



GBV-MIG: Violence against women migrants and refugees:

Analysing causes and effective policy response

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Country Report ISRAEL

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Gender-based Violence against Migrant Women, Victims of Trafficking, Refugees and Asylum Seekers in Israel 2020

Israel was established as a state in which the Jewish people could realize their right to self-determination. In Israel there is no constitution, but there are basic laws, which define Israel as a “Jewish and democratic state” and protect some human rights.¹ However, civil status in Israel is determined by the classification of ethnic identities, a reality that has a particularly strong impact on the residents of the Occupied Territories, migrant workers, and asylum seekers.

As of 2020, Israel has a population of approximately nine million, approximately one-fourth of whom are not Jews. Its relatively small size – around 22,000 square kilometers – and its geopolitical location mean that issues of security and demographics feature prominently on the national agenda. The issue of migration is often included in discussion of these aspects, reflecting a perception of migration as a demographic and/or security threat.

In the first part of this paper, we will describe in broad strokes the normative framework of migration laws in Israel, including the main outlines of regulations intended to control and ultimately reduce the number of migrants present within the country’s borders. This part serves as a brief and necessary introduction in order to understand the subsequent and central parts of the paper. The second part will discuss the different populations that form the focus of this study. The third will describe the access of various groups to education, health, housing, and employment. The fourth part will focus on the unique position of women who lack permanent status in Israel and who are the victims of gender violence.

Migration Laws in Israel: The Normative Framework

Three laws reflect and preserve the Jewish character of the State of Israel: The Law of Return,² the Citizenship Law,³ and the Entry to Israel Law⁴ are three of the earliest laws enacted in Israel during the first few years following its establishment. Having reflected the State’s core values in its formative years, the appropriateness of these laws and their

¹ ADAM D. DANIEL, A JEWISH AND DEMOCRATIC STATE: A MULTICULTURALIST VIEW (2003).

² Law of Return, 5710-1950.

³ Citizenship Law, 5712-1952.

⁴ Entry to Israel Law, 5712-1952.

consistency with the Basic Laws and with Israel's commitment to international human rights have been questioned in recent years.⁵ These controversies are beyond the scope of this paper. The **Law of Return** grants Jews, and some of their family members, the right to immigrate to Israel and receive an immigrant visa, with certain exceptions that are rarely applied.⁶ The **Citizenship Law** slightly extends the rights established in the Law of Return, and in addition provides for naturalization by way of birth to a parent who is an Israeli citizen or by way of adoption, for example. The **Entry to Israel Law** establishes procedures for entering and staying in Israel, and grants the Interior Minister extremely broad powers regarding the manner in which these procedures are implemented. The minister's authority under this law is now delegated to the Population and Migration Authority (hereinafter – PMA).

At the same time, under the surface lie an unknown number of written and oral procedures that essentially derive their force from the manner in which Interior Ministry officials have interpreted the Law of Return. As will be illustrated below, these procedures sometimes create violations of the human rights of those they affect. These procedures have not been published, and they are not merely bureaucratic failures, but the product of an overt policy based on the principle of return: Jews wishing to settle in Israel may do so without prior conditions and receive citizenship, while for non-Jews naturalization or the granting of permanent status are the exception rather than the rule. Moreover, over the years a de-facto separate legal system has developed for migrants in Israel, including a series of quasi-judicial bodies dedicated for this population – a reality that hampers their access to the legal system intended for Israeli citizens.⁷

The main regulatory body in this field is the PMA, which was established in 2008, and one of whose objectives is to reduce the number of persons unlawfully present in Israel.⁸ The PMA holds numerous powers enabling it to shape de facto migration policy without its being tied to legislation. In a report into the PMA's work published in 2016,⁹ the State Comptroller found numerous flaws, including the slow processing of

⁵ See, for example, NA'AMA CARMI, IMMIGRATION AND THE LAW OF RETURN: IMMIGRATION RIGHTS AND THEIR LIMITS (2003).

⁶ The exceptions relate to serious crime or a threat to public health or national security. In practice, these exceptions have only been applied to date in rare instances.

⁷ Yonatan Berman, [The Labyrinth: Migration, Status and Human Rights](#) (report of the Hotline for Refugees and Migrants, the Association for Civil Rights in Israel, and Physicians for Human Rights, 2015)

⁸ See: [Population and Migration Authority - Who Are We?](#) (in Hebrew, undated).

⁹ Reference needed

applications for the recognition of the status of the partners of Israeli citizens, a lack of clear maximum deadlines for responses, demands to applicants to present documents that cannot be located, and so forth.

A. Migrant Women, Victims of Trafficking, Refugees and Asylum Seekers in Israel 2020

The potential research population in Israel includes three groups: female migrant workers presented in Israel legally or illegally, refugees and asylum seekers, and victims of human trafficking.

