Date: April 13, 2022

Nisan 12, 5782

To: Mr. Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Subject: **The State of Israel's Special Rapporteur on contemporary forms of slavery, including its causes and consequences Report on the realization of the right of persons affected by violence and discrimination based on contemporary forms of slavery in the informal economy**

The State of Israel respectfully submits its contribution in relation to the above-mentioned questionnaire.

Israel's Definition of Informal Economy

On July 17, 2014, a committee for the examination of minimizing the use of cash in the Israeli economy, chaired by Director General of the Prime Minister's Office, defined the term "Shadow Economy" as the share of economic activity that is not apparent in the GDP. "Shadow Economy" includes activities and incomes deliberately hidden from public authorities in order to avoid the duties shared by every citizen and business. Both legal and illegal economic activities are considered as sources of its capital.

Therefore, different manifestations of modern slavery are an inseparable part of the "Shadow Economy", and are a risk in varied aspects and labor sectors, as shall be elaborated below.

Foreign Workers in the Home-based Long-term Care Sector

Regulating certain fields of employment can give rise to difficulties due to their complex nature. For example, although the employment of foreign care workers is managed by private employment agencies and is regulated by the *Foreign Workers Law 5751-1991* and other Regulations, the supervision of employment conditions is challenging in the domestic care field, since foreign care workers are required to live at their employer's home.

During 2021, the Commissioner for Foreign Worker's Rights at the Ministry of Economy and Industry held a series of meetings titled "Rights Trustees in Domestic Care Field Project", aimed at the private agencies active in this field. The meetings held discussions regarding prevention of forced labor, trafficking and slavery, sexual harassment and sexual offenses in the domestic care field, vulnerabilities and best practices in identification and prevention.

During 2021, social workers who treat the elderly population received training by both the Police Trafficking Coordination Unit and the Commissioner for Foreign Workers Rights on how to recognize indications of exploitive behavior and human trafficking. Despite the efforts in preventing exploitation of domestic care workers, the supervision of their employment remains complex. Employers have substantial power in this situation, providing both the worker's salary and their housing. The nature of exploitation is usually characterized by forced labor and sometimes even amounts to holding under conditions of slavery.

In order to prevent such practices, the Government initiated bilateral recruitment agreements of foreign workers in the field of domestic care. Bilateral agreements with similar mechanisms are implemented for the recruitment of foreign employees in the fields of agriculture and construction, and are found to be effective in preventing exploitive practices.

The Government has halted private recruitment of foreign workers in the construction and agriculture fields, and allows such recruitment only through regulated bilateral agreements with the countries of origin. These agreements serve as a safeguard against trafficking by regulating the procedure of recruitment in a transparent, formal and comprehensive way, reducing the possibility that potential traffickers will create or abuse the vulnerability of workers by charging illegal exorbitant recruitment fees. Workers recruited under the bilateral framework arrive in Israel without the unreasonable debts incurred by illegal fees, and are well informed of their legal work conditions and ability to file complaints, reducing the likelihood of exploitation.

The bilateral agreements contain mechanisms to provide for such recruitment. A public announcement is published in the country of origin, with the type and number of the available positions for work in Israel, the preconditions for them and the application process. The announcement also specifies the working conditions, including the minimum wage, the random selection process for choosing candidates among those qualified, the legal fees to be, and a number for lodging complaints.

After the applications are received, the eligible candidates are randomly chosen and matched to eligible employers, to reduce the possibility of the illegal charging of fees. The chosen workers and their employers sign a standard employment contract in Hebrew, English and the language of the country of origin, which has been approved by both Governments. The workers receive a link to a labor rights booklet in their language, as well as contact information of a call center in their language for complaints and further information.

These mechanisms ensure direct communication and cooperation between the governments of the sending and receiving countries, and supervision by both countries of the recruitment process. The detailed information and the widespread publication process are aimed to reduce the possibility that illegal brokers will charge illegal fees from applicants, and ensures that the applicants are clearly informed of the work conditions in Israel and the fees they must pay for the costs of the recruitment process. The random selection of workers also ensures that brokers cannot promise jobs to applicants who pay illegal fees, and the standard contract, call center and supervised meeting of each worker with his/her employer upon arrival in Israel, ensures that there will be no phenomenon of "flying visa" or related abuses.

