



**STATE OF ISRAEL**

**THE OMBUDSMAN**  
**Annual Reports**  
**39 and 40**  
**for 2012 and 2013**

**Selected Chapters**



**OFFICE OF THE STATE COMPTROLLER  
AND OMBUDSMAN**

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**The Office of the Ombudsman hereby  
submits its Fortieth Annual Report to the  
Knesset**

Since I began my term as State Comptroller and Ombudsman, I have, in the execution of my work in these positions, emphasized the protection of human rights - including the social and economic rights of the more disadvantaged population groups within society.<sup>1</sup> The Ombudsman views himself as the “agent for social rights”, particularly with regard to the rights of the needy. The true test of a society’s protection of human rights is the level of protection provided for the rights of the weakest groups within it. The role of the Ombudsman in the current era of human rights, as well as the

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<sup>1</sup> See, for example, State Comptroller, *Opinion: Supervision of Food Prices and Supervision of Dairy Product Prices* (2012), at p. 6; the Ombudsman's *Annual Report 39*, for 2012, Chapter “Complaints Concerning Exploitation of Holocaust Survivors”, at pp. 143-151; State Comptroller, *Opinion: Care of Minors Lacking Civil Status in Israel, Annual Report 63C* (2012), at pp. 1843-1925; State Comptroller, *Report on Government’s Work to Promote Nutritional Security* (2014).

work of his office to realize these rights, are described in the Chapter of this report which is devoted to that subject.<sup>2</sup>

This Report also includes a chapter that describes the Ombudsman's handling of complaints regarding violations of the human rights of prisoners and detainees.<sup>3</sup> Incarceration is a measure that inherently violates the incarcerated person's basic rights - primarily his right to freedom. However, the fact that a person is incarcerated does not mean that all his rights are negated; his basic rights must be protected even within the prison walls, albeit in a more limited fashion. The Israel Prison Service and the Israel Police, who are charged with the imprisonment of detainees and prisoners, are therefore required to exercise their powers carefully and proportionately, and to take care that the basic human rights of the prisoners are preserved. The chapter presents a description of several complaints submitted by detainees and prisoners and by their families, regarding violations of their rights. The outcome of the investigation of these complaints was that the Office of the Ombudsman made various instructive remarks to the Israel Prison Service and the Israel Police regarding these issues.

Another chapter in the annual report deals with the treatment of the elderly by the Office of the Ombudsman. The substantial increase in the percentage of the elderly who live in Israel, and the high percentage of the elderly who live in distressed circumstances, require the authorities to treat this population group with sensitivity and to do all that it can to protect their rights. This chapter offers a description of several complaints that illustrate

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<sup>2</sup> See below, page 27.

<sup>3</sup> See below, the Chapter entitled "Complaints Dealing with the Rights of Prisoners and Detainees", at p. 83.

how the Office of the Ombudsman assisted in correcting an injustice that the authorities had caused in their treatment of an elderly person.<sup>4</sup>

The percentage of justified complaints submitted (31.6%) rose by 16.2% in 2013, as compared to 2012 when that percentage was only 27.2%. It should be noted that the percentage of submitted complaints that were found to be justified is actually greater, since the above-mentioned percentage does not include many complaints, the investigation of which was terminated because the matter of the complaint was corrected. It should also be noted that in many of the cases in which the investigation was terminated because of the correction of the initial problem, the correction was made solely due to the involvement of the Office of the Ombudsman. The fairly high percentage of justified complaints indicates that the authorities have not yet internalized the importance of providing optimal service to the public, and that the Office of the Ombudsman still has much work to do.

Because of the wide variety of matters that form the subject of the complaints submitted to the Office of the Ombudsman each year, the staff of the Office that investigates the complaints must develop a high level of professional skill and have expertise in many different fields. Thus, the investigation of some of the complaints can involve a very specific and complex legal analysis. The investigation of others - including complaints submitted by employees who claim that they have been subjected to retribution from supervisors after they exposed acts of corruption - will require a high-level of fact-finding skill in order to establish the facts of the particular complaint.<sup>5</sup> However skillful they may be, these investigators

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4 See below, the Chapter entitled “Complaints Dealing with the Rights of the Elderly”, at p. 73; see also State Comptroller, *Annual Report 61B* (2010), at pp. 103-299.

5 See below, the Chapter entitled “Complaints from Whistleblowers”, at page 99.

cannot do their work properly without developing sympathy and a true desire to help those who require the Office of the Ombudsman to act as mouthpiece in their dispute with the authorities. And indeed, the Office of the Ombudsman has been blessed with a dedicated staff that is imbued with the desire to provide assistance to the many complainants and to help them to smooth their way in their encounters with the authorities.

A handwritten signature in blue ink, reading "J. Shapira". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Joseph Haim Shapira, Judge (Ret.)**

State Comptroller  
and Ombudsman

Jerusalem, June 2015

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

The following translation presents parts of Annual Reports 39 and 40, which summarize the activities of the Ombudsman and the Office of the Ombudsman in 2012 and 2013. The translation includes a survey of the powers of the Ombudsman, data on the complaints that the Office of the Ombudsman handled in 2013 and that were reported in Annual Report 40, and a description of selected complaints taken from the two reports.

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