

**Shadow report submitted to the Human Rights
Council's Universal Periodic Review
(Israel session)**

**Migrant and Palestinian workers in
Israel**

**Submitted by NGO
Kav LaOved
(Worker's Hotline)**

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1. Since the early 90s Israel has invited migrant workers from all over the world (mostly South East Asia and Eastern Europe) to work in care giving for the elderly and disabled, agriculture, construction and industry. At the end of 2006 Israel hosted 186,000 migrant workers¹. At the same time government quotas and criteria for 2007 allowed for less than 90,000 valid permits for the employment of migrant workers². In the majority of cases migrant workers enter Israel with valid work permits, but become victims of debt bondage, fraud concerning the existence or terms of promised jobs, and/or forced labour and slavery. The State of Israel facilitates these phenomena by regulations that put migrant workers in a disadvantaged position, by lax enforcement, and by indiscriminate expulsion of victims.

2. Migrant workers in Israel are subject to a “revolving door” practice. Job brokers in countries of origin and in Israel impose debt bondage by illegally demanding migrant workers to pay exorbitant brokerage fees (\$3,000-\$20,000), while the State turns a blind eye. Migrant workers, who are expelled before earning enough to repay the debt they had incurred to pay brokerage fees, risk losing their property in countries of origin, and may fall victim to the violence of grey market loan sharks. To maximise profits from brokerage fees brokers and employers use the power conferred upon them by the State to put migrant workers in an illegal status; workers are then expelled, and new brokerage paying workers can be brought to replace them.

3. Caught between debt bondage and the power of employers and brokers to render their situation illegal, thousands of migrant workers in Israel either seek work outside the legal framework and lose their legal status³, or find themselves cornered into slavery and forced labour⁴. They suffer withheld or extremely low salaries, unreasonably long working hours, insufficient or no time off, withholding of documents, inadequate food and lodging, restrictions on movement, sexual harassment and rape, violence, threats and intimidation. The vast majority of migrants are paid well below the statutory minimum.

4. Migrant workers with a legal work visa in Israel suffer undue restrictions on their right to choose their employer, which lead to forced labour and slavery. A migrant worker’s permit to stay in Israel is conditioned on the worker’s active employment by the person registered as the worker’s legal employer. Work termination due to any reason (e.g. illegal and inhumane exploitation, employer bankruptcy or death, dismissing a worker who complained of rights violations, dismissal due to a worker’s illness) results in the loss of work and stay visas. This situation imparts on employers the power to render a worker’s situation illegal, and allows them to extort, exploit and enslave workers. **The State of Israel must stop binding migrant workers’ to specific employers, and sever the link between active employment and stay visas.**

5. Despite some legal channels, which allow migrant workers limited access to

¹ Central Bureau of Statistics press release, July 30, 2007

² Government decisions 446, Sep. 12, 2006; 1000, Jan. 7, 2007; and 1205, Feb. 15, 2007; Ministry of Interior Statistics

³ “Factors leading migrant workers to illegal employment” (Hebrew), Y. Ida, The Research and Economy Administration in the Industry, Trade and Labour Ministry, November 2004

⁴ “Trafficking in persons for labour in Israel”, Kav LaOved, April 2008,
http://www.kavlaoved.org.il/UserFiles/news1616_file.doc

changing their employers, Israel's High Court of Justice ruled on March 2006 that the current regulations constitute "a form of modern slavery"⁵, and must be changed. To this day regulations have not been changed to meet the Court's demand or core UN conventions standards. In one case – that of the Turkish Yilmazlar workers employed in Israel – the Court allowed binding the workers to Yilmazlar despite clear evidence that Yilmazlar workers "pay with their liberty, dignity, earning power, and hopes for a better future"⁶. **The government of Israel must allow workers reasonable access to change of employment in order to prevent forced labour and slavery.**

