

**Ministry of Justice**  
**State of Israel**

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Trafficking in Persons in Israel

I. The Phenomenon

In Israel, thus far, trafficking has generally been for the purpose of prostitution, but there have been a few cases which may amount to slavery or trafficking for the purpose of slavery and forced labor and two cases which seem on the face of it, to constitute trafficking for the purpose of organ removal. ..

As regards trafficking for the purpose of prostitution, most of the victims are young women from the former Soviet Union. The police estimate that the numbers of such victims have decreased over the years from a high of 3000 during 2003 to a few hundreds and up to one thousand in 2005-6.

As regards slavery or trafficking for slavery or forced labor, during the last period there have been several investigations which may lead to indictments. These investigations have largely been in the foreign worker sector in the field of agriculture. They concerned groups of workers working long hours in unsanitary conditions, and with below minimal wage pay. In some cases the workers' passports were detained, a phenomenon which tightens control over their movements.

As regards trafficking for organ removal one case has resulted in a conviction. In this case the traffickers targeted vulnerable populations and prevail upon them to donate kidneys by means of fraudulent representations. In the two known cases, the victims were Israeli citizens.

II. Operative Steps in General

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. Comprehensive Law 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 29<sup>th</sup> 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 approved two National Plans thus far..
  3. National Coordinator –A National Coordinator was appointed 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. **She works to recommend policy and identify problems before they burgeon.**
  4. National Plans – Israel has two National Plans which attained the status of government resolutions on December 2<sup>nd</sup> 2007. One is to combat trafficking for prostitution and one is to combat trafficking for slavery and forced labor..
  5. Risk Assessments – This year a decision was made to implement a risk assessment procedure with regard to any entrant to Israel who claims he will be endangered should he be returned to his country of origin. This includes victims of trafficking of any kind. If the claim is substantiated, an alternative solution will be sought.

6. Cooperation – there is growing cooperation between government agencies and between them and non governmental organizations, especially via the National Coordinator but also outside of this channel of communication.
7. Conventions - Israel has signed 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 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition, Israel has ratified the United Nations Convention against Transnational Organized Crime.
8. Educational Initiatives - There has been a plethora of educational initiatives during among law enforcement agencies, the armed forces, government agencies and municipalities.

### III.. Operative Steps to Combat Trafficking for Prostitution Purposes

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:** Police, prosecutors and judges have been so successful in investigating, indicting and convicting traffickers, that the estimated number of trafficked women has decreased from 3000 a year during 2003 to a few hundreds a year currently.

**Prevention:** In addition to supervision of borders, the Ministry of Foreign Affairs has undertaken an important educational campaign in countries of origin, warning potential victims of the danger of entering Israel illegally. This initiative was undertaken in concert with NGOs. .

**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.

#### IV. Slavery and Trafficking for Slavery and Forced Labor

Since the new comprehensive anti trafficking law only came into force on October 29<sup>th</sup>, 2006, there are as yet no indictments in regard to these new crimes. However, the following steps have been taken:

1. **LAW** - The comprehensive anti trafficking law creates a cluster of offences to deal with severe exploitative situations: trafficking for slavery and forced labor, slavery, forced labor, causing a person to leave his country in order that he be held in conditions of slavery, abduction for the purpose of slavery or forced labor, exploitation of vulnerable populations.
2. 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.

3. A National Anti Trafficking Plan - a National Plan to combat slavery and trafficking for slavery and forced labor has been approved by government resolution.
4. Intensive Training - is being undertaken among Law Enforcement Authorities
5. Prosecution Efforts – Police and other law enforcement agencies are making this crime a priority and conducting joing investigations in order to identify cases. There are a number of indictments which are in final stages of prepartaion
6. An Ombudswoman for the Complaints of Foreign Workers - serves as a clearing house for complaints of foreign workers, thus serving as a conduit to pass cases on to police and prosecution..
7. Employment Methods – The government has consciously changed the system under which foreign workers are employed in order to create a climate unfriendly to trafficking, and for example obligating man power agencies to apprise workers of their rights .
8. Regulatory Offences – In addition to the criminal offences in the new anti trafficking law, Israel has enacted a number of regulatory offences in the field of foreign workers. These are being increasingly enforced, thus making for a climate unfriendly to trafficking. <sup>1</sup> An example is the prohibition of middleman fees beyond a certain sum, aimed at preventing a heavy burden of debt which may lead the foreign worker to accept any conditions, no matter how inhuman.

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<sup>1</sup> Examples of such offences are:

1. Employment of a foreign worker without providing him with a detailed contract.
2. Employment of a foreign worker without provision of medical insurance.
3. Employment of a foreign worker without providing proper lodging.
4. Employment of a foreign worker without providing a detailed pay-slip, or unlawfully deducting sums from his wages.
5. Employment of a foreign worker without holding the documentation pertaining to the above obligations, as well as a listing of hours of work, at the workplace or the offices of the employer.
6. Illegal employment of a foreign worker, i.e. - employment of a foreign worker by an employer who does not have a permit to do so, or employment of a foreign worker in violation of the conditions of his visa.

9. Administrative Steps – Israeli law allows revocation of licences to employ foreign workers if employers or manpower companies violate their rights. This recourse is increasingly being used by the Ministry of Industry, Labor and Trade, thus creating a climate unfriendly to exploitation in general and trafficking in particular.
10. 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 Industry Labor and Trade and translated into the main languages of foreign workers.

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.

11. Israel has currently achieved an agreement with the International Organization of Migration and a key country of origin – Thailand –in order to supervise recruitment of Thai workers to Israel so as to prohibit collection of high middleman fees in said country. This is calculated to prevent a breeding ground for exploitation in general and trafficking in particular, as workers who have incurred high debts tend to accept any conditions in order to continue working and thus pay their debts.

#### V. Trafficking for the Purpose of Organ Removal

As mentioned, in a precedential case, two defendants were convicted of trafficking for organ removal. The case is -

*(Haifa C.C 4044/07 the State of Israel v. Muhammed (John) Ben Taha Jeeth (Alen) et.al).*

The indictment involves 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.

Both defendants were convicted in the framework of a plea bargain and the main defendant's punishment was set at 4 years imprisonment.

#### VI. Actors Combatting 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 Committee on Trafficking in Women, which has acted as a watchdog to government and initiated important legislation.

The non governmental organizations have contributed to the cause of victim protection far beyond their numbers and resources in protecting victims, educating the public and initiating important court cases.

Rahel Gershuni  
Government Coordinator of Battle  
against Trafficking in Persons