the Office of the Ombudsman. However, even if the State Comptroller's Office cannot commit to including a certain issue in its agenda, the State Comptroller holds that information provided by the public makes a significant contribution to state audit.

(b) In a substantial portion of complaints that were investigated, no causal connection was found between the disclosure of corruption by the complainant and the actions complained about – dismissal or other infringement of his rights as an employee. For example, in some cases the employee was dismissed or disciplinary proceedings had been initiated against him prior to the disclosure by the employee of corrupt activities. It is possible that some of these complainants sought to take

advantage of the protection given by the Law to persons who expose corruption, and therefore claimed that the basis for their dismissal was their exposure or awareness of the corrupt activities or their attempts to prevent them.

It should be noted that section 45E of the Law states that it is a disciplinary offense to submit a complaint under section 45A or 45B of the Law not in good faith or for purposes of harassment.

2. Another reason for not issuing a protective order or for discontinuing the investigation of a complaint is that the complainant filed an action in court or in the Labor Tribunal regarding the same matter; under section 38(5) of the Law, the Office of the Ombudsman may not investigate a complaint on a matter pending in a court or tribunal or as to which a court or tribunal has rendered a decision on the merits.

3. A protective order will not be issued if the complainant and the employer reach a mutually acceptable agreement during the course of investigation of the complaint.

### ***Expanding the Scope of Protection of Whistleblowers***

Despite the great contribution of whistleblowers in exposing and eliminating public corruption, the experience garnered in handling employees' complaints shows that not enough has been done to protect them, neither by legislative means nor by change in the socio-cultural attitude toward whistleblowers.

The State Comptroller and Ombudsman considers protection of whistleblowers a national interest; therefore, he has made extensive use of the powers granted him in the State Comptroller Law to issue protective orders for those employees. Simultaneously, he has acted

to extend the scope of protection given them, whether by way of legislative amendment to expand the population of employees entitled to protection and the scope of such protection or by obtaining assistance from bodies that might aid in protecting these employees, as appears from the following examples:

- Whistleblowers often face threats against their lives and property, as well as actual injury, after they have exposed corruption. Since the Office of the State Comptroller does not have the tools to cope with this phenomenon, the State Comptroller and Ombudsman applied to the Witness Protection Authority, in the Ministry of Public Security, to examine the feasibility of cooperation between the two bodies, whereby the Authority would provide protection and support for whistleblowers who may be deemed "threatened witnesses" as such term is defined in the Witness Protection Law, 5769 – 2008.
- The State Comptroller Law does not empower the Ombudsman to order indemnification of an employee for legal expenses incurred in connection with the investigation of his complaint, even if his complaint is found to be justified and he was given a protective order. Unlike an employer, who receives legal advice from the body against whom the complaint was made, and sometimes from attorneys of the first rank who charge very high fees, the employee must pay, out of his own pocket, the cost of retaining an attorney to aid him in dealing with the employer's harassment following exposure of the corruption.

Therefore, the State Comptroller and Ombudsman requested the Attorney General, the Minister of Justice, and the Knesset Committee for State Audit Affairs to consider amending the State Comptroller Law such that the Ombudsman will be empowered to

require indemnification by the employer of the legal expenses of an employee whose complaint is justified.

- Under the State Comptroller Law as it stands today, employees' organizations and trade unions are subject to state audit in certain matters, but they are not subject to the authority of the Ombudsman to investigate complaints. The State Comptroller has requested the Knesset Committee on State Audit Affairs to consider amending the State Comptroller Law to expand the powers of the Ombudsman to investigate complaints against employees' organizations and trade unions and to issue protective orders in favor of whistleblowers employed in these bodies.
- As far back as December 2007, in his opinion "Protection of Persons Who Expose Corruption," which the State Comptroller and Ombudsman submitted to the Committee on State Audit Affairs,<sup>2</sup> he pointed out that internal auditors in audited bodies sometimes encounter friction and may clash with their superiors while carrying out the audit, and in response the latter are liable to violate the auditor's rights or take revenge against him by filing complaints with the police or by taking disciplinary actions against him all in order to prevent the performance of a proper audit.

In December 2011, the Knesset's Committee on State Audit Matters held a follow-up hearing on the State Comptroller's opinion. During the hearing, which revolved around difficulties entailed in providing effective and full protection to whistleblowers and the ways to expand such protection, the State Comptroller's Office proposed, among other things, that consideration be given to

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<sup>2</sup> The opinion was given pursuant to section 21 of the State Comptroller Law, and may be viewed on the website of the State Comptroller's Office.

amending the existing statutory framework, such that disciplinary proceedings initiated against an internal auditor, or dismissal of an internal auditor, will be subject to the external review of the Attorney General or of another neutral body. Such an amendment to the law will bolster the internal auditor's independence and his freedom from the dictates of his supervisor, and enable proper auditing of public bodies.

### ***Raising Awareness of the Activity of Whistleblowers***

The experience accumulated in handling complaints of whistleblowers has shown that, in addition to infringement of their rights as employees, whistleblowers also suffer in other spheres for which no sufficient or effective solution exists under existing legislation. For example, although, under the State Comptroller Law, the failure to carry out a protective order issued by the State Comptroller is a disciplinary offense, the harassment of the whistleblower at work does not necessarily cease even when a protective order has been issued. It sometimes happens that, following the exposure, the employee turns from "accuser" to "accused": complaints are submitted against him alleging disciplinary offenses, and complaints may even be filed with the police. If the whistleblower continues to work under the superiors against whom he complained, they are liable to continue harassing him by means of "organizational changes": his authority is diminished, his position is stripped of content, or he is denied the tools needed to carry out his regular tasks.

Generally, the protective order does not serve to relieve the social isolation and emotional tension an employee suffers from having to cope with his colleagues at work, who may ignore him, banish him, and consider him a traitor because he exposed corruption. Even in

cases in which the whistleblower leaves his workplace, while he may be given increased severance pay, he may nevertheless encounter difficulty finding other work, due to his advanced age or because he is tagged as a “troublemaker.”

The difficult task of changing the negative attitude – of the general public and of audited bodies - to whistleblowers cannot be accomplished without enhancing public awareness of the contribution made by these employees to the upholding of the integrity of public service and of the fact that these employees are willing to place their jobs on the line in order to expose corruption in their place of work.

One way to increase awareness of the subject is by issuing certificates of findings and certificates of honor to employees whose complaints are substantiated, in accordance with the provisions of the Encouragement of Integrity in the Public Service Law, 5752 – 1992. Under section 2(a) of the said law, if a public employee complains, in good faith and according to proper procedures, of an act of corruption or other violation of public integrity committed at his place of work, and his complaint is substantiated, the person heading the body to which the complaint was submitted is required to inform the complainant that he is entitled to receive a certificate of findings.

In July 2007, the Encouragement of Integrity Law was amended to require the head of the body to which complaints of corruption or other failure to act with integrity are submitted, to deliver to the Ombudsman a report on the number of such complaints submitted or forwarded to the body and on the matters involved (unless disclosure is liable to obstruct the examination or investigation). He must also report on and provide copies of certificates of findings that were given to complainants. Under the statute, the Ombudsman is required to submit to the Knesset, on the 15<sup>th</sup> of the Hebrew month of Shvat each

year a comprehensive statement of the reports that were delivered to him that year.

Since the amendment was enacted, the Office of the Ombudsman has received very few reports on certificates of findings that were given to whistleblowers. This may be due to the fact that the audited bodies do not provide certificates of findings to whistleblowers or that they are not aware of the statutory obligation to report, or because only recently regulations were enacted on the manner of reporting under the statute and the contents of the reports.

The Ombudsman requested the Ministry of Justice, the ministry charged with implementing the statute, to take measures to bring to the attention of the various authorities the importance of the statute and the obligation to provide reports thereunder.

### ***Data on Complaints Received in 2010***

Sixty-eight complaints were received in the year 2010 by complainants who alleged that they had suffered as a result of exposing acts of corruption in the workplace (compared to 58 complaints in 2009). Six of the complaints were submitted by internal auditors who claimed that their rights had been violated as a result of actions performed in the course of their duties. Twenty-eight of the complaints pertained to government ministries, state institutions and auxiliary bodies; twenty-three concerned local authorities and other municipal bodies and 15 concerned government corporations and other public bodies. Two complaints were against bodies outside of the purview of the Ombudsman's authority.

During the year 2010, the Ombudsman issued nine orders: two permanent protective orders and seven temporary orders.

### ***Data on the Outcome of Complaints in 2010***

During the year 2010, 60 complaints were investigated until conclusion. In two of the 16 complaints examined on the merits, the complaints were found to be justified and therefore the Ombudsman issued permanent protective orders in favor of the complainants; the investigations of seven complaints were discontinued after the parties came to an arrangement with the assistance of the Office of the Ombudsman; investigations regarding eight complaints were discontinued after it became known that the matter was pending in a court or tribunal or that a court, tribunal or other quasi-judicial body had adjudicated the matter; investigations of 18 complaints were discontinued after the complainant chose to cancel the complaint or not to respond to the inquiries made by the Office of the Ombudsman; 11 complaints were summarily dismissed because they did not meet the conditions set forth by law regarding investigation of complaints by whistleblowers or other conditions set forth by the legislator or because the complaint pertained to a body outside of the purview of the Ombudsman's authority.

### ***Data on Complaints Received in 2011***

In 2011, the Office of the Ombudsman received 66 complaints (compared with 68 in 2010) from persons who alleged they had suffered as a result of exposing acts of corruption in their place of work. An additional five complaints were submitted by internal auditors who claimed that they had suffered as a result of actions performed in the course of their duties. Twenty-six of the complaints pertained to government ministries, nine related to state institutions, twenty-one concerned local authorities and other municipal bodies, and ten concerned government corporations and other public bodies.

Five complaints were against bodies outside of the purview of the Ombudsman's authority.

During the year 2011, the Ombudsman issued five orders: one permanent protective order and four temporary orders.

### **Data on the Outcome of Complaints in 2011**

In 2011, a conclusion was reached as to 62 complaints. In six of the 25 complaints examined on the merits, the complaint was found to be justified.<sup>3</sup> Ten complaints were summarily dismissed after it had been found they did not meet the conditions set forth by law regarding investigation of complaints by whistleblowers or other conditions set forth by the legislator, or because the complaint pertained to a body not within the purview of the Ombudsman's authority. The investigations of 27 complaints were discontinued because the matter had been rectified or for other reasons.

### **Description of Two Complaints Investigated in 2010-2011**

#### **1. Haifa Municipality – Termination of Employment of a Whistleblower**

The complainant, an inspector at the Parking Authority (hereinafter – the Authority) of the Municipality of Haifa (hereinafter – the

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3 In one case, a permanent protective order was issued. In two other cases, the Office of the Ombudsman ordered the body complained against to retract decisions injurious to the complainants. Regarding investigation of the other complaints, the bodies complained against were sent notices indicating the Ombudsman's intention to issue a permanent protective order, and the bodies were given an opportunity to respond.

Municipality) complained that the Municipality had decided to terminate his employment in response to allegations he made regarding irregularities and corruption at the Authority and a demeaning attitude towards inspectors.

The complainant alleged, among other things, that managers at the Supervision Division of the Authority requested the parking inspectors not to give parking tickets to certain people, that they cancelled tickets given to their friends and relatives and that the inspectors were required to fill a daily quota of tickets. He also claimed that inspectors who did not comply were subjected to yelling and threats to their livelihood and were even assigned to work at the more difficult locations.

According to the complainant, in 2009 he spoke with 17 of the inspectors regarding the wrongful acts at the Authority, and they put their allegations in writing, referring them to the mayor. In October of that year, the Municipality notified the complainant of termination of his employment.

It is notable that on the following day, a report, in which several of the complainant's colleagues participated, was aired on television regarding apparent corruption at the Authority. After the broadcast, the allegations were submitted to examination by the City Auditor, whose investigation revealed that some of the allegations were true.

Upon receipt of the complaint, in order to protect the rights of the complainant for the duration of the investigation of the complaint, the Ombudsman issued a temporary protective order in favor of the complainant, by virtue of the Ombudsman's authority under Section 45C of the State Comptroller Law, 5718-1958 [Consolidated Version]. Pursuant to the order, the Municipality was directed to continue employing the complainant and to refrain from compromising his

rights, status and employment conditions until the rendering of any other order or instruction.

The Municipality claimed that there was no basis for the complainant's allegations regarding irregularities at the Authority and that the complainant, who had been employed by the Municipality for only a short period at that time, was dismissed due to frequent, inexcused absences from work.

Investigation of the complaint revealed that the Municipality had no complaints about the complainant on a professional level and that he was considered a very productive inspector, even though he was indeed often absent from work. His superiors were also unfavorably disposed to the fact that he had been interviewed for a job at the Municipality's Gardens Department without the superiors' knowledge.

After an examination of all of the surrounding circumstances, the Ombudsman held that the deciding factor in terminating the complainant's employment was his exposure of irregularities at the Authority. The ostensible reason for his termination – absences from work – as well as his encouragement of other inspectors to complain about their employment conditions and his attempt to be reassigned to the Gardens Department without the knowledge of his superiors also contributed to the Municipality's decision, but these were merely secondary considerations.

It was also found that before being terminated, the complainant was not invited to a hearing and that the employment termination letter did not specify the reason for termination. Furthermore, the mayor had not signed the letter as required pursuant to the complainant's employment contract.

In light of the Ombudsman's conviction that the complainant, in good faith and in accordance with proper procedure, disclosed actions, some of which were corrupt, and in response his employment was

terminated, the Ombudsman issued, at the conclusion of the investigation, a protective order instructing the Municipality to continue employing the complainant as a parking inspector and to refrain from compromising his salary and status.

The order stated that if in the Municipality's opinion, it will be too difficult to continue to employ the complainant at the Authority, he may be transferred, with his consent, to another position within the Municipality.

A clarification was made to the effect that the order does not allow the complainant to breach the Municipality's work procedures, especially regarding absences from work, and does not prevent the Municipality from taking disciplinary action against the complainant if there are bona fide indications that he committed a disciplinary violation.

Subsequent to the issuance of the order, the complainant continued his employment at the Municipality.

## **2. Ashkelon Association of Towns (Fire Brigade Services) – Harassment of Fireman who Exposed Corruption**

The complainant, an officer in the Fire Brigade Services and spokesperson of the Ashkelon Association of Towns (Fire Brigade Services) (hereafter – the Association), complained that the acting commander of the fire brigade service in the Association decided to remove the complainant from the position of spokesperson for the Association. The complainant alleged that the decision was made due to pressure of the Employees Committee on the Association's board in response to the complainant's involvement in 2007 in exposing acts of corruption of the chairperson of the Employees' Committee and of another member of the Committee (hereafter – the Committee members), both of whom were fire-prevention officers.

A clandestine investigation following the exposure revealed that the Committee members had a practice of working – during their work hours as fire-prevention officers – in a vegetable store registered in the name of the wife of the Committee chairperson. It was also found that, while working in the store which was located outside the jurisdiction of the Association, they made use of a fire-brigade vehicle. Following the investigation, the Committee members were brought up on disciplinary charges and were found guilty in a plea bargain. In the course of the proceedings, the complainant was summoned to testify on behalf of the Association.

The complainant alleged that from the time he took part in exposing the activities of the Committee members, he has paid a heavy price in diverse ways, and that the actions against him intensified after August 2010, when the commander of the Association's Fire Brigade Service for the previous five years was dismissed. The complainant contended that, since then, the Committee members have mounted a campaign to reduce his powers as spokesperson and to disrupt his ability to carry out his functions, until they achieved their objective – his total removal from the position of spokesperson.

Upon receiving the complaint, and to protect the complainant's rights until completion of the investigation, the Ombudsman issued, by virtue of his power under section 45C of the State Comptroller Law, 5718-1958 [Consolidated Version], a temporary protective order for the complainant. The order directed the Association to allow the complainant to continue in his post as Association spokesperson and to refrain from prejudicing his functions, status, powers, and rights in any other manner until another order or directive was given in his matter.

In response to the complaint, the Association contended that the complainant carried out many functions, and that, because of his

heavy workload, it was necessary to relieve him of the burden of the post of spokesperson. The Association denied that the decision was made due to pressure from the Employees Committee.

Following a comprehensive and thorough investigation, it was found that the Association's version, whereby the complainant was overburdened at work, was baseless. No other reasons were given for taking away the complainant's powers as spokesperson, and everyone, including the Association's representative, praised the complainant's professionalism as an officer and as spokesperson.

On the other hand, much support was found for the complainant's allegation of harassment resulting from the part he took in exposing the corruption. The investigation revealed that the Committee members attributed the exposure of their acts – following which they were brought up on disciplinary charges – to the complainant, and that they had harassed him in various ways since the corrupt activities were exposed. The harassment intensified, as stated, after the former commander of the Fire Brigade Service left his post. The investigation revealed, among other things, that during this period, the Employees Committee ordered the telephone receptionist in the operations room to stop reporting to the complainant about life-threatening operational incidents, even though, according to procedures, such incidents were to be reported to the spokesperson given their great media potential.

After examining all of the circumstances and the extensive evidence that was accumulated during the investigation, the Ombudsman was convinced that the decision to cease the complainant's work as spokesperson of the Association was not made on substantive grounds, but was due to pressure of the Employees Committee and in response to his involvement in exposing the Committee members' corrupt activities. Therefore, upon completion of the investigation, the Ombudsman issued a protective order directing the Association to

restore all of the complainant's powers as Association spokesperson, to provide him with all the means necessary to carry out his function, and not to prejudice his functions, status, and powers in any other manner.

Subsequent to the issuance of the order, the complainant continued to serve as Association spokesperson. Simultaneously, the acting commander of the Fire Brigade Service resigned.

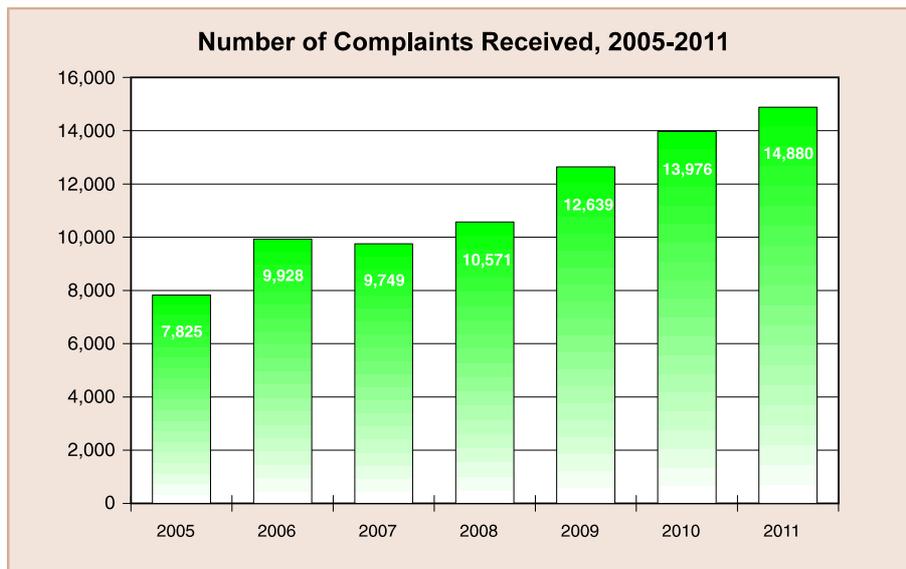
It is worth noting that, during the course of the investigation, the Minister of Public Security appointed a commission of inquiry to examine the functioning of the Association. As a result of the commission's findings, the chairperson of the Association and members of the Association board also resigned.

# **Data on the Complaints in 2011**

## General Data<sup>1</sup>

### Number of Complaints Received

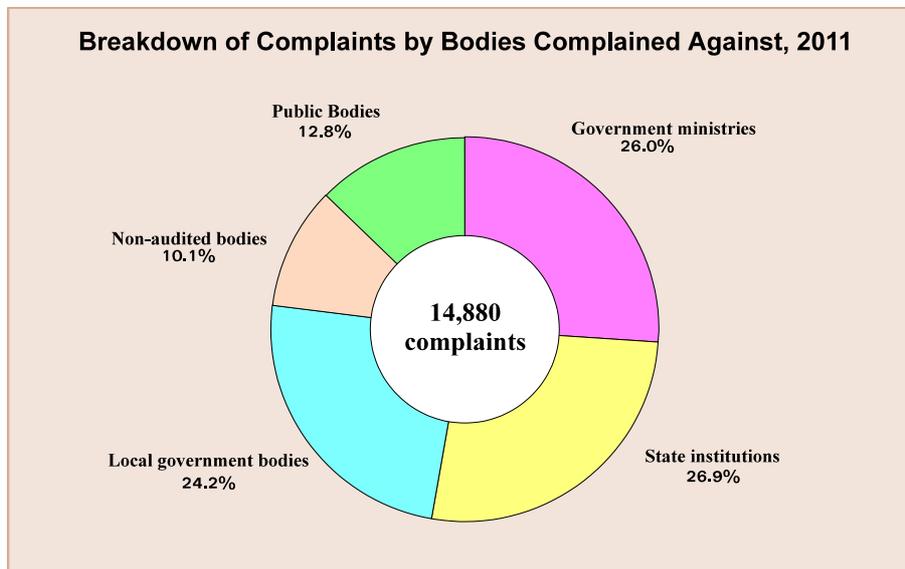
In 2011, the Office of the Ombudsman received 14,880 complaints involving 16,145 subjects. Once again, a record number of complaints were received in a single year since the Office of the Ombudsman was established in 1971.



The graph shows that, in the years 2005-2011, the number of annual complaints almost doubled, and that, in 2011, there was a 6.5 percent increase over 2010.

<sup>1</sup> The data in this chapter relate to 2011 and are taken from Annual Report 38 of the Ombudsman.

## **Breakdown of Complaints by Type of Body Complained Against**



**3,865** (26 percent) of the complaints concerned **government ministries**.

**3,999** (26.9 percent) concerned **state institutions** – National Insurance Institute, Israel Police, Israel Defense Forces, Population, Immigration and Border Crossings Authority, Enforcement and Collection Authority, Israel Lands Administration, the court system, and others.

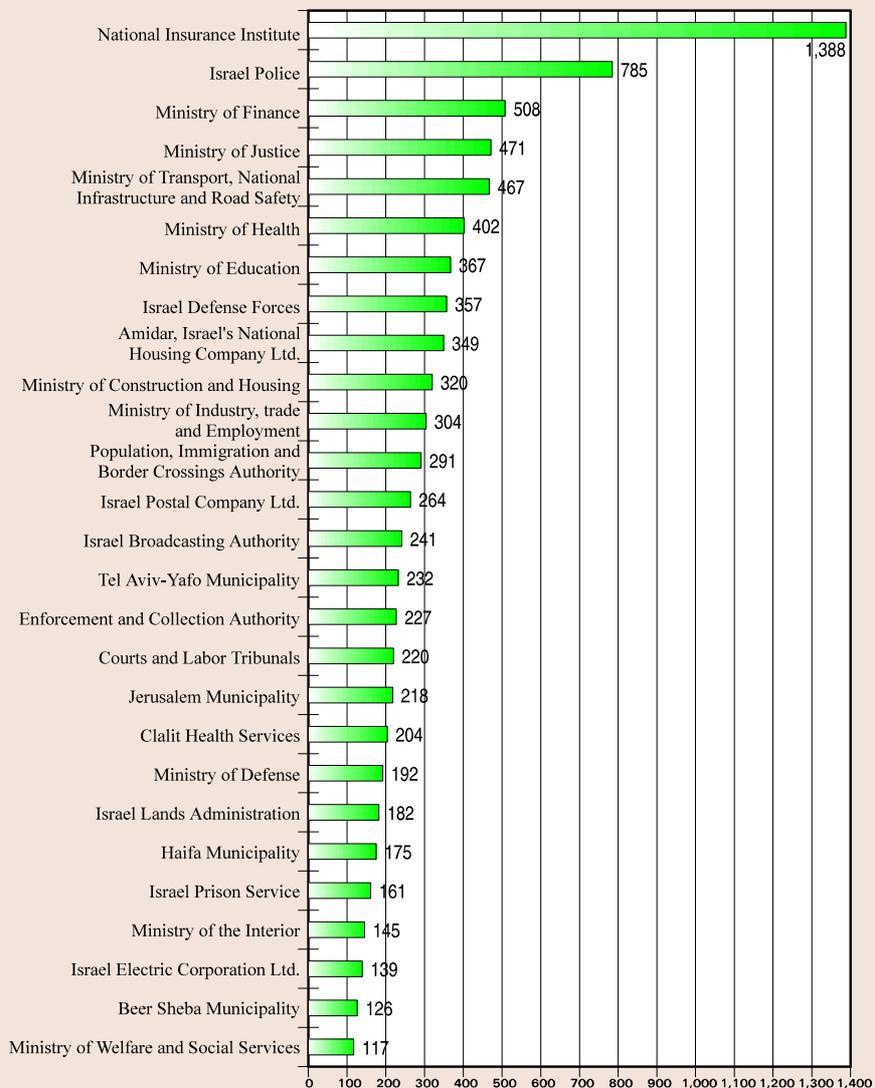
**3,596** (24.2 percent) concerned **local-government bodies**: local authorities – municipalities, local and regional councils, and other local committees and bodies, such as local zoning and building committees, intercity associations, and water and sewage corporations.

