

# KEY POINTS OF ANNUAL REPORT 45 FOR THE YEAR 2018

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In the State of Israel, the State Comptroller is also the national Ombudsman. This integration of the two functions is unique to Israel. The Ombudsman carries out his function through the Office of the Ombudsman (the Office). Annual Report 45 of the Ombudsman describes the activities of the Office in 2018, the authority of the Office and the handling of the complaints.

This year's report gives a broad presentation of interesting data from different perspectives that shed light on the complaints handled in 2018 and on the characteristics of the complainants, in addition to a description of the handling of selected complaints and different communities.

## Complaint Data

In 2018, the Office received 13,617 letters of complaint about audited bodies and a further 844 letters of complaint against bodies about which the Office is not authorized to investigate complaints; in total 14,461 letters of complaint. Over the last three years, there has been a consistent annual increase of some 7% in the number of letters of complaint received by the Office.

The Office has recently started analyzing the complaints according to complainant characteristics. This enables the Office, inter alia, to locate the sectors of the population that are not sufficiently aware of the activity of the Office and to initiate actions to make the Office accessible to these sectors.

An extensive chapter in the report is dedicated to an examination of the characteristics of complainants according to gender, place of residence and age.

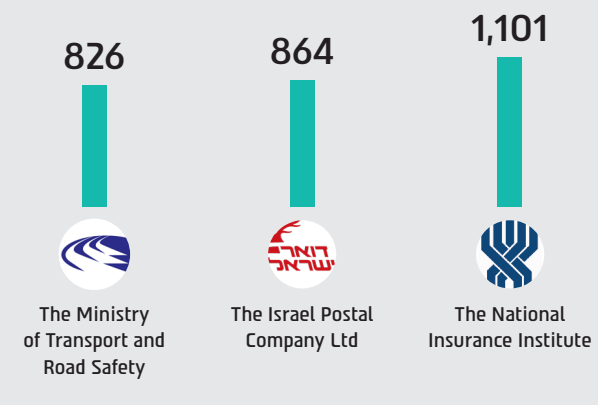
The data disclose, inter alia, that in general, the percentage of complaints of women (39%) is significantly smaller than the percentage of complaints of men (60%). However, in complaints about housing and accommodation, benefits, education and welfare, the percentage of complaints of women exceeds the percentage of complaints of men.

Regarding the breakdown of complaints into the complainant's district of residence, it was found that in the southern district and the Tel Aviv district, the number of complaints per 10,000 residents is the largest, whereas in the northern district and the Jerusalem district the number of complaints per 10,000 residents is the smallest.

Concerning the breakdown of ages of the complainants, it was found that the central age group of complainants was 25 - 54. It is important to point out that the percentage of complainants who are old-age citizens (over 65 years old) is almost twice as high as their percentage of the population.

### Breakdown of the complaints according to the bodies complained about

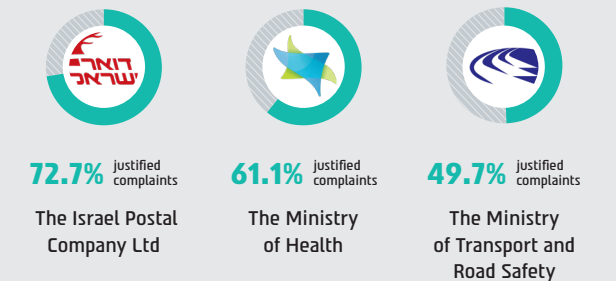
The three bodies about which the most letters of complaint were received in 2018 are the National Insurance Institute (1,101 letters of complaint), the Israel Postal Company Ltd. (864) and the Ministry of Transport and Road Safety (826).



Of the total number of complaints in which the investigation was completed in 2018, the overall percentage of justified complaints was 35.24%

It should be pointed out that in the last three years there has been an increase in the percentage of justified complaints.

The three bodies concerning which the percentage of justified complaints was higher than the overall percentage of justified complaints are the Israel Postal Company Ltd. (72.7%), the Ministry of Health (61.1%) and the Ministry of Transport and Road Safety (49.7%).



