

Trafficking of persons in the agricultural sector in Israel

Submission to the UN Special Rapporteur on trafficking in persons, especially women and children, Ms. Siobhán Mullally

About Kav LaOved

Kav LaOved (KLO) is a leading labour rights CSO in Israel. We support the most vulnerable workers in Israel including West Bank Palestinians, migrant workers, asylum seekers and Israelis earning very low wages, to achieve the respect of their labour rights. As a result of our activity we come across many vulnerable workers including victims of trafficking.

We are the only organisation in Israel referring victims of trafficking for labour purposes to the authorities. Since the organisation was founded in 1991, we have referred victims among migrant workers, particularly in the construction, agriculture and caregiving sectors, and Palestinian workers. The scale of abuse we witness among vulnerable workers makes us believe that trafficking is widespread and that the victims who reach out to us are only the tip of the iceberg.

Kav LaOved identifies victims of trafficking in the process of assisting individual workers who reach out to us claiming that their rights have been violated, usually in the context of unpaid wages and benefits. They are often unaware of what "trafficking" means and our staff and volunteers are the first to explain what it means and put them on track to getting help. Once a worker is suspected to be victim of trafficking, their case is passed to one of our two in house lawyers. Our lawyers interview the worker and if they also identify trafficking elements, they prepare an affidavit including the worker's statements and pass it to the Israel Police unit responsible for addressing trafficking, asking to open an inquiry and transfer the worker to a shelter for trafficking survivors.

If the police respond positively to both requests, Kav LaOved's work ends there. The shelter will take charge of the safety of the worker while the police will conduct their inquiry. If the police do not follow up on our request because they are too busy (the unit consists of only two people), or because they do not identify the individual as a victim of trafficking, our lawyers continue advocating until a solution is found. This might include finding and sending to the police additional evidence of extreme violations meeting trafficking criteria, or moving the worker to a different employer or accommodation.

We work in cooperation with all relevant Israeli authorities: Israel Police; the Labour Rights' Enforcement Department within the public administration; the National Anti-Trafficking Coordinator at the Ministry of Justice; the Population and Immigration Authority; and the welfare services in charge of shelters for victims of trafficking. All entities working on trafficking and labour rights enforcement in Israel are extremely underfunded and understaffed.

Over the years, our legal department has developed anti-trafficking expertise and also trains authorities and police to recognise victims of labour trafficking. Our activity has resulted in rescuing victims of trafficking as well as raising awareness in Israel about the phenomenon of

trafficking for labour. We also report about this phenomenon to various national and international bodies through reports and participation in conferences. KLO is also active in shaping the overall legal framework to better address trafficking, bringing it more into line with international anti-trafficking statutes.

Victims of trafficking among agricultural workers in Israel

Israeli legislation mandates that all workers participating in the Israeli labour market have the same labour protections regardless of citizenship or status. However, both migrant workers and Palestinian workers in Israeli agriculture suffer extensive and widespread violations.

Three large groups of vulnerable workers are employed in Israeli agriculture:

