

Hotline for Refugees and Migrants

End of Year Report 2016

SITUATION OVERVIEW

In February 2016 the Knesset passed the 6th Amendment to the Anti-Infiltration Law. After a three year legal battle lead by the Hotline and partners against each iteration of this law, the 6th Amendment represents an ultimate compromise between the High Court and the Knesset. The law is in line with the High Court decision from August 2015 which ordered the release of all asylum seekers who had been held in Holot for longer than 12 months. In the first publication of the proposed new version of the law the coalition-backed bill gave the Minister of Interior the discretion to extend an asylum seeker's term in Holot by a further six months, to 18 months. It also included other new provisions that were harmful to asylum seekers. This would have been very provocative to the High Court and potentially given us grounds to return to court. However after the Minister of Interior resigned, the new Minister, Arye Dery, decided to eliminate this clause and other proposed restrictions so that the only difference between new law and the previous one was the maximum term of detention in Holot. The bill passed with a comfortable majority, 55-32.

According to the most recent data from the Immigration Authority (October 31st 2016) there are 40,721 refugees in Israel, 8,066 from Sudan (20%) and 29,367 from Eritrea (72%). This does not include children born in Israel. 2,798 refugees left Israel during the year, most of whom are people who gave into the pressure and took the 'voluntary return' option, including one particularly tragic case of a Darfuri man who left in November and whose family reported that he did not even make it out of the airport alive. A small number are people who left under resettlement, sponsorship or family reunification. For most of 2016 Holot was at full capacity, holding 3,360 detainees, meaning that approximately 8% of the asylum seeker community are in detention. In the final months of 2016 Holot was only at two thirds capacity.

CRISIS INTERVENTION CENTRE

Since the start of 2016, HRM's Crisis Intervention Centre have been working on many complicated and detention based cases that they had to defer during the last few months of 2015 when the flow of clients was extraordinarily high. Due to the high rate of summoning people to Holot, hundreds of people then turned to us for help and during reception hours our offices were overflowed with people. This situation calmed at the beginning of 2016 and our Crisis Intervention staff have therefore been able to conduct more prison visits and take on more complicated cases.

During 2016 we assisted 1,225 clients during reception hours, over the phone and during 82 prison visits. 1,120 of these clients were asylum seekers and 105 were migrants. 357 of them were assisted whilst in

detention. We sent 985 letters to the various authorities on their behalf. We succeeded to release 68 individuals from detention, 65 of them asylum seekers and 3 of them migrants. In addition to those we released we succeeded to have 28 people's summons to Holot cancelled. Saving them each from 12 months of detention.

Some of those we released were for humanitarian reasons, false arrests and other reasons, however the main group was that of 31 Sudanese who arrived in Israel in November 2015. Although the Anti-Infiltration Law explicitly says that newly arrived asylum seekers can only be held in detention for a maximum of three months, when the 3 months passed they were not released. The authorities tried to pressure them to take the 'voluntary leave' option to a third country. Although not currently enforced (as we have a pending case in the High Court), this policy allows the authorities to detain people in Saharonim for refusing to leave to a third country. However, it is meant to only be applicable to people who had their asylum application rejected or did not submit one, which this group did not have a chance to do in the beginning and only after several interventions, were they finally able to do so. When they refused to go to the third country the authorities kept them in detention under the Entry to Israel Law for being 'un-cooperative'.

We intervened together with the Tel Aviv University Refugee Rights clinic. Finally in May we succeeded to have the majority of the group released to Holot. We also complained about the fact that the group had a lot of trouble submitting asylum applications in Saharonim, an unfortunate digression on something which we worked on greatly in the past. We believe the access to RSD for the few new arrivals in March and April was better.

