



STATE OF ISRAEL

THE OMBUDSMAN

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Selected Chapters



OFFICE OF THE STATE COMPTROLLER
AND OMBUDSMAN

GENERAL OVERVIEW

Powers and Spheres of Activity of the Ombudsman

The State Comptroller also serves by law as Ombudsman. He discharges this function by way of a special unit in the State Comptroller's office – the Ombudsman's Office – which investigates complaints against bodies that are statutorily subject to audit by the State Comptroller, including government ministries, local authorities, state enterprises and institutions, and government corporations, as well as their employees.

There are certain public bodies that the law does not authorize the Ombudsman's Office to investigate, such as banks, insurance companies, and other non-governmental entities that serve the public. Complaints against these entities are often forwarded to bodies statutorily charged with their supervision, examples being the Supervisor of Banks, the Supervisor of Insurance and the Director of Capital, Insurance and Savings.

The Ombudsman's Office may investigate a complaint if it concerns an act – including an omission or delay in acting – that is directly injurious 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 involves an overly rigid attitude or flagrant injustice. Members of the Knesset may also complain about an act that injures another person.

In July 2007, the Knesset amended the State Comptroller Law, 5718 – 1958 [Consolidated Version] (hereafter – the Law or the State Comptroller Law), to enable submission of a complaint also for an act that directly injures another person, provided that the complainant received, to the satisfaction of the Ombudsman, the consent of the other person to submit the complaint in his matter.

Once a complaint has been submitted, the Ombudsman's Office initiates an investigation, unless the complaint does not comply with the statutory conditions for the investigation of complaints, or it is vexatious or intended to annoy, 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 he is satisfied that one of the causes justifying not opening 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investigation exists, or that the matter to which the complaint relates has been rectified, or that the complainant has withdrawn the complaint or has not responded to the Ombudsman's Office's requests addressed to him.

The Ombudsman may investigate a complaint in any manner he sees fit and is not bound by the rules of procedure or the rules of evidence. He may hear any person if he deems it beneficial and may require any person or body to give him any documents or information that are likely, in his opinion, to assist in the investigation of the complaint.

Where the Ombudsman finds at the end of the investigation that the investigation is justified, the Ombudsman's Office notifies the complainant and the body complained against and explains the reasons for the determination. The Ombudsman may point out to the body complained against the need to correct the defect that arose in the investigation and the way and time for doing it. The body complained against must inform the Ombudsman's Office about the steps that have been taken to correct the defect.

Where the Ombudsman finds that the complaint is not justified, the Ombudsman's Office so notifies the complainant and the body complained against and explains the reasons for the determination.

The State Comptroller Law enumerates the subjects that are not to be investigated, and the bodies and officials against whom complaints will not be investigated: complaints against the President of the State, against the Knesset, a Knesset committee or a Member of the Knesset; against the Government and its committees and against a minister in his capacity as a member of government as opposed to his capacity as the head of a ministry or sphere of activity, and also against the Governor of the Bank of Israel, except with respect to his activities as Head of the Bank. Furthermore, the Ombudsman's Office may not investigate complaints against judicial or quasi-judicial acts, or concerning matters pending in a court or tribunal, or in which a court or tribunal has given a decision.

The Ombudsman's Office does not have the authority to investigate complaints filed by soldiers, police officers, and prison officers concerning service arrangements, terms of service, or discipline. The Ombudsman's Office will not investigate complaints of State employees and employees of other audited bodies in matters concerning the service of 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 are specified in sections 45A-45E of the State Comptroller Law, which provide for the investigation of a complaint of an employee in an audited body or of an internal auditor for injury to them in response to exposure of acts of corruption.

The Ombudsman's Office will not investigate a complaint regarding a matter in which a decision has been given, against which a protest, objection, or appeal can or could have been filed under any 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 act became known to the complainant, unless the Ombudsman finds a special reason justifying the investigation.

The Ombudsman's Office

The Ombudsman's Office has some sixty persons investigating complaints, all of them attorneys, and about thirty administrative employees who assist in handling the complaints. The head of the Ombudsman's Office is the Director, who, pursuant to the State Comptroller Law, is appointed by the State Control Committee of the Knesset, at the proposal of the Ombudsman. Since March 2007, the Director of the Ombudsman's Office has been attorney Hillel Shamgar.

Assisting the Director of the Ombudsman's Office is the Deputy Director and the Legal Advisor to the Ombudsman.

The Ombudsman's Office has eight departments for investigating complaints, each department being charged with investigating complaints against particular bodies that are subject by law to the Ombudsman's oversight. For reasons of expertise and efficiency, complaints with regard to employees in all the bodies complained against (except for teachers), among them complaints of employees who contend they were harassed following exposure of acts of corruption, are investigated in one department.

The division into departments enables a greater degree of efficiency given that each department is well acquainted with the laws and work procedures relating to the operation of the bodies with respect to the complaints submitted against them. A complaint against more than one body is investigated jointly by the relevant departments.

The broad dispersion of employees of the Ombudsman's Office in its offices in Jerusalem, Tel Aviv, and Haifa, and in the reception offices in Beer Sheva and Nazareth, enable greater access of complainants to the Ombudsman's Office and facilities receiving and investigating complaints.

Some ten percent of the professional employees in the Ombudsman's Office are from the Arab sector. The Ombudsman's Office has a few employees who are Russian speakers, and a tender was recently published for an Amharic-speaking employee for the Beer Sheva office to facilitate contact with members of the Ethiopian community.

The Way to Submit a Complaint

Any person may file a complaint with the Ombudsman's Office free of charge. The complainant is only required to sign the complaint and state his name and address.

A person may submit a complaint in a few ways: in writing – by mail, fax, e-mail (a form for this purpose is found on the Ombudsman's Office's website, whose address is www.mevaker.gov.il) – or orally at the branch offices in Jerusalem, Tel Aviv, Haifa, Beer Sheva, and Nazareth.

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 made by e-mail, and a telephone number.

If the complaint is made on behalf of another person, it is necessary to attach that person's consent to have the Ombudsman's Office investigate the matter.

It is important to attach copies (it is best not to send originals) of the documents needed to investigate the complaint: letters to the body complained against, replies received, decisions, and so forth.

