



STATE OF ISRAEL

THE OMBUDSMAN
Annual Reports
39 and 40
for 2012 and 2013

Selected Chapters



**OFFICE OF THE STATE COMPTROLLER
AND OMBUDSMAN**

Name of report: State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework: State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication: 2015

Catalogue No. 07-301
ISSN **0579-2770**

This report also appears on the website of the State Comptroller and
Ombudsman:
www.mevaker.gov.il

Name of report:	State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework:	State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication:	2015



**The Office of the Ombudsman hereby
submits its Fortieth Annual Report to the
Knesset**

Since I began my term as State Comptroller and Ombudsman, I have, in the execution of my work in these positions, emphasized the protection of human rights - including the social and economic rights of the more disadvantaged population groups within society.¹ The Ombudsman views himself as the “agent for social rights”, particularly with regard to the rights of the needy. The true test of a society’s protection of human rights is the level of protection provided for the rights of the weakest groups within it. The role of the Ombudsman in the current era of human rights, as well as the

1 See, for example, State Comptroller, *Opinion: Supervision of Food Prices and Supervision of Dairy Product Prices* (2012), at p. 6; the Ombudsman's *Annual Report 39*, for 2012, Chapter “Complaints Concerning Exploitation of Holocaust Survivors”, at pp. 143-151; State Comptroller, *Opinion: Care of Minors Lacking Civil Status in Israel, Annual Report 63C* (2012), at pp. 1843-1925; State Comptroller, *Report on Government’s Work to Promote Nutritional Security* (2014).

work of his office to realize these rights, are described in the Chapter of this report which is devoted to that subject.²

This Report also includes a chapter that describes the Ombudsman's handling of complaints regarding violations of the human rights of prisoners and detainees.³ Incarceration is a measure that inherently violates the incarcerated person's basic rights - primarily his right to freedom. However, the fact that a person is incarcerated does not mean that all his rights are negated; his basic rights must be protected even within the prison walls, albeit in a more limited fashion. The Israel Prison Service and the Israel Police, who are charged with the imprisonment of detainees and prisoners, are therefore required to exercise their powers carefully and proportionately, and to take care that the basic human rights of the prisoners are preserved. The chapter presents a description of several complaints submitted by detainees and prisoners and by their families, regarding violations of their rights. The outcome of the investigation of these complaints was that the Office of the Ombudsman made various instructive remarks to the Israel Prison Service and the Israel Police regarding these issues.

Another chapter in the annual report deals with the treatment of the elderly by the Office of the Ombudsman. The substantial increase in the percentage of the elderly who live in Israel, and the high percentage of the elderly who live in distressed circumstances, require the authorities to treat this population group with sensitivity and to do all that it can to protect their rights. This chapter offers a description of several complaints that illustrate

² See below, page 27.

³ See below, the Chapter entitled "Complaints Dealing with the Rights of Prisoners and Detainees", at p. 83.

how the Office of the Ombudsman assisted in correcting an injustice that the authorities had caused in their treatment of an elderly person.⁴

The percentage of justified complaints submitted (31.6%) rose by 16.2% in 2013, as compared to 2012 when that percentage was only 27.2%. It should be noted that the percentage of submitted complaints that were found to be justified is actually greater, since the above-mentioned percentage does not include many complaints, the investigation of which was terminated because the matter of the complaint was corrected. It should also be noted that in many of the cases in which the investigation was terminated because of the correction of the initial problem, the correction was made solely due to the involvement of the Office of the Ombudsman. The fairly high percentage of justified complaints indicates that the authorities have not yet internalized the importance of providing optimal service to the public, and that the Office of the Ombudsman still has much work to do.

Because of the wide variety of matters that form the subject of the complaints submitted to the Office of the Ombudsman each year, the staff of the Office that investigates the complaints must develop a high level of professional skill and have expertise in many different fields. Thus, the investigation of some of the complaints can involve a very specific and complex legal analysis. The investigation of others - including complaints submitted by employees who claim that they have been subjected to retribution from supervisors after they exposed acts of corruption - will require a high-level of fact-finding skill in order to establish the facts of the particular complaint.⁵ However skillful they may be, these investigators

4 See below, the Chapter entitled “Complaints Dealing with the Rights of the Elderly”, at p. 73; see also State Comptroller, *Annual Report 61B* (2010), at pp. 103-299.

