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TRAFFICKING IN WOMEN IN ISRAEL

AN UPDATED REPORT – 2001

HOTLINE FOR MIGRANT WORKERS

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ABOUT THE HOTLINE FOR MIGRANT WORKERS

The Hotline for Migrant Workers is a non-partisan, non-profit organization established in August 1998, which aims at improving the human rights situation of migrant workers in Israel.

The Hotline is the only non-governmental organization allowed to enter prisons where candidates for deportation are held. As such, our volunteers frequently visit Neve Tirza Prison for Women where foreign women, arrested in brothels, are held prior to deportation. Our work to improve the treatment of foreign workers and that of the victims of trafficking involves direct intervention, advocacy, and humanitarian aid; legal action; intervention with government officials; and raising public awareness.

The greater part of the Hotline's work is carried out by volunteers.

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INTRODUCTION

Trafficking in women for the sex industry is a global phenomenon that has been placed on the international agenda in the last decade. Correspondingly, Israel began to participate actively in this type of trafficking. While we are not aware of the trafficking of Israeli women abroad, it is a known fact that foreign women are continuously being brought into Israel for the ever-growing sex industry here. According to the Israel Police, about 3000 foreign women are currently being held in Israel for this purpose.¹ Human rights organizations claim that the numbers are much higher.² There are many factors hindering attempts to arrive at an exact estimate. First of all, the women are employed in a large number of brothels scattered all over the country and, secondly, this type of trade is conducted in the twilight zone of the underworld. The large number of brothels, some 700 according to the police, and the even larger number of "discreet apartments," support the assumption that the number of women employed in Israel's sex industry is higher than official estimates.³

This flourishing trade in women has been received with indifference by Israel's law enforcement authorities, as well as by the Israeli public, as if it were merely a minor offense. A report on the subject, published by the Israel Women's Network in 1997, failed to cause the expected stir, despite the fact that the information it disclosed was both grave and alarming. It is precisely this indifference that makes it so easy -- and lucrative! -- for the pimps and traffickers.

In contrast to local indifference, the international community has reproached Israel for the way it handles the problem. In 1998, the UN Human Rights Committee examined Israel's implementation of the International Covenant on Civil and Political Rights and criticized its treatment of the victims of white slavery.⁴ In May 2000, Amnesty International published a scathing report on the abuse of women transported from countries of the former Soviet Union for Israel's sex industry.⁵ Recently, the U.S. State Department issued a report listing Israel in the category of countries, along with Bahrain, Qatar and Sudan, among others, that do not meet the minimum standards for the suppression of sex trafficking.⁶ Nor are these countries making any significant efforts to comply with these standards.⁷

The goal of this report is to examine the violations of the law and of human rights in the trafficking of women in Israel, and the attitude of the Israeli authorities towards those involved -- victims and perpetrators alike. It is our intention to present a clear, up-to-date picture of the situation, and suggest possible ways of improving it.

¹ According to Chief of Police, Shlomo Aharonishky, in a seminar on trafficking in women, which was held by the Ministry of Internal Security on July, 31, 2001.

² For example, Prof. Menahem Amir claims, in Israel Women's Network report of 1997, that every year, about 1,000 women are brought into the country illegally.

³ In a seminar on trafficking in women, which was held by the Ministry of Internal Security on July, 31, 2001..

⁴ CCPR/C/79/Add.93 Concluding Observations of the Human Rights Committee – Israel, adopted on 28 July 1998 Parag. 16.

⁵ Amnesty International, "Human Rights Abuses Affecting Trafficked Women in Israel's Sex Industry.", May 18, 2000.

⁶ U.S. Department of State, "Victims of Trafficking and Violence Protection Act 2000, Trafficking in Persons Report 2001–Israel (Tier 3)".

⁷ The other countries in this category were: Albania, Bosnia, Burma, Congo, Gabon, Greece, Indonesia, Kazakhstan, Lebanon, Malaysia, Pakistan, Romania, Russia, Saudi Arabia, South Korea, Turkey, United Arab Emirates, and Yugoslavia.

METHODOLOGY

Various sources were used in compiling the report: information gathered by volunteers of the Hotline for Migrant Workers at the Neve Tirza Prison for Women, pertaining to 474 foreign women who were deported in the year 2000; in-depth interviews with 30 victims of trafficking; minutes of the Ministry of Interior's Judicial Review Authority in Neve Tirza; minutes of parliamentary committees; meetings with various government officials; seminars; and court rulings. This report is unique in that it is based, i.a., on first-hand information gathered from the victims themselves during interviews in prison or in hiding places (where some of them are lodged until they can testify against the perpetrators).⁸ The Hotline for Migrant Workers also maintains close contacts with human rights organizations in Israel and around the world working to eradicate this phenomenon.

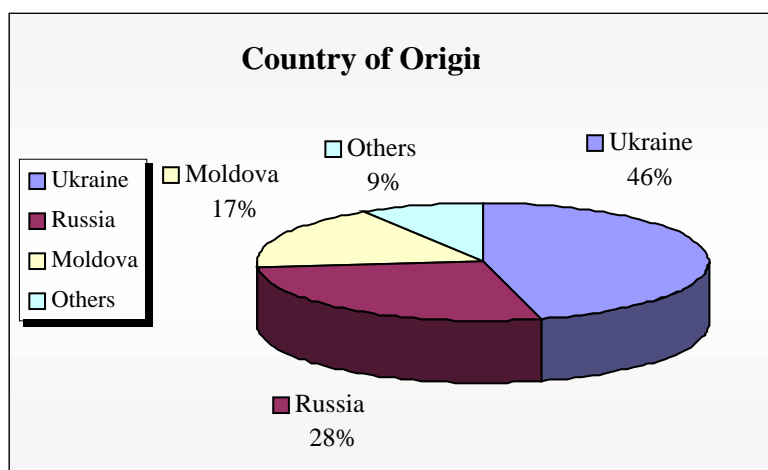
⁸ Data regarding the origin of the women deported, their number, and days held in police stations, pertain to the 392 women, out of all the women deported in 2000, that were arrested in brothels.

1. PROFILE OF THE VICTIMS

During the year 2000, 474 foreign women were deported from Israel on the grounds of illegal residence, after having been detained in Neve Tirza Prison.⁹ Of this number, 83 percent, i.e., 392 women, were arrested in police raids on brothels. The majority of the women came from former countries of the Soviet Union, mainly the Ukraine, Russia, and Moldova. Most were young, in their 20s.

