

# Hotline for Migrant Workers

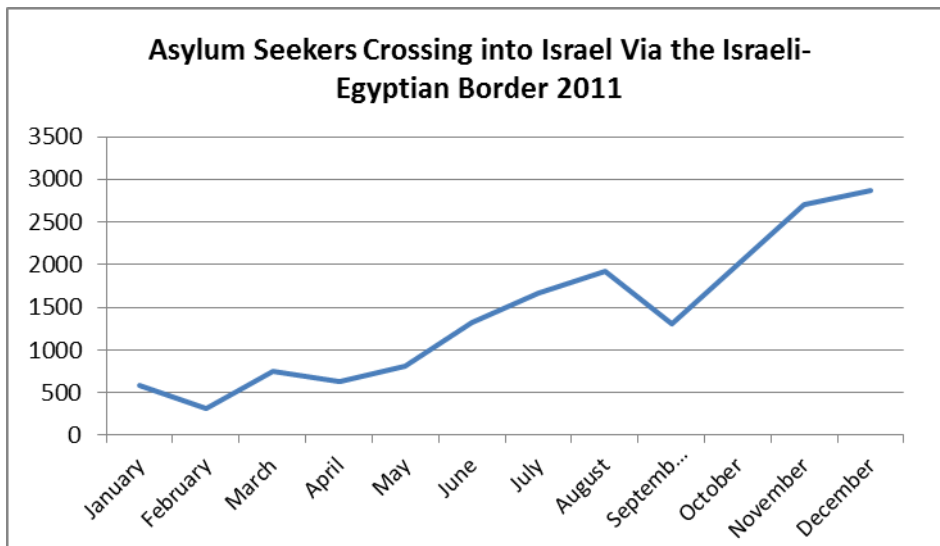
"You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" - *Exodus 22:20*

July 2012

## Briefing: Asylum Seekers and Refugees in Israel

### I. Facts and Figures

For many years the number of non-Palestinian refugees in Israel was very small. However, in 2005 this was about to change. In Cairo, Sudanese refugees, driven to Egypt by years of civil war and conflict, staged a mass protest against their ill treatment. The refugees were violently dispersed by the government, some were killed and many were arrested, and conditions for refugees in Egypt worsened. This set off a movement of refugees towards Israel which has steadily increased ever since. From several hundred refugees, the number of asylum seekers and refugees entering Israel has grown to over 60,000.<sup>1</sup> In 2011 alone, almost 17,000 asylum seekers entered via the Egyptian border (see illustration). Over 82% of asylum seekers currently residing in Israel are from Eritrea or Sudan. In 2011 these two groups comprised 96% of new asylum seekers.<sup>2</sup>



Source: Population and Immigration Authority<sup>3</sup>

<sup>1</sup> "Data on Foreigners in Israel", The Unit of Planning, Research, Quality and Excellence, The Population and Immigration Authority, Volume 3/2012, April 2012 (Hebrew), <http://piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/%D7%90%D7%A4%D7%A8%D7%99%D7%9C%202012.pdf>

<sup>2</sup> "Data on Foreigners in Israel", The Unit of Planning, Research, Quality and Excellence, The Population and Immigration Authority, Volume 1/2012, January 2012 (Hebrew) <http://www.piba.gov.il/PublicationAndTender/ForeignWorkersStat/Documents/%202011%20סיכום%20שנת%2011.pdf>

<sup>3</sup> Ibid.

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## II. Torture Camps in Sinai

Since 2010 we have been gathering evidence of **horrific violence, torture, and rape** of asylum seekers en-route to Israel, a phenomenon that has now spiralled out of control. Smuggling networks operating in the Sinai and beyond (Israel, Ethiopia, and Sudan) lure victims from Eritrea and Sudan by promising to guide them to Israel for an agreed sum. They then proceed to lock them up in encampments in the Sinai desert and force them to call relatives while they are tortured, in order to extort ransom money for their release. The methods of torture include administering electric shocks, branding with hot metal rods, beatings, hanging by the legs, starvation, and gang rape. Horrified by the cries of pain they hear over the phone, relatives pay up to \$40,000 to free their relatives, often selling their homes and taking out loans. Captives are held for months, in some cases more than a year, until the money is paid or they die. In some cases they are sold from one smuggler to another.



Refugee showing burn marks inflicted by smugglers in Sinai.  
(Photo taken by the Hotline for Migrant Workers in Tel Aviv, 14 February, 2012)

The recent political changes in Egypt have left the Sinai region in turmoil, exacerbating the situation. **At least 20% all asylum seekers from Eritrea we interviewed during 2011 were held captive** in desert encampments and describe horrific abuse and murders. According to Ms. Meron Estefanos, co-founder of the International Commission on Eritrean Refugees, over 2,000 hostages were held in May 2012, among them over 200 women, about 50 youths, and about 30 infants, and many others were heading towards the Sinai. In recent months we have also collected testimonies of people who were not lured with promises of being led to Israel but were **forcibly kidnapped** from Ethiopia and Sudan and even from Israel itself and taken to these torture camps in the Sinai.

The Hotline for Migrant Workers has been one of the most active organizations documenting, **publicizing and advocating against this abuse**, joining forces with Kav LaOved, Physicians for Human Rights, and international organisations.<sup>4</sup> In June 2010, the HMW published an

<sup>4</sup> These include Agenzia Habeshia (Italy), Release Eritrea (United Kingdom), International Commission on Eritrean Refugees (United States), Eritrean Movement for Democracy and Human Rights (Sweden), and The America Team for Displaced Eritreans (United States).

