

WRITTEN SUBMISSION  
PRE-SESSION OF THE 2<sup>nd</sup> PERIODIC REVIEW  
COMMITTEE OF THE RIGHT OF THE CHILD

## ISRAEL

The **Hotline for Migrant Workers** (HMW) was founded in 1998 by a group of citizens concerned by the exploitation and abuse of migrant workers in Israel. With the initial assistance from the NGO *Kav LaOved*, the HMW addressed a critical deficiency in existing services to detained foreigners slated for deportation. Through our exclusive access to detention centres, we met more vulnerable groups in need of assistance and enlarged our mandate. The HMW is a non-partisan, not-for-profit organization defending the rights of migrants and refugees in Israel, and combating human trafficking and xenophobia. The HMW assists vulnerable individuals, particularly those held in immigration detention to protect their basic human rights and to give them a voice.

For more information, please visit: [www.hotline.org.il](http://www.hotline.org.il)

### I) General measures of implementation

As Israel states in CRC/C/ISR/2-4<sup>1</sup> (hereafter "report") the Convention on the Right of the Child (hereafter "Convention") is not incorporated into national law, and '*the principle rights enshrined in the Convention are effectively protected through legislation and judicial decisions*' or '*that the Supreme Court plays a major role in the implementation of the rights protected by the Convention*'. The principle of the "best interest of the child" is recognized in Israeli case law. However, in some cases, when the interest is balanced against other rights, it does not receive sufficient weight.<sup>2</sup>

### Current national legal framework

Administrative detention can only be imposed under the below mentioned two national laws<sup>3</sup>.

Article 13F(4) of the **Entry to Israel Law 1954** states that an irregular resident who is detained for more than 60 days will be conditionally released. It is thereby emphasized that the purpose of the detention is to facilitate the deportation of the detainee, and not to punish the individual. If the detainee is not about to be deported, there is neither reason nor legal justification to prolong the detention. Unfortunately, neither the border control officers, who are suppose to facilitate the release, nor the Administrative Review Tribunal, which is responsible for reviewing the decision of the border control officers, decide for release. Their decisions are based on "uncooperative behaviour" of a

---

<sup>1</sup> CRC/C/ISR/2-4, Committee on the Rights of the Child, Consideration of the reports submitted by States parties under article 44 of the Convention, Combined second, third and fourth periodic reports of States parties due in 2008, Israel, 11 June 2010, para. 4

<sup>2</sup> E.g. High Court of Justice 212/08 Hotline for Migrant Workers et al v. Israeli Prison Service

<sup>3</sup> Not addressing administrative detention of Palestinians.

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

detainee to the deportation. Many Sudanese and Eritreans, who insist on being Sudanese and Eritreans, are accused of concealing their real nationalities and are therefore defined "uncooperative." In such cases the *Entry to Israel Law* does not foresee a release from detention, even if the detention period expired 60 days and even if the deportation cannot be realized in near future.

On January 9, 2012 Israel adopted the so-called **Anti-Infiltration Law 2012** that entered into force on January 18, 2012 and has been effectively implemented since June 3, 2012.

Following a relentless Israeli government campaign inciting against asylum seekers, who are termed "infiltrators" by all Israeli officials, the government was able to raise public support for a harsher migration policy, paving the way for the adoption of the amendment to the *Anti-Infiltration Law* and its accompanying deterrent measures - the completion of a fence on the border with Egypt, a dramatic increase in number of immigration detention capacities up to 12,400<sup>4</sup> places, and government efforts to find legally based deportations of so-called "infiltrators". NIS 730 million (about \$188 million) were allocated to these efforts. The amendment foresees **automatic detention** of every person who crossed the Israeli border irregularly **for a minimum period of three years, including** vulnerable groups such as **children**, victims of trafficking and/ or torture, etc. without being charged or facing trial. Anyone entering from a country Israel considers an "Enemy State", e.g. Sudan, may be **detained indefinitely**<sup>5</sup>. Since June 2012 all entering asylum seekers, including children have been detained under this law. The construction of the border fence along with the renewed practice of "hot returns" (*non-refoulement* violations at the Israeli/ Egyptian border) lead to a sharp drop in numbers of asylum seekers entering Israel in the past four months.

