

June 2010

**Position Paper**

**Human Trafficking and Exploitation  
of Female Migrant Workers and Asylum Seekers**

**A. Preface**

According to internationally agreed-upon definitions, human trafficking includes the harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>1</sup>

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<sup>1</sup> As determined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<http://www2.ohchr.org/english/law/protocoltraffic.htm>

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Israeli law<sup>2</sup> determines that:

Holding an individual under conditions of slavery	375A	(A)  (B) (C)	An individual found to be holding another person under conditions of slavery for purposes of work or services, including sexual services, shall be sentenced to 16 years in prison.  .... "Slavery" - A situation in which authority is wielded against another person's ownership; having actual control over an individual's life or revoking his or her freedom as a means of authority.
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In Israel about 60,000 migrant workers are employed in the care-giving sector, most of them women, and about 30,000 migrant workers in the agricultural sector, a few of whom are women. As this paper will show, most victims of slavery and human trafficking prefer not to complain, and therefore the number of complaints does not reflect the number of victims of these crimes. From the number of trafficking victims who were found in inspections initiated by Kav LaOved, human rights organizations assess that the number of human trafficking and slavery victims in these sectors number in the hundreds and maybe even thousands.

The most common abuses of migrant workers in the care-giving and agricultural sectors, which show distinct characteristics of human trafficking, are the following:

1. **Nonpayment of wages or payment of exceptionally low wages** is very common and in complete disregard for Israel's labor laws, especially when it comes to payment of minimum wage and adherence to the Hours of Work and Rest Law. Payment of social benefits and payment of overtime are rare.
2. **Long and unreasonable hours of work** are common in agricultural; migrants work between 10 and 19 hours per day, sometimes even more. Caregivers are at the disposal of their employer for 24 hours a day for at least six days a week. The lack of clear definition of work and rest hours results in many caregivers who work hours on end without a break, until they are totally exhausted.
3. **Continuous work for extended periods of time without days off** is standard in agriculture. Migrants work seven days a week and, in most cases, have one day off a month. In some cases, they only have four days off a year. In care giving, migrants are required to work at least six days a week, sometimes even seven, without any days off all year. These working conditions can lead to severe physical and mental damage.

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<sup>2</sup> The Law Against Human Trafficking (legislative addendum), 2006, Article 8.

4. **Inability to change or select an employer** – while the Binding Arrangement (which denied migrant workers mobility between employers) has been prohibited by the High Court of Justice, most workers are still not allowed to change their employer. The employer is dependent on placement or recruitment agencies in finding an alternate employer and they are reluctant to find new employers for people already in Israel. Instead, they prefer recruiting new people from abroad who pay exorbitant brokerage fees.
5. **Withholding of passports and restrictions on movement.** A common complaint from agricultural workers is confiscation of passports by employers. This forces the worker to stay with the same employer. Also, many people are employed in remote locations not accessible to public transportation. This forces them to stay near the employer, sometimes for the entire duration of their employment in Israel. In care giving, long hours of work and the need to monitor the condition of the employer prevent workers from leaving their employer's residence.

The Ministry of Interior's inter-visa regulation also prevents migrant workers from leaving Israel to vacation or visit their families during their period of employment as it conditions their departure on the employer's consent. This regulation can result in extortion by employers.

6. **Violence and sexual assault** – A common phenomenon in the care-giving sector, whether it is violence at the hands of patients suffering from Alzheimer or dementia, violence from relatives and friends, and sexual harassment and assault from male patients and family members.
7. **Lack of work security and limited medical care.** In agricultural, workers' safety and medical well-being are often compromised due to the use of pesticides and heavy machinery. Many employers ignore these dangers and medical problems go untreated. Worker's ability to access medical care is limited due to language differences, geography and dependence on the employer for receiving referrals to medical treatment. The fear of being fired due to illness also prevents workers from complaining about their situation and requesting adequate medical care. In care giving, the intense nature of nursing often leads to physical and mental breakdowns. In many cases, they need to lift heavy patients, a burden which can lead to severe back pain and sometimes even spinal disc problems preventing the person from continuing to work.
8. **Provision of inadequate housing.** This occurs mostly in agriculture. Workers can be found living in makeshift shelters, exposed to the elements, suffering from overcrowding and lacking a heat source and a shower. In care giving, we've received complaints about migrants forced to sleep in the same room as the patient, sometimes even sleeping in his bed or on the floor, and prohibitions on using the shower, kitchen, etc.

## **B. Migrant Workers in Care Giving**

Most of the workers in this sector are women who are increasingly vulnerable to abuse at the hand of their employers due to the nature of their work. Migrants are completely dependent on their employer and can be isolated from the outside world due to being confined to the home of the patient.

Caregivers, including workers who have stayed in Israel for over 51 months and can't change their employer if they wish to keep their work visa, are afraid of being summarily fired if they complain against their employer. In some cases, the dismissal is accompanied by an employer's refusal to pay his debts to the worker and/or exploitation of their lack of legal status to delay payment until their deportation from Israel.

### **B. 1. Sexual Harassment and Assault**

The cultural and religious backgrounds from which caregivers come stigmatize victims of sexual harassment and assault. They may not talk about their experience with others as this could lead to rejection by the community and even threats to her life. This happened, for example, in the case of a Nepalese caregiver who was raped, and told her friends about it. The caregiver's friends told her husband in Nepal and he threatened to kill her if she returns home.