**1,911** (12.8 percent) concerned **diverse public bodies** - infrastructure and transportation companies, educational and scientific institutions, health funds, and so forth.

**1,509** (10.1 percent) concerned **bodies as to which the Office of the Ombudsman is not authorized to investigate complaints**, such as banks and telephone companies.

The following graph presents the bodies against which at least 100 complaints were submitted to the Office of the Ombudsman in 2011:

### Bodies Against Which at Least 100 Complaints were Received in 2011



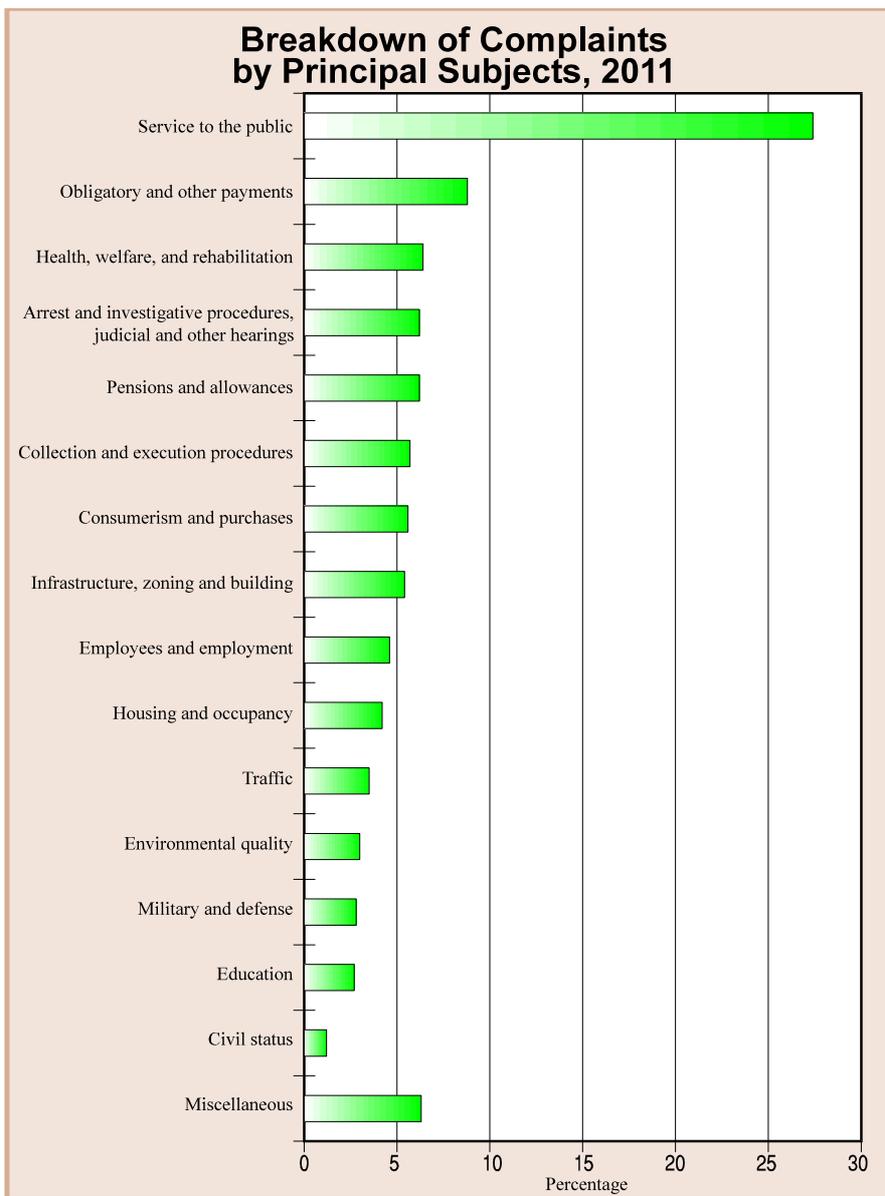
### ***Breakdown of Complaints by Manner in which Submitted***

The Office of the Ombudsman receives complaints sent by post, fax, email, or by submission of a designated complaint form on its website. The offices also receive complaints given verbally in person. The following table presents a breakdown on the complaints by the manner of submission in 2011.

<b>Manner submitted</b>	<b>Number of subjects</b>	<b>Percentage of all subjects of complaints</b>
Email	6,132	38.0
Regular mail	4,403	27.2
Fax	3,954	24.5
In person	1,656	10.3
<b>Total</b>	<b>16,145</b>	<b>100</b>

### ***Breakdown of Complaints by Subjects***

The following graph and table present a breakdown, by the principal subjects of the complaints received in 2011.



**Breakdown of Complaints by Principal Subjects, 2011**

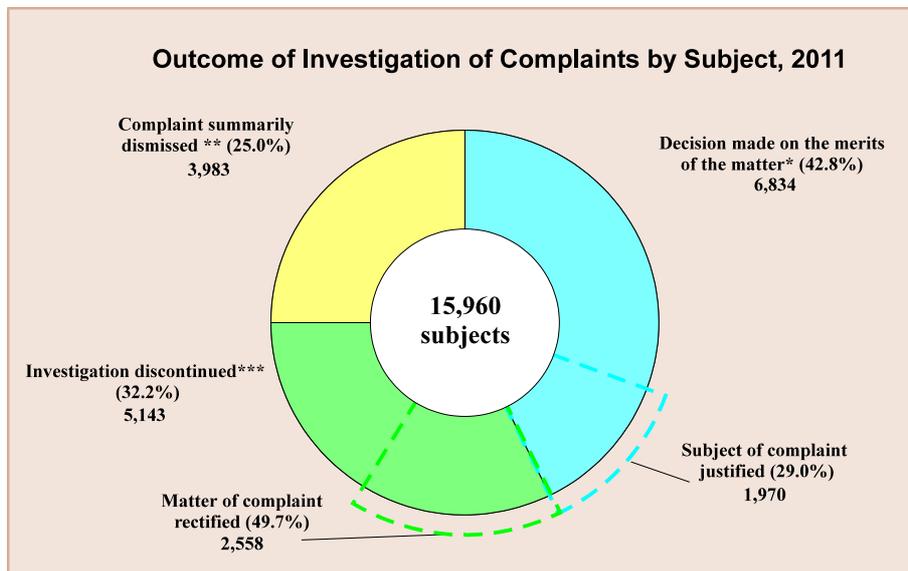
<b>Subject</b>	<b>Breakdown (percentage)</b>	<b>Description</b>
Service to the public	27.4	Lack of reply or delay in reply to requests and complaints, improper behavior of public employees, failure to handle complaints or delayed handling and the like.
Obligatory and other payments	8.8	Demands for obligatory payments, such as taxes, fees, and levies, the assessment thereof, failure to reduce or grant exemption from the payment, and also demands for non-obligatory payments, such as payments for voluntary services rendered.
Health, welfare, and rehabilitation	6.4	Entitlement to medical care, medical treatment and hospitalization, social service matters, material, financial and legal assistance, placement in institutions, adoption, and so forth.
Arrest and investigative procedures, judicial and other hearings	6.2	Procedural issues in investigations, objections to arrest proceedings, conduct of hearings before judicial bodies (courts and tribunals) and quasi-judicial bodies, such as appeals committees and medical appeal committees of the National Insurance Institute.
Pensions and allowances	6.2	Pensions and allowances of the National Insurance Institute, allowances paid to Holocaust survivors, and the like.
Collection and execution procedures	5.7	Debt collection procedures of authorities, including local authorities, the Executions Office, the Fines, Fees and Expenses Collection Center, and the Police.
Consumerism and purchases	5.6	Quality of services for water, electricity, public transportation, postal service, and others and the tariffs thereof, and commercial transactions to which the state is a party.

<b>Subject</b>	<b>Breakdown (percentage)</b>	<b>Description</b>
Infrastructure, zoning and building	5.4	Treatment of defects in infrastructure, such as sewage, electricity, water, and transportation, and treatment of applications for building permits and the like, enforcement and monitoring of zoning and building laws, and so forth.
Employees and employment	4.6	Wages, dismissal from work, improper conduct of supervisors and requests for protective orders of employees who expose corruption, and matters relating to placement and training of jobseekers.
Housing and occupancy	4.2	Entitlement of the indigent to state assistance for housing, including entitlement to public housing and rental assistance, conditions in public housing, and so forth.
Traffic	3.5	Traffic offenses, including parking violations, parking arrangements in public places, traffic signs.
Environmental quality	3.0	Treatment of air pollution, odor and noise nuisances, garbage disposal, prohibited smoking, and so forth.
Military and defense	2.8	Maintaining public order, traffic delays and restrictions, Home Guard arrangements, enlistment in the IDF, and so forth.
Education	2.7	Registration to educational institutions and transfer from one institution to another, supervision of institutions, parental payments, treatment of students with special needs, and so forth.
Miscellaneous	1.2	Granting citizenship permits to stay in the country, and so forth.

## Outcome of Investigation of Complaints

In 2011, the Office of the Ombudsman reached a final decision as to 14,540 complaints (some of which were received in 2010 and some of which involved more than one issue). It is worth noting that some 60 percent of the complaints in the process of being investigated as of the end of 2011 were received in the last quarter of 2011.

The 14,540 complaints that were concluded involved 15,960 subjects. The following graph presents the outcome of the investigation of these subjects.

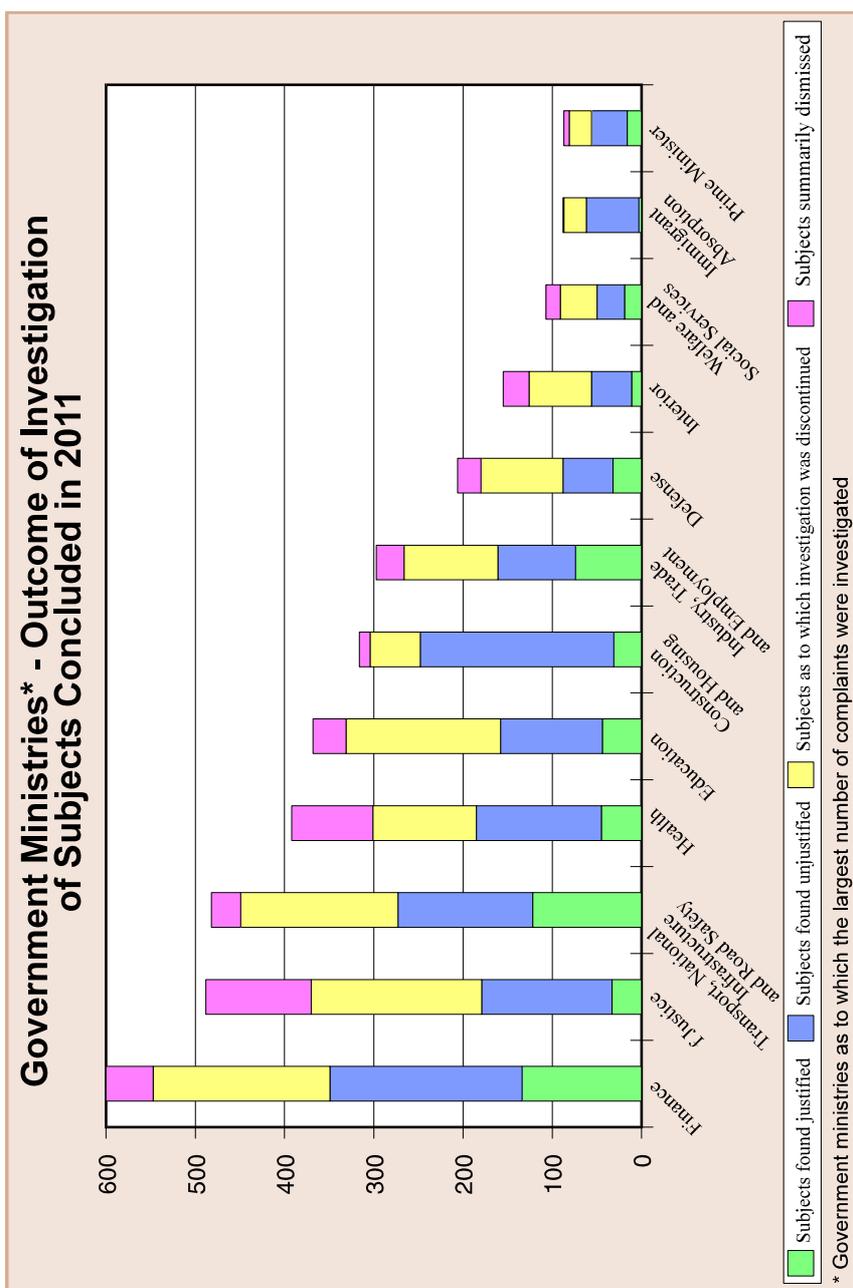


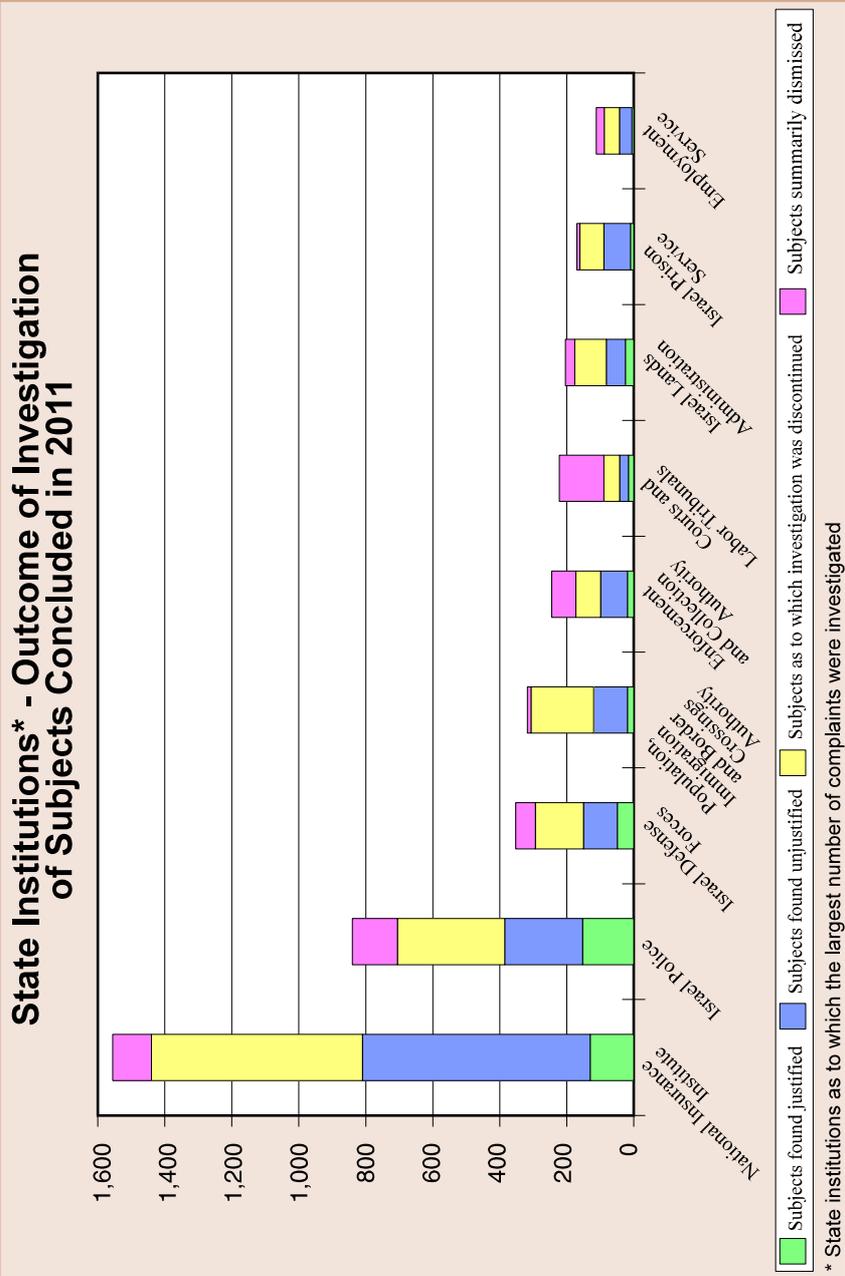
\* It was determined if the subject of the complaint was or was not justified.

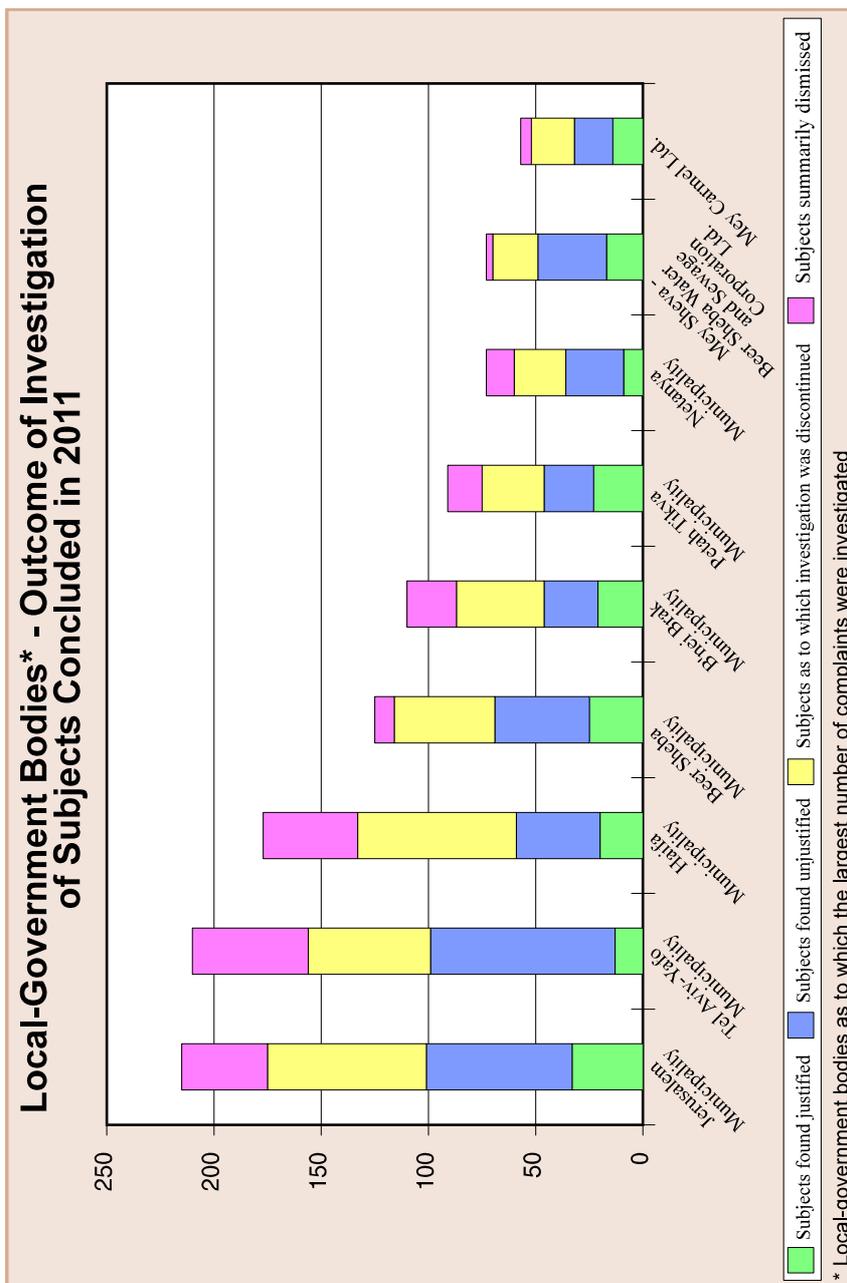
\*\* The subject of the complaint was summarily dismissed for one of the reasons specified in the State Comptroller Law.

\*\*\* The investigation was discontinued at a certain stage for one of the reasons specified in the State Comptroller Law.

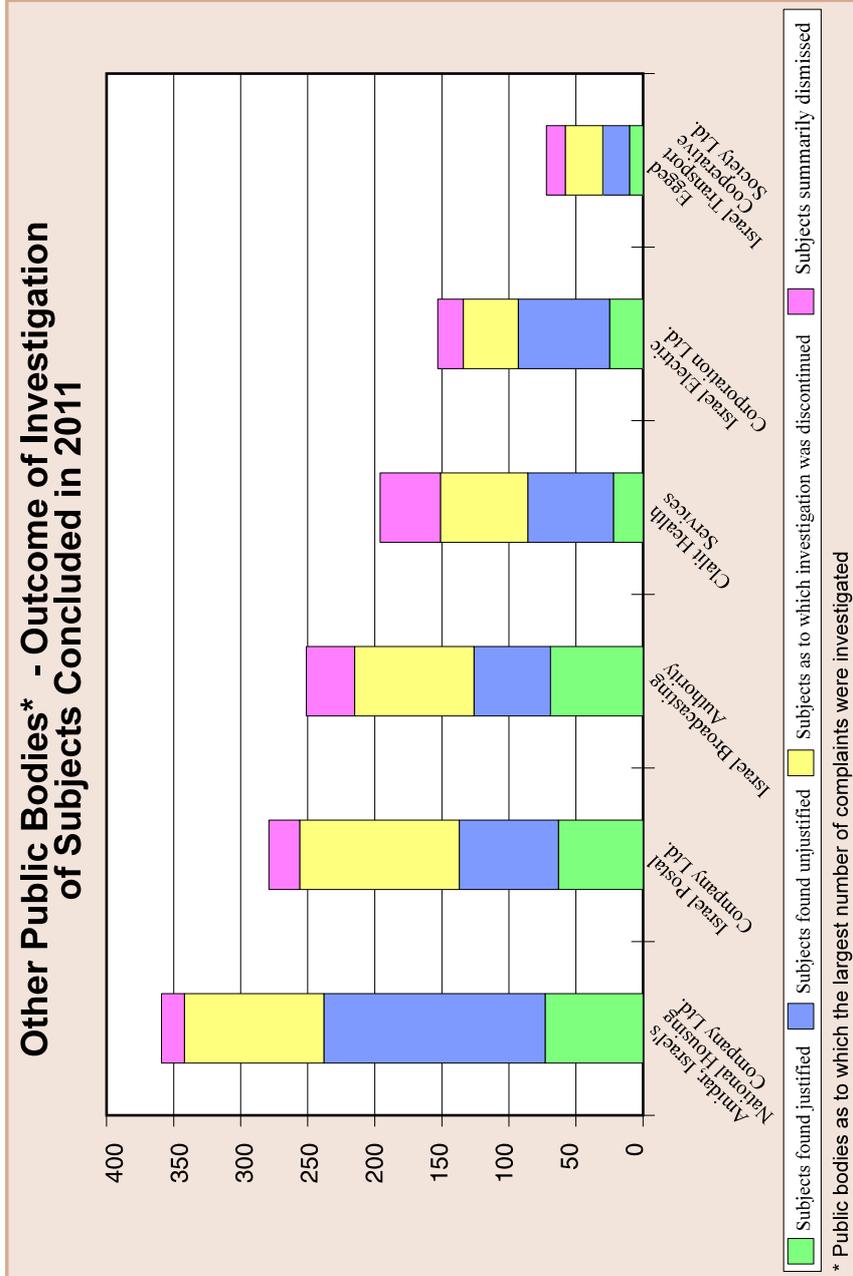
The following graphs present data on the outcome of investigation of the complaints. Each graph deals with one of the four types of bodies complained against as to which the largest number of complaints were submitted – government ministries, state institutions, local-government bodies, and other public bodies.







### Other Public Bodies\* - Outcome of Investigation of Subjects Concluded in 2011



\* Public bodies as to which the largest number of complaints were investigated

## Justified Complaints

Of the 6,834 subjects of complaints as to which a decision on the merits was rendered in 2011, the Office of the Ombudsman found 1,970 (29 percent) of them to be justified, compared with 28 percent in 2010.

Actually, the percentage of justified complaints in 2011 was even higher, as the above figure does not include subjects of investigations that were discontinued because the matter had been rectified. A significant number of these cases were resolved solely as a result of the intervention of the Ombudsman's Office.

The bodies as to which the percentage of justified complaints was higher than the average, are presented below.<sup>2</sup>

### Government Ministries

**Ministry of Industry, Trade and Employment** – 46% of 161 subjects of complaints decided on the merits were found to be justified; **Ministry of Transport, National Infrastructures and Road Safety** – 44.7% of 273 subjects; **Ministry of Finance** – 38.4% of 349 subjects; **Ministry of Welfare and Social Services** – 38% of 50 subjects; **Ministry of Defense** – 36.4% of 88 subjects.

### State Institutions

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2 This statistic related to bodies subject of at least 50 complaints found to be justified on the merits.

**Israel Police** – 39.7% of 385 subjects of complaints decided on the merits were found to be justified; **Israel Defense Forces** – 32.7% of 150 subjects; **Israel Lands Administration** – 30.5% of 82 subjects.

