

Ministry of Justice
State of Israel
Trafficking in Persons in Israel

April 2011

1. The Phenomenon and Steps Taken to Combat It in General

In Israel, during the 1990s and early years from 2000 – 2004, the leading form of trafficking was trafficking for prostitution, with young women from the former Soviet Union being trafficked into Israel and being held under difficult conditions. However, a concerted effort by all government bodies, NGOs and Israel's Parliament has led to a radical decrease in this form of trafficking. The other forms of trafficking found in Israel are slavery and forced labor and sporadic cases of trafficking for organ removal.

As regards **trafficking for the purpose of prostitution**, during 2009 not one victim was identified entering Israel., though at the height of the phenomenon, in 2003, police estimated that 3000 women were trafficked into Israel each year. This is something of a success story. In January of 2011, a number of new cases were discovered, with countries of origin of victims being from Russia and South America, but police uncovered the cases at early stages, in one case, before the woman had been prostituted and in another case, when they had been prostituted for a matter of days.

As regards **slavery or trafficking for slavery or forced labor**, thus far 3 indictments have been submitted, two in regard to slavery and one in regard to forced labor and a special police unit raids likely work sites and carries on intensive investigations.

As regards **trafficking for organ removal**, thus far the prosecution has submitted two indictments and in one case the central defendant was sentenced to 4 years of incarceration. The other case is pending. ,

This paper will describe the forms of trafficking and efforts taken to combat them.

Operative steps taken to combat trafficking reflect Israel's growing awareness of the need for a comprehensive view of trafficking. No longer are perceptions and operative steps compartmentalized to one or another form of trafficking; Rather, legislation, government decisions and procedures are being geared to deal with trafficking as a whole. This does not mean that each form of trafficking requires the same solutions; far from it. It does mean that beyond the specific differences, there is perceived common ground. On the operative level this view is reflected in the following ways:

1. Legislation - Israel has enacted a comprehensive anti trafficking law entitled Prohibition of Trafficking in Persons (Legislative Amendments) Law, 5767 – 2006. The law came into force on October 29th 2006. The new legislation reflects an attitude whereby combating trafficking in persons requires the integration of a series of tools and actors. It also places emphasis on the primacy of victim protection and on the dignity of the human personality.

The law criminalizes various forms of conduct which amount to trafficking or allied crimes, creates procedural frameworks to facilitate deterrence, provides various protections for victims, and includes provisions to encourage international cooperation. The new legislation includes the following provisions:

- a. A cluster of offences criminalizing all forms of slavery, forced labor, trafficking for a wide array of purposes (removal of an organ, giving birth to a child and taking away the said child, subjecting a person to slavery, subjecting him to forced labor, subjecting him to an act of prostitution, subjecting him to participation in a pornographic publication or exhibition, committing a sexual offence against him) and exploitation. Trafficking and slavery have maximal penalties of 16 years of imprisonment and 20 years of imprisonment if committed against minors.
- b. Minimal sentences for crimes of trafficking and slavery (one fourth of the maximal penalties).
- c. Obligation of courts to compensate victims of trafficking and slavery in the framework of criminal proceedings as a rule.

- d. Economic tools to combat trafficking: broad forfeiture provisions and trafficking as a predicate offence in the context of money laundering crimes.
 - e. A special forfeiture fund whose assets are to be allocated to promote the fight against trafficking and slavery in the realms of prosecution, prevention and protection. It should be noted that at least 50% of yearly assets must be allocated for protection of victims.
 - f. Tools to promote the international battle against trafficking: extraterritorial jurisdiction in regard to Israeli citizens who commit these crimes abroad and authorization of courts to enforce foreign forfeiture orders.
 - g. A series of protection for victims of trafficking and allied crimes, including **protections in court proceedings** (in camera proceedings, non release of details about minors, rights to receive information and express opinions at various junctures of the criminal process, the opportunity to testify not in the presence of the accused, expedition of preliminary testimony), **legal aid**, and **imposition of a duty on the public and certain professionals to report trafficking crimes**.
2. Committee of Directors General– A Government Decision of May 21, 2006 established a Committee of Directors General to coordinate policy on the battle against trafficking in persons. The Committee has met twice since its establishment and approved a National Plan.
3. National Coordinator – The Government Decision of May 21, 2006 also decided on the appointment of a National Coordinator from the ranks of the Ministry of Justice to coordinate between government agencies and between them and N.G.O.s in the fields of prevention, prosecution and prevention. The Coordinator was officially appointed on May 31, 2006 and has been working intensively in trying to identify trouble spots and bring about solutions before they burgeon, maintaining communication with international actors and learning from comparative materials, forwarding education and training, encouraging research, developing established channels of communications between government and NGO actors, in an effort to strengthen cooperation, dealing with specific problems which arise as they arise, forwarding legislation, regulations and procedures which are important for the battle

against trafficking, and chairing subcommittees engaged in recommending a National Plan to combat trafficking.

4. National Plans – During the first meeting of the Committee of Directors General, it was decided to appoint two subcommittees to forge recommendations for National Plans in the areas of trafficking for slavery and forced labor and trafficking for prostitution. The first subcommittee submitted its recommendations and they were approved by the Committee of Directors General on January 10, 2007. The second subcommittee submitted its recommendations and they were approved by the Committee of Directors General on July 11, 2007. Both plans were approved by government resolution on December 2, 2007.
5. Integrated Intelligence Center - An "Integrated Intelligence Center" was established on March, 5, 2007, in order to combat severe crime, organized crime and its outcomes, in accordance with a government Decision on: "The Battle against Severe Crime and Organized Crime and their Outcomes" dated January 2006. The Intelligence Center integrates different intelligence bodies, including the Police, the Tax Authority and the Money Laundering Prohibition Authority. The establishment of the Intelligence Center is a unique and innovative step in which members of the different intelligence bodies will sit together and collaborate in order to produce integrated quality intelligence products in real time. It will deal with serious crimes such as trafficking.
6. Cooperation – there is growing cooperation between government agencies and between them and non governmental organizations. This cooperation is particularly notable between NGOs and representatives of the Ministry of ITL, the Police and the National Coordinator who involves representatives of NGOs in meetings convened by her, includes them in round table discussions and encourages other government agencies to have them participate in meetings. An important illustration of the cooperation between government, NGOs and member of Knesset Zehava Galon was in the context of the passage of the new comprehensive anti trafficking law which was a joint endeavor.

