

General Summary

About the Office of the Ombudsman

The State Comptroller performs his duty as Ombudsman¹ through the Office of the Ombudsman, which investigates complaints about bodies that are statutorily subject to audit by the State Comptroller.

At the head of the Office stands the Director who is appointed by the State Control Committee of the Knesset, according to the Ombudsman's recommendation.

The Office of the Ombudsman has offices in Jerusalem, Tel Aviv, Haifa, Nazareth and Beer-Sheva. The broad distribution of offices throughout the entire country enhances the public's accessibility to the Ombudsman; it also contributes to effective investigation of complaints, mainly complaints against bodies located in the region where the office is situated or complaints requiring a visit by an Ombudsman official, such as complaints about environmental nuisances or defective maintenance of buildings.

Some 60 lawyers are employed to investigate complaints in the offices of the Ombudsman institution. There are 10 lawyers from the Arab sector, as well as a number of employees who speak Russian and one employee who speaks Amharic (an Ethiopian language). The percentage of women in the management echelons of the Office of the Ombudsman is 75 percent.

There are nine departments in the Office of the Ombudsman. One department registers the incoming complaints, and categorizes them

1 Article 4 of the Basic Law: State Comptroller determines that the State Comptroller will investigate complaints from the public against bodies and persons as will be stated in the law or according to it, and in this role the Comptroller will serve under the title "Ombudsman".

according to various criteria, investigating some urgent complaints and referring the rest to the other eight departments. Each one of the eight departments investigates complaints against certain bodies. The division into departments allows a more efficient complaint investigation, as each department has expertise in the laws and working procedures binding its investigated bodies. A complaint against more than one body is investigated jointly by the relevant departments.

Powers of the Ombudsman

Bodies against which a Complaint may be Filed

The Ombudsman is authorized to investigate complaints against government ministries, local authorities, state enterprises or institutions, government corporations, other public bodies, and their employees and officials.

If a complaint has been received against an entity that the Ombudsman has no authority to investigate, the Office of the Ombudsman notifies the complainant that it is not authorized to investigate his complaint and refers him, if possible, to the body that might be able to assist him.

Subjects of Complaints and Reasons to Intervene

In general the Ombudsman investigates a complaint if it concerns an act – including an omission or delay in acting – that is directly harmful 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 proper administration, or involve an overly rigid attitude 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 possible to submit a complaint on behalf of another person, on the condition that the complainant received that person's agreement to submit a complaint on his behalf.

Members of the Knesset may also complain about an act that directly harms another person.

Ways of Submitting a Complaint

A complaint may be hand written and submitted by the complainant; no legal knowledge or background is necessary. The complaint does not have to be written in Hebrew. Complaints written in other languages will be translated if necessary.

To facilitate and increase the efficiency of the investigation of complaints, it is important that complainants provide their identity numbers, a precise address for sending letters, even when the complaint is sent by e-mail, 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: copies of letters to the body complained against, replies received, decisions, 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, e-mail; by filling out a special form which can be found on the Ombudsman's website (www.mevaker.gov.il); or orally at the branch offices. Complaints may not be submitted over the phone.

The Reception Branches

The Ombudsman operates regional reception branches, in order to facilitate the submission of complaints: in Jerusalem, Tel Aviv, Haifa,

Nazareth and Beer-Sheva. Recently, the Ombudsman opened a reception branch in Upper Nazareth, and next year another office is planned to be opened in the Ramla-Lod region. Oral complaints can be submitted at these offices. The complaint is recorded by an official of the Office of the Ombudsman and signed by the complainant.

The peripheral reception branches facilitate the accessibility of the office of the Ombudsman to the public; they allow the disadvantaged population, to whom the regular ways of making contact with the Ombudsman – by mail, e-mail or fax – are not always accessible, to come to the office, to consult with an office employee and file their complaint. The branches have Russian and Arabic speaking employees, who help the complainants with their application and give them information. In the Beer-Sheva branch, there is an Amharic speaking lawyer who facilitates interaction with the Ethiopian community in the southern region.

In order to make the public aware of the existence of the Ombudsman, his authority to investigate complaints and ways of filing them, the offices' staff engage in extensive publicity activities at the welfare offices of the local authorities in those areas where the branches operate and among different social welfare organizations. Additionally the Office of the Ombudsman publicizes the relevant information several times a year in local Hebrew, Arabic and Russian newspapers and also in newspapers distributed in the Ethiopian community.

It should be noted that these publicity activities have been relatively successful; since the opening of the branches in 2007, scores of people have visited the branches and submitted complaints, most of them being from groups who had hardly ever contacted the Ombudsman before or knew of his existence.

In 2009 alone some 3000 people contacted the reception branches. Some of them filed complaints (about 14% of the complaints received

Description of the activity in the reception branches is brought on page 44.

Information flyers in several languages were distributed in many places, among them welfare offices and aid centers, containing information about the Ombudsman, his authority and the methods for filing a complaint.



The Procedure of Investigating a Complaint

After a complaint has been submitted the Ombudsman's office opens an investigation, unless it is found that it does not comply with the conditions determined in the State Comptroller Law, 5718-1958 [Consolidated Version] (hereafter - "The Law" or "Comptroller Law"), or it is frivolous or vexatious, or the Ombudsman believes that he is not the proper body to investigate the complaint.

The Ombudsman may discontinue the investigation of a complaint if it has been found that one of the causes 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 has not responded to the Ombudsman's requests addressed to him.

The Ombudsman's Office 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 is deemed beneficial 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.

Investigating Complaints through Mediation Procedure

In cases found suitable, the Ombudsman's office investigates complaints by means of an informal procedure, bearing characteristics of mediation. The aim of this procedure is to settle the dispute between the complainant and the authority through mutual understanding and agreement. It should be noted that Ombudsmen in other countries integrate in their activities similar procedures in order

to strengthen the culture of dialogue between citizens and public authorities.

Some of the employees of the Ombudsman's office received basic training in mediation principles, with emphasis on the unique characteristics of the Ombudsman institution.

Complaints that are fit to be dealt with by this procedure are mainly complaints about improper behavior of a public servant where the dispute between the parties is based on misunderstanding, complaints where the parties have long term relations, or complaints where the authority has broad discretion in the exercise of its power.

So far, experience teaches that through mediation it is possible to settle disputes between the parties, and that usually one meeting is sufficient.

It should be noted that at any stage of the procedure each side is entitled to stop and return the complaint to a regular investigation. In cases where an understanding between the parties has not been achieved, the complaint is also dealt with as a regular complaint, resulting in the decision of the Ombudsman as to whether the complaint was justified or not.

Outcome of Complaints Investigation

If the Ombudsman finds that a complaint is justified, he notifies the complainant and the body complained against the reasons for the decision. The Ombudsman may instruct the body to correct the defect discovered by the investigation and the ways and time to do so. The body complained against must then notify the Ombudsman of the steps it took to correct the defect.

If a complaint is found to be not justified, the Ombudsman's Office notifies the complainant and the body complained against and explains the reasons for the decision.

Types of 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 in the course of his duties as a member of the government (as opposed to his course of action as the officer-in-charge of the Ministry), or complaints against the governor of the Bank of Israel, except in his course of action as officer-in-charge of the bank. Also, the Ombudsman will not investigate complaints against judicial or quasi-judicial actions or complaints concerning subjects pending or decided in a court or tribunal.

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 discipline; complaints of State employees and employees of other audited bodies in matters concerning 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 actions he carried out in the course of his duties.

The Ombudsman will not investigate complaints regarding a matter in which a decision has been given, against which an objection, petition or appeal can or could have been filed according to the law, or a complaint filed after a year has elapsed from the date of the act to which it 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 determine the power of the Ombudsman to investigate complaints of employees who complain about harm caused to them due to exposing acts of corruption within the body in which they are employed, and issue temporary or permanent orders to protect the rights of these employees. The Ombudsman is also authorized to protect an internal auditor in an audited body against actions taken against him in retaliation for acts performed in the course of his duties.

