



STATE OF ISRAEL

Response of the State of Israel

**Information requested from States parties in relation to integrity in the judiciary, judicial administration and prosecution services, and to public education, in particular the engagement of children and young people and the role of mass media and the Internet, in the context of articles 11 and 13 of the United Nations Convention Against Corruption
(Reference: CU 2013/41(A)/DTA/CEB)**

July 2013

Article 11.

Measures relating to the judiciary and prosecution services

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.
2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

1. Has your country adopted and implemented article 11 of the UN Convention against Corruption?

States parties are encouraged to provide information on their implementation of policies and measures taken to strengthen integrity and to prevent opportunities for corruption among members of the judiciary.

Where appropriate, States parties may also wish to provide information regarding measures taken to strengthen integrity and prevent opportunities for corruption among their prosecution service.

Yes, as detailed in the response to the questions below. Relevant laws, regulations and codes of conduct (unofficial translations) are enclosed.

2. Please cite, summarize and, if possible, provide copies of the applicable policy(ies) or measure(s):

In particular, the Secretariat would be grateful for information regarding:

- o the constitutional and legal framework applicable in States parties aimed at ensuring the independence and integrity of the judiciary and, where appropriate, the prosecution service;*

The Judiciary

The judicial branch in Israel is independent from the legislative and executive branches. Personal independence is ensured by the manner in which judges are appointed and is reinforced by their fixed age of retirement, their salary and work conditions, and rules regarding the immunity of judges, as detailed below. Substantive independence is ensured by the fact that in discharging their duties, judges are not subject to any other authority or person. The disciplinary process, also described

below, enables monitoring and implementation of the applicable rules including the independence requirements.

The **Basic Law: The Judiciary** enshrines the principle of the independence of the judiciary in Israel. The **Ethics Regulations for Judges, 2007**, which were enacted pursuant to article 16a of the **Courts Law, 1984**, set out clear rules regarding the integrity and ethical conduct of judges, with the aim of ensuring an impartial judiciary system and the proper administration of justice. Other sources guiding the conduct of justices in carrying out their duties, including conduct of trials, are relevant Supreme Court case law; common principles of ethics; fundamental principles of Israel's judicial system and preliminary requirements for judicial appointment applied by the Committee for the Nomination of Judges. The rules and norms generated by the sources mentioned above are applied by the Office of the Ombudsman for the Israeli Judiciary (hereinafter – the Judicial Ombudsman) when investigating complaints regarding alleged misconduct by a judge.

The Prosecution Service

The Public Prosecution represents the State before courts in all criminal legal matters. The Public Prosecution is comprised of the State Attorney's Office (headed by the State Attorney), the Israel Police Prosecution and specialized prosecutors within ministries and local municipalities. The Public Prosecution is overseen by the Attorney General. Within this capacity, he is in charge of enforcing rules of ethics and professional responsibility over public prosecutors.

The Attorney General and the staff of the State Attorney's Office all operate independently from any elected official. In prosecutorial matters, the Attorney General is not bound by the decisions or policies of either the government or the Minister of Justice. According to Israeli law, the Attorney General (and consequently, all prosecutors) must perform his functions and exercise his authority in criminal matters independently, including in cases involving prominent public figures. The Attorney General's decision to file an indictment in any criminal proceeding cannot be directed or overruled by either the executive or the legislative branches of the

government. The appointment procedure of the Attorney General by the government, on the basis of a public professional committee, composed of former government officials, academics and lawyers, and headed by a former Supreme Court judge, also guarantees the independence of the Attorney General.

The Attorney General exercises his authorities in the area of prosecution, using independent discretion and without being subject to the orders or policies of the Government or the Minister of Justice (Attorney General Directive 4.1000 (51.000A) "Independent Power of the Attorney General – Criminal Proceedings").

In addition, under the Attorney General Directive 4.1001 ("Prosecutorial Independence"), the Attorney General exercises the powers given him by law in criminal matters based on his independent judgment in each case, in accordance with the facts, the law, and the prosecution policy, without being subject to the instructions or policy of a Minister or of the Government. In cases having special political, security, or public importance, the Attorney General must consult, depending on the matter and the need, with the Minister of Justice, with another Minister, or with the Government. Such consultations are reserved for highly exceptional cases in order to prevent, to the extent possible, involvement of political figures in decision making in the criminal field. In practice, such consultations occur in rare cases only.

o codes of conduct and disciplinary mechanisms applicable to members of the judiciary and prosecution service, including whether these were developed with reference to international standards such as the Bangalore Principles on Judicial Conduct or the Standards of Professional Responsibilities and Statement of the Essential Duties and Rights of Prosecutors.

The Judiciary

The **Courts Law, 1984** establishes the Ethics Committee and the Disciplinary Tribunal of Judges. The disciplinary offences on which basis the Minister of Justice may submit a complaint against a Judge to the Tribunal of Judges are specified in Article 18(a) of the Law: (1) the Judge acted improperly in the exercise of his position; (2) the Judge behaved in a manner inappropriate to his standing as a Judge in Israel; (3) the Judge was found guilty of an offence, which under the circumstances is heinous; (4) the Committee concluded that the Judge obtained his appointment

unlawfully; (5) the Judge violated any of the Rules of Ethics, which were prescribed under section 16A.

