

New Ministry of Justice Procedure: Victims of Human Trafficking

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Introduction:

Offenses involving human trafficking and slavery are grave offenses where individuals are regarded as the property of others. As part of the combat against the phenomenon of human trafficking and slavery, the State of Israel acknowledges victims of trafficking and slavery, offering them a protective and rehabilitative framework. At the start of the year (2024), the government published a [New Procedure](#) designed to regulate the recognition of victims of trafficking and slavery. Under the updated protocol, individuals seeking recognition as victims of trafficking and slavery must submit their application to the Government Coordinator for Combating Human Trafficking within the Ministry of Justice (Hereinafter – "the Coordinator"). After considering recommendations from the Advisory Committee, which includes representatives from government ministries, NGOs, and a victim of human trafficking, the Coordinator will determine whether to recognize the applicant as a victim of trafficking or slavery. After presenting the committee's recommendations, the Coordinator will make her decision within 45 days of the submission of the application. The Procedure also prescribes an expedited recognition procedure in cases where urgent protection is required.

Assaf - Aid Organization for Refugees and Asylum Seekers in Israel, is a human rights organization that has been operating since 2007 in two main areas: providing psychosocial and humanitarian assistance and support to asylum seekers and refugees and promoting the rights of this population through raising public awareness and action vis-a-vis government officials.

The organization deems it important to ensure accessibility of information and rights for refugee communities. Hence, we provide herein the principal provisions of the new procedure aimed at regulating the process of recognition of victims of human trafficking and slavery.

In any case of inconsistency between the text herein and the provisions of the Procedure - the [provisions of the Procedure shall prevail](#).

The definition of "victim of human trafficking" in the Procedure is: a person in respect of whom there is evidence that human trafficking offenses specified in the Penal Code were committed against (the act of retaining individuals in conditions of slavery, forced labor, inducing departure from a country for the purpose of engaging in prostitution, slavery, or human trafficking).

1. Purpose of the Procedure

- In Government Resolution 1862, the Government determined that the authority to recognize a person as a victim of human trafficking offenses would be transferred from the police to the Ministry of Justice. The purpose of the Procedure is to transfer this authority and to regulate the mechanism by which applications for recognition as a victim of human trafficking are examined.

2. How to apply for recognition

- Submission of an application for the recognition of a person as a victim of trafficking shall be submitted to the Coordinator of Combating Human Trafficking at the Ministry of Justice. With regards to the mechanism for recognizing minors as victims of human trafficking - separate provisions will be published on the Coordinator website.
- The submission of an application shall be typically made by an individual seeking recognition or a representative thereof. A different entity may also submit the application for recognition, for example a government official or professional, who is concerned that a person is a victim of trafficking.
- Submission of an application for recognition may be performed in one of three ways:
 - Using an online contact form on the Coordinator's [website](#).
 - Emailing the Division [_ \(Combattrafficking@justice.gov.il\)](mailto:Combattrafficking@justice.gov.il) or by fax 0733926729.
 - For Urgent application: via phone call with the Coordinator (073-3926728). In the event of an imminent threat, please contact Israel Police immediately (Hotline 100).
- When contacting, please specify:
 - Applicant's contact details.
 - Circumstances of the case and details for reviewing the application.
 - Attach the following documents (if the application is urgent – the documents may be attached following the initial referral).

3. What documents should I attach to my application?

- Please include the following when applying:
 - A duly executed power of attorney granting authorization to the representative to act on behalf of the applicant in the application process (if necessary).
 - Confidentiality waiver.

- o The applicant's statement including the particular circumstances and facts underlying the application for recognition.
- o Confirmation of filing a complaint with the police (if required).
- o Medical documents.
- o Official documents of the Population and Immigration Authority (asylum applications, interviews with border control officers), Ministry of Labor, the Ministry of Welfare and Social Security (social information).

4. How will your application be processed?

- Applications will be received by the Coordinator's unit, and the applicant will be sent confirmation of such receipt. If necessary information is missing, the Advisory Committee's administrative coordinator will update the applicant and request supplementary relevant information.
- The Committee's administrative coordinator will contact the government representatives who are members of the committee and ask for information relating to the applicant. If the applicant is from the Palestinian Authority – the administrative coordinator will contact the Welfare Coordinator at the Civil Administration in the West Bank to find out if there is a security impediment in said applicant's case.
- Usually, decisions will be made on the basis of all documents received from the applicant. If factual supplementation is necessary or if a face-to-face meeting with the applicant is required, the Coordinator may conduct a supplementary interview with the applicant.

