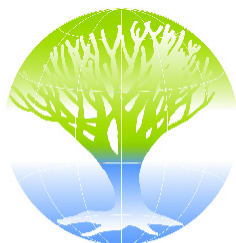


MIGRANT WORKERS IN ISRAEL - A Contemporary Form of Slavery

Report from a
joint mission to Israel
investigating the situation
of migrant workers



Euro-Mediterranean
Human Rights Network

fidh
International Federation for Human Rights

MIGRANT WORKERS IN ISRAEL

- A Contemporary Form of Slavery

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A joint publication by:

**THE EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK &
THE INTERNATIONAL FEDERATION FOR HUMAN RIGHTS**

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The joint FIDH and EMHRN mission was invited by ACRI (Association for Civil Rights in Israel), one of FIDH's affiliated organisations, and by Kav La'Oved (Workers' Hotline), to carry out an investigation into the situation of migrant workers in Israel. A mission composed of Smain Laacher, a sociologist from Paris and Michael Ellman, a solicitor from London and Officer of the International Board of FIDH, visited Israel in December 2002 and met a number of people and representatives of organisations¹ – to whom they are most grateful for their assistance. The mission members also wish to thank Shlomo Gitai, their interpreter, for his invaluable help throughout this mission.

¹ See Annex A

FOREWORD

Through this joint report, the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network (EMHRN) seek to inform readers about the reprehensible context of the use of migrant workers in Israel and to recommend the State of Israel to take immediate action to address the human rights violations against migrant workers.

While both the FIDH and the EMHRN acknowledge that migrant workers are employed in all countries party to the Euro-Mediterranean Partnership,² the situation in Israel is unique due to the deliberate use of migrant labour to replace Palestinian workers, and this policy's role in relation to the Israeli-Palestinian conflict.

Like many States with a strong demand for labour, Israel turned to outside labour in order to keep pace with its economic development. Initially, after the creation of the State of Israel in 1948, Palestinians within Israel and then Palestinians from the Occupied Territories (after the occupation of Gaza and the West Bank in 1967) were employed. But due to closures of border crossings and security concerns associated with the first and second Intifadas, Israel increasingly turned to migrant labour to replace the Palestinian workers that were prevented from entering Israel.

At the same time, the system of employing migrant labour in Israel, mostly from Asia and Eastern Europe, is exploitative and allows and disregards the systematic violations of the rights of the workers.

Therefore, the use of migrant labour in Israel presents two principal problems: to migrant workers, whose rights are systematically violated due to the structure of the migrant labour market; and to Palestinians, both from the Occupied Territories and Israeli citizens, whose lives and livelihoods are strictly ruled by the Israeli occupation.

By publishing this report, the FIDH and the EMHRN hope to contribute to an increased knowledge of the scope of the Israeli occupation and to cease the impunity with which the rights of Palestinians and migrant workers are violated within Israel.



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² There are 27 parties to the Euro-Mediterranean Partnership, which was established in 1995: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey, Palestinian Authority, plus the fifteen EU member countries.

EXECUTIVE SUMMARY

This report summarizes the findings of the mission sent by the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network (EMHRN) to carry out an enquiry into the situation of foreign workers in Israel. The mission was alarmed to find that, of approximately 300,000 foreign workers brought into Israel, mostly to replace Palestinian workers, more than 65% (over 200,000) are illegal. Many of the foreign workers begin by working legally, but then lose their jobs or change employers, thus losing their permits and becoming illegal workers.

Many migrant workers go to Israel because they have been promised a job, and discover upon arrival that no such job exists. Workers who do not have any work or identification documents usually remain in Israel, because they cannot afford to go home. Such people are liable to arrest and detention at any moment, and ultimately to deportation. Because of their situation, the fundamental rights of migrant workers –both legal and illegal- are not respected: they receive no days off (or fewer than agreed in the contract), low wages, poor working conditions and are liable to confiscation of passports.

The migrant workers are mainly from the Philippines, Thailand, China and other Asian countries, Romania and other Eastern European countries, and a number of African and Latin American countries. The business of recruiting foreign workers is very lucrative for the employers. Employers' pressure groups in Israel and their contacts in government and Parliament have been promoting the recruitment of migrant workers.

The Chinese migrants, mainly construction workers, are often the worst affected. They have paid U.S.\$ 6,000-10,000 each to come to Israel. This sum is divided between the Chinese Government, the Israeli employers or their agency, the Israeli Government (for visa and other fees) and travel costs. Because of the downturn in economic growth in Israel, particularly in the construction industry, many Chinese workers arrive to find there is no work. Many end up on the street, jobless, and illegally resident in Israel. Although the Israeli Government insisted it has stopped issuing visas for Chinese construction workers, a number of Israeli employers were still holding a batch of visas valid for the next few months, and were continuing to recruit Chinese workers, because they are reluctant to relinquish such a lucrative business. The situation is similar for migrant workers in the areas of agriculture, catering and domestic help.

Much of the work now done by migrant workers used to be done by Palestinians from the Occupied Palestinian Territories (O.T.), and by Palestinian Israeli citizens. However, due to the closures of the crossing points from the O.T. into Israel, most Palestinians can no longer travel to and work in Israel, and some Palestinian Israeli citizens have lost their jobs following the Intifada; this situation has been worsened by Israel's economic decline and the resulting polarisation of society.

Meanwhile the legal or documented migrant workers are put under the total control of their Israeli employers, most of whom hold on to the workers' passports illegally. If the workers complain, they are liable to be dismissed, in which case they immediately lose their work permits and become illegal residents. The police have begun a campaign rewarding people

who inform the police of illegal foreign workers. A new police unit has been set up to deal with the problem in a more sympathetic manner, but it is too early to determine if it will work.

RECOMMENDATIONS

The FIDH and the EMHRN urge the Israeli Government:

1. To comply with its obligations under international instruments, and particularly:
 - To sign and ratify the UN International Convention on the Rights of all Migrant Workers and their families;
 - To respect the International Covenant on Economic, Social and Cultural Rights;
 - To respect the relevant International Labour Organisation Conventions;
 - To sign and ratify the Protocol to the UN Convention on Transnational Organised Crime, 2000.
 - To ratify ILO Convention no.143

2. To enforce compliance with its own law, notably in relation to:
 - (a) workers' rights (salary, holidays, and conditions of work including satisfactory accommodation, salary reports, health insurance and deposits in the pension fund, which it should now set up) - and to ensure that foreign workers understand their rights,
 - (b) trade union membership,
 - (c) the crime of retaining a foreign worker's passport, and

3. Generally to abolish the inhuman practices of requiring payments from workers for their work contracts and tying workers to their employers, to prosecute and impose severe penalties on employers for breaches.

4. To better regulate the distribution of work permits to the companies which import migrant workers, and particularly to stop issuing visas for foreign workers until all "undocumented" workers currently in Israel have been absorbed into the market.

5. To regulate companies which import migrant workers and particularly to prosecute those involved in trafficking of people.

We also urge the Histadruth to welcome foreign (including Palestinians from the O.T.) workers into its membership, and to take up their rights in the same way as it defends the rights of Israeli workers.

Part I: An Historical Background to Migrant Labour in Israel

Shortage of labour

Soon after the establishment of the State of Israel in 1948, there began to be a shortage of labour.³ In the early years, the Jewish citizens, both on kibbutzim and moshavim (forms of cooperatives) and in the towns, mostly managed to adapt and take on all kinds of work themselves. However, by the 1960s, they were beginning to employ Palestinian citizens of Israel (who numbered about three quarters of a million) in agriculture and industry. After the occupation in 1967 of the West Bank and Gaza strip, with a combined population of nearly 2 million, a large pool of Palestinian workers, many of them unemployed, became available, and large numbers of them crossed into Israel every day to work. The wages for these Palestinian workers were lower than for Israeli citizens, but still higher than in the O.T.; the work was reliable, and the conditions were generally reasonable.

Immigration and the Israeli-Palestinian conflict

The first *Intifada* (uprising) of the Palestinians in the O.T. ran from about 1987-1993, and ended with the signing of the Oslo Accords, which provided steps leading to the establishment of a Palestinian State. Although during this first Intifada the Palestinians did not generally have weapons, and there was relatively little loss of life on the Israeli side, nevertheless, Israel frequently closed the crossing points and check points between the O.T. and Israel. Thus many Palestinians were prevented from going to work in Israel – much to their distress and the annoyance of their Israeli employers.

There had been a few foreign workers, mainly Filipino domestic workers, in Israel since the 1980s,⁴ but with the *Intifada* and the frequent closures, Israeli employers began to look further afield for workers who were more reliable (in that they would not be prevented from working by the closures) and who would be cheaper to employ. In the 1990s, the immigration of Russians to Israel, and the settlement of a number of them in the North of the country contributed substantially to the unemployment of a large number of Palestinians. However, the hundreds of thousands of Russian and other Eastern European immigrants of Jewish descent arriving in Israel still did not provide enough labour, and as Israeli citizens, they were subject to Israeli Trade Union wage-rates. So employers began to look elsewhere, for temporary, non-Jewish workers, from the Far East (particularly Thailand), Latin America and Eastern Europe. The Ministry of Labour began to issue short-term visas and work-permits valid for up to two years. Meanwhile Africans came on pilgrimages to the Holy Land, and discovered the availability of work, and stayed on illegally.

Between 1994 and 2000, following the start of the Oslo Peace Process in 1993, there were periods of relative calm in the region. There was also a considerable need for labour in Israel, and Israeli employers increasingly began to employ migrant workers in addition to the Palestinians they employed.

³ Under the Law of Return, any person of Jewish origin (strictly matrilineal, but there are multi-generational interpretations which extend the range of people covered) became entitled to settle in Israel and obtain Israeli citizenship.

⁴ There are no migrant workers in the O.T.

However, in September 2000, following the much publicised 'visit' by Ariel Sharon (then Leader of the Opposition) to the Temple Mount, and a mass protest in Nazareth a few days later, when 13 Palestinian Israelis were shot dead by the police, relations between Palestinians and Israelis deteriorated; part of that deterioration included that the Jewish Israeli population became suspicious of Palestinians, and reluctant to employ them. Some Jewish crowds attacked Palestinian citizens, and approximately 10,000 Palestinian Israeli workers were dismissed in Nazareth, and the villages of Galilee and Akko (Acre) alone and were replaced by migrant workers. Closures of the O.T. resumed and these Palestinian Israeli workers were replaced in their traditional sectors: building, catering, agriculture and domestic work – for reasons of security and cost at the same time. Looking at it crudely, from the employer's point of view, a Chinese costs \$10 for 10 hours of work per day, while a Palestinian costs \$30 for the same number of hours. The fact that Palestinians could not go and work for reasons of "security" or because of the threat of reprisals by their Israeli employers had major consequences for Palestinians' social protection – notably, there has been a lack of police protection and social security.