A.1. Migrants

General Background and Demographic Profile

Labor migration to Israel began in the late 1980s. The ongoing conflict between Israel and the Palestinian people became particularly violent after 1987, with the outbreak of the Palestinian uprising known as the “First Intifada.” Many labor sectors which relied heavily on Palestinian work-force, particularly construction, agriculture, and cleaning, suffered due to the sudden shortage of cheap and readily-available labor.¹⁰ In addition, rising longevity created significant demand for caregivers. From 1993, migrant workers were brought to Israel from various countries to work in these sectors.¹¹ This process was initially perceived as a purely temporary solution, and accordingly there was practically no discussion of the necessary regulation. Nothing reflects this more than the policy adopted during those early years in which migrant workers came to Israel, known as the “shackling policy,” which was intended to ensure that the workers would indeed leave Israel after completing their set employment period. This policy literally “shackled” workers to their employers: if they left the employer for whom they were brought to Israel, they could be detained and deported. This policy allowed employers to violate the migrants’ rights as workers and as humans. Despite this, some migrants left their employers and continued to work in Israel unlawfully, while others came to the country as tourists and settled as workers.

¹⁰ As of the early 1990s, 115,000 Palestinian workers were employed in Israel. Moshe Semyonov and Tamar Lehrental, “Labor Migration to Israel: Origins and Outcomes,” *Society and Economic in Israel: A Historical and Contemporary Perspective*, 217, 221 (in Hebrew, 2005).

¹¹ Ibid.

In the absence of specific regulation for their employment (and indeed due to the absence of such regulation), the number of migrant workers in various sectors in Israel rose.¹²

The workers were employed both legally and illegally, and gradually a “revolving door” mechanism developed, whereby migrant workers were deported on one side of the “door,” while on the other, new workers who had paid thousands of dollars to manpower companies and other intermediaries entered the country.¹³ Following a petition submitted in 2002 by human rights organizations,¹⁴ this employment policy was changed, and since then migrant workers are brought to Israel through the mediation of manpower companies, whereby they are ostensibly allowed to change employers.¹⁵

However, workers employed illegally in Israel – while accepting greater risk - earn more than those who are legally employed. As of June 2019, according to the PMA’s figures, 100,987 migrant workers were working legally in Israel; 16,811 migrants were working illegally; and 3,425 people were deported from the country during the first half of the year.¹⁶

Regulations Intended to Control Intimate Relations, Childbirth, and Family Life

Migrant women workers are mainly brought to Israel to work in the fields of agriculture (from Thailand) and nursing care (from Eastern Europe¹⁷ and the Philippines). Illegal migrant women also work as home cleaners.

After the scope and complexity of the migration problem in Israel became apparent, the Interior Ministry began to take various steps with a single goal: to prevent the migrants settling in Israel. In part, this policy had a gendered character: women migrants were perceived as a demographic threat rather than as deserving protection. The concern was

¹² Data on Foreigners in Israel (The PMA, 2019)[Hebrew], available at:

https://www.gov.il/BlobFolder/reports/foreign_workers_stats_2019/he/sum_2019.pdf

¹³ For further discussion of this aspect, see: Guy Mondalk, “Workers or Aliens in Israel? The ‘Infrastructure Contract’ and the Democratic Deficit,” *Iyyunei Mishpat* 27(2), 423 (in Hebrew, 2003).

¹⁴ HCJ 4542/02 *Hotline for workers v Government of Israel* (published in Nevo, ruling dated 30 March 2006).

¹⁵ Hotline for Refugees and Migrants , Kav Laoved, FREEDOM INC <https://hotline.org.il/wp-content/uploads/FreedomInc072507.pdf>

¹⁶ [Statistics on Aliens in Israel](#), Quarter 2 2019, submitted by the PMA, Policy Planning and Strategy Division (in Hebrew), p. 2.

¹⁷ Hotline for Refugees and Migrants, [Caregivers from Eastern Europe](#) (2017). According to the figures in the report, there were some 10,000 women from Eastern Europe working as caregivers at the time of its publication.

that they were liable to have children and demand rights for them, or to marry Israeli men.¹⁸

Accordingly, the authorities began to take steps intended to prevent intimate relations, childbirth, and formation of families – whether among the migrants themselves or with local citizens. This was undertaken through internal, unpublished guidelines in the PMA. NGO's began to document various practices, that included a prohibition against intimate relations among migrant workers and loss of their work permit if such relations occurred; the deportation of female migrants who gave birth, together with their babies; a prohibition against two or more members of the same family being present in Israel; and the revoking of the work permit and deportation of one of the relatives if two family members were found in Israel.¹⁹

As with the “shackling” policy discussed above, this policy also led to a phenomenon whereby businesses and manpower companies “informed” to the authorities about migrants who were involved in intimate relations, in order to secure their deportation from Israel and secure additional mediation fees for bringing new workers. Today, an internal procedure of the PMA states that a female migrant worker who gives birth is to be allowed to raise her child, subject to “her practical ability to combine her work obligations and the childcare needs, and the maintenance of suitable conditions for such a combination at her workplace.”²⁰

A.2. Refugees and Asylum Seekers

General Background and Demographic Profile

Over the past decade there has been a significant increase in the number of asylum seekers in some West European countries and in Israel. According to UN estimates, every year around one million people seek asylum.²¹ The number of those who are recognized as refugees in Israel today does not reflect the number of asylum seekers, but rather a policy under which a refugee status is the exception, not the rule.

¹⁸ Amnon Rubinstein & Liav Orgad, *Human Rights, National Security, and Jewish Majority: The Case of Marriage Migration*, 48 ISRAELI BAR LAW REVIEW 315 (2006)[Hebrew].