Table 1: Distribution of women arrested in brothels and deported in 2000, by country of origin:

Country of Origin	No. of Deportees
Ukraine	180
Russia	109
Moldova	68
Uzbekistan	7
Lithuania	7
Belarus	6
Kazakhstan	5
Latvia	4
Tadzhikistan	3
Azerbaijan	1
South Africa	1
Kyrgyzstan	1
Total	392



Source: data collected by volunteers of the Hotline for Migrant Workers at the Neve Tirza prison in the year 2000

1.1 Recruitment Methods and Arrival in Israel

As stated above, most of the deported women originated from former countries of the Soviet Union. These countries experienced economic and social collapse after the fall of the Soviet Union, and many people found themselves either unemployed or earning below-subsistence wages. In such a state of affairs, women are usually the first to lose their jobs. Their social and economic distress is the reason many seek their fortunes abroad, answering tempting job offers without making too many inquiries as to their nature and the risks involved.

Table 2: Economic indicators of the three countries from which most of the deported victims of trafficking originated during the year 2000:¹⁰

	Ukraine	Russia	Moldova
GNP per capita	\$700	\$1,660	\$400
Population under poverty line	28%	30%	55%

Source: World Bank Indicators Database, <http://www.worldbank.org/data/>

The women are recruited for work in the Israeli sex industry by diverse methods: some are promised decent jobs (such as waitressing, modeling, nursing, etc.) which offer higher pay than they could ever hope for at home. Others are aware of the true nature of the jobs, but very few had ever worked as prostitutes before. Even those who knew that they would be employed in the sex industry had no idea what it was like or in what conditions they would be forced to work.¹¹ In rare cases some of the women were abducted against their will.¹²

⁹ Not all women deported pass through Neve Tirza prison, although most do. Few are deported directly from police detention facilities. The exact number of these women is unknown to the Hotline.

¹⁰ In comparison, according to the World Bank Indicators Database, GNP per capita in Israel in the year 1999 was \$16,310.

¹¹ Based on in-depth interviews and see also Israel Women's Network report, page 6.

¹² Israel Women's Network report of 1997, page 6.

Until the year 2000, these women were brought into Israel in a variety of ways: with false documents,¹³ by fictitious marriages,¹⁴ using falsified documents of Jewish immigrants,¹⁵ or through the port of Haifa.¹⁶ Due to tightening regulations, the trade routes have changed, and most victims are nowadays smuggled through the Egyptian border. The women land in Egyptian airports, mainly in Cairo, Hurghada and Sharm-al-Sheikh, and are then taken to the Sinai by car. From there they cross the border on foot accompanied by a Bedouin escort. It is a hard and dangerous journey, -- another violation of their human rights. One of the women smuggled via this route told a Hotline volunteer that she and a small group of women were kept in hiding in a cave for a whole day without food or water. They had no choice but to drink from puddles they found on the way. In one indictment the journey was described thus:

“After riding in a car for a few hours, the plaintiffs were taken out and led by foot for two days, having had almost no sleep, accompanied by armed Bedouin and rushed along by two of the defendants ...”¹⁷

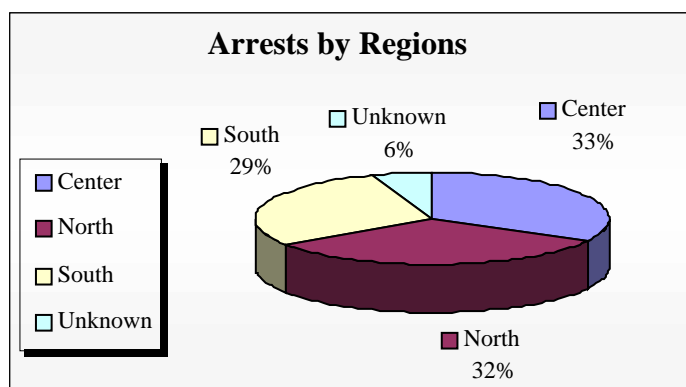
1.2 The Trade

Human rights violations against the trafficked women reach their peak in Israel. Upon arrival the women are distributed among different brothels around Israel. Some are "designated" in advance to a specific brothel.

Table 3: Distribution of the women arrested in brothels and deported in 2000, by region of arrest.

Region	No. of Deportees
Center	130
North	127
South	113
Unknown	22
Total	392

Source: data collected by volunteers of the Hotline for Migrant Workers at the Neve Tirtsa prison in the year 2000



As soon as they arrive in Israel, the women are put up for sale. There are two main methods by which the women are sold: public auction, where the woman is exhibited in front of a large crowd of pimps and sold to the highest bidder; or a private sale, where a woman is sold by one pimp/brothel owner to another. The woman's intimate parts are often examined in order to appraise the value of the "merchandise." The price of a woman may vary from \$4000 to \$10,000, according to age and looks. The quality of the woman's false documents is also a factor in estimating her price.¹⁸ Judge D. Bein summed up the sale of one of the women thus: **“On December 16, 2000 Defendant no. 1 called the middleman and was told that the sale could be made on the following day. A meeting was set for the following day at McDonald's Restaurant at the Gan-Shmuel intersection...negotiations were held regarding the sale of Eliona for the purpose of prostitution. At the end of the negotiations, Eliona was taken to the men's room, stripped naked, and examined by the buyer. It was agreed that she would be sold**

¹³ In the year 2000 14% of the 392 women, who had been arrested in brothels and deported, were caught with false documents: 11% of those deported to the Ukraine, 15% of those deported to Russia, and 22% of those deported to Moldova.

¹⁴ According to Israel Women's Network report (page 7), Israeli men receive large sums of money in order to marry foreign women. The women receive documents with a new identity and under this identity they are sent to work in brothels.

¹⁵ This method has become easier due to the wave of Jewish immigrants coming from countries of the former Soviet Union since the 80s. Some of the women even receive government assistance given to new immigrants ("olim"), which is then passed on immediately to the pimps.

¹⁶ According to an interview held by Martina Vandenberg with Batya Carmon, head of visa department at the Ministry of Interior, most women in 1997 came in as tourists this way, abandoning their passports in the ships that brought them.