An agreement regarding home-based long-term care field with the Philippines was ratified in 2019 and hundreds of workers have entered according to this Agreement as of July 2021. Agreement regarding home-based long-term care field with Sri Lanka was ratified in 2020. Negotiations with other states are ongoing, with the aim that in the future there will be "closed skies" to entry of domestic care workers not recruited via bilateral agreements.

According to the these bilateral agreements, licensed agencies and family members of elderly or persons with disabilities holding permits to employ foreign caregivers, are allowed to choose caregivers vetted by an employment service overseas by way of information posted on a designated website.

Child Labor and Children in Street Situation

In Israel, the employment of children is regulated by specific laws, such as *Youth Work Law 5713-1953*, aimed to prevent child labor and protect children labor rights. There have been rare cases where children were employed in dangerous occupations such as the poultry industry, bakeries and factories, in which the employment conditions exceeded the level of regulatory violations of labor law, and the courts have ruled that these cases amounted to slavery and forced labor.

On March1, 2019, indictments were filed against two brothers which included charges of holding two minors under conditions of slavery and forced labor, according to Sections 375a 376 with section 29 of the *Penal Law 5737-1977*; abuse of a minor or helpless person; assault of a minor, which caused actual injury; reckless endangerment; and obstruction of justice. The children were employed at the brothers' bakery for long working hours, including the night, for seven days a week, and were required to operate the machines and ovens in the bakery. The case was discovered after one of the children’s fingers were cut off while operating the machine used for cutting dough **(***The State of Israel v. Jabor, S.Cr.C 31894-07-19 Be'er-Sheva District Court and Cr.C 523-03-19 Be'er-Sheva District Court*).

Although employment conditions in other cases, elaborated below, do not amount to holding under conditions of slavery or forced labor, they are still a severe violation of labor law and inflict dangers on children.

For example, in 2021 the Labor Court convicted the employers of nine adolescents in a poultry processing plant, at night hours, and in prohibited work. In the case, the defendants were charged with offenses under the *Youth Work Law 5713-1953* and Regulation 7 of the *Fourth Addendum to the Youth Work Law (Prohibited and Restricted Work) 5756-1995*. Defendants 2 and 3 were partners and managers for Defendant 1, and were charged under the duty of supervision of profession holder. Offenses were committed in relation to the ban on employing boys at night as well as a ban on working in certain places. The boys were employed in a poultry slaughterhouse plucking feathers, removing internal organs, etc. The Court imposed a penalty of 30,660 NIS (9,523 USD) on the corporation that employed the boys. With regard to Defendants 2 and 3, the Court imposed a 26,280 NIS (8.162 USD) fine for each defendant. In addition, they were required to refrain from committing any offence for three years, otherwise the maximum fine set by law will be imposed upon them (Cr.C. 58027-05-21 *The State of Israel v. A.D. Poultry Processing and Marketing Partnership* (10.10.21)).

Another case concerns the employment of two adolescents under the permitted age (15) and the employment of sixteen (16) adolescents in endangering prohibited work, at night, in a slaughterhouse, in violation of the law. The Court sentenced the defendants for the employment of two boys who have not yet turned 15, the prohibited and dangerous employment of 16 boys under the age of 18 in a poultry slaughterhouse, and the violation of the prohibition of night work of 16 boys under the age of 18. The Court imposed a fine of 58,400 NIS (18,139 USD) on Defendant 1, and a fine of 65,700 NIS (20,407 USD) on defendant 2. In addition, the defendants signed a letter of commitment to refrain from committing any future offences (Cr.C. 63735-02-19 *The State of Israel v. Tal Hel Yasca Inc.* (30.08.21)).