In the past year, the Ombudsman's Office distributed explanatory brochures in a few languages that contain information about it, its powers, and the way to submit complaints.

The Reception Offices in the Periphery

Two years ago, offices were opened in Nazareth and Beer Sheva, the objective being to make residents in those towns and their surrounding areas (primarily new immigrants and members of the Arab sector) more aware of the existence of the Ombudsman's Office and of their right to submit complaints against government authorities, and to make the Ombudsman's Office more accessible to persons living in the periphery.

The geographic proximity of the complaints and the bodies complained against to the offices in Nazareth and Beer Sheva also makes investigation of the complaints more efficient, especially in cases that require prompt investigation.

Indeed, as described below, in 2007, many complaints were filed in these offices (some 14 percent of the total number of complaints received). Some of them were investigated by employees in those offices, who speak the languages commonly spoken in those areas, and some were investigated by other employees of the Ombudsman's Office, depending on the subject of the complaint.

To increase the residents' awareness of their right to bring their grievances and complaints of the wrongs committed against them, the offices' employees engage in extensive explanatory activity at the welfare offices of the local authorities in those areas and among organizations involved in social matters. Information on the powers of the Ombudsman's Office and how it operates, and on the way to submit a complaint through the offices, is published several times a year in local newspapers in Hebrew, Arabic, and Russian.

The Nazareth Office

The office has a Russian-speaking employee, to assist Russian speakers who contact the office, and three attorneys, among them the office's director, who speak Arabic. In the framework of the office's activity, dozens of complaints and documents are translated from Arabic and Russian, and many visits are made to the bodies complained against and to the places relevant to the complaints.

In 2007, 726 persons made inquiries. Four hundred and ninety of them submitted complaints: 210 were made in writing and 280 were given orally.

Complaints were made against some one hundred bodies, among them local authorities (29 percent) the National Insurance Institute (15 percent), the

Ministry of Industry, Trade and Labor (10 percent), the Israel Police Force and other bodies.

Sixty-three percent of the persons making inquiries were from the Arab sector. Among the persons from the Jewish sector making inquiries, about 16 percent were new immigrants from the former Soviet Union.

Beer Sheva Office

The secretary of the Beer Sheva office speaks Russian and the office has an attorney who speaks Arabic and assists Arabic speakers from the Beduin sector who come to the office. An Amharic-speaking attorney from the Ethiopian community will soon join the staff, thus facilitating better contact with the Ethiopian community in the south.

In 2007, 1,677 persons made inquiries to the office. Of them, 851 filed complaints: 362 in writing and 489 orally. About 50 percent of the complainants were immigrants from the former Soviet Union and some 22 percent were submitted by members of the Beduin sector.

Most of the Beduins' complaints dealt with claims for allotments from the National Insurance Institute, primarily claims for guaranteed income; integration of children entitled to special education; lack of infrastructure and poor maintenance in the Beduin localities; safety of transportation to educational institutions; and the Ministry of the Interior's handling of requests for family unification.

Complaints submitted by immigrants from the former Soviet Union were primarily against the National Insurance Institute; against the local authorities regarding the property tax and water bills they levied; and for defects in maintenance of Amidar apartments in which they live.

In the coming year, the handling of investigation of complaints in a summary process (whereby staff of the office handle urgent cases of complaints against bodies that are situated in the area) will be expanded, as will activity to increase awareness of the office among residents of outlying areas, particularly among the Ethiopian community.

Complaints of Employees for Injury to Them Following Exposure of Acts of Corruption

Power of the Ombudsman to issue protective orders

The State Comptroller and Ombudsman is empowered to investigate complaints of employees for injury to them following exposure of acts of corruption in the entity in which they work, and to issue provisional or permanent orders to protect the rights of these workers. This power, given in sections 45A-45C of the State Comptroller Law, also includes protecting an internal auditor in an audited body from steps taken against him in response to his actions in fulfilling his function.

It should be noted that the legislator limited the Ombudsman's general power to investigate complaints with respect to employees (as specified in section 38(8) of the Law) because it believed that the Ombudsman should not interfere in labor relations. However, given the importance of protecting employees who expose corruption, the legislator empowered the Ombudsman to investigate these employees' complaints.

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

For such complaints to come within the Ombudsman's investigative power, they must meet certain cumulative conditions, which are specified in section 45A of the Law, as follows:

1. Complaint by employee who has exposed acts of corruption

- a. The complaint is made by an employee in an audited body concerning an *act* that was done by his superior at his place of work in reaction to his reporting *acts of corruption* that were committed in the audited body in which he is employed.
- b. The said act was directly injurious to the complainant, and was contrary to law or done without lawful authority or contrary to proper administration, or was excessively rigid or flagrantly unjust.
- c. The complainant *reported* the acts of corruption committed in the body in which he is employed.

- d. The said reporting was done *in good faith and in accordance with proper procedure*. Good faith in this regard means that the employee believed that the acts of corruption that he reported indeed were committed, and that he had a prima facie reasonable basis for so believing. 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.
- e. The act around which the complaint revolves was done in reaction to the aforesaid reporting of the acts of the corruption, meaning that a *causal connection* is found between the act that was done to the complainant and his reporting of the acts of corruption.

2. Complaint of internal auditor

- a. 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, collective agreement, or similar general arrangements, or involves the transfer of the internal auditor from his post.
- b. The said act was committed in reaction to the actions of the internal auditor in fulfilling his function.

Only if all the aforesaid conditions are met, in particular the condition regarding the causal connection between the superior's reaction 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 public body in which the employee is employed and to prevent disruption of its activity.

If the complaint is made by an employee 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, in money or in rights. The Ombudsman may also order the transfer of the employees to another post in the service of his employer.

Section 45C(a) of the Law states that the Ombudsman may make "any order he deems right and just, including a provisional order, to protect the rights of the employee. . ." Over the past year, there has been expanded use of provisional protective orders, which remain in force until the conclusion of the investigation of the complaint or until the Ombudsman decides otherwise. The provisional order is intended to prevent additional injury to the complainant during the course of the investigation, to freeze the existing situation, or to ensure that an interim arrangement is made with regard to the employee's rights and remain in effect until completion of the investigation.

