



## Submission by the Hotline for Refugees and Migrants (HRM) to the United Nations Committee Against All Forms of Racial Discrimination (CERD)

### Suggested Issues for Consideration Regarding the Combined 17<sup>th</sup> to 19<sup>th</sup> Periodic Report of Israel to the UN CERD 100th Session - Israel – November 2019

The Hotline for Refugees and Migrants (HRM) is a non-governmental and non-profit organization that aims to defend and advance the rights of refugees and migrants, and to prevent human trafficking in Israel.

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In addition, please find attached to this e-mail, two appendices:

## **Appendix 1: Violence of Border Control Officers towards Migrants**

## **Appendix 2: Handling Asylum Requests of Sudanese and Eritrean Nationals**

### **Data**

According to Ministry of Interior (MOI) data, approximately 29,600 asylum seekers from Eritrea and Sudan live in Israel (23,100 from Eritrea and about 6,500 from Sudan). In addition, approximately 9,000 children from these countries, according to estimations, live in Israel.<sup>1</sup> There are also 100,987 migrant workers who arrived with legal work permits, encouraged by the Israeli authorities.

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<sup>1</sup> MOI, Foreigners Statistics, June 2019 (Hebrew):

[https://www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/foreign\\_workers\\_stats\\_q2\\_2019.pdf](https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreign_workers_stats_q2_2019.pdf)

## Violations of CERD: Article 2

### Discriminatory Legislation – The Anti-Infiltration Law

In the past decade, the Israeli Knesset has introduced a wave of anti-democratic, discriminatory legislation. In this report, we review only the Anti-Infiltration Law, a piece of governmental legislation which directly affects all asylum seekers who entered Israel through the Sinai Desert. The law discriminates among classes of asylum seekers based on their manner of entering the country and, and in its earlier versions, based on their nationality and country of origin: citizens of certain countries were to be detained for three years while others faced indefinite administrative detention, despite committing the same "crime" of entering Israel illegally.

Since June 2012, the Israeli authorities began implementing the third amendment to the Anti-Infiltration Law as regards asylum seekers. This amendment allowed asylum seekers who entered through the Egyptian desert, to be held for three years in administrative detention and asylum seekers from enemy states, such as Sudan, to be held indefinitely.<sup>2</sup> The High Court of Justice (HCJ) abrogated the amendment on September 2013,<sup>3</sup> and on December 2013 the Israeli Knesset legislated the fourth amendment<sup>4</sup> allowing a one year administrative detention of newcomers and an indefinite imprisonment of asylum seekers already residing in Israel in an "open" facility, called Holot, run by the IPS. Individuals held in the Holot facility were not allowed to work and were subject to a roll call three times a day, thus restricting travel outside of the immediate area where the facility is located. The "open" facility was closed at night. The HCJ abrogated the fourth amendment on August 2014,<sup>5</sup> and on December 2014, the Israeli Knesset legislated another amendment allowing the detention of newcomers for three months, and the detention of others in the Holot facility for 20 months, while reducing roll-calls to once a day.<sup>6</sup> In August 2015 the HCJ found the section that allowed detention in Holot for 20 months to be disproportionate and ordered its reduction, temporarily setting a maximum detention period of 12 months. Another version of the anti-infiltration law that complies with the HCJ's order passed on February 10<sup>th</sup>, 2016 and is still valid. On November 2017, the government decided to detain, for indefinite periods, all African asylum seekers who refuse to leave to two secret "third countries" and to close the Holot facility. Holot was closed

<sup>2</sup> The 3rd amendment to the Anti-Infiltration Law, January 9, 2012 (Hebrew):

[www.knesset.gov.il/privatelaw/data/18/3/577\\_3\\_2.rtf](http://www.knesset.gov.il/privatelaw/data/18/3/577_3_2.rtf). Info about the 3rd amendment in English: Tsurkov, Elizabeth, Knesset passes Bill on prolonged detention of refugees without trial, 972 Magazine, January 10, 2012: <http://972mag.com/knesset-passes-controversial-bill-on-prolonged-detention-of-asylum-seekers/32487/>

<sup>3</sup> HCJ 7146/12 Adam v. the Knesset, September 16, 2013:

[http://elyon1.court.gov.il/files\\_eng/12/460/071/b24/12071460.b24.pdf](http://elyon1.court.gov.il/files_eng/12/460/071/b24/12071460.b24.pdf)

<sup>4</sup>The 4<sup>th</sup> amendment to the Anti-Infiltration Law, December 10, 2013:

[www.knesset.gov.il/privatelaw/data/19/3/817\\_3\\_1.rtf](http://www.knesset.gov.il/privatelaw/data/19/3/817_3_1.rtf)

<sup>5</sup>HCJ 8425/13 Gebrselassie v. Knesset et al, September 23, 2014: <http://hotline.org.il/wp-content/uploads/Gabrislasi-English-Summation.pdf>

<sup>6</sup>The Amendment to the Anti-Infiltration Law and to Ensure the Departure of Infiltrators from Israel (2014): [https://knesset.gov.il/privatelaw/data/19/3/904\\_3\\_1.rtf](https://knesset.gov.il/privatelaw/data/19/3/904_3_1.rtf) (Hebrew)

on March 14, 2018, despite the fact that deportation to the two "third countries" was never implemented.

Detention is a dominant strategy used by the Israeli government to handle the issue of undesired migration into Israel. It is used to organize, manage, and intimidate migrants and asylum-seekers from staying in Israel for long periods of time. The Anti-Infiltration law uses detention as a tool to both convince those in Israel to leave, and act as a deterrent against other asylum-seekers or migrants who might come to Israel.<sup>7</sup>

### **Illegal deductions from the minimum wage - deposit fund for asylum seekers – under the Anti-Infiltration Law**

Since May 1, 2017, under the Anti-Infiltration Law, asylum seekers who entered Israel through the Egyptian desert must deposit a fifth of their wages into a fund they can access only when they leave the country, and only on the date they are instructed to leave. Otherwise, some of the funds are confiscated. Their employers also have to deposit 16% of the pension and compensation allowances to which asylum seekers are entitled into the same fund. This Deposit Law also stipulates that asylum seekers can be fined, via deduction from the fund, if they are ordered to leave the country and do not do so within the timeframe specified. Asylum seekers already pay the highest taxes in the employment market, and now take home a monthly paycheck that is only 65-70% of what they earned. The amendment further impoverishes an already weak community, severely damaging its members' ability to survive.<sup>8</sup>

In July 2018, the Knesset parliament passed regulations reducing the deduction rate to 6% for women, victims of human trafficking, single parents, the elderly, minors, and seriously ill patients.<sup>9</sup>

The Deposit Law rewards employers who break the law: many deduct 20% of asylum seekers wages, but do not transfer that amount to the Deposit Fund, instead, pocketing the money themselves every month. The law was passed without a supervisory authority or mechanism to protect employees. [According to the newspaper "Calcalist"](#), about 72% of the amount that should have been transferred to the MOI for asylum seekers under the Deposit Law has not been transferred. These amounts total more than 700 million shekels.