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initial report revealing this abuse,<sup>5</sup> and in February 2011 we published a report titled "The Dead of the Wilderness" based on 60 testimonies collected during 2010.<sup>6</sup> Findings were also shared in yearly shadow reports to the U.S. State Department and were later included in its annual report on trafficking in persons.<sup>7</sup> In November 2011, along with several other organizations, we published an urgent appeal to release the thousands of hostages held in the Sinai desert.<sup>8</sup> We have also supplied information to the Israeli police regarding individuals who reside in Israel and who collaborate with the torturers in the Sinai, and after a year of tenaciously pursuing these complaints we are finally seeing some investigations and arrests.<sup>9</sup>

These efforts have led to significant media coverage, including reportage by the New York Times, the BBC, the Guardian, the Huffington Post, CNN, and Channel Four in the UK, as well as extensive coverage in the Israeli media.<sup>10</sup> Public figures and international institutions including the Pope,<sup>11</sup> the High Commissioner for Refugees,<sup>12</sup> and the European Parliament<sup>13</sup> have all spoken out against these abuses and have called on the Egyptian and Israeli governments to stop the brutalities and protect the victims. However, as yet we have not seen action by the Egyptian government to fight this phenomenon, and support for the victims reaching Israel is severely lacking.

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<sup>5</sup> [http://www.hotline.org.il/english/pdf/Hotline\\_and\\_Kav\\_Laoved\\_Human\\_Trafficking\\_060810\\_WL\\_Eng.pdf](http://www.hotline.org.il/english/pdf/Hotline_and_Kav_Laoved_Human_Trafficking_060810_WL_Eng.pdf)

<sup>6</sup> Hotline for Migrant Workers, "The Dead of the Wilderness", February 2011, [http://www.hotline.org.il/english/pdf/Testimonies\\_from\\_sinay\\_122010.pdf](http://www.hotline.org.il/english/pdf/Testimonies_from_sinay_122010.pdf)

<sup>7</sup> U.S. Department of State, "2011 Trafficking in Persons Report", <http://www.state.gov/j/tip/rls/tiprpt/2011/>

<sup>8</sup> "Urgent Appeal to release hundreds of hostages held in torture camps in the Sinai Desert", 30 Nov 2011, [http://www.hotline.org.il/english/pdf/Hundreds\\_of\\_Refugees\\_Held\\_Hostage\\_in\\_Sinai\\_November\\_2011\\_Eng.pdf](http://www.hotline.org.il/english/pdf/Hundreds_of_Refugees_Held_Hostage_in_Sinai_November_2011_Eng.pdf).

<sup>9</sup> Yagna, Yanir, "Israel's arrest of Bedouin man sheds light on Sinai kidnappings of African refugees", Ha'aretz, 25 March 2012, <http://www.haaretz.com/news/national/israel-s-arrest-of-bedouin-man-sheds-light-on-sinai-kidnappings-of-african-refugees-1.420598>.

<sup>10</sup> See, for example: Kraft, Dina. "Smugglers Rape, Beat and Hold Africans for Ransom, Israeli Group Says." The New York Times, 15 February, 2011, <http://www.nytimes.com/2011/02/16/world/16bedouin.html>; "Death in the Desert: Tribesmen Exploit Battle to Reach Israel" CNN, 3 November, 2011, <http://www.cnn.com/2011/11/02/world/meast/egypt-refugees/index.html>; "Unreported World - Breaking Into Israel", first aired 3 June, 2011, <http://www.channel4.com/programmes/unreported-world/episode-guide/series-2011/episode-9>; "Egyptian Authorities Look the Other Way as Bedouin Kidnap Refugees." *The Guardian*, 14 February, 2012, <http://www.guardian.co.uk/world/2012/feb/14/egypt-bedouin-kidnap-refugees-israel>; "Eritrean Refugees Kidnapped in Sudan." BBC, 6 February, 2012, <http://www.bbc.co.uk/news/world-africa-16903627>; Fleming, Melissa, "Screams from the Desert", Huffington Post, 15 February 2012, [http://www.huffingtonpost.com/melissa-fleming/sudan-women-rape\\_b\\_1279733.html?ref=tw](http://www.huffingtonpost.com/melissa-fleming/sudan-women-rape_b_1279733.html?ref=tw).

<sup>11</sup> "The Pope Lifts the Lid on Sinai's Tortured Eritrean Refugees." The Guardian, 9 December, 2010, <http://www.guardian.co.uk/commentisfree/belief/2010/dec/09/pope-sinai-torture-african-refugees>

<sup>12</sup> "Eritrean Refugees Kidnapped, Killed: UNHCR Chief." AFP, 12 January, 2012, <http://www.google.com/hostednews/afp/article/ALeqM5hari7DYAS2PKYVhM4RRAMMMcvGOA?docId=CNG.140d0aa1e4b9fa1f6d9de393aaae039f.371>.

<sup>13</sup> European Parliament resolution of 15 March 2012 on human trafficking in Sinai, in particular the case of Solomon W. (2012/2569(RSP)). Available from: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT+TA+P7-TA-2012-0092+0+DOC+XML+V0%2F%2FEN&language=EN>.

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## III. The Asylum System in Israel

### ***Denial of Access to the Asylum System***

The arrival of refugees in Israel has been met with growing hostility. Although historically Israel was active in the drafting of the 1951 Geneva Convention relating to the Status of Refugees and was one of the first countries to become a member, to this day it has not incorporated the convention into domestic legislation. Instead, over the past decade the government has developed directives and taken ad-hoc and often contradictory decisions, all of which have led to a frail and flawed asylum system. Whilst procedures for determining who is a refugee have recently been developed, most asylum seekers in Israel are denied access to this process. The government has consistently refused to conduct individual examinations of asylum applications of Eritreans and Sudanese, hiding behind what it terms "group protection" for the two groups that together comprise the vast majority of asylum seekers. In acknowledgment that Eritreans and Sudanese face life-threatening conditions in their countries, they are not being deported. Yet, despite the fact that an individual examination of most asylum cases has never been undertaken, officials repeatedly declare that they are economic migrants and refer to them as "infiltrators."

