Date: March 23, 2022

20 Adar II, 5782

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

Subject: **The State of Israel's Submission to the Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences' Report on Contemporary Forms of Slavery as Affecting Persons Belonging to Ethnic, Religious and Linguistic Minority Communities**

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

**Minorities Subjected to Contemporary Forms of Slavery**

The Government of Israel is committed to combatting the phenomenon of trafficking in persons at large, as well as contemporary forms of slavery. The Government focuses on both aspects of prevention and awareness raising, alongside rigorous prosecution in relevant cases and measures to protect and empower victims. Hereinafter is an outline of cases that have been identified, as well as examples of some of the prevention and protection actions the Government conducts. Israel acknowledges the added vulnerability that persons belonging to minorities face, and therefore, as will be demonstrated, many actions specifically address minority communities.

1. **Enforcement and Prosecution**

**Inter-Ministerial Cooperation**

A new joint task force on Prosecution and Investigation was launched on January 20, 2021. Its first meeting was opened by the acting head of the Investigations Branch in the Israeli Police, the Deputy to the State Attorney (Criminal Matters) in the Ministry of Justice, the Police Trafficking Coordination Unit and the National Anti-Trafficking Unit coordinator. The joint task force aimes at significantly increasing investigations, prosecutions, and convictions of labor traffickers, including potential trafficking cases referred by NGOs. The purpose of the task force is to strengthen the interfaces and collaboration between the investigation units, and the State Attorney's Office - the district coordinators. This common forum was established for the Prosecution coordinators on human trafficking in the State Attorney's Office together with headquarters officers and intelligence officers' coordinators in the Police who are in charge of this field, and will convene quarterly. The forum promotes the sharing of knowledge, information and experience, and reviews cases that could potentially develop into sex and labor trafficking cases.

**Holding a Person under Conditions of Slavery**

The State Attorney's Office is involved in investigations where there is suspicion of holding a person under conditions of slavery or forced labor from the early stages, recognizing the importance of creating a clear and universal policy of enforcement. This includes defining the type of evidence to be gathered by the investigating unit, making a legal determination on the type of cases that warrant indictment in each offense, and bringing appropriate cases before the Courts, in order to assist and lead an effective long-term process of prosecution and deterrence.

For example, on December 3rd, 2020, a decision was given in the case of the *State of Israel v. Jabor*.[[1]](#footnote-1) The case concerned the uncles of two (2) Bedouin children, aged 12 and 13, who employed them in the family bakery. The children worked seven days a week, from night to noon the next day. They did not receive their mandatory day of rest, did not have consistent breaks, and missed school frequently. They worked under the violence and threats of the defendants, and for meager wages. Moreover, one of the children lost three of his fingers while working unsupervised with a bread-slicing machine. The defendants were convicted under a plea bargain of forced labor, and additional offences of physical violence. The Court marked that this was a serious case, different from other cases of violence against children, and that was not merely a violation of labor rights.

**Holding a person under conditions of slavery in the context of a spousal relationship**

In 2021, the Legal Aid Administration in the Ministry of Justice treated five (5) cases in which there was suspicion that women were held in conditions amounting to slavery in the context of a spousal relationship. It should be noted that forced marriage is not recognized independently as an offence of trafficking in persons in the Israeli *Penal Law* 5737-1977. However, the offence as it is does not deny the possibility of forced marriage amounting to trafficking in persons, when the marriage is used as a formal cover for forcing the spouse to provide sex or labor services against her will and with limited options to defend herself. Four (4) of the cases treated in this context were of women who were brought to Israel from Ethiopia for the purpose of marriage ("catalog brides" or "mail order brides").

**Offenses against Foreign Workers**

The State Attorney’s Office is involved in investigations that raised serious questions concerning holding of foreign workers in circumstances in which restrictions on the movement of the entire population were imposed, including on foreign workers. Offences committed against foreign workers in Israel are characterized by the exploitation of the economic plight of the foreign workers, which - in some fields - can be exacerbated by the exorbitant brokerage fees they are required to pay (almost always in their countries of origin, outside of Israel). These debts make these workers vulnerable to abuse and reluctant to report them, and willing to work for almost any pay and under any conditions, due to the economic hardship/low socio-economic background described.