1. Israel and Thailand have signed a bilateral agreement for bringing migrant workers to work in Israel's agriculture. Workers who come to Israel under this agreement receive a visa to work in the agricultural sector only, renewed annually for a maximum of five years. After five years, the worker can no longer stay in Israel. There are currently about 25,000 Thai migrant workers (of whom circa 700 are women) in Israel. The system set in place for ensuring the respect of their worker's rights is not properly implemented and most of its provisions are not functioning as intended. The private agencies set up for assisting workers often end up assisting their employers instead; minimum housing accommodation requirements for migrant workers are regularly violated with workers living in cramped, unsafe and unsanitary housing without hot water or a proper shower; workers' pay slips are regularly manipulated; workers do not receive the minimum wage and social rights to which they are entitled and suffer violence and sexual harassment.
2. An estimated 4,000 internationals agricultural "students" from developing countries in Africa, Asia and Latin America (gender segregated figures are not available for this group which in our experience comprises a non-negligible proportion of women) come to Israel for 11 month programs which should include both studies and applied learning. The programs are run by a handful of Israeli organisations responsible for the studies and other aspects of the program, including placing "students" in individual farms where they live and work. Every year at Kav LaOved groups of "students" reaching out to us describe appalling rights violations; monotonous and hard work; poor level of study; about one quarter of the meagre earnings from their work on the farm is deducted to pay disproportionate "tuition" fees; systemic violation of labour and social rights; extremely poor accommodation standards etc.
3. Over 20,000 West Bank Palestinian agricultural workers arrive daily to Israel and return home every night through lengthy checkpoint crossings. Around 12,000 of them are seasonal workers. The model of employment of Palestinians in Israel requires workers to hold a work permit linked to an individual employer, which in practice means that workers are bound to their employers. In addition, circa 30% of Palestinian workers in agriculture have no other solution than buying their work permit from middle men, paying monthly a quarter and up to half of their salary in this illegal trade. The binding of workers to employers, widespread exploitative labour practices and the fact that Palestinians are not allowed to move freely within Israel, sets up high risk conditions for labour trafficking as well.

Absent authorities

Agriculture has proven over the years to be the sector in Israel where labour abuse is most systemic and extreme, creating the right conditions for labour trafficking. Employers feel protected by both the isolation of their secluded farms and the laissez-faire attitude of the authorities (see KLO's reports [here](#)).

In spite of widespread violations of workers' rights, and in spite of Kav LaOved's continuous denunciation of the situation, there is practically no rights' enforcement by governmental bodies on the ground. In response to a KLO survey, 95% of Thai migrant workers in Israeli agriculture reported that they have never seen an inspector on the farm where they work. Authorities almost never carry out inspections on their own initiative, only following workers' complaints, mostly through KLO. The limited number of inspections which are carried out practically never leads to sanctions of employers, despite the systemic labour rights violations on the ground. There is essentially no deterrence at all.

Israeli enforcement bodies tasked with identifying victims and investigating violations are underfunded and understaffed, particularly those which should be at the forefront of the battle against trafficking.

- Israel Police's anti-trafficking squad comprises only two positions; they do not conduct own-initiative inquiries into trafficking cases. Kav LaOved is the main organisation referring cases of labour trafficking to the police, while other CSOs refer cases of trafficking for sexual exploitation or of asylum seekers. In 2021, we referred 55 victims of trafficking to the Police, 17 of whom were officially recognised as survivors of trafficking and enrolled in a protection program run by the authorities.
- The Commissioner for Foreign Workers' Labour Rights, presented by the State as the contact address for about 250,000 non-Israeli workers, mostly migrant workers and Palestinians, has been allocated only two positions for attorneys and two student positions and has no means to implement its mandate.
- The National Anti-Trafficking Coordinator at the Ministry of Justice consists of a part-time coordinator and two assistants and also has no means to implement its mandate.

Outlook

The current situation is characterised by an increasing trend of employing vulnerable workers from abroad, with authorities hardly exercising any supervision of the conditions by which they are recruited and how they live and work in Israel.

Under pressure from businesses seeking more cheap labour, Israel's government continues to raise the quotas for Palestinians migrant workers. The agricultural sector in particular is fully dependent on migrant and Palestinian workers without whom there could be no agriculture in Israel today. Authorities have even introduced new models for bringing in migrant workers without any real supervision on the conditions in which these are recruited and employed. This is also the case of the agricultural programs for "students" from Africa, Asia and Latin America.

In 2021 Israel was downgraded in the US TIP report to Tier 2. According to the TIP 2021 report, “the government decreased overall efforts to investigate, prosecute and convict traffickers. Government policies towards foreign workers increased their vulnerability to trafficking, and the government did not consistently investigate trafficking cases referred by NGOs”. In spite of this downgrading we see no signs of authorities in Israel taking initiatives to counter a growing disregard for workers’ basic rights.

31 January 2022

For further information please contact KLO’s Agriculture Workers Coordinator, Adv. Orit Ronen at orit.r@kavlaoved.org.il.