

## **Fact sheet on the violations Against Palestinian Women in Jerusalem**

This fact sheet explores the most prominent violations practiced by the Israeli occupation against Palestinian women in Jerusalem and various other Palestinian territories. These violations include killing, arresting, house demolishing, in addition to violating basic rights and freedoms, which affect their daily life details like the revocation of identity cards and residency rights, mixed marriage complications on geographical basis, and the diverse laws of marriage and divorce. Such violations constitute flagrant indifference to international humanitarian law and all human rights treaties, which guarantee women's rights in war and peace like the Universal Declaration of Human rights 1948, Geneva fourth convention 1949, the International Covenant on Civil and Political Rights 1966, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and others.

### **House demolitions <sup>1</sup>**

During 2017, the occupation authorities carried on with a systematic house demolition policy in East Jerusalem forcing individuals to leave their houses, arguing that they lack building permits. 142 buildings have been demolished. This is the second highest number of demolished buildings since 2000, although the number was less in 2006 when 190 buildings were demolished. The demolitions executed in that year displaced 233 persons including 133 children, and inflicted damage on 631 others. Jabal al-Mukabber, Beit Hanina, al-Essaweya and Silwan were among the most affected population gatherings. These areas (together) endured 72% of the demolitions, and about two thirds of the demolished buildings in that year. <sup>2</sup>As such, East Jerusalem, alone, endured one third of the demolitions <sup>3</sup>(142 of 423) and

<sup>1</sup> Demolitions of Palestinian houses, displacement policy.2018. land research center-Palestine

### **General facts**

- Since 1967, the occupation has demolished around 5,000 Palestinian residences, displaced more than 120.000 Palestinians from Jerusalem and banned their return. Between 2000-2017, the occupation also demolished 1706 residences and displaced 9422 people, including 5163 children.

-The occupation's municipality imposes discriminatory restrictions on Palestinian building in occupied Jerusalem, which makes obtaining building permits impossible for Jerusalem residents. Such restrictions include:

- Announcing big areas of land that belong to the citizens as green areas, allocating no more than 13% of the already inhabited areas in East Jerusalem for Palestinian building.
- Decreasing areas available for building, licensed or unlicensed, and raising permit costs that can reach up to \$ 30.000 per residence.
- Lack of or insufficient permits
- Increased financial fines imposed on Jerusalem residents by the occupation's municipality.
- The occupation's municipality neglects land planning and land allocation for Palestinian housing.
- Nearly a third of the Palestinian residences in East Jerusalem lack building permits issued by Israel, which puts more than 100,000 Palestinians living in the city at risk of displacement.

more than one third of the displaced citizens (233 of 664) in the West Bank during 2017.

Israel's house demolition policy violates several articles of the Universal Declaration of Human rights. Article 12 stipulates that "No one shall be subjected to arbitrary interference with his privacy, family, and home."<sup>4</sup> In addition, this policy is a gross violation of International Humanitarian Law and it is a war crime. Article 53 of Geneva Fourth Convention prohibits damaging private properties. Since demolition represents punishment for a crime not committed by the individual, it is considered as massive punishment explicitly banned by article 33 of the Fourth Geneva Convention, and article 50 of the Hague regulations, both of which are considered part of international customary law.

House demolition policy has impacts on the families living in Jerusalem. Study findings<sup>5</sup> spotlighted nine forms of harm the households undergo because of the Israeli house demolition policy, the most prominent forms are:

1. Costs of the new residence, including (rent, cost of re-building or buying new real estate).
2. Costs of re-adaptation (finding new job opportunities, schools, and health services).
3. The indirect harm caused by detachment from the surrounding social environment.
4. The indirect harm resulting from psychological trauma after losing the house.
5. Legal fees and fines imposed by the Israeli courts,
6. Loss of furniture and personal properties affected or destroyed by the demolition.
7. Loss of productivity, due to the deteriorated living conditions.
8. Loss of real estate properties (house and/or land owned by the family).
9. Waste of time because of the displacement itself and the time needed for re-adapting to or coping with the new conditions following the demolition.

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<sup>2</sup> Sum of Israeli violations in 2017. Abdullah Horani Center for research and documentation,2018,Ramallah

<sup>3</sup> Ibid

<sup>4</sup> <http://www.un.org/ar/universal-declaration-human-rights/index.html>.