The nature of the care giving work, which requires intimate contact with the patients and their families, can include sexual offenses of varying degrees, without anyone noticing. Even the caregivers with the mental resilience needed to file a complaint with the police are worried that if they complain, they will be fired and deported. While, technically, the binding arrangement is no longer in place, a situation of de facto binding exists preventing legitimate complaints to employers.

The nature of this type of employment also makes it easy for employers and their families to imprison the worker in the house. In this way, the migrant is forced to clean, cook, care for children and more. In extreme cases, sexual services are also a part of the package.

In the case of I. from Moldova, the father of the patient claimed that she came to serve as a "partner" to his disabled son. The worker wasn't employed as a caregiver and was expected to provide sexual services to the patient "in order to prepare him for married life." The patient's parents even asked to see contraceptives as evidence that this was taking place. Aside from the sexual servitude, the worker was abused and exploited by the parents of the patient. When she shared her experience with another person, the employers imprisoned her in the residence and threatened to deport her from Israel.

An additional problem is the lack of enforcement and the difficulty in tracking such offenses. Since the worker resides at the home of her employer, the offense can only be uncovered if the migrant or her friends choose to file a complaint. We witness again and again the powerlessness of social workers who visit the homes of the patients – in cases such visits actually take place. Sometimes social workers don't even talk to workers in private; in other cases migrants don't confide in social worker for the reasons mentioned previously.

Workers who summon up the courage to file a complaint to the police often encounter an apathetic response and sometimes even total disregard. Many cases were closed due to insufficient evidence or lack of public interest. This happened with complaints filed by NGO Kav LaOved to the Supervisor of Administrative Enforcement in the Ministry of Industry, Trade and Labor. They asked to revoke employer's permits or limit them to employing male workers. The complaints were not answered at all or closed for "lack of evidence." During the second half of 2009, Kav LaOved filed four complaints of sexual offenses against caregivers with the Department of Administrative Enforcement in the Ministry of Industry, Trade and Labor. The permit of one of the employers was limited to employing male workers, and the three other complaints were closed. In the first four months of 2010, five additional complaints were filed. To date, no update has taken place regarding the status of the complaints.

## B. 2. Wage-Related Offences and Illegal Working Conditions

Nonpayment of wages, late payment or payment of a salary less than minimum wage are common phenomena. Caregivers are charged high recruitment fees prior to arriving in Israel leaving them in a situation of debt bondage. Thus, they may choose to retain her job at any price, enabling exploitation and profiteering. This could include prolonged

nonpayment of wages, payment without giving the worker pay slips, indirect payment, illegal deductions from wages, insufficient wages, long hours of work (sometimes even without a night's rest), and not giving the worker a weekly rest day and the legally mandated yearly vacation.

Most employers force caregivers to provide services such as housework and cleaning for the employer and his family, in complete violation of the employment permit. The offices of Kav LaOved also receive complaints such as migrants forced to work outside the home of her employer in the families' private businesses and in the homes of family members and friends. In addition, workers complained that they were forced to work as babysitters for children, were asked to cook for the extended family and even care for house pets around the clock. On top of employment in hard physical labor for hours without rest, the dehumanization of the caregiver leads to denial of living conditions appropriate for humans and harsh limitations on personal freedom. This includes sleeping on the living-room or bathroom floor, sharing a bed with the patient, prohibition of watching television, prohibition to use the shower, severe limitations of food, denial of hot drinks and even a total prohibition on leaving the home of the employer during all hours of the day.

Placing the caregiver in the home of her employer by the private placement agency without a prior compatibility check can lead to physically dangerous working conditions. For example, a frail caregiver may be expected to care for a violent Alzheimer or dementia patient or a caregiver weighing 50 kilos could be asked to carry a wheelchair-bound patient who weighs over 100 kilos.

Another phenomenon is violence of employers and their family members toward workers, whether it's coming from a violent patient due to his illness, or a family member of the patient who treats the worker as an object and uses violence to make her obedient. Complaints received at Kav LaOved included, among others, an employer who used to spit at his worker when she didn't abide by him, a son-in-law of an employer who used to curse the caregiver and threaten her life, an employer who stabbed a caregiver with a pen several times and threw shoes at her, a son of an employer who tried to choke a caregiver with a towel and swung a hammer over her head, and a son of a patient who forcefully hit a worker on the neck when she asked to go to sleep.

### **C. Migrant Workers in Agriculture**

Migrant workers in the agricultural sector, most of whom are citizens of Thailand, are also vulnerable to abuse. Reasons include their isolation on a farm which is far from aid organizations and the Thai embassy, total dependence on the employer who holds the laborer's work permit and fear of immediate dismissal without payment of wages and deportation if a complaint is filed against the employer.

Except for a few workers, most Thai migrant workers suffer from their lack of knowledge of Hebrew and/or English and are unfamiliar with protective labor laws and their rights. In addition, agricultural workers work under conditions of debt bondage due to the payment of illegally charged brokerage fees, which are worth a hundred to two hundred salaries in their country of origin.<sup>3</sup> Fees are paid to Thai brokers who transfer most of the money to Israeli brokerage companies.<sup>4</sup> The rest of the money, in many cases, goes to the employer in Israel.<sup>5</sup>

The first two years (on average) are mostly dedicated to the repayment of such fees. Therefore, migrants tend to avoid complaining, irrespective of the abuse. This extreme vulnerability enables employers more easily to enslave their workers and deny them protection against severe and prolonged exploitation.

Kav LaOved has collected numerous testimonies about violations of worker rights including trafficking and servitude.