**Begging and Forced Labor of Children**

For several years now, a phenomenon of groups of children in forced labor in the form of roaming and peddling (begging for money) at intersections on highways, has been known to law enforcement, welfare authorities and the Civil Administration. 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. The exploitation is carried out also by their families, including their parents, as well as other external factors whose purpose is none other than monetary gain. The Government of Israel considers this phenomenon as a 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.

Therefore, the Government had established Inter-ministerial roundtable forums that had convened in every district 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 phenomenon. During the discussions, it was decided to perform a pilot in two districts, most heavily characterized by forced child begging on the motorways. The pilot includes the cooperation of the Welfare Coordinator Unit in the Civil Administration of the IDF, with the relevant enforcement agencies, including the Youth Department of the Israel Police, in order to return Palestinian minors begging in Israel to their homes within the Palestinian Authority. During the activity, more than thirty (30) children (data updated to the beginning of December 2021) were identified as residents of the Palestinian Authority, who were brought to the police station and were asked about the circumstances of their arrival in Israel, including who sent them, who drove, how did they arrive, parental involvement, compensation received and whether they transfer the sums to another party, hours of operation, frequency and more. All of the children were returned to the Palestinian Authority in an orderly manner and after coordination with the Palestinian police, which accepted the responsibility of returning them to their families.

One case was opened against four (4) adults for human trafficking - the case is still under investigation. In the southern district, a mapping of the phenomenon was conducted as part of roundtable discussions with the intention of implementing the pilot there as well. So far, ten (10) cases involving child begging have been opened, all of the cases relate to Israeli adults, no investigation files have been opened against children.

1. **Prevention**

**Police Procedures**

On October 4th 2021, a procedure for Application for Recognition of a Person as a Victim of Human Trafficking or Holding under Slavery Conditions (No 300.25.02) entered into force. This procedure regulates and details the process of submitting an application to the Police Trafficking Coordination Unit: means of communication, processing the application by the Unit, conducting an interview when needed and regulates the terms of submitting an appeal when the application is denied, or an application for a review (dependent on the procedure or if there are new materials that weren’t considered before) including the time frames for submission. Above all, the procedure stresses the necessity for trauma-informed and victim-sensitive approach, throughout the whole procedure, so as not to cause re-traumatization to the victim. The procedure was formulated with the assistance of all the parties, including civil society and academia, that are active in the field of combatting trafficking in persons, and the new regulation has been accepted by all.

**Bilateral Agreements**

The Government of Israel has halted private recruitment of foreign workers in the construction and agriculture fields, and allows such recruitment only through regulated bilateral agreements or arrangements with countries of origin. In the field of home-based caregivers, although there are two bilateral agreements, currently foreign workers can still arrive without such agreements. These agreements serve as a safeguard against trafficking in persons, by regulating the procedure of recruiting foreign workers, in a transparent, formal and comprehensive way, reducing the possibility that potential traffickers will create or abuse vulnerability in the workers by charging exorbitant and illegal recruitment fees. Workers recruited under the bilateral framework arrive in Israel without the unreasonable debts incurred by workers who have paid illegal fees. They are well informed of the legal work conditions and of their ability to file complaints - reducing the likelihood of their suffering severe exploitation.

A prevention team, formed as part of Israel's National Plan for Combatting Trafficking in Persons, examined bilateral agreements for foreign workers and regulatory arrangements for their terms of employment, with emphasis on vulnerable fields, such as caregiving and agriculture; student training programs and delivering training to the relevant bodies to identify victims, raising public awareness, reducing demand and implementing ways of receiving reports from the public; expanding the knowledge base about instances of trafficking in persons and advancing appropriate solutions.

1. **Protection**

The National Center for the Survival of Slavery and Human Trafficking, which operates under the MESILA (Foreign Community Assistance and Treatment Center, Tel Aviv-Jaffa Municipality) and is funded by the Ministry of Welfare and Social Affairs, was established in 2013, and has been a major element in the protection and rehabilitation of victims of trafficking in persons in Israel. During 2021, the National Center for the TIP and slavery-related offences, provided services to two hundred and twelve (212) survivors of TIP and slavery and forced labor, of whom one hundred and thirteen (113) were men and ninety nine (99) women.

Most of the survivors treated at the center came from Eritrea, a minority from Ethiopia or Sudan. One survivor came from Senegal, one survivor came from Ghana, another survivor from Cuba and one survivor is of Nigerian and Somali descent. In addition, following a request from the Ministry of Welfare and Social Affairs last year, the center accompanies and provides psychosocial services to five (5) women from the former USSR (three from Russia, two from the Ukraine) who were trafficked to Israel for the purpose of prostitution.

