

# GLOBAL INTEGRITY

## 2006 COUNTRY REPORT

### ISRAEL

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## Corruption Notebook: Israel

By Yossi Melman

In June 2006, three months after losing the Israeli national election, Likud party leader Benjamin Netanyahu said in an interview that Israeli business leaders tried to bribe him when he served as Minister of the Treasury in the previous government.

Reporters who knew the media-obsessed Netanyahu assumed he was seeking to grab headlines and place himself once again at the center of Israeli social and economic discourse. Nevertheless, such a statement would have led to a public outcry and demand for police investigation in any Western democratic country.

Though Israel considers itself part of the Western democratic world, the news was received with widespread indifference. Many Israelis share the feeling that in their country "anything goes," even an attempt to bribe cabinet ministers, and no human failure or wrongdoing surprise them any longer.

These feelings long ago transformed into a notion that in terms of corruption—whether personal greed, political patronage or abuse of power—Israel is a third world country.

Some context: The last five prime ministers all came under police investigation, either while in office or after they left. Shimon Peres, Ehud Barak and Ariel Sharon were investigated for receiving illegal donations to their election campaigns; Benjamin Netanyahu for accepting expensive gifts and abusing state property.

The current premier Ehud Olmert is under three separate investigations for receiving presents (for his prized pen collection), receiving bribes in dubious real estate deals (selling his posh Jerusalem flat to American billionaire Danny Abraham), and giving government jobs to cronies.

Sharon's investigation was particularly serious because of suspicions—never proven—indicating he had received kickbacks from Austrian casino kingpin Martin Schlaf.

Further investigations are underway on similar charges against three former cabinet ministers, at least 10 mayors and two dozen senior government officials. Additionally, five members of parliament (out of 120), including Omri Sharon, son of the former premier, have been indicted on various charges ranging from frauds to kickbacks, from falsifying university degrees to cheating on parliamentary votes.

The widespread corruption at the top is expressed as what is termed in Israel as the "tumorous" connections between capital and government (the words rhyme in Hebrew). Israeli business executives' access to and intimate relations with government officials give them inside information about future land deals, privatization, tax favors and other financial benefits.

As a result, a revolving-door tradition has been established. Take for example the case of Nir Gilad. Gilad was a young graduate from a local university who joined the Ministry of the Treasury twenty years ago and eventually reached the rank of deputy director general. He led a massive privatization process during his term which included the sale of Israel's national refineries to the Ofer brothers, of one of the country's five richest families. The state lost nearly \$120 million on the sale because the tender was sloppily drafted. What did Gilad receive for his shoddy work? A job as deputy director general of the Ofer brothers' empire.

Naturally, these worrisome trends are not confined to the power elites. Like malignant cells, they have spread to all walks of society in a system known as *macherim*, a Yiddish word originating in the Jewish Diaspora.

*Macherim* signifies everything Israel as a modern state wished to negate. The word means "fixers," or middlemen who build a network of contacts with low-level government officials. Because of corruption, bureaucracy, lack of awareness and negligence, citizens struggle to get what they are entitled by law. Obtaining a driving license, construction permit, hearing with the tax authorities or court appeal increasingly requires the fixer's intervention.

The result is that Israeli society has changed beyond recognition. Israel was once a role model, one of the most advanced and sophisticated social democracies that was proud of its modern welfare system and tried to maintain as equal and just a society as possible.

The *kibbutz*—a rural community guided by the principle that each receives according to his needs and give back to society according to his abilities—was the jewel in Israel's crown. Today, the idea of the *kibbutz* is dying.

Israel now worships the golden calf of the free market: privatization and sink-or-swim competition, what British Prime Minister Edward Heath once called the "ugly face of capitalism." The country's economy is under the influence of a handful of families who, like robber barons, rob public assets, utilities and national resources, all with the help of corrupt officials and ministers.

To understand how few hands the country's wealth is concentrated in, one has to read the Israeli business daily *The Marker*. The paper estimates the accumulated wealth of the 500 richest people in the country at around 283 billion shekels (US\$65 billion). By contrast, Israel's GDP is 567 billion shekels (US\$130 billion), while its 2006 national budget is only 262 billion shekels (US\$60 billion).

Israel is now in the top ten nations with the widest socio-economic gap. Pensions have been reduced. Social security benefits have been cut.

In 2005, Israel produced more millionaires per capita than any other country. But it also pushed more people under the poverty line than any other western nation in the last decade.

Israel's Social Security Institute defines the poverty line as an income of 1,744 shekels (US\$400) per month per individual and less than 4,361 shekels (US\$1000) per family of four. One and half million people, or 20 percent of the population, live under the poverty line. Thirty four percent of Israeli children live in poverty.

Fewer and fewer financial resources are allocated to public education, health, transportation and infrastructure. More and more go to the wealthy through tax cuts and other benefits aimed to protect capital gains. But perhaps the most worrisome aspect of the reduced public funds is its impact on law and order.

Israeli police, already overstretched by Palestinian terrorism, lack the budget to fight crime. Police officers are underpaid and understaffed. They drive old cars or travel by bus to crime scenes. The notion of a friendly neighborhood police officer is unheard of; police officers are barely seen in the streets except after terrorist attacks. More and more police officers are under investigation for using excessive force against innocent citizens who come across their path.

No one answers the police emergency number. Thefts, car accidents and burglaries are no longer considered investigation-worthy. The very notion of law and order is being privatized; security companies now provide basic services like street patrols and investigations to wealthy communities and corporations.

Major investigations and corruption cases are frozen by a lack of resources or a lack of will. Rather than investigate a real estate case worth 305 million shekels (US\$70 million) involving well-connected lawyers and politicians, the police prefer to focus on petty crimes, like small-scale social security fraud.

The few courageous police officers willing to work against the current find themselves under constant attack from politicians and wealthy billionaires, such as the Russian-French-Israeli fugitive Arcadi Gaydamak .

And when they seek support from one of the rare enclaves within the Ministry of Justice supposed to fight corruption, they are met by Minister of Justice Haim Ramon, known for his friendly ties to rich and powerful families. A few years ago, as a member of parliament, Ramon attended a wedding by an arms dealer in Monte Carlo. When asked by the House's ethics committee to pay back the expenses—private jet, luxurious hotel—he refused. In the summer of 2006, he came under investigation for sexual abuse of one of his secretaries. So much for justice.

Israel is still a vital democracy, but it is a democracy in decay. The champions of law, order and justice, the fighters of corruption, struggle upstream. In Israel, integrity is losing ground.

## **Corruption Timeline: Israel**

September 1993 – Israeli Prime Minister Yitzhak Rabin and Palestinian leader Yasser Arafat sign the Declaration of Principles and begin the process of Israeli withdrawal from the West Bank and Gaza and transfer of authority over those areas to an interim Palestinian authority.

November 1995 – Yitzhak Rabin is assassinated by a right-wing religious extremist. Shimon Peres succeeds him as prime minister.

May 1996 – The government and media representatives sign a censorship agreement which loosens the government's control over print and broadcast media.

May 1996 – Likud party candidate Binyamin Netanyahu defeats Shimon Peres in the first and only direct election of a prime minister.

April 1997 – The attorney general announces Prime Minister Netanyahu will not face criminal charges in connection with the case of former Interior Minister Aryeh Deri, an influence-peddling scandal that also involves Justice Minister Tzachi Hanegbi, his predecessor, Yaacov Neeman, and Netanyahu's aide, Avigdor Lieberman. Netanyahu was accused of trying to meddle in Deri's corruption trial in exchange for favors from Deri's political party.

March 1999 – After a five-year trial, Aryeh Deri is convicted of taking bribes, fraud and falsifying documents and is sentenced to four years in jail.

May 1999 – Labor party candidate Ehud Barak defeats Netanyahu to become prime minister.

May 1999 – Israel enacts a freedom of information law. The law requires all executive, legislative and judicial bodies, the state comptroller, local authorities and government-owned companies to fulfill information requests from the public, with exceptions for national security, intelligence and information pertaining to internal government management and investigations.

January 2000 – Prime Minister Ehud Barak's One Israel Party is fined 14 million shekels (US\$3.2 million) and placed under criminal investigation for campaign finance illegalities during the 1999 elections. The state comptroller found similar violations by other parties, although on a much smaller scale, and opened criminal investigations of the Likud Party, the Center Party, the United Torah Judaism Party and the Yisrael Beiteinu Party.

March 2000 – Former Prime Minister Benjamin Netanyahu and his wife are charged with fraud, bribery, breach of trust and obstruction of justice. Charges are dropped in September for lack of evidence.

July 2000 – Newspaper publisher Ofer Nimrodi is put on trial for allegedly contracting a murder and then bribing senior police officials to influence their investigation. Nimrodi eventually pleads guilty to lesser charges and serves 17 months in jail.

December 2000 – Ehud Barak resigns as prime minister in order to force an early election. Barak runs for the seat, seeking to establish his mandate.

February 2001 – Ariel Sharon defeats Barak and is elected prime minister.

June 2002 – The government begins constructing a 440-mile-long barrier along the West Bank to protect Israel from Palestinian suicide bombers. Subsequently, the International Court of Justice, the International Criminal Court and the UN declare the barrier to be a violation of international law. Israel's supreme court upholds the barrier's legality, but orders several parts of it to be rerouted.

March 2003 – An Israeli military bulldozer, clearing land while searching for weapons in Gaza, kills Rachel Corrie, a 23-year-old American protestor with the International Solidarity Movement, a pro-Palestinian organization. Eyewitnesses claim the driver saw Corrie as he proceeded forward, but a government investigation exonerates the driver.

September 2003 – The Orr Commission releases its findings regarding the government's handling of the October 2000 al-Aqsa Intifada. The report criticizes Prime Minister Ehud Barak and Minister of Internal Security Shlomo Ben-Ami, notes the historical and systemic discrimination against Arab citizens, and recommends personnel action and/or criminal investigations against several government and police officials.

June 2004 – Newly appointed Attorney General Menachem Mazuz drops charges against Prime Minister Sharon involving allegations that he and his son accepted bribes between 1997 and 2003 in return for promoting a plan to develop an island resort.

July 2004 – Prime Minister Sharon dismisses minister of infrastructure and Knesset member Josef Paritzky from his cabinet post after television station broadcasts footage of Paritzky allegedly conspiring to defame a party rival. The following January, the case against Paritzky is closed for lack of evidence.

