

workers are defined as “victims of trafficking” irrespective of why or how they came to be engaged in sex work and whether or not they choose to leave sex work of their own volition. More globally, policies that identify all sex workers as victims of trafficking have justified “rescue and rehabilitation” strategies in countries such as India, Thailand, and Vietnam, even though human rights advocates report that some such rescue attempts effectively incarcerate women in rehabilitation camps, taking away their rights to freedom of movement, ties with their children and community, and any form of agency to make choices about their fate.

Because trafficking has its roots in economic and social deprivation, it is critical to understand and address both the symptoms and the root causes of the problem. Effective strategies require understanding vulnerability to trafficking in the same way we have come to understand other issues of global concern. Gen-

der-based violence, for example, is at once a legal and a public health problem, but also one rooted in deeply-held social mores governing power relations and gender roles in society and in the economic disparities between women and men. Setting up shelters and legal clinics for victims of gender-based violence is a necessary but not sufficient condition for addressing this problem. We must go further. Likewise, creating legal frameworks and rescuing trafficking victims in tandem with human rights principles are necessary but not sufficient steps toward ending this problem.

The obligation to act on behalf of others who are enslaved is not in question. But how we, as Jews, act — based on which definition and evidence of the problem we are trying to solve and in whose name — is still unclear. Our obligation to *tikkun olam* requires us to challenge our assumptions and understand and address these issues in their totality in the historic struggle for freedom from slavery. 🌍

\*United Nations, 2000, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

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## Trafficking in Israel: A Laboratory for Social Change

*Rahel Gershuni*

How democratic governments undergo change is an elusive question. As a rule, governments are slow-moving, heavy entities, somewhat akin to elephants. They take their time to recognize new phenomena and to react to them. On the other hand, nongovernmental organizations (NGOs) can be compared to mice, scurrying close to the ground with ears finely attuned to every change, and equipped with the speed to react almost instantly.

On a daily basis, a slow pace may not be such a bad idea. None of us would feel comfortable if governments leapt into action at the barest hint of change. But what factors coalesce to make governments change? What creates a situation where governments creatively address new problems?

Let’s look at how the Israeli government, as a living laboratory for social change, transformed its policies regarding the trafficking of persons. In this case, change occurred when pressures built from within and also from outside the government, and when people with knowledge and power insisted that government officials not retreat to an ineffective comfort zone.

Trafficking to Israel began in the 1990s

when young women from the former Soviet Union were brought to Israel for the purpose of prostitution. When trafficking began, government agencies did not identify it as a new phenomenon, but rather classified the victims into known categories — as illegal entrants or foreign prostitutes.

Government reaction followed these classifications. Women were either deported or, on occasion, indicted for illegal entry or allied offences; they were not encouraged to tell their stories or to remain in Israel for testimony. Even when law enforcement was considered, it tended to be weak and halting, as a result of the ambivalence that characterized enforcement of prostitution offences in Israel.<sup>1</sup> (*footnotes on page 4*)

Gradually trafficking was recognized as a new phenomenon, requiring different modes of enforcement, and the trafficked women were viewed as victims rather than as criminals or prostitutes.

The change was a function of internal and external pressures. Internally, the growth of the phenomenon and its severity were felt in police fieldwork. During the heyday of trafficking, 3,000 women a year were trafficked.<sup>2</sup> They were

*Rahel Gershuni is the national coordinator of the battle against trafficking in persons at the Israeli Ministry of Justice.*

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<sup>1</sup> Israeli State Attorney Guidelines then in force limited enforcement to cases in which additional factors were involved such as victims who were minors or the commission of additional offences by the perpetrators. In addition, as a rule, light sentences were meted out to those involved in prostitution offences.

<sup>2</sup> This number is based upon Israeli police estimates. NGOs' estimates were higher.

<sup>3</sup> Under this regimen, women were not paid at all, or paid only paltry sums until they had compensated the trafficker for the costs of transporting and buying her.

bought and sold in public auctions, imprisoned in brothels, held in debt bondage, and their passports detained.<sup>3</sup> This was beyond the previous scope of prostitution offences, leading to new police guidelines and the formation of an inter-ministerial committee to study the subject. The committee's recommendations encompassed a wide range of multidisciplinary tools to address trafficking, including establishing shelters for trafficked women, heightening police enforcement, and establishing legislation to promote closing of brothels.

Externally, several nongovernmental organizations heightened public and government awareness. In addition, the 2001 U.S. Department Report on the status of trafficking in various countries documented that Israel was not conforming to the minimal standards or taking adequate measures to combat the problem. This sent shockwaves throughout the country and proved a potent agent for change.

And, finally, the Parliamentary Inquiry Committee on Trafficking in Women provided an additional and forceful push, highlighting the issue, inviting key government spokesmen to account for their efforts, and promoting legislation that reclassified trafficking beyond the old categories of prostitution. It is instructive that this legislation was

example, legislation to criminalize trafficking for purposes beyond prostitution — including slavery, forced labor, and removal of organs — was enacted, which also established provisions to prosecute Israeli citizens who have committed trafficking offences abroad. Provisions to facilitate forfeiture of assets of crime, to establish a trafficking fund, to mandate minimum sentences, to accord protections for victims during the criminal procedure, and to give victims the right to legal aid were also established.