The temporary group protection afforded to asylum seekers from Eritrea and Sudan does not entitle them to basic rights or social services: it does not prohibit detention, does not accord the right to work, and does not allow access to healthcare, social housing, welfare, or legal aid. Without the right to work and without any state-funded assistance, refugees are forced into destitution.<sup>14</sup> Many have become homeless or reside in substandard conditions in the most deprived neighbourhoods of Israel. Some have turned to petty crime in order to survive.<sup>15</sup> This has given rise to inter-group tensions in these neighbourhoods, which recently exploded in the form of race riots and hate crime.



<sup>14</sup> Lior, Ilan, "Israel Promised Their Jobs Were Safe, but Tel Aviv Fires Asylum Seekers." *Haaretz*, 26 January, 2012, <http://www.haaretz.com/print-edition/news/israel-promised-their-jobs-were-safe-but-tel-aviv-fires-asylum-seekers-1.414814>.

<sup>15</sup> Omri, Efraim, "Police: Crime by Foreigners up 23%." *Ynet*, 19 March, 2012, <http://www.ynetnews.com/articles/0,7340,L-4204973,00.html>.

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Homeless refugees living in Levinsky Garden in South Tel Aviv, seeking shelter from the rain, 11 February 2012 (Photo: Gabi Ben Avraham)

## ***The Refugee Status Determination Process***

Since mid-2009 the authority to review applications for asylum and to determine whether they meet the conditions set out in the 1951 Geneva Convention relating to the Status of Refugees has been transferred from the UNHCR office in Israel to the Israeli Ministry of the Interior. Since then, only 2 of the 812 applications deliberated by the Interior Ministry in 2009, and 6 of the 3,366 applications deliberated in 2010 were accepted as refugees (recognition rates of 0.24% and 0.17% respectively).<sup>16</sup> These rates are significantly lower than the norm in developed countries. For example, in 2010 recognition rates in the first stage of the asylum process (i.e., not including appeals) were 13.5% in France, 25.3% in the UK, 37.9% in Sweden, 41.0% in Norway, 47.4% in Canada, 48.3% in Australia, 50.8% in the U.S., and 72.7% in Switzerland.<sup>17</sup>

The low recognition rates are the result of a system that is designed to reject asylum claims. Asylum seekers describe long, arduous interviews which are conducted more like police interrogations, including repetitive questions about insignificant events and minor details such as the colour of the bus they rode when fleeing the country. Unprofessional interpreters misinterpret replies,<sup>18</sup> and the information collected by the Interior Ministry about countries of origin is often inaccurate and misleading. Critically, reasons for rejection are normally not disclosed.<sup>19</sup>

**Over 82% of asylum seekers in Israel are denied access to the Israeli asylum system. Less than 1% of asylum seekers who are allowed to submit asylum applications are recognised as refugees.**

## **IV. Government Program to Combat "Illegal Infiltration"**

Desperate to show that it is addressing the growing number of asylum seekers, the government has resorted to harsh measures. On 11 December 2011 it allocated 630 million NIS (about €130/£104/\$163 million) for a program to combat "illegal infiltration".<sup>20</sup> This includes building a fence on the border with Egypt, enforcement measures against anyone employing asylum seekers, dramatically increasing the number of immigration detention places, passing an "Anti-Infiltration" Bill, and examining ways to deport "infiltrators".

<sup>16</sup> Reply in Admin. Appeal (Centre) 24177-01-11 (dated 05 May 2001) para. 8 (Hebrew).

<sup>17</sup> UNHCR Statistical Yearbook 2010, Annex, Table 10, <http://www.unhcr.org/4ef9c7269.html>.

<sup>18</sup> See, High Court Appeal 8675/11, Mespén Mezmor Tedessa vs. The Unit for Handling Asylum Seekers et al. (decision dated 14 May 2012) (Hebrew). In this case, represented by the Hotline for Migrant Workers, the court accepted the claim that the Refugee Status Determination interview had been conducted without appropriate translation and that the Interior Ministry must ensure that an interpreter proficient in the applicant's language is present during such interviews.

<sup>19</sup> For a thorough review of the Israeli asylum system and its flaws see: Berman, Yonatan, "Until our Hearts are completely hardened", Hotline for Migrant Workers, March 2012, [http://www.hotline.org.il/english/pdf/asylum\\_procedures\\_2012\\_eng.pdf](http://www.hotline.org.il/english/pdf/asylum_procedures_2012_eng.pdf).

<sup>20</sup> Government Decision no. 3936 from 11 December, 2011 (Hebrew), <http://www.pmo.gov.il/PMO/Secretarial/Decisions/2011/12/des3936.htm>.

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## ***The Law to Prevent Infiltration***

On 9 January 2012 the Knesset passed an amendment to the Law to Prevent Infiltration, which targets anyone entering Israel without a permit. The amended law states that a person crossing into Israel without authorisation may be detained for up to three years. Anyone entering from a country that Israel considers a "Hostile Enemy State", for example Sudan, may be detained indefinitely. It portrays asylum seekers as "infiltrators" and invokes the language of security rather than that of protection. The law does not include special provisions for vulnerable people such as children or victims of torture, rape, and other types of trauma. Under this law, review of detentions is to be conducted by a special tribunal, which has the authority, but not the obligation, to release detainees only under exceptional circumstances.<sup>21</sup>

Proponents of the law openly admitted that one of the main goals of the legislation was to enable the detention of "infiltrators" for long periods and to deter others from coming. The new legislation requires a higher degree of legal expertise in order to provide representation to detainees and creates steeper barriers for release. The law has been criticized by NGOs, the UNHCR, and international groups,<sup>22</sup> and described as a "disgrace",<sup>23</sup> "repressive", and "a blow to migrants' rights".<sup>24</sup> In March the UN Committee on Elimination of Racial Discrimination urged the Israeli government "to amend the *Law to Prevent Infiltration* and any other legislation aimed at discriminating against asylum-seekers or denying refugees, on the basis of their national origin, the protection guaranteed under the 1951 Geneva Convention relating to the Status of Refugees".<sup>25</sup> Human Rights Watch has also called on the Israeli Parliament to amend the law.<sup>26</sup> Nevertheless, since June 2012 the Ministry of the Interior has been detaining asylum seekers under the Law to Prevent Infiltration.<sup>27</sup>