<sup>5</sup> Hever, Shir. 2015. "The Economic Impact of Displacement: Analysis of the Economic Damage caused to Palestinian households as a Result of Displacement by Israeli Authorities". Norwegian Refugee Council.

House demolition and displacement of the families in Jerusalem leaves deep scars in the lives of women that cannot be easily erased. For them, the house means more than a shelter. Rather, it gives a symbolic meaning to their lives; it is the center of their power. Inside the house, they perform their tasks and have control over its contents. In the house, they practice their social activities and establish relationships with their children, relatives and surroundings. Losing the house also means that the woman will be forced to live in crowded environments, usually with the husband's family or with the extended family. This means lacking privacy and a private space<sup>6</sup>. Also, women who host their displaced relatives after their homes are demolished are affected because their responsibilities within the household increase. One of these women said,

*“ever since my sister moved in to live with us, I don’t have time any more. Of course, I am happy that we could help them, but you have to understand cooking, doing laundry for everyone and taking care of all the children is impossible”<sup>7</sup>.*

There are also the huge economic burdens and financial loss that families suffer from as a result of damaging their properties, and women bear the consequences of such burdens. The costs of rebuilding after house demolition in East Jerusalem is estimated at 392,000 NIS compared to 61,523 NIS for house rebuilding in area (C). The average of house costs in East Jerusalem is estimated at 1,079,502 NIS compared to 276,576 NIS in area (C)<sup>8</sup>. Thus, the Palestinian women in Jerusalem find themselves deprived of basic needs such as clothing, food and furniture which increase burdens and responsibilities imposed on them in their private realm while they try to meet the basic needs and provide alternative shelter<sup>9</sup>.

### **Right to residency and family reunification**

Between January 2013 and August 2017, the Israeli Occupation Authorities revoked residencies of 287 Palestinians living in Jerusalem, including seven children<sup>10</sup>. Israel has created the status of “permanent residency” for the Palestinians after occupying East Jerusalem and annexing it illegally in 1967. Consequently, entering and living in the city became a revocable privilege, instead

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<sup>6</sup> Hever, Shir. 2015. “The Economic Impact of Displacement: Analysis of the Economic Damage caused to Palestinian households as a Result of Displacement by Israeli Authorities”. Norwegian Refugee Council

<sup>7</sup> A girl from Al-esaweya, Jerusalem. Part one of a report on impacts of the occupation violations on the Palestinian women, 2014-palestine.

<sup>8</sup> Hever, Shir. 2015. “The Economic Impact of Displacement: Analysis of the Economic Damage caused to Palestinian households as a Result of Displacement by Israeli Authorities”. Norwegian Refugee Council.

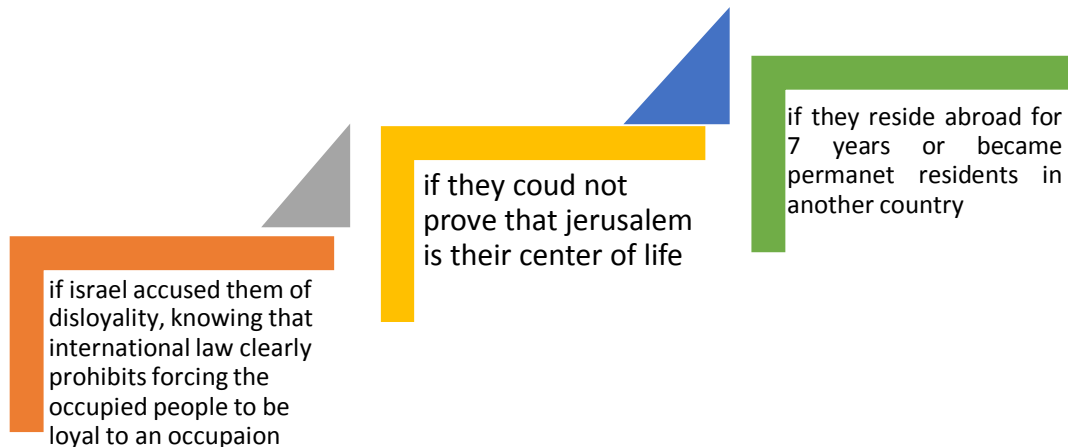
<sup>9</sup> Ibid.

