ISRAEL (EIGHTH MEETING)

1. Establish and strengthen systems to ensure transparency and accountability in the recruitment, hiring, retention, promotion and retirement of public officials in criminal justice institutions, including whether specific procedures exist for the recruitment and hiring of senior officials in criminal justice institutions, if they are different from other civil servants;

In order to ensure transparency in recruitment and promotion proceedings in criminal justice institutions, the Israeli system has developed a tightly regulated tender procedure which is managed by the Civil Service Commission, in accordance with section 19 of the Civil Service Law (Appointments), 1959. Candidates for recruitment to the civil service, including criminal justice institutions, undergo a multi-stage screening process in the course of the tender procedure that includes professional examinations and personal interviews, at the end of which a select few are accepted.

Pursuant to section 21 of the Civil Service Law (Appointments), it is possible for a position to be exempted from the tender procedure only in very rare circumstances. One such example relates to particularly sensitive positions which require high level security clearance.

With regard to post-retirement restrictions, lawyers at the State Prosecutor’s Office are subject not only to the usual restrictions that apply to public employees under the Public Service Law (Post-Retirement Restrictions), 1969, but also to other restrictive provisions that apply only to persons belonging to law enforcement or intelligence agencies (sections 5A5D and 14A of the said Law).

The Judiciary

Despite the fact that judges are considered to be governmental employees, they are subject to a unique set of laws and regulations regarding recruitment and promotion. Articles 5, 7 and 9 to 11 of Basic Law: The Judiciary, 1984 and articles 5 to 7A and 11 to 13 of the Courts Law, 1984, establish rules governing the appointment of judges, conditions for their conduct in their positions as judges and for their retirement.

According to Basic Law: the Judiciary, judges are nominated by the Committee for the Nomination of Judges, and are formally appointed by the President of Israel. The Committee is composed of nine members: three judges (the Chief Justice of the Supreme Court and two Supreme Court justices), two Ministers (one of whom is the Minister of Justice), two members of the Israeli Parliament (Knesset) and two representatives of the Israel Bar Association. The Minister of Justice is the chairperson of the Committee. Thus, all branches of government take part in the judicial nomination process. It should be noted that for some quasi-judicial positions, the appointment
The procedures for nominating judges in Israel and the composition of the Committee ensure that the considerations taken into account in the nomination of judges are relevant. Such considerations include legal stature, experience, capability and integrity. In order to ensure transparency, notices of vacancies of judicial posts are published in the official Government gazette ("Reshumot"). The publication is intended to allow any citizen to file an objection to a candidate's nomination, within 20 days of the posting. An applicant who wishes to submit his or her candidacy to the Committee must fill out a questionnaire prescribed by the Committee. The qualifying candidate must appear before a sub-committee of the Committee for the Nomination of Judges, which presents its findings to the Committee. In addition, candidates may be proposed by the Minister of Justice, the Chief Justice of the Supreme Court or by three Committee members. The Committee for the Nomination of Judges decides on the appointment of a judge by majority vote of members taking part in the ballot. Appointments to the Supreme Court are decided by a majority vote of 7 out of the Committee's 9 members.

Each candidate for judicial appointment must successfully complete a specialized training course, except when a candidate was proposed by three Committee members and they decide that no training is necessary (a rarely used option). The course includes an evaluation of the candidates' judicial skills, conducted by two district court judges and one Supreme Court justice, and observed by psychologists. During their time in office, judges continually undergo seminars through the Institute of Advanced Judicial Studies.

Before the commencement of their term, judges take an oath of office before the President of the Israel, pledging "allegiance to the State of Israel and its laws, to dispense true justice, not to distort the law or to show favor". This oath of office must be repeated every time the judge receives a new judicial position.