2016: Achievements in Numbers	
Number of refugees and migrants released from Detention	68 (65 refugees, 3 migrants)
Number of Holot summons cancelled (preventing 12 months of detention)	28
Number of client served	1,225 (1,120 refugees, 105 migrants)
Number of detention visits	82
Number of newspaper articles facilitated	217 (141 in Israeli media, 76 international)
Number of publications	5 (2015 Detention Monitoring Report, 2015 TIP report, Reappears: New Testimonies from Sinai, On the Appeals Tribunal (Hebrew only), Forgotten in Prison)
Number of trafficking victims identified, referred and recognized by the Israeli authorities	27 (24 Sinai victims and 3 migrant workers)
Number of legal procedures	70
Number of educational lectures & tours	30 lectures and tours to over 700 participants

Below are the stories of two of the 65 people we succeeded to release from detention: (all names in this report have been changed to protect the identity of the clients)



Client Story 1: Awet

Awet is a 22 year old Eritrean man. He entered Israel at the age of 13 with his family, and has therefore spent all his formative years in Israel. He finished High School at the Bialik Rogozin in South Tel Aviv and continued into higher education at Sapir College. A year ago Awet's father abandoned his family, which includes 3 younger siblings, the youngest being just 6 months old at the time, when he left to Rwanda under the Israeli government's "voluntary return" program. In late 2015, after being caught without a renewed visa, Awet was taken to Saharonim detention centre. From there he contacted the Hotline for help in November. We sent a case-worker to meet Awet in Saharonim where we took his details, copied his documents and had him sign a power of attorney form. We wrote a letter to the Detention Review Tribunal requesting Awet's release. Awet was subsequently moved to Holot. We turned to the Ministry of Interior, and after ignoring several letters of ours, we submitted an appeal to the Appeals Tribunal on March 27 2016. A hearing was held in April when Awet had been in detention for a total of approximately 5.5 months. The Ministry of Interior argued that they wanted to keep Awet in Holot for the full 12 months, in addition to the time he had spent in Saharonim. We argued that Awet should be released on humanitarian grounds due to the fact that his mother is all alone with three small children, working incredibly long hours in a minimally paid job and that without legal status she is not entitled to any social or economic support from the state. The MoI then proposed 9 months in Holot but we disagreed and asked the tribunal to make a ruling. The Judge ruled that this is a special humanitarian case and Awet should only be held for only 6 months in total, meaning that he would be released in just two weeks' time. This was an excellent outcome. Awet told us that in addition to working he now also wants to volunteer in a human rights organisation.

Client Story 2: Michael

Michael escaped Eritrea in 2011 after being tortured in prison, leaving his wife and 5 kids behind. He went to a refugee camp in Sudan before being smuggled to Sinai. He was captured and tortured in Sinai, but then the Egyptian army came and took him from the Bedouin traffickers. He was then imprisoned and tortured by Egyptian soldiers for six months before being deported to Ethiopia. From Ethiopia he went back to Egypt, then to Sinai and was again held in the torture camps until he managed to pay \$3,200 for his release. He entered Israel and was held in Saharonim for a full two years before being released. In November 2015 he came to the Hotline when he received a summons to Holot. His brother had been captured in Libya (likely by ISIS) and the captors were demanding 37,000 USD for his release. Michael was the only family member available to raise the money. We tried to prevent his detention in Holot but were unsuccessful. Our case worker met him a number of times in Holot and was highly concerned about his mental state. We had a volunteer do a full psycho social assessment of him and with this evidence we again turned to the Ministry of Interior to request his release. In August 2016, after we received no answer from the MoI, we requested that a reporter from Army Radio, who had been in touch with us about a story on torture victims in Holot, ask the Ministry of Interior about Michael's specific case. The MoI's answer to the reporter was that Michael had been released. We are now working on getting Michael recognized as a victim of trafficking so that he can live in the shelter and have access to medical and welfare services.



Human Trafficking

During 2016 we succeeded to have 27 people recognized as victims of trafficking, gaining them a status and protection package comprised of a one year rehabilitation visa including the right to work, a place in a residential shelter for victims of human trafficking for up to one year, medical and welfare services, and if relevant, an exemption from Holot. 24 of them are survivors of the Sinai torture camps and another three are migrant workers. 8 of them are women and 19 are men. Some of those recognized chose to go and live in the shelter, others preferred not to. In total we identified 51 people who we recommended for recognition. Another 7 were rejected, and we have 17 outstanding cases that we are waiting for answers on. Here are two stories of people we were able to help.

