



## Submission by the Hotline for Refugees and Migrants (HRM)

to the Committee on the Elimination of Discrimination Against Women  
(CEDAW):

LOIPR - Israel

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[The Hotline for Refugees and Migrants](#) (HRM) is a non-governmental and non-profit organization, established in 1998, that aims to defend and further the rights of refugees, migrants and prevent trafficking in persons in Israel. The HRM is the only human rights organization that holds a permit to visit migrants inside the detention facilities and its activists visit detainees in these facilities several times a week since 1998.

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This submission focuses on the situation of migrant and asylum seeking women in Israel mainly concerning legal status, detention and deportation and includes the following issues:

1. Deportation of trafficking survivors in the sex industry without providing rehabilitation services and without exploring the possibilities of conducting an investigation and bringing to trial their traffickers.
2. Lack of legal representation for migrant and asylum seeking women detained for years in administrative detention.
3. Detention and deportation of migrant women who attempt to leave abusive relationships.

4. Lack of screening procedures and lack of rehabilitation services to the survivors of the Sinai Torture Camps.
5. Coordinated Immediate Return Procedures – the "pushback" policy of men, women and children, on the border with Egypt.

### Detailed List of Issues

1. Deportation of trafficking survivors in the sex industry without providing rehabilitation services and without exploring the possibilities of conducting an investigation and bringing to trial their traffickers.

In the 1990's with the fall of the Soviet Union, Israel became a destination country for trafficked women from the FSU for the purpose of prostitution. The HRM first discovered trafficked women in 1998 in Neve Tirtsa prison prior to their deportation from the country. In 2000, the HRM used the data collected from hundreds of TIP survivors in prison for its first shadow report submitted to the US State Department TIP report which named Israel a Tier 3 country (the lowest possible rating); that put pressure on the government to act. The rating from the state department indicated that Israel was doing virtually nothing to prevent trafficking within its own borders.

Following the criticism by the State Department and public and legal activism by human rights organizations in collaboration with the Anti-Trafficking Combat Unit at the Ministry of Justice, in 2003 a law was amended to provide trafficking victims with legal representation by the State. In 2004, a shelter for female human trafficking victims was established. In 2005, the trafficking victims were given the right to work while they awaited to testify against their traffickers. They were also given a visa that gave them access to a year of rehabilitation in Israel after their testimony was given. In 2006 the Criminal Law was amended so that TIP for the purpose of work or organ removal was also defined as a crime. In 2012, TIP victims were granted access to medical services as they awaited trial and during their year of rehabilitation.<sup>1</sup> Since 2012, Israel has been rated Tier 1 each year.

To Israel's credit, the policies and practices implemented to combat trafficking, eradicated many of the trends that first necessitated the protections. However, with

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<sup>1</sup> For more information: <http://hotline.org.il/en/human-trafficking-en/trends-in-human-trafficking-in-israel>



time, the trends themselves and the TIP patterns also changed, and the progress that Israel has made in terms of adapting policies to reflect the new challenges is up for debate.

During the last year, more and more women, tourists from the FSU, were found in Israel working in brothels and discrete flats, or at least were suspected to work in these places.

Yasmin Confino, the manager of the Ministry of Welfare's shelters for TIP survivors, told Yedioth reporter Liat Bar Stav on December 25, 2015: *"... Today it is different. Today, the woman knows that she is going to provide sex services. She also receives part of the payment from the clients. She is not held captive and she gets to keep her passport and cell phone. Yet, since these are foreign women who live separately from Israelis and they do not speak the language, they are dependent on the pimps, dependence that contributes to the pimps' control over these women "*.

It was also stated in the article that *"Officials at the Ministry of Justice are sure that the phenomenon is wider than it seems since it is difficult to identify the women and they arrive with a very credible cover story"*.