Results of issuing a protective order

To date, every protective order issued by the Ombudsman has been executed. 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 reconsider his decision. If the audited body objects to 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 reconsider 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 an employee must return to his post with the employer against whom he complained is not easy for the two sides. Generally, however, the sides manage to work in cooperation with each other once again. 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 making a protective order

The Ombudsman's Office receives many complaints by employees whose employer causes them injury because they exposed acts of corruption in the body in which they are employed. The Ombudsman does not always make a protective order in their cases, this for a few reasons.

1. The primary reason is that the conditions specified in the Law for making an order are not met.
 - (a) In some of the complaints, it was found that the employee did not report acts of corruption, or that the acts that he alleged were committed, and which he reported, were not acts of corruption, but indicated, at most, improper administration (as stated, the Ombudsman is authorized to make protective orders only when exposure of acts of corruption are involved).

It should be noted that, in the framework of investigating these complaints, an investigation is not made into whether the acts of corruption reported by the complainant were indeed committed, but rather whether the complainant believed in good faith that they were committed and had a prima facie reasonable basis for so believing. The investigation into whether acts of corruption were committed is carried out by the departments in the State Comptroller's Office that deal with state auditing.

- (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* dismissal proceedings 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 otherwise than in good faith, or vexatiously, is a disciplinary offense.

2. Another reason for not making a protective order or for stopping an investigation of a complaint is that the complainant filed an action in court or in the Labor Court regarding the same matter. Under section 38(5) of the Law, the Ombudsman's Office is not allowed to investigate 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. In addition, a protective order is not given if it is found that the complainant and the employer settled the matter between them during the course of investigation of the complaint, which renders the need for issuing the order moot.

Expansion of the scope of protection of employees who expose corruption

Past experience shows that protection given employees who expose corruption is incomplete. In most instances, the employee does not receive support from his work colleagues and supervisors, who view him as a "traitor" to the organization in which he works, although under the law, failure to fulfill the Ombudsman's protective order constitutes a disciplinary offense. The abuse of the employee who exposed the acts of corruption does not always cease.

Internal auditors, whose function is to identify and expose defects in the organization in which they are employed, are liable to encounter, because of their function, friction and confrontations with their superiors. The superiors are liable to violate the rights of the internal auditors or take revenge against them by disciplinary means or filing complaints with the police, all with the objective to prevent 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 survey of the existing means to protect them, the Ombudsman's Office's accumulated experience in investigating the complaints, the existing legislation on protection of persons exposing corruption, and proposals for legislative amendments in this matter.

The opinion is available on the Web site of the State Comptroller's Office.

Reports under the Encouragement of Integrity in Public Service Law, 5752 – 1992

In July 2007, the Knesset amended the Encouragement of Integrity in Public Service Law, 5752 – 1992, which is aimed at encouraging public servants to complain about acts of corruption and other breaches of integrity in public service, and awards the employee whose complaint is found justified a "Certificate of Findings" which states the findings and results of the examination of the complaint that he filed.

Section 3 of the law stipulates that the head of a body against which such complaints have been submitted or transferred, shall provide to the Ombudsman, each year, a report on the complaints that were submitted or transferred to him under that law, their subject-matter, and a copy of the certificates of findings that were made. The Ombudsman will then submit to the Knesset a report containing the reports that were delivered to him by the heads of the bodies that handled the aforesaid complaints.

By the date fixed by the statute for submission of such reports to the Ombudsman, the Ombudsman's Office had not received any such reports; therefore, the Ombudsman notified the Knesset that there was nothing for him to report. It may be that the reason for the lack of reporting was that regulations had not yet been made to implement the law.

Data on complaints that were investigated

In 2007, the Ombudsman's Office investigated 56 complaints of persons who claimed they had been injured because they exposed acts of corruption in the body in which they were employed. Three of the complainants were internal auditors who claimed that they had suffered injury because of their actions in

carrying out their function. Thirty-nine of the complaints were received in 2007, and 17 remained from previous years.

Over the course of the year, the Ombudsman issued six provisional protective orders.

The results of the investigation of the complaints that were handled in 2007 were as follows:

- Two complaints, both against the Electric Company, were found justified, and at the end of the investigation, the Ombudsman issued permanent orders protecting the complainants.
- With respect to seven complaints, a permanent protective order was not necessary because the complaint was resolved as a result of the Ombudsman's Office's intervention.
- Investigation of 13 complaints was stayed until completion of the investigation or disciplinary proceedings against the complainant, or the complainant announced that he did not wish the Ombudsman's Office to continue to investigate the complaint (temporarily or permanently).
- With respect to 12 complaints, it was found that the matter was the subject of judicial proceedings, so investigation of the complaint was discontinued in accordance with the provisions of section 38(5) of the State Comptroller Law, which provides that a complaint shall not be investigated if the matter 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.
- Ten complaints were found unjustified or did not meet the criteria in the Law regarding investigation of complaints of exposure of corruption.
- Three complaints were against bodies that, with respect to complaints against them, the Ombudsman's Office is not authorized, under the State Comptroller's Law, to investigate the complaints.

With respect to nine of the complaints, the investigation has not yet been completed.

Data on Number of Complaints and the Outcome of their Investigation

Number of complaints received

In 2007, the Ombudsman's Office received 9,749 complaints involving 10,205 subjects.¹

Number of Complaints received in 2003-2007

Between 2003-2006, there was a steady increase in the number of complaints: in 2004, the number of complaints rose by 11.6 percent over the preceding year; in 2005, the number was 14.4 percent higher than in 2004; and in 2006, it was 26.9 percent higher than in 2005. From 2003-2006, the number of complaints grew by 62 percent. In 2007, no appreciable change occurred in comparison with 2006.

Results of investigation of the complaints

Among the 13,495 complaints handled by the Ombudsman's Office in 2007 (including complaints remaining from 2006), the handling of 10,919 (81 percent) was completed (compared with 72 percent in 2006). It should be noted that 60 percent of the complaints whose investigation had not been completed in 2007 were received in the last three months of the year.

In 2007, for the first time, the number of complaints whose investigation had been completed (10,919) was higher than the number of complaints received that year (9,749).

