

GLOBAL **NEXTGEN** INDEX

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End Child Detention Scorecard

ISRAEL

Published August 2018 using information compiled between November 2017 – January 2018, based on the most up-to-date reports and analysis available.



FINAL SCORE

37

In Israel, migrant children be detained on arrival, but the law provides grounds for release. As a result the majority of children spend a short period of time in detention. Children and their families facing deportation can be detained for extended periods.

Commendably, children seeking asylum, whether unaccompanied or with their families, are regularly released from detention.

Age assessment procedures are not always accurate, and screening and processing needs to be urgently and comprehensively developed to provide better best interest determinations and case management programs for all children, including those with families.

	Israel	Possible
Treaties	16	20
National laws	0	10
Processing	8	26
Placement	6	12
Rights	11	20
Oversight	4	12
Sub Total	45	100
Points off	-9	-15
Bonus points	+1	+15

Treaties 16/20

Israel has ratified four of the six Conventions and Protocols that assist in the protection of children in the context of migration.

Recommendation: The Government of Israel is encouraged to additionally ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

National laws 0/10

Israel currently has no laws in place that promote child sensitive migration systems. Israel has, however, ratified the UN Convention on the Rights of the Child Committee. According to authoritative guidance provided by the convention, "Children should never be detained for reasons related to their or their parents' migration status and States should expeditiously and completely cease or eradicate the immigration detention of children. Any kind of

child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice.”

Recommendation: The Government of Israel is strongly encouraged to immediately bring its domestic laws into compliance with the authoritative guidance of the UN CRC Committee, the general comment on the human rights of children in situations of international migration, September 2017.

Processing 8/26

A 2003 policy to separate minors from adult detainees has given Israel some degree of screening and age assessment for minors. Free legal representation is provided to unaccompanied minors, but this service is limited. Children are often not recognised as minors, despite the fact that Israel is a signatory to the Convention on the Rights of the Child. Laws applying to undocumented residents do not differentiate between adults, minors, or children. Therefore, children are often held in prisons for long periods with no access to documentation, social workers, or psychologists.

Recommendation: The Government of Israel is commended on its policy reforms to date, which provide for free legal representation to minors. The government is strongly encouraged to extend these programs to include provisions to all children. Additionally, the government is encouraged to immediately develop comprehensive processing to ensure appropriate screening, best interest determinations, and case management programs for all children, unaccompanied and migrating with families or guardians.

Placement 6/12

In Israel, some unaccompanied children are released into boarding schools after several months in prison. Further, asylum seeking families migrating with children are able to reside in the community. However, these families are heavily taxed and receive no government support, therefore many cannot pay their rent and also lack the most basic needs for their children.

Recommendation: The Government of Israel is commended for its efforts to provide for unaccompanied children. Further, the government is strongly encouraged to improve placement options and government support for children migrating with their families or guardians, in order to ensure their basic needs are met in compliance with international standards and obligations.

Rights 11/20

Access to rights is variable in Israel. Unaccompanied children have free access to boarding schools where their social needs are met. Children are also granted access to educational services – although in some regions, the municipalities segregate non-national and national students within learning environments. Parents of non-national children may also purchase health insurance for their children. Adults and parents may additionally use their conditional release permits to access work, although this practice is technically illegal. In January 2011, the High Court of Justice resolved that authorities would not enforce migration labor laws on asylum seekers or their employers. However, access to work, housing and healthcare for families with children continues to be limited, due to heavy taxes and costs. Further, while there is no official firewall legislation in place, migration authorities tend to refrain from detaining asylum seekers and migrants in hospitals, NGO premises, and government offices.

Recommendation: The Government of Israel is commended for providing indiscriminate access to education for migrant children. However, the government is strongly encouraged to ensure that the rights of all children are upheld in learning environments, such as providing specialized support to fully participate in educational life. Further, the government is encouraged to immediately ensure that access to health care, education and housing for parents are improved into national law.

Oversight 4/12

Law in Israel dictates judicial control of detention decisions. However, the Detention Review Tribunal has limited authority in practice. Immigration and deportation statistics are published four times per year, yet the statistics do not include a total number of detainees, the length of detention prior to removal, or the number of asylum seekers living in Israel. Israel does not have a National Preventative Mechanism, and there is no governmental body that monitors immigration detention conditions.

Recommendation: The Government of Israel is strongly encouraged to improve its score by ratifying OPCAT, improving judicial control of detention decisions in practice, and by publishing disaggregated detention population statistics and their translations on a monthly basis.

Points off -9/ -15

The arrest and lengthy imprisonment of children who are detained with family members awaiting deportation – some cases have exceeded one year – means that Israel has lost a considerable amount of points in this section.

Recommendation: The Government of Israel is strongly encouraged to abolish the detention of all children, in law and in practice, and in alignment with international standards and obligations. Outside of this change, the government is strongly encouraged to reduce the three-month time limit for the immigration detention of children seeking asylum. The government is also encouraged to immediately review their activities on the Southern border with Egypt, due to reports of pushbacks of groups which include women, children and babies. These pushbacks have resulted in lengthy imprisonment of entire families in Egypt.

Bonus points +1/+15

Israel is recognized for its political will to improve detention standards for detained families. This has been demonstrated to some degree in the relocation of detained families from Yahalon facility to Givon prison, which provides better conditions. However, significant changes are needed to ensure that Israel respects the human rights of migrant families, and the rights of children as directed in the CRC.

Recommendation: The Government of Israel is strongly encouraged to implement international standards and abide by its international obligations, by preventing the detention of all children. Further, the government is encouraged to expand existing programs for unaccompanied children to include all children, whether unaccompanied or migrating with their parents or guardians. Additionally, the government is strongly encouraged to establish case management programs to support families who reside in the country without status, in order to explore their possibilities for regularization of status or voluntary departure.



This scorecard has been assessed by the Israel NextGen Index Committee:

- Hotline for Refugees and Migrants

For further information regarding how this score was measured visit <http://next-gen-index.org/>

If you have any questions, please contact the Global Campaign:
media@endchilddetention.org

Additional Resources

Treaties & Laws

- United Nations: [Ratification Status for Israel](#)
- Israel: [Prevention of Infiltration Law](#)

Community Integration & Support

- Kav LaOved – Worker's Hotline
 - [The Deposit Fund for Refugees, Asylum Seekers and its destructive consequences, 2017](#)
- Hotline for Refugees and Migrants
 - [The Struggle to End Detention of Unaccompanied Minors in Israel, 2014](#)
 - [Position Paper: Alternatives to Detention, 2014](#)

Infrastructure & Oversight

- Hotline for Refugees and Migrants
 - [The Detention Review Tribunals, 2014](#)
 - [Immigration Detention in Israel – Annual Monitoring Report, 2017](#)
 - [Israel's Pushback Policy at the Border with Egypt](#)
- Israeli Bar Association
 - [Saharonim Facility Inspection Report, 2014](#)
- Ministry of interior
 - [Foreign Workers Report, 2017 \(Hebrew\)](#)
- Haaretz
 - [Israel to House African Migrant Children in Prison, Not in Facility for Minors, 2012](#)
- UNHCR
 - [Beyond Detention: A Global Strategy to Support Governments to End the Detention of Asylum-Seekers and Refugees, 2014-2019](#)