It should be noted that the Legislature limited the power of the Ombudsman to investigate complaints related to employment issues as stated in section 38(8) of the Law, because it believed that the Ombudsman should not interfere in labor relations. Nevertheless, due to the importance of protecting Whistleblowers, the Legislature authorized the Ombudsman to investigate the complaints of these employees.

The Law's provisions regarding protection of persons who expose corruption balance between the right of the employer to make management decisions relating to his employees (promotion, dismissal, transfer from position, and so forth) and the need to protect employees who expose acts of corruption and, as a result, suffer harsh retaliation from their employers.

The Conditions for Investigating Such Complaints

For a complaint of a whistleblower or internal auditor to be investigated, it must fulfill several conditions as described in section 45A of the Law, as follows:

a) Complaint of a whistleblower

1. The complaint must be of an **employee** in an audited body against an **action** committed by his superior in his workplace in retaliation for his reporting **acts of corruption** committed in the body where he is employed.

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 – preserving integrity and rules of proper administration and protecting employees who protest against serious actions committed in their workplace – the interpretation of this term is broad and goal-oriented in accordance with the circumstances of each case.

2. The retaliatory act was directly injurious to the complainant, and was contrary to law or done without lawful authority or contrary to proper administration, or involved excessive inflexibility or flagrant injustice.

3. The complainant **reported** the acts of corruption committed in the body in which he is employed **before** the action he complained about was committed.

4. The said reporting was done **bona fide and in accordance with proper procedure**. Bona fide in this regard means that the employee believed that the acts of corruption that he reported indeed were

committed, and that he had a reasonable basis for so believing. Reporting in accordance with proper procedure means reporting to a person authorized to investigate the complaint either in the body itself (i.e. the employee's superior or the internal auditor) or outside it (i.e. the State Comptroller or Israel Police Force). However, under section 45B of the Law, if the Ombudsman finds reasons to justify it, he may investigate the complaint even if the employee did not report the acts of corruption in accordance with proper procedure.

5. The act concerning the complaint was carried out in reaction to the complainant's reporting acts of corruption, that is to say, a **causal connection** was found between the action performed against the complainant and his reporting the acts of corruption.

b) Complaint of an internal auditor

1. The complaint is against an **act** committed by a superior of the internal auditor, provided that the act is contrary to the provisions of law, regulations, Civil Service Regulations, a collective agreement, or similar general arrangements, or involves the transfer of the internal auditor from his post.

2. The said act was committed in retaliation against the actions of the internal auditor in fulfilling his duties.

Only if all the aforementioned conditions are met -- especially the condition regarding the causal connection between the claimed retaliation and the reporting of the acts of corruption or the actions of the internal auditor -- will the Ombudsman issue an order protecting the complainant in accord with the power granted him 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 make any order he

deems just and correct to protect the rights of the employee, taking into account the need to maintain the proper functioning of the body where the employee is employed and to prevent disruption of its activity.

The Ombudsman may issue a temporary protective order, that is valid until the completion of the investigation or until another decision is made by the Ombudsman. The purpose of the order is to prevent additional injury to the complainant during the investigation or to prevent a change of the situation, especially where there is concern that at the end of the investigation the previous situation could not be restored.

If the complaint is made by a whistleblower who was dismissed, the Ombudsman may order revocation of the dismissal, and if the Ombudsman believes that returning the employee to his post might impair the proper functioning of the body in which he is employed, the Ombudsman may award special compensation to the employee, financial or otherwise. The Ombudsman may also order the transfer of the employee to another post in the service of his employer.

Results of Issuing a Protective Order

To date, every protective order issued by the Ombudsman has been carried out. 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 opposes the outcome of the investigation or the issuance of the order, or provides the Ombudsman's Office with new information that it did not have at the time of the investigation of the complaint, 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 make a protective order.

The situation in which a whistleblower must return to his post with the employer against whom he complained is uncomfortable for both sides. Generally, however, both sides return to work in cooperation. If this does not occur, the complainant may again turn to the Ombudsman's Office, which will investigate this petition as well.

Reasons for Not Issuing a Protective Order

The Ombudsman receives many complaints by employees who claim that their employers retaliated against them for exposing acts of corruption at their workplace. The Ombudsman does not always issue a protective order in their cases, this for the following reasons:

1. The primary reason that the Ombudsman will not issue a protective order is that the conditions specified in the Law for making an order are not met:

- (a) The investigation of some of the complaints revealed that the employee asked for the Ombudsman's protection according to section 45A of the Law although he did not report acts of corruption; in other cases, the investigation revealed that the acts which were reported were not acts of corruption, but indicated, at most, improper administration. It should be noted that while investigating complaints the Ombudsman **does not examine** if the acts of corruption complained about were actually committed, but whether the complainant believed bona fide that they were committed, and whether he had an apparently reasonable basis for so believing. The departments dealing with state audit in the State Comptroller's Office are those that examine if these actions were actually committed.

(b) In a substantial portion of complaints that were investigated, no causal connection was found between the acts taken against the complainant – dismissal or other violation of his rights as an employee – and his reporting of the acts of corruption. Such cases include, for example, complaints of employees who reported acts of corruption **after** proceedings of dismissal or disciplinary proceedings had been initiated against them. These complainants sought to take advantage of the protection given by the Law to persons who expose corruption and claimed that the reason for their dismissal was exposure of corruption, knowledge of acts of corruption, or prevention of corruption.

It should be noted that section 45E of the Law states that submission of a complaint under section 45A or 45B of the Law vexatiously or otherwise than bona fide, is a disciplinary offense.

2. Another reason for not issuing a protective order or for stopping 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 Ombudsman's Office is prevented from investigating a complaint that is pending in a court or tribunal or in which a court or tribunal has given a decision with regard to the substance of the complaint.

3. A protective order will not be issued if it is also found that the complainant and the employer reached an agreement between them during the course of investigation of the complaint.

Expanding the Scope of Protection of Whistleblowers

Past experience shows that protection given to whistleblowers is incomplete. Generally, an employee who exposes corruption is not favorably seen by his work colleagues and supervisors, who view him

as a "traitor" to the organization in which they work, and although under the Law, failure to fulfill the Ombudsman's protective order constitutes a disciplinary offense, the abuse of the whistleblower does not always cease.

Internal auditors, whose function is to identify and expose defects in the organization in which they are employed, may encounter, in the course of their role, friction and confrontations with their superiors. The superiors may breach the rights of the internal auditors or take revenge against them by disciplinary means or file complaints against them with the police, all with the objective of preventing proper auditing.

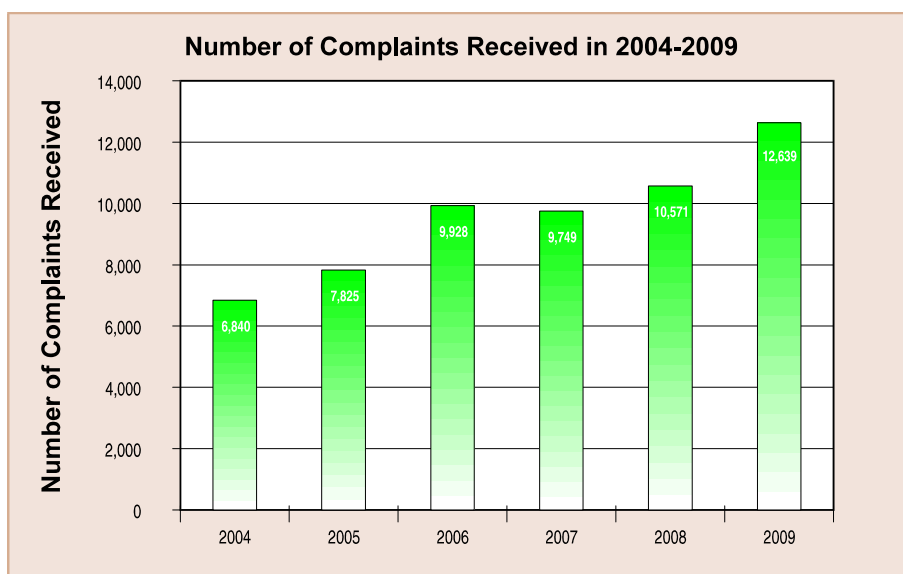
In December 2007, the State Comptroller and Ombudsman submitted to the State Control Committee of the Knesset an opinion, under section 21 of the State Comptroller Law, on "Protection of Persons who Expose Corruption," which contains a review of the existing means to protect persons who expose acts of corruption, the Ombudsman's Office's accumulated experience as a result of investigating the complaints, the existing legislation on protection of persons exposing corruption, and proposals for legislative amendments in this matter.

