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2019 Trafficking in Persons Report: Israel

ISRAEL: Tier 1

The Government of Israel fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Israel remained on Tier 1. The government demonstrated serious and sustained efforts by prosecuting and convicting more traffickers overall and investigating, prosecuting, and convicting more perpetrators of forced labor crimes. For the first time in several years, it identified five forced labor victims, and it continued to operate shelters and other facilities that provided victims a wide variety of immediate and long-term care and rehabilitative services. Although the government met the minimum standards, it penalized some identified and unidentified trafficking victims among the irregular African migrant population for immigration and prostitution violations. The government also continued to implement policies that exacerbated this population’s vulnerability to trafficking, especially among Eritrean women. Additionally, the government’s victim identification procedures delayed or prevented some victims from receiving appropriate protection services.

PRIORITIZED RECOMMENDATIONS

Proactively screen irregular African migrants to ensure trafficking victims among this population are not penalized for unlawful acts traffickers compel them to commit, such as immigration violations. • Amend the 2006 anti-trafficking law to include a definition of human trafficking consistent with international law. • Increase investigations, prosecutions, and convictions of labor trafficking offenders. • Impose stricter sentences on convicted traffickers, consistent with the seriousness of the crime. • Increase the number and geographic dispersion of government officials authorized to officially recognize identified trafficking victims, including victims referred by NGOs, to allow for more efficient access to protection services. • Repeal the “Deposit Law” (article 4 of the Prevention of Infiltration Law), which significantly increases vulnerabilities to trafficking for the irregular African migrant population. • Substantially increase anti-trafficking awareness and victim identification trainings for police officers at regional and local levels. • Provide access to the national healthcare system for victims of all forms of trafficking, including shelter and medical and psycho-social treatment, for the duration of their presence in Israel. • Increase labor inspectors, social workers, and interpreters in the agricultural, construction, and caregiving sectors, and provide them with training on victim identification procedures. • Increase enforcement of foreign worker labor rights. • Take steps to eliminate recruitment fees charged to workers by licensed labor

recruiters and ensure any recruitment fees are paid by employers. • Designate a Knesset committee or sub-committee to address labor trafficking. • Increase methods of evaluating effectiveness of training for law enforcement, including police and prison officials, in victim identification, and enforcement of labor and sex trafficking laws.

PROSECUTION

The government increased efforts to prosecute and convict traffickers. The 2006 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 16 years' imprisonment for the trafficking of an adult, and up to 20 years' imprisonment for the trafficking of a child. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law did not establish the use of force, fraud, or coercion as an essential element of the crime. Under 376A of the Penal Law 5737-1977, holding a person's passport against their will carried a penalty of three to five years' imprisonment.

In 2018, police initiated 139 total investigations, including 114 investigations of potential sex trafficking crimes, eight potential forced labor crimes, and 17 potential child sex trafficking crimes; this compared with 231 sex trafficking investigations and zero forced labor investigations in 2017. In 2018, the government initiated 22 prosecutions (13 for adult sex trafficking, two for forced labor, and seven for child sex trafficking); this compared with 10 sex trafficking and zero forced labor prosecutions in 2017. In 2018, the government convicted five traffickers (one for forced labor and four for child sex trafficking) but zero for adult sex trafficking; this compared with three convictions for adult and child sex trafficking and zero for forced labor in 2017. Additionally, authorities opened 1,271 criminal investigations and filed 175 indictments for suspected violations of labor laws, leading to 35 sentences, with sanctions and compensation totaling approximately 8.46 million Israeli shekels (\$2.27 million), as well as administrative fines of approximately 8.01 million Israeli shekels (\$2.14 million); authorities also filed three indictments against employers for violating the rights of children. The government also reported it initiated an investigation into two government officials allegedly complicit in trafficking and trafficking-related offenses. It reported a case of a police officer, alleged to have solicited sex from trafficking victims whom he was assigned to protect in a transition apartment while the victims waited to testify against their traffickers; this case was ongoing at the end of the reporting period. The government also reported an ongoing investigation into a Ministry of Agricultural and Rural Development official, who facilitated the entry of Georgian citizens into Israel through the use of his employee pass in exchange for money from the Georgian nationals or their traffickers.

As in previous years, the government provided extensive anti-trafficking training, awareness-raising workshops, and seminars, which reached more than 925 officials. The government increased training to ensure that all judges hearing criminal cases participated in a mandatory training on sex crimes and trafficking in persons.

