

A Human Rights Report on Trafficking in Persons, Especially Women and Children

Israel



Population: 7,353,985 (July 2010 est.)

Population Growth Rate: 1.628% (2010 est.)

Birth rate: 19.51 births/1,000 population (2010 est.)

Life Expectancy: total population: 80.86 years; male: 78.7 years; female 83.12 years (2010 est.)

Literacy Rate: total population: 97.1%; male: 98.5%; female: 95.9% (2004 est.)

Net Migration Rate: 2.22 migrant(s)/1,000 population (2010 est.)

Unemployment Rate: 7.4% (2009 est.)

Gross Domestic Product Per Capita: \$28,400 (2009 est.)

Religions: Jewish 76.4%, Muslim 16%, Arab Christians 1.7%, other Christian 0.4%, Druze 1.6%, unspecified 3.9% (2004)

Languages: Hebrew (official), Arabic, English

Ethnic Groups: Jewish 76.4%, non-Jewish 23.6%

Capital: Jerusalem¹

Trafficking Routes

Israel is primarily a destination country for women trafficked from the former Soviet Union, including Moldova, Russia, Ukraine, Belarus, and Uzbekistan² Migrants from China, Romania, Turkey, Thailand, the Philippines, Nepal, Sri Lanka, and India come to Israel to find employment, but are often subjected to forced labor.³ Israel is also destination country for foreign nationals from Sudan, Ethiopia, and Eritrea; they cross into Israel through Egypt.⁴

Factors That Contribute to the Trafficking Infrastructure

Migrant workers in Israel constitute about 4 percent of the workforce⁵ and are an easy target for exploitation. Israel legalized a flat-rate brokerage fee for migrant workers to pay employment agencies in Israel. However workers usually pay middlemen much more than the regulators permit.⁶ Recruitment agencies in the countries of origin and in Israel charge

¹ CIA World FactBook, *Israel*, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/is.html> (last visited July 21, 2010).

² *Israel and Sex Trafficking*, THE FANONITE, Nov. 25, 2007, available at: <http://www.uruknet.info/?p=38585>.

³ *Israel: Still a destination for human trafficking*, INTEGRATED REGIONAL INFORMATION NETWORKS (IRIN), June 18, 2009, available at: <http://www.irinnews.org/Report.aspx?ReportId=84897>.

⁴ Ahmed Maged, *Human Trafficking: The Case of Egypt*, DAILY NEWS, Aug. 1, 2008, available at: <http://www.thedailynewsegypt.com/article.aspx?ArticleID=15456>.

⁵ Ruth Eglash, *Gov't looks to cut back on foreign workers to help unemployment*, JERUSALEM POST, Mar. 12, 2009, available at: <http://www.turkishweekly.net/news/66811/-gov-t-looks-to-cut-back-on-foreign-workers-to-help-unemployment.html>.

⁶ ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL, *THE STATE OF HUMAN RIGHTS IN ISRAEL AND THE OCCUPIED TERRITORIES* 60-62 (2008), available at: <http://www.acri.org.il/pdf/state2008.pdf>.

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brokerage fees from \$1,000 to \$10,000, turning migrant workers into “victims of debt bondage” in Israel.⁷

Israeli law doesn’t criminalize prostitution patrons, and consequently provides no incentive to reduce the demand for prostitution.⁸ Lack of cooperation with countries in the region, most notably Egypt, as well as generalized corruption contributes to the lack of anti-trafficking enforcement.⁹ And ongoing occupation and poverty in the Palestinian Territories has led to labor trafficking and exploitation of Palestinian workers employed in Israel and Jewish settlements within the West Bank.¹⁰

Insufficient income has recently been cited as an important factor in human trafficking within Israel; impoverished Israeli women are now primary targets of traffickers. In addition, Israeli law enforcement officials are unprepared and uninformed as to the methods of dealing with this new trend.¹¹

Forms of Trafficking

Several hundred women are trafficked to Israel for sexual exploitation each year.¹² Many women are trafficked to Israel from the former Soviet Union with promises of steady employment and high wages. However, upon arrival, the women’s passports are confiscated and they are sold to pimps for upwards of USD 8,000.¹³ Many of the trafficked women are then taken to work as prostitutes in brothels throughout the country. Despite the criminalization of brothels, many do exist openly in Israel, a country where prostitution is still legal.¹⁴