Client Story 3: Mary

Mary is a 36 year old Philipino woman. Approximately 3 years ago she met someone in the Philippines who offered her work in Israel. He told her that he had a job for her, and that she could come as a tourist and not have to pay for a work visa. She arrived in Israel, received a 3 month tourist visa, and was met by someone who drove her straight to the home of the family she was to work for. It was a large building with four floors, everyone from the same extended family. The first thing they did was to take her passport and her telephone. They gave her a different phone with a different sim card and said she could only use that. For over two years she was made to work from first thing in the morning till 10pm at night 7 days a week, cleaning, cooking, doing laundry. She was not allowed to call her family, and was not allowed outside of the house. She was made to sleep in the storage room with the door open and never had a moment of privacy. When she was sick she asked to see a doctor, but they refused to take her to a doctor, claiming her visa doesn't allow it. Without speaking the language or knowing anyone in the country, and without her passport, Mary did not see a way out. Eventually she opened a Facebook account and saw that her sister had a friend in Israel. She began writing to the friend and telling him of the situation. One Friday morning when the family were out of the house, he came to help her escape. He then contacted the Hotline and we met with Mary. We interviewed her and contacted the relevant authorities to have her urgently recognized as a victim of human trafficking. A Hotline volunteer picked her up from the Israeli man's house and took her to the shelter for trafficking victims. She is now in the shelter where she can stay on a rehabilitation visa for one year, which includes a work permit. The Legal Aid she is entitled to will help her get money from the family, in addition to the criminal investigation going on.

Client Story 4: Salam

Salam entered Israel in January 2011 after escaping Eritrea. After a short time in detention in Saharonim Salam was released. She met an Ethiopian man and they were together for a short time during which she became pregnant. By the time the child was born they were no longer together and Salam was a single mother. The father refused to take any financial responsibility for the child. Salam was searching for help to pressure the father to pay child support when she was referred to us by another organisation. Our case worker was helping her collect documents, including transcripts of hearings at the Detention Review Tribunal in Saharonim, when she saw that Salam told the tribunal that she was raped in Sinai. In May 2016 our case-



worker invited her to do an interview about Sinai. Salam explained that she was held in Sinai for 4 months where she did domestic work in the house of the Bedouin traffickers, including making food, cleaning and washing clothes. Working with the traffickers were two Eritrean translators who raped her almost every night. Salam had no-one to pay her ransom, but other Eritreans who were captured with her managed to put together \$2,500 for her release. Our case worker referred her case to the Israeli authorities to recommend that Salam be recognized as a victim of trafficking. In September 2016 she was recognized. As a recognized victim she is entitled to a place in a residential shelter which includes medical and welfare support, a one year rehabilitation visa, and state funded Legal Aid. In November 2016 Salam moved to live in the shelter with her baby. State Legal Aid is helping her to get child support money from her baby's father.

LITIGATION

Our impact litigation has largely focused on procedural fairness, particularly in regards to the Holot summoning procedure and the Refugee Status Determination (RSD) process, conditions in Holot and the protection and rights of Sinai torture camp survivors. This has taken place with the case against the government's Saharonim/Rwanda policy in the background. This is the policy that the MoI announced in March 2015 to increase deportations to third countries. Under this policy, anyone who has not submitted an asylum application, or who has been rejected, can receive an order to leave Israel to an undisclosed third country within 30 days, and if they refuse they will be jailed in Saharonim indefinitely. Together with the Refugee Rights Clinic at Tel Aviv University we immediately appealed to the Beer Sheva District Court when the policy was announced. We received a temporary injunction against the implementation of the policy for the duration of the case. In August 2015 we even sent a delegation of two people to Uganda to gather evidence. However in November 2015 we received a judgement rejecting our appeal. In December we appealed to the Supreme Court. In March 2016 the first hearing in the Supreme Court was held, followed by a second one in October. Because of the secret agreements with the third countries most of the October hearing was confidential and took place in private between the court and the state. The decision is now in the hands of the Supreme Court and there is no restriction on when they must deliver a judgement by. In the meantime, we have successfully deferred the implementation of this policy for almost two years, which if implemented, could have a drastic impact on the community.

During the year our legal team conducted a total of 70 legal interventions. 16 appeals to the Appeals Tribunal, 11 to the District Court and 7 to the Supreme Court. There was another 6 appeals to the Detention Review Tribunal, 1 Contempt of Court appeal to the High Court on the government's failure to implement the details of the Anti-Infiltration Law judgment, 2 Amicus Briefs to the Supreme Court, 4 Freedom of Information requests and 23 pre-litigation pieces of correspondence.

