

Research Report

The Shelters in Israel for Survivors of Human Trafficking

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March 2012

Hotline for Migrant Workers

"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" - Exodus 22:20



Foreword

"If I could say something to the survivors of trafficking for prostitution, I would tell them that sometimes, when you're inside it all, you feel as though there's no way out of this life. I found out that this isn't true. You can have a different life... I feel that my life is slowly moving in the right direction."

(Y., a survivor of trafficking for prostitution who was freed from prison by the Hotline for Migrant Workers).

Dear Reader,

This report reflects the desire of those who were involved in its preparation to strengthen their commitment to the survivors of trafficking and holding in conditions of slavery, and to consider the best ways in which they can be rehabilitated. The research underlying this report was undertaken by the Hotline for Migrant Workers (HMW), which for years has been active in defending survivors of human trafficking in Israel. The Ministry of Social Services, which finances the shelters for survivors, and the Keshet association, which operates Atlas Shelter for men and Ma'agan Shelter for women, opened the door and enabled the conduction of the research. The study was conducted by researchers from Tel Aviv University who have undertaken to pioneer the study of this issue and to promote rich academic discussion. A crucial partner was the Center for International Migration and Integration (CIMI), which funded part of the research and this publication.

For several years, the State of Israel – through the Ministry of Social Services, and in cooperation with the Ministry of Internal Security – has operated two shelters for the survivors of human trafficking and slavery: Ma'agan Shelter for women, and Atlas Shelter for men. This reflects a model of state sponsorship that is not found in other countries. The shelters provide protection, food and accommodation. The staff at the shelters accompany the residents and help them realize their eligibility for state legal aid on matters relating to their status in Israel. Considerable efforts and resources are invested in these proceedings.

In addition to the existing activities, the need also arose to discuss methods of rehabilitation and priorities in the rehabilitation process. The purpose of the research was to gain an understanding of what survivors need in order to rehabilitate, and to accumulate knowledge about developments in Israel and around the world. Ultimately, the intention is that this will enable the planning of a rehabilitation process meeting the unique needs of survivors of human trafficking. The present study is important not only in terms of its ramifications for survivors in Israel, but also in its relevance for the rehabilitation of other survivors of trafficking around the world.

The findings and recommendations of the research highlight the need to develop a specific theory of rehabilitation for people who have survived trafficking and holding in conditions of slavery. This theory should be adapted to their personal experience, culture of origin and civil status, with the rights this entails, and will enable them to feel that their life is “moving slowly in the right direction.”

Attorney Reut Michaeli
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Hotline for Migrant Workers

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Exodus 22:20

Preface

Since the 1990s, Israel has become a target country for international human trafficking, which initially focused mainly on the trafficking of women for prostitution. For more than a decade, the Hotline for Migrant Workers (HMW) has monitored this phenomenon, serving as a catalyst for change and promoting policy that protects the rights of the survivors of slavery and human trafficking.

The Israeli authorities have made considerable progress since the first decade of trafficking, when their principal response was to ignore the phenomenon. There is now a greater understanding of the rights and services that must be provided for those who have survived trafficking in order to enable them to recuperate and in order to provide them with tools preventing them from re-entering the cycle of poverty, exploitations and trafficking. However, the authorities have still not formalized a specific rehabilitation procedure for the victims of trafficking defining priorities and services to be provided in order to ensure an appropriate and effective process of rehabilitation. As a result, the individual care of those involved raises various issues that demand attention and action on the part of the authorities. In some cases the authorities show an attentive response, but in others, rights are only realized after the courts intervene. An orderly and comprehensive policy relating to rehabilitation processes is therefore required.

In order to develop such a policy, the Hotline for Migrant Workers initiated a study designed to acquire knowledge about developments in Israel and around the world relating to human trafficking, and to learn what survivors need for the purpose of rehabilitation. The ultimate objective is to develop a specific theory of rehabilitation. Such a theory will improve the rehabilitation processes and, following its adoption by the authorities, will afford the survivors additional protection and enshrinement of their rights.

The research partners were chosen in order to obtain a professional and objective outcome with the highest possible chances of being accepted as a document that changes policy. Dr. Daphna Hacker and Dr. Orna Cohen of Tel Aviv University undertook this complex research task. The natural partners in the research are the staff members at the shelters for survivors of trafficking, who are charged with the difficult daily task of rehabilitating survivors and who confront the difficulties they face. A central partner in the research was the Ministry of Social Services, which participated in the research steering committee and made comments on the content, conclusions and recommendations of the report, some of which were accepted and form an integral part of the final report. Regrettably, shortly before the date of publication of this

report, the Ministry of Social Services unilaterally announced that, since it did not initiate the research, the ministry does not consider itself a partner in the report. In view of the cooperation that marked the entire process of data collection and the provision of access to the research field, I find this retraction surprising. I hope that the staff of the ministry will nevertheless discuss the findings and recommendations of this report.

The Ministry of Social Services, which apparently rejects criticism of the existing rehabilitation processes and its role in this context, is not the only government ministry that requires a reminder of its obligation to rehabilitate the survivors of trafficking. Over the past two years, as the profile of the population involved has changed, the authorities have retreated from ensuring rights that have already been granted. An example of this is the provision of work permits. The report findings highlight the importance of enabling survivors to work as part of the rehabilitation process. Despite this, the Ministry of the Interior does not provide work permits for asylum seekers from Africa who are survivors of trafficking for sex – despite the fact that, in recent years, it has provided such permits for survivors of trafficking in women.

It is appropriate, therefore, to remind the authorities that trafficking is the same regardless of the survivors' culture, ethnicity or skin color. Rehabilitation is part of the obligations incumbent on Israel in accordance with international law. It is our moral imperative, as a society, to help the survivors of human trafficking, and this is also in our own interests. Denying these conditions to victims who now require them constitutes a retreat from the achievements Israel has secured to date in this field.

I hope that this report and the recommendations it contains, which were formulated after serious and extensive research, will lead to the development of a theory of rehabilitation and to professional discussion of ways to rehabilitate the survivors of human trafficking. Among other outcomes, such a theory will lead to the formulation of an orderly rehabilitation policy responding to each individual survivor, and including a full basket of services for their use and for use by the devoted staff of the shelters who seek to promote their rehabilitation.

Attorney Reut Michaeli
Director, Hotline for Migrant Workers

Research Report

The Shelters in Israel **for Survivors of Human Trafficking**

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Orna Cohen and Daphna Hacker

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1. Introduction

1.1 Research Goal

The phenomenon of human trafficking exists in many countries around the world. The US government estimates that approximately 12.3 million people alive today have been the victims of trafficking; approximately 56 percent of these victims are women and girls.¹ In 2010, 33,113 victims of human trafficking were identified around the world. It has been estimated that the annual turnover created by human traffickers totals \$32 billion.²

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (hereinafter the Palermo Protocol), introduced in 2000, defines human trafficking as follows: “Trafficking in persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs...”³

Since the late 1990s, Israel has become part of the global phenomenon of human trafficking and a destination for procurers who bring women to Israel for the purpose of trafficking for prostitution; for migrant workers subject to exploitation by their employers; and for men and women from Africa who arrive in Israel seeking asylum

¹ Attorney Nomi Levenkron argues that governmental and social bodies quote unsubstantiated estimates and that it is effectively impossible to gauge the scale of the phenomenon. This is due both to the nature of the phenomenon itself and to what she terms “the ideology of numerology.” See Nomi Levenkron, *Can the Master’s Tools Demolish His House? On the Power of Legislation as a Tool for Shaping the Sex Industry: The Criminalization of Clients in Sweden as a Test Case*, 57-59 (thesis toward a master’s degree, Tel Aviv University – Faculty of Law, 2011) (Hebrew).

² Website of the US Department of State, *Trafficking in Persons Report (2010)*: www.state.gov/g/tip/rls/tiprpt/2010 (hereinafter: “the 2010 US State Department Report”); website of the US Department of State, *Trafficking in Persons Report (2011)*: www.state.gov/g/tip/rls/tiprpt/2011 (hereinafter: “the 2011 US State Department Report”). All the website links mentioned in this report were last accessed on December 15, 2011.

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, New York November 15, 2000, I.L.M. 1529, Vol. 56, article 3(a) (Israel signed the Protocol in 2001) (Israel ratified the Protocol in 2008).

after suffering severe abuse.⁴ In response, the Knesset, the government of Israel, and non-governmental organizations (particularly associations) decided to struggle against all dimensions of the phenomenon of international human trafficking, including slavery and forced labor.

The struggle against human trafficking includes three main spheres of activity: Preemptive action to prevent trafficking; prosecution of traffickers; and protection of victims and assistance in their rehabilitation.⁵ **This study focuses on the third of these spheres – protection and rehabilitation.**⁶ One of the goals of the Palermo Protocol, which Israel signed in 2001 and ratified in 2008, is: “To protect and assist the victims of such trafficking, with full respect for their human rights.”⁷ The protocol also states that “each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons.” These measures relate, in particular, to the provision of appropriate housing; counseling and information regarding legal rights; medical, psychological and material assistance; and employment, educational and training opportunities. States are also required to take into account the age, gender and special needs of trafficking victims; to endeavor to provide for their physical safety while they are within their territory; to develop legal means for compensating victims; and to consider adopting means permitting trafficking victims to remain in their territory, temporarily or permanently, in appropriate cases.⁸ The provisions of the protocol regarding the repatriation of trafficking victims to their country of origin are also relevant for our purposes. The protocol instructs state parties that in the case of a trafficking victim who was a national or permanent resident of the country of origin at the time of entry into the host country, return shall be “with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.”⁹

⁴ Organizations in the social sector estimate that hundreds, if not thousands, of trafficking victims are currently present in Israel. See Sigal Rozen, Idit Leibowitz and Shlomit Bornstein, report of Hotline for Migrant Workers and Kav LaOved, *Position Paper: Human Trafficking and Exploitation of Female Migrant Workers and Asylum Seekers* (June 2010), www.hotline.org.il/english/pdf/Hotline_and_Kav_Laoved_Human_Trafficking_060810_WL_Eng.pdf. There are no official or precise estimates regarding the current scale of the phenomenon in Israel.

⁵ The US government refers to these spheres as “the three Ps.” Website of the US Department of State, *Trafficking in Person Report (2009)*: www.state.gov/g/tip/rls/tiprpt/2009/123123.htm (hereinafter “the 2009 US State Department Report”).

⁶ The US government further divides the third sphere into “the three Rs:” Rescue, Rehabilitation, and Reintegration; *ibid.*

⁷ Article 2(b) of the Palermo Protocol, footnote 3 above.

⁸ *Ibid.*, article 6.

⁹ *Ibid.*, article 8(2).

The most significant action taken by the State of Israel to protect and assist in the rehabilitation of international trafficking victims is the establishment and operation of two shelters. In 2004, the Ministry of Welfare began to operate Ma'agan, a shelter for women trafficking victims, through the Keshet association. Five years later, the Atlas Center was established in a similar manner as a shelter for male victims of trafficking, slavery and forced labor.¹⁰ **The establishment of special shelters for international trafficking victims providing a comprehensive basket of services, with full state funding and supervision, is a pioneering step by the State of Israel, and is rare in the global context.**

In recent years, the staff at the shelters has been required to cope with **significant changes in the profile of the residents**. On the one hand, trafficking of women to Israel for prostitution has been dramatically diminished. On the other hand, thousands of asylum seekers from Africa have begun to arrive in Israel; some of these come to the shelters after suffering severe abuse on their journey to Israel. These changes present a challenge to the founders and operators of the shelters, raising questions regarding the purpose of the institutions and the services they provide. **The purpose of the research described in this report, which was conducted in 2010 and 2011, is to examine the needs of the populations who reach these two shelters; to examine the care they receive; and to make recommendations for improving policy regarding the rehabilitation of survivors of human trafficking in Israel and other countries.**

The research was initiated by the Hotline for Migrant Workers, the pioneer body active in combating human trafficking in Israel. The initiative was joined by the Ministry of Welfare and Social Affairs, which is responsible for the shelters for human trafficking victims, and by Keshet, the association that operates the shelters. The partner bodies cooperated fully with the researchers and facilitated access to the research field. The research was partly funded by JDC-Israel. The research was undertaken by two senior researchers from Tel Aviv University: Dr. Daphna Hacker of the Law Faculty and the Women and Gender Studies Program, and Dr. Orna Cohen of the School of Social Work. The researchers were aided by the research assistants: Ms. Idan Halili, who also wrote section 3.8 of the report; Ms. Yaara Levine Fraiman, who also wrote section 2.1 of the report; and Dr. Ella Keren, who undertook 12 interviews with former and current residents of the shelters. **This report describes the senior researchers' independent study and represents their opinion alone.**

The research sought to answer the following questions:

¹⁰ Although Atlas is officially referred to as a "center", for the sake of convenience we will refer to both these frameworks as "shelters". As detailed below, Ma'agan Shelter now also houses victims of forced labor and exploitation, as well as victims of trafficking for prostitution.

- A. What is the place and goal of the shelters within the overall framework of the bodies responsible for protecting and rehabilitating survivors of human trafficking?
- B. What populations are treated by the centers and what are their needs?
- C. What achievements have the shelters secured?
- D. What difficulties and challenges are faced by the staff of the shelters?
- E. How can an appropriate response be provided for the needs of the victims of human trafficking within the framework of the shelters?

1.2 Research Methods and Limitations

The research report is based on a qualitative evaluation study. This study did not undertake a quantitative measurement of needs and responses, but rather mapped the needs and the tools used for coping with these needs, while recognizing that **different approaches can be found in the research field regarding both needs and responses**. Due to the complex and dynamic nature of trafficking, and the large number of bodies involved in responding to the phenomenon, we chose research tools that permit an in-depth, holistic and naturalistic examination of the research field. This would not have been possible had we preferred quantitative research tools, which require the definition and control of measurable variables. If a theory is developed for therapeutic work with the victims of human trafficking, as we recommend below, it may then be possible to develop quantitative criteria for success and undertake evaluation studies on the basis of these criteria.

Research Tools

Interviews

The core of the research is semi-structured interviews conducted with two groups relevant to gaining an understanding of the way the shelters operate: (1) Women and men who are currently staying in the shelters, or who stayed in them in the past; and (2) those who shape policy regarding trafficking victims in official bodies and in non-governmental organizations. A total of 46 interviews were undertaken, as detailed below:

(1) Individual Interviews with Victims

Ten women who were staying in the shelter at the time of the interview (four from the CIS, two from the Philippines, two from Nigeria, and one each from Eritrea and India);
11 men who were staying in the shelter at the time of the interview (nine from Thailand and one each from China and Eritrea);

Five women who had stayed at the shelter in the past (three from the CIS and one each from China and Brazil);

Four men who had stayed at the shelter in the past (two each from Thailand and Nepal).

The interviewees staying in the shelters were located with the assistance of the shelter staff. Former residents of the shelters were located with the assistance of the shelter staff and the Hotline for Migrant Workers. Our aim was to meet women and men from different countries who had stayed in the shelters in the past, or were staying there at the time of the interview, and who came to the shelters due to a variety of circumstances. This diversity among the interviewees was designed to enable us to learn about the different populations that come to the shelters, with their distinct needs and the different responses these require.

The men and women we interviewed received a written explanation of the purpose of the study and signed a consent form confirming their participation. The written explanation and the consent form were presented to the interviewees in their native languages. All the interviews took place with the help of interpreters, with the exception of three women who spoke English or Hebrew. All the interviews were conducted face to face, with the exception of one interview conducted by telephone with a woman who had stayed in the shelter in the past and has since returned to her country of origin. In this report, the names of all the interviewees who are former or current residents of the shelters are pseudonyms in order to protect their privacy.

(2) Individual Interviews with Professionals

We conducted 16 interviews with senior officials in governmental bodies and non-governmental organizations active in the field of human trafficking in Israel. The interviewees (in alphabetical order) were:

Adv. Hanny Ben-Israel, Kav LaOved; Ms. Sarah Bueno de Mesquita, social worker in Levinsky Mobile Clinic, Ministry of Health; Superintendent Raanan Caspi, National Investigations Officer, responsible for the field of human trafficking in the Israel Police (2002-2010); Rita Chaikin, director of the Campaign against Prostitution and Trafficking in Women Project, Isha L'Isha – Haifa Feminist Center; Adv. Rinat Davidovich, social worker, director of Services for the Treatment of Victims of Human Trafficking, Keshet (from the establishment of the shelters through the end of 2010); Dr. Michael Dor, MD, MPA, Director of the General Medicine Division and Head of Interministerial Committee for Medical Treatment of Victims of Trafficking for Prostitution, Ministry of Health; MK Zehava Galon, Former Chair of the Knesset Committee on Trafficking in Women; Adv. Rachel Gershuni, National Anti Trafficking Coordinator Ministry of Justice; Yael Hermel, Specialist Social Worker, Director of Individual and Family Social Services, Ministry of Welfare; Adv. Nomi Levenkron, director of the Legal Department of Hotline for Migrant Workers (2000-2008); Superintendent Adv. Yaacov Lopez, deputy head of the Lahav Prosecution Unit, Israel Police; Adv. Iris Maayan, Head of Section In Charge of Foreign Workers Rights at Work, Ministry of Industry, Trade and Employment; Ada Pliel-Trossman, Specialist Social Worker, Deputy Director, Therapeutic Service for Girls and Young Women, Ministry of Social Services (until January 2011); Menachem Wagshal, Vice Director General, Ministry of Social Affairs; Michal Yosef, coordinator of Border Controls

and Border Crossings, Population and Immigration Authority; and Adv. Sigalit Zohar, coordinator for victims of trafficking in humans, Legal Aid Division, Ministry of Justice.

Transcripts of 41 of the 46 individual interviews with residents of the shelters and with professionals were prepared by a professional company, while the transcripts of five interviews were prepared during the course of the interview due to technical difficulties. Dr. Hacker and Dr. Cohen undertook 34 interviews (separately or together), while Dr. Ella Cohen undertook 12 interviews using the interview structure prepared by the chief researchers (see the appendices at the end of the report for examples of the interview formats).

Additional Research Tools

Preliminary Meetings

Two preliminary meetings were held to provide an initial acquaintance with the research field. The first was with the therapeutic staff of the two shelters, and the second was with three staff members from the Hotline for Migrant Workers.

Complementary Discussions

We decided not to burden survivors of human trafficking with excessive questions about their past, in order to avoid emotional flooding that the researchers would be unable to accompany. Accordingly, and with the interviewees' agreement, we held discussions with three social workers (two from Ma'agan Shelter and one from Atlas Shelter) in order to provide additional data. The social workers also provided additional information about the way in which the interviewees arrived at the shelter, as well as details of the treatment they received.

Analysis of Documents

The research also included the analysis of extensive written materials, including reports produced by Keshet regarding the shelters it manages; position papers of the Hotline for Migrant Workers; minutes and reports of the Knesset Subcommittee for the Struggle against Trafficking in Women; documents produced by the Interministerial Coordinator for the Struggle against Human Trafficking, and so forth. In addition, the researchers referred to books, articles and reports on human trafficking published abroad; to information disseminated at academic and activist conferences attended by the research staff; and to information received from non-governmental organizations involved in the rehabilitation of the survivors of human trafficking in various countries.

Reliability

In order to enhance the reliability of the findings, each researcher analyzed the research findings separately, and these analyses were then integrated. In addition, the research findings were sent to the therapeutic staff of the shelters and a meeting was held at which the staff provided the researchers with feedback on their findings. The findings were also sent to other key informants and to the research steering

committee, yielding further feedback. The insights gained from the feedback were integrated in the final report.

Difficulties and Limitations

The research involved considerable difficulties due to the language barrier, problems in access to former residents of the shelters, and the complex nature of this study, which included interviews with a large number of survivors and professionals. The financial support of JDC-Israel, and the full cooperation of all those involved, including the support team for the researchers, enabled us to overcome these difficulties.

The study is a qualitative one, limited in scope and time. Accordingly, there is room for further research in the field, including quantitative and long-term studies, as well as studies relating to victims of human trafficking who did not arrive to the shelters, by way of control and comparison groups. Moreover, since the research field is highly dynamic, it is possible that even at the time of writing this report, some aspects have already changed, justifying additional and ongoing research.

Terminology

Research into the treatment and rehabilitation of human trafficking victims is a sensitive field in political and ideological terms. This is also reflected in the terms used to describe the populations that come to the shelters. The term “trafficking victims,” for example, labels women and men who have been trafficked as passive objects lacking any influence over their own fate. By contrast, the term “trafficking survivors” labels these same individuals as active agents who have overcome difficulties they have faced. Similarly, the use of the term “infiltrators” to describe those who entered Israel via its southern border has a very different political and ideological significance to the terms “asylum seekers” or “refugees.” When writing this report, we were forced to choose one or another of these terms.

Our impression of the strengths shown by the residents of the shelters led us to prefer the term “**survivors** of human trafficking.” However, the term “trafficking **victims**” also appears in the report, both because this is the term normally used by the interviewees and because it serves as a reminder of the appalling injustices caused by human trafficking. In this report, the terms “female survivors” or “female victims of trafficking” refer to women who arrived in Israel from abroad, and not to Israeli women. We are aware of the claims raised by various non-governmental organizations that Israeli women victims of prostitution may also meet the definition of victims and survivors of trafficking, and of instances in which Israeli women have been trafficked to other countries for the purpose of prostitution.¹¹ However, this population is not included among those addressed by Ma’agan Shelter, the subject of this study. We also avoided using the word “prostitutes” or the phrase “women employed in prostitution,”

¹¹ CA 5863/10 *Sebag Gottier v State of Israel*, Tak-El 2011(3) 443 (2011).

in keeping with our conviction that this is not a vocation similar to other human occupations, but rather a life condition characterized by exploitation and deprivation. In academic articles and in the therapeutic professions, this population is usually referred to by such terms as “women in prostitution,” “victims of prostitution,” “women exploited by prostitution,” or “survivors of trafficking for the purpose of prostitution.” Accordingly, we have preferred to use one of these expressions.¹²

We have been careful to avoid the use of terms such as “illegal workers” to refer to persons lacking a work permit. Regarding those workers who stay in the shelters, we generally used the term “survivors of forced labor,” or terms relating to the concept of labor exploitation. Although we encountered a small number of instances during the research that may meet the legal definition of “slavery,” we were not convinced that this constitutes a phenomenon. Finally, we chose to refer to the nationals of African countries who have entered Israel across its border with Egypt in recent years as “asylum seekers,” since the vast majority of the members of this group who are not being held in incarceration facilities are nationals of Eritrea or Sudan and, as such, have been recognized by the State of Israel as eligible for collective protection. We are, however, aware of the use of the terms “infiltrators” and “refugees,” which are present in the research field, and which highlight the confusion and disagreement in the field regarding the precise characteristics and legal status of this group.

1.3 Structure of the Report

The next chapter of the report begins with a review of actions around the world to rehabilitate the victims of human trafficking. The purpose of this review is to place the activities in Israel in a broader comparative context. We then describe the network of international, governmental and non-governmental bodies and organizations identified by the research that is responsible for the establishment and operation of the shelters for human trafficking victims in Israel. This description introduces the key bodies and actors in the field, and highlights the complex nature of efforts to raise awareness of the need to treat trafficking victims and to establish and operate shelters on a long-term basis. Chapter Two ends with a description of the two shelters that form the subject of our research – Ma’agan and Atlas. Chapter Three describes the profile of the men and women who stay in the shelters; the dynamic realities that require attention to changes in these populations; and the profile of the women and men who are survivors of trafficking and who do not reach the shelters. Among other aspects, this chapter discusses the difficulties involved in defining who is a victim of human

¹² For a comprehensive discussion of the different approaches shown by the state and of different terms for trafficking in women, see Limor Gad, *From ‘the Import of Prostitutes’ to ‘Trafficking in Women’: Global Patterns of Discourse in the Struggle against Trafficking in Women in Israel* (thesis toward a master’s degree, The Hebrew University of Jerusalem – Department of Sociology and Anthropology, 2005) (Hebrew).

trafficking, both in terms of criminal law and with regard to the relevant migration laws for this purpose. Chapter Four offers a description of the physical and economic needs of the victims of trafficking and of the response provided to these needs by the shelters. Chapter Five focuses on the concept of rehabilitation and on the rehabilitation activities provided by the shelters. Chapter Six examines the needs of mothers and children, while Chapter Seven discusses the crucial issue of language. Chapter Eight focuses on the relevant legal support for women and men in the shelters. Chapter Nine describes the process of leaving the shelters, the ramifications of leaving, and the contact between those who have left and the staff of the shelter. The report ends with a chapter presenting recommendations intended to guide those involved in work for the victims of human trafficking in Israel and to provide insights for bodies in other countries that operate or are considering operating similar shelters.

2. The Establishment of Shelters for Human Trafficking Victims around the World and in Israel

2.1 *Rehabilitation Services for Trafficking Victims in Various Countries*¹³

2.1.1 Introduction

The struggle against trafficking comprises three strands, referred to as the “Three Ps” – prevention, prosecution and protection. The strand of protection, including its rehabilitation element, which forms the subject of this study, has received less attention than the others in public and academic discourse. This report seeks to enrich public discourse on the subject of protection and rehabilitation, and to add to the limited corpus of research knowledge in this field.

The rehabilitation of trafficking victims is a manifestation of a perspective that views human trafficking as an offense to the foundations of human society, a violation of basic human rights, and the objectification of the victims through the restriction of their freedom of choice. Rehabilitation, however, is a vague, elusive and dynamic term that is defined in different ways by different bodies in keeping with their worldview. Nevertheless, there is a general consent that the process of rehabilitation can mitigate psychological damage and enable the victims to regain their lost rights. Moreover, trafficking victims who do not receive protection and rehabilitation find it difficult to free themselves from the vicious cycle of suffering and exploitation they find themselves in due to their life circumstances, and they are liable to return to situations in which they may be subjected to repeat trafficking.

Prevailing theories of rehabilitation around the world range from the functional and instrumentalist aspect, which focuses on enabling survivors to reorganize and cope with the pressures they face, to a focus on the internal psychological process undergone by the individual. A differential program adapted to meet the needs of the individual victim – while avoiding judgment and respecting the victim’s desires, thoughts and emotions – seeks to promote a rehabilitation process that enhances coping skills, helps survivors regain control of their lives and encourages them to gain independence and integrate in the community.

This section reviews the rehabilitation services for human trafficking victims in various countries. Collecting information on rehabilitation services for human trafficking survivors is a complex and often imprecise process, due in part to the fact that different countries apply different definitions of trafficking. An additional factor is the lack of information about human trafficking for purposes other than sexual exploitation. This section will offer an integrative and macro-level discussion of the available data and an examination of rehabilitation services in selected countries in

¹³ Thanks to Ms. Yaara Levine Fraiman, who wrote this section.

different parts of the world.¹⁴ Although researchers have shown increasing interest in the phenomenon of human trafficking in recent years,¹⁵ the quantity of information available on this subject is still limited.¹⁶ Accordingly, we join the call of other researchers who have emphasized the need to undertake systemic and comprehensive research relating to the victims of human trafficking in general, and to their rehabilitation in particular.

2.1.2 Background Data on Rehabilitation Services

Rehabilitation services in different countries are funded by grants from other countries and from international organizations active in efforts to eradicate human trafficking, as well as by funding from the national budgets of the countries in which the services are provided and from non-governmental organizations. In most cases, the services are operated by non-governmental organizations. The rehabilitation services may be provided in the country of origin (the country in which the victims lived prior to trafficking); in a transit country (a country through which the victims of trafficking were transferred from the country of origin to the destination country); or in the destination country (the country in which the trafficking victims arrived). The character and duration of rehabilitation vary according to the country in which the victims were identified as such. Rehabilitation ranges from attention to basic needs, such as housing, food, clothing and emergency medical treatment, through to comprehensive and long-term assistance that may include psychological support, legal advice, medical treatment, education, vocational training, work placement and reintegration.¹⁷

Most rehabilitation services around the world are intended for women survivors of trafficking for the purpose of sexual exploitation. Rehabilitation services for other populations, such as women, men and children who are victims of slavery or forced labor, are less common, perhaps because the phenomenon of human trafficking and exploitation for slavery or forced labor has only been recognized in recent years. An additional factor may be the question of self-identification as a victim: men who have

¹⁴ For an updated review regarding the protection of trafficking victims in all countries, see the 2011 US State Department Report, footnote 2 above.

¹⁵ For example, see: Hila Shamir, *Trafficking in Workers: The Human Rights Paradigm to Trafficking in Persons and the Challenge of Labor Rights* (work in progress). For further reading, we recommend the publications of Denise Brennan, who interviewed victims of trafficking after they returned to their communities in Latin America. For a list of publications, see: <http://explore.georgetown.edu/people/brennade/?action=viewpublications>

¹⁶ Alexis A. Aronowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (2009).

¹⁷ Annette Brunovskis & Rebecca Surtees, *Leaving the Past Behind? When Victims of Trafficking Decline Assistance*. A Research Co-operation between FAFO and NEXUS Institute (2007), available at www.fafo.no/pub/rapp/20040/20040.pdf.

been exploited are less likely to define themselves as victims of trafficking. Moreover, Thérèse Blanchet, who has examined gender-based aspects of the offense of human trafficking,¹⁸ argues that, in conceptual terms, women are more easily identified as victims of this offense, since society is accustomed to perceiving women as victims subject to control by others.

Accommodation is a basic need of men and women survivors of trafficking. In order to meet this need, various types of shelters and housing solutions have been provided in different countries, including half-way houses, hostels, apartments, closed and open shelters, emergency short-stay shelters and independent homes for victims in the reintegration stages.¹⁹ A high level of variance can be seen between different shelters in terms of security levels, procedures, and the extent to which the professional staff intervene in the victims' lives.

Since dedicated centers for women and men survivors of human trafficking are not always available, survivors are sometimes referred to centers intended for other weakened populations, such as homeless persons, refugees or victims of domestic violence. There are certainly some similarities between the needs and rehabilitation process of survivors of human trafficking and those of these populations. Like homeless persons, refugees and victims of domestic violence, survivors of trafficking suffer from social stigma, experience feelings of helplessness, lack of self-esteem and shame, and need support and assistance. However, survivors of human trafficking require specific, comprehensive and protracted rehabilitation. They are exposed to threats, and in some cases they need to participate in legal proceedings brought against traffickers and require strict security arrangements. The particularly traumatic experiences they have undergone, as well as the fact that they are foreigners who do not speak the language of the destination country and are unfamiliar with its cultural codes, impair their ability to adapt and therefore prolong the rehabilitation process. Moreover, Western psychotherapy is unsuitable for many of the survivors, and a therapeutic model must be implemented that takes into account cultural differences. In many cases, receiving psychological help is not an accepted practice in the culture from which the survivors come. Accordingly, support groups, which are a useful tool in the rehabilitation of victims of domestic violence, may prove ineffective with the survivors of human trafficking. Moreover, trafficking survivors arrive on their own (unlike refugees, who sometimes arrive with relatives or friends). They are not necessarily interested in receiving assistance from the government, and they are preoccupied with the need to pay off their debts and send money to their families. Given all these unique

¹⁸ Thérèse Blanchet, *Beyond Boundaries: A Critical Look at Women Labour Migration and the Trafficking Within* (2002), available at www.nswp.org/sites/nswp.org/files/BEYOND.pdf.

¹⁹ Lise Bjerkan (ed.), *A Life of One's Own: Rehabilitation of Victims of Trafficking for Sexual Exploitation*. A Joint Report by Victimology Society of Serbia, Sor-Trondelag University College (Faculty of Health Care and Social Professions, Department of Social Work Programme) and FAFO (2005), available at www.fafo.no/pub/rapp/477/477.pdf.

characteristics, placing trafficking survivors in centers intended for other populations makes it harder to provide an appropriate response for their needs.²⁰ Finally, it is important to avoid the tendency to place all trafficking survivors in a single category: there are many differences between individual survivors, and rehabilitation services must be adapted to meet the individual needs and profile of each survivor.

In recent years, a number of organizations have been established that focus on assisting men and women who are survivors of human trafficking for prostitution and forced labor. One of the first bodies established to help this population is the non-governmental organization Payoke, which was founded in Belgium in 1988.²¹ Payoke is headed by Patsy Sörensen, who helped establish Ma'agan Shelter in Israel, and who was referred to as “the shelter’s mother” by Attorney Rachel Gershuni, the interministerial coordinator for the struggle against human trafficking in Israel.

2.1.3 Approaches to Rehabilitation Services

Rehabilitation approaches that were common in the past, but are no longer acceptable, imposed significant restrictions on the autonomy and freedom of movement of trafficking survivors during their stay in shelters (at the time, most of the residents of shelters were women trafficked for prostitution). In some cases, women attempted to escape from the shelters, since they were held there against their wishes and perceived this experience as revictimization. As experience was gained in the provision of rehabilitation services for trafficking survivors, and as intervention by international agencies increased, different approaches emerged around the world regarding the rehabilitation process. These approaches prefer rehabilitation based on integration in the community, advocate cooperation between governmental and non-governmental bodies, and seek a balance between psychological tools and empowerment. These approaches emphasize human rights rather than charity.²²

Robynne Locke, who studied organizations that assist trafficking survivors in India and Nepal, notes that while these contemporary approaches embody a positive change in perceptions regarding rehabilitation, the change is only rarely manifested in the field in practical terms. Various reasons may be suggested for this: (A) limitations of the rehabilitation through community integration, since rehabilitation is usually implemented on the individual level, without attention to the community or broader issues concerning poverty and social power structures; (B) dependence on

²⁰ Rachel Shigekane, “Rehabilitation and Community Integration of Trafficking Survivors in the United States,” *29 Human Rights Quarterly*, 112 (2007).

²¹ Website of the B.C. Human Rights Coalition, www.bchrcoalition.org/HumanTrafficking.php.

²² Robynne A. Locke, *Rescued, Rehabilitated, Returned: Institutional Approaches to the Rehabilitation of Survivors of Sex Trafficking in India and Nepal* (in partial fulfillment of the requirements for the degree Master of Arts, a thesis presented to the Faculty of Social Sciences, University of Denver, 2010).

international organizations that provide funding; (C) lack of control over external variables that influence rehabilitation processes, such as family support and opportunities to work and make a livelihood in the survivors' place of residence; (D) lack of tools for evaluating the success of rehabilitation programs.²³

The approaches to rehabilitation do not clearly explain the function or content of the psychological rehabilitation of trafficking victims.²⁴ Although psychological rehabilitation is emphasized as an important component in the therapeutic process of victims and in their integration in the community, little practical attention is devoted to this aspect, and only limited resources are allocated for psychological rehabilitation.²⁵

2.1.4 Examples of Rehabilitation Services in Different Parts of the World

Europe

A considerable amount of information is available regarding rehabilitation services in Europe, and particularly in Eastern Europe, relative to other parts of the world.²⁶ The Council of Europe has recognized the need to provide assistance for trafficking victims, though the standard of assistance depends on each individual country. Assistance programs for trafficking victims in Europe tend to be short term and inadequate. In many cases, there is insufficient coordination between state services and non-governmental organizations. Survivors are unaware of the options available for assistance and find themselves trapped in a web of bureaucracy. In many cases, survivors are deported before they have received any assistance.²⁷ Most of the shelters are situated in major cities or close to the border, a factor that influences employment opportunities and the prospects for integration in the local community. At present, few

²³ Ibid.

²⁴ Ibid.

²⁵ Oksana Yakushko, "Human Trafficking: A Review for Mental Health Professionals," 31 *International Journal for the Advancement of Counseling*, 158 (2009).

²⁶ For reports on rehabilitation services for trafficking victims (particularly for sexual exploitation) focusing on Eastern Europe, see: Bjerkan, footnote 19 above, and Brunovskis & Surtees, footnote 17 above. See also: Ruth Rosenberg, *Best Practices for Programming to Protect and Assist Victims of Trafficking in Europe and Eurasia, USAID Report* (2008), available at

www.usaid.gov/locations/europe_eurasia/dem_gov/docs/protection_final_121008.pdf.

See also the UN report on assistance and protection for victims of trafficking, which focuses on the Baltic Sea region:

Barbara Sidoti, *Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims' Assistance and Protection, United Nations Office on Drugs and Crime* (2010), available at www.unodc.org/documents/human-trafficking/CBSS-UNODC_final_assessment_report.pdf.

²⁷ Louise I. Shelley, *Human Trafficking: A Global Perspective* (2010).

of the programs meet the needs of victims who do not wish to live in or close to a shelter.²⁸

In most cases, assistance services are intended for women who have been the victims of trafficking for sexual exploitation. For example, the non-governmental organization Atina operates a safe house for women in Belgrade, the capital of Serbia, and provides various services, including a reintegration program. Atina provides medical services, individual and group psychological assistance, family counseling and mediation, legal advice for victims and their families, assistance with formal and informal education, empowerment programs, and job placement assistance. There are no shelters in Serbia for men or children who are trafficking victims, despite the fact that the need exists for such services.²⁹

It is important that those planning and running rehabilitation programs take into consideration the need of survivors to make a living. Some survivors refuse to accept assistance unless it includes this component.³⁰ An entrepreneurial project implemented in Ukraine offers an example of a successful program. The project served 119 participants, men and women, most of whom were victims of trafficking for forced labor, relatively mature, had families, and had a relatively high level of education. During the course of the project, 57 participants opened small businesses on their own or together with other trafficking victims participating in the project. Feedback undertaken two years later found that of the 45 business established, 91 percent were still operating; 145 jobs had been created and the businesses had increased their assets by a factor of three. The businesses yielded impressive profits and constituted a key source of livelihood for the victims.³¹

An important factor in the success of rehabilitation services is international cooperation based on an awareness that human trafficking is a global phenomenon that requires a collaborative response. A good example of this is a European project initiated in 2005 and implemented in eight Nordic and Baltic nations: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden. The project was coordinated with the European Women's Lobby, and its goal was to support services for the women victims of trafficking for sexual exploitation, applying a rehabilitation approach based on human rights and focused on the victims themselves. Additional goals included: interstate networking, the development of standards, and allocation of resources, while reinforcing gender equality in policies, programs and initiatives to combat human trafficking, and particularly in support services for victims. Each of the participating countries was represented by a troika including a government or a public agency

²⁸ Rosenberg, footnote 26 above.

²⁹ Email from Marijana Savic, director of the non-governmental organization Atina, to Yaara Levine Fraiman, research assistant (June 21, 2011).

³⁰ Brunovskis & Surtees, footnote 17 above.

³¹ Rosenberg, footnote 26 above.

representative, a civil society representative, and a resource person. Thus the project also created opportunities for coordination between different bodies within each country. Representatives from eight countries met for seminars, conferences and training programs, providing an opportunity to share information, expertise and resources.³²

The project played a key role in establishing shelters and improving the existing services in the Baltic nations. It also encouraged the development of models for the rehabilitation of trafficking victims in the Nordic countries. The project developed programs for safe return, which is a particularly complex component of the rehabilitation process. Three shelters were opened in Estonia as part of the project. In Lithuania, the project reinforced the existing services, which had not enjoyed political support, and led to cooperation between service providers. In the Nordic countries, the rehabilitation network is broader and more stable. In Denmark, a center for the struggle against trafficking coordinates the services provided for victims; in Finland, there are shelters for adults and children who are trafficking victims; and in Iceland, an emergency team works with victims, and rehabilitation services are available for women trafficked for prostitution and for women victims of domestic violence. In Norway, a network of shelters meets the needs of various populations; 17 shelters accept trafficking victims, alongside other residents.³³

United States

According to the State Department, some 14,500-17,500 people are trafficked into the borders of the United States each year. Non-governmental organizations claim that the actual numbers are significantly higher.³⁴ The victims come from numerous countries in Africa, Asia, Latin America and the CIS. US nationals are also not completely safe, though the number of US nationals subjected to slavery or forced labor is unknown. Human trafficking in the United States is mainly for the purpose of sexual exploitation, agriculture and domestic work. Bodies involved in assisting survivors focus mainly on trafficking for sexual exploitation.³⁵

According to the Trafficking Act, victims are entitled to government support, including medical treatment, financial assistance, housing, food stamps and long-term services. They are not required to cooperate with law enforcement agencies in return

³² Jackie Turner & Liz Kelly, *Nordic Baltic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking for Sexual Exploitation Evaluation Report*, Child and Woman Abuse Studies Unit, London Metropolitan University (2008), available at www.nordicbaltic.net/IMG/pdf/Nordic_Baltic_pilot_project_CWASU_evaluation_10.2008.pdf.pdf.

³³ Ibid.

³⁴ Kevin Bales & Ron Soodalter, *The Slave Next Door: Human Trafficking and Slavery in America Today* (2009).

³⁵ Aronowitz, footnote 16 above.

for assistance.³⁶ However, non-governmental organizations in the United States report a shortage of appropriate housing for trafficking victims in general, and for minor victims in particular. Children and youth who have been trafficked do not have a parent or guardian, and are expected to make significant decisions about their future by themselves (such as the decision whether to testify against their traffickers). Many minor victims are subject to deportation, while others are held in detention or referred to shelters intended for victims of domestic violence.³⁷

The victims' ability to live independently and make a living depends on their integration in the community in which they find themselves. Victims must overcome cultural differences and language barriers in order to integrate in a community that differs from their community of origin. Many trafficking survivors lack the essential tools to live independently in the United States: they do not speak fluent English, do not know how to function in a modern economy, are unaware of the role of the authorities, and have little understanding of the American way of life. Some of the victims are very young and uneducated women who require special assistance in order to manage their lives in the United States.³⁸

Significant changes have been seen in the pattern of services for trafficking victims following the most recent change in the US Administration. Under the Administration of George W. Bush, the tendency was to provide assistance services through religious communities. The Obama Administration has placed less emphasis on the religious dimension.³⁹

A report prepared in 2007 by the Center for Women Policy Studies found that most US states have done little or nothing to provide protection and assistance for trafficking victims. The report awarded grades to the different states; not a single state received grade A (the highest possible grade). Three states (California, Illinois and Indiana) received grade B. Protection and assistance services were defined as: access to safe accommodation; protection of victims from intimidation, threats and acts of revenge; physical and mental health services; legal advice; translation services; education and work programs; and policies and procedures ensuring access to these services. The report emphasizes the importance of cooperation between the states to the success of the struggle against human trafficking.⁴⁰

The first shelter in the United States intended for trafficking victims was opened in 2004 by the Coalition to Abolish Slavery and Trafficking (CAST), which is based in Los

³⁶ Shigekane, footnote 20 above.

³⁷ Bales & Soodalter, footnote 34 above.

³⁸ Shikegane, footnote 20 above.

³⁹ Shelley, footnote 27 above.

⁴⁰ *Report Card on State Action to Combat International Trafficking*, Center for Women Policy Studies, US Policy Advocacy to Combat Trafficking (2007), available at www.centerwomenpolicy.org/documents/ReportCardonStateActiontoCombatInternationalTrafficking.pdf.

Angeles. CAST helps the victims of trafficking, slavery and forced labor on the basis of a client-centered approach that seeks to empower victims, maximize their personal potential, and promote their rights. The organization offers housing, clothing, food, information, legal advice, psychotherapy, health services, vocational training and other services. The shelter is run by a multicultural and multilingual team. In addition to the services mentioned above, it also provides therapies consistent with the victims' cultures of origin, as well as education, life skills classes, English studies and computer literacy courses. A garden alongside the shelter provides an oasis of calm in which the victims plant vegetables and herbs used to prepare dishes from their countries of origin.⁴¹

Other well-known rehabilitation programs include Polaris, which operates in Washington DC; Children of the Night in Los Angeles; and Safe Horizon in New York.⁴² Correspondence with Safe Horizon, which works with trafficking survivors of diverse backgrounds and ages, reveals that there are few shelters in the United States intended specifically for trafficking victims. Accordingly, the organization arranges housing and services for each survivor according to his or her individual needs. Safe Horizon draws on the network of shelters intended for homeless persons, runaways, refugees and victims of domestic violence. The organization also works with a religious community that hosts victims in emergencies, and with a religiously-affiliated hostel that houses victims for up to one month. Safe Horizon also maintains contacts with specific ethno-cultural organizations. The members of such organizations take trafficking victims from the same cultural background into their homes. In appropriate cases, victims are referred to the RESTORE shelter in New York, which is intended for women victims of trafficking for sexual exploitation who are not US nationals, or to the GEMS shelter for girls who have survived trafficking for sexual exploitation.⁴³

Nepal

One of the best-known organizations in relation to shelters for survivors of trafficking for prostitution is Shakti Samuha, which was established by Nepalese women who were trafficked to India for the purposes of slavery, forced labor or sexual exploitation. This organization makes an intensive effort to prevent trafficking and to provide extensive rehabilitation services for survivors. The organization operates the Shakti Kendra shelter, which provides 24 places for victims of trafficking for sexual exploitation. The shelter meets basic needs, provides group and individual psychological counseling, empowerment, dance movement therapy, legal advice, medical tests, vocational

⁴¹ Website of the Coalition to Abolish Slavery & Trafficking, www.castla.org/client-services-program#shelter; Shikegane, footnote 20 above.

⁴² Shelley, footnote 27 above.

⁴³ Email from Fiona Mason, supervisor of social work in the Struggle against Trafficking program at Safe Horizon, to Yaara Levine Fraiman, research assistant (June 24, 2011).

training, training in life skills, informal education, loans to open small businesses, reintegration programs, and safe return programs.⁴⁴

2.1.5 Conclusion

As the above review shows, diverse strategies are used to rehabilitate survivors of human trafficking. Despite the presence of such services, only a small minority of trafficking victims around the world actually receive assistance. It is important to ensure that rehabilitation services meet the needs of heterogeneous populations, reflect the category of country in which the victim was located (country of origin, transit or destination country), and respond to changing patterns of trafficking. The rehabilitation model should be adapted to the individual survivor, whether he or she is a citizen of the country or a foreign national; to the type of trafficking; to the survivor's stage of rehabilitation; and to personal needs.⁴⁵ Rehabilitation must be extended to other types of trafficking (slavery, forced labor, begging, child soldiers, and so forth), and must address the different profiles of distinct target populations (women, men, minors, people with disabilities, etc.) Despite the gradual accumulation of knowledge in the field, little is known about processes of rehabilitation and reintegration among victims of human trafficking.⁴⁶ Shelters are considered the optimum solution, since they provide security and diverse services.⁴⁷ However, it has been argued that while shelters are an extremely important option, some victims may be better served by models that do not include an accommodation component or that are not intended specifically for trafficking victims. The reasons for this may include negative attitudes on the part of the individual or the community toward governmental assistance in general, and shelters in particular; a perception of life in the shelter as excessively intrusive and intensive; fear of social stigma due to identification with the population of trafficking survivors; the form of rehabilitation applied in the shelters (which may not meet the needs of specific individuals); and the social and economic circumstances of trafficking survivors, including the need to make a livelihood in order to support their family, or an unwillingness to be separated from their family.⁴⁸

The review also indicates that rehabilitation programs that fail to provide a response to the need to earn a living are liable to fail. Rehabilitation must, as far as

⁴⁴ Website of *Shakti Samuha*, www.shaktisamuha.org.np/index.php?page?programdetail&id=3; website of Free the Slaves, www.freetheslaves.net/Page.aspx?pid=294.

⁴⁵ Rebecca Surtees, *Why Shelters? Considering Residential Approaches to Assistance*, Nexus Institution to Combat Human Trafficking (2008), available at www.nexusinstitute.net/publications/pdfs/Why%20Shelters%20-%20%20Residential%20approaches%20to%20trafficking%20assistance%20NEXUS%202008.pdf.

⁴⁶ Locke, footnote 22 above.

⁴⁷ Bjerkan, footnote 19 above.

⁴⁸ Surtees, footnote 45 above.

possible, include vocational programs, business development, loans to open businesses, and networking between victims and public and private organizations.⁴⁹ One of the hallmarks of a successful rehabilitation program is that the survivor has integrated safely in the community, in the country of origin or in the destination country, and there is no risk of repeat trafficking. However, it is difficult to monitor survivors in the long term. It is important to note that therapeutic theories have not yet been developed describing the psychological rehabilitation of the victims of human trafficking. We found very little material, whether academic or activist in nature, proposing detailed criteria for evaluating the success of the psychological rehabilitation provided in different countries. Successful rehabilitation clearly requires cooperation between different countries and between different bodies within each country. A joint struggle against the phenomenon by the nations of the world, together with cooperation between governmental and non-governmental organizations, civil society, religious institutions, the media and the private sector could help enable survivors to rebuild their lives.⁵⁰

2.2 *The Establishment and Operation of Shelters in Israel*

The establishment and operation of shelters in Israel is the product of cooperation between a wide range of bodies. Our research shows that a combined effort by international bodies and by governmental and non-governmental organizations is vital in order to initiate and sustain a process whereby the state seriously addresses the rehabilitation of trafficking victims.

2.2.1 Bodies outside Israel

The United States

The United States is the leading nation involved in activities to support the struggle against human trafficking in other countries and to supervise actions in the field. The US began to grapple with modern trafficking of humans in its own territory in the 1990s. It soon emerged that this is a global phenomenon, and that actions within any single country are influenced by external factors. Accordingly, a global effort is needed to tackle the problem using the three means noted above: prevention of trafficking, prosecution of traffickers, and protection for victims. As part of this global effort, the US government emphasizes support for assistance programs for victims in various countries, including the establishment of shelters.⁵¹ In the early 2000s, the US Congress ordered the establishment of the Interagency Task Force to Monitor and Combat Trafficking, one of whose functions is to monitor efforts by other countries to protect

⁴⁹ Rosenberg, footnote 26 above.

⁵⁰ Aronowitz, footnote 16 above.

⁵¹ Protection and Assistance for Victims of Trafficking, 22 U.S.C. § 7105 (2000).

and assist trafficking victims. This monitoring is documented in the Annual Trafficking in Persons Report, which ranks the nations of the world in three tiers according to the character and scope of their actions to prevent and uproot the phenomenon in their territory, and to rehabilitate victims. The ranking is based on the standards determined in the Trafficking Victims Protection Reauthorization Act,⁵² which are consistent with the UN Convention against Transnational Organized Crime and the Palermo Protocol.⁵³ Countries that engage in an adequate struggle against human trafficking within their borders are placed in the top tier. Countries that have taken tangible steps to combat trafficking, but fail to meet the minimum standards, are classed in the second tier, which also includes a secondary category warning nations that are liable to be demoted to the third and lowest tier. The third tier includes countries that are not struggling adequately against trafficking in their territory. Placement in the third tier may lead to the imposition of economic sanctions by the United States.⁵⁴

The US report for 2001 placed Israel in Tier 3, and determined that Israel was a destination country for human traffickers, particularly of women for the purpose of prostitution, and that it was not struggling seriously or adequately against the phenomenon. Since 2002 (and through the most recent report – 2011), Israel has been ranked in Tier 2, with the exception of 2006, when Israel was placed in the 2WL category and warned that it could face demotion to Tier 3. This particularly low ranking was due in part to the grave condition of migrant workers in the agriculture and constructions sectors in Israel. All the reports have noted that Israel has made significant efforts to combat human trafficking, but that these are nevertheless insufficient.⁵⁵

Many of the Israeli professionals and officials interviewed in this study viewed the unflattering ranking of Israel in the US reports as an effective means of pressure motivating the Israeli authorities to take action against human trafficking. However,

⁵² Trafficking Victims Protection Reauthorization Act, 22 U.S.C. §§ 7101-7112 (2008).

⁵³ Footnote 3 above.

⁵⁴ Sarah Leevan, "Comparative Treatment of Human Trafficking in the United States and Israel: Financial Tools to Encourage Victim Rehabilitation and Prevent Trafficking," *6 Cardozo Public Law, Policy, and Ethics Journal*, 773 (2008).

While the United States government has won praise for its pioneering efforts to develop mechanisms of monitoring and inspection with the goal of preventing human trafficking, some critics claim that the ranking system is unfair, influenced by political considerations, and insensitive to the culture and specific context of each country. It has also been noted that the annual reports do not include an examination of the situation in the United States itself. See Bales & Soodalter, footnote 34 above, p. 237; Janie Cuhuang, "The United States as the Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking," *27 Michigan J. Of Intl. L.* 437 (2006). This criticism was addressed in the 2010 report, which for the first time included a report on human trafficking in the United States (which was ranked in Tier 1, the top category).

⁵⁵ The 2010 US State Department Report, footnote 2 above, p. 187; The 2011 US State Department Report, footnote 2 above.

some state employees interviewed in the study argued that Israel's ongoing placement in Tier 2, despite the efforts it has made, discourages those involved in the field.

Regarding the shelters, the seed funding of \$200,000 provided by the US government was mentioned as an ancillary factor in the establishment of Ma'agan, the first shelter for victims of trafficking in Israel. It was noted that Ms. Katie Blank of the US embassy had encouraged Israeli bodies to submit an application for funding for the establishment of the shelter, and had worked to help secure approval of the application by the US government. The US government also supports non-governmental organizations in Israel active in the struggle against trafficking, such as the Hotline for Migrant Workers. Interviewees also noted the contribution made by the US in the form of the pressure it applies on the countries of origin of victims arriving in Israel, as well as study trips to the United States for representatives of various Israeli bodies active in this field. These delegations not only provided an opportunity to learn about relevant issues from American bodies active in the field, but also helped strengthen the contacts between the social activists and state employees who participated in the delegations.

