



Isha L'Isha – Haifa Feminist Center

People's Public Hearing -Tel Aviv, 10 Dec 2019

The State and Women without Status

As part of the 16 Days of Activism against Gender Based Violence and marking International Human's Rights Day, the first People's Public Hearing for Women without Status living in Israel took place. This is the first-of-its-kind event and was organized by Isha L'Isha, in cooperation with the Hotline for Refugees and Migrants. Around 100 people gathered at the Writers' House in Tel Aviv-Jaffa. Participants listened to the testimonies of four women, which were presented by activists in order to protect the identity of the women. The testimonies were followed by the deliberations of transformative justice and women's rights experts on the plight of the women and the response of the State to their situation.



Women without Status¹ are treated as 'unlawful'. Even if she is married with an Israeli citizen and has Israeli children, she still remains unrecognized by the state. As such, she is disenfranchised and stripped from her rights. In addition, if she faces domestic violence and abuse, she is left with the choice of enduring violence at home or face punishment by the State. In many instances women without status choose to live in the shadows at the margins of society.

*Amal*² came from Gaza before she was 17 years old. Ten years later she still has no status. She has a vicious husband (citizen of Israel) and wants to leave him, but she has no choice and no solutions. She went to the Ministry of Interior, where she was told that she can't have a legal status, even though her children are Israeli citizens.



"If I have work, but no legal status, I still have no rights. I depend on the generosity of my boss. I just

¹ Women without Status in Israel may include trafficking victims and survivors, asylum seekers, women who are married or in a relationship with an Israeli citizen or resident, as well as undocumented workers. These women come from various communities, including: Eastern European, Palestinian, African and Asian communities. Their life stories and backgrounds are very diverse and unique.

² All names have been changed in order to protect the identity of the women. The testimonies were presented by activists in order to protect the identity of the women.

need a piece of paper that proves that I exist. I have the feeling that I am always depending and relying on others. I have given up on so much. I just have to protect myself. What do you want me to do? I didn't commit any crime. The main problem would be to be separated from my children. My life is very difficult."

Eden had nothing to eat before she came to Israel from Eritrea. After a long and very dangerous journey, she got to the Israeli border in 2007. In Israel she started working as a cleaner. She also got pregnant and had a child. The father of the child became abusive and she decided to run away and ask for help. She was taken to a shelter but couldn't do anything. "I am not a citizen and have no status". The legal custodian of her child was the abusive father. Eden needed his approval for anything related to the child. "I was scared but had no choice. Each time I contacted him he became violent." Eden has now three children, two of them are Israeli citizens, but has no legal custody over them.

"Since I did not get married with their father, I have no legal rights on my own children. Every time I try to arrange my status, I get into a dangerous situation again."

The *Alternative Judges* that participated at the People's Public Hearing are: Ruti Gur, Isha L'Isha;



Adv. Shirin Batshon, activist and researcher; and Saviona Rotlevy, retired Vice President of the Tel Aviv District Court. After listening to the heart-breaking stories of four women (*Marina* from Moldova and *Amani* from the West Bank also gave their testimonies), the *judges* of the People's Public Hearing gave their verdict: *If someone exists, then this person has a legal status. Everybody who exists is entitled to their human rights, including the right to education, health, a life free of violence, and the right to citizenship.*

"I refuse to accept the idea that there is a woman that has no legal status"
Ruti Gur, Isha L'Isha.

"Women should have the right to the same citizenship of their children" Adv.
Shirin Batshon, Activist and Researcher.

"The Ministry of Interior has used its power to keep women captive on behalf of abusive men. In addition, Israeli children face discrimination because of the legal status of their mothers." Saviona Rotlevy, Vice President of the Tel Aviv District Court (retired).

Following the testimonies, findings from the research conducted by Isha L'Isha on Women without Status were presented. The findings confirmed that women without status live in a 'twilight zone'. People without status in Israel have been pushed away and demonised in the media. They are taken out of the legal sphere to a space where there are no rights and no protections. People without status are left extremely vulnerable and exposed. Their relationship with the government is one of exploitation, where the establishment takes advantage of them (women without status work as cleaners, carers, sex workers, housewives, etc.). In this space "anything goes". In order to navigate and survive the difficult reality that especially women and their children face, they accept any situation: they agree not to get alimony or welfare support,

to live with health and mental health issues, to endure endemic violence, to stay quiet and endure injustice as long as they can stay with their children.