5 See below, the Chapter entitled “Complaints from Whistleblowers”, at page 99.

cannot do their work properly without developing sympathy and a true desire to help those who require the Office of the Ombudsman to act as mouthpiece in their dispute with the authorities. And indeed, the Office of the Ombudsman has been blessed with a dedicated staff that is imbued with the desire to provide assistance to the many complainants and to help them to smooth their way in their encounters with the authorities.

A handwritten signature in blue ink, reading "J. Shapira". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph Haim Shapira, Judge (Ret.)

State Comptroller
and Ombudsman

Jerusalem, June 2015

Name of report: State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework: State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication: 2015

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 39 and 40, which summarize the activities of the Ombudsman and the Office of the Ombudsman in 2012 and 2013. The translation includes a survey of the powers of the Ombudsman, data on the complaints that the Office of the Ombudsman handled in 2013 and that were reported in Annual Report 40, and a description of selected complaints taken from the two reports.

Name of report:	State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework:	State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication:	2015

Name of report: State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework: State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication: 2015

TABLE OF CONTENTS

General Summary

About the Ombudsman	19
----------------------------------	----

Powers of the Ombudsman

Bodies against which Complaints May Be Submitted	22
Subjects of Complaints and Reasons to Intervene	22
Who is Entitled to Submit a Complaint	23
How to Submit a Complaint	23
Complaint Investigation Procedure	24
Outcome of Complaints Investigation	24
Complaints that will not be Investigated	25

The Ombudsman and Protection of Human Rights	27
---	----

Protection of Whistleblowers

The Power of the Ombudsman to Issue a Protective Order	32
Preconditions to Investigating such Complaints	33
Protective Order or Other Remedy	34
Results of Issuing a Protective Order	36

Name of report: State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework: State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication: 2015

Reasons for Not Issuing a Protective Order	36
Expanding the Scope of Protection of Whistleblowers	39
Raising Awareness of the Activity of Whistleblowers	42

Data on the Complaints in 2013

General Data

Number of Complaints Received.....	47
Breakdown of Complaints According to Types of Bodies that are the Subject of the Complaints	48
Breakdown of Complaints According to Subjects.....	51
Breakdown of Complaints According to Manner in which Complaints were Received	55
Outcomes of the Investigation of the Complaints.....	57
Justified Complaints.....	58

Complaints from Knesset Members	61
--	-----------

Work of the Branch Offices with the Public.....	62
--	-----------

International Contacts.....	65
------------------------------------	-----------

Name of report:	State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework:	State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication:	2015

Special Topics

Complaints Regarding the Rights of Senior Citizens

Introduction	73
The National Insurance Institute	
1. Irregularities in Examining Entitlement to Income Supplement	74
The Municipality of Netanya	
2. Denial of a Property Tax Discount to an Elderly Couple	75
The Municipality of Ramla	
3. Denial of Assistance to Purchase a Bed	77
The Municipality of Ramat Gan	
4. Failure to Deal with a Senior Citizen's Requests.....	78
Israel Postal Company Ltd.	
5. Charging for a Delivery Intended for the Use of a Blind Person.....	79

Complaints Relating to the Rights of Prisoners and Detainees

Introduction	83
The Israel Police	
1. Irregularities in Dealing with a Complaint Regarding a Violation of a Detainee's Basic Rights	85
The Israel Prison Service	
2. Serious Neglect in Treating the Medical Condition of a Prisoner ...	87
3. Preventing a Former Detainee from Visiting a Prisoner.....	89

4. Allegations Regarding Improper Detention Conditions and Strip-Search	91
5. Unlawful Handcuffing of a Civil Prisoner.....	92
6. Detention of Security Prisoners in Unsuitable Conditions	94