August 2004 – The Supreme Court rules the Government Press Office cannot, as a blanket policy, deny press credentials to Palestinians from the occupied territories seeking to report on official events in Israel.

September 2004 – Knesset Member Tzachi Hanegbi is suspended from his post as minister of public security pending an investigation into allegations of making inappropriate political appointments during his tenure as environment minister. He is replaced by Gideon Ezra, who in March 2005 receives a warning from the attorney general for interfering with police investigations on behalf of a political crony.

October 2004 – The attorney general directs Knesset ministers and deputies to refrain from promoting the private interests of members of their party's central body or any other Institution that helps chooses their lists of candidates.

November 2004 – Shimon Sheves is convicted of using his position in Prime Minister Yitzhak Rabin's office to promote the financial interests of his close friends and business associates.

July 2005 – The Knesset establishes the Parliamentary Investigation Committee to Uncover Corruption in the Governing System but disbands it in December.

November 2005 – Prime Minister Ariel Sharon leaves the right-wing Likud party and forms the centrist Kadima party.

November 2005 – Omri Sharon, the prime minister's son and a member of the Knesset, pleads guilty to lying under oath and falsifying company financial records to conceal illegal campaign funds raised for his father in 1999. Ariel Sharon's attempt to return the illegal funds in October 2001 prompted the attorney general to open an investigation.

January 2006 – Ariel Sharon suffers a major stroke. Ehud Olmert takes over as prime minister.

# GLOBAL INTEGRITY

## 2006 INTEGRITY SCORECARD

### ISRAEL

**Category I: Civil Society, Public Information and Media**

**Category II: Elections**

**Category III: Government Accountability**

**Category IV: Administration and Civil Service**

**Category V: Oversight and Regulation**

**Category VI: Anti-Corruption and Rule of Law**

# Global Integrity Scorecard for Israel

## I Civil Society, Public Information and Media

### I-1 Civil Society Organizations

#### 1 Are anti-corruption/good governance CSOs legally protected?

**1a** In law, citizens have a right to form civil society organizations (CSOs) focused on anti-corruption or good governance.

Score: No ☒ Yes

**Social Scientist's Comments:**

There are four anti-corruption associations that are active: The Movement for Quality Government; Transparency International, Israeli branch; Ometz; and Ogen, the whistle-blowers protection association.

**Social Scientist's References:**

The Association Law, 1980.

**Peer Reviewer Comment:**

The right to organize is general rather than specific and therefore part of the unwritten constitution of the state. I am not sure why the association law is mentioned here and why only current associations are mentioned. There is a long history of anti-corruption CSOs.

**1b** In law, anti-corruption/good governance CSOs are free to accept funding from any foreign or domestic sources.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Barak Calev, head of The Movement for Quality Government. The Association Law, 1980. The Income Tax Order, section 46.

**1c** In law, anti-corruption/good governance CSOs are required to disclose their sources of funding.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Association Law, section 36d.

#### 2 Are good governance/anti-corruption CSOs able to operate freely?

**2a** In practice, the government does not create barriers to the organization of new anti-corruption/good governance CSOs.

Score: 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Susan Tam, the general director Transparency International, Israeli branch. Interview with Barak Calev, head of The Movement for Quality Government.

**2b** In practice, anti-corruption/good governance CSOs actively engage in the political and policymaking process.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

Three examples of the influence of the organizations are the following. Associations can submit pleas to the high court because of misbehavior. On several occasions, The Movement for Quality Government has succeeded in turning over legal and political decisions. The Transparency International general director was a participant in an investigative committee of the Israeli Knesset in August 2005, and is now participant in a parliamentary lobby against corruption. The prime minister, the president and other senior civil servants participated in a special study day on The Movement for Quality Government in May 2006.

**Social Scientist's References:**

Personal experience.

**Peer Reviewer Comment:**

The organizations are active via media and legal processes; however, their factual effect is limited due to lack of belief in the public opinion that they can change anything. Main example, the demand for a National Inquiry committee regarding the last war didn't have much effect.

**2c** In practice, no anti-corruption/good governance CSOs have been shut down by the government for their work on corruption-related issues during the study period.

**Score:** No

**Social Scientist's Comments:**

There is no documentation of a CSO that has been effectively shut down by the government or forced to cease operations because of its work on corruption-related issues during the study period. As a matter of fact, an association like The Movement for Quality Government is very accepted.

**Social Scientist's References:**

### 3 Are civil society activists safe when working on corruption issues?

**3a** In practice, in the past year, no civil society activists working on corruption issues have been imprisoned.

**Score:** No

**Social Scientist's Comments:**

No documentation of CSO activists imprisoned relating to their work covering corruption.

**Social Scientist's References:**

**3b** In practice, in the past year, no civil society activists working on corruption issues have been physically harmed.

**Score:** No

**Social Scientist's Comments:**

There were no documented cases of CSO activists covering corruption being assaulted in the specific study period.

**Social Scientist's References:**

**3c** In practice, in the past year, no civil society activists working on corruption issues have been killed.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

There were no documented cases of CSO activists being killed related to a corruption case in the specific study period.

**Social Scientist's References:**

## 4 Can citizens organize into trade unions?

**4a** In law, citizens have a right to organize into trade unions.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

The right to be part of a trade union or to establish a trade union is recognized as part of the basic law: dignity of man and his liberty.

**Social Scientist's References:**

<http://www.haokets.org/Files/metrodanbetdinartzy2005a05000057-165.doc>

**4b** In practice, citizens are able to organize into trade unions.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

Politicians may fight against the workers, including their attempts to organize.

**Social Scientist's References:**

Daily newspapers. For various examples, see:

[http://www.histadrut.org.il/serve/Union/showOneNewFrom.asp?Folder\\_id=9999&ImgOn=6](http://www.histadrut.org.il/serve/Union/showOneNewFrom.asp?Folder_id=9999&ImgOn=6) and

**Peer Reviewer Comment:**

The adoption of neoliberal practices is affecting trade unionism negatively.

**Peer Reviewer Comment:**

Most hurdles for trade-union organization are not coming from politicians. The political system and the media are more likely to support workers' rights than oppose them.

## I-2 Media

### 5 Are media and free speech protected?

**5a** In law, freedom of the media is guaranteed.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

Various laws and verdicts, including the basic law: the dignity of man and his liberty.

**Social Scientist's References:**

<http://www.acri.org.il/hebrew-acri/engine/story.asp?id=173>

**Peer Reviewer Comment:**

True, but in the July/August War with Lebanon, the media was not allowed to go to certain places that had been targeted by Hizbollah in order to prevent the "enemy" from seeing the damage. This raised questions as to whether the government wanted to

hide the damage from the "enemy" or its own public. Therefore, this was seen as an attempt at limiting the freedom of the media.

Also, the reporter for Al-Jazeera was taken in for questioning twice during that period without any real charges being filed.

**5b** In law, freedom of speech is guaranteed.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic law: dignity of man and its liberty. <http://www.acri.org.il/hebrew-acri/engine/story.asp?id=173>

## 6 Are citizens able to form media entities?

**6a** In practice, the government does not create barriers to form a media entity.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

A citizen is required to have a license to publish a newspaper.

**Social Scientist's References:**

<http://www.acri.org.il/hebrew-acri/engine/story.asp?id=173>

**Peer Reviewer Comment:**

There is the issue of letting some illegal radio stations (channel 7) to operate for long time, while shutting down other illegal channels.

**6b** In law, where a media license is necessary, there is an appeal mechanism if a license is denied or revoked.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Administrative Courts Law, 2000.

**6c** In practice, where necessary, citizens can obtain a media license within a reasonable time period.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://keshev.org.il/site/FullNews.asp?CategoryID=12>

**6d** In practice, where necessary, citizens can obtain a media license at a reasonable cost.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://keshev.org.il/site/FullNews.asp?CategoryID=12>

## 7 Are the media able to report on corruption?

**7a** In law, it is legal to report accurate news even if it damages the reputation of a public figure.

Score: No

**Social Scientist's Comments:**

There are reports on corruption on a daily basis.

**Social Scientist's References:**

The Slander Law, 1965, sections 13-15.

**7b** In practice, the government or media owners/distribution groups do not encourage self-censorship of corruption-related stories.

Score: 0 25 50  100

**Social Scientist's Comments:**

In at least two cases the media did not broadcast programs that exposed corruption. In addition, the public broadcasting is not independent enough.

**Social Scientist's References:**

Off-the record talk with a news reporter.

**Peer Reviewer Comment:**

In most cases it is independent sources who expose corruption stories.

**7c** In practice, there is no prior government restraint on publishing corruption-related stories.

Score: 0 25 50 75

**Social Scientist's Comments:**

The problem with the publication of corruption stories is not the government, but the intimate relations between the media owner and senior public officials.

**Social Scientist's References:**

**Peer Reviewer Comment:**

The issue that the social scientist points to is an important one. That is, the relationship between some of the media owners and senior public officials and the government can definitely have an effect on what is reported, since if something does not make it to the media there is no way for the public to know if it had been stopped. We will only hear about that if somebody found out about it.

## 8 Are the media credible sources of information?

**8a** In law, media companies are required to disclose their ownership.

Score: No ☐ Yes ☐

**Social Scientist's Comments:**

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**Social Scientist's References:**

The Press Order, 1933 sections 5 and 7.

**8b** In practice, journalists and editors adhere to strict, professional practices in their reporting.

Score: 0 25 50 75 ☐ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Press Council Ethics Code. [http://www.m-i.org.il/takanon\\_etika.asp](http://www.m-i.org.il/takanon_etika.asp)

**Peer Reviewer Comment:**

Many of the journalists in Israel are doing a professional job, but many are related to politicians or business people who use them for their purposes. The limited possibilities for work in Israel makes the choice hard for many journalists.

**8c** In practice, during the most recent election, political parties or independent candidates received fair media coverage.

Score: 0 25 50 75 ☐ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Elections Law (propaganda), 1959, clause 15a.

**8d** In practice, political parties and candidates have equitable access to state-owned media outlets.

Score: 0 25 50 75 ☐ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Elections Law (propaganda), 1959, clause 15a.

## 9 Are journalists safe when investigating corruption?

**9a** In practice, in the past year, no journalists investigating corruption have been imprisoned.

Score: No ☐ Yes ☐

**Social Scientist's Comments:**

There has been no documentation of such events.

**Social Scientist's References:**

**Peer Reviewer Comment:**

They are not imprisoned but are discredited, which is a better tactic.

**Peer Reviewer Comment:**

They are not imprisoned but are discredited, which is a better tactic.

