



State Comptroller of Israel | Annual Report 71C | 2021

Ministry of Foreign Affairs

Consular Services – The Ministry of Foreign Affairs' Handling of Israelis in Distress Abroad



Consular Services – The Ministry of Foreign Affairs' Handling of Israelis in Distress Abroad

Background

Many Israelis reside abroad for short or long periods or on a regular basis. There is a need to provide them with government services during routine times, to assist them when they are in distress, to provide information to them and to aid Israelis arrested or incarcerated abroad. The Ministry of Foreign Affairs is responsible for providing a variety of services to Israeli citizens abroad through: the Consular Section, the Department for Israelis Abroad and through 103 diplomatic missions of the ministry abroad, which also provide consular services.

Key figures

9.2 million

Israelis departed abroad in 2019. In 2020, as a result of the covid-19 pandemic, the number of departures dropped by 83%.

1,500

Distress incidents involving Israelis abroad on average per annum.

45

Rescue flights during the period of the covid-19 pandemic (March and April 2020), which were subsidized by the State.

NIS 6 million

The budget for subsidizing rescue flights during the period of the covid-19 pandemic.

5,641

Israelis registered for assistance with flights to Israel upon the outbreak of the covid-19 pandemic.

3,550

Israelis were incarcerated abroad from 2005 to 2020.

40%


Of the Israeli prisoners, whose files were examined during the audit, were not visited by an Israeli consular officer in a timely manner.

82

Israelis convicted of felonies abroad asked to serve their sentences in Israel from 2015 to 2019.






Audit actions

 From March to September 2020, the Office of the State Comptroller audited the Ministry of Foreign Affairs’ handling of Israelis in distress abroad. The audit was performed in the Ministry of Foreign Affairs. The audit focused on the limits of the State’s responsibility for assisting Israeli citizens in distress abroad and on the budget for consular activities at diplomatic missions.

The audit also examined the activities by the Consular Section and the Department for Israelis Abroad relating to rescuing and flying Israelis back to Israel from various countries worldwide due to the covid-19 pandemic. In addition, the audit examined publication of information to the public by the Ministry of Foreign Affairs and its diplomatic missions abroad; and the assistance provided to Israelis detained and incarcerated abroad was also examined.

Supplementary audits were performed in the: Ministry of Transportation, National Security Council, Civil Aviation Authority, Airports Authority, Ministry of Justice, Ministry of Finance – the Accountant-General Department, Ministry of Health, Ministry of Public Security, Israel Police and Israel Prison Service. The audit teams also met with private entities engaging in rescue missions. During the audit, the Ministry of Foreign Affairs’ databases from its information systems were also analyzed. Additionally, the Office of the State Comptroller sent an online questionnaire to 103 Israeli diplomatic missions throughout the world, to which 61% of the diplomatic missions responded.

Key findings


- 
-  **Lack of regulation of government activities to assist Israelis in distress abroad** – The law does not obligate the government or any government agency to assist Israeli citizens in distress abroad, and the State’s actions in this regard are done as a moral duty. The government’s general authority to assist Israelis in distress abroad by virtue of its residual authority was not delegated to the Ministry of Foreign Affairs. Staff work was initiated in 2004 to determine the limits of the State’s responsibility for its citizens abroad but, at the time of the audit, it was not yet completed. Due to the lack of regulations, during the extraordinary distress events abroad involving Israelis that occurred from 2002 to 2020, there was a lack of uniformity regarding the authority responsible for making decisions, coordinating efforts and financing the response.
 -  **Special budget for consular services and for humanitarian assistance in exceptional cases** – The Ministry of Foreign Affairs has no separate or pooled data about the budget for the consular activities or its expenses. Consequently, it cannot take



action to achieve its targets and carry out its policies according to its planning and budgetary cycle. Furthermore, the Ministry of Foreign Affairs' policy of not allocating a budget to finance exceptional humanitarian assistance to Israelis under extraordinary severe distress (apart from a limited loan under particular conditions) results in diplomatic missions seeking financial aid through donations from communities and individuals in order to provide such assistance. Sometimes mission employees themselves contribute from their own money. This could harm the State's image and its status among government and private entities abroad.