A judge's term of office commences upon taking oath, and ends only as prescribed by law, namely: mandatory retirement (at age 70), resignation, or death. A judge may also be elected or appointed to another position, or removed from office – whether by resolution of the Committee for the Nomination of Judges passed by a majority of at least seven members, or by decision of the Disciplinary Tribunal of Judges. In addition, a judge may be required to retire before reaching retirement age, if the Committee for the Nomination of Judges, on the basis of a medical opinion, establishes that due to his/her health he/she is unable to continue carrying out his/her functions. Finally, pursuant to the Basic Law: the Judiciary, 1984, any transfer to a different court is subject to the judge's consent, unless the Chief Justice of the Supreme Court or the Disciplinary Court for Judges decides otherwise.

The salary of judges and other sums paid to them during their tenure or subsequently, or to their beneficiaries after their death, are determined by law or by decision of the Knesset (Israeli parliament) or one of its committees. As noted above, a judge may not be engaged in another occupation or take up a public function, except as prescribed by law, or with the consent of the Chief Justice of the Supreme Court and the Minister of Justice.

**The Israel Police**

The Israel Police Headquarters Orders specify the recruitment procedures and the threshold conditions for recruitment to the Israel Police. Candidates must meet the recruitment criteria
prescribed in these procedures, which are intended to ensure fair, orderly and egalitarian procedures.

The following are the essential steps in the recruitment process to the Israel Police:

- Candidates must pass a series of exams.
- Due to the high degree of professionalism and sensitivity required of police investigators and prosecutors, higher test scores are necessary for these positions.
- Candidates must undergo personality tests to assess their characteristics and behavior patterns and determine if they are suitable to become police officers.
- When examining the candidate's personal information and details, any existing military service history, records of debts, traffic reports and police records must be examined and taken into account.
- A candidate's closed criminal cases are discussed by the criminal registration committee. A candidate with open criminal cases will not be recruited until they are closed and examined by the committee.

The Israel Police is also subject to a specific set of rules regarding the detection and prevention of potential conflicts of interest. Candidates for certain positions or ranks are assessed to ensure that they will have no conflicts of interest in these positions. In addition, every candidate for the Israel Police must state whether they have relatives employed by the Israel Police, in order to prevent conflicts of interest.

The Israel Police has strict procedures when it comes to promoting officers, according to which, among other requirements, the disciplinary and criminal past of each candidate for promotion is examined.

Retirement procedures from the Israel Police Force are set in the Civil Service Law (Retirement), 1970. Any police employee wishing to retire, for any reason whatsoever, is treated in accordance with this law. The Public Service Law (Post-Retirement Restrictions), 1969 also applies to the Israel Police. Moreover, every pension payment is approved by the Ministry of Finance's Retirement Division. In light of this role, the Israel Police, like other public service organizations, is under the supervision and control of the Retirement Division.

2. **Implement adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption in criminal justice institutions and the rotation, where appropriate, of such individuals to other positions; and**

In order to maintain transparency and eliminate corruption, the Civil Service Law and Civil Service Rules (Appointments), (Restrictions on Family Relation), 2007, (hereinafter- "the Rules") govern cases in which family members work in criminal justice institutions, and in the civil service in general. 

Article 1 of the Rules states that a "relative" of a civil service employee include a spouse, including a common-law partner, a parent, a grandparent, a son, a daughter, a brother, a sister, a brother-in-law, a sister-in-law, a father-in-law, a mother-in-law, an uncle, an aunt, a nephew, a niece, a grandchild, including family relationships created as a result of adoption or due to marriage of a parent.
When applying for employment in the civil service, each employee is required to fill out a form stating whether or not he/she has relatives employed by the civil service, including in the judicial system, and if so, the employee is required to state all information necessary regarding each specific family member. Article 3 of the Rules states that if a family relationship is established between two employees within an office or a sub-unit, and the employees are in a supervisor-subordinate or other work relationship or in a situation of conflict of interests, one of the employees will be assigned to another position in the office or the sub-unit. If the reassignment is not possible, the responsible manager may, with the authorization of the Civil Service Commission, determine conditions for their continued employment in their positions for a period not exceeding one year.