6. The State of Israel has been devising alternative arrangements for the employment of migrant workers in Israel. At this time, however, only migrant construction workers are subject to the new arrangements. The new arrangements consist of linking the worker's stay visa to his or her employment under a licensed job broker registered as the worker's employer. But these job brokers make their profit by charging mediation fees from workers, and have control over workers' employment terms and legal status. Therefore, job brokers have the motivation and opportunity to exploit workers, force them into an illegal situation, have them expelled and import new brokerage fee paying workers to replace them⁷. The new arrangement therefore constitutes no substantial improvement over the previous one. **The State of Israel must sever the legal binding of migrant workers to job brokers.**

7. Job brokers in countries of origin and in Israel require migrant workers to pay recruitment fees ranging from \$3,000 to \$20,000 – a practice that contributes to debt bondage, and earns brokers, according to official estimates, a total of \$220,000,000-\$300,000,000 per year⁸. In order to bring more brokerage fee paying workers into Israel, employers force migrant workers out of Israel by violent coercion⁹ and by rendering workers illegal and then informing the Police¹⁰. Moreover, brokers fraudulently lure thousands of workers into Israel, and then leave them jobless and without legal status¹¹. While charging brokerage fees higher than \$1,000 is a criminal offence, enforcement is negligible, even when fees are charged inside Israel. In a few cases the Ministry of Industry, Trade and Labour revoked licenses of job brokers, who charged exorbitant brokerage fees. However, as criminal indictments are never filed, delinquent job brokers resume their operations under new company names. **The State of Israel must prioritize the prevention of exorbitant brokerage fees, and use international anti money-laundering tools to curb this illegal industry. The State must criminally prosecute brokers. who charge exorbitant brokerage fees.**

8. Furthermore, in the construction sector, where workers are now legally bound to

⁵ High Court of Justice case no. 4542/02, Kav LaOved and others vs. the State of Israel, June 30, 2006.

⁶ High Court of Justice case no. 10843/04, the Hotline for Migrant workers and Kav LaOved vs. the State of Israel and others, September 19, 2007.

⁷ As documented in "Freedom Inc.", The Hotline for Migrant Workers and Kav LaOved, August 2007, http://www.hotline.org.il/english/pdf/Corporations_Report_072507_Eng.pdf

⁸ "Illegal income from migrant workers", Kav LaOved, Feb. 2008, http://www.kavlaoved.org.il/UserFiles/news1551_file.doc.

⁹ "Forced deportations of migrant workers by employers and brokers", Kav LaOved, Aug. 2007, http://www.kavlaoved.org.il/media-view_eng.asp?id=1030

¹⁰ "Concise case studies of migrant worker trafficking, rights violation, and related state misconduct in 2006", Kav LaOved, Feb. 2007, http://www.kavlaoved.org.il/UserFiles/news474_file.doc

¹¹ "Trafficking in persons for labour in Israel" (cited above).

job brokers rather than to direct employers, all improvements in work terms were offset by huge increases in brokerage fees – from around \$9,000 to over \$18,000 per worker¹². While migrant construction workers continue to suffer severe violations of human rights, the new arrangement has made the State a beneficiary of the exploitation of migrant workers. Special levies on brokers' employment of migrant construction workers have totalled some \$50,000,000 over the period 05/2005-08/2006¹³ – money which originated in brokerage fees illegally charged from migrant workers. **The State of Israel must sever its complicity with the illegal exploitation of migrant workers through taxation.**

9. In order to reduce illegal brokerage fees Israel has encouraged the recruitment of Thais for work in Israel through the IOM, but this arrangement is not yet implemented. In fact, Israel refuses to be a party to the relevant Thai-IOM agreement. Without Israel's active support, this recruitment arrangement will turn into a dead letter, and lead brokers to recruit workers from other countries. **Israel must join the Thai-IOM worker recruitment agreement, and restrict worker recruitment to countries that sign bilateral agreements with Israel to protect workers' rights.**