Article 19 of the Law lists the disciplinary measures which the Disciplinary Tribunal may impose: remark, warning, reprimand, transfer to a different position and dismissal from the position, either with payment of a pension or with its denial in whole or in part.

Article 77a of the Law lists grounds for recusal, preventing a judge from hearing a case in circumstances that create a real suspicion of partiality in the conduct of the case.

The **Ethics Regulations for Judges, 2007** define rules of conduct for judges. Similar regulations exist for judges in religious courts (2008). The Ethics Regulations for Judges include the following key provisions to ensure prevention of corruption in the performance of judicial duties:

- Prohibition for judges to derive benefit from their positions, materially or otherwise, directly or indirectly and the prohibition to promote personal interests or using their title where it might be perceived that doing so will create a favorable position (Article 20 of the Regulations).
- Prohibition for judges to receive a discount when purchasing an item or upon receiving a service, unless the discount was given regardless of the judge's title or was approved by the Director of Courts (Article 21).¹
- Prohibition on benefiting from free entrance to events or venues where admission is required unless the invitation is from a family member or a close friend or where the judge accompanies someone else who was invited regardless of his or her position (Article 21).
- Refraining from financial or business management of a public institution in which a judge is active² and prohibition on receiving any benefits (Article 24).

¹ In addition, the **Public Service Law (Gifts), 1979** regulates a judge's receipt of gifts.

² Article 24 (a) of the **Ethics Regulations** provides that a judge is allowed to be a member of the administrative body of an educational institution, such as a trustee of an educational institution, or of a body for public purposes as permitted under Article 11 of the **Basic law: The Judiciary**.

- Prohibition on involvement in a public institution initiating legal proceedings and on approaching public authorities or private institutions on behalf of a public institution in which the judge is active (Article 24).
- Prohibition on actively managing a business, whether directly or indirectly, and on holding a position in a commercial corporation or any other business entity (Article 35).

Violations of the Ethics Regulations for Judges could result in a complaint with the Disciplinary Tribunal of Judges. The Regulations do not carry criminal sanctions, though some of the provisions in them correspond with criminal offences established in other laws.³

In addition, the Ethics Regulations for Judges are upheld by the Office of the Ombudsman for the Judiciary, established in October 2003, pursuant to the **Ombudsman for Complaints Against Judges Law, 2002**. Its purpose is to improve the unique functions performed by the judiciary while maintaining judicial independence. The law aims to combine the principles of judicial independence and accountability.

The Judicial Ombudsman's office provides an address to anyone who sees himself or herself injured by judicial misconduct. The Judicial Ombudsman investigates complaints regarding judges' conduct, such as the use of offensive language in court decisions or during a hearing, misconduct outside the court and complaints regarding the manner in which the trials are conducted, such as unreasonable procedural delays. The judges that are subject to the review of the Judicial Ombudsman are judges and registrars from the general courts system, including judges from labor courts, judges in religious courts (usually cases relating to marital status and divorce, governed in Israel by religious laws) and military judges.

Following a complaint, the Judicial Ombudsman is authorized to recommend to the Minister of Justice to file a complaint with the Judges Disciplinary Tribunal, to suggest how future conduct should be improved and also, in severe cases, to recommend to the Committee for the Nomination of Judges to dismiss the judge from

³ For example, some acts in violation of Articles 20-21 of the Regulations may also be offences of fraud and breach of trust, or abuse of office under the Penal Law, 1977.

office in accordance with its authority, or to recommend that the Minister or the Chief Judge or Chief Justice of the relevant court propose to the Committee to end the judge's term or remove a judge from his or her office.

The decision of the Judicial Ombudsman is final (while the decision may be challenged in an appeal to the Supreme Court of Justice, so far it has never been done). All investigations conducted by the Judicial Ombudsman Office are strictly confidential. However, the Judicial Ombudsman submits an annual report to the Minister of Justice and to the Chief Justice of the Supreme Court (omitting identity details). In addition, the Judicial Ombudsman publishes general statements of opinion on different matters and makes presentations to judges in order to improve conduct and efficiency.

The Prosecution Service

The **Civil Service Law (Discipline), 1963** and the **Civil Service Rules of Ethics** ("Takshir") together comprise the disciplinary policy applicable to prosecutors and other government employees.

Article 17 of the Civil Service Law (Discipline) provides a list of disciplinary offences, such as conduct unbecoming a civil servant and dishonest conduct. In addition, article 42.7 of the Takshir (Chapter 11) 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 or in connection with his/her public function. The Takshir also includes prohibitions on deriving a personal benefit from public positions and operating in conflicts of interest.