While prostitution is the main purpose of trafficking, there have been reports of trafficking for forced labor.¹⁵ Organ trafficking in Israel has also been reported;¹⁶ Israel is considered a “distribution center” for illegally obtained organs.¹⁷

Government Responses

The Comprehensive Foreign Workers Act 5751-1991 covers migrant workers and requires employers to provide adequate housing and medical insurance. Israeli labor laws, including minimum wage, annual leave, severance and recuperation payment, paid maternity

⁷ Israel: Still a destination *supra* note 3.

⁸ *Rabbi: Send Johns to Jail*, YNET NEWS, April 10, 2008, available at: <http://www.ynetnews.com/articles/0,7340,L-3530272,00.html>.

⁹ Human Trafficking: The Case of Egypt *supra* note 4.

¹⁰ KAV LAOVED, PALESTINIAN WORKERS IN ISRAELI WEST BANK SETTLEMENTS 2008 (2008), available at: http://www.kavlaoved.org.il/media-view_eng.asp?id=2356 (last visited July 23, 2009).

¹¹ Asaf Shalev and Stephanie Rubenstein, *Hotline assails police over human trafficking*, THE JERUSALEM POST, July 22, 2008, available at: <http://www.hotline.org.il/english/news/2008/JerusalemPost072208%252dnew.htm>.

¹² Israel: Still a destination *supra* note 3.

¹³ Raffi Berg, *Israel’s fight against sex trafficking*, BBC, Nov. 6, 2007, available at: http://news.bbc.co.uk/2/hi/middle_east/7070929.stm.

¹⁴ *Id.*

¹⁵ DAVID LEVIN, ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE, STATE OF ISRAEL AGAINST HUMAN TRAFFICKING (2007), available at: http://www.osce.org/documents/pdf_documents/2007/10/27639-2.pdf.

¹⁶ MICHAEL A. BOS, EUROPEAN SOCIETY FOR ORGAN TRANSPLANTATION, AN UPDATE ON GLOBAL ORGAN TRAFFICKING (2008), available at: www.esot.org/Files/Elpat/Content_Files/CTpiTSydney%20Presentation%20Bos.pdf.

¹⁷ Ana Lita, *Organ Trafficking in Eastern Europe*, HUMANIST NETWORK NEWS, Oct. 17, 2007, available at: <http://americanhumanist.org/hnn/archives/index.php?id=319&article=6>.

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leave, and overtime payment, apply to migrant workers. All labor laws apply to domestic workers.¹⁸ Migrant workers, including undocumented workers, receive all the benefits of collective bargaining agreements.¹⁹

In 2004, the Israeli government instituted the Maagan shelter in central Israel; at Maagan, female victims of trafficking can receive treatment and skills training.²⁰ Legal aid and basic medical treatment are also provided. Victims from the Maagan shelter are given temporary visas and work permits regardless of their decision to testify. During 2008, victims received visas allowing them to reside and work for periods ranging from three months to one year. After the legal proceedings end, victims are entitled to reapply for another one-year term.²¹

The Limiting Use of Premises in Order to Prevent the Commission of Crime Law 5765-2005 authorizes police and courts to restrict or shut down an establishment used for prostitution or trafficking.²²

In October 29, 2006, the Israeli government passed the Prohibition of Trafficking in Persons Law,²³ and Penal Law 5737-1977 was amended accordingly. This legislation introduced numerous provisions directly related to trafficking, including the specific criminalization of any form of slavery (section 375A of the penal law), trafficking for the purpose of organ removal, giving birth to a child and taking the child away (section 377A(a) of the penal law), forced labor (section 377A(a) of the penal law) and pornography.²⁴ In addition, the law established minimum mandatory sentences for trafficking and slavery, compensation of victims by the courts, extraterritorial jurisdiction for Israelis who commit crimes abroad, and a forfeiture fund.²⁵