7. Conventions - Israel has signed and ratified the two major international treaties on trafficking and has commenced procedures in order to ratify them.. These treaties are the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (ratified in June 2008) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (ratified in July 2008). In addition, Israel has ratified the United Nations Convention against Transnational Organized Crime.
8. Educational Initiatives - There has been a plethora of educational initiatives among bodies such as the Ministry of the Interior, the Legal Aid Division of the Ministry of Justice, judges, the Police Training Academy, the Institute for Continuing Education of Prosecutors and Legal Advisers among prosecutors, legal advisors and the judges of the Administrative Tribunal for Detention Review and the Ministry of Foreign Affairs, the army, Municipalities, legal assistants to judges, local authorities and municipalities, consular officials.
9. Project to Encourage Cultural Competence and Workshops to educate key actors about identification of trafficked victims – This project is being undertaken by CIMI (The Center for International Migration and Integration), a non profit organization and the Ministry of Justice. The project's intention is to provide law enforcement and welfare agencies with the tools to understand foreign entrants, who comprise most of the trafficked population. Another aim is to educate key law enforcement and other agencies who come into contact with potential trafficking victims to identify them.
10. Honors for Key Activists – A government resolution of December 2, 2007 approved an initiative to bestow honors or decorations upon three bodies or individuals who made significant contributions to the battle against trafficking in persons on a yearly basis. This year it was decided to honor Ms. Rivka Makover from the Ministry of Industry, Trade and Occupation who built a system of effective administrative sanctions which aided in deterring manpower agencies from crimes against foreign workers and thus created a climate unfriendly to trafficking; Machon Todaa, an NGO which played a

central part in the battle against trafficking for prostitution from its inception; and Ms. Rita Chaikin, an activist who assisted law enforcement, supported victims of trafficking for prostitution and is active in promoting education and training. In former years, the decoration was awarded to Member of Knesset, Zehava Galon, the chairman of the parliamentary subcommittee on trafficking in women, the Hotline for Migrant Workers, an NGO active in the field from its inception, the Police Investigation unit which specialized in trafficking offences, Ms. Marit Danon, the then Director of the Authority for the Advancement of Women who promoted public information campaigns, the Hotline for Workers, who took a central role in combating trafficking for slavery and Ms. Rinat Davidovitz, the Director of the Shelters for Trafficked Persons. The decorations are bestowed by the President of Israel in the presence of the Prime Minister, the Minister of Justice and the Director General of the Ministry of Justice.

11. *The Witness Protection Law 5769 – 2008* (the "*Witness Protection Law*") – On November 16th 2008, there entered into force the *Witness Protection Law*, which allows for enhanced protection of witnesses who conform to certain criteria

2. Operative Steps to Combat Trafficking for Prostitution

Since the new comprehensive trafficking law, including offences of trafficking for purposes other than prostitution came into force only in October 2006, operative steps combating trafficking for prostitution are more advanced than those dealing with other forms of trafficking. The following are examples of such steps:

Prosecution: The Police and State Attorney give priority to the prosecution of trafficking for the purpose of prostitution. The Courts have by and large espoused broad principles of interpretation which allow the conviction of all links in the chain of trafficking from the first link abroad, to the transporter, the broker and purchaser. While sentencing is not uniform, it is increasingly severe including cases where traffickers were sentenced to periods of incarceration of 18 and 15 years. The State

Attorney vigorously espouses a broad interpretation of these crimes and initiates appeals when lower court interpretation falls short of these principles and when sentences do not reflect the gravity of the crimes. The Supreme Court has accepted the State Attorney's position and interprets the offence broadly while meting out substantial sentences. Police and prosecutors undergo special training in order to enforce trafficking law.

In addition, there have been several extraditions of key trafficking figures to Israel within the last few years.

A Committee was appointed to explore changing patterns of trafficking for prostitution during the last years and has drafted recommendations which have been authorized by the Committee of Directors General. The committee included representatives of NGOs and government bodies. It has found that due to heightened law enforcement, traffickers no longer hold women in the horrendous conditions which applied when the phenomenon was at its height.

There have been three main periods in the enforcement battle against trafficking in prostitution: During the first Police estimated that there were 3,000 women a year, largely from former Soviet Union Republics, held in horrific conditions. During the second stage, reflected by court cases, being conducted by the State Attorney's Office, far fewer women were trafficked and their conditions were far better in terms of violence, deprivation of freedom, debt bondage. Indeed these women were paid for their "work". During the third stage, during this reporting period, trafficking for prostitution has been radically reduced in all its forms. The only cases uncovered have been victims from the past, Israeli traffickers who trafficked outside the country and two new cases uncovered promptly by police in 2011.