In 42.5% of the complaints, the Office completed the investigation to the satisfaction of the complainant - whether because the complaint was found justified or because the matter of the complaint was rectified.





## Complaint subject matter

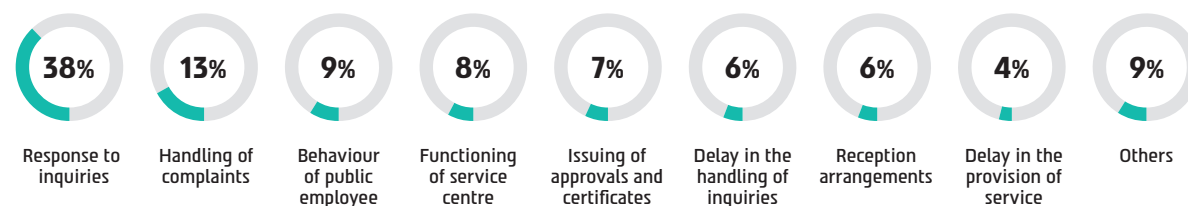
The Office receives complaints on many varied subjects relating to the violation of the complainants' rights by government authorities and public bodies.

**36%**

of the complaints received in 2018 concerned defects in the service provided to the public by the different bodies. The remaining complaints related to subjects covering a wide range of public activity in Israel, such as welfare, health, housing and accommodation, collection and execution procedures, education and benefits.

The chapter relating to the provision of services to the public contains an analysis of the breakdown of complaints about the provision of service to the public, as well as detailed data on complaints about two bodies: the Israel Postal Company Ltd., concerning which the percentage of justified complaints in 2018 was the highest (72.7%) and the Ministry of Transport and Road Safety, concerning which the largest number of complaints about the provision of service to the public was received in 2018.

### Breakdown of the complaints relating to the provision of service to the public



## Investigation of complaints and the provision of remedies to complainants

The Office is authorized to investigate complaints in any way it sees fit, and is not subject to rules of procedure or rules of evidence. The Office often conducts complex investigation procedures in which several audited bodies are involved, and where necessary brings the representatives of the bodies together to discuss the issue.

Where appropriate, complaints are handled by means of a mediation process. The chapter relating to the handling of complaints by mediation contains a description of prominent complaints handled by a mediation process, in the framework of which creative solutions, satisfactory to all the parties, were found. For example, following a complaint about noise emanating from the flying of remote control model aircrafts, the parties reached an agreement by which the local authority destroyed the RC model aircraft field, thus bringing to an end the complainants' many years of suffering.

The Office is authorized to request from any person or body information and documents likely to assist in the investigation of the complaint.

If upon conclusion of the investigation the complaint is found justified, the Office notifies the complainant and the body complained about of the findings of the investigation. If the investigation of the complaint has disclosed a defect in the act of the audited body that needs to be rectified, the Office notifies the audited body how to rectify it and by when and monitors the rectification of the defect.

Complainants whose complaint is found justified can receive different remedies, according to the defects disclosed by the investigation of their complaint, including:

- ◀ Cessation of the act harming the complainant
- ◀ Reimbursement of money unlawfully charged
- ◀ Granting of monetary compensation to the complainant
- ◀ Determination that the act of the audited body constituted flagrant injustice and excessive inflexibility and specification of the need to rectify the defect accordingly
- ◀ Provision of protection order for whistleblowers



## Rectification of defects

The investigation of an individual complaint frequently discloses a general defect in the modus operandi of the public body. In cases such as these, the Office does not suffice with the granting of relief to the individual complainant, but also points out the need to rectify the general defect, so that other people are not harmed by it. In this way and in addition to the assistance it renders to the individual complainant, the Office contributes to an improvement in the way the public administration acts and the protection of all those requiring public service.



This year, the investigation of 33 complaints described in the report led to the rectification of general defects. These complaints are marked in the report with a special marking.

For example, a mentally disabled man complained that on the fare receipt issued to him on public transport it was specified that he is a "disabled person", causing him much distress and the violation of his privacy. Following the investigation of the complaint, the Office notified the Ministry of Transport that it should consider an alternative way of specifying eligibility for a reduction in fare for the journey, in order to minimize infringement of the passengers' right to privacy. As a result, the Ministry of Transport instructed the public transport operators to specify in the receipt only the reduction code and not the characteristics of the passenger.