The Israeli Ministry of Interior does not publish any data regarding detention of children. Only during parliamentary hearings, e. g. of the *Committee of the Migrant Workers* or of the *Committee on the Rights of the Child*, NGOs are able to request figures regarding children in detention. The second possibility is that the media inquires data. This is how we learned that 150 children of migrant workers born in Israel between the age of new-born and five years were deported since March 2011 until date. Retrieving accurate data regarding detainees in *Saharonim*, the largest detention facility became more difficult, as on occasions the Prison Authority denies entry to the different sections in *Saharonim* and stopped releasing name-lists of inmates. The HMW requested data from the Prison Authority (Israeli Prison Service, IPS) under the *Freedom of Information Law* in May 2011, applying for an answer within 45 days. The request has not been answered until today. The Hotline for Migrant Workers Israel estimates that about 100 children are currently detained.

**Child detention** is in violation of Art. 12 of the Convention on the Right of the Child [see, also Art. 13-17, 22, 28, 37(a-b)] and contradicts its General Comment No. 6: Treatment of Unaccompanied and Separated Children outside their Country of Origin (para. 61-63) and the recommendations of UNHCR[s] Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum (para. 7.6-7.7).

---

<sup>4</sup> Numbers change regularly and media mentioned numbers up to 40,000 detention places in tent cities.

<sup>5</sup> The Anti-Infiltration Law is a so-called "temporary law" with a validity of three years. The Parliament has the power to extend the law if consider needed. Previous experience shows that Israel's temporary laws being extended for almost a decade, e.g. *Citizenship and Entry to Israel Law* was enacted in July 2003 and extended on an annual basis already 12 times.

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

## Recommendations

- Adopting a comprehensive strategy for implementing the rights of the child in line with international human rights instruments and obligations fostering social integration and combating rising xenophobia, as well as community-based programs designed to reduce poverty and vulnerability by providing access to the health services, the labour market and social benefits.
- Spreading the culture of child rights through society and the government and encourage the media to refrain from negative campaigning of certain groups of society and promoting the right of the child for all children.
- Creating an independent system for monitoring, follow-up and evaluation in the field of child rights which deals with governmental bodies, the parliament, NGOs, individuals and children themselves.

## Art. 1 - Definition of the child

The report refers to the definition of the child in its initial report<sup>6</sup>, Section 3 of the *Guardianship and Legal Capacity Law 1962* stipulates that '*an individual who has not reached the age of 18 is a minor; an individual who has reached the age of 18 is an adult*', subject to specific rulings.

The *Anti-Infiltration Law* defines '*infiltrator*' as '*whoever is not a resident as defined in Art. 1 of the Population Registration Law 1965, and who did not enter Israel through a border entry defined by the Minister of Interior according to Art. 7 of the Entry to Israel Law 1954*'. Children per se are not mentioned in the legal text, only unaccompanied minor (UAM); although there is no age definition regarding minors and the definition of the child applies, thus the term unaccompanied minor is interpreted as unaccompanied child (UAC),

## Recommendation

- Adopt national legislation with appropriate provisions to enshrine the rights of the child in Israel, with a special emphasis on specific mechanisms that protect the rights children and their access to protection procedures.

## Art. 2 - Non-discrimination and equal opportunity

Until to date, the Ministry of Social Affairs and Social Services has not followed the request of the *National Council for the Child to issue an order granting equal medical treatment and social services for all children living in Israel, including children with no legal status*'.<sup>7</sup>

**Access to health services** for vulnerable groups, such as children: In February 2001, the state of Israel adopted an internal regulation for health coverage of non-resident children. Since then, Physicians for Human Rights Israel is following the implementation of this internal regulation and identified the following failure:

---

<sup>6</sup> CRC/C/8/Add.44, Committee on the Rights of the Child, Periodic report of States parties due in 1993, Israel, 20 February 2001, para. 145

<sup>7</sup> CRC/C/ISR/2-4, Committee on the Rights of the Child, Consideration of the reports submitted by States parties under article 44 of the Convention, Combined second, third and fourth periodic reports of States parties due in 2008, Israel, 11 June 2010, para. 196

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

1. The health coverage is conditioned with a payment of 194 NIS (\$50) per child per month. Most migrant families are unable to pay these sums. Thus, the regulation has failed its goals as today only a few hundred children (out of estimated five thousands) are insured.
2. The internal regulation does not cover pre-existing medical conditions. Children who were born abroad are not covered regarding pre-existing health conditions
3. Children are required to reside (incl. irregular stay) in Israel for six month before being eligible to purchase an insurance.
4. Unaccompanied minors cannot purchase a health insurance.
5. Palestinian children residing in Israel with no status are completely excluded from this regulation.