<sup>10</sup> <http://www.aljazeera.net/news/alquds/2017/12/26>

of being a genuine basic right. This attitude was enhanced by illegal polices to abolish residencies so as to evacuate Jerusalem from its residents, particularly, those who live outside the apartheid containment wall. Since 1967, Israel set criteria for revoking residencies in Jerusalem and gradually extended the range of such criteria causing the abolition of residency rights for more than 14,595 Palestinians from Jerusalem so far.<sup>11</sup>

By doing so, the occupation authorities have applied racist and double standard laws against the Palestinians. Such laws granted the Jews the right to immigrate to it and automatically obtain citizenship as soon as they arrive. Therefore, any Jew can obtain Israeli citizenship and live in Israel. Meanwhile, racist laws, including the Citizenship law and Entry to Israel law for 1952 with its regulations for 1974 were applied to everyone, other than Jews, i.e. Palestinians who live in East Jerusalem, considering them as permanent residents there.

Israel uses three racist criteria to facilitate the illegal abolition of the Palestinians' residencies toward achieving an Israeli Jewish majority in the city



It is obvious from the diagram above that the occupation authority uses different excuses to revoke residencies from the Palestinians in Jerusalem, “center of life” policy is one of the main excuses. According to this policy, the “permanent residents” are obliged repeatedly and for life to verify their “center of life” to obtain the identity card, which is the practical embodiment of the permanent residency, travel documents, registration of marriage and children, ascertainments of death for husband/wife, and others. The Palestinians, therefore, are required to

<sup>11</sup> <https://www.hrw.org/ar/news/2017/08/08/307601>

show supporting documents like estate tax vouchers, water and electricity bills, rental contracts, birth certificates to prove that their children were born in Jerusalem, and school certifications that the children are enrolled in these schools<sup>12</sup> besides other documents. In addition, since 2006, the occupation authorities are using the residency revocation policy as a punishment tool against the Palestinians in Jerusalem who are accused of attacking Israeli targets and against their families as well. This procedure is considered as massive punishment banned by International customary humanitarian law with respect to protecting civilians in wars, and by the Hague convention about respecting laws and customs of war.

This situation in particular exhausts Palestinian women in Jerusalem because they find themselves inside a maze as they raise their children. They want to preserve their rights, so they put restrictions on how their children should deal with the occupation to guarantee their neutrality. This is turning their children into individuals with no political, social or economic beliefs. They believe that they should neutralize their children and prevent them from resisting the occupation for fear of losing the right to residency or work in Jerusalem, or for fear of depriving them and their families of all their social rights. The maze gets more complicated when those women attempt to hold a middle of the road position by asking their children not to resist the occupation and, at the same time, not to identify with it for fear of collaboration and drugs. A Palestinian mother from Jerusalem said, “a woman in Jerusalem suffers from a dilemma, she wants her children to be nationalist and respectable, yet she doesn’t want them to take part in any activities otherwise social aid will be stopped and our file will be black”.

Things get more complicated, since all Jerusalem citizens are unable to grant permanent residency to their spouses or children if they are not from Jerusalem because permanent residency is not automatically passed through marriage according to the discriminatory citizenship law issued by the occupation Authority in 2003. This law prevents any Palestinian holding a Palestinian identity card and living in the West Bank from attaining family reunification or a legal status in Israel if married to a Palestinian spouse from East Jerusalem holding a Jerusalem identity card, or who lives in Israel and holds an Israeli passport<sup>13</sup>. Since 2012 until April 2016, the Palestinians submitted 2632 requests for family reunification. The Israeli ministry of interior approved 1248 requests and rejected the rest, let alone the long process, as applicants have to wait for days and months for their turns to come.

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<sup>12</sup> <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx>.

<sup>13</sup> East Jerusalem: Key Humanitarian Concerns. Special Focus. United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory. March 2011.

