

HOTLINE for REFUGEES and MIGRANTS



Trafficking in Persons in Israel



Yearly Monitoring 2015

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The information for this report was gathered due to the efforts of the devoted staff and volunteers of the Hotline for Refugees and Migrants: Emi Saar - the Manager of the Anti-Trafficking Dept., Alexandra Roth-Ganor - Case worker, Meseret Fishaye and Ghebrihiwut Tekle – Translators, as well as other activists who assist, among others, TIP and torture survivors, while documenting their testimonies.

About the Hotline for Refugees and Migrants:

The Hotline for Refugees and Migrants is a nonpartisan nonprofit organization which aims to protect and promote the human rights of migrant workers and refugees and prevent human trafficking in Israel. We are committed to eradicating the exploitation of migrants, ensuring they receive respectful and fair treatment, and formulating government policy to this end. We seek to lend our voice to those who are not heard in the public sphere and build a just, equal, and democratic Israeli society. The organization acts by providing information, counsel, and legal representation to migrants, educating the Israeli public, and promoting legislation and public policy.

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Abbreviations

RSD - Refugee Status Determination

PIBA - Population Immigration and Border Authority

IPS - Israeli Prison Service

HRM - Hotline for Refugees and Migrants

PHRI - Physicians for Human Rights Israel

HCI - High Court of Justice

What Is The US State Department TIP Report?¹

In 2000, the United States passed the largest anti-trafficking legislation package in its history. This bill, the Trafficking Victims Protection Act (TVPA) and its later re-authorizations; among many things, established the creation of an annual "Trafficking in Persons" (TIP) report. The report, first published in 2001, is managed by the U.S. State Department, and it evaluates the anti-trafficking efforts of countries against standards set by the TVPA and rates them on a three-tier system. "Countries that are ranked tier 3 "may be subject to certain restrictions on bilateral assistance, whereby the U.S. government may withhold or withdraw non-humanitarian, non-trade-related foreign assistance. In addition, certain countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs."²

Israel's Previous History with the TIP Report

In the 1990's with the fall of the Soviet Union, Israel became a destination country for trafficked women from the FSU for the purpose of prostitution. NGOs were the first to notice the trend of trafficking. The Hotline for Refugees and Migrants (HRM), first discovered trafficked women in 1998 in Neve Tirtsa prison prior to their deportation from the country. In 1999 the HRM facilitated visits and interviews with two Amnesty International researchers to talk with TIP survivors in Neve Tirtsa prison. Following the publishing of their findings, in 2000, there was an incredible amount of media attention that covered the issue.³ The HRM continued its efforts to convince government officials to address the issue and provided more and more testimonies of TIP survivors to the media but the work fell on deaf ears with the government. In 2000, the HRM used the data collected from hundreds of TIP survivors in prison for its first shadow report submitted to

¹ For more information and links to the yearly US State Dept. TIP report:

<http://www.state.gov/j/tip/rls/tiprpt/>

² <http://www.state.gov/documents/organization/245365.pdf> (page 48)

³ Amnesty International, Woman - Merchandise, May 2000.

the US State Department TIP report. It was the US's TIP Report in 2001, where it named Israel a Tier 3 country (the lowest possible rating); alongside other nations such as Pakistan and Bahrain, that finally put pressure on the government to act. The rating from the state department indicated that Israel was doing virtually nothing to prevent trafficking within its own borders.⁴

Following the criticism by the State Department and public and legal activism by human rights organizations in collaboration with the Anti-Trafficking Combat Unit at the Ministry of Justice, in 2003 a law was amended to provide trafficking victims with legal representation by the State. In 2004, a shelter for female human trafficking victims was established and in 2007 a shelter for trafficked men was established as well. In 2005, following pressure by human rights organizations, the trafficking victims were given the right to work while they awaited to testify against their traffickers. They were also given a visa that gave them access to a year of rehabilitation in Israel after their testimony was given. In 2006 the Criminal Law was amended so that TIP for the purpose of work or organ removal was also defined as a crime. In 2012, again due to pressure from NGOs, TIP victims were granted access to medical services as they awaited trial and during their year of rehabilitation.⁵ Since 2012, Israel has been rated Tier 1 each year.