The Office is often happy to see that when the audited body discovers that it has acted in a defective manner or feels that in the circumstances of the case it must act ex gratia, it decides upon its own initiative to rectify the defect or grant relief to the complainant. This year, the

Office decided to highlight in the report the positive actions of these audited bodies and to commend them.

For example, the report contains the description of a complaint following which the National Insurance Institute undertook to assist the complainant, a resident of Eilat (the most southern city of Israel), who suffers from cerebral palsy and is disabled in her lower extremity. In her complaint, the complainant contended that she was unable to learn to drive in her town of residence, since in Eilat there are no driving instructors whose vehicles are adapted for giving driving lessons to disabled persons.

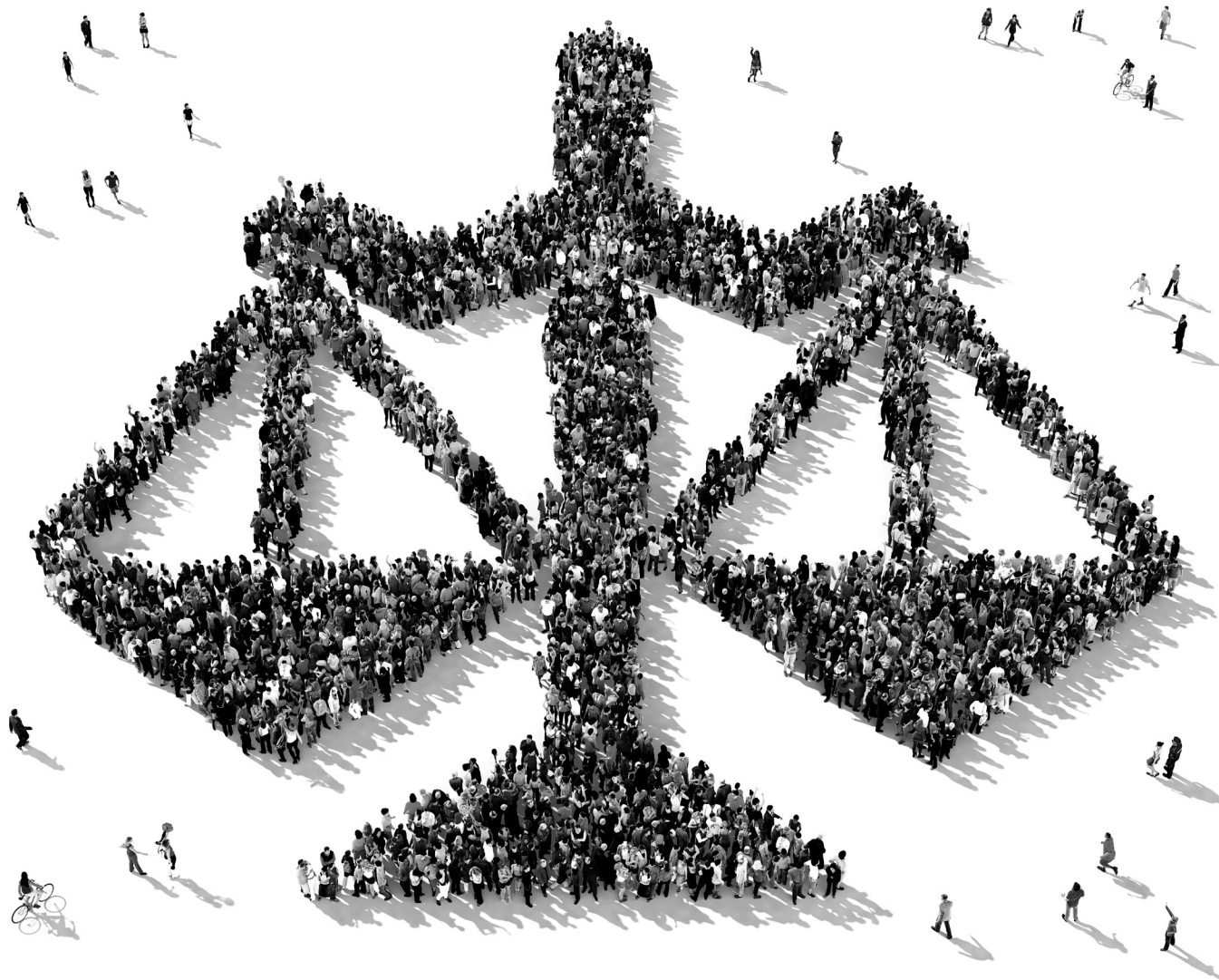
When the complaint was brought to the knowledge of the National Insurance Institute, it agreed, in an exceptional move made in the framework of the rehabilitation "basket", to approve a scheme for the funding of driving lessons for the complainant in Tel Aviv. In the framework of the scheme, the National Insurance Institute paid for the flights of the complainant to and from Tel Aviv and even covered the cost of the driving lessons.