A racial codification policy which bans Palestinian family reunification violates the basic human rights to equality, freedom, privacy, citizenship and family life, and it is a disgraceful discrimination against the Palestinians wherever they exist. Women remain the first victims of such racial policies. They find themselves obliged to choose between two inevitable and unjust choices: either to give up their families and have their spouses expelled, or start a family life with their spouses and give up living in their homeland<sup>14</sup>.

## **Settlements and settlers' violence**

Since 1967, the Israeli occupation polices in occupied Jerusalem focused on the enhancement of a Jewish majority in the city by establishing settlements for Jews only. Planting settlement outposts in strategic areas inside the Palestinian neighborhoods is one of the most important strategies the Israeli occupation authorities follow in occupied Jerusalem. This strategy is achieved through continued efforts by settlement organizations to seize Palestinian lands and properties inside those neighborhoods using various means. Among such means is transferring the ownership of lands and properties that Israel confiscates to settler groups under the absentee property law for 1950. In addition, settlers prosecute the Palestinians to evict them from their houses arguing that the lands on which such houses are built were owned by Jewish individuals or organizations in Jerusalem before 1948. Also, the ownership of the lands classified as public or state lands is transferred because of their environmental, historical and religious importance<sup>15</sup>.

Among the latest and most dangerous settlement plans for Sheik Jarrah neighborhood in 2017, for example, it has planned to build a new residential settlement in Um Haroun. If the plan is approved, 45 Palestinian houses will be demolished and more than 500 Palestinians will be displaced. Currently, 4 plans will be approved at various phases: plan (14029) is composed of a five-storey building containing 12 housing units. The construction of this building requires the demolition of Palestinian houses and evicting four Palestinian families from their houses. Plan(14151) includes a three-storey building with one housing unit in each story. Plan (68858) includes building a campus and compound called “Ar Shimish” composed of a nine-storey building, and plan (499699 ) contains a six-storey building.

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<sup>14</sup> <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx>.

<sup>15</sup> Facts sheet ”forced displacement of sheikh Jarrah neighborhood residents and isolating the it from the occupied Jerusalem” Palestinian liberation organization.2017.

Data show <sup>16</sup> that the number of Jews living in Jerusalem doubled nearly twice since the eastern part of the city was occupied in 1967. Their number increased from 197,700 to 542,000 settlers, whereas the number of all the population in East and West Jerusalem is 865,700. The Palestinians constitute 323,700 of this number, i.e. 37% of the population in the two parts of the city together.

The schemes of planting settlement outposts, mostly concentrated in the Islamic neighborhood, the Christian quarter in the Old city, Sheikh Jarrah, Attour (Jabal al-Azzaytoun), Wadi-eljouz, Ras al-Amoud and Jabal al-Mukabber, threaten the Palestinian existence in Jerusalem at more than one level, especially as there are more than 3,000 Israeli settlers living in these areas<sup>17</sup>.

The settlement outposts changed the features of the Palestinian quarters inside which these outposts were planted, and turned lives of the Palestinians who live there into hell. The occupation authorities force the Palestinian families inside Jerusalem out of their homes. The Palestinians also suffer from the legal process of eviction, from the violation of their privacy, and from the economic pressures. Women usually endure the consequences of such circumstances. In addition, the settlers' violence has increased persistently since the beginning of 2018. The average of settlers' attacks was five attacks per week resulting in injuring Palestinians or damaging their properties compared to three attacks in 2017, two in 2016.<sup>18</sup>

The settlement outposts, with the damage and loss they cause to the properties of Palestinians in Jerusalem until eventually evicting them from their homes, have social, economic and psychological impacts on the families and women bear the burden of these repercussions. The results of such impacts are -regression of living standards, increased poverty, obstacles facing their source of living, loss of their house as a main source of their economic security<sup>19</sup>, and the high legal fees these families have to pay for defending their cases in courts which increases damage to their exhausted economy<sup>20</sup>.

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<sup>16</sup> [https://aawsat.com/home/article/925656\\_issue\\_14047](https://aawsat.com/home/article/925656_issue_14047), May, 2017

<sup>17</sup> Jerusalem Institute for Israel Studies, Statistical Yearbook of Jerusalem, 2018 Edition, Chapter III, Table III/5

<sup>18</sup> <http://www.alalam.ir/news/3526366>.