#### **Local-Government Bodies**

**Petah Tikva Municipality** – 46.6% of 58 subjects of complaints decided on the merits were found to be justified; **B'nai Brak Municipality** – 41.3% of 63 subjects; **Haifa Municipality** – 40.8% of 76 subjects; **Beer Sheba Municipality** – 38.6% of 88 subjects; **Mey Sheva – Beer Sheba Water and Sewage Corporation Ltd.** – 36.9% of 65 subjects; **Jerusalem Municipality** – 32.4% of 105 subjects.

#### **Other Public Bodies**

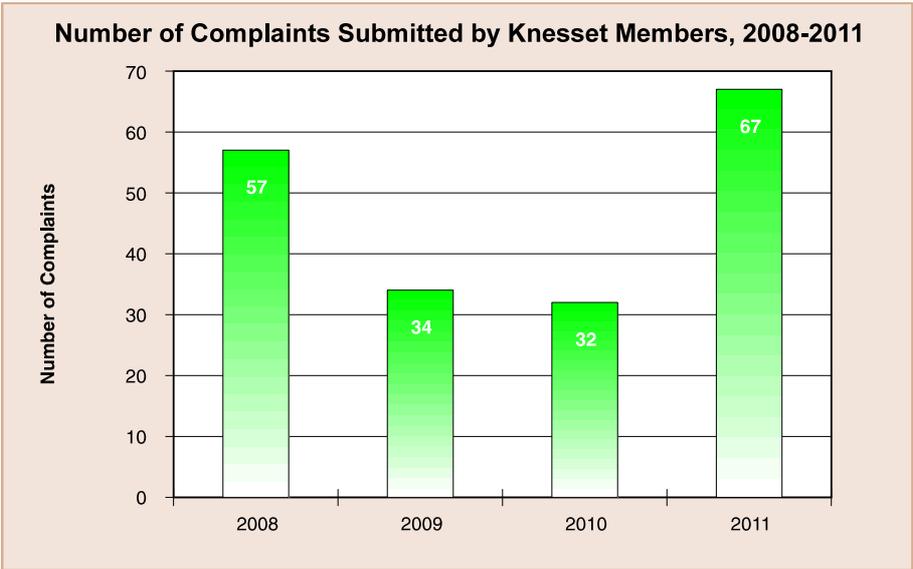
**Israel Broadcasting Authority** – 54.8% of 126 subjects of complaints decided on the merits were found to be justified; **Israel Postal Company Ltd.** – 48.8% of 125 subjects; **Amidar, Israel's National Housing Company Ltd.** – 30.7% of 238 subjects.

## Complaints of Knesset Members

The Knesset has a special status with respect to submission of complaints. Under section 37 of the State Comptroller Law, a Knesset member may submit a complaint concerning an act that directly injures a third party. In 2011, Knesset members submitted 67 complaints to the Office of the Ombudsman. **This number represents a 109 percent increase over the number of complaints that Knesset members submitted in 2010.**

In November 1976, the Knesset Committee on State Audit Affairs decided that the annual report submitted by the Office of the Ombudsman will specify the names of the Knesset members who submitted complaints to the Ombudsman's Office. The following is a list of the names of Knesset members who submitted complaints to the Office of the Ombudsman in 2011 and the number of complaints each member submitted.

Afou Agbaria	-	1	Zevulun Orlev	-	46
Haim Amsalem	-	6	Miri Regev	-	1
Roni Bar-On	-	2	Nachman Shai	-	1
Yoel Hasson	-	5	Marina Solodkin	-	3
Shlomo Molla	-	1	Shelly Yachimovich	-	1



# **Employing Mediation Techniques in Investigation of Complaints**

## **Description of Complaints**

In appropriate cases, the Office of the Ombudsman will investigate a complaint through the process of mediation, with the objective of resolving the dispute between the complainant and the relevant body by reaching an understanding and mutual agreement. In recent years, the use of mediation has grown in Israel and abroad as a means of resolving disputes, and ombudsman institutions in other countries have integrated the use of mediation as well.

Using mediation to handle complaints is effective especially in cases where the sides have an ongoing relationship (such as labor relations), in disputes involving several complained-against bodies, or where the complaint relates to the conduct of a public employee. Mediation is also helpful when the dispute arises due to a misunderstanding between the sides or due to a communication problem, or when the remedy sought by the complainant is validation or an apology. These complaints are particularly important in furthering dialogue between the authority and the individual. In many cases, mediation aids in getting to the root of the dispute between the sides and in reaching a joint resolution.

Experience has shown that resolving disputes by way of mediation benefits the complainant and the authority and that their meeting through the mediation process results in solutions satisfactory to both parties while improving their overall relationship. Experience has also shown that mediation is often an efficient and speedy method of handling complaints.

The mediation is conducted by trained mediators from the Office of the Ombudsman and takes place in offices of the Ombudsman throughout the country. Recently, the Office of the Ombudsman has

begun to cooperate with centers for mediation and mediation units within complained against bodies.

It bears noting that at every stage of the mediation, each side may withdraw its consent to the process and request that the complaint be investigated in the customary format. If the parties do not come to an understanding and agreement, the complaint will be investigated in the usual manner, and upon completion, a decision will be made as to whether the complaint was justified or not.

In 2011, the Office of the Ombudsman used mediation to deal with several complaints. Four such complaints are described below.<sup>1</sup>

## 1. Improper Treatment of Hostel Residents

The complainants, residents of a hostel belonging to Amidar, Israel's National Housing Company Ltd., complained about the behavior of the hostel housefather: his disdainful attitude toward them, his inaccessibility and the inability to communicate with him and his failure to deal with problems and requests regarding their residence in the hostel. They claimed, among other things, that disruptions to the water supply and electricity were not dealt with, that the housefather locked the exercise room and other sections of the hostel designated for public use, and that he denied the residents access to those areas.

The complainants contended that their many requests to Amidar's administration did not bring about any change in the situation. Amidar, in its response, denied the accuracy of the occupants' claims.

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<sup>1</sup> For another complaint treated through mediation, see complaint 18, at page 187.

The complaint was deemed suitable for mediation given the need to reconcile conflicting factual assertions of the parties and to calm the tense relations between them, as their relationship was likely to continue after conclusion of the investigation.

Three representatives of the hostel's residents, the manager of the Amidar branch responsible for the hostel, and the Amidar official responsible for the hostel's residents were present at the mediation hearing, which took place with the assistance of mediators from the Office of the Ombudsman. The residents related at length their distress and feelings and the daily problems they face. The branch manager expressed his regret that the matter had not been brought to his attention earlier. At the meeting, great weight was placed on the need to create channels of communication that would enable the residents in future to contact the persons in charge of the hostel.

At the meeting, representatives of Amidar notified the residents of their decision to terminate the employment of the housefather, and that the termination would be done in accordance with law as soon as possible.

## **2. Defective Handling of Complaint Alleging Improper Treatment**

The complainant crossed the Oranit checkpoint on his way from the other side of the Green Line into Israel. He complained of unprofessional behavior of the security guards at the checkpoint, and alleged that they had spoken with him in a rude and improper manner. The complainant submitted a complaint to the Public Complaints Unit of the Ministry of Defense (hereafter – the Unit); however, he claimed that the complaint was not handled appropriately. He further claimed that, in the course of the investigation, he received an improperly

worded letter from the Unit, which was not addressed to him and on which he was not even listed as a recipient.

The complainant pointed out that he frequently crosses checkpoints for business and for family visits, and more than once the guards had treated him improperly. The complaint was found to be suitable for investigation through the mediation process, as the complainant was greatly offended by the attitude displayed toward him and by the defective handling of his complaint.

At the mediation hearing, at which staff members from the Office of the Ombudsman, the complainant, and representatives of the Unit took part, the complainant expressed at length his feelings concerning the disparaging treatment and lack of respect shown him. The Unit's representatives stated that they intended to apologize to the complainant for the incident, that the letter was not intended for him at all, and that it was sent to him by mistake. They added that, at the time, there was a lack of communication between the Ministry of Defense and persons in the field, which made it difficult to investigate the complaint, that investigation of complaints like the complainant's enables the Ministry to discover defects and rectify them, and that the lessons gleaned from his complaint had been brought to the attention of the relevant persons and had even led to changes in procedural directives.

At the end of the meeting, the complainant stated that he felt that his remarks had been listened and attended to, and that a sincere apology had been made for the incident. He also expressed his conviction that lessons would be learned from the defects that were raised in the complaint.

### 3. Arrangement of Infrastructure near a Synagogue

The complainant, the treasurer of a synagogue in Kiryat Motzkin, alleged that, due to a drainage problem in the area, the synagogue was subjected to repeated flooding in the winter, and that the Kiryat Motzkin Municipality (hereafter – the Municipality) had ignored the problem, even though, in his contention, the problem also impinged upon the sanctity of the synagogue. He further alleged that, despite having written several letters to various officials in the Municipality concerning the matter, he had not received a substantive reply.

In response, the Municipality's engineer rejected outright the complainant's allegations, and contended that there was no flooding in the synagogue.

In light of the difference of opinion as to the existence of a drainage problem in the area, and since it appeared that relations between the sides were strained, the Office of the Ombudsman decided to make a field trip to the site. Also present were the complainant and his wife and the Municipality's engineer, who was accompanied by a drainage engineer and a drainage consultant (consultants to the Municipality on matters of drainage).

At the conclusion of the field trip, the parties expressed a desire to deal with the matter by means of open, mutual communication. With the assistance of the Ombudsman's Office, they drafted an agreement, in the format of a mediation agreement, which specified the principal findings made during the field trip, the understandings that were reached, and an outline of the mode of action to be taken in the future.

Following the meeting, the municipal engineer informed the Office of the Ombudsman that the Municipality had carried out inspections at the site in accordance with the understandings documented by the parties, and that it had begun to work on the drainage system in

accordance with the results of the inspections. The complainant confirmed the engineer's statement.

Some time later, the complainant sent the Office of the Ombudsman a copy of his letter to the mayor and the municipal engineer, in which he praised all the relevant participants and expressed his great appreciation that the matter had been resolved.

#### **4. Defective Communication between Newspaper and Municipality**

The complainant, the CEO of a newspaper in Ma'ale Adumim (hereafter – the local newspaper), complained that the Ma'ale Adumim Municipality (hereafter – the Municipality) does not provide the local newspaper, through the Municipality's spokesperson, with information or with responses to articles relating to the Municipality, although it does provide such information and responses to an older local newspaper distributed in the town.

The complainant alleged that the founding of the local newspaper had deprived the other newspaper of its exclusivity, to the dismay of various officials in the Municipality, and he contended that his local newspaper should be receiving replies to its inquiries without regard to the competition between the newspapers.

The Municipality confirmed that, at some point, it had ceased to respond to the local newspaper's requests, but claimed that it did so after it learned that the responses sent to the local newspaper were not published as written or were printed in small lettering, in breach of journalistic rules of ethics.

Following a mediation meeting initiated by the Office of the Ombudsman, to which Municipality representatives and the complainant were invited, the parties, with the Ombudsman's Office's

assistance, reached an agreement whereby they would establish proper working relations. The Municipality undertook to include the local newspaper in its distribution list of media to which it provides information regarding local events while the local newspaper declared that it would act in accordance with journalistic rules of ethics in its relations with the Municipality.

The Municipality also promised to reply to each request regarding articles about to be published, provided that the request is transmitted to the Municipality a reasonable time in advance, and the local newspaper promised to publish the Municipality's responses in the accepted manner.

In addition, the sides agreed to establish a framework of working relations in which they would meet from time to time.

# **Complaints Concerning Rights of Disabled Persons**

## **Handling of Complaints Concerning Rights of Disabled Persons**

The Office of the Ombudsman handles annually many complaints involving the rights of persons with disabilities. Many statutes, regulations, and directives are designed to grant disabled persons rights that will empower them and provide them with the conditions necessary for them to fulfill themselves in all areas – education, health, employment, welfare, and so forth.

The subjects of the complaints submitted by disabled persons to the Office of the Ombudsman are many and diverse: defects in the authorities' handling of applications for recognition as a disabled person; violation of rights granted to disabled persons, such as refusal to grant or revocation of disability benefits or a tax exemption or reduction; violation of rights of disabled students to relief in educational matters, to placement in a special-education framework or integration in regular classes; defects in adjusting public housing to meet the special needs of disabled residents; difficulties in obtaining designated health services, such as rehabilitation equipment.

The Office of the Ombudsman devotes special attention to the handling of these complaints and does everything it can to aid disabled persons who approach the Office for assistance, to expedite the authorities' handling of their cases, and to ensure that the handling of the case will result in maximal exercise of their rights.

The actions taken by the Office of the Ombudsman to aid disabled persons comports with the growing recognition by the public and by the law, of the rights of disabled persons, as evinced by the goal stated in section 2 of the Equal Rights for Persons with Disabilities Law, 5758–1998:

". . . to protect the dignity and freedom of persons with disabilities, to provide a basis for his right to equal and active participation in society in all spheres of life, and also to provide a fitting response to his special needs in a manner that will enable him to live his life with maximum independence, privacy and dignity, while using his abilities to the utmost".

### **Examples of Complaints Concerning Rights of Disabled Persons**

In one case, the Office of the Ombudsman investigated the complaint of a mother with two autistic children. She complained of serious defects in the arrangements made by the local authority to transport her children to their school.

The Office of the Ombudsman took action – including meeting with senior officials in the local authority – to find an appropriate solution to the problem. Due to the intervention of the Ombudsman's office, the matter was soon resolved such that the children and their escort were authorized to travel by taxi adapted to meet their special needs. (See complaint 18, page 187)

The Office of the Ombudsman investigated the complaint of a family whose son had a severe disability in his lower body. Over the years, the family had requested the local authority to make the elementary school he would be attending, and which he subsequently went to, accessible to him. The changes included installation of an elevator. Even though already in 2007, the Ministry of Education had allocated NIS 216,000 to the local authority to fund installation of the elevator, the process of installing the elevator dragged on and on. It was not

until the Office of the Ombudsman intervened and doggedly monitored the progress of the work that the elevator was ultimately installed.

Another example is the complaint of a handicapped person, a double leg amputee. Because of a delay in obtaining confirmation of his permanent disability, he was prevented from taking part in a tender for allocation of lots for handicapped persons in Kiryat Milachi. Due to the Office of the Ombudsman's intervention, the Israel Lands Administration decided to publish another tender for allocation of lots for handicapped persons in that locality.

In another case, the complainant, who is blind and lives on his own, complained that he was denied a special-services allotment to which he is entitled as a "lone person" who is dependent on another person to perform daily functions, because it was found that he lives with a woman who assists him in performing these functions. Under the circumstances, the Ombudsman decided that the complainant should be deemed a "lone person" who is entitled to an allotment under the rules of the National Insurance Institute (hereafter - NII), in that the NII itself had concluded that he and the woman are not considered common-law husband and wife, and it is possible that a person live with another person, not a spouse, and pay that person money or money's worth in exchange for physical-nursing care.

Another complaint devolved on the refusal of the Prison Service to allow an inmate with serious vision problems to wear sunglasses in the prison yard, even though he had received medical authorization to wear the glasses. Following the intervention of the Ombudsman's Office, the complainant was permitted to wear the sunglasses. (See complaint 11, page 165)

The Office of the Ombudsman also intervened in the cases of complainants with disabilities who complained that, after they had

submitted applications for disability benefits, the NII sent them notice of the decision of the medical committee without attaching the protocol of the committee's examination, in violation of existing procedures. Thus, the complainants did not have all the data they needed to decide if they should appeal the decision and to determine the grounds they should raise in the appeal. Following the intervention of the Office of the Ombudsman, the NII's administration issued a written reminder to all branch offices instructing them to act in accordance with the directives on the matter.

### ***Description of Complaints Concerning the Unit for Persons with Limited Mobility, in the Ministry of Transport, National Infrastructures and Road Safety***

In 2011, the Office of the Ombudsman received many complaints concerning the manner in which the Unit for Persons with Limited Mobility, in the Ministry of Transport, National Infrastructures and Road Safety (hereafter – the Unit and the Ministry, respectively) dealt with requests for parking stickers for the handicapped. The stickers allow handicapped persons to park in spaces designated for the handicapped located as close as possible to public places, and also in spaces where parking is forbidden, so long as they do not disturb traffic flow and subject to the conditions prescribed by law. The parking stickers are vital for people with limited mobility, some of whom told the Ombudsman's Office that, without the sticker, they would be stuck at home, unable to go out even for routine daily activities.

Generally, the Office of the Ombudsman will not intervene in the professional judgment of a Ministry physician regarding entitlement to a parking sticker. However, in unusual cases, where it appears that denial of the request was unreasonable, the Ombudsman's Office will ask the Ministry to reconsider the request, taking into account the special circumstances involved. In one case submitted to the Office of the Ombudsman, the complainant was a cancer patient who also suffers from neuropathy (a disease of the peripheral nervous system) in her legs and from respiratory insufficiency. Her request to renew the sticker was denied. The complainant indicated in the complaint that she was able to travel only by car and by electric scooter, but this fact was not mentioned in the documents that she submitted in support of her request for a handicapped-persons sticker. Only after the Office of the Ombudsman emphasized the severity of her condition was the matter reexamined and the sticker issued to her.

In some cases, the investigation revealed that, due to lack of know-how, relevant medical documents had not been submitted to the Unit, and therefore the requests for parking stickers were denied. In these cases, the Office of the Ombudsman instructs the complainant which documents to provide to the Unit, and sometimes the request is then approved. For example, a request to renew a sticker was denied in the case of a person with polio since childhood who suffers from severe muscle weakness and physical instability, limps, and has back pain. The Ombudsman's Office instructed the complainant to provide the Unit with an updated report from a medical specialist that describes her physical condition and her limited mobility. After she submitted the medical report, her request to renew the parking sticker was approved.

Investigation of the complaints concerning the Unit revealed various problems in the functioning of the Unit, which had an appreciable effect on all handicapped persons who required its services. A few of the problems are described below.

### **Foot-dragging in Handling of Requests for Parking Stickers for Handicapped**

In many cases, complainants alleged that the processing of requests for parking stickers for the handicapped takes a few months, which makes it very hard for the applicants who need the stickers to carry out their daily affairs. The Office of the Ombudsman pointed out this problem to the Ministry's administration, and in response, the administration said that it was taking steps to shorten the timeframe for processing requests. For example, toward this end, they were adding personnel, increasing work hours, and computerizing the procedure for handling of requests.

The Ombudsman's Office's monitoring of the problem revealed that processing time had indeed dropped, and that it now takes an average of about one month for a decision to be rendered.

### **Delay in Processing Requests for Replacement Parking Stickers**

Since the parking sticker is valid only for the vehicle whose number appears on the sticker, a person with a sticker who replaces his car must request a sticker for the new car. Many complaints concerned the length of time it took – several months – to process such requests. In response, the Unit stated that the applicant has two options to obtain the replacement sticker: to send in the request by mail, in which case it will be processed like every request for a parking sticker, or to go to one of the Licensing Bureau offices, in which case a new sticker will be issued within about two weeks.

The Office of the Ombudsman pointed out to the Ministry's senior management that the Unit's response was unsatisfactory, given that the population of persons requesting handicapped stickers have limited mobility; thus the solution offered – that they go to a

Licensing Bureau office – is problematic. The Ombudsman’s Office requested that the Ministry consider establishing an expedited procedure for processing requests for replacement stickers that does not entail appearing at Licensing Bureau offices.

The Ministry’s management indicated that, in its estimation, the steps it is taking to shorten the time for processing requests for parking stickers will also shorten the period needed for processing requests for replacement stickers.

### **Inability to Contact the Unit by Telephone**

The Office of the Ombudsman received complaints about the impossibility of making direct telephone contact with the Unit. A person inquiring about a matter regarding the Unit’s activity is answered by telephone receptionists at the Ministry’s telephone service center. Investigation of the complaints revealed that, at times, the telephone receptionists do not have the information and the professional knowledge needed to respond to questions, and that it was impossible to solve the applicants' problems without speaking with a professional staff member in the Unit.

For example, the Office of the Ombudsman investigated the complaint of an 80-year-old woman with advanced cancer who moves about in a wheelchair. Her daughter requested, on her behalf, a handicapped-person parking sticker and was asked a few times to provide further medical reports supporting the request. The daughter telephoned the Ministry, but because it was impossible to speak directly with somebody from the Unit, she was unable to emphasize the urgency in obtaining approval of the request. Ultimately, the application was approved after more than six months, following the intervention of the Office of the Ombudsman, but by then it was too late: her mother had died in the meantime.

The Office of the Ombudsman pointed out the problem to the Ministry's senior management. In response, the Ministry stated that the telephone receptionists had been directed to give more precise answers to persons who call. The Unit was instructed to update the telephone service center regularly regarding the stages of processing requests. The Ministry's internal auditor informed the Ombudsman's Office that she would also continue to act in the matter.

### **Wording of Notices Denying Requests for Parking Stickers**

Many complainants complained that the decision denying the request was signed by "Documents Examiner" and with initials only. They expressed concern that this manner of signing indicated that their request had been examined only by a clerk, and not by a physician.

Investigation of the complaints revealed that the notices expressly state that they were made "in accordance with the decision of the physician of the Licensing Division." However, the Office of the Ombudsman pointed out to the Ministry's senior management that the title of the person signing the decisions – "Documents Examiner" – indeed creates the impression that the decision had not been made by a physician and that, in any case, the signer should write his complete name.

The Ministry's management announced that the wording of the notices had been changed, and they now state that the decision was made by a physician, an advisor to the Licensing Division. In addition, the clerk who signs the notice states his complete name and title, as required by the Public Service Regulations.

The Office of the Ombudsman will continue to monitor the Ministry's actions in rectifying the problems that arose in the course of investigation of the complaints.

# **Service to the Public**

## Service to the Public – Failure to Respond<sup>1</sup>

There are numerous and diverse ways for the public to apply to public bodies: through dispatch of a letter by regular mail or email, by phone, by visiting the body's offices in person and sometimes even by filling out a designated form on the body's Internet site.

The reasons for such applications are also numerous: to file an application, to request information, to submit a complaint or to object to a decision made, etc. Public servants are obligated by law,<sup>2</sup> public service regulations and rules of proper administration to provide the applicants with a courteous response within a reasonable period of time.

However, despite this obligation, many applicants do not receive any response or receive a delayed response. There is no doubt that failure to respond or delay in responding undermines the rights of the applicants and causes damage to public confidence in the public administration. There may be a situation in which the subject of a person's application is dealt with by the authority; however, since the authority did not bother to notify the applicant, he assumed that his application was not being handled at all. Lack of response or significant delay in responding contributes, then, to the feelings of alienation on the part of the citizen who applies to the authority and does not know the status of his application.

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- 1 This chapter appears in the Ombudsman's *Annual Report 37*, for 2010.
  - 2 Administrative Procedure Amendment (Decisions and Statement of Reasons) Law, 5719-1958.

As a matter of course, applicants whose applications are unanswered do not usually seek judicial redress, and thus submission of a complaint to the Office of the Ombudsman is an accessible, inexpensive and effective tool for the applicants. Indeed, approximately 10% of all complaints investigated by the Office of the Ombudsman every year pertain to failure to receive a response to an application, request or letter.

In 2010, the Office of the Ombudsman received approximately 1,500 complaints on failure to respond, an increase of approximately 50% in the quantity of such complaints compared to 2009, in which approximately 1,000 such complaints were received. During 2010, approximately 1,400 such complaints were dealt with and completed.<sup>3</sup> Approximately 43% of 728 complaints regarding failure to respond that were examined on the merits in 2010 were found to be justified. This percentage is significantly higher than the average, and is to be supplemented by 394 complaints regarding lack of response that were investigated in 2010 and as to which the complainants received a response from the complained against body during the course of the investigation, in which cases, the investigations of the complaints were discontinued as the matter of the complaint had been rectified. It is important to emphasize that in most such cases, the complained against body sent the response to the application only after the Office of the Ombudsman commenced its examination of the complaint, and a significant portion of these complaints were settled only due to intervention on the part of the Office of the Ombudsman.

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3 This number also includes some complaints received at the Office of the Ombudsman prior to 2010, the investigations of which were concluded in 2010.

In light of the importance of this issue, it was raised at the meeting of the State Audit Committee of the Knesset held on March 15, 2011, which dealt with findings of the annual report of the Office of the Ombudsman for 2009. The meeting, headed by the Committee chairman, MK Yoel Hasson, was attended by the Minister responsible for improvement of service to the public, MK Michael Eitan; the Director of the Office of the Ombudsman, Adv. Hillel Shamgar; representatives from the Office of the State Comptroller and the Office of the Ombudsman and representatives of Government ministries. The representatives from the Office of the State Comptroller and the Office of the Ombudsman presented the issue and the difficulties faced by the public in its contacts with the Government ministries, and Minister Eitan and representatives of the various ministries described the steps they were taking in order to improve the contact between the public and the Government ministries.

The Office of the Ombudsman continued to monitor the general trends indicated by the investigation of complaints regarding this matter in 2011 as well.

**Complaints Whose  
Investigation Revealed  
General Defects**

## **Complaints Whose Investigation Revealed General Defects**

Investigation of a complaint at times exposes general defects that do not relate solely to the individual complainant. When this occurs, the Office of the Ombudsman asserts that it is necessary to rectify the general defect so that other persons will not be harmed as well. Over the years, the Office of the Ombudsman has brought about the rectification of many general defects.

