

Hotline for Migrant Workers

"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" - *Exodus 22:20*

ACTIVITY REPORT FOR 2002

In 2002, the attitude of the authorities toward migrant workers deteriorated. Waves of sympathy elicited by the migrant workers who were victims of terrorist attacks soon subsided, and did not prevent the government from defining the deportation of migrant workers as "a national assignment." On July 22, 2002, the Government of Israel launched a massive operation to deport illegal workers, with the goal of deporting 50,000 workers by the end of 2003. A deportation authority was set up, 400 policemen were recruited, Ma'asiyahu Prison was expanded to cater to hundreds more prisoners, and other detention centers were opened in Nazareth, Zohar and Hadera. The Finance Ministry delivered an "open check" to finance this grandiose operation.

On the face of it, this unprecedentedly large operation was launched in order to make jobs available for unemployed Israelis. However, while the police were still rushing to arrest tens of thousands of migrant workers, new workers continued to arrive each month. In other words, veteran workers who are aware of their rights, and earn at least twice as much as legally employed workers, are deported, while new workers, who are unfamiliar with the language and with their rights, are invited into the country, until they, too, are deported.

The large number of deportees and their distribution among the various detention centers posed an especially difficult challenge. The Hotline had to prime itself to deal with a growing number of violations and attendant court appeals, and had to intensify its public activity against the deportation policy. As in the past, this year too the Hotline's volunteers continued to act on two planes: the personal, and the general.

THE PERSONAL PLANE: ASSISTANCE, ADVOCACY, AND HUMANITARIAN AID

The Crisis Intervention Center: In 2002, the center operated from Sunday to Thursday between 10:00-14:00, and processed 100 cases a month. The volunteers offered help and advice on issues such as: detention and deportation, problems with employers, problems with legal status, retention of passports, personal status, medical insurance, violence, and the like. Since the introduction of the deportation authority in September 2002, the number of people contacting the center has risen significantly.

Visits to detainees held prior to deportation: In 2002, about 6,5000 migrant workers were deported. Hotline volunteers made 28 visits to prisons, meeting with 2,000 detainees. They represented the detainees in hearings of the Administrative Tribunal for Deportees held in prison, and helped obtain the release of about 200 detainees. They offered advice and humanitarian aid, such as providing the detainees with phone cards, books, and clothing, and collected information that was stored in a special database. This information has been processed and serves to monitor government statistics, and in publications, press releases and appeals to court.

Assistance to victims of trafficking in women: Hotline volunteers made 16 visits to the Neveh Tirza Prison, four visits to police detention centers, and weekly visits to a special hostel for prosecution witnesses. We assisted almost 100 prosecution witnesses during legal proceedings, offered them moral and psychological support, and accompanied them to clinics in medical emergencies. We also worked together with international aid organizations to help the safe return of women to their countries of origin.

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Monitoring and combating human rights violations: The Hotline's volunteers documented, condemned, and took action against, violations of the rights of migrant workers and of victims of trafficking in women. In the course of 2002, **298** letters were sent to the various authorities as follows:

- 78 letters were sent to the Ministry of the Interior requesting the revocation of deportation orders against legal workers who had been wrongfully detained, the release of detainees on humanitarian grounds, and the application of the right to bail.
- 62 letters were sent to the Administrative Tribunal for Deportees in connection with detainees who had appeared before it.
- 34 letters were sent to the adviser to the Minister of Internal Security on issues concerning migrant workers, and to the police concerning the unlawful detention of detainees for long periods, delays in providing plane tickets, etc.
- 76 letters were sent to various police departments concerning offenses perpetrated against migrant workers.
- 27 letters were sent to the Department of Police Investigations and to the police's Public Complaints Department, in connection with police violence, disappearance of detainees' personal belongings, and failure to allow detainees to collect their personal belongings.
- 21 letters were sent to the Prison Service about detention conditions and psychological aid to victims of trafficking in women.

THE GENERAL PLANE

1. **Legal activity:**

The Hotline for Migrant Workers, together with other NGOs, submitted a number of petitions and appeals on issues of principle concerning the situation of migrant workers in Israel.

- **Petition against the "binding" policy:** On May 28, 2002, a petition was submitted to the High Court of Justice against the government's policy of "binding" workers to their employers. The petition was submitted by the Human Rights Program of Tel Aviv University's Law Faculty on behalf of the Hotline for Migrant Workers, The Association of Civil Rights, Kav La'Oved, Physicians for Human Rights, Adva Center, and the Association for Peace and Social Justice. The petition pointed out the serious harm caused by the binding policy, and demanded that workers be awarded work permits that allow them to move freely between employers in their given occupation. In the first hearing, which took place on December 1, 2002, the State was given four months to examine the implementation of new directives that would, according to the State, solve the problem and render the appeal superfluous. A further hearing was set for May 22, 2003.
- **Appeal to change the Law of Entry to Israel:** Following cooperation between the Association for Civil Rights and the Hotline for Migrant Workers which began in 1998, amendments have been introduced into the Law of Entry to Israel regulating the detention and deportation of migrant workers. However these amendments were not only inadequate, but in some paragraphs they even institutionalized discrimination against migrant workers. On July 28, 2002, the Association for Civil Rights and the Hotline submitted a petition to the High Court of Justice on three main issues: (a) The ruling that the remand of migrant workers comes up for judicial review within 14 days of arrest, rather than within 24 hours, as is the case with Israeli citizens. This discriminatory ruling hinders and even prevents the release of many workers with visas and work permits, and those entitled to bail. It means that many workers are deported before they are even tried. (b) The fact that the court of judicial review is not independent and fails to meet

