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Procedure of the National Coordinator for the Mechanism of Recognizing a Person as a Human Trafficking Victim in accordance with Government Resolution 1862

1. Legal basis of the Procedure and background

As part of Israel's international obligations, *inter alia* under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Council of European Convention on Action against Trafficking in Human Beings, the State must identify and provide recognition and protection to victims of human trafficking offenses. Between the years 2002 and 2022, and in accordance with several Government Resolutions¹, it was determined that the authorized body for recognition of human trafficking victims for the purpose of protection was the Israel Police. On September 18th, 2022, the government adopted Government Resolution 1862, titled "Multi-Year Plan for Implementation of the National Plan for the Elimination of Human Trafficking, 2022-2026, and Amending Previous Resolution" (hereinafter: "Government Resolution 1862"). Among the steps listed in the Resolution, and following the recommendations of the inter-ministerial team on enforcement and identification of victims, headed by Deputy Director General of the Ministry of Public Security, it was determined that previous Government Resolutions be amended in such a manner that the victim recognition authority would transfer from the police to the National Coordinator at the Ministry of Justice, in consultation with an Advisory Committee whose inter-sectoral make-up was determined in the Government Resolution, and subject to the publication of a procedure that would regulate the recognition mechanism, including the Advisory Committee's work procedures, the establishment of the possibility of objection, etc., in coordination with the relevant Government Ministries. Therefore, the purpose of this Procedure is the regulation of a

¹ See in this regard Government Decision 2806 dated December 1st, 2002, concerning "The Establishment of a Shelter for Victims of Human Trafficking for sexual exploitation in Prostitution" and Government Decision 2670 dated December 2nd, 2007, concerning "a. National Anti-Human Trafficking Programs; b. Housing Solutions for Victims of Slavery and Forced Labor".



recognition mechanism that would allow an efficient and comprehensive examination of the applications in a trauma-informed manner, and prevent, to the extent possible, unnecessary delays, in order to facilitate accessibility to protection for trafficking victims.

2. Definitions

- a. **"the National Coordinator"** – the National Anti-Trafficking Coordinator at the Ministry of Justice (hereinafter: "the Coordinator" or "the National Coordinator"), as defined in government Resolution 63 dated May 21st, 2005, "The Establishment of a Standing Committee of Directors General and the Appointment of a Government Coordinator for the Combat against Human Trafficking".
- b. **"the Person Authorized to Consider an Appeal or Petition by Members of the Advisory Committee"**, **"the Authorized Person"** – the Head of the Social Affairs Division at the Ministry of Justice, for an additional two-year period, by February 2028.
- c. **"Advisory Committee"** – within its meaning in Government Resolution 1862.
- d. **"the Committee Coordinator"** – the coordinator of the Advisory Committee, appointed in accordance with Section 6A(6) of Government Resolution 1862.
- e. **"Victim of Human Trafficking"**, **"Trafficking Victim"** – a person for whom there is *prima facie* evidence that human trafficking offenses, as set out under Sections 375A, 376, 376B and 377A of the Penal Law, 5737-1977 (holding under conditions of slavery, forced labor, causing a person to leave his/her country for purposes of prostitution or slavery, and human trafficking, respectively) were committed against him.
- f. **"Prima Facie Evidence"** – on the administrative level, in accordance with the interpretation thereof in H CJ 1591/18.
- g. **"Applicant"** – a person seeking recognition as a Victim of Human Trafficking.
- h. This Procedure is written in the masculine gender, but is intended for both genders.

3. Application for recognition

- a. It should be clarified that this Procedure deals with individual applications for recognition, and not with broad policy issues.