¹⁷ State of Israel vs. Solomon and others, criminal proceedings (cp.) 1029/01

¹⁸ According to data stated by police commander of the Tel Aviv district, Chief Superintendent Yossi Sedbon, in a seminar on prostitution and trafficking in women held on February, 2, 2001 at Beit Berl College.

for \$6,000...Eliona's examination can only be compared to the examination of cattle in the market."¹⁹

As previously mentioned, motivation for coming to Israel is the promise of good wages, considered almost imaginary at home. Only upon arrival are the women faced with the fact that they will have to "pay their debt" to the pimp before starting to earn any money. This "debt" includes the cost of bringing them to Israel, the cost of their false papers and, above all, the cost of their purchase, in the thousands of dollars. Some of the women never get around to "repaying their debt," since they are constantly being resold, acquiring new "debts," and not earning a penny for their labors. These frequent sales and resales put the women into perpetual debt to the pimp, while meeting the clients' demands for constant turnover. For example, in the case of the defendant Isaac Yosefov, the plaintiff's employment was described thus:

"As soon as the defendant purchased the plaintiff...he demanded that she have sexual intercourse with him, under the pretext that he wished to examine her 'professional skills,' and further stating that she was required to have intercourse with 'her owner.' The plaintiff refused, the defendant got angry and raped her...during the time she was kept by the defendant she was driven by car to 'service between three and eight clients a day. The defendant refused to give the plaintiff her share of the profits and took all her earnings amounting to NIS 250-350 per client. The defendant locked the plaintiff in an apartment and allowed her to leave only under escort. She was poorly fed and was physically abused by the defendant. At one point she complained about her incarceration, the fact that the apartment was cold, and that she had not received her share of the earnings. The defendant replied by pulling her hair, assaulting her and threatening her life."²⁰

In another case the women were told that they must do as the defendants say, that **"they have no right to ask questions since their status is that of 'white meat'...."**²¹

1.3 Terms of Employment

Interviews with victims of trafficking portray a harsh reality. Working hours in the brothels are extremely long (15-17 hours a day), the women get few, if any, days off, and are forced to work even during menstruation. The pay is minimal, about NIS 20 per client. This money is not given to them until they have paid their "debt." Furthermore, the girls are fined for a number of so-called "felonies": for not fully satisfying a client, for looking out the window, for talking on the phone, for leaving the premises without proper authorization, for drinking a glass of alcohol without permission, etc. The women are subjected to every known kind of human rights violation, including physical and verbal abuse, incarceration, rape, abduction, and more. Escape routes are blocked – their pimps know where their families live in their countries of origin and threaten to harm them if the women try to escape or to testify against them.

One can learn of the harsh terms of employment from the women's testimonies and from charge sheets against the pimps. The following is from the testimony of a victim: **"I worked the morning shift in the brothel. The morning shift starts at 10 a.m. and ends at 3 a.m. at night...the owner would sleep with any girl he wanted. We did not have the right to refuse..."**²² Another testimony heard in the Tel Aviv municipal court was as follows: **"...the defendant refused to give the plaintiff her share of the profits, under various pretexts, and at times refused even to give her food. On one occasion he starved her for three days. He also beat the plaintiff in his car with a cellular phone after she refused to have anal sex with a client. The plaintiff suffered severe pain and bleeding in her lips..."**²³

¹⁹ The State of Israel vs. Reuven Rivai, applications 4891/00

²⁰ The State of Israel vs. Isaac Yosefov, cp. 1018/01

²¹ From the indictment in The State of Israel vs. Guntov, cp. 1087/01

²² From an interview with A. S., conducted in July 2001.

²³ From the indictment in The State of Israel vs. Yosefov and others, cp. 1018/01.

2. AUTHORITIES' ATTITUDE

2.1 International Law

Israel signed and ratified a number of conventions obligating it to act against trafficking in women and against the violations of human rights attending it.

In 1991 Israel ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which determines that signatories must take all appropriate measures, including legislation, to suppress all forms of trafficking in women and their exploitation for the purpose of prostitution.²⁴

In 1992 Israel ratified the International Covenant on Civil and Political Rights (ICCPR), which obligates the signatories to protect the human rights of all people residing within its boundaries and under its jurisdiction, and to take appropriate steps to prevent violations, and to investigate and bring to justice those who have violated those rights. The covenant requires the state to protect the right to life, liberty and personal security, the right not to be enslaved, and to prohibit any form of slavery or slave trade.²⁵

In 2000 Israel signed the United Nations Convention against Transnational Organized Crime, due to come into force in the year 2003. States that are party to the convention are required to enact laws pertaining to criminal offences: participation in organized crime; money laundering; corruption; and the obstruction of justice. A supplementary protocol, which Israel is about to sign, defines in-depth measures that should be taken in order to combat the smuggling of migrants and the buying and selling of women and children for sexual exploitation or sweat-shop labor. In addition, it defines the responsibility of the state in put into effect witness protection programs, social services, health and legal services, to aid and protect the victims of trafficking.²⁶

In practice, with regard to trafficking in women, Israel has failed to adhere to any of the conventions it signed and ratified, nor even to its own legislation prohibiting pimping and other related offenses. A recent rectification of the Penal Law, which added the offence of trafficking in women, was barely upheld during the first year following legislation. Although the offence is severe and carries with it a maximal sentence of sixteen years in prison, very few cases reached the trial stage. Those that did ended with the offenders serving light sentences, if any.

These failures were the subject of severe criticism by the international community. The UN Committee for Human Rights which, in 1998, examined Israel's report on the implementation of the ICCPR, commented as follows: **"The Committee regrets that women brought to Israel for purposes of prostitution, many under false pretences or through coercion, are not protected as victims of trafficking but are likely to be penalized for their illegal presence in Israel by deportation. Such an approach to this problem effectively prevents these women from pursuing a remedy for the violation of their rights under article 8 of the Covenant. The Committee recommends that serious efforts be made to seek out and punish the traffickers, to institute rehabilitation programmes for the victims and to ensure that they are able to pursue legal remedies against the perpetrators."**²⁷

A report on the subject, issued by Amnesty International in May 2000, stated that **"the Israeli government has failed to take adequate measures to prevent, investigate, prosecute and punish human rights abuses committed against trafficked women."**²⁸ These conclusions were reaffirmed by a recent report compiled by the U.S. State Department which, as noted, classified Israel among those countries that do not uphold the minimal criteria of American law against trafficking in women.²⁹

²⁴ Article 6.

²⁵ Articles 6, 8 and 9.

²⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

²⁷ CCPR/C/79/Add.93 Concluding observations of the Human Rights Committee – Israel, adopted on 28 July 1998 Parag. 16.