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<sup>3</sup> Hila Tena Gilad, Human Rights Supervisor in the Ministry of Agriculture, protocol no. 12, Special Knesset Committee for the Migrant Workers Problem, December 28, 2009. For brokerage fees in the care-giving sector see Kav LaOved report from 2009 on the exploitation of migrant workers in Israel [http://www.kavlaoved.org.il/media-view\\_eng.asp?id=2643](http://www.kavlaoved.org.il/media-view_eng.asp?id=2643).

<sup>4</sup> Meir Shpigler, Director of the Ministry of Interior's Permits Unit, protocol no. 12, Knesset Committee for Examination of Migrant Worker Problems, December 28, 2009.

<sup>5</sup> According to State Comptroller report 2010, published on May 11, 2010, as cited in Kav LaOved's website, Israeli recruitment companies bribe farmers by paying them \$2000 on average for every worker than is invited to Israel through them. [http://www.kavlaoved.org.il/media-view\\_eng.asp?id=2825](http://www.kavlaoved.org.il/media-view_eng.asp?id=2825)

### C. 1. Violation of Migrant Workers' Rights

Kav LaOved reported that in 2009 over 90% of migrant agricultural workers who approached the NGO reported employment hours exceeding that which is allowed by law.

In seven out of ten field visits to agricultural sites conducted by Kav LaOved, workers were paid less than the minimum wage. In nine out of ten sites, the workers were not properly compensated for overtime.

Indeed, 51% of Thai migrant workers employed in agriculture interviewed by Kav LaOved in 2007<sup>6</sup> reported having no weekly rest day. In the vast majority of cases, workers are given only four days a year off, during Thailand's national holidays.

According to research conducted by Kav LaOved in 2007, a little over a quarter (26%) of migrant workers interviewed reported passport confiscation by their employer. Of the 147 workers interviewed, 114 workers – 77% – reported late payments of their wages. In addition, 24% reported substandard housing; usually they complained about run-down and temporary facilities, overcrowding and lack of hot water.

### C. 2. Lack of enforcement

An official report from the Knesset's information and research center states that "Over the years 2008-2009 seven employment permits were revoked in the agriculture. This only took place following complaints by Kav LaOved. In other words, over the course of two years, **not a single permit was revoked due to actions initiated by the Permits Unit.** Moreover, the same report stated that "**over 10% of farmers with permits to employ migrant workers in 2010 haven't paid fines which were assessed** (and can no longer be appealed) for offenses against migrant workers."<sup>7</sup>

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<sup>6</sup> The research is based on interviews conducted with 147 migrant workers from Thailand who came to Israel in the years 2005-2007. For the full research, see [http://www.kavlaoved.org.il/UserFiles/news1169\\_file.doc](http://www.kavlaoved.org.il/UserFiles/news1169_file.doc)

<sup>7</sup> From Dr. Natan, Gilad. *Issues Related to Employment of Migrant Workers in Agriculture*, February 2, 2010, Center of Information and Research of the Knesset, pp. 7-8.

It is clear that this penalty does not take place often enough. It should be emphasized that the power of this sanction is limited since the Foreign Workers Law in its current version allows the Ministry to revoke a permit from an employer for only one year. A grave example of this is the Ministry of Industry, Trade and Labor's refraining from revoking the permits of *Mezham VePituach Katif* (ltd.) company, which was indicted in the Kfar Maymon affair.<sup>8</sup>

In December 2009 Kav LaOved learned that no administrative procedure was taken to revoke the employment permits of the company following the filing of the indictment, and that the company continues to employ migrant workers, including on the farm next to Kfar Maymon from which the workers were rescued by the police in 2009. Indeed, officials from the Permits Unit continue to provide permits to migrant workers to employ them with the company. Appeals made by Kav LaOved in December 2009 remain unanswered.

Kav LaOved's data for the current year also paint a bleak picture in relation to actions taken by law enforcement agencies. During the first quarter of 2010, activists filed six complaints with the police about dozens of migrant workers who have been subjected to human trafficking offences, among them:

1. A complaint from February 7, 2010, on behalf of 20 workers. In this case, the employer confiscated the passports of all the workers; work hours are excessive (over 400 hours per month); the workers earn less than the minimum wage established by law; the employer deducts 250 shekels from the workers' salaries without any explanation or reason and workers reported damage to their hands due to work with pesticides. The complaint is currently under investigation.
2. A complaint from February 9, 2010 on behalf of ten workers. In this case, the employer withholds the passports of all workers; the workers are employed all days of the week (including Friday and Saturday) and receive one day off a month; the employer forced his workers to sign false attendance reports and a false statement that they'd undergone safety training; the workers earn less than the minimum wage set by law and the employer doesn't issue them pay slips. This complaint is also currently under investigation.

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<sup>8</sup> In August of 2009 a grave indictment was filed against the *Mezham VePituach Katif* (ltd.) company in the Magistrate Court in Beer-Sheva which accused the company and two of its directors of committing threats, exploitation, negligent damage and fraudulent obtaining of benefits from 17 migrant workers from Thailand and Nepal who were employed in a farm owned by the company near Kfar Maymon.