## ***Increasing Detention Capacity***

In 2010 more than 12,600 people were held in immigration detention, and at least 8,900 were detained in 2011. Up until mid-2012 most asylum seekers were detained in the Saharonim detention facility on the border with Egypt, with the capacity to detain 2,000 people at a time. Conditions in Saharonim have been criticized by the Israeli Public Defender, stating among other things, "In the Saharonim facility, the wings are surrounded by tall barbed wire fences, reminiscent

<sup>21</sup> The Law to Prevent Infiltration, amendment no. 3, 2012, [http://www.knesset.gov.il/privatelaw/data/.../577\\_3\\_2.rtf](http://www.knesset.gov.il/privatelaw/data/.../577_3_2.rtf)

<sup>22</sup> See, for example: Amnesty International, "Israel: New Detention Law Violates Rights of Asylum-seekers", 10 January, 2012, <http://www.amnesty.org/en/news/new-israeli-detention-law-violates-asylum-seekers-rights-2012-01-10>; Harkov, Lahav. "Knesset Passes Anti-infiltration Bill", Jerusalem Post, 10 January, 2012, <http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=252909>.

<sup>23</sup> Ha'aretz Editorial. "Israel's Anti-infiltration Law Is a Disgrace", 11 January, 2012, <http://www.haaretz.com/print-edition/opinion/israel-s-anti-infiltration-law-is-a-disgrace-1.406653>.

<sup>24</sup> Euro-Mediterranean Human Rights Network, "Knesset's Repressive 'anti-infiltration Bill' to Give Another Blow to Migrants' Rights", 13 January, 2012, <http://www.euromedrights.org/index.php?news=10896>.

<sup>25</sup> CERD, *Concluding observations of the Committee on the Elimination of Racial Discrimination, Israel*, 9 March 2012, [CERD/C/ISR/CO/14-16], <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf>.

<sup>26</sup> Human Rights Watch, "Israel: Amend 'Anti-Infiltration' Law" 10 June, 2012, <http://www.hrw.org/news/2012/06/10/israel-amend-anti-infiltration-law>.

<sup>27</sup> Weieler-Polak, Dana, "Israel enacts law allowing authorities to detain illegal migrants for up to 3 years" Ha'aretz, 03 June 2012, <http://www.haaretz.com/news/national/israel-enacts-law-allowing-authorities-to-detain-illegal-migrants-for-up-to-3-years-1.434127>.

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of a criminal prison and not of a facility meant to hold refugees."<sup>28</sup> As of mid-2012 asylum seekers are also held at the high security prison Ktsiot, and a "tent city" for 4,000 others is being speedily constructed nearby.<sup>29</sup> All in all, the Ministry of Defence has announced that it would add 20,000-25,000 holding cells for migrants by the end of 2013.<sup>30</sup>



Saharonim Detention Facility

Photo: Amit Magal, published in Ynet on 15 December 2011

### **V. Detention of Vulnerable Individuals**

#### ***Victims of rape, trafficked persons, and torture survivors***

Since the end of 2010 the Hotline for Migrant Workers and Physicians for Human Rights have interviewed **over 1,300 asylum seekers from Eritrea and Sudan who have been subjected to torture, trafficking, and rape** at the hands of smugglers. The fact that thousands of people are being subjected to these horrors has been corroborated by multiple sources (see above). And yet a **systematic review of 10,210 minutes of Immigration Detention Tribunal hearings conducted during 2011 reveals that reference to rape or torture appears in only 93 minutes.**<sup>31</sup> Even when rape and torture are mentioned, only on very rare occasions are victims referred to NGOs for assistance or to a shelter for trafficking victims.

<sup>28</sup> "Yearly Imprisonment Condition Report", Israeli Public Defender, August 2011, page 69 (Hebrew), <http://www.justice.gov.il/NR/rdonlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf> .

<sup>29</sup> Government Decision no. 3936 from 11 December, 2011 (Hebrew) <http://www.pmo.gov.il/PMO/Secretarial/Decisions/2011/12/des3936.htm>, and see also: Yagna, Yanir and Cohen, Gili, "Discipline and punish: Blueprint for migrant incarceration", Ha'aretz, 04 July 2012, <http://www.haaretz.com/news/features/discipline-and-punish-blueprint-for-migrant-incarceration.premium-1.448674>

<sup>30</sup> Zitun, Yoav, "Israel to add 25,000 holding cells for migrants by 2013", Ynet, 7 June, 2012, <http://www.ynetnews.com/articles/0,7340,L-4239784,00.html>.

<sup>31</sup> A substantial subset of all minutes of Immigration Detention hearings are periodically posted on the website of the Ministry of Justice. We retrieved 10,210 minutes for 2011. Search terms included various forms of the words 'rape', 'kidnapping', 'torture', and 'ransom' in Hebrew.

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According to official data, 12% of asylum seekers who entered the country in 2010-11 were women.<sup>32</sup> The free health clinic run by Physicians for Human Rights has reported that they are approached regularly by women who have become pregnant as a result of rape by smugglers and traffickers en-route to Israel. In conversations with our volunteers, women have described tying their babies onto their backs in the hope that this would deter smugglers from raping them. The collected data of Sinai survivors demonstrates the increased vulnerability of women through systematic sexual abuse and longer hostage periods. Nevertheless, at the Saharonim prison, gynaecological examinations and treatment are not normally offered to detained women. In November 2011 we filed a petition against the Prison Authority together with Physicians for Human Rights and the Association of Rape Crisis Centres citing the lack of gynaecological treatments in Saharonim for women. Following this petition, the prison began to refer some women who specifically requested it to the nearby hospital for treatment.<sup>33</sup> However, we maintain that these services should be made available to all detained women and offered as part of the medical screening process.

