



The State Comptroller
and Ombudsman of Israel



State of Israel




HIGHLIGHTS OF OMBUDSMAN ANNUAL REPORT 50

For the Year 2023

June 2024





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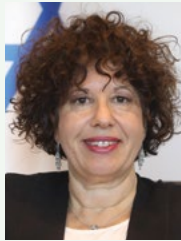


State of Israel

Highlights of Ombudsman Annual Report 50

For the Year 2023

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Opening Remarks of the State Comptroller and Ombudsman and the Head of the Office of the Ombudsman

This pamphlet brings you the highlights of the fiftieth Ombudsman report for the year 2023. It contains data on the complaints investigated in 2023 and a concise description of the Office of the Ombudsman's handling of a number of issues in that year. Those wishing to delve deeper into the data or receive a fuller picture of the diverse work of the Office are invited to read the full report.

2023 was a record year in terms of the number of letters of complaint received by the Office of the Ombudsman since its establishment. During this year the Office received 22,356 letters of complaint. 43% of the complaints that the Office was authorized to investigate were found justified or were rectified with no need for a ruling.

Throughout the year, both in regular times and in times of crisis, the Office of the Ombudsman investigates complaints against public bodies in Israel. On 12.10.23, immediately after the outbreak of the "Swords of Iron" War, the Office launched a call center - "The Hotline" - which initially operated 24 hours a day, to answer the needs of the public making inquiries or filing complaints. Furthermore, the Office opened for the first time a designated WhatsApp channel for filing complaints and receiving information on rights. In addition, the staff of the Office visited tens of centers for displaced Israelis across the country, in order to assess at first hand the problems confronting these displaced persons and make the complaint-filing process accessible to them. Since the beginning of 2024, teams of Office staff have also visited sites where reserve soldiers are concentrated, to enable them to file complaints with the Office of the Ombudsman quickly and easily.

On 19.12.23 a special report titled "Public Complaints during First Weeks of 'Swords of Iron' War" was presented to the Speaker of the Knesset (Israeli parliament), in accordance with Section 46(b) of State Comptroller Law, 5718-1958 [Consolidated

Version]. The special report reviewed the various activities of the Office of the Ombudsman during the first six weeks of the war, from 7.10.23 to 19.11.23, and described the complaints received by the Office relating to the emergency situation and its handling of a selection of them.

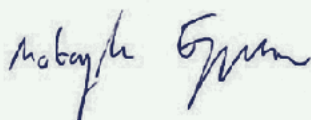
Children and youth are Israel's citizens of tomorrow, and they should be taught and encouraged to exercise their rights. We therefore deemed it appropriate to establish a special channel tailored to the investigation of complaints filed by children and youth with the Office of the Ombudsman.

In 2023 we also spotlighted the community of older persons. On 7.2.23 a special report titled "Challenges and Goals in Providing Services for Older Persons - Lessons Learned from the Investigation of Complaints" was presented to the Speaker of the Knesset, in accordance with Section 46(b) of the State Comptroller Law. The report presents challenges and goals relating to the provision of service for older persons, as transpire from the investigation of complaints filed by this community with the Office of the Ombudsman.

The Office of the Ombudsman takes innovative and creative measures for furnishing the public with data on the complaints investigated by it. On the Office's website there is a geographic information system that provides updated information about the complaints handled by the Office. Furthermore, the Office has developed a BI (Business Intelligence) system that gives the public data on the complaints and the results of their investigation with a breakdown by different variables - subjects of the complaints, time periods, public bodies against which complaints were filed and so forth - making the information accessible to the public at all times, not only upon the filing of the annual report. We invite the public to make use of this innovative system.

We wish to thank the dedicated staff of the Office of the Ombudsman for their dedicated and professional work and for their efforts to assist the complainants as far as possible, both in times of crisis and in regular times.

We invite the public to continue seeking the assistance of the Office of the Ombudsman in the take-up of their rights and in receiving services from the public bodies.



Matanyahu Engelman
State Comptroller and Ombudsman



Dr. Esther Ben-Haim, Adv.
Head of the Office of the Ombudsman

Jerusalem, June 2024

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**"THE OFFICE OF THE STATE
COMPTROLLER AND OMBUDSMAN
SERVES AS AN OBJECTIVE,
PROFESSIONAL AND ACCESSIBLE
BODY, INVESTIGATING COMPLAINTS
RECEIVED FROM ANY PERSON
FOR THE UPHOLDING OF THEIR
RIGHTS AND THE ADVANCEMENT OF
EFFICIENT AND JUST PUBLIC SERVICE
FOR ALL SECTORS OF SOCIETY"**



**FROM "THE VISION OF THE STATE
COMPTROLLER AND OMBUDSMAN"**

General Overview of the Office of the Ombudsman

"The Office of the State Comptroller and Ombudsman serves as an impartial, professional and accessible body for the investigation of complaints received from all persons, for the upholding of their rights and the advancement of efficient and just public service for all sectors of society".

From "The Vision of the State Comptroller and Ombudsman".

In the State of Israel, the State Comptroller is also the Ombudsman. This amalgamation of functions is unique in the world and is highly beneficial. The Ombudsman performs his duties by means of the Office of the Ombudsman (the Office).

The goal of the Office of the Ombudsman is to act as a mouthpiece for all persons, especially for communities deserving special attention, and to help those seeking its assistance in their interactions with government authorities, in cases where their rights are being violated. The actions of the Office of the Ombudsman aid the public and contribute to the improvement of public administration and the fortification of the democratic regime in Israel.