During March and April of this year, Kav LaOved filed three more serious complaints against employers in three agricultural communities (Moshavim) across the country.<sup>9</sup>

### C. 3. Indications of human trafficking offences in the agricultural sector:

The combination of the vulnerability of the agricultural workers and lack of enforcement of labor and protective laws leads to the following common practices, which, taken together, can equal involuntary servitude according to Israeli anti-trafficking legislation:

1. Enslaving persons to work against their will.
2. Withholding workers' passports.
3. Lack of effective ability to change employers.
4. Forced or fraudulent return of workers to Thailand (sometimes simply in order to receive the brokerage fee from a new worker who will arrive to replace them).
5. Exploitation of the worker's dependency on the employer to conduct sexual harassment or persistent violence against them.
6. Employers make payment of wages and benefits conditional on the worker's agreement to stay and work despite the expiration of his or her visa.
7. Employment in unsafe conditions: employers refuse workers' requests to avoid dangerous activities such as spraying of pesticides.
8. Preventing access to medical care and immediately firing and sometime and/or forcibly returning people to Thailand who have fallen ill.
9. Immediate dismissal and kicking someone off of the property which leaves workers without a roof over their heads.
10. Prolonged nonpayment of wages.
11. False reporting of work hours.
12. Providing false pay slips or not giving pay slips to workers.
13. Payment of wages indirectly to the workers through brokers.
14. Illegal deductions from wages.
15. Employing workers for extended periods of time without proper breaks for rest and lunch and not providing them with a weekly rest day and annual leave.
16. Providing accommodation not fit for human habitation.

### D. The main recommendations for curbing human trafficking and servitude in the agricultural and care-giving sector:

Human-trafficking is an unnoticed offense,<sup>10</sup> which is characterized by a unique difficulty of tracking and identifying it. To deal with this difficulty, there is a need to:

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<sup>9</sup> From the Agricultural Workers Project report by Tom Mehager, Kav LaOved, April 2010, Tom Mehager [http://www.kavlaoved.org.il/media-view\\_eng.asp?id=2834](http://www.kavlaoved.org.il/media-view_eng.asp?id=2834).

<sup>10</sup> Rachel Gershoni (esq.), Supervisor of Legislation in Public Law, Ministry of Justice, protocol no. 7, Knesset Committee for Examination of Migrant Worker Problems, July 6, 2009. On the problems of tracking and identifying offenses see also Adi Vilinger (esq.), Hotline for Migrant Workers, in the same protocol.

1. Abolish the binding of migrant workers to their employers as instructed by the High Court of Justice in order to prevent situation that enable human trafficking offenses.
2. Recognizing the victims of the offense even in cases when for various reasons it's impossible to persecute their offenders, and in cases where victims are afraid to testify against those who have harmed them.
3. Wide preventative measures including informing workers about their rights, bilateral agreements with countries of origin, and pre-placement interviews.
4. Deterrent measures against employers such as increased enforcement, bringing a translator to enforcement missions, and revoking and/or limiting employment permits for employers who have committed offenses.
5. Establishing by law an obligation to report sexual and violent offenses, as is the case in offenses of human trafficking and abuse of helpless persons.
6. Legal recognition of migrant workers in Israel as helpless due to these circumstances, and upholding the obligation to report every case of abuse, sexual harassment, or assault, since today most of the offenses aren't even investigated due to the fear of the workers to file an official complaint against their employer.
7. Intensive effort by Israeli law enforcement agencies to abolish the practice of charging high brokerage fees from workers, as these charges enable human trafficking.
8. Prolonging the period given to workers once they are done with their employment in Israel before they have to leave the country to 90 days, so they are able to obtain their rights. Today this period is limited to only 30 days, which often isn't enough to even receive the last paycheck, let alone severance pay (if deserved) and other social benefits.
9. Changing the inter-visa regulation to allow workers to exit Israel on their annual leave and return to it without the consent of the employer. The need for the employer's consent gives rise to further exploitation of workers and even conditioning the consent on waving some of the worker's rights.
10. Abolishing the exclusion of migrant caregivers from the authority of the Supervisor of Migrant Workers Rights, which prohibits inquiries into caregivers' complaints and the ability to file civil suits, if needed.

It should be emphasized that since the majority of migrant caregivers are women, the exclusion of caregivers from the authority of the Supervisor makes it an institution that practically protects men only. In addition, this exclusion sends a message to employers that the workers in this sector have been abandoned by the government.

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## **Sexual Exploitation of Asylum Seekers Along the Egyptian Border**

**Some 4,000 female asylum seekers, who have crossed the Egyptian border with the help of smugglers, currently reside in Israel.<sup>11</sup> We estimate that many of them were raped while in the Sinai Desert, en route to Israel. According to testimonies that we collected, at least several dozen of the women who were raped may qualify as being victims held under conditions of slavery for sexual services. These women were held in the desert for extended periods of time and were raped mercilessly on a daily basis, several times a day, by different people.**

**We do not claim that the victims of every case of asylum seekers being raped or sexual exploited were held under conditions of slavery; therefore each case should be examined, according to its unique circumstances. To do so, the definition of “slavery” should be clarified, as determined in Article C of the law cited in the preface of this document, which states that it is an instance in which a human being is regarded as property, taking place when one person has substantive control over the life of the victim, or when that person deprives the victim of his or her liberty. A differentiation must be made between cases of rape and sexual assault and extreme cases in which severe offenses of depriving one's freedom occur.**

### Background

During the previous decade, thousands of women from the former Soviet Union were smuggled into Israel through the Egyptian border to work in the sex industry in Israel. Since 2005, in tandem with a sharp decrease in the number of female victims of human trafficking from the FSU, African asylum seekers began arriving in Israel, also via the Egyptian border. Over the past two years, the number of African women trying to cross the border in order to seek asylum in Israel has increased. A large majority of these women are Eritrean citizens. According to a report compiled by Israel's Justice Ministry, there is widespread violation of human and political rights in Eritrea, which includes the