¹⁹ Hanny Ben Israel & Oded Feller, Hotline for Workers and the Association for Civil Rights in Israel, [No State for Love: Violations of the Right to Family of Migrant Workers in Israel](#) (2006).

²⁰ [Procedure for Processing a Pregnant Foreign Worker and a Female Foreign Worker who Has Given Birth in Israel](#), Procedure No. 5.3.0023, last updated 5 Sept. 2018 (in Hebrew).

²¹ Mid Year Trends, 2018 <https://www.unhcr.org/statistics/unhcrstats/5c52ea084/mid-year-trends-2018.html>

Various obstacles have been established to impede the arrival in Israel of asylum seekers,²² including enhanced border security and bureaucratic restrictions. Until 2006 the number of asylum seekers in Israel was relatively small, but from this year a sharp increase was seen, particularly in the number of asylum seekers from Eritrea and Sudan. The majority of the asylum seekers, about 30,000, are men (80%) aged 20-40, but the population also includes several thousand adolescent (defined as “unaccompanied minors”), as well as elderly people. Alongside the familiar fears about migrants found in every country, this wave of asylum seekers raised particular security concerns in Israel due to the origins of those involved in African countries identified with terrorism, and particularly Sudan.²³

From 2009, NGO's (as discussed in greater detail below) began to document reports by asylum seekers from Eritrea and Sudan of the severe and systemic abuse they had faced while traveling through the Sinai peninsula in Egypt on their way to Israel after leaving their home country. The reports included testimonies of forced labor, rape, and torture intended to extract ransoms in return for their release.²⁴ Some female asylum seekers became pregnant as the result of rape. Those who managed to escape often suffer from physical and psychological scars. From 2013 the number of asylum seekers reaching Israel from Eritrea and Sudan fell following the construction of a fence along Israel's southern border.²⁵ Another reduction in their numbers happened following the High Court's decision to stop detention of asylum seekers, the state announced in 1.1.2018 on a "voluntary departure" operation under which the state paid those who agreed to leave Israel \$ 3,500 as well as their travel expenses. During 2018, 2667²⁶ asylum seeker left, and during 2019, 2723 left.²⁷

²² WHERE LEVINSKY MEETS ASMARA: SOCIAL AND LEGAL ASPECTS OF ISRAEL ASYLUM POLICY (TALLY KRITZMAN-AMIR ED. 2015).

²³ Michael Keegan, Refugees and Israel's Changing Perception of Enemy Nationals. Ibid, p. 427.

²⁴ The sums demanded ranged from \$10,000 - \$30,000 per person. For some of these testimonies, see, for example: Hotline for Migrants and Refugees, [The Dead of the Wilderness: Testimonies from the Sinai Desert, 2010](#) (2011); Hotline for Migrants and Refugees & Physicians for Human Rights-Israel, [Tortured in Sinai, Jailed in Israel: Detention of Slavery and Torture Survivors under the Anti-Infiltration Law](#) (2012).

²⁵ Data on Foreigners in Israel (The PMA, 2019), p. 7, [Hebrew], available at: https://www.gov.il/BlobFolder/reports/foreign_workers_stats_2019/he/sum_2019.pdf

²⁶ https://www.gov.il/he/departments/news/voluntary_return_operation

²⁷ Data on Foreigners in Israel p. 9 (The PMA, 2019)[Hebrew], available at: https://www.gov.il/BlobFolder/reports/foreign_workers_stats_2019/he/sum_2019.pdf

As of June 2019, the PMA claims that 32,604 asylum seekers are present in Israel:²⁸ mainly from Eritrea (23,140), with the remainder from Sudan (6,466), other African countries (2,449), and countries outside Africa (549).²⁹

The Normative Framework concerning Asylum Seekers

Israel signed the 1951 Convention on Refugees, but it implements the convention in a minimalist manner, allowing only a tiny handful of applicants to secure refugee status.³⁰ The vast majority of applicants continue to hold the status of asylum seekers. They are entitled to a type 2(A)5 visa, which does not grant social rights.³¹

The rapid increase in the number of asylum seekers from 2006 led to the creation of a series of provisional solutions. The first was the “Gedera – Hadera” policy, according to which asylum seekers were restricted to a limited area between two cities geographically located in the center of Israel which is outside of about one hour travel time from Israel’s social and economic center in Tel-Aviv. They were not granted work permits.³²

Later, several attempts were made to imprison the asylum seekers at two incarceration facilities in the south of Israel – “Saharonim” and “Holot” – that are around three hours driving time from the center of Israel. Their imprisonment was intended to quieten the fears of the population living in socioeconomically disadvantaged neighborhoods of south Tel-Aviv, in particular, concerning competition for housing and employment in the center of the country. The facility was defined as a “residential center;” the period of “residency” was unlimited; and the inmates were required to report three times a day.³³ In addition, a law was enacted imposing various financial

²⁸ [Statistics on Aliens in Israel](#), Quarter 2 2019, submitted by the PMA, Policy Planning and Strategy Division (in Hebrew), p. 2.

²⁹ Ibid.

³⁰ The State Comptroller Report, p, 1419 (2018).