Data on Complaints in 2009

General Data

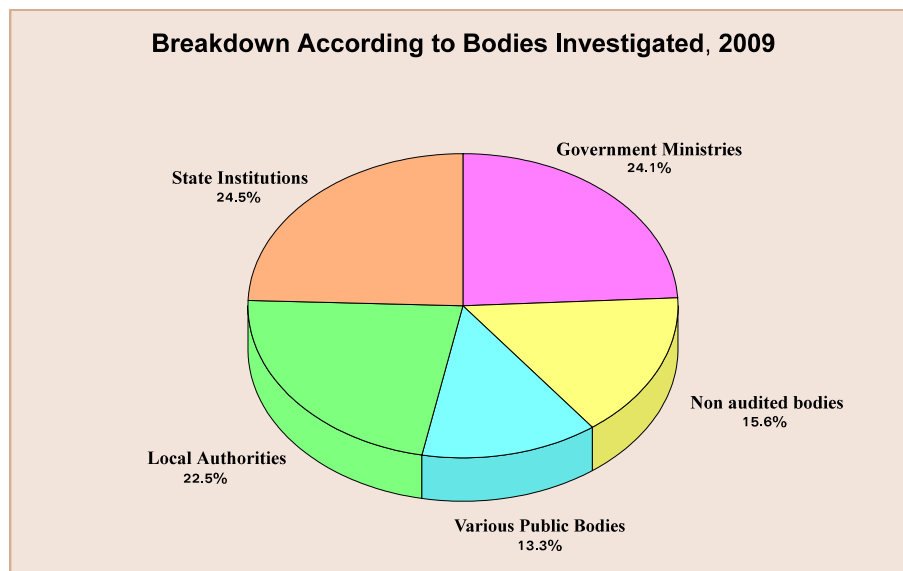
Number of Complaints Received

In 2009 the Office of Ombudsman received 12,639 complaints on 13,766 subjects. This is a record number of complaints received in a single year since the establishment of the Office of Ombudsman in 1971.



As reflected in the chart, 2009 saw a dramatic increase of 20% in the number of complaints as compared to 2008. It should be noted that over the period of 2004-2009, the number of complaints received by the Ombudsman's Office nearly doubled.

Breakdown of Complaints According to the Bodies Investigated



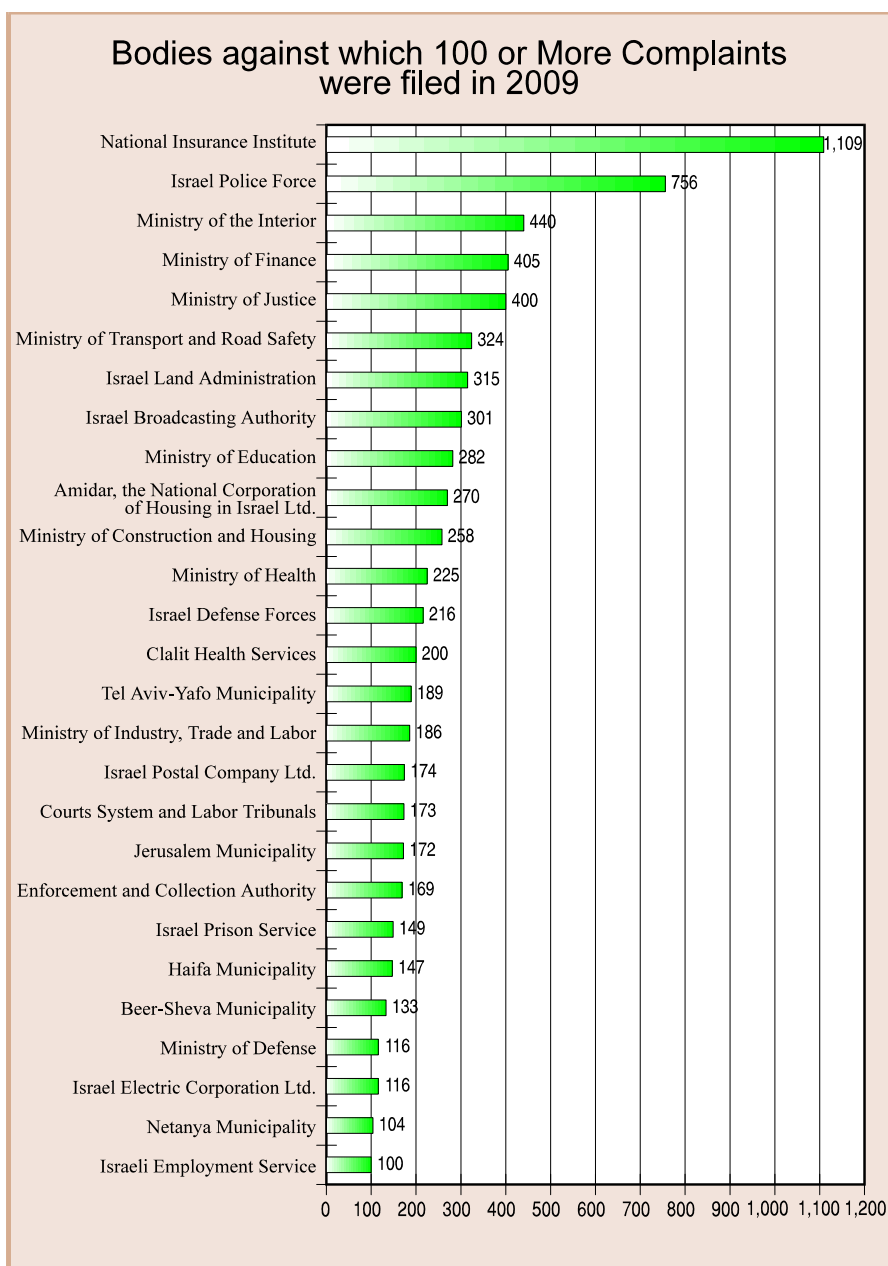
3,093 (24.5%) of the complaints were against **state institutions** – the National Insurance Institute, Israel Police Force, IDF, Courts System, Enforcement and Collection Authority, Israel Land Administration and others.

3,040 (24.1%) of the complaints received by the Ombudsman were against **government ministries**.

2,846 (22.5%) of the complaints were against **local authorities**: Municipalities – City Councils, local and regional councils, local boards and other municipal bodies like local committees for planning and construction, municipal associations, and water and sewage corporations.

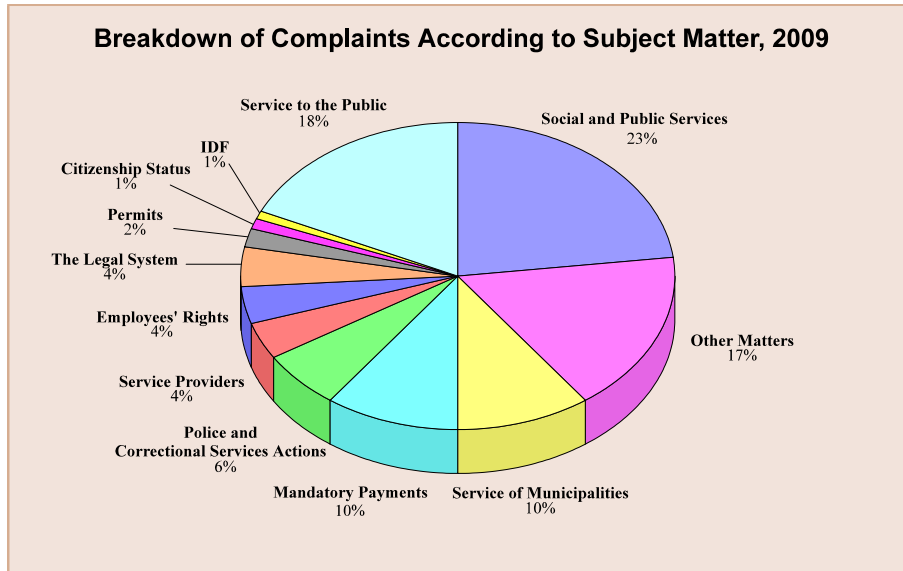
1,685 (13.3%) of the complaints were against **various public bodies** – Infrastructure and transportation corporations, housing companies, education and scientific institutes, public health services, etc.