A petition served by the NGOs is still pending.<sup>10</sup>

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<sup>7</sup>HRM, Rwanda or Saharonim. July 2015 Available at: <http://hotline.org.il/en/publication/rwanda-or-saharonim/>. Page 9

<sup>8</sup> ASSAF, They Make me Go Hungry so I would Leave Israel, July 2018: [http://assaf.org.il/en/sites/default/files/ramifications\\_paper\\_EN.pdf](http://assaf.org.il/en/sites/default/files/ramifications_paper_EN.pdf)

<sup>9</sup> For more information about the situation of asylum seeking women, see: ASSAF, Abandoned – Single Mothers Asylum Seekers, February 2016: [http://assaf.org.il/en/sites/default/files/Abandoned%20report%20summary\\_0.pdf](http://assaf.org.il/en/sites/default/files/Abandoned%20report%20summary_0.pdf)

<sup>10</sup> HRM and Kav Laoved, ["In broad daylight" – The Deposit Law: Implementation & Impact](#). May 2019.

## Violations of CERD: Article 5

### Coercion of asylum seekers to leave to unsafe "third countries"

Between the end of 2013 and 2018, the Israeli Immigration Authority persuaded 4,469 Eritrean and Sudanese asylum seekers to leave the country "voluntarily" to two "third countries", Rwanda and Uganda.<sup>11</sup> Throughout early 2018, the Israeli government attempted to implement a policy of forced deportation of Eritrean and Sudanese asylum seekers to these "third countries" in Africa. Although these plans have, for now, been put on hold, they could be revived.<sup>12</sup> As a result of public pressure, Rwanda and Uganda repeatedly denied the existence of an agreement with Israel, a denial that forced the Israeli government to report it to the HCJ, putting the deportation plans on hold.

#### Flaws within the deportation policy

Several Eritrean and Sudanese asylum seekers who succumbed to pressure and "voluntarily" left for Uganda, have been arrested there and kept in harsh conditions.<sup>13 14</sup> They were arrested for not possessing a visa or residence permit, which they were not given following their deportation from Israel (despite promises by Israeli authorities that they'd be allowed to reside there legally). The same is true for Rwanda, and in most cases the deportees there were promptly deported to Uganda after landing, where they have been jailed.<sup>15</sup>

Data collected by Israeli human rights organizations,<sup>16 17</sup> independent researchers,<sup>18</sup> and the UNHCR<sup>19</sup> indicate that Eritrean and Sudanese asylum seekers who left for Uganda and Rwanda

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<sup>11</sup> According to the MOI Foreigners in Israel – Summary of data, February 4, 2019 (Hebrew): [https://www.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/foreigners\\_summary\\_2018.pdf](https://www.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/foreigners_summary_2018.pdf)

<sup>12</sup> Yaron, Lee. Israel Considering Sending Asylum Seekers to 'Safe Spots' in Sudan, Haaretz, May 29 2018. Retrieved from: <https://www.haaretz.com/israel-news/israel-considering-sending-asylum-seekers-to-safe-spots-in-sudan-1.6131098>

<sup>13</sup> HRM, Deported to the Unknown, December 2015. Retrieved from: <https://hotline.org.il/wp-content/uploads/2015/12/Deported-To-The-Unknown.pdf>

<sup>14</sup> ASSAF and HRM, Where there is No Free Will: Israel's "Voluntary Return" procedure for asylum seekers. April 2015. Retrieved from: <https://hotline.org.il/wp-content/uploads/2015/04/free-will-web.pdf>

<sup>15</sup> Birger, Lior; Shoham, Shahar; Bolzman, Liat. "Better a prison in Israel than dying on the way": Testimonies of refugees who "voluntarily" departed Israel to Rwanda and Uganda and gained protection in Europe. January 2018. Retrieved from: <https://hotline.org.il/wp-content/uploads/2018/02/Testimonies-of-refugees-departed-Israel-to-Rwanda-and-Uganda-who-reached-Europe-research-report-Birger-Shoham-and-Bolzman-Jan-2018-ENG.pdf>

<sup>16</sup> HRM. Deported to the Unknown. December 2015. Retrieved from: <https://hotline.org.il/wp-content/uploads/2015/12/Deported-To-The-Unknown.pdf>

<sup>17</sup> ASSAF and HRM. Where there is No Free Will: Israel's "Voluntary Return" procedure for asylum seekers. April 2015. Retrieved from: <https://hotline.org.il/wp-content/uploads/2015/04/free-will-web.pdf>

<sup>18</sup> Birger, Lior; Shoham, Shahar; Bolzman, Liat. "Better a prison in Israel than dying on the way": Testimonies of refugees who "voluntarily" departed Israel to Rwanda and Uganda and gained protection in Europe. January 2018. Retrieved from: <https://hotline.org.il/wp-content/uploads/2018/02/Testimonies-of-refugees-departed-Israel-to-Rwanda-and-Uganda-who-reached-Europe-research-report-Birger-Shoham-and-Bolzman-Jan-2018-ENG.pdf>

<sup>19</sup> UNHCR appeals to Israel over forced relocation policy. UNHCR. January 9 2018. Retrieved from: <http://www.unhcr.org/news/briefing/2018/1/5a548e064/unhcr-appeals-israel-forced-relocations-policy.html>

under the voluntary leave procedure do not receive any legal status, exposing them to arbitrary arrest and deportation to other countries, sometimes to their countries of origin. Ugandan authorities and NGOs clarified that asylum seekers who arrive from a country considered "safe," such as Israel, will have their claims terminated and be deported.<sup>20</sup>

Israel has refused to publish the deportation agreements it alleges to have signed with Rwanda and Uganda, insisting several times, in court, upon the necessity of their secrecy.<sup>21</sup>

Because Israeli authorities make no efforts to determine the risks each deportee might face upon transfer, or whether they may be in danger of further transfer, the deportations to Rwanda and Uganda are essentially collective in nature. In some cases, asylum seekers were not informed of the intended deportation in a timely manner.<sup>22</sup> Instead, they were sent to immigration detention immediately following a short hearing, with no time to appeal their case or even leave the country as demanded of them.

