

# 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*

September 2012

## Detention of Minors and Children Arriving from the Sinai Desert

During the past several years, unaccompanied minors, usually aged 13–18, have reached Israel via the Egyptian border. The majority of them are Eritreans, while others are Sudanese, Ethiopian, Guinean, Nigerian and Ghanaian. Many of them lost their parents in wars or violent conflicts and looked for refuge for years, moving from one country to another.

Since July 2007, asylum seeker families arriving from the Egyptian border have been detained, with their young children, in Saharonim Prison near Ktsiot. The majority of the families are Eritrean, Sudanese or Ethiopian.

In 2010, The Legal Aid Department at the Ministry of Justice petitioned the Supreme Court against the incarceration of unaccompanied minors in prisons. The petitioners argued that it is illegal to hold minors in facilities under the auspices of the Israel Prisons Service, and that this is contrary to commitments made by the State of Israel when it signed the Convention on the Rights of the Child in 1991.

Following two years of deliberation, on April 4, 2012, the Supreme Court rejected the petition, deeming its argument "redundant" in light of the "improvements in detention conditions. Supreme Court President Justice Asher Grunis wrote:

"We have elaborated on the succession of events following the submission of the petition in order to highlight the tremendous improvement in the holding conditions of minors and the promotion of detention alternatives. In lights of these improvements, we do not find the petition to justify a review of the Respondents stand toward the holding of unaccompanied minors, according to the Entry to Israel Law."<sup>1</sup>

The entire verdict deals with the great improvement at the Matan prison and the fact that the minors were transferred there from Givon. The court ignored the long periods of time that minors still spend in Saharonim prison, in which there were no improvements as far as we know and it also ignores the fact the minors are still held in Givon prison.

### **Conditions of Minors and Children in "Saharonim" Prison**

Like all other asylum seekers, when the minors as well as the families arrive in Israel they are transferred to Saharonim Prison, near the Nizana border checkpoint. Families are separated:

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<sup>1</sup> <http://elyon1.court.gov.il/files/10/540/012/s25/10012540.s25.htm>

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Fathers are taken to the men's sections and mothers and their children are taken to the women and children ward. Some improvements in the prison conditions have been made since human rights organizations filed a petition on the matter in January 2008, but women and children are still detained in cloth tents and no proper schooling is offered for the children, who are usually detained for many months.

According to the recently published report by the Israeli Public Defender: "In the Saharonim facility, women and children are held in a different wing than the men, even when a whole family is held in the facility. This situation creates disconnect between family members, as outside of a weekly visit of up to two hours for each family, there is no additional contact between them. It is noted that per the request of a social worker, it is possible to be granted additional meetings. According to the words of the detainees, in practice additional visits are not approved. It is recognized that the disconnect between family members makes it difficult especially on the detainees, and it is only fitting that creative solutions should be found that will allow for more regular meetings and will assist in maintaining the family connection, as its important is clear to everyone".<sup>2</sup>

Since January 2008, when Adv. Yonatan Berman, the Hotline for Migrant Worker's legal adviser, filed a petition against the Israeli Prison Service demanding that children not be detained in inhumane conditions, Hotline for Migrant Workers volunteers have been denied to the various sections of Saharonim Prison.

Regarding the harsh and inappropriate holding conditions in Saharonim Prison, the Israeli Public Defender Report states:

"In the Saharonim facility, the wings are surrounded by tall barbed wire fences, reminiscent of a criminal prison and not of a facility meant to hold refugees. We are of the opinion that there is a need to examine other possibilities of protection, especially surrounding the wings where women and children are detained. In addition, the living quarters in the facility are divided into two parts, old and new, together intended to hold 2000 persons. Whereas the new wing is not allowed for distribution, the women and the children stay in the old part under harsh conditions and overcrowding (between 10-15 women and children in each tent). It is mentioned that recently although ventilators were installed in the tents, the female detainees complained to us that they suffer from the cold weather at night. The central tent, equipped with a television and air conditioning system, is used as a classroom and a food distribution center. Also, the poor maintenance of these tents places the detainees in danger for their safety, as some of the tents have not yet been replaced with fire resistant tents. In the