1,975 (15.6%) of the complaints were against **non audited bodies** like banks and telephone companies.



Breakdown of Complaints According to Subject Matter

The following chart displays the breakdown of complaints received in 2009 according to subject matter:



23% of complaints dealt with defects relating to **social and public services** – Educational matters, welfare, health, assistance with housing and benefit payments.

18% of complaints dealt with flawed **service to the public** – Failure to respond to inquiries, improper behavior of a public servant, non-handling of complaints etc.

10% of complaints dealt with defects in the **service of municipalities** – Non-handling of obstacles and nuisances, infrastructure problems, planning and construction matters and objections to parking tickets.

10% of complaints dealt with objections to tax collection procedures, fees and other **mandatory payments**.

6% of complaints dealt with objections to **police and correctional services actions** – Behavior of police officers, the way police dealt with complaints, the way it conducted investigations, traffic tickets, behavior of correctional officers and handling of prisoners' complaints etc.

4% of complaints dealt with defective service given by different **service providers** among them the public transportation companies, infrastructure corporations and companies that provide communication services.

4% of complaints dealt with infringement of **employees' rights** – Wage issues, dismissals, improper behavior of supervisors and applications of employees exposing corruption for protective orders.

4% of complaints dealt with matters related to **the legal system** – Defective work procedures within the courts administration, objections to enforcement procedures and fine collections etc.

2% of complaints dealt with issuing **permits**, their renewal and revocation.

1% of complaints dealt with **citizenship status**.

1% of complaints dealt with matters related to the **IDF**.

The rest of the complaints (17%) dealt with **other matters**.

Breakdown of Complaints According to Method of Submission

The Ombudsman receives complaints by mail, fax, e-mail or by means of a designated complaint form that can be found on the Ombudsman's

website. In the branches of the Office of the Ombudsman complaints are also submitted orally and written down by the Ombudsman's staff.

The table below displays the breakdown of complaint issues according to the way they were received in 2009:

Way the Complaint was Received	No. of Complaint Issues	In Percent
Regular Mail	4,521	32.8
Internet	4,808	34.9
Fax	3,452	25.1
Orally	985	7.2
Total	13,766	100

The year 2009 shows an increase of approximately 10% in the number of complaints received via the internet and fax compared with 2008.

Activities of the Reception Branches in the Periphery

The Beer-Sheva Branch



The branch employs a Russian speaking secretary, an Arabic speaking lawyer and an Amharic speaking lawyer. This year too the office held campaigns and informational activities among the residents of the area especially among the Ethiopian community and the Bedouin sector, and visited audited bodies and places relating to the complaints.

In 2009 the office received 1,963 complaints orally and in writing (an increase of approximately 22% compared to 2008). 1,584 of complainants came to the office (an average of 132 complainants a month). They submitted complaints that the office employees wrote down and they also received advice and guidance regarding the matter of their concern or they received an update on the investigation of their complaints. All in all 866 complaint files were opened. 473 of

the complaints were submitted orally at the office, the rest of them were received in writing – by fax, mail or e-mail.

The breakdown of the complaints by sectors: Immigrants from the former Soviet Union submitted approximately 44% of the complaints, people from the Bedouin sector submitted approximately 29% of the complaints, members of the Ethiopian community approximately 6% of the complaints, and other residents – 21%.

The main bodies against which complaints were lodged at the office: National Insurance Institute (approximately 21% of complaints), Amidar Housing Corp. (approximately 13% of complaints), Beer-Sheva Municipality (10% of complaints), other municipalities in the southern region (12% of complaints).

The Nazareth Branch



The branch employs a Russian speaking employee and two Arabic speaking lawyers. In the course of the office activity, dozens of complaints and documents were translated from Arabic and Russian.

Furthermore, many visits were made to audited bodies and other locations in which nuisances or other defects had been reported by complainants, in order to understand the substance of the complaints.

In the year 2009 the office received 1,008 inquiries, both written and oral, and 570 complaint files were opened. 285 of these complaints were submitted orally to the office with the assistance of the office employees, while the rest of the complaints were submitted in writing.

Approximately 50% of the complaints received in the office were from the Arab sector, 21% from new immigrants and 29% from other residents.

The main bodies that complaints were submitted against were: Municipalities in the northern region (30% of the complaints), National Insurance Institute (12%), Israel Police Force (9%), Ministry of the Interior (5%).

Outcome of Investigated Complaints

In 2009, 12,011 complaint investigations were concluded (compared with 12,639 complaints submitted during the course of the year). It should be noted that, of the complaints the investigations of which have not yet been completed, 61% were received in the last quarter of the year 2009.

The completed investigations dealt with 12,952 subjects. The table below displays the investigation results in these subjects:

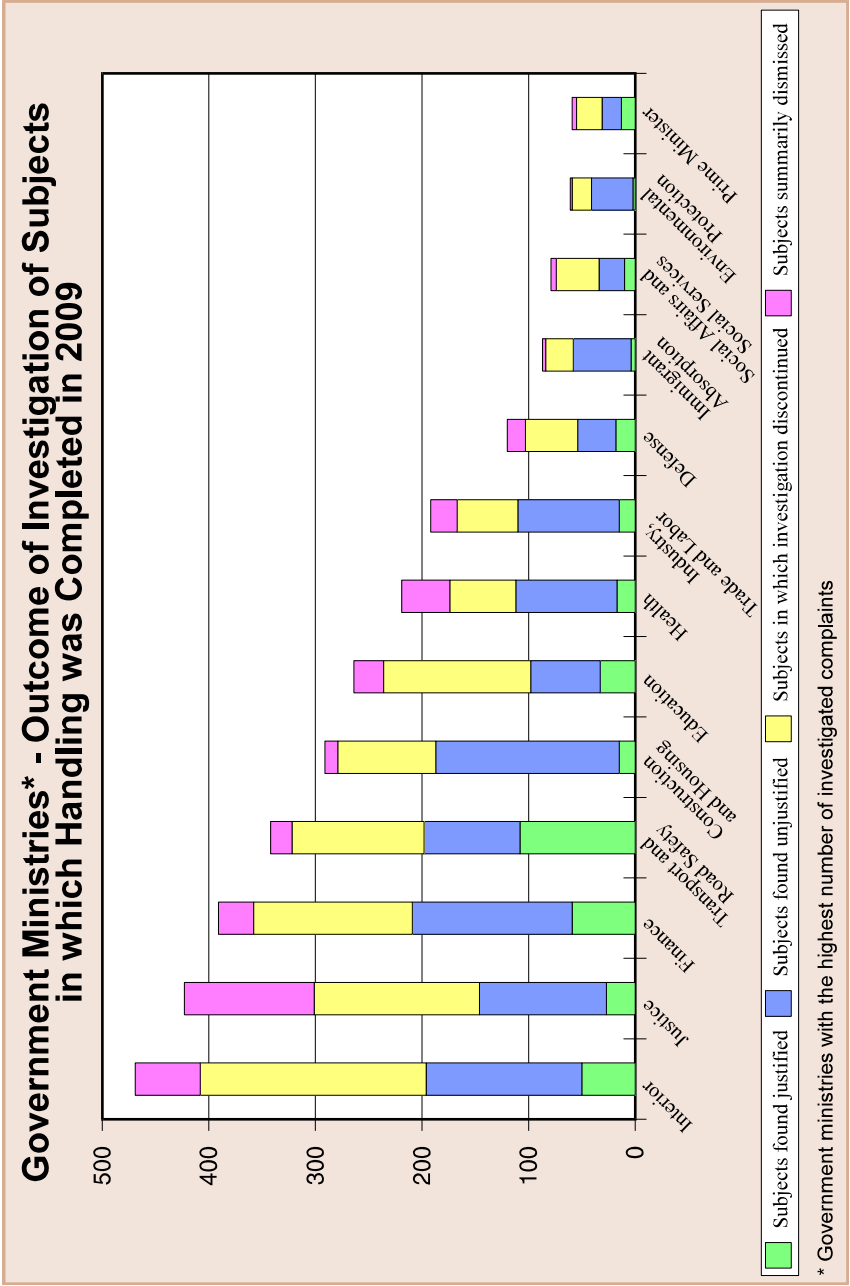
Investigation Outcome	Subjects Investigated in 2009	
	In Numbers	In Percent
Decision was Made in Essence of Matter*	5,224	40.3
Investigation Stopped**	4,252	32.8
Complaint was Summarily Dismissed***	3,476	26.9
Total Number of Investigated Subjects	12,952	100