PROTECTION

The government maintained overall strong protection efforts; however, victim identification policies and procedures prevented some trafficking victims, especially among the African migrant population, from receiving appropriate protection services. The government continued to circulate trafficking victim identification guidelines widely to relevant ministries. In 2018, the government reported receiving 105 victim referrals from NGOs and government sources, 30 of which remained pending at the end of the reporting period. Of the 105 referrals, the government granted official trafficking victim status to 59 individuals—including 41 women and 18 men—which was a decrease from the 73 victims identified in 2017. Among the identified victims were five male victims of forced labor—the first forced labor victims identified by the government in eight years. The Israeli National Police (INP) Anti-Trafficking Coordinating Unit—which consisted of two police officers—was the only government entity with the authority to grant individuals official trafficking victim status, which allowed a victim full access to protection services. Because only two INP officers were authorized to review victim applications throughout the country, the process significantly delayed victims’ access to much-needed protection services. Furthermore, NGOs reported that the government’s strict evidentiary standard for granting official victim status, which required eyewitness accounts, dates, and details from the victims, prevented at least 18 victims referred by NGOs from receiving status and, thus, appropriate care in 2018. Furthermore, some NGOs did not submit cases of trafficking among the Eritrean and Sudanese irregular migrant community due to this high standard and the risk that the application process would re-traumatize victims but not result in recognition. To address some of these concerns, the National Anti-Trafficking Unit (NATU), in coordination with the Ministry of Justice Legal Aid Administration (LAA) and NGOs, continued a fast-track procedure to more efficiently grant trafficking victim status.

The government continued to provide a wide range of protective services for victims of all forms of trafficking and to encourage victims to assist in the investigation and prosecution of their traffickers, but did not require their participation in court cases as a condition for receiving visas and protective assistance; victims could also opt to leave the country pending trial proceedings. The government continued to operate a 35-bed shelter for female trafficking victims, a 35-bed shelter for male trafficking victims, and transitional apartments with 18 beds for female victims and six beds for male victims. Shelter residents were allowed to leave freely and, by law, all victims residing in the shelters were provided B1 visas—unrestricted work visas. These shelters offered one year of rehabilitation services, including job training, psycho-social support, medical treatment, language training, and legal assistance. The INP referred all 59 identified victims to shelters, but some declined to enter a shelter and instead utilized rehabilitative services at a government-run day center. In 2018, the women’s shelter assisted 52 victims, in addition to six children of victims; the men’s shelter assisted 45 victims; and the transitional apartments assisted 35 men and women, including 17 children. The majority of victims at the men’s shelter were Ethiopian and Eritrean. In response to an increase in the number of children of trafficking victims staying at shelters in 2018, the government increased child-specific rehabilitation services at the shelters. The Ministry of Social Affairs continued to operate a day center in Tel Aviv for male and female trafficking victims who were waiting for a space at a shelter, chose not

to reside at a shelter, or had completed one year at a shelter. The day center provided psycho-social services and food aid, and social workers at the center were trained to identify individuals at risk of re-victimization in trafficking. In 2018, the center provided services to 236 male and female victims, all of whom were irregular African migrants primarily from Eritrea, as well as to 100 children of victims. Additionally, for identified trafficking victims who opted not to stay in shelters, the government continued to provide an official letter that protected them from potential arrest for immigration violations and emergency contact numbers for shelters and relevant ministries. Identified trafficking victims living outside of shelters were previously not entitled to receive free medical coverage at various government-funded health facilities; however, in 2018 the Ministry of Health approved provision of limited medical treatments at one facility for these victims. The government also expanded gynecological and dental care for recognized trafficking victims in shelters. In 2018, the government provided medical care to 94 male and female trafficking victims.

The LAA continued to provide free legal aid to trafficking victims, and staff regularly visited shelters and detention facilities to provide consultations. In 2018, the branch received 109 legal aid requests to assist potential trafficking victims, including 52 irregular migrants who may have been subjected to trafficking in the Sinai. In 2018, the government issued 15 initial B1 visas and 36 visa extensions to sex and labor trafficking victims. It also issued 28 visas preventing the deportation of trafficking victims and two extensions of such visas in 2018. The government allowed trafficking victims to work during the investigation and prosecution of their traffickers. The government forfeiture fund, which used property and money confiscated from traffickers to assist victims, accepted no new requests to fund assistance in 2018.