Child Beggars and Street Vendors

For several years, law enforcement agencies, welfare authorities and the Coordinator of the Governments Activities in the Territories (hereinafter: the Civil Administration) have been aware of a phenomenon of children in forced labor in the form of roaming and peddling at intersections on highways. In most cases, these are children from the Palestinian Authority who are brought into Israel by traffickers, to whom the children also must transfer their income. This severe phenomenon exploits children aged on average between 5-14 years, while endangering their lives on the roads and in difficult weather conditions. This phenomenon involves exploitation by several agents including their families and their parents. The Government of Israel considers this phenomenon a significant platform for harming children and committing offenses against them and through them, by perpetrators of crime that is highly indicative for trafficking and forced labor.

Since the Government believes that the treatment of child labor should be holistic, combining enforcement against the perpetrators, protection of the victims and preventive steps, the issue is integrated into the discussions of an inter-ministerial team on enforcement and identification, for the implementation of a national plan of the National Anti-Trafficking Unit at the Ministry of Justice. The Youth Section Department of Youth and Family Branch of the Police is in charge of leading the combined actions against this form of child labor and forced begging. During 2021, there were number of meetings on this issue with all government bodies (the Ministry of Welfare and Social Affairs, the Ministry of Justice, the Israel Defense Forces, the Civil Administration and the Police) in order to decide on the outline of a systemic activity led by the Police to address and stop this phenomenon.

Following these meetings, it was decided to form roundtable discussions with all the above-mentioned relevant officials, in each district throughout the country. Each discussion convened to map and discuss the forms of child labor, child slavery and forced begging that occur in their district, and the ways to tackle this phenomena. It was later decided to conduct a pilot program in two districts, most heavily characterized by forced child begging on the motorways. A joint inter-ministerial *modus operandi* was created, and the pilot commenced in November 2021, and is due to continue in the next few months. The results and effects of the pilot will be then analyzed and studied, until a permanent working procedure will be established.

Persons with Disabilities in Street Situations

Another pattern of human trafficking for the purpose of slavery and forced labor is characterized by groups of persons with verbal and hearing disabilities, brought to Israel especially from Russia and Ukraine in order to work in begging and street vending. They are promised they will be legally employed in Israel while they enter as tourists, and do not have work permits. Also, they are required to pay back the expenses involved in bringing them to Israel. They are put in rented apartments and are driven every day to the area in which they will collect money from people passing by or sell goods. They present their activities as part of a donation collecting campaign for organizations treating persons with hearing and verbal disabilities. They are required to transfer at least half of their “profits” to their employers and to collect at minimum sum of money each day. If they do not reach the required sum they are punished with a fine, which in addition to the requirement to pay back the expenses of bringing them to Israel create a debt bondage. They continue to work begging and as vendors to return their debts. The circumstances described create a situation in which persons are forced to work against their will, and are sometimes under the substantial control of the employers. These conditions could amount to forced labor and holding under conditions of slavery.

In 2020, four (4) women with hearing disabilities stayed at the shelter for victims of slavery or trafficking in persons.

Assistance for Victims of Trafficking in Persons

Victims of trafficking or victims of slavery are eligible for at least a year of rehabilitation in the shelters for trafficking and slavery victims. In the shelters, victims are eligible for comprehensive health care and psychosocial treatment, legal representation by the Legal Aid Administration in the Ministry of Justice free of charge, and a special visa allowing them to work if they meet certain criteria. Victims can also submit an application to the dedicated forfeiture fund for trafficking and slavery victims. None of the services is contingent upon cooperation with law enforcement agencies.

 NGO's and Modern Slavery

One of the central functions of the National Anti-Trafficking Unit at the Ministry of Justice is to build bridges between bodies, in order to promote the battle against trafficking and to strengthen the relations between government authorities and NGOs. Throughout 2021, NATU held over twenty (20) meetings with different organizations, and organized joint direct meetings between NGO's and GOI. Furthermore, during 2020-2021 some NGOs took part in Government teams dedicated to forming recommendations of key elements of the new National Plan on trafficking in persons in Israel.

In general, NGOs play a major role in in this field, for example by assisting victims, providing legal aid and in many cases operate as a channel between the victim and the authorities.