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<sup>2</sup> Israeli Public Defender Yearly Imprisonment condition Report, August 2011: <http://www.justice.gov.il/NR/rdonlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf> , page 69

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new wing of the facility there are permanent buildings, bathrooms and showers, and their physical conditions are good compared to the old part. In our opinion, it is fitting to find a solution that will allow the population that is the most vulnerable (mainly the babies, toddlers, and children) to reside in the permanent buildings, in which conditions are considerably better.<sup>3</sup>

Detainees who claim to be minors or seem to be minors must undergo an age test to establish whether they are minors. If they are found to be minors, a lawyer from the Israeli Legal Aid Department is appointed to represent them and they are transferred to "Matan" Prison in Hadera.

Since there are not always vacancies in Matan Prison, some dozens of minors always spend some months in Saharonim prison prior to their transfer to Matan.

### **Conditions of Minors in Matan Prison**

After a long and intensive campaign by Israeli human rights organizations, a new prison for unaccompanied minors arriving in Israel from the Egyptian border was established in August 2010. The prison is called Matan and it is located in Hadera, in the same building of the old "Michal" women's prison. While "Michal" was run by the Immigration Authority, Matan is run by the Israeli Prison Service.

In Matan Prison there is space for 70 detainees who reside in seven rooms, with 10 detainees in each room. Each room has five bunk beds, a toilet, shower and television. Up until May 2011, the minors were locked in their rooms for 23 hours a day and were allowed out for only one hour a day. On August 11, 2011, in an official response to a Supreme Court petition served by the Legal Aid Department at the Ministry of Justice demanding that minors not be held in prison, the state committed to allow minors to be free in the building and out of their rooms during the day, rather than for only one hour a day.<sup>4</sup>

The Parliamentary Committee on Foreign Workers toured Matan Prison on September 22, 2011. The committee, headed by MK Nizan Horowitz, found that there were 60 minors there, two of whom were under the age of 14. One of the minors was detained for 13 months and the average detention time was stated to be seven months. According to the prison commander, there were 19 suicide attempts in the prison during its year of its activity.

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<sup>3</sup>Israeli Public Defender Yearly Imprisonment condition Report, August 2011:

<http://www.justice.gov.il/NR/rdonlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf> , page 69.

<sup>4</sup> State response from August 11, 2011, to HC Petition 1254/10

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In Matan Prison the minors receive basic education in Hebrew, provided by six teachers employed for that purpose.

On Friday night, August 3, 2012, six minors escaped from Matan's prison, two of them were captured the same night. All the minors in Matan prison was transferred to Givon prison the day after and was locked in Section no. 5, in separate cells from the adults.

A visit conducted on August 5 by HMW activists with our Tigrinya translator, revealed the following information:

HMW activists were able to meet 11 of the minors. They were all Tigrinya speakers. Nine of them claimed to be Eritreans and two of them claimed to be Ethiopians. According to their testimonies, two of the minors who attempted to escape did so since the authorities claimed that they are Ethiopians and they were terrified by the idea that they will be deported to Ethiopia, since they were Eritreans. We were not able to meet them since we were told that they were transferred to the juvenile prison, Ofek.

**Y.B.** stated that he entered Israel on April 17, 2012 and was detained in Saharonim prison for ten weeks. He was transferred to Matan prison only two weeks before the escape incident.

**M.Z.** stated that he entered Israel on January 26, 2012 and was detained in Saharonim prison for two months. He was transferred to Matan prison and spent four months there before the escape incident.

**H.T.** stated that he entered Israel about a year ago, was detained in Saharonim prison for ten days. He was transferred to Matan prison, where he spent three additional months, and then released to Nizana boarding school for six months. Following a fight he was involved in, he was taken back to prison.

**R.Y.** stated that he entered Israel in January 2012 and was detained in Saharonim prison for three months. He was transferred to Matan prison and spent five months there before the escape incident.

**R.D.E.** stated that he entered Israel in March 2012 and was detained in Saharonim prison for three months. He was transferred to Matan prison and spend two months there before the escape incident.

**T. M.** stated that he entered Israel in March 2012 and was detained in Saharonim prison for 2.5 months. He was transferred to Matan prison 2.5 months before the escape incident.

