

Hotline for Refugees and Migrants **2014 Annual Report**

Situation Overview

2014 was again characterized by a struggle against the Anti-Infiltration Law. The Knesset passed the 4th Amendment to the Anti-Infiltration Law after our victory in the High Court in September 2013 against the 3rd Anti-Infiltration Law. However the 4th Amendment was even harsher than the previous law and had a major impact on the whole refugee community. The most significant part of this law was the creation of the Holot "open" facility and the indefinite incarceration of Sudanese and Eritrean asylum-seekers. Holot was opened in December 2013 when the Ministry of Interior (MoI) moved detainees from the Saharonim prison next door. By January 2014, veteran asylum seekers who had already been living in Israel for long periods of time were being summoned to Holot. Despite being a so-called "open" facility, detainees were not allowed to work, had to sleep in the facility every night and attend 3 roll calls a day. This coupled with the facilities remote location meant that Holot was in every way just like a prison. Under this law, the situation of asylum seekers in Israel was considerably worsened, not just for those individually touched by the law, but by creating fear and anxiety right across the refugee community.

Proof of the severity of the 4th Amendment to the Anti-Infiltration Law was the number of people who agreed to leave Israel either to their home country or to third countries when faced with the alternative of indefinite detention. Statistics released by the Ministry of Interior reveal that a total of more than 9,000 asylum seekers left Israel by the end of 2014 in a so-called "voluntary" agreement.

1. Legal Work

During 2014, 95 legal interventions were conducted on behalf of 241 clients. An additional 25 cases were outsourced to the Tel Aviv University Refugee Rights Clinic and the College of Law and Business in Ramat Gan. At the start of 2014 HRM's legal department was comprised of 4 lawyers on 3.5 FTE positions. This was a nice addition to the regular 2 person legal team at HRM, which we had returned to by the end of 2014. This was known in advance, as the extra 1.5 FTE position was added due additional one off grants. This allowed us to conduct more legal interventions in the first half of 2014.

Cancellation of the 4th Amendment to the Anti-Infiltration Law

The focal point of the year was our success in the High Court when the 4th Amendment to the Anti-Infiltration Law was struck down. In December 2013, HRM together with the partner organizations who had successfully brought the case against the 3rd Anti-Infiltration Law returned to the High Court to petition against the 4th Anti-Infiltration Law. A decision was given on September 22nd and the High Court of Justice again ruled in our favour declaring the 4th Anti-Infiltration Law unconstitutional. It was a historic ruling, as

the High Court had never in its history annulled the same law twice. The atmosphere when this law passed was one of relief. Whilst it was clear that the government would pass another piece of legislation in its place, the court's specific criticism of the law suggested that any new legislation would have to come with new solutions. The judges came to the same conclusion that we had been pushing in our advocacy and legal work – that although the MoI had called Holot an "open-facility" its impact on detainees made it no different from a prison. Indefinite incarceration in a prison-like facility without trial was ruled to be at odds with Israel's Basic Law on Human Dignity and Liberty.

Mass release from Holot

Following the High Court decision summonses to Holot ceased and HRM succeeded in releasing people from detention on mass. A case was filed on behalf of 138 detainees who had all been taken to Holot straight from Saharonim in December 2013. Most of these asylum-seekers had arrived in Israel in mid 2012 and had therefore each spent upwards of 2 years in jail. When HRM submitted the case the state was invited by the court to respond and they decided to just release the detainees. In the following weeks another case was submitted on behalf of 41 Holot detainees in the same situation as the 138 whose names we had not had on the former petition. They too were released.