²⁸ Amnesty International, "Human Rights Abuses Affecting Trafficked Women in Israel's Sex Industry." May 18, 2000, p. 9.

²⁹ U.S. Department of State, "Victims of Trafficking and Violence Protection Act 2000, Trafficking in Persons Report 2001 – Israel (Tier 3)".

This criticism resulted in certain changes in the attitude of the Israeli authorities, but basically nothing has changed: trafficked women are perceived as criminals rather than the victims of one of the most severe forms of human rights violations.

2.2 Legislation

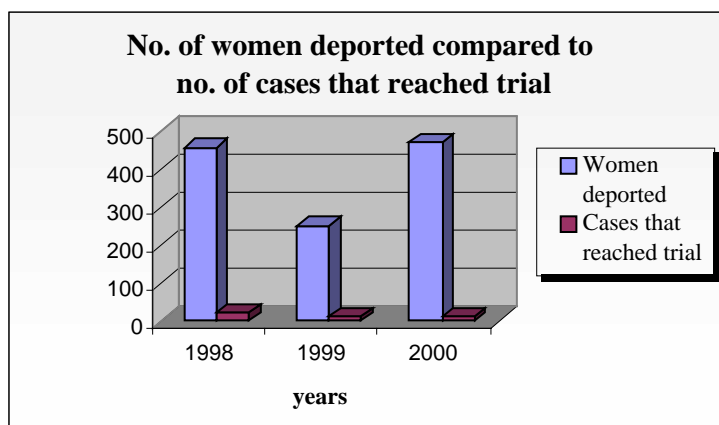
Until 2000, Israeli law made no specific reference to trafficking in women. Nonetheless, the Israeli Basic Law: Human Dignity and Liberty of 1992, states in Paragraph 1 that "the purpose of this Basic Law is to protect human dignity and liberty...". Paragraph 4 of the same law states that "all persons are entitled to protection of their life, body and dignity." In light of this, the State of Israel is obligated to protect the lives of victims of trafficking and to take specific actions to protect their liberty and their physical integrity -- as well as their dignity as women.

Trafficking in women includes a multitude of crimes delineated in the Penal Law, such as kidnapping, imprisonment, rape, threats, assault, forgery, pimping, and solicitation. In other words, if the authorities were really interested in taking action against trafficking, they had at their disposal a diverse array of suitable legal mechanisms for doing so. Because of the apathy of the enforcement agencies, however, very little has been done to date to eliminate this phenomenon. This is demonstrated by the low number of indictments delivered in reference to these crimes over the course of the 1990s, particularly when compared to the number of women deported during those same years.

Table 4: Enforcement measures against women living in Israel without permit as compared to enforcement measures against pimps and traffickers.

	1998	1999	2000
Number of women deported ³⁰	459	253	474
Number of trafficking cases and related offenses that reached trial	23	13	10

Source: Ministry of Internal Security



According to an amendment to the Women's Equal Rights Law passed in 2000, it was determined that **"every woman has the right to protection against violence, sexual harassment, sexual exploitation, and the selling of her body"**³¹. Since this is not a criminal law, no sanctions have been delineated regarding the appropriate response when one or more of these rights is violated. Only on July 21, 2000, was the Penal Law amended to include Paragraph 203A, which determines that **"any individual who buys or sells a human being for purposes of employing that individual as a prostitute, or who acts as a mediator for any such sale or purchase, will be sentenced to 16 years imprisonment. For the purposes of this discussion, 'buy or sell' means in exchange for money, or any other service or favor.**³²

In June 2001, the Knesset passed the first reading of a law proposed by MK Yael Dayan which would require a minimal sentence of one quarter of the maximal sentence for this crime.³³ The comments attached to the proposed law explain that: **"the issue of trafficking in human beings, primarily in women, for purposes of prostitution, is a global problem for which the State of Israel unfortunately constitutes one of the bases of operation. In Israel, pimps and 'traffickers in human beings' have**

³⁰ We cannot say what percentage trafficking victims comprise of the total number of women deported in these years, only that in 2000 it was 83%.

³¹ Article 6B of Women's Equal Rights Law, 1951.

³² Amendment 56 to the 1977 Penal Law, article 203A(a)

³³ Proposed Amendment to the Penal Law (minimal sentencing for trafficking in human beings) submitted March 27, 2001

until recently received absurd sentences of probation or very short prison sentences when in the majority of circumstances they return to the cycle of the very same crime. We hope the addition of ‘trafficking in human beings’ to the domain of minimum punishment will contribute to deterrence and, as such, will lead to the substantial minimization of this phenomenon.”

In the year 2000, the Parliamentary Inquiry Committee on the Trading in Women was established under the leadership of MK Zehava Gal’on. To date, the Committee has presented ten different proposed amendments pertaining to a wide range of subjects associated with victims of trafficking in women, including the right to satisfactory medical care, the right to legal representation by the state, and the obligation of the state to ensure the safety of the women during the time they are giving testimony³⁴. These proposals are of critical importance for the advancement of victims’ rights, yet today’s reality suggests that without appropriate enforcement, these laws will remain mere ineffectual. They are but the first tiny steps on a long road whose end is hard to see.

2.3 Enforcement

At a seminar organized by the Ministry of Internal Security on the issue of trafficking in women, Deputy Minister, Mr. Gideon Ezra, chose to open his speech with the following words: “**This [trafficking] should be the worst of our problems, because as you know we are presently confronting very difficult existential problems... It is necessary to raid the brothels, to catch the prostitutes, and to deport them from the country as quickly as possible. Every woman deported brings us closer to solving the problem.**”³⁵

These remarks reflect the current policy of the enforcement agencies toward the phenomenon of trafficking in women. While it is trafficking in women – and not prostitution – that is clearly defined as a crime in Israel, most enforcement methods are used against the women themselves, on grounds of illegal residence, while enforcement proceedings against the traffickers themselves are rare³⁶. This approach clearly demonstrates the way in which women are perceived as criminals rather than victims.