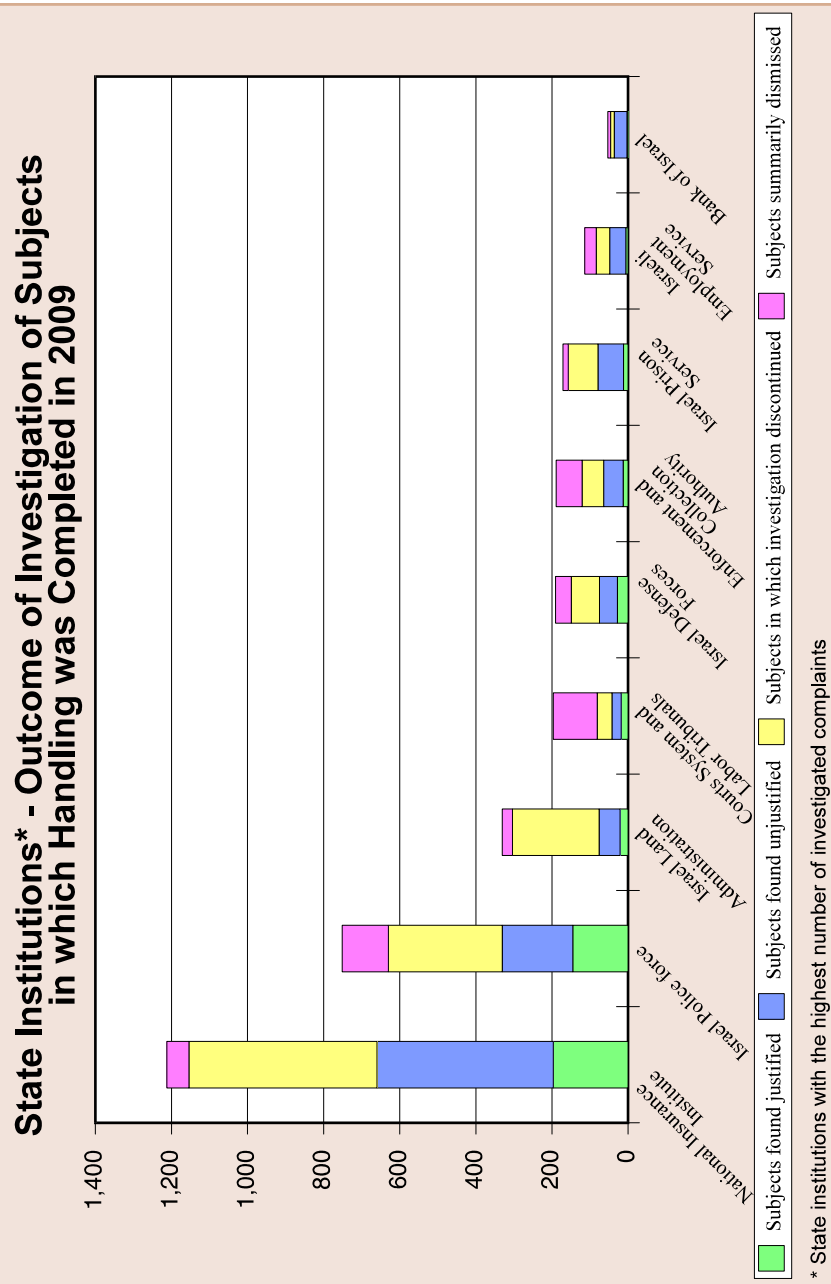
* and it was determined whether the complaint was justified or not.

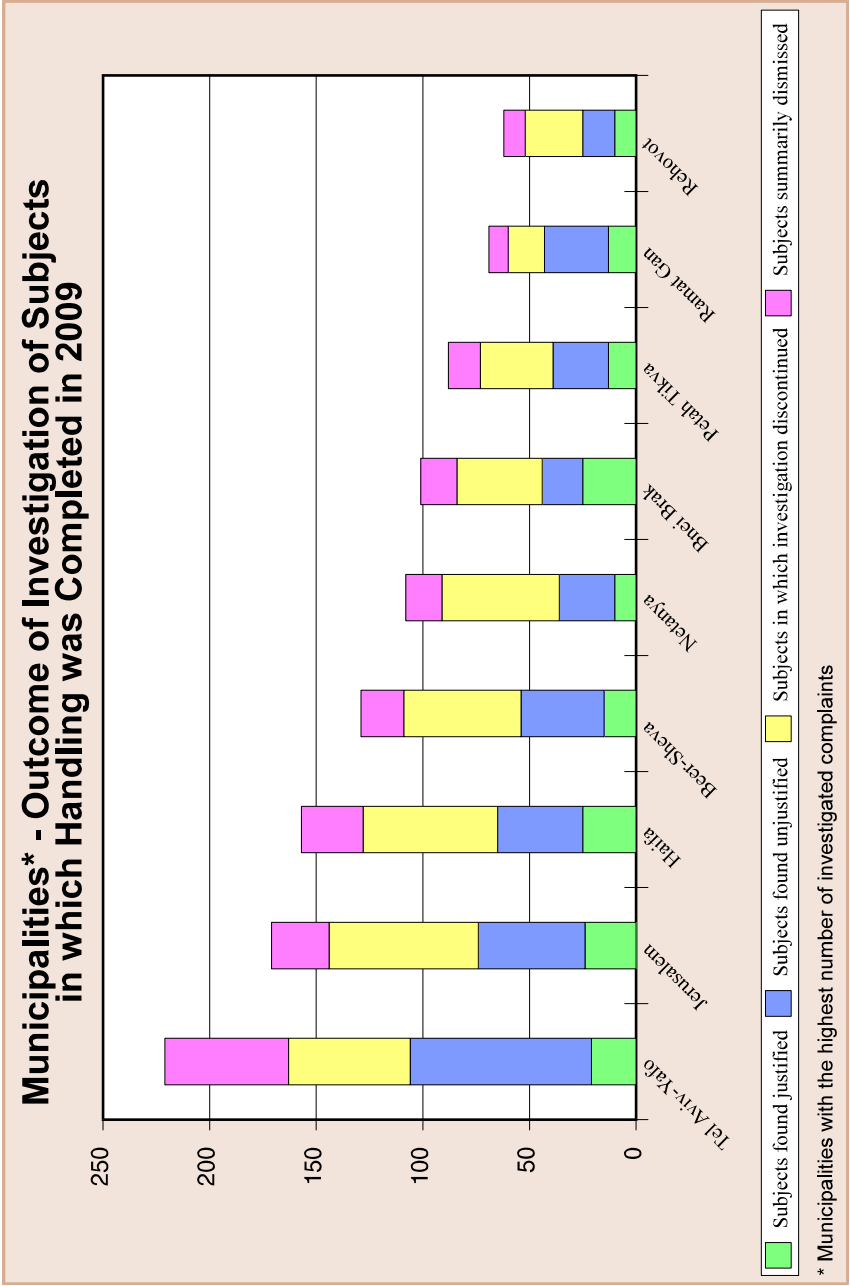
** the investigation was stopped at different stages of handling due to the following reasons: The matter raised in the complaint was resolved (1,937 [43%] of the complaints); it was found that one of the reasons specified in the Law for not opening an investigation applied (429 [10%] of the complaints); the complainant withdrew his complaint or did not respond to the Ombudsman's communications (1,010 [24%] of the complaints); other reasons (876 [21%] of the complaints).