5th Amendment to the Anti-Infiltration Law

As predicted, the government quickly proposed a new Amendment to the Anti-Infiltration Law that was passed on December 8 hours before the Knesset voted to disband and go to elections after having spent just two years in office. Like the two previous laws, the 5th Amendment was centered on the same policy of detention. Under the 5th Anti-Infiltration Law new arrivals are detained for 3 months, and then sent for 20 months to Holot. Like previously, those summonsed from the community have already lived in Israel for long periods of time, are also taken to Holot for 20 months. Detainees have to sign in once a day in the evening, (as opposed to the previous 3 times a day), but are still not allowed to work or earn money and have sub-standard health and welfare services. In addition, the law created a new deposit scheme. Employers are required to take 16% of asylum seekers' pay and put it in a closed bank account that they will only be able to access when they are leaving the country. Asylum Seekers are required to take another 20% off themselves and put it in this account. Initially, this was to include migrant workers too, despite the fact that the Anti-Infiltration law had never previously affected migrant workers whose legal status is outlined in a different piece of legislation, the Entry to Israel Law. After objections by the Hotline and other human rights organisations this was dropped and not applied to migrant workers. The deposit scheme did however remain in the legislation to be applied to asylum seekers, although it will not be implemented until certain procedures are established by the Ministry of Finance. As the Israeli government disbanded and elections are only due to be held on March 17 2015, this is not expected to be implemented until later in 2015.

The case on behalf of the 138 Holot detainees, and the second one on behalf of 41, accounts for the high number of individuals represented in comparison to number of legal interventions. In 2014 our legal representation was overwhelmingly skewed towards men. This was for a few key reasons. The asylum-seeker community is comprised of approximately 88% men and 12% women. Furthermore, only men are summonsed to Holot and as our main issue related to detention, our clients naturally include more men. More women approach HRM's Crisis Intervention Centre for assistance, often to gain help with cancellation of their partner's Holot summons. However the legal work involved very few women. This was a positive, at

the end of 2014 there were no asylum seeker women in detention and when the new legislation was passed it specifically said that women will not be detained in Holot.

Less than 10 days after the 5th Amendment was passed HRM and the same partner organisations submitted a case against the law again. The High Court responded very quickly by issuing a temporary halt on summonses to Holot until they could make an interim decision for the duration of the case. Two weeks later it was decided that summons to Holot could continue in the mean time, however, an early court date for February 3rd 2015 was set with an expanded panel of judges (9).

The 5th Amendment to the Anti-Infiltration Law still involves offensive violations of basic rights and of international refugee law. However it is an improvement on the 4th Anti-Infiltration Law, as perhaps nothing is as harsh and tormenting as indefinite incarceration. HRM hope to again succeed in annulling this law in 2015 and also hope that the High Court will retain its interest in expediting the process for the sake of those suffering in detention.

Agricultural Migrant Workers

In recent years the government has reduced the number of work visas it has issued for migrant workers in the agricultural field. Normally, the procedure by which migrant workers come to Israel is that the government issues visas to human resource companies who then bring the workers to Israel. HRM discovered that because of the demand for labour, one of the private human resource companies were working together with employers to bypass the law and instead were issuing 'student visas' for Thai students to come and work in agriculture. The 'students' are promised a curriculum with a practical work element to learn different agricultural methods. In reality, they receive very little professional training in the program and the participants are forced to work in the fields without being paid appropriately. Together with the Kav L'oved (worker's hotline) HRM sent a letter to the Ministry of Interior about this deceptive practice. The issuing of these visas has been temporarily halted whilst we are waiting for the MoI to make a permanent decision on this practice.

2. Crisis Intervention Centre

Throughout 2014 HRM's Crisis Intervention Centre provided direct assistance to 3,240 asylum-seekers. Assistance was delivered over the phone, at HRM's Tel Aviv office and in detention centres. The Tel Aviv office was open for reception 5 days a week for a total of 22 hours per week all year. 155 visits to detention were conducted over the year to three detention centres: Holot, Saharonim and Givon. The Crisis Intervention Centre regularly provided service in Hebrew, English, Arabic, Tigrinya and French, and when necessary organised special translators ie. Amharic. Each month more than 1,000 clients were being served, with the majority having open cases that spanned across many months.

The Crisis Intervention centre succeeded to release 131 asylum-seekers from detention over the year, which included 114 from regular immigration detention and 17 from Holot. Disappointingly, some of those 114 who we succeeded in gaining release from immigration detention for, were actually transferred to Holot. Whilst this was an improvement, it was far from actually being free. Reasons for release varied, some were

released under the change of the Anti-Infiltration Law, some because of their asylum applications and some for humanitarian reasons.