In 2010 and 2011 as well, the Ombudsman's Office issued reprimands to many bodies, identifying the need to rectify a general defect uncovered in the investigation of one or more complaints concerning a certain matter. Many of the defects uncovered by the Ombudsman's Office were corrected, and the Ombudsman's Office follows up in cases where the general defects have not yet been corrected. A few of the complaints are briefly described below. A detailed description of some of the complaints is presented in the chapter "Description of Selected Complaints."

## **Government Ministries**

### ***Ministry of Construction and Housing and the Ministry of Immigrant Absorption***

#### **Missing Information in Guidebook in Russian for New Immigrants**

Investigation of a complaint of a handicapped immigrant revealed that a guidebook published by the Construction and Housing Ministry on the subject of entitlement of handicapped persons to receive public housing by a special arrangement<sup>1</sup> and the way to realize the entitlement, is published in Hebrew only. The investigation also revealed that the guidebook did not include important particulars on the way to realize the entitlement to such housing, nor did it mention that the budget approved for the purchase of the apartment is not necessarily the amount that will actually be allocated to the purchase as the amount is subject to valuation of an appraiser on behalf of the state.

Pursuant to the comments of the Office of the Ombudsman, the guidebook was translated into Russian and in both the Hebrew and Russian versions it was clarified that the budget approved for the purchase of the apartment is subject to the valuation of an appraiser.

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1 The special arrangement works as follows: The Construction and Housing Ministry and the Immigrant Absorption Ministry purchase apartments to rent them to handicapped persons who are wheelchair-bound, for whom a housing solution that meets their needs had not been found in available public-housing apartments. The handicapped person himself must locate an apartment for sale that meets his needs and comes within the approved budgetary framework.

## **Ministry of Education**

### **Starting School before 8:00 A.M.**

As a result of the investigation of two complaints about classes that began before eight o'clock in the morning, the director of the Haifa District in the Ministry of Education notified principals of schools in the district that, pursuant to guidelines issued by the Ministry's director-general, studies are not to begin before 8:00 A.M.

### **Reception Hours Only in the Morning**

Following investigation of a complaint that the Tel Aviv District of the Ministry of Education receives the public only during morning hours, the district added afternoon hours, from 1:00 P.M. to 6:00 P.M. (the doors close at 5:30) on Mondays and Wednesdays. In addition, the district increased the hours of telephone service, which now extend from 8 A.M. to 6:00 P.M.

### **Procedures for Review and Appeal on Results of Matriculation Exams Taken by External Examinees**

Following the investigation of a complaint, the Ministry of Education amended the bylaws for external matriculation examinees such that an examinee interested in reviewing his exam booklet may request a photocopy thereof within eight days prior to the deadline for appealing the exam grade, and if an examinee submitted a timely request but there was a delay in providing him with the exam booklet, he is entitled to appeal the grade even if the deadline for submission of an appeal, as set forth in the bylaws, has passed.

## **Ministry of Finance**

### **Capital Market, Insurance and Savings Department**

#### **Defects in Handling of Complaints by the Public**

The Office of the Ombudsman received dozens of complaints concerning the Capital Market, Insurance and Savings Department (hereafter – the Department), in the Ministry of Finance, regarding defective handling by the Public Complaints Unit, in the Public Complaints Division that deals with complaints about insurance companies and companies that manage pensions or provident funds. The findings of the investigation carried out by the Ombudsman's Office revealed several major problems in the Unit's processing of complaints, among them problems and substantial delay in recording the complaints, flaws in following up on complaints forwarded to the bodies subject of the complaints, and delay of many months in investigation of the complaints by such bodies. The Office of the Ombudsman pointed out to Unit employees the defects that repeatedly appeared in investigation of the complaints and consulted with them on the means to improve the service.

### **Israel Taxation Authority – Department of Customs and V.A.T.**

#### **Partial Information on the Website**

Due to the investigation of a complaint concerning the manner of setting the price of a transaction for the purpose of calculating import tax, the information appearing on the Taxation Authority's website was corrected. It now specifies all the components prescribed by law for determining the transaction price.

## ***Ministry of Public Security***

### **Knesset Members' Requests to the Prisons Commissioner and the Police Inspector General**

The Minister of Public Security had instructed the professional staff at the Ministry, including the Prisons Commissioner and the Police Inspector General, that upon receipt of an application or request from a Member of Knesset (MK), they must refer the MK to the Office of the Minister and notify him that the Office will handle the matter. Following the examination of a complaint, the Minister of Public Security changed the instruction so that the MK would no longer be referred to the Office of the Minister, but rather the staff member would himself coordinate the handling of the complaint with the Office of the Minister and reply to the MK directly or through the Office of the Minister.

## ***Ministry of Transport, National Infrastructures and Road Safety***

### **Licensing Division**

#### **Unlawful Denial of Requests for License to Drive Public Vehicles**

Investigation of complaints concerning denial of requests for a driver's license enabling the holder to drive a public vehicle because of pending police investigations against the applicant revealed that the Licensing Division was not permitted, by law, to deny the application on those grounds. Pursuant to the Ombudsman's Office's intervention, the Licensing Division instructed the district directors to cease the practice.

## State Institutions

### ***National Insurance Institute***

#### **Failure to Send Protocols of Medical Committees**

Investigation of several complaints concerning the National Insurance Institute (hereafter - the NII) revealed that, although the NII's procedures required that the protocols of Medical Committee meetings be attached to notices of the Committee's decisions, NII branches did not carefully fulfill this requirement. As a result, a person whose case was before the Committee did not have all the requisite information to enable him to decide whether or not to appeal the decision, and to determine the grounds on which to base his appeal. Following the intervention of the Office of the Ombudsman, the NII's senior management sent a reminder to all the branches regarding the matter.

#### **Defects in Appointing Recipient of Allowance**

Investigation of a complaint regarding appointment of a person to receive an allowance on behalf of another person revealed that the NII did not notify the person entitled to the allowance about the decision to appoint a person for that purpose, as required by law, nor did it notify him of his right to object to the decision.<sup>2</sup> The Office of the Ombudsman pointed out the defect to the NII. The NII then issued a notice reminding the pensions and allowances directors in each NII branch of the regulation.

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2 By law, the NII is authorized to appoint a person to receive an allowance on behalf of an entitled person if it is convinced that the entitled person is unable to collect the allowance or that payment to him directly would not be in his best interest.

### **Attachment Proceedings for Debts Deriving from Overpayment of Allowances**

In order to raise the collection rates for debts deriving from overpayment of allowances, the NII decided to change the debt collection policy, and instead of deducting the debts in installments from the allowances paid to the debtors, as in the past, the NII decided that debts greater than NIS 50,000 would be collected by imposition of attachments upon bank accounts, provident funds or other financial sources of debtors.

Investigation of the complaints revealed that the NII was exercising this policy without considering the personal circumstances of the debtors, and that it was imposing attachments on bank accounts of needy, dependent elderly people or of Holocaust survivors. Following the investigation of the complaints and in light of lessons learned in the months during which attachments had been imposed, the NII decided not to impose any more attachments on bank accounts of such elderly people. (See complaint 15, page 175)

### **Population, Immigration and Border Crossings Authority**

#### **Defects in Recording of Address of Residents of Unrecognized Bedouin Communities**

Investigation of a complaint revealed that the Population, Immigration and Border Crossings Authority (hereafter – the Authority) does not properly carry out the law which provides that the address to be recorded in the Population Registry of a Bedouin who lives in unrecognized communities is the name of the tribe to which he belongs, together with the name of the sub-district and district, in accordance with the list of tribes that appears in the Population

Registry Regulations (Recording of Address), 5734 – 1974. Following investigation of the complaint, the Authority informed the Office of the Ombudsman that the procedure for recording the addresses of Bedouins would be corrected immediately. (See complaint 16, page 179)

### **Refusal to Provide Information on Previous Name of a Person**

Investigation of a complaint revealed that, according to the Authority's procedural directives, its offices were instructed not to grant information requested that relates to the previous name of a person, despite the Names Law, 5716-1956, and the Names Regulations, 5735-1975, which provides that a registry listing name changes recorded in the Population Registry is to be open for public perusal. The Office of the Ombudsman pointed out to the Authority's director-general that the Authority's procedure in the matter does not comport with the law.

## **Local Government**

### ***Mey Barak – B'nei Brak Water and Sewage Corporation Ltd.***

#### **Calculation of Joint Consumption of Water and Replacement of Water Meters**

Following the investigation of a complaint, the "Mey Barak" Water Corporation began operating according to the compulsory rules regarding charges for joint consumption in buildings that included residential apartments and commercial units. In addition, the corporation replaced water meters that had not been sent for

calibration and inspection for many years, in contravention of the provisions of the Water Measurement Regulations (Water Meters), 5748-1988.

### ***Akko Municipality***

#### **Failure to Give Notice of Right to Appeal Decisions of the Social Services Department**

Investigation of a few complaints involving the processing by the Municipality's Social Services Department of requests for assistance, revealed that the Department did not give written notice of its decisions to the applicants nor did it inform them of their right to appeal the decision. The Office of the Ombudsman pointed out to the Department's director that the Department must give written notice of its decisions to persons requesting assistance and that the notice must set forth the right to appeal the decision.

### ***Nahariya Municipality***

#### **Demand for Property Tax Payment to Which the Statute of Limitations Applies**

Investigation of a complaint concerning a demand for payment of a property-tax debt to which the statute of limitations applies revealed that, although the Municipality did not dispute that it may not initiate debt collection proceedings for debts as to which by the statute of limitations applies, it sent the complainant from time to time an automatic notice for payment of the debt, similar to the notice sent automatically to every debtor. The Office of the Ombudsman pointed out to the Municipality that it must act in cooperation with the relevant entities, such as the Ministry of the Interior and the Automation Company, which is in charge of sending the computerized warnings,

to prevent the automatic sending of notices for debts to which the statute of limitations applies.

## **Other Public Bodies**

### **Israel Broadcasting Authority (IBA)**

#### **Overpayment of Fees Due to Flaws in Wording of Notices for Payment**

Investigation of complaints involving overpayment of fees revealed that the mistakes arose from the defective wording of the notices that the IBA sent to citizens as to whom the IBA did not know if they had a television set. The notices did not explicitly state that a person who first acquired a television set during the second half of the year was required to pay the fee for only six months, and no mention was made that the amount of the fee specified in the notice for previous years included fines and linkage differentials. The Office of the Ombudsman pointed out to the IBA these flaws in the wording, after which the IBA decided to amend its notices to incorporate the necessary clarifications.

#### **Updating the IBA's Automated Telephone Answering Service**

The automated telephone answering service of the IBA's Collection Division (tel. \*6662) presents recorded information in several languages (Hebrew, Arabic and Russian), including the list of persons entitled to partial or full exemption from payment of the fee for possession of a television.

Investigation of a complaint on this matter at the Office of the Ombudsman found that the information presented in the telephonic

recordings of the Collection Division was not up to date in some of the languages. Due to intervention by the Office of the Ombudsman, the recorded information was updated.

### **Exemption from Payment of Television Fee for Blind Person**

Due to errors that occurred in forwarding information from the Ministry of Welfare to the IBA regarding persons officially certified as blind, some blind persons were not granted an exemption from payment of the television fee from the date on which the blind person certification was issued, but rather from a later date. Following the investigation of a complaint, the IBA amended its internal directives and today blind persons are exempted from the television fee from the date of certification. (See complaint 23, page 203)

### **Unjustified Demand for Payment of Debt**

The IBA's Collection Division is supposed to visit the homes of people who have notified the IBA that they no longer possess a television set, in order to verify the notice. However, investigation of several complaints revealed that even when the verification visit had not taken place – for a period of years after the date of the notice - the Division continued to demand payment of the fee and even exercised debt collection proceedings.

Following the investigation of complaints, the Collection Division decided that demands for payment from persons who had submitted such notices would cease until a visit was paid to verify the notice.

## ***Kupat Holim Leumit***

### **Unlawful Collection of Deductible for Treatments**

Following the investigation of a complaint, Kupat Holim Leumit, a provider of health insurance and services, corrected an error in its computer system which caused parents of children below the age of three years to be charged a deductible for treatments at the child development institute, even though according to the National Health Insurance Law, 5754-1994, they were not supposed to pay for such treatments.

Kupat Holim Leumit returned all surplus payments charged by mistake to its insured.

# **International Relations**

## **Survey of Activity in 2010**

- In January 2010, France's Ombudsman, Mr. Jean-Paul Delevoye, visited Israel. He met with the former State Comptroller and Ombudsman, Judge (ret.) Micha Lindenstrauss, Director of the Office of the Ombudsman, Adv. Hillel Shamgar, and the senior staff of the Office, and they discussed matters of professional interest.

Mr. Delevoye met the Speaker of the Knesset, MK Reuven Rivlin at the Knesset, and, he met with the Director of the National Council for the Welfare of the Child and with the Director of the Prisoner Rehabilitation Authority. He also visited the Supreme Court and Yad Vashem.

Following the visit, in June 2010, a memorandum of understanding on cooperation between the Office of the State Comptroller and Ombudsman in Israel and France's Ombudsman was signed in three languages – French, English and Hebrew – the purpose of which was to reinforce the professional cooperation between the two institutions.



The former State Comptroller and Ombudsman, Judge (ret.) Micha Lindenstrauss and France's Ombudsman, Mr. Jean-Paul Delevoye, signing a memorandum of understanding on cooperation

- In June 2010, the Fourth Annual Conference of the Association of Mediterranean Ombudsmen took place in Madrid and dealt with the issue of human rights, especially the role of the ombudsman in protecting the rights of immigrants and other minorities. The Conference was attended by approximately 80 representatives of more than 30 states and organizations, including Algeria, Morocco, Tunisia, Egypt, Lebanon, Jordan, the Palestinian Authority, Turkey, the European Council, the EU (representative of the European Ombudsman), the Arab League and the UN (representative of the High Commissioner on Human Rights).

Israel was represented at the Convention by the former State Comptroller and Ombudsman, Judge (ret.) Micha Lindenstrauss,

and the Director of the Office of the Ombudsman, Adv. Hillel Shamgar. During discussions at the Convention, Judge Lindenstrauss presented a proposal for involvement of ombudsmen following natural disasters (such as the earthquake in Haiti), with focus on protection of individual rights and facilitation of contact between the individual and the authorities for the sake of solving problems created due to the disaster. At that Convention, Judge Lindenstrauss was unanimously elected for a second term as a member of the organization's executive committee. The members of the executive committee met with the King of Spain, Juan Carlos I.

- In July 2010, the former State Comptroller and Ombudsman, Judge Lindenstrauss, visited Yerevan, capital of Armenia, as the guest of Armenia's Ombudsman. Judge Lindenstrauss was accompanied by the Director of the Office of the Ombudsman. During the visit, the two met with Armenia's Ombudsman and with the senior staff of his office, with the President of the Constitutional Court of Armenia and with representatives of the Jewish community. In addition, they made a visit to a memorial site for victims of the Armenian Genocide. Judge Lindenstrauss also met with the President of the Republic of Armenia, Mr. Serzh Sargsyan.
- In October 2010, the European Convention of the International Ombudsman Institute (IOI), the largest organization of ombudsman institutions, was held in Barcelona. 130 representatives from ombudsman institutions in European states, autonomous regions, areas and cities attended the Convention, and the Human Rights Commissioner of the European Council participated as well. Israel was represented by the Director of the Office of the Ombudsman, Adv. Hillel Shamgar, who presented the model of regional reception offices that is successfully operated in Israel, as an important instrument for enhancing the awareness of

disadvantaged populations to the existence of the ombudsman institution and increasing accessibility of the institution to such populations.

- At the beginning of November 2010, Armenia's Ombudsman reciprocated a visit to Israel. He met with the former State Comptroller and Ombudsman and with the Director of the Office of the Ombudsman and the senior staff of the Office, and they discussed matters of professional interest.

At the Knesset, the Armenian Ombudsman met with the Chairman of the Knesset, MK Reuven Rivlin, as well as with the Chairman of the State Audit Committee of the Knesset, MK Yoel Hasson. He also met with the Hon. Justice Salim Jubran at the Supreme Court, and he visited Yad Vashem and placed a wreath in remembrance of Holocaust victims. His itinerary also included a meeting with representatives of the Armenian community in Israel.

## **Survey of Activity in 2011**

- In May 2011, in Valletta, the capital of Malta, the Association of Mediterranean Ombudsmen held its fifth annual conference, which dealt with the role of the ombudsman in the reinforcement and advancement of proper governmental administration and democracy. The conference focused in particular on the challenges facing ombudsmen in countries with the diverse cultures and with the various forms of government existing in the Mediterranean Basin. The conference emphasized the role of the ombudsman in times of political, social, and economic change. In addition, the participants examined the effect of ethical codes and quality-of-service rules in the context of proper government administration and the

improvement thereof. More than 50 representatives, from some 30 countries and organizations, participated in the conference, among them Algeria, Turkey, Jordan, Lebanon, Morocco, Mauritania, Tunisia, the European Council, the European Union (representative of the European Ombudsman), the Union of Mediterranean States, and the United Nations (a representative of the High Commissioner for Human Rights).

Israel was represented by the former State Comptroller and Ombudsman, Judge (ret.) Micha Lindenstrauss, and the director of the Office of the Ombudsman, Adv. Hillel Shamgar. Judge Lindenstrauss gave a talk on the special role of the State Comptroller and Ombudsman in Israel in strengthening and promoting proper government.



The President of Malta, Dr. George Abela (right), and Israel's former State Comptroller and Ombudsman, Judge (ret.) Micha Lindenstrauss, at a meeting at the President's official residence

During the discussions, the participants exhibited great interest in the regional reception offices, which have been operating successfully in Israel in recent years, as an important tool for increasing accessibility of the Ombudsman's Office to disadvantaged segments of the population. The representative of the European Ombudsman showed especial interest in the activity of Israel's Ombudsman in protecting whistleblowers, and he was given detailed written information on the matter. The participants met with senior government officials, including the President of Malta, the Speaker of Malta's Parliament, and the Prime Minister of Malta.

- In early December 2011, Israel's Foreign Ministry hosted members of the Petitions Committee of the German Bundestag, who are empowered to deal with inquiries and complaints directed to the Bundestag, in effect, filling the role of Germany's national ombudsman. Members of the Committee met with representatives of the Office of State Comptroller and Ombudsman, who provided the visitors with a survey of the activities and special characteristics of the institution of the State Comptroller and of the Ombudsman in Israel. The members of the Committee expressed great interest in the activity of the Office and consulted with Office representatives about matters of mutual, professional interest.
- Also in December, a UN delegation, headed by Mr. Frank LaRue, UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, visited Israel. The members of the delegation met with representatives of the Office of the State Comptroller and of the Ombudsman's Office and received a survey of the activities of each of the two offices. The visitors showed particular interest in the activities of the Office involving the protection of freedom of expression in Israel.

- In mid-December 2011, members of the professional staff of the Office of the Ombudsman attended, in Rabat, Morocco, the Second Training Session for Ombudsmen Collaborators, Members of the Association of Mediterranean Ombudsmen (AOM). The workshop dealt with the powers of the ombudsman in protecting human rights. Its aims were, in part, to improve work methods of the staff of the ombudsman offices and to exchange information and knowledge on relevant matters, both common and not common to the various offices from around the Mediterranean with respect to their powers and the contribution ombudsmen can make to advance government integrity in their respective countries. More than 40 individuals (participants and experts) from over 20 countries and organizations took part, including Morocco, France, Spain, Malta, the Ombudsman of the European Union and the Ombudsman of the European Council for Human Rights. Participating from Israel was Adv. Burak Masalha, a deputy director of a division in the Office of the Ombudsman, who described to the participants the powers and spheres of activity of the Office of the Ombudsman in Israel.



## **Description of Selected Complaints**

# **Government Ministries**



## **Non-Funding of School Transportation Costs**

The complainant complained that the Ministry of Education had ceased to subsidize the transportation costs of students from Zikhron Yaakov to the Beit Yaakov school in Haifa, where they studied. The complainant claimed that the school is the Ultra-Orthodox girls' high school closest to Zikhron Yaakov whose students take the matriculation exams.

In response, the Ministry of Education averred that it would not fund the transportation costs to the high school in Haifa because doing so would contravene the Ministry's policy of funding transportation costs only of a pupil who studies in a school in the educational framework suitable for the pupil that is closest to the pupil's place of residence. Since Hadera has an Ultra-Orthodox high school for girls, and Hadera is closer to Zikhron Yaakov than is Haifa, schoolgirls living in Zikhron Yaakov are not entitled to partial funding by the Ministry of Education of their transportation expenses to the school in Haifa.

The Office of the Ombudsman pointed out to the director-general of the Ministry of Education that, assuming that the Ministry encourages pupils to take the matriculation exams, it is proper that it share in the transportation costs of a pupil who studies at a school whose students sit for the matriculation exams, even when there is a school within the student's chosen educational framework that is closer to the student's

home, at which school, however, the pupils do not sit for the matriculation exams.

The director-general replied that he believed the Ministry had erred in its refusal to subsidize the transportation expenses of the Zikhron Yaakov schoolgirls who attend school in Haifa, and that he intended to act accordingly. Indeed, the Ministry informed the Office of the Ombudsman that the funding had been approved.

## Delay in Granting of Matriculation Certificate due to Parental Debt

The Office of the Ombudsman received two complaints about the refusal of schools to grant students a matriculation certificate due to monetary debt owed by their parents to the school. One of the complaints was submitted by MK Zevulun Orlev.<sup>1</sup>

Clause 11.2 of the Ministry of Education General Director Guidelines, 5763 3/(A) (hereafter – the Guidelines), regarding parental payments, sets forth as follows:

"An educational institution will not inflict a sanction upon a student due to an act or omission of his parents (except voluntary payments and voluntary purchase of services), such as: [...] E) A matriculation certificate may not be delayed."

Upon inquiry to the Ministry of Education (hereafter – the Ministry), it was found that various functionaries at the Ministry held that the above Guidelines referred to cases in which parents had not paid the school mandatory payment; however, in cases where the debt derived from non-payment of voluntary payments or for services the parents had purchased voluntarily, such as cultural activities, trips, rental of textbooks, etc., the sanctions as set forth in the Guidelines may be imposed on the student, including delaying the granting of a matriculation certificate until payment of the debt.

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<sup>1</sup> For a similar complaint, see Ombudsman, *Annual Report 36* (2009), p. 165.

Upon further inquiry by the Office of the Ombudsman, the Ministry clarified that its position is that a school is not entitled to delay a matriculation certificate because the parent did not pay for voluntary services or did not make voluntary payments; however, the school may initiate collection proceedings according to law against the parents.

The Office of the Ombudsman asserted that in these circumstances, the Ministry must notify the schools of its position as aforesaid and amend the Guidelines so as to clarify that it is impermissible to delay the granting of a matriculation certificate to a student because of an outstanding parental debt.

The Ministry notified the Office of the Ombudsman that it would act accordingly.

## **Disqualification of Immigrant's Entitlement to Public Housing**

The complainant, a handicapped elderly woman, immigrated to Israel in 1996 with her three-year-old grandson. After one year had passed, the grandson's mother also immigrated to Israel and subsequently the grandson was registered in the mother's immigrant certificate, even though he continued to reside with the grandmother who raised him throughout the years. The complainant noted in her complaint that the difficult economic situation of herself and her grandchild did not allow them to continue renting an apartment on the private market, and therefore she had applied several times to the Ministry of Immigration Absorption (hereafter – the Ministry of Absorption or the Ministry) for a public housing apartment; however, her requests were rejected time after time. The complainant stated that she and her grandson would be willing to reside in an apartment fit for one tenant, provided they would not have to continue paying rent on the private market.

According to the guidelines of the Ministry of Absorption, an immigrant may be entitled to public housing from the Ministry for a period of ten years from the date of recognition of his or her immigrant status (hereafter – the entitlement period). However, the entitlement period for elderly immigrants is not limited. According to

the guidelines, if an only child is included in the entitlement of his elderly parent by the date set forth in the guidelines, he may also enjoy an unlimited entitlement period. In addition, the guidelines provide that an elderly immigrant is entitled to exercise his right to public housing at a hostel or residential complex for the elderly.

Investigation of the complaint revealed that in October 2007, the complainant had submitted an application to receive a public housing apartment for herself and for her grandson, but her application was rejected, as the grandson's entitlement period had ended and he was no longer entitled to receive assistance from the Ministry of Absorption. Notwithstanding the above, the committee approved the complainant's entitlement to a housing unit at a hostel as an elderly immigrant.

In May 2008, the director of the regional office of the Ministry met with the complainant at her place of residence and explained to her that she could not receive a public housing apartment together with her grandson as a family. In July 2008, the housing exceptions committee of the Ministry of Absorption reviewed the complainant's request and decided to reject it as no special reason was found to deviate from the guidelines.

In October 2009, the complainant was offered an apartment in a residential complex, but she turned down the proposal, explaining to the Office of the Ombudsman that she could not move to the apartment without her grandson.