Since 2008, three different legislative attempts to include non-resident children in the *National Health Insurance Law 1994* have failed due to governmental opposition.

To address the lack of access to health services and social benefits, Physicians for Human Rights Israel (PHR-Israel) strategically decided in 2008 to advocate for a "Social Residency Status". While "Social Residency Status" does not entitle the recipient to political rights, this status would enable documented individuals to access state-run services like health care and welfare. Through advocacy, government officials are provided with information which will allow them to take a timely and conscientious decision about the social rights of asylum seekers.

## Recommendation

- Following the request of the *National Council for the Child*, and adopt and implement a regulation, such as the promoted "Social Residency Status" in order to grant equal medical treatment and access to social services for all children living in Israel.

**Regarding children of migrant workers - Legal security of migrant children in irregular situations:** Following public outcry and pressure by civil society organisations led by the NGO Israeli Children<sup>8</sup>, in August 2010 the government announced, for the second time<sup>9</sup>, that it would grant residency status to children of migrants in irregular situations according to a set of pre-defined criteria.<sup>10</sup> A month later, the Ministry of Interior stated that all families will be informed of the results of their applications and those denied status would be granted a month to leave voluntarily.

Although this government decision no. 2381 was issued in 2010, many families are still awaiting their regularisation. To date, only 200 families have received replies, out of those 150 were positive responses and 50 applications were denied. 35 families were referred for testing tissue to verify the identity (DNA-test) of one or both parents. The parents had the possibility to request that the financial burden would be covered by the Ministry of Justice. Most of those requests were granted. However, the results are only delivered months later, thus adding to the psychological stress of children sensing the continued economic and personal insecurity of their parents.

---

<sup>8</sup> <http://www.israeli-children.org.il>

<sup>9</sup> The report refers to the first time Israel offered legal status to migrant worker's children, p. 32, para. 200-202

<sup>10</sup> 701 families applied and at the beginning of 2012 the applications of 257 families were approved and 118 cases denied. 260 cases are still pending.

---

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

In the meantime, the Ministry of Interior began arresting families whose applications had been summarily rejected, in particular those with very young children. The first wave of arrests was in the spring 2011. During these arrests, which frequently took place during the night, children were separated from family members and taken over by friends, or fathers were denied the opportunity to say goodbye to their children before being deported. In a 2011 court decision the Ministry of Interior was reprimanded for implementing the procedure about which the court noted: "*such an expedited procedure is inappropriate and should not exist in a civilized state. Human beings are not cattle and they should be given the opportunity to digest being removed from the country and be able to make arrangement before leaving in a reasonable manner.*"<sup>11</sup> Consequently, arrests were halted for four months until the publication of a new Ministry of Interior directive outlining the rights of detainees at the airport detention facility in December 2011. The directive specifies special provisions for children, including access to a social worker within 24 hours of detention and to family members. In the case of the deportation of migrant children, families are detained up to several days prior to expulsion at Ben Gurion Airport. The detention facility there, named *Yahalom*, is the only facility that is not operated by the Israeli Prison Services, but by the Ministry of Interior. The facility began operating on March 2011 and since then about 150 children were detained and deported from there.

Children of migrant workers serving at embassies were excluded from the possibility to regularise their status. The Israeli government argued that diplomatic representatives have stronger ties to their country of origin, ignoring the fact that migrant workers have no diplomatic status and often do not serve at representations of their country of origin. At the end of 2010, HMW filed four petitions to the High Court of Justice on behalf of effected families. The Ministry of Interior agreed to examine the applications according to the criteria set out in the government decision no. 2381. In addition, 40 families were also allowed to re-apply for regularisation.<sup>12</sup>

### Recommendation

- Adopting a resolution that regulates the automatic legalization of the status of any child that meets the criteria set in the resolutions adopted 2005, 2006 and 2010 at any time, as long as Israel is inviting migrant workers.