- b. Therefore, where an application raises significant or unique broad implications, e.g., in the case of a new trafficking pattern, the matter shall be brought before the Committee of Directors General (or their representatives) as soon as possible, and it shall consider the matter of the broad policy.
- c. **Minors** – special provisions and adjustments of this Procedure regarding the manner of submission of the application and the recognition procedure of minors shall be formulated and integrated into this Procedure as part of the work of the inter-ministerial team on the issue of protection of minors in accordance with Government Resolution 1862, and published on the Coordinator's website as a revision of this Procedure, no later than one year from its publication.
- d. Generally, the submission of an application for recognition of a person as a Trafficking Victim shall be submitted to the Coordinator by the person seeking recognition, or any person acting on his behalf, including Legal Aid, civil aid organizations, and representing attorneys.
- e. The submission of such application to the Coordinator can also be done by any other person, including a person acting on behalf of the State or a professional who meets, in the course of his occupation, a person concerning whom there is a suspicion that he is a Trafficking Victim. In such case, the application to the Coordinator shall be done subject to informing the person of the consequences of the recognition, and the handling of the application shall continue in accordance with the Procedure, *mutatis mutandis*.
- f. An application for recognition of a person as a Trafficking Victim shall be done in the following manner:
 - 1) By means of an online application form, available on the [Unit's website](#).
 - 2) Where the circumstances do not allow an online application, the application shall be delivered directly to the Unit, via the Unit's email address: Combattrafficking@justice.gov.il or by fax: 0733926729.
 - 3) If the application is urgent, and the handling of which cannot be delayed until the Unit's ordinary operating hours (8 AM - 4 PM, Sun-Thu), the application shall be made via telephone, to the phone number appearing among the Coordinator's contact details on the Unit's website. If the situation involves immediate danger, the Applicant must call the Israel Police emergency 100 number.



- g. As part of the application, the Applicant shall state his contact information, the circumstances of the matter and the details relevant to the consideration of the application, as specified in the online application form, and the documents listed in Section 4 below shall be attached (unless the case is that of an urgent call made as referred to in Section (f)(3) above, in which case these documents shall be attached after such initial application, insofar as required).

4. Attached documents

The Applicant shall attach to the application for recognition of a person as a Trafficking Victim all the relevant material and documents describing the facts justifying recognition of a person as a Trafficking Victim, according to the circumstances, including:

- a. A signed power of attorney authorizing the Applicant's representative, if any, to represent him in the application process.
- b. A waiver of confidentiality.
- c. A statement by the Applicant, stating the circumstances and facts supporting the grounds for the application for recognition.
- d. A certificate of the filing of a police complaint (an output of a record of the filing of an online complaint, or a certificate as to the filing of a complaint at a police station), if any was filed.
- e. Medical documents.
- f. Official documents of the Population and Immigration Authority, including applications for asylum, interviews conducted by Border Control Commissioner officials; official documents of the Ministry of Labor; social information about the Applicant from the Ministry of Welfare and Social Affairs and/or the Social Services Department.

5. The handling of the application

- a. The applications, together with all the relevant documents, shall be processed and recorded in writing at the Unit.
- b. A confirmation of receipt of the application shall be delivered to the Applicant or any person acting on his behalf immediately, and no later than two business days.



- c. If any information is missing, which is required for handling the application, the Committee Coordinator shall notify the Applicant in writing of the missing information, as soon as possible and no later than seven business days from receipt of the application, and allow him to deliver the missing documents.
- d. The Committee Coordinator shall contact the government representatives who are members of the Advisory Committee, within one week from the date of confirmation of receipt of the application, in order to collect the relevant information in their possession regarding the Applicant for recognition, including a paraphrase of the police investigation file, if any exists. It should be noted that the Committee Coordinator's said request for information shall be made by virtue of the Applicant's consent, contained in the waiver of confidentiality. If the Applicant does not sign such waiver, the information shall only be delivered subject to Chapter D of the Protection of Privacy Law. If the Applicant is from the Palestinian Authority, the Committee Coordinator shall inquire with the Welfare Coordinator in the Civil Administration, in order to ascertain whether or not there is any security preclusion concerning him, and to obtain any other relevant information.
- e. If anything in the application concerns a pending enforcement case, the Committee Coordinator shall inform the relevant enforcement bodies of the application as soon as possible and no later than seven days from receipt of the application.
- f. In general, the decisions on the applications shall be made based upon all the materials received in writing. If needed, and if the Coordinator concludes that there is room for getting a more unmediated impression of the Applicant in order to decide the question of the existence of *Prima Facie* Evidence, or that more facts are needed, which cannot otherwise be obtained, a supplementary interview shall be conducted, as set out in Section 6 below, or any other act required for the examination of the Applicant's application.