## Arrest and detention of migrants and asylum seekers

Detention of migrants who enter the country illegally – and sometimes legally – including many asylum seekers, is commonplace in Israel and often used in lieu of an actual immigration policy.

### Long-term administrative detention of migrants without prospect of deportation

Long-term detention of migrants is relatively common in Israel.<sup>23</sup> Section 13f(a) of the Entry to Israel Law establishes when a person may be released on bail. The law establishes that a person held in custody for more than 60 consecutive days must be released, unless the exceptions stipulated in section 13f(b) of the law apply. These include fears for public security, well-being, or health, as well as situations in which removal from Israel is delayed due to a lack of full cooperation by the detainee. The purpose of this section is to prevent the protracted detention of a person who cannot be removed from Israel, to incentivize the Immigration Authority to promote their removal and prevent a situation where people are held in detention for protracted periods without advancing their removal from Israel.

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<sup>20</sup>HRM. *Deported to the Unknown*. December 2015. Retrieved from: <https://hotline.org.il/wp-content/uploads/2015/12/Deported-To-The-Unknown.pdf>

<sup>21</sup>HCI Tsegeta et Al. Vs. State of Israel 5164/15, verdict dated September 8, 2015. Retrieved from: <http://elyon1.court.gov.il/files/15/640/051/g05/15051640.g05.htm>

<sup>22</sup>Yaron, Lee. *Despite Ruling, Asylum Seekers in Israel are Jailed Without Option to Appeal*. Haaretz. March 19 2018. Retrieved from: <https://www.haaretz.com/israel-news/.premium-despite-ruling-asylum-seekers-in-israel-jailed-without-appeal-option-1.5913534>

<sup>23</sup>HRM. *Forgotten in Prison: The Prolonged Detention of Migrants*. December 2016. Retrieved from: <https://hotline.org.il/wp-content/uploads/2016/12/forgotteninprison.pdf>

Nevertheless, dozens of migrants and asylum-seekers still find themselves locked in Israeli detention facilities for several years, supposedly with the purpose of eventual deportation. But in practice they're detained for lengthy periods of time because often no such prospects exist. The authorities, having failed to find a country to accept the deportees, chooses to keep migrants detained for indefinite periods of time. Legally, the detention of migrants to be deported must be reviewed and re-authorized by the Immigration Detention Review Tribunal once a month, but such tribunals don't require immigration authorities to justify the continued detention unless pressed to do so by the migrant's legal counsel. No free legal aid is provided to people in immigration detention, as immigration offenses are considered administrative and not criminal, though the result could be years of imprisonment.

Migrants and asylum seekers may also be administratively detained for years as a result of incorrect identification: a national of a certain country may be wrongly identified as the national of another country, so that their deportation to either country becomes difficult, unnecessarily lengthening their detention. In other cases, Eritrean or Sudanese nationals are wrongly identified as nationals of other countries. This results in their erroneous detention, though Eritrean and Sudanese nationals are not generally detained for deportation under the Israeli government's non-refoulement policy. The original classification as non-Eritrean or non-Sudanese is decided arbitrarily by an immigration official upon the person's entry into Israel, and re-classification as Eritrean or Sudanese is a long and arduous process, with little chance of success. All of this results in detention of an arbitrary and pointless nature.

At the end of October 2019, only 32 such detainees remain in detention facilities (from Ethiopia, Ivory Coast, Sierra Leone, Guinea Conakry, Chad, Nigeria and Ghana).

### **Administrative detention of asylum-seekers from Eritrea and Sudan**

In general, Israel doesn't detain asylum seekers from Eritrea and Sudan for deportation, since the "current situation in Eritrea"<sup>24</sup> does not allow the deportation of Eritreans, while there is no technical possibility of deporting anyone from Israel to Sudan, as Sudan is considered a hostile country. Therefore, Israel pursues a policy of non-refoulement towards Eritrean and Sudanese nationals. Nevertheless, Israel has never shied away from detaining Eritrean and Sudanese nationals for other purposes. There have been several changes with regards to Israeli policy on that front.

The open-air Holot detention facility, opened in December 2013 to intern Eritrean and Sudanese asylum-seekers for the purpose of breaking their spirit until they agree to leave Israel of their own volition, was shut down in March 2018. According to HRM estimates, this was not due to a change in policy, but rather because almost all the people who could legally

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<sup>24</sup> Population, Immigration and Border Authority, RSD rejection letter to Mr. A.A. (Mar. 3, 2014)

be interned in Holot had already served their maximum time of 12 months, which would soon leave the facility empty.

Since the closure of Holot, Israel has initiated a plan to deport thousands of Eritrean and Sudanese asylum seekers to unspecified "third countries" (Uganda and Rwanda). That plan included the detention and deportation of those who filed for asylum after January 1, 2018, and contained no provisions protecting victims of torture. The express purpose of the detention was to break the spirit of asylum-seekers until they "voluntarily" agreed to deportation. Hundreds of asylum seekers were arrested and detained as part of this policy.<sup>25</sup> However, they were all released by April 15, 2018 when the policy unraveled following the revelation that no agreements existed between Israel and the so-called third countries.<sup>26</sup> In the last general election held in April 2019, the Prime Minister pledged to enact a new version of the Anti-Infiltration Law to allow (unconstitutional) unlimited imprisonment of asylum seekers, as part of his efforts to promote the Override Clause.<sup>27</sup>

### Poor detention conditions

In June 2017, the HCJ accepted an appeal by the Association for Civil Rights in Israel and Physicians for Human Rights-Israel, regarding detention conditions (of both migrant and non-migrant inmates) in Israeli jails and prisons. The HCJ accepted the appellants' claims that detention conditions in Israeli prisons are not up to international, or even Israeli, standards, and ordered the IPS to improve detention conditions according to a set schedule.<sup>28</sup> The State has failed to meet the HCJ's schedule.<sup>29</sup>