 **Government activities during the period of the covid-19 pandemic to assist**

Israelis in distress abroad – The audit found that the online interface on the Ministry of Foreign Affairs' website that Israelis abroad could use to register and ask to be returned to Israel, during the covid-19 pandemic (March and April 2020), remains on the ministry's website. However, it was removed from the home page while thousands of Israelis were still abroad. It was also found that, at the time the ministry published the announcement about providing flights for Israelis to return to Israel due to the spread of the covid-19 pandemic, the ministry had not yet formulated a uniform action plan for handling all Israelis who wished to return to Israel. It was also found that the commitment to commercial airlines that the State would subsidize the flights had not been authorized by the competent authority pursuant to the provisions of the Administrative Directives on Regulation, Finance and Economy (TAKAM Directives), and was not anchored in a signed agreement. Furthermore, since the State financed the cost to return Israelis on one flight from Peru, this caused Israelis residing in other countries to expect that they would be flown back to Israel for free. Moreover, the airlines provided the rescue flights according to an economic model agreed upon with them, but the State changed this model retroactively after the flights had been provided.

 **Publishing of critical information, alerts and warnings to Israelis travelling**

abroad or residing abroad – The information published on the Ministry of Foreign Affairs' website is scattered over different pages on the website and is not sorted by country, dates or degree of relevance. Furthermore, travel warnings and information are published in Hebrew on the website, which does not enable anyone who cannot read Hebrew to understand the published information or to act according to its guidance. The audit also found differences in the information that the Ministry of Foreign Affairs publishes on the websites of 40 diplomatic missions examined (out of the ministry's 103 missions). Moreover, the websites of the Ministry of Foreign Affairs and its diplomatic missions do not publish information about public health and personal security in various countries, which is published on government websites in other western countries.



Handling of Israelis incarcerated abroad and handling of the phenomenon of khat exports

– The Israeli diplomatic missions abroad are not diligent about entering all details in their information systems about Israelis incarcerated within their jurisdiction, including material details, such as their prison release dates. Consequently, the Ministry of Foreign Affairs' database does not reflect the actual status of Israelis incarcerated abroad. Israeli consular officers did not visit approximately 40% of the Israelis incarcerated abroad, whose files were examined during the audit, in a timely manner or at the obligatory frequency defined. The ministry also did not define directives that obligate the diplomatic missions to allocate an adequate budget that would enable them to carry out the visits in compliance with the regulations. Furthermore, as of the date of the audit completion, even though about three and a half years passed since the Supreme Court issued its ruling about the handling of prisoner transfer requests, all of the agencies involved in this process have still not formulated an agreed work procedure regarding this matter. The audit also found that disadvantaged populations in Israel are being exploited in order to export khat to countries that define khat as a narcotic and deem khat trading a criminal offense; however, a legal framework has not yet been agreed upon that would enable the eradication of this phenomenon. The audit also found that the Criminal Records Law does not apply to Israeli citizens who committed serious crimes abroad, including sex crimes, and therefore, serious crimes that were committed abroad are not being documented in the criminal registry or in any other database in Israel, unlike crimes that were committed in Israel.



The Office of the State Comptroller commends the activities by the Ministry of Foreign Affairs and its various units, including the Consular Section, the Department for Israelis Abroad, the Situation Room and the Israeli diplomatic missions throughout the world, during the period of the covid-19 pandemic. Since February 2020, the ministry was asked to provide assistance and solutions – without any advance notice – to thousands of Israelis around the world. In this instance too, the diplomatic missions acted as the State's long arm and extended assistance to Israeli citizens in distress abroad. The Office of the State Comptroller also commends the swift and effective actions taken by the Ministry of Foreign Affairs, the National Security Council, the Ministry of Transportation, the Civil Aviation Authority and the Airports Authority to help Israelis all over the world return to Israel upon the outbreak of the pandemic.

Additionally, the Ministry of Foreign Affairs' directive that the diplomatic missions are to maintain telephone contact with Israelis incarcerated abroad during the pandemic, as a substitute for a visit, should also be commended.