To Israel's credit, the policies and practices implemented to combat trafficking, eradicated many of the trends that first necessitated the protections. However, with time, the trends themselves and the TIP patterns also changed, and the progress that Israel has made in terms of adapting policies to reflect the new challenges is up for debate.

⁴ For more information: <http://hotline.org.il/en/human-trafficking-en/trends-in-human-trafficking-in-israel>

⁵ For more information: <http://hotline.org.il/en/human-trafficking-en/trends-in-human-trafficking-in-israel>

With the fall of the Soviet Union, and the normalization of relationships with FSU nations, the former trafficking routes and practices have all but disappeared. No longer are women being smuggled from ex-Soviet nations through the Sinai, they can enter freely through the airport due to visa-free travel between many FSU nations and Israel.

This report is the HRM's assessment of trends, efforts, and areas for improvement in the Israeli government's combats of human trafficking during the year 2015. The report highlights trends that were apparent during the year, which were noticed from the field work of the HRM's staff.

Overview of Israel's Current TIP Situation

During 2015, the HRM observed an improvement in the procedures of recognizing TIP survivors, specifically African asylum-seekers. These men and women are survivors of torture in Bedouin-run torture camps in the Sinai, who were then trafficked to the Israeli border.⁶ This improvement seems to be connected to the change of personnel in charge of the Anti-Trafficking Police Unit. These survivors, however, are only being recognized if their case is being brought to the Anti-Trafficking Police Unit. Unfortunately, during the year, there was deterioration in the identifying and screening process of TIP survivors, and therefore, many of them are not being identified; while they stay in prison for long periods of time, especially if they are asylum seekers from Ethiopia or if their nationality is contested. Others are not being identified because they have tourist visas and come from the FSU; therefore, when caught, they are being detained by the Immigration Authority, and immediately deported.

The major accomplishments regarding Anti-TIP efforts during 2015 were in the realm of protection: Recognized TIP survivors receive recognition, proper protection and good rehabilitation services in the shelters. With the years, a growing number of TIP survivors are survivors of the Sinai's torture camps

⁶ For more information about the Sinai's torture camps: <http://hotline.org.il/en/refugees-and-asylum-seekers-en/sinai-torture-camps/>

whose traffickers are not Israeli and the offense was not committed in Israeli territory: In 2010 there were six men and five women. In 2011 there were seven men and six women. In 2012 there were 25 men and 21 women. In 2013 there were 24 men and 37 women. In 2014 there were 21 men and 30 women. In 2015 there were 27 men and nine women.⁷

During 2015, 104 survivors received services at the day-treatment center run by the Ministry of Welfare and the Tel Aviv Municipality. 82 torture survivors received Psychological and Psychiatric treatment within 554 visits at the Geshar Clinic during 2015.⁸ While the shelters and the day-treatment center provide services to a small number of recognized TIP survivors, the Geshar clinic is open for every person that feels they need it's services. The main limitation is the fact that the clinic is only open to provide service for nine hours a week and therefore torture and TIP survivors sometimes need to wait for long months to be seen for treatment.

Women who were employed in the Israeli sex industry are not being recognized as TIP survivors since they arrive from the FSU countries with valid passports and tourist visas and therefore, when arrested and detained, can be immediately deported from Israel.

Key Limitations which the HRM found were holding back further improvement were **the growing lack of coordination between the various government bodies** which results in more and more potential survivors of TIP being detained and deported before checking the possibilities of bringing their traffickers to trial.

During 2015, the HRM did not identify survivors from the agriculture and the care-giving sectors in the prisons and therefore such cases do not appear in the report. Yet, according to Kav Laoved, during 2015 there were agriculture

⁷ Data is provided in a document published by the Atlas and Maagan Shelter, The Structures for TIP Victims Treatment - General Background, December 2015.

⁸ In comparison to 81 survivors in 547 visits during 2014, according to e-mail from Dr. Ido Lurie, the Clinic Manager, dated January 1st, 2016.

workers, who were brought to Israel as students, employed under six different "Agriculture Student Work Programs" in conditions that might amount to human trafficking. They had to pay high brokerage fees in order to come to Israel and their salaries were significantly lower than the minimum wage.