³¹ The National Insurance Law (Consolidate version) 1995, article 2(a).

³² For more on this policy, see: HCJ 5616/09, *Center for the Advancement of African Refugees v. Interior Ministry* (published in Nevo, ruling dated 26 Aug. 2009).

³³ Anat Ben-Dor & Efrat Ben-Zeev, “The Story of the Anti-Infiltration Law: Can Two Go Together? Attorneys and Asylum Seekers in the Struggle for Liberty,” *Ma’asei Mishpat* 10 221 (in Hebrew, 2019).

restrictions on the asylum seekers.³⁴ Today, they still face the constant threat of deportation.³⁵

Individuals recognized as victims of trafficking are excluded from the usual policy applied to asylum seekers. Most of the victims of trafficking located in Israel in recent years are asylum seekers who were also victims of the torture camps in Sinai, as mentioned above. However, the legal definition of holding in conditions of slavery requires that the individuals were held for the purpose of providing labor or services, and the ransom demanded from asylum seekers denies them inclusion in this group.

A.3. Human Trafficking, Slavery, and Forced Labor

General Background and Demographic Profile

Human trafficking for the purpose of prostitution from the countries of the Former Soviet Union developed in Israel from the early 1990s. The authorities did not provide a proper response to the phenomenon and during the 1990s trafficking victims were referred to as “sex tourists,” a term that clarifies their biased perception by law-enforcement agencies.³⁶ At the same time, human trafficking also developed for other purposes, particularly slavery and forced labor in the fields of nursing, housework, agriculture, and construction. Human trafficking only became the focus of official and public attention in 2000, after its emergence on the international agenda, and especially on the U.S agenda. However, the attention focuses mainly on women trafficked for the purpose of prostitution, rather than other forms of trafficking. Human trafficking for the purpose of prostitution from the countries of the Former Soviet Union has declined significantly over the past decade, though a small number of testimonies suggest that it has reemerged in recent years, albeit on a much more limited scale and in different forms than in the past.³⁷

Normative Framework

³⁴ Section 7 of the Anti-Infiltration Law (Offenses and Jurisdiction), 5714-1954. According to the law, employers were required to deposit one-fifth of their wages into a state-managed fund. Asylum seekers can only receive this amount when they leave Israel. The court overturned this law in April 2020, but the government is making attempts to restore it in various ways.

³⁵ Lee Yaron, [Israeli Justice Minister Seeks New Destination for Deporting Asylum Seekers](#), *Ha'aretz*, 3 April 2019.

³⁶ Martina Vandenberg, “Trafficking of Women into Israel and Forced Prostitution,” (Israel Women’s Network, 2017); Yossi Dahan and Nomi Levenkron, Trafficking in Women in Israel, 24 *THEORY AND CRITICISM IN ISRAEL* 9 (2004); Daphna Hacker & Orna Cohen, [The Shelters in Israel for the Survivors of Human Trafficking](#) (2012).

³⁷ Hotline for Migrants and Refugees, [Through Hidden Corridors: New trends in human trafficking which exploit the asylum system in Israel](#) (2017).

Human trafficking was outlawed in Israel in 2000, solely for the purposes of prostitution.³⁸ Six years later the definition was expanded and adapted to international law and the legal framework in other Western countries: trafficking was prohibited for the purposes of organ trading, childbirth and the removal of children, enslavement or forced labor, forcing a person to participate in pornographic publications, or for the purpose of committing a sexual offense against the person. Trafficking was defined as “the sale or purchase of a person, or the execution of another transaction in a person, whether in return for remuneration or not.”³⁹

Israel is now committed to the protection, assistance, and rehabilitation of trafficking and slavery victims, but its definition of these terms is very narrow. The rehabilitation system developed largely as the result of external pressure (particularly the US TIP report, which examines the response to trafficking in countries that receive economic assistance from the US), and as the result of the activities of domestic and foreign human rights organizations, often backed by Supreme Court decisions. The system now includes rehabilitation, a residency and work permit for one year of rehabilitation, medical and psychological treatment, and legal aid. Most of the required expenses are paid by the state. The shelter established in Israel is one of the best in the world.⁴⁰ In the past, eligibility for these services was conditioned on cooperation with the law enforcement authorities in proceedings against the traffickers, but today it is sufficient for the police to determine the presence of “preliminary evidence” of trafficking or slavery. Despite the highly effective rehabilitation system in Israel, however, its weakness is the inability – or perhaps the lack of commitment among the relevant public officials – to locate victims. Over recent years, the commitment to combating this phenomenon has weakened.⁴¹

B. Israeli Society and Migration: Assistance Services and Public Discourse

The wave of immigration that began in the 1990s led to the emergence of migrant communities, particularly in south Tel-Aviv, that altered the demographic and social fabric of the city. These communities developed a separate mini-society including services in the fields of culture, economy, religion, and social affairs. The decline of

³⁸ Penal Code (Amendment No. 56). 5760-2000.

³⁹ Prohibition of Human Trafficking Law (Legislative Amendments), 5766-2006.

⁴⁰ Daphna Hacker & Orna Cohen, [The Shelters in Israel for the Survivors of Human Trafficking](#) (2012).

