

### **The State Comptroller reveals:**

## **The state continues to neglect asylum seekers while harming them and the residents of South Tel Aviv**

In 2014, the State Comptroller published a report on “Foreigners not Subject to Deportation from Israel (Report 64(c))”. The report highlighted the lack of government policy regarding the most fundamental needs of asylum seekers, especially on the absence of satisfactory action plans in the fields of health, social services and employment. On 8 May 2018, three years following the publication of the former report, the State Comptroller published a follow-up report noting that government ministries have not taken the necessary steps, and that the continued neglect of asylum seekers, especially those who are most vulnerable, with dire consequences to populations among which they live.

**“...The lives of the citizens and of the foreigners living among them are interwoven, and neglecting one group by the state hurts the living conditions of the other group. The fact that the State Comptroller’s recommendations are not implemented (...) and that their basic needs are not satisfied, does not only undermine the fundamental moral duty of the state to provide the basic needs of the foreigners themselves, but it harms the citizens of the state - especially in areas where many foreigners live”** (follow-up report: 152-155).

### **The key points of the report:**

Employment: an intentional policy regarding the legality of employing asylum seekers leads to their exploitation and makes it difficult for them to earn a living and fulfil their basic needs.

As of 2008 the government policy regarding asylum seekers is deny them work permits. In accordance with this policy, their residency permits states that “this temporary permit does not constitute a work permit”. In 2011, the state pledged to the High Court of Justice that it would not enforce this policy. The 2014 State Comptroller report argued that such arrangement of non-enforcement is vague, confusing, leads to the abuse of workers and affects their ability to support themselves with dignity. In addition, it puts employers in a difficult situation. **Three years on, and the Attorney General has neither reviewed non-enforcement and its application, nor examined whether the temporary employment arrangement of foreigners is consistent with the Basic Law: Human Dignity and Liberty, and with international law.**

The State Comptroller’s recommends that the Attorney General to the government reviews immediately the continued implementation of the non-enforcement arrangement. . So long as this arrangement persists, the Immigration Authority must work immediately to remove the complications and the vagueness of its implementation.

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The position of the NGOs: the state must formally regulate the employment of asylum seekers, in order to protect them from exploitation. It must also cancel the "Deposit Law", which obligates asylum seekers to deposit a fifth of their monthly wages to a depository fund, and which they can only withdraw upon leaving the country - in order to prevent them from falling into destitution. In addition, the levy on employers of asylum seekers is an additional economic burden that must be cancelled. Those measures would contribute also to the dispersion of the asylum seekers population to other employment areas in the country.

**Health: the absence of policy endangers the lives and wellbeing of asylum seekers**

The National Health Insurance Law does not apply to asylum seekers, which is why they cannot receive public health services, apart from cases of life-threatening emergencies. In order to be treated, asylum seekers have to wait for a deterioration in their condition, since only then would they be treated in the Emergency Rooms. This situation harms not only the health of asylum seekers, but also the entire health system that is forced to deal with significant debts for providing emergency medical treatments.

The 2014 State Comptroller report stated that the prevailing minimalist approach to health services for asylum seekers who suffer from mental illnesses, certain chronic diseases, and sometimes those in need of rehabilitation and care work, are not consistent with the Basic Law: Human Dignity and Liberty, and with international law, as well as with the core provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The State Comptroller therefore had concluded that "The Health Minister and her Director General, the Justice Ministry, and the Finance Ministry, should it be required, would make sure to formulate a health policy for foreigners who cannot be deported (...) and if necessary, to provide reasonable resources for that. The Health Ministry must also formulate an action plan to be derived from that policy" (page 73).

In July 2017, the Health Ministry admitted that the health services that are given to asylum seekers do not satisfy the entire scope of their medical needs, and that it was therefore working towards finding an insurance-based solution for them. According to the Health Ministry, a plan was recently presented to its Director General, who authorized it in principle, and it would be soon presented to the Health Minister. However, **actions taken by the Ministry in the past three years have been partial and unsatisfactory, and have left many without adequate medical treatment, in a way that jeopardizes their lives and wellbeing.**

The current Deputy Health Minister and his Director General must **work effectively and vigorously** to formulate a comprehensive health policy for asylum seekers, ensure it meets the requirements of the law, and allocate the necessary resources for it in coordination with the Finance Ministry. Furthermore, they must work to present an action plan that derives from that policy.

The position of the NGOs: the Health Ministry must apply the National Health Insurance Law or a parallel health insurance on asylum seekers, in a manner that would ensure their full and equal access to public health

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services, while providing for the special needs of particularly vulnerable populations, including victims of trafficking and of torture and people with a physical and mental disabilities.

Social Services: the Social Services Ministry neglects the majority of the vulnerable populations that require support. According to the Social Services Ministry's policy, asylum seekers do not get treatment, apart from minors-at-risk, women who are at imminent risk as a result of domestic violence , and those recognized by the Israeli Police as victims of trafficking or slavery (that is,. "recognized trafficking victims").

