

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
ISRAEL**

ARTICLE 8, PARAGRAPH 5 UNCAC

FINANCIAL DISCLOSURE/DECLARATION OF ASSETS

ISRAEL (EIGHTH MEETING)

The Public Service Law (Asset Declarations), 2016 requires all high ranking public officials, including senior officers in the Israel Police and in the Israeli Prison System and all judges and registrars, to declare assets, debts and sources of income for themselves, their spouses and dependent children.

In addition, the Civil Service Law (Appointments), 1959, requires that certain public officials declare assets, debts, loans and past or additional sources of income (if these might apply in the future), for themselves and their families. According to Section 35 of this law, as well as the Civil Service Law (Appointments) (Declaration of Assets), Regulations, 2008, senior officials or employees with access to sensitive and/or confidential information who may be susceptible to outside influence are obligated by law to submit extensive reports, including a declaration of assets. Senior officials in the public service must declare their assets when beginning their appointment and must update this information at least once every four years. The Civil Service Commissioner must protect the confidentiality of these declarations, and the information cannot be revealed without the employee's consent or by a court order given after the court considered the level of invasion of privacy entailed.

It is to be noted that the Public Service Law (Gifts), 1979 prohibits certain public officials from accepting gifts presented to them in their capacity as public servants. Along with the Civil Service Regulations, the Public Service Law (Gifts) mandates the reporting of such gifts and sets the standards for the lawful acceptance of proposed gifts by public servants. The prohibition on accepting any form of gift applies broadly to public servants and includes employees of the state and local authorities as well as elected officials.

The aforementioned declarations serve as a method of comparing civil servants' assets before, during and after their tenure and therefore a way to identify undeclared assets.

Furthermore, the Takshir provides, inter alia, that in regards to certain positions in the public service (as defined in Section 13.621 of the Takshir), as a pre-requisite to nomination, the candidate must declare any possible conflicts of interest, and, where necessary, upon the Attorney General's decision, must agree to an arrangement to preclude conflicts of interest (Section 13.65).

Attorney General Directive no. 1.1555 (2006) (hereinafter- "the Directive") includes guidelines for preventing conflicts of interest when recruiting employees to the civil service. This Directive contains detailed disclosure requirements as well as legal guidelines for drafting ad-hoc requirements for the appointment of civil servants that may face various situations of conflict of

interest, for example a requirement for the civil servant to divest himself/herself from his/her holdings in a particular corporation (such as by way of transferring the shares to a blind trust), or a reassignment of certain fields of responsibility from one civil servant's position to another. The Directive includes a model questionnaire that aims to detect areas in which conflicts of interest may arise. The questionnaire can be modified to address the particular circumstances of each case.

The Attorney General may require the candidate to provide additional details or to clarify answers in the questionnaire, as necessary (Section 16 of the Directive). The requirement to answer a questionnaire examining a candidate's potential conflicts of interest is also specified in paragraph 13.631 in the Takshir as one of the conditions in any appointment process in the civil service.

If a risk of a conflict of interest is discovered and there is a need for an arrangement to prevent a conflict of interest, such arrangement is usually prepared by the legal advisor of the relevant government office, in consultation with the Ministry of Justice and the Civil Service Commission. According to Attorney General Directive 1.1555, conflict of interest arrangements must include an express statement to the effect that the responsibility to avoid any conflicts of interest rests with the candidate. The person making the arrangement with the candidate must also notify the candidate that should there be any change regarding the statements in the questionnaire or in the declaration of capital, it is the candidate's responsibility to notify the competent authority of the change and to provide the relevant information in writing.

In addition, according to Attorney General Directive 3.1005, conflict of interest arrangements are subject to the Freedom of Information Law, 1998. Therefore, in accordance with the Directive, when forming the arrangement to prevent conflicts of interest, the legal advisor of the relevant office should inform the employee or candidate that the arrangement, as a rule, will not be confidential, except for those parts where the employee shows a legal reason to keep it confidential. The fact that conflict of interest arrangements are subject to the Freedom of Information Law is also expressly made clear in the arrangements signed by the employee.

The Israel Police

The Israel Police's orders regarding conflicts of interest require employees above certain ranks or serving in sensitive positions to fill out questionnaires aimed at detecting potential conflicts of interest. In case of a potential conflict, it is examined further by the disciplinary department and the Legal Advisor of the Israel Police, who determines whether the conflict may be solved by requiring the employee to sign an arrangement to preclude it, or whether the employee must be assigned to another position.

In addition, over the past two years, a new procedure was initiated in the Israel Police to detect possible conflicts of interest or corruption in the police force. By the end of 2018 every employee of the Israel Police is expected to go through this procedure.

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY ISRAEL**

ARTICLE 8, PARAGRAPH 5 UNCAC

FINANCIAL DISCLOSURE/DECLARATION OF ASSETS

ISRAEL (THIRD MEETING)

Gifts and Asset Declarations: As detailed in the answer in relation to Article 7, the Public Service Law (Gifts) and chapter 42.7 of the Takshir govern the subject of gifts given to civil servants.

Asset and Gifts Declarations by Public Officials (*Article 8(5)*)

As noted previously, Article 42.7 of the Takshir (Chapter 11 of the rules of ethics) provides that a state employee may only receive a salary and other payments from the State Treasury, and may not receive any other benefit from another person for his public work or in connection with his work. The Takshir also includes, *inter alia*, prohibitions on deriving a personal benefit from public positions and operating in conflicts of interest.

Declarations of private interests: The **Public Service Law (Appointments), 1959**, requires certain public officials to declare assets, debts and past sources of income (if these might apply in the future), for themselves and their families. Ministers and Deputy Ministers are required to make such declarations to the State Comptroller with respect to themselves and their families, pursuant to the **Rules for the Prevention of Conflicts of Interests by Ministers and Deputy Ministers, 2003**. Similarly, heads of municipal authorities and their deputies are also required to submit such declarations, pursuant to the **Heads of Municipal Authorities and their Deputies Law (Financial Statement), 1993**.

The **Public Service Law (Gifts) 1979**, provides that a gift (beyond a minimal economic value) given to a public servant in his capacity as such is considered state property, and hence the public service employee must transfer any gift received to the State Treasury. As an exception to this rule, a public servant may request permission to keep a gift he or she received, but this permission will not be given if the gift has value to the State, besides its economic value, or if allowing the employee to keep the gift could harm public morals. A public employee must give notice of a gift received, and handle it as determined by the law and regulations. Any violation of this Law constitutes a criminal offence.