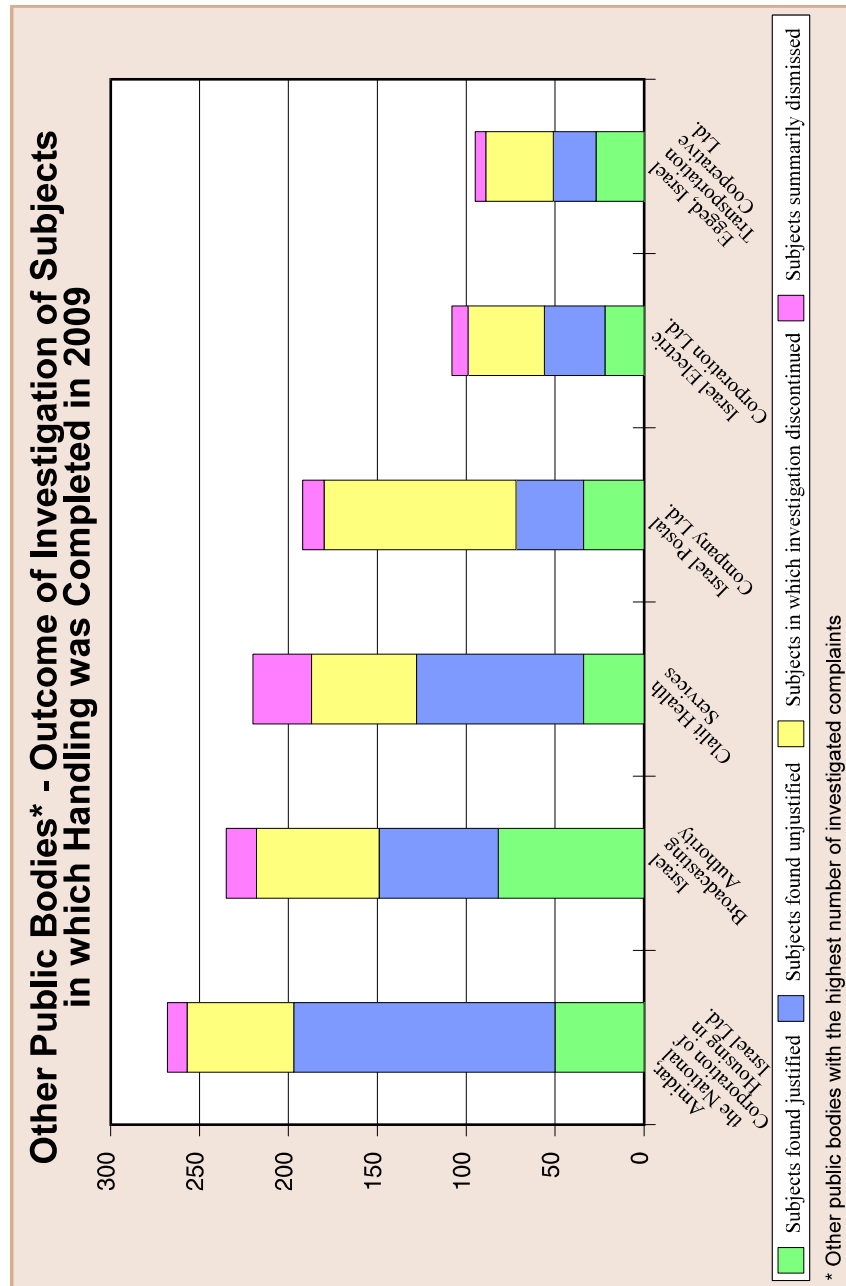
*** the subject matter of the complaint was dismissed on the spot for different reasons among them: The complained body is not one of the listed bodies against which a complaint may be filed under section 36 of the Law (2,002 [58%] of the complaints); the action described in the complaint did not directly harm the complainant or it is not against the law or the procedure of proper administration (324 [9%] of the complaints); the complaint is about a subject, body or office holder against which it is impossible to file a complaint according to section 38 of the Law (531 [15%] of the complaints); the complaint is barred by limitation or the complainant had the right to appeal the decision concerning the complaint and there is no special reason to investigate it (343 [10%] of the complaints); the Ombudsman thought that he is not the right institute to investigate the complaint (227 [7%] of the complaints); another reason (49 [1%] of the complaints).

The following charts display data of outcome of investigated complaints. Each of the charts deals with one of the four kinds of audited bodies with the highest number of complaints – government ministries, state institutions, municipalities and other public bodies.









Justified Complaints

Of the 5,224 complaints concerning which a decision was made on the merits, 1,600 (30.6%) were found to be justified.

	Percentage of subjects constituting justified complaints
2005	32.7%
2006	32.2%
2007	33.7%
2008	30.0%
2009	30.6%

It should be noted that investigations in an additional 1,937 complaints were discontinued after the issue complained about was resolved. In the final analysis, then, it would seem that the majority of the matters complained about were in fact resolved due to the intervention, of one kind or another, of the Ombudsman's Office.

The following is a detailed list of audited bodies (minimum 50 complaints) where the rate of justified complaints was greater than the average:

Government Ministries

Ministry of Transport and Road Safety – 54.5% out of 198 complaints where a decision on the merits was reached, were found to be justified; **Ministry of Education** – 33.7% out of 98 complaints; **Ministry of Defense** – 33.3% out of 54 complaints.

State Institutions

Israel Police Force – 43.8% out of 331 complaints where a decision on the merits was reached, were found to be justified; **IDF** – 37.3% out of 75 complaints.

Municipalities

Haifa Municipality – 39.3% out of 56 complaints where a decision on the merits was reached, were found to be justified; **Jerusalem Municipality** – 32.4% out of 74 complaints.

Other Public Bodies

Israel Broadcasting Authority – 55.0% out of 149 complaints where a decision on the merits was reached, were found to be justified; **Egged, Israel Transportation Cooperative Ltd.** – 52.9% out of 51 complaints; **Israel Postal Company Ltd.** – 47.2% out of 72 complaints; **Israel Electric Corporation Ltd.** – 39.3% out of 56 complaints.

Complaints of Whistleblowers

Data on the Investigated Complaints

In the year 2009 the Ombudsman investigated 53 complaints by complainants that alleged that they were injured as a result of exposing acts of corruption in the body where they worked. Four of the complaints were submitted by internal auditors who claimed that they were injured as a result of actions they performed in the course of their duty. 58 such complaints were submitted in the year 2009 (an increase of approximately 49% compared with 2008).

During the year the Ombudsman issued 13 temporary orders that are valid until the completion of the complaint investigation.

Complaints of Members of Knesset

The Knesset has a special status with regard to complaints submission. According to section 37 of the State Comptroller Law a member of the Knesset can also submit a complaint against an action that is directly injurious to another person, rather than himself.

The following chart displays number of complaints submitted by members of the Knesset in the years 2005-2009.

**Number of Complaints Submitted by Members of Knesset,
2005-2009**

Year	No. of Complaints
2005	9
2006	17
2007	83
2008	57
2009	34

Complaints about Discrimination Against Women

Section 6(c) of the Authority for Promotion of Women's Status Law, 5758-1998 (hereafter - the Law), prescribes the following:

"The Ombudsman shall submit an annual report to the Knesset regarding all the complaints filed with him which relate to discrimination against women as women and shall specify his conclusions."