In addition to those released once already in detention, the Crisis Intervention Centre succeeded to have 411 asylum-seekers summonses to Holot cancelled, thereby preventing detention. For the majority, they required assistance to prove to the MoI that they meet the MoI's own criteria to be exempt from summons to Holot. For example, couples had trouble proving that their marriage was legitimate and families had trouble providing documentation of births and of the paternity the children's father. Hospitals withhold birth certificates of babies for whom the parents are unable to pay the hospital fees. However they are supposed to provide an alternative official documentation, which did not always happen, causing problems when the fathers were then summonsed to Holot. In addition, the father's name was often not written on the documentation. HRM sent volunteers to accompany people to hearings in which MoI officials typically asked intimate, culturally inappropriate, and sometimes even offensive questions. Other people whom HRM assisted to have summonses cancelled included men over the age of 60, and people whose medical situation made their incarceration in Holot far more detrimental to their health.

The 17 releases in Holot included some who should never have been there, due to having families. One release was a man whose wife was 9 months pregnant. HRM's intervention allowed him to be home just in time for the birth. Others were released after HRM appealed for humanitarian release due to the harmful effect that detention was having on the post traumatic stress they were suffering after being tortured in Sinai. Others were recognized as trafficking victims following HRM's recommendations. Throughout the year HRM saw an increase in individuals coming forward to talk about their torture experience. Their previous silence was seen to be a signal of shame about the experiences they faced (many men experienced sexual assault) but when they understood that explaining their situation may be key to getting out of Holot they began to speak up. A number of torture victims who we had interviewed and were representing were released together with the group of 137 detainees.

Sinai Torture Victims

During 2014 an unexpectedly large number of Sinai torture victims approached HRM to inform us of their experiences in Sinai. Despite the fact that many of the men felt very ashamed because they were raped they still came forward. This is likely to represent the despair they felt that there was no other way out of detention unless they spoke of their torture. In total, 100 new torture survivors were identified by HRM during 2014, 87 of whom were inside Saharanim or Holot and 13 who were identified after their release. Except for one Guinean and two Ethiopians, they are all from Eritrean origin. They all entered Israel through the Egyptian border during 2012, and were detained under the 3rd Amendment to the Anti-Infiltration Law which allowed their detention for a minimum period of three years. When torture victims approached an HRM case worker and wished to inform them about their experience in the Sinai they were invited to HRM's Tel Aviv office to be interviewed in a safe and comfortable location together with a Tigrinya translator. The purpose of the interview was to see how we could help them. Of the 87, HRM recommended that the torture suffered by 29 of them constituted the legal definition of slavery (either sexual slavery or forced labor) and there was therefore grounds for them to be recognized as trafficking victims. HRM therefore transferred the cases of the 29 victims to the Legal Aid Department at the Ministry of Justice. Up until now 8 of the 29 have

been accepted and 4 were already rejected, the rest are awaiting a response. Those who were recognized are first and foremost released from prison, and are then entitled to a place in a rehabilitative shelter for victims of trafficking for one year where they receive social and medical services. They also receive a one year rehabilitation visa that includes the right to work. HRM also initiated legal proceedings in the court on behalf of some of the torture victims to gain their release. Of the 179 asylum seekers released from Holot in October and November we know of 41 torture victims who were amongst them.

HRM Crisis Intervention Centre 2014	
Number of Clients Served	3,240
Number of asylum seekers released from detention	127
Number of asylum seekers released from Holot	196
Number of summonses to Holot cancelled	411
Number of detention visits	155

3. Public Policy

Publications

In 2014 HRM published a total of 9 reports. They are as follows:

2014 Publications ¹	
January	On the Detention Review Tribunals – an in depth legal study of Israel's Detention Review Tribunals (Hebrew and English)
January	National Action Plan to End Child Detention – (Hebrew)
March	Streamlining the Process – On the mistreatment of asylum-seekers by the Immigration Authority when they renew their restricted release permits (Hebrew and English)
March	"From one prison to another" on the Holot detention facility (Hebrew and English)
July	"Slavery on the Sea" – slavery of migrant workers and trafficking victims in Israel's fishing industry (Hebrew)
July	Refugee testimonies on police violence in the suppression of a peaceful protest (Hebrew)
September	Managing the Despair; asylum seekers at the Holot facility April – September 2014 (Hebrew and English)
December	No Safe Haven: Israel Asylum Policy as Applied to Eritrean and Sudanese Citizens (Hebrew and English)
December	The Prevention Policy – on the Immigration Authority's visa renewal policy for asylum-seekers (Hebrew)

These reports continue to be a vital source of information for decision makers including members of parliament and judges, as well as for the media and public. As much as possible each report was released at a strategic time, ie. The Holot Monitoring Report – Managing the Despair, was released just days before the High Court decision against the 4th Amendment to the Anti-Infiltration Law.

This was important as it set the agenda for the public conversation about Holot at the time in which the decision was received. In this way, the report and corresponding media anchored the decision of the judges and provided a validating framework for High Court's somewhat 'controversial' decision to be received. The observations and conclusions of the report were also key to our advocacy against the 5th Anti-Infiltration

¹ All reports can be viewed online For English: <http://hotline.org.il/en/activism-en/reports/>

Law. Reports were also used in various private advocacy meetings with officials, as well as in Knesset Committee hearings in which legislation and government policy is discussed. Some reports were catalysts for Knesset Committee Meetings that exclusively focused on the content of the report, such as the report On the Detention Review Tribunals. The National Action Plan to End Child detention was the foundation for the end child detention campaign and a vital tool used in government lobbying. The Holot detention monitoring reports are the only reports of their type that ensure that the treatment of asylum seekers does not go undocumented or unnoticed.

Reports were also used in international advocacy. Information submitted by HRM appeared in US State Department reports, EU country reports and UN Human Rights Committee reports. 5 HRM staff travelled to Brussels and Geneva for advocacy activities in the first half of 2014. Through these trips HRM built new relations with international institutions including UNHCR and EU member states. The relationships are an organizational asset which will continue to be valuable as HRM focuses on harnessing international pressure to make change.

Advocacy

In the lead up to the passing of the 5th Anti-Infiltration Law HRM campaigned tirelessly against it. There were total of 5 Knesset Committee meetings on the Anti-Infiltration Law between the High Court decision in September and the new law in December. HRM had a strong presence in these Knesset Committee meetings. Furthermore, HRM called on other people of influence, such as employers of asylum seekers and the head of the hotel industry association to be present and speak in the committee meetings. Many large companies, such as hotel chains, are lacking people to do unskilled labor – jobs that most Israelis will not do, but asylum seekers will. Employers who already employ asylum seekers have also lost some of their longest serving staff, as the asylum seekers who have been in Israel the longest are the ones who were summoned to Holot. The interests of employers aligned with ours on the issue of detaining asylum seekers, and we were therefore able to engage them in advocating against the 5th Anti-Infiltration law. This strengthened our advocacy work by adding a whole extra economic argument, in addition to the human rights argument, against the law. We also pushed this argument in the public sphere with an outreach campaign entitled "the money is buried in the Holot" that was conducted with other refugee rights organisations.

The film, *The Sound of Torture*, which explains what was happening in the Sinai torture camps was also a significant part of HRM's advocacy program in 2014. HRM organized a screening of the film in the Knesset and at the UNHCR annual consultation. Domestic and international advocacy regarding the torture camps will continue to be a major priority in 2015.

Media

During the year we issued a total of 26 press releases on issues such as important court decisions and Holot conditions.² We also regularly set up interviews for journalists to speak to asylum seekers about their experiences. HRM's media work ensures that an alternate and critical voice is heard in the public sphere in regard to asylum-seekers. A positive sign of our influence was that by the end of the year we saw a change in the Israeli media's referral to asylum-seekers as infiltrators. Whilst it always depended on which publication, we saw the most centrist/mainstream publications use the term 'infiltrators' less over the year. Media coverage for the year relating to asylum-seekers were as follows;