According to the Israeli anti-trafficking law, the punishment prescribed for trafficking and slavery is 16 years' imprisonment; for child trafficking, the punishment is 20 years' imprisonment.²⁶ Exploitation of vulnerable persons (section 431 of the penal law) is punishable by three years' imprisonment. Other provisions affirm various rights of victims, including the right to legal proceedings without the presence of the defendant, and protection of privacy during the court proceedings, preliminary testimony, and legal aid.²⁷ Prostitution is legal in Israel, while acting as an agent for prostitutes is unlawful.²⁸ Moreover, the abduction offense has been extended to include abduction for the purposes of slavery or forced labor, transporting a person

¹⁸ Israeli Ministry of Industry, Trade and Labor, <http://www.moital.gov.il/NR/exeres/702AE5C9-4AD2-4F96-9BBB-DCCE264A94EE.htm> (last visited on July 24, 2009); see also Kav LaOved, http://www.kavlaoved.org.il/rights_n_eng.asp (last visited July 24, 2009).

¹⁹ KAV LAOVED, ACTIVITY REPORT 2007, (2007), available at: http://www.kavlaoved.org.il/UserFiles/news1945_file.doc.

²⁰ *Israel: People-trafficking gang uncovered*, INTEGRATED REGIONAL INFORMATION NETWORK (IRIN), Mar. 12, 2009, available at: <http://www.irinnews.org/Report.aspx?ReportId=83436>.

²¹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 5TH PERIODIC REPORT CONCERNING THE IMPLEMENTATION OF CEDAW, U.N. CEDAW/C/ISR/5 (Oct. 21, 2009), available at: http://www2.ohchr.org/english/bodies/cedaw/docs/AdvanceVersions/CEDAW_C_ISR_5.pdf.

²² *Id.*

²³ *Israel Steps Up Fight Against Human Trafficking*, HUMANTRAFFICKING.ORG, Apr. 4, 2007, available at: <http://www.humantrafficking.org/updates/553/>.

²⁴ 5TH Periodic Report Concerning *supra* note 21.

²⁵ State of Israel Against *supra* note 15.

²⁶ RAHEL GERSHONI, MINISTRY OF JUSTICE STATE OF ISRAEL, TRAFFICKING IN PERSONS IN ISRAEL (2007), available at: <http://www.ungift.org/docs/ungift/pdf/vf/statements/Israel.pdf>.

²⁷ *Id.*

²⁸ Israel's Fight Against Trafficking *supra* note 13.

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beyond the boundaries of a state (sections 374A and 370 of the penal law), and forcing a person to leave a country for the purposes of slavery or prostitution (section 376B of the penal law).²⁹

In 2007, Government Resolution No. 2670 was passed, outlining additional measures to be taken in the fight against trafficking. The resolution approved Israel's "national plan for the fight against human trafficking" and formulated a system of housing for rescued victims. Under the resolution, three apartments were designated to house victims for up to 30 days, a rehabilitation facility was established to provide psychological and medical assistance to victims, and budgets were allotted to the Ministry of Social Welfare and Social Services and the Ministry of Health, among other proposals.³⁰

On Jan. 29, 2008, Israel passed an amendment to the Courts Law (Consolidated Version) 5744-1984. According to the amendment, the cases of human trafficking for prostitution will be heard before a single judge so as to minimize procedural delays caused by court workload; prior to this amendment, such cases were heard by three judges. According to the explanatory notes of the bill, delays often led to impediments in victims' repatriation, commencement of the rehabilitation process, and release of defendants. Such long proceedings also weakened the effectiveness of the victims' testimonies due to memory loss.³¹

The Authority for the Advancement of the Status of Women in the Prime Minister's Office has been increasingly active in the area of promoting awareness of the issue of combating trafficking in women. It conducts public opinion surveys regarding anti-trafficking legislation and organizes awareness seminars.³²

Zahava Gal-On, Knesset (Parliament) member and chairperson of the Parliamentary Subcommittee on Trafficking in Women,³³ is currently working on passing additional bills aimed at reducing the demand for prostitution. One such bill would criminalize clients with a six-month jail sentence.³⁴ Another bill proposes criminalization of advertising sex services and imposes a jail sentence of up to three years.³⁵ Israel's current penal code allows imprisonment of six months for advertising sex services. The provision stopped this practice in Israeli newspapers, but neglected to reduce the distribution of business cards and advertisements by erotic massage and escort services.³⁶

Nongovernmental and International Organizations Responses

Isha L'Isha Haifa Feminist Center is a nongovernmental organization that is dedicated to furthering gender equality, the protection of women from violence, and the empowerment of women to become leaders in society. In its Fighting Against Trafficking project, Isha L'Isha works directly with the Israeli government by advocating for improved legislation concerning

²⁹ 5TH Periodic Report Concerning *supra* note 21.