Table 5: Police files opened for trafficking in women and related offenses, number of indictments, and number of cases that reached trial:

	1998			1999			2000			2001 (Jan-June)		
	Police files	In Prosecution	Trial Cases	Police files	In Prosecution.	Trial Cases	Police files	In Prosecution.	Trial Cases	Police files	In Prosecution	Trial Cases
Keeping or managing a place of prostitution	284	83	58	423	201	39	292	150	10	195	57	0
Pimping	45	5	12	42	14	6	61	35	3	32	10	0
Coercion to prostitution	18	2	4	24	6	0	19	8	3	9	2	0
Solicitation	14	2	2	17	4	5	15	8	0	7	1	0
Abduction	16	3	5	16	3	2	22	4	3	12	3	0
Trafficking in human beings for prostitution ³⁷	0	0	0	0	0	0	1	0	1	25	9	0
Total	377	95	81	522	228	52	410	205	20	280	82	0

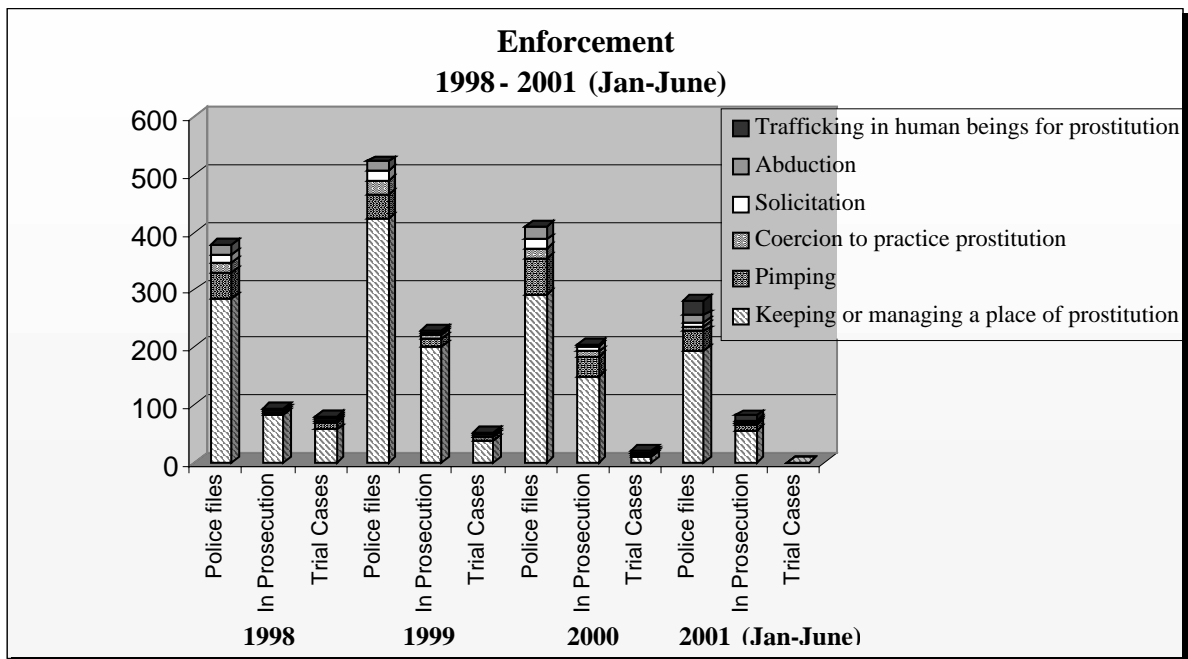
Source: Ministry of Internal Security

³⁴ Proposed Amendment to the National Medical Insurance Law (-Health Services for Victims of Trafficking in Human Beings) 2001; Proposed Amendment to the Legal Aid Law (Granting of Assistance to Individuals Injured by Crimes of Trafficking in Human Beings) 2001; Proposed Amendment to The Public Defender Law (Entitlement to Legal Representation for Individuals Injured by Trafficking in Human Beings) 2001; Proposed Law for Protection of Witnesses 2001.

³⁵ At a seminar on trafficking held on July, 7, 2001.

³⁶ See Table 4.

³⁷ The no. of files opened for trafficking is relevant only for the period after the amendment to the Penal Law prohibiting trafficking.



Police data show that even when efforts were directed against pimps, most police files were opened for the offense of running a place of prostitution, and not for offences commonly related to violations of the women's rights. Despite the large number of files that were opened for this offence, the number of brothels did not decrease during these years. Be that as it may, it looks as though there is a change in authorities' attitude and nowadays some of the efforts are directed at enforcing the law against trafficking in human beings.

2.3.1 Imprisonment of Victims of Trafficking Until Deportation

Most of the trafficked women who are arrested are captured in the course of police raids on brothels. After their arrest, they are issued a deportation order on grounds of illegal residence in Israel. They are then transferred to various detention facilities, and from there to the Neve Tirza Prison for Women.

Foreign women, who were arrested in brothels and deported during 2000, were held in police stations and detention facilities for an average of eight days before being transferred to Neve Tirza³⁸. According to the precedent established in the Supreme Court in the Sessai case³⁹, a precedent which was recently codified in an amendment to the Law of Entry into Israel⁴⁰, every foreigner detained under a deportation order must be brought "as soon as possible, and after no more than 14 days" before a Judicial Review Authority who may alter the terms of the deportation order and reduce bail. This precedent is consistently violated, especially in the Kishon Detention Center. In 2000, 35 percent of the women were detained for more than 8 days in detention centers without seeing the Review Authority. **Fourteen percent of them were detained for more than 14 days with no review, in explicit violation of the Supreme Court order.** Besides the violation of the Supreme Court precedent, it is important to point out that conditions in the detention centers are particularly hard and constitute an additional, unnecessary punishment for victims of trafficking. Because most trafficked women's documents are either forged or are held by the pimps, detention in police stations also delays the process of acquiring new travel documents, a process which begins only when they arrive at Neve Tirza prison.

³⁸ According to data collected by the Hotline for Migrant Workers.

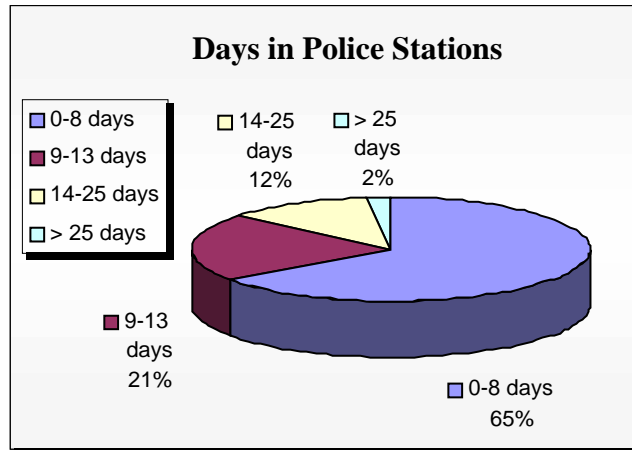
³⁹ Hassan Sessai vs. the Minister of Interior, (decision not yet announced), Supreme Court case 4963/98.