The Head of the Office of the Ombudsman was appointed in 2017 by the State Audit Affairs Committee of the Knesset (Israeli parliament), upon the proposal of the then residing State Comptroller and Ombudsman. At the end of 2023, the Office of the Ombudsman comprised 82 lawyers, 5 social workers, a lawyer who is also a social worker, 2 accountants and 15 investigation auxiliary staff. 73% of the staff are women. 8 staff members are from the Arab community, 3 are from the ultra-orthodox Jewish community and 3 are from the community of Jews of Ethiopian origin.

Every year the State Comptroller and Ombudsman presents a report containing a general overview of the actions of the Office of the Ombudsman and a description of the handling of a selection of complaints during that year. The report is tabled with the Knesset on the day marked as "National Ombudsday", which is aimed at enhancing awareness of the Office of the Ombudsman and its activity, as well as the important work of sectoral ombudsmen and public complaints commissioners in the public bodies¹.

1 For the sake of convenience, we will use the masculine gender but the reference is to women and men alike.

The Office of the Ombudsman during the "Swords of Iron" War

In the days following 7 October 2023, tens of thousands of people living in the communities of the Gaza Envelope and along the northern border of Israel were evacuated from their homes. Two days after the outbreak of war, the State Comptroller and Ombudsman, together with staff of the Office of the Ombudsman, began a series of visits to the communities of the Gaza Envelope and the South, to communities in the north of the country, to hospitals and centers for displaced persons. In light of its function and professional experience, the Office of the Ombudsman initiated measures for reaching swiftly those needing its help. On 12.10.23 the Office launched a call center called "The Hotline", which operated 24 hours a day, six days a week. In addition, the staff of the Office of the Ombudsman began visiting the centers for displaced persons around the country in order to familiarize the displaced persons with updated information about their rights, and in appropriate cases open an investigation of their complaint with the relevant public body.

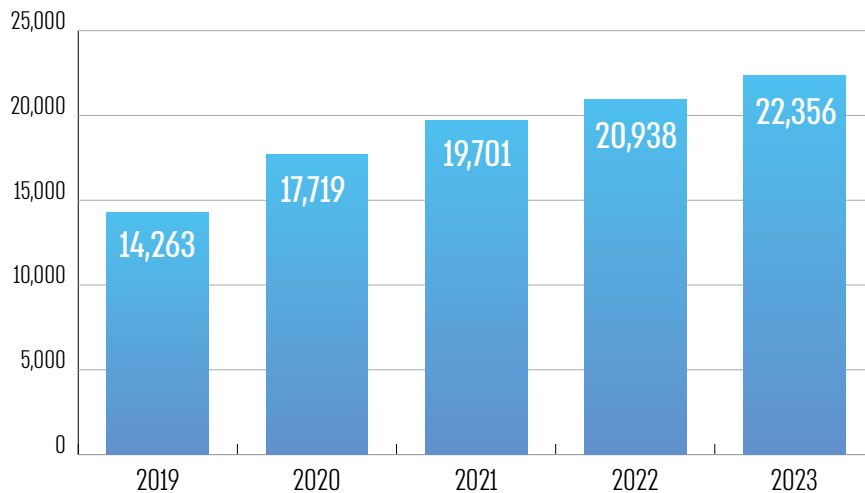
On 19.12.23 the State Comptroller and Ombudsman presented a special report² - "Public Complaints during First Weeks of 'Swords of Iron' War". The report reviews the overall activity of the Office of the Ombudsman from 7.10.23 to 19.11.23, and describes the complaints received by the Office relating to the emergency situation and its handling of a selection of them. On 13.11.23 the State Comptroller and Ombudsman sent a letter to Prime Minister Benjamin Netanyahu, informing him of the main failings and disparities in the handling of the civilian home front, which had transpired from the many visits that he had made and from the investigation of complaints received by the Office of the Ombudsman. Some of the discrepancies listed in the letter were integrated into the chapters of the special report.

Data on Complaints in 2023

Every year in its annual report the Office of the Ombudsman presents data on the complaints, including the number of complaints received and handled by the Office, the results of the investigation and the percentage of justified complaints and complaints that were rectified.

The Office of the Ombudsman also presents in its report in-depth analyses of the characteristics of the complainants, based on the findings of statistical analyses received from the Central Bureau of Statistics.

² In accordance with Section 46(b) of State Comptroller Law, 5718-1958 [Consolidated Version].

Chart 1: Number of letters of complaint, 2019 - 2023

In 2023 a total of **22,356** letters of complaint³ were received.

The year 2023 was a record year in terms of the number of letters of complaint received by the Office of the Ombudsman since its establishment.

Between the years 2019 - 2023 there was a



increase in the number of letters of complaint received by the Office

The ten public bodies⁴ against which the greatest number of letters of complaint were filed in 2023

The Office of the Ombudsman is aware of the fact that as a rule, a large number of complaints against a particular public body as opposed to other bodies does not necessarily testify to the quality of service provided by that body, since it is natural