All the interviewees who mentioned the staff at the US embassy in Israel, and the Administration officials with whom they met on issues relating to human trafficking, praised their high level of knowledge of the field in Israel and their willingness to support actions intended to help the victims.

In conclusion: the United States is a key actor in the field of the struggle against human trafficking in Israel and in the protection and rehabilitation of victims. This central role is due to the definition by the US of standards for action; to its activities in the field of information, monitoring and inspection; and to its financial support for the struggle against trafficking, on the one hand, and the threat of economic sanctions against failings in this field, on the other.

The United Nations

The interviewees did not mention the United Nations as a significant body influencing current Israeli policy regarding human trafficking.⁵⁶ However, various bodies, and

⁵⁶ Three interviewees mentioned the role of the UN Commission for Refugees in addressing the phenomenon of the asylum seekers who have begun to enter Israel via the border with Egypt, including their diagnosis as refugees. See also Anat Ben-Dor and Rami Adut, *Israel - A Safe Haven? Problems in the Treatment Offered by the State of Israel to Refugees and Asylum Seekers* (September 2003), www.tau.ac.il/law/clinics/english/Safe%20heaven.pdf. During the research period, the function of diagnosing eligibility for refugee status was transferred to the Ministry of the Interior and to the Custody Review Court. Additional organs of the United Nations mentioned by respondents or in documents are: The International Labour Organization (ILO), which works to create basic standards for workers' rights around the world, see the ILO website: www.ilo.global/topics/forced-labour/lang-en/index.htm; the International Organization for Migration (IOM), which promotes humane policies for migrants, see the IOM website www.iom.int/jahia/Jahia/counter-trafficking; and the United Nations Office on Drugs and Crime (UNODC), which supervises the UN

particularly non-governmental organizations, use documents produced by the United Nations, such as the Palermo Protocol and other conventions, as a normative basis defining standards of action.⁵⁷ United Nations conventions are also quoted as a normative base in discussions in the Knesset (Israeli parliament) on the subject of rehabilitation policy for trafficking victims,⁵⁸ and by courts discussing the victims' rights.⁵⁹ The references to United Nations conventions by various bodies suggest that these serve as a rhetorical tool for presenting the phenomenon and for reinforcing Israel's general responsibility for survivors of human trafficking. However, the United Nations conventions are not perceived as documents mandating rehabilitation actions, possibly because the United Nations, unlike the US government, does not threaten to impose sanctions on states that fail to struggle against human trafficking.

Amnesty International

Several international non-governmental organizations are active in efforts to uproot human trafficking on the global level.⁶⁰ One of the most prominent organizations is Amnesty International, an international, apolitical and independent volunteer organization that works to inculcate international standards of human rights. Amnesty International was one of the first bodies to raise awareness of trafficking for prostitution in Israel and to emphasize the need to assist the victims. In 2000, the organization published a report on the violation of the rights of women from the CIS trafficked to Israel for prostitution. Among other recommendations, the report urged Israel to recognize these women as victims rather than offenders, to protect them, and

Convention and the Palermo Protocol on human trafficking. Among other publications, this body published (in 2009) the most comprehensive report issued to date on global trends in human trafficking and on the ways different countries have coped with the phenomenon. See the UNODC website: www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html.

⁵⁷ See Rozen, Leibowitz and Bornstein, footnote 4 above.

⁵⁸ For example, on February 17, 2010, Rachel Gershuni, the Interministerial Coordinator, mentioned the fact that Israel has signed international conventions relating to trafficking victims during a discussion in the Knesset on the subject of medical insurance for trafficking victims.

⁵⁹ For example, in HCJ 5637/07 *Anonymous v Minister of Health*, Tak-El 2010(3) 2292 (2010), Justice Rubinstein mentions Israel's international undertakings and the Palermo Protocol. However, the court ruled that Israel is not obliged to grant permanent residency to the victims of trafficking for prostitution, nor to provide them with full and ongoing medical treatment.

⁶⁰ The following organizations may be mentioned, among others:

- The Organization for Security and Co-operation in Europe (OSCE), which works to promote regional stability, prevent conflicts, advance economic development, protect natural resources and promote human rights. See the OSCE website: www.osce.org/what/trafficking.
- Red Cross: A group of organizations active in providing humanitarian assistance. See the Red Cross website: www.ocrc.org/eng/index.jsp.

to open a shelter where they could live while awaiting deportation. The report also called for victims to be provided with legal aid, psychological counseling and medical services.⁶¹

2.2.2 State Bodies

Since the early 2000s, Israel's response to the phenomenon of human trafficking has addressed all three spheres – prevention, prosecution and protection. The Knesset and government ministries have formulated laws, regulations, arrangements and mechanisms for uprooting trafficking and for coping with its ramifications that are of relevance in the context of the survivors of trafficking who stay in the shelters:

2.2.2.1 The Knesset

In 2000, on the initiative of MK Zehava Galon (Meretz), the Knesset established a parliamentary commission of inquiry to investigate trafficking in women. In 2004, the commission completed its work as a commission of inquiry, but it continues to operate as the Subcommittee for the Struggle against Trafficking in Women – firstly under the auspices of the State Audit Committee, and later under the Committee for the Advancement of the Status of Women. The committee held dozens of discussions on the subject of human trafficking in Israel, submitted two reports (in 2002 and 2005), and published a follow-up report in 2006 examining the implementation of its recommendations.⁶² The committee provides a forum for meetings between the governmental and non-governmental bodies involved in the struggle against trafficking, functions as an incubator for proposed laws on the subject, and helps raise awareness of the issue in the government and among the general public.

One of the aspects the committee has discussed, and continues to discuss, is the assistance that should be provided for trafficking victims. As chairperson of the committee from 2000 through 2009, MK Galon played a central role in the establishment of Ma'agan Shelter, applying pressure on the government to remove women trafficking victims from detention centers and transfer them to non-punitive frameworks. MK Galon also asked the US government to provide financial support for the establishment of the shelter. As someone who has a strong feminist agenda, MK Galon worked resolutely to ensure that the women involved are seen as victims, rather than offenders, and to change public discourse and the response of the establishment to the phenomenon. She also opposed the tendency on the part of the authorities to condition assistance for women on their willingness to testify or on the extent to which

⁶¹ Yael Weisz-Rind (ed.), Amnesty International Report, *Women as a Commodity: Violation of the Human Rights of Women Trafficked from the Former Soviet Union to the Sex Industry in Israel* (May 2000) (Hebrew).

⁶² For the Committee's reports, see the Knesset website, www.knesset.gov.il/committees/heb/docs/sachar_main.htm (Hebrew).

they were aware of the purpose for which they were brought to Israel before their arrival. MK Galon helped inculcate an approach that sees every woman trafficked for prostitution as worthy of protection and assistance, whether or not she is willing to testify against her traffickers, and whether she knew that she was coming to Israel for the purpose of prostitution or believed that she would be making a living in another manner. The committee is continuing to operate under the leadership of MK Orit Zuaretz (Kadima) and has held discussions on numerous subjects, including the US reports, the sexual exploitation of migrant workers, medical insurance for victims, and so forth.⁶³

The committee has also commissioned and received several information sheets from the Knesset Research and Information Center on a range of issues, including the assistance provided for trafficking victims by the health and welfare authorities;⁶⁴ drug addiction among women victims of prostitution;⁶⁵ government policy and the actions of the Migration Authority;⁶⁶ and the treatment of victims by the police.⁶⁷

The pinnacle of the Knesset's efforts to combat human trafficking came with the adoption of the Prevention of Human Trafficking Law.⁶⁸ Enacted in 2006, this law establishes that the trafficking of humans, the holding in conditions of slavery, and forced labor are criminal offenses the penalties for which range from seven to twenty years' imprisonment. The law also encourages the ruling of compensation for victims as part of the criminal proceeding against the trafficker, and states that a fund is to be established to this end, in which the proceeds from property confiscated from traffickers are to be deposited.⁶⁹ The law further establishes that the state will provide

⁶³ For the minutes of the committee meetings, see the Knesset website: www.knesset.gov.il/protocols/heb/protocol_search.aspx?ComId=185 (Hebrew).

⁶⁴ Gilad Natan, Knesset Research and Information Center, *Assistance of the Authorities for the Victims of Human Trafficking in the Areas of Welfare and Health* (December 1, 2009), www.knesset.gov.il/mmm/data.pdf/m02516.pdf (Hebrew).

⁶⁵ Maria Rabinowitz, Knesset Research and Information Center, *Addictions to Psychoactive Substances among Women Victims of Prostitution* (May 16, 2010), www.knesset.gov.il/mmm/data/pdf/m02516.pdf (Hebrew).

⁶⁶ Gilad Natan, Knesset Research and Information Center, *Migrant Workers and Victims of Human Trafficking: The Government's Policy and Activity of the Immigration Authority* (October 20, 2009), www.knesset.gov.il/mmm/data/pdf/m02294.pdf (Hebrew).

⁶⁷ Gilad Natan, Knesset Research and Information Center, *The Treatment by the Police of Victims of Human Trafficking for Labor and Prostitution* (November 10, 2009), www.knesset.gov.il/mmm/data/pdf/m02328.pdf (Hebrew).

⁶⁸ Prevention of Human Trafficking Law (Legislative Amendments), 5766-2006, SB 2. This law was preceded by a more limited law, the Prevention of Human Trafficking Law (Legislative Amendments), 5763-2003, and an earlier amendment from 2000 establishing for the first time in the penal code that trafficking of humans for prostitution is a criminal offense.

⁶⁹ Article 1 of the Prohibition of Human Trafficking Law (Legislative Amendments), 5767-2006, SB 2 (indirect amendment of the Penal Code, 5737-1977), articles 368D, 370, 374, 374A, 375A, 376, 376A, 377A-E, 431.

victims of trafficking and slavery with free legal aid.⁷⁰ Additional laws focusing on enforcement include a law empowering the police to close for set periods businesses used as brothels;⁷¹ a law introducing more severe sanctions if trafficking was conducted in the framework of organized crime;⁷² and a law enabling the use of witness protection arrangements.⁷³ The concept of “rehabilitation” is not mentioned in Israeli law in the context of the victims of human trafficking and is not recognized as a legal right, beyond the components of compensation and legal aid included in the relevant specific laws.

In conclusion: the Knesset has played a central role in the struggle against human trafficking and in protecting and assisting victims. In recent years, the Knesset has held dozens of discussions, collected information, and changed public discourse regarding trafficking victims. Comprehensive laws relating to the subject have been enacted. However, the Knesset has not established in law the right of trafficking survivors to rehabilitation. Moreover, as discussed below, the current Knesset shares the government’s policy of using forceful means to prevent unlawful entry to Israel and to deport persons unlawfully present in the country. As will be detailed below, there is a tension between this policy and the desire and need to help the survivors of human trafficking.

2.2.2.2 The Government

The Israeli government began to make decisions regarding the struggle against trafficking and the treatment of its victims in 2001. The decisions were based on the reports and proposals of the parliamentary committee described above, and on various governmental bodies, including the Committee of Director-Generals for the Struggle against Human Trafficking, which began to operate in 2006.⁷⁴ The Committee of Director-Generals includes representatives of the Ministries of Justice, the Interior, Welfare, Health, Foreign Affairs, and Industry, Trade and Employment, as well as the Ministry of Internal Security, the Prime Minister's Office and the Israel Police. Since

⁷⁰ Article 4 of the Prevention of Human Trafficking Law (Legislative Amendments), 5763-2003, Statute 536 (indirect amendment of the Legal Aid Law, 5732-1972), and article 3 of the Prevention of Human Trafficking Law (Legislative Amendments), 5767-2006, SB 2 (indirect amendment of the Legal Aid Law, 5732-1972).

⁷¹ Restriction of Use of a Place to Prevent the Execution of an Offense Law, 5765-2005, SB 426.

⁷² The Struggle against Crime Organizations Law, 5762-2003, SB 502.

⁷³ The Protection of Witnesses Law, 5769-2008, SB 98.

⁷⁴ The decision to establish a Committee of Director-Generals on Trafficking for Prostitution was taken in Government Decision 1248, adopted by the 30th Government on December 28, 2003. This committee did not begin to convene and it was instead decided, in 2006, to establish a committee to discuss human trafficking in general, and not only trafficking for prostitution. Decision 63 of the 30th Government, “Establishment of a Standing Committee of Director-Generals and Appointment of a Coordinator in the Field of the Struggle against Human Trafficking” (May 21, 2006).

2007, a representative of the Ministry of Finance has also participated in the committee.

On December 1, 2002, following the submission of recommendations by an interministerial team established on the initiative of the attorney general at the time, Elikim Rubinstein,⁷⁵ the government decided to establish a shelter for fifty victims of trafficking for prostitution.⁷⁶ The government's decision declared that the victims are to be treated as humans worthy of dignity and rights. The goals of the shelter were defined as providing an appropriate response for the unique situation of the women victims; encouraging them to submit complaints and testify against the traffickers; and providing support enabling them to begin the process of recovery. The decision adds that "a victim of human trafficking housed in the shelter will be provided with psychological, social and medical assistance; the psychological and social assistance services will be based on short-term intervention models." The decision establishes the right of all victims to legal aid, and states that victims are to be housed in the shelter pending their removal from Israel or the completion of testimony. This government decision was implemented in February 2004 with the establishment of Ma'agan Shelter, which has operated ever since.

Over the past five years or so, there has been growing recognition of the need to address trafficking for purposes other than prostitution – i.e. for employment in conditions of forced labor. On December 2, 2007, on the basis of the recommendations of the Committee of Director-Generals, and in the face of the threat to relegate Israel to Tier 3 in the US ranking, the Israeli government decided to establish frameworks for slavery victims and victims of trafficking for slavery and forced labor. The frameworks included a shelter and three apartments in different parts of Israel. Each apartment was intended for five or six people capable of working, who were expected to remain in the apartment for up to 30 days, while an alternative employer was located. The shelter can accommodate up to 35 people and is defined in the government decision as "a rehabilitation center intended for more protracted stays of up to one year," for victims suffering from severe physical and psychosocial problems as a result of the offenses committed against them. It was decided that the residents of the shelter and the apartments would receive assistance in finding work, while residents of the shelter

⁷⁵ The team was established in 2000 and included representatives of the Israel Police, the Ministry of Internal Security, the Ministry of Justice, the Ministry of Labor and Social Affairs, the Ministry of the Interior, the State Attorney's Office, and the Ministry of Foreign Affairs. The team was headed by Chief Superintendent Avi Davidovich. See *Report of the Interministerial Team for Tackling and Monitoring the Phenomenon of Trafficking of Women for the Purpose of Prostitution* (November 20, 2002). By way of additional reasons for the government decision to establish the shelters, some respondents mentioned the court's position that victims of trafficking for prostitution are not to be imprisoned, the difficulty in supervising women placed in hotels and hostels, and pressure from the US government.

⁷⁶ Decision 2806 of the 29th Government, "Establishment of a Shelter for the Victims of Human Trafficking for the Purpose of Prostitution" (December 1, 2002).

would also receive medical, legal and psychosocial assistance. Residents of the shelter “may return to their country or begin alternative employment after the completion of the period of rehabilitation and recovery.”⁷⁷ This government decision was implemented over the course of 2009, with the establishment of Atlas Shelter and the leasing of three apartments. The shelter is still operational, but the apartments were closed after they remained empty for approximately one year.⁷⁸ In practice, as detailed below, both shelters serve the victims of trafficking for forced labor; the division between the two is gender based (Ma’agan serves women and Atlas men). This government decision also included the allocation of three government citations each year to a government or non-governmental organization, or a private individual, who made an important contribution to the struggle against human trafficking.⁷⁹

On July 3, 2008, Israel ratified the UN Palermo Protocol, which, as noted, urges countries to consider the implementation of means enabling the physical, psychological and social rehabilitation of trafficking victims. The government empowered the foreign minister for all relevant purposes.⁸⁰ The interviewees in the research did not mention any involvement of the Ministry of Foreign Affairs in the activities of the shelters, with the exception of reports to foreign bodies on Israel’s actions regarding human trafficking, which are forwarded by the Ministry of Justice in cooperation with the Ministry of Foreign Affairs.

On August 3, 2008, the Israeli government decided to transfer the Foreign Workers Unit from the Ministry of Industry, Trade and Employment to the Population, Immigration and Border Control Authority in the Interior Ministry.⁸¹ This unit was responsible for granting permits to employ migrant workers to employers and personnel companies and for enforcing labor laws and cancelling the permits of

Statement of the Government Secretary following the Government Meeting of December 2, 2007, website of the Prime Minister's Office: www.pmo.gov.il/PMO/Archive/mazkir/2007/12/govmes021207.htm (Hebrew).

⁷⁸ After the end of the research period, the shelter staff and policy makers began to prepare for the reopening of the apartments as part of the services provided for trafficking victims. As distinct from the target population noted in the 2007 government decision, the apartments are now intended for women who have spent a considerable period of time in Ma’agan Shelter and are ready to lead independent lives.

⁷⁹ Decision 2670 of the 31st Government “National Programs for the Struggle against Human Trafficking, and Establishing Housing Solutions for Victims of Slavery, Trafficking for Slavery and Trafficking for Forced Labor” (December 2, 2007).

⁸⁰ Decision 3709 of the 31st Government “Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Crime” (July 3, 2008).

⁸¹ Decision 3887 of the 31st Government “Transfer of the Functions of the Foreign Workers Unit in the Ministry of Industry, Trade and Employment to the Population, Immigration and Border Control Authority in the Interior Ministry – Amendment” (August 3, 2008).

employers who illegally employed migrant workers.⁸² This decision, which reflects the growing emphasis placed by the government on protecting Israel's borders against migrants present unlawfully in its territory, has been followed more recently by government decisions relating to asylum seekers from African countries who enter Israel across the border with Egypt. As will be detailed below, some of these asylum seekers reach the shelter. On July 19, 2010, the government decided that the Ministry of the Interior should begin enforcement actions against the unlawful employment of these asylum seekers, who are referred to as "infiltrators."⁸³ Four months later, however, the government decided to freeze the former decision pending the establishment of a "holding center for infiltrators."⁸⁴

In conclusion: the Israeli government has decided to establish two shelters for trafficking victims and to allocate the necessary resources for this purpose, adopting international standards for the struggle against human trafficking. At the same time, the government takes action against persons unlawfully present in Israel. As we will see below, a tension can sometimes be seen between the desire to help trafficking victims and the desire to prevent foreign nationals from settling in the State of Israel.

Government decisions have divided the responsibility for various aspects relating to trafficking victims among different government ministries according to their area of responsibility. We will concentrate on the most important ministries in this context. We should note that during the interviews, several state employees noted that they and their colleagues have undergone a kind of **educational process**: their exposure to written materials and discussions with officials have led them to change their attitudes regarding trafficking survivors. They no longer see survivors as trespassers or as a nuisance to be got rid of, but have come to recognize them as humans entitled to health and dignity, and believe that the state has a responsibility toward them.

⁸² The process of transfer remains incomplete. To the best of our understanding, the enforcement powers regarding violations of labor laws against migrant workers, which were supposed to be transferred in part to the Population and Migration Authority, have not yet been transferred. See, for example, the minutes of Meeting 5 of the Subcommittee for the Struggle against Trafficking in Women, Eighteenth Knesset, 21-24 (November 23, 2009).

⁸³ Decision 2104 of the 32nd Government "Decisions regarding Entry and Migration in Israel" (July 19, 2010).

⁸⁴ Decision 2507 of the 32nd Government "Establishment of a holding center for infiltrators from the Egyptian border and enforcement against employers of these infiltrators" (November 28, 2010). It was determined in this decision that a holding center, providing both an open and a closed facility, be established for infiltrators who entered Israel via its southern border and who cannot be removed. The center is supposed to meet the infiltrators' physical needs. As of the time of writing, the establishment of the center has not been completed.

Ministry of Social Services

The Israeli government decided that the Ministry of Social Services is responsible for the establishment of the shelters, through a non-governmental body. The Ministry of Welfare issued tenders for the establishment of two shelters and three apartments, and the Keshet association (Keshet is an acronym for Promotion of Reform Services) was chosen as the winner. Ma'agan Shelter opened in 2004, followed by Atlas Shelter in 2009. The Ministry of Social Services supervises the shelters. Until recently, Ada Pliel-Trossman was responsible for managing the supervision of Ma'agan Shelter, while Shosh Karak, from the Adolescent and Youth Service in the Reform Services Division of the ministry, undertook the direct supervisory activities. The current direct supervisor is Yael Bukay, from the same service. Sa'ed Tali, National Inspector of Treatment for Domestic Violence in the Ministry of Social Services' Individual and Family Welfare Division, is responsible for supervising Atlas Shelter; Yael Hermel is responsible for this division of the ministry. Ma'agan Shelter also has an Interministerial Steering Committee headed by the deputy director-general of the Ministry of Social Services, Mr. Menachem Wagshal. The committee members also include the Interministerial Coordinator, Ms. Rachel Gershuni, as well as representatives of the Ministries of Welfare, Health, Justice and Internal Security.

The research revealed that while the steering committee met frequently in the early years, mainly to discuss procedures for the shelters, it has met less regularly over the past two years. When combined with the lack of a steering committee for Atlas Shelter, this situation mitigates against the formulation of interministerial policy for the operation of both shelters, against the background of the changes in the profile of the victims and in government policy. Direction and inspection by the Ministry of Social Services are particularly important given the fact that a non-governmental body has been charged with the operation of the shelters.⁸⁵

Ministry of Justice

The Ministry of Justice plays three main roles in the work of the shelters: Interministerial coordination, provision of legal aid, and adjudication.

Interministerial Coordination:

Interministerial coordination is undertaken by the Committee of Director-Generals, mentioned in section 2.2.2.2, which is headed by the director-general of the Ministry of Justice, as well as by the Interministerial Coordinator for the Struggle against Human Trafficking, Attorney Rachel Gershuni. Attorney Gershuni worked in the field for several

⁸⁵ For a historical review of the process of privatization in Israel, including the privatization of social services, and the ramifications of this process, see Danny Gottwein, "The Privatization Revolution and the Structuring of the Contradiction between Judaism and Democracy in Israel," in: *Things and Fragments: On the Judaism of a Democratic State* 497 (Aviezer Ravitzky and Yedidia Stern, eds., 2007) (Hebrew).

years prior to her appointment in 2006⁸⁶ in her position in the Consultation and Legislation Department in the Ministry of Justice. Following her appointment as the Interministerial Coordinator, Attorney Gershuni was allocated an office in Jerusalem that currently employs an additional attorney, a secretary, and a legal intern. Attorney Gershuni is perceived in the research field as a dominant and professional figure who works tirelessly to ensure that the actions of the State of Israel regarding trafficking victims are consistent with international standards. The staff of her office process individual cases and are involved in outreach and policy making. The office produces documents addressing legal and other aspects involved in work with trafficking victims; initiates legislative amendments and the enactment of regulations; arranges meetings between the different bodies involved in the field; and runs numerous workshops for identifying victims, as well as various training sessions on issues relating to trafficking victims, intended for police personnel, social workers employed in personnel companies, judges in the Custody Review Courts, and other functions in government ministries and non-governmental organizations.

Legal Aid

In 2003, the Knesset adopted an amendment to the Legal Aid Law, implemented from March 2004, stating that a person who has been subject to the offense of trafficking for prostitution is entitled to legal aid from the state, without paying attorney's fees and without testing financial eligibility.⁸⁷ Legal aid is provided for trafficking victims in proceedings in accordance with the Entry to Israel Law, such as applications for a permit to be present in Israel, as well as in civil proceedings accruing from the offense of trafficking, such as civil claims against traffickers.⁸⁸ It was determined that this right would be implemented gradually, and would initially only be provided for women housed in Ma'agan Shelter. In April 2006, the right to legal aid was extended to all victims of trafficking for prostitution, whether or not they were housed in Ma'agan Shelter. In October 2006, following the enactment of the prohibition against trafficking, the eligibility was extended further, so that it now includes all trafficking victims, and victims of holding in conditions of slavery.⁸⁹ Since 2004, Attorney Sigalit Zohar of the Legal Aid Office in Tel Aviv has been responsible for the realization of the right to legal aid of trafficking victims through the five legal aid offices around Israel. Attorney Zohar estimates that, as of the time of the interview (October 2010), state legal aid had been provided for some 400 women and men who were identified for that purpose as

⁸⁶ Decision 63, footnote 74 above, replacing a similar decision from 2003 that was not implemented, see Decision 1248, footnote 74 above.

⁸⁷ This is an exception to the general rule in the provision of legal aid, which conditions aid on the applicant's economic situation. See article 2 of the Legal Aid Law, 5732-1972, SB 95, Legal Aid Regulations, 5733-1973, Regulations Collection 2048.

⁸⁸ Article 4 of the Prevention of Human Trafficking Law (Legislative Amendments).

⁸⁹ Article 3 of the Prohibition of Human Trafficking Law (Legal Amendments).

victims of trafficking or slavery. **Attorney Zohar estimates that most past and present residents of Ma'agan and Atlas Shelters have received state legal aid.**

In accordance with the legal aid procedures, a person eligible for aid is represented by an attorney from the private sector who receives payment from the state. Attorney Zohar interviews potential attorneys and selects those she considers appropriate, taking into account knowledge of languages such as Russian and Thai, among other factors. As detailed in Chapter Eight of this report, the legal aid attorneys represent trafficking victims in claims for damages and unlawful enrichment submitted against traffickers or employers, whether these suits are independent or are ancillary to a criminal proceeding. The attorneys also provide representation in alimony claims for children born to a victim of trafficking and an Israeli man⁹⁰ and in proceedings against the Migration and Population Authority in applications for rehabilitation and work permits and in cases of delays or rejections concerning permits, including representation in administrative petitions.

In order to avoid the need for victims to come to the legal aid offices (as required of Israeli citizens applying for legal aid), attorneys on behalf of the legal aid system visit the shelters to interview victims. A poster with details of the eligibility of trafficking victims for legal aid and contact details of the legal aid office is on display in both shelters and has been distributed to non-governmental organizations, custody facilities and the police. The legal aid office receives applications from victims themselves as well as from the staff of the shelters, non-governmental organizations, the UN Commissioner for Refugees, foreign consulates, and judges in the Custody Review Courts.⁹¹

Adjudication

Officials interviewed in the study mentioned the rulings and verdicts granted since the turn of the century regarding traffickers of women for prostitution as **one of the factors responsible for the success in reducing the scale of this phenomenon to the point of its virtual eradication.**⁹² Criminal, civil and administrative case law was also

⁹⁰ Personal status claims are not covered by the legal aid eligibility of trafficking victims, and assistance is provided for the residents of Ma'agan Shelter under the terms of the regulations enacted following the UN Convention on Civil Proceedings in Civil and Commercial Matters between Citizens of Different Countries. See Regulations for the Execution of the 1954 Hague Convention (Civil Proceedings), 5729-1968, Regulations Collection 470.

⁹¹ For further details on the legal aid provided for residents of the shelters, see Chapter Eight below.

⁹² The following are some examples: CA 5692/06, *Archipov v State of Israel, Tak-El* 2008(1) 2868 (2008), in which the court sentenced the defendant to eight and a half years' imprisonment and a further one year suspended for three years; CA 1652/07, *Normatov v State of Israel, Tak-El* 2007(4) 18 (2007), in which the court sentenced the defendant to 11 years' imprisonment; CA 10040/04, *Malokandov v State of Israel, Tak-El* 2007(1) 4691

mentioned by some respondents as a factor encouraging discourse on the rights of trafficking victims and advancing their rights, for example by ordering traffickers to pay compensation and by encouraging the authorities to act to help victims. The Ministry of Justice is involved in legal proceedings not only by virtue of its responsibility for the courts and for the legal aid provided for victims, but also in its capacity as the body responsible for the State Attorney's Office and for the district attorneys' offices. These offices represent the state in criminal proceedings against traffickers and persons unlawfully present in Israel, as well as in civil proceedings, such as applications by trafficking victims for medical treatment,⁹³ or for permits permitting them to stay, work or undergo rehabilitation in Israel.⁹⁴

In June 2004, the Custody Review Courts were also transferred to the Ministry of Justice, after operating under the auspices of the Ministry of the Interior.⁹⁵ As will be clarified below, these courts have become relevant to the research field in recent years, since judges sometimes recommend that persons brought before them be referred to the shelters.

In addition to interministerial coordination, legal aid, and responsibility for adjudication, the Ministry of Justice is also responsible for **managing the Dedicated Fund** for processing confiscated assets and fines imposed in cases of trafficking and holding in conditions of slavery. The fund is supposed to allocate the money to trafficking victims who have been unable to collect compensation they have been awarded from their traffickers. Regulations for the management of the fund were enacted by the minister of justice in February 2009,⁹⁶ but to date it has proved difficult to activate the fund properly.⁹⁷

Finally, the director-general of the Ministry of Justice heads a public committee that awards annual **state citations** for organizations and individuals who have contributed to the struggle against human trafficking. The citation is awarded at the

(2007), in which the court sentenced the defendant to 14 years' imprisonment, two years of which were suspended.

⁹³ For example, HCJ 5637/07, footnote 59 above, in which the court accepted the state's position that victims of trafficking for prostitution are not entitled to protracted medical treatment at the state's expense.

⁹⁴ For example, Admin. App. 2321/08 *Anonymous v State of Israel, Tak-Meh* 2009(3) 10411 (2009), in which the court rejected the state's position, as present by the Tel Aviv District Attorney's Office, and established that a victim of trafficking for prostitution is entitled to re-enter Israel after marrying an Israeli in her country of origin.

⁹⁵ Ministry of Justice website, www.justice.gov.il/MOJEng/Mishmoret/About.htm.

⁹⁶ Penal Regulations (Methods of Management of the Dedicated Fund for Processing of Confiscated Assets and Fines Imposed in Cases of Human Trafficking and Holding in Conditions of Slavery), 5769-2009, Regulations Collection 558.

⁹⁷ See Section 8.1.2.

President's House on the International Day for the Abolition of Slavery.⁹⁸ The Ministry of Justice also collates data relating to Israel's efforts to combat human trafficking for the purpose of reporting to bodies outside Israel. Attorney Hila Tene-Gilad, the director of the Ministry of Justice's Human Rights and Relations with International Organizations unit, is responsible for this area.

Ministry of Internal Security

In accordance with the government decisions relating to the establishment of the shelters, the **Israel Police**, which is accountable to the Ministry of Internal Security, is **responsible for identifying victims of human trafficking and referring them to the shelters**. Accordingly, no person can be accepted by the shelter until and unless the police has determined that there is preliminary evidence suggesting that he or she is a trafficking victim.

The involvement of the police in this issue began with the activities of the Tel Aviv Central Unit in the 1990s, when the phenomenon of trafficking in women for prostitution began to gain prominence. In 2004, after the connection between organized crime in Israel and trafficking in women for prostitution was proved, it was decided to take vigorous action to eradicate the phenomenon. The Israel Police made a concerted effort to raid and close brothels; to deport women trafficked for prostitution to their country of origin (before their right to rehabilitation was recognized); to arrest hundreds of people suspected of trafficking in women; and to prosecute dozens of offenders. There is general agreement in the research field that **these actions made a decisive contribution to reducing trafficking in women for prostitution in Israel**. Today, police work to counter trafficking for prostitution is extremely limited in scale due to the fact that since 2008 and during the research period, very few new cases have emerged in which it is suspected that non-Israeli women have been trafficked for prostitution. We, as well as others,⁹⁹ found no support to the allegations leveled by

⁹⁸ Through 2011, the citation has been awarded to MK Zehava Galon, the Hotline for Migrant Workers, the Tel Aviv Police Central Unit, Attorney Rinat Davidovich, Ms. Mirit Danon (who at the time headed the Authority for the Advancement of the Status of Women), Attorney Rivka Makover (who developed a system of administrative inspection for personnel companies placing migrant workers), the Toda'a Institute for Research of Prostitution and Sex Trafficking, and Ms. Rita Chaikin of Isha L'Isha. In an interview, MK Galon noted that at the 2010 ceremony, the official representatives continued to quote the figure of 3,000 women trafficked to Israel for prostitution each year, despite the fact that this figure no longer reflects the actual situation. The citation committee should perhaps address the changes that have occurred following the successful struggle against the trafficking of women for prostitution, on the one hand, and phenomena that have yet to be eradicated, on the other, such as the harsh conditions of employment of migrant workers, and of refugees who enter Israel after undergoing serious abuse on their journey to the country.

⁹⁹ Report of the Interministerial Committee to Examine Actions in accordance with Possible Changes in the Patterns of Trafficking in Humans for the Purpose of Prostitution and Ancillary Offenses, January 3, 2011.

various bodies that Israel continues to serve as a destination for the smuggling of hundreds of women for prostitution.¹⁰⁰

In the past, the Migration Authority was responsible for investigation and enforcement relating to offenses of slavery and forced labor. Now, however, these functions are performed by the National Economic Crimes Unit of the Israel Police. The police prosecution also processes most criminal suits against employers, while the district attorneys' offices are responsible only for a relatively small number of particularly serious indictments. For various reasons, as will be discussed below, **the police response to trafficking for forced labor is less forceful and comprehensive than in the case of trafficking for prostitution.** Indeed, Police Chief Commissioner Yohanan Danino recently decided to close the Human Trafficking, Exploitation and Fraud Unit (known by its Hebrew acronym Sa'ar), which was responsible for investigating crime relating to migrant workers. MK Orit Zuretz, chairperson of the Knesset Committee for Trafficking in Women, as well as Kav LaOved and the Hotline for Migrant Workers, submitted a petition against this decision, arguing that it will weaken enforcement actions relating to trafficking for prostitution, holding in slavery and forced labor.¹⁰¹ The petition is pending.

The Ministry of Internal Security is also responsible for the **security of the shelters**, a task it undertakes through a private company, Modi'in Ezrachi. Staff in the shelters claimed that the sense of security has been impaired compared to the period in which Ma'agan was located in Tel Aviv, since contrary to the procedure there, in the satellite city in the Gush Dan region where the two shelters are currently situated, no security officer has been appointed, so that the guards are less alert. It was alleged that on several occasions the guards mistakenly allowed people who wished to reach an adjacent institution for people with mental illnesses to enter the shelter. The shelter staff took action on the matter, leading to the appointment by Modi'in Ezrachi of a shift manager. In any case, **it has not been reported that any hostile or dangerous person has ever entered the shelters, and the residents do not suffer from any harassment.**

¹⁰⁰ For example, see a report stating that MK Orit Zuretz claims that some 10,000 women are currently trafficked into and out of Israel: Yaffa Raziel, "10,000 Women Trafficked to Israel for Sex Purposes," *NetanyaNow!*, July 8, 2011.

<http://netanya.israelnow.co.il/a23880-10-000-%D7%A0%D7%A9%D7%99%D7%9D-%D7%A0%D7%A1%D7%97%D7%A8%D7%95%D7%AA-%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C-%D7%9C%D7%9E%D7%98%D7%A8%D7%95%D7%AA-%D7%9E%D7%99%D7%9F> (Hebrew).

The 2011 US State Department Report, footnote 2 above, also opens with the statement that Israel is a destination for trafficking in women for prostitution, though it subsequently notes that the scale of this phenomenon has declined since the passage and implementation of Israel's 2006 anti-trafficking bill.

¹⁰¹ HCJ 5465/11 *MK Zuretz v Minister of Internal Security* (2011).

Ministry of the Interior and the Population and Migration Authority

Since 2000, the authorities and scope of activity of the Ministry of Interior regarding entry into Israel and permits allowing persons to stay and work in Israel have been increased. This has been reflected, among other changes, in the establishment of the Border Control and Crossings Unit and the Enforcement Unit, which, since mid-2008, have become part of the new Population and Migration Authority. The authority is also responsible for the Migrant Workers Unit, (which previously operated under the auspices of the Ministry of Industry, Trade and Employment).¹⁰² At the beginning of 2011, the ministry also assumed full responsibility for Israel's border crossings, which were previously managed by the police.¹⁰³

Ms. Michal Yosef is the key official in the Population and Migration Authority in the context of human trafficking, in her capacity as the founder and head of the Border Control and Crossings Unit. Ms. Yosef receives all applications for permits to stay and work in Israel submitted by residents of the shelters, and recommends to the director-general of the Population and Migration Authority whether to accept or reject each application. The Population and Migration Authority is also responsible for implementing the gradual (and protracted) process of naturalization for migrants who marry an Israeli citizen or live with them as a common law partner.¹⁰⁴ This authority, as well as the authority of the Ministry of the Interior to grant permits for humanitarian reasons,¹⁰⁵ for example to a person who is the parent of a child born in Israel, are relevant for some of the residents of the shelters.¹⁰⁶

After the expiry of the permit they have received to stay in Israel (if they received a permit), trafficking survivors are supposed to return to their country of origin, unless they are granted an extension or a new type of permit. If they fail to do so, the inspectors of the Population and Migration Authority are empowered to detain and deport them. This authority is also manifested in the entry of inspectors into the shelters in order to seize persons unlawfully present in Israel.¹⁰⁷

There can be no doubt that the conduct of the Ministry of the Interior and the Population and Migration Authority regarding permits enabling persons to stay and work in Israel is motivated, above all, by government policy that attaches supreme

¹⁰² Government Decision 3887, footnote 81 above.

¹⁰³ Decision 3434 of the 31st Government, "Establishment of the Population, Migration and Border Crossings Authority in the Ministry of the Interior" (April 13, 2008).

¹⁰⁴ Article 7 of the Citizenship Law, 5712-1952, SB 146; articles 2, 4 and 6 of the Entry to Israel Law, 5712-1952, SB 354.

¹⁰⁵ Articles 2, 4 and 6 of the Entry to Israel Law.

¹⁰⁶ For details of the types of permits granted by the Population and Migration Authority to victims of human trafficking, see section 3.8 below.

¹⁰⁷ The director of the shelters recently prevented inspectors who arrived at the shelter from entering the premises. The inspectors had not been informed that several hours earlier, an understanding had been reached with Michal Yosef that the individual they sought to apprehend would receive a permit.

importance to preventing infiltrators from entering Israel,¹⁰⁸ and to removing persons unlawfully present in the country. This policy was formulated after Israel became a popular destination for migrant workers, and after the state itself brought hundreds of thousands of migrant workers to Israel to work in the construction, agriculture and nursing sectors. It subsequently emerged that tens of thousands of asylum seekers and migrant workers who had arrived in Israel without permits, or who remained after their work permit expired, were living in the country.¹⁰⁹ Several interviewees mentioned the tension between the desire to remove persons unlawfully present in Israel from the country and the desire to assist the victims of human trafficking. As will be detailed below, the interviews yielded complaints of delays in decisions regarding the granting of permits and the rejection of applications for permits even in cases in which the interviewee believed these were justified. However, the Ministry of Justice reports that, in 2010, all the permit applications submitted by trafficking victims were approved.¹¹⁰

As part of the effort to ensure the fair treatment of migrant workers, the Population and Migration Authority recently published a procedure requiring the commercial bodies that bring migrant workers for the nursing sector in Israel to supervise their intake in the workplace, with the assistance of a social worker, and to inform them of their rights. The procedure also required periodic visits to the employers' homes, and reports to the official responsible for the procedure in any case raising "suspicion of violence, sexual harassment, employment of the foreign worker for a purpose other than nursing care, or any other exceptional incident or grave

¹⁰⁸ The Knesset recently passed the Proposed Law: Prevention of Infiltration (Offenses and Jurisdiction) (Amendment No. 3 and Temporary Provision), 5771-2011, Records 577, 594. The new law permits "the holding in custody of infiltrators" for a period of three years without prosecution. This forms part of the struggle against the relatively new phenomenon of thousands of people entering Israel over its border with Egypt and remaining in the country unlawfully. It is unclear how the new law will influence the possibility of locating and assisting asylum seekers who have suffered trafficking and slavery on their journey to Israel. See Jonathan Lis, "Despite Fierce Criticism, Knesset Approves Law against Infiltrators: Refugees To Be Jailed for 3 Years without Trial," *Ha'aretz*, January 10, 2012, www.haaretz.co.il/news/politics/1.1612845 (Hebrew). (Last accessed at 12.1.2012).

¹⁰⁹ According to figures of the Migration Authority, some 125,000 people are currently present in Israel unlawfully. See the website of the Population, Migration and Border Crossings Authority, www.ovdimzarim.org.il/generalinformation.html (Hebrew).

¹¹⁰ According to figures provided by Attorney Tene-Gilad, the director of the Ministry of Justice's Human Rights and Relations with International Organizations unit, 35 residency and work permits were given to trafficking victims, as well as three permits for a rehabilitation year. In addition, 115 extensions were granted for residency and work permits due to ongoing legal proceedings. It is unclear from these data whether the residency and work permits were granted in the course of legal proceedings or independently thereof. Neither is it clear whether each permit relates to a different individual, or whether repeat extensions for a single individual are counted separately.

violation on the part of the employer or the employee.”¹¹¹ Among other advantages, this procedure may facilitate the location of migrant workers held in conditions of slavery or forced labor.

Ministry of Health

Persons unlawfully present in Israel, including trafficking victims, are not entitled to the generous and comprehensive national health insurance enjoyed by citizens of Israel. Migrant workers holding a permit are entitled to private health insurance, funded by the employer, provided they are working, though this insurance is less comprehensive than national health insurance.¹¹² Even if trafficking survivors who are not insured by an employer had the means to obtain private medical insurance, it is highly doubtful whether they would be able to do so. Insurance companies would almost certainly refuse to insure these individuals, due to the high prevalence of serious illnesses and their unstable legal and employment status in Israel.¹¹³ The result is that most of the residents of the shelters do not have health insurance.

As part of the National Program for the Struggle against Trafficking for Prostitution, which was approved by the government in 2007, an interministerial team was established under the leadership of Dr. Michael Dor, head of the General Medicine Division of the Ministry of Health, to examine the subject of medical treatment for victims of trafficking for prostitution. The committee completed its work and forwarded its conclusions and recommendations to the director-general of the ministry on May 26, 2010, but these have not yet been approved. In any case, the committee’s recommendations do not apply to the victims of trafficking for purposes other than prostitution. An additional committee that is due to examine this issue as part of a broader review regarding persons present in Israel who are not eligible for national health insurance is an interministerial committee headed by Dr. Tuvia Horev, Deputy Director-General for Economics and Insurance in the Ministry of Health. The

¹¹¹ Section 8 of the “Procedure for Private Bureaus for the Bringing, Mediation and Handling of Foreign Workers in the Nursing Sector”, *Population and Migration Authority, Service for Employers and Foreign Workers Administration* (August 2011).

¹¹² Foreign Workers Order (Prohibition of Unlawful Employment and Guarantee of Decent Conditions) (Health Services Basket for Workers), 5761-2001, Regulations Collection 6100. For a critique of the private insurance arrangement for migrant workers, which yields considerable profit for the insurance companies while injuring both workers and employers, see Gilad Natan, Knesset Research and Information Center, *Medical Insurance for Foreigners Working in Israel (Follow-Up)* (November 2, 2011), www.knesset.gov.il/mmm/data/pdf/m02948.pdf (Hebrew); Minutes of Meeting No. 64 of the Special Committee to Examine the Problem of Foreign Workers, 18th Knesset (November 7, 2011); Dana Weiler-Polak, “Insurance Companies Make Fortune at Expense of Foreign Workers,” *Ha’aretz*, November 8, 2011, www.haaeretz.co.il/education/1.1560768 (Hebrew).

¹¹³ Report of the Knesset Research and Information Center, *Assistance of the Authorities for the Victims of Human Trafficking in the Areas of Welfare and Health*, footnote 64 above.

recommendations of this committee, which have not yet been published, may prove relevant for victims of trafficking for purposes other than prostitution.

The government decision to establish the shelters for trafficking victims stated that the residents were to receive medical treatment. The tender for the operation of the shelters exempted the operator from the need to finance medical treatment, which is funded by the Ministry of Health. Twice a week a **family physician** comes to the shelter. The physician is paid by the Ministry of Health and is authorized to issue prescriptions for **medicines** (Keshet receives reimbursement from the Ministry of Health for purchases), and to refer residents for tests for infectious diseases, which are provided on a free and anonymous basis by the Levinsky Clinic, which is operated by the Ministry of Health.¹¹⁴ When necessary, the physician also refers residents for tests and treatments funded by the Ministry of Health in public hospitals.¹¹⁵ In addition, two female residents are receiving psychosocial treatment from social workers at the Levinsky Clinic. The victims of trafficking for prostitution attach such importance to obtaining medical treatment that **some women enter the shelter, despite their strong desire to avoid doing so, solely in order that they and their children will be entitled to medical treatment.**

In cases involving serious or chronic illnesses requiring expensive medical treatment, which to date have been diagnosed solely among survivors of trafficking for prostitution, applications to approve treatment are submitted to Dr. Michael Dor. As detailed in section 4.3, a permit was recently approved for a woman at Ma'agan Shelter who had not previously been receiving the expensive medical treatment she requires. The long-awaited permit entitles the woman to medical treatment, despite the costs involved. This is a particularly important issue, since, in many cases, trafficking survivors will not receive proper treatment for serious illnesses even if they return to their country of origin, due to a lack of private resources or state cover.¹¹⁶

2.2.3 Non-Governmental Bodies

The research indicates that non-governmental organizations play a crucial role in the struggle against human trafficking, and particularly in the treatment of victims. As Attorney Rachel Gershuni, the Interministerial Coordinator, commented in her interview, "it would be impossible without the organizations!" In the course of the research, the Hotline for Migrant Workers and Isha L'Isha – Haifa Feminist Center, both of which have won the state citation, were mentioned as the most important non-

¹¹⁴ For details regarding Levinsky Clinic, which both provides treatment and refers survivors to Ma'agan Shelter, see the clinic's website: www.safe-sex.co.il (Hebrew).

¹¹⁵ Until recently, the residents of the shelters were treated at Ichilov Hospital in Tel Aviv. They now receive treatment at another hospital, which is closer to the shelters.

¹¹⁶ For further details on the subject of the medical treatment provided for residents of the shelters, see section 4.3. below.

governmental organizations involved in assisting trafficking victims. Other organizations mentioned include Kav LaOved, the Israel Women's Network, ASSAF – Aid Organization for Refugees and Asylum Seekers in Israel, the African Refugees Development Center, Physicians for Human Rights-Israel, and the Toda'a Institute. The functions performed by non-governmental organizations include:

Collecting and Documenting Information

The Israel Women's Network was the first organization to publish a report on trafficking in women for prostitution in Israel.¹¹⁷ Since the publication of this report in 1997, various organizations, particularly the Hotline for Migrant Workers, have published numerous reports documenting the scale and nature of human trafficking in Israel, and presenting information about state actions in the field from an international perspective.¹¹⁸ From the recommendation included in the report of the Israel Women's Network to provide social services for prostitution victims in order to encourage them to testify against their traffickers through to the initiative of the Hotline for Migrant Workers to undertake the research presented in this report, the organizations' function in collecting and documenting information has also been a relevant factor in the establishment and functioning of the shelters.

Interviewees from various government ministries confirmed that the non-governmental organizations are a valuable source of information for the authorities. They function as "sensors" in the field and are the first to identify new phenomena relating to human trafficking. The function played by Kav LaOved in locating migrant workers employed in injurious conditions is particularly evident. Indeed, the majority of the police raids carried out against employers in the agricultural sectors, and as the result of which the migrant workers were admitted to Atlas Center, were undertaken after the migrants contacted Kav LaOved, which in turn contacted the police.¹¹⁹ A further example of the contribution made by the organizations in collecting information and forwarding it to the authorities concerns asylum seekers who were the victims of abuse in Sinai. Organizations such as Physicians for Human Rights-Israel and

¹¹⁷ Martina Vandenberg, Report of the Israel Women's Network *Trafficking of Women to Israel and Forced Prostitution* (November 1997), www.edu-negev.gov.il/mad/marianak/marpad-new/htm/shavinon/shivion15.htm (Hebrew).

¹¹⁸ For a list of the publications of the Hotline for Migrant Workers, see: www.hotline.org.il/en_drupal/english/publications.htm.

¹¹⁹ In some cases, non-governmental organizations take immediate action to remove individuals they identify as victims from the holding of their employer, in a manner that may leave the victim without due protection. See CA (Tel Aviv) 12798/00 *State of Israel v Regina Bar*, Tak-Shal 2002(3) 24155 (2002), at p. 3.

the Hotline for Migrant Workers were the first bodies to note and document this phenomenon and to bring it to the authorities' attention.¹²⁰

It is important to emphasize that the information collected and documented by the organizations is not intended solely to serve state bodies, but also to pressure them to take action, raise public awareness, shape the work plans of the organizations themselves, and secure funding for the implementation of these plans. The information collected is also used by the organizations to empower trafficking victims, for example by preparing leaflets explaining their rights distributed in printed form and over the internet to women in prostitution and to migrant workers.¹²¹

Individual Assistance

The pioneer in providing individual assistance for victims of trafficking for prostitution is Attorney Nomi Levenkron, who was sent to Neve Tirza Prison by the Hotline for Migrant Workers in 2000 in order to speak to women trafficked for prostitution and attempt to understand their needs. Attorney Levenkron developed a questionnaire for interviewing the women about their experiences, and began to turn to the labor courts, submitting civil suits against traffickers and procurers; administrative claims against the state in order to secure financial support for women who agree to testify; and criminal suits through the State Attorney's Office to secure financial compensation from the offenders.¹²²

Various organizations provide assistance for the survivors of human trafficking. This assistance may include the provision of information, contacts with the authorities and mediation between the authorities and the victims, legal representation, translation of documents, and vocational training. In the early stages, the organizations were barely able to cope with the volume of work, due to the absence of any governmental action on the issue. Following the establishment of the shelters, the Office of the Interministerial Coordinator and the other governmental bodies involved in the field, the level of individual assistance provided by the non-governmental organizations declined dramatically. Since the eligibility of trafficking victims for state legal aid has been recognized, the non-governmental organizations have also been less involved in legal representation. Nevertheless, the Hotline for Migrant Workers continues to play a role in locating trafficking victims in imprisonment facilities, liaising

¹²⁰ Sigal Rozen, Michael Ziv-Kenet, Mesi Fishiya, Noa Kaufman and Cheska Katz, report of the Hotline for Migrant Workers, *'The Dead of the Wilderness: Testimonies from Sinai Desert, 2010* (February 2010), www.hotline.org.il/english/pdf/Testimonies_from_sinay_122010.pdf.

¹²¹ See the Workers Rights Leaflets of Kav LaOved on the organization's website, www.kavlaoved.org.il/rights_n_eng.asp.

¹²² Attorney Levenkron visited the women in prison since, at the time, they were considered offenders who were to be removed from Israel, rather than victims entitled to assistance. The suits submitted in accordance with the ordinary labor laws were necessary since the law prohibiting human trafficking and slavery had not been enacted at the time.

between the trafficking victims and the Legal Aid Department in the Ministry of Justice, and representing victims in preliminary legal proceedings, such as petitions for medical treatments¹²³ and suits for damages.¹²⁴

A further example of the individual assistance provided for the residents of the shelters by non-governmental organizations is a course in basket weaving provided for payment (which is covered by Keshet) by the African Refugees Development Center. The participants in the course include women residents of the shelter who have not yet received permits to work in Israel.

Lobbying

The minutes of Knesset plenum and committee meetings highlight the significant involvement of non-governmental organizations in discussions on the desirable policy that should be adopted regarding trafficking victims. Representatives of the Hotline for Migrant Workers, Isha L'Isha, Kav LaOved and other organizations, such as the Toda'a Institute, are often invited to discussions in the Knesset and play an active part in the proceedings. Rachel Gershuni, the Interministerial Coordinator, noted that the non-governmental organizations also participate in government discussions on this subject. Lobbying work is also undertaken in the courts, and particularly in the Supreme Court. The organizations turn to the courts not only in order to assist a specific individual, but also in order to secure legal precedents that will bind the authorities. During discussions in the Knesset, the government, and the courts, one of the goals the organizations pursue is to promote the expansion of therapeutic and rehabilitation services for trafficking victims. They advance this goal by providing individual examples, emphasizing Israel's international undertakings, and presenting a moral position that seeks to place considerable weight on the victims' needs in the face of competing interests, such as the desire to save resources or to protect Israel's borders against non-Jewish infiltrators.

The general impression is one of intensive and fruitful cooperation among the non-state organizations and between these organizations and the authorities. In some cases, however, serious disagreements and problems emerge in the cooperation

¹²³ For example, see H CJ 5637/07, footnote 59 above.

¹²⁴ For example, see CA (Tel Aviv) 2191/02 *Anonymous v Anonymous*, Tak-Meh 2006(1) 7885 (2006). This case involved a woman victim of trafficking for prostitution who submitted a claim for damages against a person convicted in a criminal proceeding, as part of a plea bargain, of her trafficking. The plaintiff had already been deported from Israel prior to submitting the suit and did not testify. Despite the demand in damages law to prove the damages during the proceeding, the court ordered the defendant to pay the plaintiff approximately \$81,000, and accepted the plaintiff's argument that the damage was inherent in the actions committed against her, of which the defendant had been convicted in a criminal proceeding. The defendant submitted an appeal to the Supreme Court, arguing that compensation could not be awarded to the plaintiff without her giving testimony or proving the level of the damage she incurred. The appeal was rejected: CA 3806/06 *Anonymous v Anonymous*, Tak-El 2009(2), 2327 (2009).

between the organizations and the state, and in particular between the NGOs and the Population and Migration Authority. Problems may also emerge in coordination between the organizations in cases when a victim contacts several organizations simultaneously.