⁴⁰ Law of Entry into Israel (Amendment No. 9), 2001.

Table 6: Number of days in police stations and detention centers

No. of Days in Stations	No. of Detainees
0-8 days	255
9-13 days	83
14-25 days	46
> 25 days	8
Total	392

Source: According to data collected by volunteers of the Hotline for Migrant Workers at the Neve Tirza prison in the year 2000.



Women were detained in the Neve Tirza prison for an average of 21 additional days before being deported from Israel. This delay is usually caused by the long time it takes for consulates to confirm the identity and citizenship of the women and to issue them new travel documents. If we add the time trafficked women were held in police stations and detentions centers to the time they were held in prison, the following picture emerges: **during 2000, a woman was held in detention for an average of 30 days from the moment of arrest until deportation.**

Furthermore, during the course of their detention, the rights of trafficked women are often violated. For example, they are frequently held together with convicted criminals, in violation of the ICCPR⁴¹, and of the recent amendment to the Law of Entry into Israel, which explicitly states the obligation to separate individuals detained on grounds of illegal residence from convicted criminals.⁴²

2.3.2 Treatment of Witnesses

According to data collected by volunteers of the Hotline for Migrant Workers, in 2000 only 12 victims out of a total of 392 trafficked women slated for deportation provided testimony. There are several reasons for this. To begin with, they had no incentive to testify against their pimps because their testimony would not result in their release from prison, would not prevent their deportation, and would not grant them any special protection from the dangers attending their testimony. Until July 2000, the State Attorney even requested that witnesses be detained until their testimony in court, after which the state would deport them.⁴³ These detention periods lasted weeks and even months.⁴⁴ Thus, for example, the State Attorney requested the continued detention of women plaintiffs in a trafficking case ostensibly for their protection, noting that **“for them, the detention order also serves as a protection order because of the involvement of the Russian Mafia. These young women identified the respondents and steps have been taken to murder them as soon as they attempt to leave. Therefore, there is no alternative but to leave them in detention.”**⁴⁵ Needless to say, such requests for supposedly protective custody are not made when Israeli citizens are involved. Moreover, during the hearings in this case, the State Attorney admitted that it was concerned only with the testimony of the women and not with their protection: **“This request is not submitted for protective reasons. If anyone should hurt them – they will be prevented from testifying...”**

The State Attorney stopped serving detention requests following rulings of the Tel Aviv District Court on this matter. The rulings stated that victims of trafficking need not await testimony in prison, that the police must house them in a hotel and pay them a per diem of NIS 400 for living expenses. Within the

⁴¹ Article. 10.2(a) of the Covenant.

⁴² Law of Entry into Israel (Amendment No. 9), 2001.

⁴³ Under article 73(d) of Courts Law, 1984.

⁴⁴ According to statistics collected by the Hotline for Migrant Workers, women who testified in 2000 were detained for nearly two months on average, and in some cases for as long as six months for this reason.

⁴⁵ The State of Israel vs. Ludmila Rosaiva, applications 91417/00, p.1 of the protocol, lines 6-8.

Police Department, new instructions were formulated according to which women providing testimony would be housed in a hostel.⁴⁶ Despite this change, their security is still not assured before their testimony, and they are still deported immediately afterwards. Moreover, in most judicial procedures pertaining to the crime of trafficking in women, the plaintiffs were not granted any compensation whatsoever nor did they enjoy any support in the way of assistance or rehabilitation.⁴⁷

As noted above, many women dread testifying against their pimps lest they be harmed upon returning home, where the people who recruited them await their return. Testimonies gathered by volunteers of the Hotline reveal that large numbers of women had been subjected to threats by their pimps and their traffickers. In a number of cases, the women reported that their homes and families were under surveillance, and their families had been threatened to the effect that it would be in the woman's best interest not to testify.

Another reason for the small number of women willing to testify is the lack of interest shown by the police in investigating complaints made by trafficked women. During 2000, almost all of the women detained told volunteers of the Hotline that they were not asked if they wished to testify against their pimps. At most they were questioned about their illegal residence. Evidence for this policy can be found in the case presented to the Supreme Court on May 6, 2001, by four women who were detained at Neve Tirza. When they said they wanted to testify against their traffickers and pimps, they encountered opposition from the police, who refused to look into their testimony.⁴⁸ The fifth petitioner in the case was the Hotline for Migrant Workers, which contended that the policy of the Israel Police in the area of trafficking in women was to detain and deport victims, while setting the traffickers free. Only after filing the appeal and after its publication in the media did the police, after considerable delay, begin to investigate these women's contentions.⁴⁹ Before the investigation could begin, however, some of those involved fled the country, and it was not possible to build a case against them despite the detailed testimonies of the litigants. In light of this occurrence, the Supreme Court declared that "from the activity of the police in the case before us, we understand that an investigation was conducted and investigative materials will be handed over to the State Attorney. We assume and hope that this will happen in the future as well..."

2.4 Police Involvement

An additional and no less worrisome phenomenon is the manner in which agents of the law flagrantly disregard the crimes committed and the criminals themselves, and are, in some cases, directly involved in this form of criminal activity themselves. According to three of the petitioners in the Jane Doe case, police officers who detained and investigated them were clients of the brothel they had been arrested in.⁵⁰ For this reason the women feared to speak out at first. The fourth petitioner explained that the head of the brothel where she worked was friendly with a number of officers who visited the brothel regularly.

In some cases police officers were indicted for direct involvement in trafficking in women. In another case in which the police were slow to investigate, despite the complaint of a woman who wished to testify, the Israel Police was sued along with the woman's pimps,⁵¹ the Ministry of Interior,⁵² and the Ministry of Labor.⁵³ Only after the case was publicized in the media was an extensive investigation opened, which led, i.a., to the arrest of a police officer, Oskar Sis, who was discovered to be an active partner in the activities of the traffickers and pimps. According to the indictment, the defendant, who was an officer in the police investigative division in Beersheva at the time, **"acquired, along with another individual, a young woman named Yanna Bokoshvaska from a brothel in Netanya, for the sum of**

⁴⁶ The State of Israel vs. Veriobkin, applications 91548/00; The State of Israel vs. Nataliya Pinsky, applications 73/00.

⁴⁷ With the exception of two cases in which the Hotline for Migrant Workers made explicit requests to the State Attorney.