Migrant workers

In the early 1990s, the number of work-permits given to Palestinians went down from 115,000 in 1992 to 65,000 in 1994, although the years 1992-94 were in fact years of relative calm. The number of permits from the O.T. dropped as a result of a separation policy, and not as a result of security measures. Industrial areas were set up in the O.T., where Palestinians were to work for Israeli companies.

We were given much information about the situation of the Palestinians in the O.T. and Israeli Palestinians, which has already been widely covered in FIDH, EMHRN and other NGO enquiries and reports but we have preferred in this report to focus on the problems of workers from outside Israel and the O.T.

Recent economic downturn sparks resentment against migrant workers

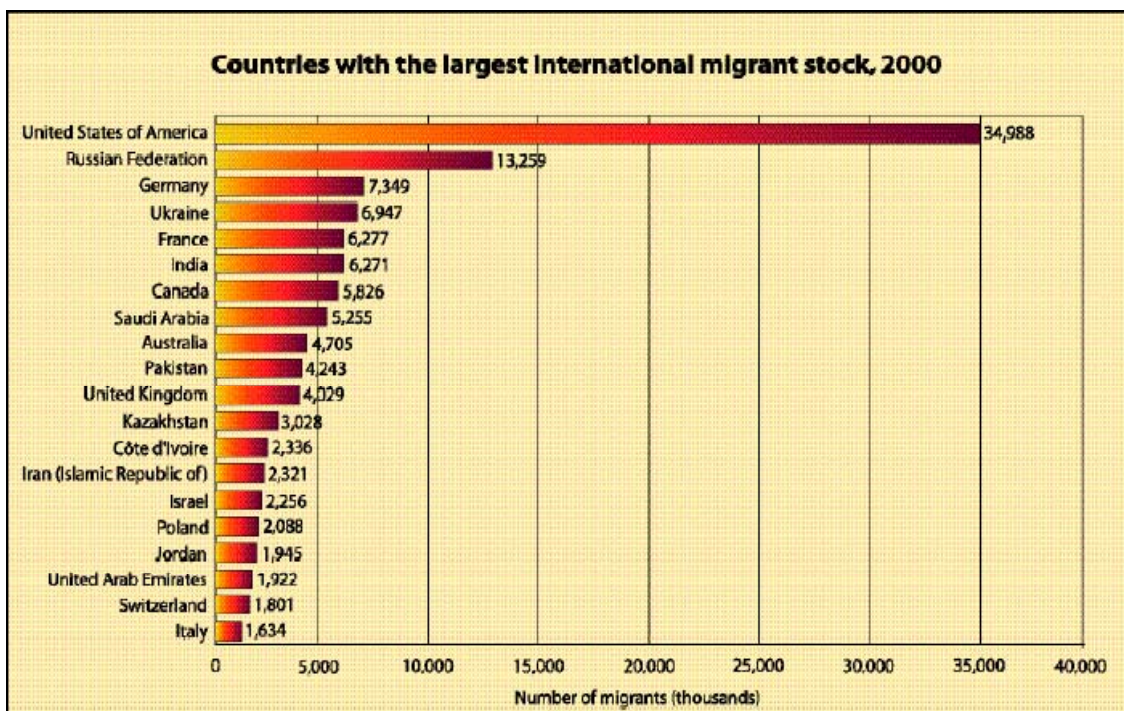
Israel became a country of worker immigration during the 1990s. In 1991, there were 14,700 undocumented migrants working illegally in Israel⁵; today there are about 200,000. Due the recent downturn in the economy, beginning in 2001, it is believed that up to 250,000 Israelis are unemployed. Many of them are not keen on taking the low-grade jobs held by foreign workers, but inevitably the foreign workers are the first to be dismissed – and there is some resentment against those who remain and new arrivals.

Some migrant workers now arriving in Israel find that, despite the contract which they signed in their home countries there is no work for them. Many of these migrants then find themselves penniless and jobless – and have large debts to repay in their home countries. Nevertheless, employers, and particularly agencies, continue to recruit migrant workers – and the Israeli government continues to grant visas for recruiting agencies and companies to distribute (2,000 were granted in November 2002), while expelling established workers – although the government has stated that no more visas will be issued in the construction

⁵ In 1993 Israel issued 5,000 work permits ; in 1994 they issued 15 000.

industry after the current batch runs out in the first half of 2003. In fact, over the last few years, the number of permits granted to foreign workers has increased steadily⁶.

It is generally believed among NGOs and others that the Israeli Government offered cheap foreign labour to the employers in lieu of Government aid; agricultural subsidies in Israel are around 10%, compared to up to 50% in Western Europe, but the Israeli Government can point to the cheap labour available in Israel. Now that there is a recession, there is less need for foreign labour, but employers have pressured the Government to continue bringing in foreign labour – even though it may contribute to unemployment for the Israelis, and despite complaints from some politicians that “*the national character of the state is being sacrificed for economic interests.*”



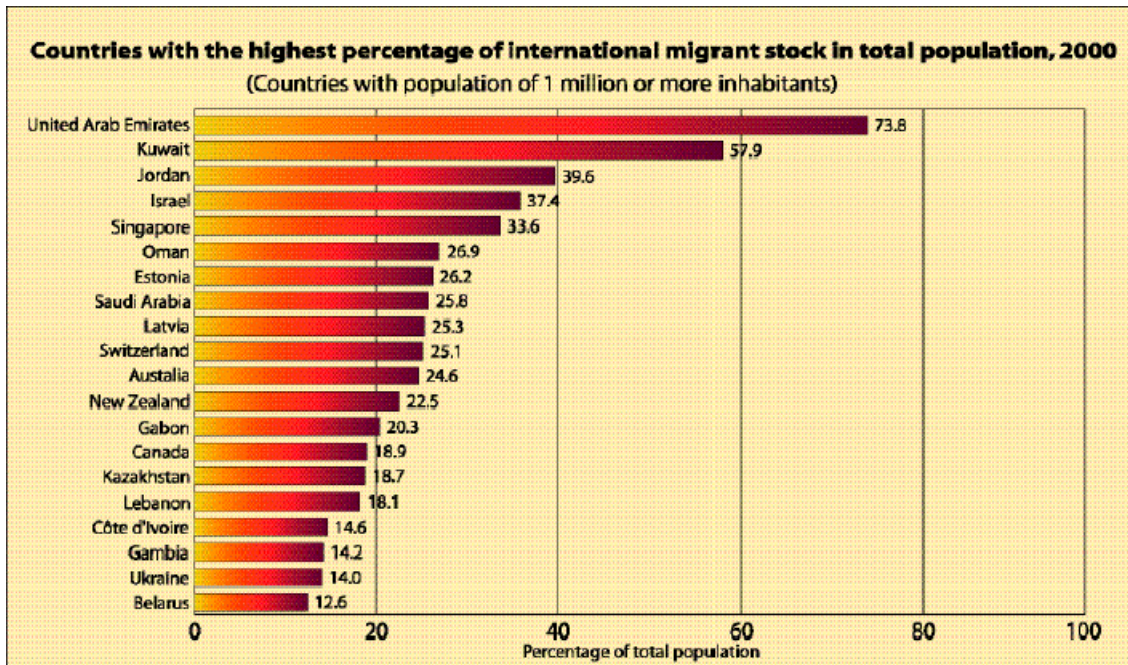
Source: United Nations Population division, Department of economic and social affairs, *International Migration, 2002*.

Generally migrant workers in Israel take the low-status or low-paying jobs that most Israelis refuse. Despite this fact, many Israelis blame illegal migrant workers for taking jobs from Israelis and contributing to the 11% unemployment rate in Israel.

Proposals have been made to make jobs often performed by migrant workers more attractive to Israeli citizens, or to discourage businesses from hiring foreign workers: modernisation of agriculture to reduce the need for workers, revaluing manual labour, increasing wages in the construction industry and restricting subsidised employment in this sector to citizens a heavy tax on employment of foreign workers, particularly in building and agriculture, in order to

⁶ See table in annex D Number of permits.

devalue work taken by migrants. However, no law or concrete measure has resulted from these proposals.



Source: United Nations Population division, Department of economic and social affairs, *International Migration*, 2002.

“*Clandestine immigration*” is also a major problem in Israel. It creates a legal, social and political problem for the Israeli authorities, but also for the associations and NGOs which work with legal and illegal migrant workers because the latter are even more exposed to arbitrary action by their employers and the police. According to Kav La’Oved, the Municipality of Tel Aviv recently found there were nearly 3500 children of parents living clandestinely in Israel. In the North of Tel Aviv (a wealthy residential area), most of the Filipino women are in Israel illegally.

Thus, the number of migrant workers employed in Israel has increased sharply in the last few years, and the conditions under which they are employed became a source of concern for many organisations, since their rights under international law were not being respected.

Part II: The Rights of Migrant Workers

It will be seen in the course of this report that substantial allegations have been made against the State of Israel, and demonstrated to show serious breaches of these instruments, to which Israel is party.

Under international law

A. The International Covenant on Economic, Social and Cultural Rights

Article 7 provides that *“the States Parties ... recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:*

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;.....

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay”

Under article 9 *“the States Parties ... recognise the right of everyone to social security, including social insurance.”*

Article 2.2 of the Covenant guarantees that *“the rights enunciated will be exercised without discrimination of any kind as to race, colour, sex, language, religion, ...national or social origin etc.”*

B. The International Covenant on Civil and Political Rights

Article 7 provides that *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

More detailed provisions against torture are contained in the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

C. The International Labour Organisation (ILO) conventions

The ILO has been in the forefront of efforts to protect the rights of migrant workers.

The two major ILO conventions concerning migrant workers are the Migration for Employment Convention (Revised) (No.97) of 1949 and the Migrant Workers (Supplementary Provisions) Convention (No.143) of 1975. Israel has ratified the first, but not the second of these conventions. However, both conventions are so widely accepted that it may be argued that their provisions are becoming jus cogens in the community of civilised states.

Convention No.97 contains a series of provisions designed to assist migrants in matters of employment. For example, it calls upon ratifying states to provide relevant information to other ILO member States and to the organisation, to take steps against misleading propaganda and to facilitate the departure, journey and reception of migrants.

This Convention also requires ratifying States to treat migrants lawfully within their territory in a manner no less favourable than their own nationals in applying a wide range of laws and regulations relating to their working life, without discrimination on the grounds of nationality, race, religion or sex.