	# of articles in Israeli media	# of articles in media abroad	Total
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² All press releases can be viewed in Hebrew at <http://hotline.org.il/activism/press-releases/> and in English: <http://hotline.org.il/en/activism-en/press-releases/>

Newspaper	213	108	321
Radio	80	15	95
Television	30	13	43
Total	323	136	459

Campaigns

In October 2014 we launched the campaign entitled 'הכסף קבור בחולות' or in English, 'The Money is Buried in Holot'. As the literal meaning of the word Holot is sand this is also a pun in Hebrew. The campaign focused not just on how much money has been spent on Holot, but what could be done with the same amount of money to benefit the public. In particular, it highlighted what could be done with this money in South Tel Aviv, thereby linking the two issues of detention not being appropriate for refugees and improving the neighborhood of South Tel Aviv. We worked together on this campaign with 5 other human rights/refugee rights organizations to expand the reach of the campaign. We created 5 different campaign posters about things that could be done with the money that was spent on Holot and had them strategically placed around Tel Aviv ie "With the money buried in Holot it is possible to build 12 new schools." We designed flyers that look like a NIS 200 banknote that said 'The money is Buried in Holot' and that called on people to find us on facebook that were distributed to 3,500 passersby in Tel Aviv. We launched a joint facebook page that gained 3,355 'likes' by the end of that campaign. We uploaded images of quotes from employers of asylum-seekers on their need and want to employ asylum seekers and necessity of alternatives to detention. We met with a group of hotel chain managers to plan our cooperation to campaign against the Anti-Infiltration Law. Thanks to the meeting, hotel managers wrote an op-ed published online, wrote to members of Knesset and attended meetings and hearings in the Knesset (as mentioned above).

The End Child Detention Campaign, which was reported on in the mid-year report was a significant part of our work program in the first half of the year.

4. Unanticipated Activities

Because we are dealing with such a current political issue, situation is continually changing. HRM's work plan always has to remain flexible so that we are able to respond to changes in the political and legal context and the developments in the field.

5. Changes to plans

In the month in the lead up to the passing on the 5th Amendment to the Anti-Infiltration Law our plans were re-prioritized to concentrate on lobbying Members of Knesset to vote against the law and also to making changes to the law to mitigate its harmful impact. This became our lead priority especially and other projects, such as research into the "voluntarily leave" program was delayed.

Annex 1:

Media items – A sample

Media Items – A sample			
Type	Publication	Date	URL
International			
Newspaper	International Business Times	14/04/2014	http://www.ibtimes.co.uk/passover-2014-israels-detention-children-anathema-exodus-spirit-1444776
Newspaper	The Wall Street Journal	15/05/2014	http://blogs.wsj.com/middleeast/2014/05/15/israeli-comptroller-slams-government-policy-on-african-migrants/
Newspaper	TIME Magazine	09/07/2014	http://lightbox.time.com/2014/07/07/african-refugees-in-israel/#1
Newspaper	Newsweek Via Reuters	23/09/2014	http://www.newsweek.com/israeli-high-court-orders-migrant-detention-center-
Newspaper	Al Jazeera	05/01/2014	http://www.aljazeera.com/news/middleeast/2014/01/thousands-asylum-seekers-protest-israel-2014151093415535.html
Television	DW - Doitche Welle	12/05/2014	http://www.dw.de/israel-refugees-in-detention-centers/av-17628896
Israel			
Newspaper	Haaretz	11/02/2014	http://www.haaretz.co.il/news/education/1.2241479
Newspaper	YNET	15/05/2014	http://www.ynet.co.il/articles/0,7340,L-4519899,00.html
	Failed-Messiah	23/06/2014	http://failedmessiah.typepad.com/failed_messiahcom/2014/06/israels-abysmal-record-on-helping-non-jews-refugees-highlighted-234.html
Newspaper	Wala News	15/01/2014	http://news.walla.co.il/?w=/90/2712172
Television	Mako News	29/06/2014	http://www.mako.co.il/news-channel2/Channel-2-Newscast/Article-06d398d8109e641004.htm

Annex 2:



Figure 1. Campaign posters "Here could be a school" and "Here could be public housing"



Figure 2. The money is buried in Holot.