**9b** In practice, in the past year, no journalists investigating corruption have been physically harmed.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

There has been no documentation of such events.

**Social Scientist's References:**

**9c** In practice, in the past year, no journalists investigating corruption have been killed.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

There has been no documentation of such events.

**Social Scientist's References:**

### I-3 Public Access to Information

#### 10 Do citizens have a legal right of access to information?

**10a** In law, citizens have a right of access to government information and basic government records.

**Score:** No ☒ Yes

**Social Scientist's Comments:****Social Scientist's References:**

The Free Information Law, 1998.

**Peer Reviewer Comment:**

Not always, the Defence budget, 12 percent of GDP, is very restricted. Many governmental organizations, business or social, refuse to disclose their budgets.

**10b** In law, citizens have a right of appeal if access to a basic government record is denied.

**Score:** No ☒ Yes

**Social Scientist's Comments:****Social Scientist's References:**

The Free Information Law, 1998.

**10c** In law, there is an established institutional mechanism through which citizens can request government records.

Score: No ☐ Yes ☐

**Social Scientist's Comments:**

The general director in each agency should appoint an official who is responsible for the implementation of the law.

**Social Scientist's References:**

The Free Government Law 1998, section 3.

## 11 Is the right of access to information effective?

**11a** In practice, citizens receive responses to access to information requests within a reasonable time period.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

My own experience. I ordered information several times.

**11b** In practice, citizens can use the access to information mechanism at a reasonable cost.

Score: 0 25 50  100

**Social Scientist's Comments:**

The cost is US\$30-US\$50 for a request.

**Social Scientist's References:**

The Free Information Law, 1998. <http://www.moit.gov.il/NR/exeres/2A507C1D-A820-44D7-B9E9-5BF5078F3552.htm>

**11c** In practice, citizens can resolve appeals to access to information requests within a reasonable time period.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Free Information Law: The Law and Reality, Hilel Somer (2003).

**11d** In practice, citizens can resolve appeals to information requests at a reasonable cost.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Free Information Law: The Law and Reality, Hilel Somer (2003).

**11e** In practice, the government gives reasons for denying an information request.

**Score:**        0        25        50        

75

        100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Free Information Law: The Law and Reality, Hilel Somer (2003).

## II Elections

### II-1 Voting & Citizen Participation

#### 12 Is there a legal framework guaranteeing the right to vote?

**12a** In law, universal and equal adult suffrage is guaranteed to all citizens.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic law: The Knesset (Israeli Parliament), clause 5.

**12b** In law, there is a legal framework requiring that elections be held at regular intervals.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic law: The Knesset (Israeli Parliament), clause 8.

#### 13 Can all citizens exercise their right to vote?

**13a** In practice, all adult citizens can vote.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

There are no documented cases of law's violations.

**Social Scientist's References:**

**13b** In practice, ballots are secret or equivalently protected.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic law: The Knesset; The Elections (Knesset) Law, 1969.

**13c** In practice, elections are held according to a regular schedule.

Score: 0 25 50 75

**Social Scientist's Comments:**

There have never been exceptions.

**Social Scientist's References:**

## 14 Are citizens able to participate equally in the political process?

**14a** In law, all citizens have a right to form political parties.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Party's Law, 1992.

**14b** In law, all citizens have a right to run for political office.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Basic Law: The Knesset, clause 6.

**14c** In practice, all citizens are able to form political parties.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Party's Law, 1992.

**14d** In practice, all citizens can run for political office.

Score: 0 25 50 75

**Social Scientist's Comments:**

There has been no documentation of barriers.

**Social Scientist's References:**

**14e** In practice, an opposition party is represented in the legislature.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Knesset Law, 1994, clauses 11-16.

## II-2 Election Integrity

### 15 In law, is there an election monitoring agency or set of election monitoring

15 In law, is there an election monitoring agency or set of election monitoring agencies/entities?

Score: No

**Social Scientist's Comments:**

His is the Elections' Central Committee The head of the committee is a judge. There are 36 members in the current committee.

**Social Scientist's References:**

The Elections to the Knesset Law, 1969.

### 16 Is the election monitoring agency effective?

16a In law, the agency or set of agencies/entities is protected from political interference.

Score: No

**Social Scientist's Comments:**

This is the Elections' Central Committee. The head of the committee is a judge. There are 36 members in the current committee from various parties. The decisions of the committee are supervised by the courts system. Several times in the past, the High Court has canceled the committee's decisions.

**Social Scientist's References:**

The Elections to the Knesset Law 1969.

16b In practice, agency (or set of agencies/entities) appointments are made that support the independence of the agency.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Elections to the Knesset Law, 1969.

16c In practice, the agency or set of agencies/entities has a professional, full-time staff.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Elections to the Knesset Law, 1969. Interview with an ex-official.

**16d** In practice, the agency or set of agencies/entities makes timely, publicly available reports following an election cycle.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Basic Law the Knesset Clause 11. The elections to the Knesset Law 1969, clause 84.

**16e** In practice, when necessary, the agency or set of agencies/entities imposes penalties on offenders.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

There are no documented cases of offenders.

**Social Scientist's References:**

## 17 Are elections systems transparent and effective?

**17a** In practice, there is a clear and transparent system of voter registration.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Elections to the Knesset Law, 1969.

**17b** In law, election results can be contested through the judicial system.

**Score:** No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Elections to the Knesset Law, 1969, clause 86.

**17c** In practice, election results can be effectively appealed through the judicial system.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

There is no documentation of not acting on complaint promptly.

**Social Scientist's References:**

**17d** In practice, the military and security forces remain neutral during elections.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

The military, military officers and security forces are not known to support or oppose particular candidates or parties.

**Social Scientist's References:**

**17e** In law, domestic and international election observers are allowed to monitor elections.

**Score:** No

**Social Scientist's Comments:**

This is not an issue in Israel.

**Social Scientist's References:**

**17f** In practice, election observers are able to effectively monitor elections.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

This is not an issue in Israel.

**Social Scientist's References:**

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## II-3 Political Financing

### 18 Are there regulations governing political financing?

**18a** In law, there are regulations governing private contributions to political parties.

**Score:** No

**Social Scientist's Comments:**

**Social Scientist's References:**

Party Financing Law, 1973.

**18b** In law, there are limits on individual donations to candidates and political parties.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Party Financing Law, 1973, clause 8.

**18c** In law, there are limits on corporate donations to candidates and political parties.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Party Financing Law, 1973, clause 8a.

**18d** In law, there are limits on total political party expenditures.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Party Financing Law, 1973, clause 7.

**18e** In law, there are requirements for disclosure of donations to political candidates and parties.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Party Financing Law, 1973, clause 9-10.

**18f** In law, there are requirements for the independent auditing of the finances of political parties and candidates.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Party Financing Law, 1973 clause 10. State Comptroller Law, 1958.

## **19 Are the regulations governing political financing effective?**

**19a** In practice, the limits on individual donations to candidates and political parties are effective in regulating an individual's ability to financially support a candidate or political party.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

?Fat Parties-Lean Candidates: Funding Israeli Internal Party Contests, ? Asher Arian and Michal Shamir (eds), Menachem Hofnung (2005). ?The elections in Israel 2003, ? (Transaction Pub.), pp 63-84.

**Peer Reviewer Comment:**

More cases of financial support are known.

**19b** In practice, the limits on corporate donations to candidates and political parties are effective in regulating a company's ability to financially support a candidate or political party.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

?Fat Parties-Lean Candidates: Funding Israeli Internal Party Contests, ? Asher Arian and Michal Shamir (eds), Menachem Hofnung (2005). ?The elections in Israel 2003, ? (Transaction Pub.), pp 63-84.

**19c** In practice, the limits on total party expenditures are effective in regulating a political party's ability to fund campaigns or politically-related activities.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

?Fat Parties-Lean Candidates: Funding Israeli Internal Party Contests, ? Asher Arian and Michal Shamir (eds), Menachem Hofnung (2005). ?The elections in Israel 2003, ? (Transaction Pub.), pp 63-84.

**Peer Reviewer Comment:**

Not in all cases. Sometimes there are gaps between expenses and sources.

**19d** In practice, when necessary, an agency or entity monitoring political financing independently initiates investigations.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

State Comptroller's reports.

**Peer Reviewer Comment:**

In cases like with Barak and the Labor party, for example. As for Sharon's campaigns, no conclusive steps were taken even though the inquiry found a lot of evidence.

**19e** In practice, when necessary, an agency or entity monitoring political financing imposes penalties on offenders.

Score: 0 25 50 75

**Social Scientist's Comments:**

Political financing was until recently a big issue. Recent changes to the law have helped, and as far as we can tell today, there were no political financing scandal in the last elections.

See also: Hofnung Menachem (2005) "Fat Parties - Lean Candidates: Funding Israeli Internal Party Contests," in Arian Asher and Michal Shamir (eds) The Elections in Israel 2003, (New Brunswick and London: Transaction Publishers), pp63-84.

**Social Scientist's References:**

State Comptroller's reports.

**Peer Reviewer Comment:**

Many are going with no significant punishment at all.

**19f** In practice, contributions to political parties and candidates are audited.

Score: 0 25 50 75

**Social Scientist's Comments:**

Political financing was until recently a big issue. Recent changes to the law have helped, and as far as we can tell today, there were no political financing scandal in the last elections.

See also: Hofnung Menachem (2005) "Fat Parties - Lean Candidates: Funding Israeli Internal Party Contests," in Arian Asher and Michal Shamir (eds) The Elections in Israel 2003, (New Brunswick and London: Transaction Publishers), pp63-84.

**Social Scientist's References:**

State Comptroller's reports.

## 20 Can citizens access records related to political financing?

**20a** In practice, political parties and candidates disclose data relating to financial support and expenditures within a reasonable time period.

Score: 0 25 50 75

**Social Scientist's Comments:**

Such records are available as soon as the comptroller published them.

**Social Scientist's References:**

State Comptroller's reports.

**Peer Reviewer Comment:**

Not fully, only the Igal minimum.

**20b** In practice, citizens can access the financial records of political parties and candidates within a reasonable time period.

Score: 0 25  75 100

**Social Scientist's Comments:**

Such records are available as soon as the comptroller published them.

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/folderAdmin.asp?id=94&opentree=,11,2>, <http://80.70.129.64/142-2553-he/Kadima.aspx>

**20c** In practice, citizens can access the financial records of political parties and candidates at a reasonable cost.

**Score:**            0            25            50            75            100

**Social Scientist's Comments:**

Such records are free.