⁴⁸ Jane Does vs. the Israeli Police, Supreme Court Case 3536/01.

⁴⁹ Dayan, Aryeh. "We Want to Testify Against the Pimps, the Police Doesn't Want to Hear." *Ha'aretz* newspaper, 14.5.01, page 3B.

⁵⁰ Jane Does vs. the Israeli Police, Supreme Court Case 3536/01.

⁵¹ For failure to enforce the law.

⁵² For refusing to grant her a work permit during the time she was waiting to testify thus leaving her with the choice of either breaking the law or staying in Israel without any means of providing for herself.

⁵³ For refusing to exempt foreigners from the court tax in the majority of instances, thus preventing their access to the judicial system.

NIS 26,000, with the purpose of employing her as a prostitute in the South ...”⁵⁴ In another instance, the same defendant “after hearing that other officers were planning a raid on Machon Klassa [the brothel involved] phoned to Eli Ben-Ami, one of the owners of the brothel, to warn him that on May 1st, 2001, there would be a police raid ... the defendant informed the owners of the above-mentioned Machon Klassa because he himself was a partner in the employment of two young women as prostitutes in the brothel ...”

2.5 The Judicial System

The attitude of the judicial system to trafficking in women constitutes, in most cases, a direct continuation of the attitude of other enforcement agencies, the police being the most conspicuous. This offense is treated as a misdemeanor less serious than other offenses such as drug trafficking. Much can be learned about this attitude from the low number of indictments and the light punishments given to criminals in the context of plea bargains. According to guidelines issued by the State Attorney in 1994, the police should open an investigation only if it has information about a brothel that employs minors, that coerces persons into practicing prostitution, that indulges in serious exploitation, that shows evidence of additional criminal activity within the brothel such as drug trafficking, or when the brothel constitutes a public disturbance.⁵⁵ As a result, the number of individuals detained on grounds of trafficking in women is very low in relation to the dimensions of the phenomenon, and the number of indictments handed down for this crime is even lower.

With the legislation of Amendment 56 to the Penal Law in July 2000, the State Attorney began to issue indictments for the crime of trafficking, but most cases concluded in plea bargains, and light punishments of two years' imprisonment or even less were decreed.⁵⁶ In most verdicts, victims were granted no compensation whatsoever.⁵⁷ Despite the harsh maximum sentence of 16 years' imprisonment prescribed in the Penal Law, the State Attorney was satisfied with these precedent-setting minimal sentences. At a seminar on the issue of trafficking in women, organized by the Ministry of the Internal Security, Miri Rozenal, District Attorney of the Tel Aviv Region, explained that the reason for this was that it is impossible to switch suddenly from non-prosecution and light sentencing to sentences of 16 years. This transition, in her opinion, must take place gradually.⁵⁸ Likewise, Rozenal argued that one of the most effective ways to fight this crime is to force the so-called escort services [brothels] to pay income tax, thus reducing the profits of the traffickers.

An additional problem emerged regarding the legal representation of the victims of trafficking in women. In a significant number of cases, women were represented by lawyers hired by the pimps and traffickers themselves – whether or not the women desired this arrangement. The interests of the pimps are clear: to put the women back on the production line in the sex industry, and to rake in profits until their deportation. In a petition to the Supreme Court, in which the Hotline for Migrant Workers was granted the status of *amicus curiae*⁵⁹ it was argued that there is an inherent defect in this arrangement.⁶⁰ The President of the Supreme Court, Judge Aharon Barak, accepted this position and declared that **“the problem raised by this appeal has not ended, and in fact lies on the doorstep of Israeli society and its institutions. The litigant is not alone. From material presented to us, we have learned that many women are currently in the position in which the litigant found herself. The state and its institutions must take action, and immediately: It is necessary to enforce the law in all matters pertaining to the ban on trafficking in women ... It is necessary to promise satisfactory legal representation to women like the litigant; it is necessary to prevent situations in which traffickers in women are those who determine who will represent these women in courts of law; it is necessary to protect these women's rights – and those of all other foreign workers – as defined in the laws of the State of Israel, and that those rights not be violated. It is necessary to ensure appropriate detention**

⁵⁴ The State of Israel vs. Oskar Sis, cp. 2444/01.

⁵⁵ State Attorney Guidelines 2.2: Policy to Investigate and Prosecute Crimes of Coercion to Prostitution in Relation to Prostitution Services and Management of Massage Parlors, January 2, 1994.

⁵⁶ At the writing of this report, 11 indictments for the crime of trafficking had concluded in this manner.

⁵⁷ With the exception of two cases in which the Hotline for Migrant Workers made explicit requests to the State Attorney.

⁵⁸ On July 31, 2001, at Neve Ilan.

⁵⁹ “friend of the court”.

⁶⁰ Yelena Zaritzkia vs. the Minister of the Interior, Supreme Court case 1119/01

conditions, via consideration of alternatives to detention, which will ensure the well-being of the women as well as public well-being. We are dealing with a very difficult, very serious social problem...something must be done – and it must be done immediately.”

This problem received the attention of the Parliamentary Inquiry Committee on the Trading in Women, which proposed two laws dealing with the problematic nature of this issue. Among other things, the proposed laws suggest that women interested in suing their pimps be granted legal aid⁶¹ and that their presentation be entrusted to the Public Defender.⁶²

⁶¹Proposed Amendment to the Legal Aid Law (Granting of Assistance to Individuals Injured by Crimes of Trafficking in Human Beings) 2001.

⁶² Proposed Amendment to The Public Defender Law (Entitlement to Legal Representation for Individuals Injured by Trafficking in Human Beings) 2001.

3. RECOMMENDATIONS

1. International Cooperation

Trafficking in women is a global phenomenon that can only be eliminated through cooperation with the countries of origin and the countries via which traffickers smuggle the women. Specifically, cooperation is required in the areas of information-sharing, preventive actions, and collaborative enforcement. This cooperation should involve institutional and non-institutional authorities responsible for eliminating this phenomenon. Within the framework of this collaborative activity, it will be necessary to investigate the possibility of building secure channels through which women can be returned to their countries of origin and protected from any danger to their lives or to repeated abduction and their return to the cycle of trafficking.

2. Strengthening Police Enforcement Against Pimps and Traffickers

Although there appears to have been some improvement in this area, enforcement still remains inadequate. It is necessary to create special units which will work exclusively against traffickers in women, investigate complaints that have been filed, and initiate investigations.