⁴¹ Ma'ayan Niezna, “Latest trends in the struggle against slavery and human trafficking in Israel,” lecture at an event marking the launching of a computerized database on human trafficking in Israel by the Aid Center for Refugees and Migrants, Tel Aviv University, 10 Jan. 2019.

the welfare state, as well as the absence of orderly policy concerning migrants in Israel, meant that they did not enjoy regular access to minimal social services. This partial and inadequate State protection of the rights of migrants in Israel left a vacuum that was covered by three types of bodies: Israeli aid organizations, aid organizations established within the migrant communities themselves, and the local municipalities. Different arms of the state sometimes acted in contradictory ways. To give an example, the Mesila organization in Tel-Aviv, which was established by the municipality to provide a response to the problems facing the migrant community in the city, offered a course for community leaders providing empowerment and knowledge concerning the rights of their communities. However, the PMA flagged the participants in the course as targets for its operations, deporting them from Israel shortly after the course ended.⁴²

The rights granted to victims of trafficking (both trafficking for prostitution and for other purposes) are relatively greater than for other migrants, but the number of women recognized as eligible for these rights is the smallest.⁴³ Employers of migrant workers were charged with responsibility for their health and housing, but not enough was done to ensure their human rights as well as their rights as workers. The solutions offered for asylum seekers are far more limited.⁴⁴

This section will examine the various aid organizations in the three categories mentioned above: organizations mostly composed of Israeli activists; organizations that emerged within the migrant community; and organizations acting under the auspices of the local municipalities. We will then examine the access of the various groups of migrants to rights in the fields of education, health, housing, and employment.

B.1. NG'Os

Israel is a home to an active and lively third sector in the two areas of relevance to this study: women and migration. 10 No less than ten (10) organizations are active in the field of migration, and their activities sometimes overlap: The [Hotline for Migrants and Refugees](#) (1998-) assists migrant workers, refugees, and trafficking victims on the principled and individual levels; [Physicians for Human Rights-Israel](#) (1998-) provides

⁴² Joseph Algazi, [Leaders First](#), *Haaretz*, 15 Aug. 2001 (in Hebrew).

⁴³ During the years 2009-2018, 270 people received T visa. Only in few case, the victims were women that were trafficked for prostitution purposes from the former Soviet Union. In most cases, the victims were asylum seeker from Sudan and Eritrea. Letter from the PMA to TraffLabor, 14/4/2019.

⁴⁴ Briefing to the Committee on Economic, Social and Cultural Rights 66th Session, 2019. A.S.F and PHR

medical services, including for stateless persons in Israel, and runs political and legal campaigns on issues of principle to promote their right to health; the [Worker's Hotline](#) (1991-) defends the rights of all workers, migrant, asylum seekers and others, on the individual level by providing legal advice and aid, and works on the public level to raise awareness of the issue and to amend legislation; the [Association for Civil Rights in Israel](#) (1972-) addresses the full range of human rights issues through legal and public activities, including petitions concerning the rights of migrants and asylum seekers; the [Israel Religious Action Center](#) (1987-) is active, among other areas, in representing women migrants who are the victims of violence and seek to secure their status in Israel; the [Mesila Center](#) (1999-) was established by the Tel-Aviv Municipality to help the various migrant communities on the city on the individual, community, and national levels, assisting thousands of people every year; [Isha L'Isha – Haifa Feminist Center](#) (1983-), is a grassroots feminist organization that works primarily in the northern part of Israel. Among other things, the organization provides counseling and assistance to disadvantaged women in Israel; [ASSAF](#) (the Aid Organization for Refugees and Asylum Seekers in Israel, 2007-) offers psychosocial assistance and works to advance the rights of asylum seekers with the authorities, including individual supervision and support; the [Hagar and Miriam](#) program was established to help pregnant asylum seekers, and offers support and monitoring during pregnancy, a childbirth course, birth assistance, assistance with termination of pregnancy, and other services; the **Carmel Shelter** in 'Isafiya is a privately-run center that raises funds and recruits volunteers for its shelter, which houses some forty women and children; the **ARDC** organization assists African refugees, including pregnant women, new mothers, and single-parent families.

B.2. Access to Services

Health

Since 2004, **victims of trafficking** receive medical services as well as psychological assistance if they are staying in the shelter.⁴⁵ However, they are not eligible to treatment for AIDS or infectious hepatitis, due to the high cost of these treatments, and those who contract these diseases receive partial assistance from NGOs. **Female migrant workers** are eligible for private health insurance, which is acquired on their behalf by

⁴⁵ Hacker & Cohen, fn. 27 above, p. 189.

their employer, but the policies have a limited scope.⁴⁶ **Asylum seekers** can only receive medical treatment in emergencies through ER facilities in hospitals. Over the past two years, the Ministry of Health has attempted to reach an insurance arrangement that would require asylum seekers to pay a monthly fee in return for a certain level of insurance cover, but the plan has not been advanced.⁴⁷ This situation also affects state institutions: at "Ichilov Hospital" in Tel-Aviv, where most asylum seekers live, lost debts in 2013 on account of treatment for this population totaled NIS 36 million (approximately \$10 million).⁴⁸