Under section 6(a) of the Law, the Authority for Promotion of Women's Status (hereafter - the Authority) may forward complaints to the Ombudsman regarding any act within its area of activity, if it considers that the Ombudsman should investigate the complaint and if the complainant has given her consent.

In the year 2009 the Authority did not submit any complaints in this matter to the Ombudsman. However, the Ombudsman handled a few complaints that were directly submitted, as detailed below:

1. The Ombudsman received many complaints from Druze women residing in the Golan Heights, that their applications to the Ministry of the Interior for exit permits to Syria to visit the grave site of prophet Habil were refused. The complainants alleged that they had been discriminated against, as the procedure determined by the ministry allowed the travel of clergymen only to visit the grave site while their applications were broadly rejected.

As a result of the Ombudsman's intervention the ministry of the interior permitted the 43 women to travel to Syria for the purpose of visiting the prophet's gravesite.

2. Another complaint was submitted by a woman who had worked as a basketball instructor at one of the school clubs in Tel Aviv. At the beginning of the 2009-10 school year, her work was terminated. In her complaint to the Ombudsman she alleged that the school principal gave the order to remove her from her post as, in the principal's opinion, a male instructor was preferable, among other reasons because the children in the club are all boys.

The investigation of this complaint is ongoing.

3. The Ombudsman received two additional complaints regarding alleged discrimination against women, but in the process of the investigation it was found that the complainants had petitioned the court in the same matter. Section 38(5) to the State Comptroller Law states that a complaint as to a matter pending in a court or tribunal shall not be investigated; therefore, the Office of the Ombudsman discontinued the investigation

Decisions Regarding Correction of General Defects

In some instances, investigation of a particular complaint exposes general defects that are not related only to the individual's complaint. When this occurs, the Ombudsman's Office points out the need to correct the general defect, in order that other persons will not be adversely affected, and the Ombudsman keeps track of the correction of the defects. There have been many such corrections during the course of the history of the Ombudsman's Office. Recently, one of the Ombudsman's decisions resulted in the discontinuation of collection of entrance fees to the Ammunition Hill memorial site, after the Ombudsman determined that this was "a public commemorative site", and as such, the state was responsible for its funding and maintenance.

In the year 2009, the Ombudsman instructed many bodies regarding the need to amend general defects that were revealed in the course of complaint investigations, and many of these defects were indeed amended. Some of those complaints are described herein.

Government Ministries

Ministry of Finance

Publishing information in the Government Services and Information Portal on the Internet

The Government Services and Information Portal (www.gov.il) (hereafter - "Portal") included three ways to search for information regarding whether a lien had been placed on a vehicle. One listed option was: "Enter the mortgage database of the Ministry of Justice and request a report on a vehicle." The complainant chose this option

and paid for the information, only to find out that this database provides information about pledges and mortgages but not about liens. As a result of the Ombudsman's intervention the information was corrected so that visitors to the site can now know where to find information regarding vehicles under lien, on the one hand, and vehicles pledged as collateral, on the other.

The Israel Tax Authority

Issuing information regarding disruptions in hours of reception

Following the investigation of a complaint regarding lack of published information concerning work slowdowns by income tax workers resulting in cancelled afternoon reception hours, the Ombudsman determined that the Tax Authority should have advertised the disruption in reception hours in the media as well as on the Tax Authority's website where reception hours are listed. Also, it was determined that if this was technically impossible, it would be necessary to insert a "pop up" message on the site that would attract the attention of visitors to the site. The Tax Authority told the Ombudsman that should there be any need for it in the future information regarding this subject will be announced on their website with much more emphasis. It will also examine the need for advertisements in the media.

Ministry of Health – The Tel-Aviv Sourasky Medical Center (Ichilov Hospital)

Protecting medical records against loss or damage

The Ombudsman received a number of complaints from patients of the dental clinic at Ichilov Hospital, who stated that their medical records had been lost or damaged and therefore they could not receive medical treatment on time. Following the investigation of these complaints, the hospital informed the Ombudsman that actions had been taken to protect the medical records against loss or damage:

- In order to improve the clinic's archive organization and to ease its load, old medical records and records of inactive patients will be stored in an archive outside the hospital.
- To date medical records of each patient have not been filed in a separate folder. In order to avoid the loss of records and to facilitate location of them and minimize the risk of their being damaged, the clinic will file records of each patient in a binder.
- At the end of the treatment the patient will no longer give the medical documents back to the receptionist, but rather it is the doctors who will do so.
- The option of using the hospital's computerized storage to document details of the medical treatments and payments will be examined.

Ministry of the Interior

Information provided on the ministry's website

During the investigation of a complaint, it was found that the Ministry of the Interior does not clearly point out on its website that an adult

applying for a passport for the first time must appear personally at the office of the Population, Immigration and Border Authority when submitting his application. The Ministry updated its website to include this requirement.

The Ministry website included a general directive regarding how to register the birth of a child, born overseas to an Israeli female citizen when the child was not registered at the Israeli Embassy there. This directive requires submitting a translation of the foreign birth certificate into Hebrew together with a notarial authentication of the translation. The website did not point out that according to the Ministry's guidelines, it is unnecessary to provide such translations when the birth certificate is in Arabic or English. Following the investigation of a complaint, the Ministry updated its website to indicate that there is no need to provide the abovementioned documents if the certificate is written in Arabic or English, as long as it does not contain too much wording.

Population, Immigration and Border Authority

Delay in transferring a file between the Authority's offices

Following an investigation of a complaint regarding a delay of about 4 months in the transfer of a file between offices of the Population, Immigration and Border Authority (hereafter - "The Authority") the Ombudsman pointed out to the head of the Authority the need to take action to prevent similar flaws in the future. The Authority informed the Ombudsman that it is acting to cut down the time it takes to transfer files between offices, and noted that this problem will be fully resolved in the future, when the Authority files become fully computerized.

National Elections Inspector

Version of the Notice to the Voter in the Arabic Language

Following an investigation of a complaint regarding many linguistic mistakes in the Arabic version of the Notice to the Voter received by the complainant in advance of the municipal elections of November 2008, the Ombudsman instructed the National Elections Inspector at the Ministry of the Interior to contract with a translation company to translate into Arabic every official publication of the Inspector, including Notices to the Voter in order to prevent similar incidents in the future.

Ministry of Transport and Road Safety

Licensing Division

Resending Notices to Examinees

The licensing division of the ministry of transport and road safety suspended the complainant's driver's license because she failed to send updated medical documents according to the request of the Road Safety Medical Institute. The Ombudsman's investigation found that due to an error in the postal system, the request sent to the complainant was returned to the Institute, and was subsequently placed in her medical file without making any attempt to resend it or contact the complainant.

The Institute explained to the Ombudsman that each month it sends approximately 6,000 notices to examinees, and due to the large number of notices, when a letter is returned to the Institute after being sent to the examinee's address as it appears in the licensing division, the Institute does not resend the letter and does not contact the examinee by phone to make enquiries.

The Ombudsman made clear to the Institute that since non-submission of the medical documents may result in the suspension of the driver's license – a critical decision for the driver – it would be appropriate to resend the letter returned by mail, especially in cases where it was obvious that the addressee had not deliberately refrained from receiving the letter. The Institute informed the Ombudsman that it instructed its employees to act in accordance with the decision.

Vehicle Division

Improvement of Service Given to Applicants for Vehicle Import Licenses

Due to significant increase in the number of applications for licenses to import vehicles into Israel, the Import Department in the Vehicle Division of the Ministry of Transport and Road Safety experienced difficulties in handling the many applications. In the years 2008-2009 the Ombudsman received many complaints regarding delays in issuing import licenses and lack of information about the status of the applications that were submitted. As a result of the Ombudsman's intervention the Ministry of Transport added manpower to the import department and also took other steps to cut down the department's response time.

Ministry of Transport and Road Safety and Israel National Road Company Ltd.

Conditions for getting a Copy of Expropriation Map

A complaint investigation found that the Israel National Road Company will provide a copy of a map attached to a Land Expropriation Order issued by the Ministry of Transport only if the applicant signs a special waiver. This waiver exempts the Company

from liability for any consequences connected to the copying of the map or any future use of it by the applicant.

