General Summary
About the Ombudsman

The State Comptroller and Ombudsman fulfills his function as Ombudsman through the Office of the Ombudsman, 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

State Comptroller & Ombudsman

Director General of the Office of the Ombudsman

Deputy Director

Legal Advisor

Deputy Director*

Head of "Rimon" Division**
Head of Division A
Head of Division B
Head of Division C
Head of Division D
Head of Division E
Head of Division F
Head of Division G
Head of Division H

Deputy Legal Advisor

Head of Lod Regional Office
Head of Beer Sheva Regional Office
Head of Nazareth Regional Office
Upper Nazareth Branch

* 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); 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, 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

2 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 15th 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. 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
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.

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:
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.

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

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

<table>
<thead>
<tr>
<th>Subject</th>
<th>Breakdown (percentage)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service to the public</td>
<td>27.4</td>
<td>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.</td>
</tr>
<tr>
<td>Obligatory and other payments</td>
<td>8.8</td>
<td>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.</td>
</tr>
<tr>
<td>Health, welfare, and rehabilitation</td>
<td>6.4</td>
<td>Entitlement to medical care, medical treatment and hospitalization, social service matters, material, financial and legal assistance, placement in institutions, adoption, and so forth.</td>
</tr>
<tr>
<td>Arrest and investigative procedures, judicial and other hearings</td>
<td>6.2</td>
<td>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.</td>
</tr>
<tr>
<td>Pensions and allowances</td>
<td>6.2</td>
<td>Pensions and allowances of the National Insurance Institute, allowances paid to Holocaust survivors, and the like.</td>
</tr>
<tr>
<td>Collection and execution procedures</td>
<td>5.7</td>
<td>Debt collection procedures of authorities, including local authorities, the Executions Office, the Fines, Fees and Expenses Collection Center, and the Police.</td>
</tr>
<tr>
<td>Consumerism and purchases</td>
<td>5.6</td>
<td>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.</td>
</tr>
<tr>
<td>Subject</td>
<td>Breakdown (percentage)</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Infrastructure, zoning and building</td>
<td>5.4</td>
<td>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.</td>
</tr>
<tr>
<td>Employees and employment</td>
<td>4.6</td>
<td>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.</td>
</tr>
<tr>
<td>Housing and occupancy</td>
<td>4.2</td>
<td>Entitlement of the indigent to state assistance for housing, including entitlement to public housing and rental assistance, conditions in public housing, and so forth.</td>
</tr>
<tr>
<td>Traffic</td>
<td>3.5</td>
<td>Traffic offenses, including parking violations, parking arrangements in public places, traffic signs.</td>
</tr>
</tbody>
</table>
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.
Government Ministries* - Outcome of Investigation of Subjects Concluded in 2011

* Government ministries as to which the largest number of complaints were investigated

Legend:
- Green: Subjects found justified
- Blue: Subjects found unjustified
- Yellow: Subjects as to which investigation was discontinued
- Pink: Subjects summarily dismissed
State Institutions* - Outcome of Investigation of Subjects Concluded in 2011

* State institutions as to which the largest number of complaints were investigated

Legend:
- Green: Subjects found justified
- Blue: Subjects found unjustified
- Yellow: Subjects as to which investigation was discontinued
- Pink: Subjects summarily dismissed
Local-Government Bodies* - Outcome of Investigation of Subjects Concluded in 2011

- Subjects found justified
- Subjects found unjustified
- Subjects as to which investigation was discontinued
- Subjects summarily dismissed

* Local-government bodies as to which the largest number of complaints were investigated.
Other Public Bodies* - Outcome of Investigation of Subjects Concluded in 2011

- Subjects found justified
- Subjects found unjustified
- Subjects as to which investigation was discontinued
- Subjects summarily dismissed

* 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.2

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

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
Number of Complaints Submitted by Knesset Members, 2008-2011

- 2008: 57
- 2009: 34
- 2010: 32
- 2011: 67
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.¹

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.

¹ 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 Sticker

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

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, 2 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.
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. 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.

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 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.

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.2 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.

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.
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, France's Ombudsman, Mr. Jean-Paul Delevoye, signing a memorandum of understanding on cooperation.
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
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.