The complaints whose investigation was completed dealt with 11,459 subjects. The following table presents the results of the investigations.

¹ The complaints are classified in the data system of the Ombudsman's Office according to "subject of the complaint." The overall number of subjects is about five percent higher than the number of complaints, given that some complaints deal with more than one subject.

Outcome of the investigation	Subjects investigated in 2007	
	Number	Percentage
Decision made on the merits*	5,390	47.0
Investigation discontinued**	3,477	30.4
Complaint summarily rejected***	2,592	22.6
Total subjects whose investigation was completed	11,459	100.0

* Includes determination of whether the complaint was justified.

** The investigation may be discontinued because one of the grounds specified in the Law for not opening an investigation is found to apply, or because the matters raised in the complaint have been corrected, or because the complainant withdraws his complaint or does not respond to inquiries made to him by the Ombudsman's Office, or because the Ombudsman believes that the Ombudsman's Office is not the proper body to investigate the complaint.

*** Summary dismissal of a complaint occurs if it is found that the body complained against is not one of the bodies against which a complaint may be filed under section 36 of the State Comptroller Law, or because the subject of the complaint is not one of the subjects for which a complaint may be filed under section 37 of the Law, or because the complaint is of the type not to be investigated according to sections 38-40 of the Law.

Justified Complaints

Of the 5,390 complaints concerning which a decision was made on the merits, 1,815 (33.7 percent) were found to be justified.

Correction of General Defects following Investigation of Complaints

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 part to prevent further complaints of a similar nature. There have been many such corrections during the course of the history of the Ombudsman's Office.

In 2007 as well, general defects were corrected after being revealed during investigation of a complaint. A fraction of the complaints are described below.

Government Ministries and State Institutions

Ministry of Finance

Pensions Administration – Response to an inquiry in breach of the rules of proper administration

A pensioner of the Civil Service sent the Pensions Administration a letter in which she claimed irregularities in respect of the pension she receives. The response to the complainant, containing an explanation given by an employee of the Pensions Administration regarding the way to arrange payment of the pension, was handwritten on the same sheet of paper on which she had made her inquiry to the Administration.

The Ombudsman's Office pointed out to the Pensions Administration that responding in this way did not conform to the provisions of the Civil Service Regulations and the rules of proper administration.

The head of the Pensions Administration apologized to the complainant for the manner in which her request was handled and informed the Ombudsman's Office that she had instructed Administration employees to respond to persons making inquiries in the manner required by the Civil Service Regulations; that is, the letter is to be written on official stationery of the Pensions Administration, it shall bear the date it was written, and at the end it shall give the full name and position of the employee signing the letter.

Israel Tax Authority

Following investigation of a complaint, the Tax Authority published a new procedural framework regarding collection procedures against debtors. Among its provisions, the procedure specified the conditions for attaching assets of third persons (banks, the Licensing Office, the Land Registration Office, and so forth) and the minimal amounts of the debt for which it is permitted to attach the assets held by these persons.

Ministry of Construction and Housing

Following the Ombudsman's investigation of an allegation concerning defects in collecting monetary assistance overpaid to the complainants, the Ministry changed its previous policy of always collecting debts from persons who mistakenly received overpayments, even when the mistake was the Ministry's. The Ministry informed the Ombudsman's Office that every such case would now be considered on its merits, based on the rules established in the case law for such matters.

Following investigation of a different complaint, which revealed a mistake in reporting the currency in which rental assistance was calculated, the Ministry developed a mechanism for locating and correcting such errors.

After investigation of another complaint, the Ministry added on its website information about the Evacuation and Reconstruction of Renewal Areas Authority, the ways to contact it, and details on the documents needed to be submitted to obtain the Authority's approval to make a land transaction.

Ministry of Health

Easing of conditions for release of food supplements from customs

The complainant, who imports a certain food supplement from the United States that she and her daughters need, claimed before the Ombudsman's Office that every time she receives a package of the supplement, she has to obtain authorization to release the package from the National Food Service, in the Ministry of Health (hereafter – release authorization). The complainant requested that she be provided a permanent release authorization in advance.

The Ministry of Health explained to the Ombudsman's Office that, under the food-importation procedures, a person may import for his own use one unit of each

product, and each product must receive a release authorization. However, following many requests of customers wanting to import food supplements personally, the Ministry of Health published, in April 2007, a new directive, which was brought to the attention of the customs bureaus in the post offices, stating that a release authorization from the Food Service is no longer required, and whoever imports food supplements for personal use needs to complete, when releasing the goods from customs, a form on which he declares that the products are food supplements, that the shipment is his responsibility, and that the quantity of supplements is suitable for consumption within three months. Simultaneously, the Ministry is taking action to regulate the matter in legislation.

Ministry of Justice

Following an investigation of a complaint, the e-mail address of the Legislation and Legal Counsel Department of the Ministry was corrected, and the offices of the Director-General and the Minister resumed intake of e-mail that was sent to them.

Courts System

Fine Collection Center

Following investigation of a complaint against the Fine Collection Center, it was decided that a person may send the Center inquiries and copies of receipts not only by mail but also by fax.

Following investigation of another complaint, the Center developed a mechanism to locate debtors who were not given warning that their driver's license would not be renewed due to failure to pay fines, and thus enable a reminder to be sent to these debtors to pay the fines.

Following investigation of a complaint against the National Information Center of the Courts Administration regarding the collection of debts arising from the failure to pay the fee for travel on Highway 6, Center employees were instructed on how to handle these inquiries and which information to give them.

Investigation of a complaint revealed that the Execution Office in Nazareth did not send creditors in execution files notice that an arrest order against a debtor had not been executed, although, by law, notice must be sent. Following investigation of the complaint, the Execution Office informed the Ombudsman's Office that it had instructed its employees to act in accordance with the law. In addition, the

Ombudsman's Office brought the complaint to the attention of the Courts Administration so that it would ensure that all Execution Offices act as the statute dictates.

Following investigation of a complaint that revealed no procedures regulate the handling of requests to peruse court or tribunal files, the Courts Administration established procedures for the handling of such requests.