<sup>19</sup> Hever, Shir. 2015. "The Economic Impact of Displacement: Analysis of the Economic Damage caused to Palestinian households as a Result of Displacement by Israeli Authorities". Norwegian Refugee Council.

<sup>20</sup> Ibid.

In this context, a survey on the violations <sup>21</sup> against women in Jerusalem indicates that %71.2 of them underwent various types of violence by the occupation or by the settlers during their residence in Jerusalem. Findings of another study <sup>22</sup> showed that women get psychologically and emotionally hurt from the attacks against them and their families, neighbors, properties and source of living. Often, they are worried, scared and live in permanent fear because the settlers' attacks cannot be predicted. The findings also showed that some women were unable to go on with their difficult lives because they are frightened of the settlers' continued attacks. One woman recalls: "Our family is exposed to direct, unlimited, unjustified and unexpected arrests, in addition to violent harassment, cursing and rude gestures by settlers. This would damage our family stability at psychological and social levels. Families have no privacy, we are unable to receive any guest within our residence boundary because of the continued occupation breaking into our house, in addition to psychological symptoms mothers and children develop as a result of the arrests and the direct violence such as stress and panic attacks"<sup>23</sup>.

## **Arrest of Palestinian Women in Jerusalem**

During 2017, the occupation authorities condensed the use of their arrest and interrogation policy against Palestinian women. More than half of the arrests against women in 2017 were against women from Jerusalem. Such arrests did not exclude minors, mothers, elderly and sick women. In 2017, 88 women from Jerusalem were arrested, including 6 minors and 4 old women<sup>24</sup>. The arrests campaign, which affected mostly women from Jerusalem, indicates that the occupation aims to use a deterring policy against Palestinian women in general and Palestinian women in Jerusalem in particular, to restrict their freedom, muzzle and terrify them and prevent them from participating in any activities against the occupation, including defending al-Aqsa mosque from the settlers' incursions.

Once they arrive at the interrogation or detention center, female prisoners from Jerusalem, like all female prisoners, are denied explanation of their rights and the reason for their detention. Often they are denied lawyer access, they are held for interrogation for days or months where they are subjected to torture and abuse.

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<sup>21</sup> Hamdan, Ashraf and al-Barghouthi, Fida.2015. Violations Against women in the West Bank. The Palestinian Initiative for Promotion of Global dialogue and Democracy, Miftah, Ramallah- Palestine.

<sup>22</sup> Women's Centre for Legal Aid and Counseling: Women's Voices: In the Shadow of the Settlements -

<sup>23</sup> AL Quds International Institution. Report on Jerusalem situation, Jerusalem 2017.

<sup>24</sup> AL Quds International Institution. Report on Jerusalem situation, Jerusalem 2017.



Hanadi Halawani, a Palestinian prisoner from Jerusalem was arrested by the occupation on September 17, 2017. She was interrogated for 5 times in 15 days in an attempt to devastate her mentality<sup>25</sup>. Methods of abuse and torture used against Palestinian women cause severe physical and mental suffering. Interrogating methods include prolonged seclusion from the outer world, inhuman detention conditions, blindfolding, enchaining, sleep deprivation, denial of food and water, prolonged denial of using the toilet, denial of access to change clothes for days and weeks, keeping them in stressful positions, shouting at them, in addition to sexual harassment.

The Palestinian women prisoners from Jerusalem have no right to medical care in the occupation's prisons, as prison administrations refuse to provide the proper treatment for those suffering critical health conditions. This refusal constitutes flagrant infringement of article 91 of the Fourth Geneva convention which stipulates that “Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet”. Additionally article 92 of the same convention stipulates that” Medical inspections of internees shall be made at least once a month”.

This was exactly the case with the Palestinian prisoner Isra Jaabees, 32 years, from Jerusalem/ Jabal al-Mukabber who was sentenced to 11 years. She was arrested after she was severely burned at Al-Z’ayem checkpoint after her car went on fire. Her condition was very critical when she was taken to hospital. She was hospitalized for 3 months before she was moved to A-Sharon prison. Burns from the first and third degrees covered 60% of her body, including face, hands, back and chest. 8 of her fingers were amputated. She needs further surgeries as she developed an infection in her hands that might result in having them amputated if not properly treated. The prison administration only provides her with one tube of burns ointment (20 mm) every three days to cool down the burns which is not enough to cover all burns in Israa’s body.