In light of the special and extraordinary circumstances of the case, the Office of the Ombudsman requested the Ministry of Absorption to reassess the complainant's matter. Subsequently, the exceptions committee of the Ministry reexamined the case and decided to register the grandson in the complainant's immigrant certificate, thus facilitating their joint entitlement to a public housing apartment. Pursuant to the decision, the grandmother and her grandson were

offered a public housing apartment in their city of residence, and thus the matter was resolved.

Ministry of Industry, Trade and Employment –  
Daycare Centers and Pre-School Nurseries  
Department

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4

**Serious Defects in Operation of Service Center  
for Registration to Daycare Centers  
and Pre-School Nurseries**

Pursuant to the Supervision of Daycare Centers Law, 5725 – 1965, the Ministry of Industry, Trade and Employment (hereafter – the Ministry) has supervisory authority over recognized daycare centers and pre-school nurseries (hereafter – daycare centers) operated by various organizations.

In line with the Ministry's policy of promoting the integration of women in the workforce, the Ministry provides partial funding of the fees charged by daycare centers. Eligibility for funding is based on criteria set forth by the Ministry.<sup>1</sup> As a rule, the amount of the funding provided by the Ministry and the consequent size of the discount awarded to the family, is based on the rating granted to the parents

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1 The entitlement to funding is granted to a mother who is working, is studying, is a new immigrant, is unemployed, and so forth, each as defined in the criteria set forth by the Ministry's Daycare Centers and Pre-school Nurseries Department.

(hereafter – rating) according to the family’s income, number of persons in the family, and the number of hours the mother works per week.

Until the September 2010-August 2011 school year, the directors of the daycare centers processed the registration of children for daycare and the submission of requests to the Ministry for financial assistance. A few days before the school year began, the director of the Ministry’s Daycare Centers and Pre-school Nurseries Department (hereafter – the Department) announced a change in policy (hereafter – the change in policy) whereby from now on, the parents, and not the managers of the daycare centers, would register the children with the Ministry and would submit requests for a rating to determine the level of their entitlement to financial assistance.

On 26 August 2010, the Ministry announced on its website that, in order to improve efficiency and to shorten the time for processing requests for a rating, the Ministry would operate an online service center for registration of children in daycare centers and for processing requests for a rating. The announcement further stated that the center, which was scheduled to begin operating in two or three months’ time, would remain in direct contact with the parents, and that until the opening of the service center, parents would pay fees to the daycare centers at a discount based on a temporary rating determined by the daycare center’s manager.

Upon the opening of the online service center on December 22, 2010, the Ministry posted another announcement on its website, which stated that after a short trial period, the service center would shorten the time for the processing of children in the system: the time allotted for determining a rating would drop from an average of 84 days (in the old system) to 24 hours for applications submitted online, and to 14 days for applications submitted by certain other means. It was also

expected that 80 percent of telephone inquiries would be answered within 30 seconds.

However, the expectations were not realized. A month and a half after the online center became operational, the Office of the Ombudsman started receiving dozens of complaints from enraged and disappointed parents who were encountering difficulties as a result of the change in policy.

1. Many parents complained of defects in the functioning of the online service and in the Ministry's handling thereof : approving the ratings took many months, while the parents had no address for making requests or complaints since the Ministry and the online service center were not available by telephone; parents who managed to make telephone contact with the center complained that the personnel treated their requests or complaints with a lack of sensitivity and respect and did not act professionally; parents who succeeded in reaching the relevant persons in the Department complained of similar treatment. Some parents complained of total failure to reply to their inquiries.

One of the complaints was from a mother of two children, who contacted the Ombudsman's Office after months in which her inquiries to the Ministry and to the online service center had not been answered. She stated that the manager of the daycare center her son attended had told her a few days before the 2011-2012 school year that the daycare center could not accept her son for that year because she owed NIS 11,000 for fees for the previous year. For months, the mother was unable to explain to the service center and the Ministry that the reason for the debt was that the rating approved by the center was incorrect. She then approached the Office of the Ombudsman. Due solely to the intervention of

the Ombudsman's Office, her claims were examined, her rating was corrected and her debt cancelled.

2. Parents also complained that, as a result of the failure of the service center to approve a rating – and the consequent funding - they had to take loans to cover the daycare costs. In some instances, the families had more than one child in daycare.

For example, a father of twins was forced to pay daycare fees of NIS 1,050 a month for each of the two children because his rating had not been determined. He took out loans to pay the monthly charge of NIS 2,100, which amounted, he said, to about one-third of his monthly salary. He also complained that the rating he was ultimately granted was erroneous and that he was unable to clear up the mistake because it was impossible to contact anybody at the Ministry or at the service center. Throughout the period, he continued to pay interest on the loans he had taken out.

3. Other parents alleged that, after they were granted a rating (following great delay), it was found that based on the temporary rating of the daycare center managers, they had received a higher discount from the fees than they were entitled to and therefore, they owed the daycare center the difference. The amount owing was deducted from their bank accounts pursuant to a standing bank order in favor of the daycare center, without prior warning or notification of the rating that had been approved. The investigation conducted by the Office of the Ombudsman revealed that, in collecting the debt, no official took into account the economic status of the families who were demanded to pay the difference, and the amount was collected on occasion from families who were left without money in the bank.

For example, from the beginning of the 2010-2011 school year, one mother had paid the daycare center reduced fees based on a

temporary rating.. In early March 2011, the service center determined that the parents were not entitled to funding even though they earned less than the minimum wage. Based on this determination, later found to be mistaken, NIS 3,700 was charged, in one payment, to the complainant's bank account, which caused her appreciable difficulties. In another case, a father complained that, when his wife went to make purchases for the Sabbath, she learned, to her embarrassment, that she could not pay for the items because, without warning, thousands of shekels had been debited from her account for the daycare fees, resulting in an overdraft.

The Ministry contended that the operator of the daycare center may collect from the parents debt that arose due to the difference between the temporary rating and the final rating approved, and that just as the daycare-center must reimburse parents in a single installment for overpayments so too may it demand a lump-sum payment of the parents' debt created as a result of underpayments.

The Office of the Ombudsman did not accept the Ministry's position and held that an analogy cannot be made between the financial condition of the organization operating the daycare center and that of an ordinary citizen, citing also that the difficulties caused the parents due to the change in policy were enough for them to bear. In the opinion of the Office of the Ombudsman, it was improper to cause parents additional injury by collecting debts arising from the approved rating – which was frequently mistaken – in a lump sum, without prior notice, and without the opportunity to pay in installments or to appeal the decision on the rating. The Ombudsman's Office also held that the Ministry should have instructed the daycare-center operators on the proper way to collect the parents' debt in such cases.

4. It was further found that, contrary to Ministry directives, some daycare centers did not reduce the fees in accordance with a temporary rating, and in many cases where daycare centers did reduce their fees, they granted a smaller discount than the parents had received the previous year or they reduced the fees based on a temporary rating only for children who had attended the daycare center in previous years. The Ministry did not monitor compliance with the directives in this matter.

**Investigation of the complaints revealed that the Ministry was not properly prepared to implement the change in policy and that this failure had negative impacts in many cases; also the Ministry did not foresee, as it should have, the consequences attendant upon its change in policy.** The Office of the Ombudsman issued a serious reprimand to the Ministry on the severity of the defects in implementing the new policy and noted that many families who send their children to daycare are not well-to-do and that the financial burdens placed upon them in the 2010-2011 school year, following the change in policy, were especially heavy. Contrary to the expectation that the Department, which is charged with servicing this population, would exhibit sensitivity, concern, and desire to assist the parents as much as possible, the parents encountered inflexibility and lack of concern with their situations. There were even cases in which children were suspended from the daycare facilities.

Furthermore, the Ombudsman's Office, too, had difficulty investigating complaints with the Department. The Ministry's responses to the inquiries of the Office were delayed many months, which made it difficult to aid the complainants. When responses finally arrived, they were partial or unclear, and, in some cases, indicative of the Department's inflexibility. Many of the complaints were ultimately found to be justified.

It is worth noting that, in response to the critiques of the Office of the Ombudsman, the Ministry admitted that the handling of requests to approve a rating and receive financial assistance for the 2010-2011 school year was overly prolonged due to unexpected problems with the new computerization system. The Ministry apologized for the difficulties caused to parents and emphasized that it had taken the necessary measures to prevent the problems from recurring in the 2011-2012 school year.

However, in the present school year as well, the Office of the Ombudsman continues to receive many complaints of delays in approving ratings and financial assistance, of the inability to make contact by telephone, and of improper and unprofessional attitude of service center personnel. The Ministry responded that, despite the efforts of the center's staff, it was impossible to respond to every telephone call due to the great number of callers. However, the Ministry recently informed the Office of the Ombudsman of several steps it had taken to improve the telephonic response, including allowing callers to leave their particulars with the service center and having a representative return the call the same day.

The Office of the Ombudsman will continue to monitor the situation and improvement of service to the parents. It will also monitor the rectification of the defects that the Ministry was called upon to correct.

## **Tuition Subsidy for Pre-school Nursery**

During the 5771 school year (September 2010 – August 2011), the four-year-old daughter of the complainant attended a nursery operated by Na'amat, which she had also attended the previous year, as no appropriate place had been found for her by September 2010 at a kindergarten operated by the Municipality of Tel Aviv – Yafo (hereafter – municipal kindergarten), due to a shortage in kindergartens for her age in her area of residence. The nursery's administration notified the complainant that her daughter could continue attending the nursery in the 5771 school year as well; however, according to regulations of the Ministry of Industry, Trade and Labor (hereafter – the Ministry), the complainant was not entitled to a tuition subsidy because of her daughter's age.

According to the complainant, due to her difficult financial situation, she is unable to meet the tuition payments, and therefore the nursery suspends her daughter from time to time.

The Ministry explained to the Office of the Ombudsman that according to guidelines on tuition subsidies at eligible nurseries, a child who has reached the age of attendance at a municipal kindergarten is not entitled to a tuition subsidy at a nursery. The Ministry added that there was no possibility to deviate from the rules and subsidize the tuition paid by the complainant, even though her daughter was attending a nursery only because no place had been found for her at a municipal kindergarten. Had the child attended municipal kindergarten, her mother might have been entitled to discounted tuition at the municipal kindergarten, and she would

certainly have benefited from a tuition subsidy for afternoon hours if she had registered the child for the optional afternoon program offered at municipal kindergartens.

Notwithstanding the response from the Ministry, the Office of the Ombudsman requested the Ministry to consider subsidization the daughter's tuition due to the extraordinary and harsh circumstances of the case.

The Ministry responded that there was no possibility to deviate from the guidelines; however in consideration of the significant number of parents compelled to send their children to nurseries despite the fact that they had reached the age of kindergarten, the Ministry had established a new program for financial support for such parents, which would provide parents of such children who attended nurseries also during afternoon hours with a tuition subsidy consistent with the subsidy they would have received had the child attended an afternoon program at a municipal kindergarten. The Ministry added that the subsidy would be granted retroactively from the beginning of the current school year.

Due to the establishment of the new program for financial assistance, the complainant was able to benefit from a subsidy for tuition paid to the nursery for the afternoon hours, and she even received a partial refund for payments made to the nursery for such hours from the beginning of the school year.

Furthermore, due to the complainant's difficult situation, the Office of the Ombudsman also applied, in the course of the investigation, to the Municipality of Tel Aviv – Yafo about the possibility of registering the complainant's daughter in a municipal kindergarten close to her home, and a vacancy was indeed found for her. However, in light of the subsidy the complainant ultimately received from the Ministry she preferred that her daughter remain in the nursery for the remainder of the school year.

# Ministry of Transport, National Infrastructures and Road Safety – Licensing Division

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## **Unlawful Collection of Driver's License Fees**

The complainant protested the fact that the Ministry of Transport and Road Safety (hereafter – the Ministry) demanded payment of a renewal fee for his driver's license twice within a period of several months. The complainant applied to the Licensing Division at the Ministry and claimed he had been charged twice; however, his requests for refund of the double payment were not answered.

Investigation of the complaint revealed that the complainant had not been charged twice, but that the additional demand or payment was retroactive to a period during which his license had lapsed, prior to his renewal thereof. However, the Licensing Division did not refer to a statutory source authorizing it to demand payment for the period during which the license was invalid.

According to Basic Law: State Economy, every demand for payment by an authority must have a clear statutory basis. Therefore, the Office of the Ombudsman notified the General Director of the Ministry that in the absence of a statutory basis to demand a fee for an invalid license, the Licensing Division must cease collection procedures immediately, at least prospectively.

The Office of Legal Counsel for the Ministry replied that the Licensing Division had been instructed to immediately cease such collection.

As to the complainant, prior to the resolution of the general issue as aforesaid, the Licensing Division had notified the Office of the Ombudsman that due to the circumstances of the case, including the delay in the Division's response to the complainant's applications, the Division had decided to refund the fee paid by the complainant for the period during which his license was invalid. The Office of the Ombudsman verified that the sum had indeed been returned to the complainant.

### **Failure to Give Certificates of Appreciation to Ethiopian Immigration Activists**

The complainant, who represents a group of some one hundred Ethiopian immigrants active in promoting immigration from Ethiopia, complained that the state had not implemented a decision to give certificates of appreciation to the activists. He alleged that, following legal suits brought by the activists against the state, in which they contended that they had aided in the immigration of Ethiopian Jews in Operation Moses and Operation Solomon and had not been compensated or honored for their efforts, the government of Israel established, in 2000, an inter-ministerial committee to examine their claims (hereafter – the Committee). The Committee concluded that, “There is no question that the activists are entitled to recognition and appreciation for the time and efforts they expended in aiding members of their community in the complex, difficult, and dangerous process of immigration to Israel,” and that each activist should be granted a monetary award and a certificate of appreciation at an official state ceremony.

The complainant, whom the Committee held was entitled to receive the said certificate and compensation, alleged that he and other activists had received the monetary grant in accordance with the Committee’s decision, but had yet to receive the certificates of

appreciation. He further alleged that, over the years, he and his friends had sought assistance from various state institutions regarding the matter; however, the ceremony had not yet been held and the certificates of appreciation had not been presented.

Investigation of the complaint revealed that, as far back as March 2002, a settlement agreement, approved by the District Labor Court in Tel Aviv, had been reached between the state and a number of immigration activists, whereby the conclusions of the Committee were to be adopted and implemented.<sup>1</sup>

In response to the complaint, the head of the Policy Planning Department in the Prime Minister's Office (hereafter – PMO) stated that the PMO's position is that the ceremony could not be held, and the certificates of appreciation presented to the activists, due to the difficulty in formulating an agreed-upon list of the activists entitled to the certificates and the fear of creating a dispute within the Ethiopian community or intensifying an existing conflict on the issue.

In reply, the complainant asserted that, although the activists had in the past been divided, there is now a united organization, which he heads, that includes all the immigration activists. Therefore, he believes there is no reason not to hold the ceremony.

The Ombudsman ruled that the complaint was justified. Given the conclusions of the Committee and the court approved agreement referred to above, and the finding that there was no dispute that the activists who had received the monetary award were also entitled to certificates of appreciation, there was no bar to holding the ceremony and presenting the certificates of appreciation to the activists.

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1 Lab. Ct. Mot. (Tel Aviv) 913572/99 *Elias et al. v. State of Israel, Prime Minister's Office* (not reported).

The Ombudsman also held that, given the difficulties encountered by Ethiopian immigrants in general, and the activists in particular, in fulfilling their dream of coming to Israel, the ceremony and presentation of the certificates should take place without further delay.

Following the Ombudsman's decision, the PMO's office informed the Office of the Ombudsman that it had decided to hold the ceremony to grant the certificates of appreciation to the activists. The ceremony, which is being organized by the Prime Minister's advisor for Ethiopian immigrant matters, is scheduled to be held in 2012.

# **State Institutions**



## False Arrest

The complainant, a physician, was summoned to appear for questioning at the police station in Hadera regarding an ongoing controversy between her and her neighbor, an attorney. When the questioning was over, she was arrested and taken to an incarceration facility. She alleged that, despite her protestations and the repeated arguments of her lawyer that there were no grounds for her arrest, and that if the police thought otherwise, she should be brought before a judge as soon as possible, she was not brought to court until the next day, when the judge ordered her immediate release. The complainant and her attorney approached the Office of the Ombudsman, after the public-complaints officer of the Israel Police, who investigated the matter, informed the complainant that her complaint was not found to be justified.

Investigation of the complaint by the Office of the Ombudsman revealed that the complainant and her neighbor had been filing complaints against each other to the police over an extended period, and that the complainant had previously undergone questioning regarding those complaints. A day before the arrest, the head of the Investigations Division of the Hadera Police Station had met with the neighbor. In his notes on the meeting, he reported that the neighbor

had also complained about acts of the complainant during the previous weekend.

Subsequent to the meeting with the neighbor, the complainant was summoned to appear the next morning for questioning. She appeared as scheduled, and the questioning began at 8:32 and ended at 9:45. The complainant was asked about events, most of which had taken place many months earlier and about which she had already been questioned.

Upon completion of the questioning and after consulting with the head of the Investigations Division, the investigations officer filled out an arrest report, and the complainant was taken to the women's incarceration facility. The grounds for the arrest recorded in the report were obstruction of an investigation, endangerment, and the need for interrogation that cannot be conducted unless the suspect is under arrest.

The Ombudsman's Office discovered that, in fact, the only interrogation conducted while the complainant was incarcerated was that of the neighbor, at 11:38, in which no allegation was raised of the commission of a recent criminal act by the complainant. Furthermore, much of the neighbor's allegations, primarily regarding the incident that took place the previous weekend, were against the complainant's sister.

Despite the early hour in the morning by which the questioning of the complainant was completed, and despite that, by law, a person who is arrested by the police "shall be brought before a judge as soon as possible, and no later than 24 hours,"<sup>1</sup> the complainant was not

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<sup>1</sup> Section 29 of the Criminal Procedure (Enforcement Powers – Detentions) Law, 5756-1996.

brought to court for the purpose of determining if the decision to arrest her was reasonable. As stated, it was not until the following day that the complainant was brought before the judge, who ruled on the basis of the facts presented, that, the complainant should not have been arrested.

The Office of the Ombudsman presented its findings to the police, upon which the latter appointed an officer to investigate the matter. The officer determined that the investigative material did not support arrest on grounds of obstruction of justice and endangerment, that an alternative to arresting the complainant should have been considered, and that she could have been brought before a judge as soon as possible, as required by law. Furthermore, while she was under arrest and for the week following her arrest, the police did not carry out any investigative actions (except for taking a statement from the neighbor). It goes without saying that no investigative actions warranting arrest were taken.



## **Mistaken Summons to Appear for Questioning**

A policewoman from the Rosh Ha'ayin Police Station called the complainant and told him that he must come to the police station the following day for questioning. The complainant asked about the nature of the matter and why it was so urgent, but the policewoman refused to provide any details.

The complainant, who had no idea why he had been summoned for questioning, was very worried by the summons, tried on his own and with the aid of other persons, to find out why the police were calling him in for questioning with such urgency; however, he did not succeed in learning the reason for the summons. The next day, instead of going to work, he went to the police station and waited there until he was taken to the interrogation room, where a policewoman informed him that he was suspected of assaulting one of his employees. The complainant immediately said that he was a student and a salaried employee, who did not have any people working for him. The policewoman made a few inquiries and then informed the complainant that he had been summoned by mistake and that he was free to go.

The complainant objected to the appalling ease with which a person may be summoned for questioning by the police, and he complained that the policewoman could have realized during the initial telephone call that the summons was a mistake, had she given him even a few basic details on the reason for the summons. The complainant requested that the police apologize for the way they had treated him, and he demanded compensation for the mental anguish caused him,

his loss of a day of work, and unnecessarily inconveniencing him to appear for questioning.

The investigation conducted by the Office of the Ombudsman revealed that a complaint for assaulting an employee had been filed against a person with the same name as the complainant and who owned a business in the town where the complainant lived. About three months after the employee's complaint was filed, a policewoman who was a police cadet at the time, was instructed to summon for questioning suspects regarding several offenses, including the offense of the person with the same name as the complainant. The cadet called the suspect's mobile phone number provided by the employee who had filed the complaint, but she was answered by a recording that the subscriber was not available. She informed the policewoman in charge of the cadet's program of the above, and the policewoman typed into the police's computer the name of the suspect and the name of the town in which the business is located (without knowing the details of the complaint and without having checked if the suspect lives in the same town). The computer system located the complainant, who, as noted, bears the same name as the suspect and lives in the same town as the business. The policewoman ordered the cadet to call the telephone number of the complainant, which appeared in the police computer system, and to summon him for questioning.

The following day, when the complainant arrived at the police station and was informed of the substance of the complaint against him, it became clear, as noted above, that he was not the person against whom the complaint had been filed.

The Office of the Ombudsman reprimanded the police station's commander on the serious flaws in the behavior of the station's police officers:

1. The complainant was summoned by telephone to appear urgently for questioning, despite that there was no urgency, as evidenced by the fact that the complaint had been filed with the police three months earlier.
2. Only one attempt was made to call the suspect at the telephone number provided by the complaining employee.
3. The policewoman, who tried to locate another telephone number of the suspect, was unaware of the particulars of the complaint, and consequently mistakenly typed in the name of the town where the business was located as the town in which the suspect lived. As a result, the computer system provided the particulars of the complainant, who had no connection at all with the case.
4. No attempt was made to verify, when checking the police computer, that the right person had been summoned for questioning, based on the particulars already known to the police.
5. Although the complainant was summoned for questioning based on a search of the police computer system rather than according to the particulars that the employee had provided, and even though the complainant insisted in the telephone conversation that there was no reason to call him in for questioning, the policewoman did not try to confirm his particulars and ask clarifying questions that would not be injurious to the investigation (such as what his occupation is) in order to verify that he was indeed the suspect.

The station's commander informed the Office of the Ombudsman that, inasmuch as the incident involving the complaint took only a few minutes, and the policewoman had apologized to the complainant about the slight inconvenience caused him, in his opinion, the matter did not warrant further investigation or compensation to the complainant. However, the incident and its consequences would be

studied in the weekly lesson given to the cadets, and measures would be taken to insure that such cases do not recur.

The Office of the Ombudsman did not accept the station commander's position, and therefore, chose to transmit to the Israel Police Public Complaints Unit the results of the Ombudsman's Office's investigation and the complainant's demand for an apology and compensation.

As a result, the Israel Police Public Complaints Unit concluded that the complaint was justified. The police sent the complainant a letter of explanation and apology and compensated him in the sum of NIS 1,000.

## **Improper Behavior of Police Officer**

The complainant traveled by bus from Netanya to Jerusalem. When the bus arrived at Bene Atarot Junction and the bus driver wished to allow passengers to embark and disembark at the station, he discovered that the station was blocked by two cars and a motorcycle. The driver sounded the horn once in order to signal to the vehicles to vacate the station. The drivers of the cars moved their vehicles, but the motorcycle driver, who turned out to be a police officer in civilian clothes, boarded the bus and demanded the driver's license, claiming that he had violated the law by sounding the horn for a purpose other than preventing danger. The driver requested the police officer to identify himself; however, the police officer ignored the request, took the license from the driver and instructed him to accompany the officer to the nearest police station at Mesubim in order to get his license back. The driver explained to the police officer that he could not discommode 60 bus passengers to go to the police station, but he could also not continue driving to Jerusalem without the driver's license and without written confirmation from the police officer as to seizure of his license. The police officer ignored the driver and left with the license, preventing the bus with its passengers from continuing on its way. Having no choice, the driver drove the bus, with most of the passengers, to the Mesubim police station, only to find that the police officer was not there. After an additional wait, during which another bus was sent to the station to take the passengers to their destination, the police officer arrived at the station, gave the driver a traffic ticket and returned his license.

The complainant complained about the police officer's behavior, due to which the bus and its passengers were delayed for two hours.

Upon investigation of the complaint, part of which was performed by the Public Complaints Unit of the Police due to intervention of the Office of the Ombudsman, it was found that the behavior of the police officer was unprofessional and that his treatment of the driver and the passengers was improper:

- The police officer was not legally authorized to seize the driver's license, as the violation for which a ticket was issued to the driver is not included among the violations for which a police officer is authorized by law to seize the driver's license. At most, the police officer could have recorded the driver's details and sent him the ticket by mail.
- Even had the police officer been authorized to seize the driver's license, he should have provided the driver with confirmation of the seizure of the license so that he could continue driving. Instead, the police officer instructed the driver to continue driving and added that if another police officer stopped him, he should tell him to call the police station. The police officer was not permitted to give such an instruction.
- It was also found that the police officer instructed the bus driver to return to the Mesubim station at the end of the trip in order to retrieve his license. In view of the distance between the police station and Jerusalem, such an instruction was unreasonable and inappropriate even had the police officer been authorized to seize the license.
- It was also found that the police officer had acted rudely towards the bus driver and had refused to identify himself.

The findings of the complaint investigation - that the police officer acted unprofessionally and with poor judgment - were brought to the

knowledge of the Deputy Inspector General of the Police who ordered that disciplinary action be taken against the police officer and that he be instructed as to the proper course of action in such circumstances.