Following our advocacy efforts, the prison authorities announced that as of 19 February, 2012, they have begun to implement a procedure for identifying victims of trafficking. The contents of the said procedure, however, have not been published despite requests we have made to the prison authority. In a meeting of the Parliamentary Subcommittee on Trafficking held on 7 March, 2012, it was revealed that during the first 15 days of implementation the prison identified 24 detained people as victims of torture. However, only one was recognized as a victim of trafficking and was to be transferred to a shelter. Five victims who were not forced to work but were "merely" starved, burned, electrocuted, and raped were not considered eligible for protection under trafficking legislation, and the other 18 cases were still being considered. In addition, despite the acknowledgement of the authorities during the meeting that interviews with detainees must be held in their own language, only one Tigrinya-speaking social worker has so far been employed in Saharonim.

### Children

According to government statistics, about 3% of asylum seekers entering Israel in 2010-11 were children. There is no special provision in the Law to Prevent Infiltration to prevent the detention of children, and indeed they are often detained with their mothers. Recently the Public Defender wrote that women and children in Saharonim live "*under harsh conditions and overcrowding (between 10-15 women and children in each tent).*"<sup>34</sup> Women and children complain of the extreme desert heat during the day and bitter cold at night. Families are separated and denied contact with each other. Older children are sometimes separated for both parents and placed in detention for unaccompanied minors, or with adult strangers. Whereas unaccompanied minors are entitled to representation by the state in matters concerning their detention,

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<sup>32</sup> Knesset Research Centre, "Non Israelis in Israel Overview 2010-2011", 13 December 2011, p. 14 (Hebrew), <http://www.knesset.gov.il/mmm/data/pdf/m02986.pdf>.

<sup>33</sup> HCJ 8391/11 *Physicians for Human Rights et al. v The Prison Authority et al.*

<sup>34</sup> Public Defender, "Detention and imprisonment conditions in Prison Authority and police detention facilities in the years 2009-2010", August 2011, p.69 (Hebrew), <http://www.justice.gov.il/NR/rdonlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf>.



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accompanied children, like their parents, must rely on the Hotline for Migrant Workers or private lawyers for legal assistance.

### ***Unaccompanied Minors***

The government does not release data on the number of unaccompanied minors under its care. However, a systematic review of minutes of Immigration Detention Tribunal hearings from 2006-2012 reveals the following: At least 1591 hearings were held for some 600 unaccompanied children, the vast majority having arrived since 2008.<sup>35</sup> Of these, 58% were from Eritrea and the rest were mostly from other African countries including Sudan (6%), Guinea (5%), Ethiopia (5%), Ghana (5%), the Ivory Coast (5%), Nigeria (4%), and Somalia (2%). During one of our visits to Saharonim detention facility in April 2012, we met a group of 40 Ethiopian girls aged 14-18 who had been kidnapped from Ethiopia, held in a camp in Egypt and exposed to torture and forced labour over a period of three months.

Following our advocacy in previous years there is now a procedure for handling unaccompanied minors which instructs the authorities to find alternatives to detention. Since November 2009, 121 unaccompanied minors have been transferred to boarding schools which may accept minors under the age of 16. However, as the number of places made available at boarding schools is insufficient, many remain in detention. In addition, those aged 16-18 must find a family that will take them in and take responsibility for them, a difficult task that prolongs the detention periods. In one case an Immigration Detention Tribunal judge refused to release an Eritrean unaccompanied minor to the care of his uncle, who is legally resident in Israel, basing the decision on the arrest of another minor from Eritrea who had been charged with rape, arguing that all unaccompanied minors are prone to rape.<sup>36</sup>

In August 2010 a special detention facility, Matan, located in the city of Hadera, was opened for the purpose of holding unaccompanied minors. Even so, whenever Matan fills up, unaccompanied boys are held at Saharonim prison together with adults, and girls are held at Givon prison in a separate cell. The facility can hold up to 70 detainees at a time, in seven rooms. In a tour of the facility held by the Knesset Committee on Foreign Workers on 22 September 2011, 60 minors were in residence, two of whom were under the age of 14. One of the minors had been detained for 13 months and the average detention time was seven months. The authorities have maintained that Matan has been accommodated to attend to the needs of children. **In this so called "child-friendly" facility, the authorities had recorded 19 suicide attempts within its first year of operation.** At least 179 minors thus far have been detained there.

T., 14-years-old, now living at the Nizana boarding school, recounted her experience of detention:

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<sup>35</sup> Minutes traced to unaccompanied minors are those in which one of the following search terms appeared: 'age test', 'age assessment', 'bone test', 'hand wrist', 'age of bones', 'unaccompanied', 'age verification', 'legal assistance to minors'.

<sup>36</sup> Weiler-Polack, Dana, "Israeli judge accused of racism in ruling against Eritrean teen", *Ha'aretz*, 24 May 2012, <http://www.haaretz.com/news/national/israeli-judge-accused-of-racism-in-ruling-against-eritrean-teen-1.432248>

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*I was detained for 6 months in Matan Prison and 3.5 months in Saharonim Prison... 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, and this was much more difficult than when we were in the tents.<sup>37</sup>*

### **Limiting Access to Detained Asylum Seekers**

For the past few years the authorities have taken steps to undermine efforts to support the rights of asylum seekers by NGOs in general and the Hotline for Migrant Workers in particular. In 2008, shortly after the Hotline for Migrant Workers filed a legal petition against the Prison Authority for holding detainees and particularly women and children in unsuitable conditions, access to the Saharonim detention facility was disallowed for several months. When it was reinstated, HMW representatives were no longer allowed entry into the wards and could only meet on a one-to-one basis with detainees whose names are submitted in advance. Since mid-2011 the Ministry of Justice has ceased sending the HMW minutes of hearings held by the Detention Review Tribunal and sending lists of detained asylum seekers to the UNHCR. Entry of HMW representatives into Ktsiot prison has so far been denied. Detainees held there or in the Saharonim facility have very limited access to phones, and are not provided with any information regarding the assistance that the Hotline for Migrant Workers can provide free of charge.