**Social Scientist's References:**

State Comptroller law, 1958. [www.mevaker.gov.il](http://www.mevaker.gov.il)

## III Government Accountability

### III-1 Executive Accountability

#### 21 In law, can citizens sue the government for infringement of their civil rights?

21 In law, can citizens sue the government for infringement of their civil rights?

Score: No ☒ Yes

Social Scientist's Comments:

Social Scientist's References:

The Tort Order (1944, 2005), 7C.

#### 22 Can the chief executive be held accountable for his/her actions?

22a In practice, the chief executive gives reasons for his/her policy decisions.

Score: 0 25 50 75 ☒ 100

Social Scientist's Comments:

Social Scientist's References:

The Basic Law: Government, clause 42. Daily newspapers.

Peer Reviewer Comment:

In most of the serious cases he gave a political rationalization which is not backed by serious analysis. See, for example, the explanations for the last Lebanon war.

22b In law, the judiciary can review the actions of the executive.

Score: No ☒ Yes

Social Scientist's Comments:

Social Scientist's References:

The Fundamentals Law, 1980.

22c In practice, when necessary, the judiciary reviews the actions of the executive.

Score: 0 25 50 75 ☒ 100

Social Scientist's Comments:

Social Scientist's References:

?Judicial Activism for and Against,? Ruth Gavison, Mordechai Kremnizer and Yoav Dotan, (Jerusalem: Magnes).

22d In practice, the chief executive limits the use of executive orders for establishing new regulations, policies, or government practices.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Basic Law Government: clause 32.

## 23 Is the executive leadership subject to criminal proceedings?

**23a** In law, the heads of state and government can be prosecuted for crimes they commit.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Basic Law Government: clause 17 and 18.

**23b** In law, ministerial-level officials can be prosecuted for crimes they commit.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Basic Law Government: clause 23.

## 24 Are there regulations governing conflicts of interest by the executive branch?

**24a** In law, the heads of state and government are required to file a regular asset disclosure form.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

?The Rules Against Conflicts of Interest of Ministers and their Deputies,? publication 4936, 2001 (original date 1977 "Asher Committee").

**24b** In law, ministerial-level officials are required to file a regular asset disclosure form.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

?The Rules Against Conflicts of Interest of Ministers and their Deputies,? publication 4936, 2001 (original date 1977 "Asher Committee").

**24c** In law, there are regulations governing gifts and hospitality offered to members of the executive branch.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Public Service Law (gifts), 1980.

**24d** In law, there are requirements for the independent auditing of the executive branch asset disclosure forms (defined here as ministers and heads of state and government).

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Comptroller Law, 1958.

**24e** In law, there are restrictions on heads of state and government and ministers entering the private sector after leaving the government.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Public Service Law (restrictions after retirement), 1969.

**24f** In practice, the regulations restricting post-government private sector employment for heads of state and government and ministers are effective.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

There are few documented or known cases of state or government ministers regularly taking jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues.

However, there is a problem of the "revolving door" in Israel with regard to the ministry of finance. Most of the officials of the ministry leave the ministry after a short period for the private sector. There is no legacy of long-term service in the public sector.

**Social Scientist's References:**

**Peer Reviewer Comment:**

There are many cases (Nir Giad is only one) of government and army officials going to positions and people they are connected with. It becomes more and more common.

**24g** In practice, the regulations governing gifts and hospitality offered to members of the executive branch are effective.

Score: 0 25 50  100

**Social Scientist's Comments:**

There were at least two cases in which the State Comptroller and the Attorney General investigated cases of gift receiving: "Netanyahu Amadi" and "Olmert's Pen."

**Social Scientist's References:**

Daily newspapers.

**Peer Reviewer Comment:**

Many of these gifts are hard to trace, and the public mood is not negative toward it.

**24h** In practice, executive branch asset disclosures (defined here as ministers and above) are audited.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of a squad on fraud in the national unit for fraud investigations.

## 25 Can citizens access the asset disclosure records of the heads of state and

**25a** In law, citizens can access the asset disclosure records of the heads of state and government.

Score:  Yes

**Social Scientist's Comments:**

The disclosure records are for the Attorney General and State Comptroller's review only.

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of a squad on fraud in the national unit for fraud investigations.

**25b** In practice, citizens can access the asset disclosure records of the heads of state and government within a reasonable time period.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of a squad on fraud in the national unit for fraud investigations.

**25c** In practice, citizens can access the asset disclosure records of the heads of state and government at a reasonable cost.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of a squad on fraud in the national unit for fraud investigations.

## 26 In practice, is the ruling party distinct from the state?

26 In practice, is the ruling party distinct from the state?

Score: 0 25 50  75 100

### Social Scientist's Comments:

The amendment no. 6 (appointments) to the Government Companies law, 1993, led to progress in the control of political appointments. A reduction in political appointments took place also in the civil service, with the exception on Sharon's governments (this is backed up by hard data from the appointments committee of the Government Companies) . We can expect that the low levels of political appointments will return in the current government (Olmert).

### Social Scientist's References:

State Comptroller reports about political appointments. For example, the special report about the appointments in the Environment Ministry, published in August 2004.

## III-2 Legislative Accountability

### 27 Can members of the legislature be held accountable for their actions?

27a In law, the judiciary can review laws passed by the legislature.

Score: No  Yes

### Social Scientist's Comments:

There is currently no applicable law.

### Social Scientist's References:

[http://www.knesset.gov.il/description/eng/eng\\_mimshal\\_yesod.htm](http://www.knesset.gov.il/description/eng/eng_mimshal_yesod.htm)

27b In practice, when necessary, the judiciary reviews laws passed by the legislature.

Score: 0 25 50 75  100

### Social Scientist's Comments:

There is currently no applicable law. However, the High Court of Justice (HJC) has, in recent years has made several related rulings. On September 24, 1997, the HCJ with a make-up of 11 judges, canceled a prior law that regulates the occupation of investment consultancy. In the opinion of the High Court, parts of the law contradict the Basic Law: Freedom of Occupation "to a degree which supersedes that required to realize the goal of the law." On October 14, 1999, the HCJ ruled, once again with a make-up of 11 judges, that an article in a law, which contradicted the Basic Law: Human Dignity and Liberty, was null and void. The article in question was article 237a(a) of the Military Judgment Law, that enabled a military policeman to detain a soldier for four days without first bringing him before a judge.

### Social Scientist's References:

[http://www.knesset.gov.il/description/eng/eng\\_mimshal\\_yesod.htm](http://www.knesset.gov.il/description/eng/eng_mimshal_yesod.htm)

27c In law, are members of the national legislature subject to criminal proceedings?

Score: No ☐ Yes

**Social Scientist's Comments:**

Although it is possible to investigate and prosecute Parliament members in Israel, it is very difficult. Knesset members have the right of parliamentary immunity, which is intended to enable them to perform their tasks without fear of legal actions. The essential immunity ensures that a Knesset member will not bear criminal or civil responsibility for any act which he/she performs while fulfilling his/her duty, or in order to fulfill a duty. In addition, a Knesset member has immunities relating to searches, detention, criminal hearings and legal proceedings, which are not connected with his/her work as a member of Knesset. Only the Knesset itself has the right to lift immunity in these spheres. In Israel, the parliamentary immunity is extremely broad, and on occasion there have been proposals to limit it.

**Social Scientist's References:**

"Knesset Members Immunity, Rights and Duties Law" of 1951; [http://www.knesset.gov.il/description/eng/eng\\_work\\_chak1.htm](http://www.knesset.gov.il/description/eng/eng_work_chak1.htm)

## 28 Are there regulations governing conflicts of interest by members of the national

**28a** In law, members of the national legislature are required to file an asset disclosure form.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Ethic Code of the Parliament Members, clause 15.

<http://www.knesset.gov.il/rules/heb/template.asp?sFileNm=ethics1.htm&OpenSubMenu=3#5>

**28b** In law, there are restrictions for national legislators entering the private sector after leaving the government.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Immunity of the Knesset Members, Their Rights and Obligations Law, 1951, 14c.

**28c** In law, there are regulations governing gifts and hospitality offered to members of the national legislature.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Public Service Law (gifts), 1980.

**28d** In law, there are requirements for the independent auditing of the asset disclosure forms of members of the national legislature.

Score: ☐ No ☐ Yes

**Social Scientist's Comments:**

Knesset members are required to disclose assets to a parliamentary chairman.

**Social Scientist's References:**

The Immunity of the Knesset Members, Their Rights and Obligations Law, 1951, clause 13b. The Ethics Rules of the Knesset, clause 15.

**28e** In practice, the regulations restricting post-government private sector employment for national legislators are effective.

Score: 0 25 50 75 ☐ 100

**Social Scientist's Comments:**

Legislators are not known to regularly take jobs in the private sector that entail directly lobbying or seeking to influence their former government colleagues.

**Social Scientist's References:**

**28f** In practice, the regulations governing gifts and hospitality offered to national legislators are effective.

Score: 0 25 50 75 ☐ 100

**Social Scientist's Comments:**

No documented of exceptions that exist are known.

**Social Scientist's References:**

**28g** In practice, national legislative branch asset disclosures are audited.

Score: 0 25 50 ☐ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Immunity of the Knesset Members, Their Rights and Obligations Law, 1951, clause 13b. The Ethics Rules of the Knesset, clause 15.

## 29 Can citizens access the asset disclosure records of members of the national

**29a** In law, citizens can access the asset disclosure records of members of the national legislature.

Score: ☐ No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Immunity of the Knesset Members, Their Rights and Obligations Law, 1951, clause 13b. The Ethics Rules of the Knesset, clause 15.

**29b** In practice, citizens can access these records within a reasonable time period.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Immunity of the Knesset Members, Their Rights and Obligations Law, 1951, clause 13b. The Ethics Rules of the Knesset, clause 15.

**29c** In practice, citizens can access these records at a reasonable cost.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Immunity of the Knesset Members, Their Rights and Obligations Law, 1951, clause 13b. The Ethics Rules of the Knesset, clause 15.

### 30 Can citizens access legislative processes and documents?

**30a** In law, citizens can access records of legislative processes and documents.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/index.html>

**30b** In practice, citizens can access these records within a reasonable time period.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/index.html>

**30c** In practice, citizens can access these records at a reasonable cost.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/index.html>

### III-3 Judicial Accountability

#### 31 Are judges appointed fairly?

**31a** In practice, there is a transparent procedure for selecting national-level judges.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Daily newspapers from August to September 2006

**31b** In practice, there are certain professional criteria required for the selection of national-level judges.

Score: 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Judge's Law, 1953.