The Prosecution Service is regulated by the Civil Service Commission. Among its duties, the Civil Service Commission is responsible for supervising the implementation of the Civil Service Law (Discipline). Pursuant to sub-articles of Article 17, the Discipline Department tries public employees in disciplinary hearings for a wide variety of conduct that harms other persons, taints the work environment, disrupts labor relations, undermines the public's trust in the civil service, impairs or causes harm in another way to the proper functioning of the civil service.

The penalty for a disciplinary offence under the Civil Service Law (Discipline) is determined by the Disciplinary Tribunal for Government Employees, in the Civil Service Commission. The Tribunal has the authority to impose on the offending civil servant various disciplinary penalties, including warning, reprimand, forfeiture of salary, demotion in rank, transfer of the civil servant to a different position, disqualification from fulfilling certain functions, dismissal with or without severance pay, dismissal together with disqualification from serving in the civil service.

Civil servants are also subject to specific norms of conduct under Israeli criminal law, aimed at preventing acts of corruption, embezzlement and other misdeeds. Such specific offences include bribe taking by a public servant, theft by public servant, fraud and breach of trust, abuse of office, failure to perform official obligation, violation of statutory duty, etc.

Throughout the years, other norms of conduct have developed with regard to public servants by way of court rulings, State Comptroller's reports and guidelines of the Attorney General and the State Prosecutor.

It should be noted as well, that according to the State Comptroller Law, 1958, the State Comptroller functions also as the Ombudsman of Israel. As such, a person who is injured by an action or omission of the Prosecution service, for which he has no right of appeal by law to another body, may submit a complaint in the matter to the State Comptroller and Ombudsman (hereinafter - the National Ombudsman). The National Ombudsman is empowered to investigate and publish his findings and decisions.

Public prosecutors are also bound by the professional ethical standards set forth in the **Bar Association Law, 1961** and the **Bar Association Rules (Professional Ethics), 1986** and enforced by the Israel Bar Association. The Israel Bar Association has its own disciplinary system and has broad authority in disciplinary matters. Complaints against lawyers are brought before one of the District Ethics Committees, which then decide whether to submit charges. The Bar's disciplinary system has an appeals system which may reach the Supreme Court of Israel.

o measures taken to ensure transparency and accountability in the selection, recruitment, training, performance management and removal of members of the judiciary and the prosecution service;

The Judiciary

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 the State. 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 them being 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.⁴

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 and material. 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. An attorney who wishes to submit his or her candidacy to the Committee must fill out a questionnaire prescribed by the Committee. The qualifying candidate appears 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

⁴ It should be noted that for some quasi-judicial positions the appointment procedures are different: some are appointed by the minister of Justice and some by search committees. Some, like custody tribunals' judges, are appointed for limited terms, unlike most judges in Israel.

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 State, pledging “allegiance to the State of Israel and its laws, to dispense true justice, not to pervert 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 by reason of the state of his/her health he/she is unable to continue carrying out his/her functions. Finally, (pursuant to the Basic Law: the Judiciary), 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.

Judges are subject to the Disciplinary Court for Judges, as well as the Judicial Ombudsman's Office. The Presiding Judge of the Disciplinary Court for Judges is appointed by the Chief Justice of the Supreme Court. All the members of the Disciplinary Court are judges or retired judges.

Judges are subject to criminal proceedings, in the manner specified by the law. For example, the **Basic Law: The Judiciary** provides that initiation of a criminal investigation against a judge requires the consent of the Attorney General. An indictment against a judge may only be filed by the Attorney General himself. A criminal trial against a judge may only be held before a three-judge panel of the District Court, unless the defendant judge agrees that the trial take place before a single judge of the District Court.

Thus, personal independence is ensured by the fact that judges are not appointed for limited terms but serve in office until their fixed retirement age; their fixed salary and work conditions (for example, a Supreme Court Justice receives the same salary and benefits as a minister in the government. In addition, judges may not be transferred to another jurisdiction without their consent, except in the circumstances listed in the **Basic Law: The Judiciary**, and disputes regarding work conditions of judges are brought before the Knesset's Finance Committee instead of the labor courts); and rules regarding the immunity of judges, such as the immunity from civil suit established in Article 8 of the **Torts Law [consolidated version]**.⁵ In addition, case-law has established the rule that a judge may not be made to testify regarding an event that occurred during the course of his official duty. It has also limited the possibility for judge's testimony in other matters. Substantive independence is ensured by the fact that in discharging their duties, judges (and quasi-judges) are not subject to any other authority or person but that of the law.

The Prosecution Service

Public prosecutors in the civil service are subject to ordinary statutory government recruitment procedures. These procedures require the Israeli government to carry out

⁵ Article 8 of the Torts Law provides that courts and judges cannot be sued for damage caused in the course of their judicial duties.

equitable and transparent public tenders for appointment of civil servants. There exist certain exemptions to the tender requirement, with respect to certain senior positions in the civil service; however, the State of Israel is currently in the process of reducing the number of such exemptions and replacing them with a "search committee" process. Search committees consist mainly of professional experts who attempt to identify potential candidates for a given position and submit their recommendation to the person responsible for making the appointment.