In December 2015, an indictment was filed against Leonid Shtrimer and Assaf Ben Ari, two Israeli citizens, for bringing women from the FSU for the purpose of prostitution. According to the indictment, they enticed women to come and work in Israel through social media, forced them to work in prostitution when they arrived, and sexually assaulted at least one of the women. Svetlana, one of the witnesses, claims that she was promised \$200 for half an hour of work, that all her expenses would be paid, and that she will be sent only to "good clients". In reality she was forced to go to clients even when she was sick or was menstruating. She was obliged to perform oral sex even though she said she did not want to do that work.

The HRM, who follows the Ministry of Justice's Administrative Review Tribunal decisions' database, discovered during 2015 only 10 decisions of women, where it was clear that they were brought to Israel to provide sex services. Yet, since most of these women hold valid passports that allow them to be deported, it is very likely that many more are being deported, on their own volition, even before meeting with the Administrative Review Tribunal.

While Israel was striving to improve its rating by the US State Department TIP report, the various authorities attempted to coordinate their actions in order to eradicate TIP. During the last few years, the coordination between the authorities is deteriorating in a way that has allowed the Immigration officials to deport foreign women found in sex

work, before they have a chance to coordinate with the police to investigate whether or not an act of trafficking has been committed. The Administrative Review Tribunal Judge Marat Dorfman wrote in one of the protocols:

*"I find a need to state that during the last several days this is the third case that women, tourists from abroad, are allegedly employed in providing sex services for payment in discrete flats in the Tel Aviv area. In all these cases, there is a similar pattern to the actions of Immigration officers. One of the officers calls a cell phone number that appears in an ad for sex services on the internet. He says to the person who answers the phone that he is interested in having sex with a woman whose photo appears in the ad. The officer receives an address to which he is supposed to arrive in order to have sex with the woman. The officer receives the exact details of the flat and the expected payment particulars. After that, the officer, accompanied by other immigration officers arrive at the flat and when the woman opens the door: they identify themselves as immigration officers, check the woman's documents and if she is a tourist, they detain her for further handling at the Department of Immigration. From this process, the officer allegedly reveals two violations of the law by the landlord of the flat and the person who operates the ad's website – first, bringing a person to commit an act of prostitution and second, renting a property for the purpose of prostitution. A question should be raised if the immigration administration is not supposed to coordinate such activities with the Israeli police? Is a report regarding the criminal activity, which is allegedly conducted, being transferred to the authorized bodies at the police? The tribunal has no such knowledge. I believe that the legal advisers at the immigration authority should check the issue and they need to coordinate its activity with the Israeli police in order to bring criminals to trial."<sup>2</sup> "*

The Administrative Review Tribunal Judge's concern and criticism regarding the lack of coordination between the various Israeli relevant authorities was also expressed in a letter that Emi Saar from the HRM sent on November 26, 2015 to the Head of PIBA, Amnon Ben Ami and to the Director General of the Ministry of Justice, Emi Palmor. So far, no answer was received. A parliament hearing was held on this issue at the Parliament Committee on the Status of Women and Gender Equality on December 7, 2015, since the Parliament Sub-Committee for Combating TIP in women was not yet established in the present Knesset at the time. Despite the efforts of the head of the committee, MK Aida Toma Suliman, no data regarding the phenomenon or decisions for improving coordination were made.

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<sup>2</sup>Administrative Review Tribunal Judge Marat Dorfman, Protocol dated November 24, 2015, in the case of O.M.Z, prison number 9026120.

## **2. Lack of legal representation for migrant and asylum seeking women detained for years in administrative detention**

Article 13 F (4) of the Entry to Israel Law states that an illegal resident who is detained for more than 60 days should be conditionally released if it is not possible to refoule them to their country of origin. It is thereby emphasized that the purpose of the detention is to facilitate the deportation of the detainee and not to punish them. If the detainee is not about to be deported, there is neither reason nor legal justification to continue holding him in detention.