According to a report published by Kav Laoved in 2014, the average salary of an agriculture worker is 16.35 NIS, while the minimum wage is 23.12 NIS per hour.⁹ In the care-giving sector, the brokerage fee was raised from \$ 8,336 in 2012 to \$ 9,524 in 2015. Poor salaries and high brokerage fees are not necessarily an evidence of TIP, but they definitely serve as a fertile ground for eventual trafficking in persons.

TIP Survivors in the Sex Industry

During the last year, more and more women, tourists from the FSU, were found in Israel working in brothels and discrete flats, or at least were suspected to work in these places.

Yasmin Confino, the manager of the Ministry of Welfare's shelters for TIP survivors, told Yedioth reporter Liat Bar Stav on December 25, 2015: *"... Today it is different. Today, the woman knows that she is going to provide sex services. She also receives part of the payment from the clients. She is not held captive and she gets to keep her passport and cell phone. Yet, since these are foreign women who live separately from Israelis and they do not speak the language, they are dependent on the pimps, dependence that contributes to the pimps' control over these women "*.

It was also stated in the article that *"Officials at the Ministry of Justice are sure that the phenomenon is wider than it seems since it is difficult to identify the women and they arrive with a very credible cover story."*

⁹ Shauer Noa and Kaminer Matan, Below the Minimum, Kav Laoved, June 2014:
<http://www.kavlaoved.org.il/en/wp-content/uploads/2015/06/below-minimum-eng-2-.pdf>

In December 2015, an indictment was filed against Leonid Shtrimer and Assaf Ben Ari, two Israeli citizens, for bringing women from the FSU for the purpose of prostitution. According to the indictment, they enticed women to come and work in Israel through social media, forced them to work in prostitution when they arrived, and sexually assaulted at least one of the women. Svetlana, one of the witnesses, claims that she was promised \$200 for half an hour of work, that all her expenses would be paid, and that she will be sent only to "good clients". In reality she was forced to go to clients even when she was sick or was menstruating. She was obliged to perform oral sex even though she said she did not want to do that work.

The HRM, who follows the Ministry of Justice's Administrative Review Tribunal decisions' database, discovered during 2015 only 10 decisions of women, where it was clear that they were brought to Israel to provide sex services. Yet, since most of these women hold valid passports that allow them to be deported, it is very likely that many more are being deported, on their own volition, even before meeting with the Administrative Review Tribunal.

While Israel was striving to improve its rating by the US State Department TIP report, the various authorities attempted to coordinate their actions in order to eradicate TIP. During the last few years, the coordination between the authorities is deteriorating in a way that has allowed the Immigration officials to deport foreign women found in sex work, before they have a chance to coordinate with the police to investigate whether or not an act of trafficking has been committed. The Administrative Review Tribunal Judge Marat Dorfman wrote in one of the protocols:

"I find a need to state that during the last several days this is the third case that women, tourists from abroad, are allegedly employed in providing sex services for payment in discrete flats in the Tel Aviv area. In all these cases, there is a similar pattern to the actions of Immigration officers. One of the officers calls a cell phone number that appears in an ad for sex services on the internet. He says to the person who answers the phone that he is

interested in having sex with a woman whose photo appears in the ad. The officer receives an address to which he is supposed to arrive in order to have sex with the woman. The officer receives the exact details of the flat and the expected payment particulars. After that, the officer, accompanied by other immigration officers arrive at the flat and when the woman opens the door: they identify themselves as immigration officers, check the woman's documents and if she is a tourist, they detain her for further handling at the Department of Immigration. From this process, the officer allegedly reveals two violations of the law by the landlord of the flat and the person who operates the ad's website – first, bringing a person to commit an act of prostitution and second, renting a property for the purpose of prostitution. A question should be raised if the immigration administration is not supposed to coordinate such activities with the Israeli police? Is a report regarding the criminal activity, which is allegedly conducted, being transferred to the authorized bodies at the police? The tribunal has no such knowledge. I believe that the legal advisers at the immigration authority should check the issue and they need to coordinate its activity with the Israeli police in order to bring criminals to trial."¹⁰ "