The **Public Service Law (Appointments), 1959**, requires certain public officials to declare assets, debts and sources of income, for themselves and their families. The Takshir provides, inter alia, that in regards to certain positions in 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) 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 the 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. 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.

o measures taken to improve the transparency and efficiency of procedures governing case assignment and distribution;

The Judiciary

Departments for assignment and distribution of cases are responsible for the administrative management of cases within the court. These departments also refer suitable cases to mediation, in order to alleviate some of the courts' workload.

In addition, the Israeli cases routing and online management system “Net Hamishpat”, gathers information on any judges' performance – the number of cases each judge has closed, the length of time from the beginning of the case to its end, etc.

The Israeli Courts Research Division (“ICRD”), which was established in December 2010 under the auspices of the Supreme Court of Israel, is an independent applied

research unit whose primary mission is to assist the management of the courts and to enhance the efficiency, quality and functioning of the Israeli judicial system by supplying policymakers with the results of objective, empirically-based analytic research. The ICRD's research includes examination and analysis of policies, procedures and rules, as well as evaluation of potential policy reforms.

One of the recent research topics of ICRD is the development of “case weights” per case type, intended to optimize judicial time management and to improve case-load distribution. The study was designed to assess and regulate the case load between the courts and between the judges. The results will be used in decision making in various fields relating to the needs of the system. They are expected to contribute to the efficiency of the service provided by the courts system.

The Prosecution Service

Article 60 of the **Criminal Procedure Law [Consolidated Version]**, 1982, which was amended in 2010 in order to improve the efficiency of procedures regarding the distribution of cases between the State's Attorney's office and the Police Prosecution Unit, states that the Police shall transfer material obtained in most felony offence investigations to the District Attorney's office to be assigned to a prosecutor.

Material obtained in investigations of misdemeanor offences shall be transferred to the police to be dealt with by the police prosecution, and in some cases the material shall be transferred by the police to the Head of the Police Prosecution Unit and assigned to a Police Prosecutor who is an attorney serving in the Police Prosecution Unit. When the District Attorney receives a certain case, he may also decide that due to a lack of excessive severity in the circumstances of the offence, and the simplicity of the evidence, it may be transferred to the Police Prosecutor who is an attorney serving in the Police Prosecution Unit. The Minister of Justice, with the consent of the Minister of Public Security and approval of the Knesset's Constitution, Law and Justice Committee, shall be entitled, by issuing an order to amend the relevant Addendum of the Criminal Procedure Law, on condition that it will not stipulate

changes in Section B, which contains offences that come under the sole jurisdiction of the district court.

Regarding the assignment of cases within the State's Attorney's office, in most cases the public prosecutors in the District Attorney's office are divided into teams, led by a team leader. Typically, the team leader receives and distributes cases among his team members, according to their workload, the complexity of the case and the experience of the prosecutor. Some District Attorney's offices may have their own practice of case assignment. In particularly complex or sensitive cases the District Attorney may personally assign the prosecutor. The name of the public prosecutor assigned to a case is not confidential and it is available to the public. In the Criminal Appeals' Department at the State Attorney's Office, the cases are distributed by the director of the Department, according to the workload and experience of the prosecutors and the complexity of the case.

o policies and/or practices aimed at increasing transparency in the court process, for example by allowing public and media access to court proceedings, facilitating access to court judgements and raising public awareness through information sharing and outreach programmes.

Judicial proceedings are generally open to the public and the media, even though Israeli law does not explicitly guarantee a right to attend them. Court judgements are regularly published and reported in the media, though television crews are not allowed inside courtrooms during sessions. In sensitive cases, a court may deem that holding closed proceedings is necessary to safeguard individual privacy or state secrets. Most court judgments are published and are widely accessible.

3. Please provide examples of the successful implementation of domestic measures adopted to comply with article 11 of the Convention:
--

The Secretariat would particularly welcome practical examples and case studies of successes in implementing domestic measures in the field of judicial integrity. Such examples may include:

o cases in which the breach of a judicial or prosecutorial code of conduct has led to the application of disciplinary measures.

Whenever the Judicial Ombudsman decides that a complaint is justified, a detailed decision is sent to the complainant with copies to the judge, the Chief Justice of the Supreme Court, the Minister of Justice, the Chief Justice or Chief Judge of the court where the judge serves, and to the Director of the Courts. A copy of the decision is also filed in the judge's personal file and is to be taken in consideration in future promotions. In serious cases, or where a judge is the subject of recurring complaints, the Judicial Ombudsman may refer the matter to a Disciplinary Court or recommend to the Committee for the Nomination of Judges that the judge be dismissed. As noted above the Office of the Ombudsman for the Israeli Judiciary was established in 2003. The limited experience to date suggests that most judges faced with either prospect, prefer to withdraw gracefully, aiming to avoid unwelcome publicity.

In recent years there have been several criminal or disciplinary investigations against judges, most of which were discontinued when those judges elected to resign from their posts. However, these investigations did not involve suspicions of corruption of presiding judges, but rather other forms of unethical conduct.

o examples of the effective use of mechanisms to facilitate the reporting of acts of corruption in the judiciary and the prosecution service and statistics regarding the number of complaints received through such mechanisms.