6. Supplementary interview

- a. The purpose of the interview is to get a direct and unmediated impression of the Applicant, *inter alia* as to his credibility, and to obtain factual and other clarifications and supplements as needed.



- b. The interview shall be conducted as soon as possible, and no later than two weeks from the date of receipt of all the relevant documents from the Applicant and the government representatives from whom relevant information is received. In exceptional cases, with the approval of the Coordinator, a later date shall be scheduled.
- c. The location of the interview shall be determined by the interviewers, in coordination with the Applicant, considering the necessary sensitivity required in the Applicant's case, and preserving his privacy. In urgent cases, and in consultation with the Applicant and his representative, the interview can also be held by video conference.
- d. The interview shall be conducted by two interviewers, at least one of whom shall be an advocate from the National Anti-Trafficking Unit, except in urgent cases, where only one interviewer may conduct the interview. The Coordinator may determine that the second interviewer be one of the members of the Advisory Committee, or one of the employees of their office, at the Coordinator's discretion. In the appropriate cases, the Coordinator may invite additional interviewees, all while ensuring that the interview is held in a manner consistent with its purposes, and maintaining the dignity and privacy of the Applicant, at the Coordinator's discretion.
- e. The Applicant shall be entitled to have his representative and another accompanying person present and participate in the interview, unless the Coordinator does not approve the presence of an additional accompanying person, for reasons that shall be recorded and delivered to the Applicant, including a suspicion of an obstruction of investigation, or a suspicion that such presence may harm the interests of the Applicant.
- f. In scheduling the interview, reasonable efforts shall be made to make the necessary adjustments for the Applicant, so that he understands the language in which the interview is conducted, or in view of the Applicant being a person with disabilities, as defined in the Equal Rights for Persons with Disabilities Law, 5758-1998. In addition, to the extent possible, an interviewer shall be chosen of the gender preferred by the Applicant.
- g. At the beginning of the interview, the purpose of the interview, the recognition process and the possible outcomes shall be explained to the interviewee. The Applicant shall also be informed that he is to be asked personal or difficult



questions during the interview, and that he may ask for breaks, as needed, or ask to continue the interview at a later date.

- h. In addition, the interviewer shall emphasize that nothing in the holding of the interview or the information provided therein, insofar as it directly arises from the trafficking alleged to have been committed against him, would require the Applicant to cooperate in a criminal investigation. In addition, the principle of non-incrimination of Trafficking Victims for offenses resulting from or involved in the trafficking, as appearing in State Attorney Guideline 2.32, shall be emphasized to the Applicant.
- i. The interview shall be recorded in writing, and such record shall also contain the interviewer's impression of the Applicant and his emotional state during the interview.

7. The Advisory Committee

- a. The Coordinator shall make her decision on the application for recognition of a person as a Trafficking Victim after consultation with the Advisory Committee, except in the cases listed in Section 9 below.
- b. The legal quorum for a consultation session with the Advisory Committee shall be at least four members, including a public representative or a representative of the non-governmental organizations listed under Sections 6(a)(5) and (6) of Government Resolution 1862.
- c. The Advisory Committee shall convene at least once a month, unless the Coordinator concludes that no session is required, in light of the entirety of the circumstances.
- d. If needed, the Committee may convene and make decisions more frequently, including by telephone conference, video conference or email correspondence.
- e. The Committee Coordinator shall send to the members of the Advisory Committee the agenda and the material pertaining to the applications to be examined by the Committee no later than one week before it convenes, except any material received after that time, which shall be delivered soon after it is received.
- f. The applications shall be sent to the members of the Committee who are not representatives of the government without identifying information of the applicants, or any other information which may reveal their identity, and the



deliberations of the Committee shall be held without the presentation of any such information or details.