The Administrative Review Tribunal Judge's concern and criticism regarding the lack of coordination between the various Israeli relevant authorities was also expressed in a letter that Emi Saar from the HRM sent on November 26, 2015 to the Head of PIBA, Amnon Ben Ami and to the Director General of the Ministry of Justice, Emi Palmor. So far, no answer was received. A parliament hearing was held on this issue at the Parliament Committee on the Status of Women and Gender Equality on December 7, 2015, since the Parliament Sub-Committee for Combating TIP in women was not yet established in the present Knesset at the time. Despite the efforts of the head of the committee, MK Aida Toma Suliman, no data regarding the phenomenon or decisions for improving coordination were made.

¹⁰Administrative Review Tribunal Judge Marat Dorfman, Protocol dated November 24, 2015, in the case of O.M.Z, prison number 9026120.

Sinai Torture Survivors and Trafficking Survivors

As stated, currently, a large section of trafficking survivors are Eritrean asylum-seekers who were trafficked and tortured in the Sinai desert by Bedouins.

While a small group of about 300 recognized TIP survivors who went through the Sinai receive protection and rehabilitation services for a year; the vast majority, about 4,000 torture survivors who did not work for their traffickers and therefore are not entitled to be recognized as TIP survivors, receive no protection at all, no access to treatment or rehabilitation services and are exposed to arbitrary detention.

Through the course of 2015, the Anti-Trafficking Coordinator at the HRM, Emi Saar, has brought 28 cases of survivors of torture in front of the Anti-Trafficking Police Unit, claiming that they deserve recognition of slavery victims, since they all worked for their captors and therefore were entitled to recognition as such. Some of them were directed to the HRM by other NGOs like ASSAF and PHRI. From this group of survivors, 19 have been recognized during 2015, 13 men and six women. Five survivor's requests were outright rejected, three of those have been returned for appealed decision, and four others were waiting for decision from the police at the end of the year.

Three of the TIP survivors that the HRM brought to their release during 2015 were detained for four years due to the faulty TIP identification procedures in the Israeli prisons.

During 2015 the Anti-Trafficking Police Unit recognized 27 men, all Eritreans, as TIP survivors. 13 of them were identified and referred by the HRM.

Among the 26 African recognized survivors who reside in Atlas shelter for men, 16 were identified and referred by the HRM.

During 2015, out of 23 women recognized by the Anti-Trafficking Police Unit as TIP survivors, eight women were Eritrean Sinai' survivors. Six of them were identified and referred by the HRM.

Among the 14 African recognized survivors who reside in Maagan shelter for women, 7 were identified and referred by the HRM.

From the interviews conducted by the HRM over the years, starting from 2012 (with the completion of the border fence of Israel and Egypt), nearly all of those who arrived had no intention to come to Israel. They were abducted from refugee camps in Sudan and Ethiopia and brought to torture camps in the Sinai for ransom. They were eventually released on the border with Israel after they had been beaten and tortured, and their families had paid dozens of thousands of dollars for their release.

During the last few years the Anti-Trafficking Coordinating Unit at the Ministry of Justice has conducted courses and trainings for the Administrative Tribunal Judges and the IPS workers who interact with the torture and slavery survivors during their work on a daily basis. Despite that, the HRM keeps on locating and identifying survivors after long periods of time in prison, who were not identified by the IPS or the Tribunal.

The Case of S.M., TIP Survivor from Eritrea¹¹

S.M., an Eritrean, who entered Israel in September 2011 was imprisoned for four years and two months while the Immigration Authority was under the wrong impression that he was Ethiopian. There are 33 hearing protocols of S.M. in front of the Administrative Review Tribunal. In most of them, his words are "I refuse to go to Ethiopia" and in many others his words are "I have nothing new to say". One month after another, the Judge approved his detention order without any changes. S.M. was imprisoned for three and a

¹¹ S.M (Prison number 1408779). First interview with him was conducted by Alexandra Roth Ganor on March 26, 2015 in Saharonim prison.

half years in Saharonim, before he met Alexandra Ganor-Roth, a case-worker from the HRM, who understood from his testimony that he is a TIP survivor:

"I entered Israel in 2011, and since then, I have been in Saharonim prison... When I came from Sudan to Israel, the journey had been quite difficult. I travelled with 80 people split between four vehicles. After five days we were loaded into new vehicles..."