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<sup>11</sup> According to estimates by UNHCR in Israel, as provided in a telephone conversation on May 31, 2010, some 15% of asylum seekers who enter Israel are female. According to the Immigration Authority, there were some 25,000 asylum seekers in Israel in May 2010, from which they ascertain that there are 3,750 female asylum seekers.

incarceration of prisoners of conscience without trial, religious persecution, the “disappearance” of civilians, etc.<sup>12</sup>

According to a report compiled by the U.S. State Department's Bureau of Democracy, Human Rights and Labor, hundreds of asylum seekers deported back to Eritrea were “disappeared” by the authorities. According to the United Nations High Commissioner for Refugees, a large majority of Eritrean asylum seekers are in fact “refugees,” as defined in the Convention relating to the Status of Refugees, and even those who have not been recognized individually as such, should not be returned to Eritrea at present due to the danger they could face there.<sup>13</sup>

Many additional asylum seekers come from Darfur, a region in western Sudan, where fighting has raged since **2003**, and which the UN declared the worst humanitarian crisis in the world at present. Other female asylum seekers come from south Sudan, a region that has been oppressed for decades by the Islamic government in Khartoum. In **2005** the Sudanese government signed a peace agreement with the Christian south, but reports indicate that residents of south Sudan are still exposed to a great deal of violence and lack personal safety and security.<sup>14</sup>

#### Victims of Rape and Incarceration in Slavery Conditions

In 2009, volunteers from Hotline for Migrant Workers met six women at Saharonim Prison, where female asylum seekers are held, who admitted that they had been the victims of merciless rapes, sometimes for prolonged periods of time, during their attempts to reach Israel. Based on conversations that the volunteers conducted with hundreds of African women who reached Israel seeking asylum, it appears that these women have a hard time discussing with strangers the rapes that they experienced, because their societies perceive rape as the victim's fault, an occurrence that the victim must hide and forget, and if it is not, the woman will be banished from the community.

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<sup>12</sup> Internal Justice Ministry report, Consultation and Legislation Division, Human Trafficking. October 7, 2009.

<sup>13</sup> UNHCR Guidelines for Assessing the International Protection Needs of Asylum Seekers from Eritrea, April 2009,

<http://www.unhcr.org/refworld/publisher,UNHCR,COUNTRYPOS,,49de06122,0.html>.

<sup>14</sup> HRW Report "There is no protection", February 12, 2009

<http://www.hrw.org/en/node/80691/section/1>

During the first five months of 2010, Hotline volunteers met six women who admitted that they had been raped by Bedouin smugglers in Sinai, as well as five women who said that the smugglers tried to rape them, but that men in the group had succeeded in protecting them from the rape. Based on conversations with hundreds of asylum seekers, who shared their stories about their time in the desert, it seems that almost every woman who tries to cross the border and is not accompanied by a family member to protect her is raped by the smugglers. Oftentimes family members are unable to protect the women, and they are raped despite the fact that they are accompanied by men trying to protect them.

On a visit to Saharonim Prison on March 10, 2010, prison wardens brought seven female asylum seekers, selected at random, to meet with Hotline volunteers. One of the women had been held by smugglers in the desert for three weeks and was raped numerous times during this period; two women noted that the smugglers had hurt them on the way, but did not detail the manner in which they had been hurt. One of them asked to see a doctor, saying that she was experiencing pains in her vagina and feared she was pregnant, as she had not menstruated during the three months that she had been held at Saharonim; two additional women noted that the smugglers tried to rape them, but that the men in their group prevented them from doing so and protected them; we could not communicate with one of the women, and only one of the seven women we spoke to had no complaints regarding the smugglers' behavior towards her.

In addition to the smugglers, there are suspicions that Egyptian soldiers rape asylum seekers. A number of Israel Defense Forces soldiers reported to human rights organizations that they saw the way Egyptian soldiers treated asylum seekers who had been returned to Egypt, and observed the soldiers beating the asylum seekers who had been returned. Two Israeli soldiers noted separately that they believed that the Egyptian soldiers intended to rape the women who had been returned. One Israeli soldier reported that when they informed the Egyptian soldiers of the coordinated return of asylum seekers last month, the Egyptian soldier asked, "Are there girls?"<sup>15</sup>

Alongside the testimonies collected and described are harsh indictments, submitted to the Jerusalem Magistrates Court on January 21, 2010, regarding extortion, holding people in slavery conditions and human trafficking. These indictments were filed against Nagassi Habatti, an Eritrean citizen, and Fitawi Mahari, an Ethiopian, both of whom reside in Israel. According to the charge sheet, the two were part of an Egyptian-Eritrean gang that transferred asylum seekers to Israel, through Egypt, taking them hostage and blackmailing

their relatives in order to set them free. According to the indictment, the asylum seekers were forcibly held hostage by the gang, were severely tortured and abused, were held in very harsh physical conditions and had to contact relatives in Israel or their home countries by phone in order to collect ransom money to ensure their release to Israel.<sup>16</sup>

**This is the only case to date in which Israeli residents have been accused of involvement in crimes committed against asylum seekers trying to reach Israel, but it may be assumed that there are additional Israeli collaborators involved with the criminals in Egypt.**

This document includes an addendum with the testimonies of eleven women, shared recently with volunteers from Hotline for Migrant Workers, Tel Aviv University's Refugee Rights Program students or an Administrative Deportees Tribunal judge at Saharonim Prison. **Of the eleven women, three reported being raped mercilessly, and eight women reported that they had been forcibly held and raped repeatedly by a number of smugglers.** The testimonies, taken from different women who arrived in Israel at different times and with different groups, paint a picture of a harsh reality of merciless, ongoing and wide-spread cruelty by the smugglers toward female asylum seekers.