- g. The members of the Committee and any person who obtains information or documents (hereinafter: "Information") in the course of his occupation or as part of his activity in the Committee, shall keep such Information confidential, and not use it or reveal it to any other person, except for the purpose of performing their duties as part of the Committee, or if one of the following holds true:
 - (1) Such disclosure has been permitted by a court;
 - (2) An obligation or permission to disclose such information is stipulated by law.
- h. At the end of its deliberations, the Advisory Committee shall deliver its recommendations to the Coordinator, and if a dissenting opinion exists, it shall be stated therein. The Committee Coordinator shall keep summaries of the Committee's deliberations, recording the recommendation and the positions of the members of the Committee. Such summary shall be sent to the members of the Committee after the sessions.
- i. The Coordinator shall inform the members of the Committee of the decision made, before it is delivered to the Applicant. If the Committee's recommendation is not adopted by the Coordinator or it contains a dissenting position as referred to above, the Coordinator shall ensure that the Committee or the dissenting members, as the case may be, received her decision, and she shall postpone the delivery of her decision to the Applicant for five business days (unless she deems fit to determine a different time limit for applying to the Authorized Person under Subsection 8(b)).
- j. If a member of the Advisory Committee notifies the Coordinator that he is considering submitting a petition, the Coordinator shall postpone the delivery of her decision to the Applicant until the petition is made in accordance with the times stipulated below. If such a petition is made, the Coordinator's decision shall not be delivered until a decision is given on the application, at which time the final decision made shall be delivered to the Applicant.



8. Petition by the members of the Advisory Committee to the Authorized Person to request a change in the Coordinator's decision

- a. In exceptional cases where a member of the Committee who is a government representative believes that the Coordinator's decision contains a significant error concerning the question of the existence of *Prima Facie* Evidence in the specific circumstances emerging from the application, he may apply to the Authorized Person to request that the Coordinator's decision be changed.
- b. The Committee member's petition to the Authorized Person shall set out the reasons on which it is based, and be submitted in writing, with the consent of the legal counsel of the relevant Government Ministry or his representative (and in the case of the police, a representative of the Israel Police Legal Counsel), to the Authorized Person, within five business days from the date on which the Coordinator notifies the members of the Committee of her decision. The Coordinator may change such period, for reasons that shall be recorded. Notification of the submission of such petition shall be sent to the Coordinator simultaneously with the submission of the petition. If such an petition is submitted, the Committee Coordinator shall inform the Applicant that a petition has been submitted, and what is the new final date for delivery of the decision on the application for recognition.
- c. Insofar as a member of the Committee submits such a petition, the Authorized Person shall decide the application within such period as shall be determined in coordination with the Coordinator and according to the circumstances of the matter, but not exceeding 10 business days, except for special reasons that shall be recorded. If the Authorized Person concludes that additional material is required, he shall return the application to the Coordinator for the collection of additional information and the making of a new decision in consultation with the Committee.

9. Making a decision without consultation with the Committee

- a. The Coordinator's decisions shall be made after consultation with the Advisory Committee, except in the following cases, where the Coordinator shall make a decision in consultation with the Head of the Police Trafficking Coordination Unit:



- 1) **Rejection *in limine*** – where the application brought before the Coordinator does not contain *Prima Facie* Evidence of human trafficking offenses having been committed against the Applicant, and there is no reasonable basis to assume that any additional material would be delivered or found, establishing such evidence.
- 2) **Urgent cases** – where a decision must be made promptly in order to protect the victim or provide assistance, or any other urgent reason, and the evidentiary and circumstantial information emerging in such case allows making a decision regarding the existence of *Prima Facie* Evidence.
 - b. In urgent cases where a prompt decision must be made as said in Paragraph a(2) above, and there are indications that the existence of *Prima Facie* Evidence is highly likely, but such indications do not suffice in order to determine that such *Prima Facie* Evidence exists at that time, the Coordinator, in consultation with the Head of the Police Trafficking Coordination Unit, may decide, by an interim decision, to grant a temporary remedy to the Applicant, pending the rendering of a final decision, to be made after the completion of the required information and consultation with the Committee.
 - c. The contents of the consultation with the Head of the Police Trafficking Coordination Unit under Subsection (a) shall be recorded and attached to the application file.
 - d. The decisions of the Coordinator as referred to in Paragraphs a(1) and (2) shall be brought to the Committee's knowledge at its regular monthly meeting.