The government maintained guidelines discouraging the prosecution of trafficking victims for unlawful acts traffickers compelled them to commit during their exploitation. However, the government did not systematically screen for trafficking among the irregular African migrant population and as a result authorities may have penalized unidentified and some identified victims for immigration violations. For example, the government continued to implement the “Deposit Law” (article 4 of the Prevention of Infiltration Law), which required employers to deposit a certain percentage of irregular migrants’ wages—including those of identified trafficking victims—into a fund that migrants could not access until they departed from the country; the government could also add penalties to the fund for each day a migrant remained in the country without a visa. NGOs reported that some employers withheld but never deposited wages into the fund. Furthermore, NGOs reported this law pushed migrants—particularly Eritrean women—into the black market, including prostitution, which exacerbated their vulnerability to trafficking. In March 2018, the government closed the Holot detention center and released all detained irregular migrants, but it did not forcibly deport them as it had previously declared. In addition, in April 2018, the government—per a Supreme Court order—released all Eritrean migrants from Saharonim prison, except those suspected of criminal offenses. The government did not proactively screen released detainees for trafficking indicators, but an NGO reported identifying at least five trafficking victims among those released. The government continued to incentivize irregular African migrants to voluntarily depart Israel to third countries in Africa, by providing migrants with a \$3,500 stipend and a paid plane ticket to Uganda or Rwanda;

however, NGOs and UNHCR confirmed that migrants who arrived in Uganda or Rwanda did not receive residency or employment rights. An international organization reported that as of June 2018 “voluntary” transfers continued, but coercive measures to induce deportations were reduced, as those who refused to leave “voluntarily” could not be detained by Israeli authorities and had their permits renewed.

PREVENTION

The government maintained strong efforts to prevent and raise awareness of human trafficking among the public and government officials. NATU continued to coordinate anti-trafficking efforts effectively among relevant ministries and NGOs during the reporting period, and NATU officials continued to appear regularly in the media to raise awareness of trafficking. In January 2019, the government approved a new five-year national action plan, replacing its 2007 plan; the new plan included an emphasis on forced labor, victim identification mechanisms, enforcement of businesses and supply chains that facilitate trafficking, and new tools to combat online trafficking activities. However, the government did not allocate additional funds for full implementation of the new plan. The Knesset Subcommittee on Trafficking in Women and Prostitution met regularly, held 11 hearings and discussions, and conducted two field visits to NGO-run support centers during the reporting period. The Knesset held no hearings on labor trafficking.

In the first nine months of 2018, the Ministry of Labor, Social Affairs, and Social Services, which employed 261 labor inspectors and contracted translators during routine inspections, issued 681 administrative warnings, imposed 60 fines, and processed one criminal complaint involving two individuals that resulted in fines for labor violations. NGOs continued to report there were not enough labor inspectors, especially in the construction and agricultural sectors, to sufficiently monitor and enforce labor laws. Additionally, NGOs reported the government did not effectively regulate work force companies, nor combat criminal networks that recruited foreigners for the construction and caregiving fields and for prostitution. In 2018, the government signed two bilateral work agreements (BWA) with the Philippines to allow for employment of Filipino workers in the caregiving sector and in hotels. The new agreement did not apply to thousands of Filipino caregivers already working in the country, although it allowed them to access a complaint hotline. The government maintained BWAs with six other countries for agricultural and construction work; in 2018, 11,114 of the 25,358 foreign migrant workers who arrived in Israel did so through these agreements. In December 2018, the government stated that as of February 2019, foreign workers could only be recruited via BWAs. NGOs reported that Israel’s agreements with private Chinese employer associations required workers in the construction industry to pay licensed employment recruiters up to \$30,000 in recruitment fees and costs, which could increase their debt and vulnerability to forced labor. The government did not complete a plan to prevent exploitation of students from developing countries who experienced forced labor in the agricultural industry. In accordance with Population, Immigration and Border Authority (PIBA) procedures for recruitment agencies in the caregiving

sector, it continued to require every agency to hire a licensed social worker responsible for supervising the conditions of foreign caregivers, including home visits, and for informing relevant authorities about labor violations.