### Overcrowding

In particular, the HCJ ruled that the living space granted to each inmate is insufficient, and that the IPS must increase living space per inmate to 3 square meters within nine months and 4 square meters within 18 months. Saharonim prison, the main detention facility for migrants in Israel, remained overcrowded despite this ruling.<sup>30</sup> Until the middle of 2018, an inmate in Saharonim only received between 2.2 and 2.8 square meters, with 48% of occupied rooms at full occupancy and 80% occupancy or above in the remaining 52% of rooms. Furthermore, when the number of detainees decreased, the IPS reduced the number of occupied cells

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<sup>25</sup>Zur, Yarden. Last Asylum Seekers Leave Holot as Mass Expulsion Campaign Moves Ahead. Haaretz. March 14 2018. Retrieved from: <https://www.haaretz.com/israel-news/last-asylum-seekers-leave-holot-as-mass-expulsion-campaign-moves-ahead-1.5908461>

<sup>26</sup>See verdict in Supreme Court appeals 679/18 and 733/18 (in Hebrew): <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\18\790\006\30v&fileName=18006790.30V&type=4>

<sup>27</sup> For more information about the Override Clause please see: <https://www.english.acri.org.il/single-post/62>

<sup>28</sup>See full ruling in case 1892/14 (in Hebrew): <https://www.haaretz.co.il/st/inter/Hheb/images/psadas.pdf>

<sup>29</sup>Breiner, Josh. 'Our Ruling Was Not a Suggestion': Israel's Top Court in Rare Rebuke of State. Haaretz. March 20 2018. Retrieved from: <https://www.haaretz.com/israel-news/our-ruling-was-not-a-suggestion-top-court-in-rare-rebuke-of-state-1.5918195>

<sup>30</sup>HRM. Immigration Detention in Israel: Annual Monitoring Report 2017. March 2018. Retrieved from: <https://hotline.org.il/wp-content/uploads/2018/03/WEB-Eng-HRM-Prison-Monitoring-Report-2017-Final.pdf>

rather than the number of occupants per cell, so that living space per inmate remained unchanged. As of June 2018, with fewer than 40 detainees held in Saharonim, this reality appears to be easing somewhat, with fewer persons per room.

### Poor conditions at Yahalom detention facility at Ben Gurion Airport

Yahalom detention facility is located within Ben-Gurion International Airport and is used to detain those whose entry into Israel has been denied. Since detainees are only kept at Yahalom for a short time (sometimes only hours), and because it's not under the IPS's authority, access of monitoring bodies to Yahalom is limited. Nevertheless, HRM has managed to interview several people held at Yahalom in recent years, allowing us to gauge conditions at the facility.<sup>31</sup> With regards to living space per detainee, it is difficult to gauge an exact number, as there are several cells of different sizes and the number of detainees held at the facility constantly changes (since most of them spend no more than a few days in Yahalom), though it appears the facility is usually close to full capacity. In other ways, though, detention conditions appear to be inadequate, sometimes worse than at other facilities. According to the detainees interviewed by HRM, Yahalom provides poor medical services (it's unclear whether these were even accessible within the facility), living conditions, treatment by the staff, freedom of movement within the facility, hygiene and access to legal services and asylum procedures.<sup>32</sup>

### Solitary confinement of transgender detainees

Transgender prison inmates in Israel, including transgender migrants and asylum-seekers, have been kept in solitary confinement<sup>33</sup>, ostensibly due to the "disputed identity" of the inmate in question,<sup>34</sup> but solitary confinement may be regarded as ill-treatment and was even denounced several times by Israeli courts, specifically when used against transgender people, due to the punitive and discriminatory nature of such a measure.<sup>35</sup>

In addition, transgender migrants face discrimination in Israeli prisons based on their gender identity. They are not allowed to dress and present themselves appropriately to their gender, are addressed by prison guards in the wrong gender, and aren't allowed to take their hormonal medications.

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<sup>31</sup>Ibid.; HRM. Immigration Detention in Israel: Annual Monitoring Report 2016. March 2017. Retrieved from: <https://hotline.org.il/wp-content/uploads/2017/04/%D7%93%D7%95%D7%97-%D7%A9%D7%A0%D7%AA%D7%99-%D7%91%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AA-2016-%D7%90%D7%99%D7%A0%D7%98%D7%A8%D7%A0%D7%98.pdf>

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.

<sup>34</sup>From the response of the State as cited in the ruling in the Criminal Appeal 5833/12 Jane Doe vs. the State of Israel from September 12, 2013 (published in Nevo in Hebrew).

<sup>35</sup>See ruling in Criminal Appeal 5822/13 Jane Doe vs. State of Israel from September 12, 2013, paragraphs 5-6.

On April 2018, the IPS announced that it will no longer keep transgender detainees in solitary confinement.<sup>36</sup>

## Administrative detention of asylum seekers implicated in criminal activity

The Israeli authorities have established a discriminatory administrative track to indefinitely detain foreigners without trial, at times even contravening court rulings. This is despite the juridical ruling that Israeli criminal law does not permit tougher punishment against foreign citizens merely for being foreign. The legal system – albeit partially – guarantees the principle of equality in criminal law to any person suspected of a crime, regardless of their legal status. The HCJ proclaimed that “the ethnic origin or group affiliation of a defendant are irrelevant to the circumstances of the criminal offense, and are not an element of the external circumstances” of the case, adding that increased penalties contradict the principle of equality and may lead to the stigmatization of an entire group.

This separate track created a dangerously discriminatory distinction between residents, citizens, foreigners who could be deported and foreigners who could not be deported from Israel. The members of the last group are in Israel, either lawfully or unlawfully, with a temporary conditional release permit based on the authority of the MOI to grant permits to stay under article 2A5 to the 1952 Entry to Israel Law. As opposed to tourists or migrants, these individuals cannot be removed from Israel because they are asylum seekers, a situation that is unlikely to change in the foreseeable future.

Often, when an asylum seeker is suspected of committing a crime, he is not indicted, but administratively incarcerated for an indefinite period of time, by a decision of a MOI border control officer.

Until September 2012, Israeli authorities did not issue any written procedure regarding asylum seekers “implicated in criminal activity.” This absence of written regulations, however, did not prevent the MOI from “punishing” asylum seekers when there were administrative indications of their involvement in crime. In this context, an administrative indication means that a border control officer is under the impression that a person is involved in crime, not because they were tried and convicted, but because there is administrative evidence against them. Administrative evidence is usually significantly less substantial than the minimum burden of proof required in criminal proceedings.

