

# ISRAEL

## Policy responses to gender-based violence in the context of migration



### Country context

Israeli society is not unified in its attitude towards the problem. Alongside xenophobia, racism and even violence towards asylum seekers, there is extensive activity of civil society organizations.

However, within the media and amongst the politicians, the dominant opinion disapproves of granting rights to asylum seekers and migrants, including to victims of Gender-Based Violence (GBV). Recent governments were led mostly by right-wing parties, which promoted a policy of denying rights to asylum seekers and migrants.

Part of the problem was reflected in the stormy debate about the Istanbul Convention, which was opposed on the grounds that it contained elements that threatened the Jewish identity of the State.

### Good practices identified

Therapeutic jurisprudence (TJ) views the legal system as an opportunity to improve the personal well-being of the parties. Community Courts, established in Israel in 2014, implement this concept.

Using the principles of TJ in a quasi-judicial structure is an effective way to deal with GBV, for two reasons: first ... [it addresses] trauma, which is present in all the layers ... [of the] lives of victims of GBV.... Second ... Community Courts [have the potential to] integrate community involvement in the rehabilitation progress and therefore could be a suitable platform for this population [which is highly community oriented].

A therapy group for batterers, held during a short period at one of the aid organizations (funded by the Tel Aviv Municipality, where many migrant workers and asylum seekers live).

A mindfulness-based trauma recovery course for asylum seekers, developed and implemented by the Observing Minds Lab at the University of Haifa, which succeeded to a certain extent in reducing post-traumatic symptoms of asylum seekers.

### Migrant women's experiences

The women we interviewed pointed to the lack of legal status as the main obstacle – although opinions were divided between those who wanted to receive status in Israel, and those who preferred receiving it in Western Europe or Canada.

The lack of legal status, in fact, impacts every aspect of asylum seekers' lives: housing, health, family, work, and also the extent to which they are protected from GBV. They tend to refrain from going to the police to file a complaint, and some said that they would not complain even if their lives were in danger.

When we asked an asylum seeker for help in finding interviewees ... none of the women she approached agreed to be interviewed: "They say that everyone knows what the needs are, they're just not ready to fulfill them."

Another asylum seeker expressed it as follows:

"All human beings are the same, white or black, educated or not, tall or short. This world is for us. God did not create the world for black or white. If I were prime minister, I would give full rights to everyone, because tomorrow I will leave and another generation will come, and I want to teach this generation how to share, how to love. And Israel is not a poor country. I grew up in a poor country, but we know how to share; in Israel you are not poor and you don't know how to share. It is good to share.... It is good to give rights to everyone. We are all human. Everyone. We are all the same.

### Policy changes required

The first solution is simple but, politically, probably unattainable: granting full civil status to asylum seekers after a short process of verification, in line with international norms.

The second solution operates on a different level: it calls for adopting a therapeutic response to the community as a whole, instead of the individual response given today, which focuses on the law enforcement system only.

The solution has to come from a holistic approach that is:

- Geared towards the entire community as a whole, and not just for an individual.
- Preventive and not limited to the period after the commission of a crime.
- Therapeutic, not legal
- Focused on treating the perpetrator and not only the victim.

We believe that this kind of therapeutic holistic response will provide the most effective response to GBV.

Recruitment of asylum seekers (women mainly) to the police may improve the mutual trust between the community and the police.

### Policy deficits

Unlike other countries in the research group, Israel is an ethno-national state with a Jewish majority, and its immigration policy allows granting immediate status only to Jewish immigrants. This prevents the formation of a coherent policy regarding immigrants and asylum seekers. Thus, practically speaking, there is no option of obtaining full legal status for non-Jews, and consequently there is no system which guarantees their rights as victims.

Growing xenophobic forces, present both in politics and in society in general, have prevented the formation of a policy that would assist victims of Gender-Based Violence (GBV).

Notably, victims of trafficking have been treated better than victims of other GBV crimes (shelter, legal aid, medical, etc.).

Asylum seekers are not entitled to a translation when they file a complaint about GBV in the police station.

Women without legal status do have the option of entering shelters for battered women, but the lack of staff in them who speak their language and is familiar with their culture makes the help given almost worthless. Only few of these cases will reach legal proceedings.

### The State response

In the vast majority of cases, the State's conduct regarding asylum seekers focuses on attempts to deport them from Israel, through a "departure grant" that will be paid to those who leave by choice (which amounts to \$3,500), search for a third country willing to accept them, or detain them in a facility in the southern periphery of Israel.

The State's response to GBV is limited to cases where complaints are filed with the police after the crime was committed. Some of those cases are then investigated, but not all.

**Project Title: VIOLENCE AGAINST WOMEN MIGRANTS AND REFUGEES: ANALYZING CAUSES AND EFFECTIVE POLICY RESPONSE**

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**Metropolis International Conference, Berlin, September 2022**