Employees acting without authority

Complaints received by the Ombudsman's Office revealed that secretariat employees exceeded their authority and dealt with judicial matters or refused to receive requests submitted to them, contending that the persons were unable to submit the request or the official authorized to make decision in the matter would deny the request.

1. In one complaint, the secretariat of the *Supervisor of Land Registration in Beer Sheva* refused to receive a request under the Contempt of Court Ordinance. The Supervisor of Land Registration's Office informed the Ombudsman's Office that the secretariat did not refuse to receive the request but explained to the complainant that there was no reason to submit the request to the supervisor because the supervisor would deny it on the grounds that she was not competent to issue orders under the said Ordinance.

The Ombudsman's Office pointed out to the administration of the Department of Land Settlement Registration, in the Ministry of Justice, that it was not proper for the Supervisor of Land Registration's secretariat to give a legal opinion that was not within its authority.

The Department's Deputy Director informed the Ombudsman's Office that the Department adopted the Ombudsman's position, and that a directive in the matter had been sent to the attention of all the supervisors so they would instruct their office's secretariat accordingly.

2. In his complaint against the *Jerusalem District Rabbinical Court*, a complainant claimed that the chief court clerk exceeded his authority, in part by intervening in a dispute between him and his ex-wife, made comments regarding the best interest of their children, and spoke about the case with the attorneys for the sides.

After the Ombudsman's Office brought the complaint to the attention of the head of the Rabbinical Court, the person in charge of public complaints in the Courts Administration pointed out to the chief clerk that the function of the clerk lies in the administrative handling of the rabbinical judicial system and that he is responsible only for this sphere of activity, and that he and his subordinates are forbidden to interfere in the judicial sphere of the system.

3. *The Execution Office in Hadera* refused to allow a complainant to submit an application on behalf of a friend of his, contending that only an attorney may represent another person before the office. The Internal Audit Department of the Courts Administration argued that the office acted properly, given that section 20 of the Bar Association Law states that a person who is not an attorney is not permitted to represent another person before the Execution Office, "neither by way of occupation, or for consideration also when not by way of occupation." However, the complainant contended that his friend was involved, that it was not his occupation, and also that he was not being paid for representing him.

The Ombudsman's Office pointed out to the director of the Execution Department in the Courts Administration that the response given to the complainant, whereby it was impossible for a person who is not an attorney to represent another person before the Execution Office is not consistent with the provisions of the Bar Association Law.

The Courts Administration informed the Ombudsman's Office that the complainant was requested to file an application in this matter to the head of the Execution Office in Hadera so that he can determine if the conditions enabling him to represent his friend are met in his case.

The Courts Administration further stated that, following investigation of the complaint, it was preparing regulation of this matter.

Ministry of the Interior

Investigation of a complaint against the Netanya Municipality revealed that it was not clear if monies obtained when redeeming a provident fund are considered "income" for the purpose of determining entitlement to a reduction in general property tax on financial grounds. Following the investigation, the Director-General of the Ministry of the Interior issued Director-General Circular 1/2008 clarifying that monies received from redemption of a provident fund (not including

interest) are not considered "income" as the term is defined in the regulations regarding reduction in general property tax.

Following investigation of a complaint, the Ministry added to the regulation regarding issuance and renewal of passports a clarification regarding photos that are to be attached to the application.

Procedures for renewal of a weapons permit

Investigation of a complaint revealed that a complainant had not received a permanent permit for a weapon that had been sent to him, and he remained without a valid permit although he met all the requirements for renewing it. In response, the head of the Ministry's Department for Licensing and Supervision of Firearms decided that provisional permits for possession of a weapon will run until the end of the permit period, this to ensure that every person holding a weapon who meets the requirements for renewal of the permit has a valid permit, even if he did not receive the permanent permit.

Ministry of Welfare

Following investigation of a complaint against the Social Services Department in the Jerusalem Municipality that revealed defects in the handling of petitions for recognition of entitlement to receive services, the Ministry added a provision to the Social Work Regulations regarding the notice that is to be sent to persons submitting such petitions.

Ministry of Transportation

Intense activity by the Ombudsman's Office resulted in the Ministry of Transportation formulating a system-wide comprehensive plan that will enable the handling of requests of disabled persons needing confirmation of disability to obtain a reduction in the car-registration fee.

Israel Police Force

Following investigation of a complaint that revealed defects in the execution of arrests, all members of the investigations apparatus in the Tel Aviv District were given a refresher course on the provisions relating to the arrest of suspects and the considerations to be taken into account before the decision is made to arrest

a person, on the provisions relating to taking a suspect's finger prints, and on the provisions dealing with bringing suspects before a judge (Complaint ?? page ??).

Investigation of a complaint revealed defects in the regulation specifying which proceedings are to be instituted to prohibit a car owner to use a vehicle that is not in proper condition. Following this, the procedure was revised to make it clear how to act in cases where the Traffic Unit that confirms repair of the defects or gives an extension to make repairs is not the same unit that prohibits use of the vehicle.

Defects in handling investigation of a fatality

Investigation of a complaint regarding defects in the handling of the investigation of the death of a Border Police soldier doing compulsory service revealed that border policemen doing compulsory service are not treated by the injured persons section in the IDF but by the injured persons section of the Police Force, and that the format for treating the families of policemen and border policemen who are injured differs from IDF practice, including assistance to families of the injured persons in their contacts with state authorities.

Investigation of the complaint also revealed that, in breach of the law, the investigation file concerning the death of the soldier was not brought before the District Attorney to decide if it was necessary to continue investigation of the case or to close the investigation file, as the police recommended.

Following investigation of the complaint by the Ombudsman, the Police Force's Investigations and Intelligence Department disseminated a notice to all police investigators to remind them of the obligation to forward to the District Attorney every investigation file in the case of a fatality where there is suspicion the death was not natural, so that he can study the file and make a decision in the matter.

National Insurance Institute

Following investigation of a complaint, the NII added a section to the guaranteed-income-allotment claim form that requests the claimants to specify whether they pay alimony and child support, which would affect determination of entitlement and the amount of the allotment.

Local Authorities

Deir Hana Local Council

Following investigation of a complaint, the Council ceased sending demands for payment of general property tax for properties whose construction had not been completed, and will send these demands only to holders of properties that have been completed and are suitable for occupancy.