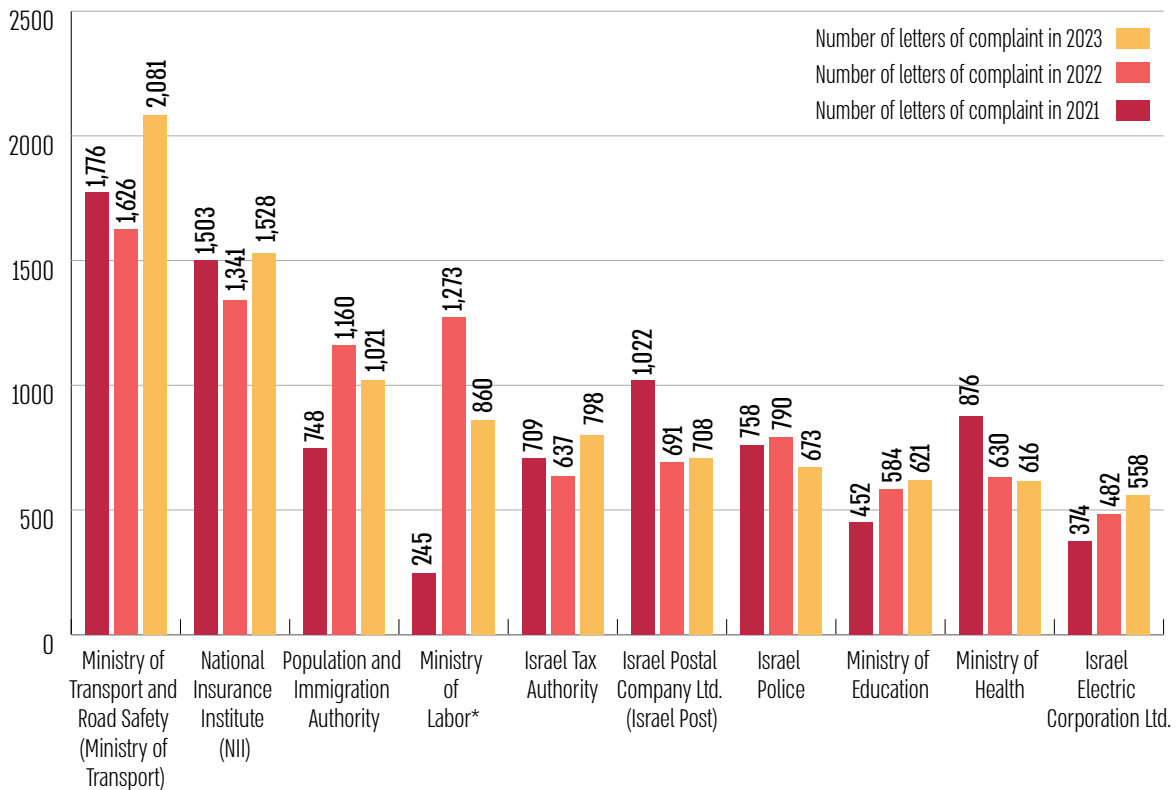
³ Letter of complaint - a letter from a complainant that contains one or more complaints against one public body.
Complaint - claims of the complainant about the public body.

⁴ Public body - a body against which a complaint may be filed under the provisions of the State Comptroller Law.

that the greater the number of persons receiving services from a public body, the greater the number of complaints likely to be received against that body. Therefore, a multi-year analysis of the complaints against a particular body represents a more comprehensive and reliable picture of the body's functioning over the years, and the decisions of the Office of the Ombudsman made following such an analysis can lead to the improvement of the service that the body provides for the public.

The following are the bodies against which the greatest number of complaints were filed. With regard to each body, the number of letters of complaint filed against it in the years 2020 to 2022 are also presented.

Chart 2: The ten public bodies against which the greatest number of letters of complaint were filed



* The Ministry of Labor was reestablished in 2023. The data relating to the Ministry of Labor in the years 2021 - 2022 relate to the employment branch, which belonged to the Ministry of Labor and Welfare until August 2021 and the Ministry of Finance from September 2021 to December 2022.

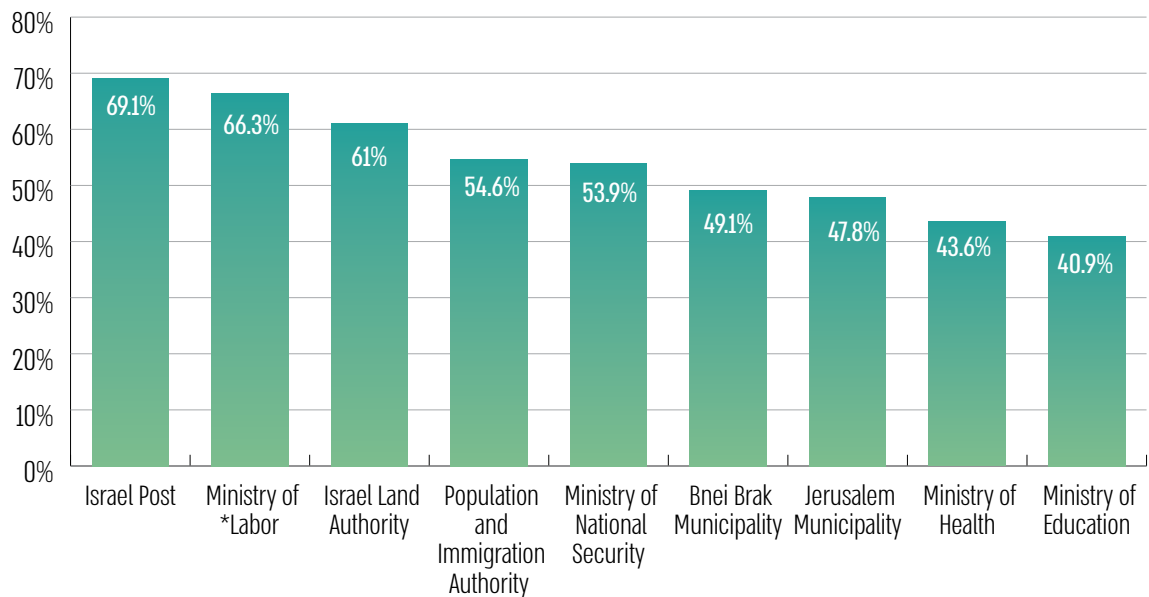
Results of the handling of complaints in 2023

43% of the complaints were found justified or were rectified without the need for a ruling by the Office of the Ombudsman

Percentage of justified complaints

33% of the complaints investigated till their completion and regarding which a ruling was made in 2023 were found justified.