2.2.4 Additional Bodies

The research interviewees also mentioned additional bodies that come into contact with the residents of the shelters and constitute a source of information and support:

Migrants: Several interviewees, particularly residents of Atlas Shelter, noted that “veteran” migrants from their country of origin whom they meet in the course of their work or in social gatherings provide a rich source of information about life in Israel in general, and in the shelter and workplaces, in particular.

Countries of origin: Several residents of Thai origin mentioned that the Thai government provided them with information about their rights as migrant workers before they left Thailand. Attorney Merav Shmueli from the Office of the Interministerial Coordinator also praised the work of the Philippine Embassy in Israel, which works to support its citizens. The countries of origin were also mentioned in the context of the retrieval of documents of persons who arrived in Israel with forged or incomplete documents, and as a source of assistance in the case of a Brazilian citizen held in conditions of forced labor. Conversely, cases were also mentioned in which representatives from the embassy of the country of origin attempted to prevent their citizens from complaining about exploitative employers, and even threatened them with prosecution on their return to their country of origin.¹²⁵ As will be discussed in greater detail below, **the involvement of the countries of origin in preventing trafficking and in assisting victims, even after they return to their country of origin,¹²⁶ is minimal.**

Missionaries: It emerged from the interviews that at least two Christian missionary organizations provide assistance for residents of Ma’agan Shelter who are interested in this help, which includes religious activities, gifts, and assistance in the transition to life outside the shelter.

¹²⁵ See, for example, AA 1218/02 *Xue Bin v A. Dori Company*, Lab.Ver. 650, 679-681 (2003): Chinese workers were employed by an Israeli construction company through a Chinese company that functioned as a subcontractor. The workers went on strike to protest serious violations of their rights, and subsequently receive letters from the Chinese Ministry of Public Security and other official bodies stating that the strike was contrary to Chinese criminal and civil law, and that those involved would face trial on their return to China. It was also alleged that the pressure and threats made by the Chinese companies and authorities in order to persuade the workers to end their strike included threats to harm their relatives in China.

¹²⁶ For a discussion of the difficulties in ensuring safe return to the country of origin, see Chapter 9 below.

Businesses: Several businesses make various types of donations to the shelters. For example, Bank Leumi donated a number of computers to Ma'agan Shelter; fashion companies such as TNT and Bonita donate clothes; and the Super-Pharm chain donates hygiene and cleaning products. An extremely important connection has developed between the shelters and a personnel company recommended by the non-governmental organizations that mediates between the migrant workers in Atlas Shelter and decent employers in the agricultural sector.

Citizens: Several examples were given of citizens who help the residents of the shelters, beyond the level of general donations of used clothes. One woman in Ma'agan Shelter is in contact with a religious Jewish family that hosts her from time to time; another woman and her son are in contact with an "adoptive grandmother" – an Israeli who immigrated to the country from the CIS and shows concern for their wellbeing; a woman from the Philippines enjoys occasional hospitality with a couple where the man is a native Israeli and the woman is a Filipina; and one of the residents of Atlas Shelter plays soccer with a group of Ethiopian immigrants who meet near the shelter. Three volunteers run an enrichment program in the shelters, including classes in computers, spoken Hebrew and cooking and baking workshops.

Media: The media in Israel has played an important role in raising awareness of the phenomenon of human trafficking. For example, when the US ambassador accepted an invitation from MK Galon to attend a Knesset debate on the subject of trafficking in women for prostitution, the event received extensive media coverage. This coverage helped to raise awareness among the authorities and to enhance their willingness to take action to combat the phenomenon. MK Galon herself first became involved in the field after watching a television report by the journalist Gal Gabbai about the smuggling of women over the Egyptian border and their auctioning for work in prostitution. The subject of the abuse suffered in Sinai by asylum seekers seeking to enter Israel across its southern border was also raised on the public agenda following an article by Einat Fishbein.¹²⁷ Among other bodies, Physicians for Human Rights-Israel assisted in the preparation of the article.¹²⁸ In at least two cases, residents of Ma'agan Shelter

¹²⁷ Einat Fishbein, "Torture in Sinai," *Yediot Acharonot – Sabbath Supplement*, November 19, 2010 (Hebrew). Reports have recently appeared in the media suggesting that, in addition to torture, slavery and rape, asylum seekers are also falling victim to Bedouins who harvest their organs for sale. See *Ynet*, "Bedouins in Sinai Remove Organs from Refugees," November 3, 2011, www.ynet.co.il/articles/0,7340.L-4143763.00.html (Hebrew). The Israeli media have also recently discussed the living conditions in Saharonim Prison, which is intended for asylum seekers. See Yaniv Kubovich, Dana Weiler-Polak and Talila Neshet, "Haaretz Special Report: Israeli Jail Grappling with Rising Swell of Illegal African Immigrants," *Ha'aretz*, November 24, 2011, www.haaretz.com/print-edition/news/haaretz-special-report-israeli-jail-grappling-with-rising-swell-of-illegal-african-immigrants-1.397366.

¹²⁸ Information sheet of PHR-Israel, *Hostages, Torture, and Rape in the Sinai Desert: A PHR-Israel update about recently arriving asylum seekers* (December 14, 2010), www.phr.org.il/uploaded/PHR_Information_sheet_refugees_sinai_Hebrew_14.12.10_1.pdf (Hebrew).

participated in articles bringing their stories to the knowledge of the public. One article focused on the need to raise public awareness of employment in conditions of forced labor, while the other presented the distress faced by a woman and her son, who was born from a relationship with an Israeli man, due to the authorities' refusal to grant her a permanent residency permit.

Conversely, some media reports serve only to reinforce stereotypes and to exacerbate the alienation of trafficking victims.¹²⁹ In at least one case, a report related directly to Ma'agan Shelter and its residents. In 2004, the journalist Bukai Naeh published an article in *Yediot Acharonot* several months after the establishment of Ma'agan Shelter in which he described the shelter as a "brothel," revealed its precise location and the hours in which the residents left the shelter at the time, and referred to one of the residents, who was about to testify against her traffickers, as a "problematic character." The Hotline for Migrant Workers submitted a complaint to the Press Ethical Committee,¹³⁰ which warned the journalist not to commit a further ethical violation.¹³¹

The above review highlights the large number of bodies involved in working with trafficking survivors, the importance of each of these bodies, and the importance of cooperation among them. Some employees in the different bodies have made the subject of attending to trafficking survivors the main component of their work, reflecting their profound commitment to human rights. As will be detailed in the following chapters, the profile of the survivors is highly heterogeneous and their needs are complex. Accordingly, international bodies, state authorities and non-governmental organizations must all join the effort to provide an appropriate and holistic response.

2.3 *Ma'agan and Atlas – The Shelters in Israel*

The clearest and most significant manifestation of Israel's commitment to help trafficking victims is the establishment of Ma'agan and Atlas Shelters. In this section, we offer a brief description of the shelters. The following chapters will discuss in detail the populations served by the shelters and the activities they provide.

¹²⁹ For example, see Ami Ben David, "Dangerous Sex," *NRG-Ma'ariv*, January 24, 2006, www.nrg.co.il/online/1/ART1/038/282.html (Hebrew). This article accused a trafficking victim of seeking to return to her work as a prostitute, thereby endangering her clients. The journalist chose to ignore the woman's past experience, including her sale from one trafficker to another, her experiences while being smuggled across the Egyptian border, and the sexual diseases she contracted.

¹³⁰ Letter from Attorney Nomi Levenkron, the legal advisor of the Hotline for Migrant Workers, to the Israel Press Council (November 15, 2004).

¹³¹ Case 45/2004 of the Ethical Tribunal of the Press Council (decision granted March 20, 2005), website of the Israel Press Council, www.moaza.co.il/BRPortal/br/P102.jsp?arc=26547 (Hebrew).

The 2008 tender of the Ministry of Social Services for the operation of “frameworks for victims of trafficking for prostitution, slavery and forced labor,”¹³² which was won by Keshet, provided for the establishment of:

- A. A shelter for women in the Central District for a protracted rehabilitation period of up to one year, and for up to 35 women and their children.
- B. A shelter for men in the Central District for a protracted rehabilitation period of up to one year, and for up to 35 men.¹³³

According to the tender, the target population of the shelters are “adult men and women and their children who are the victims of trafficking for prostitution, slavery and forced labor, and who require physical and psychological protection, therapeutic, legal and supportive treatment and accompaniment toward their rehabilitation and their return to an appropriate alternative circle of work, or ahead of their return to their country of origin.” The tender establishes that the referral to the shelters will be through the Ministry of Social Services, the Ministry of Industry, Trade and Employment, and the Ministry of the Interior, as well as through the Migration Authority, the police, and non-governmental organizations.

The tender establishes that the winning body will provide the residents of the shelters with social, medical and legal assistance and treatment; translation services; accommodation on a 24 hour a day basis, including three meals a day; treatment for the women’s children and placement in day care centers as necessary. The winning body is expected to employ a coordinator at Ma’agan Shelter (in two-thirds of a full-time position), as well as two full-time social workers, a janitor and house mother (jointly accounting for a half-time position), a full-time secretary and a child minder, (a half-time position). The staff at Atlas Shelter is supposed to include a full-time coordinator and a full-time social worker, a janitor and house mother (jointly accounting for a half-time position) and a full-time secretary. The winning body is to appoint a full-time joint director for both shelters (and for the apartments, which, as noted, were closed). The tender exempts the winning body from the cost of security, legal aid and medical treatment, and may recruit additional personnel, as necessary, with the written approval of the Ministry of Social Services. Surprisingly, the tender and the contract do not specify the basket of services to be provided at the shelters, despite the fact that this matter was supposed to form part of the binding appendices.

The agreement signed in 2009 between Keshet, which won the tender, and the Ministry of Social Services¹³⁴ stated that the remuneration is set at approximately

¹³² Public Tender 199/2008 of the Ministry of Social Services *Tender for the Operation of Frameworks for Victims of Trafficking for Prostitution, Slavery and Forced Labor* (October 30, 2008).

¹³³ The tender also provides for the establishment of three available apartments allowing for the simultaneous accommodation of up to six persons in each apartment, for a period of several days or weeks. As noted above, these apartments were closed after standing empty for approximately one year. This report does not relate to the apartments.

\$1,480¹³⁵ a month for each female resident and \$1,130 a month for each male resident, in addition to annual rental fees of up to \$85,000 for each shelter. To the best of our knowledge, these sums have not been updated since 2009. Keshet is guaranteed 100 percent cover of personnel costs and 80 percent cover for other costs, regardless of the actual occupancy level. In 2010, the budget of Ma'agan Shelter was approximately \$624,750, while the budget of Atlas Shelter was \$381,430.

Ma'agan Shelter was established in 2004 in Tel Aviv, and in 2009 moved to another city in the Central District, adjacent to Atlas Shelter. Each shelter occupies a three-floor apartment block. The first floor houses the residents' rooms. The second floor includes additional bedrooms and public areas, including a kitchen and living room, and the top floor includes a kitchenette and the staff rooms. The top floor of Ma'agan Shelter also includes a therapy room and computer room for use by the residents. A room in both shelters is allocated for the physician. A security guard is stationed at the entrance to each shelter – in Ma'agan Shelter, the guard has a small booth alongside the external gate, while in Atlas Shelter the guard is stationed inside the shelter, close to the inner entrance door. Each shelter has a small L-shaped yard.

In accordance with the requirements of the tender, Keshet has appointed a joint director for both shelters, as well as a house mother (who is responsible mainly for contacts with suppliers and for arranging rosters; and maintains daily contacts with the residents in Ma'agan) and a house father (who is responsible for maintaining the equipment in both shelters). During the research period, the staff of Ma'agan Shelter comprised a coordinator, two social workers, five counselors and a secretary. Atlas Shelter employed a coordinator, a social worker, four counselors and a secretary. After the research was completed, we were informed that a male social worker had begun to work at Atlas Shelter. The social workers are present in the shelters during the day and are responsible for emotional assistance. The counselors arrive at the shelters in the afternoon and sleep there, and are responsible for the shelter in the absence of the other staff members.

In order to cope with the complex tasks involved in the work of the shelters, Ms. Vika Goltsman is continuing the work begun by Attorney Rinat Davidovich (who is also a social worker), the previous director. Ms. Goltsman plans to introduce a network of training programs designed to help the staff implement the annual work plan. The staff training is implemented both in groups and on an individual basis, and is provided to the coordinators by the director of the shelters. Every four or five weeks, a staff meeting is held for all the employees of the shelters. The staff meetings provide ongoing updates and offer an opportunity to discuss relevant issues that arise in the

¹³⁴ Keshet established Ma'agan Shelter in 2004 and has operated it since.

¹³⁵ All sums originally set in New Israel Shekels have been converted into US dollars in this report accordingly to an exchange rate of \$1 = NIS 3.70.

work of the shelters. One of the goals of the staff meetings is to foster an atmosphere of cooperation, belonging and responsibility.

Expert lecturers are sometimes invited to special staff meetings in order to discuss tools for coping with conflicts and creative ways to set boundaries. The social workers in Ma'agan Shelter, and more recently also in Atlas Shelter, receive guidance from an external professional. The staff also attends seminars and workshops run by external bodies on such subjects as treating trauma victims following sexual abuse and work with multicultural groups.

Both shelters operate according to an open format: the residents can come and go as they wish. In Ma'agan Shelter, however, women who are not employed outside the shelter are asked not to leave the shelter before 3 p.m., except in unusual cases and after receiving permission. On arriving at the shelter, the residents sign an agreement, translated into their language, detailing their rights: safe accommodation, food and hygienic supplies; legal aid; work, if they receive a permit; social and psychiatric services as required; medical treatment in the shelter and in the community, excluding dental care; one ten-minute telephone call every six months to relatives abroad at the shelter's expense; weekly pocket money; and activities and programs in the shelter during leisure time. The agreement in Ma'agan Shelter details rules regarding leaving and returning to the shelter, as well as the sanctions imposed for violation of these rules. It also prohibits prostitution and requires residents to appear before law enforcement bodies if needed, to undergo medical tests, and to avoid infecting others with infectious diseases. The agreements in both shelters require the residents to cooperate with the staff, maintain a regular daily routine, participate in activities and cleaning rosters, and live amicably with the other residents. The agreements also prohibit the residents to use drugs or to bring alcohol into the shelter.

The staff of the shelters has developed written procedures for each of the shelters. The procedures relate to such aspects as the absorption of new residents, the daily routine, rosters, hours of leaving and returning to the shelter, and responses to extreme incidents, such as violence, alcohol abuse, and attempted suicide.

3. The Populations Served by the Shelters

3.1 *Who Is a Victim of Human Trafficking?*

As noted in the previous chapter, the government decisions relating to the establishment of the shelters refer to the need to provide accommodation and care for the victims of trafficking for prostitution and the victims of slavery and trafficking for slavery and for the purpose of forced labor. The definition of “human trafficking” in Israeli law is narrower than that in the Palermo Protocol: “The sale or purchase of a person, or the execution of a transaction in a person, whether with or without remuneration.”¹³⁶ Israeli law also includes additional offenses relating to a range of circumstances that may not necessarily constitute human “trafficking,” but which are relevant in the context of the target populations of the shelters. The law prohibits trafficking and mediation for trafficking, inter alia, for the purpose of bringing a person to a state of slavery, forced labor or prostitution, or for the purpose of committing a sexual offense against that person.¹³⁷ Holding in conditions of slavery is defined in law as holding for the purpose of providing labor or services, including sex services, in a “situation in which powers generally exercised regarding a person’s property are exercised against a person,” including tangible control of the individual’s life or the denial of his or her liberty.¹³⁸ Forced labor is defined in law as coercion to work “through the use of force or another means of pressure, or through a threat to use either of these, or by way of consent obtained by deceit, all whether with or without remuneration.”¹³⁹ Holding in conditions of slavery and forced labor are defined as criminal offenses in their own right, even if they did not entail human trafficking as defined in Israeli law. Hence, though under the Palermo Protocol all these conducts would be under the umbrella term “human trafficking”, throughout the report we relate to human trafficking, slavery and forced labor separately, as these distinctions are relevant to understanding Israeli authorities’ treatment of the residents of the shelters.

In order to refer a person to the shelter, the police must be convinced that there is “preliminary evidence” suggesting that the person is the victim of a human trafficking or slavery offense.¹⁴⁰ Accordingly, the required level of evidence is much lower than the

¹³⁶ Article 377A(d) of the Penal Code, 5737-1977.

¹³⁷ Article 377A of the Penal Code.

¹³⁸ Article 375A of the Penal Code.

¹³⁹ Article 376 of the Penal Code.

¹⁴⁰ The government decision on victims of trafficking for prostitution stated that a shelter was to be established “for all victims of human trafficking regarding whom there is preliminary evidence that they have been the subject of an offense of human trafficking for prostitution, or of ancillary offenses.” See Decision 2806, footnote 76 above. The government decision to establish a shelter for victims of slavery and trafficking for slavery and forced labor stated that the police, in coordination with the Interministerial Coordinator, is to determine, by

extensive and consolidated evidence required in order to secure conviction “beyond all reasonable doubt” – the strict requirement of criminal law. In most cases, as detailed in Chapter Eight, indictments are not initiated against suspected offenders on account of trafficking or slavery relating to the residents of the shelters. Accordingly, **assistance is provided to a much broader population** than that injured by offenders prosecuted on account of human trafficking or holding in conditions of slavery.

However, it may reasonably be asked whether the legal definition of a trafficking victim should be the same as the definition guiding those involved in the rehabilitation of victims. The legal definition of a victim is derived from parameters applied to the prosecution of traffickers and abusers, rather than from the needs of their former victims. It could be argued that **an autonomous and therapeutic definition should be developed based on distinct logic and motivation to those that shape criminal law**. As we shall see, the populations that come to the shelters are highly diverse. Defining the victims on the basis of the experiences they have undergone and according to cultural parameters could contribute to the development of an appropriate therapeutic theory. Indeed, such a definition might open the doors of the shelters to men and women who do not meet the legal definitions of trafficking victims, but who have undergone experiences creating a need for assistance and rehabilitation. An emphasis on the needs of the survivors of abuse would also help soften the problematic dichotomy between individuals who are eligible for rehabilitation because those who abused them violated the Israeli law prohibiting human trafficking and slavery, and individuals who are not eligible for any assistance, and are sometimes even perceived as having chosen the circumstances of their own lives, such as Israeli workers who undergo harsh experiences at the hands of their employers. A focus on the victim would also position the shelters along the axis of forms of assistance for migrants and Israelis who have sustained serious injury in their efforts to secure a livelihood, encouraging discourse on the establishment of diverse frameworks, including apartments and day services.¹⁴¹

This chapter presents the populations that come to the shelters and maps the tensions between legal definitions and government decisions, on the one hand, and the dynamic nature of exploitation for prostitution and forced labor and the changing needs of persons in Israel who have been the victims of such exploitation, on the other

way of a condition for accommodation in the shelter and “on the basis of evidence presented to it,” that the person involved is the victim of holding in conditions of slavery or of trafficking for slavery or forced labor. See Decision 2670, footnote 79 above. It emerged from the interviews that in these cases, too, the evidence referred to is “preliminary” in nature.

¹⁴¹ Some sections of the public also regard Israeli women who engage in prostitution as having chosen their own fate, rather than as individuals eligible for assistance. However, as mentioned above, rehabilitation frameworks have also been established for this population in recent years. As we shall discuss in detail below, the legal definition also leads to cases in which an asylum seeker is deported from Israel despite the judge’s recommendation that he or she should be transferred to the shelter as the victim of abuse in the Sinai desert.

hand. The chapter ends with a detailed examination of the complex legal definition relating to staying permits and work permits, a subject that plays an important factor in the rehabilitation of the residents of the shelters. The following chapters will include detailed discussion of the different components of the assistance and rehabilitation provided for survivors.

3.2 Women Trafficked for Prostitution

Ma'agan Shelter was established to serve women trafficked for prostitution.¹⁴² Superintendent Raanan Caspi stated that during the four-year period following the emergence of this issue on the public agenda, and until the establishment of the shelter in 2004, approximately one thousand foreign women located in brothels were deported from Israel. Other women who agreed to testify against their traffickers were housed in hostels and hotels pending the completion of proceedings against the traffickers. The establishment of the shelter marked a policy shift and implied recognition of Israel's obligation to care for and house women trafficked for prostitution. This approach was facilitated by a groundbreaking ruling granted in July 2000 by Tel Aviv District Court, which established that persons required to testify against those who trafficked in them for the purpose of prostitution are not to be held in detention, and that the state must provide them with shelter and a livelihood.¹⁴³ A further milestone was the recommendation of an interministerial team from 2002 that a shelter be established, as detailed in Chapter Two.

From the comments made by the officials interviewed in the research, it is apparent that at an early stage of the response by the authorities to this phenomenon those involved in the field agreed that **a woman from the CIS who is unlawfully present in Israel, and who is found in a brothel or a "discrete apartment," was almost certainly trafficked for prostitution and is entitled to stay in the shelter.** This understanding was due, among other factors, to the position of the court, which stated that consent to prostitution does not negate the foundations of offenses related to trafficking for prostitution.¹⁴⁴ Hence, an expansive interpretation became entrenched according to which a woman who knew that she was coming to Israel for the purpose of prostitution, and possibly even understood the living conditions she could expect, is also a trafficking victim eligible for accommodation and care in a shelter, regardless of the circumstances in which she arrived in Israel. Some interviewees **mentioned the**

¹⁴² For further reading on the subject of women trafficked to Israel for prostitution, see: Gabriel Cavaglione, "Trafficking in Women for Sex in a Global Context: The Case of Israel," in: *Who Pays the Price? Foreign Workers, Society, Crime and the Law* 201 (Mally Shechory, Sarah Ben-David & Dan Soen, eds., 2010).

¹⁴³ Sund.Req. (TA) 91548/00, *State of Israel v Variovkin* (unpublished, July 12, 2000).

¹⁴⁴ CA 1609/03 *Borisov v State of Israel, Piskei Din* 58(1) 55 (2003). See also the Guidelines of the State Attorney's Office to the District Attorneys, June 27, 2001.

price paid for this policy in terms of the struggle against traffickers. The rationale for this is that once every woman trafficking victim was recognized as eligible to stay in the shelter, regardless of her willingness to testify, this right could no longer be used as an incentive or a means of pressure to encourage women to testify against the traffickers, and thereby to lead to their arrest and penalization. Conversely, this policy enhanced the credibility of the evidence given by those women who chose to testify.

During the first few years after the shelter opened, most of the victims of trafficking for sexual exploitation who stayed in it were citizens of the CIS. The Shelter's annual reports and interviews show that this was a disempowered population that came to Israel mainly because of substantial economic hardship. Most of the women involved were in their 20s, had high school education, were Christian, and were either single or divorced. Many of them had never experienced a significant positive bond in their lives, had never experienced trust among adults, and had a sense of vulnerability. Many had suffered from domestic violence. The women arrived in Israel by various means, usually relying on assistance from smugglers who helped them cross Israel's southern border with Egypt. In some cases, they were severely abused and even raped during this process.¹⁴⁵

However, as Table 1 shows, while 118 women came to Ma'agan Shelter in its first year of operation, this figure fell to between 29 and 52 in the period 2005-2007, while in 2009 and 2010 the number dropped to six a year. As the table also shows, in 2009-2010 the number of referrals due to trafficking for slavery has been higher than the number of referrals relating to trafficking for prostitution.

¹⁴⁵ Nomi Levenkron and Yossi Dahan, Report of the Hotline for Migrant Workers, Isha L'Isha, the Haifa Feminist Center and the Adva Center, *Women as Commodities: Trafficking in Women in Israel 2003* (2003), 22-24, [www.hotline.org.il/english/pdf/Women as Commodities Trafficking in women in Israel 2003_Eng.pdf](http://www.hotline.org.il/english/pdf/Women_as_Commodities_Trafficking_in_women_in_Israel_2003_Eng.pdf).

Table 1: Referrals to Ma’agan Shelter, 2004-2010¹⁴⁶

Year	Total new referrals	Trafficking for prostitution	Trafficking for slavery	Other
2004	118	118		
2005	52	52		
2006	46	46		
2007	34 (+6 repeat referrals)	29	2	3
2008	17	12	5	
2009	17	6	11 (inc. 1 Israeli)	
2010	15	6	9 (inc. 5 from Africa)	
Total	299	269	27	3

The figures in the table are consistent with the fact that, since 2008, virtually no cases have been identified of victims of trafficking for prostitution who arrived in Israel recently. Indeed, the interviews revealed that women victims of prostitution referred to the shelter in recent years were trafficked to Israel for prostitution **prior to 2008**. In 2009 and 2010, not a single woman was identified as having been trafficked for prostitution in these years; in 2011, the police identified seven women who were trafficked to Israel for this purpose, soon after their arrival in the country. If women are still being trafficked to Israel from abroad for the purpose of prostitution, the numbers involved must be very small, and the women are presumably living in discrete apartments. Accordingly, **the phenomenon that provided the motivation for the establishment of Ma’agan Shelter has decreased dramatically.**

In 2010, 33 women and six children lived in Ma’agan Shelter, including 13 women trafficked for prostitution, six of whom arrived at the shelter that year, while seven had been living at the shelter for more than a year.

One of these women was Sonia, born in 1980, who arrived in Israel at the age of 15. Traffickers for prostitution tricked Sonia into believing that she was coming to Israel to work as an *au pair*. She escaped from the traffickers and worked illegally for five years cleaning and caring for elderly people, until she was caught by the Migration Police and deported. After her deportation, she contacted an Israeli man who agreed to forge documents that allowed her to re-enter Israel in return for her working in prostitution. She was sold to a brothel, escaped, was arrested and deported again. She

¹⁴⁶ Rinat Davidovich, *Ma’agan, The Shelter for Victims of Trafficking in Women, Redemption – Annual Report 2007* (2007); Rinat Davidovich *Ma’agan, The Shelter for Victims of Trafficking in Women, People for Sale – Annual Report 2008* (2008); Rinat Davidovich “Worker Needed,” *Services for Caring for the Victims of Human Trafficking – Summary of 2009 Program Year* (2009); Vika Goltsman “Black Screen,” *Services for Caring for the Victims of Human Trafficking – 2010 Summary* (2010) (all in Hebrew). For the reports of the shelters, see the website of the Ministry of justice, www.justice.gov.il/MOJHeb/Sahar/Tofaa/Dohot/DochotMiklat.htm.

then entered Israel for a third time, illegally, and met a married Israeli man who informed on her to the Migration Police after she became pregnant from him. While in prison, Sonia went on a hunger strike, and only then was she referred to the shelter, in a serious psychological condition and underweight. Thanks to the state Legal Aid she received, Sonia was given a permit allowing her to remain in Israel for one year for the purpose of rehabilitation. During the research period, Sonia gave birth to a baby who suffers from a rare condition that leads to death by the age of about two years. The baby is currently hospitalized in a vegetative state. The rehabilitation year has ended and Sonia was due to return to Ukraine, but the Population and Migration Authority has agreed to allow her to remain until the end of 2011, and until her child's condition becomes clear. The Legal Aid system cannot assist her directly at this stage, since her distress does not relate directly to her status as a trafficking victim. However, the Legal Aid located a private attorney who has agreed to help her in her efforts to extend her permit on a pro bono basis.

Violetta is another example of a survivor of sex trafficking staying at the shelter. Violetta entered Israel twice illegally, probably in 2004 and 2005, to work in prostitution in order to help her mother and ensure her own economic survival. After one year in a brothel, Violetta escaped and spent five years in Israel illegally before she was caught by the Migration Police and sent to Givon Prison. While she was in prison, it emerged that some six weeks before her arrest, she was stopped by two policemen who agreed not to arrest her in return for her having sex with one of them. The judge at the Custody Review Court at Givon Prison recommended that Violetta be referred to the shelter and ordered the opening of an investigation against the policemen who allegedly raped her. The police allowed Violetta to move to the shelter. During the research period, she was supposed to write down the story of her life in the hope that the Population and Migration Authority would agree to grant her a one-year permit for rehabilitation, despite the fact that the relevant legal proceeding to her case is the rape charge against the policeman, rather than human trafficking.

These cases, and others, raise the question whether women who were trafficked several years ago should be recognized today as victims of trafficking for the purpose of admission to the shelter. In both the cases described above, the women were permitted to stay in the shelter, suggesting that **an interpretation is required that recognizes the connection between the current circumstances of such women and the period in which they were trafficked for prostitution, so that the shelter can also meet the needs of women who were trafficked for prostitution in the past.**

Women in prostitution who have experienced ongoing trauma sometimes develop protracted post-traumatic reactions manifested in three main forms: (1) Reliving the traumatic events – memories of violence, assault and rape; nightmares; and physical responses to the memories of past experiences. (2) Avoidance symptoms, including repression, denial, inability to recall details or images from the past, distorted evaluation of events or an inability to answer personal questions relating to the past,

absence of joy, and feelings of loneliness, alienation and sadness. (3) Hyperarousal symptoms: sleeping problems, impaired concentration, tantrums, protracted tension, discomfort in situations involving socially-accepted tactile contact, and disproportionate anger in interpersonal situations.¹⁴⁷ The rehabilitation of women who were trafficked for prostitution is a protracted and tortuous process comprising numerous small steps. This process requires close and long-term supervision by a professional team.¹⁴⁸ Accordingly, even after women trafficked for prostitution leave the shelter, ongoing assistance must be available if they desire it.

As we will discuss below, the length of time that has passed between the act of trafficking and the recognition of a woman as a trafficking victim is also relevant in terms of the policy of the Population and Migration Authority regarding the granting of rehabilitation permits. The authority does not reject the possibility of granting rehabilitation permits to a past victim, but seeks to confirm that she was not rehabilitated during the time she spent in Israel. The authority draws a direct correlation between the length of time involved and the woman's eligibility for a rehabilitation year, a position that may create **tension between recognition of a woman as a victim of trafficking for prostitution for the purpose of receiving the services provided by the shelter and the lack of regulation of her status in Israel by the Population and Migration Authority.**

During the research period, several women who arrived in Israel in 2011 from Latin America and Russia and were exploited in prostitution, probably through pimps, were referred to Ma'agan Shelter. However, the number of women involved is just seven, and they do not share the same profile as the hundreds of women trafficked to Israel for prostitution in 2000-2005. Most of these seven women were married and came from middle-class backgrounds. They were not smuggled into Israel, but entered with tourist permits with the intention of earning money from prostitution during a short stay in Israel. They were apprehended very shortly after entering Israel. With the exception of one woman who has stayed in the shelter and is due to testify against a trafficker, these women do not wish to remain in the shelter and prefer to return to their countries of origin as soon as possible. Their arrival in Israel illustrates the dynamic character of the trafficking of women for prostitution, and the need to adapt the shelter to meet the changing profile of the phenomenon.

3.3 Migrant Workers

The largest population that currently receives services from the shelters are migrant workers who entered Israel legally and suffered severe abuse at the hands of their employers. Of the 63 men referred to Atlas Shelter in 2010, 87 percent were migrant workers from Thailand who received permits allowing them to work in the agricultural

¹⁴⁷ Anat Gor, *Abandoned – Women in Prostitution* (2008) (Hebrew).

¹⁴⁸ For example, see the Saleet program, <http://saleet.org.il> (Hebrew).

sector in Israel for five years. Of the 15 women referred to Ma'agan Shelter in the same year, one-third were migrant workers, but unlike the majority of the men, these women arrived in Israel with tourist permits and were exploited by employers who did not hold permits for their employment.

A typical example of a migrant worker who came to Atlas Shelter is Santhat, born in 1980, who grew up in rural Thailand. Santhat has completed nine years' schooling and is married with two children. His parents are no longer alive. Santhat states that he paid the equivalent of approximately \$4,500 on the black market in order to come to Israel. He was sent to work on a moshav (a cooperative agricultural village) in central Israel. During the nine months he spent on the moshav, he was required to work almost 17 hours a day, seven days a week. He was housed together with four other workers in a flimsy caravan and had to share one toilet and one shower with all the other workers employed by the farmer. He received very little food from his employer and was obliged to purchase food with his own money. The employer was late in paying his salary. One of the workers contacted the Hotline for Migrant Workers and requested assistance. The Hotline contacted the police, who raided the place of work, took 11 workers and collected testimony from them against the employer, and later transferred the workers to the shelter.

Like Santhat, most of the male migrant workers who come to Atlas Shelter face economic deprivation in their countries of origin (mainly in Asia). They wish to work in Israel legally for a limited period of time, in the belief that this will enable them to break free of the cycle of poverty. To this end, they are obliged to pay enormous sums of money to the companies that mediate between the workers and the employers, and after arriving in Israel, they work on moshavim in extremely harsh conditions.

Among the female migrant workers at the shelter, there is no "typical" story, since the backgrounds of the residents vary widely, including the circumstances in which they came to Israel. The stories of Luciana and Lilia illustrate the differences between the female migrant workers who come to the shelter. Luciana was born in Brazil in 1964, and from the age of 12 worked in agriculture to support her impoverished family. She is divorced and has two sons. For twenty years, Luciana was employed as a domestic worker by a Jewish family in Brazil. In 2004, she was sent to Israel with a tourist permit to care for her employer's mother. She was promised a salary of \$600 a month (less than the minimum wage set by Israeli law). During the six months she spent in Israel, after which she returned to her employer in Brazil, she was not paid any salary, and was moved from house to house to serve members of the extended family, suffering humiliating treatment. Luciana was repeatedly sent to Israel by her employer in Brazil in order to care for relatives, and each time the promised payment failed to materialize. On one occasion, a relative of Luciana's employer who visited Israel discovered the conditions of slavery in which she was being held and contacted the Brazilian embassy. When the other relatives learned of this, they expelled Luciana and threatened her not to go to the police. With the assistance of the

Brazilian embassy and the Hotline for Migrant Workers, Luciana was admitted to the shelter in 2007.

Lilia, who is the same age as Luciana, is married and has two children of her own, as well as three children of her partner. She came to Israel from the Philippines with a tourist permit in order to work as a care-worker and domestic employee. She relates that her employer did not provide her with sufficient food, gave her a vegetable storeroom by way of accommodation, cursed her, and would not let her take a shower every day or use the washing machine to clean her clothes. When the elderly man she was caring for fell ill, Lilia met at the hospital another migrant worker from the Philippines who gave her a telephone number to call for assistance. Lilia assumed that this was the number of an NGO, but it emerged that it was actually a police phone number. Her employer hid her, together with another employee, but the police found them, interviewed them as witnesses, and transferred them to the shelter.

In both these cases, as in all the other instances in which migrant worker came to Atlas and Ma'agan Shelters due to disgraceful working conditions, the employers **were not prosecuted for human trafficking or for holding persons in conditions of slavery or forced labor**. The law enforcement agencies claim that while there is preliminary evidence of trafficking justifying the referral of these women to the shelter, there is insufficient evidence to prosecute for these offenses, given the requirement of criminal law for proof beyond reasonable doubt.¹⁴⁹ Indeed, it does not even seem that these employers have been deprived of their permit to employ migrant workers, and several workers who arrived at Atlas Shelter chose to return to their exploitative employer (presumably due to their concern that their debts would only grow if stayed at the shelter without work). Thus, there is a **tension between the recognition of victims of trafficking or slavery for the purpose of admission to the shelter and their recognition as victims of these offenses for the purpose of the prosecution of their employers. This tension may also be reflected in difficulties in regulating their status with the Population and Migration Authority.**

3.4 Survivors of Torture in Sinai

Over the past two years, thousands of people have crossed into Israel from Sinai in Egypt. The vast majority of those involved came from African countries such as Eritrea and Sudan. The need to choose which term to use to refer to this population reflects the disagreement concerning the way they should be treated. Terms such as “infiltrators” and “persons unlawfully present in Israel” label this population as

¹⁴⁹ Recently, the first conviction in holding in conditions of slavery was handed by an Israeli court. The court accepted the arguments of the Pilipino employee and the prosecution that her passport was taken from her, that she was imprisoned in the employers' house, that she did not receive weekly or random day of rest or vacations, that she was employed very long hours, and that she received meager payment. See SCF 13646-11-10 *State of Israel v. Ibrahim Guliany* (unpublished, February 29, 2012).

criminals who enter Israel without permission, and who are therefore subject to deportation. Terms such as “refugees” and “asylum seekers” label the same individuals as victims of war and persecution who are eligible for protection and assistance in accordance with international standards.

Just a few of the thousands of asylum seekers who have arrived in Israel in recent years have stayed in the shelters. In 2010, five women and three men in the shelters belonged to this category. These individuals were referred to the shelters after the suspicion emerged that, while traveling to Israel, they had been held by go-betweens and border smugglers in conditions of slavery for the purpose of labor or sex services. Most of the asylum seekers who come to the shelters state that they underwent extensive abuse by Bedouins in the Sinai peninsula in an effort to extort further payments in addition to those already made to the smugglers. Torture was used in order to pressure the victims into telephoning their families and asking them to forward money to the Bedouins’ bank accounts in Cairo. The forms of torture include shackling with chains for periods ranging from several days to months, as well as intimidation, starvation, whipping, burns, and gang rape. Recently, people who were present in Sudan and who did not intend to reach Israel have been kidnapped and held in these torture camps. A small minority of victims report that they were held in conditions of slavery in their country of origin, in transit countries or in other areas of Egypt. The financial demands of the kidnappers and smugglers have recently been as high as \$ 31,000.

The case of Ayoub illustrates the circumstances that bring the members of this group to the shelters. Ayoub was born in Eritrea in 1992 and came to Israel via Sudan in an effort to help his parents and his eight siblings, who could barely survive on their father’s work as a farmer. Ayoub relates that he paid \$2,500 to smugglers in Sudan, who then demanded a further \$2,500. Ayoub claims that in order to secure this payment from his family, the smugglers imprisoned him in a dark room for six months, during which time he was shackled in chains, beaten, and deprived of food and water. After finally crossing the border into Israel, he was seized and transferred to Saharonim Custody Facility at Ketsiot. After a few days, and after the injuries on his body were noticed, he was referred to the shelter.

Another example is the case of Lamlam, born in 1986 in Eritrea. Lamlam’s young son remained in Eritrea. The child’s father was taken by the Eritrean army and never returned. Lamlam lived in a small village and did not have an education. She helped her family care for its flocks, and later emigrated to Sudan in the hope of finding a livelihood. She explains that she was kidnapped in Sudan by smugglers who handed her over to Bedouins in Sinai. The Bedouins demanded \$1,500 from her, and until she managed to secure this sum from a relative in Australia, she was imprisoned, raped, and forced to cook for her captors for six weeks. After crossing into Israel, Lamlam was caught and transferred to Saharonim Custody Facility. She spent eight months in prison

before she was diagnosed as a probable victim of holding in conditions of slavery and transferred to the shelter.

Ayoub received a permit enabling him to stay in Israel after managing to prove that he is an Eritrean citizen (by means of a certificate from the school he attended). However, the Population and Migration Authority does not believe that Lamlam is Eritrean, and is of the opinion that she is actually Ethiopian and is claiming to be from Eritrea in order to enjoy protected status. Lamlam has not yet submitted an application for a year's rehabilitation as a trafficking victim, since according to the policy of the Population and Migration Authority as of the research period, it is not possible to submit parallel applications for collective protection or refugee status, on the one hand, and for a year's rehabilitation, on the other.¹⁵⁰ Even if an application is submitted for a year's rehabilitation, it is far from certain whether this will be approved. Firstly, Lamlam must prove that she was indeed held in conditions of slavery in Sinai for the purpose of providing services, such as sex or preparing food. Even if she proves this, her future will remain unclear. The non-governmental organizations argue that, in such cases, Israel is obliged to help the victims. However, the Population and Migration Authority can claim that this is questionable, since the offenses involved were committed outside the borders of Israel. Ayoub's position is also problematic, since his permit is of the type given to persons eligible for collective protection and, as such, it does not include a work permit. Ayoub is therefore expected to stay in the shelter with little to occupy his time, and without any possibility to earn money to send to his family in Eritrea. In practice, **the authorities have yet to develop clear policy regarding the status of people who have been the victims of trafficking, enslavement, or forced labor outside the borders of Israel. There is no clear policy regarding their eligibility to stay in the shelters and to receive the services provided therein, and neither is there any clear policy concerning their eligibility to receive permits allowing them to stay and work in Israel.** Here, too, a tension can be seen between the **de facto admission of individuals such as Lamlam and Ayoub by the shelters and the absence of de jure recognition of their right to stay and work in Israel.** Attorney Rachel Gershuni, the Interministerial Coordinator, reports that she requested an opinion on this matter from an expert group of the European Union. The opinion revealed that, on the international level, disagreement can also be seen regarding the eligibility for work permits of people who were the victims of trafficking or slavery offenses outside the target country.

¹⁵⁰ Yuval Livnat, "A Cruel Choice – The Interior Ministry Refuses to Allow 'Double Offers:' A Refugee Raped on Her Way to Israel Must Choose to Be Processed as a Refugee or as a Trafficking Victim," *Ma'ariv*, August 12, 2010 (Hebrew).

3.5 *Israelis*

Though according to the Palermo Protocol and Israeli law, a person need not be transported from one location to the other to be recognized as a victim of human trafficking, in discussions regarding human trafficking in Israel, the prevailing assumption is that the victims are citizens of other countries who have been brought to Israel. The argument presented by non-governmental organizations that Israeli women working in prostitution are also the victims of human trafficking, slavery and forced labor has not yet percolated into mainstream discourse in Israel. The Standing Committee of Director-Generals for the Struggle against Trafficking appointed a team to consider ways to coordinate the work of the relevant bodies to the changes that are occurring in patterns of trafficking for prostitution and ancillary offenses. In a report prepared at the beginning of 2011, the team also mentioned the subject of prostitution by Israeli women. For our purposes, the most important recommendation made by the team is that the therapeutic, rehabilitation and health services should be expanded in order to respond to particularly severe instances that may constitute trafficking for prostitution.¹⁵¹

Nevertheless, during the research period, one Israeli woman and her three children stayed in the shelter. The woman and children, along with others (who may have reached shelters for battered women), were the victims of an Israeli man who lived with a large number of wives and was prosecuted for bigamy, enslavement, rape, and other sex offenses. This individual created a reign of terror in his home, establishing strict rules and imposing fines for violations. The women were disconnected from their families, and the offender enjoyed complete control of their money, while fueling a personality cult that imbued him with divine qualities.¹⁵² The woman was referred to Ma'agan Shelter at her own request – she preferred to stay in a shelter where there were no Israeli women who were familiar with the incident from the media – and she constituted an exception to the usual target populations of the shelter.

However, this case, together with other cases in which Israeli women have been trafficked for prostitution out of Israel or inside the country,¹⁵³ emphasizes that the shelters – or, at least, the services they provide – are also important for Israelis who have been the victims of trafficking or slavery in Israel or elsewhere.¹⁵⁴

¹⁵¹ Report of the interministerial team dated January 3, 2011, footnote 99 above.

¹⁵² See, for example, Vered Lovich, "Goel Ratson Charged with Dozens of Sex Offenses against Minor Girls," *Ynet*, February 14, 2010, www.ynet.co.il/articles/0,7340,L-3848649,00.html (Hebrew).

¹⁵³ See the report of the interministerial team dated January 3, 2011, footnote 99 above, p. 11.

¹⁵⁴ As will be detailed below, some Israeli women who wish to leave the cycle of prostitution are now being accepted by various frameworks, such as a hostel intended for 12 women and a transitional apartment for three or four women, both of which are operated as part of

3.6 Identification Authority

As already noted, the Israel Police is responsible for determining whether an individual is eligible to be admitted to the shelters.¹⁵⁵ The shelter staff, like other governmental bodies,¹⁵⁶ does not have the authority to determine whether an individual is a victim of trafficking or slavery entitled to stay in the shelter. However, the government decision to establish Atlas Shelter established that the police is to consult with the Interministerial Coordinator, when necessary, and such consultations have indeed taken place. As noted, the Israel Police addresses the issue from a legal perspective, determining whether there is preliminary evidence showing that the individual was the victim of human trafficking or slavery. This is a broader test than that which was applied in the past, which required the presence of preliminary evidence for the purpose of prosecution, and hence focused on the likelihood that the victim would be willing to testify. Nevertheless, the focus is still on the offense committed, rather than the physical, psychological, or economic condition of the victim.

It emerged from the interviews that **the staff of the shelters appreciates the fact that it is not responsible for determining eligibility to enter the shelter**. This avoids the need for staff members to function in an investigative capacity and enables them to accept the residents' stories. The shelter is perceived as a neutral institution, rather than an interested party in a battle of definitions. Determining whether an individual is a victim of trafficking or slavery is sometimes a difficult task. The survival instinct can lead victims to refrain from providing full and precise details, and in many cases they cannot produce credible identification documents. Accordingly, it could be argued that the police, as the authority responsible for investigating and clarifying the truth, is the most appropriate body to define victims of trafficking and slavery.

the Saleet program. See the Saleet website, <http://saleet.org.il/about/%d7%94%d7%95%d7%a1%d7%98%d7%9c> (Hebrew).

¹⁵⁵ In the early stages of the efforts to rehabilitate trafficking victims, before the establishment of Ma'agan Shelter, women were only identified as trafficking victims after arriving in prison, and they were only transferred to facilities outside prison if they agreed to testify. Later, a woman identified as a victim of trafficking for prostitution was permitted to leave prison for a "period of reflection," during which she had to decide whether or not to testify against the traffickers, and it was eventually decided to end the connection between the willingness to testify and the right to rehabilitation. The police is now asked to refer any woman or man identified as a trafficking victim directly to the shelter, and not to prison. Identification in prison is now encountered mainly in the case of asylum seekers.

¹⁵⁶ As will be discussed below in detail, even the judges in the Custody Review Courts are not authorized to order the transfer of a person held in prison to a shelter for the victims of human trafficking. They can draw the authorities' attention to the case and recommend recognition, but the decision to transfer an individual to the shelter rests exclusively with the police.

However, some interviewees criticized the fact that the police is responsible for determining eligibility to enter the shelter. MK Zehava Galon noted that she has opposed this situation over the years, and attempted to convince policy makers to establish a committee including representatives of the legal and enforcement bodies, as well as those responsible for therapeutic and rehabilitation services. She argues that this decision requires **expertise in the field of psychological treatment**, alongside investigative and legal parameters.

Roslana, a former resident of the shelter, raised a further argument in this context. She felt that had she known of the existence of the shelter and been able to reach it directly, she and her son would have been spared many years of suffering. Roslana's comments imply that for many of those who come to the shelters, and particularly those who are in Israel illegally and fear prosecution and deportation, **the idea of turning to the police for assistance is almost inconceivable**. Even those who are in Israel legally may be reluctant to contact the police due to their experiences with corrupt police in their country of origin, or as the result of misleading information they have received from traffickers or employers. Accordingly, the body responsible for referrals to the shelters is not an accessible one whose function in this context can be readily understood by those concerned. Many of the residents of the shelters came to the police through the mediation of non-governmental organizations such as the Hotline for Migrant Workers or Isha L'Isha after contacting these organizations or meeting their representatives in prison. Seeking help from a social organization is evidently less frightening than turning directly to the police.¹⁵⁷

Roslana's comments also highlight the difficulties in locating victims. If victims are afraid to turn to the police, which is responsible for defining their status as victims, it is possible that they will not be identified and will continue to suffer without anyone being aware of their plight. In the case of trafficking in women for prostitution, the police launched frequent and repeated raids on brothels; as already noted, this contributed to a substantial reduction in the scope of this phenomenon. During the raids, the police located women and transferred them to the shelter. **Locating women trafficked for prostitution who are now held in discrete private apartments is a harder task.**¹⁵⁸ Now that the phenomenon of trafficking from abroad for prostitution has been almost completely eradicated, the women come to the shelter on their own initiative, with the mediation of the police or the assistance of non-governmental

¹⁵⁷ Naturally, contacting a social organization is also far from simple for victims of human trafficking, who may lack the sense of personal liberty this requires. Moreover, many of those concerned are unaware of the existence of such organizations.

¹⁵⁸ The Toda'a Institute claims that it is reasonable to suspect that trafficking for prostitution is continuing to take place in Israel in discrete apartments. This conclusion is based on the ongoing publication of advertisements in the press and online offering "acquaintances" or "discrete relations" with "women of Russian origin" or "women of European origin." Email from Idit Harel-Shemesh, spokesperson of the Toda'a Institute (November 10, 2011).

organizations. This occurs, for example, when the woman is seized by the migration authorities as someone unlawfully present in Israel, leaves her violent Israeli partner, or is abandoned by her partner.

The location of migrant workers suffering conditions of slavery or forced labor is also a complex matter. The interviewees explained that workers employed in private homes will almost certainly not be found unless a concerned neighbor contacts the authorities, or unless the workers themselves seek assistance. Attorney Gershuni reports that, following the issuing of the procedure requiring personnel companies that bring nursing workers to Israel to monitor and report cases of violence, sexual harassment, or violation of the conditions of employment, several cases involving suspected offenses against nursing workers were referred to the relevant official in the Population and Migration Authority. She adds that, in the agricultural sector, the Oz enforcement unit of the authority undertakes visits to locate unlawful employers or those holding migrants in conditions of slavery. However, the migrant workers in the shelters whom we interviewed did not come to the shelters due to proactive raids by the Population and Migration Authority or following location by other governmental bodies, but rather after they contacted non-governmental organizations themselves and requested assistance. Moreover, the non-governmental organizations claim that since the administrative investigation and enforcement powers were transferred from the Ministry of Industry, Trade and Employment to the Population and Migration Authority, virtually no enforcement operations have been undertaken. They report that the complaints they forward following requests from migrant workers have not been clarified with the same level of determination that was shown by the Ministry of Industry, Trade and Employment, and that employers' permits are not revoked.¹⁵⁹ During a recent discussion of these claims by the Knesset, in the context of the nursing sector, MK Nitzan Horowitz, the chairperson of the Knesset Committee for Examination of the Problem of Foreign Workers, harshly criticized the bodies responsible for inspection and enforcement.¹⁶⁰

It is extremely unlikely that migrant workers will choose to complain to the police, or even to representatives of a social organization, about their working conditions of their own initiative. Firstly, they are foreigners in Israel; they do not speak Hebrew, nor, in most cases, English. They are suspicious of the police and unfamiliar with the plethora of non-governmental organizations. Secondly, most migrant workers acquired debts in order to reach Israel; they want to send money to their families, and are reluctant to do anything that might endanger their employment. Lastly, many migrant workers were used to hard work and poor living conditions in their countries of

¹⁵⁹ Dana Weiler-Polak, "Foreign Workers Complain of Harassment and Abuse, but Employers Go Unpunished," *Ha'aretz*, November 28, 2011, www.haaretz.co.il/news/education/1.1577354 (Hebrew).

¹⁶⁰ See Minutes of Meeting No. 66 of the Committee for the Examination of the Problem of Foreign Workers, The 18th Knesset (November 21, 2011).

origin, or in other countries where they worked, and do not share the perspective embodied in legal definitions or the positions of non-governmental organizations on the subject of slavery and forced labor. Attorney Osnat Cohen Lifshitz of the Hotline for Migrant Workers recalled the case of a woman who was identified in prison as the victim of slavery. The woman was seized by the police while she was cleaning a car belonging to her employer's son. Although she was forced to work long hours and to perform tasks that went beyond her intended role as a care-worker for an elderly man, and although she had not received the salary she was promised, the woman did not perceive herself as a victim of abuse or exploitation. Indeed, she continued to declare that the head of the household was a good and kind man.

In cases involving refugees and asylum seekers, the judges in the Custody Review Courts play a key role. Along with non-governmental organizations, the judges identify prisoners who have suffered severe abuse on their journey to Israel. The judges can recommend that those concerned be transferred to the shelter, subject to recognition by the police that they are victims of trafficking or slavery. The interviews showed that **some judges are sensitive to this issue, while others show little interest and do not initiate identification and referral to the shelters.** Moreover, we learned of cases in which the judge was convinced that an individual was a trafficking victim, given the severe abuse he or she sustained while traveling to Israel, and therefore referred the case to the police, which did not accept the judge's opinion, so that the person involved was not transferred to the shelter. Such decisions are based on the prevailing interpretation in the research field that if the abuse was not committed with the purpose of securing labor or sex services, the individual is not the victim of slavery or human trafficking.¹⁶¹ Moreover, it has been claimed in some circles that Israel is not

¹⁶¹ This interpretation reflects the definition of the offense of "holding in conditions of slavery" in article 375A of the Penal Code. In order to crystallize this offense, the victim must be held in conditions of slavery **for the purpose of providing labor or services.** It may be appropriate to adopt a broader perspective, such as that proposed by one of the judges in the Custody Review Court on the basis of article 377A(A)3 of the Penal Code. According to this interpretation, in addition to the act of trafficking per se, it should be shown that the trafficking took place for the purpose of slavery, in accordance with the definition of the **term "slavery"** in the Penal Code, but without the requirement to maintain all the foundations of the **offense** of "holding in conditions of slavery." According to the definition of the term "slavery," the requirement is for "situation in which powers generally exercised regarding a person's property are exercised against a person; for this purpose, tangible control of the individual's life or the denial of his or her liberty shall be considered to constitute the exercising of such powers." Since this definition applies to the offense of holding in conditions of slavery, and not to trafficking for the purpose of slavery, the holding of the victim need not necessarily be for the purpose of securing labor or services. See file no. 1400223, protocol dated September 6, 2011. However, it will be necessary to prove that a transaction took place in a human, whether for remuneration or otherwise, in accordance with the requirement of article 377A(D) of the Penal Code. Another possible argument that could allow for the recognition of victims of torture in Sinai as victims of "holding in conditions of slavery" is that the victims' experience should not be totally dependent on the

responsible for victims of human trafficking in its territory if the trafficking offenses occurred outside Israel, as in the case of asylum seekers injured while on Egyptian territory. Thus it can be seen that until the definition of a victim of human trafficking is changed, or until Israel recognizes its responsibility for the victims of torture for purposes other than trafficking,¹⁶² not all asylum seekers who have been tortured in the Sinai desert will be recognized as eligible for rehabilitation in the shelters.