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the criteria set forth in the Basic Law: The Judiciary (the judges are appointed for a three-year period only, and are recommended by the Minister of the Interior, who runs the Ministry whose decisions the court is supposed to monitor). (c) The fact that according to the law for migrant workers detention is the rule and bail is the exception, unlike Israeli detainees for whom an alternative to prison must always be considered. A preliminary debate on this appeal was held on November 6, 2002, in which the State was given four months to respond. A date for a further hearing has not yet been set.

- **Petition against the State's deportation policy:** The Hotline for Migrant Workers, together with Kav La'Oved, Adva Center and Physicians for Human Rights, petitioned against the government's decision to deport 50,000 illegal workers by the end of 2003. The petition stated that mass deportation entails serious human rights infringements, such as the unwarranted detention of migrant workers who had visas, police brutality, failure to make provisions for detainees' children, prolonged detention of workers who could not be deported (because, for example, they were sick or asylum seekers), unacceptable prison conditions, and failure to grant the workers a fair trial. The way to cut back on the number of illegal immigrants and curtail unemployment, it was argued, is to cease bringing in more workers into the country, to crack down on employers who employ illegal workers, and to insure workers' rights so that it will not be in the employers' interest to employ them. In the period that elapsed since the petition was submitted on November 6, 2002 until the case was heard on February 23, 2003, the government decided to close the door on further migrant workers, and to press charges against employers. During the hearing in the High Court of Justice, the State agreed not to arrest migrant workers as long as detention centers were full, and agreed to the appointment of another judge. Given these undertakings by the State, and changes that had taken place since the petition was submitted, the court dismissed the case.
- **Petition for provisional work permits and visas to be issued to the victims of trafficking in women whose lives are in danger in their countries of origin:** On July 23, 2002, the Hotline for Migrant Workers, through the offices of the Adam Law Firm, submitted a petition to prevent the deportation of two victims of trafficking in women, whose lives were in danger in their countries of origin after they had testified against their procurers. In the petition, the Hotline asked that they be granted provisional visas and work permits to allow them to work and save enough money to start a new life. Following the petition, an interim order was issued prohibiting their deportation. A date for a hearing has not yet been set.
- **Petition to arrange health insurance for victims of human trafficking who testify against their procurers:** On August 7, 2002, the Hotline for Migrant Workers and Physicians for Human Rights submitted a petition demanding that medical insurance be granted to prosecution witnesses. The petition, which was submitted through the Human Rights Program of Tel Aviv University's Law Faculty, argued that women, who were victims of human trafficking, although suffering from many serious medical problems as a result of the brutality they had been subjected to, had not, until recently, been entitled to medical care, even while they were under police protection waiting to testify. The petition has not yet been decided but an interim agreement determined that prosecution witnesses could receive medical care at the outpatients departments of Ichilov hospital in Tel Aviv.

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Other Petitions:

- **Unlawful retention of passports by employers:** On January 23, 2002, a petition was submitted to the High Court of Justice against the policy adopted by the Ministry of Justice and the Israeli Police of not pressing charges against employers who hold on to the passports of migrant workers. Following this petition, an employer who held the passport of a migrant worker was brought to trial for the first time. Moreover, the head of the Investigations Department at National Police Headquarters issued a directive to all police stations to investigate employers who regularly hold on to employees' passports. We are following up this directive to see if it is being applied, and have since helped 38 workers file complaints against employers who took away their passports. Most of the passports were returned to their owners and seven police investigations have been initiated so far.
- **Appeal regarding the right of illegal migrant workers to post bail for detainees:** The administrative tribunal in prison decided to release K.T., a Ghanaian citizen, on bail, in order to help his wife who had Aids, on the understanding that they would leave the country together. However, Interior Ministry clerks at Ben Gurion Airport refused to accept the bail bond on the grounds that it was signed by a migrant worker who was residing in the country illegally. The Hotline condemned this decision on the grounds that it discriminated against the community of migrant workers, effectively denying them the right to bail. The appeal also condemned the Interior Ministry's gross intervention in decisions of the tribunal, to which the Ministry is supposed to be subordinate. Following the appeal, K.T. was allowed bail, and since then, migrant workers who are residing in the country illegally have been allowed to post bail.
- **Appeals to release jailed Chinese workers:** In January 2002, the Hotline for Migrant Workers, the Association for Civil Rights, Kav La'Oved and the Haim Cohen Center for Legal Protection, appealed, via the Adam Law Firm, to the District Court on Administrative Affairs in Jerusalem, on behalf of 35 Chinese citizens, demanding the revocation of deportation orders issued against them, their release from detention, and their reinstatement in jobs with new employers. The workers, who came to Israel legally, paid thousands of dollars to come to the country, after they were promised employment in Israel for two years at a salary of \$750 per month. However, upon their arrival, some found that there was no work for them, while others were paid less than promised, or nothing at all. The Hotline subsequently submitted another appeal on behalf of another 66 workers. Following these appeals, a compromise arrangement was reached whereby all the workers who could find work legally would be released. 87 workers were released, while 14 were deported because a legal employer could not be found for them. These appeals, and the activity of Kav La'Oved and the Hotline in exposing corruption against migrant workers in general, and against Chinese workers in particular, led the State to introduce "a closed-door policy" which is supposed to help these workers find jobs with other employers, instead of bringing new workers into the country.
- **Civil suits against traffickers in women:** In the course of 2002, the Hotline for Migrant Workers, with the help of volunteer attorneys, submitted two claims for damages against convicted traffickers for the suffering they caused their victims. These claims are currently being processed in the courts.
- **Participation as amicus curiae ("friend of the court") in the Contractors' Union's petition to the High Court:** The Hotline for Migrant Workers sought to participate as "a friend of the court" in a petition submitted by the Contractors' Union for 20,000 more migrant workers to be allowed into the country. The Hotline argued that the main reason why the migrant workers left