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<sup>36</sup> Yaron, Lee. Transgender Inmates Will No Longer Be Kept in Isolation, Israel Prison Service Announces. Haaretz. April 17 2018. Retrieved from: <https://www.haaretz.com/israel-news/premium-transgender-prisoners-won-t-be-put-in-isolation-anymore-1.6009178>

Since 2014, the administrative "Guideline for Handling Infiltrators Involved in Criminal Proceedings" is in force. The application of the Guideline to those who entered Israel illegally and were "implicated in criminal proceedings" allows the authorities to revoke permits to stay and issue removal and detention orders under the Entry to Israel Law. While the removal order is fictitious (due to the inability to deport asylum seekers), the detention order is entirely practicable. It should be noted that while the Guideline was based, supposedly, on provisions found in the Entry to Israel Law, its directives apply only to those who entered illegally, i.e. "infiltrators." According to the Guideline, a person can be held for an indefinite period even without enough evidence to indict them, and they are not entitled to legal representation funded by the State in these cases

The legal and public work of HRM in this matter, along with the work of the Public Defender, the Association for Civil Rights in Israel (ACRI), legal clinics and private lawyers, has led to a significant reduction in the utilization of this practice, and is applied today in only a few dozen cases. **As of the end of October 2019, there are only 14 Eritreans and 16 Sudanese incarcerated under this procedure.** At the same time, without dismissing the success in curtailing the policy of administrative detention, it is important to stress that despite the inherent problems in utilizing administrative tools for prolonged detention, this policy remains in place, and for years courts have avoided deliberating and ruling on the substantive questions raised in the legal proceedings. Thus, asylum seekers continue to be detained under a practice whose legality and constitutionality remain uncertain.<sup>37</sup>

## Discrimination in RSD procedures and obstacles in filing asylum requests

It is very difficult for African asylum seekers to present reasons against their deportation and to submit a request for Refugee Status Determination (RSD). Furthermore, after submitting this request, many asylum seekers do not receive an answer for long periods, even years.

On May 2018, The Israeli State Comptroller's Report noted a series of failings in the State's treatment of asylum seekers:

1. **Duration of processing asylum applications:** Eight and a half months on average. Many requests have been awaiting a decision for over eight years.
2. **Delaying processing asylum applications for non-deportable migrants:** Until 2013 the MOI didn't process these asylum applications. In 2016, a year after the State promised the Supreme Court to complete the processing of asylum applications by Eritrean and Sudanese citizens, only 28% of the cases were

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<sup>37</sup> For more details about the criminal procedure please see HRM, "Ye Shall Have One Law" – Administrative Detention of Asylum Seekers Implicated in Criminal Activity", November 2017: <https://hotline.org.il/en/publication/criminal-procedure-eng-2017/>

processed, while 6,880 remained open, including applications submitted more than five years before. "In February 2017, the Deputy Attorney General announced that there was a real legal difficulty in maintaining the pace of processing asylum applications, including a lack of decisions regarding the requests of nationals of Eritrea and Sudanese from Darfur filed long ago."<sup>38</sup>

3. **Breach of obligation to conduct a fair procedure while rejecting asylum claims due to delay in filing them:** In September 2015, the Immigration Authority decided, without prior notice, to summarily reject all requests not submitted by asylum seekers during the first year upon entry to Israel. 1,620 asylum requests were rejected for this reason. Only in November 2016 (following a petition by the NGO HIAS), the Court of Appeals in Tel Aviv ruled that the Authority's conduct is unreasonable and disproportional.
4. **Lack of determinations regarding Darfuri asylum requests: Some** 1,600 asylum requests by people from the Darfur region were still pending and MOI had not formulated a policy regarding them for more than a decade. The Comptroller's office does not regard the State's decision to provide a temporary humanitarian status to a few hundred Darfuris as "a proper response to the serious difficulties noted by the court and the Attorney General."<sup>39</sup>
5. **Preventing representatives of the UN High Commissioner for Refugees (UNHCR) from participating in hearings of the Advisory Committee to the Minister of the Interior:** In March 2013 the Ministry of Foreign Affairs recommended temporarily preventing the access of UNHCR representatives to the hearings of the Advisory Committee to the Minister of the Interior "because it submitted a request to present its position as an amicus curia in a petition against the Anti-Infiltration Law."<sup>40</sup> Since then, despite the UNHCR's requests, they have not been allowed to participate in the hearings.
6. **Continuous queues and dreadful waiting conditions at the RSD (Refugee Status Determination) unit:** The report criticizes the Authority for the fact that although Israeli citizens can use an online system to schedule appointments at 32 Population Registry bureaus, there is only one office in the entire country where asylum seekers can submit their applications. Asylum seekers are not entitled to use the scheduling system for this office. "Sometimes someone who waited many hours in line and failed to enter to submit his request was forced to come another day and wait again, without receiving any priority. The waiting room in the office always is full... and people are forced to wait in the hallways, sometimes with no place to sit."<sup>41</sup>

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<sup>38</sup> State Comptroller's Office. *Ministry of Interior – Immigration and Population Authority: the handling of asylum seekers in Israel*, Annual Report 68C, 2018, pp. 1449.

<sup>39</sup>Ibid, p. 1423.

<sup>40</sup>Ibid, p. 1451.

<sup>41</sup>Ibid, p. 1458.

