



STATE OF ISRAEL

THE OMBUDSMAN
Annual Reports
37 and 38
for 2010 and 2011

Selected Chapters



**OFFICE OF THE STATE COMPTROLLER
AND OMBUDSMAN**

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

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

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

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

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

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

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

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

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

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

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

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

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



Joseph Haim Shapira, Judge (Ret.)

State Comptroller
and Ombudsman

Jerusalem, December 2012

² The hearing was held on March 15, 2011.

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

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

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

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