

Main points for the OSCE Alliance- Vienna 2023

Overview of the five-year national plan to combat human trafficking, submitted by Minister of Justice on September 18th 2022.

The main points of the plan : significant increase in enforcement, protection of victims, prevention of the phenomenon of modern slavery and more. The program was led by the Ministry of Justice and anchors broad government work, led by the Coordination Unit for the Fight against Human Trafficking in the Ministry of Justice and the Permanent Director General Committee for Human Trafficking led by the Director General of the Ministry of Justice.

Among the steps set forth in the decision, stand out the actions related to the improvement of the protection model for the victims of the crime, changing the recognition mechanism for victims of trafficking, improving enforcement in cyber space, and increasing cooperation between both criminal and civil enforcement agencies and at the international level.

The Cybercrime Department's activity – MOJ ISRAEL

The Cybercrime Department in the State Attorney's Office works side by side on investigations held by the Cyber Unit; the 105 unit in the Israeli Police and the Israeli data protection agency, which holds criminal investigative powers regarding information-related crimes.

The 105 unit is dedicated to protecting minors online as part of the Child Protection Bureau. The unit comprises of an investigation unit, intelligence unit and a 24/7 hotline staffed by police officers with special training, as well as representatives of the partner government ministries: the Ministry of Public Security, the Ministry of Education, the Ministry of Health, the Ministry of Labor, Social Services, and the Ministry of Justice.

Legal Framework when addressing online offences

When talking about crimes committed online, the approach is to apply the existing national legislation crafted for offences committed offline to crimes committed online. Therefore, all legal provisions relevant to tackling child sexual abuse material, sexual offences and prostitution and consequently THB are implemented to offences committed online.

Court rulings supported that approach that national legislation were sufficiently broad to apply to the wide range of contexts in which technology operates as an enabler.

For example, in one case, the court ruled that the elements of the offense of human trafficking have been established. The court analyzed the basics of the offense of human trafficking and determined that it entails a wide spectrum of situations.

The offense of trafficking does not only concern the transfer of a person as an "object" from hand to hand for a permanent or extended period, and that a "right of use" is sufficient, "even briefly and without displacing the trafficked person from where he was, provided that it is the possession of that person for one of the improper purposes listed in the relevant section of the Penal Code".

Also, even though consideration is not one of the elements of the offense of human trafficking, it was determined that a direct connection was proven between the funds transferred by the appellant to the mother, and the "right of use" given to him, in exchange, as a minor. In addition, it was determined that the offense of trafficking is a domestic offense, since it was partially committed in Israel, when the mother abused the child and livestreamed it to the defendant while he was in Israel.

Rising phenomenon of minors offering sexual services online, or offering to make explicit sexual videos in exchange for money, or livestream them. In the prevention and prosecution field, undercover agents go on different platforms in order to "flush out" the clients of such minors and indictments are being filed against them for the attempt of receiving a prostitution act from a minor or for the charge of creating obscene material. Yes, not all are categorized under THB but these platforms are a fertile field for THB.

The "**Forcing Channel**", within the alternative enforcement channel, is used by the department to issue warrants to Israeli ISPs ordering them to block access of their users to websites depicting child sexual abuse material, websites used to publish prostitution, drug trafficking, online gambling and websites of terror organizations.

- a. This channel is not within the criminal procedure. The Cybercrime Department in the Israeli State Attorney's Office is the designated department in the Ministry of Justice that files requests for warrants under **The Powers to Prevent Online Offences Act (2017)**.
- b. This act enables a district Judge, assigned by the president of the district court to issue a warrant demanding a website blocking, in whole or a part of it, if there are sufficient grounds to believe that the website is operated by a terror organization, drug trafficking or gambling and in relation to our discussion here today, **sites offering prostitution services, or sites containing sexual abuse material of minors**. The goal is to block access to prevent the continuation of the activity.
- c. If within criminal enforcement we are talking about bringing the perpetrator to justice by indicting him, this course of action is designed to take down the publication, the content, taking into consideration that the power to block access to online platforms

could be a powerful tool in acting against those sites and perpetrators.

- d. There are a few courses of action that can be taken, depending on the location of the website in question. Court can issue a warrant demanding the Israeli ISPs to block the website, in whole or in part, when discussing content hosted outside of Israel, and removal of website when the content is hosted in Israel.

Moreover, When discussing sites depicting child sexual abuse material, the Cybercrime Department bases its activity on the INTERPOL's activity. In the past couple of years, the INTERPOL has been managing a list, commonly known as the "INTERPOL Worst of all List" (IWOL), of websites depicting child sexual abuse material. The IWOL is shared by the INTERPOL with ISPs around the world, and numerous ISPs have reached an agreement with the INTERPOL to block access to these websites on a voluntary basis.

Whilst using "alternative enforcement", the cybercrime department acted against major websites that published prostitution services in Israel, even a site that acted as an "online catalogue" and a site where Israeli Consumers of prostitution used to express opinions and rank women in prostitution. Moreover, over 5000 websites depicting child sexual abuse material were blocked.