Chart 3: The bodies that the percentage of justified complaints against them was greater than the overall percentage of justified complaints



* The Ministry of Labor was reestablished in 2023. The data relating to the Ministry of Labor in the years 2021 - 2022 relate to the employment branch, which belonged to the Ministry of Labor and Welfare until August 2021 and the Ministry of Finance from September 2021 to December 2022.

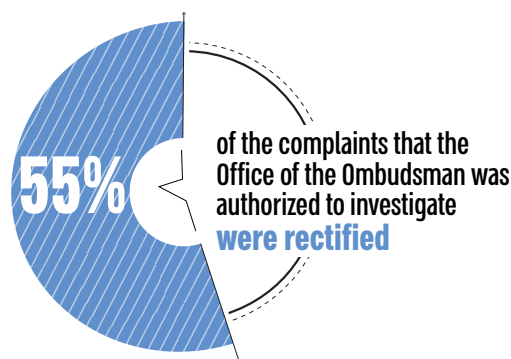
Financial implications for the complainant of the Office of the Ombudsman's decisions

Following the investigation of their complaints by the Office of the Ombudsman, complainants are likely to receive remedies that have financial implications, whether their complaint was found justified and the Office decided on the need to rectify the matter of the complaint, or the matter of the complaint was rectified in the course of the investigation.

In 2023 the complainants who had turned to the Office of the Ombudsman, and others who had been affected by the decisions of the Office, received a total of NIS 33.4 million.

Data on complaints received by the Office of the Ombudsman relating to the "Swords of Iron" War

During the period under review - 7.10.23 to 31.12.23 - the Office of the Ombudsman received 1,627 complaints relating to the "Swords of Iron" War.



The Office of the Ombudsman received 603 complaints from displaced persons relating to the emergency situation. These constituted 37% of the total number of complaints received on the subject of the emergency situation. The complaints were received from displaced persons from 47 communities in the south and north of the country.

The subjects relating to which there was an increase in the number of complaints in the southern and northern districts in 2023 as compared with 2022

In 2023 there was a surge in the number of complaints filed by residents of the South and the North about matters relating to the war. The following are some of the matters concerning which complaints relating to the war were filed and the rate of increase in comparison with 2022:

- **Mental health:** A 6.75-fold increase in the number of complaints from the southern district and a 3.75-fold increase in the number of complaints from the northern district.
- **Medical service:** A 1.46-fold increase in the number of complaints from the southern district and a 1.6-fold increase in the number of complaints from the northern district.

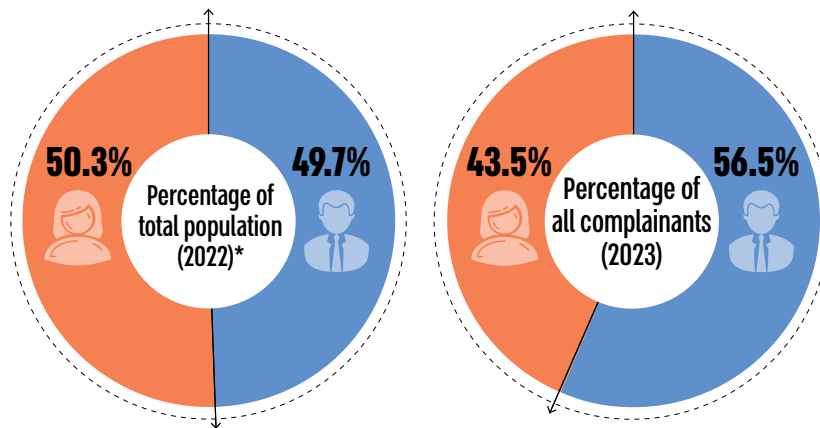
In the field of mental health, there was a 6.75-fold increase in the number of complaints from the southern district

- **Benefits for hostile action casualties:** A 10.3-fold increase in the number of complaints from the southern district.
- **Protection of the home front - Shelters/Protected Spaces:** A 24.5-fold increase in the number of complaints from the southern district and a 13-fold increase in the number of complaints from the northern district.
- **Grants and supports:** A 7-fold increase in the number of complaints from the southern district and a 1.8-fold increase in the number of complaints from the northern district.
- **Property Tax:** A 49-fold increase in the number of complaints from the southern district.

Complainant characteristics

Gender

Chart 4: Breakdown of complainants by gender



According to the data of the Central Bureau of Statistics and processed by the Office of the State Comptroller and Ombudsman.

* Since at the time of writing the report the updated data on the population in 2023 had not yet been published, the percentage of the population presented here applies to 2022.

Age

Most of the complainants were from the 25-34 age bracket (22.4%) and the 35-44 age bracket (21%).

Religion

The complainants who filed the greatest number of complaints per 10,000 persons were Jewish. The Muslims filed the least number of complaints per 10,000 persons.

The percentage of complainants from the ultra-orthodox Jewish community was almost twice as high as their percentage of the Jewish community⁵.