5. How will a supplementary interview be conducted?

- A supplementary interview will be conducted within two weeks from the date of receipt of all documents from the applicant and from government representatives.
- The location of the interview will be determined by the interviewers, bearing in mind the applicant's circumstances. In urgent cases and in consultation with the applicant, it is also possible to conduct an interview via video conference (Zoom).
- The interview will be conducted by two interviewers, at least one of whom will be an attorney on behalf of the Coordinator's unit (unless this is not possible). The Coordinator can invite additional interviewers or request that the second interviewer be a member of the Advisory Committee.
- The applicant is entitled to the participation of its representative and an additional support person in the interview, unless the Coordinator has not approved an additional support person for reasons communicated to the applicant.

- The applicant will receive mediation/translation during the interview if necessary, and if the applicant is a person with a disability, appropriate accommodations will be made. If possible, the applicant can request an interviewer of a certain gender.
- The interviewer will explain to the applicant the purpose of the interview, the recognition process, and the possible outcomes.
- The interview or the information provided therein does not oblige the applicant to cooperate with a criminal investigation. Moreover, the state does not criminalize those who are victims of trafficking.
- The interview will be documented in writing.

6. What is the role of the Advisory Committee in a decision to recognize an application?

- The Coordinator will make the decision to recognize the applicant as a trafficking victim having consulted with the Advisory Committee. In order for the consultation with the Advisory Committee to be valid, at least 4 members of the Committee must participate in the consultation, including a public representative or a representative of non-governmental organizations.
- The Advisory Committee shall convene once a month at the very least. If a meeting is required within a shorter period of time, that will be made possible.
- Upon conclusion of the committee's discussion, its written recommendation will be forwarded to the Committee's administrative coordinator. The Committee's administrative Coordinator will summarize the Committee's discussions and document the recommendations of the Committee members. The recommendations will be forwarded to the Coordinator.
- Having made its decision, the Coordinator will provide an update to the members of the committee on her decision, in particular to the members of the committee who held a minority opinion.
- In the event that a committee member wishes to submit an "objection" to the Coordinator's decision, the Coordinator will suspend the transfer of the decision until the "objection" is submitted and deliberated upon.

7. What is meant by an "objection" by an Advisory Board member?

- In exceptional cases where a committee member who is a government representative believes the Coordinator's decision to recognize or not recognize the applicant as a victim of trafficking or slavery is erroneous, the member may apply to be the authorized person according to the procedure requesting a change in the decision.

8. Are there any cases in which a decision can be made without consulting the committee?

- Yes, but only in urgent cases, where a quick decision is required because of the victim's situation, the evidence, or any other urgent grounds.
- If the Coordinator has made an urgent decision without consulting the Advisory Committee, she shall inform the Committee of the matter during the Committee's regular monthly meeting.

9. And what about the decision?

- The decision of the Coordinator will be made in light of the reasoning in the committee's recommendations or the recommendations of the head of the human trafficking division at Israel Police. The decisions and their reasoning will be communicated to the applicant or the applicant's representative by email or fax.
- In the case of a decision rejecting the applicant's application, his or her right to submit an application for a review or an appeal against the decision shall be specified.

10. Is it possible to apply for a review of the application?

- The applicant may apply the Coordinator requesting a reconsideration of her decision, if circumstances have changed or new facts have come to light following the decision, that could change the previous decision.

11. Is it possible to “appeal” the decision?

- The applicant may submit an appeal against the decision not to recognize him or her as a trafficking victim or not to accept the applicant's request for a review within 45 working days following the date of the decision by the Coordinator.
- The application will be submitted by email to the [Coordinator's address \(combattrafficking@justice.gov.il\)](#) or by fax, along with all the relevant reasons and arguments.

This document is intended to facilitate the submission of an application for recognition, but in any case of inconsistency between the text herein and the provisions of the Procedure - the [provisions of the Procedure shall prevail](#).