Kiryat Bialik Municipality

Following investigation of a complaint to the Ombudsman's Office and publication of an audit report, the municipality ceased collecting burial services fees from its residents, and announced that the fee would be collected only from a resident who informs the municipality in writing that he wishes to reserve his right to receive burial services.

Netivot Municipality

Following investigation of a complaint, the municipality ceased collecting payments it was not permitted to collect from parents of children who attend nursery schools in the town.

Golan Regional Council

Following investigation of a complaint alleging that the operator at the beach parking lot was overcharging, the regional council pointed out to the parking-lot operators that they are allowed to charge only for parking in the parking lots, in the amount permitted by law, and not for other services.

Netanya Municipality and the Kfar Shmiriyahu Local Council

Following investigation of complaints against these local authorities, which revealed that, when sending notices of fines or of denial of requests to cancel a fine, they do not mention the right of appeal given by law to recipients of notices to pay a fine, the authorities arranged the matter.

International Relations

In June 2007, the Ombudsman of Spain, Mr. Enrico Mohika Herzog, visited Israel. Mr. Herzog met with the State Comptroller and Ombudsman, Judge (ret.) Micha Lindenstrauss, with the director of the Ombudsman's Office, Atty. Hillel Shamgar, and with members of the Ombudsman's Office's staff, to discuss professional matters. In the course of the visit, the Spanish Ombudsman met at the Knesset with the chair of the State Control Committee, Knesset member Zevulun Orlev.

In September 2007, an international conference was held in Warsaw on the subject "Economic Immigration in the European Union – Problems and Challenges," under the auspices of Polish President Lech Kazinski and Portuguese President Kawago Silva. The conference was organized by Dr. Jan Kohenovski, Poland's Commissioner for the Defense of Human Rights.

Ombudsmen from European Union countries and from Ukraine and Georgia participated in the conference. Attorney Nava Raz, senior department manager in the Ombudsman's Office, represented the State Comptroller and Ombudsman.

In November 2007, ombudsmen of the Mediterranean countries held their founding conference, in Rabat, Morocco. The conference was the initiative of the ombudsmen of Morocco, France, and Spain. Representatives from 20 countries participated, among them Algeria, Morocco, Tunisia, Egypt, the Palestinian Authority, and Lebanon.

Israel was represented by the Director-General of the State Comptroller's Office, Atty. Shlomo Gur, and the director of the Ombudsman's Office, Atty. Hillel Shamgar. They met with the ombudsman of Morocco, Mr. Muhammad Iraki, who hosted them at the institution he heads, giving the Israeli representatives an opportunity to see how it operates. They also met with members of the Jewish community in Rabat.

The subjects discussed at the conference included the Ombudsman and Human Rights; the Ombudsman, Democracy, and Proper Administration; Strengthening Ombudsman Institutions; Establishing Cooperation between Ombudsman Institutions of the Mediterranean Countries.

The founding of the Organization of Ombudsmen of Mediterranean States was formally declared in September 2008 at a meeting held in Marseille, France.

SELECTED COMPLAINTS

Refusal to Reimburse Rental Assistance that was Unlawfully Denied

The Complaint

The complainants are an elderly couple from the former Soviet Union. Since immigrating to Israel in 2000, they received rental assistance (hereafter – the assistance) from the Ministry of Construction and Housing (hereafter – the Ministry). In the period of time mentioned in the complaint, the Ministry transferred such assistance to new immigrants through mortgage banks, and the complainants received their assistance through Bank Tefahot (hereafter – the bank).²

In their complaint, the complainants contended that, in May 2004, the bank demanded that they reimburse it in the sum of NIS 1,560, alleging that the said sum had mistakenly been paid to them about one year earlier. The complainants did not manage to raise the full sum and requested the bank to allow them to return the money in installments. The bank refused, and stopped paying the rental assistance to them. The assistance was renewed only nine months later, when the complainants raised the entire sum that was demanded of them and paid their debt.

The complainants protested in their complaint that the bank refused to pay them the assistance for those nine months.

Investigation of the Complaint

1. Whereas under the State Comptroller Law, 5718 – 1958 [Consolidated Version], the bank is not among the bodies that the Ombudsman is authorized to investigate with respect to complaints that have been made against them, in investigating the complaint, the Ombudsman's Office turned to the Ministry, which transferred to the bank the assistance intended for the complainants.

² Since April 2006, the Ministry transfers the assistance through housing companies.

2. Investigation of the complaint disclosed that the monthly rent that the complainants were required to pay dropped, and for some time was less by a few hundred shekels than the rent they had previously paid. However, although the complainants informed the bank about this, the amount of assistance they received for monthly rent was not altered accordingly. It was also found that, the sum of money which, over the period of nine months, the bank did not pay the complainants for the monthly assistance to which they were entitled amounted to NIS 900 a month, a total of some NIS 8,100 – five times more than the amount of the debt that they had accumulated as a result of the overpayments.
3. The Ministry explained to the Ombudsman's Office that, according to its procedure, and under its contractual arrangement with the mortgage banks, the bank was required to set-off the debt from the regular payments made to the complainants, and not to cease giving them assistance until the debt was paid. The Ministry stated that the bank did not even inform it of its actions, this too in breach of the procedures. The Ministry pointed out that it did not receive any request from the complainants to pay their debt in installments, and were not aware of the measures that the bank had taken against them.
4. The Ministry agreed with the Ombudsman's Office that the bank was responsible for the mistake that caused the overpayment, inasmuch as the complainants informed the bank in advance of the change in the monthly rent they paid, but noted that, according to its policy, overpayments are to be collected from recipients of overpayments of assistance, even if the error was not their fault.
5. In the course of investigating the complaint, the Ministry decided to pay to the complainants the assistance for the nine months that the payment had been denied them.

Results of the Investigation

1. The Ombudsman found that the complaint was justified.

The Ombudsman pointed out to the Ministry the flaws in paying the assistance to the complainants, particularly the manner in which the debt was collected as a result of the overpayments – freezing their right to assistance, rather than setting-off the debt against future payments. The Ombudsman also indicated to the Ministry that it failed to ensure that the bank would act in this matter in accordance with the contractual arrangement that it signed with the bank, and

did not demand that the bank report to it with respect to every action taken against recipients of assistance.