Reports state that 6 female prisoners were sentenced to more than 10 years. The highest sentence was 16 years for a female prisoner from Jerusalem, Shorooq Salah Dweiat, 24 years, a mother of 2 children<sup>26</sup>. This constitutes a basic violation of international humanitarian law, which guarantees special protection for mothers.

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<sup>25</sup> Abu elkheir, Iman 2018. Violations of the Israeli occupation against the Palestinian women during 2017. Women for Palestine center for studies and research, Women for Palestine society.

<sup>26</sup> Dunialwatan: Palestine prisoners:58 female prisoners enduring tough conditions inside the occupation prisons.

Several articles of International Law stress this protection. Article 89 of the fourth Geneva Convention stipulates that special and additional services must be provided for mothers and pregnant women in the occupied territories. Other articles give special attention to a mother who have children below a certain age, article 50 of the same convention, for example, stipulates that special care should be given to mothers of children under seven years.

### **Recommendations:**

Hereby, we stress the necessity to acknowledge the Palestinian people's right to self-determination and to hold Israel accountable for violating international legitimacy resolutions including the resolutions about Jerusalem. Examples of such resolutions, (but not limited to the following) are: Resolutions (267) (252) which call upon Israel to revoke all measures it has taken to change the status of Jerusalem, Resolution 465 calling upon Israel to disassemble the settlements and stop planning for building more settlements in the Arab occupied territories including Jerusalem, Resolution 476 which considers the measures taken by Israel to alter the features of Jerusalem as void, Resolution 2254 which expresses regret for the measures Israel is taking to alter the situation in Jerusalem. The last of such resolutions was issued by the General Assembly on December 12<sup>th</sup>, 2017 where vast majority voted pro a resolution which rejects any measures taken to alter the situation in Jerusalem, including the American decision which considers the holy city as capital of Israel.

In this context, the recommendations are as follows:

- 1- Taking all the required steps, at national and international levels, to hold Israel accountable for its gross violations in Jerusalem including house demolitions, the complicated residency & family reunification procedures, and the displacement policy aiming to tear away Jerusalem and suffocate the Palestinian gatherings and neighborhoods in the city.
- 2- To put pressure on the international community to bear its legal responsibility and renounce the various discriminatory policies and measures taken by Israel in Jerusalem, including banning the reunification of Palestinian families, and to put pressure on Israel to stop such measures and abide by its obligations under the International Human rights conventions and fourth Geneva convention.
- 3- Observing and monitoring the cases of house demolitions, forced displacement and the dispelling of Jerusalem families caused by the current reunification measures, in addition to issuing reports on this case according

to international criteria and based on voices of the affected groups, particularly women.

- 4- Holding hearing sessions about the female detainees at the UN Human Rights Council to take a decision that obliges the occupation authority to apply all the related human rights conventions and agreements, and to open its prisons for the international committees responsible for monitoring the positions of women prisoners inside these prisons to ensure they are treated in a humane manner.
- 5- Inventing and developing creative and comprehensive pressure and advocacy campaigns targeting the international community. Such campaigns should include condensed meetings with countries' parliaments, particularly the European Union, and with solidarity campaigns and feminist movements who advocate the Palestinian issue to put pressure on Israel to stop human rights violations in the Palestinian occupied territories, especially the measures that dispel and scatter Palestinian families.

# **Women Position Paper on Human Rights Violation against Palestinian Women In Jerusalem**

## **The Citizenship and Entry to Israel Law**

### **A crime against humanity**

**“When I lost my health insurance I felt humiliated, as if I had committed a crime for marrying a man who does not hold a Jerusalem ID. I felt prosecuted, when the health center informed me that the national insurance had sent a fax asking not to receive me, I do not know how I found myself on the street. I was looking around filled with horror. Many questions haunted me: How will I go to Jerusalem? How will I be buried near my mother and father... I will not be able to travel... they will hunt me”.**

A Jerusalemite woman married to a Palestinian with a Palestinian ID

Successive Israeli governments imposed several racist and discriminatory laws and policies after the unilateral annexation of East Jerusalem in 1967, a violation of International Law and of the United Nations Security Council (SC) and General Assembly (GA) resolutions regarding the legal status of Jerusalem as occupied land. Israel treats the Palestinian residents as foreign permanent residents in the state of Israel, which deprives them of the right to reside in their own city if they violate the terms and conditions for enjoying the permanent residency status.