In accordance, the Ministry of the Interior's (MOI) border control officers are supposed to facilitate the release of detainees who cannot be deported (for various reasons) within 60 days. The Administrative Review Tribunal is responsible for investigating the decisions of the border control officers to guarantee that the law is respected. Unfortunately, neither the border control officers nor the Administrative Review Tribunal have been releasing detainees after 60 days of detention, even though it is obvious that their deportation cannot be realized in the near future.

Sudanese and Eritreans make up 92% of asylum seekers in Israel. The authorities refrain from deporting these two groups, as well, until 2013 they also refrained from conducting RSD (Refugee Status Determination) procedures for them. Since nationals of these countries cannot be deported, the authorities hesitate before recognizing individuals as citizens of those nations. As a result, many Sudanese and Eritreans, who insist on being Sudanese and Eritreans, are accused of concealing their real nationalities and are defined as "uncooperative" with their deportation. If a detainee is "uncooperative", the law does not require his release from detention even after 60 days from his arrest.

Until 2008, when the HRM had a relatively free access to the prisons in which migrants and asylum seekers are held, the HRM's staff could visit and monitor the detainees held for long periods of time. Since 2008, the HRM's staff can only visit and represent those detainees who provide the HRM in advance their full name and prison number, there is no exact knowledge of the number of migrant and asylum seeking women detained for long periods of time.

Yet, the HRM represents, or is aware of several women held in administrative detention for years. Here are some examples:

**R.S. (Detainee no. 1455450) - detained for three years and eight months, arrived in**

Israel from Uzbekistan as a tourist and has been detained for deportation in the Givon criminal prison since October 11, 2012. During the first years of her detention she provided her details to the Israeli MOI as well as to the Uzbeki consul who claimed that they do not recognize her as a citizen of their country. The MOI has never claimed that R.S. is anything other than Uzbeki. During the last six months, R.S. has refused to attend her monthly hearings in front of the Administrative Detention Review Tribunal, which has approved her detention month after a month without a change.

**F.A. (Detainee no. 1358647) - detained for three years and six months**, arrived in Israel from the Ivory Coast with her 15 year old son in 2007. According to her testimony, the family suffered from political prosecution there. In 2008 she was detained for eight months, but since at that time citizens of the Ivory Coast were temporarily protected from deportation, she was released. On 2012 Israel revoked this temporary protection and started arresting and deporting citizens of the Ivory Coast. On January 23, 2013 F.A. was arrested again and since then, she is detained in Givon criminal prison. Her son, now 22-year-old, was arrested in September 2014 and has been detained since in Saharonim prison, in the Sinai desert near the Egyptian border. He has stayed there since he is afraid to return to the Ivory Coast without his mother. For the first year and a half of her detention, F.A. refused to return to the Ivory Coast, claiming that she will not be safe there. In July 2014 she agreed to return to the Ivory Coast, but conditioned her return on being issued a passport from the Ivory Coast, that will enable her to leave the country after her arrival there. The MOI made two attempts to forcibly deport F.A. to the Ivory Coast with Israeli Travelling Documents, but due to her strong objection, the attempts failed and she was returned to prison. On November 2015 the MOI committed to accompany F.A. to the Ivory Coast Consulate in order to issue a passport for her but up until now she has not been taken there.

**E.W.B. (Detainee no. 1395665) - was detained for four years and two months until August 2015.** E.W.B. arrived in Israel from Ethiopia. As a member of the Oromo tribe, she was persecuted by the Ethiopian government. E.W.B. asked for asylum in Israel but her request was rejected after passing an interview in Amharic. She is 58 year-old and it was discovered in Israel that she suffers from AIDS and has a cancerous tumor in her brain. When she collapsed in Givon criminal prison, she was taken to the nearest hospital where she refused to receive medical treatment. During her long administrative detention, E.W.B. refused to return to Ethiopia since she fears persecution and has no one to take care of her there. She constantly asked to be released in Israel in order to reside and be cared by the staff of the Ethiopian church in Jerusalem. Only at the end of July 2015 the Detention Review Tribunal accepted the HRM's request to release her to the hands of an Ethiopian friend who will care for her

at the church. Up until now E.W.B. has had no legal status in Israel.