**Inadequate screening processes and insufficient alternatives to detention mean that children, rape victims, trafficked persons, and torture survivors are detained for prolonged periods, seriously damaging their physical and mental health and exacerbating trauma.**

**Detention is costly not only in human terms but also financially. It is not a viable solution considering the current migration flows. Instead of pouring taxpayers' money into detention facilities, alternatives must be sought out that could include registration and monitoring of asylum seekers as well as improvements to the asylum system.**

## **VI. Hate Speech and Xenophobia**

Recently, there has been an alarming rise in hate speech and xenophobic incidents in Israel. A disinformation and incitement campaign directed at asylum seekers is spearheaded by Coalition members and high ranking officials. Asylum seekers have been described by officials as "a danger to society"<sup>38</sup> and "a plague"<sup>39</sup>, whilst a Tel Aviv Municipality councilman has called for separate buses

<sup>37</sup> Testimony taken by an HMW volunteer on 16 June, 2011 at the Nizana boarding school.

<sup>38</sup> The mayor of the city Or Akiva, Mr. Yosifov in a letter to Prime Minister Netanyahu (Hebrew), 12 December, 2011.

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for "smelly foreigners".<sup>40</sup> Meanwhile, the Minister of the Interior, Eli Yishai, has described asylum seekers as "an existential problem"<sup>41</sup> and as criminals who must all be detained and deported.<sup>42</sup> The Justice Minister has warned the public that hiring Africans is "Anti-Zionist"<sup>43</sup> and Prime Minister Netanyahu has warned that they are "a threat to the economy, to society, to security and to the delicate demographic fabric upon which the State of Israel is based."<sup>44</sup>

Some religious leaders have also played a role in rising xenophobia. Rabbi Amnon Itzhak, an extremist but popular religious personality, recently described Sudanese refugees to hundreds of Eilat residents as "sorcerers" whose black skin is a punishment from God and warned that women who partner with them will end up climbing banana trees in Africa.<sup>45</sup> Some rabbis have also called on Israelis not to rent out apartments to Africans.<sup>46</sup> It is therefore hardly surprising that a public atmosphere characterized by distrust and even hatred towards asylum seekers has developed. In March 2011, extreme right-wing activist Baruch Marzel established a "neighbourhood patrol" in South Tel Aviv, where many migrants live. Claiming that the citizen patrol is supposed to uphold "order" in the area, in practice they intimidate immigrants and urge them to leave. In December 2011, hundreds demonstrated against migrants in Tel Aviv, accompanied by several right-wing parliament members. In April 2012, Molotov cocktail bottles were thrown at apartment buildings that house asylum seekers and a kindergarten of African children.<sup>47</sup> On 23 May 2012, over 1,000 attended an anti-immigrant rally which quickly turned violent. Likud MK Miri Regev, participating in the protest, described the refugees as "a cancer in our body", whilst protestors beat refugees passing by and smashed and looted businesses that serve the migrant community.<sup>48</sup> The next day the Mayor of Tel Aviv announced a campaign to imprison and deport "illegal migrants" and was quickly joined by mayors of other cities in Israel.<sup>49</sup>

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<sup>39</sup> Knesset Interior Affairs Committee chairman Amnon Cohen when presenting the Anti-Infiltration Bill to the Knesset, see Harkov, Lahav. "Knesset Passes Anti-infiltration Bill", Jerusalem Post, 10 January, 2012, <http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=252909>

<sup>40</sup> Guarnieri, Maya. "TA councilman calls for separate buses for 'smelly' foreigners", +972mag.com, 18 February, 2012, <http://972mag.com/ta-councilman-calls-for-separate-buses-for-smelly-foreigners/35600/>.

<sup>41</sup> Eli Yishai: 'The infiltrators create an existential problem', Walla, 22 November, 2010, <http://news.walla.co.il/?w=/9/1758470>

<sup>42</sup> Ben Gedalyahu, Tzvi, "Yishai Warns African Infiltrators Crushing Israel", *Arutz 7*, 16 May 2012, <http://www.israelnationalnews.com/News/News.aspx/155864#.T7ztbdzy-wU>, and also Efraim, Omri, "Minister Yishai is inciting racism", 16 May 2012, Ynet, <http://www.ynetnews.com/articles/0,7340,L-4230116,00.html>.

<sup>43</sup> Ben Gedalyahu, Tzvi, "Justice Minister: Giving Infiltrators Jobs is Anti-Zionist", *Arutz 7*, 21 May 2012, <http://www.israelnationalnews.com/News/News.aspx/156041#.T7ztedzy-wU>.

<sup>44</sup> Prime Ministry Netanyahu in a Cabinet meeting held on 4 December, 2011, [http://www.mfa.gov.il/MFA/Government/Communiques/2011/Cabinet\\_communique\\_4-Dec-2011.htm](http://www.mfa.gov.il/MFA/Government/Communiques/2011/Cabinet_communique_4-Dec-2011.htm), and see also Sherwood, Harriet, "Israel PM: illegal African immigrants threaten identity of Jewish state", *The Guardian*, 20 May 2012 <http://www.guardian.co.uk/world/2012/may/20/israel-netanyahu-african-immigrants-jewish?newsfeed=true>.

<sup>45</sup> Carmon, Omer, "Rabbi Amnon Itzhak in Eilat: The Sudanese are sorcerers" (Heb), *Erev Erev in Eilat*, 23 February, 2012, <http://www.ereverev.co.il/article.asp?id=13276>.

<sup>46</sup> Ya'ar, Chana, "Bnei Brak Rabbis Nix Rentals to African Illegals", *Arutz 7*, 20 May 2012, <http://www.israelnationalnews.com/News/News.aspx/156001#.T7yknNzy-wW>

<sup>47</sup> Hartman, Ben, "Police arrest suspect in migrant firebombing case", *The Jerusalem Post*, 29 April, 2012, <http://www.jpost.com/NationalNews/Article.aspx?id=267926>

<sup>48</sup> Lior, Ilan and Zarchin, Tomer, "Demonstrators attack African migrants in south Tel Aviv", *Haaretz*, 24 May 2012, <http://www.haaretz.com/news/national/demonstrators-attack-african-migrants-in-south-tel-aviv-1.432262>.