2. The Ombudsman further indicated to the Ministry that its policy, whereby overpayments are always collected, even if paid as a result of its error, contradicts the principles established in the case law.³ According to these principles, an authority requesting reimbursement of overpayments made by mistake must examine each case on its merits, and before deciding what action to take, it must examine, inter alia, the contribution of the recipient of the payment in the making of the mistake, whether creation of the debt harmed the recipient's situation, and how long the mistake continued.

The Ombudsman held that it was improper for the Ministry to demand that the complainants repay the overpayment, without examining, as required by the case law, if, in light of the circumstances of the case, the demand was justified, and indicated to the Ministry that it was necessary to reimburse the complainants also the sum of NIS 1,560 that was paid to them in error.

3. The Ministry informed the Ombudsman that it acted as the Ombudsman indicated.

³ On this point, see Annual Report 33 of the Ombudsman (2006), pp. 83-87 and the references mentioned there.

Failure to Respond to Inquiry Made in the Russian Language

The Complaint

A person addressed a complaint to the Inquiries and Public Complaints Department of the Ministry of Education (hereafter – the Complaints Department) contending that the Evaluation of Degrees and Diplomas Department of the Ministry was not handling his request for evaluation of a doctorate that he received abroad. In his complaint to the Ombudsman's Office, he complained that he received no reply to his inquiries to the Complaints Department.

Investigation of the Complaint

The investigation revealed that the Complaints Department received the inquiries of the complainant, but did not respond to them and also did not send the complainant acknowledgment that his inquiries had been received. The Complaints Department contended that the reason they did not reply was that his inquiries were written in Russian, including his name and address, and since the Complaints Department does not have an employee who speaks Russian, it was unable to read the complaints and respond to them.

Results of the Investigation

The Ombudsman's Office held that the complaint was justified and indicated to the Ministry of Education that there is a very large number of Russian speakers in Israel, and a body that handles inquiries and complaints must be prepared to receive inquiries made in Russian.

As a result of the investigation, the Ministry informed the Ombudsman's Office that one of its employees who speaks Russian was appointed to assist the Complaints Department in translating complaints drafted in Russian and in responding to them.

Failures that Resulted in Allocations from the Estates Fund not being Paid

The Complaint

In August 2002, the Public Committee for Earmarking Estates Bequested to the State (hereafter – the Public Committee) approved two requests for allocation in a total sum of NIS 50,000 (hereafter – the allocations) submitted to it by a cultural institution, through the Ministry of Information, Culture and Sport (hereafter – Ministry of Information). According to the rules of the Public Committee, the Ministry of Information is supposed to handle the execution of the payment to the institution.

The inquiry made in September 2005 to the Ombudsman's Office by the institution's director stated that, although the institution had provided the Ministry of Information, in 2003, with all the documents needed to execute the payment, it had not received the allocations.

Investigation of the Complaint

The investigation revealed that, in 2003, responsibility for culture and sport was transferred from the Ministry of Information to the Ministry of Education, Culture and Sport, as was the handling of payment of allotments to institutions operating in these areas. The investigation further revealed that most of the delay was caused by the Ministry of Education's loss of the documents required for payment of the allocations. As a result, it became necessary for the Ministry to request that the Public Committee extend the validity of the allocations so that it could continue to handle their payment.

However, even after the Committee extended the allocations, the payments were not made because, in the meantime, the Ministry of Education's accounting department returned to the Administrator-General the allocation moneys that had been approved in 2002 and not utilized, among them the moneys earmarked for the institution. According to the Public Committee's procedures, after monies are returned to the Administrator-General, they cannot be transferred again to the Ministry of Education, but must be reallocated as the Public Committee determines.

Results of the Investigation

The Ombudsman held that the complaint was justified and that the Ministry of Education's handling of the payment of the allocations to the institution was slow and defective and the institution did not receive the allocations that had been approved for it, in a timely fashion.

The Ombudsman indicated to the Ministry of Education the severe failures that were revealed in the investigation and the need to take all necessary measures to prevent such failures from recurring.

The Ombudsman also held that the Ministry of Education should compensate the institution in the sum of NIS 10,000 because of its faulty handling of the payment of the allocations.

The Ministry of Education informed the Ombudsman that, in an agreement reached between it and the Ministry of Information, it was decided that the Ministry of Information would pay the institution the compensation that the Ombudsman had determined.

Cessation of Membership of Civil Guard Volunteer

The Complaint

The complainant served as a volunteer in the Civil Guard for a year and a half, and, he contends, he was praised by his supervisors. In his complaint, the complainant asserted that the Department of Community Police Relations of the Israel Police Force (hereafter – the Department) decided to cancel his membership in Civil Defense and to discharge him from his duties.

Investigation of the Complaint

1. (a) The investigation revealed that the Regional Department officer decided that the complainant was not suitable for service in the Civil Defense after examination of his personal details revealed that, since childhood, he has suffered medical problems that limit his mobility and speech, and also that he did not serve in the IDF.
- (b) The Regional Department officer explained that, inasmuch as under the Department's volunteer-recruitment procedure, a person who wants to volunteer for Civil Defense does not have to undergo a physical examination, the complainant's request to volunteer was approved; and that the commander of the base to which the complainant was assigned was new in the post and did not relate to the significance of his physical limitations.
- (c) According to the officer, he met the complainant by chance when he visited the volunteer's operations base, and he realized that the volunteer was taking part in operational activity. Following this, he summoned the complainant to an interview to examine if he was fit for operational activity, and decided to terminate him on grounds of unsuitability. The Police Force contended that the complainant is unable to take part in operational activity because he cannot carry a weapon due to his physical limitations, and added that, although the complainant was accepted (by mistake) into the Civil Defense and served in the Civil Defense as a volunteer for a year and a half without disciplinary problems, this fact does not mandate that he be allowed

to continue to serve in the Civil Defense, given that continuing his service cannot be reconciled with the operational and security responsibility imposed on it.