Education

According to state estimates, there are about 6100 children born to asylum seekers in Israel.⁴⁹ The Compulsory Education Law, 5709-1949, applies to every child living in Israel, regardless of their status or that of their parents. This issue mainly affects children of migrant workers (many from the Philippines) and of asylum seekers. These children experience numerous difficulties due to their parents' temporary status, including employment insecurity, social problems, a lack of linguistic and cultural familiarity, and the weakening or disintegration of the family unit due to separation or to deportation from Israel. Of these, the uncertainty surrounding their status in Israel also has the most profound impact on them. Most of these children are placed in kindergartens or schools, but they often study in separate classes or as a distinct group. "Unaccompanied minors" among the asylum seeker population stay in various youth villages.⁵⁰ The young children of female asylum seekers are sometimes placed in makeshift frameworks that provide a solution in poor conditions and at a low cost. In 2015, five babies died in these institutions.⁵¹

Housing

⁴⁶ Foreign Workers Order (Basket of Medical Services for a Worker), 5761-2001.

⁴⁷ (PHR-Israel and other organizations), [Health Services for Asylum Seekers and Refugees - Update, December 2018](#) (in Hebrew).

⁴⁸ (PHR-Israel), [Painful Exclusion](#) (2017).

⁴⁹ Data on Foreigners in Israel (The PMA, 2019), p. 7, [Hebrew], available at: https://www.gov.il/BlobFolder/reports/foreign_workers_stats_2019/he/sum_2019.pdf

⁵⁰ Neta Moshe, Knesset Research and Information Center, [Education Services for the Population of Children of Parents Who Lack Civil Status](#) (in Hebrew, submitted to the Special Committee to Examine the Problem of Foreign Workers, 2014); Gilad Natan, Knesset Research and Information Center, [Children of Foreign Workers and Asylum Seekers in the Education System](#) (in Hebrew, submitted to the Education, Culture, and Sport Committee, 2010).

⁵¹ State Comptroller's Report 63C, [Processing of Minor Children without Civil Status in Israel](#) 1843 (2013).

An employer is obliged to provide a migrant worker with suitable accommodation, and is entitled to deduct a sum from the worker's salary for this purpose, up to the maximum established in the relevant regulations.⁵² Asylum seekers and victims of human trafficking (for any purpose) are eligible for housing only if they have been recognized as victims of trafficking or victims of domestic violence, and even then only for a restricted period of a few weeks (in the case of domestic violence) or one year (in the case of trafficking victims). Asylum seekers are forced to live in poor conditions, usually in congestion, and face the constant fear of losing even this meager shelter.⁵³

Employment

Migrant workers can only come to Israel on the basis of an invitation to a vacant position within those sections of the job market in which their employment is permitted (primarily construction, agriculture, and nursing). An extensive system of laws, regulations, and procedures restricts their ability to move from one employer to another.⁵⁴ Many changes have occurred over the years regarding **asylum seekers**: They were initially permitted to stay in Israel, but without a work permit. Later it was decided to allow asylum seekers with 2(A)5-type visas to work, and their employers were required to provide them with the same rights as migrant workers.⁵⁵ Those who are recognized as victims of human trafficking who are eligible for the period of rehabilitation receive a residency permit for a period of one year including a work permit.

Welfare

The state provides full welfare services for victims of trafficking who are recognized as such. However, the situation of migrant workers and asylum seekers is very different. In most cases, the Ministry of Welfare intervenes only in cases of danger to life. There is no single body responsible for coordinating the services provided, despite the complex condition of asylum seekers, who have often faced harm both in their home country and during their journey to Israel, and despite the extensive needs among migrants in general, including those caused by culture shock, language difficulties, the need to find employment, the lack of a support network, and so forth. Moreover, no

⁵² Foreign Workers Regulations (Level of Deductions from Salary for Appropriate Accommodation), 5760-2000.

⁵³ (Report by ASSAF), [Abandoned: Single Mother Asylum Seekers, Report Summary](#), 2016.

⁵⁴ Mondalk, fn. 10 above.

⁵⁵ PMA, [Information about the Employment of Foreign Workers and Infiltrators](#) (in Hebrew), 28 March 2016.

solutions are provided for minors with special needs or for individuals suffering from chronic psychological problems.⁵⁶

Until December 2013, asylum seekers who are minors received help only in situations of risk. However, following the critique in the State Comptroller's Report, the Ministry of Welfare decided to extend the assistance provided and allocated several budget lines for mini-clubs, social worker staff positions, and welfare departments in south Tel-Aviv. Outside Tel Aviv there has not been any change in policy toward minors without status.⁵⁷ In addition, dozens of women without status come to the shelters for victims of domestic violence every year.⁵⁸

B.3. Public Discourse on Migrants and Asylum Seekers

Various studies have shown that countries that undergo significant growth in the number of migrant workers see the development of xenophobia, including demands to ensure that the rights of these workers are inferior to those of the local population.⁵⁹ These attitudes reflect concern at competition for positions in the job market that do not require skills or education, as well as cultural, ideological, and religious differences between migrants and the local population – and particularly politically conservative sections of the local population. Feelings of hostility and fear grow alongside the growth in the size of the foreign group.