The Family Reunion Law is a racist law, which makes it difficult for the citizens who reside in Jerusalem and hold a Jerusalem ID (Blue), to unite with their families or obtain a legal status inside Israel for their marriage with Palestinians, only because they hold Palestinian IDs and reside either in the West Bank or Gaza Strip.

Women and rights-based organizations consider this law, which disunited thousands of Palestinian families for demographic reasons hidden behind security pretexts, a crime against humanity. This law adversely affects the rights of Palestinian spouses residing in Jerusalem and the Occupied Palestinian Territories (OPT) to reunite with their families, although International Law guarantees this right to all other people. This law constitutes the other side of the Israeli Law of Return, which discriminates positively in favour of Jews and negatively against Palestinians.

This law is racist par excellence, as it targets Palestinians and persons of Palestinian origin in this particular capacity disregarding whether their place of residence is Jerusalem or other occupied territories. The law freezes decisions on reuniting Palestinian families in occupied Jerusalem, imposes stringent restraints on reuniting partners, precludes building family life and limits their options in marital and family relations.

### **Background**

Reviewing the Israeli decisions on family reunion for Blue ID holders married to Palestinian ID holders reveals that they follow a discriminatory legal track that intensifies with time. In 2003, the Israeli Knesset enacted the “Citizenship and Entry to Israel Law”, later known as the Reunion Law. It initially constituted “temporary provisions”, that aimed at freezing the measure that

previously enabled family reunion if one of the spouses was Palestinian from OPT (Gaza and the West Bank), while the other was an Arab-Israeli citizen or a Palestinian permanent resident of Jerusalem.

In 2005, some small exceptions were added to the prohibition, but without changing the essence of that discriminatory law. Those included rising the age of children allowed to live with the parent-citizen of East Jerusalem from 12 to 14 years, in addition to another amendment that enabled reunion for husbands over 35 years of age and wives over 25 years of age, with a special permit from the Israeli Minister of Interior.

Another amendment occurred in 2007, extending the ban to include the reunification of families if one of the spouses was from Iran, Lebanon, Syria or Iraq, which Israel considers enemy states. In 2017, the Israeli Parliament extended the validity of this law for another year for the 15<sup>th</sup> time. Family reunification with Palestinian spouses from Gaza is still prohibited according to a special decision the Government of Israel (GOI) had adopted in 2008.

Laws generally aim to grant rights, rather than expropriate them. However, the Citizenship and Entry to Israel Law, with its amendments and 15<sup>th</sup> extension until 2017, though provisional, constitute discriminatory laws that the occupation state enacted to prohibit family reunion. It deprives the Palestinians residing in Jerusalem and married to persons from the West Bank and Gaza from a right that the Israelis enjoy in the occupation state, i.e. the right to live with their families in the place they choose, the right to exercise their family life and the right of protection against arbitrary or illegal separation from family. Not only does the law prevent family reunion, it also does not allow for considering applications in accordance with the “gradual procedures” system, which takes several years to verify the validity of the marriage. Ironically, while the Palestinian citizens face lengthy and complicated security measures, Jewish persons enjoy facilities to come to Israel through the “Return to Israel Law”, simply by proving their Jewish origin.

### **The impact of the Law on women**

- i. Human rights are indivisible. Similarly, human rights violations are indivisible. This is made clear through the violations that Jerusalemite women and Palestinian women from the West Bank and Gaza face because of their deprivation from the right of family reunion. Freezing the family reunion applications has created a harsh reality for tens of thousands of Palestinian families. Spouses cannot live under the same roof. Children are forced to grow in single parent families, although their parents want to live together. Those persons cannot go abroad to seek medical treatment because Israel will not issue them a new visit permit. Tens of thousands of women in OPT do not have any legal status, face the continuous threat of displacement, are imprisoned in their own houses and cannot lead normal lives. These violations forced many women to take options that are costly economically, socially, psychologically and health wise. Such options include:
  1. Residing outside East Jerusalem, i.e. in other areas within OPT with their husbands, to maintain some family stability. At the same time, they rent a house inside Jerusalem and pay the municipal taxes and service bills to prove that the city constitutes the “centre of their lives”. They enrol their children at Jerusalem schools