Attorney Hanny Ben-Israel of Kav LaOved raised an additional issue regarding the decision whether to admit an individual to the shelter, namely – the position of the victim. She notes the importance of ensuring that an individual who is referred to the shelter receives detailed and precise information about the shelter and what can be expected there. A person should only be placed in the shelter with his or her informed consent. In the interviews, residents of the shelters recalled that the policemen had explained that they were being taken to a safe place where they could enjoy protection and care. However, our impression is that **this amounted to a general message of reassurance, rather than detailed information.** In particular, **it is apparent that individuals arriving at the shelter are unaware that many weeks may pass before they receive a work permit, if at all.** Vika Goltsman, the director of the shelters, agrees that it is important to provide trafficking victims with a detailed explanation about the shelters before they arrive. She is currently drafting a document explaining the nature of the shelters for circulation among the bodies responsible for locating victims.

The shelters operate on an open-door basis: the residents are not incarcerated, and can leave at any time and not return. This format ostensibly weakens the argument that it is important that they receive precise information about what they can expect at the shelter. However, entering the shelter exposes the residents to disciplinary procedures. Moreover, **if they leave the shelter without permission, the result in many cases will be that they will become persons unlawfully present in Israel.** Moreover, the question as to how long they can expect to stay in the shelter before being able to work for pay is critical for many residents. For example, a worker in agriculture might decide in advance not to enter the shelter, and to abandon the chance of working for a decent employer, if this will entail waiting for several weeks without any income. He might prefer to continue to work for an exploitative employer, so that he can at least continue to pay off the debts he incurred when he paid go-betweens for a work permit and to support his family living abroad. Conversely, it is possible that the shelter's efforts to locate decent employers, as detailed below, may

criminal liability of the abusers. Accordingly, individuals could be recognized as the victims of "slavery," in accordance with the definition of this term, rather than in accordance with the definition of the offense of "holding in conditions of slavery."

¹⁶² This argument was raised by the Hotline for Migrant Workers before the Custody Review Court in a case involving a person who was tortured in Sinai, on the basis of article 14A of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention Documents 31, 249 (ratified and came into force in 1991). See Application Regarding Prisoner Number 1405989 dated October 10, 2011.

encourage people to enter this framework. In any case, the persons involved must receive the necessary information about the operating of the shelters, so that they can make an informed decision whether or not to enter them.

3.7 *Victims outside the Shelters*

Due to the difficulties and obstacles involved in locating victims of trafficking, **not all survivors of human trafficking in Israel reach the shelters**. By way of example, Attorney Cohen-Lifshitz of the Hotline for Migrant Workers noted that three of her clients were victims of trafficking for prostitution who lived in Israel for several years without reaching the shelter, and who were unaware of the existence of the shelter. Additional factors also explain why some survivors do not find their place in the shelters.

Drugs and Alcohol

According to the shelter procedures, it is prohibited to bring in alcohol or drugs. If an alcoholic drink is found, the guard confiscates it from the resident, and the bottle is returned when he leaves. If suspected drugs are found, the guard has instructions to take the substance and call the police. If it emerges that a resident has a problem of drug or alcohol addiction, a staff meeting is called to decide how to respond and treat the case, including referral to external bodies.

The interviews show that victims who are addicted to alcohol or drugs **are not admitted to the shelters**. Some victims of trafficking for prostitution were required to undergo detoxification at a private center, or with the assistance of the Israel Anti Drug Authority, as a condition for admission to the shelter. Currently, there is **no government body that offers detoxification treatments for human trafficking victims who have developed drug or alcohol addictions**.

If the staff at Ma'agan Shelter suspect that a resident is using drugs, and warning conversations have no effect, the resident will be required to perform a urine test. If it emerges that she is using drugs, she will be removed from the shelter. There have not been any instances of drug addiction at Atlas Shelter, but one case of suspected alcoholism was mentioned. The resident was warned that if he did not stop drinking, he would not be placed with a new employer.

Israeli Women in Prostitution

As noted, some non-governmental organizations, academics and social activists perceive prostitution as slavery, and prostitution with a pimp as trafficking for forced labor. This approach is based on the assumption that no woman chooses of her own free will to engage in prostitution, and that every woman in prostitution is subject to an oppressive trap that leaves her with no real choice. In an article published in 2007, moreover, Tehila Sagi argued that the focus on the subject of trafficking for prostitution

from abroad harms Israeli women caught in the cycle of prostitution, since it labels domestic prostitution as a tolerable phenomenon that does not require particular attention or special efforts for its eradication.¹⁶³ Social worker Tzipi Nachshon Glik, who is responsible for this field in the Ministry of Social Services, disagrees, stating that the ministry's unequivocal position is that prostitution by Israeli women is a phenomenon that must be eradicated. To this end, two rehabilitation frameworks have been established (Saleet in Tel Aviv and Women's Horizon in Haifa), providing a hostel, an emergency apartment, a day care center, and additional frameworks caring for Israeli women who are interested in leaving the cycle of prostitution.¹⁶⁴ Frameworks providing emergency care also operate in Beer Sheva and Eilat. All these frameworks are funded by the Ministry of Social Services and are operated by the local authorities.

Israel was required to consider the connection between human trafficking and domestic prostitution after a US government report published in 2009 criticized Israel for failing to identify and respond to cases of prostitution involving the sexual exploitation of Israeli women and to the trafficking of Israeli women abroad for the purpose of prostitution.¹⁶⁵ In response, the inter-ministerial coordinator prepared a document summarizing three court rulings from the US, Australia, and an international tribunal in which defendants have been convicted of offenses of slavery or the denial of liberty in the context of prostitution. The document was intended as an ancillary tool for police investigators who might encounter similar cases. The document specifies indications suggesting that a pimp exercised tangible control over a victim, as required by Israeli law regarding the offense of slavery, through such means as the withholding of payment or minimal payment, protracted working hours, restriction of liberty, threats, violence, and so forth.¹⁶⁶ Moreover, the interministerial team mentioned above, which is examining ways to adapt the work of the various bodies to meet the changing patterns of trafficking for prostitution and ancillary offenses, has urged the collection of data and the undertaking of research on the current state of prostitution in Israel. One reason for this is in order to ascertain whether Israeli women in

¹⁶³ Tehila Sagi, "It Takes a Village to Create Prostitution: The Struggle of Human Rights Organizations against the Trafficking of Women in Israel and Their Contribution to the Institutionalization of Prostitution," in: *Studies in Law, Gender and Feminism* 583 (Daphna Barak-Erez, Shlomit Yanisky-Ravid, Yifat Biton and Dana Pugach, eds., 2007) (Hebrew).

¹⁶⁴ See the Saleet website, footnote 148 above. The Keshet association, which operates the shelters that are the subject of this study, was formerly involved in running this program.

¹⁶⁵ See the 2009 US State Department Report, footnote 5 above. The Hotline for Migrant Workers was the first and most important body active in exposing cases of Israeli women trafficked abroad, as well as cases of domestic prostitution bearing the hallmarks of trafficking. See Nomi Levenkron, report of the Hotline for Migrant Workers, "No Harm Was Caused to the Deceased" *The Response of the Legal System to Human Trafficking in 2007* 18-20 (July 2008), www.hotline.org.il/english/pdf/No_harm_was_caused_to_the_deceased_Eng.pdf.

¹⁶⁶ Rachel Gershuni, Ministry of Justice, Consultation and Legislation *Holding in Conditions of Slavery for the Purpose of Sex Services* (June 16, 2009) (Hebrew).

prostitution have been the victims of human trafficking.¹⁶⁷ In any case, Israeli women in prostitution are not currently regarded by those active in the field as a target population of Ma'agan Shelter.

Survivors of Torture in Sinai

As mentioned above, reports received from various sources since 2009 suggest that Bedouin smugglers from Sinai have severely abused many men and women seeking to cross the border to Israel.¹⁶⁸ This information was first received from the UN Commissioner for Refugees and from the staff of Saharonim Custody Facility, and was corroborated by testimonies collected by human rights organizations. All those involved recognize that the existing shelters cannot meet the task of attending to all the asylum seekers who have been trafficked, enslaved, subjected to forced labor, or undergone other forms of severe abuse on their journey to Israel, even if those involved are identified and defined as trafficking victims.

3.8 Permits for Entering and Staying in Israel¹⁶⁹

The Entry to Israel Law defines general types of permits allowing persons who are not citizens to enter and stay in Israel.¹⁷⁰ The minister of the interior is empowered to grant permits for “transitional residency” (for a period of a few days),¹⁷¹ “visit residency” (for up to three months, with the possibility of extension),¹⁷² “temporary residency” (up to three years),¹⁷³ and “permanent residency”,¹⁷⁴ as well as a “temporary permit for visit residency,” which is sometimes granted to a person who is unlawfully present in Israel and against whom a deportation order has been issued, pending deportation from the country.¹⁷⁵ Regulations enacted under the force of the law define these permits and clarify which types entitle the holder to work in Israel.¹⁷⁶

¹⁶⁷ Report of the Interministerial Team dated January 3, 2011, footnote 99 above.

¹⁶⁸ For example, see the report *The Dead of the Wilderness* of the Hotline for Migrant Workers, footnote 120 above; Dana Weiler-Polak, “Hundreds of Refugees Fall Victim to Rape, Slavery and Torture in Sinai” *Ha’aretz*, September 22, 2010, www.haaretz.co.il/news/education/1.1222258 (Hebrew).

¹⁶⁹ Thanks to Ms. Idan Halili, who wrote this section.

¹⁷⁰ Entry to Israel Law, 5712-1952. According to article 1(A) and 1(B) of the law, entry to Israel is regulated by means of a “visa,” while the right to stay in Israel is regulated by means of a “residency permit.” We will use the term “permit” to refer to both types of documents.

¹⁷¹ *Ibid.*, article 2(A)(1).

¹⁷² *Ibid.*, article 2(A)(2).

¹⁷³ *Ibid.*, article 2(A)(3).

¹⁷⁴ *Ibid.*, article 2(A)(4).

¹⁷⁵ *Ibid.*, article 2(A)(5).

¹⁷⁶ Entry to Israel Regulations, 5734-1974, Regulations Collection 1517.

As we will see below, the issue of permits for residency and work in Israel is critical for the residents of the shelters. The status granted to each resident depends on the circumstances in which he or she arrived and stayed in Israel. Thus, in addition to the criminal and therapeutic definition of the trafficking victim, we now turn to the administrative definition.

3.8.1 Regulating the Status of Migrant Workers in Israel

The legal status of people recognized as trafficking victims is influenced by the status they previously held in Israel. In order to understand the overall context of the status of trafficking victims, this section will discuss the arrangements applying to the legal status in Israel of migrant workers as a general group.

The permit granted to migrant workers arriving in Israel is defined by law as a “visa and permit for visit residency.”¹⁷⁷ Under this type of permit, the regulations define two permits that are relevant for migrant workers: temporary worker (“B/1”)¹⁷⁸ and tourist (“B/2”).¹⁷⁹

In order to receive a permit to employ a temporary worker, the employer must submit an application in Israel, and the worker must submit a parallel application at the Israeli consulate in his or her country. Both sides are required to present documents and meet various requirements. For example, the employee must prove that he or she does not have any first-degree relatives who are already present in Israel, and, in most cases, must also prove a basic command of English. Nursing workers undergo a personal interview at the consulate. Workers who meet these requirements will receive a permit, and must then enter Israel within 90 days before it expires. After entering Israel, the worker’s permit will be extended for a maximum period of one year each time.¹⁸⁰

Migrant workers who receive B/1 permits are allowed to work subject to various restrictions. They may only work in one specific sector out of the list of sectors in which the employment of migrant workers is permitted (construction, agriculture, nursing,

¹⁷⁷ Article 2(A)(2) of the Entry to Israel Law. According to the law, this permit may be granted for a maximum period of three months. According to articles 3(2) and 3A of the Entry to Israel Law, the interior minister is entitled to extend this period, provided that the total extended period does not exceed two years. In the case of migrant workers, however, the permit may be extended after the end of two years by one additional year each time, provided that the total extended period does not exceed five years. Together with the initial three-month period, this produces a total period of 63 months, which is the maximum permitted duration of a migrant worker’s stay in Israel.

¹⁷⁸ Article 5(A) of the Entry to Israel Regulations.

¹⁷⁹ Article 5(B) of the Entry to Israel Regulations. According to section 13(A) of the regulations, this permit includes a prohibition on working in Israel.

¹⁸⁰ Section 6.2.13 of the *Procedure for Inviting a Foreign Worker from Abroad, Population, Migration and Border Crossings Authority*, 5.3.0001 (June 22, 2011).

industry, and ethnic restaurants).¹⁸¹ A worker who arrives with a work permit for one sector cannot move to a different employment sector.¹⁸² Workers can only work for an employer who holds a permit to employ them, and are restricted to a maximum work period of 63 months,¹⁸³ with the exception of the nursing sector, where the permit may be extended beyond 63 months in cases in which the separation between the worker and the employer requiring nursing care is liable to exacerbate the latter's condition.¹⁸⁴

Migrant workers who lose their job or wish to change employer are permitted to receive a B/2 type permit (tourist) for one to three months in order to find a new employer in the sector in which they are permitted to work.¹⁸⁵ In many cases, however, migrant workers face difficulties finding a new employer and are exposed to abuse due to their lack of a work permit.¹⁸⁶ If the migrant worker fails to find a new employer within three months, in many cases he or she will be deported from Israel.¹⁸⁷ In 2011, the nullification of the permit to be present in Israel for a person who has not worked for 90 days was formally introduced into the Entry to Israel Law.¹⁸⁸

¹⁸¹ Website of the Population and Migration Authority, "Foreign Workers," www.piba.gov.il/subject/foreignworkers/pages/default.aspx (Hebrew). It is also possible to request permission to employ a foreign national as an expert in certain fields.

¹⁸² Section 1.3 of the Procedure for Inviting a Foreign Worker from Abroad, footnote 180 above. In some situations, an employer is not permitted to move from one employer to another. An example of this is the amendment to the Entry to Israel Law passed by the Knesset in mid-2011. The amendment introduces particularly restrictive conditions for nursing workers. For example, the interior minister is empowered to determine a maximum number of employers among whom a nursing worker can move, and to restrict nursing workers to specific geographical areas (Entry to Israel Law, Amendment No. 21, 5771-2011, SB 926). It is reasonable to fear that these provisions will increase workers' dependency on their employers, thereby creating a further disincentive to leave the position or to insist on their rights. Moreover, we believe that the restriction on moving from one employer to another is inconsistent with the Supreme Court ruling in H CJ 4524/02 *Kav LaOved v Government of Israel, Tak-El* 2006(1) 4336 (2006).

¹⁸³ Article 3A(C) of the Entry to Israel Law.

¹⁸⁴ Article 3A(B) of the Entry to Israel Law.

¹⁸⁵ Procedure for Updating the Place of Work for a Foreign Worker, *Population, Migration and Border Crossings Authority* 5.3.0022 (August 1, 2009).

¹⁸⁶ For further details, see: Anat Kidron, "Ongoing Attrition Warfare: Dealing with the Ministry of the Interior in 2008," May 2, 2009, website of Kav LaOved, www.kavlaoved.org.il/media-view_eng.asp?id=2263. See also Jonathan Berman, Hotline for Migrant Workers and Kav LaOved, *Freedom Inc.: Binding Migrant Workers to Manpower Corporations in Israel* 32-33 (August 2007), www.kavlaoved.org.il/userFiles/news1075_file.pdf.

¹⁸⁷ Knesset Research and Information Center, *Migrant Workers and Victims of Human Trafficking*, footnote 66 above., p. 5.

¹⁸⁸ Article 11(A1) of the Entry to Israel Law.

3.8.2 Trafficking for the Purpose of Prostitution

In the past, the granting of status to survivors of trafficking for the purpose of prostitution was conditioned on their cooperation with the law enforcement and prosecution authorities, and their willingness to testify in criminal proceedings. In 2004, before the Ministry of the Interior formulated clear procedures for granting permits allowing survivors to stay in Israel, a clear distinction was made between women who testified and those who did not, both during the period of testimony¹⁸⁹ and during a fixed period thereafter.¹⁹⁰ The reason for conditioning the permit on the giving of testimony was reflected, by way of example, in a comment by then Minister of the Interior Avraham Poraz, who argued that the permit was intended as an incentive for the survivor to give testimony in order to convict traffickers, “rather than by way of compensation for the women’s mental anguish.”¹⁹¹ One of the difficulties created by this policy was concern that it might impair the evidential value of the testimony.¹⁹² In 2006, a change was apparent in this approach. Then Minister of the Interior Ronnie Bar-On declared a policy of granting a permit for one year, referred to as a “rehabilitation year,” without requiring that the victim give evidence or agree to do so.¹⁹³ Bar-On clarified that the desire to provide a rehabilitation year was not conditioned on the giving of testimony.¹⁹⁴

In the initial period, survivors gave testimony and received a permit allowing them to stay in Israel at the same time as they stayed in the shelter. Women who agreed to testify were transferred to the shelter, while those who did not wish to do so were deported. This practice aroused criticism, and it was argued that the state bore a moral obligation to allow all the victims to stay in the shelter.¹⁹⁵ In 2006, a representative of the Migration Administration, the body responsible at the time for deciding on the referral of women to the shelter, declared that the distinction between those testifying and those not doing so no longer pertained, and that the policy was to enable all the victims to stay in the shelter.¹⁹⁶

¹⁸⁹ Minutes of Meeting No. 17 of the Parliamentary Commission of Inquiry on the Subject of Trafficking in Women, 16th Knesset, 16 (June 22, 2004).

¹⁹⁰ Minutes of Meeting No. 18 of the Parliamentary Commission of Inquiry on the Subject of Trafficking in Women, 16th Knesset, 11 (July 6, 2004).

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*, pp. 13, 20, 28 and 32.

¹⁹³ Minutes of Meeting No. 2 of the Subcommittee (of the Committee for the Advancement of the Status of Women) for the Struggle against Trafficking in Women, 17th Knesset, 11 (October 25, 2006).

¹⁹⁴ Minutes of Meeting No. 18, footnote 190 above, pp. 16, 21.

¹⁹⁵ *Ibid.*

¹⁹⁶ Minutes of Meeting No. 2, footnote 193 above, p. 9.

The two procedures in force at this time delineate the situation in this field to the current day. The first procedure,¹⁹⁷ which continues to apply to survivors who participate in criminal proceedings, regulates their status during their participation in the proceedings. A separate and later procedure¹⁹⁸ regulates applications for a “rehabilitation year” for survivors who do not testify, or who have completed their testimony.

The procedure relating to the waiting period before testifying establishes that the women must stay in the shelter during this period,¹⁹⁹ and that compliance with the rules of the shelter is a condition for receiving a permit to stay in Israel.²⁰⁰ A letter must be obtained from a police representative confirming that the woman is scheduled to testify,²⁰¹ and the victim must provide an affidavit confirming, among other conditions, that she will cooperate fully with the authorities regarding the testimony and will obey the rules at the shelter.

A woman waiting to give testimony receives a B/2 (tourist) permit. If she wishes to work and a position is found for her, she may receive a standard B/1 permit (as distinct from the special B/1 permit granted to migrant workers, which restricts them to a particular sector). To this end, however, she must obtain letters of recommendation from the director of the shelter and the police investigation team regarding her placement in the located position. The B/1 permit will be granted for six months, with the possibility of extension.²⁰²

Trafficking victims who do not testify can receive a permit for an entire year, rather than six months in the case of those waiting to give testimony. Michal Yosef of the Population Authority explains that a six month permit is provided in the case of women giving testimony since it is possible that they may complete this process during that period. However, if their participation is required for a longer period, the permit is extended on the basis of a letter from the Attorney’s Office. Ms. Yosef added that some women have waited for up to two years to give testimony, and their permits were extended every six months during this period.

The second procedure, which regulates the “rehabilitation year,” establishes that victims are to receive a (standard) B/1 permit for one year for the purpose of their

¹⁹⁷ Procedure for Processing Victims of Trafficking in Women Who Wish to Testify, *Ministry of the Interior – Population Administration 6.3.0006* (August 1, 2005).

¹⁹⁸ Procedure for Granting Status to Victims of Trafficking in Women on Humanitarian Grounds, *Ministry of the Interior – Population Administration 6.3.0007* (June 1, 2006).

¹⁹⁹ Section A.2 of the Procedure for Processing Victims of Trafficking Who Wish to Testify, footnote 197 above.

²⁰⁰ *Ibid.*, section F.1.

²⁰¹ *Ibid.*, section B.1.

²⁰² *Ibid.*, section F.2.

rehabilitation.²⁰³ For the purpose of receiving the permit, the procedure establishes an assumption that a woman staying in the shelter is a trafficking victim, whereas women not staying in the shelter are required to prove this status.²⁰⁴ The application for the permit must discuss the applicant's chances of rehabilitation, and must include a personal letter from the applicant detailing her history in Israel, her personal background, the reason why she is requesting a rehabilitation year, and her living and work arrangements for the year. The letter should preferably be supported by documents confirming the accommodation and work arrangements. The application must also include an opinion from a therapeutic authority (women at the shelter receive an opinion from their attending social worker). The opinion should describe the applicant's character as manifested during her time at the shelter; her observance of the disciplinary rules; her contacts with people outside the shelter; her attitude toward the other residents of the shelter; and details of additional sources of support, if any.²⁰⁵ Documents relating to the legal proceeding (if any) should be attached, as well as additional documents, when available, such as a travel document valid for two years,²⁰⁶ documents testifying to the applicant's prospects of rehabilitation, and a letter from a help organization, if the applicant has been in contact with such an organization.²⁰⁷

Attorney Sigalit Zohar of the Legal Aid describes a **significant and positive change in the attitude of the Ministry of the Interior and the Population and Migration Authority regarding the granting of permits for the victims of trafficking for prostitution**. In the initial stages, numerous applications for a rehabilitation year were rejected without any explanation, or on the basis of dubious grounds. For example, an application was rejected because the applicant had been trafficked three times – a fact that should actually have emphasized the distress and trauma faced by the applicant due to revictimization. Today, Attorney Zohar explains, most applications for a rehabilitation year are approved. The procedure establishes that, in exceptional circumstances, the permit may be extended beyond one year,²⁰⁸ though there are no

²⁰³ Section A.4 of the Procedure for Processing the Granting of Status to Victims of Trafficking in Women on Humanitarian Grounds, footnote 198 above.

²⁰⁴ Ibid., section B.1.

²⁰⁵ Ibid., sections B.2.-B.3.

²⁰⁶ According to section 5 and sections C.9.-C.10., a valid travel document (passport) is to be presented. If the applicant does not have a passport, her country's embassy in Israel should be contacted. The parallel procedure for victims of trafficking for slavery, Procedure No. 6.3.0006, establishes in section C.4. that if it is not possible to secure a travel document, a letter is required from the representative of the victim's country in Israel; if that country does not have representation in Israel, the victim will receive a laissez passer document for one year.

²⁰⁷ Section 7 of the Procedure for Processing the Granting of Status to Victims of Trafficking in Women on Humanitarian Grounds, footnote 198 above.

²⁰⁸ Ibid., section A.4.

criteria defining what might constitute such exceptional circumstances.²⁰⁹ Several such exceptional applications have been approved. One involved a woman who had begun a vocational course and required several more months in order to complete her studies; another was submitted by a woman whose mother had fallen ill, and the applicant needed to earn money to finance her treatment. However, interviewees from non-governmental organizations claimed that the Population and Migration Authority very rarely recognizes the presence of exceptional circumstances.

Attorney Sigalit Zohar noted a difficulty that has been encountered since 2007. Very few “new” trafficking victims are now located, but women are located who have been trafficked several times yet who were not identified as trafficking victims and did not receive assistance. Most of these women suffered harsh experiences following their trafficking, some of which can be attributed to the lack of rehabilitation. The Ministry of the Interior initially refused to apply the procedure to these women, due to the time period that had elapsed. However, with the assistance of the Legal Aid, the survivors argued that the passage of time does not constitute a substitute for rehabilitation. In recent years, several applications from “veteran” survivors for a rehabilitation year have been approved, although there is still no clear position regarding such situations.

Another problem mentioned by some interviewees relating to the rehabilitation year in particular, and also to other types of permits, is **the protracted waiting time, lasting weeks or even months, before the permit is received. These delays occur notwithstanding the fact that in 2006, the minister of the interior ordered that replies should be given to applications for permits within seven days; in exceptional cases requiring more protracted clarification, a temporary work permit should be approved pending the completion of this process.**²¹⁰ The shelter staff makes every effort to expedite the processing of applications, including daily inquiries with the relevant bodies in the police and the Population and Migration Authority. As we will discuss below in greater depth, the period of waiting at the shelter without a work permit causes considerable tension and frustration. The end-of-year report of Ma’agan Shelter for 2010 emphasized that, at least, temporary work permits should be provided pending the approval of applications.²¹¹ However, Vika Goltsman, the director of the shelters, and Michal Yosef of the Population and Migration Authority, suggest that **delays are no longer encountered in decisions on applications for a rehabilitation year.** Yosef also clarified that, in exceptional cases requiring special examination, a temporary work permit is granted pending the final decision.

²⁰⁹ Tal Raviv and Nomi Levenkron, Report of the Hotline for Migrant Workers, *Permits for Victims of Human Trafficking in Israel: The Reality and the Ideal* (2006), www.hotline.org.il/Hebrew/pdf/Visas_Report_Heb.pdf (Hebrew).

²¹⁰ Minutes of Meeting No. 2, footnote 193 above, p. 4.

²¹¹ “Black Screen,” footnote 146 above, p. 36.

3.8.3 Slavery and Forced Labor

The status of survivors of trafficking for slavery and forced labor, for the purpose of giving testimony and for rehabilitation, is regulated in a procedure²¹² that applies both to migrant workers who entered and stayed in Israel legally with a work permit and to persons unlawfully present in Israel.²¹³ A condition for the application of the procedure is the identification of the individual as a victim of trafficking for slavery or forced labor, or as a victim of holding in conditions of slavery. This identification may be in the form of confirmation from the police or other “reliable evidence.”²¹⁴

The procedure does not define what other evidence is acceptable to the Population and Migration Authority for this purpose, and as detailed above, in practice it is only the police that identifies victims of slavery and trafficking for slavery and forced labor. In her interview, the Inter-Ministerial Coordinator, Attorney Rachel Gershuni, noted the difficulty that is sometimes encountered in identifying victims of trafficking for slavery, as opposed to victims of slavery for prostitution. The definition of slavery is vaguer and, in some cases, the police determines that evidence of trafficking is not present in the degree required to pursue criminal proceedings. In the absence of police confirmation that an offense of trafficking or slavery was committed, the Population and Migration Authority only agrees to grant a permit in extremely exceptional cases, and only for a short period. Attorney Gershuni proposes that greater weight should be attached to such factors as the victim’s affidavit and the opinion submitted by the shelter, which may reflect behavioral patterns characteristic of victims. Appreciation was expressed for the police’s efforts to address this difficulty. In some cases, for example, the police notes in writing that while there is insufficient evidence to pursue criminal proceedings, the case appears to be one of slavery. This may be sufficient to provide the Population and Migration Authority with corroboration facilitating the granting of a permit.

The procedure distinguishes between the regulation of status for the purpose of a police investigation and criminal proceedings and the granting of status for a rehabilitation year:

Survivors who are involved in legal proceedings are automatically entitled to a standard B/1 permit (not restricted to a particular employment sector). The permit is granted for periods of three months, and applications for renewal must be based on confirmation from the police or from the Attorney’s Office regarding the victim’s

²¹² Procedure for Granting Status to Victims of Slavery and Human Trafficking for Slavery and Forced Labor, *Ministry of the Interior – Population Administration 6.3.0008* (June 15, 2010), section A.5.

²¹³ *Ibid.*, section A.8.

²¹⁴ *Ibid.*, section B.1.

involvement in the investigation and the need for his or her presence for the purpose of the legal proceeding.²¹⁵

In addition, all trafficking victims may submit an application for a standard B/1 permit for a rehabilitation year.²¹⁶ Eligibility for a rehabilitation year is not conditioned on the giving of testimony or on willingness to give testimony. A victim who participates in criminal proceedings will receive a B/1 permit that may be extended as noted above, provided his or her cooperation is still required by the prosecution. Such a victim will only submit an application for a rehabilitation year after completing this process, thereby possibly securing additional time. The application for a rehabilitation year must include information about the victim's "prospects of rehabilitation," together with various documents similar to those required in the case of victims of trafficking for prostitution. It should be emphasized that while a B/1 permit enables the holder to stay and work in Israel, it does not include entitlement to medical insurance or social rights. This creates a problematic situation in terms of the access of victims who do not live in the shelters to services they require, including medical care.

Many survivors of trafficking for forced labor arrived in Israel legally as migrant workers. This has ramifications regarding their status at the end of the rehabilitation year. A person who entered Israel unlawfully, or who completed the permitted period of 63 months for migrant workers, before receiving a temporary permit as a trafficking victim will be required to leave Israel at the end of the rehabilitation year.²¹⁷ The rehabilitation year and periods spent waiting for legal proceedings are not offset from the 63 month period for those who have not already completed this period,²¹⁸ but migrant workers who arrived in Israel lawfully and who wish to complete the maximum permitted period must submit an application at the end of the rehabilitation year.²¹⁹ In exceptional cases in which there is "special justification" for extending the permit, the rehabilitation year may be extended,²²⁰ though here, too, the procedure does not specify any criteria for defining such special cases.

As mentioned above, the procedure regarding victims of trafficking for prostitution does not negate the possibility of recognizing "veteran" victims. In practice, however, applications are sometimes rejected because of the time that has passed since the trafficking or since victim completed her testimony. The later procedure regarding victims of trafficking for slavery explicitly states that, as a rule, it

²¹⁵ Ibid., section B.2.

²¹⁶ Ibid., section B.3.

²¹⁷ Ibid., section C.8.

²¹⁸ Ibid., section C.7.

²¹⁹ Ibid., section C.11.

²²⁰ Ibid., section C.14.

will apply close to the time of the offense,²²¹ though it is unclear what period of time is included in the term “close.” The definition included in the slavery procedure, and the de facto policy applied in some cases relating to prostitution, are both **problematic, insofar as they determine the need for rehabilitation according to the parameter of time, rather than substantive criteria**, such as the victim’s experiences during and after trafficking and their need for rehabilitation.

3.8.4 Survivors of Torture in Sinai

Israel’s commitment to care for refugees and asylum seekers derives from the 1951 UN Convention on Refugees,²²² as extended in the 1967 Protocol Relating to the Status of Refugees.²²³ These documents define who is entitled to request refugee status and the state’s obligations toward such persons.

The convention defines a “refugee” as a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”²²⁴

One of the basic principles embodied in the convention is non-refoulement,²²⁵ which establishes that refugees are not to be returned to a place in which their life or liberty will be in danger for the reasons detailed in the convention. This principle is not restricted to those who have been recognized as refugees or who entered the country lawfully, and it also applies to asylum seekers or people who entered the country unlawfully.²²⁶

The processing of applications for refugee status is formalized in a procedure of the Population and Migration Authority,²²⁷ according to which any person who is recognized as a refugee is to receive an A/5 residency permit. This permit is defined in the Entry to Israel Regulations as one of the types of permits for temporary

²²¹ Section A.5 of the Procedure for Processing Victims of Trafficking in Women Who Wish to Testify, footnote 197 above.

²²² Convention Relating to the Status of Refugees, Convention Documents 3, 5 (signed in 1951) (validated in 1954).

²²³ Protocol Relating to the Status of Refugees, Convention Documents 21, 23 (signed, ratified and validated in 1968).

²²⁴ Article 1(A)(2) of the Convention Relating to the Status of Refugees, footnote 222 above.

²²⁵ Ibid., article 33.

²²⁶ Anat Ben Dor and Rami Adut, footnote 56 above, p. 13.

²²⁷ Procedure for Processing Applicants for Political Asylum in Israel, *Ministry of the Interior – Population, Migration and Border Crossings Authority* (January 2, 2001).

residency.²²⁸ Holders of this permit may work and, unlike holders of visiting permits, they appear in the Population Registry,²²⁹ receive an identity card,²³⁰ and receive national insurance²³¹ and national health insurance.²³²

The examination of individual applications by asylum seekers is a protracted process. Applicants who have attended a preliminary interview and have not received an outright rejection receive a temporary permit²³³ under the terms of Article 2(A)(5) of the Entry to Israel Law.²³⁴ The type of permit now granted to asylum seekers during the waiting period is not regulated in the Entry to Israel Regulations. It was first issued in 2008, and the law does not clarify whether holders are permitted to work.²³⁵ According to current policy, asylum seekers are not permitted to work, although the enforcement of this prohibition varies from time to time. In 2010, for example, a declared policy refrained from penalizing asylum seekers in employment, or their employers.²³⁶ The Supreme Court recently approved the updated policy,²³⁷ according to which asylum seekers are not permitted to work and employers are prohibited to hire them; however, the prohibition will not be enforced and employers will not be liable to fines.²³⁸ In practice, the temporary permit granted to asylum seekers does not entitle its holder to any rights or services other than residency in Israel.

Since **Israel avoids recognizing asylum seekers as refugees**,²³⁹ the most relevant permit for residents of the shelter who came from Africa is that provided on the basis

²²⁸ Section 6(E) of the Entry to Israel Regulations.

²²⁹ Article 1(A)(B) of the Population Registry Law, 5725-1965, Statute Book 270.

²³⁰ *Ibid.*, article 24.

²³¹ Article 2A(B) of the National Insurance Law [Combined Version], 5751-1991, Statute Book 210.

²³² Articles 2 and 3(A) of the National Health Insurance Law, 5754-1994, Statute Book 156. It should be noted, however, that the employers of migrant workers are required to arrange medical insurance for their employees in accordance with Article 1D of the Foreign Workers Law, 5751-1991, Statute Book 112.

²³³ Section 5(A) of the Procedure for Processing Applicants for Political Asylum in Israel, footnote 227 above.

²³⁴ "Temporary permit for visit residency for a person found in Israel without a residency permit and against whom a removal order has been granted, pending his departure or removal from Israel."

²³⁵ Yuval Livnat, "Refugees, Employers and 'Practical Solutions' in the Supreme Court: Following HCJ 6312/10 *Kav LaOved v The Government*," *Mishpatim Online* 3, 23, 24-25 (2010) (Hebrew).

²³⁶ Gilad Natan, Knesset Research and Information Center, *Processing Infiltrators over the Egypt Border* 5 (May 26, 2010), www.knesset.gov.il/mmm/data/pdf/m02524.pdf (Hebrew).

²³⁷ HCJ 6312/10 *Kav LaOved v The Government* (unpublished, January 16, 2011).

²³⁸ Livnat, footnote 235 above, p. 23.

²³⁹ According to statistics of the Ministry of the Interior, in 2008-2009 the Advisory Committee to the Minister of the Interior was presented with 3,211 asylum applications, and recommended the granting of refugee status in just three cases: Letter from Mali Dudian,

of collective protection. Collective protection is provided in accordance with the prohibition against returning a person to a place in which he or she will be subject to danger. In most cases, this status is granted on the basis of a request by the UN Commissioner for Refugees in Geneva, which declares certain regions as crisis regions return to which is dangerous, and asks the countries of the world not to deport people to these regions.²⁴⁰ The temporary protection is valid pending a new declaration that the danger has passed.

In the past, those who enjoyed this protection in Israel included citizens of Congo, Sierra Leone and Liberia, who received a B/1 permit enabling them to work. Today, those enjoying collective protection receive the same temporary permit in accordance with Article 2(A)(5) of the Entry to Israel Law as is granted to asylum seekers awaiting the decision in their individual application. This policy is established in a Population and Migration Authority procedure regarding citizens of Sudan and Eritrea.²⁴¹ Unlike asylum seekers awaiting the decision in their application, applications for refugee status from persons enjoying collective protection are not examined on an individual basis; accordingly, the temporary residency permit is the only document they can receive. According to the procedure, the permit is valid for one month only, and must be extended each month.²⁴²

Since collective protection is provided due to a serious crisis in the countries of origin, those enjoying this status remain in Israel for an unknown and possible protracted period. The decision to grant these persons a temporary permit, **which does not entitle them to work**, implies that while Israel recognizes their right to remain in the country, **it deprives them of any legal possibility to make a living and support their families.**

A further difficulty regarding asylum seekers from African countries who stay at the shelters is the policy of the Population and Migration Authority, as mentioned by

the Freedom of Information Law officer in the Ministry of the Interior, to Yuval Livnat from the Refugee Rights Program at Tel Aviv University (April 12, 2010). From July 2009 through mid-2011, eight people were recognized as refugees: Letter from Elinor Gezer, coordinator of the Refugee Committee in the Ministry of the Interior, to Yuval Livnat from the Refugee Rights Program at Tel Aviv University (July 6, 2011).

²⁴⁰ Uri Tal, Knesset Research and Information Center, *Infiltrators and Asylum Seekers from Sudan in Israel* (June 19, 2007), www.knesset.gov.il/mmm/data/pdf/m01790.pdf (Hebrew).

²⁴¹ Procedure for Extending Residency Permits for Infiltrators, *Ministry of the Interior – Population, Migration and Border Crossings Authority 5.2.0013* (November 16, 2008). Lately, in February 2012, the Ministry of the Interior declared that due to the establishment of South Sudan, the collective protection granted to people from that region is soon to be abolished. Several social organizations have warned the Ministry that this move is extremely dangerous for the lives and welfare of the asylum seekers. See a letter from Anat Ben-Dor, Refugee Rights Program, Tel Aviv University, to Eli Yishai the Minister of the Interior and Amnon Ben-Ami, the Head of the Population, Immigration and Border Control Authority, (March 3, 2012).

²⁴² *Ibid.*, sections G-H.

several interviewees, **not to permit two parallel proceedings**. It is not possible to submit an application for a rehabilitation year while at the same time holding a permit granted in accordance with another eligibility, and it is not possible to submit simultaneous applications on different grounds.²⁴³ Thus, a person who submitted an application for recognition as a refugee and who also meets the definition of a victim of trafficking or slavery, cannot request a permit for a rehabilitation year while awaiting the decision on the granting of refugee status.²⁴⁴ Moreover, trafficking victims from countries whose citizens enjoy collective protection receive a 2(A)(5)-type permit, which does not grant them any rights other than the right to remain in Israel. They cannot receive the permit provided for the rehabilitation year, which entitles its holder to work.²⁴⁵ It should be noted that as long as Israel refrains from enforcing the prohibition on the employment of those holding a type 2(A)(5) permit, this situation does not create any serious problems. Most survivors prefer to receive collective protection rather than a permit for a rehabilitation year, since they can in practice work with a temporary permit and are not limited to a single year. If the prohibition on employment is enforced, this situation will become more problematic. As discussed in detail below, this policy not only impedes efforts by those it effects to make a living, but also creates a sense of frustration and discrimination relative to other victims who receive work permits.²⁴⁶ In our opinion, **attention must be given to the unique situation faced by persons eligible to collective protection who are also trafficking victims, particularly if the prohibition on the employment of persons holding a type 2(A)(5) permit is enforced, and their status as victims should be explicitly regulated.**

²⁴³ Yuval Livnat, footnote 150 above.

²⁴⁴ On the need for a rehabilitation year while awaiting the decision on refugee status, see Yuval Livnat, footnote 323 below.

²⁴⁵ This difficulty due to the absence of “dual proceedings” was also seen in the case of a woman trafficked for prostitution who applied for recognition as a refugee, due to the danger she faced from her traffickers in her country of origin. From the appeal she submitted against the rejection of her application, it emerged that one of the grounds for the rejection was that the appellant was able to secure status as a trafficking victim, and, accordingly, she was not entitled to protection as a refugee. This approach ignores the considerable difference between the purpose of the status granted to refugees, which essentially seeks to afford protection against the danger they face in their country of origin, and the purpose of the status granted to trafficking victims, which focuses on rehabilitation. Moreover, the appeal raised the principled question as to whether a trafficking victim may be defined as belonging to a “social group” as required in the Refugees Convention, in light of comments by the Ministry of the Interior representatives claiming that this is not possible. It was argued that, according to the guidelines of the UN Commissioner for Refugees, this is, in fact, possible, and that in various countries trafficking victims have been recognized as refugees meeting the conditions of the convention: Letter from Anat Ben Dor, Refugee Rights Program, Tel Aviv University to the UN Commissioner for Refugees (December 18, 2008).

²⁴⁶ “Black Screen,” footnote 146 above, p. 10.

3.8.5 Additional Types of Residency Permits in Israel

In addition to the specific arrangements for trafficking victims, migrant workers and asylum seekers, a small number of additional tracks are available to receive permits allowing persons to stay in Israel. These tracks are open to any person who is not a citizen, and they may also be relevant for trafficking victims, in certain cases.

Thus, for example, status may be arranged for the married²⁴⁷ or common law²⁴⁸ partners of Israeli citizens. Each of the procedures establishes a “staggered procedure” lasting several years, during which the existence of the intimate relationship must be proved periodically (in most cases, once a year). In each stage, the foreign partner receives a permit granting additional rights, until he or she receives a permanent residency status or full citizenship at the end of the process. Attorney Nomi Levenkron noted that the Population and Migration Authority policy of refusing to permit “two simultaneous procedures” also creates a problem in this context. For example, trafficking victims who have requested status as the partners of Israeli citizens will find it difficult to submit an application for a rehabilitation year, if the relationship has ended and they lose their status as common law partners.

In addition, a person who is not an Israeli citizen or resident, and who does not meet the criteria of the Population Authority for the receipt of any permit, may contact the Inter-Ministerial Advisory Committee to the Director-General of the Population Authority and request status in Israel on humanitarian grounds.²⁴⁹ The procedure for this purpose does not restrict the discretion and authority of the director-general of the Authority to specific conditions or permits. However, the representative of the Hotline for Migrant Workers claimed that the clarification of requests by this committee is a protracted process, sometimes taking over one year. Even in cases when the committee grants status on humanitarian grounds, it restricts its duration to short periods, even if no change occurs in the applicant’s situation, and it is not inclined to grant permanent status.

In exceptional cases, temporary status in Israel may also be obtained on medical grounds. A person who is facing a medical emergency, such that he or she “faces immediate danger to life, or danger of severe and irreversible disability, if he does not

²⁴⁷ Procedure for Processing the Granting of Status to a Foreign Partner Married to an Israeli Citizen, *Ministry of the Interior – Population, Migration and Border Crossings Authority 5.2.0008* (January 20, 2010).

²⁴⁸ Procedure for Processing the Arrangement of Status for the Partners of Israeli Citizens, including Same-Sex Partners, *Ministry of the Interior – Population, Migration and Border Crossings Authority 5.2.0009* (August 10, 2009).

²⁴⁹ Procedure for Regulating the Work of the Inter-Ministerial Advisory Committee on Determining and Granting Status in Israel on Humanitarian Grounds, *Ministry of the Interior – Population, Migration and Border Crossings Authority 5.2.0022* (March 29, 2011). According to Attorney Rachel Gershuni, status was granted on humanitarian grounds over the past year to a victim of trafficking for prostitution who was trafficked by her father while she was a minor.

receive urgent medical treatment,” is permitted to submit an application for the granting of temporary status, or for the postponement of deportation, pending the stabilization of his or her medical condition by means of hospitalization in a recognized medical institution.²⁵⁰ The application will only be examined after updated medical documents from the previous month have been submitted testifying to the applicant’s condition. The documents must address the nature and severity of the illness, possible treatments and the prospects for recovery, as well as an estimate of the duration of the necessary treatment and the ramifications of non-treatment. If it is unclear whether the situation constitutes a medical emergency, a medical opinion is requested from a hospital approved for this purpose by the Population Authority.²⁵¹ Temporary status on account of a medical emergency is granted by means of a B/2 (tourist) permit.²⁵²

The procedure notes that in cases of tuberculosis, in light of the short and effective treatment available for this disease, and in the absence of “exceptional circumstances,” arguments concerning the absence of treatment in the country of origin will not be heard.²⁵³ In AIDS cases, too, arguments relating to the absence of treatment in the countries of origin are not usually accepted, since treatment of this disease has improved in many countries.²⁵⁴

Even if the applicant’s condition is not recognized as a “medical urgency,” the procedure clarifies that consideration should be given to the application under the framework of the general authority to examine applications on special humanitarian grounds. Moreover, the procedure continues, an alternative solution could be considered, such as granting a permit for a short stay in Israel in order to obtain medication.²⁵⁵ The procedure notes that appeals will not be heard against a decision not to grant status, since the decision is essentially based entirely on medical diagnoses.²⁵⁶

In addition to these permits, the permit known as the “inter-visa” should also be mentioned. The inter-visa allows the holder to leave Israel and subsequently to return. In the past, trafficking victims who received a permit allowing them to stay in Israel did not receive an inter-visa. Rinat Davidovich, who directed the shelters until the end of 2010, noted with satisfaction that **the authorities are now willing to provide victims**

²⁵⁰ Section 1 of the Procedure for Processing an Application for the Postponement of Deportation / Granting of Status on Medical Grounds, *Ministry of the Interior – Population, Migration and Border Crossings Authority 5.2.0038* (August 4, 2010).

²⁵¹ *Ibid.*, section 3.2.4.

²⁵² *Ibid.*, section 3.2.9.

²⁵³ *Ibid.*, section 3.2.5.

²⁵⁴ *Ibid.*, section 3.2.6.

²⁵⁵ *Ibid.*, section 3.2.9.

²⁵⁶ *Ibid.*, section 3.2.11. However, this section adds that it is possible to appeal to the Administrative Affairs Court against a decision in accordance with this procedure.

with an inter-visa so that they can visit their families abroad.²⁵⁷ In the past, she recalls, the mere act of submitting an application was regarded as suspicious: “In the Ministry of the Interior, they started to say, ‘If they have money to travel and return, why do they need to stay and work here? Let them stay there.’”

In conclusion, the conceptual change in the attitude toward the survivors of trafficking is clearly apparent in the policy regarding the granting of permits. The policy changes reflect **growing recognition of the rehabilitation needs of survivors and of the complexity of their experiences, and is manifested in the formulation of official procedures regulating the granting for permits enabling survivors to remain in Israel for the purpose of rehabilitation, as well as in a greater willingness on the part of the authorities to grant permits and to respond effectively and considerately to specific circumstances.** Nevertheless, several **problems remain from the perspective of the residents of the shelters, particularly the failure to provide immediate work permits and the absence of systemic and coordinated attention to survivors of the torture camps.**

The problems raised by Israel’s permits policy are related to the other issues discussed in this chapter: the manner in which trafficking victims are defined and identified; the tension between the definition presented in criminal law and possible definitions that may be applied for rehabilitation purposes; the process of establishing the shelters and the policy for the admission of residents; the dilemmas regarding the application of the definition of trafficking survivor to new patterns of exploitation; the treatment of trafficking survivors only if they are not Israeli citizens; and the absence of a response for survivors who are not residents of the shelters.

The next chapter examines the services provided for trafficking survivors in the shelters, reviewing their needs and considering the extent to which these are met.

²⁵⁷ According to Ministry of Justice figures, footnote 110 above, 13 survivors received “inter-visas” in 2007 and five in 2008.

4. Meeting Basic Needs

As detailed in the previous chapter, the residents of the shelters during the research period included women victims of trafficking for prostitution, migrant workers exploited by their employers (whether or not they were legally present in Israel), and asylum seekers who suffered conditions of slavery during their journey to Israel. The needs of these groups are similar in some respects, but differ in others. Moreover, differences are naturally found between the individual men and women concerned.

As noted, Israel undertakes to protect the residents of the shelters and to meet their basic needs: accommodation, food, cleaning and hygiene products, health services and, when necessary, clothing. The residents are also eligible for psychological and social assistance, legal representation and advice, translations services as necessary, the possibility to work outside the shelter for those who hold work permits, pocket money, and assistance in repatriation.²⁵⁸ In this chapter, we focus on the response provided by the shelters to their residents' basic needs. The following chapters will address the issues of rehabilitation, emotional assistance, and legal support.

4.1 Physical Needs

Accommodation

For some two years now, Ma'agan and Atlas Shelters have been situated next to each other, in a middle-class neighborhood in one of the cities in Israel's central Gush Dan region. The shelters are located next to a hostel for mentally-ill adults, a factor that may increase the stigmatization of the residents. Staff members who worked in Ma'agan Shelter during the period when it was located close to Hayarkon Park in Tel Aviv nostalgically recall its proximity to their own homes, as well as the pastoral atmosphere and the possibility to hold therapeutic conversations in the park. It was claimed that the current location is **remote from places of employment**, making it harder for the residents to find work, and **does not enjoy easy access by public transport** at nights and weekends. Residents who work in Tel Aviv have to return home at night by taxi, incurring considerable expense. In some cases, in order to address this difficulty, the social workers suggested to women residents that they should ask their employers to let them leave earlier in the evening so that they could return to the shelter by public transport or to help them find alternative employment. Nevertheless, this problem remains. A staff social worker mentioned that living in Tel Aviv forced the residents to face various temptations, but that for women, in particular, this provided an opportunity to learn to cope with such temptations while living in the supportive environment of the shelter, which could help provide ways to cope with this challenge.

²⁵⁸ Government Decision No. 2806, footnote 76 above.

The immediate requirements of the men and women who arrive in the shelters are accommodation and basic human living conditions, which the shelters certainly provide. In Atlas Shelter, four or five men share each room. The women in Ma'agan Shelter share double rooms, though women with children are given a separate room whenever possible. Each room has an en suite toilet and shower. The need to share intimate living space may impair privacy, but the residents did not mention this as a problem, and did not report any problems such as theft. Indeed, some women prefer to live with a roommate. In general terms, our impression from the findings is that **the male and female residents are satisfied with the accommodation provided by the shelters.**

The buildings in which the shelters are situated **require ongoing maintenance.** The women, in particular, complain of problems such as broken toilets, locks, or closets. Fewer complaints of this kind were mentioned by the male residents.

A **temporary shortage of beds** may emerge at Atlas Shelter, since the men usually arrive in large groups and without prior notice. The limited number of beds available has led **the police to refuse to refer women to the shelter,** despite the fact that they were identified as victims of sexual exploitation and forced labor during their journey from Africa to Israel. The police explained that this refusal is due to the lack of space in the shelter, and the desire to leave a number of beds free for women identified following intelligence operations against traffickers in women for prostitution. Hotline for Migrant Workers considered filing a petition against this policy. The shortage of space at Ma'agan Shelter is one of the factors behind the current plan to open halfway apartments for women who have been in the shelter for protracted periods.

Protection

The shelter functions, first and foremost, as a **safe place**, providing what the interministerial coordinator refers to as a “climate of protection,” **particularly for the women** residents of Ma'agan Shelter. Some of these women are involved in legal proceedings against their traffickers or employers, while others face threats from Israeli partners with whom they have been involved, and explain that they require protection by virtue of their status as women. Wang, for example, states: “I am afraid that people around me will harm me because I am a woman.” Nora comments that “there are too many men walking around at night,” while Lamlam claims that a resident of the shelter was raped by an Eritrean man while visiting friends in south Tel Aviv. The shelter staff added that the man had promised to help the woman secure the necessary documents to obtain a permit. She agreed to visit his apartment for this purpose, but while she was there, he raped her. She became pregnant as a result of the rape and underwent an abortion at her request. Following this incident, the staff at the shelter makes every possible effort to explain to the women how to take precautions in order to protect themselves while they are outside the shelter. In addition, the staff

contacted an organization that runs training sessions on this issue, and a session was provided for the women, with the help of an interpreter from the shelter.

The subject of protection from the outside world was not raised by the male residents. Conversely, **protection within the shelter** is an issue among the men. We heard of one case in which the security guard remained close to an Eritrean resident for a period following a violent argument between groups of Eritrean and Thai men in the shelter.

As mentioned above, the police has hired the company Modi'in Ezrachi to provide security services at the shelters. The police guides the guards, who operate under the professional responsibility of the regional security officer of the Ministry of Social Services, who is responsible for formulating the requirements presented to the security company. The shelters have been provided with **peripheral security** – the buildings have been secured and a wall and internal divides have been established. The two shelters are separated by a hostel for mentally-ill adults. A guard is stationed at the entrance to each shelter; the gate is locked, and entry is by means of a buzzer. At night, the gate is locked and no-one is permitted to enter; in exceptional cases, residents returning late may be allowed in. For their own security, the residents of the shelter undertake when they arrive to keep the location and identity of the shelter a secret. While the previous location of the shelter in Tel Aviv was exposed in the media, the present location remains confidential.