**B.G.** stated that he entered Israel in April 2012 and was detained in Saharonim prison for 3.5 months. He was transferred to Matan prison one month prior to the escape incident.

**M.T.** stated that he entered Israel in January 2012 and was detained in Saharonim prison for 3.5 months. He was transferred to Matan prison for additional 3.5 months before the escape incident.

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**H.D.** stated that he entered Israel in April 2012 and was detained in Saharonim prison for three months. He was transferred to Matan prison one month before the escape incident.

HMW activists also met two Ethiopian minors:

**Y.H.** stated that he is from Ethiopia and announced that to the authorities. He claimed that arrived in Israel eight months ago and was detained ever since.

**D.B.** stated that he is from Ethiopia and announced that to the Israeli authorities. He claimed that arrived in Israel six months ago after he was kidnapped with many other workers from their village in Ethiopia on the border with Sudan. He was detained for 3.5 month in Saharonim and 2.5 additional months in Matan.

All the detained minors were imprisoned for over four months, while six of them were detained for over six month. One can also see that they spent long months in Saharonim prison in the desert before being transferred to the Matan special prison for unaccompanied minors.

On September 12, 2012, after 5 weeks in Givon prison, the minor were returned to Matan prison, where they are still detained now.

An especially disturbing example of Israel's treatment of unaccompanied minors is the handling of a large group of Ethiopian minors who were kidnapped from their village near the Sudanese border.

Since April 2012, about 20 Ethiopian women, victims of human trafficking, have been jailed in Saharonim and Giv'on prisons. The group of women, about half of them were found to be minors (ages 14-15) was kidnapped in Ethiopia and had no intention of coming to Israel. The group was forcibly transferred by the smugglers to Sudan and from there to Sinai. The women were kept in a torture camp in Sinai, while being constantly beaten, whipped and raped. After three months of severe torture, the families of the young women managed to collect the ransom money the smugglers demanded and the women were released. Since their arrival in Israel five months ago, despite being recognized as victims of human trafficking, the women are still in prison. The ten Ethiopian teens are still imprisoned because the shelters for human trafficking victims are not suitable for minors, and the Ministry of Education refuses to let the girls study at boarding schools since they can be deported. The women who are above the age of 18 are eligible for a period of rehabilitation while staying at a shelter for victims of human trafficking, but since the shelter is overcrowded, the women remain in prison.

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On September 3, 2012, Haaretz published an article about the slavery victim minors.<sup>5</sup> Representatives of the Legal Aid Department at the Ministry of Justice told Haaretz that "ten of the minors were recognized as slavery victims by the Israeli police. There is no possibility to release them to the Maagan shelter since it does not fit minors. The Ministry of education refused to absorb them in boarding schools claiming they can be deported to Ethiopia."

On September 12, 2012, the HMW were told by the Legal Aid Dept. that there were two more flats open for TIP victims and as far as we know, 15 of the 26 minors who are now imprisoned in Saharonim and were recognized as slavery victims, should be transferred there in the very near future.

### **Alternative Solutions to the Detention of Minors**

In a parliamentary hearing held on November 25, 2009 by the Committee on the Rights of the Child, headed by MK Danny Danon, the committee called on the authorities to release all minors from prison and to find alternative solutions for them as quickly as possible. Since then, 150 were transferred to boarding schools. Boarding schools accept minors up to 16 years old. Those aged 16-18 must find a family that will take them in and take responsibility for them, a difficult task that prolongs the minors' detention period. On September 2011, a minor detainee spent an average of seven months in prison. Toward the end of 2011, the average was only two months. The Ministry of Social Welfare provided 20 places in boarding school for minors, but refuses to provide more which result in extended detention of minors between the ages of 16-18. Toward the end of 2012, HMW estimates the average detention period of unaccompanied minor is about six months, half of it in the Saharonim prison. Due to the fact that both the Ministry of Welfare and Ministry of Education refuse to absorb more unaccompanied minors, HMW expects the detention period to grow during the year 2013.

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<sup>5</sup> <http://www.haaretz.co.il/news/education/1.1815922>