Israel is no exception. Toward the end of the 1990s, a decline could be seen in the level of tolerance toward migrant workers, along with growing concern that their presence was responsible for unemployment and crime.⁶⁰ A study conducted among Jewish and Arab respondents raised fears at the potential damage to employment and education. Most of the interviewees argued that Israeli citizens should be prioritized in employment and should receive higher salaries than migrant workers. They also claimed that migrants were taking the jobs of Israeli citizens.⁶¹ Another study

⁵⁶ Situation Report - Asylum Seekers from Eritrea and Sudan - August 2019, A.S.F, available at: <http://assaf.org.il/en/sites/default/files/Situation%20Report%20-%20Aug%202019.pdf>

⁵⁷ State Comptroller's Report 63C, fn. 35 above.

⁵⁸ Report of the Knesset Research and Information Center, [Welfare Services for Foreign Workers and Persons without Civil Status - Policy and Scope of Services](#) (in Hebrew, submitted to the Special Committee for the Problem of Foreign Workers, 2013).

⁵⁹ See. For Example: Heribert Adam, *Xenophobia, Asylum Seekers, and Immigration Policies in Germany*, 21 NATIONALISM AND ETHNIC POLITICS 446 (2015); CITIZENSHIP BORDERS AND HUMAN NEEDS (ROGERS M. SMITH ED., 2011).

⁶⁰ Robi Nathanson & Ronni Bar-Tzuri, "Survey of Attitudes toward Workers from Foreign Countries," in THE NEW LABORERS (eds. Robi Nathanson & Lea Achdut, in Hebrew, 1999).

⁶¹ Semyonov & Lehrental, fn. 8 above, pp. 225-227.

highlighted stereotypes among Israeli female employers concerning female migrant workers – attitudes that were inculcated among the workers themselves, creating negative self-perceptions.⁶²

Alongside studies of society's perceptions and attitudes toward migrants and asylum seekers, this issue has also been discussed more sporadically in public discourse. The term "infiltrators," with all its negative connotations, has become associated with the asylum seekers and is used in the law regulating their status in Israel.⁶³ Another example is the comment by the Parliament member Miri Regev that the asylum seekers are a "cancer."⁶⁴ In recent years, some residents of south Tel-Aviv have organized to demand the removal of asylum seekers from their neighborhood and to introduce harsh migration policies, including the use of public action and attempts to influence politicians.⁶⁵ The minister of Justice Ayelet Shaked issued a statement in 2018, that asylum seekers should be prevented from taking legal assistance from the Justice Department and that she is promoting legislation on the matter. During the 2019 election campaign, Shaked announced after a meeting with residents in south Tel Aviv, that she is planning a comprehensive plan to solve the asylum seekers' problem, which will include opening a prison facility for them and encouraging "voluntary exit", in order to allow the residents of south Tel Aviv "to live in peace".⁶⁷

C. Gender Violence against Stateless Women in Israel

In 2012, a study was undertaken into sexual violence against women migrant workers in Israel, based on interviews with workers in third sector organizations and a review of court cases. The study has shown that most of the victims of these offenses came

⁶² Riva Ziv, "Israeli Female Employers and Female Migrant Workers: Stereotypical Perceptions and Social Gaps between Israeli Women and Women Migrant Workers," *Hamishpat* 16 399 (in Hebrew, 5771).

⁶³ Prevention of Infiltration Law, fn. 21 above.

⁶⁴ Moran Azulay and Omri Efraim "Regev called the infiltrators 'cancer': 'The situation encourages violence" YNET 24.5.2012, available at: <https://www.ynet.co.il/articles/0,7340,L-4233655,00.html>

⁶⁵ Amir Alon, [Secret contacts revealed: Details of Prime Minister's meetings with the south Tel Aviv campaigners](#), YNET, 26 March 2019 (in Hebrew); Eyal Levy, [There's no way a border trespasser is gonna boot me out: Shefi Levy is still fighting for her home](#), NRG, 8 Sept. 2017 (in Hebrew).

⁶⁶ <https://www.facebook.com/ayelet.benshaul.shaked/photos/a.455491667902598.1073741825.237683826350051/1617191265065960/?type=3&theater>

⁶⁷ Moshe Cohen and Yaniv Kuzin, "Shaked: 'The residence of South Tel Aviv deserve to live in peace without feeling foreign in their home" *Maariv*, 2.4.2019, available at: <https://www.maariv.co.il/news/politics/Article-692519>

from Asia (primarily the Philippines and Thailand), a finding consistent with the fact that these migrants account for around half of all migrant workers in Israel. Most of those involved worked as caregivers. The study has also found that female migrants present in Israel illegally are reluctant to complain about offenses.⁶⁸ According to statistics collated by the Knesset Research and Information Center, between 2013 and 2016, 48 women were murdered in Israel by their partners, six of whom (one-sixth of the total) were aliens.⁶⁹