**As mentioned previously, we may assume that additional incidents in which Israelis collaborate with criminals in Egypt occur, as do incidents in which the criminals are not Israeli and can not be brought to justice. Despite the fact that the crime was not committed on Israeli soil, the authorities must recognize the victims of these gross offenses as victims of slavery, subjugation and exploitation and grant them the rights to which such victims are entitled.**

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<sup>15</sup> Telephone conversation with IDF soldier serving on the Egyptian border, conducted April 15, 2010. Name withheld.

<sup>16</sup> Hananel, Ayala. "Trafficking Refugees: They Are Blackmailed With Torture." *Walla*, January 21, 2010.

## **Addendum of Testimonies of Victims of Rape and Subjugation in the Sinai Desert**

### **1. Testimony Provided by H.A.S., an Eritrean National**

“I fled Eritrea on December 14, 2009, heading to Sudan. My mother sold all of her gold jewelry in order to finance my transfer to Sudan. I left my young daughter with my mother and hoped that later I would be able to bring them to me in Sudan. In Hamdait I met an Eritrean broker and asked him to help me reach Khartoum. Instead of Khartoum, he took me to Kassala. Later I understood from others that he had sold me to Bedouins. I slept one night with other people in a house in Kassala, and then we were transferred to the desert. I didn't know where we were being taken. We were in two trucks, and there was room for 19 people in each one. We were four women and the rest were men. When we reached a hut in the desert, the Bedouins asked all of us for money. They asked me for money as well, but I had none. That was why I hadn't even thought of trying to get to Israel, because I know that you need a lot of money for this.

**I was held in Sinai for three months. On the first day, Duyet, an Eritrean who works with the Bedouins and translates for them, arrived and tried to rape me. There were other Eritrean men with me and they wouldn't let him rape me. The Bedouins had weapons and they beat the Eritrean men who protected me, but they didn't rape me. The next day the other Eritrean men were transferred to the border, but I was left there. Then I could no longer object. I cried terribly and told them I had left my young daughter at home in Eritrea. They didn't listen to me. Duyet raped me, and so did five Bedouins whose names I don't know.** The only person whose name I know is Ibrahim, who is the Bedouin responsible for collecting money. During the three weeks that I was there, we lived in a twig hut and all of us slept in the same hut, on blankets on the sand. In the mornings and evenings we were given water in jerrycans. The water from the jerrycans tasted like gasoline, and there was never enough to drink. Every morning and every evening they gave each of us a slice of bread. There was no additional food there.

Men who had no money, or those who had paid but were being asked to pay additional sums of money that they did not have, arrived at the hut. Those who did not have money

to pay were handcuffed, their hands would be cut with razors and salt would be poured on them, to inflict pain. Then they would be forced to call their relatives and ask them to send money.

During the time that I was there, there were three additional women from Eritrea with me, but to the best of my knowledge they paid and therefore they were not hurt. They were also quickly transferred, but I stayed there. **During the entire period that I was there, five or six men raped me multiple times, I'm not sure how many times. They also beat me many times. I felt like I was going to die and then Ibrahim, who was responsible for the money, gave me a pill to swallow and told them to let me go, even though I didn't have money to pay them.** Then they smuggled me over the border.

On January 23, 2010 I crossed the border and soldiers picked me up and took me to Saharonim Prison, where I am now. Throughout this period I could not contact my mother to ask how my daughter is doing.

In prison I heard about a pregnant Eritrean woman who was in a group that arrived after me, and because she didn't walk fast enough the Bedouins left her in the middle of the desert. I also heard about a group of 14 additional refugees who the Bedouins hurt and threatened to kill if their families didn't send more money. Those among them who were unable to obtain more money were killed by the Bedouins and their organs were sold.”

*The testimony was collected by volunteers from Hotline for Migrant Workers on March 10, 2010 at Saharonim Prison. At a deliberation held on March 10, 2010, the Administrative Deportees Tribunal determined that H.A.S. is apparently a victim of human trafficking and recommended that she be transferred to a shelter for female victims of human trafficking and that she be given proper treatment. At present, H.A.S. resides in a shelter.*

## **2. Testimony by N.G.T., an Eritrean National**

“In response to the Court's question as to where I contracted HIV, I say that I don't know exactly, but I want to note that on the way from Sudan to Sinai, in Egypt, I was raped by a Bedouin named Salah. At around 9 P.M. he took me from a group of people to the desert, to an open area, and held me there for three days. He raped me during those three days and did not use any form of protection. I resisted and cried, but he didn't listen to me. He hit me with a belt and tied my hands behind me. This Bedouin only raped me vaginally. During these three days, the Bedouin would leave me alone during the day and would return in the evening and rape me twice or three times during the night. I couldn't escape,

because the area was remote and I didn't know where I could go. The Bedouin raped me specifically because I was the only woman in the group. After three days the Bedouin returned me to the group. I didn't tell anyone that I had been raped. Only after I found out that I had contracted AIDS, after taking a test, did I tell the social worker at the prison about the rape. I think that Bedouin infected me, because apparently he did this intentionally, because I saw that he also used a syringe to shoot up men who were in my group.”