Complaints from Whistleblowers

Data on the Complaints Received	99
Results of the Investigations	99

Complaints in Relation to which Permanent Protection Orders were Issued

The Municipality of Bat Yam

1. Protection of a Whistleblower	100
--	-----

The Municipality of Upper Nazareth

2. Protection of a "Gatekeeper"	105
---------------------------------------	-----

Resolution of Complaints through Mediation

Introduction	117
---------------------------	-----

The National Insurance Institute

1. Mental Anguish as a Result of Investigation	118
--	-----

The Israel Police

2. A Police Officer's Insulting Behavior.....	121
---	-----

The Airports Authority

3. Unbefitting Conduct of a Security Guard During a Security Check 122

A Local Authority in Northern Israel

4. Placement of a Pupil against her Parents' Request 124

Investigations of Complaints which Exposed General Deficiencies

Introduction	129
Government Ministries	129
State Institutions	134
Local Government Bodies	137
Other Public Bodies	140

Description of the Treatment of a Selection of Complaints

Complaints Against Government Ministries

Ministry of Education

1. Acoustic Adjustment of Classrooms for Hearing Impaired Pupils 145
2. Participation of Mentally and Behaviorally Impaired Students in Delegations to Poland..... 147

Ministry of Transport - The Licensing Division

3. Rejection of Disabled Parking Permit Applications 149

Ministry of Economy

Day Care and Pre-school Nurseries Division

4. Registration for Day Care Centers and Pre-school Nurseries, and Determination of Tuition Fee Discount Classification - Follow-up..... 153

Ministry of Justice - The Patents Authority

5. The Non-Extension of a Patent, due to the Severance of Communication between Two Government Bodies..... 159

Complaints against State Institutions

The Israel Police

6. Denial of Permission to Enter into Israel for a Resident of the Palestinian Authority 165
7. Serious Errors in Arrest Procedures and in the Cuffing of a Detainee 167
8. Interrogation under Caution and Taking Unnecessary Identification Measures 172
9. Conduct of a Body Search without Justification 175

The Civil Administration, the Israel Police and the General Security Service

10. Complaints Received from Residents of the Palestinian Authority 179

Israel Defense Forces (IDF)

11. Discrimination at an IDF Checkpoint..... 185

The National Insurance Institute

12. Cancellation of Residency Status due to Absence from the Country 187
13. Non-Payment of a Disability Allowance as a Result of Travelling Abroad for Health Reasons..... 191

The Population and Immigration Authority

14. Refusal to Approve Entry to Israel 193

The Governmental Authority for Water and Sewage

15. Asylum-Seekers in Israel - Failure to Consider Number of Persons Living in an Apartment when Calculating Water Rates..... 197

The Israel Prison Service

16. Non-Preparation of an Opinion for the Parole Board in the Case of a Prisoner who is a Resident of the Palestinian Authority 199

The Israel Broadcasting Authority

17. Unjustifiable Demands from a Blind Person to Pay the Television License Fee 201

Complaints Against Local Authorities

The Municipality of Ramla

18. Lack of Access to a Public Building for Disabled Persons 209

The Municipality of Lod

19. Failure to Arrange Transportation for a Disabled Pupil 211
20. Retroactive Demand for Payment for Transportation..... 213

The Municipality of Jerusalem

21. Clearing out of a Bomb Shelter in a Condominium Residential Building 215

The Municipality of Giv'at Shmuel

22. Charging Pupils' Parents for the Installation of Air-Conditioning Units and Computers 219

Ashkelon Religious Council

23. Locked in a Ritual Bathhouse..... 221

Complaints against Other Public Bodies

Israel Electric Corporation Ltd.

24. Delay in Connecting Buildings in Minority Communities to the Power Grid..... 225

Ben Gurion University of the Negev

25. Making the Studying of Medicine Dependent upon Israeli Citizenship..... 229

Appendices

Organizational Structure of the Office of the Ombudsman 233

Addresses of the Office of the Ombudsman Branch Offices and Hours for Public Reception 235

Basic Law: The State Comptroller..... 239

State Comptroller Law, 5718-1958 [Consolidated Version] 245

Name of report: State of Israel - The Ombudsman - Annual Reports 39 and 40
Publication framework: State of Israel - The Ombudsman - Annual Reports 39 and 40
Year of Publication: 2015