The Comptroller concluded: "[This office] found numerous and significant flaws in the treatment of asylum requests by the Immigration Authority, including significant delays in processing applications, faulty management of requests, and severe flaws in the treatment of requests made by asylum seekers from the Darfur region ... Delay in handling applications is a serious violation of the right to asylum and a breach of the duty of fair process. The reports' findings oblige the Minister of Interior and the Immigration Authority to take firm action, as detailed in the report, to establish the professional infrastructure required for efficient and purposeful handling of applications for political asylum, in a manner that ensures the protection of the rights of the applicants."<sup>42</sup>

The State Comptroller's Report dwelled on the "serious difficulties noted by the court and the Attorney General" regarding the mistreatment of asylum applications submitted by asylum seekers from the Darfur region. The report quotes the Deputy Attorney General's opinion that "there is a legal difficulty in the pace at which asylum applications are processed, including the lack of decisions in applications of Eritreans and Darfur region nationals that were submitted long before."<sup>43</sup>

Since the start of 2016, Israel has seen a sharp rise in the number of Ukrainian and Georgian citizens applying for asylum, to receive a legal work permit in Israel. The rise in the number of applicants on one hand, and the lack of suitable reorganization of the RSD unit on the other, have led to the unit being extremely overburdened - as could be seen in the queues in the area of the office. From mid 2016 to 2018, asylum seekers had to wait outside the office all day, and sometimes all night, day after day, to submit their application.<sup>44</sup>

As of May 2019, more than 15,000 Eritrean and Sudanese asylum applications are pending. Until now, only 13 Eritreans and one Sudanese have received refugee status (less than ½ % of the requests filed). Less than 1,000 Sudanese asylum seekers from Darfur, the Nuba Mountains, and the Blue Nile region who live in Israel have been granted temporary residency status (A5), which grants them work permits, health insurance and access to welfare services. Yet, their asylum applications have not been examined.<sup>45</sup>

**Sudanese asylum seekers<sup>46</sup>:** In October 2018, the authorities decided that humanitarian status will no longer be granted to Sudanese asylum seekers; instead the MOI will focus on

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<sup>42</sup>ibid, p. 1465.

<sup>43</sup>ibid, p. 1449.

<sup>44</sup>HRM, Knocking at the Gate - Flawed Access to the Asylum System due to the influx of applicants from the Ukraine and Georgia, September 2017: <https://hotline.org.il/en/publication/knocking-at-the-gate/>

<sup>45</sup> HRM, Falling on Deaf Ears, Asylum Proceedings in Israel, October 2018: <https://hotline.org.il/wp-content/uploads/2018/10/Eng-Web-RSD-Report-HRM-17Oct2018.pdf>

<sup>46</sup> For detailed timeline of the government handling of Sudanese asylum applications see appendix no. 2, p. 1-4.

examining individual asylum applications. Yet, in July 2019 the State announced to the HCJ that it has completely halted examination of asylum applications by Sudanese nationals because of the recent turmoil in Sudan. There are currently around 3,400 pending applications by Sudanese asylum seekers, many of which were submitted in 2013.<sup>47</sup>

**Eritrean asylum seekers<sup>48</sup>:** According to the Government's reply to court, 16,149 Eritreans submitted asylum applications. 5,502 of these were rejected, 13 were recognized as refugees and 10,647 requests are still pending. In July 2019, the MOI announced that it would re-examine all asylum applications submitted by Eritreans, including those previously rejected. The applications are to be re-examined under new criteria which include a requirement for draft evasion or defection from the Eritrean army to have a "clear, distinct and prolonged ideological dimension" and are stricter than the criteria posed by UNHCR in similar cases. The State's refusal to reveal the new criteria makes it difficult for applicants to appeal rejections.

### Prevention of Asylum Seekers from Filing Asylum Requests at Detention Facilities

Border officers are preventing asylum seekers from filing asylum requests upon their arrival in Israel at Ben Gurion Airport. Only when HRM or other NGOs actively intervene are the asylum seekers given the application form, such as in the cases of Mr. F.A.O. and Ms. J.N.A., whose situation came to HRM's attention only after Ms. A. phoned her sister in Nigeria, who then contacted HRM. It should be noted that HRM is not given regular access to the Yahalom detention facility at Ben Gurion airport, so that unless HRM is made aware that asylum seekers are being held, the organization can take no action.

In addition, most asylum seekers are returned to their countries of origin so quickly that even if they receive the application form, there is no time to file before they are put on return flights. Or, alternately, they file the application but are deported before their applications are reviewed.

A similar problem occurs in prisons outside the airport. Although obligated to provide the asylum application forms, the Immigration Authority often neglects to do so unless prodded by human rights NGOs. Even then, the forms are often left uncollected by the Immigration Authority for long periods.

On October 28, 2018, 13 asylum seekers from Sri Lanka, political activists opposing the regime forced to flee for their lives, landed at Ben Gurion Airport, detained at passport control and

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<sup>47</sup> Detailed timeline of the Israeli authorities' treatment of Sudanese and Eritrean asylum seekers is attached as appendix no. 2 to this report.

<sup>48</sup> Ibid, p. 5-11.

taken to a hearing, during which their leader claimed they had fled for their lives and were seeking protection.

Although the group expressed their desire to apply for asylum in Israel, the border control officer who held the hearing at the airport told the group that "there is nothing to be done" and that they would be deported to their country of origin. On the day of the planned deportation, HRM discovered, completely by accident, that asylum seekers were being held at the Yahalom facility and an HRM attorney visited them at the facility and obtained their power of attorney. That same day, HRM filed an appeal to the Tel Aviv Appeals Tribunal,<sup>49</sup> which contested the MOI's decision to prevent them from filing asylum applications and to deport them, both of which are a violation of refugee law and the non-refoulement principle embodied in international law by which Israel is bound.<sup>50</sup> The Appeals Tribunal was asked to order the MOI not to deport the asylum seekers from Israel, to allow them to file asylum applications and to examine these applications in accordance with the law, as well as to release them until a final determination was made on their applications.

The asylum application forms were given to members of the group only after an agreement was reached between the State and HRM after an appeal was filed, and only after representatives of HRM came to the facility to file the applications. The conduct of the State in this case raises the question of whether similar instances occurred, in which asylum seekers were deported to places in which their life or liberty are at risk because they were not allowed to file asylum applications at Ben Gurion Airport.

Following asylum interviews, all the applications were summarily rejected. HRM filed appeals to the Appeals Tribunal in Jerusalem against all the rejections and asked for interim orders to prevent the deportation until the case was fully adjudicated. Only a leadership change in Sri Lanka led group members to decide to withdraw their asylum applications and return to their country of origin after 51 days of detention in Israel.

### Violation of the Right to Representation

The Yahalom facility holds individuals whose entry to Israel was denied, as well as migrants slated for deportation who were arrested in Israel and their deportation date is imminent. However, some individuals have been detained there for longer periods, sometimes for months. In 2018, for example, Israel denied the entry of 22,495 people while 7,957 additional people were deported from Israel.<sup>51</sup> According to data provided by MOI in response to FOI requests, a large number of these individuals were detained at the Yahalom facility. The

<sup>49</sup> Appeal (Tel Aviv) 18/5977, heard by Tribunal Adjudicator Bergman.