### **3. Detention and deportation of migrant women who attempt to leave abusive relationship**

When a non-Israeli citizen marries or becomes a de-facto partner of an Israeli citizen the couple can apply for the foreign partner to go through a naturalization process. The process begins with the Ministry of Interior checking the validity of the relationship and family unit and assessing if the family life is centered in Israel. Following this, the couple must register that they are still together every 6 months to a year with the Ministry of Interior for somewhere between 4.5 to 7 years until the foreign partner may be granted citizenship. If the relationship or family unit breaks down in the middle of the process, the foreign partner is usually required to leave Israel. However there are certain circumstances when the application of this procedure is incredibly unjust. One such circumstance is in the case of women leaving abusive relationships.

Abusive relationships are characterized by fear and terror. In addition to the social and economic challenges that any women can face when leaving a spouse, abused women fear violent repercussions. Migrants have even greater barriers to overcome because their legal status depends on their partner. Migrants have more difficulties accessing social services and law enforcement. They may not have the family or friends to support them, both emotionally and financially, should they want to leave a violent relationship. They do not know what their rights are and may have difficulty finding out. The greatest fear is if the authorities find out that the relationship has broken down, they may be deported. Essentially, the level of dependency denies the woman the ability to protect herself.

Israel's migration procedure gives huge power to the local 'sponsor'. Each year they need to attend a hearing at the Ministry of Interior to prove they are a family unit in order for the foreign partner to receive their visa. The abusive partner is in control and has the right to decide whether or not his wife will receive status and be able to stay in Israel. If she leaves him, she will not receive her visa. Without a valid visa she is unable to work, enjoy social or health rights or essentially be a free person. In time she will be arrested and deported. A violent and abusive man who knows that his partner's legal status depends on him can use this to his advantage to control her. If he thinks she will report him to the police he will be further incentivized to report to immigration that the relationship has ended so she may be deported before being able to testify against him.

Israel has recognized the need to protect abused migrant women. In 2007 the first criteria for protection was introduced, but it has a strict set of pre-conditions. A woman who meets these conditions is eligible for her case to be brought in front of a humanitarian committee. However the committee meets randomly and the waiting period for a decision might last over a year. Many times the reason women do not fit the criteria is due to the abuse of the Israeli partner. For example, if she did not already hold temporary residence for two years she will not meet the criteria to apply for humanitarian protection. Her two years of residency may be undocumented if the husband refused to attend an MOI hearing, a method he used to retain power and control over her.

#### **4. Lack of screening procedures and lack of rehabilitation services to the Sinai Camps torture survivors**

At the end of December 2015, Israel hosted 44,599 African asylum-seekers, 73% of whom came from Eritrea (32,595) and 19% came from Sudan (8,531),<sup>3</sup> countries where most of them, men and women, are likely to face – if returned – major human rights violations, including the risk of death and life imprisonment. Only 20% of the asylum seekers, about 7000, are women, half of them are registered in Israel as mothers. The NGOs estimate that several thousand women, who arrived in Israel between 2009 and 2012 survived the Sinai torture camps, and entered Israel after being badly tortured and raped.

One can learn about the faulty screening procedures of torture survivors in Israel from the following data: According to the Israeli government statistics, during the year 2010, out of 14,743 Africans, called by the authorities 'infiltrators', 1,676 were women. During the year 2011, out of 16,852 'infiltrators', 1,996 were women. Out of the 1,996 women who arrived in Israel during 2011, only 54 complained that they were sexually assaulted in the Sinai torture camps. This means that less than 3% of the women stated before prison authorities that they were sexually assaulted. 23 women out of the 54 managed to see a gynecologist before they were released from prison. Others had to rely on Physicians for Human Rights Israel (PHRI) open clinic for assistance. During the year 2011, while 54 women complained before Israeli authorities in prison about their sexual assault, PHRI-I referred 1,585 women to

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<sup>3</sup>The statistics are available in Hebrew at the PIBA website: [https://newgov.gov.il/BlobFolder/generalpage/foreign\\_workers\\_stats/he/summary\\_2015\\_update.pdf](https://newgov.gov.il/BlobFolder/generalpage/foreign_workers_stats/he/summary_2015_update.pdf)





gynecologist and assisted in facilitating 21 abortions.<sup>4</sup> Not every woman who asks to see a gynecologist was necessarily raped, yet while all women were detained in Saharonim upon their arrival into Israel, not all of them visited the PHRI clinic upon their release.