They split us into two groups... in these groups there was no division between men and women, we were all in the same room... there were two smugglers there, Juma and Muhammed, who we called Hitler, because he was very cruel. After the first group paid and left, there were 65 people remaining, including around 15 children....

There was terrible violence in the Sinai. Every morning we were asked to call our families for the money. I tried many times to call ... but no one would answer me. Hitler would bring children to come beat us, we were to lay face down, and they would begin hitting us with iron rods covered inside rubber... The houses were isolated completely; no one could see or hear us. When I was in the second hut, they would come at night to take me to work... I worked every day for two weeks, from eight in the evening until two or three at night. We would load sand into a truck, while we were cuffed together. Every time that the van was full it would travel to the house, unload the sand, and we would load it again. Due to all the torture and the beatings I received, I became very ill, my whole body was swollen, even my mouth... I wasn't able to talk. I had terrible pain in my genitalia and the children of the smugglers, who guarded us with guns, decided not to take me to work. Because I was injured and sick, they did not take me to work... I couldn't even cook because my hands were injured....I looked disgusting...I was disgusted by how I looked.

One day Hitler took a guy who had been there for a year; he tied him to a rope by the legs and then connected the other end of the rope to his motorcycle. He started to drive the motorcycle with the man attached. His

mouth was covered with blood. He lost consciousness and then they took him away, I never saw him again. They used me as well, my body. They would beat me whenever a new group arrived, to scare them. To this day I still cannot believe that I am alive. Over seven months, countless groups arrived. I couldn't sit because I was so badly beaten, I couldn't sit because my back was so badly injured. We were forced to sit for hours in the sun; I couldn't walk on my feet so I had to walk on my tippy-toes....Hours I sat, naked, because my body was in too much pain to wear clothing. Everything that I ate, I threw up.

...After seven months they sent me to Israel with a group that had paid. Because my body and legs were so swollen they gave me big pants, and a Bedouin picked me up. On the journey, the people took turns carrying me.... I wanted them to leave me, so that I could die in peace. The Eritreans took me by force, they would not leave me. I managed to get over the fence, and then the Egyptian Army started shooting. I don't know how, but with my last bit of strength, I managed to walk up to a tree, and simply fell asleep. When I woke up, I could just see the road, so I sat down and fell asleep again. In the morning, Israeli soldiers came; they took me to the hospital.

Three and a half years, I never told anyone what had happened to me. Never has anyone asked me like you have asked me."

After taking this comprehensive interview and finding S.M. to be credible, it was clear that S.M. was entitled to the status of a TIP survivor. Emi Saar from the HRM sent a request in April 2015 to the Anti-Trafficking Police Unit. The application was denied. In October 2015, after the officer in charge of the unit was replaced, Emi sent another application. Two months later, in December 2015, S.M. was finally recognized as a survivor and was released after spending four years and two months in prison. He was transferred to a shelter for survivors of trafficking and slavery, where he receives now rehabilitation services.

Summons of TIP Survivors to Holot under the Anti-Infiltration Law

One of the most important accomplishments of the Anti-Trafficking Unit in the Justice Department is that for the first time, it is specifically stated in the law that TIP survivors who have been identified as such should not be sent to Holot. The law also states that people who have yet to be recognized, but who are TIP survivors, will be exempted from detention in Holot as well.¹²

Since most survivors did not disclose what they had gone through in Sinai, nor were they asked to before, they have another opportunity during the hearing at the MOI before they receive a Holot summons. This is their opportunity to tell what happened to them and explain why they cannot go to Holot. In this hearing, the border control officer asks them if they are a TIP survivor, but many of them do not know the meaning of the term, even if the translator knows how to translate it to their native language.

In addition, the manner in which hearings are held discourages and even prevents asylum seekers from attempting to share with the Border Control Officers their harsh experiences from Sinai.