## Making the Office accessible

The Office acts in many different ways to increase the awareness of the public about its existence and about the possibility of the individual to turn to it for assistance in order to receive rights to which he/she is entitled. The following are a few of these ways:

- ◀ The operating of reception offices throughout the country, including in the periphery, in order to make it easier for residents to file complaints;
- ◀ The holding of activities to explain about the Office and its authority in the welfare departments of the local authorities, including in settlements in the periphery, as well as in volunteer organizations and social organizations;
- ◀ Making the Office accessible to foreign-language speakers. In the reception offices there are staff members who speak Arabic, Russian and Amharic who assist complainants coming to the reception office, who speak these languages, to file their complaints;
- ◀ Adaptation of the service and provision of information to a disabled person wishing to file a complaint.

- ◀ Jerusalem
- ◀ Tel Aviv-Jaffa
- ◀ Haifa
- ◀ Be'er Sheva
- ◀ Lod
- ◀ Nazareth



## Description of the handling of selected complaints

The second part of the report is dedicated to the description of the handling of selected complaint subject matters and defined communities. This part also contains a description of the handling of complaints by mediation. The following is a description of a selection of complaints:

### Protection of human rights

The State Comptroller and Ombudsman considers the role of the Office as including the protection of human rights in general and the rights of vulnerable communities in society in particular. The report contains descriptions of many cases in which the Office helped to protect the basic rights of complainants, including the right to dignity and liberty, the right to equality and the right to privacy. In many cases, the investigation of a complaint led to the rectification of a general defect and the prevention of harm to others.



### Violation of right to dignity and liberty

The Office determined that taking the complainant and her partner to an interrogation in a police car violated their dignity to an unnecessary extent.

In accordance with the Ombudsman's instructions, the Department for Interrogations and Intelligence of the Police distributed to all the units of the police force a directive detailing which means of detention are less harmful and instructed the police force units that as a rule, they should prefer using these means, according to the circumstances of the case.



### Violation of the right to equality

A visually impaired woman complained about the decision of the Ministry of Labour, Social Affairs and Social Services (Ministry of Labour) to reject her application for escort fees.

Following the intervention of the Office in the matter of the complaint, the Ministry of Labour and Ministry of Finance decided to equalize the maximum age of eligibility of visibly impaired women for escort fees with that of men. Accordingly, escort fees for the complainant were approved.



### Protection of freedom of expression

The two previous annual reports presented the standpoint of the Ombudsman concerning the deletion of comments of people or the unlawful blocking of their access to the public pages of public bodies and public officials on social networks.

This report reviews the developments that took place in this field in 2018 and contains descriptions of complaints on the subject concerning public bodies and holders of public offices.

## Complaints of defined communities

This year the report highlights complaints relating to defined communities and within this framework the fourth chapter contains a concentration of complaints from a cross-section of four different and varied fields: disabled persons, old-age citizens, women and children. The structure of the chapter is designed to present the work of the Office from the viewpoint of the members of these communities and to assist in safeguarding their rights.