Organizations in the field report that the total population of asylum seekers includes approximately 5,000-7,000 women, 3,340 of whom are registered as mothers. The difficulties associated with migration, including psychological and medical problems, untreated addictions and violence, lead to the disintegration of the family unit. In order to survive in a foreign country where they lack status, some women enter into abusive relationships that include violence, on the one hand, and a lack of commitment on their partner's side, on the other. Some women went through the torture camps became pregnant or contracted AIDS. They suffer from feelings of shame and guilt and hide their experiences from their community. In some cases, ransoms were paid for their release following fundraising drives in the community, and they are required to then pay for this through intimate relations with those to whom they are indebted. Single-parent mothers who are asylum seekers and who are forced to share apartments with others report sexual offenses and harassment in their homes.⁷⁰ An unknown number of these women have turned to prostitution, both as a strategy for survival and as a reenactment of past traumas in the Eritrean army or during captivity in Sinai. Prostitution takes place in the bars and cafes of the Eritrean community, mediated by pimps. This situation leads to their ostracizing by their families, further exacerbating the difficulties involved in extricating themselves from prostitution.⁷¹

ASSAF interviewed 80 women asylum seekers, 48 (60%) of whom reported that they experienced domestic violence. The interviewees were single mothers aged 17-46

⁶⁸ Alan Gopstein, "Sexual violence against women migrant workers in Israel as reflected in criminal proceedings," *Mishpat* 17(1) 379 (in Hebrew, 5773).

⁶⁹ Rina Banita, [Murder and Attempted Murder of Women, with an Emphasis on Domestic Violence](#), submitted to the Committee for the Advancement of the Status of Women and Gender Equality, Knesset Research and Information Center (in Hebrew, 2017).

⁷⁰ (ASSAF), [Women Asylum Seekers in Israel - Vulnerable, Exploited, and without Help from the Authorities](#) (in Hebrew, 2016).

⁷¹ *Ibid.*; *Abandoned*, fn. 37 above.

who contacted the organization between October 2014 and July 2015. They included 72 citizens of Eritrea, one from Sudan, and seven from Ethiopia. The women arrived in Israel between 2007 and 2013, and most of them live in south Tel-Aviv and have children under the age of five (124 children in total). Approximately one-fourth of the women stated that their family unit fell apart after their partners became addicted to gambling and alcohol. Their partners did not contribute to the family, and in some cases took money the women earned to maintain their addictions. The women feared they would be ostracized in their communities if they complained about their violent partner, and reported that the police treated them dismissively and that they found it hard to communicate without an interpreter. Women whose partners were arrested or imprisoned sometimes faced threats from them or their families.

They found it difficult to make a living on their own, and sometimes preferred life of violence and abuse to the need to make a livelihood on their own. The study also found that 72% of the single mothers did not receive any financial or other support from their partner.⁷² Reports by the Worker's Hotline suggest that they found it difficult to integrate in the job market for various reasons, including the lack of frameworks for their young children, their own health problems or those of their children, and their lack of knowledge of Hebrew. They were employed mainly as cleaners in restaurants, hotels, and offices, mainly through personnel companies; 78% of them made only the minimum wage and work 5-13 hours a day. They were vulnerable to dismissal, particularly if they became pregnant.⁷³

Procedure for Processing the Cessation of a Gradual Process for the Partners of Israelis due to Violence by the Israeli Partner

One group that stands out in its vulnerability, as well as its idiosyncratic circumstances, is the group of foreign women who are married to Israeli men. Alongside the various aspects of violence described above, the state effectively encourages the perpetuation of violence among married couples when one of the partners – almost always the wife – is not an Israeli citizen. Receipt of Israeli citizenship is conditioned on a gradual process lasting several years. As part of this process, the couple are required to come to the Interior Ministry for questioning, together and separately, regarding the progress of their relationship. This process means that the woman's legal status in Israel depends

⁷² *Abandoned*, fn. 27 above, p. 12.

⁷³ (Worker's Hotline), [Current Situation: Female Workers Asylum Seekers in the Israeli Labor World](#) (2014).

on her husband's good will. If she complains to the police that her partner has been violent toward her, this is liable to lead him to abandon the gradual process, resulting in her deportation from Israel. Thus the state essentially creates a new form of violence on top of those known to date (physical, emotional, economic, and sexual violence) – one we coined elsewhere “migration violence.”⁷⁴ It is the state that creates and perpetuates the power mechanisms between the man and women, introducing additional constraints she must consider, alongside those faced by Israeli women, before deciding whether to leave her violent husband.

If the marriage ends due to violence by the Israeli man, his partner falls under the terms of a procedure adopted by the PMA.⁷⁵ The procedure is based on the Citizenship Law and establishes that formalization of status following the separation of a couple due to violence will be subject to the arrangements it imposes. However, as is clear from a petition submitted recently on this matter and from the case law in the field, the approval of requests in accordance with this procedure is the exception rather than the rule. This procedure will be reviewed extensively in our future study, but we should note here, briefly, that it includes numerous demands that create obstacles for women who seek to use it. It does not provide them with a sufficiently strong status while waiting for a response from the PMA – a process that can take months or even years.

⁷⁴ Hadar Dancig-Resenberg & Naomi Levenkron, “Migration Violence,” 37 *Tel-Aviv U. L. Rev.* 341 (in Hebrew, 2015).

⁷⁵ [Procedure for Processing the Cessation of a Gradual Process for Partners of Israelis due to Violence by the Israeli Partner](#), Procedure No. 5.2.2009, last updated 23 Aug. 2015.