Another important issue is the need to **protect the families in the country of origin** of trafficking survivors who owe money to various elements in their own country. This is a complex issue, since the protection of the families is the responsibility of the authorities in their countries of residence, who in most cases take no action on this matter. Such protection requires a broad-based network of international support and coordination.

Equipment

The shelters are equipped with the necessary basic equipment for normative living, including a washing machine and clothes drier, televisions, and a kitchen. The kitchen provides the necessary equipment for preparing meals, including a microwave. The kitchen originally lacked the necessary utensils to prepare the traditional foods of various groups, such as a pestle and mortar for grinding spices. The residents' request to provide the utensils was met by the staff **and the utensils were provided to the residents' satisfaction.**

Both shelters provide television channels in Russian, English, Amharic and Hebrew, but no channels are available in Thai or in Tagalog (the national language of the Philippines). At Ma'agan Shelter there are three television sets in the public areas, as well as two sets in two of the women's rooms purchased by the women themselves. At Atlas Shelter, there is one television set, as well as three new computers used by the residents in order to watch videos and certain television channels from the countries of

origin. The subject of which channel to watch is a source of conflict and arguments among the residents of Atlas Shelter. Purchasing an **additional television set placed in a separate public area could help moderate these tensions.**

The computers at Ma'agan Shelter were donated by Bank Leumi, on the initiative of MK Zehava Galon. Some of the women suffer from sleeping problems, and they are permitted to use the computers at night in order to surf the internet, listen to music, or communicate with relatives who have computers in their homes.

Ma'agan Shelter has a **small library** with books in Russian and English – mainly literary works, as well as a number of conversation guides, mainly in Tigrinya (a language spoken in Ethiopia and Eritrea). Books in Tigrinya will be purchased for Atlas Shelter, and a donation of books in Thai was recently located, after an extensive search.

Food

There is overwhelming agreement among the interviewees that **the food provided at the shelters is adequate both in terms of quantity and quality**, although one resident complained that insufficient vegetables are provided. It is important to ensure that adequate provisions are available for vegetarians.

The male and female residents prepare their own food according to personal preference, and usually eat together, with the exception of residents who eat at their place of work. Women who work until late in the evening prepare their meal after they return to the shelter; this may disturb other residents who are trying to sleep, and sometimes leads to complaints. Cooking **odors** create further problems, particularly at Atlas Shelter, where they cannot be dispersed by means of a vent.

Food represents culture. Food does not merely meet bodily needs or provide a sensation of taste, but also serves as a cultural marker. Culture dictates what a person will say about food and, no less importantly, what food says about a person. Stereotypical discourse attributes certain foods to specific nationalities and ethnicities, such as a German drinking beer or a Chinese person eating rice. Various customs and ceremonies are associated with food, which forms part of the individual's identity and distinguishes the members of different cultures.²⁵⁹ An understanding of the importance of food is reflected in the **special sensitivity** of the staff at the shelters regarding residents' requests to purchase items that are similar to those they are used to in their countries of origin. Such requests led to the purchase of glutinous rice, spices, and a special kind of bread (injera) for Eritrean women. Residents from the Philippines are an exception to this rule: they are used to eating fish in the morning, and some respondents stated that they are required to purchase this from their own money. Ms. Vika Goltsman, the shelter director, commented that various solutions were suggested to the women involved, but they did not find these acceptable.

²⁵⁹ *A Full Stomach: A Different Look at Food and Society* (Aviad Kleinberg, ed., 2005) (Hebrew).

At Ma'agan Shelter, the staff prepares the roster for preparation of meals, whereas the men at Atlas Shelter, who have learned to cook while working in Israel, manage by themselves and usually prepare meals together.

In 2010, a cooking contest was held at Ma'agan Shelter – a creative experience that added an element of entertainment to routine life and empowered the winner. In 2011, a volunteer ran a monthly cookery workshop at the shelter, and in the future this activity will take place on a more frequent basis.

Clothing

In many cases, when the police raid employers in the middle of the night, personal belongings are often left behind, including clothes, electrical equipment, and personal hygiene products. This is particularly common in the case of men arriving at the shelter. These items are sometimes returned later. Despite repeated requests by the staff at Atlas Shelter, **the police often takes a long time to help return missing items**. Tama commented, “They told me that we would take a few important items first. They said the police would come to take us [from the shelter to the former place of work] some time, but so far they haven't taken me there at all.” In these cases, **the shelter staff provides clothing for residents who require it**. For example, Sura, who arrived barefoot at Atlas Shelter, received a pair of shoes. At Ma'agan Shelter, veteran residents sometimes provide the necessary clothing for newcomers. The shelter also receives donations of clothes and allocates these according to need, although in the past there was a shortage of smaller-size clothes for Thai men.

Hygiene Products

The findings show that **male and female residents appreciate the fact that the shelter provides them with shampoo, toothbrushes and linen**. However, a small number of women complained that they were required to purchase these items from the pocket money they receive. No similar complaints were received from the men.

4.2 Economic Needs

With the exception of residents who have escaped life-endangering situations, the survivors of trafficking reach Israeli primarily for economic motives. While both women and men share this economic motivation, the interviews showed that the men attach particular importance to finding work in order to support their families and pay their debts to the mediators, while most of the women seek to establish a financial basis that will enable them to leave the shelter and survive in Israel.

Migrant workers and asylum seekers **paid enormous sums of money in order to reach Israel**. They raised these funds from diverse sources: relatives, residents of their home village, the gray market, and even from the mafia. Ayoub explained: “My family is in debt and they sold their home to send me here.” Chan adds: “We cannot return to

China unless we repay the money we've borrowed. We cannot survive, and our families cannot survive, unless we repay the lenders." Wang, who came to Israel via Egypt together with four other women and was held by a gang of smugglers, explains that "In China, a whole lifetime wouldn't be long enough to repay a debt like this. I cannot return and disgrace my family. I hope the person responsible for approving permits will give me a chance, take into account all I have suffered and the difficulties I have been through, and allow me to take on a new job so that I can send the money back to China."

Alongside the repayment of debts, the money migrant workers and asylum seekers hope to earn in Israel is intended for their own livelihood and that of their families, as well as for special expenses such as tuition fees for a child or medical care if a member of the family has fallen sick. It is difficult for the residents of the shelters to explain to their families why they are not either sending money or returning home. The economic pressure is so great that out of desperation, and fearing that he would be unable to support his family and repay his debts, Chan attempted to commit suicide by swallowing folding scissors while he was being held in the custody facility. Even in cases involving the appalling abuse of workers, including the rape of women by their employers, the appeal for assistance from the authorities is often motivated not by terrible living conditions or sexual assault, but by the employer's failure to pay the worker's wages.

As is apparent from Wang's comments, the economic difficulties are intensified in the numerous cases when delays are encountered in obtaining work permits from the Population and Migration Authority. **The subject of the work permit is the greatest concern facing the residents of the shelters.** In some cases, **men and women live in the shelters for many months before receiving a work permit**, due to the position of the Population and Migration Authority that they are unlawfully present in Israel. The ministry took this position, for example, regarding a woman who was trafficked for prostitution and whose one-year permit for rehabilitation expired, and regarding a woman who has been unable to prove that she is from Eritrea, and therefore eligible for collective protection. **Moreover, it emerges that even residents whose eligibility for a working permit is beyond doubt, particularly migrant workers in the agricultural sector, may spend many weeks in the shelter without being able to go to work.** In this case, the delays are due to the procrastination of the Population and Migration Authority in issuing permits that disconnect the holder from the former employer. As we understand the situation, **it is impossible to meet the economic needs of the residents of the shelters unless work permits are arranged on an immediate basis.** As we will discuss in greater detail below, these permits are necessary not only to meet economic needs, but also for emotional reasons. The economic uncertainty caused by the lack of a permit creates fear and anxiety, affects the individual's emotional condition, and constitutes a significant risk factor in the psychological difficulties experienced by the residents of the shelters.

As part of the services provided by the shelters, women receive approximately \$38 a week by way of pocket money, while men receive \$19 a week. The pocket money is barely sufficient for cell phone calls, travel, cigarettes, and the purchase of products not provided by the shelter. Residents sometimes borrow money from friends. One man complained in the interview that he does not have any money for entertainment, and that there is no point wandering around outside the shelter with no money in his pocket. The lack of work and money indeed prevents the possibility of leaving the shelter and mitigating the boredom faced by the residents. Some residents manage to save some of their pocket money in preparation for the period after they leave the shelter, and some open accounts at the postal bank. Residents who are in work also generally open a bank account, although some workers prefer to keep the money in cash in the shelter.

4.3 Health

Most of the countries of origin from which the residents of the shelters come do not have well-developed public health services, or charge high fees for such services. Accordingly, the residents were unable to receive treatment for diseases, and certainly could not enjoy preventative treatment. By way of example, Violetta underwent an abortion in Russia without anesthetic. Many of the women who come to the shelter are suffering from physical injuries, infectious and sexually transmitted diseases, gynecological problems, contagious illnesses, and psychosomatic conditions. A small number of women are HIV and tuberculosis carriers.²⁶⁰ Protecting the women's health is one of the keys to their rehabilitation.

Some of the men also suffer from poor health. By law, the employers of men in the agricultural sector are required to pay for health insurance, but it emerges that they do not always do so in practice. Some men had health insurance paid for by their employers, but were unable to take time off work to attend to health problems. Men who arrived in Israel without work permits and were exposed to health risks during their journey to Israel or after arriving in the country are also not eligible for treatment. Some of the men at Atlas Center suffered from poor living conditions and exposure to work-related hazards, such as welding work without protective goggles. As a general rule, new arrivals suffering from diseases receive medical treatment during their time at the shelters.

The residents of the shelters **receive regular medical services** by means of a physician who visits twice a week. A general diagnosis is prepared for each new resident, and every resident undergoes an x-ray in order to locate cases of tuberculosis. An effort is also made to ensure that women arriving at the shelter undergo anonymous tests at the Levinsky Clinic to locate infectious diseases, sexually transmitted diseases and AIDS. There is no standard examination for men, but they are

²⁶⁰ "Worker Needed" and "Black Screen," footnote 146 above.

encouraged to undergo these tests. The physician provides routine treatment for seasonal diseases such as influenza, and for problems such as bleeding, allergies, and sleeping difficulties. Residents of the shelters can also undergo tests in a hospital – at Ichilov Hospital in the past, and at another hospital closer to the shelters since 2011.

Difficulties arise in funding treatment for sexually transmitted diseases and infectious hepatitis contracted due to the circumstances of women trafficked for the purpose of sex. Treatment is provided for tuberculosis, since this disease is also transmitted by air and entails a public health risk. By contrast, no treatment is provided for hepatitis or AIDS, despite their potentially fatal outcomes. The state authorities face moral and budgetary dilemmas regarding women who have contracted life-threatening conditions requiring particularly expensive treatment. Dr. Michael Dor, the chairperson of the Interministerial Team for Medical Treatment for Victims of Trafficking in Women, describes two cases of sick women who were not involved in legal proceedings due to police considerations, despite the fact that they themselves were interested in assisting in such proceedings. One of the women involved is a resident of the shelter. The women are HIV positive and are suffering from hepatitis and tuberculosis. Non-governmental organizations filed a Supreme Court petition in 2007²⁶¹ demanding that the state finance all the health services required by the women. The petition argued that trafficking victims acquired their conditions while being trafficked for prostitution in Israel and, accordingly, the state is responsible for their treatment. After medical tests clarified the women's state of health and the treatment they require, it emerged that this was particularly expensive, amounting to thousands of dollars a year. During this period, the interministerial team headed by Dr. Dor rejected the argument that the state bears responsibility for protracted treatment in such cases, and established that medical treatment is to be provided for just one year. This provision was not to be applied retroactively, but only from the time of approval of the report. The court accepted the state's position in full, and enabled each petitioner to receive treatment for six months, at a cost of some \$17,000. During this period, the petitioners were to arrange for ongoing treatment in Ukraine. The petitioner who is a resident of Ma'agan Shelter recently received an A/5 permit allowing her to remain in Israel on humanitarian grounds. This permit must be renewed every year; after five years, the woman will be eligible for permanent residency status. This permit entitles the woman to full medical treatment. The other petitioner, who was formerly a resident of the shelter, left some four years ago after being asked to undergo rehabilitation for drug abuse. After the ruling was granted, it emerged that she cannot receive the necessary treatment due to other medical conditions.

Another example of the difficulties encountered in obtaining medical treatment is the case of a man from Eritrea (not a resident of the shelter) who suffered a cerebral hemorrhage. Following medical intervention in hospital, the man required protracted

²⁶¹ HCJ 5637/07, footnote 59 above.

nursing care. He cannot be flown back to his country of origin, and no funding is available for him to stay in a rehabilitation institution. The hospital was helpless, since the patient's medical treatment has ended, but there was no address to which he can be discharged. Creative solutions are required in such cases. In this instance, Dr. Dor ordered that the man be transferred to a government rehabilitation institution at an annual cost of \$40,500.

These difficulties are also encountered by the residents of the shelters. The state covers the cost of treatment for residents of the shelters who go to the emergency room due to acute distress requiring immediate intervention.²⁶² An example of this is an eruption of appendicitis, which requires seven days' hospitalization and is funded by the state. At present, however, no funding is available for ongoing treatment and medical follow-up. Dental treatment is also provided solely in emergencies.

Violet, a resident of Ma'agan Shelter, complained that patients' medical details are not kept confidential from the other residents. The director of the shelters strongly denied this claim, and suggests that information is passed among the women themselves, but not by staff members.

Medicines required by the residents of the shelters are purchased by the staff at a nearby pharmacy; the costs are covered by the Ministry of Health. The commonest medicines prescribed for residents are antibiotics, tranquilizers and sleeping pills, and psychiatric medication. Women also receive contraceptive pills.

On the practical level, there is some uncertainty regarding the eligibility of the shelter residents for medical treatment. As Sarah Bueno De Mesquita of the Levinsky Clinic notes, "there is a health basket up to certain undefined limit, but we do not even know what sums are involved." A report on the subject of the limits of medical treatment for this population was prepared by the committee headed by Dr. Michael Dor and approved by the Committee of Director-Generals, but has not yet been adopted by the government. The committee recommended that the residents of the shelters should be eligible for any treatment the state provides for its citizens, with the exception of IVF fertility treatment and medical treatment outside Israel. Shelter residents will not be required to pay the fees usually collected by the HMOs – this part of the cost will also be covered by the Ministry of Health.

The staff of the shelters see **accompanying residents** in needed of medical treatment to the emergency room or clinic as part of their job. This is the case even in sensitive cases, such as that of a man who required an operation of an intimate nature and was accompanied by the social worker at Atlas Shelter. The social worker recalls: "He needed to take a shower and I had to close his robe. He was very uncomfortable. I apologized, but there was nothing I could do." Accompanying women who require an abortion includes submitting a request to the Committee for the Termination of Pregnancy, accompanying the woman on the day of the abortion, ensuring that she

²⁶² Article 3(B) of the Patient Rights Law, 5756-1996.

takes antibiotics and gets rest, and supporting her throughout the procedure. The staff plays an important role in helping to avoid unwanted pregnancies by explaining the subject and providing contraceptive means, such as diaphragms, injections, or contraceptive pills, despite the lack of awareness of the subject among the women, and the refusal of some women to use contraceptives due to their concern that this will lead them to put on weight.

The refusal to use contraceptives is not the only example of the lack of health awareness among the women. Attorney Nomi Levenkron believes that some women who contracted tuberculosis, infectious hepatitis or AIDS do not understand their condition. Many of the victims of trafficking for the purpose of sexual exploitation are also unaware of the gynecological problems caused by the lifestyle to which they have been exposed. **It is recommended that routine preventative gynecological treatment be provided for the women, and that the system of information and support for preventing unwanted pregnancies be upgraded.**

5. The Work of the Shelters and the Concept of Rehabilitation

5.1 *Perceptions of Rehabilitation*

The term “rehabilitation” became part of the lexicon relating to trafficking for prostitution in Israel during the first decade of the new millennium. As part of an ideological change, the state changed its perception of the women involved from “offenders” to “victims.”²⁶³ The use of the term rehabilitation in the context of trafficking for slavery also reflects a change in the state’s approach, from a perceived need to confront foreigners threatening the Jewish character of Israel to a problem resulting from the violation of human rights. If those involved are victims, the state bears a responsibility to rehabilitate them. The right to a rehabilitation year was initially granted solely to women trafficked for prostitution who agreed to testify against their traffickers. Later, the linkage between the willingness to testify and the right to a rehabilitation year was broken, and eventually it was decided that victims of slavery and forced labor would also enjoy this entitlement.

The term “rehabilitation” appears in the minutes of the Knesset Committee for the Struggle against Trafficking in Women, in government decisions, and in official documents of the various government ministries involved in the subject. However, **the meaning attached to this term has not been consistent; “rehabilitation” is a vague concept that can be defined in many different ways and has been interpreted differently by those involved, including by the victims themselves.** In our opinion, this confusion, vagueness and lack of clarity is due to differing world views and to the lack of experience and know-how in rehabilitating the victims of human trafficking.

There is broad agreement among government officials that **the State of Israel is committed only to a short process of rehabilitation.** This may reflect the initial decision that any woman who testifies is entitled to one year of rehabilitation – a highly delineated and restricted period. This approach may embody an understanding that full rehabilitation is a lengthy and protracted task, as well as a value-based judgment that the State of Israel is not responsible for completing the process. Attorney Rachel Gershuni, the Interministerial Coordinator, comments: “There is agreement that they should be rehabilitated, but it is not possible to provide them with full rehabilitation.” This view is supported by the deputy director-general of the Ministry of Social Services, Mr. Menachem Wagshal: “We will start some kind of preliminary process of rehabilitation: we are not equipped to provide protracted rehabilitation processes.”²⁶⁴ In this context, it is interesting to note that Dr. Meir Hovav, the chairperson of the Keshet association, does not believe that the shelters’ mandate includes rehabilitation. He argues that their objective is to provide the residents with humane conditions. At

²⁶³ For a critical analysis of the discourse surrounding this change and the factors that influenced it, see Limor Gad, footnote 12 above.

²⁶⁴ Minutes of Meeting No. 20 of the Parliamentary Commission on the Subject of Trafficking in Women in Israel, 16th Knesset (July 28, 2004).

the same time, and as in other shelters (such as those for battered women), the hope is that this stage will enhance their resilience and empower them to cope with the difficulties they face. The director of the shelters responded to this approach by commenting: “They recruited the women and the staff undertook to perform a task. From the outset, this was only intended to be for a very short period.” There seems to be a tension between the approach dictated by an immigration policy that excludes all those who do not meet the conditions of the Law of Return and a therapeutic approach that focuses on the interests and rehabilitation of the individual according to his or her own needs, and without any time limitation. However, some respondents from non-governmental organizations suggested that therapeutic professionals do not challenge the paradigm applied by the state, but rather view their function as being to act within this framework.

While there seems to be agreement regarding the nature of rehabilitation for women victims of sexual exploitation, as we will discuss in detail below, a considerable degree of uncertainty was identified regarding the other women in the shelter – those trafficked for slavery, victims of forced labor, and asylum seekers, as well as regarding men belonging to these categories. One of the reasons for this is that their legal status in Israel is unclear or has yet to be determined. A different picture emerges regarding the assistance provided for migrant workers who came to Israel legally, most of whom are men from Thailand. In this case, the focus is on helping the victims to obtain work permits and placing them in a new and decent place of work. The prevailing opinion among professionals and policy makers regarding these men is that the optimal form of rehabilitation is one that enables them to return to work as quickly as possible. There are several reasons for this: The men themselves do not consider themselves victims; their culture does not recognize the concept of “psychological care;” and they must find work in order to avoid mounting debts and to help their families. In this context, the goal of the Atlas Shelter is defined as being to initiate the rehabilitation process while providing assistance in various spheres.²⁶⁵ Most of the men we interviewed believe that rehabilitation is inappropriate, with the exception of employment rehabilitation. Only a small number stated that they have a need for psychological rehabilitation.

Due to the absence of any clearly-defined theory of rehabilitation relating to trafficking victims, professionals seek a firm theoretical and professional foundation that can serve them as they implement the victims’ rehabilitation year. As Menachem Wagshal and Rinat Davidovich explained, in the context of women trafficked for prostitution, “in small steps as we moved along,” attempts have been made to base the work on existing know-how relating to similar populations. Thus, for example, they learned from the process of treating those suffering from shell shock. The usual intervention in such cases is short term, similar to that among battered women and the

²⁶⁵ Letter from Vika Goltsman, director of the shelters, to Meir Hovav, chairperson of the Keshet association (February 13, 2011).

women survivors of trafficking for sexual exploitation,²⁶⁶ who suffer from sexual injuries and post-traumatic symptoms.²⁶⁷

Rita Chaikin of Isha L'Isha and Sarah Bueno de Mesquita of Levinsky Mobile Clinic, believe that the key to treating the victims of trafficking for sexual exploitation lies in knowledge from the field of rehabilitating women in prostitution, such as that held by the Saleet and Women's Horizon programs, which provide a spectrum of therapeutic and emotional support programs under one roof. This spectrum is based on two complementary but distinct models: A model of therapy and rehabilitation and a model of minimizing the damage sustained by women trapped in the cycle of prostitution, and who wish to take their first steps toward breaking out of this cycle.

In recent years, an attempt has been made to base the therapeutic work on clear theoretical approaches in order to promote structured intervention. "From the theory, a network of possible explanations or beliefs can be derived, including internal connections and stages of action in the program that have a logical sequence, a series of actions leading from a given starting point to the goals of the program."²⁶⁸ Rita Chaikin believes that the organization that runs the women's shelter must have a feminist ideology and focus on the protection and good of the women, empowering them and enabling them to understand that they can survive in the world. Rinat Davidovich offers a similar insight,²⁶⁹ based on the relational theory, which argues that the main motivation of women is interpersonal contact, and that any therapeutic model for working with women must be based on a mutual and egalitarian relationship that encourages personal growth, the development of a sense of mutuality, empowerment and discovery of self-worth. A further therapeutic approach proposed by Ada Pliel-Trossman, is the cognitive behavioral therapy.

Vika Goltsman, the director of the shelters, agrees with the approach that places the victim in the center, and employs in writing the concept of a "therapeutic community,"²⁷⁰ which was mentioned by Rinat Davidovich, the previous director, and Adi Pliel-Trossman, the deputy director of the Ministry of Social Services' Girls and Young Women Service. In contrast to approaches that focus exclusively on women, this approach relates to both men and women. The message behind this form of organization is that "only you can do it, but you can't do it alone." According to Goffman,²⁷¹ a therapeutic community is a total institution. Such communities began with the treatment of addictions. Toward the end of the Second World War, therapeutic communities were established to treat those returning from the war and

²⁶⁶ Government Decision Number 2806, footnote 76 above.

²⁶⁷ Public Tender 199/2008, footnote 132 above.

²⁶⁸ *Issues in Evaluation in Israel* 52 (Miri Levine-Rosalis and Ricky Savaya, eds., 2010) (Hebrew).

²⁶⁹ "Worker Needed," footnote 146 above.

²⁷⁰ "Black Screen," footnote 146 above.

²⁷¹ Erving Goffman, *Characteristics of Total Institutions* (1957).

rehabilitate them ahead of their return to civilian life. Today, the principles of the therapeutic community are applied to a diverse range of problems. The therapy aims to promote the future integration of the individual in society. Accordingly, the function of such a community – the shelter, for our purposes – is to provide the individual with habits that will facilitate his or her integration in normative life. The emphasis is on such norms and values as trust, concern for others, responsibility and honesty. These are basic norms and values that relate to any social framework in which the victims may find themselves. The community inculcates these values through daily actions of social learning. The difference between the community and the “outside” world is that the community contains learning through a process of trial and error, offering an environment in which the individual can fail within a safe and accepting setting. Thus the therapeutic method is essentially the community.²⁷² This approach emphasizes, in particular, the maintenance of boundaries and the daily routine in the shelter. During their stay, the residents also come to recognize and respect the laws of the country in which they are present.

The term “therapeutic community” relates to all the groups in the shelters. In the case of the women, the research findings raise two different perspectives for examining the function of the shelter. One perspective is that of the process undergone by the women and the inputs they receive in order to achieve rehabilitation: a human approach, empowerment, protection and security. The second emphasizes the outputs – the results of rehabilitation.

Discourse regarding the input-based approach to rehabilitation was encountered mainly among the welfare and therapeutic professionals, and was supported by an interview with a woman who has left the shelter. Concepts of input are rooted in the approach that argues that these women, whether they were trafficked for the purpose of sexual exploitation or were the victims of trafficking for slavery, have undergone an experience of total dehumanization and must be enabled to undergo a reformatory experience balancing the harsh realities they have endured as children and adults. Accordingly, one of the social workers at Ma’agan Shelter described its function as being: “To give the women the security that they possibly never had; to provide them with basic security that no matter what they do, they have somewhere to come back to. Even if they lash out, there is always someone behind them – they have never had that before. To show them that they are person in the full sense of the world. They have never had anyone who cared about them, and they have come to feel that if they don’t do what is expected of them, they will be dumped... The experience of a bond with another human.” The interviewees from the Ministry of Social Services – Menachem Wagshal, Ada Pliel-Trossman and former shelter director Rinat Davidovich – see the function of the shelter as being “to provide a warm surrounding, positive human interaction, to collect the pieces, calm down, have an experience of being

²⁷² George de Leon, *The Therapeutic Community: Theory, Model, and Method* (2000).

treated as a human being rather than an object", and "get themselves on their feet a little." Other goals included damage minimization, restoring human dignity, providing protection, shelter and therapeutic intervention, and giving a sense of a center and security – a special place of their own and a one-on-one experience. Ada Pliel-Trossman added – "to contain and to embrace." Violetta, who has left the shelter, recalls that on the street she felt exposed and had a sense of being an object rather than a person. She adds that the shelter provided security and a sense of home.

Rita Chaikin of Isha L'Isha offers a unique perspective on the change that occurs in internal identity, and believes that women in prostitution must be helped to leave the state of victimhood in which they live. This approach is related to a perspective that views rehabilitation as a transition from a state of dependence to one of independence that is measured in terms of empowerment. Empowerment is a world view and an intervention strategy characterized by the transition from impotence and passivity to active control. This form of intervention is effective mainly in the cases of individuals who belong to a stigmatized group characterized by ongoing impotence and loss of control of the constituent members over their lives.²⁷³ A dissonance can be seen regarding the subject of empowerment, since this term also embodies a paternalistic subtext that "I, the strong party, am empowering you, the weak one." Rita Chaikin sees empowerment as the inculcation of such social strategies as assertiveness, in part so that the women can cope with official bodies such as the Population and Migration Authority and the National Insurance Institute. The learning of assertiveness strategies as implemented with other groups of women facing distress is based on role play exercises that emphasize and develop personal strengths. These strengths are also manifested in mutual assistance. This approach may be distinguished from support groups that focus mainly on the discussion of difficulties.

In terms of output, the rehabilitation of women trafficked for the purpose of sexual exploitation is defined on the basis of subjective feelings of wellbeing and independence, as well as an ability to make a living and the acquisition of personal and social skills. A key goal is that the woman will be able to make a living through dignified and normative work, in Israel and in her country of birth. This is not sufficient, however. Latta, who left the shelter, explains that for her, what matters is her personal sense of being a human. She feels that she changed after coming to the shelter: she loves herself and feels good about herself. The therapeutic professionals also note the importance of the women's subjective feeling that they are just as good as anyone else, and "that she should simply say that she is at peace with herself" (Ada Pliel-Trossman). In addition, the professionals emphasize personal capabilities as the most meaningful indicators of rehabilitation: The ability to ask for help, the ability to accept and apply

²⁷³ Elisheva Sadan, "Empowerment and Community Work," *Society and Welfare: Quarterly for Social Work* 16 143 (1996) (Hebrew).

help, the ability to express their wishes in an assertive manner and, in their relations with their children – the ability to set appropriate limits according to age and needs.

It was apparent from the interviews that the concept of rehabilitation relates mainly to women trafficked for prostitution. **Regarding other groups of women, our impression is that the therapeutic professionals are still at an early stage of developing a theory.** This situation is similar to the early steps and doubts of the staff that established Ma'agan Shelter regarding the rehabilitation of women trafficked for the purpose of sexual exploitation. It seems that the rehabilitation program is shaped by the professionals. It is possible that the victims of human trafficking are involved in their rehabilitation program, but this was not reflected in the interviews. In order for a program to meet the needs of the individual, he or she should be involved in its development, and it should be consistent with the approaches of his or her original culture. The director of the shelter indeed aims to prepare a special rehabilitation program for each of the women, in cooperation with them, and to examine the program on a quarterly basis. The program is intended to provide information, foster cooperation, and provide a sense of worth and an element of certainty that may mitigate the insecurity and instability faced by the women. In addition, **there is a need to develop a theory of rehabilitation and therapy for women who come to the shelter from backgrounds other than trafficking for prostitution, and to develop a distinct theory of rehabilitation for the different groups of men. This subject was mentioned as part of the work plan of the shelters for 2011.**

It is worth noting that while the tender for the establishment of the shelters mentions the objective of rehabilitation as a central goal, the work contract between the Ministry of Social Services and the Keshet association, which operates the shelter, only notes the association's commitment to processes of rehabilitation and therapy in an appendix to the agreement. Although this provision is still legally binding, it raises questions regarding the lack of emphasis on this aspect in the "core" of the agreement. This fact raises questions regarding the extent to which the state considers itself obliged to provide rehabilitation services, and the extent to which the association that operates the shelters considers itself obliged to implement such services. It also offers a possible explanation for the absence of any comprehensive discussion of this matter.

5.2 Rehabilitation-Oriented Activities

5.2.1 Boundaries and Routine Life – "A Home with Rules"

The therapeutic community represents a structured and planned environment **with clear boundaries**, laws and behavioral norms, as well as moral criteria and a demand that these will be scrupulously observed, alongside **an accepting and inviting atmosphere that nurtures, contains, involves and cares for the residents.** In order to maintain this balance, **strict attention is paid to behavior, and deviations from the**

required behavior incur consequences. On arrival at the shelter, residents sign a **clear contract** in their own language defining what is allowed and what is prohibited. This conveys the message to the residents that they bear obligations, rights, and responsibilities. As mentioned above, the contract also includes a commitment on the part of the shelter staff to provide accommodation, hygiene products, legal advice and support, as well as therapeutic and medical treatment as required. These conditions define principles for the way of life in the shelters and for the joint work of the staff and the residents. The physical and normative boundaries of the shelter provide the therapeutic foundation for rehabilitation as a substantial dimension of the framework. The residents are committed to a daily routine that includes a wake-up time, participation in a group discussion, helping in the maintenance and functioning of the shelter, and participation in rosters for cleaning the shelter and preparing meals. **By inculcating these rules, the staff nurtures skills such as meeting deadlines, responsibility and commitment that are vital for the residents' future personal and employment rehabilitation.**

Daily life at Ma'agan Shelter models techniques for coping with situations in life outside, providing a form of resocialization that is particularly vital for women in prostitution, but may also prove valuable for women who have experienced abuse and sexual injury. These women are in a state of emotional flooding, and the external boundaries imposed by the daily routine help structure their disturbed inner boundaries. The issue of daily routine and meeting deadlines also raises cultural issues. For example, women from Africa come to the meetings on time, and Ms. Vika Goltsman has also gained the impression that men from Africa arrive on time out of a sense of respect for those in authority. Women from other cultural backgrounds have different attitudes toward the concept of time. Time-related boundaries are important in that they help order the personality and collect the damaged fragments. As Menachem Wagshal notes: "Without organization, there is no order and no boundaries." As for the women themselves, opinions vary. They agree that "the boundaries and rules aren't so strict, and it isn't something that is too difficult to obey." However, some women complained about the rule that women who are not working cannot leave the shelter before 3 p.m., and about the midnight curfew imposed by the shelter. Other interviewees noted that the staff shows flexibility in exceptional situations, such as when a resident is sick, or in rescheduling rosters for working women, or opening the door of the shelter at 3 a.m. for a resident who was late returning. Male migrant workers are free to leave the shelter during the day, and must return by midnight. In the case of Atlas Shelter, some free days to rest and recuperate may provide a positive experience for the residents, not all of whom enjoyed the days of rest required by law when they were with their employers. However, the longer they stay in the shelter, the more the long hours of inactivity in the shelter waiting for a work permit impair their routine and are liable to disrupt their habits as working people.

The minimal boundaries the men are asked to observe, in contrast to the clear daily routine required of the women, highlights gender distinctions. It may be asked whether the men indeed have no need for a defined routine, unlike women trafficked for prostitution, or whether this arrangement reflects attitudes among policy makers and officials that assume that women who engaged in prostitution are dysfunctional and lazy, and require “re-education” and resocialization. One of the questions that arose when Ma’agan Shelter was established was whether it should function as a closed facility, from which the women are not allowed to leave, or as an open facility with clearly-defined hours during which the residents may be outside the shelter. Since the shelter was originally intended for women who were testifying against their traffickers, the staff did not allow the women to leave the shelter, possibly out of concern for their personal safety and possibly in case they regretted their decision to testify or even chose to return to prostitution. As the legal proceedings continued, the psychological pressure on women held in an enclosed space grew, mirroring the restriction on their liberty they had experienced while they were being exploited in prostitution. It is worth noting that this aspect is also the subject of discussion and doubts in similar shelters abroad.²⁷⁴ After protracted discussions, it was decided to adopt a model based on structured permission to leave the shelters. The men are allowed to be out of the shelter throughout the day, but they must return by midnight. In the case of working women, there is no restriction on the hours of departure and return. Women who are not working may be out of the shelter from 3 p.m. through midnight on weekdays. On Fridays they may stay out until 5 a.m., and on Saturdays they can be out of the shelter from 10 a.m. through midnight. They are also permitted to sleep away from the shelter twice a month; if they wish to stay away for additional nights, they must receive prior permission. The guard and the counselors have a list of women who have received permission to leave the shelter after hours. The contracts signed by the residents include sanctions for violating these restrictions.

It should be noted that Isha L’Isha opposes the imposition of restrictions on leaving or entering the shelters, arguing that these violate the freedom of choice of the men and women involved. It is also claimed that such restrictions may revive the women’s experiences of their previous living conditions. Today, circumstances have certainly changed. There is virtually no concern of harassment by traffickers; many of the women in the shelter have never been the victims of exploitation for prostitution, and those who have were extricated from this situation several years ago. Accordingly, it is appropriate to reconsider the restriction on leaving the shelter. The staff members feel that, in the absence of self-discipline, removing the restriction is liable to disrupt the daily routine, activities and meetings, impairing the effort to establish routine and damaging the rehabilitation process. Nevertheless, restricting the movement of adults is problematic in terms of the values it conveys. Such limitations entail a degree of

²⁷⁴ Brunovskis & Surtees, footnote 17 above; Surtees, footnote 45 above.

paternalism, oppression and lack of confidence in the women's abilities that cannot contribute to their self-image and self-esteem, and may impair the potential for individual growth. **We propose that the restrictions on leaving the shelter should be reconsidered in a professional forum. Options should be examined for opening the services provided by the shelter for different population groups for whom the current format is unsuitable. The restrictions on leaving the shelter during the day could also be replaced with an undertaking to attend the various activities.** (For details, see the recommendations in chapter 10).

The principle of maintaining boundaries is interconnected with trust, the transfer of responsibility, and the involvement of the women in the life of the shelter, in keeping with the principles of the therapeutic community. The women maintain their own "personal exit log" – at the beginning of the week, each woman receives a sheet on which she records when she left the shelter, when she returned, and when she was absent. The sheet is placed in a folder open for all to see. The implication is that the goal of the restrictions is not to spy on the woman's movements or to try and "catch her out." **The question remains why personal information about each woman, such as when she left the shelter or returned, is exposed to the other women without obtaining her consent and agreement.** The staff members' trust in the women is also reflected in an effort to avoid imposing urine tests, even when suspicion is aroused of drug abuse, despite the fact that the contract includes consent by the residents to undergo physical tests. The staff adopts this position in order to convey the message that it has confidence in the women and seeks to involve them in the routine life of the shelter, in order to give them the feeling that the shelter is their home. Rinat Davidovich, the former director of the shelter, noted that when visitors such as members of the steering committee come to the shelter, the staff informs the women and explains the identity of the visitors.

From our perspective, the subject of boundaries in the shelter can be seen as a microcosm of the entire subject of human trafficking. Officials from the Population and Migration Authority and the police are concerned about protecting the state's borders; the representatives of civil society organizations raise the flag of human rights; and welfare professionals attempt to strike a balance between these two approaches, and to examine the rehabilitated individual against the background of the state's needs. The question of the state borders must be determined by the Israeli government. Establishing such policy will provide an anchor and compass for practice in the field and will define who is eligible to stay in the shelter. This in turn will enable the shelter staff to learn about the culture, norms and needs of each group, to develop a differential rehabilitation approach, and to perform their task without the cloud of uncertainty that currently hangs over both the staff and the residents.

5.2.2 Social Rehabilitation – Experiential and Enrichment Activities

The residents of Ma'agan and Atlas Shelters **enjoy experiential and enrichment activities** intended to help them adapt to life in the shelters, to fill their leisure time with meaningful content, and to provide enjoyable experiences as part of the process of healing and rehabilitation. Activities include regular short- and long-term programs, as well as special initiatives on the basis of changing individual needs.

Both shelters provide English and Hebrew language courses in order to provide preliminary linguistic skills enabling basic communication. As mentioned, each shelter has a television in the public area, as well as computers, and, in the case of Ma'agan Shelter, a library. During the course of the research period, the translator into Thai (Sarah, who is no longer employed at the shelters) organized a tour of Jerusalem for the residents of Atlas Shelter. The residents also received a modest gift to celebrate the Gregorian New Year. Atlas Shelter has a small yard where the men can play ball games. After we discovered that there was no soccer ball in the shelter, we brought one for the residents to enjoy. Later, we saw that a table tennis table had been brought to the shelter, and the interviewees told us that they also play a popular Thai ball game. The women attend a gym class at the local community center, outside the shelter. It is also becoming a tradition to hold two tours a year to different parts of Israel, as well as a fun day outing in the summer to a swimming pool close to the shelters. In addition, the instructors initiate organized trips to Tel Aviv on Fridays.

Although sports and other leisure activities provide a distraction and help the residents forget their problems for a while, **the dominant impression is one of boredom and stagnation**. The abundant free time, the lack of activities, the small selection of books in the library, the fact that there is no television channel in Thai, and the absence of the latest newspapers all have a negative impact on the residents of the shelters, particularly those who lack legal status and are not permitted to work.

It is difficult to overstate the contribution of leisure and enrichment activities to the rehabilitation of the residents of the shelters, and to mitigating the stigma faced by those who appear to be on the margins of society, at best. Ways should be considered to expand the residents' participation in cultural and leisure activities in the community in locations such as the community center. An appreciated example was the subscription to a country club initiated by the staff. One of the residents even offered to grow vegetables in the small garden at the shelter in order to combat boredom. Such a garden could be used, for example, to grow herbs for use in the kitchen of the shelter. Another interviewee mentioned the possibility of providing a subscription to a gym. However, Ms. Yael Bukay of the Ministry of Social Services notes that the limited response of the women to leisure activities suggests that this is not an urgent matter for them; the priority is employment rehabilitation. **The residents themselves should be asked what games, facilities and activities would help them to pass the time, and the necessary resources should be found**. It is important to use the time for studies and to provide additional **activities**, such as an explanation of labor law in Israel or

empowerment workshops. Another idea could be workshops in Shiatsu or similar fields (a one-time Shiatsu class was held to mark International Women's Day). After the workshop, the residents of the shelter could continue to practice what they learned among themselves. Outings are particularly important, and should be provided more frequently than twice a year. Residents who participated in the outings emphasized the great enjoyment they derived from them, and the opportunity to get to know Israel – a country many of them know only in the limited context of the exploitation they have experienced.

5.2.3 Vocational Training and Employment Rehabilitation

As already noted, the main reason that led the residents of the shelters to leave their countries of origin was economic deprivation and unemployment. They migrated to Israel in order to find work, with the goal of improving their own condition and the lives of their families. Different circumstances led men and women to the shelters, and accordingly the staff in each shelter employs distinct methods of intervention for training and employment rehabilitation.

Atlas Shelter

The staff at Atlas Shelter strives to find alternative employment that the men find satisfactory; to accompany them and help them maintain their jobs; and to provide assistance when difficulties arise with the new employer, either because of language or cultural barriers or due to problematic attitudes on the part of the employer. The staff perceives this function as central to its role.

Most of the rehabilitation work focuses on helping men who came to Israel legally to work in agriculture and suffered abuse at the hands of their employers. Accordingly, **the staff has assumed the role of mediation in order to find alternative jobs with decent employers.** In the past, the staff contacted a personnel company in the north of Israel that draws on the services of a woman of Thai origin and helps locate decent employers for men working in agriculture. The rumor has spread that kibbutzim provide decent treatment, reasonable working hours and pay, and less risk of abuse. Accordingly, some of the men wish to find a placement on a kibbutz. **The staff sees part of its function as being to continue to accompany the men after they leave the shelter and begin work with their new employers. This ongoing assistance includes mediation with the Population and Migration Authority in order to extent permits allowing the survivors to work and stay in Israel, help receiving “inter-visas”,²⁷⁵ and efforts to help the worker maintain his new job.** Recently, staff members even began to visit men who have left the shelter and begun work with new employers. The staff members provide a sympathetic ear if problems arise with the

²⁷⁵ An “inter-visa” enables the holder to visit his or her country of origin and thereafter to return to Israel.

new employer. The men see the shelter as a source of support and as a base to which they can return. They are grateful for this, maintain contact with the staff, and visit the shelter from time to time when they are in central Israel. The staff even allows former residents to sleep in the shelter and use its facilities after they have begun work with a new employer.

The only criticism we encountered was that given the abuse the survivors have suffered in the agricultural sector, they should be allowed to choose to work in a different employment sector. The Population and Migration Authority insists on maintaining the restriction to a specific sector and does not permit such flexibility. Kav LaOved explains that, according to the procedure, trafficking victims are entitled to a general B/1 permit, and, accordingly, are not restricted to agricultural work. However, the organization believes that the Population and Migration Authority has failed to honor this procedure in some cases, fearing that workers with permits for the agricultural sector will gradually “migrate” to other sectors. By way of example, a resident of the shelter who wanted to continue working in a restaurant where he had found employment after leaving an employer in the agricultural sector was obliged to return to farming work. Attorney Hanny Ben Israel proposed that the state should prepare a reserve of friendly employers so that the residents of the shelters can choose a place of work. Naturally, men in the shelter who lack legal status in Israel and do not hold a work permit face far more serious difficulties.

Ma’agan Shelter

Employment rehabilitation for the women is more complex than in the case of the men. The shelter must provide vocational training in order to help them restart their lives after leaving the shelter, find fair employers for women who hold work permits, and assist those who do not receive permits allowing them to work in Israel.

There is general agreement that a key goal of rehabilitation is to provide the women with **work habits** and to teach them a **vocation** that will help them integrate in normative life after leaving the shelter and particularly after they return to their country of origin. A vocation does not merely provide a livelihood, but also provides a sense of self-value, confidence and belonging. Since the shelter was opened, reflection and resources have been invested in attempts to provide the women with courses meeting needs in their countries of origin and commensurate with their wishes and abilities. Courses have been provided in secretarial work, nail technology, cosmetics, cooking, sewing and hairdressing. Rita Chaikin of Isha L’Isha argued that these are stereotypically female vocations that will not enable the women to break free of “traditional” roles and cope with the challenges presented by the twenty-first century. She argues that the women should be provided with knowledge and skills in areas that will enable them to integrate in modern society on an equal footing, such as computer-related skills. Attorney Nomi Levenkron emphasized the importance of gaining a command of the English language, which will provide the women with a relative

advantage in the job market after they return to their countries of origin. Vika Goltsman, the director of the shelters, emphasized the complex nature of the debate as to whether employment should come before training or vice versa, as well as the question whether the training should be adapted to employment needs in the country of origin or in Israel. These issues have been discussed for many years and no firm conclusion has been reached. The staff focuses its efforts on locating employers who are willing to train inexperienced women; locating and funding relevant vocational courses; and adapting vocational training to meet the participant's level of knowledge of Hebrew. However, the main problem the women face is the need to obtain a work permit; this can only be resolved with the Population and Migration Authority.

Due to the heterogeneous nature of the population in the shelter, it is more difficult today than in the past to bring together a group of women who share a common language and are interested in studying a specific vocation. There is also a lack of funding for advanced diploma studies in fields such as baking or manicuring for women interested in these fields. In practice, **during the period in which the research was undertaken, no vocational courses were provided for the women in the shelter, and not a single woman was sent to a vocational course outside the shelter**, with the exception of the basket-weaving course, as discussed below.

Women who hold work permits enjoy a novel opportunity to experience a normative workplace. Most of the victims of trafficking for prostitution lack vocational training and work skills. Due to their past experiences, they mistrust people, find it difficult to make and keep commitments, have a low frustration threshold, and do not easily accept instructions or constructive feedback about their work. Going to work presents them with a personal challenge and constitutes an important stage in the process of beginning their new life outside the shelter. Work forces them to cope with a daily routine, wake up at a set time, maintain relations with their fellow workers and meet their employer's demands. The women must also learn to defer gratification, for example by waiting to receive their salaries, and to forego the higher income they received in the past. **The shelter staff sees preparing the women for work as part of its function, including priming them for job interviews, explaining the rules of the workplace and inculcating appropriate behavior. Staff members also help each woman to find work according to her individual abilities and level of Hebrew, with a decent employer who provides a positive environment.** The preference is for work in public settings, such as cooking or cleaning in a restaurant, working in a confectionary shop, or cleaning community centers and senior citizens' homes, rather than exposing the women to possible exploitation in private homes.

The staff invests considerable energy in helping the women keep the jobs they have found. A social worker recalls that one of the women in the shelter "took offense more readily than the others. You have to work with some so that they will stay in the job, and not leave just because someone looked at them the wrong way." In cases when the employer is offensive or the woman is dissatisfied for some reason, however,

the shelter staff helps them to leave their place of work. Staff members also help mediate between the women and their employers in order to ensure that they receive their rights, in cases when cultural and communication difficulties arise. A social worker gave the example of one resident who “called me from the bakery in tears because she didn’t know how to deal with them. She has my phone number so she calls me. She found the work hard and the shift manager shouted at her and spoke to her unpleasantly, and she walked away, because that’s the only response she knows. She had a few incidents like this, and I had to guide her through it as if she were a student in the third grade, and tell her to telephone her employer.” Regarding the social worker’s description of the woman as childish, which we encountered on other occasions, the non-governmental organizations claimed that the staff at the shelter show a paternalistic attitude toward the women. Moreover, in the situation described by the social worker, the woman’s instincts were correct: it is indeed unacceptable for an employer to shout at a worker. She was only seeking to stand up for her rights, though it is possible that the circumstances of her own life exacerbated her difficulty in coping with such a situation and formulating her response.

As in the case of the Atlas Shelter, women at Ma’agan Shelter who do not hold permits from the Population and Migration Authority cannot be placed at work. However, the interviewees mentioned two vocational initiatives for these women. The first, which was held at the shelter on the initiative of two volunteers, was a course for making ornaments from papier-mâché. The products are sold on a website, and selected items were even displayed in an exhibition held at the center of the Achoti movement.²⁷⁶ The shelter recently financed a course in weaving canvas baskets for Eritrean women who have not received work permits. The course was held at the African Refugees Development Center, an organization that seeks to advance African refugees.²⁷⁷ The course provided a welcome change from the women’s routine, enhanced their orientation skills (since they arrived at the center by themselves), and offered at least some hope that they might be able to engage in work and secure income.

The director of the shelters explained that men and women who are preparing to leave the shelter and enter the job market receive assistance ahead of their job interviews, information about their rights and responsibilities as workers and about behavioral rules in the work place, as well as telephone numbers of help organizations in case they encounter problems with their employer. Our impression was that the men and women who have settled in jobs are not aware of all aspects of the laws protecting workers in Israel. However, they are certainly **aware of their right to fair working conditions that maintain their human dignity. When they feel this dignity has**

²⁷⁶ See Shlomit Lir, “Zehava the Doll is Tired”, A Fierce Easterly Wind website, www.lir.org.il/p=35383 (Hebrew).

²⁷⁷ See “kochinate ma’asiya,” www.youtube.com/watch?v=jzDIRKDrErs.

been injured, they see the staff of the shelters as a resource that can help them free themselves from an abusive setting and find a fair employer.

5.2.4 Emotional Rehabilitation

The Emotional Condition of the Shelter Populations

The residents of the shelters constitute a unique immigrant population. Women trafficked for prostitution, asylum seekers who arrived in Israel illegally, and migrant workers who suffered extreme exploitation by their employers all face distinct emotional and psychological difficulties. These are compounded by the challenges inherent in any process of migration, such as the need to adapt to a new way of life and to the different values of the country to which they have migrated. The combination of the pressures of immigration and the aftermath of the traumatic and unique experiences means that the residents of the shelters face a particularly serious emotional burden. Accordingly, complex responses meeting the different emotional and psychological needs of the residents must be developed on the basis of collective and individual characteristics.

Women Trafficked for Prostitution

In most cases, women trafficked for prostitution came to Israel from the CIS due to a depressed socioeconomic situation, lack of employment, illness in the family, or the disintegration of the family unit. Many of the women suffered from inadequate parenting as children, and subsequently experienced unsafe interpersonal relationships, were raised by a single parent, and were subjected to physical, emotional and sexual abuse. Their attempt to find a solution to poverty and to the conditions of their lives led them to Israel through the neighboring countries. In some cases, they came to Israel more than once, tempted by the promises of traffickers that they could make money easily and rapidly – promises that were made, it must be emphasized, in a context of exploitation and deception. Despite the problematic nature of their choice, these women were actively seeking a solution to their problems – something that may reflect personal ability, resources and strengths. The residents of Ma'agan Shelter who were trafficked for prostitution were trafficked several years ago. Some were the victims of repeat trafficking, while others were only “discovered” at a relatively late stage. Sometimes women who have undergone such experiences show a tendency to repeat patterns they have adopted in their lives, returning to prostitution or forming new relationships with abusive partners. The prevailing assumption that someone who has undergone a traumatic and coercive experience will do everything possible to avoid such situations in the future is unfortunately not always accurate.

The lives of women in “massage parlors” and discrete apartments are characterized by isolation from the world and subjugation. Their passports and personal belongings are seized, and they are exposed to humiliation, exploitation and

fraud. Forms of terror are sometimes applied against the women and their families. During their stay in Israel, some of the women have abused drugs and alcohol; in some cases, the traffickers supplied these substances in order to increase the daily number of clients. Substance abuse can also provide the women with a way of coping by disconnecting them from the reality of their lives.

Women trafficked for prostitution have been exposed to violent situations and incidents that endangered their lives and left physical and psychological wounds. The need to survive through their harsh lives means that they arrive at the shelter frightened, nervous of further injury, and preoccupied by the need to defend and protect themselves. **The women arrive at the shelter suffering from enormous pain, anger and disquiet. They are confused and disordered, showing symptoms of disassociation, hyperalertness, mood swings, anxiety and insecurity. In many cases, they blame themselves for their suffering and have a strong sense of shame. They also experience difficulties in interpersonal relationships and in particular find it hard to trust others.** Some women suffer from sleeping problems, eating disorders, apathy and/or outbursts of anger. They have poor self-esteem, depressed spatial orientation, and a lack of faith in themselves. One of the coping mechanisms they adopt are “memory gaps,” which serve as a defense mechanism based on denial and repression of difficult events and periods; this phenomenon is also characterized by aggression toward others, manipulation, and a pessimistic mindset. In this post-traumatic condition, it is difficult for them to understand what is going on around them, and their ability to process information, make decisions, nurture dreams, and plan (or even imagine) their future is impaired. In extreme cases, severe clinical symptoms such as anorexia may be encountered, accompanied by profound depression that may even require psychiatric hospitalization. Sonia, for example, describes her condition on arriving at the shelter in the following terms: “I couldn’t walk. I went straight to bed and stayed there for two months. I didn’t eat or get out of bed. They gave me medicines. Thanks to the staff who cared for me, I gradually recovered.”