Within this context of extreme vulnerability, the Humanitarian Committee, has shown its lack of humanity. The only requests that hold a slim chance for approval are those brought by the women that have Israeli children and the father wishes to remain in touch with the child, but women remain exposed to deportation. On the other hand, not a single request from a woman without status and without children that wants to get divorced has been approved. Furthermore, the committee is not interested in breaking the cycle of violence that women face as the committee does not keep track of the number of times that a request has been put forward by the same person. Each request is dealt with individually. The committee is thus unable to recognize patterns of severe abuse and adapt their responses in a humanitarian way.



At the bottom of this state policy towards women without status is a deeply discriminatory attitude. As MK Aida Tuma

Suleiman and MK Rozen highlight, there is a clear political position embodied by the current right-wing government to negate citizenship rights to non-Jewish citizens and residents.

The Humanitarian Committee

As a rule, a foreign citizen can obtain status in Israel only in very specific cases, for example, if s/he has an Israeli spouse or a work visa for a fixed period of time. However, there is another procedure for regulating status in Israel for humanitarian reasons, and thus it is possible to obtain temporary residency and eventually a permanent residency without being dependent on a spouse or an employer.

The Ministry of Interior has established a special committee, whose function is to examine applications of foreigners residing in Israel who are not entitled to status under the law and decide if they can obtain such status for humanitarian reasons. The committee is comprised of representatives of various government ministries, as well as representatives of the Ministry of Interior, Ministry of Welfare, Ministry of Health, Foreign Affairs, and National Security, as well as the Liaison Office (Nativ) and the police. The committee does not meet personally with the applicants and bases its decisions on the interview and documents attached to the application.

The People's Public Hearing closed by presenting our demands to the government and relevant ministries as follows:

- To ensure respectful and humane treatment by all state institutions and representatives in every interaction with women without legal status in Israel;
- Making services provided by state institutions accessible linguistically and culturally for the women;
- Appropriate cultural-sensitive training for service providers in the various state institutions;
- Making sure that the relationship between the women and their children will be protected in every situation;
- Providing legal guardianship of the children to the mother in cases where there is domestic violence by the father;
- In any case where a couple has a child together, the mother will be granted legal status in Israel, regardless of the relationship between the child and the father, unless exceptional circumstances exist;
- The state should determine a fixed time period for a woman to get a permanent status in Israel after leaving a violent relationship;
- The legal aid code needs to include a regulation that allows women who are victims of domestic violence to receive free legal aid regarding their legal status;
- While a woman awaits the deliberation regarding her status from the Humanitarian Committee, she should be granted a status that guarantees social and other civic rights necessary for her to live in dignity, such as: work permit, welfare services, medical insurance, and national security benefits;
- In considering a case of a woman who suffered domestic violence without children with an Israeli citizen by the Humanitarian Committee, it should be determined that a woman who has completed half of the procedure will be considered as having sufficient connection with Israel in order to receive independent status in Israel;
- The domestic violence procedure should also apply to women who are not married and got status through regulation no. 5.2.0009;
- A woman's request for status in Israel will not be denied for the reason that she was not in a family unification process in cases where not applying for a family unification process and legal status for the woman by the men was another form of abuse and control;
- There should be transparency regarding the Humanitarian Committee's work and updates should be provided to all concerned, including transparency of protocols, decision making processes, nomination process of committee members, and meetings and discussion's dates;
- There should be transparency of the numerical data relating to the number of applications and the handling of applications of the domestic violence procedure by state authorities and the Humanitarian Committee (procedure no. 5.2.0019) including applications that were rejected before reaching deliberation by the humanitarian committee

Media Coverage of the event:

Jerusalem Post: [“NGOs hold ‘trial,’ highlight violence against migrant women”](#)

The Times of Israel: [“The struggle against women trafficking is the story of an Israeli slave”](#)