District of residence

In 2023 there was an increase in the number of complainants per 10,000 residents of the southern districts, Jerusalem, Judea and Samaria and the North, as compared with 2022. The districts in which the number of complainants per 10,000 residents was the greatest are the Judea and Samaria district (22.2) and the southern district (21.2). The district in which the number of complainants per 10,000 residents was the lowest is the central district (13.4).

Communities deserving special attention

Some 17.7% of the complainants in 2023 were entitled to welfare, 50% more than their percentage of the population (11.8%).

Some 23.6% of the complainants are persons with disability⁶, more than twice their percentage of the population (11.1%)⁷.

5 According to the data of the Central Bureau of Statistics for 2023, the ultra-orthodox Jews comprised 16% of the Jewish community.

6 According to the "Persons with Disability" registry of the Central Bureau of Statistics, which is based on data relating to the following population groups: persons receiving disability benefits from the National Insurance Institute, blind certificate holders, persons receiving a "communication basket" who are entitled to assistance in communicating, persons with intellectual disability, persons placed in welfare frameworks, persons registered in the departments for social services, autistic persons (according to the data of the Ministry of Welfare and Social Affairs), disabled IDF veterans.

7 Since at the time of writing the report the updated data for the population in 2023 had not yet been published, the percentage of the population presented here applies to 2022.

Examination of Complaints from a "Broad Perspective"

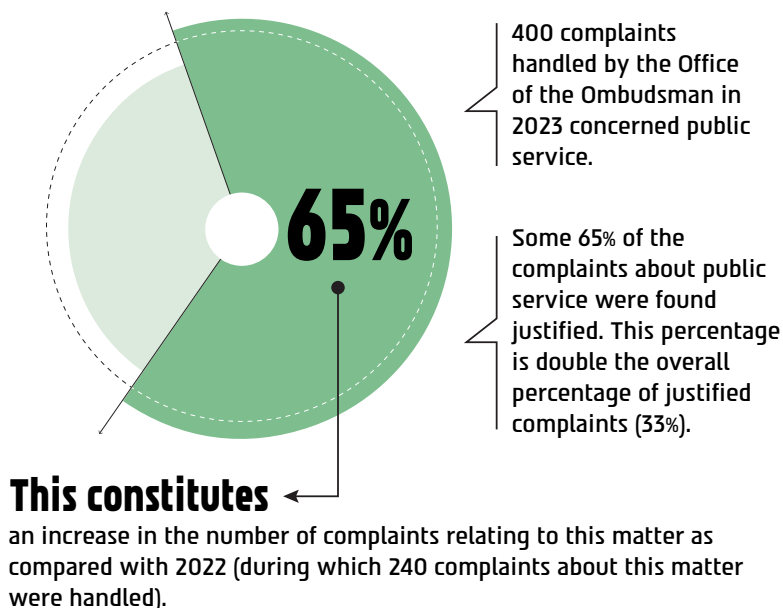
Ministry of Transport and Road Safety - National Public Transport Authority

Complaints about public transport - Operation of bus service lines



When the Office of the Ombudsman receives a large number of complaints on a particular matter, or gathers from the investigation of particular complaints that there are wide-ranging issues that extend beyond the personal matter of the complainants, it broadens and enhances the investigation so as to effectuate a rectification of the general defects transpiring from the complaints.

In 2023, 1,089 complaints against the National Public Transport Authority (NPTA) were received. This constitutes an almost twofold increase in the number of complaints against NPTA as compared with 2022 (574 complaints) and an almost fivefold increase in the number of complaints as compared with 2020 (217 complaints).



In light of the large number of complaints against NPTA in 2023, the Office of the Ombudsman decided to focus on the general defects disclosed by the investigation of these complaints in its annual report. Some of the defects have been rectified by NPTA, and the Office will continue to monitor the rectification of the remaining defects that NPTA has undertaken to rectify. Since most of the defects transpired from complaints concerning fines given to passengers by the public transport operators and the handling of these fines by NPTA, the annual report describes issues relating to the fines - rejection of requests to cancel fines, failure to halt collection procedures, demand for payment of a "handling charge" and behavior of inspectors. The report also reviews complaints characterizing passengers from special communities - children and youth, persons with disability and senior citizens.

Selected Complaints

Israel Postal Company Ltd.

Loss of thousands of postal notifications



The complaint

The Office of the Ombudsman received several complaints in which the complainants claimed that the Jerusalem Municipality had imposed an attachment on their account due to their failure to pay debts, without their receiving prior warning.

The investigation

The investigation conducted by the Office of the Ombudsman with the municipality and with the Israel Postal Company Ltd. (Israel Post) revealed that the municipality had delivered the notices of debt and demands for payment to Israel Post and had paid for delivery service, but there was no documentation showing that Israel Post had in fact sent the notices and demands.

In light of the recurrence of the complaints on this issue, especially from residents of East Jerusalem, the Office of the Ombudsman conducted a systemic investigation

of the matter. The investigation raised suspicion of a lack of documentation of the sending of tens of thousands of postal items. Following the Office's inquiry, Israel Post began its own investigation of the matter. The investigation disclosed that from 2021 to 2023 some 400,000 postal items that had been allocated to the central post office in East Jerusalem for delivery had been detained and not delivered as required. Furthermore, many postal items were found stored and hidden away in different rooms and corridors in the post office in East Jerusalem. It transpired that the staff of the post office had taken advantage of the premises to hide in various rooms large amounts of postal items that had not been handled and had exploited the fact that the post office is situated in East Jerusalem and due to security restrictions is not openly accessible to persons from the Main Office of Israel Post on a regular basis. 96% of the postal items that had not been delivered belonged to large clients, including the Jerusalem Municipality and the Israel Tax Authority, and included 265,000 items sent by registered mail.