2010 - In 2010, the Police conducted **four criminal investigations** concerning trafficking in persons for the purpose of engaging them in prostitution. In the course of these cases, two persons were arrested. In addition, the Police opened **456 cases** of managing a property for the purpose of engaging persons in prostitution, **75 pandering cases**, and **27 cases** of advertisement of prostitution services. In addition,

one victim of trafficking in persons for prostitution was referred by the Police to "Maagan" shelter in 2010. The following two tables present Police data on criminal investigations and arrests for trafficking in persons for prostitution and related offenses:

Criminal Investigations

Offense	2009	2010	Increase/decrease in %
Pandering for the purpose of prostitution	85	75	-11.5%
Inducement to engage in prostitution	10	7	-30%
Managing a property for the purpose of engaging in prostitution	260	456	+75%
Abduction for causing bodily harm or sexual offense	20	22	+10%
Advertisement of prostitution services	18	27	+50%
Trafficking in persons for the purpose of engaging them in prostitution	6	4	-33%
Total	399	591	+48%

Arrests

Offense	2009	2010
Pandering for the purpose of prostitution	11	7
Inducement to engage in prostitution	11	5
Managing a property for the purpose of engaging in prostitution	83	89
Trafficking in persons for the purpose of engaging them in prostitution	9	2
Total	114	103

Police criminal investigations of trafficking for the purpose of prostitution, involve the use of various practices on several levels, such as raids, actions against panderers, activity against advertisement of prostitution services etc.

According to the State Attorney's Guidelines, there is no use of informants among traffickers and panderers and no use of agents except in special cases. Trafficking for prostitution and related offenses are enforced by the Police, as is the case regarding all other criminal offenses, country-wide.

Court Cases, dealing with crimes from the past and not from this reporting period, show a significant decrease in the number of trafficking for prostitution cases, in its "classic" form, which in the past included sale and purchase, violence, imprisonment, withholding of a passport, threats, objectification, coercion, and enslavement.

Trafficking Court cases dealing with crimes committed during the more recent past (crimes committed between 2005-2008), generally include significant improvement in the wage and "working" conditions of the complainants and less violence and deprivation of freedom. In addition, there has been a change in the locus from houses of prostitution to escort services and discrete apartments. The objectification is not as distinct as it was in the past. This change in patterns has made the phenomenon increasingly difficult to identify and distinguish from pandering, yet law enforcement authorities are vigilant and intend to pursue cases which have the requisite elements, should they arise.

This reflects the efforts put into enforcement by all concerned authorities and especially the Police and the State Attorney's Office, and the Courts who imposed deterrent sentences.

2011 - In January of 2011 two Police investigations discovered cases of women brought to Israel for the purpose of prostitution, one from Russia and 3 from South America. Indictments have been submitted to the District Courts.

Despite these cases, it is still correct to say that compared to the past, Israel is now a marginal destination country. This conclusion is substantiated by the fact that the main legal proceeding under way is the case of *The State of Israel v. Rami Saban et. al.*, dealing with trafficking **outside the territory of Israel**. This also serves as an indication that the message of deterrence has reached potential offenders. In addition, one of the only cases of trafficking discovered in 2011, was investigated before the woman was actually prostituted. The second case too was uncovered promptly. This attests to Police vigilance and expertise, which uncovered the case during early stages of the crime.

The State Attorney's Office: During 2010, **16 persons were convicted** of trafficking for the purpose of prostitution, and/or related offenses. Some of the most significant cases are:

- **S.Cr. C. 1082/07 *The State of Israel v. Ben Tzion Suriano and Pavel Kapulzevich*** (Tel Aviv District Court, 8 April 2010) - In this case, two defendants were convicted and sentenced by the Tel-Aviv District Court for inducement to engage in prostitution and pandering for prostitution and related offenses. Defendants have been sentenced and compensation awarded the victims.
- **S.Cr.C 1049/09 *The State of Israel v. Mahmud Abu Habura*** (Be'er-Sheva District Court, 12 September 2010) - The defendant was charged with two counts of trafficking in persons for prostitution. According to the indictment, the defendant smuggled 12 women from Eastern European Countries into Israel for the purpose of prostitution in 2008. He was convicted as an accessory to inducement to engage in prostitution under aggravated circumstances following a plea bargain, and sentenced to **seven and a half years imprisonment** as well as suspended imprisonment.

Six indictments were filed in 2010 regarding these offenses, in addition to **two ongoing cases** pending before the courts. **One appeal** was submitted to the Supreme Court by a defendant convicted of trafficking in persons for prostitution and related offenses, and sentenced to 30 months imprisonment. This appeal is pending before the Supreme Court.

Furthermore, during 2010 the Supreme Court **dismissed an appeal** submitted by three defendants against the severity of their sentence. The sentences appealed varied from two to eight and a half years imprisonment, as well as additional compensation to victims, depending on the severity of the offenses.

An additional indictment was submitted in January of 2011 *State of Israel v. Shyiv and Medoshevsky* in the Tel Aviv – Jaffa District Court.

Pandering and Managing a Property for the Purpose of Engaging in Prostitution

Note that the State Attorney's Office and the District Attorney's Offices also conduct a growing number of cases on pandering and of managing a property for the purpose of engaging in prostitution.

General Trends There is a substantial decrease in the number of trafficking for prostitution cases, in its "classic" form, which usually includes different combinations of sale and purchase, violence, imprisonment, withholding of a passport, threats, objectification, coercion, enslavement. This reflects the efforts put into enforcement by all concerned authorities and especially in this regard an expression of the efforts of the Police and the State Attorney's Office, and the deterring sentences imposed by the Courts in recent years.

The characteristic of cases of "modern trafficking" mostly include significant improvement in the wage and "working" conditions of the complainants. The objectification in "modern trafficking" cases is not as distinct as it was in the past. Although the phenomenon is very difficult to trace and investigate, all concerning authorities are determined to battle it. The challenge that the State Attorney's Office faces is to trace cases that show elements of "modern trafficking", and to convince the courts that these are not merely pandering cases. Lately it has become clear that the main challenge of law enforcement agencies in their fight against trafficking in women for prostitution while identifying the changes in patterns of trafficking.

Another issue that requires reference is the identity of women working in prostitution nowadays. In recent years the number of women from former Soviet Union countries entering Israel has significantly diminished, thus demonstrating that most of the women engaged in prostitution, at least in area of Tel-Aviv, are Israeli citizens, whether they were born in Israel or in former Soviet Union countries.