10. Even when regulations allow workers limited access to portability between employers, Ministry of Interior clerks regularly violate the Ministry's own regulations and deny workers renewal of work permits and stay visas¹⁴. When migrant workers do receive an interim visa to locate a new employer, the one or two month period allowed by the Ministry of Interior is insufficient, given the surplus of migrant workers in comparison with the number of permits to employ them. Furthermore, the Ministry of Interior does not help reassign workers (including victims of trafficking, forced labour and slavery) or provide them with lists of legal employers, making it practically impossible for them to locate alternative legal employment. **The State of Israel must assist migrant workers, who have lost their legal status, to regain legal employment in order to prevent fraud and slavery.**

11. These practices attest to the Ministry of Interior's active engagement in forcing migrants out of Israel regardless of their legal entry with the State's invitation, regardless of their debt bondage and victimization, and regardless of the fact that other migrant workers are invited to work legally in Israel. As a result, workers fall victim to employers, who take advantage of the workers' urgent need for legal employment in order to defraud and exploit them. **The State of Israel must cease to indiscriminately expel migrant workers, while at the same time bringing new migrant workers in.**

12. The Immigration authorities explicitly target leaders of migrant workers' unions and association for deportation (leaders of Filipino workers' organization UPIMA, African workers' committee leaders and other community leaders). A Filipino newspaper working in Tel Aviv operates behind locked doors for fear of Police raids. Recently, the Police resorted to its past practice of arresting workers around a church

¹² "Freedom Inc." and "Illegal income from migrant workers" (cited above).

¹³ Letter by Ephraim Cohen, Chairperson of the Alien Workers' Administration at the Ministry of Industry, Trade and Labour to MP Zehava Galon, September 5, 2006.

¹⁴ E.g. "Interior Ministry clerks strike again", Kav LaOved, June 2008, http://www.kavlaoved.org.il/media-view_eng.asp?id=1699

during service, contrary to explicit promises¹⁵. These practices violate the right to form unions and associations, freedom of expression, and religious freedom. These violations render migrant workers communities fragmented and easier to exploit. **The State of Israel must respect migrant workers' freedom of association, expression and worship, and refrain from violating these rights by targeted arrests.**

13. Migrant workers in Israel have limited access to justice. Police do not always register migrant workers' complaints due to lack of interpreters¹⁶. The Custody Tribunal in the Ktzi'ot detention facility does not have interpreters, and the Ma'asiyahu facility sometimes holds migrants longer than legally allowed without a hearing for lack of interpreters. The Ministry of Industry, Trade and Labour ombudswoman does not have sufficient power to protect workers who complain from arrest and deportation, and does not have access to interpreters. The Police do not issue documents that protect victims of severe offences (such as violence and rape) from arrest and deportation. **The State of Israel must enable migrants' access to justice by adequate and timely interpretation services, and effective protection to victims who approach the authorities to submit complaints.**

14. Israel enacted laws against trafficking in persons in October 2006, which protect workers from slavery, forced labour and various components of these offences. To this date, however, no trafficking for forced labour or slavery indictments have been made, despite clear evidence for trafficking in Israel¹⁷. While in some cases (although definitely not most cases)¹⁸ traffickers and rights violators are sanctioned by migrant worker employment permit cutbacks or revoking their job brokerage licenses, there is hardly any criminal enforcement. **The state of Israel must criminally prosecute employers and job brokers who participate in trafficking in persons for labour.**

15. The State of Israel provides no work reassignment, rehabilitation or shelter for victims of trafficking for forced labour, even when sexual assault is involved¹⁹. The few temporary work visas given to such victims for their rehabilitation required NGO court action. **The State of Israel must provide victims of trafficking with the shelter, jobs and visas required for their rehabilitation.**

16. According to regulations a migrant worker giving birth to a child must leave Israel within 3 months after labour. Moreover, the Ministry of Interior will revoke a worker's permit, if it finds that the worker has family working in Israel, or if the worker couples with a migrant partner (regardless of marital status)²⁰. **The State of Israel must recognise the right of migrant workers to form families.**

¹⁵ "Filipino workers arrested during prayer", Roy Mandel, Ynet, March 31, 2008,

<http://www.kavlaoved.org.il/media-view.asp?id=1610>

¹⁶ "Testifying in Sri Lankan? Not at the Israel Police", Ruth Sinai, Haaretz, June 30, 2008,

http://www.kavlaoved.org.il/media-view_eng.asp?id=1764

¹⁷ "Trafficking in persons report" US Dept. of State, 2007, <http://www.state.gov/g/tip/rls/tiprpt/2007/>, and "Trafficking in persons for labour in Israel" (cited above).