<sup>50</sup> For more, see: HRM, "Falling on Deaf Ears, Asylum Proceedings in Israel," October 2018. Available online: <https://hotline.org.il/wp-content/uploads/2018/10/Eng-Web-RSD-Report-HRM-17Oct2018.pdf>

<sup>51</sup> MOI, Data on Foreigners in Israel – 2018, January 2019. Available in Hebrew: <https://bit.ly/2RTCjIB>

detainees, as in other immigration detention facilities, are not eligible for legal representation by the Public Defender's Office or the Legal Aid department at the Ministry of Justice. According to data provided by the State in response to FOI requests, most of those detained at the Yahalom facility are deported without filing petitions against their removal.

## Violence by MOI officials Against Migrants

"I asked one of the guards to access my luggage so I can take out some clothes and he agreed. When I opened my bag I took out my phone to call my wife because they did not allow us to use the facility's phone. The guard took my phone, led me to a nearby empty room, shut the door and slapped me hard twice. After this, he took the SIM card from the phone, broke it in two, and then threw the phone on the floor and broke it. ..." (From an affidavit provided by one of the Sri Lankan asylum seekers to a HRM attorney, October 31, 2018).

The HRM attorney who met the detainee, observed the bruises on his face as a result of the assault. Additional cases of MOI officials' violence towards migrants and lack of attention by the Israeli authorities as regards this violence is detailed in **Appendix 1**.

## Lack of Judicial Review over the Detention of Persons Denied Entry

The case of the 13 Sri Lankan asylum seekers denied entry to Israel while every effort was made by the authorities to prevent them from applying for asylum, exemplifies the various ways in which the MOI violates the law.

From the moment of the Sri Lankan group's arrival, the State did everything in its power to deport them from Israel as soon as possible, and to this end, made a concerted effort to swiftly reject their asylum applications. The cumulative harm to persons denied entry in the future is grave: they are not provided with information about their right to appeal against their deportation to the Appeals Tribunal; they are denied the right to communicate with the outside world and to contact entities that can help them; their ability to meet with an attorney or consult with them by phone is very restricted; the MOI does not issue detention and removal orders against them, with the result that there is no mandatory, periodic judicial review of their detention. Thus we have a situation in which persons denied entry to Israel are held without any external body being informed, and detainees are not provided with any information, assistance or access to bodies that could help them. This, then, raises the concern that Israel is in violation of its obligations under international law.<sup>52</sup>

## Racial Discrimination against Asylum Seekers by Municipalities

*"When you go by the Meyasdim square, you see black folks drinking beer. It's unpleasant"*  
Itzik Bruwerman, former Mayor of Petach Tikva

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<sup>52</sup> For more details please see HRM, Immigration Detention in Israel – Annual Monitoring report 2018, April 4, 2019: <https://hotline.org.il/en/immigrationdetentionmonitoring2018/>, PP. 19-27.

The phenomenon of divided apartments is common throughout Israel. Landlords split one apartment into several smaller spaces, each of which is rented at a lower rate than the original apartment. This creates a situation where a three-room apartment serves as three or more residential units. Many asylum seekers are forced by socio-economic circumstances to reside in these apartments, without knowing that the division is illegal.

In August 2016, the HRM began receiving requests from Eritrean asylum seekers residing in Petach Tikva for legal assistance in obtaining their landlords' signatures on affidavits stating that their apartments were not illegally divided. Following these requests, HRM looked into the issue and found that the Petach Tikva municipality was requiring asylum seekers to provide confirmation that they had paid municipal property taxes before they could register their children in public school. However, landlords often rent out divided apartments, preventing the residents from paying property tax directly to the municipality. Those who lived in these apartments could not present the proof requested by the municipality and were instead required to present an affidavit from the landlord stating that the apartment was not divided. Their landlords refused to sign false affidavits, making it impossible for asylum seekers to send their children to local schools.

Under the Mandatory Education Act, a municipality is responsible for registering all local children in school. The asylum-seeking parents provided rental contracts proving that they resided in Petach Tikva, but the municipality refused to register the children until they received affidavits from the landlords, knowing full well that the affidavits were impossible to obtain. Despite petitions by HRM and others to the municipality's Education Department and the Ministry of Education, the municipality refused to change its policy. Finally, HRM filed a petition in court, after which the municipality agreed to cease its illegal conduct. However, when registering the children to schools, the municipality sent all the Eritrean children to one school, without a single Israeli classmate. In addition to this constituting an act of segregation, it also caused undue hardship to families who lived far from the school.

Five months later, in March 2016, HRM again received complaints from asylum seekers in Petach Tikva. This time, the complaints were about apartments being disconnected from water and electricity. After several complaints, the HRM realized that this was a deliberate result of a government policy against the local asylum seekers. An investigation by HRM and ACRI showed that Petach Tikva's municipality had acted to cut off the water and electricity from divided apartments. Nevertheless, the only residents disconnected were asylum seekers from Eritrea; there was not a single account of an Israeli living in a divided apartment being disconnected.

In one affidavit collected by HRM and ACRI, a woman reported that when her apartment was disconnected, she was told: "You are Eritrean. You make problems," a sentiment akin to the attitude of Petach Tikva's mayor at that time, who stated: "The movement of migrant workers to Petach Tikva and neighboring cities requires an immediate solution, given the problems it causes" and that the "immediate solution" should be preventing "the entrance of migrant workers to the city."

Following the cutoffs, HRM filed an urgent petition to the District Court. The municipality's representatives claimed that the cutoff was a response to safety hazards caused by the apartments' division; however, in light of the municipality's various discriminatory statements, the judge ordered the Israel Electric Corporation to inspect the apartments to verify a risk. After inspection, all of the apartments were reconnected. Despite this positive outcome, the judge refused to forbid further cutoffs and refused HRM's request to submit a principle petition on the matter, saying that the residents may file individual claims. HRM and ACRI appealed to the Supreme Court, arguing that asylum seekers do not have the means to pay for private legal representation and that HRM does not have the capacity to represent everyone as individuals. The appeal also highlighted the importance of discussing the fundamental matters rising from the issue.