The Judiciary

The following table shows the number of complaints against judges received by the Judicial Ombudsman and the number of such complaints that were found to be justified, between 2010 and 2012:

2012	2011	2010	
930	968	866	Complaints received
101	89	116	Complaints found to be justified

These statistics are not divided according to the nature of the alleged offence. However, the vast majority of complaints against judges, before and since the establishment of the Office of the Judicial Ombudsman, do not raise suspicions of corruption, but deal with allegations of other forms of judicial misconduct.

The Prosecution Service

The following table shows the number of complaints against officials in the Ministry of Justice (including the Prosecution service) which were dealt with by the National Ombudsman (the State Comptroller) and the number of such complaints that were found to be justified, between 2010 and 2012:

2012	2011	2010	
122	132	121	Complaints dealt with
7	9	8	Complaints found to be justified (from among those complaints not summarily dismissed, etc.)

These statistics are not divided according to the nature of the alleged offence. However, the vast majority of complaints do not include allegations of corruption.

o the successful implementation of reforms related to case assignment and case management procedures resulting in a reduction in waiting times for the hearing and completion of cases.

As mentioned above, one of the recent research topics of ICRD is the development of “case weights” per case type, intended to optimize judicial time management and to improve case-load distribution. The study is designed to assess and regulate the case load between the courts and between the judges. The results will be used in decision making in various fields relating to the needs of the system. They are expected to contribute to the efficiency of the service provided by the courts system.

ICRD's research includes examination and analysis of policies, procedures and rules, as well as evaluation of potential policy reforms. Following the findings of the study on data reliability of “Net Hamishpat” – the Israeli cases routing and online management system – a working group was formed for improving the reliability of the statistical data in this system. The team, whose members include representatives of court secretariats and members of ICRD, redefined the categories of reasons for closing cases. In addition, future changes are planned to enable automatic links between data, such that the need for manual updating by secretariats will decrease and data reliability will rise. After implementation of these changes, the secretariats' administration will distribute procedures for updating statistical data. Finally, the Director of Courts is planning a number of steps for implementation and raising awareness of the importance of statistical data reliability.

o the successful implementation of educational and training programmes for members of the judiciary and prosecution service, including both initial formation and continuing education.

The Judiciary

The Institute of Advanced Judicial Studies was established in 1984, in order to organize continuing education sessions for acting judges. The number of sessions has increased over the years and currently stands at about fifty sessions per annum.

Generally, every judge may choose which sessions to attend. The sessions are open to all judges and every session is attended by 25-40 participants. In addition, there is an annual conference for all judges, to bring them up to speed with new substantive and procedural issues. In some instances judges are invited to participate in specific sessions. Every judge is entitled to seven paid days of continuing education courses per year and to three additional non-paid days per year. Most sessions last between two to five days; occasionally, longer sessions are held.

The topics of the continuing education sessions are extremely varied. In its activities, the Institute stresses the need for an efficient judicial system and organizes specific sessions aimed at helping judges to increase their efficiency and to improve their handling of administrative tasks. Some of the sessions offered deal with issues such as

judicial ethics, integrity and conflicts of interest. In addition to training by subject, special training sessions are held for courts empowered with special fields of authority, such as family courts and labor courts.

Once every year, the Institute holds a training session for new judges, which is attended by judges nominated during the previous year. This session is held in two parts lasting five days each. The goal of the training session is to discuss the matters and questions that arise at the outset of a judge's tenure, and to acquaint the judges with the various public entities that are in constant contact with the courts such as the Israeli Police, the Prison Service, the Probation Services and the Public Defender's Office. In addition to this training session, new judges are invited to one or two meetings, each lasting several hours, with two senior judges. The meetings are held at the Supreme Court. The aim of these meetings is to provide advice and guidance to the new judges on issues of judicial ethics, courtroom behavior, administration of hearings, drafting of opinions and other matters. Moreover, it is important to note that the Chief Justice of the Supreme Court has set guidelines for the Chief Judges of the other courts regarding the integration process of new judges.

The activities of the Institute are not limited to the organization of training sessions for acting judges. Every year, the Institute holds several courses for lawyers who are candidates for judicial nomination. The aim of these courses is to assist with the admission process and to identify candidates who are interested in becoming part of the judiciary.

In addition, the Institute conducts courses for lawyers who are candidates for the position of court registrar and for court registrars who are candidates for the position of judges. The Institute also conducts tours of the various courts, in order to enable judges to present their queries regarding matters of judicial administration.

The team of lecturers of the various courses organized by the Institute consists mostly of judges, but also includes leading academics. From time to time, the Institute invites lecturers from abroad to speak on substantive issues and on subjects relating to the efficiency of the judicial system.

It should be noted that judicial clerks also undergo trainings and continuing education sessions, in order to improve their ability to assist judges in their duties.