Key recommendations



It is recommended that the Ministry of Foreign Affairs regulate its authority to provide assistance to Israeli citizens in distress abroad. Additionally, considering the significant importance of defining the limits of the State's responsibility for assisting its citizens throughout the world, it is recommended that the Ministry of Foreign Affairs, in collaboration with the National Security Council, submit a proposal in this regard for the government's approval. Within this framework, it is recommended that the Ministry of Foreign Affairs, together with the National Security Council, lead the completion of the staff work to define the authority that will formulate the operating doctrine, the authority that will coordinate the efforts by all parties involved, the parties involved in providing the assistance, and to determine the mode of financing and the budget management method. The deficiencies found during the audit on the subject of the Ministry of Foreign Affairs' handling of flying Israelis back to Israel during the period of the covid-19 pandemic emphasize the need for such regulation. It is also recommended that the Ministry of Foreign Affairs ascertain whether it is warranted to allocate a separate special budget for consular activities and for exceptional humanitarian assistance to Israelis who are abroad and in extraordinary severe distress.



It is recommended that whenever government ministries in general, and the Ministry of Foreign Affairs and the Ministry of Transportation in particular, are involved in handling Israelis who are in distress abroad and need immediate solutions, the ministries should: be diligent about anchoring the conditions of any engagement in writing; verify that the document is signed by the competent professional authorities; obtain the Accountant-General's authorization of the engagement, if needed; and carry out the engagement in compliance with the law, including the possibility of using, if needed, the tender exemption clause as prescribed in the law for extenuating circumstances. Furthermore, with regard to flying Israelis back to Israel, the ministries should be diligent about formulating a model and uniform criteria in advance. It is also recommended that the Ministry of Foreign Affairs, in conjunction with the Ministry of Finance's Budget Department, jointly consider the possibility of allocating a special emergency budget for providing assistance to Israelis abroad during extraordinary wide-scale distress events in a way that would enable assistance to be provided rapidly and in a way that would minimize the diversion of budgets from other approved programs of the ministries involved.



It is recommended that the Ministry of Foreign Affairs define the information that diplomatic missions must publish in the information channels that they operate, depending upon the nature of the relevant events, concentrate all information pertinent to each of the countries and missions in one location on its website and publish the information in the languages relevant to the populations needing the information. It is



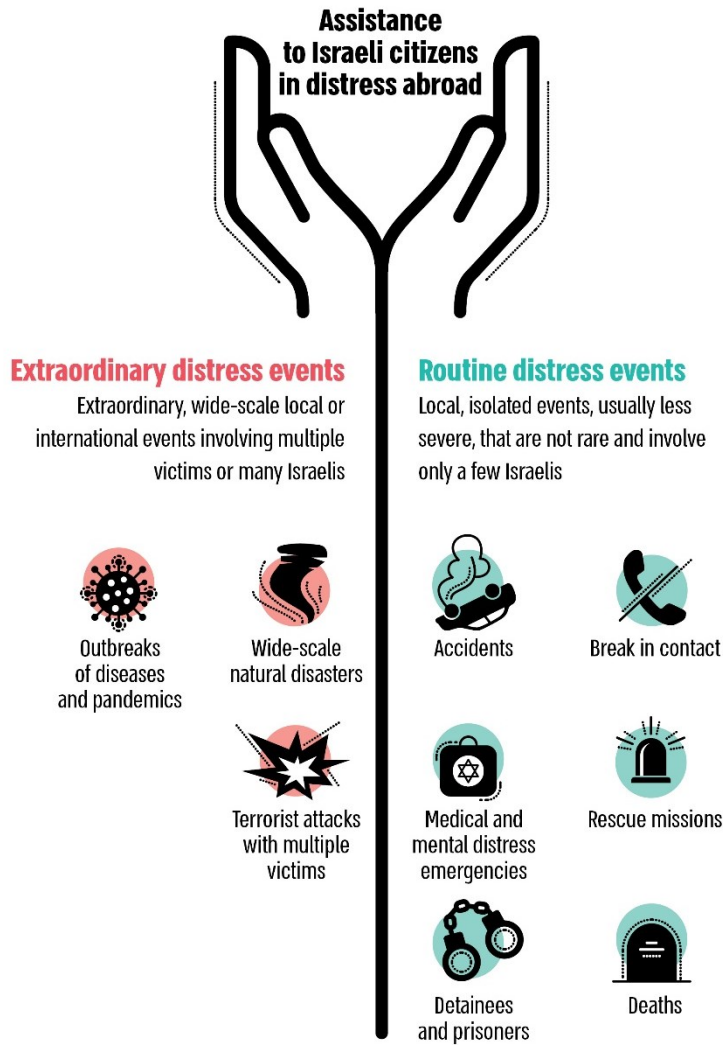
also recommended that the ministry make progress in implementing the regulation of and uniformity in the diplomatic missions' websites.