Below are details of the most significant achievements and ongoing cases of the legal department in 2016.

First Sudanese asylum-seeker receives Refugee Status

On Thursday June 23rd 2016 Mutasim Ali became the first Sudanese asylum seeker in Israel to receive refugee status. After more than two years of legal battles pressuring the state to provide an answer to Mutasim's asylum application the state finally provided a response. Legal work on behalf of Mutasim started in April 2014 when he first received a summons to Holot. Our legal argument claimed that someone who has submitted an asylum application and has been waiting for an answer for over two years should not be taken to Holot. Although the court made some significant statements ordering the state to change the summoning procedure, Mutasim was still taken to Holot. We continued the legal battle to pressure the state to provide an answer to his asylum application. In June 2015 just before the Supreme Court was due to hear his case, the Attorney General ordered the state to release Mutasim from Holot precisely because his asylum application had not been answered. He had spent 14 months detained there. One year later, after we continued to write letters to the Minister of Interior and the Attorney General, his asylum application was finally answered. Mutasim is the first Darfuri to receive any answer to an asylum application and the first Sudanese to be recognised as a refugee. Although the RSD system is supposed to be based on individual applications and not on precedent we hope this may be a sign of change.



Case Against Mol's position on Eritrean Army Desertion

Almost two years ago, the Hotline, together with our partners at the Tel Aviv University Refugee Rights Clinic, submitted a case to the Jerusalem Appeals Tribunal on behalf of an Eritrean asylum seeker. After fleeing his country he arrived in Israel and submitted a request for asylum. The state subsequently rejected his request, stating that desertion from the Eritrean army does not constitute grounds for asylum under the refugee convention. The state's position was based on a legal opinion that was drafted by the MOI legal advisor.

We took this man's case in 2014 because he is one of thousands of Eritreans who received rejections based on this legal opinion. After almost two years of deliberation, an Appeals Tribunal Adjudicator delivered a judgement on September 4th in our favour. The judgement stated that the Mol's legal opinion that desertion from the Eritrean army does not constitute grounds for refugee status is not valid and is not in line with the Refugee Convention. This will affect thousands of Eritreans who have been rejected on these grounds. The adjudicator also made some very strong statements in our favour, "Even in the completely theoretical case in which it was found that refugee status had to be granted to all those asylum seekers, I believe this isn't a quantity Israel is incapable of digesting or that would lead to unreasonable results, given that in any case, all of them are expected to remain in Israel for a long time even if their applications are rejected."

The state appealed the decision to the District Court and a hearing will be held in January 2017. There is an

intermediate warrant on behalf of the State, and therefore the decision is not being followed in the meantime. Whilst this was a very exciting breakthrough, the judgement is from the lowest level of the judicial system and could very well be overruled. It is clear that no matter what the outcome in the District Court will be there will be permission by one of the sides to appeal the Supreme Court. This will be a significant case in the coming year.

Conditions in Holot

The information we collected through our detention monitoring work has informed our legal strategy to improve conditions in Holot. We currently have a principal petition in the Supreme court about the inadequate food in Holot and in particular their failure to adapt the schedule for detainees to fast through the sun-lit hours of the day in the month of Ramadan. The case has progressed through the first stage and the burden of proof for this case now lies with the state. We have 4 other cases planned on the following topics: 1) A case about the severely limited number of vacation days that people are receiving and the fact that they have to wait in-line for approximately 8 hours to request a day of leave 2) A case about educational opportunities offered in Holot, something that was promised but has almost not taken place at all 3) About providing internet service 4) About what kind of personal items and equipment can be brought into the facility. All of these cases are meant to somewhat improve the standard of living for detainees who have to spend a year of their life there, in addition to challenging the state who have claimed that Holot is not a prison or a punishment.

Criteria for Holot

Early in 2016 we started a case to address the fact that there is no criteria for who the Mol summonses to Holot and for how long. Although there are certain groups that are exempt, such as women and children, men with families or partners, recognized trafficking victims and those over the age of 60, there is no criteria. The need for criteria became clear after a previous contempt of court case on the Anti-Infiltration Law judgement as we realized that there are no guidelines for exercising discretion regarding the detention period for detainees. Different decisions were being made by different clerks in a completely arbitrary manner. We started in the Appeals Tribunal in early 2016, appealed to the District Court and then arrived in the Supreme Court where a hearing was held at the end of June. The court said that the state has 30 days to come up with a criteria and that they should take our suggestions into account. Our suggestions include considerations of; if someone has applied for asylum, how long someone was previously held in detention on arrival, if they are torture victims, if they have other medical or humanitarian reasons or if they live in Tel Aviv. In late July we received the Mol's criteria for Holot. It did not contain anything new other than excluding the few groups that have always been exempt (mentioned above).