While a small group of about 300 recognized Trafficking in Persons (TIP) survivors who went through the Sinai are receiving protection and rehabilitation services for a year; the vast majority, about 4,000 torture survivors, many of whom are women, who did not "work" for their traffickers and therefore are not entitled to be recognized as TIP survivors, receive no protection at all and no access to treatment or rehabilitation services.

During 2015, out of 23 women recognized by the Anti-Trafficking Police Unit as TIP survivors, eight women were Eritrean Sinai survivors. Six of them were identified and referred by the HRM.

Among the 14 recognized African-women survivors who reside in Maagan shelter, 7 were identified and referred by the HRM.

From the interviews conducted by the HRM over the years, starting from 2012 (with the completion of the border fence of Israel and Egypt), nearly all of those who arrived had no intention to come to Israel. They were abducted from refugee camps in Sudan and Ethiopia and brought to torture camps in the Sinai for ransom. They were eventually released on the border with Israel after they had been beaten and tortured, and their families had paid tens of thousands of dollars for their release.

During the last few years the Anti-Trafficking Coordinating Unit at the Ministry of Justice has conducted courses and trainings for the Administrative Tribunal Judges and the IPS workers who interact with the torture and slavery survivors during their work on a daily basis. Despite that, the HRM keeps on locating and identifying survivors after long periods of time in prison, who were not identified by the IPS or the Tribunal.

##### **5. Coordinated Immediate Return Procedure – "push back" policy on the border with Egypt - returning to the Egyptian prisons at least three South Sudanese mothers with their little children**

In its Concluding Observations of June 2009 the Committee against Torture criticized Israel's implementation of the "Coordinated Immediate Return Procedure" established

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<sup>4</sup> The number reflects the overall referrals to gynecologists giving in PHRI Open clinic, where the majority of its patients are from Eritrea and Sudan

by the Israel Defense Force (IDF) as a basis for the summary deportation of people who crossed the border back to Egypt.<sup>5</sup> On April 2011 the Government reported to the High Court of Justice that it will cease the "coordinated returns" to Egypt due to the inability to coordinate the returns with their Egyptian counterparts. Based on this declaration, the Supreme Court erased the petition challenging the legality of the so called "Hot Returns" and remarked that if the Government wishes to resume the returns in the future, it should follow international standards for such returns and receive assurances for the safety of the returnees.<sup>6</sup>

Since the official termination of "coordinated returns" the HRM and the Tel Aviv University Refugee Rights Clinic (TAU Clinic) filed several complaints on discrete incidents during which the IDF returned migrants who crossed the Egypt-Israel border back to Egypt without conducting any procedure to ascertain whether those are people in need of international protection (such a complaint was filed on August 2, 2011. The IDF informed the organizations that a military police investigation would be carried out but the case was later closed without an official determination).

On July 2012 the HRM and the TAU Clinic filed a complaint that IDF soldiers were operating within Egypt's territory to stop migrants on their way to Israel and to hand them to Egyptian forces. The IDF Chief Attorney replied that IDF forces are entrusted with preventing migrants from "infiltrating" Israel, particularly where the border fence was not yet been completed and that the forces are operating according to Israeli and international law.