As for the ticket issued to the driver – in general, the Office of the Ombudsman does not investigate complaints regarding the circumstances under which traffic tickets are issued, as the recipient has recourse by law to alternative procedures, such as submitting a request to cancel the ticket to the authorized prosecutor or a request to be tried in court. However, in light of the investigation findings, the Office of the Ombudsman requested the Traffic Division of the Police to consider, in view of the obligation of the bus driver to have passengers embark and disembark safely inside the station, whether it was proper to issue a ticket for sounding the horn for the purpose of distancing vehicles parked in the bus station unlawfully. In response, the Traffic Division notified the Office of the Ombudsman that after it had examined the circumstances of the case, it had been decided to cancel the ticket.



## **Inflexible Treatment of Prisoner with Medical Problem**

The complainant, a prisoner in Tzalmon Prison who suffers from severe vision problems, complained that, although he had received authorization from the prison physician to wear sunglasses, he was not permitted to wear his sunglasses, which had been placed in storage with the prison authorities. As a result, he was unable to exercise his right to take a daily walk in the courtyard because of potential exposure to the sun's rays.

The Israel Prison Service (hereafter – IPS) said in reply, that the decision whether to allow a prisoner to wear sunglasses is based, in part, on security considerations, principally the need to maintain eye contact with the prisoners. The IPS argued that there are alternative solutions which, from a medical perspective, would enable the complainant to take his daily walk in the yard, such as wearing a hat with a visor. The IPS noted that the complainant can go for his daily walk in a large interior yard with a roof, or he can take his walk late in the afternoon, when the sun's rays are not as strong.

Following a further request by the Office of the Ombudsman, the IPS reexamined the case and decided, for humanitarian and medical reasons, to allow the complainant to wear his sunglasses as he had requested.

## Refusal to Allow Prison Visit

Many years ago, the complainant was incarcerated as a civil prisoner in a matter involving the Execution Office.<sup>1</sup> He complained that, because he was a former prisoner, the Israel Prison Service (hereafter – IPS) did not allow him to visit a prisoner held in a prison in Israel. He requested that the IPS be ordered to remove his name from the list of persons forbidden to visit inside a prison.

Prison Commissioner Regulation 04.42.00 states that a former prisoner who wants to visit a prisoner must receive the prior approval of the prison warden. However, the regulations also explicitly state that the said requirement shall not apply to a visit by a civil prisoner, and that in this matter, he is considered “the same as every other visitor.”

Investigation of the complaint revealed that, despite the binding regulation, the complainant’s name had been included in the list of persons forbidden entry to the prison because he was mistakenly identified as a “former prisoner.”

Following the intervention of the Office of the Ombudsman, the IPS said that the complainant had been given approval to visit the prisoner, as he requested, and that his name had been removed from the list of persons forbidden entry to prisons.

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1 Under the Execution Law, 5727-1967, a person may be arrested, in certain circumstances, for non-payment of a monetary debt with respect to which he has not committed a criminal offense. Under the Prisons Ordinance [New Version], 5732-1971, a “civil prisoner” is a prisoner who is not a criminal prisoner.

Furthermore, given the results of the investigation, the IPS informed all the relevant officials in the IPS that former civil prisoners were to be allowed to visit prisoners in IPS prisons without need for prior authorization. Since the wording of the clarification sent to the prison officials indicated that the IPS's computer system identified civil prisoners as former prisoners, which prevented them from visiting in prisons, the IPS corrected the computer error.

## **Deducting a “Debt” From Unemployment Payment**

The complainant's employment was terminated, and she was entitled to unemployment compensation beginning in October 2010. In her complaint to the Office of the Ombudsman, she contended that the National Insurance Institute (hereafter – NII) had deducted NIS 905 from her October unemployment payment for a debt she owed to the NII.

When the complainant asked the NII what the debt was for, she was told that, based on information it had received from the Employment Service, the NII determined that she was not entitled to payment for five days of unemployment payments that she had received in September 2000. As a result, a debt was recorded on the books of the NII, and the NII deducted the entire sum from the unemployment payment it made to her in October 2010.

The complainant averred that she did not know she owed the NII any money and that she had never been informed of the debt. She further contended that throughout the years she had worked and earned a living, and had she been required at that time to pay the debt, assuming it was justified, it would have been easier for her to pay it. Now, when she is out of work and needs all the unemployment compensation she receives, the NII has asked her to pay an old debt, about which she was completely unaware.

In its response to the Office of the Ombudsman, the NII stated that the data on the debt had been fed into the NII's computer system already in November 2000, but until October 2010, the complainant had not received an NII allotment, so that the NII had no way to offset the debt. The NII added that at this time it was unable to retrieve copies of any notices of the debt that may have been sent to the complainant.

The NII argued that, as the debt had already been deducted from the unemployment payment, there was no justification to consider canceling the debt.

The Office of the Ombudsman was of the opinion that the NII must consider whether to cancel the debt and reimburse the deducted sum to the complainant, for the following reasons:

1. Under section 315 of the National Insurance Institute Law, if the NII **improperly** pays a monetary benefit to an insured, it may deduct the said amount "from any payment that it owes, either in a single payment or in installments as the NII deems proper, taking into account the situation of the recipient of the payment and the relevant circumstances." However, as there was no evidence that the NII had sent the complainant notice of the debt proximate to the time of its creation it is doubtful that the complainant knew of the debt, and it seems, therefore, that she has no opportunity to contest it. In these circumstances, it is impossible to hold unequivocally that the complainant received a benefit payment **improperly**, which is a prerequisite to application of section 315.

2. The NII, which is charged with carrying out a social welfare statute, is subject to the rules of administrative law, under which it has an elevated duty to the insured of good faith, fairness, and transparency. Despite this, for some ten years, the NII did nothing to collect the debt and apparently, also did not notify the complainant that the debt existed. It was not until the NII began to pay the

complainant unemployment benefits, in 2010, that it deducted the debt from the unemployment compensation.

3. The NII's argument, that as the debt had already been paid it was unnecessary now to consider reimbursement of the sum that had been deducted, is unacceptable; after all, it was the NII that deducted, in a single payment and without any advance notice, the debt from the unemployment payment made to the complainant.

In light of the Office of the Ombudsman's position, the matter was brought before the NII's Committee for Cancellation of Debts. The Committee determined that, under the circumstances of the case, the complainant should be reimbursed the sum that was deducted from her unemployment payment.



## **Erection of Tombstone on Grave of Deceased Person Without Family**

In November 2009, MK Marina Solodkin applied to the Office of the Ombudsman and complained that no tombstone had been erected upon the grave of a childless Israeli citizen who had died in December 2004 and who was buried at the cemetery of Kibbutz Kefar Masaryk (hereafter – the Kibbutz).

According to the MK, she had applied to many entities – the Ministry of Religious Services, the National Insurance Institute, the Mate Asher Regional Council in whose jurisdiction the kibbutz is located and the cemetery coordinator at the Kibbutz – and requested that a tombstone be erected upon the deceased's grave. However, her applications were fruitless, and five years after the deceased had passed away, the grave was still left without a tombstone.

According to the law, the National Insurance Institute (hereafter – the NII) pays a burial allowance for every deceased person; however, the payment is not allocated for the erection of a tombstone which is usually done and paid for by the deceased's family. In order to prevent a situation in which graves are left without tombstones, the NII and the government signed an agreement in 1994 (hereafter – the financing agreement) for the financing of erection of tombstones for persons without family. The agreement provided that the NII would remit to "a company as defined in the National Insurance Regulations (Burial Allowance), 5736-1976" a grant for erection of a tombstone under certain conditions, including the execution of an agreement for the erection of tombstones between such company and the NII.

The NII explained to the Office of the Ombudsman that according to the financing agreement, it was entitled to execute an agreement for the erection of tombstones only with a company licensed by the Ministry of Religious Services to engage in burial, and since the Kibbutz was not licensed, the NII had not signed an agreement with it and could not provide the Kibbutz with a grant for erecting a tombstone for the deceased.

The Ministry of Religious Services confirmed that the Kibbutz had no license to engage in burial and was not likely to receive such a license in the near future.

The NII argued that in light of the aforesaid and despite its desire to assist, it was unable to find a solution in these painful circumstances.

The Office of the Ombudsman averred that the non-erection of a tombstone on the grave of the deceased, who had died over five years ago, is unwarranted and that an appropriate way to finance its erection must be found promptly.

Following the intervention of the Office of the Ombudsman, the NII announced that as the Kibbutz could not erect the tombstone, the NII had ensured that a licensed company, party to an agreement with the NII, would erect a tombstone on the deceased's grave. The Office of the Ombudsman received confirmation that the tombstone had indeed been erected.

## **Imposition of Attachment Due to Debts Deriving from Overpayment of Allowances**

Two complainants submitted complaints alleging that the National Insurance Institute (hereafter – the NII) had imposed attachments on bank accounts of elderly women due to debts arising from overpayments. Descriptions of both complaints are as follows:

1. In 2006, the NII discovered that the complainant's mother, a Holocaust survivor born in 1912, had received income which she had not declared in her claim, submitted in 1991, for a senior citizen allowance. Therefore, she had received overpayments of the allowance for years. Following the discovery, the National Insurance Institute notified the mother that she owed the NII approximately NIS 242,000 and that to defray the debt, 20% of the senior citizen allowance and of any other payment made to her would be deducted each and every month.

The NII acted accordingly until October 2009, at which time it imposed attachments on the mother's provident fund and bank account and demanded that she repay the balance of the debt immediately.

The complainant's mother died in June 2010, before the investigation of the complaint was concluded.

2. A lawyer representing guardians of an elderly ward, born in 1921, also complained that in October 2009, the NII had attached the ward's bank account due to a debt totaling NIS 144,000. The attachment had been imposed due to the determination of the NII that the ward had mistakenly received overpayments of a supplemental

income allowance during the years 1982-2002. In this case, too, the NII notified the ward in 2003 that in order to defray the her debt, 25% of an allowance paid her would be deducted each month; nevertheless in 2009, the NII decided to attach her bank account and demand repayment of the entire debt.

The NII explained that according to the law, linkage differentials are added to the debt each month and if the size of the debt is significant, then offsetting a certain percentage of the allowances which are not high, is insufficient to cover the linkage differentials, and thus the debt principal does not decrease. Therefore, in 2009, the NII decided to change its debt collection policy such that debts above NIS 50,000 would be collected according to the Taxes Ordinance (Collection) by imposing attachments on bank accounts, provident funds or other financial sources of debtors. The NII noted that imposition of attachments was the only effective way of fulfilling the instructions of the State Comptroller<sup>3</sup> requiring the NII to increase the rate of collection of debts deriving from overpayments.

The Office of the Ombudsman notified the NII that its aforesaid policy compromised the reliance interest of debtors and their ability to support themselves, as throughout the years the NII had deducted the debts in installments until, unilaterally and without warning, it decided to change its policy and impose attachments on the debtors' accounts.

Moreover, the NII changed the manner of collection while ignoring the personal circumstances of each of the debtors and without considering the effects of the attachments upon them. Thus, the NII acted contrary to the norms binding administrative authorities,

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3 See State Comptroller, *Annual Report 59B* (2009), pp. 1339-1353.

requiring it to act fairly towards any person that might be harmed by a change in its course of action.

In response, the Deputy Director of Allowances at the NII clarified that when it was decided to impose the attachments, the NII lacked information necessary to enable classification of the debtors according to their medical or economic situation, and thus only if someone complained to the NII about the imposition of the attachment, did the NII remove the attachment and reach an agreement with the debtors.

The Deputy Director of Allowances also announced that in light of the lessons learned during the months in which the attachments had been imposed, it was decided that attachments would not be imposed on needy elderly people, persons unable to care for themselves or Holocaust survivors. Following the announcement, the attachments on the elderly women's accounts were revoked and thus the subject matter of the complaints was resolved.

# Population, Immigration and Border Crossings Authority

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## **Refusal to Change Address of Resident Living in Unrecognized Bedouin Community**

The complainant, a Bedouin woman, requested the Population, Immigration and Border Crossings Authority (hereafter – the Authority) to change her address in the Population Registry from the town of Rahat to her place of actual residence, in an unrecognized Bedouin community in the south of Israel (hereafter – the community). The complainant explained that, after the death of her husband in 2004, she returned to live with her family in the community, where she had lived before she married and moved with her husband to Rahat. The Authority rejected her request, stating that the community is not recognized, so that it was statutorily impossible to register the community as her address.

The complainant argued that the lack of conformity between her registered address and her actual place of residence causes her great damage, including the inability to receive services from the Social Services Department of the Abu-Basmeh Regional Council, in whose jurisdiction the community lies.

Investigation of the complaint revealed that the Population Registry Regulations (Registration of Address), 5734-1974, contains an

exception that relates to the Bedouins, whereby their addresses in the Population Registry may be recorded as the name of the tribe to which they belong, together with the names of the sub-district and district, in accordance with the list of tribes appearing in an annex to the Regulations. The complainant's tribe appears on the list, and it was found that shortly before she married and moved to Rahat, her address was indeed registered thus, pursuant to the Regulations.

The Office of the Ombudsman asked the Authority to explain why the complainant's address was not recorded in accordance with the Regulations. The Authority replied that, for several years, the Authority's Beer Sheba District has not acted accordingly due to an internal directive providing that a person's address is not to be recorded without noting the name of the community in which he lives. However, the Authority admitted that, in accordance with the Regulations' provisions, it was indeed proper to change the registered address of the complainant in accordance with the exception, and that the registration would be corrected.

The Office of the Ombudsman pointed out to the Authority that it was operating in accordance with an internal directive that did not conform to the language of the Regulations. In response, the Authority informed the Office of the Ombudsman that the procedures for registering the addresses of members of the Bedouin community would be corrected immediately.

# **Local Government**

## **Education and Welfare**

## **Delay in Adjustment of Classroom to Hearing-Impaired Student**

According to Ministry of Education (hereafter – the Ministry) guidelines, the Ministry assists with making classrooms accessible to hearing-impaired students by participation in financing the adjustment of the classroom to the student's needs, such as by installation of an acoustic ceiling or two-layered windows. A local authority interested in receiving funding from the Ministry must submit an application which includes details regarding the student needing accessibility to the classroom, blueprints of the school building and technical specifications of the proposed means of accessibility

In the 5768 (September 2008 – June 2009) school year, the complainant, father of a hearing impaired student in the 8th grade, applied to the Ilut Local Council and requested that his son's classroom be adjusted to meet his needs. In September 2008 the Council applied to the Ministry. However, the application was not prepared according to the Ministry guidelines and some of the required documents were not enclosed, including opinions from a speech therapist and an acoustician. Therefore, in October 2008, the Council was asked to amend the application and resubmit it along with the required documents. The complainant complained that the

Council was not dealing with the matter and that as a result, his son's academic achievements had suffered,

Investigation of the complaint revealed that the education department at the Council had not submitted the amended application to the Ministry, and only after the Office of the Ombudsman intervened, did the Council finally submit to the Ministry, in the middle of the 5770 school year (January 2010), all of the documents required for approval of the application.

The Office of the Ombudsman reprimanded the Head of the Local Council for the significant delay in submission of the amended application and documents to the Ministry, a delay which caused the complainant's son to spend two years learning in a classroom not fit for his needs.

The Office of the Ombudsman received confirmation that the Ministry had approved the application, and that the necessary adjustments to the classroom had been carried out.

## **Defects in Transportation Services for Disabled Students**

The complainant, a resident of Kiryat Shmona, is a widowed mother of eight-year-old twins with severe autism. She complained that the vehicle that transported her children to school did not come to their house, but stopped at the far end of a communal parking area, about 200 meters from their house and on a busy main street. Therefore, she had to accompany the children each morning to the collection point and pick them up there on their return from school. Because of their autism, the children have a tendency to run away and not to listen to instructions, and therefore they are exposed to great danger as she is forced to maneuver them between the cars leaving the parking area and to wait with them to be picked up on the busy street. The complainant requested that the driver come to her house to pick up the two children.

In the course of its investigation, the Office of the Ombudsman visited the site together with municipal officials and representatives of the company providing school transportation service to the municipality. During the visit it was found that several severely disabled children ride to school in the transport vehicle, and that, due to the nature of their disabilities, a vehicle large enough to provide sufficient space between the driver and the children is needed for safety reasons.

Because of its size, the transport vehicle cannot maneuver inside the parking area, so that the driver is unable, for safety reasons, to drive the vehicle to the complainant's house.

After considering possible solutions to the problem, the best solution that was found was to transport the complainant's children with an escort in a separate vehicle – a sufficiently large taxi that has space between the driver and the children – which could be driven up to the house.

Following a meeting initiated by the Ombudsman's Office with the Municipality's director-general and other senior municipal officials, the director-general tendered the agreement of the Municipality to subsidize the cost for the separate transportation of the children.

With the cooperation of all the relevant persons, the necessary approvals were obtained within a short period of time, and the children have been traveling daily in a taxi that picks them up in front of their house and drives them home at the end of the school day.

## **Accessibility of Public Structures to the Handicapped**

The complainant, a handicapped person who uses a wheelchair, resides at Moshav Herut which is within the jurisdiction of Lev Hasharon Regional Council. In his complaint to the Office of the Ombudsman, he complained that three institutions under the auspices of the Regional Council (the Regional Council building, a day center for senior citizens and the secretariat of Moshav Herut), were not accessible to handicapped persons in a wheelchair.

The Law on Equal Rights for Handicapped Persons, 5758-1998, sets forth the basic principle that "a handicapped person is entitled to accessibility to public places and public services". Accessibility includes the possibility to reach the place, and to move around and navigate within it. According to this Law, a public place must be accessible to handicapped persons, and those responsible for the public place must adjust it for such persons.

Following intervention by the Office of the Ombudsman, the Regional Council acted to make the Regional Council building accessible to the handicapped.

As to the day center for senior citizens, the Regional Council claimed that it had made the place accessible to handicapped persons; however, investigation of the complaint showed that a wheelchair-bound person could not enter the center without assistance as there

was no ramp between the road and the sidewalk adjacent to the entrance.

Following another application by the Office of the Ombudsman, the Regional Council performed the required repairs and paved a ramp at the center's entrance, such that today a person in a wheelchair can reach the entrance without having to ask for assistance.

Investigation of the complaint regarding the Moshav Herut secretariat revealed that the secretariat and the offices of the local council were located in an old building which was not accessible to the handicapped. Although by Law, there is no requirement to make old buildings accessible to the handicapped, due to the application of the Office of the Ombudsman, the Regional Council requested the secretariat to consider the possibility of making the building accessible. Consequently, the secretariat decided to make the necessary adjustments and until their completion, a handicapped resident who cannot enter the building may arrange to meet with the local council secretary at an adjacent public building.

## **Hazards and Nuisances**

### **Failure to Remove Waste Hazard**

A lawyer submitted a complaint on behalf of his client, the owner of a chicken-slaughtering business located in the jurisdiction of the Kabul Local Council. The lawyer alleged that there is no facility within the Council's borders for the disposal of carcasses and meat remnants from the slaughterhouses and butcher shops in the village.

According to the complainant, the businesses are forced to dump the waste in refuse containers in residential neighborhoods that are intended for household waste, creating a serious health hazard that endangers the villagers. He also claimed that stray animals, which feed off the carcasses and meat remnants in the refuse containers, are liable to spread diseases and plagues. The complainant and his attorney contacted the Council several times, asking that they designate a special container, located at a distance from the village, for the removal of waste from the slaughterhouses and butcher shops, but the Council was unresponsive to the request.



### **Animal carcass and waste alongside refuse container**

Investigation of the complaint revealed that the village of Kabul has no industrial area, so that butcher shops and slaughterhouses operate within residential areas. Council officials said that it was at an advanced stage of obtaining permits and authorizations for construction of an industrial area and for locating a suitable place to dump the waste. The Council explained that the relevant government ministries and institutions to which it had submitted the requests for permits and authorizations had not yet reached a decision in the matter.

Following the intervention of the Ombudsman's Office, the Council announced that, as a temporary solution, it had designated some land far from the residential neighborhoods for waste collection and had placed a special container there for animal waste, until it receives the necessary approvals for building the industrial area.

## **Prolonged Treatment of Hazardous Noise from a Business**

The complainant complained to the Office of the Ombudsman that the Municipality of Kiryat Ata (hereafter – the Municipality) was not taking sufficient action to eliminate noise emanating from a restaurant adjacent to his house, despite his repeated applications on the matter.

According to the Municipality, it had demanded from the restaurant owner to eliminate the noise coming from a bellows installed on the roof and from air conditioners that were positioned toward the complainant's apartment. The Municipality had also refrained from granting a business license to the restaurant until elimination of the noise. However, the Municipality confirmed that the noise had not yet been eliminated despite the long period of time that had elapsed since the restaurant owner had been required to act.



### **The bellows and air conditioners on the roof**

Following intervention of the Office of the Ombudsman, a multi-participant meeting was held at the office of the Municipality General Director, attended by representatives of the Office of the Ombudsman, the complainant and his wife, the professional staff of the Municipality and representative of the Municipal Association for Quality of the Environment, the body appointed to examine hazardous noise nuisances and consider solutions therefore. At the meeting, the complainant's claims were reviewed, and a plan to bring about a solution of the problem was proposed. Afterwards, the participants visited the site, at which the representatives of the Office of the Ombudsman met with the restaurant owner and recruited him to take part in the solution.



**Noise measurements on the roof during the visit at the place**

Within several weeks after the meeting, and with the follow-up of the Office of the Ombudsman, the noise was dealt with - the bellows and air conditioners were relocated to a more distant place not facing the complainant's apartment, and the noise in the complainant's apartment was significantly reduced.

## **Other Public Bodies**

## **Defects in Referral of Patient for Examination**

The complainant, a resident of Rishon LeZion, was referred by a neurologist to have an MRI exam; however, due to his large dimensions, none of the machines at the clinics of Clalit Health Services (hereafter – Clalit) could be used to perform the exam. The complainant claimed that despite his applications to Clalit and the Ministry of Health, they did not act to find a fitting device so that he could undergo the exam.

Clalit responded that since no fitting device had been found with which to do an MRI, the complainant was referred to have an alternative exam (CT); however, the complainant refused, claiming that the CT exam involved the injection of iodine to which he was sensitive. Following intervention by the Office of the Ombudsman, the complainant was sent to have the MRI at Tel Hashomer Hospital. However, it turned out that the hospital's MRI machine was out-of-order, and it was not expected to install a new device that was suitable for the complainant's dimensions until two months following the date of referral to the Hospital.

In view of the failure of the above attempts to solve the problem, the Office of the Ombudsman decided to approach the Ministry of Health, which informed the Ombudsman's Office that Hadassah and Assuta Hospitals had machines that could accommodate the complainant's

dimensions. This information was passed on to Clalit, and it referred the complainant to do the exam at Assuta Hospital in Tel Aviv.

The Office of the Ombudsman reprimanded Clalit for not acting properly and as required under the circumstances of the case to find a fitting device for the complainant, and for the fact that the complainant was finally able to undergo the exam only due to the intervention of the Office of the Ombudsman.

## **Exemption of Blind Persons from Payment of Television Fee**

According to the Broadcasting Authority Regulations (Fees, Exemptions, Fines and Linkages), 5734-1974, no fee is to be imposed for possession of a television set if possessed by a blind person who has provided proof that he is blind. According to the Israel Broadcasting Authority (hereafter – IBA) procedures in effect at the time of investigation of the complaint, a blind person was entitled to exemption from television fee from the date of issuance of a blind person certificate by the Ministry of Welfare. The Ministry of Welfare submits reports to the IBA of all such certificates it issues; however, the investigation of complaints on this matter revealed that at times, receipt of the information at the IBA is delayed. The IBA provided in its directives that the exemption would be granted retroactively for only one previous payment period, even if the certificate had been issued at an earlier date.

As the entitlement to the exemption becomes effective at the time of issuance of the certificate, the Office of the Ombudsman held that the rights of blind persons to an exemption from the fee should not be compromised due to defects in the transfer of data from the Ministry of Welfare to the IBA. Therefore, blind persons must be exempted from payment of the fee commencing on the date of issuance of the

certificate, and blind persons who had paid the fee for periods during which they were exempt from payment, were entitled to refunds.

The IBA announced it had amended its procedures pursuant to the decision of the Office of the Ombudsman, and that it would refund surplus fees to those entitled.

### **Change in Person's Postal Branch**

The complainant, a resident of Petah Tikva, complained that the Israel Postal Company Ltd. (hereafter – the Postal Company) had determined that he would receive packages, large pieces of mail, and registered letters (hereafter – mail) at a particular postal branch, and had denied his request to receive the mail at the central post office branch in town, which is adjacent to the medical clinic that he often visits.

He contended that, over the course of several years, he had explained to the Postal Company that, due to his advanced age – he is over 90 years old – and the difficulty he has in walking, he is unable to get to the postal branch to which he had been assigned; however, his requests had not been granted.

The Postal Company explained, in response, that it endeavors to deliver the mail to the postal branch closest to the home of the addressee, but in areas where there is more than one postal branch, and due to the storage and service limitations of each branch, some addressees are liable to belong to a branch that is not closest to their home.

However, taking into account the circumstances of this particular case, as a gesture of goodwill, the Postal Company granted, the

complainant's request that mail addressed to him be delivered to the central post office branch.