Convention No. 143 provides that States must respect the basic rights of all migrant workers. They must also prevent clandestine migration for employment and stop manpower trafficking activities. Furthermore, States must pursue policies to ensure equal treatment in employment and occupation, social security and trade union rights⁷.

D. The United Nations International Convention on the Protection of the Rights of All migrant Workers and Members of their Families (1990)

In December 1990, the UN General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in order to establish the rights of migrant workers and to ensure that these rights are respected. The Convention needed to be ratified by twenty countries and the 20th ratification took place on 10 December 2002, when East Timor ratified the text⁸. Israel has neither signed nor ratified this text.

Under article 72, the Committee on the Protection of the Rights of all Migrant Workers and Members of their Families is to be established to review the application of the Convention. The Convention provides for close co-operation with international agencies, in particular the ILO, on the matters envisaged in the Convention.

Article 25, paragraph 1, establishes that “*Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration*” and other conditions of work and terms of employment.

Article 33 requires State parties to take measures to ensure that migrant workers are informed of their rights under the Convention.

Article 37 establishes the right for migrant workers to be informed “*before their departure, or at the latest at the time of their admission to the State of employment*” of all conditions applicable to their admission.

⁷For a detailed overview of the rights of migrant workers, see Fact Sheet No.24, The Rights of Migrant Workers, Office of the High Commissioner for Human Rights.

⁸ See ICFTU (International Confederation of Free Trade Unions) press release, December 10, 2002, “*ICFTU welcomes the imminent entry into force of the UN Charter on Migrant Workers 10/12/2002*”.

Articles 22 and 56 address the issue of expulsion and arbitrary expulsion. Paragraph 1 of article 22 prohibits measures of collective expulsion; paragraph 4 of article 22 requires that *“the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security required otherwise”*.

Under article 68, State parties are required to *“collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation”*.

Under Israeli law

Israeli labour regulations contain a certain number of rules of general application for all workers, among which:

- 12 days paid holiday per annum
- 9 days paid religious holidays
- payment of wages by the 10th day of the next month
- maternity pay, sickness pay and severance pay

There are also specific laws such as:

- The Hours of Work and Rest Law 1951
- The Protection of Salary Law 1987
- Severance Pay Law 1963
- Minimum Wage Law 1987 (also providing for additional pay for overtime)

According to a study conducted by Daniel Gotlieb⁹, 80.2% of male migrant workers were paid less than minimum wage in the year 2000; no female migrant workers, according to the sample, were paid below minimum wage during the same year, but in previous years 45.6% of migrant female workers were paid below the minimum wage. However, considerably few Jewish men (Israeli citizens) are paid below the minimum wage; in 2002 10.4% were underpaid and in previous years even fewer were underpaid. Therefore, underpayment to migrant workers is widespread.

Furthermore there are rules specific to migrant workers contained in the Foreign Workers (Prohibition of Unlawful Employment and assurance of fair conditions) Law 5751-1991, and Statutory Instruments made under that law, covering in particular the following:

- Provision of medical insurance (the worker having had a medical examination before leaving his or her country)
- contract of employment setting out the terms as to salary, deductions, length of working week etc.

⁹ Gotlieb, Daniel. *The Effect of Migrant Workers on Employment, Real Wages and Inequality: The Case of Israel, 1995-2000*. July 2002. Available at: <http://www.bankisrael.gov.il/deptdata/neumim/neum121e.pdf>

- provision of residential accommodation
- protection of any migrant worker making complaints against his or her employer

There are severe penalties prescribed for the breach of any of these provisions – but we understand from NGOs that prosecutions of employers are almost unknown, despite widespread breaches.

The law also provides that the employer must provide to the Ministry a guarantee of fulfilment of his or her legal obligations to the migrant worker, and must provide a monthly report of compliance with these obligations (wages paid, payments by employer for social security etc.) The employer also must pay a 3000 shekel (\$500) visa fee for each worker and a monthly fee for employing him/her. The Ministry of Labour was also empowered to set up a fund into which the employers would pay deposits for the foreign worker, which would be reimbursed to the worker after his or her departure – but this has never been set up.

A number of further regulations have been made under this law in 2000-01, but it remains to be seen whether the new provisions will be enforced any more than the original law.

Law on paper: the following table compares the rights of migrant workers under international and Israeli laws with actual policy¹⁰.

Migrant workers are entitled to:	Is it implemented?
Minimum wages	In most cases, no
Overtime	In most cases, no
Social benefits (annual leave, recuperation fees, etc.)	In most cases, no
Salary reports by employer to an enforcement agency	The Labour Ministry does not require nor receive such reports
Pension-like fund, managed by the Treasury department	The fund does not exist
Work accidents and maternity benefits	The National Insurance Institute recently decided to deny benefits of premium paying to illegally employed workers. Kav LaOved's pressure reversed the decision.
Information leaflets and ombudsman services in the worker's language	Leaflets and complaint reception services were not provided at the time of the mission – though the authorities state that they are now available in 15 languages. Kav LaOved was not allowed to place its own leaflets at the airport.

In the case of migrant workers, these rules are almost totally ignored, and because the employee is tied to the employer, the latter can ignore the rules and treat foreign workers as they please. Also, we noted that for employers in the service sector, particularly in the field of

¹⁰ Source: Kav LaOved: On the verge of slave labour. Migrant workers trafficking in Israel. (see Annex F)

care-providers for the elderly, sick and disabled, there is, in practice, no effective regulation equivalent to a collective agreement to fix the rights and duties of employers and workers.

Paradoxically, it is only when these workers begin working illegally that this relationship of enslavement disappears. Whatever the conditions in which their work contract is terminated, the majority of migrant workers do not in fact return voluntarily to their country as required by the law, but “escape” and go underground. The illegal migrant is then no longer bound to an employer or obliged to work in one sector of activity: he or she can choose between various jobs and even undertake several small jobs, depending on the wage offered, and they can find undeclared employment without difficulty. As a Ghanaian immigrant told us:

“I’ve been here for 11 years as an illegal worker, and I’ve always been able to find work without any problem. Almost all the time, I’ve been with the same employer. They are using us in a political game. We were invited to join the Histadruth, [the Israeli Trade Union organisation referred to below] but it’s too dangerous: a Filipino worker and a South American each tried to create a union for foreign workers, but each was sentenced to deportation.”

The remuneration is higher in the black labour market, and overtime pay is widespread:

“I have been illegal for several years. I work for a company 8 hours a day, 5 days a week. I earn between \$800 and \$1000, depending on the overtime worked. I have a private insurance policy for which I pay 185 shekels (\$37) a month and I send home \$400 each month”, one illegal migrant worker told us.

Part III: The Precarious Legal and Social Status of Migrant Workers in Israel

Migrant workers in Israel, whether legal or not, work in a very few economic sectors. According to the Kav La'Oved report for the ILO, "*Regarding the employment conditions of foreign migrant workers*", they are 65% in construction, 20% in agriculture, and the remainder in domestic service (in the broadest sense) and catering. Half the migrants are from Asia (China, Thailand, Philippines), 45% from Eastern Europe (mainly Romania and Moldova) and 5% from Africa and Latin America.¹¹

Over 300,000 migrant workers in Israel

Foreign workers now constitute some 13% of the workforce in Israel – more than any Western country except Switzerland. It is generally accepted that there are over 300,000 foreign workers in Israel, among whom 200,000 are illegal migrant workers who can face deportation at any moment under the Entry to Israel Law and other legislation. Migrant workers earn approximately a half to two-thirds of that paid to Palestinian workers, and even less than that in relation to Israeli workers (see Table in Annex C).

As mentioned above, since the beginning of the second *Intifada*, Israeli employers have begun to favour migrant workers over Palestinian workers not only because migrant workers are cheaper, but also for reasons of security and because it is increasingly difficult for Palestinian workers to enter into and work in Israel due to extensive closures and roadblocks by the Israeli military. Overseas workers are only in the country on a temporary basis, so do not acquire permanent rights: no non-citizen will be granted permanent residence unless s/he marries an Israeli citizen, or under very exceptional circumstances¹².

The role of private agencies and bilateral agreements between governments

In a typical migrant worker case, an Asian or East European worker will pay several thousand dollars to an agency in his or her home country; upon receiving the payment, the agency in conjunction with an Israeli company or agency will arrange a contract in construction or agriculture or caring for up to two years, an Israeli work permit/visa and the flight to Israel. The worker will be promised \$700 to \$1000 a month, with at least one day off per week and two weeks' holiday a year. The importance of these "intermediary agencies" must be stressed, as they represent a very important financial stake, and are more and more often accused of being "*places of corruption and traffic of workers*" than legitimate recruitment agencies.¹³

¹¹ See table in annex B, Distribution of permits issued.

¹² The only exceptions are Palestinian residents of East Jerusalem, who have permanent residence without being Israeli citizens, although recently there has been a policy of restricting permits even for this group of people.

¹³ Female migrant workers are also trafficked into prostitution by similar methods and may end up being forced to work in one of the over 200 brothels that exist in Tel Aviv, according to Police Chief Yossi Sadbon, cited in Kav La'Oved Bulletin 2002. Forced prostitution, and the trafficking in workers, are contrary to the UN Convention against Transnational Organised Crime, 2000, and its Protocol to suppress Trafficking in Persons, especially Women and Children, which Israel has signed but not ratified.

Receipt of such commission payments by Israeli employers are actually contrary to Israeli law – Employment Service Law, sect. 66 - and to ILO Conventions, to the extent that they come within the definition of trafficking of people.

In 1997, Benjamin Netanyahu, then Prime Minister of Israel, paid a visit to Beijing, and agreed with the Chinese authorities to take several thousand Chinese workers a year into Israel, as part of a trade agreement to promote Israeli business. However, no details were established regarding this arrangement, and it is doubtful whether either side foresaw the problems which would arise. Nevertheless Ha-aretz reported in April 2003 on a similar deal between the Israeli and Turkish Government:

Prime Minister Ariel Sharon has permitted 800 Turkish construction workers to work in Israel as part of a \$687 million deal with Israel's military industries to upgrade Patton tanks for the Turkish armed forces. The workers are being employed by Israeli contractors to build private homes. The money they send home will be deducted from the sum that Israel is obliged to spend in Turkey, under the military agreement which includes mutual procurement.

The deal was worked out during long months of secret negotiations between Ta'as military industries and the administration of Turkey's military industries. It was not brought to the attention of the Employment Service which is supposed to distribute the permits for foreign workers.