We responded to the new criteria with a letter. The letter was sent after consultation with other organizations and lawyers working in this area. It's a detailed document, addressing both general problems and reasons for the whole procedure to be cancelled. We argue that the procedure is not in accordance with the Supreme Court decision, that it doesn't give enough weight to questions such as if someone has spent long periods in detention before, if someone is a victim of torture, if they have submitted RSD applications and haven't

received answers. We did not receive any answer to our letter and have therefore started addressing the issue of criteria for Holot via litigation, starting with a principle petition regarding Sinai torture victims in Holot.

Principle Petition on Sinai Torture Survivors and Holot

In the final months of 2016 we worked intensely on submitting a major principle case to the High Court to stop them from summoning Sinai torture victims to Holot. This directly follows the legal work that has already been done regarding the absence of a criteria for summoning to Holot. However we have started with Sinai torture victims both because it is the most urgent humanitarian issue, and also because this issue is more likely to be taken up by the High Court, rather than them dismissing the petition and saying that it is not a principle issue and we must start in the appeals tribunal. The case is due to be submitted in early 2017 and will be a major piece of work going forward.

10 Years in Detention

We took a case on behalf of a client who has been in detention for 10 years. He is from Ivory Coast, but also lived part of his life in Guinea. His asylum application was rejected but he refuses to cooperate with his deportation because he is scared of going back. We took his case because of the extreme period he has spent in detention. We appealed to the District Court in Beer Sheva arguing that the state has to come up with a solution for him. A hearing was held early in the year and the court gave the state half a year in which to deport him. The state tried to deport him but he refused to cooperate. In July there was a hearing in which we argued that there must be some limit to the time someone can be held administratively in immigration detention. A few weeks later we received a decision ordering his temporary release. For the time being he is outside detention but we expect there will be further hearings. This is the most extreme case of long term detention that we know of in Israel. Contesting long term detention is a major priority after completing our report *Forgotten in Prison* on this issue (see further below).

Criminal Procedure

In December 2015 we filed a principle petition to the High Court against the 'criminal procedure'. This is the policy that allows any asylum seeker who is suspected of a crime to be administratively detained in immigration detention. Even if there is not enough evidence for an arrest to be made, an asylum-seeker can be detained indefinitely without going before a judge simply because they were suspected of a crime. Furthermore, if an asylum seeker is convicted of a crime, once they have served their sentence in criminal prison they can be moved to immigration detention for an undisclosed period of time. The court dismissed the case saying that we could not take it on as a principle issue and would have to start with a case in the lowest court – the Appeals Tribunal. We found a test case and in April and filed an appeal on behalf of an asylum seeker who was taken to Saharonim under the criminal procedure. The Tribunal released the client from detention, thereby avoiding addressing the principle issue.

Later in September we submitted an Amicus Curiae to the Supreme Court for a case of the Criminal

Procedure, which would allow us to provide evidence regarding this law from a general perspective, in someone else's case. However, the Supreme Court said they will not decide on the principle issue. We have now submitted a second Amicus to the Supreme Court with the objective of getting some kind of principle decision. The court's unwillingness to address the criminal procedure on a principle level is proving to be a major obstacle. We are therefore going to publish a report in early 2017 on the Criminal Procedure as well as on the court's failure to address the Criminal Procedure. This report will be the start of us fighting the Criminal Procedure on an advocacy level, in addition to through the courts.