The Prosecution Service

The In-Service Training Faculty for Lawyers in the Ministry of Justice was established in 1996 and is responsible for professional and ethical training of the lawyers and legal advisers working in the public service. As such, throughout the years it has held many conferences and seminars on different professional topics (around 80 per year), specifically tailored to lawyers working in the public sector. Every year, several seminars deal specifically with issues of integrity in the civil service as well as the prevention of corruption. These fundamental issues are integrated to each year's curriculum as much as possible.

Specific examples for relevant seminars in recent years:

2012 – "Appointments in the public service" - this seminar dealt, among other subjects, with improper appointments and corruption in the Public Service, and with judicial review of the appointment procedures in the public service.

2011 – "Effectiveness and justice in the legal process" - one lecture in this seminar dealt with criminal procedure and management of the courts.

Another seminar during the same year, entitled "Administrative and Judicial Review of Administrative Decisions", discussed rule of law and governance in public administration.

2009 – "Discipline and moral integrity in the civil service" - the seminar focused, *inter alia*, on disciplinary rules and the difference between criminal indictment and disciplinary prosecution (in regards to breach of trust).

4. Have you ever assessed the effectiveness of the measures adopted to implement article 11? Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized.

States parties may wish, in particular, to provide information regarding efforts taken to:

o evaluate the overall integrity and effectiveness of the court system. In describing such efforts States may wish to include what methodology and indicators were used, which institutions were responsible for implementation and what follow-up action was taken following evaluation.

o seek the views of court users as regards the integrity and effectiveness of the judiciary, prosecution service and court system more broadly. Such measures may include public or court user surveys, focus groups, the use of “score cards”, the analysis of complaints received and other similar measures.

o assess the impact of specific measures taken in furtherance of Article 11 such as the those mentioned in paragraph 2 above.

The Judicial Ombudsman submits an annual report (omitting identity details) to the Minister of Justice and to the Chief Justice of the Supreme Court. The annual report includes details on the number of complaints filed with the Judicial Ombudsman’s Office, the number of complaints summarily rejected because they are not subject to investigation or are not subject to investigation without a special reason, and the number of complaints that were substantively investigated, by type of complaint. The report also contains details on the complaints that were found to be justified, the manner in which they were handled, their breakdown by type, and the measures taken to correct the defects that were uncovered. The annual reports are sent to all judges and published on the website of the Ministry of Justice.

5. Which challenges and issues are you facing in (fully) implementing article 11 of the Convention?
--

Examples of the types of challenges States parties may face in implementing article 11 of the Convention include:

o challenges in balancing efforts to increase the integrity and accountability of the judiciary, for example through the development of new evaluation procedures, with the protection of the independence of the judiciary.

o implementation challenges, such as the ability to enforce or otherwise encourage adherence to existing codes of conduct applicable to members of the judiciary or prosecution service.

o communication challenges, such as the ability to disseminate, publicise and promote new policies and practices to members of the judiciary, prosecution service or to the public more broadly.

Israeli judges have an inordinately heavy case load, far in excess of that of their European or American counterparts. Some 500 judges deal annually with more than one million new cases. Extensive computerization case managements and the use of ADR have done little to reduce the burden. Notwithstanding, the Israeli public has retained a high degree of trust in the integrity of the judges and legal system, and the Supreme Court in the particular is highly respected. The judicial system continually seeks ways to improve the quality of the services performed by the courts, with the help of the Judicial Ombudsman, ICRD, the Institute of Advanced Judicial Studies and others. Similar efforts are being made by the prosecution authorities, which also carry an excessively heavy workload.

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

No technical assistance is required in this regard.

Article 13.

Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to nontolerance of corruption, as well as public education programmes, including school and university curricula;
- (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:
 - (i) For respect of the rights or reputations of others;
 - (ii) For the protection of national security or *ordre public* or of public health or morals.

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

1. Has your country adopted and implemented article 13 of the UN Convention against Corruption?

States parties are encouraged in particular to provide information on public education programmes, including school and university curricula, and other public information activities aimed at engaging young people in efforts to combat corruption.

Yes.

Education

Schools – The Israeli education curriculum in elementary schools and junior high schools includes several programs and activities on the values and rules of a democratic society and on citizenship in a democratic society. Among these are values of integrity, justice and incorruptibility. In junior high and high schools, the curriculum includes "civic studies". Some of the topics taught in civic studies are the principles of a Jewish and democratic society as well as the structure of government,

the separation of powers and the rule of law. All of these topics are part of the measures taken to educate children and young adults for good citizenship and public involvement.

Universities – A large number of universities and colleges in Israel offer different courses on corruption and related issues, in the fields of law, government, communication, philosophy and business administration. The following are several examples of such courses: "Political Corruption"; "Business Ethics"; "Governmental Corruption and Economic Crimes"; "White Collar Crimes"; "Money Laundering"; "Corporate Crimes"; "Business Ethics"; "Principles Of Public Administration"; "Ethics in Research"; "The Role Of The Media" and others. In addition, officials from the Ministry of Justice have lectured in several Law School classes on international legal instruments aimed at fighting bribery and corruption.