### Art. 12 – Respect for the views of the child

The Israeli state respects the **right to be heard**<sup>13</sup> only in cases of unaccompanied children (UAC). In the past, within 24 hours after being detained, the UAC were interviewed by a border control officer, and within 96 hours before the Administrative Tribunal according to the *Entry to Israel Law 1954*. The Administrative Tribunal only decided if a detained person can be conditionally<sup>14</sup> released until a deportation can be undertaken.

If the UAC is detained according to the *Anti-Infiltration Law*, which is the case today, he or she will be interviewed within 7 working days after the arrest by a border control officer, and within 14 working days before the Administrative Tribunal. Release from detention can only be granted in exceptional

---

<sup>11</sup> Admin. Petition 29231-08-11 *Christopher Matias v. Minister of the Interior*, ruling dated 25 August, 2011

<sup>12</sup> HCJ 8837/10, HCJ 6800/10, 6797/10, 6803/10

<sup>13</sup> Administrative appeal number 4878/05 A. v MOI et al

<sup>14</sup> In the past there were geographical restriction but since July 2009 the only condition imposed on a person is the cooperation with his/her deportation when it will be feasible.

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

cases. One of those cases relate to unaccompanied children that meet certain criteria. To date there is no experience how the judicial system will interpret those exceptional cases.

Accompanied children regardless of their age are not called for interviews by the border control authorities or judges of the Administrative Tribunal.

**With regard to access to legal representation**, UACs are entitled to legal assistance by the state in matters concerning their detention. **Accompanied children**, like their parents, **must rely** on the para-legal assistance and legal counselling provided by the **Hotline for Migrant Workers Israel**<sup>15</sup> or private lawyers, who are often not specialized in this area of law for access to legal representation.

## **Recommendation**

- Providing free legal assistance by the state in matters concerning their detention and their legal status for all children, as experience shows that unrepresented children are detained for much longer periods up to months and sometimes even years.

## **II) Civil rights and freedoms**

### Art. 7 and 8 – Right to birth registration and the establishment of an identity

Children of migrants being born in Israel do not receive an official **birth certificate**, but a copy of a hand-written official notification of being born. Those notifications do not hold personal identification numbers but data about the born child and his or her parents. They are issued by the hospital on behalf of the Ministry of Interior and often do not include the father's name, ignoring the cultural insult caused by such action regarding the integrity of the mother.

Upon insistence of the registration of the father's name, the family is requested to provide a DNA test, which costs about \$2,000. The costs of delivery and hospitalization have to be covered by the migrant (about \$480 a day) if the person is not insured. Many migrants are unable to cover the expenses, which results in an illegal denial of a birth notification/birth certificate. This practice contradicts the governmental commitment to issue birth certificates regardless of covered costs.

Unlike Israeli children who will be registered in the official population registry that serves as a basis for issuing the birth certificate and contains the names of both parents regardless of the parents' marital status, migrant-workers' children are not registered, as the law does not provide for it.

Since 2010, there have been several cases in which undocumented migrant workers were forced to sign voluntary return declarations to be able to obtain birth certificates. In 2011 alone, the HMW counseled 70 women who were denied birth notifications after non-payment. Without a birth notification/birth certificate embassies do not issue identity documents for migrant children.

---

<sup>15</sup> The Hotline for Migrant Workers Israel is the only NGO in Israel with access to the detention facilities.

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

## Recommendation

- Issuing of a birth certificate regardless of the legal status of the child and its parents, as well as their economical situation, and their consensus to return voluntarily. The Government should ensure that this law is unconditionally respected.

### Art. 39 - Increased vulnerability of (unaccompanied) children along the migratory route to Israel

Asylum seekers are subjected to torture, sexual abuse and violence en route to Israel. Trafficking/ Smuggling networks, operating since 2009 in Sinai and beyond (Israel, Ethiopia, and Sudan), either lure victims by promising to guide them to Israel for an agreed sum or kidnap them. The traffickers/smugglers then imprison the asylum seekers in encampments and force them to call relatives while they are **being tortured**, in order to extort ransom money for their release. Based on the Hotline for Migrant Worker's experience, about 1.5% of those held in the desert are children and even infants accompanied by both or a single parent. In May 2012, about 80 children were held in the Sinai<sup>16</sup>. Among those crossing the border, around 5%<sup>17</sup> are unaccompanied children (UAC). Once asylum seeker children have crossed the border they are transferred to a nearby detention facility (*Saharonim*).