**31c** In law, there is a confirmation process for national-level judges (i.e. conducted by the legislature or an independent body).

Score: ☒ No Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Judge's Law, 1953. <http://www.knesset.gov.il/mmm/data/docs/m00200.doc> (in Hebrew)

#### 32 Can members of the judiciary be held accountable for their actions?

**32a** In law, members of the national-level judiciary are obliged to give reasons for their decisions.

Score: ☒ No Yes

**Social Scientist's Comments:**

Hearings must be public unless there is a special and extraordinary reason for secrecy.

**Social Scientist's References:**

The Basic Law: Judgment. The Courts Law, 1984.

**32b** In practice, members of the national-level judiciary give reasons for their decisions.

Score: 0 25 50 75

**Social Scientist's Comments:**

Almost all judgments are accompanied by a detailed analysis explaining the rationale for the judgment. Sometimes the verdicts are as long as 400 pages.

**Social Scientist's References:**

**32c** In law, there is an ombudsman (or equivalent agency or mechanism) for the national-level judicial system.

Score: No

**Social Scientist's Comments:**

The name of the current ombudsman is Tova Strasberg-Cohen.

**Social Scientist's References:**

The Commission of Public Complaints on Judges Law, 2002.

**32d** In law, the judicial ombudsman (or equivalent agency or mechanism) is protected from political interference.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Commission of Public Complaints on Judges Law, 2002.

**32e** In practice, when necessary, the judicial ombudsman (or equivalent agency or mechanism) initiates investigations.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

There are no known cases.

**32f** In practice, when necessary, the judicial ombudsman (or equivalent agency or mechanism) imposes penalties on offenders.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

There are no known cases.

## III-4 Budget Processes

### 33 Can the legislature provide input to the national budget?

**33a** In law, the legislature can amend the budget.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/protocols/data/rtf/ksafim/2006-08-30-02.rtf>

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01237&type=pdf>

**33b** In practice, significant public expenditures require legislative approval.

Score: 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01237&type=pdf>

**33c** In practice, the legislature has sufficient capacity to monitor the budget process and provide input or changes.

Score: 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01237&type=pdf>

**Peer Reviewer Comment:**

There is limited monitoring of the defense budget.

## 34 Can citizens access the national budgetary process?

**34a** In practice, the national budgetary process is conducted in a transparent manner in the debating stage (i.e. before final approval).

Score: 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01237&type=pdf>

**34b** In practice, citizens provide input at budget hearings.

Score: 0 ☒ 25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01237&type=pdf>

**Peer Reviewer Comment:**

There is hardly any involvement.

**34c** In practice, citizens can access itemized budget allocations.

**Score:** 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/sponsorship/future/data/EcolmptInfo1.asp>

**Peer Reviewer Comment:**

Even when the government allows it, some of the institutions (a recent case with the defense budget) are refusing it.

**35 In law, is there a separate legislative committee which provides oversight of public**

**35** In law, is there a separate legislative committee which provides oversight of public funds?

**Score:**  Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

?The Constitutional Law in Israel,? Rubinstein Amnon and Barak Medina, sixth ed. (Tel ASviv: Shoken), vol. 2, page 898.

**36 Is the legislative committee overseeing the expenditure of public funds effective?**

**36a** In practice, department heads regularly submit reports to this committee.

**Score:**  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01072&type=pdf>  
<http://www.knesset.gov.il/sponsorship/future/data/EcolmptInfo1.asp>

**36b** In practice, the committee acts in a non-partisan manner with members of opposition parties serving on the committee in an equitable fashion.

**Score:**  25 50 75 100

**Social Scientist's Comments:**

There is no such committee.

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01072&type=pdf>

**36c** In practice, this committee is protected from political interference.

Score:  25 50 75 100

**Social Scientist's Comments:**

There is no such committee.

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01072&type=pdf>

**36d** In practice, when necessary, this committee initiates independent investigations into financial irregularities.

Score:  25 50 75 100

**Social Scientist's Comments:**

There is no such committee.

**Social Scientist's References:**

<http://www.knesset.gov.il/mmm/doc.asp?doc=m01072&type=pdf>

## IV Administration and Civil Service

### IV-1 Civil Service Regulations

#### 37 Are there national regulations for the civil service encompassing, at least, the

**37a** In law, there are regulations requiring an impartial, independent and fairly managed civil service.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Service (Appointments) Law, 1959.

**37b** In law, there are regulations to prevent nepotism, cronyism, and patronage within the civil service.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Service (Appointments) Law, clause 19, 1959.

**37c** In law, there is an independent redress mechanism for the civil service.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Service Regulations (Discipline), 1963

**37d** In law, civil servants convicted of corruption are prohibited from future government employment.

Score: ☒ No Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Service (Appointments) Law, section 46, 1959.

#### 38 Is the law governing the administration and civil service effective?

**38a** In practice, civil servants are protected from political interference.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

?No, Mr. Commissioner: Behind the Scenes of Israeli Politics and Administration,? Yediot Publications, 2003.

**38b** In practice, civil servants are appointed and evaluated according to professional criteria.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with the legal advisor of the State Comptroller. Interview with the legal advisor and ex- legal advisor of the State Service Commissioner.

**38c** In practice, civil service management actions (e.g. hiring, firing, promotions) are not based on nepotism, cronyism, or patronage.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

State Comptroller reports.

**38d** In practice, civil servants have clear job descriptions.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

Asher Arian, David Nachmias and Ruth Amir (2002) Executive Governance in Israel, Palgrave Macmillan, Houndmills, Basingstoke, Hampshire; New York.

**38e** In practice, civil servant bonuses constitute only a small fraction of total pay.

Score: 0 25 50  100

**Social Scientist's Comments:**

The answer depends on the definition of bonuses. However, most of the bonuses are not given through a specific or personal decision. Bonuses are given as part of collective agreements. There are bonuses, which are given by the deputies of the general directors, that are officially not bonuses. An example is extra pay for car expenditures.

**Social Scientist's References:**

Interview with Ron Dul, head of the legal department in the State Service Commission.

**38f** In practice, the government publishes the number of authorized civil service positions along with the number of positions actually filled.

Score: 0 25  75 100

**Social Scientist's Comments:**

The last reports were published in 2002.

**Social Scientist's References:**

<http://www.civil-service.gov.il/>

**38g** In practice, the independent redress mechanism for the civil service is effective.

Score: 0 25 50 75

**Social Scientist's Comments:**

The mechanism is the court for labor/work. It is not exactly an investigative body, but a court that civil servants use to appeal decisions of the State Service Commission. When citizens want to complain about the State Service Commission, they can ask for the State Comptroller's help. It is an independent body that has the authority and capacity to investigate.

**Social Scientist's References:**

Interview with Ron Dul, head of the legal department in the State Service Commission.

**38h** In practice, in the past year, the government has paid civil servants on time.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://news.msn.co.il/news/BusinessCommunication/EconomicsCommunication/200609/2006091719553.htm>

**38i** In practice, civil servants convicted of corruption are prohibited from future government employment.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Service Law (Appointments), 1959, section 46.

### 39 Are there regulations addressing conflicts of interest for civil servants?

**39a** In law, there are requirements for civil servants to recuse themselves from policy decisions where their personal interests may be affected.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Penal Code clause 284, 1977. The State v. Sheves, Nov. 2004 PD 59, 385. The Attorney General, Dirction no. 1.1555 from June 2006 .

**39b** In law, there are restrictions for civil servants entering the private sector after leaving the government.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Public Service Law (Restrictions after Retirement), 1969.

**39c** In law, there are regulations governing gifts and hospitality offered to civil servants.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Public Service (Gifts) Law, 1980.

**39d** In practice, the regulations restricting post-government private sector employment for civil servants are effective.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Daily newspapers. For example:

<http://www.haaretz.co.il/hasite/pages/ShArtPE.jhtml?itemNo=571198&contrassID=2&subContrassID=6&sbSubContrassID=0>;

**Peer Reviewer Comment:**

It is common for governmental servants to seek jobs with private employers they were involved with before.

**39e** In practice, the regulations governing gifts and hospitality offered to civil servants are effective.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Daily newspapers. Examples: <http://www.nfc.co.il/archive/0018-D-17874-00.html?tag=19-13-24#PTEXT3496>

**39f** In practice, the requirements for civil service recusal from policy decisions affecting personal interests are effective.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Daily newspapers. For example: <http://www.haaretz.co.il/hasite/spages/762379.html?more=1>

## 40 Can citizens access the asset disclosure records of senior civil servants?

**40a** In law, citizens can access the asset disclosure records of senior civil servants.

Score: ☐ No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust unit. Interview with Barak Calev, head of the Legal Department in the Movement of Quality Government.

**40b** In practice, citizens can access the asset disclosure records of senior civil servants within a reasonable time period.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Interview with Barak Calev, head of the Legal Department in the Movement of Quality Government.

**40c** In practice, citizens can access the asset disclosure records of senior civil servants at a reasonable cost.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Interview with Barak Calev, head of the Legal Department in the Movement of Quality Government.

## IV-2 Whistle-blowing Measures

### 41 Are employees protected from recrimination or other negative consequences when

**41a** In law, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Score: No ☐ Yes ☐

**Social Scientist's Comments:**

**Social Scientist's References:**

The Protection on Employees Law (Disclosure of Offenses and Hurt to Virtue), 1997. State comptroller law, 1958 clause 45f.

**41b** In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

?Whistle-blowers and the Court of Labor,? Ilan Dany (2003). (Jerusalem: Jerusalem institute for policy research). Interview with Barak Kalev, head of the legal department of the Movement for Quality Government.

**41c** In law, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Protection on Employees Law (Disclosure of Offenses and Hurt to Virtue), 1997.

**41d** In practice, private sector employees who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

?Whistle-blowers and the Court of Labor,? Ilan Dany (2003). (Jerusalem: Jerusalem institute for policy research). Interview with Barak Kalev, head of the legal department of the Movement for Quality Government. Interview with Hai Bar-el, lawyer.

## **42 Is there an effective internal mechanism (i.e. phone hotline, e-mail address, local**

**42a** In practice, the internal reporting mechanism for public sector corruption has a professional, full-time staff.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**42b** In practice, the internal reporting mechanism for public sector corruption receives regular funding.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

**42c** In practice, the internal reporting mechanism for public sector corruption acts on complaints within a reasonable time period.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Interview with Barak Calev, head of the Legal Department in the Movement of Quality Government.