3. **Prescribe criteria concerning candidature for and election to public office for members of criminal justice institutions, if applicable, as well as measures to enhance transparency in the funding of candidatures and of contributions to political parties, where applicable.**

There are no special rules in Israel governing the election to public office of members of criminal justice institutions.

According to article 56 of the Knesset Elections Law, 1969 (hereinafter "The Election Law"), high ranking civil servants, including members of the criminal justice institutions, are not allowed to run for public office, while they are still employed in the civil service. Article 56 (3) of the Election Law states that very high ranking officers, including police officers of commander ranking or higher and the Commissioner of the Prisons System, must wait three years following their discharge from service before they may run for public office. Lower ranking civil servants are only required to wait 100 days after leaving the service. It is to be noted that article 13A of the Knesset Members Immunity, Rights and Obligations Law, 1951, prohibits Knesset members from engaging in any other business or occupation. Volunteer work is permitted as long as there is no kind of remuneration.

As for transparency in the funding of candidatures and contributions to political parties, in order to curb potential corruption and limit the dependence of public officials on private actors, political parties in Israel receive most of their funding from the state’s budget, and private contributions are only allowed in small sums. The Political Parties Financing Law, 1973 provides comprehensive administrative arrangements regarding the public funding of elections and political parties, and regarding contributions made to political parties and expenditures made by them.

In addition to public financing of election expenses, political parties with representation in the Knesset are entitled to funding for ongoing expenditures.

The Political Parties Financing Law prohibits parties from receiving donations from a corporation and donations made in cash or anonymously. Donations must be published and known well to the public; they are usually on the party’s website and on the States Comptroller’s website.

The Political Parties Financing Law also requires political parties to manage their accounts in accordance with the State Comptroller’s instructions, including keeping proper receipt records for each donation. Political parties are also required to submit detailed annual reports to the State Comptroller, who has the authority to fine them in case of violations of the law. Both after elections and on a yearly basis, the State Comptroller issues detailed reports on the conduct of the parties. Receiving a donation or making a contribution contrary to the law constitutes a criminal offense punishable by one year imprisonment.

Provisions regarding expenditures of, and donations to, political candidates in party primaries are set out in the Political Parties Law, 1992. There is no public funding for candidates participating
in party primaries. For this reason, candidates in primaries are allowed to receive larger donations than political parties, but these amounts are still very limited. Candidates in primaries may not receive donations from a corporation or from an anonymous donation.

As in political parties, candidates in primaries must manage their accounts in accordance with the State Comptroller's instructions and submit a detailed report to the comptroller after the primaries. Candidates must report to the State Comptroller on any contribution received within 14 days, and in the period immediately preceding the elections – within 24 hours. This information is published regularly on the State Comptroller's website and is available for public scrutiny. The State Comptroller is authorized to impose fines for violations of the law, and submits a detailed report on the financial conduct of each candidate.

Accepting donations in violation of the law and failure to report donations received, as well as the giving of prohibited donations are criminal offenses.

With respect to elections in local authorities, the Municipalities Law (Funding of Elections), 1993 regulates public funding for local lists and mayoral candidates, as well as the relevant limits regarding contributions and expenditures.
ISRAEL (SECOND MEETING)

The recruitment, classification and selection of candidates for employment in the Civil Service in Israel is conducted by way of public calls for applications (referred to in Israel as "public tenders"), published in the main daily newspapers, on the relevant Ministry's website as well as on the Civil Service Commission's website.

Additionally, educational sessions and professional training for civil servants concerning the tender process are regularly conducted. The regulatory framework is embodied in the Civil Service Law (Appointments), 1959. Details regarding the professional training programs are available on the Civil Service Commission's website.

The Political Parties Law, 1992 provides comprehensive administrative arrangements for registration of political parties in Israel. Additionally, the Political Parties Funding Law, 1973 provides a comprehensive regulatory framework for monetary and campaign contributions awarded to political parties and political candidates. The General Elections Committee's website provides the relevant information regarding the election process, based on these provisions.