Out-of-hand rejection of RSD applications based on date of submission

In March we filed an appeal to the Appeals Tribunal on behalf of an Eritrean man who is a Jehovah's Witness and whose RSD application was dismissed out of hand because of the date it was submitted. Out-of-hand dismissals mean that the RSD application is not evaluated based on merit but dismissed based on a technicality. The state agreed in his particular case to reopen the RSD application. However we requested that the tribunal still provide a ruling on the principle issue of out-of-hand dismissals of RSD applications. It is still unclear what it technically means that the date of submissions was 'late' because although the law now says that RSD applications must be submitted within one year of entering the country at the time that most people entered this was not the law and Eritreans and Sudanese were told that they were not eligible to submit an application because of their group protection status. This case had the potential to affect hundreds if not thousands of people who received out-of-hand rejections based on 'late' submission. The Appeals Tribunal ignored the principle issue, so we appealed to the District Court. In October we had a hearing in the District Court. The court said that since the particular individual got what we asked for in the tribunal (for his request to be considered on its merits) then the court will not address the principle issue.

In November a private attorney achieved a principle decision from the Appeals Tribunal stating that Eritreans and Sudanese cannot have their asylum applications rejected out-of-hand based on date of submission, and should the MOI wish to reject applications of Eritreans and Sudanese based on date of submission, it has to publish such policy and allow sufficient time to submit an individual asylum application. Those who were rejected out-of-hand can now reapply.

Slavery of Turkish Construction Worker

Early in the year a Turkish construction worker turned to us for help after his employer abused and threatened him. He works for a Turkish construction company that has special privilege to employ Turkish workers directly, an agreement that is separate from the normal system for bringing migrant workers to Israel. When the special agreement was first made almost ten years ago, HRM was involved in appealing to the court to cancel the entire arrangement based on the fact that people are bound to their employer and it is therefore fertile ground for modern slavery. We lost the case. When this worker came to us we collected evidence and applied for him to be recognized as a victim of slavery. He was rejected. We appealed to the tribunal and are awaiting a decision. This could be a significant case as the Tribunal may be forced to comment on the nature of the special arrangement this company has and essentially require the state to change it. Such a precedent could also have a positive impact on the pending arrangements to bring more Chinese construction workers to



Israel.

Ukrainians and Georgians

During the year we have played a role in identifying and exposing a new highly problematic trend in migration in Israel. Many Ukrainians and Georgians are arriving in Israel as tourists and then applying for refugee status. After applying for refugee status they are given a 2a5 visa on which they are allowed to work, and they then set out to work. This situation is made possible by recently changed laws that do not require Ukrainians and Georgians to get visas to enter Israel as tourists. It is obvious that this is being coordinated by Israelis who are looking for a cheap backdoor way to bring workers to Israel and have discovered that they can exploit the highly dysfunctional RSD system. We started a correspondence with the Ministry of Justice and Ministry of Interior, asking that the police open an investigation on what is going on there because it is grounds for and could be human trafficking in huge numbers. We are working with Kav La'oved on gathering more evidence and advocating on this issue.

Migrant women facing deportation

This year we had 5 cases of migrant women who came to Israel because of their partner and are facing loss of status due to relationship breakdown in the context of violence. Countries of origin are two Moldovians, one Ukrainian, a Palestinian and an Ethiopian. What is common in all of our cases is that they are extremely complicated. In addition to being an issue of family violence, relationship break up and then a claim for status, all of our cases have some extra complication, as the below case story illustrates. What is also common is that the state is doing everything in its power not to grant status to these women who are not Israeli and not Jewish, despite the fact that there is a special legal route that allows them to do so and is in place exactly for these type of circumstances. The pattern of state failure to protect these vulnerable women is of great concern to us. In 2017 we plan to write a report on this issue in order to address it on a systematic level and not just a case by case basis.

Client Story 5: Anna

Anna was trafficked to Israel from Moldova in 2002. She had financial difficulties and was told she would have a job in Bulgaria, but when she got on the plane her ticket was to Kiev, and then to Cairo. From Cairo she was smuggled into Israel via the Sinai border. Once in Israel the trafficker sold her to a pimp and she was forced to work in prostitution for years. Eventually she was rescued by an Israeli man, and she moved in with him. Around 2005/6 she left this man for another one. Although he would not marry her, they had 3 children together. The oldest is now 11 and the youngest is two. Along the years he was abusive verbally and sometimes physically. He was nervous and jealous when she went to work and had alcohol problems. After drinking one night he threatened to kill her with a knife, he was arrested and imprisoned. He was never physically violent towards the kids, but because of his violence the welfare services took the the youngest child into their care as she had no stable home. The older two children are in boarding homes, also because of their home situation. In November 2016 Anna came to us. We recommended that she be recognized as a trafficking survivor in order for her to be able to go to the residential shelter for trafficking survivors and receive rehabilitative care. However, this would only be one-year solution and we also needed to find a longer