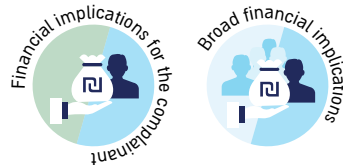
The result

After locating the said postal items, Israel Post informed the Office of the Ombudsman that, in coordination with its legal department, it had taken a series of immediate operational and other measures, including immediately suspending the manager of the post office from managerial posts and considering taking disciplinary and other actions against him and against staff of the post office who had not acted in accordance with the regulations. Furthermore, the security department of Israel Post had opened an inquiry into the matter. Israel Post had also reported the measures taken to the Ministry of Communications. Moreover, changes had been made to the modus operandi of the post office and its manpower. Israel Post also notified the Office that it had contacted the authorities that had sent the postal items and was conducting a dialogue with them for the purpose of reimbursing them with the delivery fee, which totaled some NIS 1.5 million.

1129509

Afula Municipality

The municipality was tardy in collecting a sewage levy debt - and cancelled debts of the complainant and his neighbors to the sum of approximately NIS 1.67 million.



The complaint

A resident of the city of Afula complained to the Office of the Ombudsman that the Afula Municipality had sent him demands for the payment of some NIS 219,000, for failing to pay a sewage levy since 2011. According to him, the debt was baseless and had even become obsolete.

The investigation

The investigation with the municipality revealed that the first demand for payment was sent to the complainant in March 2011, but the subsequent letters of demand were sent to him only after some three and a half years - in September and November 2014. This was contrary to the directive of the Attorney General relating to a delay in administrative collection procedures⁸ and contrary to case law⁹. After sending the payment demand for the year 2014, the municipality did not apply the collection measures prescribed by the Tax (Collection) Ordinance to collect the debt in the time periods laid down in the Attorney General's directive, and only in 2018 did it file a claim in the court concerning the debt, which claim it eventually cancelled on its own initiative. Even after the claim was cancelled, the municipality did not act within the time limits determined by the directives of the Attorney General and only sent the additional notifications to the complainant at the end of 2021. The municipality did not explain why it had not applied firmer collection mechanisms against the complainant over the years, such as an attachment. The failure of the municipality to act as said was inconsistent with its duty to act swiftly, intensively and effectively to collect the debt. In light of the findings of the investigation, the Office of the Ombudsman pointed out to the municipality the

⁸ Directive no.1002.7 from 23.2.12.

⁹ See for example AdminA 8832/12 **Municipality of Haifa v. Yitzhak Salomon Ltd.** (published in a computerized database, 15.4.15); AdminA 8329/14 **Municipality of Kiryat Ata v. Koren** (published in a computerized database, 31.5.16).

defects in its conduct and determined that the municipality should abstain from collecting the debt.

The result

In response to the Office of the Ombudsman's instructions, the municipality notified the Office that it had cancelled the complainant's debt. It also notified the Office that it had cancelled similar debts of the owners of plots adjacent to the complainant's plot, to the sum of NIS 1,669,000.

1141171

Clalit Health Services

The complainant's hearing aid went missing during her evacuation to a hotel - she received a new hearing aid

The complaint

An elderly woman who is hard of hearing was evacuated from her home in Kiryat Shmona and during the evacuation lost her hearing aid. The elderly woman approached the team of the Office of the Ombudsman that was visiting the hotel to which she had been evacuated and complained about the lack of response from Clalit Health Services (Clalit) to her request for a new hearing aid.

The investigation

Clalit notified the Office of the Ombudsman that the provision of a new hearing aid for the complainant had not yet been sorted out, since her declaration as to the loss of her hearing aid had been incomplete and unclear.

The Office informed Clalit that it must take urgent measures to provide the complainant with the hearing aid, in order for her to communicate with the people around her, especially during these complex times in which she has been evacuated from her home and is residing in an unfamiliar place; this being in accordance with the directive of the Ministry of Health¹⁰ on the matter. Clalit responded that an appointment had been made for checking the complainant's suitability for a new hearing aid.

¹⁰ "'Swords of Iron' War - Provision of rehabilitation and mobility aids for residents evacuated from their homes" (27.10.23).

The result

The complainant's son updated the Office of the Ombudsman that the hearing aid had been supplied to his mother, to her satisfaction.

1174474

Israel Electric Corporation Ltd.

The father receives a disabled child allowance for two of his daughters - and received exemption from the disconnection of his electricity supply and assistance in reducing his debt



The complaint

The complainant, the father of six, receives a disability pension after being injured in a work accident. Two of his daughters also suffer from a defective health condition. The complainant complained to the Office of the Ombudsman that the Israel Electric Corporation Ltd. (Electric Corporation) was threatening to cut off his electricity because he owed it money. He emphasized his difficult financial and health condition, claiming that he had no means of paying the debt.