Asylum Seekers

The emotional condition of asylum seekers is complex. They have been held in humiliating conditions, suffering objectification and restrictions on their freedom of movement. They have been denied minimum human requirements such as food and sleep, and they have been subjected to threats, intimidation and incarceration. In many cases, incarceration was accompanied by forced labor, and both women and men have sometimes been the victims of rape, sexual assault and sexual exploitation. **During their stay at the shelters, they suffer profound anxiety, sleeping difficulties and, above all, uncertainty regarding the future in Israel.**

The findings show that the staff of the shelters has more information about the women residents than the men. The report summarizing the work of the shelters in 2010 notes that four Eritrean men refused to discuss their past. Two other men

transferred to the shelter from Saharonim incarceration facility were more cooperative. The women's stories appear in greater detail, and reveal that they came from small and isolated villages in Eritrea. The women stated that they grew up in homes without telephones, did not acquire an education, and in some cases are unable to read or write. The women worked on the land or tended to flocks. Their journey to Israel was traumatic and painful; in some cases, Israel was not their original destination. When one woman was asked to name cities in Eritrea, she did not reply, whether due to a lack of knowledge or because the emotional flooding she had experienced had blurred her memory. The women showed evidence of confusion, partial memory loss, helplessness, nightmares, and disturbing thoughts. They experience depression, profound anxiety and sleeping difficulties, and a tendency to sleep during the day and be awake at night. In the absence of others who speak their language, they were initially at a loss to understand the nature and purpose of the shelter. They were frightened and reluctant to stay in the room on their own when other women left. Sarah, a gaunt 17-year old interviewed for our research, spoke softly during the interview, cried, stopped half way through and ended by declaring, "I wish I had never been born."

The vulnerability of the asylum seekers in Ma'agan Shelter is exacerbated by their cultural alienation. A social worker described that they find electricity and running water exciting, do not know how to use a microwave, and wear flip-flops in the rain. They dislike the food in the shelter and only want to eat injera, the bread they are accustomed to. The staff believes that this bread is not sufficiently nourishing. The women are weak and often on the verge of fainting, and blood tests reveal numerous deficiencies. As if this were not enough, they live in constant uncertainty regarding their legal status in Israel. Since they do not receive work permits, they have nothing to do and no financial resources.

Migrant Workers

Most of the migrant workers in the shelter came to Israel from East Asia due to economic deprivation or needs. The men mainly came to work legally in agriculture, and their past history does not include experiences that are likely to lead to significant psychological or emotional problems. **The men did not show typical post-traumatic symptoms** such as disturbing thoughts or disassociation. However, they do show clear evidence of **psychological distress**, particularly anxiety, nervousness and disquiet. These can manifest themselves in sleeping difficulties, rapid ascent and descent of stairs, boredom, and fear of going out alone because they are uncertain that they will be able to find their way back to the shelter. Migrant workers face uncertainty regarding the date when they will be able to return to work, but they do not perceive themselves as victims, though this in itself does not imply that they have not suffered serious injury. One possibility is that working conditions in their country of origin are also very poor, so that although the migrant workers suffered cruelty and exploitation

in terms of Israeli society, they themselves do not perceive themselves as victims, but merely as people who received the conditions that could have been expected. This attitude may also be the result of cultural differences relating to the ability or willingness to admit difficulty and distress, unfamiliarity with the concept of psychological therapy, or embarrassment at the need to ask for help and emotional support, particularly from female staff members. It is also possible that the most pressing need facing the migrant workers is to resume work as soon as possible, and accordingly they are less sensitive to their psychological condition.

The Distress of Uncertainty

All the men and women in the shelters face uncertainty regarding their future on varying levels. Some of the women who were trafficked for prostitution face a nerve-wracking wait for a permit for a rehabilitation year. At the end of the rehabilitation year, a new period of uncertainty begins regarding the chances of remaining in Israel. Even the mothers of children born in Israel face the consequences of the policy adopted by the Population and Migration Authority, which is reluctant to grant them permits to stay and work in Israel.

Migrant workers face uncertainty regarding the decision of the State Prosecutor's Office as to whether to prosecute those who harmed them. Even if a legal proceeding begins, it may continue for years, and it is impossible to predict when it will end or what the outcome will be. This population also faces a period of uncertainty while living in the shelter due to the delays in receiving new work permits enabling them to find a new employer.

Asylum seekers are subject to particularly acute uncertainty, since the Israeli government itself has not yet formulated policy defining their status. Asylum seekers who have been unable to produce documents showing that they come from countries entitling them to collective protection, and who cannot work, face a period of inactivity, boredom and lack of trust and hope. Their already-fragile emotional state is further weakened by the sense of impotence and dependence on the authorities. Every negative reply to an application for a permit to stay in Israel leads to tears and heightened psychological distress. The lack of clear replies from the establishment, and its inherent character as a large and amorphous body that is not represented by one individual, heightens the level of fear and depression. The bureaucratic obstacle course hampers the asylum seekers' ability to realize their individual potentials and contradicts the basic human need to feel some sense of control over one's life, even within restrictive circumstances. This situation mirrors and perpetuates the asylum seekers' earlier experiences of the denial of liberty, and hampers long-term planning and decision making, thereby also reducing their chance of recovering from trauma.

Case Management – Psychological Support and Methods of Intervention

The social workers in Ma'agan Shelter employ **two key means in order to meet the women's complex emotional needs – individual intervention and group intervention.** In some cases, the support is coordinated with other therapeutic agencies, such as Levinsky Mobile Clinic; and may include the administration of psychiatric medication in extreme cases, such as anorexia. **Psychological treatment is only provided in extremely rare cases.** As detailed below, the men usually spend a short period of time in the shelter, and, accordingly, **Atlas Shelter does not provide significant therapeutic intervention.**

Extensive resources are invested by the shelter staff in expediting bureaucratic procedures and in coordination and mediation between the different bodies involved in caring for the residents. This work is referred to in the literature as “case management.”

Case management includes a pool of practices based on a comprehensive and systemic approach to the needs of shelter residents and on the collation of relevant information. The function of the social worker includes locating and identifying existing resources; making initial contact between the resident requiring attention and the support systems; and providing mediation, advocacy, monitoring and coordination between the individual and the formal and informal systems that may be able to help him or her.²⁷⁸ Examples of this include contacts with the Population and Migration Authority in an effort to speed up the process of securing legal status in Israel; coordination with the legal aid system; and monitoring the residents' acclimatization in the work place.

The residents' access to a single source that is aware of all the legal and bureaucratic processes relating to their case is extremely significant, and is one of the reasons why the professional staff in the shelters are social workers who are skilled in applying the professional skills of case management, such as mediation and coordination.

Individual intervention

The relationship with the residents begins on their arrival at the shelter. A social worker receives newcomers for an intake session, in which she learns initial details about their history, shows them their allotted room, and provides them with basic hygiene products. The conversation also includes discussion of mutual expectations, and ends with the signing of the contract regulating the relations between the shelter residents and the staff.

²⁷⁸ *Case Management and Social Work Practice* (Stephen M. Rose, ed., 1992).

Women Trafficked for Prostitution

The professionals believe that the objective of individual treatment for women trafficked for prostitution is to help them cope with their traumatic personal experiences. During the initial period after arriving at the shelter, at a time when the women's nerves are exposed, the staff seeks to come from an authentic position reflecting an understanding of the nuances, metaphors and unique context of the spoken word. We believe that this is possible only through direct communication, when the therapist and the client speak the same language. Accordingly, since the women trafficked for prostitution speak Russian, as do most of the staff members at the shelter, they can benefit significantly from the psychological intervention. The social workers explain that, in some cases, they hold regular sessions at a fixed time based on the women's working hours, while in others ad hoc meetings take place at the women's request and according to the availability of the staff members. In the past, when the shelter was located in Tel Aviv, conversations could be held in a green outdoor setting in the park – something the staff believes encouraged closeness and intimacy.

The social workers seem to have adopted Herman's model of trauma and recovery,²⁷⁹ which argues that security must be fostered while maintaining human dignity, continuing to relive past traumas – the main source of difficulty for the victims, who are afraid to tell their stories – and, in the final stage, focusing on the rehabilitation of relationships and the creation of new relationships. The staff members see their function as being to provide a warm and supportive environment for the women and to develop a basis of trust and a genuine and positive human relationship without preconditions – something most of the women have never experienced before. The goal is to create a sense of a secure foundation in place of psychological disturbance, confusion, and what one woman referred to as a “mess.”

The social workers describe the process of therapeutic intervention as long and uneven. In the early stages, it is often difficult to persuade the women to engage in personal conversations. Later stages seek to connect the women to their own difficulties and fears, to strengthen their emotional state, and to integrate them in activities in the shelter and elsewhere. In the early meetings, the women are remote, frightened and suspicious. Each conversation in this stage lasts about five minutes, but they get longer as time passes and trust is developed. It is at this stage that the emotional content begins to emerge. Such progress is uncommon, however. In many cases, the women continue to present a simplistic stance, claiming that “everything's okay.” The therapeutic staff believes that the women's pain is so profound as to be virtually “untouchable.” They hide their emotions and deny the harsh events they have experienced as a defense mechanism to enable them to survive, even on a long-term basis. One of the women in the shelter explains: “When I began the first time, I felt bad

²⁷⁹ Judith Lewis Herman, *Trauma and Recovery* (1992).

about letting it all out. It hurts, I cried a lot... It took me six months. But she [the social worker] was so good; she understood that it was hard for me, so she moved at a very slow pace. Now, after the therapy, things are much calmer. And I even think more easily. It's better."

The therapeutic professionals believe that the women's mistrust of others at the beginning of the process is accompanied by a constant desire on their part to check whether the social worker caring for them still loves and wants them. Will she always be willing to provide help and support? The need to survive difficult situations leads the women to adopt manipulative strategies, and even to provide false information, in order to secure their desires, such as the right to come back to the shelter after hours. Some women are quick to raise complaints and demands, while others show enormous gratitude for the help they receive. One woman commented that even her own mother had not provided the kind of help she had received in the shelter. She is grateful for this, and finds it difficult to understand the complaints of some of the other women. She accuses them of "shitting in the well they drink from." The different ways each woman copes reflect diverse personal abilities and world views, as well as factors such as the age at which they were trafficked, the form of exploitation they experienced, the duration of this exploitation, and the extent to which they were subjected to violence and manipulation. Some of the women have an inherent emotional strength that helps them adapt and integrate in society.

The main skills required on the part of the therapeutic professionals are empathy, active attentiveness and the ability to legitimize the women's difficulties. Acceptance as a corrective experience and an absence of judgment are a key therapeutic tool for the staff. The professionals believe that a supportive approach, including opportunities for ventilation, helps to moderate the force of negative emotions. The individual emphasis and the reflection of the process of independence the women have undergone enable the professionals gradually to open a window into positive alternatives for coping with their emotional condition. The staff members are clearly well aware of the difficulties the women face in engaging in direct conversation, and they employ indirect therapeutic methods, such as playing cards with the women and developing a dialogue on various issues that allows them to mirror their thoughts and emotional state.

Coping with the women residents at the shelter is a challenging task for the staff members. They must manage an encounter with harsh emotional content, withstand tests of trust and tantrums, and accept the women's need to test the boundaries of the therapeutic relationship, including oscillation between extremes of love and hate. Rinat Davidovich, the former director of the shelter, comments: "One day I'm an angel, and the next I'm the devil. You don't hear them say 'thank you' – they aren't in a position to contain positive things. Some of them don't appreciate the way we treat them and everything the shelter does for them."

In the case of women who spend a long period of time in the shelter and who are facing complex problems, the professional apparently comes to identify with their condition. Referring to the case of one of the women, a social worker noted that this is “my biggest and saddest case; my greatest challenge.” The findings demonstrates that particularly women who spent a long time in the shelter and women who have returned to their country of origin reflect the importance of the therapeutic treatment provided by the shelter, or disappointment at the fact that it was not provided in a deeper manner. **An analysis of the findings shows that the professionals providing the therapeutic treatment discussed and evaluated it more highly than the women themselves.** One reason for this may be that the women did not even sense that they were undergoing therapeutic treatment, whether because of a lack of awareness of the importance of this aspect, due to cultural gaps, or because their culture of origin discourages them from admitting difficulties to strangers. The women state that they do not recall details about the therapeutic treatment, and were only able to offer their general impression of their relationship with the social workers. It is possible that the women actually underwent a process, but were unable to describe it; or that the therapeutic process failed to meet their real psychological needs. **As will be detailed in the recommendations, the therapeutic process should be supported by a joint evaluation regarding its goals, course and outcomes.**

Lydia provides an opportunity to examine the different perspectives of a woman who spent over two years in the shelter, and returned to her country of birth four years ago, and of the social worker who worked with her. Lydia now works as an administrative assistant in Russia. She states that thanks to the help she received in the shelter, she secured this position and felt capable of filing it. She feels that she can concentrate, understand and formulate her own thoughts, and be stronger and more assertive than in the past. She emphasizes that it is important that people know the rules and understand their rights. When asked whether the shelter empowered her, Lydia stated that there is no such word as “empowerment” in Russian, but added that her time in the shelter provided her with the knowledge and power to be strong. However, she added that the emotional support is partial, and that she only had a single meeting with a psychologist, which did not help her. The main help she received was in finding a job so that she could make a living and help her family; in guidance about her rights; in examining and understanding her pay slip; and in legal support. Lastly, Lydia suggested that the shelter should provide greater access to the social workers, and commented that, in her opinion, the professionals need to acquire specific psychological knowledge relating to the residents’ psychological condition.

By contrast, the social worker who treated Lydia stated in her interview that Lydia underwent a metamorphosis and became an “ambassador” for the shelter. Lydia arrived at the shelter following a raid on a brothel. She had undergone several abortions while she was still in Russia, in some cases without anesthetics. She suffered from sleeping difficulties and from feelings of pressure and anxiety. The social worker

describes her as a strong, aware woman, with an independent sense of justice, who found it difficult to adapt to the framework. Lydia needed to ventilate and to be shown the changes she had undergone. Lydia gradually began to seek alternative and positive ways to cope with her situation. The social worker described the process of professional intervention in therapeutic terms, while Lydia herself spoke of what she received in the shelter in terms of adaptation and strength. Lydia clearly appreciates what she received, and focuses mainly on skills related to empowerment: assertiveness, insistence on her rights, and an understanding of her pay slip. Conversely, she feels that the therapeutic treatment was not successful, for various reasons. Despite this, she stated that this aspect is lacking in the shelter and should be enhanced. The social worker, meanwhile, described Lydia's dramatic past experiences and personal capabilities, as well as the therapeutic skills she employed, particularly ones drawn from the field of post-traumatic therapy.

Masha had a poor relationship with the therapeutic team, including disciplinary problems. Masha is a mother of three who arrived at the shelter with her eighteen-month old daughter and a one-month-old baby. She spent four years in the shelter, eventually leaving with the assistance of a clergyman. She describes the shelter as a prison and notes the lack of trust that characterized her relationships with the staff members, who feel that they have power over the women and exploit this situation. Masha described her feelings of suffocation and oppression, stating that they did not let her breathe and psychologically crushed the women in the shelter. Masha claims that the social worker was inaccessible even at times when her impression was that she was not busy. She feels that the staff distorted information and failed to tell the truth, and that the women are left without anyone to stand by them. Accordingly, she requested support from a psychologist who is not organizationally affiliated to the shelter, so that she could ask for the help she needs. She claims that she was not provided with this assistance.

The staff member described Masha as "a special case." She describes a woman suffering from severe personality disorders, with an impaired ability to interpret reality, and prone to physical and verbal violence. She claims that Masha worked in prostitution while living in the shelter, was drunk in the presence of her children, and even arrived drunk at a ceremony marking the end of a year-long course in which she participated. Masha had numerous problems in her interpersonal relationships. She could not develop firm bonds, behaved in a manipulative manner, found it difficult to attend the therapeutic sessions regularly, opposed every suggestion raised, and was preoccupied with struggles. She also had extreme relations with the other women in the shelter, reflected in exploitation and alienation. She appealed for help to a television reporter and to the organization Isha L'Isha, wasted time and money, and eventually, all the necessary processes were completed so she could be removed from the shelter.

Masha's case is not typical of the relationships between the residents and staff of the shelter, but it may indicate certain aspects of the encounter and the mutual difficulties experienced by the survivors and the social workers. As we see it, **there are dramatic gaps and differences between the women and the professionals relating to legal, economic, social and personal status.** The question that arises is whether a "therapeutic alliance" made in the shadow of a power gap such as that found in Ma'agan Shelter can enable constructive therapy and personal growth. The therapeutic alliance is considered a key factor in the success of any form of therapy. It constitutes a precondition for deriving benefit from therapy, and may help explain differences in the outcomes of the therapeutic process.²⁸⁰ The main characteristic of the therapeutic alliance is the emotional bonding between therapist and patient. This includes the range of positive emotions present in the relationship, including trust, acceptance and security. Most of the women at the shelter have damaged experience of interpersonal relations, a reality that impairs the therapeutic alliance and is reflected in the phenomenon described above: resistance and lack of response to therapy, hostile and violent behavior, externalized defenses, antisocial conduct, and patterns of rebelliousness and stubbornness. In the literature, such populations are referred to as "hateful patients"²⁸¹ with severe personality disorders. This label highlights the difficulties of working with such patients, who can be demanding, manipulative and aggressive, ungrateful, and inconsiderate, and who tend to require a high level of emotional availability. When patients are incapable of forming a relationship with the therapist, the latter experiences feelings of frustration and ineffectiveness and explains that the client is a "difficult patient." This term is often used in the case of patients who refuse to cooperate with the professional.²⁸² Although the patient is looking for help, he or she refuses to accept what is offered. In therapeutic work with women who have been victims of prostitution, the risk of fractures in the therapeutic alliance is inherently high and makes it harder to maintain empathy toward the patient. As for the therapist, it has been found that certain traits, such as a profound desire to heal, a need to nurture, reluctance to accept failure, and a tendency to blame the patient may all enhance the risk of a difficult relationship with the patient.

During the interviews, the professionals occasionally expressed frustration at the therapeutic relationship with the women. It is possible that the professionals tended not to emphasize such difficulties, since they did not see the interviews, which formed part of a research project, as an appropriate arena in which to expose their difficulties. Nevertheless, the findings raise questions regarding their attitudes and emotions, as

²⁸⁰ Michelle R. Klee, Norman Abeles & Robert T. Muller, "Therapeutic Alliance: Early Indicators, Course and Outcome," 27 *Psychotherapy: Theory, Research, Practice, Training* 166 (1990).

²⁸¹ James E. Groves, "Taking Care of the Hateful Patient," 298 *The New England Journal of Medicine* 883 (1978).

²⁸² Bauke Koekkoek, Berno Van Meijel & Giel Hutschemakers, "'Difficult Patients' in Mental Health Care: A Review," 57 *Psychiatric Services* 795 (2006).

well as the professional tools they require in order to care for women survivors of trafficking for prostitution as a significant step in the dyad of the therapeutic alliance.

Asylum Seekers

Virtually no individual therapeutic conversations take place with the male asylum seekers. One reason for this may be that, during the research period, there was no male social worker at the shelter, and its staff included only a part-time woman social worker. Conversations with women asylum seekers take place in pidgin English or with the assistance of an interpreter. The ability to communicate in a language both sides understand is a vital component to understanding needs and shaping appropriate forms of intervention, as well as for providing the necessary care, particularly in cases of profound distress such as those faced by these women. The women have mixed feelings about coming to the therapeutic conversations, which constitute an unfamiliar type of dialogue and communication. They turn up at the session on time due to their respect for those in authority, but they remain silent and decline to discuss their problems. This may be because they find it difficult to talk about their distress and to raise emotional issues, or because sharing such matters with a stranger is perceived as inappropriate intrusion into personal space. Sometimes the women's opposition is due to a reluctance to take medication; it may also reflect a lack of understanding regarding the nature of the psychological process, or belief in other sources of help, such as turning to God and religion as a source of comfort and strength. A social worker who works with one of the women notes: "She wants a 'real psychologist,' so that in a single session she can discuss all her problems, and in the second session that psychologist will give her all the solutions for putting things right."

When therapeutic work is possible, it is characterized by a strong degree of support, the ventilation of emotions, insofar as this is possible, and the strengthening of feelings of hope, particularly in cases when the application for a permit to stay in Israel has been rejected. Professional intervention takes a primarily practical form, focusing on the basic skills needed for life in the shelter and in society, such as reading a clock or using electric utensils.

Adaptation to life in the shelter is mainly a function of the personal capabilities of each woman. A social worker explains: "Yesterday she said that she doesn't want anything, she has no hope. She doesn't discuss her past suffering – she sees this as something to be ashamed of. I tried to talk to her about going on the [contraceptive] pill, but she just lowered her head, giggled and didn't want to discuss the matter." Some of the asylum seekers were frightened when they arrived at the shelter, but unexpectedly they organized among themselves. They go out together to enjoy themselves, have friends, interact with the other women at the shelter, and surf on the internet.

The gap discussed above between the way the social workers and the women trafficked for prostitution perceive the care provided at the shelter was also seen in the

case of the asylum seekers. The reasons would seem to be similar. The women find it difficult to express what they received in the therapeutic context, but express their general feelings about the shelter. Some describe it as a “paradise,” others as a “home.” **The changes in the profile of those coming to the shelter over the past two years, from a homogenous population of women trafficked to prostitution, regarding whom knowledge and methods of intervention had already been developed, to a heterogeneous group of asylum seekers and victims of slavery, require a new process of learning in order to gain a deeper understanding of their needs and develop appropriate forms of intervention.** It would be extremely valuable to find therapeutic professionals who speak the languages of the residents of the shelters, but due to the **difficulty in locating professionals who can speak the relevant languages**, attention should be given to the idea of providing therapy through interpretation, training a Tigrine speaker in a therapeutic profession, and developing a flexible approach capable of meeting the needs of each of the residents. The Legal Clinic at Tel Aviv University proposes that work permits should be given for interpreters into languages for which no-one can be found in Israel.

Migrant Workers

The interviews conducted in this study showed that the emotional state and key needs of the male migrant workers differ from those of the women. Women migrant workers may benefit from the therapeutic treatment provided at Ma’agan Shelter, which focuses on processing trauma. Evidence of this can be found in a letter of appreciation sent to a social worker by a woman who was abused at work. The woman thanks the social worker for the therapeutic treatment provided by the shelter, which helped her resume a normative life in her own country. The picture among the men is different. As already noted, the function of the men’s shelter is to help them regulate their legal status and find a suitable alternative place of work. “What interests them is getting back to work as quickly as possible. They don’t want a shelter. They don’t know what a social worker is; they just want to work.” This appraisal, offered by a staff member from Kav LaOved, is supported by Menachem Wagshal, the deputy director-general of the Ministry of the Interior, who claims that it is impossible to treat the men, and that what matters most is that they get back to work and earn money.

The men themselves present a slightly different perspective. In the interviews, some of the men criticized the fact that there is no individual treatment for men; even a man who attempted to commit suicide did not receive psychological treatment. It is important to emphasize that Asian men are not used to making complaints; a comment that “everything’s okay” may mask a serious psychological condition. In some cases, even men and women who were identified as clear victims of employment in conditions of slavery or forced labor denied the abuse. As activists from the non-governmental organizations related: “She constantly says that they treated her really

well;” “She says they didn’t pay her, but it’s alright because the employer was very kind; “They say they slept outside, but the weather was good so it was quite nice.”

It emerges that providing therapeutic treatment for the men is not one of the goals of the staff at Atlas Shelter, despite the reference to therapeutic rehabilitation and treatment in the establishment documents, as discussed above. The report summarizing the work of Atlas Shelter in 2009 did not mention rehabilitation or treatment, and merely included the general comment that victims are offered an opportunity to meet on an individual basis in a safe and protected place, providing a different type of communication and allowing self-expression through interpreters, if necessary.²⁸³ Neither does the report for 2010 mention therapeutic treatment in the description of the services provided for the shelter residents.²⁸⁴ It may be asked whether the expectation that women will be more vulnerable, and must first undergo emotional rehabilitation, whereas men are expected to find work, reflects a gender-based assumption or is based on an in-depth and factual examination.

The atmosphere in the shelter is important to the men. They state that the staff sees its function as being to create a calm and peaceful atmosphere: “Don’t worry; we’re looking for work for you. In the meantime, stay here, sleep and rest.” The men are treated in a humane manner and an interest is shown in their feelings, as reported by the social worker: “We speak sometimes, just ‘how are you’ or ‘are you okay’ or things like that.” The social worker feels that the work with the men is calmer than with the women. They are not open to talking to the women professionals, and no female interpreter is willing to ask them intimate questions. “Perhaps it would be easier with a male social worker or interpreter. Talking about weaknesses and difficulties is always going to be hard for them, but it might work with a man.” A male social worker and a counselor who speaks Amharic and English recently joined the staff. **We welcome the employment of these staff members. In addition, the male counselors should receive training in therapeutic skills so that they can provide professional assistance for those in need.**

Group Sessions and Group Intervention

Another form of support offered by the shelter staff is group intervention, which is also offered only to the women. In the case of the men, the professional staff at the shelter hold individual and group sessions only during the first few days of intake, with the help of interpreters. These sessions are mainly informational and organizational in content, and aim to help the new residents understand why they are at the shelter and what they can expect during their time there.²⁸⁵

Three groups operate at Ma’agan Shelter:

²⁸³ “Worker Needed,” footnote 146 above.

²⁸⁴ “Black Screen,” footnote 146 above.

²⁸⁵ Ibid.

“Sobraniya” (“meeting” in Russian) – these sessions are held three times a week at a fixed day and time. **All the women** in the shelter at the time must attend the sessions, which are led intermittently by the coordinator, the house mother, and a social work student. The therapeutic importance of this framework lies in the ability to commit to a set schedule, to listen, and to give and receive feedback, though the content itself does not relate to therapeutic or emotional aspects.

These sessions serve two purposes: They enable the staff to update all the women about activities in the shelter, such as the opening of a new group or a planned visit. The experience accumulated by the professional staff over the years shows that this helps foster a sense of involvement and control among the women. The sessions also enable the women to raise issues of concern relating to the daily routine in the shelter – to express anger about a given issue or warn of inappropriate behavior by one of the women. The staff feels that this reduces tensions, releases pressure, and enables the women to talk respectfully among themselves.

The attitude of the women to these sessions is ambivalent. One point that was raised is that the discussion focuses mainly about their relations in the instrumental sphere, such as arranging rosters, while they would prefer to talk about other aspects of daily life in the shelter they find irritating, such as the need to keep quiet at night out of consideration for others. Such a discussion, they felt, would expose the requests and arguments to everyone concerned and thereby enable an improvement in the situation. However, one woman who has left the shelter spoke of a lack of openness among the women. She claimed that they remain silent, nod, and do not really reveal what is going on in their lives. There is an atmosphere of mistrust, she claimed. This perspective is supported by Rita Chaikin, who observed that the meetings do not provide empowerment or a genuine group process, but rather are confined to discussion of mundane issues and dominated by complaints. She does not believe that such group sessions serve any useful purpose: “So the women sit down, thirty women opposite you – that’s not a group! That’s thirty women saying I think so-and-so, or saying that such-and-such didn’t clean the floor. I mean it’s all about the everyday arrangements. That’s not a group!”

The asylum seekers group - The group of women from Africa meets separately, in addition to the meeting of all the women in the shelter, with the help of an interpreter. These meetings do not take place on a regular basis, since the women find it difficult to get up in the morning (since they suffer from sleeping problems at night) or to appear at a fixed time. They have to be called individually and accompanied to the meeting. As with the individual discussions, these sessions also provide an opportunity for the group counselor to explain repeatedly basic technical matters. During the meetings, the women express a sense that they are discriminated against relative to the women from the CIS. The facilitators experience work with this group as a “very exhausting war.”

Personal empowerment group - This group met once a week at a regular day and time. Over the years, ten women have participated. The group was moderated by a Russian-

speaking woman who is a recovered drug addict. The group operated according to the Twelve Steps method, and focused on diverse issues, such as insecurity, low self-esteem, intimacy, self-realization, prostitution in the past, and changing behavioral patterns. According to the counselor, several difficulties have emerged over the course of the work. These include the difficulty in encouraging ongoing and consistent participation; the difficulty of focusing on painful issues; and the reluctance of the women to “connect to their inner selves.” It should be noted that the information about this group was drawn from the 2009 report.²⁸⁶ The interviewees themselves did not offer any feedback on this group. It is possible that none of the interviewees participated in the group, or that they did not find the group process personally meaningful. The group ended its activities in May 2011, and efforts are currently being made to find a counselor to run a new group.

As the above review suggests, creating a therapeutic process in a group framework is a difficult task. It is usually assumed that women are interested in sharing their experiences with other women in a similar situation, and appreciate the discovery that other women are coping with similar difficulties. This assumption may be incorrect in the case of the heterogeneous population living in the shelter. It is also possible that the women do not wish to connect in a group setting to the pain they have experienced, or to share the details of their past with other victims. They may also prefer to separate themselves from other women and to avoid hearing about their traumatic experiences.²⁸⁷

Disagreements

Just as disagreements were found concerning rehabilitation in general, so was the case concerning the appropriate therapeutic care needed by the women and men in the shelters. Such disagreements were also evident among the non-government organizations that work directly with victims. According to Attorney Nomi Levenkron, who worked with the Hotline for Migrant Workers for many years: “First of all, they need a work permit – that’s the most urgent matter, because for them, first aid means financial help. As for conversations, if I’m fantasizing about it, I wouldn’t sit them all down in a circle, and also not one-on-one, that’s too frightening, ‘I’m not crazy,’ that’s what you hear the women say all the time. ‘I’m not crazy; I don’t need to talk to a psychologist.’ Not all of them are interested in talking. They tend to steer away from anything to do with institutions or psychology.” Attorney Hanny Ben Israel of Kav LaOved highlights a further problem – the cultural differences regarding therapy between the women and the establishment. She recalls that when she requested an extension of a permit for a woman who was in a particularly severe mental state, the

²⁸⁶ “Worker Wanted,” footnote 146 above.

²⁸⁷ For further discussion of this aspect, see Chapter Seven, which examines the issue of communication and the central importance of language.

Ministry of the Interior conditioned its agreement on the woman receiving documented and reported psychological treatment. Ongoing psychological treatment was a completely alien concept to the woman: she did not know what this entailed and was totally unwilling to hear about it. In the end, her permit was extended thanks to a psychiatric opinion from Physicians for Human Rights-Israel testifying to her grave psychological state. Thus even the criteria for granting permits reflect Western assumptions as to how a person in a serious psychological state should act.

Rita Chaikin of Isha L'Isha offers a different perspective. She believes that the women should be enabled to receive long-term external psychological treatment provided by a psychological specialist who is professionally mature, as opposed to students and interns. This will enable the women to experience a meaningful and genuine human bond outside the shelter. The psychologist should be matched with each woman by a trained professional, "so that the woman doesn't eat her therapist up for dinner," as Chaikin put it. In the case of asylum seekers, Attorney Sigalit Zohar argues that the mere fact that they can stay in the shelter rather than in prison constitutes rehabilitative emotional treatment. She states that Lamlam underwent "an amazing rehabilitation." While in prison Lamlam was depressed and refused to talk about her past, but after a few months at the shelter she is smiling, self-confident, talkative and cooperative, and she has learned to ask for help. This transition reflects the therapeutic force of the framework provided by the shelter.

In conclusion, **the process of therapeutic treatment requires attention to three key difficulties: the cultural difficulty, the linguistic difficulty,²⁸⁸ and the structural difficulty.** The cultural difficulty results from the fact that the treatment offered stems inherently from Western culture, and includes components such as the revelation of emotions and the "connection" to difficulties in front of a stranger or a group of people. These components form part of a therapeutic course designed to promote post-traumatic healing, but they are alien to the population of the shelters. Not all cultures encourage discussion of distress in front of strangers; some prefer to strengthen individuals so that they can cope with their difficulties by themselves. This situation is compounded by the language barrier, which will be discussed in greater depth in a separate chapter. With the exception of Russian-speaking women, who share a common language with staff members, communication with the other women and with the men is in pidgin English or basic Hebrew. It is difficult for someone to tell his or her personal story and discuss profound emotions via an interpreter. In such a situation, neither the patient nor the professional has real control over what is said, and accordingly the value of such intervention must be questioned. The structural difficulty is an invisible one. This relates to the atmosphere of uncertainty that prevails in the shelters in terms of the legal status in Israel of each resident. Therapeutic care is supposed to help individuals cope with such situations, but in the shelter, the therapy

²⁸⁸ For further discussion of this aspect, see Chapter Seven.

is provided by a social worker whose function represents the state – the very state whose decisions contribute to the residents' distress and uncertainty. In this sense, one hand caresses while the other departs.

6. Mothers, Fathers and Children

6.1 Profile of the Population

In each year since Ma'agan Shelter has opened, between four and ten children have stayed in the shelter over the course of the year. Discussion of parents and children in the context of the shelters relates to various distinct groups:

Parents Who Came to Israel to Improve Their Children's Economic Condition

Fathers: Some of the men who stay at Atlas Shelter have children, but the children remain in their country of origin and did not emerge as a relevant issue in terms of life in the shelter, except in terms of the importance the fathers attach to supporting their families. The fathers usually stay in touch with their wife and family through telephone calls, which they must pay for. We hope that the three computers recently installed in the shelter will help the fathers stay in touch with their families by means of Skype and similar software enabling them to communicate with their families free of charge, provided they have a computer at home or access to public internet services.

Mothers – Women Who Came to Israel on Their Own and Whose Children Remained in Their Country of Origin, in the Care of Their Extended Families: These women are migrant workers, most of whom came to Israel from the Philippines due to financial hardship and a desire to improve the economic condition of their children and families. Motherhood, as a social institution and a function, acquires a unique quality in such cases, and one that varies according to the extent to which traveling abroad to work for the children's sake is considered normative in the culture from which they come. These women feel a sense of responsibility and sacrifice and function as "mothers from a distance."²⁸⁹ They spend long hours on Skype and on the telephone in an effort to cope with the longing they feel for their children.

The presence of children in the shelter creates a unique dynamic and can arouse feelings of longing, jealousy, regret, guilt or loneliness among women who do not have children, or whose children have remained in their country of origin. This dynamic impinges on daily life in the shelter. Such emotions may be reflected in complaints that the children are making a noise and preventing working women from resting and in resentment over apparently trivial matters. For example, a woman whose son stayed in the Philippines complained that she had to give up her rice for another woman's child: "Why did they take all my rice for the boy?"

²⁸⁹ Ayelet Parker and Einat Peled, "The Motherhood Experience of Women Trafficked for the Sex Industry in Israel" (Submitted).

Mothers Who Have Children Who Remained in Their Country of Origin as Well as Children Born and Living in Israel: These women undergo a difficult experience of “split motherhood,” whether by choice or because the circumstances of their lives have left no other alternative. As a result, they are liable to feel frustration, guilt and shame – emotions that can influence their functioning, their self-image and their sense of personal wellbeing.

Women Who Have Children from an Israeli Man: Women who have a child following a relationship with an Israeli man belong to the population of women trafficked for prostitution. Most of these women came to Israel due to their poor economic condition and the breakup of the family unit. Some of them fantasize of a happy intimate relationship and family that will give them “a reason for living.” They dream of private space that will fill a void, give them a stable center in their lives, and provide them with a “second childhood” repairing their early experiences. Some of the women in this group raise their children in the shelter, while in other cases the children have been separated from their mother and placed in the father’s custody.

Roslana, aged 35, is an example of a woman who is not raising her child in the shelter; her son is six years old. Roslana was brought to Israel by Ukrainian traffickers using a forged passport. At the time of the interview, she had been in the shelter for over a year; she has no formal status in Israel and cannot work. She only received a permit for a rehabilitation year toward the end of the research period. Roslana never knew her own father, and her mother died when she was 18. She has been married four times, the first when she was just 16. Her first husband was murdered, leading her to develop depression requiring hospitalization in a psychiatric institution. In Israel she worked in prostitution without a pimp and met the father of her son, a man who lives in his mother’s home. She describes the man as violent, probably a drug user, who enjoys partying. He has four children from different women, two of whom live with him, but he is hardly an impressive role model. Roslana explains that the father’s behavior is driven by a desire to harm her and to avoid caring for the child. For the first four years of the child’s life, his father refused to acknowledge him. He only agreed to undergo a genetic test and to recognize his paternity after the boy developed an urgent medical problem that forced the father to recognize his son so that he could receive treatment. As discussed below, he conditioned his agreement on his assuming custody of the child. The relationship between the parents is conflicted and hostile; the child serves as a pawn in their quarrels, to the detriment of his wellbeing. According to Roslana, the father is vindictive and refuses to keep the agreed custody arrangements with his child, frequently changing his plans. She describes their most recent argument, when the father broke off contact, thereby preventing her from meeting with her son. Roslana contacted the welfare services, who did not provide assistance. Eventually, the boy told a teacher at school that he was afraid that his mother was dead, because he had not seen her for two weeks. The teacher called the father to the school and

inquired about the circumstances, and this finally led to the resumption of the visiting arrangements.

6.2 *The Trials of Motherhood*

The women in the shelter experience motherhood in conditions of social marginalization and exclusion. Most of them suffer from post-traumatic symptoms, including difficulties in controlling their emotions, hyperarousal, anxiety, depression and self-destructive behavior. They are forced to cope with personal difficulties that stem from a life marred by physical and emotional abuse and financial insecurity, and they face financial difficulties as they raise their child. As one mother commented, "It's hard to have to say all the time that there isn't any money." The fantasy of a "normal" relationship that will provide a loving father for their children is shattered due to the personalities of the fathers involved. Some are violent, while others abuse their advantage as Israeli citizens for the purpose of emotional and economic blackmail. One father, for example, demanded that the mother pay for him to take a taxi to the lawyer who arranged the procedure for the paternity test.

In some cases, the women also have to confront the welfare system, which doubts their ability to function as mothers or rejects their claims that the father is violent toward the child. The language barrier is also a problem; for example, they may find it difficult to help their child with his or her homework. It is not easy for them to provide an answer when their child asks why they are living in the shelter. The women are not in a natural environment, without support and recognition, and they are removed from their familiar concept of motherhood, which differs from that prevalent in Israel.²⁹⁰ All these factors serve to exacerbate their feelings of pressure and distress, combined with uncertainty and confusion regarding their children's needs. The clearest manifestation of these problems is their difficulty in setting boundaries for their children, as well as their tendency to seek to compensate them by giving expensive presents that bear no proportion to their economic capabilities or to the child's needs.

6.3 *Children at Risk*

The children living in the shelter are undoubtedly in a state of risk. The shelter is situated in a building that is physically unsuited to the children's needs. They meet women who are in a disturbed psychological state and are exposed to problematic issues and themes. The children in the shelter vary in age, so that it is difficult to arrange joint activities for them while they are in the shelter. In extreme cases, children have behaved in inappropriate and dangerous ways. Examples include a boy who walked around with a knife and a girl who ate cat food. The children are exposed to a form of parenthood that is replete with difficulties. Most of the mothers in the shelter

²⁹⁰ Ibid.

did not experience a guiding model of adequate parenthood themselves, and their loneliness sometimes leads them to develop a dependence on their children. One manifestation of this is mothers who sleep in bed together with their children. Nevertheless, the mothers clearly attempt to make the best effort they can and to seek help and guidance. They express a fierce desire to invest in their children and to make sure they have “everything they themselves never enjoyed.”

In most cases, the father does not function as a responsible parent. Some of the children do not even know their fathers, and experience “father hunger.” The children are exposed to poor relationship patterns and to violent conflicts between their parents, and find themselves serving as pawns in these battles. This situation is reflected in behavioral and emotional problems, including violence and temper tantrums, crying, sleeping and eating disorders, a reluctance to go to school and difficulties adapting to educational settings – conditions that mitigate against normative psychological development.

The first government decision to establish the shelter for women victims of prostitution made no mention of children. Marginal attention to children can be found in a later government decision, which states that “the capacity of the shelter will be for 30 adults and a small number of accompanying children as required.”²⁹¹ The tender issued by the Ministry of Social Services for the operation of the shelter also noted that the shelter’s function included caring for the women’s children and placing them in day care as necessary. It also states that a child minder will be employed in Ma’agan part-time.²⁹² However, there is no such function in the shelter. Activities for children, such as summer camps and a subscription to a swimming pool, are initiated by the shelter staff. The children’s right to other vital services has not been recognized. **Although the children receive the essential services they require, they are not defined as independent “clients” of the shelter staff, entitled to the services of the shelter independently and separately from their mothers.**

6.4 Support and Care

Physical and Emotional Aspects

Children sleep together with their mother in a room with a toilet. The mothers receive \$38 for themselves, and an additional \$19 for each child. In 2010, the area intended for children was extended in order to provide room for them to play during leisure time. The area is equipped with dolls and board games suitable for children between the ages of five and nine. The staff reports that this area is empty and is not used by the mothers for leisure activities with their children.

²⁹¹ Government Decision Number 2670, footnote 79 above.

²⁹² Public Tender 199/2008, footnote 132 above.

Legal Issues

According to Israeli law, a child born to an Israeli citizen is an Israeli.²⁹³ According to the policy of the Population and Migration Authority, in order to secure legal status in Israel for a child whose father is Israeli and whose mother is not Israeli, the parents must prove their joint parenthood.²⁹⁴ In cases in which the parents are not married, they must turn to the Family Affairs Court and undertake a genetic test at a cost of \$243 for each person tested. In most cases, at least three people must be tested (father, mother and child), at a total cost of \$730. The Supreme Court recently relaxed the burden of proof, establishing that the parents' affidavits confirming their joint parenthood are sufficient, immediately after the birth of the child, together with evidence of the relationship between the parents, when necessary.²⁹⁵ The fathers of the children who live in the shelters are reluctant to declare their paternity or to undergo paternity tests since they do not wish to take on responsibility for the children, including payment of child support. Other fathers exploit the situation to control the mothers, in behavior bordering on emotional and financial blackmail. When the father procrastinates in taking a paternity test, the child is unable to access services, particularly medical care, and lacks formal affiliation and identity. The state Legal Aid system helps women struggle to secure recognition of paternity, including exemption from the levy and funding of paternity tests.

State Legal Aid was recently also provided for mothers in litigation against the National Insurance Institute relating to the payment of child support by the fathers, as ruled by the court. As detailed in section 8.4, the law states that when a father fails to pay child support, the child is eligible for a benefit from the National Insurance Institute. The National Insurance Institute, in turn, is entitled to take legal steps in order to collect the debt. However, the law permits payment of this benefit to a "resident." Since the mothers in the shelter are not Israeli residents, the National Insurance Institute delays the payment of the benefit, despite the fact that it is due to the child, who is an Israeli citizen on the basis of his or her father's citizenship. One woman at the shelter has been waiting in vain for two years to receive the benefit. The state Legal Aid and Isha L'Isha are assisting this woman her efforts to secure the child support she was ruled, in an effort to set a precedent for other women in a similar situation.

Health Services

Children are entitled to emergency medical services in accordance with the Patient Rights Law. They are also eligible to basic health insurance in accordance with a special

²⁹³ Article 4(A) of the Citizenship Law.

²⁹⁴ Procedure for Granting Status in Israel to Minors Born in Israel through Recognition of Paternity, *Population, Migration and Border Crossing Authority 5.2.0004* (August 1, 2005).

²⁹⁵ HCJ 11044/04 *Solomatin v Minister of Health, Tak-El* 2011(2) 3947 (2011).

arrangement for the children of migrants in Israel. This insurance is provided privately through Meuchedet HMO.²⁹⁶ The services of the Family Health Centers are provided free of charge for all women and children in Israel, regardless of their status.²⁹⁷

Education and Enrichment

The children are placed in public educational frameworks until 4:30 p.m., and, in certain cases, until 6:00 p.m. Enrichment activities are provided for the children as decided by the mother and in accordance with her financial condition. Since no state services were available for young children in Israel in the years when babies stayed in the shelter, the mothers were obliged to care for the baby by themselves, or to secure the assistance of other women in the shelter as babysitters - an arrangement that did not always prove successful.

Psychological Treatment

The children sometimes receive therapy from volunteers or social work students who come to the shelter for their practical training, through animal therapy. Despite the severe emotional distress facing the children, **no economic resources have been found to provide intensive psychological treatment beyond the partial response provided by the educational systems they attend –frameworks that are under the responsibility of the Ministry of Education.**

Advice and Therapy for the Mothers

The social workers at the shelter provide individual therapy and supervision for the mothers. By developing trust – something the mothers find extremely difficult – they are able to receive positive feedback on their ability to present boundaries and on the progress they have made in their maternal role. An effort is also made to enhance their awareness of the connection between their own emotional state and that of their children. These interventions produce visible results, leading to an improvement in the women's maternal functioning and a consolidation of their identity as mothers. Three mothers whose children are currently staying at the shelter are receiving guidance from an intern in the Adler Institute, which specializes in parent-child relations. The shelter staff accompanies the mothers to meetings with the welfare services and to the hospital, in cases when a child requires hospitalization.

In 2007, a **mothers' workshop** was held at the shelter on the initiative of Isha L'Isha and the Hotline for Migrant Workers.²⁹⁸ The goal of the workshop was to empower the women as parents, raise awareness, and inculcate coping tools. The women learned about parenting techniques, laws, setting boundaries, cooperation, the

²⁹⁶ HCJ 10533/04 *Eyal Weiss v Minister of the Interior, Tak-El* 2011(2) 3813 (2011).

²⁹⁷ Website of the Ministry of Health: www.health.gov.il/Subjects/pregnancy/health_centers/family_health-centers.aspx (Hebrew).

²⁹⁸ "Redemption," footnote 146 above, p. 61.

sense of belonging and the ability to show empathetic listening. A total of 12 sessions were held, each lasting three hours. The sessions were led by a Russian-speaking psychologist and facilitator. Seven women participated in the workshop, five of whom have children who were living with them in the shelter, while two others have children who lived outside the shelter or in their country of origin. Rinat Davidovich, the former director of the shelters, stated that all the activities and interventions relating to motherhood have proved successful.

Informal Support Systems

Many good and caring people are touched by the ability of the mothers to survive and the distress they face. This helps the women develop contacts with informal support systems that help them cope with their difficulties. The following are two examples:

- Victoria, the mother of a six-year-old boy, is in regular contact with a woman from Holon. "I feel like she's my mother," Victoria comments. "I speak to her completely openly and she gives me very good advice. I listen to her advice and follow it. There were times when we were living in the street. Really hard times. We literally had nothing to eat. So she would come to visit us and help. She gave us money to buy food. Next year, I'm moving to Holon to live near her."
- Masha, who has left the shelter, received assistance from a Christian organization in Haifa that provided financial support and helped her two children.

In conclusion, there is overwhelming agreement among the professionals that the shelter is not an appropriate framework in which to raise children. **The findings show that although the children enjoy basic services, they are not perceived as separate entities in their own right. It would be appropriate to expand the specific services provided for the children during their stay in the shelter, and to provide them also to mothers and children after they leave the shelter.**

One possibility would be to provide a separate shelter for mothers and children. The Ministry of Social Services recently decided to open an apartment for mothers and children who have been in the shelter for a protracted period and are ready to live independently. We welcome this initiative, but it does not meet the needs of mothers and children who require the intensive support framework provided by the shelter. We recommend that children be integrated in enrichment activities in the community, according to their age and developmental level. The shelter director believes that the response to these needs should be provided in educational systems providing a long study day. However, we believe that these children have a particular need for psychological treatment and a need to experience a bond with a male figure, something most of them lack. This could be provided through programs such as the Big Brother project in the local community center. It is sometimes argued that the mothers find it difficult to let their children leave them to attend various activities, but we

believe that once they recognize that this is in the children's interests and see the improvement in their behavior and mood, they will welcome this.

7. Communication and the Importance of Language – “The Tower of Babel”

A common language is an essential condition for effective communication between humans. Language structures reality; facilitates conversation, understanding and closeness; and serves as a vehicle for help and support. The way we use language conveys social norms and represents culture. The lack of a common language prevents direct and unmediated communication, mitigates against the creation of closeness and cooperation, leads to misunderstandings, and presents an obstacle to help and rehabilitation. This is evident in the relations between the staff and the residents, as well as in the interactions between the different groups that live under one roof.

After the authorities and non-governmental organizations in Israel were alerted to the phenomenon of trafficking in women for prostitution, Russian-speaking workers were recruited to assist this population. Attorney Nomi Levenkron, a Romanian speaker, began to work as a legal advisor in the Hotline for Migrant Workers; Rita Chaikin, who speaks Russian, coordinates the campaign against prostitution and trafficking in women in Isha L'Isha; as the state joined the effort to combat trafficking in women, a special unit was established in the Israel Police's Interrogations Unit, staffed by eight Russian-speaking officers and headed by Chief Superintendent Edward Plinner. More recently, the Israel Police also hired a Thai translator. Nevertheless, all the governmental and non-governmental bodies in Israel face a shortage of translators and interpreters to and from the numerous languages spoken by the survivors of human trafficking. As part of the national plan to combat human trafficking for slavery and forced labor, it has therefore been decided to develop a comprehensive translation service that can provide assistance at all the points when foreign nationals come into contact with the authorities and require interpreting or translation services. The team responsible for developing this service includes representatives from the Ministry of Industry, Trade and Employment, the Ministry of the Interior, the Ministries of Justice and Health, the Israel Police and non-governmental organizations. The team, which has held numerous sessions and met with academics from the field of translation, is currently drafting its recommendations. It is to be hoped that these will be implemented to the benefit of human trafficking victims, among others.

During the research period, the staff members at the shelters included speakers of Hebrew, Russian and English only. In other words, there were no staff members who speak the mother tongues of most of the men and women who stay in the shelters. Meaningful conversation is effectively impossible without translation.

The changing demographic profile of the shelter residents, who now come from at least ten countries (the CIS, Niger, Rwanda, India, Chile, Brazil, Eritrea, Nepal, Thailand and Sri Lanka) requires a new approach to issues of language and communication, both in terms of the relations between the staff and the victims and in the context of the interactions between the different groups housed in the shelters.

7.1 Language – A Central Factor in Every Encounter between the Staff and the Residents of the Shelters

New residents arrive at the shelters at all hours of the day. In some cases, many hours pass before an interpreter arrives and explains the nature of the shelter to the newcomers. Latta, an Indian woman who is staying at the shelter, thought at first that she was being taken to jail. Lamlam, who entered Israel across its southern border and was held for months in an incarceration facility before moving to the shelter, cried for much of the first week because she thought that the shelter was simply a different prison; it took Nigisti a month to adapt to her new surroundings. The lack of an explanation in the residents' own language creates confusion and misunderstandings about the function of the shelter and exacerbates their sense of loneliness, further damaging their already-fragile emotional state.

As mentioned above, some of the men at Atlas Shelter commented that they felt the lack of individual and group conversations with therapeutic professionals. The language barrier is one of the reasons for this lack of communication. The residents find it difficult to tell their personal stories in a language other than their mother tongue. At Ma'agan Shelter, too, the individual conversations with women who do not speak Russian, English or Hebrew take place in broken Hebrew or through an interpreter.

Communication problems are also evident in the residents' contacts with their various professionals whose services they require, including physicians and attorneys, as well as with employers. Officials from the Interrogations Unit of the Population and Migration Authority in Lod demanded that Lamlam sign the letter of rejection sent in response to her application, despite the fact that the letter was not translated into her language. The physician who visits the shelter twice a week speaks only Hebrew and Russian. Latta complained that she could not understand her attorneys from the state Legal Aid, while Sawat commented that he found it difficult to communicate with his employer, because the employer speaks Hebrew too quickly and Sawat cannot follow what he is saying.

The residents have developed various creative ways of coping with the communication difficulties. They use pidgin English peppered with a few words of Hebrew they have picked up. They seek assistance from veteran residents of the shelter who speak their own language, or who have a better command of English or Hebrew. They also use a cell phone application providing a Thai-Hebrew glossary of key words, as well as computer programs. When all else fails, they use gestures.

7.2 The Function of the Interpreters

The interpreters in the shelters play a crucial role in mediating between the staff and the residents. In addition to translation, the interpreters also serve as cultural mediators, calm the residents, and offer a source of support in everyday situations and

in emotional crises. However, the interpreters are liable to alter the content of the conversations they translate, for various reasons: if they disagree with the approach taken by the person whose comments they are translating, or if they encounter difficult expressions in Hebrew, which is not their mother tongue. By way of example, it took one interpreter more than a month to learn how to pronounce the name of one of the moshavim where men had worked before coming to Atlas Shelter.

The director of the shelters makes an intensive and creative effort to recruit the interpreters, including advertisements on the websites of non-governmental organizations such as Shatil; contacts with various organizations; personal networking; advertisements in the local press; contacts with coordinators at colleges attended by students of Ethiopian origin, such as Kiryat Ono and Ariel; and even among various service providers. For example, an Amharic-speaking clerk at the bank where the shelter holds its account was recruited for this purpose. Volunteers at the Hotline for Migrant Workers sometimes provide assistance and receive reimbursement of travel expenses by way of partial compensation. At one meeting with survivors from Sri Lanka, a representative from the Sri Lankan embassy in Israel acted as an interpreter. Contact was recently made with a professional translation company, but requests to contractual companies are less frequent due to the mediation fees they collect. The attorneys from the Legal Clinic at Tel Aviv University claim that conflicts of interest have arisen in cases when the interpreters also work for the personnel companies and for the employers; the survivors are naturally reluctant to speak openly in such instances.