Israel is one of the founding member states of the **International Anti-Corruption Academy (IACA)**, having signed the Establishment Agreement of IACA in December 2010 and ratified it in September 2012. Israel has been actively involved in this important initiative, and remains committed to encouraging the participation by Israeli anti-corruption practitioners and academics in IACA activities, both as students and as lecturers. In the past two years, several senior Israeli private sector practitioners, with responsibilities in the anti-corruption and corporate compliance field, participated in courses and activities organized by IACA. In 2012, a leading Israeli academic was elected, upon the nomination by the Israeli government, to serve as a member of the IACA board.

The International Law Forum in the Hebrew University holds weekly seminars to discuss developments in international law and their legal implications for Israel. In April 2009, one seminar was dedicated to the offence of foreign bribery. The seminar included presentations by senior officials from the Ministry of Justice, followed by a lively debate. The importance of conducting the forum was invaluable especially with regards to awareness-raising efforts, as attendees included government officials, law professors, academics, students and members of the general public.

States parties are also encouraged to provide information on measures aimed at engaging with and supporting and engaging mass media institutions such as television, newspapers and radio in educating the public regarding the impact and risks of corruption.

The Israeli Broadcasting Authority (public television and radio) promotes many different news and documentary programs on current events, including news related to corruption and the battle against it, aiming to inform and educate the public. For example, "Kol Israel", the national radio network which forms part of the Israeli Broadcasting Authority, regularly broadcasts numerous segments and special broadcasts that deal with issues of corruption and fraud, in Hebrew, Arabic, Russian, Amharic and English. There are also a few weekly broadcasts that dedicate a major part of their agenda to issues of corruption. These broadcasts are an opportunity to educate the public about corruption through current events, and provide a platform for different experts and scholars on the subject. In 2012, there were 177 reports and segments relating to corruption in the different broadcasts of "Reshet Bet", one of the main stations of the national radio network. Television and print news are also very active in Israel, as journalists are free to investigate and publish news and opinions regarding acts of corruption.

Anti-Corruption and Anti-Bribery Brochure – The Ministry of Justice has widely distributed, within the public and private sectors, an informational brochure concerning Israel's domestic and international efforts to combat corruption. The brochure, which refers, inter alia, to the United Nations Convention against Corruption, is intended to be a useful tool for the dissemination of information about anti-corruption efforts. The brochure also provides information on contact points for reporting suspicions of corruption-related offences and obtaining more information regarding the prevention of corruption. The brochure is available in Hebrew and English.

Media Campaigns - Israeli authorities are pursuing a multifaceted approach to raising awareness regarding the need to eradicate corrupt practices. Among other efforts, the Ministry of Justice has issued press releases to major Israeli newspapers and news websites on several occasions over the last few years, regarding the overall aims of Israel's international efforts in relation to the struggle against corruption.

2. Please cite, summarize and, if possible, provide copies of the applicable policy(ies) or measure(s):

In particular, the Secretariat would be grateful for information regarding:

o Educational courses or modules that have been introduced in universities with relevance to the issue of corruption.

Such courses or modules may specifically address the issue of corruption or focus on related issues such as public administration, public procurement, ethics, criminal law, international cooperation and corporate governance.

Please see answer to Question #1.

o Educational courses or modules that have been introduced in primary and secondary schools with relevance to the issue of corruption.

Such courses or modules may address corruption directly or may cover broader issues such as ethics, civic rights and duties, fiscal education and government.

Please see answer to Question #1.

o Policies and practices that seek to use the Internet as a tool for public education and as a means to raise awareness of corruption.

The Freedom of Information Law, 1998 facilitates public access to government documents (subject to certain limitations). Additionally, administrative and local annual working plans are regularly published online by local and state authorities, enabling greater transparency on both the local and national government authorities. The law enhances the public's ability to monitor and the management of public affairs.

In accordance with a government resolution of April 2005 and with an Accountant General directive, all government ministries must include the gov.il portal logo and URL (www.gov.il) in all official publications (documents, envelopes, payment vouchers, etc.). in addition, the website "shituf.gov.il" (*shituf* means "sharing" or "participation" in Hebrew), was set up by the government to facilitate public participation in decision making, and is part of the Israel E-Government project, aimed at strengthening connections between the citizens and the government by improving both the level of accessibility of public authorities and the transparency of their actions. The website features, for example proposed legislation, reports published by government ministries and more. The gov.il website consolidates the online services and information provided by various Israeli government bodies.

Enactment of laws – according to regular procedure, before any law is drafted or proposed, a draft bill (a "Memorandum") is distributed to a wide variety of non-governmental actors, including NGOs and academics in the legal field. The Memoranda are also made public via the "shituf" website. This promotes governmental transparency and provides members of the public, including any interested organizations, with the opportunity to comment on the bill, and a forum to exchange ideas on central issues.