NGOs warn from a relatively new problem of female foreign workers from China, the Philippines and Thailand that enter into Israel using a legal work visa (for care-giving and agriculture) but upon their arrival to Israel find themselves required to work in prostitution (sometimes the requirement is done in the country of origin). Therefore, the attention of the Police and the State Attorney's Office is focused to this issue as well.

During the past years, the phenomenon has decreased radically, but Israeli citizens sometimes still commit "classic" trafficking crimes, with victims being trafficked abroad. In addition, during January of 2011 a number of cases of trafficking for prostitution were uncovered by police, with victims originating from Russia and South America. Due to police expertise and efficiency, these cases were discovered during early stages, in one case before the woman had been prostituted and in another, a few days after the women had first been prostituted.

Prevention: Israel has expended much effort to prevent trafficking crimes. The State exercises tight control over its borders, and particularly the air and sea ports

The Ministry of Foreign Affairs prepared and distributed brochures in countries of origin warning potential victims of the danger of entering Israel illegally. This initiative was undertaken in concert with NGOs. Broadening of this initiative is being considered

A National Plan was approved by the Committee of Directors General and authorized by government resolution in December 2007.

The National Plan includes a permanent roundtable to deal with ongoing problems.

The government devotes a permanent budget in order to address the special problems of persons in prostitution and has funded two plans, one in Tel Aviv and one in Haifa, including shelters and day hostels. It is hoped that this creates a climate unfriendly to trafficking for prostitution.

The appointment of a special Parliamentary Committee on Trafficking in Women has placed trafficking in the public eye and exerted pressure upon the government to improve various aspects of the battle against trafficking.

Government agencies cooperate with international organizations such as the International Organization of Migration in order to learn from their experience in the area of protection of trafficking victims and prevention tools.

Protection of Victims – A **shelter** for victims of trafficking for the purpose of prostitution was established in February of 2004. The shelter has the capacity to house 50 victims and is staffed by a dedicated staff imbued by a sense of mission. The shelter gives medical and psychosocial services and aids women to find jobs while they reside within it.

Visas are accorded trafficking victims for prostitution in order to allow them to remain in Israel for limited periods to aid in their rehabilitation. Usually these visas are for one year's time.

It is police and prosecutorial policy **not to indict victims of trafficking for prostitution purposes** for crimes integral to the trafficking process such as illegal entry or forged documents, even if they return to Israel a number of times.

Free legal aid is given to all victims of trafficking for prostitution.

2. . Slavery, Forced Labor and Trafficking for Those Purposes

Israel is a country of destination for temporary migrant workers from Asia, Eastern Europe and Africa. The main countries of origin of migrant workers in Israel are: China, the Philippines and Thailand.

Most migrant workers in Israel are employed in accordance with Israeli labor laws and utilize the temporary period of work in Israel to improve the economic situation of their families in their home country. Though foreign workers arrive in Israel on the basis of a contract with a particular employer, awareness that limiting the freedom of these workers to change employers may result in abuses¹, has resulted in revocation of procedures which required the employer who invited the worker to the country to express his opinion concerning the wish of the migrant worker to change employers. Today, all migrant workers, including caregivers who arrived in the country to care for a specific handicapped individual, may leave their registered

¹ See HCJ 4542/02 *Kav LaOved- Workers Hotline et. al v. the State of Israel*

employer to look for alternate legal employment - this without need to state a particular reason for the requested change.

Nonetheless, in some cases, migrant workers arriving in Israel find themselves in situations in which their labor rights or human rights are not respected, in which they are sexually or otherwise abused or have their basic freedoms limited. In some cases, after workers arrive in the country they find that the employer who invited them has passed away or is not interested in employing them. In other cases, the recruited workers lack the necessary and basic skills to fulfill the employer's needs and are dismissed by the employer after a short period of employment. Workers encounter difficulties in finding alternate legal employment due to their lack of knowledge of the Israeli procedures, culture and language. These situations may create a situation in which foreign workers may be abused or defrauded.

In addition, recently, there have been a few cases of Eritrean citizens entering Israel illegally, some of whom seem to have been held under conditions of slavery in the Sinai desert. Those identified as victims of slavery have been transferred to the shelter for trafficked persons and given assistance, including free legal aid.

It should be noted that the offences of slavery and trafficking for slavery and forced labor came into being in October 2006 in the wake of new legislation. The following steps have been taken in order to combat these forms of trafficking:

1. Legislation - The comprehensive anti trafficking law creates a cluster of offences to deal with severe exploitative situations: trafficking for slavery and forced labor (maximal sentence of 16 years imprisonment and 20 if the victim is a minor), slavery (maximal sentence of 16 years incarceration and 20 if the victim is a minor), forced labor (maximal sentence – 7 years of imprisonment), causing a person to leave his country in order that he be held in conditions of slavery (maximal sentence 10 years and 15 years if the victim is a minor), abduction for the purpose of slavery or forced labor (maximal sentence of 20 years imprisonment), exploitation of vulnerable populations (maximal sentence 3 years imprisonment). It also includes

minimal sentences for offences of trafficking and slavery and a rule that judges should award compensation to victims of trafficking and slavery.

- 2. Indictments on criminal charges – Thus far, three indictments have been submitted to courts regarding crimes of slavery and forced labor. Two relate to slavery and one to forced labor, The slavery cases involve Israeli victims and a foreign worker and the forced labor case involves Thai agricultural workers.