Some interpreters are available by telephone. A Chinese resident of the shelters receives assistance from a volunteer at the Hotline for Migrant Workers who speaks Chinese and there is also a translator for residents from Sri Lanka. A Portuguese-speaking pensioner works as an interpreter under the auspices of the Social Community Service, a joint project of the Jewish Agency for Israel and the Ministry of Absorption, providing assistance for a Brazilian woman over the telephone, and in person when necessary. A Tigrinya-speaking instructor comes to the shelter four mornings a week to help the Eritrean residents. During the research period, a Thai interpreter came to the shelter twice a week and was also available by telephone. She developed a warm relationship with the Thai men and women in the shelters and acted as their spokesperson in contacts with the staff. During one of the interviews she translated, she commented: “[The men say,] ‘Listen, sister, we’ve run out of sauce, the spices are finished.’ So when I come, I bring the stuff. I don’t wait for them to come and talk to me. I go down to them and ask them, ‘How are you, what’s new, how are you doing.’ And then I follow up on what’s happening to that person.” However, this interpreter faced mobility issues and recently stopped coming to the shelter. A replacement has since been found.

A social worker explains the interpreter’s function as a cultural mediator: “Sarah the interpreter says that there are some things she can’t say because it isn’t

acceptable. For example, one guy here had a drinking problem and his employer sent him back to the shelter because he was having a bad influence on the other workers. He smelled of alcohol when he arrived. I asked Sarah to tell him that he was drinking and that we could only find a new job for him if he stopped. She said that it isn't acceptable for a woman to ask a man questions about drinking problems. So the man stayed here. I told Sarah that he smelled very strongly of alcohol, and that he wouldn't be able to work unless he stopped, and she translated my comments."

The interpreter serves as a "significant other" and a familiar source of support. One of the Thai men explains: "The interpreter is like a sister to us, she's our only contact person, she alone. I don't ask anyone else for anything." This relationship was also apparent in the interviews we conducted with her assistance. She explained the interviewees' background and explained the purpose of the interview to the residents: "Don't feel uncomfortable, don't be too nervous. The idea is to improve the conditions for the people who live here. What's missing, what should be added. It's not an interrogation"

In addition to the regular interpreters, the residents and staff at the shelters also seek ad hoc assistance in urgent cases of emotional distress. Sometimes a telephone roster is available in case language difficulties arise, for example when a staff social worker is accompanying a resident to an operation in hospital.

The diverse cultural profile of the residents and the integral role played by the interpreters in the work of the shelters demand a more structured approach to this aspect in order to ensure that the residents make the most of the care offered by the shelters. In addition, the emphasis should be on avoiding situations in which an interpreter works for more than one body in the field.²⁹⁹ The possibility should be taken into account that interpreters may abuse their close relationship with the residents of the shelters.³⁰⁰

7.3 The Relations between Residents and Staff – Cultural Gaps and Language Barriers

Cultural issues color the relations between the residents and the staff members. Most of the residents at Atlas Shelter come from the Far East (particularly Thailand), and they are generally extremely grateful for the help they receive from the staff. They tend to try to get by on their own and are reluctant to display their emotions, let alone

²⁹⁹ Attorney Nomi Levenkron mentioned the case of a translator who worked for a commercial company that provided services both for the state Legal Aid and for the police, a situation that could raise ethical problems if material related to the same victim.

³⁰⁰ Suspicion was recently aroused that a Chinese interpreter employed by the police was blackmailing Chinese migrant workers. See Yaniv Kubovich, "Police Interpreter Blackmailed Foreign Workers from China," *Ha'aretz*, September 6, 2011, www.haaretz.co.il/news/law/1.1447875 (Hebrew).

to complain. One of the men explained: “I don’t feel comfortable about going up to them and saying something or asking for something. I just wait to see if they’ll tell me. I don’t want to ask because I’m embarrassed and I find it unpleasant.” **The staff member must take the initiative in arranging a therapeutic session or discussion.** This is apparent from the following exchange in one of the interviews:

“Q: Do they come to call you?

A: Yes. For example, this week someone came.

Q: And asked you how you are? What you need?

A: All the time they ask me if I’m okay, how I’m feeling.”

In the case of the women at Ma’agan Shelter, the findings reflect more complex emotions. The residents are very appreciative of the effort and caring shown by the staff, but raise criticisms of discrimination and improper attitudes. The interviewees were satisfied with the availability of the staff and noted their hard work: “You can turn to them when you need to cry, to laugh, to talk freely.” Some of the women acknowledge the emotional investment by staff members: “Every day I say thank you for this help. My own mother didn’t help me the way I get help here in the shelter.” Alongside this praise, substantive criticisms were raised regarding the rapid turnover of staff responsible for providing care, particularly in the case of students. This obliges the women to tell their difficult personal stories time after time. As already noted, one woman who has left the shelter forcefully criticized the poor and complex relations between the women and the staff. She expressed feelings of oppression, suffocation and remoteness: “Close the door, go out, I’m busy... Even though I know she’s just sitting there playing on the computer.” We recommend that when a resident has a negative experience with the shelter staff, they should be enabled to talk with an external psychologist.

The resentment felt by women who did not come from the CIS, and their sense that the Russian-speaking staff members discriminate against them, were reflected in repeated complaints about almost every aspect of life at the shelter: Women complained that the residents from the CIS are given easier cleaning chores and more favorable roster slots. It was claimed that when these women need repairs in their rooms, this happens more quickly. It was even stated that only the Russian women have a key to the refrigerator, and not the others. Women from Africa and the Philippines stated that during a dispute between an African woman and a Russian woman, the staff removed the African woman from the shelter – and not the Russian, who was brandishing a knife. It was further claimed that the staff turns a blind eye when the Russian women work illegally, but take action when African women are involved. A social worker commented: “The women have learned that people want to help them, but when comments are made, they often say that they are being subjected to discrimination or the remarks are being made because they do not come from Russia.” The women’s complaint were not confined to the shelter itself. Idan Halili, a research assistant in this study, received a telephone call from an African woman at the

shelter she was in contact with during the course of the research. The woman complained that the staff was discriminating against her and favoring the Russian women.

The shelter has faced claims of discrimination and favoritism since its establishment, even during the period when all the residents were from the CIS. The social workers see this phenomenon as a further manifestation of the women's vulnerable state of mind. They offer a simple emotional and psychological explanation: Just as the children in a family compete for their parents' love, the residents of the shelter compete for the attention of the social workers. The metaphor of the women as children might strike some people as paternalistic, but our impression was that the social workers indeed see their function, to an extent, as a parental one, particularly in terms of the emphasis on support, containment and guidance. Today, because of the visible differences in skin color among the residents, this phenomenon has acquired a more dramatic tone and is accompanied by claims of racial discrimination. Other complaints came from the migrant workers, who objected to being placed in the same facility as "prostitutes." One way the staff copes with this is to function as role models, explaining that most of them also arrived in Israel as penniless immigrants, so that they can easily understand the feelings of the women in the shelters. However, further consideration should be given to this issue in view of the emotions it arouses. It is possible that the atmosphere in the shelter feeds the feelings of discrimination. To give one example, the group session at the shelter is called *Sobraniya*, a Russian word meaning "meeting." It might have been preferable to choose a Hebrew word that is not identified with any one of the different cultural groups at the shelter.

The feelings of discrimination stem from personal difficulties, perceptions of the general environment, and adaptation to life in the shelter, as well as from the legal status of the women – some have received work permits, while others have not. However, there can be no doubt that the language barrier between the staff and the women who do not speak Russian, and the resulting communication problems, lead to feelings of impotence that fuel the sense of gross discrimination.

7.4 *Relations among the Shelter Residents*

Cultural gaps and differences make it difficult for the different groups of men and women in the shelters to engage in dialogue. In Atlas Shelter, the relations between the Thai and Chinese men are characterized by mutual assistance in cleaning and cooking. The relations are described as family-like "as if we were brothers." However, communication difficulties are seen between the African men and the men from Asia. One of the Thai men comments: "I don't know how to talk to the Eritreans, there's no contact with them. They don't understand me and I don't understand them."

The hostility and alienation, presumably against the background of cultural gaps and the language barrier, reached their peak in an argument about which channel to

watch on television. The argument led to a physical confrontation. An Eritrean man broke a broom on the nose of a man from Thailand. The residents only calmed down after the social worker threatened to call the police. One of the Thai residents described the incident in the following terms: “The problem is with [...], who is like a little child, even though he’s one of the older ones. The problem is that he thinks that everything belongs to him. Everything’s his private possession. He doesn’t care about us. So we were sitting down watching television. He had a telephone call, and he got up and left and turned our television off. Seven or eight of us were there watching television in the living room. He turned the television off, and then when he returned after finishing his phone call he turned it on again. That’s not right. It isn’t his private television, it isn’t his home. He didn’t show any consideration for us. He just did what he wanted and what he felt like [...] We fought back though. He turned off the television, so when he stayed there we turned off the television – we did the same thing he did to us.”

As explained above, most of the women who come to Ma’agan Shelter are in a fragile and sensitive emotional state. Their life in the shelter requires them to adapt to a strict and predetermined way of life that forces them to share their rooms, toilets and showers with other women. They have to accept that working women use the kitchen at strange times of day. Some women are used to talking loudly, and there is music and noise from the television all the time because of the women’s sleeping difficulties. The Eritrean women have very different musical tastes from those of the women from the CIS. They also lack basic skills such as how to use a microwave, despite repeated explanations. This arouses anger among the other women, and may possibly cause frustration among the staff: “This one picks on that one and vice versa. It’s not easy to mix these groups. They listen to music all the time and it drives the others crazy... We talk about it again and again, but it doesn’t do any good.”

The women’s legal status is a further source of conflict due to the division between women who hold work permits (i.e. victims of trafficking for prostitution from the CIS) and women who remain without status for extended periods (migrant workers and asylum seekers from Africa who entered Israel illegally). This situation leads to feelings of alienation, hatred and jealousy that may sometimes even lead to violence. One of the women explains: “I don’t mix with the other girls because I’m scared. I go off to my room. I don’t feel any connection with the other girls, not in terms of our life experiences and not in terms of language and culture. I’m scared of violence because these women have problems, and because of their status in Israel regarding work permits.” Staff members also noted that the differences in legal status exacerbate the tension in the shelter.

The common assumption that women who have faced similar experiences will want to share these was hardly reflected in the interviews.³⁰¹ The women feel that their

³⁰¹ For further discussion of this issue, see Chapter Five.

personal problems are so severe that no-one could understand them. They identify a lack of trust and describe each other as “two faced.” In most cases, they only share their stories with close friends from the same country of origin: “What they all share in common is that they suffered problems from their employers. That makes it easier to talk to a friend, about what they’ve been through and how the future looks – the uncertainty. We give each other hope” (Sarah); “I only talk to someone I can trust” (Nagisti, referring to Lamlam).

In conclusion, the personal state of the shelter residents, the cultural gaps and language barriers among them, and the need to live under the same roof create fertile ground for disagreement and conflict. The uncertainty faced by the women serves only to exacerbate this situation. The intensive presence of interpreters for the various languages could help the residents understand the function of the shelter and adapt to life in this framework. This would facilitate their rehabilitation. Work should continue on the complex task of locating interpreters and social workers who speak the various languages of the current residents of the shelter. This work requires an original and creative approach. One idea raised during a discussion with the shelter director is to try to locate social workers who immigrated to Israel from Ethiopia about ten years ago, and to see if any of them speak the unusual dialect spoken by the current residents of the shelters. The viability of this solution should be examined, since some Eritrean residents cannot speak Amharic, while others refuse to do so against the background of the political tension between Eritrea and Ethiopia, or because they fear that admitting a knowledge of the language may lead the Population and Migration Authority to suspect that they are not citizens of Eritrea but of Ethiopia, and therefore to reject their application for asylum based on collective protection.

8. Legal Aspects

Legal proceedings can help empower and rehabilitate the victims of human trafficking.³⁰² The law can ensure that those who trafficked, abused and harmed the victims are punished for their actions. Offenders may face imprisonment and may be required to compensate their victims following criminal proceedings or a damages suit. These legal processes name the injustice caused to the victims, enforce justice, collect money that can be used to help them rehabilitate their lives, and hence may deter repeat trafficking.³⁰³ The legal system may also help the victims of trafficking to secure their rights from the state. Victims can turn to the courts to appeal against an official decision not to grant them a permit to stay in Israel on the basis of collective protection for asylum seekers; against the refusal by the state to provide a permit for the mother of an Israeli child; or against the state's refusal to provide medical treatment.

The research findings show that the function currently played by the legal system in empowering and rehabilitating the survivors of human trafficking in Israel is limited, for reasons which are discussed below.

8.1 *Legal Proceedings against Traffickers for Prostitution*³⁰⁴

8.1.1 Criminal Proceedings

There can be no doubt that criminal proceedings instigated in the early 2000s against offenders who trafficked non-Israeli women to Israel for the purpose of prostitution contributed to a substantial reduction in the scale of this phenomenon. Police raids of brothels, the deportation of non-Israeli women found in brothels (during the period before their right to rehabilitation was recognized), the prosecution of traffickers and the penalties imposed on them, all made the trafficking of non-Israeli women to Israel for prostitution an unprofitable proposition for the traffickers. As Chief Superintendent Raanan Caspi notes: "Beginning in 2005, over 50 traffickers of women were convicted and sentenced to between seven and 18 years' imprisonment. This is unprecedented

³⁰² On the potential of legal proceedings to facilitate empowerment, see *Empowerment by Law* (Mimi Eisenstadt and Guy Mondalk, eds., 2008) (Hebrew). On the obstacles facing members of weakened populations in realizing this potential, see Yuval Albashan, *Strangers in Law: Access to Social Justice* (2005) (Hebrew).

³⁰³ Nomi Levenkron, "'Their Own Money:' Civil Suits by Trafficking Victims against Their Traffickers: And Yet They Move," in: *Empowerment by Law* 451 (Mimi Eisenstadt and Guy Mondalk, eds., 2008). (Hebrew).

³⁰⁴ For discussion of the legal aid provided to trafficking victims prior to 2005, see Nomi Levenkron and Michal Aharoni, Tel Aviv University and the Hotline for Migrant Workers, *"Oppression-Compensation:" Conclusions of a Workshop on the Legal Representation of Victims of Trafficking in Women* (2005) (Hebrew).

[...] Gradually, the courts internalized [the matter] and gave truly serious sentences. It created a deterrence.”³⁰⁵

The four interviewees in our study who were trafficked for prostitution and who were staying in the shelter during the research period **were not involved in legal proceedings against the traffickers**. Victoria, who was trafficked to Israel for prostitution in 2001, recalls that when she arrived at the shelter in 2009, “They asked me how I came to Israel, and I had to go to the police and make a statement – where I worked and who was the boss. But they told me that this was so long ago that they couldn’t help. They [the traffickers] were all already either in jail or they had fled. They showed me loads of photographs, but I didn’t recognize anyone.” Although Victoria emphasizes that she was not afraid, and wanted to testify because “people who do bad things should be punished,” as she puts it, the police closed the file due to lack of evidence. Accordingly, even when a woman who comes to the shelter is willing to testify (and not all women are), it is difficult to consolidate the evidence and prosecute the trafficker, since the relevant offenses occurred during the first few years of the 21st century.

Of the three women interviewed who stayed in the shelter in the past, two have not been involved in proceedings against their traffickers. Larissa did not wish to testify, explaining: “They asked me whether I wanted to, and I said that I didn’t, because they were already in jail and they would be there for a long time – five, seven and 12 years [...] I thought, thank God, they are already inside [prison] and they won’t get more time to serve than they already got. And I didn’t want to bring it all up and remember everything, all that aggravation. Especially after I came to the shelter, my diseases had been cured and I’d got my head sorted out a bit and I didn’t want to appeal against the decision.” Larissa states that she was tricked by the traffickers, who promised that she would mainly be working in striptease, and she could decline to have sex with the customers if she did not want to. She says that she was constantly fined in order to avoid paying her money, and that her passport was taken so that she could not run away. Nevertheless, she chose not to testify, both because her traffickers had already been punished and also in order to save her limited strength for her own physical and psychological rehabilitation.

8.1.2 Compensation for Victims of Trafficking for Prostitution

Israeli law allows compensation of up to approximately \$70,000 to be awarded to the victim of an offense in a criminal proceeding in which the offender is convicted.³⁰⁶ In

³⁰⁵ It is reasonable to assume that geopolitical changes on the global level also influenced the patterns of trafficking for prostitution in Israel. These changes included Romania’s accession to the European Union in 2007, which created new legal opportunities for migration from that country to the more prosperous European countries, thus reducing the motivation to emigrate illegally to Israel. Mapping the full range of factors that led to the drastic reduction in trafficking for prostitution in Israel demands a comprehensive study that is beyond the goals of the research reported here.

cases in which the offender is convicted of human trafficking, the judge must state grounds for a decision **not** to award compensation to the victim.³⁰⁷ **In addition, the victim of an offense can file suit against the trafficker who injured him or her as a derivative suit following the conviction in the criminal proceeding,³⁰⁸ or as a separate claim for damages.**³⁰⁹ Although the Israeli courts have awarded high sums over the past two years to several women who were trafficked for prostitution, none of the women trafficked for prostitution we interviewed in this study has so far received any compensation from the traffickers, whether in a derivative suit to criminal proceedings or in civil proceedings. The only interviewee who mentioned that she wishes to file a damages suit against the person who harmed her is Violetta, who is staying in the shelter due to the suspicion that a policeman raped her. Violetta notes that Attorney Sigalit Zohar explained to her that a track exists enabling such suits, and she intends to take this course once the criminal proceeding against the policeman has been completed.

Violetta's reference to Attorney Zohar and the state Legal Aid provided for trafficking victims is not unusual. There is a high level of awareness in the research field that victims are entitled to legal representation at the expense of the state. Attorney Sigalit Zohar herself notes that the Legal Aid has submitted dozens of suits on behalf of the victims of trafficking for prostitution, particularly as derivative proceedings to the criminal proceeding. She emphasizes the considerable advantages of such proceedings: there is no limit on the amount of compensation; the trafficker has already been convicted and cannot retract, even if the conviction was secured on the basis of a plea bargain; the woman need not testify, and the suit can be submitted on her behalf even if she is no longer in Israel; and the sums awarded are high, in part due to the fact that the hearing takes place in the district court, before the same panel that convicted the trafficker. As Attorney Zohar notes, it is not always possible to take advantage of the derivative proceeding track; in some cases, for example, there are no criminal proceedings against the trafficker. Even if there was a criminal proceeding, a derivative suit must be filed within ninety days of the date on which the ruling became peremptory.³¹⁰ In many cases, women who have been trafficked are unaware of this

³⁰⁶ Article 77 of the Penal Code.

³⁰⁷ Article 377C of the Penal Code.

³⁰⁸ Article 77A of the Courts Law [Combined Version], 5744-1984, SB 198; Article 17 of the Civil Law Proceedings Regulations, 5744-1984, SB 2220; Article 88 of the Penal Code.

³⁰⁹ In the past, the organizations that help victims, and the state Legal Aid, also used to submit claims on behalf of the women against the traffickers at the labor court on the grounds of the violation of labor law. After hearing the women's horrific stories and realizing that these cases involve violence, trafficking, coercion and subjugation, rather than matters concerning labor relations, the attorneys recognized that the labor court is not an appropriate forum. Since 2006, civil suits have been submitted to the magistrate's courts and the district courts on the grounds of damages and unlawful enrichment.

³¹⁰ Regulation 17 of the Civil Law Proceedings Regulations.

possibility and do not initiate the proceeding within the set period. The shelter staff is aware of the time limitation and encourages the women to contact the state Legal Aid regarding a suit for compensation. Notwithstanding, **when a derivative suit or a claim for damages is submitted, it might end with the ruling of compensation amounting to hundreds of thousands of shekels for the trafficking survivor.**³¹¹

Even when compensation is ruled to a woman in the framework of the legal proceeding, she does not always receive this sum, and if she does, considerable arrears may be involved. One problem noted by Attorney Zohar is the smuggling of assets by traffickers, which makes it difficult to implement court rulings. Indeed, many women prefer to reach a compromise settlement during the legal proceeding and to accept a smaller payment than they deserve, out of concern that it will prove impossible to implement a ruling granted without a compromise. Zohar comments: "Many women have told me, 'Look, I understand it will be around \$250,000 and I can get a court ruling, but... I'm going home now and I want \$13,500. With that I can buy an apartment, finance studies, help my grandmother and mother. I'd rather have that than a court ruling I won't be able to collect from anyone.'" Another reason why a woman may not receive the compensation ruled in her favor is the difficulty in locating her. For example, Rita Chaikin recalls the case of a woman who stayed in the shelter. After returning to her country of origin, \$5,400 was received for her, following a compensation ruling in a criminal proceeding against a trafficker. "This is a huge amount of money in her village in Kyrgyzstan. She could buy two homes with this sum," Chaikin emphasizes. The shelter was unable to contact the woman, but after extensive efforts Isha L'Isha found her and the money was transferred. According to Chaikin, a further difficulty is that the women do not sign powers of attorney enabling the state, an NGO or the shelter to receive the money on their behalf and forward it. She suggests two other reasons why compensation collected from the traffickers does not always reach the victim: it was not explained to the woman that she should stay in contact with the shelter; and the shelter staff may have omitted to take the women's details. Chaikin claims: "There are some women who stayed in the shelter and will not receive their compensation, because they cannot be located." Attorney Zohar also mentioned the problem of powers of attorney, noting that a special new form has now been prepared enabling the women to authorize the state Legal Aid to receive and transfer the money. Even after the form is completed, it is important to ensure that the Legal Aid has sufficient details to locate the woman after the ruling has been given in order to transfer the money. A further obstacle to transferring compensation is that the Legal Aid is not authorized to act on the woman's behalf with regard to compensation awarded in the framework of a criminal proceeding. In these cases, the

³¹¹ In CC (Jer. Dist.) 7219/05 *Anonymous v Boslowitz* (unpublished, December 6, 2006), compensation of approximately \$115,000 was awarded to the plaintiff. In CC 2003/08 *Anonymous v Lipshin* (unpublished, January 25, 2010), compensation of approximately \$400,000 was awarded to the plaintiff.

police or the State Prosecutor's Office are responsible for processing the transfer of payment, and these bodies do not have a specific dedicated official responsible for locating the women and forwarding the money. We hope that the government decision charging the National Unit for the Detection and Management of Property in the Custodian General and Official Receiver Division with responsibility for forwarding compensation to human trafficking victims who have returned to their country of origin will improve the efficiency of the process of location and the transfer of funds.

Israeli law provides an additional route for compensating victims of trafficking, particularly trafficking for prostitution: **the establishment of a special fund**. This fund is supposed to receive funds confiscated from traffickers, which can then be allocated to trafficking victims.³¹² The legislative amendment providing for the establishment of the fund was adopted in 2006, but the process was delayed by the need to enact regulations and appoint a chairperson for the fund. Even following the formation of the fund, it became apparent that it is in all probability ineffective. Attorney Rachel Gershuni explains: "I see that the law states that only fines and confiscation from new offenses – and not old ones – can be included in the fund. The problem here is twofold. Firstly, there are few cases relating to new offenses, since trafficking for prostitution has dwindled. In the case of trafficking for slavery and forced labor, there are indictments, but not convictions. Even in the case of new offenses, the courts tend to impose compensation, out of their sympathy for the victims, rather than fines. The fund only receives fines and confiscated money. So there's a double problem. At the moment, approximately \$6,000 could be channeled to the fund."

Attorney Nomi Levenkron adds a point that is relevant to all criminal proceedings involving claims for compensation or the imposition of fines. She argues that, in many cases, the prosecutors managing the suits against the traffickers do not demand that a guarantee be deposited with the court before reaching a plea bargain. After the plea bargain is approved, the convicted offenders find ways to conceal their assets, and there is no way to collect the sums ruled against them.

In conclusion, the Israeli legislator has established trafficking for prostitution as a criminal offense incurring serious penalties, and has provided several legal tracks enabling women trafficked for prostitution to secure significant financial compensation from the traffickers. During the peak period of trafficking to Israel for prostitution, the law was used, traffickers were prosecuted and penalized, and women trafficked for prostitution received compensation. **Today, as the phenomenon becomes less common, the criminal channel is less relevant, and the damages channel also becomes less important due to the difficulty in securing evidence and the lack of contact with the women.**

³¹² Article 377D of the Penal Code.

8.2 Legal Proceedings against Employers

8.2.1 Criminal Proceedings

The struggle against the exploitation of migrant workers through the tool of criminal law differs in strength and scope from the criminal proceedings instigated against traffickers for prostitution. This difference is manifested in several ways:

One issue that has not yet been properly addressed in the sphere of law enforcement relates to the collection of illegal mediation fees from migrant workers. As already mentioned, the economic deprivation faced by migrant workers in Israel is due primarily to the substantial loans they took out in order to pay intermediary companies that secure permits for work in Israel. The State of Israel has been aware of this problem for several years; it has been discussed by the State Comptroller, the Knesset, the Ministry of Industry, Trade and Employment, the Israel Police and non-governmental organizations.³¹³ The law establishes that a mediation company cannot collect more than approximately \$940 for each individual worker, whether in Israel or elsewhere.³¹⁴ In practice, however, migrant workers pay thousands of dollars to mediation bodies, as Chief Superintendent Yaacov Lopaz explains: "Most of the workers, particularly those from East Asia, took out very substantial loans in their country of origin in order to realize their desire to come and work in Israel. These payments can amount to \$4,000 – \$5,000 for workers from India, twice this amount for those from Thailand, and four to five times as much for those coming from China. These payments are made to local mediation bodies in the country of origin. The working assumption of the police is that a significant part of this money reaches mediation elements in Israel, which therefore have an interest in bringing as many migrant workers as possible to Israel in order to gain the mediation fees."

Despite the awareness of this serious problem and the desire to solve it, the enforcement agencies find it difficult to enforce the law and prevent the usurping of migrant workers in the form of these mediation fees. The Israel Police does not receive cooperation from the authorities in the countries of origin in its effort to act against the local go-betweens, and cannot easily prove that some of this money indeed illegally reaches Israeli go-betweens. Chief Superintendent Attorney Yaacov Lopaz claims that the police has filed indictments on account of the illegal collection of mediation fees mainly in cases that also involve additional charges relating to exploitative employment. In other cases, the files are forwarded for administrative attention as

³¹³ Gilad Natan, Knesset Research and Information Center, *The Unlawful Collection of Mediation Fees from Foreign Workers* (February 14, 2007), www.knesset.gov.il/mmm/data/pdf/m01729.pdf (Hebrew); Minutes of Meeting No. 28 of the Knesset Constitution, Law and Justice Committee, 17th Knesset, 11-12 (July 10, 2006); position paper of Kav LaOved, *The Importance of Legislation an Offense of "Trafficking for the Purpose of Collecting Mediation Fees"* (July 20, 2006) (Hebrew).

³¹⁴ Employment Service Regulations (Payments for Mediation from an Employment Seeker), 5766-2006, Regulations Collection 774.

detailed below. It is difficult to find any court rulings in which personnel companies have been convicted of unlawfully collecting mediation fees.³¹⁵ In addition to the small number of criminal proceedings relating to the unlawful collection of mediation fees, another factor may be that convictions are secured through plea bargains approved by unpublished court rulings.

Regarding criminal proceedings against employers, enforcement proceedings also move slowly. Firstly, it is difficult to identify the victims of slavery. As Chief Superintendent Lopaz comments: “When you think about slavery, you imagine the classic image of someone tied up in iron chains, held in a cage, and so forth. Modern slavery isn’t like that. Modern slavery is no less traumatic for the victims, even though it usually cannot be discerned externally. The victims look like anyone else walking along the street, and appear to be free people, but in fact their free will and freedom of choice have been taken from them. This is mainly done by psychological and economic means; it isn’t something that can be seen from the outside.” Attorney Sigalit Zohar adds that “the offense of holding in conditions of slavery is a new one in the penal code. We do not have case law in the field, and the offense is very vague [...] What constitutes tangible control of a person or the denial of liberty?”

In light of the profile of modern slavery and the vague nature of the legal definition, the police attempts to clarify whether an offense of slavery has been committed on the basis of the overall circumstances: work during long hours every day; non-payment of the minimum wage; the confiscation of the victim’s passport; restrictions on freedom of movement; failure to pay wages; and denial of vacation days. As Chief Superintendent Attorney Lopaz explains, “In practice, modern offenses of trafficking or slavery are consolidated through the combination of circumstances. Each circumstance on its own might lack any criminal significance, or might have only minimal criminal significance. If we saw it in isolation, we might think that this was a matter relating to labor law or to some kind of civil dispute between an employer and an employee, rather than something amounting to a criminal offense. The characteristic of these offenses is that the offense is constructed through the combination of specific circumstances. The combination of circumstances may amount to a less serious

³¹⁵ An example of a published ruling illustrating the involvement of Israeli elements in the exploitation of migrant workers through the unlawful collection of mediation fees is CC (TA Mag.) *State of Israel v Pakach* (unpublished, June 30, 2006). The defendant in this case was convicted on three counts of receiving hundreds of thousands of dollars from a Chinese agent in return for a false promise to recruit workers to come to Israel. Judge Dan Mor noted that he views with great severity “the manner in which the defendant ignored the fact that his true victims are the helpless foreign workers forced to pay thousands of dollars to personnel companies in order to arrange their transfer to Israel. This is a problematic realm of human trafficking through the exploitation of their distress, and people such as the defendant are attempting to benefit at the expense of this distress, adding insult to injury by committing offenses of fraud in this serious field.” The judge sentenced the defendant (who returned most of the money he obtained fraudulently) to 30 months’ imprisonment, a suspended sentence of 30 months, and a fine of approximately \$2,700.

offense, such as usurping; it may consolidate a graver offense, such as forced labor, which is considered a low-level offense in the sphere of human trafficking; or it may amount to employment in conditions of slavery or holding in conditions of slavery, which are serious offenses at the upper end of the echelon.”

A further obstacle to the prosecution of employers is the difficulty in locating victims of economic exploitation. NGOs and the authorities only learn of the exploitation of migrant workers in cases when a third party, such as a neighbor, reports the injury, or when the victims themselves complain – something they are reluctant to do. Most victims will only complain when they can stand the situation no longer, as Attorney Zohar explains: “They just don’t complain – because they have taken out loans, because they have no access to the personnel companies, because they are unfamiliar with Israeli culture, because they do not know the language and only speak Thai, because they do not know anyone else and are unsure whether they will be able to find another employer.” NGOs and the police make an effort to inform workers of their rights, including the right to submit a complaint if they have been the victims of an offense, but significant encouragement to complain requires a guarantee that their complaint will not lead even to a temporary cessation of employment. For its part, the state does not undertake proactive investigations into economic deprivation, and does not ensure that victims will enjoy continuous income after submitting a complaint against an employer.

The difficulty in locating migrant workers who have been exploited is even greater in the case of those who are employed in private homes in cleaning, caring or nursing functions. Whereas agricultural workers live and work in groups, those employed in private homes work in isolation. Moreover, the cases brought to our attention and that of the authorities suggest that most of those involved came to Israel illegally. Accordingly, they are afraid that they will not only lose their source of income if they complain (as in the case of the agricultural workers), but also that they will be deported from Israel. In this context, it is important to note the efforts made by the Office of the Interministerial Coordinator to raise awareness among social workers in the nursing sector and among enforcement agencies regarding situations of exploitation and subjugation involving migrant workers who entered Israel legally or illegally. These efforts include workshops on identifying victims of slavery and trafficking.

Whether because of the difficulties involved in identifying and locating victims, or because there is no widespread phenomenon of trafficking for slavery and holding in conditions of slavery in Israel, very few cases have been discovered to date which the enforcement agencies have been convinced amount to the tangible control of a person’s life or the denial of liberty, as required by the law. Indeed, in most cases involving the exploitation of migrant workers, the authorities have not even been convinced that the conditions for the offense of forced labor have been met. One reason for this is that the workers agree to work long hours, and indeed wish to do so

in order to increase their income. The police prosecution currently has recourse to less serious offenses, mainly the offense of usurping, which prohibits the exploitation of another's weakness in order to secure something unlawfully,³¹⁶ or the offense of unlawfully withholding a passport,³¹⁷ in order to criminalize exploitative employers. In other cases, the police refrains from indicting the offender, as in the case of Luciana, whose story of exploitation was described above.³¹⁸

Lastly, even when employers who have withheld passports, used pressure and threats, and cheated or usurped their employees are prosecuted, it is difficult to secure a conviction and a penalty capable of serving as a deterrent. Legal proceedings in Israel are protracted and, in many cases, by the time the proof stage arrives, key witnesses have already returned to their country of origin. This occurs both because their permit to stay in Israel has expired and because the criminal proceeding does not constitute a sufficient incentive to remain in Israel. The interviews with the residents of the shelters suggest that they are not particularly interested in the criminal proceedings instigated against their former employers. They were unaware what stage the proceeding had reached, whether it had been decided to prosecute or to close the case, and seemed unperturbed by their lack of information on this matter. The reason for this may be the cultural reluctance to complain that was mentioned by a number of interviewees with regard to workers from Thailand. It is important to recall that in criminal proceedings, the victim of the offense is not a party to the proceeding. It is the state that decides to prosecute and manages the prosecution. The victim is not represented and has no control over the proceeding. Chief Superintendent Attorney Lopaz adds that migrant workers do not have the same motivation to contribute to the criminal proceeding as Israeli citizens: "In cases in which an Israeli citizen is the victim of an offense, he or she sometimes has a sense of good citizenship creating an interest in coming and presenting the situation as it was – that is to say, in coming to court and saying to the offender, 'You did such-and-such to me,' so that this information will be heard and the offender will be penalized for his or her actions. I'm referring to someone who has a sense of civic duty to come and testify and to relate what happened. These workers do not have this sense. They are not particularly interested in punishing those who committed the offenses against them. They do not really want to come to perform some kind of civil duty. What interests them – and this is what we must understand – is that they came here out of the desire to earn money, because they came here due to the terrible economic deprivation they faced in their country of origin. So their goal in this respect is to go back to their country of origin with a sum of money they are supposed to save. If they will get some kind of payment from the boss, and if he still owes them money, then they will be afraid that if they come and testify against him, he

³¹⁶ Article 431 of the Penal Code.

³¹⁷ Article 376A of the Penal Code.

³¹⁸ Appeal against the decision to close case E.D. 30068/08.

won't pay them what he owes them. So if they have a better chance of getting the money by not testifying, they will prefer not to testify.”

One way to encourage migrant workers who have been the victims of employment exploitation to testify is to demand compensation on their behalf as part of the criminal proceeding, or to file a derivative suit for compensation on their behalf, as in the case of survivors of trafficking for prostitution. This will create an incentive to secure conviction, which is a condition for claiming compensation on the basis of the criminal proceeding.

Regarding penalization, the prosecution has found it difficult to secure severe penalties. In proceedings that have been completed, convicted offenders do not spend long periods of time in jail. In many cases, they are merely sentenced to a brief period of community service. The reason for this is that while traffickers for prostitution often come from the criminal underclass,³¹⁹ the employers of migrant workers are usually farmers who are considered the “salt of the earth,” as one interviewee commented. A further factor is that many of the proceedings end in plea bargains due to the difficulties in proving the offense and the overload faced by the courts. During the research period, **no significant deterrent was created against the exploitative employment of migrant workers, and no criminal proceedings were finalized so as to enable shelter residents who have been exploited by their employers to claim compensation.**

8.2.2 Civil and Administrative Proceedings

Despite the small number of criminal proceedings relating to slavery and forced labor, Attorney Sigalit Zohar notes that the state Legal Aid has submitted some 150 civil claims under the labor laws against employers she believes had held workers in conditions of slavery or forced labor. One of the reasons for this is that while criminal proceedings require proof “beyond all reasonable doubt,” it is sufficient in civil proceedings that the prosecution convinces the judges of the veracity of its claims. This underscores the importance of the state Legal Aid as an independent body, not subject to the discretion of the police or the State Prosecutor’s Office. These suits are heard at the labor court. The Legal Aid sues on the workers’ behalf to secure their legal entitlements, including unpaid wages and social benefits. The labor courts have also accepted suits for punitive compensation against employers on account of degrading

³¹⁹ It should be emphasized that traffickers for prostitution also include many offenders with a “normative” background and no criminal record. See Nomi Levenkron, *Hotline for Migrant Workers, “Another Delivery from Tashkent” – Profile of the Israeli Trafficker*, Hotline for Migrant Workers (2007), www.hotline.org.il/english/pdf/Another_Delivery_From_Tashkent_Eng.pdf.

employment that violates human dignity and freedom of association – grounds that are also relevant with regard to migrant workers.³²⁰

It is important to note that apart from legal proceedings, employers who have exploited migrant workers might also suffer significant economic damage as the result of administrative measures. The Ministry of the Interior is empowered to suspend permits for the employment of migrant workers or to establish conditions for their validity.³²¹ Chief Superintendent Attorney Lopaz mentioned several cases in which the exposure of injurious employment led to the bankruptcy of the employer due to the nullification of his permit to employ migrant workers: “It should also be recalled that the prosecution in these cases works together with the other administrative enforcement agencies – usually the Ministry of the Interior. The Ministry of the Interior can instigate administrative proceedings and suspend or nullify employment permits. To take the example of a farmer, the significance of the suspension or nullification of the employment permit is financially disastrous. The damage caused by such a step, which is taken on an immediate basis after a brief hearing proceeding, can sometimes cause financial ruin. The combination of the administrative enforcement of the Ministry of the Interior and our criminal enforcement can create a considerable deterrent. This situation is well-publicized in the farming community, and people realize that this is really something they don’t want to have to deal with.” However, as noted in section 3.6, indications suggests that the Population and Migration Authority in the Ministry of the Interior is not taking adequate action to locate injurious employers, and is failing to exhaust administrative law in response to complaints received from non-governmental organizations against such employers.

In conclusion, due to the specific characteristics of the exploitation of migrant workers, the vague legal definitions and the difficulties encountered in proving offenses and securing effective penalization, the criminal courts rarely provide a channel for prosecuting, convicting and punishing employers for the offenses of holding in conditions of slavery and forced labor, or for punishing go-betweens who unlawfully collect mediation fees. However, civil and administrative proceedings against injurious employers are easier to pursue, and civil suits can potentially help in the economic rehabilitation of the victims, and it is therefore important that they will be exhausted.

8.3 Permits

As noted in previous sections, the subject of permits is of great concern to all the residents of the shelters. All the asylum seekers and survivors of trafficking for

³²⁰ To the best of our knowledge, the labor court has not yet granted any ruling relating to employment in conditions of slavery, either because a compromise has been reached in the case or because the legal proceedings are still pending.

³²¹ Article N1, O, of the Foreign Workers Law.

prostitution, and a minority of migrant workers, entered Israel without permits and are liable to deportation. Most of the migrant workers in the agricultural sector came to Israel and are present in the country on the basis of a work permit, but many of them require extensions of the permit in order to enable them to remain in Israel and free themselves from an employer who violated their rights.³²²

As described above, there is a tension between the desire to help the survivors of trafficking and exploitation and the interest of the State of Israel to protect its borders. In Roslana's case, for example, the Ministry of the Interior was reluctant to recognize her right to a rehabilitation year, since she did not testify in the trial of her traffickers and she left the circle of prostitution several years ago. The staff from the state Legal Aid argued against this position, and sought to convince the authorities that the passage of time had not obviated Roslana's need for rehabilitation. Toward the end of the research period, her application for a rehabilitation year was finally approved.

Nagisti's case illustrates the importance of the legal assistance provided for the shelter residents. Nagisti is struggling to secure official recognition that she is an Eritrean national: this will entitle her to a permit on the grounds of collective protection, even if she does not receive refugee status. Nagisti describes her feelings of loneliness and impotence in her dealings with the migration authorities:

A: "Because I don't have a permit, they won't let me leave [the shelter to work]."

Q: "Do you feel that you get enough help from the shelter so you can get a permit?"

A: "No. I wrote a document, they didn't even look at it in Lod [i.e. at the office of the Population Authority]."

Q: "Who takes you to Lod?"

A: "I go on my own. The day I went there, I lost my way. So I went back to Tel Aviv, and from Tel Aviv I got to the shelter [...] I think if they [the shelter staff] had come with me, they could even have asked why they accepted the documents from the families [of other applicants], and now they've decided they won't accept this anymore, and they only accept an identity card."

Attorney Zohar cannot help in such cases due to the legal provision stating that a person who is not an Israeli citizen, and who wishes to receive a permit other than one for a rehabilitation year for a victim of human trafficking, is not eligible for state Legal Aid. It is possible that the discussions currently underway on this matter, as well as Attorney Gershuni's position that there is no contradiction between applying for a permit on the grounds of collective protection or refugee status and the application for a rehabilitation year, may lead to a change in this situation. As noted above, the injury caused to those covered by collective protection is less significant during periods when

³²² See also Yossi Dahan, "The Legal Chains of Foreign Workers," *Another Sentence* 1 38 (2001) (Hebrew).

the state refrains from enforcing the prohibition against their employment. However, if the state again begins to enforce this provision, receiving a permit for a rehabilitation year may be of more benefit to them than collective protection, at least for the duration of that year, since this permit is accompanied by a work permit – something that is not currently forthcoming for asylum seekers eligible for collective protection.³²³ In the absence of criminal proceedings or damages suits on account of offenses committed against them (since these occurred outside Israeli territory),³²⁴ and in the absence of state legal aid, except in the context of the application for a rehabilitation year, the Africans in the shelters are not involved in legal proceedings and are not entitled to any legal assistance, apart from that provided by the Hotline for Migrant Workers regarding proceedings for identification.

Migrant workers, too, do not always receive legal assistance in their efforts to secure permits. Attorney Zohar explains that she exercises discretion in this respect. If she does not feel that the case warrants a rehabilitation year, she will not struggle against the decision of the Ministry of the Interior not to grant a permit. However, in cases where the work permit is about to expire, or where she feels that the worker cannot remain in the same sector for which the permit was granted, she will take action to extend the permit or to secure a permit for a sector other than agriculture, so that the worker has a chance to earn income without further injury. As noted in Chapter 3, legal aid is not usually required in this context, since the migrant workers entered Israel legally and receive a general work permit enabling them to leave the exploitative employer and continue to work in Israel legally.

³²³ Livnat, footnote 235 above. Attorney Livnat also argued that applications by asylum seekers for a rehabilitation permit should be considered, and should be granted in appropriate cases, before the discussion of the application for refugee status. The reason is that the latter applications can lead to an interview lasting many hours and raising the applicant's horrendous experiences in the country of origin. A rehabilitation year will enable the victim to recuperate and gain strength ahead of the demanding interview regarding his or her application for recognition as a refugee.

According to section A of the Procedure for Extending Residency Permits for Infiltrators, footnote 241 above, regarding asylum seekers from Eritrea and Sudan, and section 5(A) of the Procedure for Processing Applicants for Political Asylum in Israel, footnote 227 above, regarding asylum seekers awaiting the clarification of their application, the asylum seekers are to receive a permit to be present in Israel in accordance with article 2(A)(5) of the Entry to Israel Law; this permit does not allow the holder to work. Regarding Israel's policy of refraining from granting refugee status, see footnote 239 above.

³²⁴ The only criminal proceedings instigated in the context of the smuggling of men and women from Africa to Israel have been against Eritreans present in Israel, who were accused by the police prosecution of collaborating in the blackmailing of asylum seekers and in collecting mediation fees for their smuggling to Israel. See, for example, CP (Jer. Mag.) 1172/10, *State of Israel v Habati* (pending).

8.4 Civil Proceedings regarding Children

During the research period, several women in the shelter had children by Israeli fathers. This situation led to various legal issues requiring assistance: paternity claims, suits for child support, custody and visiting arrangements, and suits demanding a permit for a woman to remain in Israel on the grounds of her status as a mother to an Israeli child.

Roslana, for example, arrived in Israel in 2001. In 2004, she had a child, and since 2009 she has been living in the shelter. The boy's father has other children from several women. It seems probable that he beat Roslana and used drugs. The boy developed a medical problem in his eyes requiring treatment. The father refused to undergo a paternity test, which would have secured the child the status of an Israeli citizen, including eligibility for medical insurance.³²⁵ When the boy was four and a half years old, Roslana decided to transfer him to his father's custody, so that the father would take responsibility for him and he could receive treatment before beginning first grade. She explains: "In order to begin school, he had to undergo an operation. In order to have the operation, he had to undergo a DNA test, and in order to do the test, I had to let him go to his father." The father duly underwent a paternity test and accepted custody of the child, and the boy underwent treatment on his eyes. Roslana now sees her son in the shelter under the terms of the visiting arrangement. From time to time, she has to cope with the father's attempts to hamper the arrangements and to prevent her from seeing the boy. She states: "I have sleeping problems at night. I feel as though I'm at a dead end all the time. However great a mother I might be, I feel that this father will always win and will always trample on me." Roslana's sense of being trampled on by the father is exacerbated by his refusal to support her struggle to secure legal status in Israel, since he would rather she were deported to Ukraine.

The state Legal Aid assisted Roslana and drafted a custody suit on her behalf, but at the last moment she decided not to pursue this course. She explains: "I feel that I can't open my mouth until I have a permit. The question they always ask is how I plan to support the boy. He needs to study, he needs clothes. They all know that the boy is being beaten, but the questions are about how I can't support him, not about how he is being beaten there." Roslana adds that she didn't get on with the attorney from the Legal Aid, and if she had money she would hire a private attorney. The shelter staff helped Roslana to contact the authorities and request a rehabilitation year on humanitarian grounds. The social worker at the shelter responsible for her case emphasizes the importance of legal representation, including in applications for permits. Thanks to the Legal Aid, Roslana eventually secured a permit for a rehabilitation year during the research period.

³²⁵ In a recent ruling, the Supreme Court declined to intervene in the policy of denying medical treatment to the child of an Israeli father and a non-Israeli mother until paternity has been categorically proved. See HCJ 11044/04, footnote 295 above.

Violetta's story illustrates the legal issues raised when a child is present in the shelter with its mother. Like Roslana, Violetta arrived in Israel in 2001, had her son in 2004, and has been in the shelter since 2009. Unlike Roslana, however, her son lives with her at the shelter. The child's father is married and does not wish to have any contact with his son. He was obliged to undergo a paternity test in a legal proceeding initiated by Violetta before she came to the shelter, with the help of the NGO New Family. As in Roslana's case, the main motivation for claiming the child's citizenship rights was to ensure that he would be eligible for national health insurance.

Violetta received a permit for a rehabilitation year, but it has already expired. At the time she was interviewed, Violetta was living in the shelter without legal status and could not work. She suffers from hepatitis, but until recently she was not eligible for medical treatment and did not receive treatment, since she could not cover the cost by herself.³²⁶ The state Legal Aid assisted Violetta in the legal proceedings relating to her guardianship of her son, after the hospital refused to treat him without his father's consent, and the father failed to come to give this. The Legal Aid also helped Violetta to claim child support from the father, and it was eventually ruled that he is to pay approximately \$430 a month. The father failed to obey this ruling, and Violetta applied to the National Insurance Institute to receive child support in place of the payments not made by the father.³²⁷ To date, despite the involvement of social workers in the proceeding, and although more than two years have passed since it began, Violetta's son is still not receiving child support payments from the National Insurance Institute, because his mother is not an Israeli resident. The partner of the social worker from Levinsky Mobile Clinic agreed to assist Violetta on a pro bono basis in the proceedings to secure an additional permit. We were recently informed that Violetta has received an A/5 type permit on humanitarian grounds. This permit is granted for one year, and may be renewed for up to five years, after which permanent residency status can be obtained. This permit will enable Violetta to receive the life-saving medical treatment she requires, and will also, hopefully, enable her child to realize his right to child support from his father.

³²⁶ In HCJ 5637/07, footnote 59 above, the court accepted the position of the State Prosecutor's Office that victims of trafficking for prostitution are not entitled to protracted medical treatment at the state's expense.

³²⁷ "The Alimony Law (Securing of Payment) seeks to help a woman and her child who are residents of Israel and who hold a ruling for the payment of alimony in cases when they are unable to secure the alimony from the person liable for payment. The National Insurance Institute pays the person eligible for alimony a monthly benefit, and collects the amount due from the person liable for payment in accordance with the alimony ruling. The sum paid to the woman by the National Insurance Institute is the alimony established in the ruling, or the sum established in the regulations, whichever is the lower amount. If the National Insurance Institute collects the full amount of alimony in the ruling from the person liable for payment, and this sum is greater than the alimony paid to the woman by the National Insurance Institute, she receives the balance." See the website of the National Insurance Institute: www.btl.gov.il/benefits/alimony/Pages.default.aspx (Hebrew).

In conclusion, the above subsection, as well as Chapter 6, highlight the complex legal position of the women in the shelter and their children. Although the father's status as an Israeli citizen entitles the child to Israeli citizenship and national health insurance, it cannot guarantee payment of child support, nor does it grant the mother legal status. The state Legal Aid, NGOs, and attorneys acting in a voluntary capacity can try to help in the various legal proceedings. However, **the legal situation leaves the mothers in a state of profound uncertainty regarding their status in Israel, and, accordingly, regarding their ability to raise their children in Israel, and to meet the children's medical, financial and emotional needs.**

9. Leaving the Shelter

9.1 *Reasons for Leaving the Shelter*

The shelters are a voluntary institution. Residents can leave whenever they wish, and, accordingly to a government decision, they are not supposed to stay more than one year in the shelter. Strangely, the reports published by the shelters sometimes state that a resident “left without authorization.” The current director of the shelters explains that “left without coordination” would be a more accurate description. Leaving the shelter in such a way is highly problematic for the survivors of human trafficking, since they run the risk that they will subsequently be unable to receive the rights Israel provides for residents, such as medical treatment. They will also be liable to deportation if they are apprehended without a permit.

It was difficult to obtain clear data from the shelter reports regarding the number of residents leaving the shelters. In some cases, only percentages were quoted, and it was unclear whether these were calculated out of the total number of people who came to the shelter in each particular year, or out of those who stayed in the shelter in that year. Moreover, some of the reports quoted nominal figures, making it difficult to understand the proportion of residents who left the shelter. In any case, it is evident that many women spend protracted periods (more than one year) in the shelter, whereas most of the men leave after just a few weeks.

Women

Women leave the shelter for three main reasons: A relationship with an Israeli partner, return to their country of origin, and departure “without authorization,” when women simply take their belongings and leave without prior notice.

An example of a resident who left the shelter for an Israeli partner is Luciana, whose story was presented above. As mentioned, Luciana is a 46-year-old divorcee from Brazil. She has two adult children who live in Brazil. She arrived in the shelter after being exploited for years by several branches of an extended family. She did not receive a decent wage or suitable living conditions. Luciana spent three and a half years in the shelter, during which time she worked in a restaurant. She met her Israeli partner by chance at a grocery store close to the shelter, and he invited her to live with him. She only informed the shelter staff of her marriage after the ceremony, which was held in Cyprus.³²⁸ In her interview, she mentioned that the shelter staff responded kindly to the news of her marriage and arranged a celebration in the shelter.

Larissa’s story is an example of a sudden and “uncoordinated” departure from the shelter, following disagreements with the staff. Larissa came to the shelter twice suffering from health problems, and stayed for a total of ten months. She was born in

³²⁸ Couples of mixed religions cannot marry in Israel. See: Daphna Hacker, “Inter-Religious Marriages in Israel: Gender Implications for Conversion, Children, and Citizenship,” 14 *Israel Studies*, 178 (2009).

Ukraine and experienced domestic violence and divorce before coming to Israel, after being promised that she would be able to work as a dancer. Larissa described disagreements with the shelter staff concerning a special bandage supplied to her in the shelter because of her illness. She noted that during her disagreement with the staff, the other women in the shelter warned her of the difficulties she would face if she left with her son. Nevertheless, she did not hesitate to do so. According to the social worker, Larissa “escaped” before her rehabilitation year ended after the staff discovered that she was using drugs, and she was told that she must stop doing so if she wishes to remain in the shelter.

The shelter staff believes that victims of trafficking for prostitution tend to be more audacious and willing to take risks than the victims of slavery.³²⁹ As a result, they are more likely to leave the shelter in an uncoordinated manner. They face greater difficulties than other women in adapting to life in the shelter, as manifested in a reluctance to accept authority and to conform to the behavioral norms expected in the shelter. This frequently leads to friction with the staff. Some of these women return to prostitution after leaving the shelter. It is possible that life in the shelter, which entails living alongside other women, accepting restrictions on their movement, and conforming to external rules and authority, revives painful memories. An additional factor may be the differences between the cultures of origin of women from the CIS as compared to victims of slavery from countries such as India and Nepal. The NGOs suggest that the women rebel against the patronizing manner in which they are treated and their subjection to authority. The use of the term “escaped” by a social worker to refer to women who leave the shelter reflects this attitude, and carries associations of prison. It might also be suggested that opposition to authority and coercion are strengths that have enabled the women to survive the challenges life has presented them with.

Vika Goltsman, the director of the shelters, gave an example of a woman who left the shelter to return to her country of origin, the third category of those who leave. The woman concerned finished testifying in the trial of her traffickers and her permit to stay in Israel was not renewed. She left the shelter in order to live with an Israeli man, in an effort to secure status as a common law partner and remain in Israel legally. The relationship was not a success. One night, the woman knocked on the shelter door and told the instructor, “I’m back, he didn’t want me.” The shelter coordinator suggested that she sit in the club room and consider her next steps. After reflection, the woman announced that she wanted to return to her country of origin, Ukraine. The staff contacted a local assistance organization in Ukraine that receives funding from the International Organization for Migration (IOM), and asked that women from the organization meet with the woman at the airport and help her readjust. The shelter staff is in contact with the woman, who has been unable to find work in Ukraine or to

³²⁹ “People for Sale,” footnote 146 above.

establish a family. Indeed, she is currently looking for “a foreign partner or an Israeli” so that she can return to Israel.