3. Increasing the Punishments of Traffickers in Women

The judicial authority must be stricter in its use of punishment against pimps and traffickers in women. Judges must treat crimes of trafficking and accompanying criminal activities with the highest degree of seriousness, regardless of whether or not any particular woman may have willingly agreed to take part in the traffic. Plea bargains in which punishment is considerably lower than the punishment determined by law must be rejected.

4. Creation of a Safe Shelter and a Rehabilitation System for Victims of Trafficking in Israel

Victims of trafficking undergo traumatic experiences, both physical and psychological, during the period in which they are controlled by traffickers and pimps. Before returning them to their countries of origin, the State of Israel is obligated to provide care for women who escaped from or were arrested in brothels, and to provide them with safe and protected housing during the period of their medical and psychological rehabilitation. Women who have been victims of trafficking must not be held in detention centers, which are completely inappropriate to their needs.

Most women who are victims of trafficking require medical attention during rehabilitation because of the neglect, starvation, and physical abuse they have endured at the hands of their pimps and clients. The State of Israel should provide them with National Health Insurance covering all required medical treatment – as defined in the Amendment to the National Health Insurance Law formulated by the Parliamentary Inquiry Committee on the Trading in Women– for the period of their residence in Israel.

5. Establishment of an Aid Hotline for Victims of Trafficking in Women

A hotline should be established which will provide assistance for victims of trafficking who find themselves imprisoned in brothels or suffering distress, who want to be taken out of detention centers or prisons, or who require any other sort of assistance. Moreover, it is important to provide them with information in their mother tongue concerning their rights and legal status.

6. Witness Protection Plan

The State of Israel should develop a Witness Protection Plan for women interested in testifying against their traffickers. It must provide them with a maximum amount of protection and enable them to reside in Israel for at least one year. In special cases (i.e., women whose lives are endangered as a result of their testimony), they should be allowed to remain in the country for an unlimited period.

7. Granting of Residence and Work Permits

The authorities should consider granting residence and work permits to victims of trafficking in women before their return to their countries of origin. This will enable them to complete their rehabilitation and return home with some modicum of economic stability, thus preventing their being dragged back into trafficking.

8. Legal Representation in Civil and Criminal Proceedings

Women who are mired in the cycle of trafficking are victims. As such, it is necessary to ensure them of legal representation and the protection of their rights during the period in which they testify against their traffickers and pimps. They should also be assured of legal representation in civil suits against traffickers and pimps.

9. Education and Training of Legal Enforcement Agencies and the Judicial System

It is necessary to educate and train employees of the various law enforcement agencies involved in this field so that they understand its unique nature and are ready to deal sensitively with the victims. To this end, it is necessary to raise the level of consciousness within the legal system of the nature and complexity of this problem in Israel.

10. Legal Modifications and Changes in the Current Law Enforcement and Punishment Policies

In order to eliminate trafficking in women, the legislative authority must equip the enforcement and judicial authorities with tools to enable them to better confront the problem. They should include:

- a minimum for the sentencing of traffickers and collaborators
- the heightened enforcement of laws against forging and using false identity documents. Forging papers for use in the trafficking of human beings must be treated as one of the gravest violations of the laws against forgery and must be punished by five years imprisonment as prescribed in Paragraph 418 of the Penal Law 1977.
- an amendment to the Penal Law declaring that the possession or management of sites or visits to such sites in which the crime of trafficking is committed constitutes a violation of the law (Ex.: Paragraph 9 of the Dangerous Drugs Act [New Version] 1973). Likewise, it is necessary to enforce para. 10 of the Penal Law which prohibits possessing or renting space for the purposes of prostitution, the punishment for which is imprisonment.
- utilization of existing mechanisms requiring the forfeiture of property in the framework of criminal and civil proceedings against pimps and traffickers.

11. Cooperation Among the Various Parties Working Against Traffic in Women within Israel

In order to eliminate this phenomenon in Israel, intensive and extensive cooperation among the various parties operating in this area, from law enforcement agencies to non-governmental organizations, is necessary. The government of the State of Israel must cooperate with and support the activities of the NGOs working in this area. They have accumulated extensive knowledge and experience and are capable of making a significant contribution to the elimination of trafficking in Israel and to the provision of appropriate and much-needed care to its victims

12. Prevention and Cessation of Corruption Among Police

Police officers must be prohibited from visiting brothels as clients. The activities of police investigative units against officers who cooperate with pimps and traffickers must be expanded.

13. Classification of Victims' Names and Identities

It is necessary to ensure that all details concerning the identities of trafficked women are kept completely confidential, that no details are published in any form whatsoever, and that women who provide testimony during criminal proceedings do so behind closed doors.

14. Raising Public Consciousness

One of the main reasons for the success of the sex industry in Israel is the apathy of the public towards the phenomenon and its victims. It is imperative that public consciousness be raised through seminars, lectures, and conferences organized jointly by government and non-governmental groups.

4. CONCLUSIONS

The phenomenon of trafficking in women is certainly not new. In Israel it has been in existence for nearly a decade. Until recently, however, it was considered only marginally significant by Israeli society and the enforcement authorities alike.

With the publication of the Amnesty International and State Department reports, a number of welcome changes were initiated. They included legislation of the Amendment to the Penal Law, forbidding trafficking in women, expansion of various aspects of law enforcement, and the creation of the Parliamentary Inquiry Committee on the Trading in Women as well as an inter-ministerial committee on the subject. Of the ten legislative proposals presented by the Parliamentary Committee to date, six have already been given preliminary approval. This marks the beginning of a profound change. These amendments treat trafficking in women as a serious human rights violation, they relate to trafficked women as victims rather than criminals, and they demand that the full force of the law be utilized to apprehend and punish traffickers.

There is no doubt that the apathy that prevailed just two years ago has given way to a serious examination of the problem. Israel is on the verge of meaningful change. Yet, despite the changes beginning to take place, the situation remains far from satisfactory. The ramifications of trafficking in women has far-reaching consequences for its victims and for Israeli society in general, and a vast distance still remains between current reality and a society dedicated to protecting the basic human rights, dignity and freedom of every human being.

The key to eliminating trafficking in women, a phenomenon that has no place in any society whatsoever, lies in the realm of action. In this respect, we must heed the recommendation of the President of the Supreme Court in the Zaritzkia case: **“We are dealing with a very difficult, very serious social problem...something must be done – and it must be done immediately.”**

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