*From the Administrative Deportees Tribunal at the Saharonim Prison, May 24, 2010. On May 24, 2010, a tribunal judge requested to know by June 7, 2010 how Israel Prison Services authorities are handling N.G.T.'s case, and whether a shelter is willing to admit her. Letters sent by Hotline for Migrant Workers to the Israel Prison Service and the court regarding N.G.T. have yet to be answered.*

### **3. Testimony by F.H.M., an Eritrean National**

“I am 28-years-old. I was born in Eritrean to an Eritrean father. I don't know what nationality my mother was, as she died when I was a little girl. When I was 18-months-old, we moved to Addis Ababa, in Ethiopia, where I lived most of my life. I married an Ethiopian, but life in Ethiopia was too hard, and in May 2009 we left Ethiopia together and went to Sudan, in hopes of a better life. We weren't lucky in Sudan either, and after a few months we moved to Egypt and tried to find our way to Israel. The Bedouin smugglers who promised to transfer us to Israel abused us terribly. My partner was tortured. They slowly burned parts of his body before my eyes, until he died of his wounds. His body was left somewhere on the way. I was raped and severely beaten by the smugglers.”

*F.H.M.'s testimony was collected by volunteers from Hotline for Migrant Workers, as well as to the Administrative Deportees Tribunal at Saharonim Prison on July 22, 2009. She refrained from repeating the details of the torture that she endured, but the court noted the extreme emotional state that she was in. The judge referred her to the social worker due to her emotional state and suggested that her protection request be processed and that she be considered as a victim of human trafficking. At present F.H.M. resides in a shelter run and funded by a private non-profit organization.*

### **4. Testimony by V.G.N., an Eritrean National**

“I was born in Eritrea 24 years ago. In May 2009 I left Eritrea for Sudan, and from there to Egypt. A relative from Australia sent me \$2,700 to pay Bedouin smugglers to help me reach Israel. There were 38 men in the group that tried to cross the border with me. At night, a Bedouin man entered the area we slept in and forcibly tried to take me from there. The Eritrean men tried to protect me from him, but he beat them and fired shots in the air. He put me in a car with two other Bedouin smugglers. They drove to an open area in the desert, and while driving they began to rip my clothes off. After some time they stopped the car, forcibly took me out of it and dragged me to a hut. They threatened me with a knife, took off my clothes and the three of them raped me a number of times during the night. The next morning one of the men who had raped me - the one who had taken me from my previous place of lodging - entered the hut and brought me clothes to wear in place of those I had been wearing, which had been torn. He took me back to the group in the car. I didn't tell anyone what had happened, but they could see that I couldn't walk, that I was limping, and I am also convinced that they also noticed that I was wearing different clothes and understood what had happened to me at night.”

*The Administrative Deportees Tribunal at Saharonim Prison decided on February 10, 2010 to release V.G.N. to a shelter for victims of sexual assault. On March 2, 2010, one month after she was arrested, V.G.N. was released from prison.*

### **5. Testimonies by A.T.T. and A.T.T. - Ethiopian Nationals**

“I am 26 and my sister is 21. Our parents were born in Ethiopia and grew up there, but we were born in Eritrea and moved to Sudan when we were little girls. When the situation in Sudan worsened, we moved to Egypt and from there we decided to try to reach Israel. The journey took a month, during which we slept in open spaces and did not have enough food and water. One day I felt ill and asked my sister to request water for me. My sister left the area and encountered two Bedouin men. They called out to her and began touching her against her will. I heard her yelling and hurried to help her. The men punched us and hit us with sticks and began undressing us. Luckily an older person arrived and told them to stop, and they did indeed stop what they were doing. The next day the two men entered the area we were sleeping in and claimed that because we had refused to have sex with them, we wouldn't get any drinking water. They beat my sister and told her that they would give her a glass of water, but only if she agreed to have sex with them. My sister began to cry and begged for a glass of water, at least for me, as I was feeling really sick. Finally one of the men gave us a glass of water that had been diluted with gasoline, as it had been poured from a jerrycan used to store gasoline. Having no choice, we drank the

water and were very nauseous. That same night, five refugees from our group died in their sleep. Four days later, five cars reached the site, and more Bedouins got out of them. The attackers ordered them not to give us food or water. The Bedouins who had just arrived also beat us and demanded that we have sex with them in exchange for water.

One day a weak Ethiopian refugee begged my sister to try to bring him water. My sister tried to steal water from the drinking fountain at the site, but was caught by the smugglers. To punish her, one of the smugglers took pushed her out of the car while driving, and only after the rest of the passengers begged him did he return to pick her up. Another time, we were beaten by the smugglers and the Ethiopian refugee who we failed to bring water for died.”

*Volunteers from Hotline for Migrant Workers met the sisters at Saharonim Prison soon after their arrest and saw the many injuries on their bodies. The sisters were confused and emotional, and though they did not say so explicitly, the volunteers suspect that in addition to being beaten by the smugglers, they were also raped.*

*At a hearing on July 7, 2009, the Administrative Deportees Tribunal decided to hold the women in detention, but transferred its decision to the inter-ministerial coordinator on human trafficking. On July 13, 2009, Hotline for Migrant Workers volunteers requested that the sisters be transferred to Givon Prison and that they be appointed an attorney from the Justice Ministry's legal aid department, in light of suspicions that they were had been held against their will for the purpose of prostitution. On August 26, 2009, volunteers requested their release by the court. In September 2009, the sisters were released from prison.*

## **6. Testimony by T.B.M., Eritrean National**

“I paid the smugglers \$2,500 so that they would smuggle me to Israel through Sinai... I was in Sinai for two weeks. Two men, one Bedouin and one Eritrean, raped me, one after the other. It happened twice. (Court comment: The detainee did not stop crying.) They also beat me. I don't know why they raped and beat me. They raped me mercilessly, and afterwards my legs hurt and my stomach hurt. The Eritrean who raped me is called Yunes, and I don't know the name of the Bedouin who raped me. As a result of the rape I was impregnated. I want to have an abortion and am asking you to help me.”