## **Geographic Discrimination in Provision of Additional Health Services**

The complainant, a resident of Beer Sheba, is insured by Kupat Holim Leumit (hereafter – the Kupat Holim) and is a member of the Kupat Holim's additional health services plan, "Leumit Gold" (hereafter – the Plan).

In her complaint, the complainant stated that her daughter required treatment for bedwetting; however, in Beer Sheba, unlike the central region of Israel, there was no treatment center party to a contract with the Kupat Holim at which she could receive treatment. Thus, her daughter was unable to receive the treatments she was entitled to according to the Plan. The complainant claimed that having the treatments at a private institute in Beer Sheba would cost approximately NIS 1,500, but that if there were a service provider under contract with the Kupat Holim in Beer Sheba, her daughter could receive treatments upon payment of a deductible of only NIS 280, the sum paid by members of the Plan that reside in the central region.

Following intervention by the Office of the Ombudsman, the Kupat Holim granted approval for the daughter to undergo the required treatment at a private institute near her place of residence. The complainant was requested to provide the Kupat Holim with an

original receipt in the amount paid to the institute so that the Kupat Holim could reimburse her for the sum paid, minus the deductible.

The Kupat Holim clarified that the arrangement approved for the complainant would apply to all persons in the region insured by the Kupat Holim, until the Kupat Holim reaches agreements with institutes that treat bedwetting.

# **APPENDICES**

# **Basic Law: The State Comptroller**

## Basic Law: The State Comptroller\*

1. State audit is vested in the State Comptroller. Substance
2. (a) The State Comptroller shall audit the economy, the property, the finances, the obligations and the administration of the State, of Government offices, of all enterprises, institutions or corporations of the State, of local authorities and of the other bodies or institutions made subject by law to the audit of the State Comptroller. State Audit  
  
(b) The State Comptroller shall examine the legality, moral integrity, orderly management, efficiency and economy of the audited bodies, and any other matter which he deems necessary.
3. A body subject to the audit of the State Comptroller shall at his request, without delay, provide the State Comptroller with information, documents, explanations, or any other material which the Comptroller deems necessary for the purposes of audit. Duty to provide information
4. The State Comptroller shall investigate complaints from the public about bodies and persons, as provided by or under law; in this capacity the State Comptroller shall bear the title "Ombudsman". Complaints from the public
5. The State Comptroller shall carry out other functions as provided by law. Other functions
6. In carrying out his functions, the State Comptroller shall be accountable only to the Knesset and shall not be dependent upon the Government. Accountability to the Knesset

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\* Passed by the Knesset on February 15, 1988.

Election and term of office	<p>7. (a) The State Comptroller shall be elected by the Knesset in a secret ballot; the election procedures shall be prescribed by law.</p> <p>(b) The term of office of the State Comptroller shall be seven years.</p> <p>(c) The State Comptroller shall serve only one term of office.</p>
Eligibility	<p>8. Every Israeli citizen, resident in Israel, is eligible to be a candidate for the office of State Comptroller; additional qualifications may be prescribed by law.</p>
Declaration of allegiance	<p>9. The State Comptroller-elect shall make and sign before the Knesset the following declaration of allegiance:</p> <p>"I pledge to bear allegiance to the State of Israel and its laws, and to carry out faithfully my functions as State Comptroller".</p>
Budget	<p>10. The budget of the State Comptroller's Office shall be determined by the Finance Committee of the Knesset, upon the proposal of the State Comptroller, and shall be published together with the budget of the State.</p>
Salary and benefits	<p>11. The salary of the State Comptroller and other payments payable to him during, or after, his term of office, or to his survivors after his death, shall be determined by law or by a resolution of the Knesset or of a committee of the Knesset authorized by the Knesset for this purpose.</p>
Contact with the Knesset and submission of reports	<p>12. (a) The State Comptroller shall maintain contact with the Knesset, as prescribed by law.</p>

(b) The State Comptroller shall submit to the Knesset reports and opinions within the scope of his functions and shall publish them, in the manner and subject to the restrictions prescribed by law.

13. The State Comptroller shall not be removed from office except in the following circumstances: Removal from office

(1) he is permanently prevented for health reasons from performing his duties – on the day that a majority of the members of Knesset vote in favor of such a decision, following a procedure determined by law.

(2) on grounds of behavior unfitting the position of State Comptroller – on the day that at least three-quarters of the members of Knesset vote in favor of such a decision, following a procedure determined by law.

14. If the State Comptroller is unable to carry out his functions, an acting Comptroller shall be appointed, in a manner and for a period prescribed by law. Acting Comptroller

**State Comptroller Law,  
5718-1958  
[Consolidated Version]**

# **State Comptroller Law, 5718-1958**

## **[Consolidated Version]\***

### **Chapter One: The Comptroller**

1. (a) The State Comptroller (hereafter - the Comptroller) shall be elected by the Knesset in a secret ballot, at a session convened exclusively for that purpose. Election of  
Comptroller

(b) Should there be two or more candidates, the candidate for whom a majority of Members of the Knesset vote is elected; if no candidate receives such majority a second ballot shall be held; if again no candidate receives such a majority, another ballot shall be held; in the third and every subsequent ballot, the candidate who received the smallest number of votes in the previous ballot, shall no longer be a candidate; the candidate who receives a majority of the votes of the Members of the Knesset present and voting in the third or subsequent ballots is elected; if two candidates receive an equal number of votes, the ballot shall be repeated.

(c) Should there be only one candidate, the ballot shall be either for or against him and he shall be elected if the number of votes for him exceeds the number of votes against him; should the number of votes for him be equal to the number of votes against him, the ballot shall be repeated.

(d) Should the Comptroller not be elected in accordance with subsection (c), the ballot shall be repeated within thirty days of the date of the election under the provisions of this section and sections 2(b) and (c) and 3; however the nomination of a candidate in accordance with section 3(a) shall be filed not later than seven days before the date of the election.

Date of election 2. (a) The election of the Comptroller shall take place not earlier than ninety days and not later than thirty days before the expiration of the serving Comptroller's term of office; if the office of the Comptroller falls vacant before the expiration of his term, the election shall be held within forty-five days from the day the office fell vacant.

(b) The Speaker of the Knesset, in consultation with his deputies, shall set the date of the election and shall give notice of it in writing to all the Members of the Knesset at least twenty days before the election.

(c) If the date of election falls at a time when the Knesset is not in session, the Speaker shall convene the Knesset for the election.

Nomination of candidates 3. (a) When the date of the election has been set, ten or more Members of the Knesset may nominate a candidate; the nomination shall be in writing and shall be delivered to the Speaker of the Knesset not later than ten days before the date of the election; the candidate's consent, in writing or by telegram, shall be attached to the nomination; no Member of the Knesset shall sponsor the nomination of more than one candidate.

(b) The Speaker of the Knesset shall notify all Members of the Knesset, in writing, not later than seven days before the date of the election, of every candidate nominated and of those Members of the Knesset who nominated him, and shall announce the names of the candidates at the opening of the election session.

4. On the occasion of his declaration of allegiance, in accordance with section 9 of the Basic Law: The State Comptroller, the Comptroller may, in coordination with the Speaker of the Knesset, address the Knesset.

Comptroller's  
address in the  
Knesset

4A and 5. (Repealed).

6. (a) The Comptroller shall carry on his activities in contact with the State Audit Affairs Committee of the Knesset (in this Law referred to as "the Committee") and shall report to the Committee on his activities whenever he thinks fit or is required to do so by the Committee.

The Committee

(b) A person who served as a Minister, as a Deputy Minister or as a Director General or Deputy Director General of any of the Government offices shall not be Chairman of the Committee within two years from the day of termination of his tenure of such office.

(c) A member of the Committee who served in one of the posts specified in subsection (b) or in the Schedule to the Civil Service (Appointments) Law, 5719-1959, shall not participate in the discussions of the Committee relating to his area of responsibility during the period in which he served as aforesaid.

7. (a) During his term of office, the Comptroller shall not be actively engaged in politics and shall not -

Prohibited  
activities

- (1) be a member, or a candidate for membership of the Knesset, or of the council of a local authority;
  - (2) be a member of the management of a body of persons carrying on business for purposes of profit;
  - (3) hold any other office or engage, either directly or indirectly, in any business, trade or profession;
  - (4) participate, either directly or indirectly, in any enterprise, institution, fund or other body holding a concession from or assisted by the Government or in the management of which the Government has a share or which has been made subject to the control of the Government or the audit of the Comptroller, and shall not benefit, either directly or indirectly, from the income thereof;
  - (5) buy, lease, accept as a gift, use, or hold in any other manner, any State property, whether immovable or movable, or accept from the Government any contract or concession or any other benefit, in addition to his remuneration, except land or a loan for the purpose of settlement or housing.
- (b) A person who has been Comptroller shall not, for three years from the termination of his tenure, be a member of the management of a body of persons carrying on business for purposes of profit and being an audited body within the meaning of section 9(3), (5), (6), (7), (8) and (9).

8. The Comptroller's tenure of office terminates - Termination of tenure of office
- (1) upon expiration of his term of office;
  - (2) upon his resignation or death;
  - (3) upon his removal from office.
- 8A. (a) The Knesset shall not remove the Comptroller from office, except upon the demand of at least twenty Members of the Knesset, submitted in writing to the Constitution, Law and Justice Committee of the Knesset, and upon the proposal of that Committee. Removal of the Comptroller from office
- (b) The Constitution, Law and Justice Committee of the Knesset shall not propose removing the Comptroller from office before he has been given an opportunity to be heard.
- (c) The proceedings of the Knesset under this section shall be held at a session, or successive sessions, devoted exclusively to this matter; the proceedings shall begin not later than twenty days after the decision of the Constitution, Law and Justice Committee; the Speaker of the Knesset shall notify all the Members of the Knesset, in writing, at least ten days in advance, of the date on which the proceedings are to begin; if that date falls when the Knesset is not in session, the Speaker shall convene the Knesset to hold the proceedings.
- 8B. The Knesset shall not decide upon the removal of the Comptroller from office for health reasons unless such a recommendation is adopted by at least two-thirds of the members of the Knesset Committee on the basis of a medical opinion prepared in accordance with criteria decided upon by said Committee. Removal from office for health reasons

Authority to complete report or opinion

8C. If the Comptroller has submitted to an audited body a draft report or draft opinion and his term of office expires pursuant to subsection 8(1) three months or more after submission of the draft, he shall be authorized to complete the preparation of the report or opinion and to submit them within three months of the expiration of his term of office.

## **Chapter Two: Scope Of Audit**

Audited bodies

9. The following bodies (hereafter referred to as "audited bodies") shall be subject to the audit of the Comptroller:

- (1) every Government office;
- (2) every enterprise or institution of the State;
- (3) every person or body holding, otherwise than under contract, any State property or managing or controlling any State property on behalf of the State;
- (4) every local authority;
- (5) every Government company within the meaning of the Government Companies Law, 5735-1975 (hereafter referred to as "the Government Companies Law) and every enterprise, institution, fund or other body in the management of which the Government has a share;
- (6) every person, enterprise, institution, fund or other body made subject to audit by law, by decision of the Knesset or by agreement between him or it and the Government;

- (7) every Government subsidiary within the meaning of the Government Companies Law and every enterprise, institution, fund or other body in the management of which one of the bodies enumerated in paragraphs (2), (4), (5) and (6) has a share; but the audit of such a body shall not be actually carried out unless and in so far as the Committee or the Comptroller so decides;
- (8) every enterprise, institution, fund or other body assisted, either directly or indirectly, by the Government or by one of the bodies enumerated in paragraphs (2), (4), (5) and (6) by way of a grant, a guarantee or the like; but the audit of such a body shall not be actually carried out unless and in so far as the Committee or the Comptroller so decides;

(9) every general employees' organization, and every enterprise, institution, fund or other body in the management of which such employees' organization has a share, provided that the audit shall not be carried out on their activities as a trade union; but the audit of such a body shall not be actually carried out unless and in so far as the Comptroller so decides and subject to international conventions to which the State of Israel is party; if the Comptroller decides to carry out such audit, the Comptroller shall have all the powers granted him in respect of an audited body, even in respect of the activities of such employees' organization, enterprise, institution, fund or body, as a trade union, provided that the Comptroller deems that necessary for the purposes of the audit of their other activities.

In this paragraph –

"activities as a trade union" means representation of employees with regard to the advancement, realization or protection of their rights as employees;

"general employees' organization" means a national employees' organization, operating as a trade union in more than one branch of employment.

(10) a body which, after 9 February 1997, ceased to be included in the list of the bodies enumerated in paragraphs (1) through (9), regarding the period in which it was included in the said list of bodies, provided that three years have not elapsed since the day that it ceased to be included therein; with regards to a body falling within this paragraph, the Comptroller shall, according to the circumstances, have all the powers granted him in respect of an audited body.

10. (a) Within the scope of his functions the Comptroller shall, as far as necessary, examine - Extent of audit

- (1) [a] whether every expenditure has been incurred within the limits of the legal appropriation and for the purpose for which it has been assigned;
- [b] whether the income has been received in accordance with law and is authorized by law;
- [c] whether there are sufficient vouchers in respect of all expenditure and income;
- [d] whether every act within the scope of his audit has been done in accordance with law and by the person competent to do it;
- [e] whether the keeping of accounts, the drawing-up of balance sheets, the checking of the cash-in-hand and the stock, and the voucher system are efficient;

[f] whether the method of keeping moneys and safeguarding property is satisfactory;

[g] whether the state of the cash-in-hand and the stock tallies with the accounts.

(2) whether the audited bodies within the meaning of section 9(1), (2), (4) and (5) have operated economically, efficiently and in a morally irreproachable manner; this examination shall also comprise bodies supervised under section 9(6) unless the law, decision or agreement referred to in that paragraph otherwise provides, and bodies audited under section 9(7), (8) and (9) if and to the extent that their audit thereof is actually carried out;

(3) any such other matter as he may deem necessary.

(b) The Committee may, upon the proposal of the Government or the Comptroller, prescribe from time to time, in respect of an audited body or an item of its budget, special or limited forms of audit.

### **Chapter Three: Audit Procedure**

Audited body to submit report, balance sheet, survey and information

11. (a) An audited body shall, within such time as the Comptroller may prescribe, but not later than four months after the expiration of its financial year, submit a report on its income and expenditure during that year.

(b) The Comptroller may require of an audited body, within such time as he may prescribe -

- (1) a balance sheet showing its assets and liabilities as at the expiration of the year;
- (2) a detailed survey factually describing the economic and administrative operations carried out by the body during that year.
- (c) The report and balance sheet shall be accompanied by any such document as the Comptroller may require for the purpose of verification.
- (d) The Comptroller may require a report and balance sheet as aforesaid of any enterprise, institution, fund or other body which is an audited body within the meaning of section 9(7), (8) or (9) even though the audit thereof, in respect of the year to which the report or balance sheet relates, may not have been actually carried out.
- (e) (Repealed)

12. The Minister of Finance shall, within such time as the Comptroller may prescribe, but not later than six months after the expiration of the financial year of the State, submit a comprehensive report on the income and expenditure of the State during that year together with any document which the Comptroller may require for the verification of the report; moreover, the Minister of Finance shall, within such time as the Comptroller may prescribe, but not later than nine months after the expiration of the financial year of the State, submit a balance sheet showing the assets and liabilities of the State as at the expiration of that financial year, together with any document which the Comptroller may prescribe for the verification of the balance sheet.

Minister of Finance to submit comprehensive report and balance sheet of the State

13. The following provisions shall apply to audited bodies within the meaning of section 9(5), (7) and (8) (in this section referred to as "associations") in addition to the other provisions of this Law and the provisions of any other law;

(1) the Comptroller may, after consultation with the Minister of Finance, lay down directives for associations with regard to their accounting system and the drawing up of their balance sheet;

(2) the Comptroller may lay down directives for the auditor who audits the accounts of an association with regard to the scope and mode of the checks to be carried out by him, and of his report, in respect of that association, and with regard to the circumstances under which he is to report directly to the Comptroller;

(3) the Comptroller may require every association to draw up an annual plan of operations, based on the financial-economic situation during the current year and containing a forecast of its future financial and economic operations, and to submit that plan to him within such period as he may prescribe; he may also lay down directives for the drawing up of the said annual plan.

14. (a) Where an audit has revealed defects which have not been explained, or infringements of any law, of the principles of economy and efficiency or of moral integrity, the Comptroller shall communicate to the audited body the results of the audit and his demands for the rectification of the defects and, if he deems it necessary to do so, shall bring the matter to the knowledge of the Minister concerned and of the Prime Minister.

Modes of  
dealing with  
results of audit

(b)(1) Where an audit has revealed defects or infringements which the Comptroller, in view of their bearing upon a fundamental problem or in the interests of upholding moral integrity or for any other reason, deems worthy of consideration by the Committee prior to the submission of a report under section 15 or 20, he shall submit a separate report to the Committee which shall be tabled in the Knesset and made public; and upon his doing so, the Committee may, of its own motion or upon the proposal of the Comptroller, decide upon the appointment of a commission of enquiry; if the Committee so decides, the President of the Supreme Court shall appoint a commission of enquiry to investigate the matter; the provisions of the Commissions of Enquiry Law, 5729-1968, shall apply, mutatis mutandis, to the commission of enquiry.

(2) Notwithstanding the aforesaid in subsection (1), if the Comptroller submits a separate report to the Committee pursuant to the aforementioned subsection during the recess of the Knesset, the report shall be made public at a time decided by the Comptroller, as early as possible, and shall be tabled in the Knesset no later than the end of the first week of the next session of Knesset.

(b1) The Committee may, in special circumstances and with the agreement of the Comptroller, decide upon the appointment of a commission of enquiry, also on a subject included in a report under section 15 or 20, and the provisions at the end of subsection (b) will apply thereto. But the Committee shall not so decide, except by a majority of at least two-thirds of its members, in a meeting convened solely for that matter; the invitation to the first meeting shall be by notice given at least ten days in advance.

(c) Where a suspected criminal act has been uncovered during an audit, the Comptroller shall bring the matter to the knowledge of the Attorney General; a suspected violation of civil service disciplinary regulations may likewise be referred to the Attorney General; the Attorney General shall notify the Comptroller and the Committee, within six months after the matter was brought before him, of the manner in which he has dealt with the subject.

#### **Chapter Four: Reports And Opinions Of The Comptroller**

Comptroller's  
report on  
Government  
offices and State  
institutions

15. (a) Not later than the 15th of February each year, the Comptroller shall present a report for the consideration of the Prime Minister and of the Chairman of the State Audit Affairs Committee of the Knesset on the results of the audit of the audited bodies, within the meaning of section 9(1) and (2), carried out during the course of the past financial year. The Comptroller may present the report in parts, provided that the entire report is presented within the aforesaid time.

(b) In a report under subsection (a) the Comptroller shall summarize his activities in the field of audit and -

- (1) specify any infringement of moral integrity;
- (2) specify any such defect and any such infringement of a law or of the principles of economy and efficiency as in his opinion deserve to be included in the report;
- (3) make recommendations for the rectification and prevention of the defects.
- (4) specify any improvement or outstanding actions that the Comptroller deems worthy of inclusion in the report.

16. (a) (1) The Prime Minister shall provide to the Comptroller, within ten weeks of the day on which he received the report, in whole or in part, all of the following:

Observations by Prime Minister and tabling the report in the Knesset

- [a] his observations concerning each defect and injury detailed in the report;
- [b] the responses of the audited bodies to the report, as submitted to him in accordance with subsection (a1);
- [c] a report concerning the remedy of defects and infringements detailed in previous reports, including, inter alia, the details referred to in section 21B(a) and (b), and a report on decisions that the Government made as a result of the reports, and on execution of those decisions.

(2) Upon the expiration of the period as aforesaid in paragraph (1), the report, and the responses and observations, shall be tabled in the Knesset; however if the said time is during a recess of the Knesset, the report shall be tabled in the Knesset no later the end of the first week of the next session of Knesset.

(a1) An audited body dealt with in a report shall submit to the Prime Minister, within the time frame set out by the Prime Minister, its responses regarding each defect and infringement detailed in the report which relate to said body.

(b) The Comptroller, on his own initiative or upon the proposal of the Committee, may determine, in consultation with the Committee, that in a certain year the period stipulated in subsection (a) shall be shorter or longer by not more than fourteen days; such decision shall be made and brought to the notice of the Committee and the Prime Minister not later than the day on which the report is submitted, in whole or in part, as aforesaid in section 15(a).

Safeguarding  
security and  
foreign relations  
of the State

17. (a) A Subcommittee of the Committee (hereinafter – "the Subcommittee") may, upon consultation with the Comptroller, decide that the report or opinion of the Comptroller, or parts thereof, shall not be tabled in the Knesset and shall not be made public if it deems it necessary to do so in the interests of safeguarding the security of the State or in order to avoid an impairment of its foreign relations or its international trade relations. The provisions of section 5 of the Knesset Law, 5754-1994 shall apply in regard to the Subcommittee.

(a1) A copy of the report or opinion of the Comptroller, or parts thereof, concerning which the Committee has reached a decision as stated in subsection (a), shall be submitted by the Ombudsman to the Chairman of the Committee for External Affairs and Security of the Knesset and he shall be entitled, with the consent of the Chairman of the Committee, to bring them to the knowledge of the subcommittee of the Committee for External Affairs and Security of the Knesset which is authorized to handle the matter in question; this provision does not diminish the authority of the Committee under this law.

(b) (Repealed).

(c) Having regard to the necessity of safeguarding the security of the State, the Comptroller may, having been requested by the Government on grounds which he is satisfied are reasonable, decide that a report or opinion of the Comptroller or parts thereof, shall not be laid on the table of the Knesset and shall not be published; a report or opinion of the Comptroller or parts thereof, concerning which the Comptroller has reached a decision under this section, shall be submitted to the Chairman of the Committee and shall be brought to the knowledge of the Chairman of the Committee for External Affairs and Security of the Knesset.

(d) The remarks of the Prime Minister and the response of the audited bodies to a report of the Comptroller or parts thereof, concerning which a decision has been reached as stated in subsections (a) or (c), shall not be laid on the table of the Knesset and shall not be published.

Procedure in the  
Committee and  
in the Knesset

18. (a) When the report has been laid on the table of the Knesset, or a report or opinion has been published, the Committee shall consider them and submit its conclusions and proposals for the approval of the Knesset, and it may submit them chapter by chapter.

(a1) A report or opinion of the Comptroller or parts thereof, concerning which the Committee has reached a decision as stated in Section 17(a), shall be discussed by the subcommittee of the Committee, and the provisions of Section 5 of the Knesset Law, 5754-1994 shall apply.

(a2) A report or opinion of the Comptroller or parts thereof, concerning which the Comptroller has reached a decision as stated in Section 17(c), shall be discussed by a joint committee of the Chairman of the Committee and the Chairman of the Committee for External Affairs and Security of the Knesset, which shall be chaired by the Chairman of the Committee (in this section – the Joint Committee); in the aforesaid discussion, the Joint Committee shall have the authority vested in a committee by any law; the meetings of the Joint Committee shall have immunity.

(b) If the Committee does not submit its conclusions and proposals as aforesaid in subsection 15(a), the Knesset shall consider the report when the subsequent report is laid on the table of the Knesset.

(c) The conclusions and proposals of the Committee in respect of those parts of the report which, in pursuance of section 17(a), have not been laid on the table of the Knesset, as well as conclusions and proposals of the Joint Committee, shall also not be laid on the table of the Knesset and shall be deemed to have been approved by the Knesset; conclusions and proposals as stated in this subsection shall be submitted to the Prime Minister.

18A. (a) For the purpose of preparing the conclusions and proposals of the Committee in accordance with section 18, the Chairman of the Committee may invite any person, who held office or fulfilled a function in the audited body during the period covered by the Comptroller's report, to appear before the Committee in order to respond to the report in regard to matters with which the said person is connected; he may also invite any person who holds such office or fulfills such a function at the time or who held such office or fulfilled such a function in the past in order to respond to the report; the Chairman of the Committee must invite such a person if he is requested to do so by the Committee or by at least three of its members; in this subsection, "held office or fulfilled a function" in an audited body includes the exercise of a power with respect to it by law, or by virtue of being a member of its management or an employee.

Appearance  
before the  
Committee

(b) Whenever a person who was invited according to subsection (a) did not appear, the Committee may, by a majority of its members, demand that he appear before it, as aforesaid; the demand shall be in writing, signed by the Chairman of the Committee, and attached to it shall be a copy of the Comptroller's report or that part of it to which the demand is directed; the demand shall be submitted at least ten days before the time stipulated for his appearance.

(c) A person required to appear before the Committee by invitation or demand shall submit to it, at least two days before the time stipulated for his appearance, a written summary of his response, together with copies of the documents which he intends to submit to the Committee.

(d) Any person who received a demand to appear as aforesaid in subsection (b) and did not do so, and did not show a justifiable reason for such, is liable to a fine.

(e) A demand to appear according to this section shall not be sent to -

(1) the President of the State or the Speaker of the Knesset;

(2) in a matter under judicial consideration a person holding judicial office.