<sup>49</sup> Weiler-Polack, Dana and Kubovich, Yaniv, "Day after violent anti-African protest, Likud MK calls to 'distance infiltrators' immediately", *Haaretz*, 24 May 2012,

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Kindergarten hit by Molotov attack, 27 April, 2012  
Photo: Yotam Ronen / Activestills, published on +972mag.com



Eritrean refugees cleaning their damaged shop after it was looted and attacked by a mob, 23 May 2012.  
Photo: Activestills.org

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<http://www.haaretz.com/news/national/day-after-violent-anti-african-protest-likud-mk-calls-to-distance-infiltrators-immediately-1.432374>

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Condemnations of hate speech and violence have been sounded by civil society groups, in demonstrations, daily acts of assistance and open letters to government.<sup>50</sup> These voices have been amplified by Jewish communities worldwide.<sup>51</sup> After months of incitement, the Prime Minister and the Foreign Minister condemned the violence, although they continue to advance the detention and deportation of refugees.<sup>52</sup> Meanwhile, hate crimes and incitement have continued almost unabated.<sup>53</sup>

### **VII. End of Group Protection for nationals of South Sudan**

In its haste to make a show of action and deterrence following race riots, the government announced the deportation of all "infiltrators". Of the 60,000 asylum seekers who have entered Israel since 2005, most cannot be deported despite attempts made by Interior Minister Eli Yishai to promote the deportation of Eritreans by initiating meetings with the Eritrean government.<sup>54</sup> The newly achieved independence of South Sudan has presented an opportunity to create a spectacle of action, even though their numbers are small (between 700-1500 people). The Israeli government was quick to recognize South Sudan's independence and to remove group protection from Sudanese nationals who originate from South Sudan.

The Hotline for Migrant Workers and other organization attempted to postpone the deportation of South Sudanese until the situation there, reported to be on the verge of a humanitarian crisis, was stabilized,<sup>55</sup> and asked the government to take into account that some of the refugees hadn't been to South Sudan in twenty years, having left when a civil war took the lives of nearly 2 million people.<sup>56</sup> A petition put forward by human rights organisations the Jerusalem District Court was however rejected.<sup>57</sup> The court noted the state's commitment to allow South

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<sup>50</sup> See, for example, HIAS, "Israel Prize laureates, academics & public figures sign letter demanding Israel halt state-sponsored incitement against asylum seekers", 18 June, 2012, <http://www.hias.org/en/post/28/israel-prize-laureates-academics-public-figur>.

<sup>51</sup> See, for example: "US Jewish groups condemn anti-African violence in Tel Aviv", The Times of Israel, 25 May, 2012, <http://www.timesofisrael.com/us-jewish-groups-condemn-anti-african-violence-in-tel-aviv>.

<sup>52</sup> Ravid, Bark, Kubovich, Yaniv, and Bar-Zohar, Ophir "Netanyahu condemns violence against African migrants, promises to solve problem", Haaretz, 24 May, 2012, <http://www.haaretz.com/news/national/netanyahu-condemns-violence-against-african-migrants-promises-to-solve-problem-1.432482>; Ravid, Barak, "In unprecedented move, Israel's Foreign Ministry condemns violence against African migrants", Ha'aretz, 04 June, 2012, <http://www.haaretz.com/news/national/in-unprecedented-move-israel-s-foreign-ministry-condemns-violence-against-african-migrants-1.434377>.

<sup>53</sup> For an in depth report incitement, racial discrimination and hate crimes perpetrated during the first half of 2012, see Tsurkov, Elizabeth, "Cancer in Our Body", Hotline for Migrant Workers, July 2012, [http://hotline.org.il/english/pdf/IncitementReport\\_English.pdf](http://hotline.org.il/english/pdf/IncitementReport_English.pdf).

<sup>54</sup> Ravid, Barak, "Eli Yishai under fire for trying to conduct his own foreign policy", 4 June, 2012, <http://www.haaretz.com/print-edition/news/eli-yishai-under-fire-for-trying-to-conduct-his-own-foreign-policy-1.434193>.

<sup>55</sup> British Department for International Development, "South Sudan: UK warns of humanitarian disaster", 26 April 2012, <http://www.dfid.gov.uk/News/Latest-news/2012/South-Sudan-UK-warns-of-humanitarian-disaster>.

<sup>56</sup> BBC News, "Millions dead in Sudan civil war", 11 December 1998, <http://news.bbc.co.uk/1/hi/world/africa/232803.stm>.

<sup>57</sup> Efraim, Omri, "Israel court clears deporting South Sudan migrants", Ynet, 7 June, 2012, <http://www.ynetnews.com/articles/0,7340,L-4239554,00.html>.

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Sudanese to leave voluntarily, that asylum applications would be examined individually and that no arrests would be made in the week following the decision. None of these promises were kept, and less than three days after the court decision, arrests began.

In a report submitted to the Knesset on 4 July 2012, the Hotline for Migrant Workers provided a chilling account of the deportation machine. Sudanese refugees from northern Sudan, Darfur, and the Nuba Mountains were rounded up, detained and threatened with deportation alongside those from South Sudan. For them the prospect of being returned isn't only hunger and deprivation, but execution. Some have been released following a Facebook petition launched by a student in Arad who succeeded in embarrassing Interior Minister Eli Yishai;<sup>58</sup> others with the help of the HMW. Deportees were not allowed to collect money from bank accounts, last salaries from employers, or lifesaving medicines. Men, women and even children were shackled during arrests. Families were separated, placed in different wards and denied contact with each other. A 15 year old boy was separated from both parents and placed in the adult ward against regulations. Women and children have been kept in tents and complain of the extreme desert heat during the day and severe cold at night. Many children have taken ill and are extremely distressed.