## Recommendations

- Respecting of the principle of *non-refoulement* at the Israeli/ Egyptian border and the immediate stop of so-called "coordinated returns" to Egypt. Returns as well as chain-deportations to countries of origin expose children to the great risk of being once more subjected of trafficking and/or torture.
- Using the window of opportunity with thousands of military troops deployed in the Sinai to address violence in the Sinai in a holistic manner.

## III) Basic health and welfare

### Art. 24 – Health and health services

With regard to **access to health services**, detained asylum seekers, including children are entitled to the same treatment and services as other inmates. Basic services are provided by the Israeli Prison Service (IPS) on-site, while more complex needs that involve medical testing or access to a specialist are performed off-site in civilian hospitals. As independent physicians are not granted access to Israeli prisons or detention facilities, civil society organisations (CSOs) rely on testimonies from current or past inmates to develop a clearer picture regarding what services are provided and which are withheld. Past testimonies have called into question adequate access to follow-up care, especially after surgery.

With regards to **torture victim identification**, through the testimonies mentioned above, CSOs have learned that prison staff has started gathering information through a questionnaire specifically designed to identify people, including children who have undergone trauma, specifically those who have been

---

<sup>16</sup> Source: Ms. Meron Estefanos, Co-founder of International Committee on Eritrean Refugees; also see: Human Trafficking in the Sinai: Refugees between Life and Death, Brussels, 26. September 2012, [http://www.eepa.be/wcm/dmdocuments/publications/report\\_Human\\_Trafficking\\_in\\_the\\_Sinai\\_20120928.pdf](http://www.eepa.be/wcm/dmdocuments/publications/report_Human_Trafficking_in_the_Sinai_20120928.pdf)

<sup>17</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'.

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

raped. **No gynaecological services** are available at the *Saharonim* detention facility, where most refugee women and girls are held, despite the fact that hundreds of female asylum seekers, including children (see Art. 37, 39) have been subjected to sexual abuse and rape by smugglers. In order to see a gynaecologist, detained asylum seekers must be driven a large distance to *Beer Sheva*, the largest city in southern Israel. Language barriers may prevent the victim from receiving necessary care. In November 2011 the HMW and Physicians for Human Rights-Israel submitted a court petition demanding that gynaecological services be provided at *Saharonim*. The hearing has yet to be scheduled.

## Recommendation

- Guaranteeing unlimited access of independent physicians and specialists to all detention facilities and criminal prisons. Reducing the case over-load by increasing the staff of social workers, Tigrinya-speaking interpreters and judges for better identification of torture victims among detained persons, including and foremost children.

## Art. 26 and 18 – Social security and child care services and facilities

With regard to **social protection**, Israel has no policies or programs designed to reduce poverty and vulnerability of migrants in irregular situations, refugees and asylum seekers, including their children. Israel does not provide any sort of federal care system; those who are not detained either live in public parks or find overpriced and overcrowded housing. The denial of access to the formal labor market forces migrants and refugees to the irregular sector and into higher exposure to exploitation and abuse. Single parents are at even greater risk, including being subject to extreme poverty. Access to public child-day-care services is not provided.

## Recommendation

- Following the request of the *National Council for the Child*, and adopt and implement a regulation, such as the promoted "Social Residency Status" in order to grant equal access to social services for all children living in Israel. Meaning the inclusion of all children residing in Israel into the existing well-fare system regardless of the legal status of the child and its parents.

## Art. 27 – Standard of living, access of children to housing

According to government statistics<sup>18</sup> about 3% of asylum seekers entering Israel in 2010-11 were children. As mentioned children that enter Israel irregularly are **detained** at the *Saharonim* detention centre. The Public Defender described the conditions in *Saharonim*:

"In the *Saharonim* facility, the wings are surrounded by tall barbed-wire fences, reminiscent of a criminal prison and not of a facility meant to hold refugees. We are of the opinion that there is a need to examine other possibilities of protection, especially surrounding the wings where women and children are detained. In addition, the living quarters in the facility are divided into two parts, old and new, together intended to hold 2,000 persons. Because the new wing cannot be gender-segregated, the women and the children stay in the old part under harsh conditions and overcrowding (between 10-15 women and

---

<sup>18</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>.