Among the measures to protect victims of trafficking are:

- a shelter for up to 50 victims of trafficking who will receive medical and psychosocial assistance and job retraining
- free legal aid for civil or administrative claims arising from the trafficking
- visas and work permits to trafficking victims for a period of one year for the purposes of rehabilitation
- waiving offences integral to the trafficking crime such as illegal entry
- assessing risk for victims if returned to their countries of origin
- compensating victims in criminal cases or civil suits

Today police estimate there are no more than a few hundred victims of trafficking for prostitution in Israel. In addition, the patterns of criminal activity have changed and victims are rarely held under inhuman conditions, as in the past. However, slavery and forced labor still occur, especially in the foreign-worker community, as does trafficking for organ removal.

Despite the progress, inertia continues to present a problem, and activists must remain vigilant to ensure that government agencies do not revert to old classifications, as when trafficking victims began returning to Israel and police indicted them for illegal entry, though policy had been formulated not to prosecute victims for crimes integral to the trafficking.

Israel has made great strides in its battle against trafficking through pooling the resources of the government and NGOs. While NGOs were the pioneers who first recognized the phenomenon and worked with the victims, government intervention has been essential in monitoring borders, vigorously prosecuting traffickers, allocating resources for legal aid, and various policy decisions, including visas and work permits for victims.

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not initiated by government, but rather by a private member of Parliament.

The change in awareness sparked a series of comprehensive steps designed to address trafficking in a focused manner.

Among the most important steps were the following preventive measures:

- Heightened monitoring of borders
- Increased coordination among government agencies and NGOs
- National plans to address trafficking
- Ratification of international treaties
- Public information brochures distributed in countries of origin to warn women of the dangers of trafficking

In addition, several measures were proposed that address law enforcement issues. For

One of the most valuable lessons learned from this social experiment was how to foster cooperative work between the government and NGOs through pooling experience and information, and making use of the advan-

tages of each body. In order to do so, it was necessary to overcome prejudices on both sides and in the words of an NGO activist in Moldova: “learn how to shake hands without a clenched fist.”

## From Teacher To Trafficked Woman

*Karyn Grossman Gershon*

In her faded jeans, a black blazer, flats, and delicate earrings, Tanya looks more like the school teacher she was trained to be than a woman who lived through six years of hell as a trafficked woman in Spain. Until now, she has not shared her story publicly because the Russian press has insensitively portrayed the experiences of trafficked women in sexually charged ways and exposed their identities in the communities where they are being repatriated.

The collapse of the Soviet Union between 1989 and 1991 initially resulted in a dramatic economic decline for many people living in the region. For example, in Tanya’s city, just hours outside of Moscow, people were laid off from government-owned factories and others began receiving their salaries very sporadically. With the government and economy in transition, social services to the needy dried up. Russians living in small cities with shuttered factories and no natural resources began a long period of trying to figure out how their economy would shift to sustain their communities.

When Tanya’s father died, she realized that she could not realistically support herself and her mother. She heard that a local job placement agency was sending women to Spain and that the agency would advance all of her expenses. Tanya was told that she would be a hostess in a bar and would be responsible for encouraging patrons to buy drinks. She would receive 50 percent of the purchases and the bar, the other 50 percent. She was promised inexpensive housing and was assured that no sex was involved. In return, she had to repay the \$1700 advanced for her expenses, plus 50 percent interest in two months — a total of \$2850. The agency’s representative confidently told her that she would make enough to repay the debt on schedule and then would be free to keep all future earnings or, set off on her own.

Upon arriving in Spain, the agency took Tanya’s passport as “a precaution to ensure repayment of her debt.” When Tanya expressed concern, she was told that she could return home, but “How would she repay her debt?”

The promised apartment had a kitchen, bathroom, and two bedrooms. Twenty women lived in the apartment, sleeping in shifts on bunk beds and under the constant supervision of a guard. The guard escorted the women daily to the bar and occasionally to the supermarket for supplies. The women received only 20 percent of the money from the drinks they sold.

Despite the difficult situation, Tanya forged ahead until the agency announced that the bar had been sold and would be re-opening as a strip club. The women were given the option to repay their debt within two days or remain as strippers and prostitutes. Tanya nervously shared her situation with one of her regular customers at the bar and he offered to pay her debt and set her up in an apartment. Tanya’s savior was initially kind to her and indicated that he would eventually marry her. Over the next months, Tanya’s Spanish improved and she realized that this man was married and, moreover, he was increasingly isolating her. Without much money or a work visa, she was trapped. She asked to return to Russia. At this point, he began beating her and keeping her locked in the apartment.

Over the next two years, Tanya used every opportunity to get to a phone to contact the Russian embassy and the Spanish police. In each instance, she was given little assistance and treated with complete disdain. Her abuser learned of her attempts, escalated the beatings, and tightened security. Finally, she was able to get access to a phone and reached her mother in Russia. She told her mother where she was being held and asked her to send help.

Tanya’s mother, a traditional Russian Orthodox woman from a provincial region, could not understand what had happened. She had no idea whom to ask for help and she was petrified that if she was indiscreet, her daughter would never be able to return to their community because her reputation would be so damaged. Fortunately, one of her friends knew that the Jewish community had organized an interfaith response to trafficking.

*Karyn Grossman Gershon is the executive director of Project Keshet, the largest Jewish women’s organization operating in Belarus, Georgia, Moldova, Russia, and Ukraine.*