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Israel and the Occupied Territories

Torn Apart: Families split by discriminatory policies

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Summary

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A new law, passed by the Israeli parliament in July 2003 and due to be reviewed at the end of July 2004, bars family unification for Israelis who are married to Palestinian residents of the Occupied Territories.

This law explicitly discriminates against Palestinians from the West Bank and Gaza Strip and implicitly discriminates against Palestinian citizens of Israel and against Palestinian residents of Jerusalem, for it is they who usually marry Palestinians from the Occupied Territories. As such, the law formally institutionalizes a form of racial discrimination based on ethnicity or nationality.

The law constitutes a further step in Israel's long-standing policy aimed at restricting the number of Palestinians who are allowed to live in Israel and in East Jerusalem. Successive Israeli governments over the years have pursued policies which have made it difficult at best and often impossible for Palestinian citizens and residents of Israel to obtain family unification and live in their own country with their spouses and children. For these reasons, thousands of Palestinians from the West Bank and Gaza Strip have been living with their spouses in Israel and in East Jerusalem illegally for years or even decades, with no health insurance or other social rights and every day fearing arrest, expulsion and separation from their spouses and children.

The Israeli government has justified the new law barring family unification for Palestinian spouses of Israeli citizens and Jerusalemites on "security" grounds, contending that the law is aimed at reducing the potential threat of attacks in Israel by Palestinians.

However, Israeli ministers and officials arguing in favour of forbidding family unification for Palestinian spouses have repeatedly contended that the percentage of Palestinian citizens of Israel constitutes a "demographic threat" and a threat to the Jewish character of the state of Israel and in some cases have even called for their expulsion, suggesting that such considerations played a major part in the decision to pursue this discriminatory law. This new law must be seen in the context of other existing laws and practices which discriminate against Palestinian citizens of Israel and against Palestinians in the Occupied Territories.

In addition to the enactment of this law which affects Palestinian citizens of Israel and Palestinian residents of Jerusalem and their spouses from the Occupied Territories, family

unification procedures for Palestinian residents of the West Bank and Gaza Strip married to citizens or residents of other countries were also suspended shortly after the outbreak of the ongoing Palestinian uprising (*intifada*) at the end of 2000.

The right to enjoy human rights without discrimination of any kind, such as race, colour, sex, language, religion, political opinion, national or social origin, property, birth or other status, is one of the most fundamental principles underlying international human rights law and is enshrined in a number of international treaties which Israel has ratified.

In the West Bank and Gaza Strip, Israel, as the Occupying Power, is also bound by international humanitarian law. The core idea of the international rule of belligerent occupation is that occupation is transitional, for a limited period, and one of its key aims is to enable the inhabitants of an occupied territory to live as “normal” a life as possible. Israel’s suspension of consideration of all family unification applications by Palestinian residents of the Occupied Territories married to non-residents violates its duty as an occupying power. Such a blanket denial cannot be justified on grounds of security.

United Nations human rights bodies, including the Committee on the Elimination of all Forms of Racial Discrimination and the Human Rights Committee, have called on Israel to revoke this law and to reconsider its policy with a view to facilitating family unification on a non-discriminatory basis.

Amnesty International calls on the Israeli authorities to repeal this law, to resume the processing of family unification applications for spouses and children of Israeli citizens and Palestinian residents of Jerusalem and of the Occupied Territories according to the principle of non-discrimination, to put in place a mechanism to promptly process the thousands of backlog applications and to re-examine applications which were refused prior to the suspension of the processing of applications, and to provide details in writing of the specific grounds for the rejection of any application for family unification application, so that those concerned may mount a defence and challenge the rejection.

KEYWORDS:

This report summarizes a 20-page document (9,490 words): *Israel and the Occupied Territories, Torn Apart: Families split by discriminatory policies* (AI Index: MDE 15/063/2004) issued by Amnesty International in July 2004. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: http://www.amnesty.org/email/email_updates.html

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