The workers are sent to Israel by a private Turkish company, which is registered also in Israel, and offers them to the contractors. "Instead of the workers earning \$200 a month, they will get \$800 here. Turkey has a very high rate of unemployment and Israel is severely short of foreign workers," says Ahmed Arik, director of the Yilmazlar company in Israel. (Ruth Sinai, Ha-aretz, 11 April 2003)

So clearly the policy is still continuing.

The former Israeli Minister of Labour, Shlomo Benizri, estimated that the importation of foreign labour into Israel, including the trafficking of human beings, is worth about 3 billion US dollars a year. In one leading case¹⁴ a group of migrant workers sued the agency which had brought them to Israel when they discovered that there was no work. The Labour Court recognised that the Israeli State was involved, as it had granted work permits or visas to them – even though the control has been largely privatised to the agencies concerned. Over the last few years, the number of permits granted to foreign workers has increased steadily¹⁵.

This importing of workers is facilitated through the Israeli system of *protektsia* (making use of connections for personal gain). An Israeli enquiry into corruption by officials in the issuing of visas (in which Mr. Benizri himself is personally implicated) is ongoing at present. Mr. Benizri

¹⁴ Elyahu v. Elyahu, Labour Court no.4772/02, judgment on 11 Nov.02

¹⁵ See table in annex D Number of permits.

was interrogated on 14 October 2001 by police in an on-going inquiry into allegations of bribery by a friend who “imports” foreign workers; the inquiry was temporarily suspended during the elections, but should now resume.

In order to escape the legal, social and fiscal obligations, recruitment agencies set up fraudulent strategies which are now well known: after a few months of existence they literally disappear. The consequences of such a practice can easily be imagined: unpaid wages, lost and disappeared passports, and legal migrant workers suddenly becoming illegal residents.

Indenture: the system of “tied contracts” creates a situation of total subordination

A common factor between migrant workers, across the different sectors in which they work, is the worker’s relationship with the employer. It is important to stress the fact that most migrant workers come to Israel through an agreement signed between a contact in Israel and an agency in their country of origin. Thus it is in the country of origin that the recruitment contract between an Israeli employer and a foreign employee is signed. A nurse from the Philippines explains:

“I worked as a nurse in the Philippines and I contacted a private agency to go to work in Israel. Everyone said there was plenty of work there. Here in Israel, I look after an elderly person. In the contract I signed, it said I needed to stay 2 years in Israel and that I would be paid \$700/ month. But in fact I only get \$500 and I am not paid in dollars. Sometimes, I am paid very late. I need to send money to my family and I need to repay the money I paid for the trip, because I paid \$4000 to come here”.

The contract signed by the worker in his/her country of origin defines a normal relationship between employee and employer. Yet once in Israel, migrant employees find themselves in a situation of extreme subordination to their employers, especially domestic workers and care-providers. They are expected to be available at all times and to be completely docile, despite the fact that the terms of the contract are not respected by the employer (terms such as time off, wages, rest times, working conditions, etc). Workers in construction and agriculture are sometimes subject to a curfew, and are not allowed to leave their work sites (see Chinese contract at annex G).

Kav La’Oved has documented many cases where employers make illegal deductions from wages, or even fail to pay wages at all – and then dismiss the worker and arrange for him/her to be deported. Such cases, where the State arrests workers at the behest of an employer, have been held to be illegal, and the State has been ordered to pay compensation (Avi Goren v. State, 7988/01, and the case of Ms Kissus, 14 June 2002). However, it should be noted that despite the above-mentioned legal victory, the use of deportation by employers to avoid payment of wages still occurs.

On 29 February 1996, 19 Chinese workers employed by the Gl**al Man**wer Company were expelled from the country after working for only a few months. Each had paid \$5000 in China for the privilege of working in Israel for a two-year period; \$3000 of this went straight into the hands of Gl**al Man**wer director "Motti" O. By the end of February Mr.O

owed each of the workers between 2-3 months wages. Instead of paying the workers, he sent ten armed guards to surprise the workers in their sleep, beat them and drive them to the airport, where they were forcibly deported. Back in China, these workers demanded the return of their \$5000; on this occasion Chinese representatives flew to Israel to negotiate and the Chinese Embassy put the representatives in touch with Kav La'Oved, who arranged a meeting with the Labour Ministry.

Kav La'Oved has also documented cases where foreign workers were transferred to different employers, and did not know who their employers were. Many foreign workers become illegal without knowing it, if their employer dies, or they are the subject of an inter-company transfer:

The inter-company transfer of workers constitutes, in effect, the sale of a worker, which amounts to trafficking, in breach of the UN and ILO Conventions listed above. If the employer is an agency, it can easily transfer the employee from one employer to another. In a significant case brought by Ha-Moked (Hotline for Foreign Workers), the Attorney-General's office issued a legal opinion requiring the Labour Ministry to transfer information requested about employers to the workers or their lawyers – but the Enforcement Division of the Labour Ministry has been unco-operative in many such cases.

In the case of care workers for people who are sick, disabled or elderly, mainly Filipino workers, until recently, if the employer died before the end of the work contract, the employee was obliged to leave Israel, and could only make a new request to return when s/he had reached his or her home country. Only in rare cases, requiring the consent of the employer or of the Ministry, may migrant workers change either their field of work or their employer before the contract expires. Einat Albin, a lawyer at Tel Aviv University Law Clinic, noted that "*when an employer dies, or the contract is discharged for any reason, the migrant worker in practice becomes illegal.*"- although she explained that, between May 2001 and July 2002, new regulations were introduced, allowing a worker in such a position 30 days to find a new employer. However these regulations are only available in Hebrew, and officials can still ask the former employer (or his/her family) why the worker left. The employer still holds the labour permit, and cannot get a new worker if the employee "runs away".

The vulnerability of the migrant employee is rooted in the fact that, in all sectors and for all nationalities, the employer has in practice the power to revoke the work visa (by terminating the contract of employment) – and thus the legal status – of the employee. This prerogative normally belongs to the State, but in Israel the employer is illegally taking over this power, even in cases where an employee has the legal right to work and live in the country. Migrant workers enter the country with a visa which allows them to work only for one specific employer, for a period of two, three or exceptionally five years. Therefore many of the migrant workers start out as legal workers, but then lose their job or change employers, and become illegal.

As we have seen, new workers are also obliged to pay a 'commission' which is split between the recruiting company and the contractor holding the import permit¹⁶. This practice was

¹⁶ Source: Kav La'Oved, Newsletter, July 2002.

admitted by the State Witness (Mediator), and also by the Home Office, in cases brought by Kav La'Oved. A representative of the Chinese Manpower company also admitted that the Chinese State agency receives 25% of payments made by Chinese workers (see below).

Such a system of indenture benefits the employer, as migrant workers can easily lose their legal status and be deported from Israel; and through deportation an employer can get rid of workers without paying them, and bring in new, docile workers to replace the others. This practice is very common in the construction sector. Kav La'Oved has documented (Newsletter April 1996 et seqq.) cases of workers being beaten up by their employers' agents, dragged to the airport for expulsion – usually without even receiving the wages they have earned.

Passport confiscation increases dependence

In an increasing number of cases, migrant workers' passports are confiscated by their prospective Israeli employers, and then the workers may be denied a job. Israeli law requires every foreigner to carry a passport, but migrants in such a situation are unable to do so; they have no way of knowing whether their permit is still valid or has been renewed. Moreover, the Ministry of the Interior is sometimes an accomplice in these breaches of the law, when it hands the immigrant's passport on arrival to the employer.

Passport-less workers not only risk deportation, but also have no means of returning to their home country if they want to or if the circumstances require their return. Without a passport, workers cannot open a bank account in Israel and send money home in a secure manner. They must either carry the money on their body, or go to the Occupied Territories and deposit the money in a Palestinian bank. In both cases, they are exposed to severe danger. For example, niche Chinese workers were robbed and severely beaten on their way to Ramallah, where they had intended to transfer their savings to China. In another incident, the police stood by while Israeli thugs beat up a group of Chinese workers who had refused to work until their wages were paid ("Bonded labour in Israel", Kav La'Oved newsletter, July 2002).

The confiscation by the employers of the workers' passports is illegal (article 376a of the Penal Code), and is one of the manifestations of workers' extreme vulnerability to their employers. In 1994, the Knesset declared that passport confiscation is a criminal offence, punishable by a year in prison (clause 376-a of the penalty law). Yet in eight years, not one indictment has been issued in this matter, despite the frequent complaints lodged with the help of migrant workers' and other associations. Despite thousands of complaints lodged by Kav La'Oved, the percentage of success in returning passports, not to mention punishing the criminals, is extremely small – at least before the setting up of the new Police Immigration Administration Department (see below).

Yet, passport confiscation is widespread and well known. Because of it, legal workers lose their legal status at any time when they are outside their workplace - they can be deemed to be illegal in social life and in public if they cannot produce an identity document on a simple police check, which can occur at any moment. This practice of passport confiscation

as a control mechanism exists in other situations, primarily in human trafficking, whereby traffickers arrange for clandestine workers to cross borders illegally. The situation for trafficked persons is certainly different, but the end result is the same: to submit people to absolute silence and prevent them from carrying out any public activity which might enable them to complain about their situation.

A situation close to slavery

On several occasions, we were told by those we met that the situation was “equivalent to slavery”. The mission was shown an advertisement published by an Israeli firm offering a reward of \$3000 each for the return of six Romanian “escaped” workers (see reward poster in annex E – although this has been held to be illegal); the motivation for the ‘wanted’ advertisement is that an employer cannot use a work permit again if the worker leaves and remains in the country. However, if the employee leaves the country, the employer can re-use the permit and again claim a commission from the new worker! Some employers will not return the passport until the worker is in the airport on the way out of Israel.

Workers in shackles

Editorial, Haaretz, February 11, 2003

Over the last six years, Y. Tsarfati, the manpower company, brought 6,000 Bulgarian construction workers to work for Israeli contractors. The Bulgarians are highly valued in the construction industry for their industriousness and skills, and Y. Tsarfati had another sales point that contributed to its success: it promised the contractors their workers would not run away, offering a guaranteed \$ 5,000 in compensation for any worker who dared to desert them.

Workers interviewed by Haaretz reporter Ruth Sinai and Bulgarian journalists, who came to Israel in the last two weeks, said that they live in a regime of fear, intimidation and violence meant to guarantee their job loyalty. (...)

Workers (...) [are] reported being fined tens of dollars for every “crime”, such as leaving the residential area without permission (...). More “serious” crimes, like refusing to work on the Sabbath, resulted in beatings (...).