The two slavery indictments are as follows:

- **S.Cr.C 23751-02-10 *The State of Israel v. Goel Ratzon***: On February 14, 2010 an indictment was filed in the Tel Aviv District Court, which is considered as ground-breaking given its unique facts. It relates to a man who dominated the lives of 21 Israeli women, for over two decades, by **convincing** them that he had superhuman powers. He acted towards them as if they were his property, humiliated them, deprived them of all independent action or thought and brought about their subjugation to his will and every whim, whether by performing tasks for him, giving him high sums of money, obliging them to tattoo his name and face on their body, working for him and giving him sexual services – all this in the framework of a pseudo-family setting. During the years, most of the woman gave birth to children, conceived by them and the defendant, and these children were named after the defendant.

In order to dominate the women, he isolated them from any other social relationships, including with their families, required them to change their names, limited their freedom of movement, supervised their movements, required them to work for him during all hours of the day and night, required them to receive permission for any purchase, even of basic commodities, forbade them to do any work but house work or nursing-care for elderly people, required them to give him sexual services whenever he so desired, and even forbade the women or some of them to speak with one another in their rooms.

The indictment includes crimes of holding a person under conditions of slavery (Section 375A of the *Penal Law*), rape (Section 345 of the *Penal Law*), rape under aggravated circumstance, sexual offenses within the family (Section 351 of the *Penal Law*), indecent acts (Section 348 of the *Penal Law*), indecent act performed on a family member, forbidden intercourse by consent (Section 346

of the *Penal Law*), sodomy (Section 347(a) of the *Penal Law*), and obtaining anything by deceit under aggravated circumstances (Section 415 of the *Penal Law*). Currently the testimony of the victims is being heard in the Tel Aviv District Court.

This precedential indictment required a complicated operation with the assistance of welfare agencies in order to ensure that the women and children did not suffer undue psychological harm from the defendant's arrest and their consequent separation from him.

- - **C.Sr.C 13646-11-10 *The State of Israel v. Ibrahim Julani and Basma Julani***: On November 8, 2010 an indictment was filed in the Jerusalem District Court, regarding offences of holding a person under conditions of slavery and withholding of a passport.

The complainant, a foreign worker from the Philippines, worked for the defendants as a house-keeper for a period of 22 months. She was employed without a contract and the defendant held her passport. The complainant was housed in a shower-room with a folding bed and one shelf for her belongings, while there were empty rooms in the spacious residence. .

The complainant was required to work in the household seven days a week, from 7 am to 10 pm, or later, on special occasions. She was allowed to take two short breaks to have her meals. She had no vacations. Requests made by the complainant to attend church were refused by the defendants and on several occasions the defendant threatened her that if she left the house the Police would arrest her.

The defendants did not allow the complainant to leave their house, except on several occasions when she was permitted to go to the grocery store or to the house of the daughter of the defendants who lived next door. On these occasions, the defendant or her daughter followed the complainant.

The defendants kept the door to the house locked at all times, while they were at home or outside, and the complainant did not have access to a key. During her employment period, the complainant accompanied the defendants on five occasions when they left the house, so that she could watch after their children. On those occasions, she was not allowed to contact other foreign workers or local workers. When the defendants traveled abroad they locked the complainant in their house. On those occasions, their daughter came to the house every morning to take the complainant to work at her house and locked her in during the evening. On one occasion, when the entire family (including the daughter) went on vacation, the complainant was locked in the house for a week with no contact with the outside world. .

The complainant was not allowed to contact her family without supervision. She was allowed to make short phone calls using the defendants' phone. To make sure that the complainant did not contact anyone, the defendants replaced the SIM card in her cellular telephone to a card limited to receipt of calls and sending text messages.

Eventually, the complainant succeeded in contacting other foreign workers from Jerusalem who helped her escape.

This is a precedential case since the court will be asked, for the first time, to analyze "modern slavery" with respect to foreign workers.

As far as **forced labor and allied crimes** — Stringent enforcement of criminal offences, other than trafficking, against foreign workers are also important in creating a climate unfriendly to trafficking. In this regard, the Saar Arm of the Lahav unit of the Pollice has undertaken an intensive campaign to prosecute offences of fraud, abuse of vulnerable populations, detention of passports, imposing high middleman fees upon foreign workers and sexual abuse against foreign workers. In 2010, indictments were filed in **42 cases** of forced labor, exploitation of vulnerable populations, and withholding a passport (an additional 18 indictments were prepared and are in hearing proceedings).

As far as indictments on fraud and deceit counts relating to foreign workers -in general, cases of fraud and deceit involve foreign workers being promised working visas conditional upon payment of large sums of money to criminal elements, before and after their arrival in Israel. In 2010, indictments were filed in **24 cases of fraud**, and another 10 indictments were filed for fraud against the State and indirect fraud of a foreign worker.

For example, an indictment was filed against a woman for committing offenses of fraud and deceit against foreign workers. In another case, an indictment was filed in January 2010 against farmers who committed offenses of fraud, deceit and withholding a passport against dozens of foreign workers.

3. Investigations –

As far as **slavery investigations** - there are currently two investigations of holding a person under conditions of slavery under review at the State Attorney's Office.

Three investigations of forced labor are in advanced stages of review in the State Attorney's Office. Several more cases are currently under review by the "Sa'ar Unit" of the Police.

In addition, emphasis was also placed upon other grave crimes such as fraud, exploitation of vulnerable populations and the withholding of passports, as the determined enforcement of these crimes creates a climate which is unfriendly to trafficking. Regulatory offenses were also invoked and administrative steps were taken, which together, are calculated to deter individuals from committing crimes against foreign workers.

It should be noted that forced labor investigations are complicated, in view of the fact that the offence requires a causal connection between the suspect's imposition of force, pressure, threats or fraud and the worker's agreement to work. This is particularly hard to prove in view of the heavy debts foreign workers incur, which in and of themselves result in their being willing to work under difficult conditions. Thus in many cases, it is hard to claim that the worker continued to work because of

the coercion, and not because of his own economic considerations. Under these circumstances it is particularly difficult to prove the case beyond reasonable doubt, as is required in criminal cases.

