



**Submission by the Hotline for Refugees and Migrants (HRM)  
to the Special Rapporteur on violence against women  
Preparation for country visit to Israel and the occupied Palestinian Territory  
(12 to 23 September 2016)**

[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 migrant and asylum seeking women in Israel and include the following issues:

1. Detention and deportation of migrant women who attempt to leave abusive relationships.
2. 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.
3. Lack of screening procedures and lack of rehabilitation services to the survivors of the Sinai Torture Camps.

## 1. 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.

## **2. 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 time, the trends themselves and the TIP patterns also changed, and the progress that

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

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.

### 3. 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 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

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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)

<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

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.