**42d** In practice, when necessary, the internal reporting mechanism for public sector corruption initiates investigations.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Interview with Barak Calev, head of the Legal Department in the Movement of Quality Government.

## IV-3 Procurement

### 43 Is the public procurement process effective?

**43a** In law, there are regulations addressing conflicts of interest for public procurement officials.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Bidding Obligation Regulations, 1993, clause 10c. <http://www.justice.gov.il/NR/rdonlyres/42CAD7EA-317C-4FF6-B47E-A1FFFAE3F3DF/0/11555.pdf>

**43b** In law, there is mandatory professional training for public procurement officials.

Score:  Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Attorney general direction no. 1.555. <http://www.justice.gov.il/NR/rdonlyres/42CAD7EA-317C-4FF6-B47E-A1FFFAE3F3DF/0/11555.pdf>

**43c** In practice, the conflicts of interest regulations for public procurement officials are enforced.

Score: 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Attorney general direction no. 1.555.  
<http://www.justice.gov.il/NR/rdonlyres/42CAD7EA-317C-4FF6-B47E-A1FFFAE3F3DF/0/11555.pdf>

**43d** In law, there is a mechanism that monitors the assets, incomes and spending habits of public procurement officials.

Score: ☒ No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. Attorney general direction no. 1.555.  
<http://www.justice.gov.il/NR/rdonlyres/42CAD7EA-317C-4FF6-B47E-A1FFFAE3F3DF/0/11555.pdf>

**43e** In law, major procurements require competitive bidding.

Score: ☐ No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Bidding Law, 1992.

**43f** In law, strict formal requirements limit the extent of sole sourcing.

Score: ☐ No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Bidding Obligation Regulations, 1993 clause 23.

**43g** In law, unsuccessful bidders can instigate an official review of procurement decisions.

Score: ☐ No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Administrative Courts Law, 2000 (Supplement 5, Section 5).

**43h** In law, unsuccessful bidders can challenge procurement decisions in a court of law.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Administrative Courts Law, 2000 (Supplement 5, Section 5). <http://www.gad.oppenheimer.co.il/article,1.html>

**43i** In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

Score: ☐ No Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Draft of the conclusion papers of the professional committee that advises the general direction in regard to the bidding obligation law. Dr. Omer Dekel, the head of the committee, provided the draft.

**43j** In practice, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Draft of the conclusion papers of the professional committee that advises the general direction in regard to the bidding obligation law. Dr. Omer Dekel, the head of the committee, provided the draft.

#### 44 Can citizens access the public procurement process?

**44a** In law, citizens can access public procurement regulations.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Bidding Obligation Regulations, 1993, sections 15 17. <http://www.finance.gov.il/tender.htm>

**44b** In law, the government is required to publicly announce the results of procurement decisions.

Score: ☐ No Yes

**Social Scientist's Comments:**

The government must update the bidders.

**Social Scientist's References:**

The Bidding Obligation Regulations, 1993, section 21.

**44c** In practice, citizens can access public procurement regulations within a reasonable time period.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.finance.gov.il/customs/michrazcu.htm>; <http://www.finance.gov.il/tender.htm>;

**44d** In practice, citizens can access public procurement regulations at a reasonable cost.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.finance.gov.il/customs/michrazcu.htm>; <http://www.finance.gov.il/tender.htm>;

**44e** In practice, major public procurements are widely advertised.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.finance.gov.il/tender.htm>

**44f** In practice, citizens can access the results of major public procurement bids.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.finance.gov.il/customs/michrazcu.htm>; <http://www.finance.gov.il/tender.htm>;

## IV-4 Privatization

### 45 Is the privatization process effective?

**45a** In law, all businesses are eligible to compete for privatized state assets.

**Score:** No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Governmental Companies Law, 1975, section 59b.

**45b** In law, there are regulations addressing conflicts of interest for government officials involved in privatization.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

I did not find formal regulations defining and regulating conflicts of interest for government officials involved in privatization.

**Social Scientist's References:**

The State v. Sheves, Nov. 2004 PD 59, 385. The Attorney General, Direction no. 1.1555 from June 2006.

**45c** In practice, conflicts of interest regulations for government officials involved in privatization are enforced.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Barak Calev, Head of the Legal Department in the Movement of Quality Government.

## 46 Can citizens access the terms and conditions of privatization bids?

**46a** In law, citizens can access the terms and conditions of privatization bids.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

The information is not published. It is shown in a special room for whoever shows interest in the privatization and is willing to pay for the disclosure.

**Social Scientist's References:**

Interview with Barak Calev, Head of the Legal Department in the Movement of Quality Government.

**46b** In law, the government is required to publicly announce the results of privatization decisions.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

At minimum, the publication is part of an annual report of the state agency of governmental companies. Usually, the government publishes the results much before.

**Social Scientist's References:**

The Governmental Company Law, 1975.

**46c** In practice, citizens can access the terms and conditions of privatization bids within a reasonable time period.

**Score:** 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

Citizens cannot access all of the important details.

**Social Scientist's References:**

Interview with Barak Calev, Head of the Legal Department in the Movement of Quality Government.

**46d** In practice, citizens can access the terms and conditions of privatization bids at a reasonable cost.

**Score:** 0 25  75 100

**Social Scientist's Comments:**

The papers costs hundreds and sometimes thousands of dollars.

**Social Scientist's References:**

Interview with Barak Calev, Head of the Legal Department in the Movement of Quality Government.

## V Oversight and Regulation

### V-1 National Ombudsman

#### 47 In law, is there a national ombudsman, public protector or equivalent agency (or

47 In law, is there a national ombudsman, public protector or equivalent agency (or collection of agencies) covering the entire public sector?

Score: No ☒ Yes

**Social Scientist's Comments:**

The national ombudsman is also the state comptroller. His name is Micha Lindenstrauss.

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=954>

#### 48 Is the national ombudsman effective?

48a In law, the ombudsman is protected from political interference.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=954>

48b In practice, the ombudsman is protected from political interference.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=955>

48c In practice, the head of the ombudsman agency/entity is protected from removal without relevant justification.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=956>

48d In practice, the ombudsman agency (or agencies) has a professional, full-time staff.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=957>

**48e** In practice, agency appointments support the independence of the ombudsman agency (or agencies).

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=958>

**48f** In practice, the ombudsman agency (or agencies) receives regular funding.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The state comptroller law, 1958.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=959>

**48g** In practice, the agency (or agencies) makes publicly available reports.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=954>

**48h** In practice, when necessary, the national ombudsman (or equivalent agency or agencies) initiates investigations.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=8520&parentcid=8520&bctype=2&sw=1024&hw=698>

**48i** In practice, when necessary, the national ombudsman (or equivalent agency or agencies) imposes penalties on offenders.

Score: 0 25  75 100

**Social Scientist's Comments:**

The agency is not suppose to punish or enforce rules. It is not its duty or its goal.

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=8520&parentcid=8520&bctype=2&sw=1024&hw=698>

**48j** In practice, the government acts on the findings of the agency (or agencies).

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Ombudsman's Annual Report, no. 32, May 2006, pp56-59.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=954>

**48k** In practice, the agency (or agencies) acts on citizen complaints within a reasonable time period.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Ombudsman's Annual Report, no. 32, May 2006, pp56-59.

<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=464&id=74&contentid=&parentcid=undefined&sw=1280&hw=955>

## 49 Can citizens access the reports of the ombudsman?

**49a** In law, citizens can access reports of the ombudsman(s).

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The State Comptroller Law, 1958, section 46a. <http://www.mevaker.gov.il>

**49b** In practice, citizens can access the reports of the ombudsman(s) within a reasonable time period.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il>

**49c** In practice, citizens can access the reports of the ombudsman(s) at a reasonable cost.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il>

## V-2 Supreme Audit Institution

### 50 In law, is there a national supreme audit institution, auditor general or equivalent

**50** In law, is there a national supreme audit institution, auditor general or equivalent agency covering the entire public sector?

Score: No

**Social Scientist's Comments:**

The name of the State Comptroller is Micha Lindenstrauss. According to the law, the State Comptroller is also the National Ombudsman, but it is not the same institution.

**Social Scientist's References:**

Basic Law: The State Comptroller. The State Comptroller Law, 1958.

### 51 Is the supreme audit institution effective?

**51a** In law, the supreme audit institution is protected from political interference.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic Law: The State Comptroller. The State Comptroller Law, 1958.

**51b** In practice, the head of the agency is protected from removal without relevant justification.

Score: 0 25 50 75

**Social Scientist's Comments:**

There are no documents for political interference, interventions or any known case of removal.

**Social Scientist's References:**

Basic Law: The State Comptroller. The State Comptroller Law, 1958.

**51c** In practice, the agency has a professional, full-time staff.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with the ex- general director of the State Comptroller Office. Interview with the legal advisor of the State Comptroller Office.

**51d** In practice, agency appointments support the independence of the agency.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with the ex- general director of the State Comptroller Office. Interview with the legal advisor of the State Comptroller Office.

**51e** In practice, the agency receives regular funding.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

State Comptroller Law, 1958, section 24.

**51f** In practice, the agency makes regular public reports.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/default.asp>

**51g** In practice, the government acts on the findings of the agency.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

?State Auditing in Israel,? Gad Barzilai and David Nachmias (1997) Jerusalem: Israel Democracy Institution.  
<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=473&id=157&contentid=&parentid=undefined&sw=1280&hw=954>

**51h** In practice, the supreme audit institution is able to initiate its own investigations.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The Special Report of Political Appointments in the Environment Ministry, published in August 2004.

<http://www.nfc.co.il/archive/001-D-111685-00.html?tag=18-19-01>;

[http://www.themarket.com/tmc/article.jhtml?log=tag&ElementId=skira20060827\\_52136](http://www.themarket.com/tmc/article.jhtml?log=tag&ElementId=skira20060827_52136); The Special Report on the Political Appointments in the Statutory for Minor and Medium businesses, August 2006.