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

children in each tent). It is mentioned that although ventilators were installed in the tents recently, the female detainees complained to us that they suffer from the cold weather at night. The central tent, equipped with a television and air conditioning system, is used as a classroom and a food-distribution centre. Also, the poor maintenance of these tents places the detainees in danger for their safety, as some of the tents have not yet been replaced with fire resistant tents".<sup>19</sup>

## Recommendation

- Providing sufficient available places in boarding schools for all unaccompanied children, as experience proves the success of this alternative model, providing access to higher education and personal development.

## IV) Family environment and alternative care

### Art. 21 – Adoption

Please see ANNEX

### Art 9 – Separation from the parents

The Refugee Rights Clinic of the Tel Aviv University (TAU) demanded on behalf of several human rights groups<sup>20</sup> that migrant children that the authorities have **removed from their parents' care because of abuse or neglect** should not be returned to their parents' custody as part of the deportation in July 2012. According to the petitioners, the deportation program includes removing some 20 migrant children from boarding schools and other frameworks where they were placed when separated from their families by local welfare authorities. They claim that reuniting the children with their parents endangers them and are demanding that the High Court guarantee their safety.

The petitioners have clarified that they do not oppose all instances of reuniting migrant children and parents to deport them; rather asking decisions on reunification of migrant families be made after a thorough background check of each case and according to what is in the best interest of the children. Furthermore, the petition argues, the Immigration Authority's *Oz Unit* does not have the legal authority to take children that welfare authorities have removed from their parents' custody and return them to their mother and father without asking permission from the courts or welfare system. This petition is still pending.

## Recommendation

- Basing decisions regarding separation and reunification of migrant children with their families on a case-by-case basis, and on the primary consideration of the best interest of the child.

---

<sup>19</sup> Public Defender, Detention and imprisonment conditions in Prison Authority and police detention facilities in the years 2009-2010", August 2011, 69 (Hebrew), <http://www.justice.gov.il/NR/rdonlyres/87763C09-FBC3-46A6-A885-B5557CB25C3E/0/Doch20092010.pdf>

<sup>20</sup> <http://www.ynetnews.com/articles/0,7340,L-4245162,00.html>

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

## V) Education, leisure and cultural activities

Art. 28 - With regard to **education**, both, *Matan* and *Saharonim* provide educational programs. These programs are very limited, including only language lessons and crafts and do not comply with the legal obligation to provide equal access to primary education for every child residing in Israel as laid out in the *Compulsory Education Law 1949*.

Following intensive advocacy efforts in previous years, in 2009 the government introduced procedures instructing authorities to find alternatives to detention for UACs. Between November 2009 and August 2011, 121 unaccompanied UAC were transferred to **boarding schools** that accept children that are under the age of 16. Those aged 16-18 must find a foster family, a challenge that prolongs the detention period. As the number of places available at boarding schools is insufficient (currently 150 in boarding schools run by the Ministry of Education and 20 places in schools run by the Ministry of Welfare) and the government has no intention to increase this number, many remain in detention.

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

"I was detained for six months in *Matan* Prison and 3.5 months in *Saharonim* Prison. I was detained for 9.5 months in Israel. Life in *Saharonim* was very difficult. It was extremely hot and we were about 11–12 children in every tent. The food was good and the guards were nice. They counted us twice, morning and night. In *Saharonim* there is no possibility to make a phone call and I was very worried about my family that I left in Eritrea, and them not knowing whether I'm dead or alive. It was very boring there. We studied there twice a week, an hour and a half every time. *Matan* Prison was much better, but it was still a prison. In *Matan* we had real rooms and not tents. We were ten children in five bunk beds. There was also a television in our room. We were able to get out of the room for an hour every day. During 23 hours a day we were locked in our rooms, and this was much more difficult than when we were in the tents."<sup>21</sup>

None of the above refers to **unaccompanied girls**. Israel has no facility for unaccompanied female children and does not provide places in boarding schools for girls. Girls are usually being detained in the criminal prison *Givon* in the city of *Ramla*. This facility has better conditions than those in *Saharonim* but children are not separated from adults. They are merely held in a separate room allotted to children. *Givon* lacks education and **welfare services**. The social worker responsible for *Matan* is also in charge of finding guardians (foster families) for girls, but due to her limited resources she can only cover the *Matan* facility. As a result female UAC are detained for prolonged periods.