Part IV: Legal and Illegal Migration to Israel – two sides of the same coin

The system of tying workers to a particular employer is not only in breach of human rights, it is also very inefficient in that it prevents mobility of labour to places or businesses where it is most needed – as even the Israeli Central Bank commented: see press releases of 8.12.2000 and 5.11.2002. A petition has been submitted by human rights organisations A.C.R.I., Kav La'Oved, Hamoked (Hotline for Foreign Workers) and the Tel Aviv University Law Clinic, demanding an end to the practice.

The petition proposes that a work certificate be granted to the worker. The employee could then choose between different employers in the same field, as required by any basic recognition of human rights. The petition read:

“The consequences of the policy of indenture undermine the foundations of our law and legal system, since it turns the foreign worker into the employer’s property. This situation leads to such catastrophic results as considerable infringement of human dignity, trade in workers, a financial industry built at the expense of the worker, physical violence, the infringement of workers’ rights, and more”.

Case study: private agencies and Romanian workers¹⁷

Romanian citizens who want to work abroad can approach one of 13 recruitment agencies approved by the Romanian Ministry of Employment and Solidarity, some of which were set up by former workers who had worked in Israel. However, in view of the increasing demand for such services, there has been a mushrooming of these agencies, *“largely outside the law, both in Romania and in Israel.* Please indicate the page number in footnote 15 for this quote”¹⁸ In both these countries, some of these institutions are subjected to pressure and corruption – perhaps not surprising in view of the size of the migrant worker market¹⁹.

The best-known example of agencies for recruitment of Romanians abroad, Orwalsam Trading SRL, whose owner, Kablan, is *“very much criticised by the press and the Israeli authorities, but who has succeeded in obtaining, despite his semi-legal position, one of the biggest contracts of the Romanian economy, the building of a motorway linking Romania to the rest of Europe.”*²⁰

The development of this market of exporting the Romanian workforce (not only into Israel but to many countries) can be measured by the increase in fees to the recruitment agencies: at the beginning of the 1990s, candidates paid a \$300 charge for immigration; in 2001 the fee was more than \$2000.

¹⁷ The developments relating to the Romanian intermediaries come from Dana Diminiscu (MSH Paris and Rainer Ohliger (Humboldt Universität, Berlin) under scientific direction of Violette Rey (ENS-Lyon) “La construction de l’Europe par ses marges. Stratégies et stratagèmes de la circulation migratoire des Roumains », Ministère de l’emploi et de la solidarité, Rapport final 2001.

¹⁸ Op.cit. p.

¹⁹ Op.cit.p.78

²⁰ Op.cit.p.79

The lower labour cost of migrant workers

The importing of a migrant workforce is also based on the lower cost of employing migrant workers. Economic studies show (see annex C) the average cost of a worker who is a citizen of the country where the work is being done is \$7 per hour, while migrant workers “costs” barely \$5 (see annex F). The tax payable by employers on Israeli workers is 12% of the salary, while on foreign workers it is only 1.5%.

The unemployment figure in Israel is officially 11%, or about 200,000 unemployed. Many people think that the cause of this is obvious: a majority of the 200,000 unemployed Israelis would find work if there was not competition with the illegal migrant “*sans-papiers*”. On the other hand the struggle against inflation, a major political subject in Israel, finds a major advantage in a cheap workforce unable to claim its rights.

Part V: The Nationalities Involved

Chinese workers

As mentioned above, Chinese migrant workers in Israel have all paid substantial sums - between \$6,000 and \$10,000 (several years' wages for a Chinese worker, which is often borrowed from friends and relatives) to the Chinese agency in order to work in Israel. The agency is licensed or controlled by the Government – it was confirmed in the Knesset on 1 January 2002 that the Chinese Government agency takes 25% of the worker's salary over 2 years as a commission); the agency and the Israeli agency pay for the visa fee and the transport and divide the profits between them. For example, Liu Ming of the China Manpower Company admitted that they received \$1,200 from each Chinese worker who came to Israel through their agency. The arrangement should also include health insurance cover, but often it does not. If health insurance is included, it does not cover such illnesses as chronic diseases, for which the worker may be flown home instead of receiving treatment. Since October 2001, stricter regulation on such insurance policies have been introduced.

There have been cases of Chinese workers being dumped by the roadside and told there is no more work for them. One Chinese worker was beaten and locked in a cabin with a view to deportation – and even though the Chinese boss (a sub-contractor for the Israeli employer) was sentenced to prison for this, the Chinese Embassy did not intervene in this case – although it has sometimes helped in cases of violence against Chinese migrants. Another Chinese migrant had been detained in prison for 11 months for deportation – but he could not be deported because he faced almost certain death in China by those from whom he had borrowed money (Kav La'Oved Newsletter April 1996).

The ICFTU²¹ 2002 annual report outlines the problem for Chinese workers:

(...) foreign workers also face exploitation and little or no protection in Israel, such as the Chinese "guest" workers in the construction industry, working long hours for poverty wages. They are often recruited by Chinese intermediaries who confiscate their passports and cheat them out of their legal wages. Most are too scared to take any action. When workers at the U. Dori contracting company went on strike in March 2001 in protest at their appalling conditions, they were threatened with deportation (see cases run by Kav La'Oved below). The government has proposed to cut the number of licences for guest workers.²²

Thai and Filipino workers

Thai and Filipino workers are better protected by their governments, which insist on proper contracts with protection for the workers – and who supply new travel documents if necessary. The Filipino workers in particular are well organised, with assistance from their churches, and a group of them are affiliated to Histadruth. Nevertheless, many Filipinos (who are mainly employed in domestic work, particularly as carers for elderly and handicapped people) are underpaid, paid late or in shekels (when dollars were promised) and forced to

²¹ International Confederation of Free Trade Unions

²² In Israel: Annual Survey of Violations of Trade Union Rights (2002), ICFTU Annual Report.

work far longer hours than agreed or permitted by law. The mission met Filipino care workers who had signed contracts for \$700 per month, but only received \$500, \$200 being deducted for maintenance, although such a deduction was not mentioned in the contract (of which they had not been given copies). One had paid \$4,000 to come to Israel and needed to pay that debt and send money to her family; another had complained about having to be on duty 24 hours a day, 7 days a week, because the employer had not arranged for a weekend replacement – and upon complaining, she was dismissed and thereby became illegal.

East European workers

East Europeans are nearer home, and usually have some common language with Israelis (Russian is very widely used in Israel), but are still widely exploited. Romanians in particular, as mentioned above, pay relatively large sums to obtain work contracts in Israel (though less than the Chinese pay, and more affordable for the Romanians), but again the Romanian Government is implicated in the recruitment agencies, according to Adriana Kemp, a sociologist at Tel Aviv University. Romanians and other East Europeans are frequently required to agree to a mortgage on their homes as a collateral guarantee that they will abide by the terms of the work contract (as interpreted by the employer). This is illegal under both Israeli and Romanian law, and clearly comes within the notion of “*debt bondage*” in the context of trafficking of people. A Bulgarian care worker who gave 2 months’ notice to terminate her employment after working 11 months for 24 hours a day 7 days a week, was refused her final \$500 salary “*because the employer hasn’t got a permit for a new worker;*” the agency would not transfer her permit to a new worker, because it would not receive a new commission from her replacement, and she got no severance pay because she had not completed 12 months’ work.

African and Latin American workers

The Africans, mainly from Anglophone West Africa, and some from the Democratic Republic of Congo, usually come as tourists on pilgrimage, or even as kibbutz volunteers, and stay on to work illegally. Some Africans also enter illegally by land from Egypt or Jordan – and some stay for many years. Because they are conspicuous, they tend to work in house-cleaning or in the kitchens of restaurants or hotels, where they cannot be seen from the outside. They are well organised socially, and the African community offered the authorities a deal whereby illegal workers would deposit \$5,000 each against taxes and social charges if the authorities would allow them to remain in peace for 2 years, after which they would leave. This was rejected.

One must remember that in many cases the transfer of migrant workers to Israel is facilitated by State agreements – between the Israel and the States exporting the labour force.

Part VI: The Deportation Policy

In view of the increase of unemployment, the rise of xenophobia and the substantial number of foreign workers who do not leave Israel after the end of their contracts, the Israeli Government decided from the year 2002 to begin a policy of deportation, undertaken by the Ministry of Immigration and Integration. The stated objective is to fight clandestine immigration by expelling 50,000 people a year. From 1995-98, the number of expulsions reached 13,000 for the whole period. In 2002, around 6,000 people were expelled. There was no legal provision for expulsion until recently. Finally under pressure from associations, such as ACRI (the oldest NGO working for the legal defence of foreign workers in legal and illegal situations) and Kav La'Oved legal procedures were introduced.

Despite the provisions protecting workers from precipitate deportation (see under Police Immigration Administration Department below), there have been many cases of parents abducted in the streets leaving minor children at home to fend for themselves. Also, humiliating procedures such as entrapment have been introduced, whereby relatives visiting prisoners are arrested themselves, and sometimes shackles are used. Deportees are often held for many months in prison because of lack of documents and bureaucratic delays, or because bail has been set too high for them to be able to afford it. New procedures for deportation have now been instituted (see below), but it is doubtful whether these will improve matters significantly.

At the same time that the Israeli government has been expelling legal migrant workers, it also continues to issue new work permits: as mentioned above, at the end of 2002, 2,000 visas had been issued by the Israeli authorities to Chinese construction workers. The Ministry of Immigration and Integration explains: *"It is true that some months ago we issued work permits: we cannot withdraw permits which have been promised [to the employers]. The admission of these new workers will be spread over several months, but after that there will be no new permits."* This explanation is criticised by the NGOs: *"we believe it should be the undocumented workers in Israel who should benefit from new work permits by an extension of their stay in normal conditions, not more Chinese whom they continue to bring from China. Where is this quote from?"*

Undoubtedly, the fact of organising deportations at the same time as authorising the arrival of new migrant workers is a way of achieving two objectives at the minimum cost: first, a frequent rotation of migrant workers guarantees the docility of the newcomers and ensures social peace, as new migrants are ignorant of Israeli laws, live in isolation in society and employment, and have substantial financial debts to be repaid in a relatively short period. Secondly, it helps in the struggle against inflation by keeping wages down.

Labour permits are now officially only granted in two sectors: domestic work (in the widest sense) and highly qualified employees - *"the professional elite"* - who are encouraged to work in Israel. This latter point is not even contested, and it is generally accepted that unimpeded development in this sector is necessary. It is accepted that these two sectors will need foreign workers for some time to come; for this reason (unlike agriculture and construction work)

domestic employment is not included by those pressing for tax penalties on the employment of foreigners; there is merely pressure that this sector should be strictly regulated.