During 2014, the HRM collected eight testimonies from IDF soldiers who served along the border, indicating that the reduction in entrances to Israel is attributed, in part, to the implementation of a "pushback policy". According to the testimonies only several individuals still attempt to cross the border every month. A soldier from the Caracal Battalion of the Nahal Brigade testified of her time at the service along the border, during February 2014: "In the reception speech, the Battalion Commander told us about our three enemies: terrorists, smugglers of weapons and drugs, and infiltrators. The order about the infiltrators is clear: no one passes the fence." The soldiers serving along the fence all reported that their commanders told them that those arriving at the border are not real refugees and are in fact coming to Israel to look for work. When 'infiltrators' are spotted in the cameras (that include night vision and can detect objects for distance of 5 KM), the soldiers are ordered to call the coordination unit that calls the Egyptian military stationed at the border. As a female soldier described

<sup>5</sup> (Committee against Torture, Consideration of Reports Submitted by States Parties under Article 19 of the Convention – Concluding Observations of the Committee against Torture – Israel, CAT/C/ISR/CO/4, 23 June 2009, para. 24).

<sup>6</sup> Israeli High Court 7302/07 The HRM v. The Minister of Defense, decision dated 7.7.2011



it: "we call the Egyptians and they do the dirty work for us." If the asylum-seekers reach the border before the Egyptian forces arrive, the soldiers are ordered to keep guard on their side of the fence. The soldiers tell the asylum-seekers that they cannot cross and shout at them. If the asylum seekers still attempt to climb the fence, the soldiers can hit them with the 2-meter antenna of jeeps, push the barrel of the rifle through the fence to make them fall, "and in case of this fail, we can shoot them in the feet", as reported by a Nahal soldier.

In late August 2014, the HRM received information from a soldier about ten South Sudanese asylum-seekers who previously lived in Israel, were deported in 2012, and attempted to re-enter Israel. The information first arrived from an Israeli activist who kept contact with the families. He was told by their relatives that they crossed the border to Israel. Among the ten, there were three mothers with small children, two of them only one-month old. The HRM failed to locate the families in the Israeli prison system, but shortly after, received information from a soldier at the border, according to which families who fit the description reached the border and their entry was denied. The soldier could not tell where the group was from since they did not check, but he reported that they were told that the Egyptian branch of the ICRC took the family into Egypt. According to the activist, the families were held in Egyptian prison for several months and only at the beginning of 2015 the activist managed to help them leave after financing their plane tickets from Egypt.

On July 2015, a similar complaint was made by the HRM and the TAU Clinic. According to the information received by the NGOs two groups of asylum seekers, 43 men and women, who entered Israel through its Egyptian border, were captured by the Israeli Defense Force, on two separate occasions and were immediately returned to the hands of Egyptian soldiers, without being given a chance ask for asylum and without even conducting a basic interview required according to the "Coordinated Immediate Return Procedure".

It should be emphasized that Israel and Egypt never signed a formal readmission agreement to ensure the safe transfer of asylum seekers back to Egypt and to protect their rights there. Moreover Egypt has a record of violating the non-refoulement principle and detaining and refouling Eritrean and Sudanese asylum seekers and refugees back to their countries of origin.

As mentioned above, current IDF regulations prohibit any such returns and the Government made an undertaking to the High Court of Justice that such returns would not be renewed without a written order and that such an order would only be made in coordination with the Chief Military Legal Advisors.

In a response to the TAU Clinic's urgent appeal on the matter, the Chief of Staff in the Ministry of Defense admitted that two events of unsanctioned returns did take place on June 2015, but that it was done based on the decision and coordination of the "tactical field forces". The letter stated that since such returns are a breach of the Military orders, the IDF re-informed its officers about the current policy prohibiting such returns. In reply to a follow-up questions, the Chief of Staff replied that no individual measures were taken but the IDF clarified its policy to higher officers and to officers in the field and that future cases would be handled strictly.

Finally it should be mentioned that during November 2015 several incidents of shooting and killing migrants by Egyptian forces at the border occurred. The HRM received anonymous information from soldiers at the border, who were anxious that shooting light-torches to light the section when there is a suspected crossing of the border may endanger lives of migrants and expose them to shooting by Egyptian border guards.