(d) The Regional Department officer further contended that the complainant is not suitable for service in the Civil Defense because it is not "becoming" for a person who is hard of hearing and has mobility limitations to represent the police, and that citizens complained "it doesn't look good and is not dignified."

2. The Police Force did not argue that the complainant hid details about the condition of his health or his military past. Consequently, his medical condition and military past ostensibly were known to the Civil Defense when the complainant requested to volunteer, and his limitations were also visible.
3. The investigation also revealed that, in the framework of the complainant's service in the Civil Defense, he took part, among other things, in operational actions (without a weapon) and that no complaints were raised regarding the manner in which he functioned in these actions.

Results of the Investigation

1. The Ombudsman's Office held that the complaint was justified.

The decision of the Regional Department officer to terminate the complainant's membership in the Civil Defense was not made for professional reasons or because of a problem in his functioning as a volunteer, but as a result of a chance meeting with the complainant. The Ombudsman's Office stressed that it was very important to integrate persons with limitations in the Civil Defense, in accordance with the needs of the Police Force and taking into account their limitations.

2. Following the investigation of the Ombudsman's Office, the Police Force decided to reexamine whether the complainant should continue to serve in the Civil Defense. The complainant was summoned for an interview with the Regional Department officer, at which time he was requested to provide documents that would make it possible to determine the condition of his health and the reason he was discharged from the IDF. After the complainant provided the requested documents, the chief medical officer of the Police Force decided that he could be reinstated in the department's framework only in an office position, and gave him a certificate indicating he was a member of the Civil Defense.

Needless Harassment of Person Wanting to Receive a Mobile Telephone that had been Confiscated

The Complaint

A new immigrant from Russia who does not speak Hebrew turned to the Ombudsman's Office in Beersheva and requested assistance in obtaining her mobile telephone which policemen from the Yiftach region had confiscated.

The complainant related to a Russian-speaking employee in the office that a few months earlier, her son was arrested at the central bus station in Tel Aviv. He had her mobile phone with him, and the police confiscated the phone because they suspected it was stolen. To prove that it was hers, she had to travel twice from her home, in Ofakim, to Yiftach's regional headquarters, in Jaffa. Even after she provided the police with documents confirming that she was the owner of the phone, as of the date of her request to the Ombudsman, she still had yet to receive her phone. Furthermore, she was told that the police intended to hand the phone over to the telephone company which had sold the device to her.

Investigation of the Complaint

1. Investigation by the Ombudsman's Office revealed that, in April 2007, in an operation to catch pick-pockets, policemen arrested the complainant's son at the central bus station in Tel Aviv when he had in his possession two mobile phones that the police suspected had been stolen.

After the son failed to convince them that one of the devices belonged to his mother, the complainant twice went to regional headquarters in Jaffa to prove that she owned the device for the purpose of having it returned to her. However, the ownership documents that she handed over to headquarters were not forwarded to the investigations officer who was authorized to approve the return of the phone to the complainant, and thus she returned home, twice empty-handed.

2. Simultaneously, representatives of the Police Force applied to the court for an order directing them to hand over the device to the telephone company. The police told the complainant and the Ombudsman's Office that the device had been returned to the phone company, but following a check that a member of the Ombudsman's Office made with officers and policemen in the Yiftach region,

it was learned that the device had not been returned to the company, but remained at regional headquarters. The complainant was forced to appear again at headquarters to identify the device, and finally – after three and a half months and following the intervention of the Ombudsman's Office – her phone was returned to her.

The investigation revealed that, due to the faulty recording of seized items kept at regional headquarters, it was difficult to identify and locate such items. Apparently, this was the reason that the complainant had to return to regional headquarters to identify the device.

3. A representative of the Attorney-General, to whom the Ombudsman turned in the matter of the complaint, informed the Ombudsman's Office that, the seizure of the telephone device was in fact lawful, but the Police Force should have returned the device to the complainant at the time of her first visit to the station.

Results of the Investigation

In light of the findings of the investigation, the police stated that it would compensate the complainant for her out-of-pocket expenses – the cost of her travel from her place of residence to Jaffa and the fixed payments to the telephone company for the mobile phone for the period that she was prevented from using it because of the faulty manner in which the police had operated.

Refusal to Build a Path that Enables a Disabled Person Convenient Access to his House

The Complaint

The complainant's father, who lives in Bnai Brak, is confined to a wheelchair following a stroke he suffered about six years prior to submission of the complaint. In her complaint to the Ombudsman, she complained that the Municipality of Bnai Brak (hereafter – the Municipality) refuses to install near her father's house an incline that would enable him convenient access to and from his home.

Investigation of the Complaint

1. The Municipality contended that it is not required to install at its expense an access path to the father's house, and that, if the complainant's family wanted to install it on its own, the family would have to obtain the appropriate approvals from the Municipality's engineering department.
2. During a visit made by member of the Ombudsman's Office to the site, it was found that, between the main street to the father's house, there were ten steps alongside which there were steep concrete inclines which made it impossible for a wheelchair to negotiate.
3. The complainant contended that the family's financial position would not enable it to finance construction of an access path to the house.
4. The Equal Rights for Disabled Persons Law, 5758 – 1998 (hereafter – the Law), is intended, inter alia, to ensure that persons with limitations have convenient access to buildings and public places from parking lots, sidewalks, and the like, and after regulations are enacted in this matter, the Law will require the local authorities to ensure that these places are accessible to persons with disabilities.

Results of the Investigation

1. The Ombudsman's Office held that the complaint was justified.

The father of the complainant purchased his home many years ago, and only when he reached old age became disabled and suffered from limitations in mobility. In addition, it would be difficult for him to finance installation of an access path to his home, while the Municipality could easily bear the expense needed to carry out the work.

2. Under the circumstances, the failure of the Municipality to provide the requested assistance was found to be inconsistent with the purpose of the Law and with the Municipality's function to provide its residents with basic municipal services needed for their well-being. Consequently, the Municipality's refusal in this matter was deemed unjust.

3. The Ombudsman's Office pointed out to the Municipality the need to do everything necessary to install a suitable access path to the complainant's father's house as soon as possible. The Ombudsman's Office is monitoring the implementation of its decision.