Part VII: Social Security

Legal Workers

“Residents” of Israel are entitled to full health services through an “HMO” (health medical organisation). However, migrant workers are not considered to be residents; their work permits gives them a lower status, with access only to limited services. The Minister of Health is given discretion to extend other rights to migrant workers, but has not done so, even for legal workers. However, the Municipality of Tel Aviv has adopted a pioneering role, providing health services to approximately 1,500 children of migrant workers (out of an estimated total of 3,000-4,000 in the whole of Israel) – but, apart from the religious authorities records, there is no Register of Births in Israel which would give the correct figures. These children are non-existent in law. Also, since 2001, following intense lobbying by Physicians for Human Rights in Israel (P.H.R.) and other NGOs, some facilities have been made available through Kupat Holim Meuchedet (an HMO) for children. Otherwise migrant workers can only obtain health care for their children if they are able to subscribe for insurance at 185 shekels (\$37) per month for each of the first and second children (further children will be free) – which is beyond the reach of many migrants.

P.H.R. and Kav La'Oved have successfully taken many cases for foreign workers against the National Insurance Institute, which often refuses to pay, even for care after industrial accidents – and even where the worker has paid his or her national insurance contributions. Female migrant workers often find it difficult to obtain hospital or other care when giving birth, even though they have paid their contributions. Hospitals normally do not refuse deliveries and emergency care, although emergency care in Israel is not free; since the cost of emergency care is so high (thousands of shekels per day), hospitals are concerned about payment from the moment a patient appears in the emergency room. As a result, the medical team is under pressure and the administration and even the doctors press patients for money, and may take short cuts in the treatment. In one exceptional case, a Nigerian man discharged himself from the Ichilov Hospital in Tel Aviv when he could not pay, and subsequently died.

Undocumented workers

The medical situation of legal migrant workers is much less severe than for illegal migrants, who are not eligible for any primary or secondary medical care and have no access to treatment for chronic diseases such as HIV or cancer. Illegal migrants are also not legally entitled to protection from, or care or compensation afterward from social security in the event of a work-related accident involving loss of working ability, according to the recent modification to Bituach Leumi, or National Insurance Law. The same legislative change stipulates that non-documented pregnant women will be excluded from maternity benefits, meaning they will not be able to give birth in the state hospital unless they pay cash. If a legal woman worker becomes pregnant, she is likely to be dismissed; her visa will (as a matter of practice) be cancelled, and she becomes an illegal resident. Education is compulsory for any child who has been living in Israel for three months – but often, the authorities are not aware of their existence, owing to the lack of a Birth Registry and other factors.

Although the International Labour Organisation conventions provide for treatment for (legal) migrants that is not inferior to that provided for citizens in the area of national insurance

(which covers injury at work, maternity, sickness, disability, advanced age, death ... or any other event covered by local laws or regulations), P.H.R. states that Israel has chosen to opt for providing “special arrangements” for these workers, which they say are contrary to the spirit of equality between local and legally employed workers. The new arrangements introduced in October 2001 are much better, but still inferior, particularly in that the worker is tied to his employer and his insurance policy – and the insurance company may refuse to renew cover. Also, the law obliging the employer of foreign labour to provide accommodation, a work contract and health insurance is not widely respected.

There is no health care arranged for illegal, undocumented workers, except through the private sector and voluntary arrangements such as the Open Clinic run by P.H.R. Some hospitals are particularly sympathetic and helpful (such as the Ichilov Hospital), and the Municipality of Tel Aviv set up a Mother and Child Clinic for all migrant workers, which has been adopted by the Minister of Health. Undocumented workers are therefore largely dependent on such voluntary assistance as they can find.

This lack of access to medical care contravenes note 12 of article 12 of the International Covenant on Economic, Social and Cultural Rights, which provides that the

countries (...) are obliged to refrain from imposing restrictions or preventing the equal access of any person – including prisoners, detainees, minorities, asylum seekers and non-documented migrant workers, to preventative, therapeutic and palliative medicine (...)

Part VIII: Police Immigration Administration Department

In reaction to the increase in the number of undocumented foreign workers, and to show that the authorities were taking action, a special department was created in autumn 2002 to tackle the problem of illegal immigration. This new department was set up to co-ordinate policies of the Ministry of the Interior, the Police and the Ministry of Justice, by using a fresh, more conciliatory approach. The principles which guide the new approach are the following:

- “train police forces not to treat undocumented foreign workers as delinquents”,
- “encourage” undocumented immigrants to voluntary return home,
- launch information campaigns for employers, particularly large firms, and for foreigners, to inform them about the country and its institutions,
- non-prosecution for staying on illegally if the migrant agrees to leave.

As was pointed out to us by the Department, there are peculiarities of the Israeli situation which do not always exist elsewhere:

- lack of incentive to leave the country on expiry of the work permit (even though permanent settlement can never be obtained);
- higher wages obtainable in Israel;
- many workers have borrowed large sums at home to pay the commission to come to Israel, and these will be repayable on return home;
- there are long borders with Jordan and Egypt, which are not impermeable;
- the Israeli employers pay (or should pay) into the fund mentioned above for a separation payment for the worker on conclusion of his/her contract.

They say they are in contact with the different communities, encouraging them to persuade the illegal migrants to leave voluntarily. The fine for overstayers of \$17 per month, is waived for those who leave voluntarily – and also waived for enforced departures (though such deportees will have their passports stamped “deported”). The Police also pay for the flight home.

Within Israel, the police immigration administration department tries to ensure the law is enforced, insisting that every foreign worker is given a contract in his or her language stating the minimum salary and other information. Although there had been no effective prosecutions of employers as yet, they had interrogated some 13,000 employers in the first two months of their work, and the Ministry of Labour had opened 1,614 cases against employers for offences such as confiscation of passports, exploitation of workers and use of forged documents. They work with the Ministry of Labour, and in effect, fill the gap left by only 15 Labour Inspectors working throughout Israel. This department seized some 8,000 passports wrongly held by employers; yet most of these passports were returned to the employers, not the workers, or in other cases to the embassies of the workers.

They insist that minors, and parents who are responsible for a child are not deported, and that they strive to protect the rights of the workers and their children. They encourage complaints by migrants where there has been a criminal offence, and do not arrest them for making

complaints. The initial impressions of workers in Kav La'Oved and other NGOs were that this new department was beginning to make a positive change in the situation of migrants. However, it must be born in mind that the Government's chief stated goal in setting up the Police Immigration Administration Department was to deport 50,000 undocumented workers within a year (although no one we met believed that this would be done). A procedure for deportation has been instituted to ensure various safeguards, and to enable deportees to appeal to a Judge before deportation. However, as no information is available in languages other than Hebrew, and there are not nearly enough interpreters, it is very doubtful whether this will be of much avail to most deportees. Furthermore, one of the safeguards is referring each case to a Border Control Supervisor – a fairly junior civil servant who in practice, we were told, simply rubber-stamps each deportation.

According to many NGOs, and in particular Kav La'Oved, although the authorities do encourage voluntary return and no longer arrest foreign workers who file a complaint against their employers, the issue of passport confiscation has not been solved yet: the police do seize passports from employers, but the illegal practice continues, and according to the NGOs we interviewed, no complaint has yet been lodged against employers who have committed this offence.

Part IX: Voluntary Organisations

Histadruth

Histadruth is the Trade Union organisation of Israel. It is extremely well-established and powerful, runs its own enterprises (such as Egged, the national bus company) and is closely linked to the State itself.

Under its own statutes, Histadruth can only admit Israeli citizens to full membership – and originally Histadruth did not even admit Palestinian Israelis, whose areas were under military administration until 1965. Foreign workers may become members of local branches, and may be covered by special company arrangements, but the great majority of them have no trade union representation at all.

Histadruth only “provides information” to migrant workers who come to see them individually with questions as to the payment of wages, sending money to their home countries and generally concerning their social rights. Strikes by migrant workers are virtually unknown: “*they will not go on strike because they are afraid*” one of the Union officers told us. The union has no legal service to inform the migrant workers about any specific legal problems that they might encounter.

In 1970, the Government decided to admit some Palestinian workers from the O.T. to work in Israel; these workers were to pay social security (including a trade union contribution), but they received very limited rights. It has been calculated by Kav La'Oved that the Israeli Social Security has received some \$1 billion from the Palestinian workers, transferred by the employers to the Payments Division of the Ministry of Labour, of which part (several \$10s of millions) was destined for Histadruth; but these workers have received virtually no benefits. Certainly, according to Laborer's Voice of Nazareth, Palestinian workers (whether citizens or not) who have lost their jobs as a result of the political developments described have not received protection or support from Histadruth. Histadruth says they are now ready to admit some foreign workers, and they have a small section for Filipino workers, but very few have shown any interest. They say that employers in the construction industry will not follow the law, and foreign employees are reluctant to join – presumably because of possible dangers to their status.

Histadruth has been accused of helping the Police to round up and deport undocumented migrant workers. “*The Immigration Administration in collaboration with the Histadruth will continue to locate work places where migrant workers are employed*”, the Histadruth Chairman in Western Galilee, Asher Shmueli, told “Tzafon 1”; “*we appeal to all workers who know that there are foreign workers in their workplace to report it to the Histadruth, even anonymously, so that enforcement operations can be carried out to oust those workers. In this way Israeli workers would once again be able to be settled in jobs.*” However, Gershon Gelman of Histadruth strongly denies that Histadruth co-operates with the Police, stating that it does not get involved where the question of legality is concerned – but that it does encourage the prosecution of fraudulent and abusive employers. Mr. Gelman insists that they are giving help to individual foreign workers, by running seminars and events for them – but

he admits that some Histadruth staff and officers are not as sympathetic as others. Histadruth, he says, would like to see the Palestinians back in the labour market.

Non-Governmental Organisations

A.C.R.I., Kav La'Oved, Physicians for Human Rights, Ha'Moked (Hotline for Foreign Workers) and other voluntary organisations take up cases on behalf of migrant workers, through their staff lawyers or other lawyers who volunteer to assist; they press the police on behalf of workers in trouble, and take action against defaulting employers, and the Police are beginning to take notice of them. They also take on cases with the tax authorities where the employers are making false declarations.

According to the Foreign Workers Law, anyone detained for more than 60 days without fault on his part should be released, unless there are security or public order considerations, and test cases brought to enforce this were pending at the time of our visit.

Lee Hu, a Chinese worker, fell off a roof as he was chased by the police, and was partly paralysed. Kav La'Oved brought a claim against the State, and eventually settled for finance for his rehabilitation. Kav La'Oved has taken many cases against the employers and the Government, and recovered the equivalent of over \$1.5 million in 2002 – but often the workers, as we have seen, do not know who their employers are. One complaint made to the Ministry of the Interior was met with the response that the worker had left the country – though he was standing in their office!