The Ministry of Foreign Affairs should improve its databases regarding Israelis incarcerated abroad and should verify that the diplomatic missions are regularly updating this information. The ministry should also refresh the directives to its missions on the matter of visits to Israelis incarcerated abroad, should ensure that they have the resources that they need in order to carry out the directives and should verify whether the directives are indeed being carried out. It is also recommended that the Ministry of Justice, the Ministry of Public Security, the Israel Prison Service and the Israel Police draft an agreed procedure for handling requests to transfer Israelis incarcerated abroad to Israel. In addition, the disagreements between the government ministries about the appropriate: custodial facility, legal framework for imposing restrictions on khat exports and about regulating this matter in general, should be submitted to the State Attorney-General for resolution. It is also recommended that all agencies engaging in maintaining the criminal registry of Israeli citizens who completed their prison sentences abroad formulate a solution for regulating and using the information held by the Ministry of Foreign Affairs.



Types of distress events involving Israelis abroad



According to information from the Ministry of Foreign Affairs, processed by the Office of the State Comptroller.



Main reasons for calls to the Situation Room for assistance to Israeli citizens in distress abroad, from January 2010 to September 2020

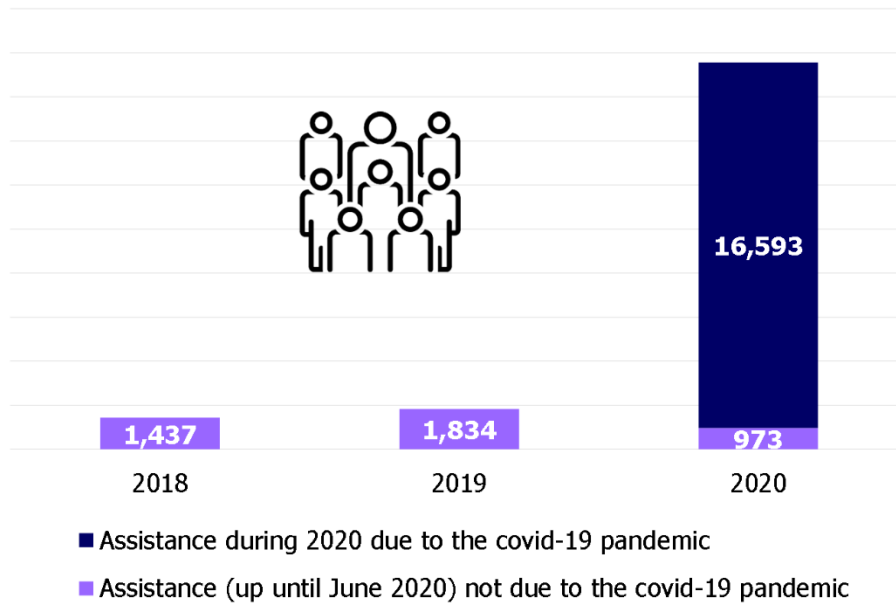


* Total calls to the Situation Room during this period. The main reasons for calls are presented in the diagram.

According to information from the Ministry of Foreign Affairs, processed by the Office of the State Comptroller.



Number of Israelis in distress abroad who were handled by Ministry of Foreign Affairs' missions, 2018–2020*



* The data are correct at the time that responses to the questionnaire were received from the various diplomatic missions.

According to answers to a questionnaire from 63 of the 103 diplomatic missions, processed by the Office of the State Comptroller.

Summary

Regulating government ministries' involvement and assistance during distress events involving Israeli citizens abroad may ensure swift, efficient, proper and egalitarian action in the future. The Ministry of Foreign Affairs should improve its efforts to publish updated, relevant information to Israelis traveling abroad, and should ensure updated data in its information systems relating to the handling of Israeli detainees and prisoners abroad. These improvements should contribute to improving the service provided to millions of Israeli citizens departing abroad each year.

