

## Call for input

### Trafficking in Persons and protection of refugees, stateless persons and internally displaced persons (IDPs)

#### The Special Rapporteur on trafficking in persons, especially women and children

February 26th, 2023

#### Input from ASSAF - Aid Organization for Refugees and Asylum Seekers in Israel

ASSAF - Aid Organization for Refugees and Asylum Seekers in Israel (hereinafter: ASSAF) is a human rights organization in Israel that protects and supports refugees. The organization has been operating since 2007, on two main levels: providing psychosocial assistance and support to refugees and asylum seekers and promoting the protection of this population's rights by raising public awareness and promoting favorable policy change.

#### The main target populations aided by ASSAF

**African refugees and asylum seekers** (hereinafter: AAS) - Approximately 25,500 AAS (referred to as "infiltrators" in Israeli law) reside in the State of Israel, mostly from Eritrea and Sudan. Both populations of AAS - Eritrean and Sudanese - have been residing in Israel for between 10 and 16 years under temporary group protection from deportation.<sup>1</sup> Although Israel acknowledges the fact that they cannot be deported, it does not grant them refugee status and denies them almost all economic and social rights, including subsidized health insurance, social security benefits and allowances, and almost all welfare services. Therefore, many AAS are vulnerable to trafficking and abuse in Israel. AAS who are victims of torture in the Sinai Peninsula do not have access to rehabilitation services in Israel and are particularly vulnerable to such trafficking and abuse.

**Ukrainian refugees and asylum seekers** - Since the outbreak of the war in Ukraine (February 24, 2022), approximately 45,000 Ukrainian nationals (who are not entitled to Israeli citizenship under the Law of Return) have arrived in Israel. Since then (as of December 2022), [close to 31,000 have left Israel](#), leaving a total of about 14,000 Ukrainian nationals, mostly women and a few thousand children. In addition, about 15,000-20,000 Ukrainian nationals resided in Israel prior to the war as migrant workers, asylum seekers or undocumented migrants. Currently, both groups are entitled to group protection from deportation to Ukraine. Those who entered after February 24<sup>th</sup> received B/2 (Tourist) visas. Those who entered before, did not receive new visas - either they remained with their existing visas or without visas. All are entitled for group protection from deportation to Ukraine.

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<sup>1</sup> It should be noted that while we use the term 'asylum seeker' in the report for convenience, the majority of asylum seekers from Sudan and Eritrea in Israel are refugees. First, the interpretation of the Convention Relating to the Status of Refugees holds that a person becomes a refugee when she has to flee her country under circumstances that fall under the definitions of the convention. More so, while all asylum seekers from Eritrea and Sudan are protected by non-refoulement, Israel has not recognized (almost) any of them as refugees due to bureaucratic and substantive barriers in the recognition system. In comparison to other western countries' refugee mechanisms, it is safe to say that the majority of asylum seekers from Sudan and Eritrea would have been recognized as refugees, had Israel completed the processing of their asylum applications.

Israel has no clear policy concerning Ukrainian Asylum Seekers (hereinafter: UAS), and issues short term B/2 Tourist visas (B/2) that prohibit them from working. These visas have been renewed thus far every one to two months, each time. Recently, Israel declared it will not enforce the working ban on UAS who have been staying in Israel for more than 3 months, but soon afterwards declared that a new regulation banning employment of AAS in 17 cities will apply to UAS as well. Furthermore, UAS who arrived after October 1, 2022, are prohibited from working even after 3 months of stay. It may be assumed that such uncertainty drives UAS to low-wage jobs or in some instances to work in the informal markets, where they are subject to exploitation and the risk of human trafficking. UAS are entitled to minimal health and social services which are not suited anymore to their needs as their stay in Israel is prolonged and return to Ukraine is not yet foreseeable.

**On January 5th, 2023 ASSAF submitted its annual input to the United States' Department of State towards its 2023 Annual Trafficking in Persons (TIP) report. In our report to the State Department we emphasized the following points of concern as regards refugees and asylum seekers living in Israel:**

- **The former Government's actions and statements regarding increased support for AAS have not materialized into actual support and with the new extreme right-wing government being sworn in on December 29, 2022, the risk of thwarting these measures is imminent -**
  - The former Minister of Health's decision to provide subsidized health insurance to AAS has not materialized and its materialization is nowhere in sight.
  - Implementation of the limited project regarding aid to survivors of torture in the Sinai Peninsula has not yet materialized (as of February 19th).
  - Implementation of a program for aid to status-less individuals (including asylum seekers) engaged in survival sex has not yet materialized.
  - Adoption of the Istanbul Convention (Convention on preventing and combating violence against women and domestic violence) - despite the former government's announcement that it intends to adopt the Convention, according to the coalition agreements, the new government committed not to adopt the treaty.
- **An Mol regulation to restrict employment of asylum seekers in 17 main cities is expected to have severe economic effects and increase vulnerability to trafficking and survival sex -** According to the regulation (published in June 2022) AAS will be restricted to work in only four types of jobs: hotels, construction, agriculture and institutional nursing. Those who worked at restaurants prior to June 2022 will be allowed to continue their work. Any AAS who does not fall into those permissible forms of employment will have to look for a job located outside the 17 cities listed in the regulation, among them Tel Aviv and its surroundings, which are where most AAS in Israel live. In July, 2022, it was announced that the same regulation will also apply to UAS. Following a petition the application of the regulation has been postponed several times and is now due to begin on April 1, 2023. The new regulation is expected to lead to a further material deterioration of AS and to increased risk of abusive employment and exploitation, including exploitation for trafficking and survival sex.

- **Difficulties of AAS who are torture survivors from the Sinai torture camps to access identification and recognition as TIP survivors** due to the government's strict evidentiary standard for granting official victim status and the length of the recognition process.
- **Lack of genuine redress and services for recognized TIP survivors** - TIP survivors who have been recognized as such by Israel are entitled to one year of shelter and rehabilitative services including healthcare and a B/1 work visa. However, AAS who have been living in Israel for many years prior to their recognition and very often have families or are extremely dependent on their communities are reluctant or unable to leave their families behind and enter a shelter. Those who do not enter a shelter are not formally entitled to healthcare but are still eligible for services at the Mesila day center in Tel Aviv. For these reasons, in practice, many victims, particularly those who live far from Tel Aviv, get little or no services as a result of their recognition, even during the first year of rehabilitation.
- **Vulnerability of AAS who are survivors of torture to trafficking and abuse increases, among other things, due to ramifications of the Deposit Law and COVID-19 and is expected to further increase due to "the 17 cities' regulation"**- Many AAS who were held captive in the Sinai torture camps were tortured for ransom and sold by one group of traffickers to another, yet do not fit the current criteria for TIP set in Israeli legislation. Left out of the rehabilitative framework for TIP survivors and with no suitable care as torture survivors, they have little access to essential services and their physical injuries and symptoms of post-traumatic stress disorder (PTSD) worsen and many of them become less functional. The continuing deterioration in the state of torture survivors is manifested in all aspects of their lives and together with the government decrees and the ramifications of the economic post-Covid crisis, leaves them vulnerable to further abuse and to trafficking.

Attached is ASSAF's input report that was submitted to the State Department. I hope you will find it useful.

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