Comptroller's  
report on  
balance sheet of  
the State

19. The Comptroller shall submit the report on the balance-sheet showing the assets and liabilities of the State, for the consideration of the Minister of Finance, not later than the end of the month of March following the submission of the balance sheet by the Minister of Finance as specified in section 12, and shall lay it on the table of the Knesset at the same time as the report under section 15.

20. (a) Upon completion of an audit of audited bodies within the meaning of section 9(3), (4), (5), (6), (7), (8) and (9) (hereinafter – "other audited bodies"), the Comptroller shall prepare a report on the result of his audit. In his aforesaid report, the Comptroller shall include a summary, details, and recommendations as aforesaid in section 15(b).

Comptroller's  
report on other  
audited bodies

(b) The Comptroller shall submit each report on the audit of an audited body within the meaning of section 9(4) to the head of the local authority audited, together with copies for all the members of such local authority; a copy of the report shall be submitted by the Comptroller to the Committee, to the Prime Minister and to the Minister of the Interior.

(c) Each report on the audit of an audited body within the meaning of section 9(3), (5), (6), (7), (8) and (9) shall be submitted by the Comptroller to the Committee; a copy of the report shall be submitted by the Comptroller to the Prime Minister, to the Minister concerned and to the audited body; but a copy of such a report on an audited body within the meaning of section 9(9) shall only be submitted by the Comptroller to the audited body itself.

(d) In regard to other audited bodies, the head of the audited body, as defined in section 21A, shall submit to the Comptroller, within ten weeks of receiving the report in whole or in part, his observations concerning the report regarding every defect or infringement detailed therein.

(e) The provisions of section 16(b) shall apply, mutatis mutandis, in regard to the dates for submission of observations under this section.

(f) At the end of the time period referred to in subsection (d), the report and the observations in regard thereto shall be tabled in the Knesset, and the provisions of the final clause of section 16(a)(2) shall apply.

(g) The Prime Minister shall decide, with the approval of the Committee, matters pertaining to the preparation of observations under this section, including the manner in which they are to be written, consolidated and arranged.

Opinion

21. (a) The Comptroller shall, if requested to do so by the Knesset, the Committee or the Government, prepare an opinion as to any matter within the scope of his functions. The said opinion shall be made public at a time specified by the Comptroller.

(b) Notwithstanding the aforesaid in subsection (a), if the Comptroller prepared an opinion pursuant to the aforementioned subsection during the recess of the Knesset, the opinion shall be made public at a time decided by the Comptroller, as early as possible, and shall be tabled in the Knesset no later than the end of the first week of the next session of Knesset.

21A. (a) In this section, "head of an audited body" means each of the following:

- (1) in an audited body as referred to in section 9(1) or (2)  
– the minister in charge of that body;
- (2) in an audited body referred to in section 9(4) – the head of the local authority;
- (3) in another audited body – the directorate or comparable body in the audited body;

(b) In each audited body, the head of the audited body shall appoint a team to rectify the defects, to be headed by the director general in that body, and, where the position of director general does not exist, by the comparable office holder in that body (hereafter referred to as "the team").

(c) Where the audit revealed defects in the activity of the audited body, the team shall – within sixty days of the prescribed time as defined in section 28(a)(1) – discuss the ways to rectify the defects, make decisions relating to rectifying them, and report on their discussions and decisions to the head of the audited body within fifteen days after making said decisions.

(d) The team may, upon approval of the head of the audited body, delay rectifying a particular defect.

21B. (a) The head of the audited body as aforesaid in section 21A(a) shall report to the Comptroller regarding the decisions made pursuant to section 21A(c) and (d) within thirty days of the date they are reported to him. If the audited body is of the type referred to in section 9(1) or (2), the head of the said audited body shall also report to the Prime Minister. Such reports shall detail the method and timeframe for rectifying defects and set out if there is to be a delay in the correction of certain defects and the reasons for such delay.

(b) The Prime Minister shall inform the Comptroller, within eight months from the time a report is presented to him in which it was determined that defects were found in the activity of an audited body as referred to in section 9(1) or (2), of the results of the handling of the said defects.

(c) The Comptroller may at any time demand reporting in addition to those enumerated in this section.

(d) The Comptroller may, with approval of the Committee, set out a framework for reporting the rectification of defects, including with regard to the particulars to be included in such a report.

Failure to perform acts to rectify defects

21C. Failure of an employee of an audited body to carry out that which was required of him pursuant to section 9(1) or 9(2), without reasonable justification, shall be deemed a disciplinary offense according to the law applicable to such audited body.

## **Chapter Five: The Comptroller's Office**

Staff of the Comptroller's Office

22. (a) The staff of the Comptroller's Office shall have the same status as other State employees, but as regards the receipt of instructions, and as regards dismissals, it shall be under the sole authority of the Comptroller.

(b) (1) The prohibitions applying to the Comptroller under section 7(a) shall apply also to such members of the staff of his Office as are employed in audit work, but the Comptroller may, upon the request of a staff member as aforesaid, permit him to do any of the things enumerated in section 7(a)(2), (3) or (4) (hereafter referred to as "the activity"), if in his opinion the activity does not infringe upon the audit work or create a conflict of interests; the aforesaid permission does not exempt the staff member from meeting the requirements of any law or custom regulating the activity.

(2) A staff member as aforesaid in paragraph (1) who leaves his post shall not, save with the approval of the Comptroller, be employed by an audited body within two years from the day of leaving.

(c) In carrying out his functions, the Comptroller may, to the extent that he deems it necessary to do so, avail himself of the assistance of persons who are not members of the staff of his Office.

22A. (a) The Comptroller shall appoint a person in charge of security, who shall be responsible for organizing security actions within the meaning of the Security in Public Places Arrangements Law, 5758-1998 (in this section - the Law), in the Comptroller's Office, and for supervising these actions.

Person in charge  
of security

(b) A person shall not be appointed the person in charge of security pursuant to subsection (a) unless he met the conditions stated in section 4(b) of the Law, and met the conditions for qualification stated in section 5 of the Law.

(c) The person in charge of security shall have the powers provided in section 3 of the Law, and the provisions of section 13 of the Law shall apply to the person appointed by the person in charge of security to serve as a security officer in the Comptroller's Office.

(d) The provisions of section 14 of the Law shall apply to the person in charge of security and to a security officer in the Comptroller's Office, however the certificate of appointment shall be issued by the Comptroller or by a person empowered by him for this purpose.

(e) The Comptroller shall establish the procedures for auditing and supervising the exercise of powers by the person in charge of security and by a security officer appointed pursuant to this section.

Duty of secrecy 23. The staff of the Comptroller's Office and any person with whose assistance the Comptroller carries out his functions shall keep secret any information obtained by them in the course of their work and shall give a written undertaking to such effect upon starting work.

Budget of the Office 24. The budget of the Comptroller's Office shall be determined by the Finance Committee of the Knesset, upon the proposal of the Comptroller, and shall be published together with the budget of the State. The Finance Committee may, upon the proposal of the Comptroller, approve changes in the budget of his Office.

Financial report to Committee 25. After the expiration of the financial year, the Comptroller shall submit the financial report of his Office for the approval of the Committee.

## **Chapter Six: Miscellaneous Provisions**

Powers of commission of enquiry 26. The Comptroller and any person appointed by him for that purpose with the approval of the Committee shall, *mutatis mutandis*, have all the powers referred to in sections 8 to 11 and 27(b) and (d) of the Commissions of Enquiry Law, 5729-1968.

27. (Repealed)

28. (a) The following are liable to imprisonment for a term of one year or to a fine as prescribed in section 61(a)(2) of the Penal Law, 5737-1977: Penalties

(1) a person who publishes a report that the Comptroller must submit in accordance with the provisions of section 15 or 20, or in accordance with the provisions of any other law, or an opinion that the Comptroller prepared pursuant to the provisions of section 21, or a person who publishes a part of such report or opinion, or of the contents thereof, before the prescribed time; in this section, "the prescribed time" means -

[a] in the matter of a report that must be submitted in accordance with the provisions of section 15 or 20 -- the time it must be tabled in the Knesset as provided in section 16 or 20, as applicable;

[b] in the matter of an opinion that must be prepared in accordance with the provisions of section 21 – the time it must be tabled in the Knesset or made public as per the decision of the Comptroller pursuant to section 21(b), whichever is earlier;

[b1] in the matter of a separate report pursuant to section 14(b) – the time it must be tabled in the Knesset or the time it is made public pursuant to section 14(b)(2), whichever is earlier;

[c] in the matter of a report that must be submitted in accordance with the provisions of any other law, the time for submitting the report, and where a time is specified for its publication, the time of its publication;

(2) a person who publishes any report or opinion or a part thereof or of the contents thereof in contravention of the provisions of section 17;

(3) a person who without obtaining the Comptroller's permission publishes the results of an audit carried out by the Comptroller.

(b) The provisions of this section shall not release a person from criminal responsibility under any other law.

Acting  
Comptroller

29. If the Comptroller is temporarily unable to carry out his functions, the Committee shall appoint an Acting Comptroller for a period not exceeding three months; the Committee may extend the appointment for additional periods, provided that the sum total of all the periods served by the Acting Comptroller shall not exceed six months; if the Comptroller is unable to carry out his functions for a period of six consecutive months, he shall be considered to have resigned.

Material not to  
serve as  
evidence

30. (a) No reports, opinions or other documents issued or prepared by the Comptroller in the discharge of his functions shall serve as evidence in any legal or disciplinary proceeding.

(b) A statement received in the course of the discharge of the Comptroller's functions shall not serve as evidence in a legal or disciplinary proceeding, other than a criminal proceeding in respect of testimony on oath or affirmation obtained by virtue of the powers referred to in section 26.

## Chapter Seven: Investigation Of Complaints From The Public

31. (Repealed).

32. (a) The Ombudsman shall carry out his functions with the assistance of a special unit in the State Comptroller's Office, to be known as the Office of the Ombudsman. The Director of the Office of the Ombudsman shall be appointed by the Committee upon the proposal of the Ombudsman and shall be directly responsible to him. The duty of announcing the vacancy under section 19 of the Civil Service (Appointments) Law, 5719-1959, shall not apply to the appointment of the Director of the Office of the Ombudsman.

Unit for investigation of complaints

(b) If the post of Director of the Office of the Ombudsman falls vacant or if the Director is for any reason unable to carry out his functions, the Ombudsman may entrust the carrying out of such functions to another person for a period not exceeding three months.

33. Any person may submit a complaint to the Ombudsman.

Complaint by whom

34. A complaint submitted in writing or taken down according to the complainant's oral statement shall be signed by the complainant and shall indicate his name and address.

Modes of submitting a complaint

- Complaint by prisoner
35. A complaint by a prisoner within the meaning of the Prisons Ordinance [New Version], 5732-1971, shall be submitted in a closed envelope, and the Commissioner of Prisons or a person empowered by him in that behalf shall forward it unopened to the Ombudsman.
- Complaint against whom
36. A complaint may be submitted against one of the following:
- (1) an audited body within the meaning of paragraphs (1) to (6) of section 9;
  - (2) one of the bodies referred to in paragraphs (7) and (8) of section 9, to the extent that the Committee or the Ombudsman has decided that this chapter shall apply in respect thereof and notice to such effect has been published in Reshumot;
  - (3) an employee, office-holder or bearer of any function in any such body as referred to in paragraphs (1) or (2) of this section.
- Complaint about what
37. The subject of a complaint may be –
- (1) an act directly injurious to, or directly withholding a benefit from, the complainant – or another person, provided that the complainant has received, in a manner and to an extent acceptable to the Ombudsman, the agreement of said person to submit a complaint in the matter, or

- (2) if the complainant is a Member of the Knesset, also an act directly injurious to, or directly withholding a benefit from, another person,

such act being contrary to law or without lawful authority or contrary to good governance or involving excessive inflexibility or flagrant injustice; for this purpose, "act" includes an omission or delay in acting.

38. The following complaints shall not be investigated:

Complaints not  
to be  
investigated

- (1) a complaint against the President of the State;
- (2) a complaint against the Knesset, a Committee of the Knesset or a Member of the Knesset in respect of an act done in, or for the purpose of, the discharge of his functions as a Member of the Knesset;
- (3) a complaint against the Government, a Committee of Ministers or a Minister as to his activity as a member of the Government, except his activity as the person in charge of a Ministry or sphere of activity;
- (3A) a complaint against the Governor of the Bank of Israel, except as to his activity as the person in charge of the bank;
- (4) a complaint against a judicial or quasi-judicial act;

- (5) a complaint as to a matter pending in a court or tribunal or in which a court or tribunal has given a decision with regard to the substance thereof;
- (6) a complaint by a person serving in regular service under the Defense Service Law [Consolidated Version], 5746-1986, or serving in the reserves under the Reserves Service Law, 5768-2008, with regard to service arrangements, terms of service, or discipline;
- (7) a complaint by a police officer or prison officer with regard to service arrangements and terms of service or discipline in the Israel Police or the Prison Service;
- (8) a complaint by a State employee, or by an employee of a body referred to in section 36, in a matter relating to his service as an employee; but there shall be investigated an act alleged to be contrary to the provisions of any law or regulations, the Civil Service Regulations, a collective agreement or general arrangements prescribed on behalf of the Civil Service Commissioner or, in the case of a body referred to in section 36, similar general arrangements.
- (9) a complaint by a person in a matter pertaining to an individual referred to in subsection (6), (7) or (8), with regard to the issues delineated in the relevant subsection.

39. The following complaints shall not be investigated unless the Ombudsman finds that there is a special reason justifying their investigation:

Complaints only to be investigated for special reason

- (1) a complaint in a matter, other than of the class of matters referred to in section 38(5), in which a decision has been given against which a contestation, objection or appeal can be, or could have been filed under any law;
- (2) a complaint filed after a year has elapsed from the date of the act to which it relates or the date on which such act became known to the complainant, whichever is later.

40. (a) When a complaint has been filed, the Ombudsman shall open the investigation thereof unless it appears to him that it does not comply with section 34, or that it does not come within the scope of sections 36 or 37, or that it should not be investigated for one of the reasons enumerated in sections 38 and 39, or that it is vexatious or intended merely to annoy, or if he is of the opinion that the Ombudsman is not the proper body to investigate the matter.

Opening of investigation

(b) In the cases referred to in subsection (a), the Ombudsman shall notify the complainant in writing that he will not deal with the complaint, stating his reasons.

41. (a) The Ombudsman may investigate a complaint in any manner he thinks fit and shall not be bound by rules of procedure or rules of evidence.

Modes of investigation

(b) The Ombudsman shall bring the complaint to the knowledge of the person or body complained against and, if such person is an employee as specified in section 36(3), also to the knowledge of his superior (hereafter referred to as "the superior") and shall give him, it or them a suitable opportunity to answer it. The Ombudsman may require the person or body complained against to answer the complaint within the period specified in his request.

(c) The Ombudsman may hear the complainant, the person whose matter was raised by the complainant under section 37(1), the person or body complained about and any other person if he deems it useful so to do.

(d) For the purpose of the investigation, the Ombudsman may require any person or body to give him, within such period and in such manner as he shall prescribe in the request, any information or documents likely, in his opinion, to assist in the investigation of the complaint. A person or body required to deliver information or a document as aforesaid shall comply with the request. The provisions of this subsection shall not derogate from the provisions of sections 47 to 51 of the Evidence Ordinance [New Version], 5731-1971.

Discontinuance  
of investigation

42. The Ombudsman may discontinue the investigation of a complaint if he is satisfied that one of the grounds justifying the non-opening of an investigation exists or that the matter to which the complaint relates has been rectified or that the complainant has withdrawn the complaint. In this case, he shall notify the complainant, the person or body complained against and the superior, in writing, that he has discontinued the investigation, stating his reasons.

43. (a) Where the Ombudsman finds that the complaint is justified he shall notify the complainant, the person or body complained against, and if he so deems fit, the superior, to such effect, stating his reasons. He may set out a summary of his findings in his reply, and may point out, to the person or body complained against and to the superior, the need to rectify a defect revealed by the investigation and how and by what time it is to be rectified.

(b) The person or body complained against or the superior shall, within the time referred to in subsection (a), inform the Ombudsman of the steps which have been taken. If he or it fails to do so, or if the information does not satisfy the Ombudsman, the Ombudsman may bring the matter to the knowledge of the Minister concerned or of the Committee.

(c) Where the Ombudsman finds that the complaint is not justified, he shall notify the complainant, the person or body complained against and, if he so deems fit, the superior, to such effect, stating his reasons. He may set out a summary of his findings in his reply.

(d) Where the investigation of the complaint gives rise to the suspicion that a criminal offence has been committed, the Ombudsman shall bring the matter to the knowledge of the Attorney General; and he may do so where the investigation of a complaint gives rise to the suspicion that a disciplinary offence has been committed under any law. The Attorney General shall inform the Ombudsman and the Committee, within six months from the day that the matter was submitted to him, of the manner in which he has dealt with the subject.

Restrictions on notification

44. (a) A notification by the Ombudsman under section 43(a) or (c) shall not contain or disclose any material or information which in the opinion of the Prime Minister or the Minister of Defense is a matter of State security or which in the opinion of the Prime Minister or the Minister of Foreign Affairs is a matter of foreign relations or international trade relations of the State.

(b) Where it appears to the Ombudsman that his notification is likely to contain or disclose any material or information as referred to in subsection (a) and the ministers did not express their opinion as specified in that subsection, the Ombudsman shall ask the opinion of the Prime Minister or the Minister of Defense or the Minister of Foreign Affairs, as the case may be, before making his notification.

(c) The Ombudsman shall be exempt from stating his findings or reasons -

(1) where the complaint relates to an appointment to a particular post or the assignment of a particular function;

(2) where in his opinion the material or evidence may unlawfully prejudice the right of any person other than the complainant;

(3) where in his opinion the disclosure of the material or evidence will involve the disclosure of a professional secret, or of secret information, within the meaning of any law.

Rights and relief

45. (a) The decisions and findings of the Ombudsman as to a complaint -

- (1) shall not grant to the complainant or any other person any right or relief in any court or tribunal which he did not previously have;
  - (2) shall not prevent the complainant or any other person from exercising any right or applying for any relief to which he is entitled; but where a time-limit is set thereof by any enactment, the submission or investigation of the complaint shall not entail an extension of time.
- (b) No court shall entertain an application for relief against the decisions or findings of the Ombudsman in the matter of a complaint.

45A. Notwithstanding anything contained in section 38(8) -

- (1) a complaint by an employee referred to in section 36(3), other than a police officer, prison officer or soldier (such an employee hereafter in this chapter referred to as "the employee"), about an act referred to in section 37 by which his superior reacted to his reporting, in good faith and in accordance with proper procedure, any acts of corruption committed in the body in which he is employed, shall be investigated under the provisions of this chapter, subject to sections 45B to 45E.

Complaint by public servant who has exposed acts of corruption

(2) a complaint by an employee, who is an internal auditor in a body referred to in section 36(1) or (2), other than a police officer, prison officer or soldier, relating to his removal from that post or to an act contrary to the provisions of any law or regulations, the Civil Service Regulations, a collective agreement, or general arrangements prescribed on behalf of the Civil Service Commissioner, or similar general arrangements, which is directly injurious to or directly withholds a benefit from the complainant and which was committed by his superior in reaction to his activities in fulfilling his function as internal auditor shall be investigated under the provisions of this chapter, subject to sections 45C to 45E.

Complaint only to be investigated for special reason

45B. Where the Ombudsman finds that there is a reason justifying it, he may investigate a complaint under section 45A(1) even if the employee reported the acts of corruption otherwise than in accordance with proper procedure.

Relief

45C. (a) The Ombudsman may make any order he deems right and just, including a provisional order, to protect the rights of the employee, having regard to the proper functioning of the body in which he is employed.

(b) Where the complaint relates to the dismissal of the employee, the Ombudsman may order revocation of the dismissal or the award of special compensation to the employee, in money or in rights.

(c) The Ombudsman may order the transfer of the employee to another post in the service of his employer.

(d) An order under this section shall be binding on any superior of the employee and on the employee himself, and a person who contravenes it commits a disciplinary offence. But their responsibility for a disciplinary offence shall not detract from their criminal responsibility for the contravention of that order.

45D. The Attorney General may request the Ombudsman to reconsider a decision given under section 45C. The Civil Service Commissioner may so request in the case of a complaint by a State employee; in the case of a complaint by someone who is not a State employee, the head of the audited body may also so request.

Reconsideration

45E. The submission of a complaint under section 45A or 45B otherwise than in good faith, or vexatiously, shall be a disciplinary offence.

Submission of complaint otherwise than in good faith

45F. A body referred to in section 36(1) or (2), except for the Israel Police Force, the Prison Service, and the Israel Defense Force, shall publish, in a conspicuous place at the work site, the primary provisions of sections 45A to 45E, in a form that the Ombudsman shall determine.

Publication of provisions

46. (a) The Ombudsman shall, at the beginning of each year, prepare a report on his activities, containing a general survey and an account of the handling of selected complaints. The aforesaid report shall be tabled in the Knesset.

Report

(b) The Ombudsman may, prior to the submission of the annual report, submit to the Knesset a special report. The aforesaid special report shall be tabled in the Knesset.

(c) When a report has been laid on the table of the Knesset, the Committee shall consider it and shall submit to the Knesset its conclusions and proposals for approval. In regard thereto, the provisions of section 18A shall apply, mutatis mutandis.

(d) A report under this section shall not be published before being laid on the table of the Knesset.

(e) The provisions of section 44 shall also apply, mutatis mutandis, to a report under this section.

Application of provisions

47. (a) Sections 22, 23, 26, 28 and 30 shall apply, mutatis mutandis, for the purposes of this chapter.

(b) The provisions of this chapter shall not derogate from the power of the State Comptroller to make use in his other activities of material which reached him in connection with a complaint, whether or not he has investigated it.

Priority of powers and status

48. The provisions of any law according to which there shall be appointed in an audited body a person, whose function is to investigate complaints against that body, shall not derogate from the powers and status of the Ombudsman under this law.

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The original State Comptroller Law, 5709-1949, was passed by the Knesset on May 18, 1949. It was amended in 1952, 1954, and 1958. The original law and the aforesaid amendments were consolidated in the State Comptroller Law [Consolidated Version], 5718-1958.

Since 5718-1958, there have been 43 amendments to this law.

This version is the consolidated version, as amended by the following amendments: State Comptroller (Amendment) Law, 5722-1961; State Comptroller (Amendment No. 2) Law, 5722-1962; State Comptroller (Amendment No. 3) Law, 5724 -1964; Holders of Public Office (Benefits) Law, 5729-1969; State Comptroller (Amendment No. 5) Law, 5731-1971; State Comptroller (Amendment No. 6) Law, 5732-1972; State Comptroller (Amendment No. 7) Law, 5734-1974; State Comptroller (Amendment No. 8) Law, 5735-1975; State Comptroller Amendment No. 9) Law, 5738-1978; Police Ordinance (Amendment No. 7) Law, 5740-1980; State Comptroller (Amendment No. 11) Law, 5741-1981; State Comptroller (Amendment No. 12) Law, 5744-1983; State Comptroller (Amendment No. 13) Law, 5744-1984; State Comptroller (Transitional Provisions) Law, 5748-1988; State Comptroller (Amendment No. 15) Law, 5750-1990; State Comptroller (Amendment No. 16) Law, 5751-1990; State Comptroller (Amendment No. 17) Law, 5752-1992; State Comptroller (Amendment No. 18) Law, 5753-1993; State Comptroller (Amendment No. 19) Law, 5754-1993; State Comptroller Amendment No. 20) Law, 5754-1994; State Comptroller (Amendment No. 21) Law, 5754-1994; State Comptroller (Amendment No. 22) Law, 5754-1994; State Comptroller (Amendment No. 23) Law, 5755-1995; State Comptroller (Amendment No. 24) Law, 5755- 1995; State Comptroller (Amendment No. 25) Law, 5755-1995; State Comptroller (Amendment No. 26) Law, 5755-1995; Bank of Israel (Amendment No. 19) Law, 5755-1995; State Comptroller (Amendment No. 28) Law, 5755-1995; State Comptroller (Amendment No. 29) Law, 5756-1996; State Comptroller (Amendment No. 30) Law, 5756-1996; State Comptroller (Amendment No. 31) Law, 5757-1997; Organization of Security in Public Bodies Law, 5758-1998; State Comptroller (Amendment No. 33) Law, 5761-2001; State Comptroller (Amendment No. 34) Law, 5763-2003; State Comptroller (Amendment No. 35) Law, 5765-2005; Organization of Security in Public Bodies (Amendment No. 2) Law, 5765-2005; State Comptroller (Amendment No. 37) Law, 5765-2005; State Comptroller (Amendment No. 38) Law, 5767-2007; State Comptroller (Amendment No. 39) Law, 5768-2007; State Comptroller (Amendment No. 40) Law, 5768-2008; State Comptroller (Amendment No. 41) Law, 5768-2008; State Comptroller (Amendment No. 42) Law, 5768-2008; State Comptroller (Amendment No. 43) Law, 5768-2008; State Comptroller (Amendment No. 44) Law, 5771-2011; State Comptroller (Amendment No. 45) Law, 5772-2012, the last amendment, which was passed on June 27, 2012.

Translation edited by Dr. Itzik Becker