The government, in collaboration with an NGO, continued to operate a 24-hour hotline to assist foreign workers who were in Israel under bilateral agreements. The hotline employed 11 interpreters in nine languages: Chinese, Thai, Bulgarian, Russian, Nepalese, Sinhalese, Romanian, Ukrainian, and Turkish. In 2017, the hotline received 2,332 calls, the majority from Thai agricultural workers and Chinese construction workers. There was no comparable hotline for the approximately 74,000 documented migrant workers who worked in Israel through private recruitment, nor for the approximately 131,000 Palestinian workers in Israel and Israeli settlements in the West Bank. In November 2018, the Child Protection Bureau launched a toll-free hotline for online offenses against children, but the government did not maintain a separate hotline for potential child victims of all forms of trafficking. The government also maintained an emergency hotline for women and girls in prostitution, but it did not provide data on its operations in 2018. The government continued efforts to reduce the demand for commercial sex acts, including sex tourism.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Israel. Foreign workers, primarily from South and Southeast Asia, Eastern Europe and the former Soviet Union, and the West Bank and Gaza migrate to Israel for temporary work in construction, agriculture, and caregiving; some of these workers are subjected to forced labor. As of October 2018, data from the Israeli government, Palestinian Authority, UN, NGOs, and media indicated there were 215,000 legal foreign workers and 129,000 illegal foreign workers, including Palestinian workers, in Israel and Israeli settlements in the West Bank. Foreign workers, particularly Turkish, Chinese, Palestinian, Russian, and Ukrainian men, in the construction sector suffer from labor rights abuses and violations and labor trafficking. Some employers in the construction sector illegally charge Palestinian workers monthly commissions and fees, and in many cases employers illegally hire out Palestinian workers to other workplaces; these workers are vulnerable to forced labor. Traffickers subject some Thai men and women to forced labor in Israel's agricultural sector where they face conditions of long working hours, no breaks or rest days, withheld passports, and difficulty changing employers due to limitations on work permits. Some traffickers in the agricultural sector recruit students from developing countries to take part in an agricultural study program on student visas, and force them to work in the industry upon arrival, effectively circumventing the BWA process. Caregivers are highly vulnerable to forced labor due to their isolation inside private residences and their lack of protection under the labor law; local NGOs report that traffickers subject caregivers to excessive recruitment fees, fraudulent work contracts, long work hours, confiscation of passports, underpayment of wages, physical violence, sexual harassment and abuse, denial of severance pay, and poor housing including—in some cases—living in the same room as their employer. Foreign caregivers constitute the largest share of all legal foreign workers in the country; the vast majority of these workers are women. The government's policy of

refusing fast-track asylum claims has resulted in fewer claims from Ukrainian and Georgian applications; however, they were replaced by increased numbers of Russian and Moldovan workers following the same pattern: networks of workforce agencies recruit workers to Israel through a fraudulent asylum-claim process and charge workers high mediation fees and sell them fake documents; these workers are vulnerable to exploitation. Some Bedouin Israeli children are reportedly vulnerable to forced labor, experiencing long working hours and physical violence.

Eritrean and Sudanese male and female migrants and asylum seekers are highly vulnerable to sex and labor trafficking in Israel. As of October 2018, 31,000 African migrants and asylum seekers were present in Israel, nearly all of whom were from Eritrea or Sudan. According to NGOs, these migrants and asylum-seekers became increasingly vulnerable to trafficking following the government's implementation of the Deposit Law that reduced net wages for this population. Economic distress among women in this population, especially Eritrean women, greatly increases their vulnerability to sex trafficking. Since 2007, thousands of African migrants entered Israel via the Sinai Peninsula. The flow of these migrants arriving in Israel, peaking at more than 17,000 in 2011, dramatically decreased to zero in 2017. Many of these migrants were kidnapped in the Sinai and subjected to severe abuse, including forced labor and sex trafficking, at the hands of criminal groups in the Sinai before reaching Israel.

Israeli children, Israeli Bedouin and Palestinian women and girls, and foreign women are vulnerable to sex trafficking in Israel. Traffickers use social media websites, including dating apps, online forums and chat rooms, and Facebook groups, to exploit girls in prostitution; an NGO reported in 2018 that there are approximately 3,000 Israeli child sex trafficking victims in Israel. Israeli Bedouin and West Bank Palestinian women and girls are vulnerable to sex and labor trafficking after family members force them into marriages with older men; these women and girls experience physical and sexual abuse, threats of violence, and restricted movement. NGOs report some Palestinian LGBTI men and boys in Israel are vulnerable to abuse and sexual exploitation, due to their lack of legal status and restrictions on work eligibility for Palestinian nationals in Israel. Some Israeli transgender women and girls are sexually exploited in prostitution in order to be able to afford gender-affirming care. Transgender women in prostitution sexually exploit some transgender children as young as 13 years old, some of whom run away from home. Traffickers subject women from Eastern Europe and the former Soviet Union, China, and Ghana, as well as Eritrean men and women, to sex trafficking in Israel; some women arrive on tourist visas to work willingly in prostitution—particularly in the southern coastal resort city of Eilat—but sex traffickers subsequently exploit them. Some traffickers reportedly recruit sex trafficking victims with false, fraudulent, or misleading job offers on the internet, sometimes through legitimate employment websites.

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