In 2010, the "Sa'ar Unit" in the Police has opened **18 investigations** of cases involving forced labor and false imprisonment, **seven investigations** of cases involving trafficking in persons, **58 investigations** of cases involving the withholding of passports and extortion, and **112 investigations** of cases involving the exploitation of foreign workers, directly and indirectly.

There are currently six cases, which were transferred by the Police to the various District Attorney's Offices, with recommendations to file a indictment. These cases are under review and a decision whether to file an indictment will be made after consulting with the State Attorney's Office

4. Conviction

Conviction in Forced Labor Case – During 2010, a defendant was convicted on a forced labor count. The case is *State of Israel v. Yehuda Tamir*. The conviction was part of a plea bargain due to evidentiary problems related to the fact that most of the victims were no longer in Israel when the court case began and the two remaining victims' testimony was unclear.

5. Regulatory Offenses

Consistent and continuous enforcement of regulatory offences can create a climate unfriendly to trafficking for labor, slavery and forced labor. In this regard, during the past year there ensued the following developments:

The Enforcement Division of the Foreign Workers Department in the Ministry of Industry, Trade and Occupation continued its enforcement of the *Foreign Workers Law*, and has provided the following statistics for its work in 2010:

- **682** administrative and criminal fines were imposed upon employers to the total sum of 7,613,500 NIS (U.S. \$ 2,105,060).
- **151** administrative fines were paid to the total sum of 1,184,500 NIS (U.S. \$ 327,509).
- **178** administrative fines are currently the subject of legal proceedings to a total sum of 1,968,250 NIS (U.S. \$ 544,477).
- **28** administrative fines were annulled.
- **49** requests for judgment were filed.

Notably, in 2010 the Ministry of ITL and the Ministry of Interior conducted an important reform during which all the authorities concerning foreign workers were transferred to the Population, Immigration and Border Control Authority.

The Prosecution Division of the Foreign Workers Department in the Ministry of ITL provided the following statistics for 2010:

- **805 criminal indictments** were filed against employers and manpower companies for violations of labor laws relating to employment of foreign workers.
- Number of judgments received - **213**.
- Sum of criminal fines imposed by the labor courts – **9,451,449 NIS (U.S. \$ 2,616,014)**.
- Sum of fines transferred to administrative procedure - **9,281,950 NIS (U.S. \$ 2,567,868)**

Enforcing the Prohibition on Recruitment Fees

In addition, the Sa'ar Unit of the Israel Police enforces the regulatory crime of imposing recruitment fees upon foreign workers. As of September 1st, it is unlawful to levy any recruitment fee upon a foreign worker, whereas in the past, it was lawful to levy a sum up to 3402 NIS (U.S \$ 806). Several extensive investigations were undertaken during the reporting period. In one such case, an Israeli manpower agency is being investigated under suspicion of cooperating with a Thai manpower agency regarding workers recruited to work in Israel during 2006-2009. Approximately 100 people have been interrogated and property was confiscated to the value of 9,000,000 NIS. The manpower agency has been closed by administrative sanction. This investigation was conducted with the cooperation of the Prohibition of Money Laundering Authority and the Tax Authority and, cooperation of Thai police was sought. In addition, in 2010, 51 indictments were submitted. As a rule, these indictments include other crimes such as fraud. This reporting period also witnessed convictions, two of which resulted in sentences of imprisonment. The defendants were Eveling Messling and Rozelina Edri. In both cases, in addition to levying recruitment fees, they perpetrated a series of frauds.

The Sa'ar Unit has also undertaken massive enforcement against foreign agents who unlawfully levied fees upon foreign workers. Some of these agents have been deported and others were indicted and given sentences of imprisonment. As a result of this enforcement, during the past half a year no complaints have been received about this form of illegality.

6. Administrative Action

1. Actions against Private Mediation Manpower Bureaus -

According to information provided by the Ministry of ITL, during 2010:

- **One** recruitment agency had its recruitment license revoked.
- **Ten** recruitment agencies' licenses and permits are examined in an administrative hearing process.

2. Restriction of Employment Permits:

Permits to employ foreign workers are provided in accordance with the procedure and criteria established in each field of employment. A permit will not be provided to an employer who does not meet the required criteria, and employers who receive such permits are supervised and reviewed by the authorities. The inspectors, who are authorized by the *Minimum Wage Law* and the *Foreign Workers Law*, may randomly visit an employer, or may visit an employer following a specific complaint. If an employer is suspected of a severe violation of the conditions of the employment permit, he/she may be asked to respond in writing to these suspicions, after which the authorities will decide whether to restrict or cancel his/her permit.

In 2010, 15 permits in the field of nursing care were canceled; in the field of agriculture 24 permits were canceled; in the fields of industry and services four permits were canceled;

In October 2010, an advisory committee in PIBA concerning canceling permits to employ foreign workers held by severely disabled individuals was appointed by the newly appointed Commissioner of Foreign Worker Employment Permits. Due to manpower and structural changes in PIBA, the advisory committee, headed by the Director of the Enforcement Division in PIBA, met in December 2010 and is set to meet again every 2-3 weeks to review the complaints and the administrative evidence. As set in the first meeting of the Committee, it will receive up to date social worker reports of foreign worker working conditions in the homes of all disabled employers about whom complaints were received in 2010 and these reports will be reviewed by the committee.

7. Free Legal Aid for Victims of Slavery and Trafficking for Slavery and Forced Labor – the law accords to all victims of slavery and trafficking the right to free legal aid by the Legal Aid Branch of the Ministry of Justice.

8. Protections for Victims in Court Proceedings – which include the right to closed door proceedings, the right not to have details about minors publicized, rights to receive information and express opinions at various junctures of the criminal process.,

expedition of preliminary testimony **imposition of a duty on the public and certain professionals to report trafficking crimes.**

9. Economic tools to combat trafficking: broad forfeiture provisions and trafficking as a predicate offence in the context of money laundering crimes.