### Complaints relating to disabled persons

The Office places special importance on the handling of complaints of disabled persons. The report contains descriptions of complaints in which the Office assisted disabled persons, including a complaint about the failure to provide queue-free service to a disabled person in a post office; a complaint about the failure to deliver a postal item to a disabled person and the demand that he go out of his house to receive the item; and a complaint about the inaccessibility of a centre for delivering postal items.

Following the intervention of the Office relating to a different complaint, the Tel Aviv-Jaffa Municipality notified that since the only accessible route to Gordon swimming pool passes through the adjacent car park, it would fund up to six hours of free parking for disabled persons in the car park.

In addition, this year's report highlights the complaints of sick persons in need of medical cannabis. The number of complaints received in 2018 about the Medical Cannabis Unit in the Ministry of Health was almost two and a half times greater than the number of complaints received about it in 2017; furthermore, 85% of the complaints about the Unit in 2018 were found justified or were rectified following the intervention of the Office. Consequently, the chapter dealing with health matters contains a detailed description of complaints about the Unit.



### Complaints relating to old-age citizens

The chapter describing these complaints contains the decision of the Ombudsman, according to which the terms of Prison Service pensioners who originate from Morocco should be equalized with the terms of other state worker pensioners, thereby recognizing them as Holocaust survivors with regards to the increase in the period of their service when calculating their retirement pension.



### Complaints relating to children

The chapter reviewing complaints relating to children focusses on the field of education. The chapter contains a description, inter alia, of complaints about unlawful charges of payment for the granting of approvals for schooling outside the jurisdiction of the local council, the conducting of lessons in first grade special education in a small and unsuitable room, etc.



### Complaints relating to women

The chapter dedicated to complaints relating to women contains complaints on the subject of pregnancy and birth (funding of tests, receipt of pregnancy bed rest benefit and maternity leave), as well as complaints concerning the Ministry of Labour, Social Affairs and Social Services' inflexible handling of applications for a discount in school fees for children of working mothers.

For example, the Ministry of Labour, Social Affairs and Social Services accepted the standpoint of the Office, according to which it was necessary to apply an updated interpretation of the rule prescribing that a woman studying medicine is entitled to a subsidy in child care facility fees throughout the entire study period and to apply it also to a woman studying veterinary studies.

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## The protection of whistleblowers

Another class of complainants with special characteristics is the community of employees who have exposed corruption. A special chapter of the report has been dedicated to the handling of the complaints of these employees.

The legislator authorized the Ombudsman to protect employees who acted in good faith and in accordance with proper procedures in exposing corruption, a severe breach of law or a serious infringement of the rules of proper administration in their workplace, and their superiors have victimized them or requested their dismissal in response to a notification of the above acts. The legislator also authorized the Ombudsman to grant protection to internal auditors who have suffered victimization in response to their actions as internal auditors.

In 2018, 44 complaints were filed by employees who claimed that their superiors had violated their rights following the exposure of acts of corruption. 22 of the employees, the investigation of whose complaints was completed, received different remedies from the Ombudsman. Five of the employees (one of whom was an internal auditor) received permanent protection orders, and in the framework of the other 17 complaints the disputes were settled between the parties with the assistance of the Ombudsman, or the parties authorized the Ombudsman to decide in the dispute between them.

In addition to the remedies granted by the Ombudsman to whistleblowers whose complaint has been found justified, the Ombudsman takes different actions to alleviate the many difficulties encountered by the complainants and their families following the exposure of the corruption and the filing of the complaint with the Office. In 2018, a social worker was recruited to give support to the complainants and their families.



## Closure

From whistleblower to Municipal Engineer:

In 2015, a complainant who served as Deputy Engineer of the Ramat Gan Municipality, requested a protection order from the Ombudsman following her exposing corruption.

The order was necessary in light of the assistance she had given to the Israel Police during the investigation of suspicions of the perpetration of criminal acts by the then presiding mayor and senior municipal employees. Following the investigation of the complaint, the complainant was granted a permanent protection order, which revoked her dismissal and ordered the Municipality to continue her employment as deputy engineer with no violation of her rights.

In October 2018, the Mayor was replaced following local authority elections, and in the tender held recently the complainant was chosen as Municipal Engineer.