Men

The situation regarding the male residents is different. Approximately two-thirds of the men leave the shelter after they are placed with new employers, usually in accordance with their own wishes and preferences. The others return to their country of origin, or to the exploitative employer from whom they initially escaped. The staff relate neutrally, and even show empathy or compassion, for men who return to an injurious employer, in contrast to their somewhat judgmental attitude toward women who return to prostitution.

Tamang, for example, left Atlas Shelter to begin work for a new employer. Tamang is a 46-year-old Nepalese man, married with three children, who arrived in Israel in 2004 to work in agriculture. He has completed ten years’ schooling and is a farmer by profession. Tamang provides financial support for his father, two of his children, and his two brothers, who are studying at college. He arrived at the shelter following a police raid on the moshav where he had worked for eighteen months. After spending a month and a half in the shelter, a position was found for him on a kibbutz in northern Israel. While he was at the shelter, he managed to visit Nepal using an “inter-visa³³⁰.” The personnel company in northern Israel mentioned above is the agency that placed him on the kibbutz. At first the kibbutz was reluctant to employ him, due to his relatively advanced age, but today they comment that they “couldn’t get by without him” (according to the social worker in the shelter).

Nine men returned to their countries of origin under Israel’s “Safe Return” program. As will be discussed below, this is a new program, and problems have been encountered in coordination with the authorities in the countries of origin. The story of T.T.³³¹ is typical. He stayed in the shelter and returned to Thailand in May 2010. He received short-term assistance for a brief period from the IOM at the airport in Thailand, but did not maintain contact with the organization in order to obtain ongoing help. T.T. was asked to present a business plan, but failed to complete the process. He has been in contact with the shelter, and related that it is difficult to find employment in Thailand and that his economic condition is poor. Vika Goltsman, the shelter director, reports that the shelter staff has warned the IOM through CIMI, a subsidiary of the Joint Distribution Committee, that it is very difficult to receive assistance from NGOs in Thailand.

³³⁰ An “inter-visa” enables the holder to visit his or her country of origin and thereafter to return to Israel.

³³¹ “Black Screen,” footnote 146 above.

9.2 The Importance of Safe Return

Safe return is an important component in the rehabilitation of survivors of trafficking for prostitution and in preventing repeat trafficking.³³² Deportation without coordination with organizations overseas heightens the vulnerability of survivors to acts of revenge by traffickers. One reason for such acts is the willingness of the woman to testify against the traffickers; another is financial debt. Most women survivors were indebted to their traffickers on account of the cost of their “purchase” and an inflated calculation of their living expenses, collected during their period of work for the traffickers and pimps. This debt amounts to very high sums that are far beyond the financial capability of the victims. Deportation to the country of origin before the debt has been paid may lead to the persecution of the victim and her family by the traffickers in an effort to bring her back to the circle of trafficking and continue to exploit her. Coordinated return to the country of origin enables the woman to receive support from NGOs and from her family, potentially reducing the risk of persecution by her traffickers and the risk of repeat trafficking.

As explained above, the women victims of trafficking for prostitution who currently stay at the shelter (as opposed to the early period following its establishment) were trafficked several years ago, and have been in Israel for a considerable period. Their return to their country of origin after years of absence, and after their traumatic experiences in the interim, forces them to cope with life in a country where they were born and raised, but which is almost certainly different today from the reality they knew before they left. They will be obliged to cope with financial difficulties and with poorly-developed health services, including mental health services. Some of the women are reluctant to receive assistance in their country of birth due to the stigma attached to prostitution. They do not want their families to know about their past in Israel, and fear that traffickers will exploit their difficulties or even extort money from them.

As for migrant workers, they paid enormous sums of money in order to come to Israel. If they are still indebted to the mediation companies, or to private individuals who lent them money, returning to their country of origin may be dangerous for them and their families. Accordingly, it is important that they have a safe way of returning to their country of origin – the final stage in the process of individual rehabilitation.

The State of Israel sees its role as being to arrange for the safe return of slavery and trafficking victims to their country of origin. This is stated in the national plan developed by the Committee of Director-Generals for the Struggle against Human Trafficking, as submitted to the Ministry of Justice in 2007. In the case of trafficking for prostitution, the committee recommended that consideration be given to appointing a social worker on behalf of the state to provide assistance for victims held in custody facilities in order to help in their identification and in their safe return to their own

³³² “Worker Needed,” footnote 146 above.

countries. The committee also defined the development of a **structured arrangement** for the safe return of victims as a key priority, whether or not the individuals involved stayed at the shelter.³³³ Regarding the struggle against trafficking for slavery and forced labor, it was recommended that action be taken to promote the safe return of slavery victims to their country of origin.³³⁴

The Knesset report published in 2009³³⁵ states that an interministerial team including representatives of the Ministry of Justice, the Ministry of the Interior, the Israel Police and the Migration Authority is developing a procedure for “safe return” that is due to include orderly procedures for the return of trafficking victims to their countries of origin, or to any other place willing to accept them. This examination included attention to the women’s consent to return, cooperation between the Israel Police, Interpol and the police in the countries of origin, and maintaining the contiguity of the rehabilitation process. We were informed that, in June 2011, the committee had prepared an initial draft, but had not yet finalized its recommendations. We hope that the recommendations will be submitted, and that these will be followed by the development of a procedure for safe return taking into account the different countries involved and the life circumstances of the residents of the shelters. This should ensure the contiguity of the care they receive in the shelters and the support they will receive after their return.

Although such a procedure has not yet been drafted, the staff at Ma’agan Shelter already maintains ongoing contacts with NGOs providing assistance, particularly in the CIS. In some cases, the staff encourages local organizations to contact a woman and offer assistance. In the countries of East Asia and Latin America, there is no structured mechanism, and assistance is random and localized. Vika Goltsman notes that the staff has found it difficult to locate organizations assisting trafficking survivors in various countries, such as Chile. Survivors who have attempted to secure long-term assistance in their countries of origin note that this sometimes entails a protracted and exhausting bureaucratic procedure that may lead the survivors to do without such help.³³⁶ The shelter staff does not always maintain direct contact with residents who return to their countries of origin. In many cases, contact is only possible on the initiative of the survivors, by means of telephone calls or letters. In 2011, the shelter staff sent a New Year’s gift to women with whom they are still in contact.

³³³ National Plan for the Struggle against Human Trafficking for the Purpose of Prostitution, *Ministry of Justice* (August 6, 2007). See recommendations 4 and 6, and objective 6, in the conclusion of this report.

³³⁴ Section 13 of the National Plan for the Struggle against Slavery and Trafficking for the Purpose of Slavery of Forced Labor, *Ministry of Justice* (January 7, 2007).

³³⁵ Knesset Research and Information Center, *Migrant Workers and Victims of Human Trafficking*, footnote 66 above.

³³⁶ “Worker Needed,” footnote 146 above.

The shelter staff understands “safe return” as a broader process than merely contacting organizations in the country of origin. **The entire process of rehabilitation is based on the assumption that the residents of the shelters will return to their countries of origin, and on the desire to equip them with the emotional, employment and social strengths needed in order to enable them to achieve economic independence and social integration.** In this context, it is important to note that **the residents of the shelters themselves sometimes hamper the efforts by the staff to prepare them for safe return.** This is particularly evident at Ma’agan Shelter, where, as noted, many of the women remain for more than a year. These women do not wish to return to their country of origin, but have not yet found a legal way to remain in Israel (i.e. an Israeli partner). They are reluctant to leave the shelter without authorization, as they will then be considered unlawfully present in Israel. Attorney Zohar describes her interaction with one of the women at the shelter: “We asked her, ‘How much money do you need to buy a home there [in her country of origin]? In order to obtain financial independence?’ But she doesn’t even want to imagine going home, so she isn’t planning for it. They can’t cope with the fact that after one year, they are supposed to return home.”

The refusal to cope with the policy that requires the residents of the shelters to return to their country of origin after one year makes it difficult to use the year in order to plan and organize for return, with the assistance of the staff. Such preparations could include initiating immediate legal proceedings to secure compensation, undergoing vocational training in a relevant field for the country of origin, and intensive emotional processing of the victim’s feelings about returning home. Representatives of human rights organizations argue that the system fails to address the possibility that, in some cases, women should be permitted to remain in Israel and build their lives here. The policy of returning women to their country of origin indirectly encourages them to seek alternative solutions, such as developing relationships with Israeli men, even when these may prove detrimental. In this sense, their “refusal” to consider return may be interpreted not as resistance to participating in the rehabilitation process, but as an active search for an alternative solution for rehabilitation which they feel is more suited to their needs. As already noted, the therapeutic staff accepts the policy as dictated, and helps women in accordance with the course that has been delineated.

9.3 The Importance of Maintaining Contact with Victims Who Remain in Israel

We found that **there is no formal and consistent procedure for maintaining contact between the shelter staff and women who have left Ma’agan Shelter but remain in Israel.** Neither is maintaining such contact mentioned as part of the mandate of the shelters in the relevant official documents. For example, Wang, a Chinese survivor of sexual exploitation, spent one year and nine months at the shelter. Wang is a married woman from a poor village, and completed just three years of schooling as a child. She

was recognized as eligible for a rehabilitation year. She subsequently left the shelter with the knowledge of the staff, and moved to live with friends in Ramat Gan. The shelter did not maintain contact with her, though staff from the Hotline for Migrant Workers did. However, 12 women living in Israel continue to maintain occasional contact with the shelter staff.

An example of close and productive contact with those who leave the shelter is the relationship with agricultural workers who have left Atlas Shelter to new Israeli employers. Since Tamang left the shelter two years ago, the staff has maintained contact with him every three months, when his permit expires and must be renewed. The staff helps him to renew his permit, as it does all the agricultural workers. The social worker takes Tamang's passport to the Ministry of the Interior office near the shelter by herself in order to renew the permit. The staff at Atlas Shelter also occasionally visits the agricultural workers who have left the shelter in their new places of employment. These visits show the former residents that the staff is still interested in their wellbeing, and also offer an opportunity to assess the conditions of employment of people who have been exploited in the past.

It emerges that the agricultural workers return to Atlas Shelter not only in order to renew their permits, but also to sleep at the shelter during vacations. **Atlas Shelter provides a practical and emotional base for the migrant workers in the agricultural sector**, as manifested in the gifts they bring when they visit. A social worker describes this bond: "This is their home, they have an address here. They bring a pineapple or some bananas – it shows that they care and they want to express their thanks. Some of them are already learning Hebrew and we can chew the fat with them."

We attach great importance to maintaining contact with residents of the shelters who have left, but who remain in Israel. Many of them still require moral support, advice in planning their future, and assistance in moments of crisis. In the case of the women, in particular, such support is also important in order to evaluate the success of the therapeutic intervention provided by the shelter, and in order to continue this process, when necessary. To this end, it is also important to receive as much information as possible when the women arrive at the shelter, during their stay, and before they leave. This may enable proactive contact with former residents, including in cases when women leave without authorization.

In conclusion, we recommend that the shelters be positioned as an address responsible for providing advice, therapy, coordination and guidance for residents who have left, whether they are now living elsewhere in Israel or in their countries of origin. Means of contact and communication with those who have returned to their countries of origin should be formalized using the telephone and email. This will enable an assessment of their emotional, social and employment situation. Contacts with rehabilitation and welfare organizations in these countries should also be developed in order to provide assistance for victims when necessary, with the mediation of the shelter staff. Equally, the shelters should be given a social mandate,

including appropriate resources, enabling them to continue to serve as an address for former residents still living in Israel. The possibility should be considered of providing services such as therapy to this population, in order to maintain the contiguity of the rehabilitation actions after the residents have left the shelters.

10. Conclusion and Recommendations

10.1 The Unique Response to Survivors of Human Trafficking in Israel

The State of Israel has established two shelters for the survivors of human trafficking. Israel's response is unique in several respects compared to other countries:

A Distinct Framework

In many countries, survivors of human trafficking are referred to shelters and centers established for other disempowered populations (such as homeless persons or women victims of domestic violence). In many cases, the assistance offered focuses solely on women who have been the victims of sexual exploitation. In Israel, victims of human trafficking who are not Israeli citizens are referred to a shelter intended specifically for them: women are referred to Ma'agan Shelter, and men to Atlas Shelter.

State Responsibility for the Shelters

In many countries, the frameworks in which survivors of human trafficking stay, if any such frameworks exist, were established and are managed by non-governmental organizations, sometimes with financial assistance from the state and sometimes thanks to donations. Israel decided to establish shelters under the responsibility of the Ministry of Social Services; a non-profit association was given responsibility for managing the shelters, with full state funding and supervision. The establishment of the shelters is part of Israel's overall commitment to the struggle against human trafficking, as manifested in the work of different government ministries, coordinated by a Committee of Director-Generals and a Coordination Unit established on the basis of government decisions.

Assistance is Not Conditioned on Cooperation with the Authorities

In most countries that provide assistance for victims of human trafficking, the assistance is conditioned on cooperation with the authorities, and, in particular, on the willingness to testify against the traffickers. In Israel, policy in this respect has changed over the years, and victims can now stay in the shelters and receive all the services they provide regardless of their willingness to participate in criminal proceedings against their traffickers. Moreover, it is now evident to the authorities that many of the survivors referred to the shelters will not be involved in any criminal proceedings, due to the drastic decrease of trafficking from abroad for prostitution into Israel, the difficulties discussed above in prosecuting employers for holding victims in conditions of slavery and forced labor, and the inability to prosecute offenders in Israel for abusing victims in the Sinai desert. During the first few years of the century, one of the motives for the assistance provided to trafficking victims was to encourage them to testify against the traffickers as part of the struggle against human trafficking. Today,

however, the assistance provided by the shelters constitutes a goal in its own end, from a perspective that focuses on the needs of the victims of trafficking.

A Comprehensive Basket of Services

The shelters provide an appropriate response to the residents' basic needs, including housing, adequate food, and the other conditions required for dignified human existence. Israel also provides the residents with ongoing and comprehensive medical treatment, and with free legal aid in a wide range of issues relating to their presence in Israel. Ma'agan Shelter also provides therapeutic assistance. The shelter staff makes a great effort to secure the necessary work permits for the residents, to locate decent places of employment, and to accompany the residents as they settle into new positions within the labor market.

Cooperation between the Different Bodies

The establishment of the shelters and the other initiatives to help the survivors of human trafficking in Israel have been characterized by rare cooperation between state authorities, foreign bodies, and non-governmental organizations in Israel. Bodies such as the US government have established standards and applied pressure in order to encourage action. NGOs have functioned as sensors in the field, urging the authorities to take action as the profile of the victims of human trafficking have changed over the years. Various government ministries cooperate in order to address this changing reality. The staff at the shelters maintains ongoing and productive contacts with the relevant government ministries and with Israeli NGOs. The staff is also in contact with the diplomatic representatives of the various countries of origin from which the residents of the shelters came, and with NGOs in these countries that can help the victims after they leave the shelters.

10.2 Recommendations

The report details and illustrates the important contribution made by the special frameworks established by the State of Israel to the wellbeing of the survivors of human trafficking, the comprehensive basket of services provided regardless of willingness to testify against the traffickers, and the cooperation between the various bodies involved. The recommendations we detail below seek to build on these achievements and to note additional issues to be considered in meeting the needs of the victims of human trafficking. Among other reasons, we believe such discussion is important in light of the changes in the demographic profile of the shelter residents over the past two years. As mentioned, trafficking to Israel for prostitution has been very substantially reduced. Conversely, there has been a rising tide of asylum seekers arriving from Africa. Some of these victims have suffered forms of abuse on their journey to Israel that may constitute trafficking for sexual exploitation, forced labor

and slavery. The result is that the shelters now serve a heterogeneous population of individuals who differ in terms of the circumstances that brought them to Israel, their language, culture and needs, and their legal status. This situation presents the State of Israel, the association that operates the shelters on its behalf, and the staff of the shelters with a considerable challenge, similar to that faced by other countries that are target destinations for refugees and migrant workers.

Our recommendations are based on the research findings and are relevant to the research period. Our qualitative evaluation is the first of its kind, and is of limited scope. Accordingly, there is room for further research in the field, including quantitative and long-term studies, as well as studies relating to victims of human trafficking who did not arrive to the shelters, by way of control and comparison groups. Such studies will elaborate and enrich the recommendations presented here. Moreover, since the research field is highly dynamic, it is possible that even at the time of writing, some aspects have already changed, justifying additional or different recommendations.

Some of the recommendations described below are already being implemented in Israel and elsewhere. We appreciate that the implementation of all these recommendations requires resources of time and money. Accordingly, their adoption will be subject to a balance between their urgency and that of other actions. In this sense, **these are not recommendations reflecting specific international standards, but rather a mapping of best practices.** With this in mind, and given the lack of in-depth discussion in the literature on the subject of the rehabilitation of trafficking victims, we have formulated our recommendations in a manner that, we hope, will contribute to the development of practices that can serve as an inspiration for any state or organization in the world interested in working to rehabilitate the survivors of human trafficking and other offenses against liberty. We are aware that we spent only a short period in the research field, and recognize the resulting limitations. It is possible that we missed important issues, perspectives and nuances. Accordingly, we offer our recommendations – and, indeed, this entire report – in the spirit of an invitation to discussion, rather than a categorical statement of opinion. The cooperation we received during the research period from all those involved – and particularly from the director and staff of the shelters, civil servants, and NGO activists – and our impression of their profound commitment to helping the survivors of human trafficking, have convinced us that our recommendations will receive an attentive hearing.

Cooperation, Supervision and Adaptation to a Changing Reality

As noted, the research field highlights the importance of cooperation between state agencies, NGOs, and foreign bodies. The global and complex nature of human trafficking, and the complex nature of the rehabilitation of its victims, demand close coordination and cooperation between the different bodies involved. The large number of bodies engaged in the field, and their disparate characters, contribute to a deeper

understanding of the phenomenon, to identifying changing trends, and to adapting responses. At the same time, however, this requires the presence of coordinating bodies that may also provide a forum for discussion and policy making in dynamic conditions.

Regarding the shelters, and particularly in view of the fact that they are managed by an association, it is important to ensure that the Inter-Ministerial Steering Committee meets regularly and frequently. A steering committee should also be established for Atlas Shelter; alternatively, the mandate of the steering committee for Ma'agan Shelter should be expanded to include both shelters. We recommend that the steering committees should include representatives of international organizations and NGOs, as well as representatives of the men and women who live in the shelters, or who stayed in them in the past and have remained in Israel.

We recommend that the supervision of both shelters should be undertaken by a single function on behalf of the Ministry of Social Services. The two shelters function as a single organizational and thematic entity, and unified inspection may yield insights regarding the pooling of resources and themes. This is particularly relevant since both shelters house survivors of trafficking for slavery and forced labor, as well as asylum seekers. If it is decided to divide the shelters according to the type of trafficking, it may be appropriate to divide the supervision (see the discussion below on the structure of the shelters).

The reports produced by the management of the shelters provide an important source of knowledge and an excellent basis for evaluating the work of the shelters. This base should be used to encourage in-depth discussion, to take place at least once a year, regarding the goals and actions of the shelters, particularly in light of the background of changing realities that are emptying the shelters of victims of trafficking for prostitution and leading to an influx of migrant workers and refugees. We recommend that the reports should be enriched with quantitative data on a consistent basis, such as the length of time spent in the shelters by the residents; the number of applications for work and rehabilitation permits submitted, rejected and accepted; medical treatment provided for the residents; and the number of residents leaving and what became of them – how many returned to their countries of origin and how many remained in Israel.

Identification and Referral

Since prostitution, holding in conditions of slavery, and exploitation through forced labor often take place in the private domain, and since victims are usually afraid to turn to the police, it is recommended that proactive campaigns be undertaken to locate victims. Awareness campaigns should encourage Israeli citizens to contact the authorities if they suspect that offenses against personal liberty have been committed. The actions of the social workers who work under the auspices of the personnel companies in the nursing sector should be monitored, and it should be assessed

whether the procedure requiring their involvement actually ensures decent conditions of employment. If the procedure is effective, consideration should be given to extending it to other sectors in which migrant workers are employed. If the procedure is not meeting its objectives, other ways should be considered of locating and identifying victims of trafficking. It is important to continue the informational activities of the Inter-Ministerial Coordinator among relevant professionals, as detailed in the report, in order to improve the means for locating victims.

On arrival in Israel, all migrant workers should receive information about their rights and about the shelters, in case they fall victim to offenses against personal liberty. Proactive steps should also be taken among asylum seekers in incarceration facilities and elsewhere in order to locate victims of trafficking. Since it can be assumed that the number of victims is considerable, ways should be examined to provide initial therapeutic intervention in the incarceration facilities, followed by long-term intervention in the community.

Consideration should also be given to establishing a referral body for the shelters, to operate in addition to or in cooperation with the police. Such a body could include therapeutic professionals, adding an important perspective in terms of the need to refer individuals to the shelters and their suitability for this framework. A referral procedure should be drafted, with the assistance of the therapeutic professionals, which will focus on the victim's experiences, and not only on definitions from the field of criminal law relating to the liability of the trafficker, employer, exploiter or abuser. It is important to respect the desire of the shelters staff not to be included in the body responsible for deciding on referral, in order to protect their function as a therapeutic body.

In addition to the efforts already made by the Office of the Inter-Ministerial Coordinator and the aid organizations to encourage professionals to identify victims of human trafficking, steps should also be taken to raise public awareness through information in the media explaining the identifying signs of harassment and abuse of migrant workers by their employers. Public alertness of inappropriate working conditions and restrictions on the liberty of migrant workers could help expose the abuse of workers and their holding in inhuman conditions.

Temporary Work Permits

The research highlights the importance of providing work permits on an immediate basis for all the residents of the shelters. Residents who are unable to work lose their financial independence, accumulate debts, and feel frustrated and guilty at their inability to send money to their families. The lack of work also leads to degeneration, boredom, frustration and anger, impairing the atmosphere in the shelters and discouraging the residents from participating in other rehabilitation activities. Accordingly, even if the residents' eligibility for long-term permits enabling them to stay and work in Israel has not yet been established, the fact that they have moved to

the shelters must entail the right to work, even if only temporarily. Temporary work permits could be issued pending clarification of long-term eligibility.

In the case of agricultural workers, the provision of an immediate work permit will lead the resident to leave the shelter. In cases when the staff identifies a need for emotional or physical rehabilitation, or senses that a resident is reluctant to return to agricultural work due to the exploitation he experienced or because of a health problem, we recommend that he be permitted to work in a different sector so that he can remain in the shelter and receive appropriate intervention according to his needs.

We welcome the current policy, which allows women who were trafficked for prostitution several years ago to be admitted to Ma'agan Shelter. The mere passage of time should not be considered tantamount to rehabilitation: it must be assumed that trafficking and its surrounding circumstances have long-term ramifications. We recommend that flexible procedures be introduced for the extension of the permit for a rehabilitation year. In some cases, the condition of the survivors of trafficking for prostitution or slavery demands an intensive support framework for a longer period than one year. At present, it is sometimes difficult to secure such an extension, with the result that some women remain at Ma'agan Shelter but are unable to work, while others are forced to leave despite their need for additional assistance.

We recommend that victims be allowed to submit an application for a rehabilitation year alongside an application for another type of permit, including a permit on the grounds of collective protection, or an application for a gradual naturalization process as the partner of an Israeli citizen. International standards establish a commitment to examine both the eligibility for collective protection of the asylum seekers who come to Ma'agan and Atlas Shelters and their need for a rehabilitation year. On the principled level, it is difficult to justify the categorical refusal to examine more than one permit track for a victim of human trafficking.

Structure, Location, Equipment and Leisure Activities

In principle, it might seem appropriate to recommend the establishment of separate shelters for victims of trafficking for prostitution, for migrant workers, and for asylum seekers (and a separation between men and women in the latter two categories). Such a separation is justified on the basis of the comments made by some of the interviewees, who reported that victims of trafficking for forced labor, and asylum seekers who have been exposed to abuse, are reluctant to enter the shelters due to the stigma attached to survivors of trafficking for prostitution. Moreover, the tensions between the residents of the shelters usually develop between the members of distinct population groups who came to the shelters for different reasons (and, in particular, between women from the CIS trafficked for prostitution and the other women at Ma'agan Shelter; as well as between men from Africa who suffered abuse in the Sinai desert and Asian men abused by their employers). Finally, it is obvious that the psychological intervention and assistance required by each of the populations are

different and must be adapted to meet the unique needs and profiles of the different groups of victims. However, it is equally apparent that establishing separate frameworks for different types of trafficking, alongside the gender division, would be extremely expensive. We are not convinced that such a step is essential. In our opinion, it is possible to respond to the fear of stigma, to the friction between different groups, and to the need to adapt the assistance provided, within the existing shared premises.

We recommend that the shelters be located in an area ensuring a high level of access to diverse employers and activities. A location close to a community center (as is currently the case) is strongly recommended; it is also preferable that the shelters be located close to additional public facilities, including a park and a beach.

The current shelters are spacious and allow the residents a good measure of privacy. The shelters should include a closed kitchen with an odor eliminator. A renewed effort should be made to create space for the children, including a computer and interactive games. The library of books and newspapers in the languages spoken by the residents of the shelters should be expanded. There should be at least two television sets in each shelter, to be situated in separate public areas, and receiving broadcasts in the relevant languages. We also recommend the maintenance of a vegetable garden, the provision of a gym room, and the inclusion of additional facilities that will help the residents to spend their time in an enjoyable and interesting manner. We recommend initiating activities and tours outside the shelters in order to mitigate the sense of claustrophobia and to introduce the residents to some of the more appealing sides of Israel. We also recommend that consideration be given to the religious needs of the shelter residents. Finally, the leisure activities in the shelters should be planned in cooperation with the residents.

Health

The residents of the shelter already receive ongoing and comprehensive medical treatment. Toward the end of the research period, a resident of the shelter suffering from a serious disease received status ensuring that she will receive the expensive medical treatment she requires. A professional committee headed by Dr. Dor recommended that victims of trafficking for prostitution receive a basket of services similar in scope to that provided for Israeli residents, with the exception of fertility treatments. These recommendations were approved by the Committee of Director-Generals and will be submitted shortly to the government for authorization. We welcome these recommendations, and hope they will be adopted and applied to all victims of human trafficking. Without physical health, it is impossible to speak of rehabilitation in other aspects of life. This is equally true in the case of serious diseases such as hepatitis and AIDS, despite the considerable costs involved. In these diseases, in particular, the absence of treatment can have grave and life-threatening consequences.

If full insurance cover is provided, consideration could be given to collecting medical insurance fees at the rates applying to Israeli citizens from residents of the shelters who are in employment.

Employment and Vocational Training

As detailed in the report, the staff of Atlas Shelter manages to find decent employers for migrant workers who came to Israel to work in agriculture, and maintains contacts with former residents of the shelters who have left in order to ascertain that they are not being abused once again. The situation regarding women trafficked for prostitution, and women and men who entered Israel illegally across its southern border, is more problematic. In the case of women trafficked for prostitution, many survivors lack basic employment skills. Men and women from Africa often lack specific vocational skills and relevant employment skills for the modern labor market. As part of the process of employment rehabilitation, all the women at Ma'agan Shelter, as well as men at Atlas Shelter who do not work in agriculture, should be offered employment training commensurate with their abilities, interests and the employment opportunities in their countries of origin and in Israel. While in the past vocational training courses formed an important part of the basket of services provided at Ma'agan Shelter, our impression is that the shelters are not currently providing an adequate response in this vital field. Due to the heterogeneous nature of the population at both shelters, it is harder than in the past to provide group training. Accordingly, ongoing efforts should be made to place the residents in vocational training courses outside the shelters on an individual basis. We recommend that the staff continue to find work for the residents and to accompany them during the intake period. Further efforts in this respect could include workshops and intervention program helping the residents to cope with complex situations in the workplace, such as the relations with the employer, the ability to accept feedback on the quality of their work, and coping with pressure and deadlines.

Developing a Theory of Rehabilitation

In Israel, as in other countries, there is a lack of clarity regarding the concept of “rehabilitation” and “psychological rehabilitation” in general, and with regard to the victims of human trafficking, in particular. There is also disagreement about the scope of rehabilitation Israel should provide in accordance with international standards of assistance for trafficking survivors. As we have seen, the shelters meet the residents’ basic needs, and the staff also makes considerable efforts to promote the psychological rehabilitation of women and the employment rehabilitation of both women and men. However, a therapeutic model has not yet been developed for male survivors; neither have support mechanisms been formalized for residents who leave the shelters, whether to another location in Israel or in order to return to their countries of origin.

The decisions of the Israeli government regarding the rehabilitation of trafficking victims have changed over the years. When Israel began to address the phenomenon, it

was decided to provide short-term social and psychological assistance. Later, the emphasis was on the need for a period of at least one year's rehabilitation for victims who faced serious problems due to the offenses committed against them. The term "rehabilitation" has been mentioned frequently in the Knesset committee discussions on the subject of human trafficking. However, there is no agreement in the research field regarding Israel's commitment to the rehabilitation of trafficking survivors, and the meaning of rehabilitation and required manner of intervention remain unclear. In the case of women survivors, some of those involved believe that the intervention should be similar to that provided for battered women, while others proposed innovative therapeutic approaches. With regard to male survivors, there is no agreement on the need for rehabilitation, let alone its content. The director of the shelter recently adopted the term "therapeutic community," and applies an approach based on case management, which focuses on the individual survivor and defines therapeutic goals and forms of intervention and evaluation in cooperation with the survivor.

A conceptual and operative theory of rehabilitation should be formulated and adopted by all the relevant bodies in Israel and implemented in the work of the shelters. This is necessary in order to clarify the goal of referral to the shelter, the goal of the residents' stay there, the services and facilities that are to be provided for the residents, and the manner in which they should be accompanied as they leave the shelter. This theory should be complemented by a differential rehabilitation plan prepared for each individual resident in accordance with his or her needs, strengths and weaknesses. The rehabilitation plan should include clear criteria for evaluating the success of the rehabilitation process. The different perceptions of the goals and components of rehabilitation among the various bodies involved impedes the work of the staff and has a negative impact on the residents themselves.

The research highlights the dynamic nature of the exploitation of humans for prostitution and labor and the connection between this phenomenon and migration. The research also emphasizes the heterogeneous nature of the populations that fall victim to such exploitation, which present diverse demographic profiles, needs and strengths. A theory of rehabilitation should be developed for each population. We recommend that a multidisciplinary team be formed to develop profiles for each of the population groups relating to their specific characteristics, with the requisite cultural sensitivity and in cooperation with people who have experienced relevant injury. Cultural sensitivity includes several key areas: cultural awareness and beliefs – awareness on the therapist's part of the survivor's ethnic origin, values, and personal tendencies, and of the ways in which these may influence the victim's perception and problems; cultural knowledge – the therapist's knowledge of the survivor's culture, worldview and expectations of the therapeutic relationship; and cultural skills – the therapist's ability to exercise cultural sensitivity and to address the survivor's

expectations.³³⁷ Culturally-sensitive work requires considerable knowledge, particularly in sensitive interpersonal areas such as the perception of authority and ways of requesting and receiving help. Professional skills are also needed, including empathy, sensitivity to the values of the “other,” and awareness of the personal and interpersonal processes sparked by the intercultural encounter.³³⁸

In accordance with the decision of Vika Goltsman, the director of the shelters, it is recommended that the case management model continue to be adopted. This is a therapeutic and rehabilitative model that focuses on the individual’s needs from a holistic perspective. This approach requires the preparation of an individual plan for each survivor combining a spectrum of services and actions relating to different areas of life and capable of influencing the short- and long-term rehabilitation of the individual. The plan must include alternative courses of action for changing situations, as well as criteria for evaluation to be applied at fixed milestones. The individual must be involved in all the decisions taking in his or her regard throughout this process.

In this context, it is important to note that it should not be assumed that refusal to accept therapy or avoidance of therapy constitute evidence of a positive psychological condition or lack of desire for help and rehabilitation. Therapeutic tools should be developed for working with survivors from cultures that do not recognize the approaches and practices of Western psychological intervention, or that interpret requests for help as an inappropriate manifestation of insolence or weakness. The working assumption should be that all the residents of the shelters could gain from psychological and emotional help, and that the shelter staff bears a responsibility to identify and address therapeutic needs.

Lastly, it is important to study the ways in which the exploitation of migrants for prostitution and work influences local prostitution and labor relations among Israeli citizens. It is important to address such influences, and to examine whether victims of human trafficking and offenses against individual liberty may also occur among Israeli citizens. If this is the case, an appropriate theory of rehabilitation must also be developed for these survivors. As part of this discussion, it should be considered whether it would be appropriate to open Ma’agan and Atlas Shelters to Israeli survivors, or whether separate shelters should be established for Israelis.

Balancing the Trauma and Recovery Model and the Trauma and Growth Model

The psychological model of trauma and recovery³³⁹ sees the individual as a passive victim of the circumstances of his or her life, who requires therapeutic intervention in

³³⁷ *Being Different in Israel* 274 (Claire Rabin, ed., 1999) (Hebrew).

³³⁸ For a discussion of intercultural sensitivity, see Amit Ben-David and Dalia Amit, “Should We Study Cultural Sensitivity? The Israeli Experience,” *Society and Welfare: Quarterly for Social Work* 235 (1999) (Hebrew); Yosef Schwartzwald and Shlomit Sabo-Manor, “The Perceived Threat of Foreign Workers and Prejudices against Them,” *Trends* 44 29 (2005) (Hebrew).

³³⁹ Louis Herman, footnote 279 above.

order to recover from the trauma. Over the past two decades, a different and active perception of trauma as a source of growth has developed on the foundation of the former model.³⁴⁰ This approach sees individuals as capable of surviving, and concentrates on personal strengths.³⁴¹ This approach does not imply the complete negation of the familiar psychological model, but rather the encouragement of a balance between these two approaches. The psychological element has an important role to play in emotional rehabilitation, in part since the experiences individuals have undergone make it difficult for them to express a desire for therapy openly and verbally and to cooperate with this process. Developing creative and even non-verbal forms of intervention may help individuals to spark in themselves the desire to rehabilitate. In this preliminary stage, the difficulty faced by therapists is how to help the residents of the shelters to find the hope that it is indeed possible to mitigate the difficulties they face. The catch in this stage is that creating such hope depends on the creation of an interpersonal relationship between the therapist and the recipient of therapy, while the ability to form such a relationship and to place trust in others is impaired among most survivors of trauma. In the case of trauma resulting from trafficking, slavery or forced labor, a further factor is the immediate pressure caused by the uncertainty facing most of the residents of the shelter. A person who is under pressure will usually find it difficult to identify and map his or her needs and desires. The therapeutic challenge is how to find a course that will enhance the motivation for change, which effectively marks the beginning of the process of empowerment and rehabilitation.

Accordingly, we welcome the inclusion in the staff of Atlas Shelter, after the completion of the research, of a male social worker and a male instructor who speaks Amharic and English. We hope that the presence of male social workers, and of instructors who speak the victims' languages, will encourage the men in the shelter to open up to therapeutic conversations that will enable them to process their experiences. When necessary, residents should also be permitted to contact external psychologists who are not necessarily part of the staff at the shelters. Such contacts will allow the social workers at the shelters to enhance the therapeutic plan they provide, while also helping residents of the shelters who wish to receive help from an external figure, usually against the background of their desire to process their personal difficulties with the shelter staff. At the same time, we recommend the ongoing use of therapeutic means within the shelters designed to create an ethos of empowerment, with the goal of preventing residents from deteriorating into a condition of helplessness. It is important to continue and to expand the current actions undertaken in order to identify the residents' personal abilities, capacities and resilience and to

³⁴⁰ Richard G. Tedeschi & Lawrence G. Calhoun, *Trauma and Transformation: Growing in the Aftermath of Suffering* (1995); Richard G. Tedeschi & Lawrence G. Calhoun, "Posttraumatic Growth: Conceptual Foundations and Empirical Evidence," 15 *Psychological Inquiry*, 1 (2004).

³⁴¹ See section 2.1, which reviews the rehabilitation services in various countries.

develop tools enabling the use of life skills such as self-control, assertiveness, and effect ways individuals can present themselves.

The following aspects are derived from the conceptual foundation presented above:

1. Community-based programs: Existing infrastructures and service systems in the community should be utilized in order to encourage the residents of the shelters to integrate in the community in which they live.

The community center, for example, can function as a neutral, dignified, well-equipped and central location. Involving the residents of the shelters in activities at the community center could help mitigate their stigma as an excluded group, help them develop new relationships, and encourage them to enjoy a leisure culture. This approach is already implemented, to a certain extent, through the subscription to the neighborhood country club and participation in sports groups at the community center. The shelter residents could also be involved in the community programs of NGOs that are willing to offer activities for the specific populations at the shelter, such as women's organizations and organizations devoted to helping migrant workers.

2. Participation in the life of the shelter: Genuine inclusion raises awareness, strengthens interpersonal relationships, mitigates feelings of helplessness and alienation, and helps break the paternalistic cycle of hierarchy and dependence. The recommendation to develop means of communication ensuring that the residents are meaningfully involved in the life of the shelter stems from our belief that they must be given an opportunity to make themselves heard and to recognize that they can express their opinion directly and without fear. An effort should be made to act in the residents' interests as they perceive them. Women at Ma'agan Shelter already participate in discussions on aspects of daily life in the shelter through the meeting held three times a week. Men and women take part in shaping their life at the shelters through their involvement in cooking and cleaning. Their involvement on a consultative level could be expanded, for example through the participation of representatives of the residents in some of the staff meetings and steering committees. Consideration should also be given to making the residents responsible for certain aspects of life in the shelters, such as purchasing food, involvement in dilemmas relating to the use of budgets, and the development of anonymous tools for raising complaints and requests.

3. Knowledge means strength: Providing individuals with information helping them to understand bureaucratic proceedings and other matters relating to their own lives is a source of strength and power.³⁴² It is vital to involve the survivor in all aspects of his or her individual rehabilitation plan in order to encourage a sense of self-worth and in order to ensure that the process focuses on the survivor and his or her needs, rather than those of the establishment or the organization. Such a process requires detailed reporting and explanations for the residents, in a language they understand,

³⁴² Elisheva Sadan, *Empowerment and Community Involvement* 37 (2002) (Hebrew).

regarding what is about to happen at the shelter before they move in. Among other advantages, this will help the individual make an informed decision as to whether to enter the shelter or not. The body transferring victims to the shelter (such as the police or the Oz Unit) should help them collect their personal belongings from their employer or from their place of residence prior to moving to the shelter. It is important to continue to provide ongoing information about all the administrative and legal proceedings relating to the survivor during and after his or her stay at the shelter.

4. Training mentors: We suggest that a program be established to train mentors from among the men and women who have stayed at the shelters in the past. The mentors will receive payment for their work. By way of example, while she was still at the shelter, Lidia joined a group of volunteers from the Hotline for Migrant Workers who visit prisons in order to help locate the victims of trafficking for prostitution. The mentors will be able to help the residents to manage their work relationships thanks to their personal experience. Such intervention could help enhance the mentor's sense of capability as well as helping the recipient of the assistance. The rationale behind this suggestion is that people who have undergone similar experiences and extracted themselves from conditions of distress will be well placed to help others facing similar problems. The mentors have a profound and immediate understanding of the situation of those facing these specific forms of distress, and can also function as a role model and a symbol of hope. The mentors could provide a new and unique addition to the staff of the shelters, thanks to their ability to work at "eye level" and to locate and interpret problems thanks to their shared cultural background with the residents. A further unique aspect is that they can provide assistance in the mother tongue of the residents and in a familiar and comfortable manner, with the integrity this implies. The mentors' work may help empower them and enhance their self-confidence as they use their own resources and capabilities in order to help others.³⁴³

5. External support system: We recommend expanding the circle of volunteers at the shelters, including volunteers who wish to provide a one-time lecture or workshop on a particular theme as well as ongoing voluntary involvement. Volunteers must be undergo careful selection and training before participating in the activities at the shelter. The children at the shelter are in particular need of such support. It is recommended that a "Big Brother" program be introduced (under the responsibility of the shelter or another service in the community) for young children who lack contact with a father figure. When volunteers cannot be allowed into the shelter due to concern of the violation of the privacy of the women residents, volunteers can meet the children outside the shelter, for example at the community center.

³⁴³ Miriam Golan, Michal Komem and Avital Kay-Tzadok, "'Seeing the Light, Lighting the Darkness:' Mentoring Program – Girls Helping Girls," in: *From Risk to Chance: Therapeutic Interventions for Juvenile Offenders and Young People in Distress* 195 (Meir Hovav, Haim Mahel and Miriam Golan, eds., 2008) (Hebrew).

Children

As detailed in the report, the children of women staying at the shelter receive health and education services, but are not defined as autonomous “clients” of the shelter entitled to psychological intervention separately from the mother – neither during their stay at the shelter, nor after they leave. While the staff at Ma’agan Shelter works to integrate the children in early childhood frameworks, the shelter itself does not provide any child care service, as required in the appendix to the tender distributed by the Ministry of Social Services. The children do not receive any therapeutic intervention at the shelter. As of the time of writing, a process is underway to allocate apartments outside the shelter for women with children. We welcome this initiative, since the shelter is not a suitable framework in which to raise children. However, for as long as children are present at the shelter, it must be ensured that they receive psychological intervention both during and after their stay.

Legal Proceedings

It is important to continue the broad-based and generous provision of legal aid for the victims of human trafficking and other offenses against individual liberty. This aid should be extended to asylum seekers requesting a permit for a rehabilitation year alongside proceedings to secure refugee status or entitlement to collective protection. Any person staying at the shelters should enjoy legal aid on any matter relating to his or her status and presence in Israel.

The residents of the shelters should receive information in their own language about any criminal proceedings being pursued against those who injured them. The proceedings should be accelerated, and the importance of the survivors’ testimony should be explained to them.

It is important to continue the practice of notifying the residents of the shelter promptly about the various tracks available by law to claim compensation. Ways must be developed to maintain contact with those who have claimed compensation after they leave the shelter.

Language

Language and translation are a complex issue that poses a challenge for those working with the survivors of human trafficking. The authorities are aware of this challenge, and a team is currently working on behalf of the Committee of Director-Generals on Human Trafficking to formulate recommendations on the subject of translation. The conditions of association with bodies providing translation services have been liberalized, increasing the choice available.

Staff members at the shelters, including male and female social workers, should ideally include speakers of the different languages spoken by the residents.

Alternatively, external therapists who speak the various languages should be recruited. It is vital to ensure that interpreters to and from these languages are available on an intensive basis in order to mediate between the staff and the residents on all matters, including therapeutic conversations. Without the presence of staff members or interpreters, it is impossible to create a meaningful relationship between the staff and the residents of the shelters, leading to unpleasant feelings of discrimination and alienation.

In light of the difficulty in locating interpreters for the languages spoken by the residents of the shelters, the director has suggested that a government pool of translators be established. Another possibility is to provide work permits for migrants who can function as interpreters in the case of languages where there is a shortage of professional translators in Israel. It may also be possible to employ former residents of the shelters, or other migrants who speak the relevant languages and have acquired a reasonable knowledge of Hebrew or English.

Day Services and Additional Support Frameworks

Ma'agan and Atlas Shelters are the only frameworks in Israel intended for the survivors of human trafficking. Thus the shelter model is the only model available for rehabilitation, as of the writing of this report. Israel does not currently provide other models available in other countries, such as emergency apartments for short-term stays or transitional apartments. Moreover, virtually no governmental services are provided for the survivors of human trafficking in the community.

The shelters and the authorities active in the community should consider providing services for victims of trafficking and other offenses against individual liberty who cannot or do not wish to live in the shelters. While it is justified to deny accommodation at the shelters to victims who use drugs or alcohol, or who are suffering from infectious diseases, there is no justification for denying such victims any access to rehabilitation services. This is particularly true since there are no governmental detoxification programs for this population. A response should also be provided for women who do not wish to live in the shelter with their children, at least until a shelter or apartments are established that are suitable for children. Day services would also enable ongoing contacts with survivors who have left the shelters but are still present in Israel.

Regarding those survivors who have chosen to stay at the shelters, we recommend that a comprehensive professional discussion take place on the subject of the hours at which the residents are allowed to stay outside the shelter. This discussion should include the shelter staff and representatives of the state authorities, NGOs, and the survivors themselves. In light of the changes in the population at the shelters, and the fact that fear of traffickers is very rarely an issue these days, restricting the hours when the adult residents of the shelter may come and go of their own free will impairs their freedom of choice and their self-esteem. Creative solutions should be considered

in order to enable people to enjoy the services provided by the shelter without being obliged to forego their right to come and go as they choose.

As noted, the Ministry of Social Services and the Keshet association have recently decided to establish two apartments intended for women with children and for women who have spent more than one year at Ma'agan Shelter. The apartments are intended as a transitional stage before the women assume fully independent lives. We recommend that this approach be extended, and the consideration be given to opening such apartments for men and women who do not require close supervision by social workers. The special frameworks established for women with children should be examined to provide insights into the services required by those living in such apartments.

Leaving the Shelters and "Safe Return"

We recommend that the toolbox of means for maintaining contact with those leaving the shelters be enhanced. It is particularly important to develop closer ties with the authorities and with NGOs in the countries of origin, in order to ensure the safe return of those survivors of human trafficking who return to their country of origin. We hope that the team currently working to define the safe return system will lead to the development and elaboration of the tools currently used to this end.

Positive consideration should be given to granting permanent residency, if not citizenship, to survivors of human trafficking who have been living in Israel for extended periods, for whom Israel has become the center of their lives. This is particularly true in the case of women who have had children in Israel. These women have spent most of their adult lives in Israel, and it is difficult to imagine how they and their children can be guaranteed safe return to their country of origin and to rehabilitation. Providing residency will enable these women to contact the rehabilitation agencies, receive medical treatment for life-threatening conditions, leave an abusive Israeli partner, and ensure relative continuity and stability for their Israeli children. Two women trafficked for prostitution who have been in Israel for protracted periods recently began a process of naturalization on humanitarian grounds.

Inspectors should not enter the shelters in order to deport persons unlawfully present in Israel. Less strident methods should be found for these residents to leave the shelter and return to their country of origin.

Training and Enrichment Programs for Professionals and Service Providers

1. Gender sensitivity: The establishment of the shelters and their working routine reflect the basic assumptions, beliefs and stereotypes of those who established these frameworks regarding the differences between women and men. It is worth examining the perceptions and gender-based justifications for such decisions as the higher pocket money provided for the women; the restriction of the hours when the women may leave the shelter; or the non-provision of therapeutic intervention for the

men. We recommend that a workshop be run by an experienced external professional with expertise in gender analysis in order to engage in in-depth reflection of these attitudes and basic assumptions. After such a workshop, the rationale behind practices that distinguish between women and men should be reconsidered, as should the need for other distinguishing practices.

2. Inculcating a culturally-sensitive approach: The Office of the Inter-Ministerial Coordinator is currently preparing a plan for inculcating cultural sensitivity among those involved in helping the victims of human trafficking. Such a plan is important since a culturally-sensitive approach helps to improve patterns of communication and to change stereotypes among professionals and service providers who encounter a population with a high degree of cultural diversity. Knowledge of such aspects as relations of authority, relations between men and women, and the ways in which help is given and received in specific cultural contexts should be expanded.

It is important to continue to distribute written material and hold lectures for the staff at the shelters, including experiential means (such as the screening of professional films) in order to address stereotypes and prejudices among the staff, insofar as these exist. The past and present directors of the shelters support this approach, as is evident from the reports they produced.³⁴⁴

3. Preventing burnout and encouraging professionalization: It is far from simple to help populations that have suffered profound trauma. Survivors do not always express gratitude for the help they receive, and the profile of the survivors changes constantly. As if this were not enough, the atmosphere of uncertainty surrounding the survivors' future in Israel and their eligibility for work permits makes the work of the shelter staff even harder. The current efforts to prevent burnout among the staff at the shelters through training programs and staff meetings to discuss various issues should be continued. It is particularly important to focus on renewing and enriching professional skills for coping with universally sensitive issues and conflicted relations. We recommend the continued use of external training and supervision on a regular and intensive basis, provided by an expert who is not a staff member at the shelters. Professionalization should also include the acquisition of knowledge and specific intervention skills regarding new populations that come to the shelters.

³⁴⁴ "Worker Needed" and "Black Screen," footnote 146 above.

Appendix No. 1: Questions for Residents of Ma'agan Shelter

Make sure that the respondent has understood and signed the consent form.

Give the respondent NIS 100 as a token of thanks.

Explain the purpose of the interview – we want to understand her needs and learn whether the shelter meets these needs.

1. Tell me about your arrival at the shelter (when, how, why).
2. What did you know about the shelter before you came?
3. Did you want to come to the shelter? What were your expectations of the shelter?
4. What happened when you arrived at the shelter? What did they explain to you? What did they give you? Did they take anything from you?
5. Do you have enough food?
6. Do you have enough clothes?
7. Do you have your own room? Shower? Toilet?
8. Describe a typical day at the shelter.
9. Do you leave the shelter? In what circumstances? Would you like to go out more often? Do they make it difficult for you to go out?
10. Do you have things in common with the other women at the shelter? What? In what ways are you different?
11. How are your relations with the staff? What do you get from them?
12. What language do you talk to the staff in?
13. Do you get services from other sources? Which services? How was the contact made? Did the shelter help locate these sources?
14. Do you have any health problems? Are you receiving adequate medical treatment?
15. Do you know what your legal rights and obligations are in Israel? What are they? Who told you about this?
16. Are you involved in legal proceedings? Of what kind?
17. Have you met with an attorney? Who and why? What did s/he tell you?
18. Tell me about a problem you had here in the shelter and how you coped with it.
19. What needs do you have that are not met by the shelter? What would make you feel better? What's missing in your life at the shelter?
20. If you'd known then what you know today about the shelter, would you have wanted to come here? Why?
21. What suggestions for changes would you make to the director of the shelter?
22. If she has children – what do they do in the shelter? What do they get? What are they lacking?
23. What do you think will be your situation a year from now?

Appendix No. 2: Questions for the Shelter Staff about a Current or Former Resident

1. Biographical details:
 - Year of birth
 - Date of arrival at the shelter
 - Family status on arrival at the shelter
 - Family status now
 - Country of origin
 - Number of years in Israel before coming to the shelter
 - Number of months at the shelter
 - Did she stay in Israel? If so – how long has she been in Israel since leaving the shelter; if she didn't stay – was she deported or did she leave of her own accord? Where did she go?
 - Profession/occupation in country of origin before coming to Israel
 - Profession/occupation now
2. What happened to her before she came to the shelter: How did she come to Israel? What did she do here? How did she arrive at the shelter?
3. What happened to her during her stay at the shelter (training, medical examinations, diagnoses, treatment or therapy of any kind, regulation of status, problems, solutions)?
4. Did any legal proceeding take place in her regard (details)?
5. What did the staff think she needed? What did she get? Was there an improvement in her condition after she came to the shelter?
6. What bodies was she in contact with, or was the shelter in contact with on her behalf?
7. If she had a child – what age and sex? What was the child's condition on arrival at the shelter and why? Problems? Solutions?
8. Why did she leave the shelter, or – why did she not leave it?
9. Is the shelter in contact with her?

Appendix No. 3: Sample Questions for a Civil Servant

1. Describe your position.
2. How long have you been in this position? How did you get to your position? Are you only involved in individual cases, or are you also involved in policy making?
3. What is the function of the office you work in regarding trafficking victims?
4. Why was your position created? Have there been any changes in the definition and character of the position?
5. Whom do you consult with in the ministry? To whom are you accountable?
6. What other ministries are you in contact with, and for what purpose? Where have things worked well and where have there been problems? Can you give me some examples?
7. Are you in contact with NGOs? Which ones, and for what purpose?
8. What is your opinion regarding the legal policy adopted regarding trafficking victims?
 - Definition of victims
 - Definition of rehabilitation
 - Compensation fund
 - Rules of eligibility for legal aid
 - Procedures for permits allowing victims to stay and work in Israel
 - Ensuring safe return to the country of origin
 - Law enforcement and penalization of offenders
9. What difficulties or dilemmas are raised during your work regarding trafficking victims?
10. In your opinion, why were the shelters established? Are they realizing their purpose?
11. What is your connection with the shelters? Have you encountered any difficulties in your work with the shelters?
12. Why is the police responsible for referring victims to the shelters?

13. Why are the shelters run by an association, and does this have any ramifications in terms of your work with them?
14. Is there any difference in the way you process cases involving trafficking for prostitution or for slavery? People legally or illegally present in Israel? People willing to testify or unwilling? Cases where there is a legal proceeding as compared to cases when there isn't? Different countries of origin?
15. Why are there fewer women in the shelter today who come from a background of trafficking for prostitution?
16. Are there any women or men who should be in the shelter but are not? Why?
17. Are there any women or men who are in the shelters although they shouldn't be? What are the reasons for this?
18. What is your understanding of Israel's motives in its handling of trafficking victims?
19. Do you feel that Israel is meeting the international standards regarding these people?
20. May we be in touch with you after we collect more findings? Who else should we speak to?



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