### **Discrimination in Education**

In Tel Aviv, asylum-seeking children are enrolled in regular schools, most notably the Bialik-Rogozin school whose exceptional work was recently portrayed in the Oscar-winning documentary "Strangers No More". In other cities the situation is markedly different. In the city of Bnei Brak, asylum-seeking children were not allowed to register for admission to the municipal schools. The Municipality of Eilat has refused to admit asylum-seeking children into regular schools; instead, they were required to attend a makeshift and substandard separate school, which has recently shut down.

In a response to a petition filed by the Hotline for Migrant Workers against this practice, the Eilat Municipality openly rejected the assertion that it had an obligation to provide equal education to asylum-seeking children, arguing, "The State of Israel and Eilat Municipality are not obliged to include in its educational system those who have infiltrated Israel and are residing in it against the law". It went further to describe asylum seekers thus:

*As a generalization we can say that most infiltrators possess minimum, if any, awareness as to the importance of education for their children. ...The petitioners are illegal infiltrators from Sudan (an Enemy country) who have stolen [across] the border to Israel and entered it using deception and trickery. ... The presence of the petitioners in Israel is not intended to culminate in their naturalization, acceptance in Israel, acclimatization or integration in any way.*

### **VIII. Targeting Human Rights Defenders**

The government had initially included a provision in the amendment to the Law to Prevent Infiltration to criminalize anyone assisting "infiltrators". Following a public outcry, the provision was

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<sup>58</sup> <http://www.jpost.com/NationalNews/Article.aspx?id=274770>

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removed, however, a clear message was sent to human rights defenders and the Israeli public, delegitimizing not only migrants and refugees, but also anyone assisting them. This is part of a larger campaign of restricting the work of human rights organizations in Israel.<sup>59</sup> For example, a public event that had been planned to mark International Refugee Day on 24 June 2011 was cancelled just two days before the date, when the police suddenly informed us that it would withhold permission for unspecified "security reasons". A day after asylum seekers were attacked in Tel Aviv, the Tel Aviv Municipality welfare unit for migrants received threats that the unit would be next.<sup>60</sup> HMW volunteers have also received threatening phone calls and hate mail,<sup>61</sup> and MK Shmuelov (Kadima) has proposed that human rights activists should be sent to prison camps together with the refugees they assist.<sup>62</sup>

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<sup>59</sup> See, for example: "Israel: Withdraw Legislation Punishing Human Rights Activists", Human Rights Watch, 24 July, 2010, <http://www.hrw.org/news/2010/07/23/israel-withdraw-legislation-punishing-human-rights-activists>.

<sup>60</sup> Dana Weiler-Polak and Ilan Lior, "Following attack on migrant workers, Israeli aid group says receives anonymous threat", Ha'aretz, 7 May, 2012, <http://www.haaretz.com/news/national/following-attack-on-migrant-workers-israeli-aid-group-says-receives-anonymous-threat-1.428766>.

<sup>61</sup> Dana Weiler-Polak, "Threats made against south Tel Aviv aid workers after Yishai remarks", Ha'aretz, 17 May 2012, <http://www.haaretz.com/news/national/threats-made-against-south-tel-aviv-aid-workers-after-yishai-remarks-1.430920>.

<sup>62</sup> Zitun, Yoav, "Kadima MK: Send human rights activists to prison camps", Ynet, 7 June, <http://www.ynetnews.com/articles/0,7340,L-4235732,00.html>.

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The **Hotline for Migrant Workers** (HMW) was founded in 1998 as a non-partisan, not-for-profit organization to defend the rights of migrants and refugees in Israel and to combat human trafficking. The HMW assists vulnerable individuals, particularly those held in immigration detention, to uphold their rights. By combining client advocacy with impact litigation, policy initiatives, and public outreach, we aim to achieve broad-based, systematic improvements in policies and practices ensuring that the human rights of migrants in Israel are respected.

Our main activities are:

**Crisis Intervention:** We operate a migrant advice centre offering consultation and paralegal representation free of charge. In order to bring these services to immigration detainees, we make frequent visits to detention facilities, providing on-site information and support. Since its inception the HMW has assisted over 55,000 clients from over 125 different countries and has made more than 1,500 visits to immigration detention facilities. These services are provided by trained staff and volunteers. Over the years more than 750 volunteers have been involved in this work and thousands of migrants have been released from detention thanks to their intervention.

**Legal Action:** Our skilled lawyers litigate those cases with the most potential to affect policies and practices. By ensuring better access to justice for migrants, we are not only providing critical services, but also shaping the legal landscape in Israel. Our successes have engendered legislative reform, such as amendments to the Entry to Israel Law and anti-trafficking legislation, and resulted in administrative review of immigration detention cases; state funded legal aid, housing and medical care for trafficking victims; special procedures for treating unaccompanied minors; and improvements to refugee status determination procedures.

**Public Policy and Education:** Through research and policy papers, media activism, public events, and meetings with stakeholders and decision makers, we educate and inform the public about immigration policy and its implications, both for migrants and society as a whole. Our policy recommendations are informed by our hands-on experience and interviews with migrants, ensuring that migrants' voices are heard. With dozens of research publications highlighting recent academic research and best practices, we encourage an informed and evidence-based discussion on migration, rather than one guided by prejudices and unsubstantiated assumptions. We have initiated over 3,000 media pieces over the years and have held numerous public events. Our public campaigns have led, among other things, to the granting of residence status to children of undocumented migrants. Since 2001 we have also been holding an annual event to mark International Migrants' Day, celebrating migrants' contributions to the economy, culture and society.

**We believe that every person has the right to dignity, freedom, and security.**

To learn more or make a donation, visit our website at <http://www.hotline.org.il> or contact Shevy Korzen at [shevyk@hotline.org.il](mailto:shevyk@hotline.org.il).