Moreover, prior to the hearing at the District Court, Petach Tikva's municipality requested that two Israeli residents testify about damage caused by the asylum seekers' divided apartments. In her verdict, the judge considered and included their testimony. In the appeal to the Supreme Court, however, it was revealed that one of the municipality's lawyers had persuaded one of the Israeli residents to sign an affidavit even though she had no asylum-seeking neighbors, while the second woman denied she had requested to be part of the proceedings.

Since January 2019, the Petach Tikva municipality [prevented asylum seekers from registering](#) their children in its schools. In July 2019, under pressure from the District Court, the municipality [allowed registration to take place](#). Yet, at the beginning of the current school year, in September 2019, the Petach Tikva municipality illegally refused to admit 60 Eritrean children into the school system. ASSAF submitted a [contempt of court petition](#) on behalf of the parents, and the District Court ruled that the Petach Tikva municipality must pay NIS 40,000 for every day that the 60 children are not enrolled in the Israeli education system.

### Inadequate Health Services<sup>53</sup>

Asylum seekers without health insurance, either because their employers violate the Foreign Workers law, or they are forced work in the informal economy (often because of the Deposit

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<sup>53</sup> The section "Inadequate Health Services" is quoted from PHR-I and ASSAF, Briefing to the Committee on Economic, Social and Cultural Rights, 66<sup>th</sup> Session, 2019, retrieved from:

[http://assaf.org.il/en/sites/default/files/INT\\_CESCR\\_CSS\\_ISR\\_37009\\_E.pdf](http://assaf.org.il/en/sites/default/files/INT_CESCR_CSS_ISR_37009_E.pdf) PP. 11-13

Law), as well as those unable to work because of disabilities, work injuries, or chronic illness, all remain without access to medical treatment. Without access to health care, they must usually wait until their condition deteriorates so as to receive medical treatment in hospital emergency rooms. Once stabilized, however, asylum seekers are discharged from hospitals without proper follow-up-care or medication, and are usually forced to wait once more for their condition to deteriorate to receive treatment. Furthermore, they accumulate debts to the hospitals for the emergency care they received, but without access to social security and without work, most of them are unable to pay their debts. As a result they are denied care in hospital outpatient clinics and can only access services in medical emergencies.

Most of those affected suffer from severe, complex or chronic medical conditions such as cancer, heart, liver or kidney diseases, diabetes, asthma, epilepsy or hypertension. They require ongoing and often costly medical intervention, but are often denied treatment in ERs because hospital teams do not consider them as requiring emergency care. As a result of further deterioration and insufficient care, asylum seekers' ability to function and live a self-sufficient and dignified life diminishes.

Other than the limited private insurance schemes and the aforementioned emergency healthcare and following intensive advocacy efforts by NGOs and the Israeli State Comptroller, the Ministry of Health began offering a few ad-hoc, piecemeal solutions to asylum seekers. These, listed below, offer very limited care, primarily for emergencies.

1. **TEREM Refugee Clinic** - based in South Tel Aviv, the clinic is limited both in the scope of treatment available as well as its geographic location. Because the Ministry of Health funds only emergency care, the clinic lacks the resources to handle all the medical needs of asylum seekers, especially when it comes to costly medical tests (such as CT, MRI and colonoscopy), surgery and oncological treatment. Asylum seekers who live in other parts of Israel struggle to reach the clinic.

Ministry of Health officials have previously acknowledged this shortfall in care (Letter to PHRI, 25 July 2019). In July 2018, the Ministry of Health published a tender for the expansion of similar refugee clinics to three more cities across Israel. However, a year later, in a letter to PHRI dating 25 July 2019, the expansion was postponed to an unknown future date.

2. **Gesher Clinic** - opened in 2014, the Gesher Clinic is the only government-funded facility in Israel providing mental health care to asylum seekers. The clinic continues to suffer from staff and budget shortages and currently has a waiting list of around 200 people. In the past year this has resulted in its inability to accept new patients for

treatment, except for the most acute cases, leaving many others, including torture victims and people with families, to deal with mental health issues without treatment or support.

In the past three years, the Ministry of Health has acknowledged that current services are insufficient. In November 2018 the Ministry published a tender for the expansion of mental health services for asylum seekers in four additional locations in Israel. However in June 2019, Ministry officials announced that while the services would be transferred to a new service provider, these services themselves would not be expanded.

3. **TB and HIV treatments:** The Ministry of Health, together with the Israeli Lung Association, has been funding TB treatments for uninsured asylum seekers. In 2014, following intensive advocacy by Israeli NGOs, the Ministry also began offering AntiRetroViral (ART) treatment for uninsured asylum seekers with HIV in Israeli AIDS centers, free of charge. Although a step in the right direction, the level of care offered to asylum seekers is still inferior to that of their Israeli peers: first, asylum seekers have to wait to reach a certain medical threshold (cd4 500) to be eligible for treatment, whereas Israelis receive full medical treatment immediately upon being diagnosed. Second, while Israelis benefit from the newest medications, those are not available for asylum seekers who often have to struggle with severe side-effects, leading to non-compliance and resilience to treatment. Finally, asylum seekers with HIV still struggle to receive medical treatment, as treatment available to them in Israeli AIDS centers is limited to ART medications and follow-ups.
4. **Prenatal care:** Women asylum seekers in Israel face severely limited access to prenatal care. Those who are employed benefit from limited prenatal care under insurance schemes arranged by their employers. Women asylum seekers who are unable to work, because either they or their children suffer from disabilities or chronic diseases, can only rely on the prenatal care provided at reduced costs by volunteers at the Terem clinic in Tel Aviv. Women who reside in other parts of Israel, including those with high-risk pregnancies, are denied even such limited care and are often asked to pay for costly private prenatal care. Those who cannot afford it, have no choice but to forgo care.
5. **Victims of torture:** Approximately 4,000 African asylum seekers are victims of torture by traffickers and smugglers in the Sinai Peninsula prior to their entry to Israel. Around 500 of them have been recognized as victims of human trafficking by the State of Israel, granting them some rehabilitation and care. The rest have not been identified by the State as victims of torture and are not eligible to rehabilitation services in the form of specialized medical or psychosocial support. Many victims continue to suffer from untreated symptoms of PTSD, depression and anxiety as a result of torture. Without adequate care and rehabilitation, many victims' physical and mental health continues to deteriorate, and

without recourse to social security benefits, many find themselves unable to work, provide for themselves, and pay for housing and sometimes even food.