*T.B.M.'s testimony was given to the Administrative Deportees Tribunal at Saharonim Prison on March 22, 2010. T.B.M entered Israel on March 12, 2010. The court determined that she would be released to a shelter for battered women by March 28,*

2010. A check conducted by Hotline for Migrant Workers indicated that the woman was released in early April 2010.

### **7. Testimony by A.T.Z., an Eritrean National**

“I entered Israel through the Egyptian border on March 14, 2010. I am 20... I left Eritrea for Sudan in January 2009. I paid smugglers \$2,500 so that they would smuggle me to Israel through Sinai. My uncle from England transferred the money.... When we left Sudan for Sinai, there were 24 boys and I was the only girl. When we got into the cars, I was told to sit in front next to the driver. I didn't want to, but the Bedouins forcibly put me next to the driver. The Eritrean men were taken in other cars, and I remained with the two Bedouins. It was night and the Bedouins beat me, because I didn't want them to touch me. But the Bedouin forcibly grabbed me and raped me. I objected, but it didn't do any good. I don't know the name of the Bedouin who raped me. After that Bedouin raped me, I was taken back to the boys from Eritrea. I am pregnant as a result of the rape and I want to have an abortion as soon as possible.

*A.T.Z.'s testimony was given to the Administrative Deportees Tribunal at Saharonim Prison on March 22, 2010. A.T.Z. entered Israel on March 14, 2010. The court ruled that she be released to a shelter for battered women by March 28, 2010. A check conducted by Hotline for Migrant Workers indicated that the woman was released in early April 2010.*

### **8. Testimony by T.A.V., an Eritrean National**

I fled Eritrea for Sudan, where I was kidnapped by people I didn't know. The people asked for money to release me, but I had no one to ask for money. They transferred me to a place I wasn't familiar with in the desert, and held me there for five months. During the five months I was raped by my kidnappers and they made me prepare their food and clean up after them. Eventually I was able to acquire the sum of money they demanded from my aunt in Australia, and then they released me and sent me to a group of refugees that crossed the border into Israel.

*The testimony was collected by Hotline for Migrant Workers volunteers on May 12, 2010. T.A.V. is still incarcerated at Saharonim Prison.*

### **9. Testimony by M.T.M., an Eritrean National Listed as Ethiopian**

“My husband and I left Eritrea at the end of 2009 and tried to reach Israel through Egypt. The Bedouin smugglers placed us with an additional group of refugees in the desert. They took me away from the group my husband was in, and for three weeks I was held somewhere else in the desert. Every night I was raped and beaten by a number of smugglers. They also injected something into my body with a syringe – I'm not sure what it was. I was constantly raped by Bedouins. I think I was anally raped as well, as I have been bleeding and I can't go to the bathroom. I was raped every night for three weeks. The Bedouins did this to me because they demanded that I pay another \$1,000 and I didn't have the money to pay them. Eventually a friend of mine from Sudan transferred the requested sum, and then I was returned to the group. On December 18, 2009 we were transferred over the border to Israel, and since then we have been in Saharonim Prison. I made sure not to tell anyone what I had been through, but my husband, who apparently understood on his own, has refused to speak to me since then.”

*From a testimony gathered by volunteers from Hotline for Migrant Workers in early January 2010. On January 7, 2010, the court rejected a request by Hotline to transfer M. to a shelter, stating that she could be given the appropriate medical treatment at the Israel Prison Services medical clinic.*

*On February 3, 2010, Hotline submitted an additional request to the tribunal, demanding a psychiatric evaluation prior to M.'s release. She underwent a psychiatric evaluation at Soroka Medical Center in Be'er Sheva on February 25, 2010 and an evaluation was given, according to which the woman had been sexually abused on her way to Israel and is suffering from post-traumatic complications. The judge ruled that she be released to a shelter for sixty days. M. was released to a shelter on March 15, 2010. On May 10, 2010, Hotline requested an extension for the ruling on her release and submitted the psychiatric evaluation as well as an evaluation by the shelter's social worker. An extension for two additional months was given, at the end of which M. is supposed to return to Saharonim Prison if another decision is not handed down.*

#### **10. Testimony by S.A.B., Ethiopian National**

“I had to flee Ethiopia, my homeland, for political reasons. A broker agreed to take me to Sudan, where I was given to a Sudanese family and forced to work in their house without pay for two years. After I got sick and couldn't work as I had before, the broker took me from the family's house and sent me with a smuggler toward Israel. The Bedouin smugglers kept me in the desert for a month, and two of them raped me repeatedly, sodomized me and forced me to engage in oral sex. The smugglers called me “slave” and

also made me clean their homes. When I could no longer do anything and collapsed, they left me alone in the desert. Another group of asylum seekers passing through the area found me and brought me with them to Israel. I entered Israel in November 2009.”

*S.A.B.'s testimony was provided to students in the Tel Aviv University's Refugee Rights Program, who are representing her.*