A special forfeiture fund is to be established, whose assets are to be allocated to promote the fight against trafficking and slavery in the realms of prosecution, prevention and protection. It should be noted that at least 50% of yearly assets must be allocated for protection of victims.

10. Tools to promote the international battle against trafficking: extraterritorial jurisdiction in regard to Israeli citizens who commit these crimes abroad and authorization of courts to enforce foreign forfeiture orders.

11. The establishment of a shelter to house victims of slavery and trafficking for slavery and forced labor – by government resolution of December 2007.

12. Visas for Rehabilitation Purposes – victims of slavery and trafficking for slavery and forced labor have the right to apply for visas for rehabilitation purposes. As a rule such visas are given for a period of one year in order to enable to victim to work and in doing so, recover some measure of his human dignity. **The visas are not dependent upon cooperation with law enforcement.**

13. Permanent Round table to address problems and recommend policy – The Committee of Directors General decided to appoint the subcommittee on trafficking for slavery and forced labor as a permanent subcommittee to deal with problems in an ongoing way. This subcommittee has been convened a number of times.

14. A National Anti Trafficking Plan - a National Plan to combat slavery and trafficking for slavery and forced labor has been approved by the Committee of Directors General who have also set 6 goals as those of highest priority. Teams have been appointed to submit recommendations to implement these goals and two of the most important teams have submitted recommendations which have been approved by the Committee of Directors General. The teams dealt with identification of trafficking victims and a basket of services for victims. In addition teams dealing with public information campaigns, training, changing patterns of trafficking for prostitution and medical assistance for victims of trafficking for prostitution have submitted their recommendations to the Committee for approval.

15. Intensive Training - is being undertaken among Law Enforcement Authorities with the active participation of the National Coordinator who prepared a toolkit intended to provide the authorities with tools to identify conditions of slavery, forced labor and trafficking for the purpose of slavery and forced labor. This toolkit has been disseminated in the Police, the Ministry of Industry Labor and Trade (ITL) and the Ministry of the Interior. This training is of great importance in that it encourages cooperation between the different law enforcement branches and gives them a common language and common concepts by which to evaluate situations in situ. Training has also taken place in NGOs and international organizations such as Physicians for Human Rights, The UNHCR, and the Red Cross.

16. Joint Investigations by inspectors of the Interior and Police are being undertaken in order to decide on the spot, if a certain situation is in the realm of trafficking, slavery or forced labor and should be investigated by the police or if it is in the regulatory plane and merits treatment by the Ministry of the Interior.

17. An Ombudswoman for the Complaints of Foreign Workers - serves as a clearing ground for complaints of foreign workers and her function has been anchored in law, including the authority to initiate civil suits. She now has 4 functions: 1) To educate the public regarding the rights of foreign workers in the work place; 2) Regulation; 3) Receiving complaints and clarifying them; 4) Most importantly, to file civil suits against employers who violated the rights of their foreign workers and exploited them, or to join legal proceedings concerning such violations as *Amicus Curia*. Clearly this strengthened function provides a network of protection for foreign workers and creates a climate unfriendly to trafficking.

This is an important development, as providing a friendly climate for complaints is of the essence if foreign workers are to give information on severe exploitative situations such as trafficking, slavery and forced labor.

18. Establishment of a Population, Immigration and Border Control Authority (PIBA) - One major step taken in 2008 to create a climate unfriendly to trafficking, slavery and forced labor is the formation of a Population, Immigration and Border Authority in the Ministry of the Interior for the purpose of concentrating governmental powers

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concerning foreign nationals - previously distributed between various Government Ministries, in one central authority.

19. Recruitment Agreement with Countries of Origin

- a. **Thailand** - An agreement was concluded between Thailand and the International Organization of Migration and between Israel and Thailand to facilitate supervision over recruitment of foreign workers from Thailand to Israel in order to prevent cases of exploitation in general and trafficking in particular. Thus, In December 2010, Israel concluded a bilateral agreement with Thailand obligating the parties to fair and transparent recruitment of foreign agricultural workers. A special project manager was appointed in the PIBA to coordinate with the Thai government and with IOM to implement this agreement.

Sri Lanka – the PIBA and the Sri Lankan Ministry of Labor reached an agreement to carry out a pilot project for employment of 300 seasonal agricultural workers from Sri Lanka in Israel. As per the agreement, which was implemented by both governments without private recruitment agencies, 300 such workers were randomly chosen from a pool of thousands of qualified workers prepared by the Sri Lankan Government. The workers were given a special rights booklet and employment contract and were met at the Israeli Airport by the PIBA officials who made sure that arrived at the proper workplaces. The PIBA is working closely with Sri Lankan officials in Israel to monitor the project.

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20. Dissemination of Information regarding rights among foreign workers

-A special workers' rights brochure ("Zchuton") regarding the rights of foreign workers in the construction field was issued by the Ministry of ITL in English, Russian, Romanian, Turkish, Thai and Chinese. The "Zchuton" is also distributed by the Ministry of the Interior to each foreign worker who arrives at the Ben Gurion airport. The "Zchuton" includes phone numbers and addresses for Inspection Units, NGO's, the Saar Police Department, Foreign Embassies and the Ombudswoman, and explains that

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these parties may be contacted by the worker for help in cases of breach of rights.

In addition, a brochure setting out all the general labor rights of foreign workers in Israel is published on the website of the Ministry of ITL in English, Hebrew, Chinese, Thai, Russian, Romanian and Turkish.

An additional method to disseminate information has been implemented by the Israeli Embassy in Thailand, in cooperation with the Ministry of ITL and the Thai Labor Ministry. The booklet is to be attached to the passport of each worker that receives a visa.