³⁰ UN Secretary-General's database on violence against women, *available at*: <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=22976&baseHREF=country&baseHREFId=668> (last visited July 24, 2009).

³¹ *Israel – Adjudication of Human Trafficking Offenses*, GLOBAL LEGAL MONITOR (Law Library of Congress, Washington D.C., USA), Mar. 2008, at 54-55, available at: http://loc.gov/law/news/global-monitor/2008_glm_03.pdf.

³² 5TH Periodic Report Concerning *supra* note 21.

³³ *Id.*

³⁴ Rabbi: Send Johns to Jail *supra* note 8.

³⁵ *Id.*

³⁶ *Id.*

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human trafficking, stronger prosecution of traffickers, and enhanced enforcement of the law. Isha L'Isha also manages an anti-trafficking hotline, coordinates repatriation efforts, and sponsors awareness lectures and workshops.³⁷

Kav LaOved was established to protect against exploitation in the labor force. Kav LaOved promulgates information on such topics as labor rights, work permits, and social security to raise awareness and prevent mistreatment. The organization also provides legal representation for migrant workers in Labor Courts. In addition, the NGO exposes employers who have been charged with labor law violations and demands the prosecution of delinquent employers.³⁸

The Hotline for Migrant Workers, established in 1998, is dedicated to promoting the rights of refugees and undocumented migrant workers and combating trafficking in persons in Israel. The hotline provides information and legal solutions, conducts advocacy campaigns and trains government officials, files suits and promotes enforcement of relevant laws. They also aim to abolish governmental policies that violate human rights. Among the NGO's achievements is the provision of state-financed legal aid for victims of trafficking and unaccompanied minors, and the availability of redress for trafficking victims in civil cases regardless of whether damages have been proven.³⁹

The Task Force on Human Trafficking is a collaborative effort on behalf of the NGO ATZUM/Justice Works and the Kabiri-Nevo-Keidar law firm. Its three primary objectives are encouraging government involvement, enhancing the rights of victims, and increasing public awareness. The task force has lobbied policymakers, advocated for the right of trafficking victims not to have their personal information exposed in court cases, and organized workshops on victim assistance for law enforcement officers.⁴⁰

Multilateral Initiatives

In 2007 a regional course, "Preventing Human Trafficking Through Empowerment," was organized by a cooperative between the Golda Meir Mount Carmel International Training Centre, the Israel Foreign Ministry's Center for International Cooperation, the Center for International Migration and Immigration, and the International Organization for Immigration. Officials from Belarus, Uzbekistan, Ukraine, and Moldova attended the course, which was designed to bring awareness to the issues of street youth, domestic violence, and anti-trafficking campaigns.⁴¹

The government of Israel has participated in the 2007 EU Anti-trafficking day and has shown an interest in working with the European Expert Group on Trafficking.⁴²

³⁷ Isha L'Isha, <http://www.isha.org.il/default.php?lng=3&pg=1&dp=1&fl=1> (last visited July 15, 2009).

³⁸ Kav LaOved, http://www.kavlaoved.org.il/default_eng.asp (last visited July 15, 2009).

³⁹ Hotline for Migrant Workers, <http://www.hotline.org.il/english/about.htm> (last visited July 24, 2009).

⁴⁰ Task Force on Human Trafficking, *available at* http://tfht.org/index.php?section=article&album_id=6 (last visited July 15, 2009)

⁴¹ State of Israel Against *supra* note 15.

⁴² COMMISSION ON THE EUROPEAN COMMUNITIES, IMPLEMENTATION OF THE EUROPEAN NEIGHBOURHOOD POLICY IN 2007 PROGRESS REPORT ISRAEL 10 (2007), *available at*: http://ec.europa.eu/world/enp/pdf/progress2008/sec08_394_en.pdf.