term solution for her. Whilst we were waiting for authorization she was not able to find regular housing and missed an opportunity to get her child back. Her partner was released from prison, and she moved back in with him. The child is with a foster family and Anna is in regular contact with him. They are considering releasing him back into their care. We are now in touch with the social services and are advising them how to submit a request for status as a common law partner. This is not an ideal situation, as her status will be dependent on him, however there is no precedent in the Israeli law for her status to be attached to the children. There is the possibility to gain status due to the abuse she suffered from him but the process is very long and can delay her getting her children back. It is very important that the social services are involved so they can witness his progress so they may be able to get the children back, and also so that her situation will be well documented should there be any legal proceedings in the future.

PUBLIC POLICY AND MEDIA

Our public policy work has included the publication of four significant reports, all of which have been followed up by corresponding advocacy activities and media coverage. The data and conclusions of the reports also help us build our organizational strategy and priorities for the coming years. In January we submitted our shadow report on Trafficking in Persons to the US State Department (more below), followed by the shadow human rights report in June. We also made submissions to the UN Committee against Torture, which included sending a representative to a hearing in Geneva in May to ensure that asylum seeker issues were clearly on the agenda., and a submission to the UN Committee on Violence Against Women in the lead up to the country visit from the UN Special Rapporteur on the issue of Violence Against Women that took place in September.

In the second half of the year we particularly worked on advocating for state responsibility in providing rehabilitative support for Sinai torture survivors. Because the government does not show any interest in making the refugee policy any less harsh, we have strategically decided to promote the distinct and separate needs of the Sinai torture survivors. Our proposal, based on establishing a screening and evaluation mechanism in order to award a rights package that is based on a combination of health insurance, welfare services and exemption from detention, has been presented to the Ministry of Justice, Ministry of Welfare and Ministry of Health. Advocating for this program is a major priority and we will continue this work into 2017 with the hope of seeing a pilot program in the first half of the year. This is complimented by our legal work which includes the case regarding criteria for Holot, in which we are arguing that Sinai torture victims should not be summoned to Holot. The dialogue that has opened with the various ministries is progressing positively and we hope to see this pilot program take place in 2017. If not, we may pursue litigation regarding state responsibility to provide rehabilitation services to people trafficked outside Israel's borders.

Detention Monitoring Report

In 2015 the Hotline decided on a new publication format for our detention monitoring and reporting work. We have launched a comprehensive annual monitoring report covering all the immigration detention facilities in Israel. Data collection and research will take place throughout the year, allowing us to identify changes, and

the regular annual publication will allow us to develop a longitudinal record on detention conditions. In February 2016 we published our [2015 Detention Monitoring Report](#). It covered the three centres; Saharonim, Holot and Givon, and included survey results conducted with 72 detainees across the 3 facilities.

The report exposed problems in the areas of food quality (especially in Holot), health care and lack of hygiene products. Of greatest concern was the lack of translation services. This was consistent across the different facilities and in multiple settings, including; hearings with the MoI or Detention Review Tribunal – the only opportunity that detainees have to advocate for themselves - and in the medical clinics. This is a particularly severe violation of rights, as people are not given a fair hearing when they cannot express themselves. The report garnered significant media attention, drawing 9 items in Israeli media and 6 in international media. The report has been used in advocacy meetings with government officials, including a significant meeting with the newly appointed commanding officer of Holot. It has also helped us to identify areas of concern and we have started four different legal cases regarding detention conditions based on the findings of the report (See legal section above).

Trafficking Report

In April we published our [2015 monitoring report on trafficking in persons in Israel](#). Each year in January we submit a shadow report to the US State Department on Trafficking in Persons to provide them with information for their yearly publication which reviews almost every country in the world. This year we decided to also publish a comprehensive report about human trafficking for the public because of the decline that we have seen in the government authorities' commitment to combatting trafficking. This decline is evidenced both in their lack of identification of victims and their will to prosecute traffickers. The report contained information about our work with Sinai victims of trafficking as well as new patterns in sex trafficking that we have identified. In 2015 the state identified a total of 35 victims of trafficking, making them eligible for rehabilitative services and other rights. Of the 35 individuals, 19 of them (almost 60%) were identified and referred by HRM alone. This shows the leading role that HRM are playing in Israel's efforts to combat trafficking.