## 52 Can citizens access reports of the supreme audit institution?

**52a** In law, citizens can access reports of the agency.

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/default.asp>

**52b** In practice, citizens can access audit reports within a reasonable time period.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/default.asp>

**52c** In practice, citizens can access the audit reports at a reasonable cost.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.mevaker.gov.il/serve/default.asp>

## V-3 Taxes and Customs

### 53 In law, is there a national tax collection agency?

**53** In law, is there a national tax collection agency?

Score: No ☐ Yes ☐

Social Scientist's Comments:

Social Scientist's References:

The Income Tax Collection Order. <http://www.mof.gov.il/structure2.htm> <http://mof.gov.il/taxes/>

## 54 Is the tax collection agency effective?

54a In practice, the tax collection agency has a professional, full-time staff.

Score: 0 25 50 75

Social Scientist's Comments:

Social Scientist's References:

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government. [www.mof.gov.il/structure2.htm](http://www.mof.gov.il/structure2.htm)  
<http://mof.gov.il/taxes/>

54b In practice, the agency receives regular funding.

Score: 0 25 50 75

Social Scientist's Comments:

Social Scientist's References:

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government. [www.mof.gov.il/structure2.htm](http://www.mof.gov.il/structure2.htm)  
<http://mof.gov.il/taxes/>

## 55 In practice, are tax laws enforced uniformly and without discrimination?

55 In practice, are tax laws enforced uniformly and without discrimination?

Score: 0 25 50 75

Social Scientist's Comments:

Social Scientist's References:

<http://www.mof.gov.il/structure2.htm> <http://mof.gov.il/taxes/>

## 56 In law, is there a national customs and excise agency?

56 In law, is there a national customs and excise agency?

Score: No ☐ Yes ☐

Social Scientist's Comments:

Social Scientist's References:

<http://www.mof.gov.il/structure2.htm>

## 57 Is the customs and excise agency effective?

**57a** In practice, the customs and excise agency has a professional, full-time staff.

Score: 0 25 50 75

**Social Scientist's Comments:**

I have not found any information about a customs and excise agency in Israel. The agency is actually a department in the Finance Ministry.

**Social Scientist's References:**

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government. [www.mof.gov.il/structure2.htm](http://www.mof.gov.il/structure2.htm)  
<http://mof.gov.il/taxes/>

**57b** In practice, the agency receives regular funding.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government. [www.mof.gov.il/structure2.htm](http://www.mof.gov.il/structure2.htm)  
<http://mof.gov.il/taxes/>

## 58 In practice, are customs and excise laws enforced uniformly and without

**58** In practice, are customs and excise laws enforced uniformly and without discrimination?

Score: 0 25 50 75

**Social Scientist's Comments:**

I have not found a good source for information about customs and excise in Israel. There are no documented problems.

**Social Scientist's References:**

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government.

## V-4 Financial Sector Regulation

### 59 In law, is there a financial regulatory agency overseeing publicly listed companies?

**59** In law, is there a financial regulatory agency overseeing publicly listed companies?

Score: No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Securities Statutory Law, 1968.

### 60 Is the financial regulatory agency effective?

**60a** In law, the financial regulatory agency is protected from political interference.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Securities Statutory Law, 1968.

**60b** In practice, the agency has a professional, full-time staff.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Securities Statutory Law, 1968. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**60c** In practice, the agency receives regular funding.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Securities Statutory Law, 1968. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**60d** In practice, when necessary, the financial regulatory agency independently initiates investigations.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

For very recent examples of investigations, see: <http://www.globes.co.il/serve/globes/DocView.asp?did=1000126304&fid=855>

**Social Scientist's References:**

The Securities Statutory Law, 1968. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**60e** In practice, when necessary, the financial regulatory agency imposes penalties on offenders.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

The Securities Statutory Law, 1968. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

## **61 Can citizens access the financial records of publicly listed companies?**

**61a** In law, citizens can access the financial records of publicly listed companies.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.isa.govS.il/download,rsum/a332\\_doch\\_2006\\_2.pdf](http://www.isa.govS.il/download,rsum/a332_doch_2006_2.pdf). The Securities Statutory Law, 1968, section 14. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**61b** In practice, the financial records of publicly listed companies are regularly updated.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.tase.co.il/TASE/General/Company/companyDetails.htm?>

**61c** In practice, the financial records of publicly listed companies are audited according to international accounting standards.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.isa.govS.il/download,rsum/a332\\_doch\\_2006\\_2.pdf](http://www.isa.govS.il/download,rsum/a332_doch_2006_2.pdf). The Securities Statutory Law, 1968, section 14. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**61d** In practice, citizens can access the records of disciplinary decisions imposed by the government on publicly-listed companies.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.isa.govS.il/download,rsum/a332\\_doch\\_2006\\_2.pdf](http://www.isa.govS.il/download,rsum/a332_doch_2006_2.pdf). The Securities Statutory Law, 1968, section 14. Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**61e** In practice, citizens can access the financial records of publicly listed companies within a reasonable time period.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.tase.co.il/TASE/General/Company/companyDetails.htm?ShareID=00629014&CompanyID=000629&subDataType=0>

**61f** In practice, citizens can access the financial records of publicly listed companies at a reasonable cost.

**Score:** 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.tase.co.il/TASE/General/Company/companyDetails.htm?ShareID=00629014&CompanyID=000629&subDataType=0>

## V-5 Business Licensing and Regulation

### 62 Are business licenses available to all citizens?

**62a** In law, anyone may apply for a business license.

**Score:** No

**Social Scientist's Comments:**

**Social Scientist's References:**

The Business Licenses Law, 1968.

**62b** In law, a complaint mechanism exists if a business license request is denied.

**Score:** No

**Social Scientist's Comments:**

**Social Scientist's References:**

The business licenses law, 1968, section 7d.

**62c** In practice, citizens can obtain any necessary business license (i.e. for a small import business) within a reasonable time period.

**Score:** 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**62d** In practice, citizens can obtain any necessary business license (i.e. for a small import business) at a reasonable cost.

**Score:** 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

### 63 Do businesses receive equitable regulatory treatment from the government?

**63a** In law, basic business regulatory requirements for meeting health, safety, and environmental standards are transparent and publicly available.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Business Licenses Law, 1968. Local Government Regulations.

**63b** In practice, business inspections by the government are carried out in a uniform and even-handed manner.

**Score:** 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

The major problem is with the local authorities, which are responsible for most of the inspections.

**Social Scientist's References:**

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government. Daily newspaper and State Comptroller annual reports. For example: <http://www.globes.co.il/serve/globes/docview.asp?did=1000042683&fid=845>; <http://www.knesset.gov.il/spokesman/heb/Result.asp?HodID=6251>

**Peer Reviewer Comment:**

Not only local, there is a different attitude toward connected people.

## VI Anti-Corruption and Rule of Law

### VI-1 Anti-Corruption Law

#### 64 Is there legislation criminalizing corruption?

**64a** In law, attempted corruption is illegal.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Breach of Trust Clause 284 in the Panel Code. Bribery Clause 290.

**64b** In law, extortion is illegal.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Penal Code, 1977, clause 428.

**64c** In law, offering a bribe (i.e. active corruption) is illegal.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Penal Code, 1977, clause 291.

**64d** In law, receiving a bribe (i.e. passive corruption) is illegal.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Penal Code, 1977, clause 290.

**64e** In law, bribing a foreign official is illegal.

Score: ☐ No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Globes, 4.10.2006.

**64f** In law, using public resources for private gain is illegal.

Score: No ☐ Yes

**Social Scientist's Comments:**

The subject is not clear cut. It is a matter of interpretation of the meaning of clause 284 of the Penal Code.

**Social Scientist's References:**

The Penal Code, 1977, clause 284.

**64g** In law, using confidential state information for private gain is illegal.

Score: No ☐ Yes

**Social Scientist's Comments:**

The subject is not clear cut. It is a matter of interpretation the meaning of clause 284. See the precedent in Grossman case, ca 884/80 The State v. Grossman.

**Social Scientist's References:**

The Penal Code, 1977, clause 284.

**64h** In law, money laundering is illegal.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.justice.gov.il/NR/rdonlyres/57C31612-EFC6-4452-A345-3C082F68D03D/13500/report.pdf>

**64i** In law, conspiracy to commit a crime (i.e. organized crime) is illegal.

Score: No ☐ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Combat Against Criminal Organizations Law, 2003. [http://www.knesset.gov.il/Laws/Data/law/1894/1894\\_All.html](http://www.knesset.gov.il/Laws/Data/law/1894/1894_All.html)

## VI-2 Anti-Corruption Agency

**65 In law, is there an agency (or group of agencies) with a legal mandate to address**

**65** In law, is there an agency (or group of agencies) with a legal mandate to address corruption?

Score: No ☒ Yes

**Social Scientist's Comments:**

The national unit for fraud investigations is the police. Another important agency is the National Unit for International Crimes. There are other agencies that, along with their other duties, investigate corruption. One of them is the Unit for Financial Crimes, which investigate small-scale corruption and frauds of citizens.

**Social Scientist's References:**

## 66 Is the anti-corruption agency effective?

**66a** In law, the agency (or agencies) is protected from political interference.

Score: No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**66b** In practice, the agency (or agencies) is protected from political interference.

Score: 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp)

**66c** In practice, the head of the agency (or agencies) is protected from removal without relevant justification.

Score: 0 25 ☒ 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**66d** In practice, appointments to the agency (or agencies) are based on professional criteria.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**66e** In practice, the agency (or agencies) has a professional, full-time staff.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=6](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=6)

**Peer Reviewer Comment:**

There is a lack of interest from both government and the public.

**66f** In practice, the agency (or agencies) receives regular funding.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=7](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=7)

**Peer Reviewer Comment:**

They do not have enough resources to conduct more investigations.

**66g** In practice, the agency (or agencies) makes regular public reports.

Score:  25 50 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit.

**Peer Reviewer Comment:**

Transparency International Israel (SHVIL) puts together an annual report and some articles on corruption. This is a relatively new phenomenon but it is worthy to mention.

**66h** In practice, the agency (or agencies) has sufficient powers to carry out its mandate.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=7](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=7)

**66i** In practice, when necessary, the agency (or agencies) independently initiates investigations.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=8](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=8)

## 67 Can citizens access the anti-corruption agency?

**67a** In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=9](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=9)

**67b** In practice, citizens can complain to the agency (or agencies) without fear of recrimination.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=10](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=10)

## VI-3 Rule of Law

### 68 Is there an appeals mechanism for challenging criminal judgments?

**68a** In law, there is a general right of appeal.

Score: No ☐ Yes ☐

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic Law: Judgment, The Courts Law, 1984.

**68b** In practice, appeals are resolved within a reasonable time period.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Guy Werthaim, ex-assistant in the High Court.