¹⁸ "Government treatment of migrant workers complaints", Kav LaOved, March 2008,

http://www.kavlaoved.org.il/UserFiles/news1552_file.doc

¹⁹ "Sexual exploitation of female migrant farm workers", Kav LaOved, June 2008,

http://www.kavlaoved.org.il/media-view_eng.asp?id=1752

²⁰ "No State for Love", Kav LaOved and Association for Civil Rights in Israel, 2006,

<http://www.kavlaoved.org.il/tal/No%20state%20for%20love.doc>

17. In 2007 The State of Israel violated non-refoulement twice with respect to Sudanese asylum seekers, who crossed into Israel from Egypt. Some of these asylum seekers are now held in incommunicado incarceration, and others were expelled to Sudan²¹. A new bill, which has already passed its first reading, will allow further violations of non-refoulement, and place asylum seekers in jail for up to 7 years. Some asylum seekers are assigned work as an alternative to incarceration. These asylum seekers have no freedom of movement or choice of work, are absolutely subject to their employers, and enjoy no State inspection of their work and lodging terms. Exploitation and slavery inevitably ensue²². **The State of Israel must strictly adhere to non-refoulement, protect asylum seekers' personal freedom and right to work, and prevent their enslavement and exploitation.**

18. The economy of the West Bank depends on Israeli movement and industry development permission. The State of Israel has arrested the economic development of the West Bank and Gaza, and "investment in physical and human capital in the Territories was in fact minimal"²³. As a result, Palestinian workers depend on work in Israel and in Jewish West Bank settlements. However, permits for such work are scarce (reduced from 125,000 workers in 2000 to under 50,000 today), and the government of Israel has decided to end Palestinian work in Israel by 2008. Kav LaOved's legal intervention resulted in granting Palestinians work permits, which had been previously denied for "security reasons". In other documented cases permits were conditioned on workers' cooperation with Israeli security services.²⁴ This proves that security is not always the actual reason for denying work permits. **The State of Israel must take responsibility for Palestinian livelihood under Occupation, and allow work in Israel or settlements if local work is unavailable. The State must develop a transparent process of work permit application and allocation.**

19. As with migrant workers, the dismissal of a Palestinian worker renders her or his work permit invalid. This enables exploitation of workers, and prevents the formation of unions²⁵. **The State of Israel must sever the binding of Palestinians' work permits to specific employers.**

20. In October 2007 The High Court of Justice ruled²⁶ that Palestinian workers employed in Jewish settlements in the West Bank are subject to the same labour laws as Israeli co-workers. Lack of State inspection, however, makes this ruling a dead letter. Typical conditions include illegally low wages, discrimination with respect to Israelis performing the same work, humiliation, violence, and dangerous working conditions²⁷. **The State of Israel must allocate resources to fight Palestinian labour discrimination, and monitor the safety of Palestinians workers employed in Jewish settlements.**

²¹ Human Rights Watch letter to the Israeli High Court of Justice, Dec 21, 2007, case no. 7302/07.

²² "Asylum seekers labour rights violations", Kav LaOved, March 2007, http://www.kavlaoved.org.il/UserFiles/news1586_file.doc

²³ "Economic outlook", June 2005, Economy and Research dept., Israel's Ministry of Finance, p.26

²⁴ "Kav LaOved's 2006 Annual report", chapter 3,

http://www.kavlaoved.org.il/UserFiles/news826_file.pdf

²⁵ Recent case studies available at http://www.kavlaoved.org.il/section_eng.asp?pid=195

²⁶ High Court of Justice case no. 5666/03, Oct. 11, 2007.

²⁷ See case studies in Kav LaOved's website at http://www.kavlaoved.org.il/section_eng.asp?pid=195