

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*

January 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 Ketsiot. The majority of the families are Eritrean, Sudanese or Ethiopian.

Conditions of Minors and Children in Saharonim Prison

Like all other asylum seekers, when the minors and families arrive in Israel they are transferred to Saharonim Prison, near the Nizana border checkpoint. Families are separated: 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 is hard for 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 importance is clear to everyone"*.¹

¹ Israeli Public Defender Yearly Imprisonment condition Report, August 2011:

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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 entry 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 2,000 persons. Because the new wing cannot be gender-segregated, 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 although ventilators were installed in the tents recently, 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 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."*²

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.

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

² Ibid.

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Since there are not always vacancies in Matan Prison, some minors remain in Saharonim prison.

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 ten 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. 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.³

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. To date, 179 minors have been detained there. The commander reported that a suicide attempt results in psychiatric supervision, whereby a psychiatrist visits the prison every three weeks. One of the minors who attempted suicide was sent to a closed ward at a psychiatric hospital.

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

Alternative Solutions to the Detention of Minors

³ State response from August 11, 2011, to HC Petition 1254/10

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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, 121 refugee minors 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 dropped to 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.

Testimonies of Detained Minors

T., 14-years-old, is now in Nizana boarding school. He told the Hotline for Migrant Workers:

"I'm 16 years old, but in the check up in prison they told me that I'm 14 years old. I've been in the Nizana boarding school for three weeks. Before that I was detained for six months in Matan Prison and 3.5 months in Saharonim Prison. I was detained for 9.5 months in Israel. Life in Saharonim was very difficult. It was extremely hot and we were about 11–12 children in every tent. The food was good and the guards were nice. They counted us twice, morning and night. In Saharonim there is no possibility to make a phone call and I was very worried about my family that I left in Eritrea, and them not knowing whether I'm dead or alive. It was very boring there. We studied there twice a week, an hour and a half every time.

Matan Prison was much better, but it was still a prison. In Matan we had real rooms and not tents. We were ten children in five bunk beds. There was also a television in our room. We were able to get out of the room for an hour every day. During 23 hours a day we were locked in our rooms, which was much more difficult than in the tents"⁴.

A., 16, tells: *"I was detained in Matan Prison for six months. During those month,s I left the building once, after three months, for a medical check up. They took me to a psychiatrist since I behaved wrongly. I did behave wrongly because I felt it was very crowded in the prison and I*

⁴ Testimony taken by the Hotline volunteer on June 16th, 2011 in Nizana boarding school.

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wanted to get out. I told the psychiatrist that the only thing wrong with me is the fact that I'm in prison. It took three more months before I was released from the prison to Nizana boarding school."

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