Moreover, an inter-ministerial committee was formed to examine offering subsidized health services to migrants who may not be returned to their country of origin. The Committee reviewed the "Meuhedet" Health Fund’s 2001 arrangement for providing subsidized health services to children without civil status, due to the ambiguity regarding its scope of application. Accordingly, the Committee also discussed the possibility to extend the arrangement to adult migrants granted temporary group protection who may not be returned to their country of origin. On December 14, 2021, the Committee submitted its report to the Minister and Director General of the Ministry of Health, recommending that certain groups of foreign children and adults granted temporary group protection that may not be returned to their countries of origin will receive health care plan subsidized by the State. The recommendations are being examined by the Minister of Health.

The Commissioner for Foreign Workers' Labor Rights Unit

The Commissioner for Foreign Workers' Labor Rights Unit is charged with protecting the labor rights of the foreigners employed in Israel. The Commissioner is authorized to present cases in Labor Courts or participate in legal proceedings with the courts' permission. During 2021, a small number of applications were examined in this context, which eventually did not require the involvement of the Commissioner in such legal proceedings.

The year 2021 was a very active and productive year at the Unit, concurrently with measures taken following the outbreak of the Covid-19 pandemic. The strategic plan for 2021 focused on three main goals: to provide a place foreign workers can turn to learn about labor rights and to assert their rights; the identification of existing gaps and needs in the assertion and promotion of workers' rights; and the creation of partnerships. Workers can apply to the Commission via email, landline, mobile phone or WhatsApp. In cases where the applicant is not an English speaker, the Commissioner Unit is assisted by translation services to various languages. The Unit has dramatically increased the sum of applications it receive from workers

As of the beginning of December 2021, approximately 1,600 applications were received, 12.79% of which were Covid-19 related. 74.51% of the applications received a response within one business day. Note that hundreds of applications were received on the matter of Covid-19 vaccines, as a result of the lack of clarity in this matter (the Green Pass, the third vaccine, the location for receiving the vaccine, etc.). Such applications are not included in the abovementioned number of applications, but rather were given a professional and direct response.

Recently, the Commissioner on Foreign Workers' Labor Rights' contact information was attached to the pay slips of Palestinian workers. Since this change, an increase in calls has been noted. In 2021, the Commissioner received 112 calls from employed Palestinian workers and 43 calls from Palestinian workers seeking employment. In 2020, the Commissioner received 35 calls from employed Palestinian workers and 109 calls from Palestinian workers seeking employment. In 2019, the Commissioner received two (2) calls from employed Palestinian workers and 249 calls from Palestinian workers seeking employment. The Commissioner offers assistance in the Arabic language through translators in both written and oral communication.

It should be clarified that the Commissioner also provides assistance to asylum seekers who are or were employed. There were three cases in which asylum seeker workers who had been removed from Israel applied to the Commissioner Unit from their country of origin, and received assistance and a refund of all the money that was due to them from their former employers.

During 2021, the Commissioner Unit initiated and held a series of meetings titled "Rights Trustees in nursing care field project", aimed at the private agencies active in this field. The meeting included a range of relevant topics regarding prevention of violation of workers' rights in this vulnerable and sensitive field of employment, including prevention of forced labor, TIP and Slavery, and one of the meetings was dedicated to the topic of sexual harassment and sexual offenses in the home-care field, vulnerabilities and best practices in identification and prevention. This topic raised much interest and concern of the participants, who requested further information and expressed their wish for better tools to cope with this phenomenon.

The Commissioner Unit is not the only place workers can turn to, as workers covered by a bilateral agreement first apply to the call center managed by CIMI, through the Population and Immigration Authority.

In October 2021, the Commissioner Unit conducted a tour of the shelters for victims of trafficking and forced labor, and delivered a lecture to the shelter employees on labor laws applicable to foreign workers. Since this tour, the Commissioner Unit has handled two applications of shelter residents against their employers (one was dealt with successfully and the other one is still pending). In addition, it was agreed that the Commissioner Unit will schedule a date for visiting the shelter and holding a personal meeting with the residents, with the assistance of an interpreter. During these personal meetings, they will be provided with information relevant to their workplace, and legal aid, if needed.