The investigation

The Office of the Ombudsman contacted the Electric Corporation and was informed that representatives of the corporation had spoken to the complainant and asked him to provide documents, so that they could consider the possibility of granting him an exemption from the disconnection of his electricity supply. After examining the documents, the disconnection of electricity appeals committee decided that the complainant did not meet the criteria for exemption from disconnection that had been determined by the Electricity Authority following a High Court ruling¹¹. The Electric Corporation explained that even though the complainant was entitled to disability pension, he was not exempt from disconnection according to the

11 HC 4988/19 Sigalit Rosenschweiz Moysa v. Public Utility Authority for Electricity (published in a computerized database, 20.1.22).

criteria since he was not also being paid an attendance allowance¹². The Office of the Ombudsman pointed out to the Electric Corporation that the complainant was also receiving disabled child benefit for two of his daughters, and according to the said criteria he should be exempt from the disconnection of his electricity supply.

The result

The Electric Corporation notified the Office of the Ombudsman that the appeals committee had examined the documents provided by the Office and decided to grant the complainant an exemption from the disconnection of his electricity supply. The Office did not suffice with this and notified the complainant that he had the option of filing with the "Aid Fund" an application relating to the large electricity debt he had accumulated. The Aid Fund is a joint initiative of the Electric Corporation and the Friendship Fund, aimed at assisting the domestic customers of the Electric Corporation, who have difficulty paying their electricity bills, to reduce their debts in order to avoid debt collection proceedings¹³. The complainant filed an application with the Aid Fund and the fund decided that NIS 10,000 would be deducted from his debt of NIS 16,000.

1147663

Prison Service

Following a visit by representatives of the Office of the Ombudsman, adaptations were made to the imprisonment conditions of a disabled prisoner



The complaint

The complainant is the son of an elderly and disabled prisoner who is confined to a wheelchair. In his complaint to the Office of the Ombudsman, the complainant claimed that the conditions of his father's imprisonment were not tailored to his physical condition. The complainant added that his father was unable to receive

¹² An allowance paid by the National Insurance Institute to persons with disabilities for assistance in day-to-day activities [translator's note].

¹³ <https://www.iec.co.il/content/info/pages/keren>

equipment and accessories that he required as a disabled person, to the detriment of his health.

The investigation

In order to investigate the complaint, a team of staff from the Office of the Ombudsman visited the father in the prison to see for themselves his conditions of incarceration and difficulties. During the meeting, the Office's team reached the conclusion that the conditions in the father's cell were not appropriate for his needs as a disabled person - there was no handle in the shower and toilet; the ramp leading into the washroom cell was not grooved and thus did not provide a sufficient grip for the wheels of the wheelchair and made the passage to the cell difficult; the shelves were not suited to the height of a person who is confined to a wheelchair, etc. The Office also examined the suitability of the additional accessories for the prisoner, such as the mattress on his bed and the bath chair.

The result

Following the visit, various changes and adaptations were made to the prisoner's cell.

1155952

Givat Shmuel Municipality, Raanana Municipality

A senior citizen applied for a retroactive discount in municipal tax - and contrary to the initial position of the municipality will receive it retroactively from 2018



The complaint

In 2018 the complainant moved from Raanana to Givat Shmuel. At the beginning of 2023 he received for the first time a letter from the Givat Shmuel Municipality, informing him of his eligibility for a 25% discount in municipal tax due to his entitlement to old age pension. The complainant, who had been unaware of his eligibility for this discount, asked the municipality to apply it retroactively for the previous years. Notwithstanding, the municipality granted him the discount retroactively to the year 2022 only. The complainant complained to the Office of

the Ombudsman about the failure of the municipality to grant him a discount for the other years as well.

The investigation

In its response to the Office of the Ombudsman, the municipality explained that the discount was granted retroactively to the year 2022 only in accordance with the municipality's policy for granting a discount in municipal tax retroactively, whereby such discounts would be granted retroactively for one year only. The Office informed the municipality that in principle it was of the opinion that according to the interpretation of the State Economic Arrangements (Discount in Municipal Tax), 5753-1993, discounts that were not provisional on the filing of a claim, but were granted automatically on the basis of information provided by the National Insurance Institute to the local authorities, should be granted to eligible persons retroactively to the time of their entitlement.

The result

After finding that the National Insurance Institute had in fact informed the municipality over the years of the complainant's eligibility for a discount, the municipality notified the Office that it would grant the complainant the discount retroactively from the time of his move to Givat Shmuel in 2018, to the sum of NIS 5,761.

Following the findings of the investigation of the complaint against the Givat Shmuel Municipality, the complainant decided to file a claim with the Raanana Municipality for a discount for the period during which he had lived in the city, before moving to Givat Shmuel. In response, the Raanana Municipality granted a retroactive discount, to the sum of NIS 1,458.

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Mediation at the Office of the Ombudsman

The Office of the Ombudsman conducts mediation processes in relation to complaints. The mediation process, which is conducted by mediators who are staff members of the Office, enables the parties to express their interests concerning the matter in dispute and thus promote, in an optimal manner, a resolution of the dispute between the parties.

The following is an example of a complaint resolved through mediation:



The children's kindergartens were burned down - and through mediation a solution was found for restoring the children to the educational frameworks

The complaint

The premises of two kindergartens attended by the complainant's two children were burned down. In his complaint to the Office of the Ombudsman, the complainant claimed that because of the fires, 65 children had been forced to stay at home for a long period of time. The complainant pointed out that one of the buildings had been set alight two months before the complaint was filed, and the other had been completely burned down following a short-circuit two weeks before the complaint was filed.

The complainant blamed the regional council within whose jurisdiction the premises of the kindergartens were situated¹⁴, arguing that the council had left the parents and their children with no satisfactory solution.

The mediation

In light of the ongoing relations between the parents of the children attending the kindergartens and the regional council, and in particular due to the need to find a solution to the problem whereby such a large number of children were forced to stay at home for lack of an educational framework, the Office of the Ombudsman proposed to the parties to handle the matter through mediation.