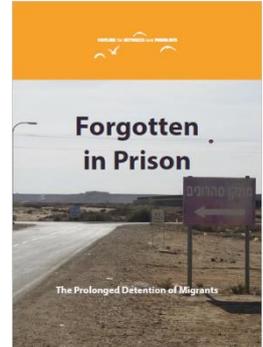
New Testimonies from Sinai

In November we published a short report on new testimonies from Sinai entitled [Reappears](#). Between November 2015 and April 2016, 61 Sudanese asylum seekers managed to enter Israel by somehow overcoming the border fence. Our recent interviews with them indicate that smugglers in Sinai resumed torturing and enslaving asylum seekers on a limited scale, no later than the end of 2015. Based on those whom we interviewed, the average period spent in Sinai was one month. The main forms of abuse were starvation, beating and hard labor in marijuana growing fields and in tree lumbering. Whilst some of those who entered were so physically weak they were taken to hospital upon crossing the border, it does not appear to be as systematic, widespread and sadistic as the torture camps of 2010-2012 were. However, the fact remains that horrific crimes continue to take place in Sinai, and upon release from their captors, the victims of

these crimes are then re-detained by the Israeli government.

Long Term Detention Report

Our report on prolonged detention, entitled *Forgotten in Prison* was published in Hebrew on December 10th to coincide with International Human Rights Day. The report details information gathered by HRM regarding persons without status detained for periods of over two years. There are three general groups of people who are subjected to long-term detention; 1) Persons without status whose Citizenship is Disputed 2) Persons without status from countries with which Israel does not maintain diplomatic relations and 3) Persons who refuse to cooperate with their removal. Each case is different and complex for a variety of reasons. What is common to all of them is that they are trapped in a bureaucratic black hole, many of them repeatedly in and out of prison, whilst others have been forgotten there for years. Of the 33 persons whose circumstances are described in the report, 25 have been or were detained for over three years, 18 of them for over four years, 10 of them for over five years, and five for over six years. The report concludes with six major recommendations calling for a greater level of judicial review, greater checks and balances and a cease to applying impossible release conditions to vulnerable people who can never fulfill them. This report is one of the most important reports HRM has ever produced, and through advocacy work in 2017 we plan to turn the recommendations into systematic change that will affect dozens of people who have been forgotten in prison.



Media

During 2016 we facilitated 271 media items; 141 in Israeli media and 76 in international media. Some articles were based on our press releases or quoted our research, others involved an interview with an HRM staff member, or we provided the connection between journalists and refugee/migrant community members. Media numbers were somewhat down from the previous years, largely because the huge amount of coverage around the Anti-Infiltration Law decisions in 2013, 2014 and 2015. Some of the most significant English articles were as follows;

Sample of English News Coverage 2016
<p>The Forward - After Torture and Desert Trek, First Sudanese Wins Asylum in Israel – 29/6/2016 http://forward.com/news/israel/343626/after-torture-and-desert-trek-first-sudanese-wins-asylum-in-israel/</p>
<p>BBC - Israel's unwanted African migrants - 3/02/2016 http://www.bbc.com/news/magazine-35475403</p>
<p>Haaretz - Landmark Ruling Gives New Hope to Eritrean Asylum-seekers in Israel – 05/09/2016 http://www.haaretz.com/israel-news/.premium-1.740249</p>



CHALLENGES

Limited Access to Detention

In March of 2016 the prison authority announced that they will no longer allow anyone who does not have an Israeli ID to enter the prisons. This particularly limited our ability to provide assistance to Eritreans, as our regular Tigrinya translator could no longer enter the prisons. A few months later, when we had a new case worker and three new national service volunteers the Prison Service would not allow us to get new permits. The issue was resolved in November but severely limited our ability to assist people in detention for a significant part of 2016.

FUTURE PLANS

In June we embarked on a strategic planning process to take us into the next three years. Our past three years has been focus upon fighting against the Anti-Infiltration Law. However since this legal battle has been exhausted we have re-focused our work. Our new strategic plan is based on four core areas; Access to Justice, Bureaucracy, Detention and Rights.