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their employers was that the latter violated their rights, and that as long as the current conditions of slavery pertained, the Contractors' Union must not be allowed to bring in more migrant workers. The Contractors' Union decided to withdraw the petition.

- **Appeal to release a worker who was transferred without his knowledge:** D. A. came to Israel legally, with a permit provided by the Kedumim Company stamped in his passport. The company transferred him to another company without informing him that he was thereby violating the conditions of his permit. He was arrested and imprisoned. After having been kept in jail for over half a year he was released following an appeal by the Hotline.

2. Promoting legislation and policy changes:

- **Legislation on trafficking in women:** Attorney Yohanna Lerman, who worked at the Hotline on behalf of the New Israel Fund's Civil Liberties Law Program, headed a team comprising jurists from human rights organizations, academics, and the legal adviser of the Knesset Committee on Trading in Women. Together, they drew up a comprehensive bill on human trafficking, the war against procurers, and the rehabilitation and protection of victims. The proposed bill calls for psychological assistance and health care for victims, permission to stay in the country for a few months after completing their testimony, legal aid, and the like.
- **Public activity in connection with trafficking in women:** The Hotline submitted a report on the problem and the way it is tackled by the authorities, for inclusion in the annual report published by the U.S. Department of State. The Hotline's representatives were invited to testify (via conference video) before the U.S. Congress. Likewise, together with the Awareness Center, it delivered a report on the subject to the UN Commission on Human Rights.
- **Petitions to policy-setters:** We sent 60 letters to policy-setters in the government on fundamental issues such as: the deportation policy, abolition of the bonding arrangement, failure to enforce the law on passport retention by employers, illegal detention, inadequate enforcement of laws relating to human trafficking, detaining prosecution witnesses, prison conditions, etc. Despite the fact that most of the letters did not produce significant results, they were a necessary part of the public struggle via appeals to the District Court on Administrative Affairs and the High Court of Justice.

3. Shaping public opinion

This was done through:

- **Articles:** In 2002, over 90 articles were published as a result of Hotline initiatives.
- **Lectures:** In 2002, 53 lectures and tours were arranged for academics, lawyers, jurists, students, teachers, civil servants, and attorneys.
- **Public events:** On December 21, 2002, an event was held for the second year running, to mark "International Migrant's Day" in conjunction with the Tel Aviv cinemathèque, the community of migrant workers, and other human rights organizations. The purpose of the event was to promote recognition of migrant workers, heighten awareness of violations of their human rights and direct attention to their contribution to the economy and to local culture.
- **Publications:** The Hotline has published an in-depth report entitled "For You Were Strangers – Modern Slavery and Trafficking in Human Beings in Israel."

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The Hotline for Migrant Workers is a non-partisan, non profit, association, whose goal is to protect the rights of migrant workers and victims of trafficking in women Israel. Its volunteers regularly visit migrant workers and victims of trafficking who are detained in prison pending deportation, and throughout the years, have documented hundreds of cases of right violations. The Hotline is working to change government policy and to eradicate modern slavery in Israel, through advocacy and humanitarian aid, appeals, and public activity.

To contribute to our work please send cheques to: The Hotline for Migrant Workers, 33 Hachashmal Street, Tel-Aviv 65117, ISRAEL or contact Shevy Korzen at 972-55-920668.

Tax-Exempt contributions in the U.S. should be marked as donor-advised to The Hotline for Migrant Workers and sent to:

1. U.S./ Israel Women to Women, 45 West 36th Street 10th Floor, New York, NY 10018, USA.

OR

2. The New Israel Fund, PO Box 91588, Washington DC 20090-1588, USA.



African singers performing at the Tel Aviv cinemathèque in celebration of International Migrant's Day.

Photo: Sarah Willen

Written by Shevy Korzen, May 2003.