

RETHINKING INTER-INSTITUTIONAL COOPERATION:

STRATEGIES TO FIGHT HUMAN TRAFFICKING

WHERE IT BEGINS

The phenomenon of trafficking in persons and the steps to combat it are multifaceted and require multiple tools and actors - legal, social, economic, political. A combat, that draws its strength and ability to propagate the fight against this abuse of people from a large array of disciplines, relentless dedication of individuals and institutions (governmental and nongovernmental) committed to eradicate this evil and the cooperation amongst them.

However, first and foremost, it is legislation and law enforcement that grant these efforts with both the framework as well as the strength to pursue an effective combat against TIP. It is the laws and their enforcement that define the clear boundaries for human behavior, of what is permitted and forbidden, of what must be rejected by society where morals and ethics, where the basic understanding of what is right or wrong have failed. It is such laws and their ardent enforcement that provide the primary basis to shake, hinder and eventually stop the perpetrators in their criminal, vile actions against victims of trafficking.

In 2000, Israel undertook to fight TIP and passed a law against Trafficking for Purposes of Prostitution. Later on, as part of its commitment to combat TIP, Israel, in October 29th 2006, has enacted a comprehensive anti trafficking law entitled Prohibition of Trafficking in Persons (Legislative Amendments) Law, 5767 – 2006.

This new legislation reflected an attitude, gradually implemented by the State of Israel and incorporated by the State as well as non governmental institutions and individuals involved, whereby combating trafficking in persons requires (as already stated above) the integration of a series of tools and actors.

The law, also placed emphasis on the primacy of victim protection and on the dignity of the human personality.

This new anti trafficking law, among other things, also mirrored Israel's growing awareness of the need for a comprehensive view of trafficking. No longer were perceptions and operative steps compartmentalized to one or another form of trafficking. Rather, legislation, government decisions and procedures began to be geared to deal with trafficking as a whole.

(This did and does not mean that each form of trafficking requires the same solutions; far from it. It meant and still means, that beyond the specific differences, there is perceived common ground.)

On the operative level, the law criminalized various forms of conduct which amount to trafficking or allied crimes, created procedural frameworks to facilitate deterrence, provided various protections for victims, and included provisions to encourage international cooperation. For example, the law formed a cluster of offences criminalizing all forms of slavery, forced labor, trafficking for a wide array of purposes (removal of an organ, giving birth to a child and taking away the said child, subjecting a person to slavery, subjecting him to forced labor, subjecting him to an act of prostitution, subjecting him to participation in a pornographic publication or exhibition, committing a sexual offence against him) and exploitation. Also, the law determined that trafficking and slavery have maximal penalties of 16 years of imprisonment and 20 years of imprisonment if committed against minors.

Although the law in Israel has criminalized a large array of behaviors as trafficking, thus far, trafficking has generally been for the purpose of prostitution. There have been three cases of enslavement (two of which were actually resembling cults more than enslavement cases known elsewhere), a few trafficking for organ removal cases and several investigations of forced labor, most of which led to indictments of lesser offenses related to TIP.

Therefore, it is in the combat against trafficking for the purpose of prostitution that Israel has had its greatest success and acquired its largest experience. From the police estimate of a high 3000 victims during 2003, shortly after the Trafficking law was first passed, the number decreased to a few hundreds in 2005 and to sporadic few around 2009 -2010.

This success in Israel was the result of highly professional and dedicated law enforcement, devoted, persistent and knowledgeable prosecution and above all, the judiciary. Highly educated, informed, courageous courts who guard human rights and dignity zealously and passed enlightening, unequivocal decisions to light the way.

Alongside this legislative effort of the State and Parliament and the law enforcement institutions, Israel, with the guidance and assistance of its National Anti - Trafficking Coordinator, has learnt and has adopted a committed and fruitful pattern of permanent and selfless cooperation among all involved in this combat - government institutions , non - governmental groups and institutions and individuals. This partnership in combating trafficking, assisted by the law, became an almost unbeatable

force that attained Israel's success in the fight against Trafficking in Persons for Prostitution.

A final personal note - One however, cannot become complacent by this success. Perpetrators, forever find new ways and forms to harm. It is so, also where TIP is concerned. New ways and new patterns are employed to traffic and to abuse human beings, especially vulnerable ones. New ways to cooperate and to combat them must be developed. Such as, for instance, adopting the ways to cooperate to the new forms of trafficking, or learning to identify the new patterns All, must constantly remain vigilant and ready to prevent this evil.

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