Activists of the HRM have attended many hearings at the MOI and understood why torture survivors feel reluctant to tell their testimonies; it is due to the conditions they are in while being interviewed: *“Sometimes two interviews are conducted at the same time in the same small room. A man or woman must talk about their intimate relations, while at the same time another person has to explain their torture-trauma, extortion, and rape at the camps in Sinai on their way to Israel. All the while officials go in and out of the room constantly, and have hostile attitudes towards the interviewees, insinuating that they are lying even before they start talking. This is how the*

¹² The Amendment to the Anti-Infiltration Law and to Ensure the Departure of infiltrators From Israel, December 18, 2014: https://knesset.gov.il/privateLaw/data/19/3/904_3_1.rtf (Hebrew), section 32, D, (b), 6 (C.)

*“interview” happens, and at the end, the official, without blinking an eye or having a sign of empathy, decides if they will be imprisoned or not”.*¹³

This description comes from Ofer Attar, a case-worker at the HRM who witnessed many of these interviews.

“ I do not accept what you say now. I have reviewed the minutes of your hearings in the tribunal in Saharonim and one time you didn’t claim that you were raped”.

This was the conclusion of Eran Weintraub, a border control officer at the hearing of B.G. on October 19, 2015. B.G. an Eritrean citizen, had been imprisoned in Saharonim for a year and a half, and received a summons to Holot after his release. He had a very difficult time but managed to tell the Border Control officer about his rape in the Sinai. Since he was raped multiple times, which means, forced to supply sex services to his traffickers, B.G. should have been recognized as a TIP survivor. B.G. was not identified during the year and a half he spent in Saharonim prison and the above quoted reaction of the officer discouraged him from feeling comfortable to continue talking about his experience.¹⁴

The border control officer based his decision that B.G. was lying, on previous protocols. Experience shows that even if an asylum-seeker is accompanied to their hearing with an assertive human rights activists, it does not ensure that their protocol will be accurately recorded. Therefore, even the few survivors who dare reveal their secrets to the Border Control Officers or the Administrative Review Tribunal do not guarantee that their testimonies will be reflected accurately in the protocols.

When things are not listed in the protocol, it makes it possible for a border control officer to retort to the frightened asylum-seekers: *“I do not accept*

¹³Ofer Attar, "What's the color of the pot?", The Hottest Place in Hell Magazine, July 3, 2015: <http://www.ha-makom.co.il/post/doar-ofer-attar> (Hebrew)

¹⁴Border Control Officer Eran Weintraub protocol of a hearing of B.G. (Prison no. 1446930), on October 19, 2015.

what you say now. I have reviewed the minutes of your hearings in the tribunal in Saharonim and one time you didn't claim that you were raped".

The HRM estimates that at least 200 torture survivors are already detained in Holot facility. Of them, the HRM managed so far to release only four, after appealing to the Appeals Tribunal on their behalf. According to the HRM's estimations, about 4,000 of Sinai's torture survivors are still in Israel, and it is not known how many of them were already summonsed to Holot. Since the Immigration Authority summons to Holot for the last year include all asylum seekers, regardless of their entry date to Israel, it is estimated that at least 2,000 torture survivors were summonsed to Holot. Since experience shows that it is harder for torture survivors to go through detention again, many decided to take the risk and the \$3,500 the Immigration authority offers them and leave to Rwanda, from which they are immediately deported to Uganda. Many others did not show up in Holot, risking arrest and detention in the Saharonim prison, if caught, and finding it almost impossible to find work, without a valid conditional release visa.

Conclusion and Recommendations

If Israel would like to keep its place among the countries which refuse to tolerate TIP within its territories, it should strengthen the Anti-Trafficking Coordinating Combat Unit at the Ministry of Justice, and improve the collaboration between the police, the immigration authority and the human rights organizations. It is essential to make sure that all the relevant government officials know how to identify a TIP survivor when they see one. Most important is the government officials' ability to recognize that the person in front of them is a TIP survivor even in those cases when the survivor is an undocumented migrant that can be easily deported from the country. In addition, it is advisable that the authorities will straighten the enforcement of the Minimum wage laws, as well as laws mitigating illegal brokerage fees in a way that will assist the eradication of TIP in Israel.