¹⁴ Since mediation processes are confidential, the name of the public body is not specified.

Due to the urgency of the issue, the mediation team coordinated an immediate mediation session. At the session, the complainant described the chain of events and the enormous frustration that he felt after repeatedly turning to the council and receiving no answer. He expressed his expectation that an immediate solution be found to the problem.

The head of the regional council, the CEO of the council, the internal auditor of the council and the head of the department for pre-elementary education at the council described to the complainant the different measures that the council had taken in its attempt to find alternative premises for the kindergartens. The representatives of the council explained that due to fear of further arson, they were not intending to set up the kindergartens in the same area in which they had been set alight, but to make a contractual arrangement with the owner of alternative private land.

At the end of the session, the parties agreed to a time frame for setting up two suitable and adapted transportable structures for the kindergartens in an area that the regional council considered appropriate.

The result

The head of the regional council thanked the mediation team for its support and informed them that the structures that were designated for the kindergartens had been renovated and moved to the new site, and the children had been reinstated in the kindergartens by the staff who had made the necessary preparations to receive them.

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The mediation process, which is conducted by mediators who are staff members of the Office, enables the parties to express their interests

Protection of Whistleblowers

The State Comptroller Law provides a safety net for the employee of a public body, where the investigation of his complaint has revealed that his superior has victimized him in response to his informing, in good faith, an act of corruption. The broad language of the State Comptroller Law includes every act aimed at punishing the employee for exposing the acts of corruption or deterring him from doing so.

The State Comptroller and Ombudsman attaches great importance to the proper conduct of public bodies and to the exposure of improper acts by them. He considers the protection of whistleblowers a supreme value and uses his authority under the State Comptroller Law to issue protection orders for public servants who have been victimized as a result of their exposing acts of corruption.

Experience teaches that the exposing of an act of corruption and the filing of a complaint about victimization following the exposure can cause many difficulties: mental stress, health problems, financial difficulties, harm to familial and social relationships, functional impairment and so forth. These difficulties affect the whistleblower and usually his family as well. In order to assist the whistleblower and his family, the Office of the State Comptroller and Ombudsman enable him to receive the professional support of a clinical social worker who is employed by the Office. The support is offered to every whistleblower complaining to the Office and is provided free of charge.

Data on complaints of whistleblowers handled in 2023

In 2023 the Office of the Ombudsman received 41 complaints of employees who claimed that their superiors were violating their rights following their exposing acts of corruption, or claiming a serious violation of proper administration or a serious contravention of legislation (as compared with 61 such complaints in 2022).

3 complainants received permanent protection orders from the State Comptroller and Ombudsman. In two of these orders, monetary remedies ranging from NIS 120,000 - 170,000 were awarded. These sums include special compensation for victimization and reimbursement of expenses, including lawyers' fees. In the third order it was determined that the employer must allow the employee to do his job within the organization and pay him his salary by law.

Another complainant received a provisional protection order in which the Ombudsman determined that until the time specified by him, or until he made another ruling, the employer would not dismiss the employee and the latter would continue doing his job within the organization.

In 2023 the handling of **42 complaints**¹⁵ was completed (in 2022 the handling of 59 complaints was completed) as follows:

- In the case of **3 complaints**, the State Comptroller and Ombudsman determined that they were justified and issued a permanent protection order for each of the complainants.
- In the case of **10 complaints**, their investigation was concluded at the request of the complainant, for example after he was given the prima facie findings of the investigation.
- In the case of **10 complaints**, their investigation was not commenced or was terminated, since the complainant cancelled his complaint or did not reply to the Office of the Ombudsman's enquiries.
- In the case of **3 complaints**, their investigation was not commenced or was terminated, since the matter was pending in a court or tribunal.
- In the case of **5 complaints**, their investigation was not commenced or was terminated, since the complaint was against a body that was not a public body.
- In the case of **4 complaints**, the State Comptroller and Ombudsman determined that they were not justified.
- Regarding the **rest of the complaints (7)**, the handling of them was concluded for other reasons.

¹⁵ Some were filed before 2023.

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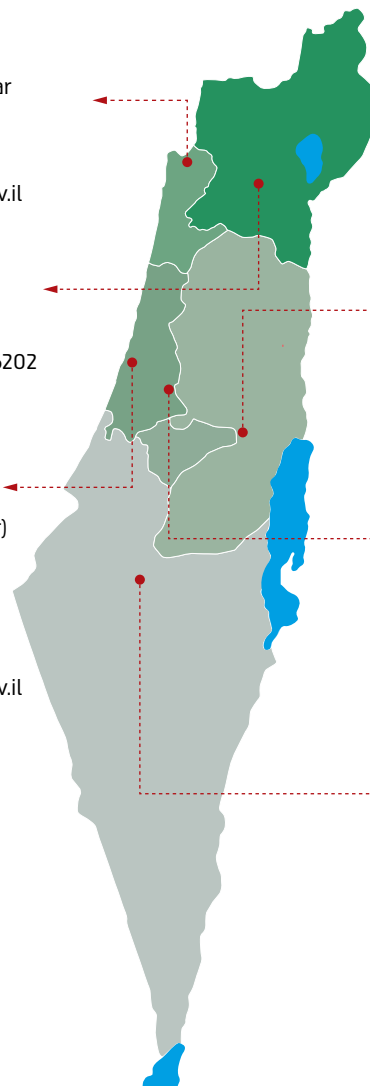
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