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Working Paper: Gender Based Sexual Violence Against Migrant Workers in the Agricultural Sector in Israel

Submitted to the Knesset's Special Committee for Foreign Workers

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1. In 2020, 22,289 migrant workers from Thailand were employed in the agricultural sector in Israel, of whom 654 were women.² All of the agricultural workers from Thailand came to Israel as part of the bilateral agreement between Israel and Thailand. In addition, the sector includes Palestinian workers from the West Bank, non-Israeli students in international graduate programs, and Israeli workers, most of whom are Arab citizens.
2. This paper focuses on migrant workers from Thailand. Nevertheless, it is crucial to take further actions against the gender based exposure to sexual violence that affects students in international graduate programs, as well as Palestinian and Israeli workers in the agricultural sector.
3. **Gender emphasis and the need for prevention, enforcement, and data Collection:** All workers from Thailand are a disadvantaged group and are prone to exploitation, with a general under-reporting by workers about exploitative employment and inadequate living conditions. There is a need for prevention, enforcement, and regulation over the employment conditions in the agricultural sector.³ In particular, there is no gender based perspective when it comes to employing migrant workers in agriculture, including enforcement, prevention, regulation, and data collection.
4. The vast majority of migrant workers in the agriculture sector are employed and live in Israel's geographic and economic periphery. These spaces are far from the centres of activity of civil society organisations and other actors oriented to assist migrant workers.⁴
5. **Female Migrant workers employed in the agriculture sector are prone to further vulnerability** based on daily interactions with employers, other workers, and other actors in their surroundings. Therefore, they are liable to be exposed to excessive exploitation, both in terms of employment and living conditions, as well as in terms of gender based sexual violence.
6. **Various parties may perpetrate sexual violence against migrant farmworkers:** employers and their families, other workers, experts working in the farms, employees of manpower agencies and their representatives, residents of the settlements where they work, and more.⁵

7. **The need to establish a complaints and support system:** There is a significant under-reporting of sexual violence against female migrant workers in the agricultural sector. Alongside, there is no systemic effort to encourage reporting of it. Therefore, there is a need to establish a structural support system that offers individual guidance to those who have experienced sexual violence, including a protocol of language-specific response in the case of reported sexual violence.⁶
8. **Random placement harms women's safety:** The current system of random placement of workers to employers creates a situation in which migrant workers cannot choose where and with whom they will work before coming to Israel.⁷ In the past, women were able to migrate together with acquaintances and family members, thus creating a sense of protection and security. Preventing this possibility created greater vulnerability and intensified the social isolation of migrant women, negatively affecting the provision of community and social network support among migrants.⁸
9. **Employment structures increase vulnerability:** Often, a woman is employed on her own in a farm with only men peers, which reduces her sense of security and increases her exposure to sexual violence.
10. **Mandatory separate residence for women:** As of June 2016, employers of migrant workers in agriculture are obligated to sign a "declaration of separate residence for a female foreign worker in agriculture".⁹ In practice, it is evident that these declarations do not reach the employers' attention at all and are not enforced by the competent authorities. Thus, cases of women living in harsh living conditions in the same area with a large number of other male workers have been observed.
11. **Non-agricultural employment:** Nomuros reports indicate that female migrant workers in agriculture are illegally employed in various jobs, including massage, cleaning, and childcare. In these jobs, they work in isolated spaces and are therefore even more exposed to sexual harassment and violence.
12. **Access to medical services:** Access to health services for migrant workers in agriculture in general and for women in particular is limited for a variety of reasons,¹⁰ leaving many women without a response to gynaecological needs or access to contraception and abortion if necessary.
13. **Regulation over the manpower agencies:** The manpower agencies in the agricultural sector, as well as in other industries, suffer from an inherent conflict of interest between their commitment to employers and their commitment to employees, with the former prevailing over the latter.¹¹ One of the main issues in which this conflict of interest is crucial is the refusal to respond to a request for the transfer of employees between employers.¹² Testimonies collected indicate that the transfer of employees between agencies rarely addressed. Furthermore, most workers are unaware of the name of the agency responsible for them and are unfamiliar with the option of moving between agencies, instead focusing on the possibility of switching employers. This, coupled with the significant dependence of the employees on those agencies, creates further vulnerability and grounds for exploitation in general and for sexual exploitation in particular.
14. **Structural attention to the vulnerability of female students in international graduate programs in agriculture:** In Israel, there are about 4,000 agricultural students from abroad who come under

international graduate programs. The students in these programs cannot switch between programs or employers, and the tuition fees they pay are high, effectively constituting a binding debt.¹³ In other words, it is an abusive structure that creates a fertile ground for exploitation in general and sexual exploitation in particular.