21. Ministry of Interior Supervisor over Social Workers who Work for Manpower Agencies – the PIBA has appointed a government employed social worker whose function is to supervise social workers working for manpower agencies, who work in the field of nursing care. While in the past, these social workers checked the state of the cared for person, now they are being required to check the conditions and welfare of the foreign worker who cares for him/her. This too, creates a climate unfriendly to trafficking. This functionary has already inculcated a culture of reporting regarding cases which seem to point to exploitation and has referred several cases to police.

4. Trafficking for the Purpose of Organ Removal

At this point in time, we know of two cases which may amount to trafficking for the purpose of organ removal.

In the one case, an important precedent was set. A first indictment was submitted to the Haifa District Court on August 12th 2007 against two men accused of committing a transaction in persons for the purpose of removing an organ from the person"s body according to Article 377A(a)(1) of the recent amendment to the *Penal Law 5737-1977*, on the prohibition of Trafficking in Persons (*Haifa C.C 4044/07 the State of Israel v. Muhammed (John) Ben Taha Jeeth (Alen) et.al*) . In addition to the charge of

trafficking for organ removal, the defendants were charged with committing crimes of grievous injury, exploitation of a vulnerable population and obtaining something by deceit under aggravating circumstances, One of the defendants was also charged with assault and the other with impersonating a physician and use of a false medical title.

The indictment involved 5 cases with similar aspects. According to the indictment, the defendants advertised in Arabic language newspapers for kidney donors. The advertisement promised that donors would be awarded a monetary prize during convalescence. The defendants prevailed upon a vulnerable, impoverished population with little education to agree to donate kidneys in the Ukraine for the paltry sum of \$7000. One of the defendants impersonated a physician and deceived the victims regarding the nature of the operation and its implications. He told them the operation was an easy one and that the donors would be able to return to work within a short period of time without experiencing physical or psychological difficulties. The victims were also deceived regarding the compensation which was not paid as promised; Some victims were not paid at all and the rest were paid sums between \$500 and \$3500. On the other hand, the defendants received significant sums (tens of thousands of shekels) and the patients who received the kidneys paid between \$125000 and \$135000. When some victims wished to renege and not follow through, psychological pressure was applied.

Some cases were attended with debt bondage; Victims were forced to pay the defendants for alleged debts at exorbitant rates, and for example for traveling to medical examinations, residence in the defendant's home, food and clothing. In addition in some cases, the defendants limited the movement of the victims and allowed them to go out only when accompanied and only for certain purposes. In some cases, the defendants prevailed upon the victims to reside with a defendant until the flight to the Ukraine in order to exercise control over them and in order to cut them off from their support systems. In most cases, the defendants threatened the victims that if they told the authorities about what had happened to them, they would be arrested by the police as having committed a crime. In most cases, the victims were not given any medical care upon arrival in Israel. In most cases their passports were detained. In one case a defendant assaulted a victims who demanded her money.

This indictment has resulted in a conviction of the two defendants. The central defendant received a sentence including 4 years of incarceration.

A second indictment was submitted in the District Court of Nazareth in Felony Case 10\10 State of Israel v. Glub et al. The defendants acted in an organized, systematic and continuous way in trafficking persons among themselves, as if they were chattels passed from hand to hand, in order to extract their kidneys. The defendants succeeded in accomplishing their aim through exploiting, in return for money, the economic and social duress, the vulnerability, the lack of experience, the mental weakness and the inferior status of the impoverished victims, and after they used a series of tactics against them which included psychological pressure, fraudulent representations and misleading information.

This case is pending.

5. Actors Combating Trafficking

Beyond the government's active role in victim protection, there are a number of other actors whose contribution is of paramount importance. One such actor is the Parliamentary Sub Committee dealing with trafficking in women appointed on June 13, 2000 in order to map the phenomenon of trafficking in women, to warn the public concerning its dangers, to demand the government take action and initiate legislation. The Committee initiates sessions which deal with various aspects of the problem.

In the realm of legislation, the members of the committee have initiated several important laws, including a comprehensive bill on trafficking which was deliberated upon in conjunction with the government bill in the Constitution, Law and Justice Committee of the Knesset. The two bills were consolidated and became the new comprehensive trafficking law.

The non governmental organizations have contributed to the cause of victim protection far beyond their numbers and resources. These groups are manned by dedicated professionals who fight daily to heighten public awareness and aid

victims of trafficking. These groups interview victims and give them needed information, represent them on occasion, bring them various necessities, lobby for changes in law and regulations, maintain connections with non governmental organizations in the countries of origin, aid in returning victims to their countries of origin with rehabilitation programs, submit requests for visas and in general act to protect victims as a whole and specific victims in particular.

The non governmental organizations also contribute by educating the public and government functionaries regarding the needs of victims and their special states of mind. Their representatives appear in government seminars and training sessions and participate in the sessions of the Parliamentary Inquiry Committee.

Among the most prominent non governmental organizations are the "Hotline for Migrant Workers", "Kav Laoved" "Isha Leisha" (Women for Women), the "Organization for Assistance to Sexually Assaulted Persons", "Machon Todaa" (part of the International Abolitionist Federation), "Atzum", "Mesila", Physicians for Human Rights, . An interesting phenomenon which has emerged during the last period is the growing tendency of existing non governmental organizations in different fields to take upon themselves some part of the battle against trafficking.

One of the most important developments in the field has been the growing cooperation between these actors on the stage of victim protection. The government, Parliamentary Committee and the non governmental organizations are learning to work together in the interests of the victims. They do not always agree on every issue, but there is a growing tendency to cooperate and pool resources and expertise.

Though steps have been taken to combat trafficking, this battle is not yet won. In the spirit of the international conventions, we hope to continue to wage war on all such phenomena by engaging all parts of civil society in a spirit of mutual cooperation.

Rahel Gershuni
National Coordinator of Battle