As a result of the intervention of the Ombudsman, the Ministry of Transport instructed the company not to require such a waiver in the future. The Ministry acted accordingly and also instructed the Israel Railways Corporation to act according to this decision in the course of handling applications to copy maps in its possession, relating to land expropriation for the purpose of building railroads.

State Institutions

National Insurance Institute

Handling of applications regarding insurance contributions

In a previous report, the Ombudsman uncovered ongoing delays over the course of five years, in the National Insurance Institute's handling of requests to adjust insurance contributions and refund insurance payments¹. Although the National Insurance Institute informed the Ombudsman that it is trying to formulate a solution to the problem in question, and that it referred the handling of requests to the Institute's branch in Jaffa, a follow-up by the Ombudsman found delays even today of more than a year in handling of such requests.

The Ombudsman issued a notice to the Institute regarding this matter, and the Institute's General Manager recently informed the Ombudsman that in order to reduce the above delay in the handling of requests, it was decided to hold a special campaign so that requests already submitted will be dealt with by May 2010. The Ombudsman is following this issue.

1 See Ombudsman, annual report No. 35 (2008), p. 225, complaint 42

Lack of assessment committees as required by law

According to the National Insurance Law, anyone who is charged with additional insurance contributions is entitled to appeal before an assessment committee. An investigation of a complaint found that the Institute does not comply with the above ordinance and such assessment committees have not yet been established. The Institute notified the Ombudsman's Office that it intends to work towards changing the law and creating an alternative appeal system. At present, though, there is no appellant body to which one can appeal the amount of insurance contributions.

The Ombudsman determined that, notwithstanding the Institute's announcement that it intends to work towards changing the law, the law as it stands requires the Institute to establish assessment committees. The Ombudsman made clear that it will follow up to ensure compliance in this matter.

Courts System

Handling of debt collection regarding court fee

An investigation of a complaint found that due to an error, the court secretariat transferred to the Center for Collection of Fines, Fees and Expenses (hereafter - "the Center") a request for collection of debt for failure to pay a court fee only five and a half years after the conclusion of the trial. Furthermore, it was found that at the time of the transfer of the request, the court's file had already been destroyed, and the court secretariat and the Center possessed little information regarding the legal procedure, including the issue of the payment of the fee.

Following an intervention by the Ombudsman's Office, the Court Administration ordered the court secretaries not to destroy files until

the fee has been paid in full. The secretaries were also directed to transfer files for collection to the Center within three years of the creation of the debt.

Enforcement and Collection Authority

Execution Bureau

Issuing approval for discharge from guarantee

An investigation of a complaint found that a person who was discharged from a guarantee cannot receive from the execution bureau written confirmation of this. As a consequence of the investigation, the Enforcement and Collection Authority announced that from now on, a confirmation of cancellation of guarantee will be issued to any guarantor who requests it, and that it has decided to examine the possibility of issuing such confirmation routinely.

The Center for Collection of Fines, Fees and Expenses

Charging expenses arising out of unnecessary collection procedures

An investigation of a complaint found that the Center for Collection of Fines, Fees and Expenses hired the services of a private collection contractor to locate addresses of debtors, thereby adding to the collection expenses imposed upon debtors, even though these addresses can be located through a simple check of the population registry. Following intervention by the Ombudsman's Office, the Center announced that it is taking measures so that it will be able to receive this information directly from the Ministry of the Interior's database.

Municipalities

Bnei Brak Municipality

Lack of handicapped parking spaces adjacent to shopping centers and medical centers

Following a complaint regarding a lack of handicapped parking spaces adjacent to shopping centers and medical centers in the city of Bnei Brak, the municipality added parking spaces reserved for handicapped persons in public places throughout the city.

Rehovot Municipality

A discount in property tax for those receiving income support benefit

The tax division in the municipality was not aware of the fact that the cancellation of a discount in property tax, following an amendment that was made in the discount regulations, did not apply to receivers of income support benefit who fulfill the relevant criteria. As such, the municipality did not give a discount in property taxes to citizens eligible for it. The Ombudsman determined that the municipality must check its listings and ensure that all the city's residents who receive income support benefit and fulfill the criteria indeed receive the discount in property tax to which they are eligible. The municipality's tax division director informed the Ombudsman that he directed the division's employees to act in accordance with the Ombudsman's decision.

Mateh Asher Regional Council and Abu Snan Local Council

Reading bid documents without payment

The Ombudsman investigated complaints dealing with the refusal of the Mateh Asher Regional Council and the Abu Snan Local Council (hereafter - "the Local Authorities") to allow the complainant, a business company, to view bid documents which they published without having to pay for it. The Ombudsman determined that according to law, the Local Authorities must allow anyone who requests to read bid documents, including the complainant, to view the bid documents without payment.

International Relations

In June 2009, the 19th Annual Conference of the International Ombudsman Institute (IOI) took place in Stockholm, Sweden. During the conference, which was organized in cooperation with the Swedish Ombudsman and the Swedish Government, various professional issues were discussed, and the 200th anniversary of the Swedish Ombudsman institution was marked. Israel was represented by State Comptroller and Ombudsman Judge (ret.) Micha Lindenstrauss, and the Director of the Office of the Ombudsman, Adv. Hillel Shamgar, and they gave lectures to conference participants on the roles of the Ombudsman and the integrated model which is unique to Israel, whereby the State Comptroller also acts as Ombudsman.

At the end of June 2009, the Armenian Ombudsman visited Israel. He met with the State Comptroller and Ombudsman and with the Director of the Office of the Ombudsman.

In July 2009, as part of a reciprocal visit, the State Comptroller and Ombudsman visited Madrid, Spain, as the guest of the Spanish Ombudsman. The Ombudsman was accompanied by the Director of the Office of the Ombudsman. In the course of the visit, the two met with the Spanish Ombudsman and his office's senior staff, with the President of the Spanish Congress and with members of the Jewish community.

In September 2009, the former Ombudsman of Poland, Dr. Janusz Kochanowski², visited Israel. He met with the State Comptroller and

2 After the publication of this report, Dr. Kochanowski was tragically killed in a plane crash together with the President of Poland and other Polish officials.

Ombudsman, the Director of the Office of the Ombudsman and the office's senior staff and discussed professional matters with them.

The guest met in the Knesset with Knesset Speaker, MK Reuven Rivlin, and Chairman of the State Control Committee, MK Yoel Hasson. The guest also met with the Honourable Justice Salim Joubran in the Supreme Court.

As part of the visit, the guest and the Polish Ambassador to Israel awarded the State Comptroller and Ombudsman with the Officer's Cross of Merit of the Republic of Poland. The medal was bestowed in the name of the President of Poland to Judge (ret.) Lindenstrauss for his work as State Comptroller and Ombudsman on behalf of human freedom and democracy in Israel. This medal is awarded to prominent personalities around the world, among them former President of the Supreme Court of Israel, Prof. Aharon Barak, and United States Supreme Court Justice, Antonin Scalia.

Following an invitation by the Moroccan Ombudsman, in November 2009 the State Comptroller and Ombudsman participated in a meeting of the Organization of Ombudsmen of the Mediterranean Countries, which took place in Tangiers, to mark the dedication of the organization's new office building. He was accompanied by the Director of the Office of the Ombudsman. Judge (ret.) Lindenstrauss, who holds a position on the organization's governing board, spoke during the meeting.

In December 2009 the Third Annual Conference of the Organization of Ombudsmen of the Mediterranean Countries took place in Athens, and discussed the subject of transparency in public administration and the struggle against corruption. Israel was represented by the Director of the Office of the Ombudsman, Adv. Hillel Shamgar, and he gave a lecture on the topic "Protecting those who Expose Corruption: The Israeli Experience."



**The dedication of the headquarters of the Organization of Ombudsmen
of the Mediterranean Countries**

Third from left: State Comptroller and Ombudsman – Member of the
organization's governing board; Sitting: The Moroccan Ombudsman –
President of the organization