1. **Palestinian workers in Israel**

On March 8, 2016, Resolution No. 1236 entitled "Strengthening the economic cooperation through employing Palestinian workers in Israel" was adopted. On December 18, 2016, Resolution No. 2174 entitled "Expanding the Scope of Employment of Palestinian workers in Israel from the West Bank, increasing the efficiency of the work permits and ensuring fair employment rights to Palestinian workers" was adopted. These Resolutions aimed to addressing the challenges of Palestinian workers in Israel and promote more efficient frameworks for their employment. The Resolutions are in varying stages of implementation.

Several petitions have been submitted to the High Court of Justice on these matters, in recent years:

In September 2020, a petition was submitted requesting the respondent to amend the procedures for employing Palestinian workers, which would address the so-called "binding" of the employee on their particular employer, the limitations on movement between employers, lack of measures to enable independence and mobility in the job search.[[2]](#footnote-2)

The Respondents notified the Court that a new procedure has been implemented in the construction field, as laid out in Resolution No. 189 (adopted August 1, 2021) amending Resolution No. 2174, in which, *inter alia*, safety trainings will be conducted, the cap for workers was expanded, and an emphasis was placed on enforcement against exploitation of workers through the illegal trade in working permits. In the industry and services branch, the Government took active steps to implement Resolution No. 2174 in June 2021. An inter-ministerial committee is examining amending other relevant branches of employment and the distribution of permits. In order to increase the independence of Palestinian workers, the Civil Administration created a digital App in which workers can find personalized information on their permits and status. Furthermore, an informational video and targeted advertisements were produced and distributed explaining the new employment system. Additionally, the IDF Civil Administrationaims to open an employment center in the West Bank, which will offer in-person assistance and answer questions. The case is pending.[[3]](#footnote-3)

On September 24, 2020 the Court ruled on a petition regarding the healthcare for Palestinian workers due to changes in their conditions during the COVID-19 pandemic. This petition was filed in April 2020, requesting the Court to order that health insurance be offered to Palestinian workers who were obligated to reside in Israel due to the restrictions of movement. Following the enactment of *Foreign Workers Law (Temporary Provision – New Coronavirus – Amendment 21)* 5780-2020, which obligates employers to offer reasonable living spaces and health insurance to Palestinian workers due to the pandemic situation, the petitioners and respondents submitted a joint request to erase the petition, setting aside the legal claims of both sides. The Court acquiesced to the request.[[4]](#footnote-4)

In March 4, 2018, the High Court of Justice ruled in the *Tab’ouni* case regarding a foreign workers levy. The Court addressed taxation issues related to employment of 10,000 Palestinians residing in Israel and the eastern neighbourhoods of Jerusalem by way of temporary staying permits or B/1 visas provided by family reunification procedures. According to the *Citizenship and Entry into Israel Law (Temporary Provision)*, these Palestinians were considered on certain matters as foreign workers based on the definitions in the relevant statute, which according to the petitioners, has negative implications to their ability to work and earn a living in Israel. The petition focused on foreign worker levy (a sum of 15-20% of the worker's salary) and reduced tax credits.

Following this petition, Israel re-examined its legal position, and determined that the relevant statute can be interpreted so employers of these workers will be exempt from paying the foreign workers levy. Moreover, it was determined that the legislation also allows these workers to be entitled to tax credits, as Israeli residents are. On March 3, 2019, the State and the petitioners submitted a joint request to dismiss the case since the two main issues of the petitions were resolved, and the remaining issues will be examined separately, while reserving their legal claims. On March 5, 2019, the Court dismissed the petitions, noting specifically that the legal claims of both sides were reserved.[[5]](#footnote-5)

1. Cr.Ap. 8937/20 *The State of Israel v. Jabor* (3.12.2020). [↑](#footnote-ref-1)
2. H.C.J. 6272/20 *Kav L'Oved et. al. v. The Government of Israel et. al.* (pending) [↑](#footnote-ref-2)
3. H.C.J. 6272/20 *Kav L'Oved et. al. v. The Government of Israel et. al*. (pending) [↑](#footnote-ref-3)
4. H.C.J. 2730/20 *Kav L'Oved et. al. v. the Minister of Health et. al.* (24.09.20) [↑](#footnote-ref-4)
5. H.C.J. 1889/18 *Tab’ouni et. al. v. The Services to Employers and Foreign Workers Branch* (04.03.2018). [↑](#footnote-ref-5)