Our latest achievement is a *Beer Sheva* district court ruling **against racial segregation in public schools** in *Eilat*. The municipality has been barring asylum-seeking children from studying in schools within the municipality boundaries of the city.

Please see ANNEX.

---

<sup>21</sup> Testimony taken by an HMW volunteer on 16 June 2011 at the *Nizana* boarding school.

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

## Recommendations

- Take measures to ensure that children in the context of international migration are protected against arrest and/ or detention during their stay in Israel and if necessary, use alternatives to detention of children solely as a measure of last resort and for the shortest period of time.
- Respecting Israel's *Compulsory Education Law* also within detention facilities.
- Providing sufficient available places in boarding schools for all unaccompanied children, regardless of their gender.

## VI) Special protection measures

### Art. 22 – Refugee Children

In its initial report Israel only refers to refugee children in para. 1460, and highlights that on several occasions asylum seekers were recognized as refugees and received status. Since Israel signed the 1951 Refugee Convention and its 1967 Protocol, as one of the first countries in the world in 1951 resp. 1967, Israel has only granted status to 157 (!) refugees. It is unclear how many of these were children as some derived status through their parents. Only one child, an albino from Africa, was granted status in his own rights.

## Recommendations

- Adopting national refugee legislation with appropriate provisions to enshrine the right to seek asylum in Israel, with a special emphasis on specific mechanisms that protect the rights of (un)accompanied children and their access to the asylum procedure, including the incorporation of the principle of *non-refoulement* that is currently not codified in domestic legislation of Israel. The Government should ensure that the asylum adjudication process is fair, transparent and implemented according to international standards.

### Art. 37 – Children deprived of their liberty; Art. 39 – Physical and psychological recovery and social reintegration

Since April 2002, about 10 Ethiopian girls (age 14-15), victims of human trafficking, have been jailed in the detention facility *Saharonim* and the criminal prison *Givon*. These girls were kidnapped in Ethiopia and had not intention of migrating to Israel. The group was forcibly transferred by smugglers to Sudan and from there to the Sinai. The girls were kept in a torture camp in Sinai, while being constantly beaten, whipped and raped. After three months of severe torture, the families of the girls managed to collect the ransom and the children were released. Since their arrival in Israel five month ago, despite being recognized as victims of human trafficking, the girls are still detained because the shelter for human trafficking victims is not suitable for children. The Ministry of Education refused to allow the girls to attend boarding schools as they are deportable, and in the meantime the Ministry of Welfare accepted their transfer to the shelter which is currently fully occupied.

As mentioned above, Israel does not foresee any psychological - or rehabilitation services for torture victims, except for identified 'slavery victims'.

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

In August 2010, *Matan*, located in the city of *Hadera*, was opened for the purpose of holding unaccompanied male children. The facility was closed in August 2012 as a form of **collective punishment** following the attempted escape of six children. All children were transferred to the criminal prison *Givon* for five weeks, but returned in the meantime. The *Matan* detention facility was designed to meet the needs of children. The facility can hold up to 70 detainees at a time, who reside in seven rooms. In a tour of the facility held by the Knesset *Committee on Migrant Workers* on September 22, 2011, 60 children were in residence, two of whom were under the age of 14. One of the children had been detained for 13 months and the average detention time was seven months. In this so-called "child-friendly" facility, authorities have recorded 19 suicide attempts within its first year of operation. Until June 6<sup>22</sup>, 2012, 329 children have been detained in *Matan*.

### Recommendations

- Take measures to ensure that children in the context of international migration are protected against arrest and/ or detention during their stay in Israel and if necessary, use alternatives to detention of children solely as a measure of last resort and for the shortest period of time.
- Providing sufficient available places in boarding schools for unaccompanied children, with staff specialized in rehabilitation of torture victims.
- Creating child-appropriate places in shelters for victims of human trafficking.

*October 5, 2012*

---

<sup>22</sup> The source wants to stay anonymous, but is well known to the HMW.