**68c** In practice, citizens can use the appeals mechanism at a reasonable cost.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Barak Caley, head of the Legal Department of the Movement for Quality Government.

## 69 In practice, do judgments in the criminal system follow written law?

**69** In practice, do judgments in the criminal system follow written law?

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

The penal code.

## 70 In practice, are judicial decisions enforced by the state?

**70** In practice, are judicial decisions enforced by the state?

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

?Constitutional Law,? Rubinstein Amnon, sixth ed. (2005).

## 71 Is the judiciary able to act independently?

**71a** In law, the independence of the judiciary is guaranteed.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic Law: Judgment, The Courts Law, 1984.

**71b** In practice, national-level judges are protected from political interference.

**Score:** 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

**71c** In law, there is a transparent and objective system for distributing cases to national-level judges.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Guy Werthhaim, ex-assistant in the High Court.

**71d** In law, national-level judges are protected from removal without relevant justification.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

Basic Law: Judgment, The Courts Law, 1984.

## **72 Are judges safe when adjudicating corruption cases?**

**72a** In practice, in the last year, no judges have been physically harmed because of adjudicating corruption cases.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

There have been no documented cases of judges being assaulted because of their involvement in a corruption case during the specific study period.

**Social Scientist's References:**

**72b** In practice, in the last year, no judges have been killed because of adjudicating corruption cases.

Score: No ☒ Yes

**Social Scientist's Comments:**

There have been no documented cases of judges being killed related to their involvement in a corruption case during the study period.

**Social Scientist's References:**

### 73 Do citizens have equal access to the justice system?

**73a** In practice, judicial decisions are not affected by racial or ethnic bias.

Score: 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

There have been no documented cases of judges being affected by racial or ethnic bias.

**Social Scientist's References:**

**73b** In practice, women have full access to the judicial system.

Score: 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

There have been no documented cases of exceptions.

**Social Scientist's References:**

**73c** In practice, the state provides legal counsel for defendants in criminal cases who cannot afford it.

Score: 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

**73d** In practice, citizens earning the median yearly income can afford to bring a legal suit.

Score: 0 25 50 75 ☒ 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government.

**73e** In practice, a typical small retail business can afford to bring a legal suit.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

Interview with Barak Calev, head of the Legal Department of the Movement for Quality Government.

**73f** In practice, all citizens have access to a court of law, regardless of geographic location.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://elyon1.court.gov.il/heb/cv/fe\\_html\\_out/courts/details/shalom.htm](http://elyon1.court.gov.il/heb/cv/fe_html_out/courts/details/shalom.htm)

## VI-4 Law Enforcement

### 74 Is the law enforcement agency (i.e. the police) effective?

**74a** In practice, appointments to the law enforcement agency (or agencies) are made according to professional criteria.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=8](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=8)

**74b** In practice, the agency (or agencies) has a budget sufficient to carry out its mandate.

Score: 0 25 50 75

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=9](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=9)

**74c** In practice, the agency is protected from political interference.

Score: 0 25 50  100

**Social Scientist's Comments:**

**Social Scientist's References:**

[http://www.police.gov.il/persumim/kitvey\\_et/01\\_186/04\\_186.asp](http://www.police.gov.il/persumim/kitvey_et/01_186/04_186.asp) Interview with Meir Gilboa, ex-head of the Investigation Department in the Anti-Trust Unit. [http://www.bambili.com/bambili\\_news/katava\\_main.asp?news\\_id=15566&sivug\\_id=10](http://www.bambili.com/bambili_news/katava_main.asp?news_id=15566&sivug_id=10)

## 75 Can law enforcement officials be held accountable for their actions?

**75a** In law, there is an independent mechanism for citizens to complain about police action.

Score: No

**Social Scientist's Comments:**

This is the Department for Police Investigation. It was established in the early 1990s, according to the Police Order, 1971, section 49.

**Social Scientist's References:**

<http://www.justice.gov.il/MOJHeb/PraklitotHamedina/MehozotHapraklitutVehamachlakot/Mahash/Odot.htm>

**75b** In practice, the independent reporting mechanism responds to citizen's complaints within a reasonable time period.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

Meir Gilboa, ex-head of a Fraud Squad in the National Unit for Fraud Investigations.  
<http://www.police.gov.il/App/Complaint/Complaint.asp>

**75c** In law, there is an agency/entity to investigate and prosecute corruption committed by law enforcement officials.

Score: No

**Social Scientist's Comments:**

The agency is part of the Ministry of Justice, while the police is part of the Ministry of Interior Security.

**Social Scientist's References:**

<http://www.justice.gov.il/MOJHeb/PraklitotHamedina/MehozotHapraklitutVehamachlakot/Mahash/Odot.htm>  
[http://www.police.gov.il/pnu\\_elenu/tlunot\\_al\\_shotrim/xx020502bd\\_tlunot.asp](http://www.police.gov.il/pnu_elenu/tlunot_al_shotrim/xx020502bd_tlunot.asp)

**75d** In practice, when necessary, the agency/entity independently initiates investigations into allegations of corruption by law enforcement officials.

Score: 0 25  75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

<http://www.nfc.co.il/archive/001-D-101542-00.html?tag=6-29-49>

**75e** In law, law enforcement officials are not immune from criminal proceedings.

**Score:** No ☒ Yes

**Social Scientist's Comments:**

**Social Scientist's References:**

The Police Order, 1971. <http://www.nfc.co.il/archive/001-D-101542-00.html?tag=6-29-49>

**75f** In practice, law enforcement officials are not immune from criminal proceedings.

**Score:** 0 25 50 ☒ 75 100

**Social Scientist's Comments:**

**Social Scientist's References:**

## Country Facts: Israel

Land	Facts	Source
Land area (sq. km)	21,710.00	<a href="#">WDI</a>
Arable land (% of land area)	15.75	<a href="#">WDI</a>
People	Facts	Source
Population, total	6,797,669.50	<a href="#">WDI</a>
Population growth (annual %)	1.63	<a href="#">WDI</a>
Population density (people per sq. km)	313.11	<a href="#">WDI</a>
Literacy rate, adult total (% of people ages 15 and above)	97.15	<a href="#">WDI/UN/UNICEF</a>
Life expectancy at birth, total (years)	79.37	<a href="#">WDI</a>
Infant mortality rate (per 1,000 live births)	4.80	<a href="#">WDI</a>
Poverty headcount ratio at national poverty line (% of population)**	21.0 (2005)	<a href="#">WDI/CIA/UNICEF</a>
Urban population (% of total)	91.56	<a href="#">WDI</a>
Ethnic breakdown	Jewish 80.1% (Europe/America-born 32.1%, Israel-born 20.8%, Africa-born 14.6%, Asia-born 12.6%), non-Jewish 19.9% (mostly Arab) (1996 est.)	<a href="#">CIA</a>
Religious breakdown	Jewish 76.5%, Muslim 15.9%, Arab Christians 1.7%, other Christian 0.4%, Druze 1.6%, unspecified 3.9% (2003)	<a href="#">CIA</a>
Language	Hebrew (official), Arabic used officially for Arab minority, English most commonly used foreign language	<a href="#">CIA</a>
Politics	Facts	Source
Capital City	Jerusalem	<a href="#">CIA</a>
Character of government	parliamentary democracy; Administrative Division: 6 districts; Independence day: 14 May 1948 (from League of Nations mandate under British administration)	<a href="#">CIA*</a>
Current President/Prime Minister	President Moshe KATZAV (since 31 July 2000) and Prime Minister Ehud OLMERT (since May 2006)	<a href="#">CIA*</a>

<b>Executive branch description</b>	President is the chief of state and Prime Minister is the head of government. cabinet: Cabinet selected by prime minister and approved by the Knesset. elections: president is largely a ceremonial role and is elected by the Knesset for a seven-year term (no term limit). Following the legislative election, the president assigns Knesset members to form a governing coalition government	<a href="#">CIA*</a>
<b>Legislative branch description</b>	unicameral Knesset (120 seats; members elected by popular vote to serve four-year terms)	<a href="#">CIA*</a>
<b>Judicial branch description</b>	Supreme Court (justices appointed by Judicial Selection Committee - made up of all three branches of the government; mandatory retirement age is 70)	<a href="#">CIA</a>
<b>Women in national parliament (% of total)</b>	15.00	<a href="#">WDI</a>

<b>Economy</b>	<b>Facts</b>	<b>Source</b>
Foreign aid per capita (current US\$)	70.45	<a href="#">WDI</a>
Foreign direct investment, net inflow (BoP, current US\$ bn) **	1.66	<a href="#">WDI</a>
GDP growth (annual %)	4.44	<a href="#">WDI</a>
GDP per capita (constant 2000 US\$)	17,787.76	<a href="#">WDI</a>
Inflation, consumer prices (annual %)	(0.41)	<a href="#">WDI</a>
Military expenditure (% of GDP)	8.74	<a href="#">WDI/CIA/WRI</a>
Military expenditure (% of central government expenditure)	17.93	<a href="#">WDI/WRI/Dept of State/UNICEF</a>
Health expenditure, public (% of GDP)	6.07 (2003)	<a href="#">WDI/WRI</a>
Education expenditure, public (% of GDP)	7.31 (2003)	<a href="#">WDI/WRI</a>
<b>Main export</b>	machinery and equipment, software, cut diamonds, agricultural products, chemicals, textiles and apparel	<a href="#">CIA</a>
<b>Unemployment, total (% of total labor</b>	10.7 (2003)	<a href="#">WDI/CIA</a>

force)

External debt, total (DOD, current US\$) N/A [WDI/CIA](#)

Currency Israeli Shekel (ILS) [CIA](#)

Local Currency Rate, per US\$ 4.55 [CIA](#)

Technology	Facts	Source
Internet users (per 1,000 people)	470.75	<a href="#">WDI/Comp Industry Almanac</a>
Mobile phone subscribers (per 1,000 people)	1,057.35	<a href="#">WDI</a>
Personal computers (per 1,000 people)	740.99	<a href="#">WDI</a>
Telephone mainlines (per 1,000 people)	441.33	<a href="#">WDI</a>

NOTE: All data is from 2004, except where noted differently.

## SOURCES

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CIA	United States Central Intelligence Agency	UNPAN	United Nations Public Administration
Dept of State	United States Department of State	UNICEF	United Nations International Children's Emergency Fund
N/A	Not Available	WDI	World Bank Development Index
UN	United Nations	WRI	World Resources Institute