10. The decision

- a. The Coordinator's decisions shall set out the reasons on which they are based, subject to the exceptions listed in Section 3 of the Administration Arrangements Amendment (Decisions and Reasons) Law, 5719-1958, and make reference to the recommendation of the Committee or the recommendations of the Head of the Police Trafficking Coordination Unit, as the case may be. The decisions and reasons shall be delivered to the Applicant or his representative via email or fax, according to the contact details provided by the Applicant.



- b. If the decision rejects the Applicant's application, his right to submit an application for reconsideration or an objection to the decision in accordance with Sections 11 and 12 of this Procedure, and also the manner of and times for submission thereof, shall be stated in the decision.
- c. The decision shall be delivered to the Applicant or his representative, in writing, no later than 45 days from the date of submission of the application or the date on which any missing documents requested, if any, are provided by him, whichever is later. Notwithstanding the foregoing, the Coordinator may postpone the date on which she renders her decision by 45 additional days, if she concludes that additional time is required for the collection and completion of information concerning the application, deliberations of the Advisory Committee, the holding of an interview as referred to in Section 6, or a request by a member of the Committee as referred to in Section 8. Notice of such postponement shall be delivered to the Applicant in writing.
- d. A copy of the response delivered to the Applicant shall be kept in the Unit's systems, together with all the material relating to the application. In addition, the details and outcome of the application shall be recorded in the application file.
- e. It should be clarified that in accordance with the Government Resolution, if the Applicant for recognition is a minor, the Ministry of Social Services shall be the sole body authorized to determine and charged with determining the manners of treatment and care of the minor, and the Coordinator shall render a decision regarding the application for recognition, in accordance with the provisions of this Procedure.

11. Reconsideration

- a. The Applicant may apply to the Coordinator for reconsideration of the decision rendered by her, if the circumstances change or new facts are discovered after the rendering of the decision, and such change or discovery may change the previous decision.
- b. The Coordinator shall consider the application and determine whether or not the new information or circumstances can change the decision, and inform the Applicant of such determination.
- c. If the Coordinator determines that the application for reconsideration justifies reconsideration of the Applicant's application, the provisions of this



Procedure shall apply to the reconsideration of the application for recognition on the merits, *mutatis mutandis*.

- d. If the Coordinator determines that the new information cannot change the decision, she shall reject the Applicant's application for reconsideration, and the Committee Coordinator shall inform the members of the Committee of such rejection.

12. Objection

- a. The Applicant may submit an objection to the Authorized Person, on a decision not to recognize him as a Trafficking Victim or not to grant his application for reconsideration under Section 11, within 45 business days from the date on which the decision is delivered to the Applicant or his representative. The Authorized Person may extend the said period, if they conclude that special reasons exist, justifying such extension.
- b. The application shall be submitted by email to combattrafficking@justice.gov.il, or the Coordination Unit's fax, with the attachment of all the relevant reasons and arguments, and supporting documents, as needed.
- c. The Committee Coordinator shall deliver the objection to the Authorized Person for their consideration, with the addition of all the materials concerning the objection, including the material on which the Coordinator's decision, the subject of the objection, was based.
- d. If the Authorized Person concludes that additional acts must be performed in order to make a decision on the objection, including consultation with the Advisory Committee, they will return the objection to the Committee Coordinator to be handled by her, together with instructions for the performance of supplementary acts.
- e. The decision of the Authorized Person on the objection shall set out the reasons therefor, and be delivered to the Coordinator and the Applicant or his representative in writing, within 30 business days from the date of receipt of all the relevant materials, including such that was collected as part of supplementary acts.