In a report from 2014 the State Comptroller stated that "the Social Services Ministry and his Ministry's Director General, the Justice Ministry, as well as the Finance Ministry... must make the necessary changes in the social services policy to ensure it meets the requirements of the law regarding specific groups of foreigners... and if necessary, to provide reasonable resources for that. The Social Services Ministry must also formulate an action plan that derives from the policy... Should barriers come up which obstruct the implementation of the changes to the action plan, the Social Services Minister must present these to the government and raise the issue again, as much as necessary, until a solution is presented. (page 119). Only in 2016, two years following the previous report, the Social Services Ministry began focusing on the social needs of asylum seekers, and in March 2017 had published a paper entitled "policy proposal of the Social Services Ministry for treating adult foreigners who cannot be deported", as a response to the failures mentioned by the State Comptroller. The policy paper addressed the needs of only four vulnerable groups (women who are victims of domestic violence; homeless people; disabled people; recognized trafficking victims), while neglecting other vulnerable populations, first and foremost victims of torture, without any offer of treatment and services.

To implement the program, the Social Services Ministry demanded 40m NIS (11m USD) from the Finance Ministry. In early 2018, a partial budget of 10 million NIS was transferred from the Finance Ministry to the Social Services Ministry. **Nevertheless, as of now, the policy proposal remains unrealized and the most vulnerable asylum seekers are left untreated.**

The recommendations of the State Comptroller: the Social Services Minister, his ministry's General Director and the Justice Ministry (as well as the Finance Ministry, as much as necessary), must reform the Social Services policy, to ensure that it meets the requirements of the law regarding those groups of foreigners. The Social Services Ministry must also formulate an action plan that derives from the Social Services policy. Should barriers come up, which obstruct the implementation of the changes to the action plan, the Social Services Minister must present these to the government and raise the issue again, as much as necessary, until a solution is presented.

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The position of the NGOs: the Social Services Ministry must implement immediately the existing policy paper and expand the provision of services to all those in need of therapy and support, while opening the departments for social services also to asylum seekers.

**Torture victims - the state drags its feet and neglects treating torture victims, leading to a deterioration in health and well-being**

The previous State Comptroller report described the severe torture that some asylum seekers have endured at the hands of smugglers in the Sinai Peninsula. Thousands of asylum seekers have suffered in torture camps both harsh physical and sexual abuse, including systematic rape of men and women, while extorting ransom payments from the families of the captured asylum seekers and their friends.

The State Comptroller emphasizes that already in 2012 the need to formulate a policy to treat victims of torture was raised by an inter-ministerial committee of General Directors. However, in the five years that have passed since then, the committee did not formulate recommendations on the matter. According to the State Comptroller, **the inter-ministerial committee did not work with the required determination to formulate an action-plan to treat victims of torture, and at times, its work may be characterized as foot-dragging.**

In February 2017, the committee of director generals resumed its discussions on the issue. A blueprint prepared by the Coordination Unit to deal with the humanitarian cases was presented at the meeting, but representatives of the Social Services Ministry opposed it. In July 2017 it was decided that a pilot research project would be conducted, aimed at “mapping and identifying the population and studying its needs”. **In August 2017, the chairwoman of the project team had mentioned that it is meant to be completed within six months (as of May 2018 the pilot project had yet to be completed).**

The State Comptroller recommendations: **the Attorney General must examine as soon as possible whether this practice of the Social Services Ministry is in line with the requirements of the law and the position of the inter-ministerial committee on allowing a dignified existence to asylum seekers who are in the most dire need.**

The position of the NGOs: the pilot program was meant to provide a theoretical research of the problem of torture victims and does not grant the few participants in that experiment the therapy and rehabilitation that they need. Throughout all those years, and until recently, the Immigration Authority continued to detain victims of torture and to ceaselessly exert pressure on them to leave to third countries, while in parallel there was a reduction in the number of institutions in which victims could be treated.

The needs and the distresses are well known by now. Now the state must move from statements to actions and to formulate a responsible policy, which is committed to rehabilitate the torture victims who live

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among us. A mechanism for identifying, treating, and rehabilitating victims of torture must be set up immediately, before their condition deteriorates any further. Making these services accessible can rely upon existing infrastructures to treat trafficking victims, while adapting them to the changing needs of torture victims, as well as to learn from the unique experience that was accumulated in the “Gesher” mental health clinic, the only center in Israel today which provides mental treatment for immigrants with no legal status, and which faces closure these days due to being underfunded by the state.

**In summary:**

Over a decade had passed since the initial entry of asylum seekers into Israel, and the State of Israel had not yet developed a policy to boldly address the challenges presented by the phenomenon of refugees.

Three years have passed since the State Comptroller report was published, and the government ministries - in particular the Health and Welfare Ministries - have continually stalled and avoided articulating a policy to treat those populations, while neglecting the health and well-being of asylum seekers to an extent that causes socio-economic harms also to their environment.

Now, when it is clear that the deportation plan is off the table, it is time to stop the feet dragging and begin to take responsibility. It is time for coherent plan that would enable asylum seekers to live in dignity across the country, ensure they have access to basic services, and ease the burden on South Tel Aviv’s precarious infrastructure by allowing for a fairer division of the burden.