Comments on the Memorandum may be sent to the Ministry of Justice within 21 days of its distribution. These comments could lead to further discussions on the proposed legislation. Through consolidation of the comments and revision of the text, the Memorandum is revised into a "Draft Law", which is then submitted for the approval of the Ministerial Committee for Legislation, in order for it to be considered by the Knesset. The Draft Law is then submitted to the appropriate Knesset committee (which usually conducts discussions that are open to the public), and from there it is presented to the Knesset for a first, second and third reading. At each stage, the Draft Law may be subject to modifications. Upon completion of the process, the text is formally adopted and the newly enacted statute is published in the Official Gazette.

Government Resolutions – Government resolutions, including in matters relating to anti-corruption measures, are generally published online. Prior to government meetings, the agenda for the meetings as well as the draft text for the resolutions are also published online, subject to certain restrictions.

The internet is additionally utilized by the Israel Government Portal to enable increased participation by the general public in a wide variety of issues of public concern. Citizens may use the portal to directly address any administrative authority and to have their queries answered accordingly. In addition to the public websites, a growing number of government and local authorities make use of online social media such as YouTube, Facebook and Twitter, to communicate with the public.

3. Please provide examples of the successful implementation of domestic measures adopted to comply with article 13 of the Convention:

States Parties may wish to include case studies or specific examples of the following:

o Public awareness programmes that have led to a broad engagement of children, young people and other parts of society in the fight against corruption.

The "E-Government Agency" of Israel has created a child-friendly website (kids.gov.il) for the education and engagement of children. The website aims, among other things, to teach children about the branches of government, the main institutions of the State and their respective responsibilities, and the concept of separation of powers. The website is designed to reach out to children and allow them to take a first step towards understanding the norms and ethics in a democratic society, with the goal of increasing their future involvement in society. For example, children can use the website to learn about the different government ministries and law enforcement agencies, the judiciary system, the responsibilities of judges and the importance of the judiciary system for the rule of law. This website is a part of the ongoing process to make the government more transparent and accessible for different age groups.

o The use of the Internet as a successful platform for educating the public and raising awareness of corruption.

Anti-Corruption Website – a website dedicated to the combat against corruption is available in both Hebrew and English through the homepage of the Ministry of Justice. The anti-corruption website provides relevant information about corruption fighting methods and transparency measures, and includes reference to the United Nations Convention against Corruption. Efforts are being made to incorporate hyperlinks to this website in the websites of a wide variety of public and private organizations. The address of the anti-corruption website is www.corruption.justice.gov.il.

Another example is the use of on-line advertisement as well as social networks, in the 2013 campaign against tax evasion, that informed the public on different crimes related to corruption and engaged the public to take part.

o Specific examples in which social media has been used to facilitate educational and awareness-raising anti-corruption programmes targeted at young people.

Over the recent months, the Freedom of Information Unit has been holding a competition to select a poster to be used to promote the awareness of the importance of freedom of information among the general public. As the goal of the competition was to reach a young audience, the contestant pool for this competition included only students in the fields of art and design. The competition was promoted using Facebook, the main social network for this age group, and students were able to upload their designs to the Freedom of Information Unit's Facebook page, after which voting was conducted online to select the winner.

4. Have you ever assessed the effectiveness of the measures adopted to implement article 13? Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized.

States parties may wish, in particular, to provide information regarding efforts designed to:

o Identify gaps in national school curricula regarding ethics, integrity, civic rights and duties or fiscal education.

o Measure the tangible impact of public campaigns aimed at engaging young people in anti corruption efforts, including those provided on the Internet.

o Assess the impact of measures designed to support and use mass media as a medium for educational anti-corruption programmes.

All governmental agencies preform annual internal assessments and evaluations of their work plans and campaigns.

5. Which challenges and issues are you facing in (fully) implementing article 13 of the Convention?

Examples of the types of challenges States parties may have faced include:

o challenges in balancing the educational role of media institutions in disseminating and publishing information regarding corruption with the need to protect the rights and reputations of others.

o communication challenges in reaching a wide range of stakeholders, and in particular young people, through public information activities.

The Secretariat would also welcome examples of how States parties have used the Internet and social media tools to overcome these communication challenges.

o implementation challenges in relation to anti-corruption educational measures such as the need to provide support to schools following the introduction of a new academic course, including through the training of academic staff responsible for delivering such courses.

Israel is making an effort to involve young people in the struggle against corruption, through the media and the internet. One example, also mentioned above, is the child-friendly "kids.gov.il" website for the education and engagement of children, through which children may learn about the basic institutions, norms and ethics of a democratic society. This website is a part of the ongoing process to make the government more transparent and accessible for different age groups. Another example is the design competition to select a poster to be used to promote the awareness of the importance of freedom of information among the general public. The competition was open to students in the fields of art and design with the aim of attracting a young audience. The competition was promoted using Facebook, students were able to upload their designs to the Freedom of Information Unit's Facebook page and voting on the posters was conducted online.

Raising awareness among youth for social responsibility, accountability, and integrity is always challenging, and the Israeli government will continue its efforts to promote awareness of the younger generation to the need to eradicate corruption in line with its overall strategy of eradicating corruption in all of its forms.

6. Do you consider that any technical assistance is required in order to allow you to fully implement this provision? If so, what specific forms of technical assistance would you require?

No technical assistance is required in this regard.