15. **In summary**, the structural conditions of the Israeli migration regime detailed in this document indicate that migrant workers from Thailand employed in agriculture are liable to be exposed to excessive exploitation, both in terms of employment and living conditions, as well as in terms of sexual violence. There is a need for data collection, prevention, and enforcement with a gender emphasis. In particular, there is a need for a gender based system to support migrant women who have suffered sexual abuse. Action must be taken to ensure that migrant workers have access to medical treatment in general and gynaecological treatment in particular. Additionally, there is a need to supervise living conditions and create safe and protected spaces for female employees, including further attention to the situation of female students in international graduate programs. In addition, the activities of the private manpower agencies must be supervised. Moreover, a non-arbitrary placement with employers must be allowed.

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² [Foreigners in Israel, Data Submitted by the Population and Immigration Authority](#) – The Policy and Strategy Planning Division Summary Edition for 2020 | March 2021

³ Kav LaOved, 2020. "[Violations of the Rights of Migrant Workers from Thailand in Agricultural Farms in Israel](#)".

⁴ Kurlander, Yahel & Matan Kaminer (2021). "[Permanent Workers In the Backyard: Employing Migrant Workers from Thailand in Agriculture in Rural Area](#)." *Horizons for Geography*. Kaminer, Matan (2019). "[diverted gaze in the Arava](#)." *Hazman Haze*.

⁵ Bassol, Jeanan, "[I begged to go to the doctor, but the boss refused](#)", The Marker 19.9.2016

⁶ Recently, the "Procedure for the Prevention of Sexual Harassment" was translated into Thai by the Population and Immigration Authority and CIMI.

⁷ Kurlander, Yahel (2019). "[The Marketization of Migration – on the Emergence, Flourishment and Change of the Recruitment Industry for Agricultural Migrant Workers from Thailand to Israel](#)" Ph.D. dissertation: University of Haifa.

⁸ Shoham, Shahar and Hani Ben-Israel (2020), "Chapter 9: Community and Family", In: Shamir, Hila and Niezna, Maayan (eds.), [An Alternative Anti-Trafficking Action Plan: A Proposed Model Based on a Labor Approach to Trafficking](#), TraffLab (ERC) Research Group Policy Paper, Tel Aviv University

⁹ Bilateral Agreements Unit - Population and Immigration Authority, "Declaration [of Separate Residence for Female Foreign Worker in Agriculture](#)".

¹⁰ Reichman, Rivka and Kushnirvich, Nona (2019). "[The Effectiveness of Bilateral Agreements: Recruitment, Realization of Rights, Living Conditions and Employment of Migrant Workers in the Agriculture, Construction and Nursing Sectors in Israel 2011-2018](#)". Ruppin Academic Center, Population and Immigration Authority and CIMI. A report by Physicians for Human Rights and Kav LaOved (2021), "[A Land Devouring its Workers: Neglect and Violations of Migrant Agricultural Workers' Right to Health in Israel](#)".

¹¹ Kurlander, Yahel (2020) "Chapter 6: Placment and Menpower Agencies", In: Shamir, Hila and Niezna, Maayan (eds.), [An Alternative Anti-Trafficking Action Plan: A Proposed Model Based on a Labor Approach to Trafficking](#), TraffLab (ERC) Policy Paper, Tel Aviv University

¹² Kurlander, Yahel, Niezna, Maayan and Shamir, Hila (2021). "[COVID-19's Impact on Non-Israeli Workers: Vulnerability, Commodification and Hope](#)." *Israeli Sociology*. 21 (2) pages .82-89

¹³ See note 7.