Part X: The Courts

The Courts have a good record in many fields, but are reluctant to intervene on behalf of migrant workers, and even held that it was legal (if deplorable) to deport the foreign partner of an Israeli, with her children. However, when a child is born in Israel to two non-Israeli parents, the mother is normally allowed to stay with the child until the child reaches 18 years of age.

Kav La'Oved have brought a number of cases before the Courts, some with more success than others:

·Transferability of workers between employers: after a number of cases, the court forced the Ministry of the Interior to allow care workers to change employers. They also had some success in the construction industry: 35 Chinese deportation candidates, who arrived in Israel legally but unwillingly lost their jobs, were released and allowed to seek alternative employment.

Joint employment scheme: Many employers get away with labour rights violations by claiming that responsibility lies solely at the hands of direct employers, such as the recruiting agencies. However, the court has already held liable a construction company, which employed workers via a supervising agency. In another case 'Tnuat Hamoshavim' (communal-villages association) was also declared liable for labour violations of workers employed by its members, since the association actively participated in recruiting workers and signing contracts with them. The most important case is that of Elyahu and Elyahu Construction (Labour Court case no.4774/02; judgment of 11.11.02), which imported workers with 24 month contracts, but provided them with no jobs. In this case the judges found the State liable, as it had an active role in providing the construction company with migrant workers employment permits. A decision on the appeal is awaited.

Rights of deported workers: in a precedent-making appeal to the National Labour Court, the court allowed the prosecution of employers by workers who had already been deported, and could not attend for cross-examination.

I: an illegally employed hotel employee sued his employer, but his claims were rejected by the Labour Court due to his illegal status. The National Labour Court allowed the worker's appeal.

Passport Confiscation: The National Labour Court reversed the decision of a local judge to keep a worker's passport in court as collateral against the worker's 'escape'. The court has also condemned the use of the term 'escapee' in this context.

Collaterals and court fees: In several rulings judges recommended against charging collaterals and court fees to workers, in order to facilitate access to justice. In other cases, the collection of court fees was postponed to the end of the proceedings.

Translation costs: A judge in Labour Court reversed the Court Authority decision not to cover translation costs. The state appealed, but the appeal was rejected.

The U. Dori Case: This is a difficult case, which has gone on since 2001. U. Dori employed 170 workers through a Chinese agency. Passports of the workers were confiscated, their salaries put in bank accounts without their knowledge, and their income was illegally low. While the workers' lawyer, Dani Ronen, was working on the case, U. Dori lawyers settled with the workers for a low offer without informing Attorney Ronen. Eighteen workers, however, decided not to accept the settlement and to continue fighting with Attorney Ronen. Of these eighteen, a further eleven later succumbed to pressure to settle. Some of the workers who settled were sued in China after their return, apparently for failing to complete their contract and repay the money owed. The remaining seven who refused to settle were granted a 60-day speed trial by the court. Again, a lot of pressure was put on the seven workers to settle, but they continued to resist. The verdict was generally favourable, but not completely satisfactory. Most importantly, the judge acknowledged the employment relationship between the workers and U. Dori, and not only between the workers and the Chinese agency. This is an important precedent. Also, the judge ruled for expenses in the applicants' favour. However, the judge did not acknowledge that the workers bank accounts were manipulated without their consent, and did not acknowledge the overtime despite firm evidence. The ruling regarding social benefits was also considered unreasonable. Since this decision will have important bearing on other cases, Kav La'Oved decided, together with the workers, to appeal the verdict, and are now awaiting the National Labour Court's decision.

It is unfortunate that in so many cases the Labour Courts have given decisions which are plainly contrary to the law, and it has required an appeal to the National Labour Court – or even a review by the Supreme Court – to correct the matter. In view of the number of instances where provisions of Israeli law (let alone international conventions) are violated, it is to be hoped that the National Labour Court and the Supreme Court (and Israeli courts generally) will take a more pro-active stand regarding migrant rights in the future.

CONCLUSION

Legal and Illegal Immigration: an economic and political necessity

The use of foreign workers in Israel reveals a clear and open policy of substituting Palestinian workers with a workforce from overseas - Asia, Eastern Europe and Africa. A number of historical events in the 1990s prompted this new workforce policy:

- the first *Intifada*
- the running down of the Oslo Accords
- the substantial arrival of Jewish immigrants from Russia
- an economic crisis, particularly in the construction sector
- the increase of the number of undocumented immigrants (in 1997, there were 186,000 immigrants of whom only 90,000 were illegal; the number of illegal immigrants is probably close to 250,000)
- the second *Intifada* beginning in 2000

The deterioration of the migrant labour situation in Israel resulted first from the further destabilization of Israeli-Palestinian relations, whereby passage between the O.T. and Israel was severely restricted and hence, Palestinian workers were unable to continue to travel to and work in Israel; and secondly, from the increase of the strong feeling of insecurity among Jewish Israelis *vis-à-vis* all Arabs, even Palestinian Israeli citizens – and particularly Palestinians from the O.T. As a migrant worker, who is now illegal, stated:

“at the beginning of 2000, there were Arabs where I was working, but with the security problems, they have been unable to come. Those who live in the West Bank have been blocked at home. All the Arabs have been replaced by immigrants, many of them undocumented.”

In essence, undocumented foreign workers become permanent temporary workers. They are not allowed to set up businesses (the Police check market stalls for identification), and no family re-unification is allowed for non-citizens. Their children born in Israel are not acknowledged by the state.

According to Mr. Y. Peretz of the right-wing SHAS group, a former President of the Commission on Migrant Workers, the Government is losing control; it could control domestic and agricultural workers, but in the construction industry there are too many dishonest companies bringing workers in, often on fictitious construction projects, and making big profits. It was previously the responsibility of the agency which obtained the work permit to find work and pay the worker, but this is no longer the case.

Israel, like many Western nations, has a need for additional cheap labour. Foreign workers have been brought in to replace Palestinian workers. However, the Government is anxious not to have a settled workforce, partly because it is regarded as a temporary phenomenon, and partly to preserve the Jewish nature of the state, so it has restricted foreign workers to a maximum stay of two years, with virtually no civil rights. The importing of foreign labour was

conceived as a short term temporary expedient, and so very few rules have been laid down to regulate this practice.

Profiteers, notably both Israeli and foreign recruitment agencies, have latched on to the opportunities presented, while employers, particularly in the construction industry, have found a new and useful source of cheap labour. The workers are treated as commodities, and on arrival become the property of the employer. Thus, a multi-billion dollar business, at times contributing to the worldwide phenomenon of trafficking in people, has arisen, which even the Israeli Government has found impossible to control. Clearly, the migrants are not treated equally, as required by the various international conventions.

However, the mission welcomed the establishment of the new Police Immigration Administration Department, and hopes that its activities will significantly alleviate some of the problems outlined in this report.

APPENDICES

- A. People and Organisations met during the mission
- B. Distribution of permits issued
- C. Workers' Hotline: Cost of employing Palestinian and Foreign workers in construction
- D. Table: number of permits issued
- E. Reward posters for "escaped" Romanian workers –translation of poster
- F. Kav LaOved document: *On the verge of slave labour. Migrant workers trafficking in Israel.*
- G. Contract with Chinese worker (English translation)

APPENDIX A

People and Organisations met during the Mission

Hanna Zohar, director of **Kav La'Oved**

Dr. Roy Wagner, Board Member, **Kav La'Oved**

Rami Adout, Project Director, **Physicians for humans rights (PHR)-Israel.**

Sarah S. Willen, PhD Student with **P.H.R.**

Dr. Adriana Kemp, sociologist, University of **Tel Aviv and** Board member, **Kav La'Oved**

Gershon Gelman, Chairman Tel Aviv Labour council, **Histadruth General Federation of Labour in Israel.**

Einat Albine, lawyer, **University of Tel Aviv Law Clinic.**

MK Dr. Yuri Shtern, Chairman of the National Union-Israeli Beiteinu Faction, **The Knesset**

Yair Peretz, **SHAS Party, The Knesset** Both the above were former Chairmen of the Commission for the Rights of Migrant Workers.

Commander Ziva Agami Cohen, Head of crime unit, **Emigration Administration, Police Immigration Dept. HQ**

Miri Sharon and Eyal Katz, Advocates at **Ministry of Justice**, and other colleagues

Risa Zoll, **Co-ordinator in charge of Institutional Contacts**, Daniela Bamberger-Enosh, **Policy Advocate**, and Michal Pinchuk, **Attorney, The Association for Civil Rights in Israel (ACRI)**

Sigal Rozen, **Director, Ha-Moked, Hotline for Migrant Workers**

Representatives of **Adalah, Legal Centre for Arab Minority Rights in Israel**

Mohamed Zeidan, Coordinator, Arab Association for Human Rights, Nazareth

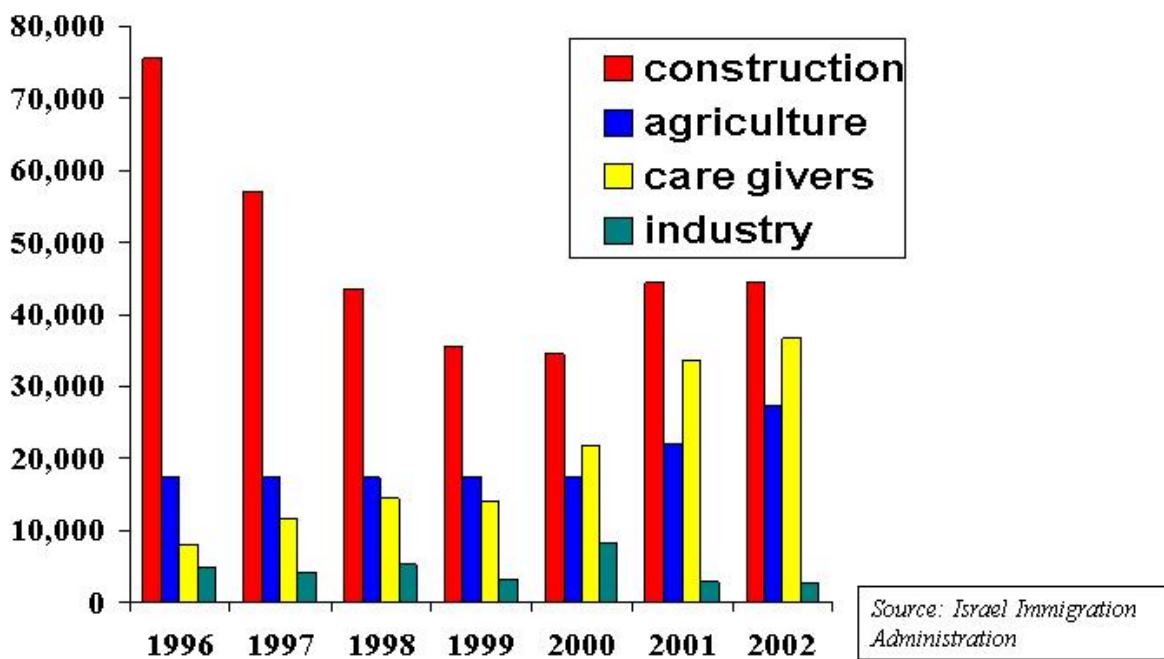
Wahibi Badarne, Director, The Laborers Voice, Nazareth

Mark Kelly, **Third Secretary, British Embassy, Tel Aviv.**

Numerous foreign workers, legal and illegal were interviewed. Their names are not disclosed here for confidentiality reasons.

APPENDIX B

Distribution of types of permits issued



APPENDIX C

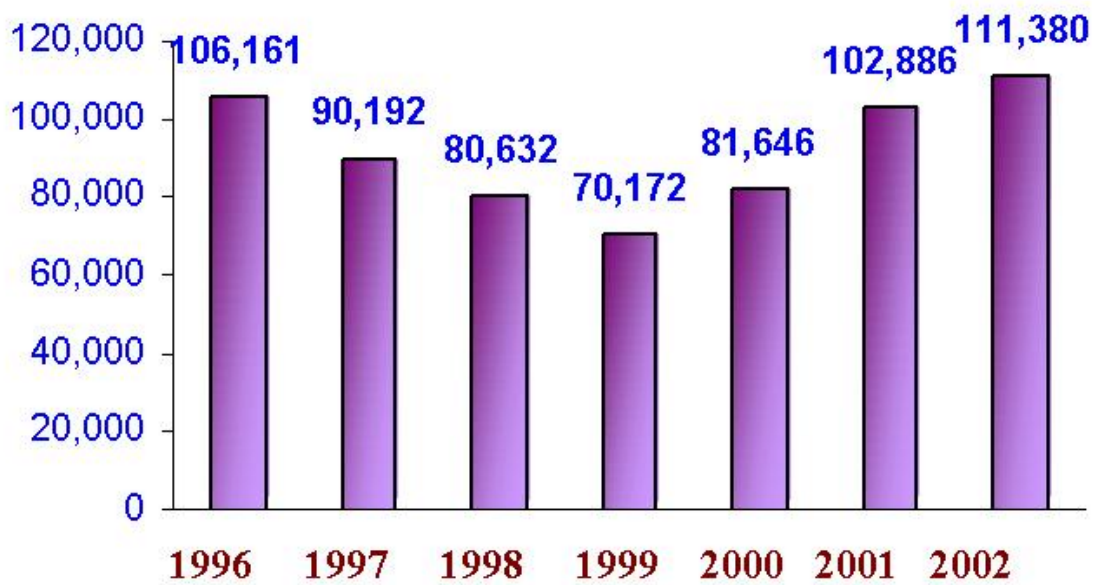
	Foreign Worker		Palestinian Worker	
	Gross Salary 2085 NIS	Cost to Employer 2098.86 NIS	Gross Salary 2085 NIS	Cost to Employer 3110.55 NIS
	Deductions from worker	Deductions from employer	Deductions from worker	Deductions from employer
Income Tax	208.05 (10%)	n/a	n/a	n/a
Equalization Levy	n/a	n/a	45.58 NIS (2.3%)	94.36 NIS (4.2%)
National Insurance	2 NIS (0.1%)	13.96 NIS (0.67%)	2 NIS (0.1%)	17.4 (0.67%)
Health Insurance	90 NIS	n/a	93 NIS	n/a
Housing Expenses Guarantee	210 NIS 165 NIS	n/a	n/a	n/a
Reimbursement of Labor Ministry Fees	28 NIS	n/a	n/a	n/a
Pension Fund	n/a	n/a	114.6 NIS (5.5%)	250.2 NIS (12%)
Recuperation Pay	n/a	n/a	n/a	198 NIS (9.5%)
Union Fees	n/a	n/a	14.59 NIS (0.7%)	n/a
Rehabilitation and Disability	n/a	n/a	n/a	27.1 NIS (1.3%)
Travel Allowance	n/a	n/a	n/a	372.5 NIS
Association for Construction Development	n/a	n/a	n/a	41.7 NIS (2%)
Fund for Training	n/a	n/a	n/a	18 NIS
Scholarships and Training	n/a	n/a	n/a	6.25 NIS (0.3%)
Worker's Net Pay	1363 NIS		1812.23 NIS	

Source: Workers' Hotline

APPENDIX D

Numbers of permits

1996-2002



Source: Israel Immigration Administration

APPENDIX E (translation)

Translation of poster (in Hebrew and Romanian)

3000 \$ reward for any person who has precise information on the whereabouts of these Romanian workers who escaped from their legal employer.

Oferim Recompensa			מוצע פרס		
in valoare de			כספי בגובה של עד		
3000			\$		
					
MIHOLCA VALENTIN	SFIRLEA VASILE	DASCALU CONSTANTIN	NEGOTEI ALIN	LEONTE VASILE	HOTCU DUMITRU
לכל המוסר מידע מדויק על מקום הימצאם של העובדים הללו אשר ברחו ממעסיקם החוקי. למסירת מידע בעברית : 052-625660 , 053-937997					
Dorim informatii si indrumare sa gasim muncitori romani care au fugit de la patronii lor legali.					
Pentru informatii in limba romana la telefon 052-625660					

APPENDIX F

Country of Origin and Industry	Commissions	Work Period to Cover Commissions	Who Gets the Money?
China (Construction)	\$9,000	Over a year	\$4,000 - Chinese authorities \$1,500 - Airfare \$4,000 - Mediators, employers and contacts
Romania (Construction)	\$3,500	Six months	\$250 - Airfare \$100 medical checkups \$3,000 - Israeli Contractors Association representatives, mediators and contacts
Thai (Agriculture)	\$3,000	Six months	\$800 - Airfare \$500 - Employers \$1,500 - manpower agencies and contacts
Phillipines (Home Nursing)	\$5,000	Close to a year	\$800 - Airfare \$4,000 - Manpower agencies and contacts 40% of National Security benefits for the employment of a caregiver are collected by the manpower agencies

Source: Kav LaOved

APPENDIX G

Contract for workers who are going abroad.

The contract is between (A) China Xiamen International economy and technology cooperative Co. and (B) workers under A's arrangement to work in Israel for construction jobs. B's work and arrangement is under (C); Linoy Trading and Manpower Services Ltd.

1. B after knowing the working conditions, voluntarily applied for the job through A.
2. Contract valid for 2 years (from arrival to the leaving date)
3. wages and beneficiary
 - a. B's wages can be calculated in two ways: one is by hour, other is by work.
By hour. \$2.76 US dollar per hour for 48 hours per week. Overtime \$3.20. If B and C agree, wages can be calculated by square metres of contract work.

Each 20 -25th of the month is pay day.

b.C must supply to B free of charge a bed, 'frig, cooker, gas, water, electricity, accommodation. Food for workers.

4. medicine and insurance:
Within the contract: B will be provided with medical and life assurance paid by C.; however if B leaves C, C would not supply them.
5. flight tickets: if B finishes contract successfully and returns on time, C will provide a return ticket.
6. C can ask B to pay a fee for a guarantee that he will respect the contract; B may ask the fee back when the contract finishes. Under normal condition. C would not ask for guarantee fee from B.
7. B must agree:
 - a. if B breaks Israeli law or for any other reason is to be deported, B should take full responsibility of the loss, and there is no refund from A.
 - b. follow the local laws. etc
 - c. obey C's work arrangement and management. Obey A and A's agent's management.
 - d. If B was found any personal misconduct or not suitable to the job, or lazy, absent from work, etc, C can terminate the contract and send B back to China.
 - e. B is not allowed to leave A's appointed company, nor work underground and take 2nd job.
 - f. During the contract, if C wishes to extend contract, with B's permission, and A's confirmation, then he may extend contract.
 - g. Do not break and influence C's company's normal work pattern, do not effect other workers normal work.
 - h. Not allowed to fell in love, sleep with or marry with foreign residents or tourists. Do not offend local regulations. Not allowed to take part in local political, religious activity. Do not break local custom and habit. Do not go to sex areas and do not gamble.

- i. If B were found doing above, and sent back home, B must pay his own fare and will receive no refund of labour fees.
8. Unpredictable force.
During the contract, if anything unpredictable even happens, B should contact A immediately. Do not come back home without permission. B should get C's written material and explain the unpredictable incidents then A should make decision accordingly. (Unpredictable force is anything not covered in the contract, and an event resulting in an inevitable and unavoidable situation).
 - i) If the unpredictable event happened and contract would not be able to carry on, contract might be terminated earlier, the return ticket of B should be discussed between A and C.
 - ii) If the unpredictable force did not completely stops the contract, or only postpones the contract time, B should obey A or A's agent's arrangement. Not allowed to come back home. Otherwise, own responsibility.
 - iii) If the unpredictable force caused death or damage to the property, A is not responsible for it.
9. B's passport should be held by C or agent during the contract period. Return to Xiamen with X days, passport should be sent to A. Everyday delay of the return of passport, should fine 100 Yuan (£8.00). If passport lost, fine is 10.000 Yuan.
10. This contract would have two copies, A and B holds each copy which has the same legal value to both parties.

A,

B

Tel

Date: Year: 00, Month 8, Date: _____

Copenhagen & Paris, June 2003

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In late 2002, the International Federation for Human Rights (FIDH) and the Euro-Mediterranean Human Rights Network (EMHRN) agreed jointly to investigate reports of the systematic human rights violations of migrant workers in Israel. As such, in December 2002 Michael Ellman, a solicitor from London and Officer of the International Board of FIDH, and Smain Laacher, a sociologist from Paris, were commissioned to carry out a mission in Israel on the topic.

The results of this joint mission are documented in this report, and reveal that the rights of migrant workers in Israel are violated with near impunity and that the use of migrant labour is inextricably tied to the on-going Israeli-Palestinian conflict.

The EMHRN is a network of more than 60 human rights organizations across more than 20 countries in the Euro-Mediterranean region and seeks to promote human rights within the context of the Euro-Mediterranean Partnership.

The FIDH is an international human rights organization comprised of 115 different organizations based in 90 countries and works to promote human rights around the globe based on the Universal Declaration of Human Rights and other international instruments.

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