- to be able to keep the Jerusalem ID, which doubles their economic, social and psychological burdens.
2. Jerusalemite women who choose not to apply for family reunion and move to the West Bank and Gaza to live with their husbands are at risk of losing their residence in Jerusalem, and consequently lose most services and social security, health insurance and education. A Jerusalemite woman described her feelings when she lost her health insurance because of marrying a husband who holds a Palestinian ID. “
  3. Jerusalemite women, who decide to live with their children in separation from their husbands, due to fear of losing their permanent residence in Jerusalem, are forced to give up work or participation in public life to focus on raising their children. Culturally, women are expected to play major roles in raising and caring for children, hence the development and progress of a group of Jerusalemite women is impeded.
- ii. The couples who decide to live together in East Jerusalem, in contravention with the above-mentioned law, cannot enjoy a normal family life. The majority must obtain temporary permits in the best-case scenario, if they are eligible according to the criteria of the occupation state. These permits are renewed on an annual or bi-annual basis, which requires a complicated procedure of collecting electricity and water bills, salary slips, and school certificates as well as going to interviews. Those persons live in continuous instability, because of the gap between the date of expiry of the permit and the date of issuing a new one. Furthermore, holders of temporary permits are not entitled to obtain driving licenses or receive healthcare services or national insurance allowances.
  - iii. The spouses whom Israel denies temporary permits; their suffering starts with their illegal presence in Jerusalem according to the occupation’s criteria. This adversely affects the family, particularly women, whereby the whole relationship is put at stake. The father may be expelled or imprisoned, and released on bail with a warrant pledging not to return. This situation may ruin the family structure, and impede their participation in happy or sad social occasions. It also restricts their opportunities to participate in public life. Moreover, the woman lives amid a conflict between the desire for family stability and avoiding depriving the children of one of the parents, and upholding her right as provided by the law, most importantly her right to choose her life partner.
  - iv. The differences in the judicial systems, especially in family cases that may go to the court, such as divorce, alimony, and child custody, aggravate the suffering. Hence, Palestinian women suffer from double discrimination in their right of residency, both as Palestinians and as women. A Jerusalemite woman expressed her concern for the future of her children and maintaining her custody, which requires complicated measures. These include proving the place of residence and the associated costs (Arnona, rent, proof of enrolment at Jerusalem schools, water and electricity bills). Moreover, women fear that the husbands may take the children to the Palestinian Authority’s (PA) areas, which makes it difficult for women to restore custody, because of the lack of Israeli control over PA areas.
  - v. Moreover, a female holder of a Palestinian ID from the West Bank or Gaza and married to a holder of a Jerusalem ID cannot go to Israeli courts to ask for separation in fear of facing imprisonment and displacement, since her presence in Jerusalem is illegal according to the Israeli laws, especially if she did not possess a permit.
  - vi. The residents of East Jerusalem have been the main victims of this law that led to a severe decrease in the rate of marriages with persons from the West Bank, because of

concern over the consequences of this law on their family lives; this may have serious repercussions on the Palestinian society.

### **International legal standards**

The “Citizenship and Entry to Israel Law” is one of the most controversial laws that explicitly targets Palestinian residents of Jerusalem, for no reason except their national origin. Hence, this law legitimizes grave encroachment of rights; it gravely encroaches upon the right to family life of tens of thousands of citizen-residents of Jerusalem and the citizens of the Palestinian Territories too. The Citizenship Law violates international human rights standards, which prohibit discrimination, i.e. equality before the law without any form of discrimination. They also provide for protecting the family as the natural and fundamental collective unit in the society, the right to enjoy the protection of the society and the state and the right of men and women to marry and build a family upon reaching the marriage age.

This law and its regulation, particularly on family reunion constitute a direct and indirect violation of several provisions of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), including articles 2, 5, 9, 11, 12, 15(4) and 16, either partially or fully. Moreover, with respect to International Humanitarian Law, it violates Article 27 of the Fourth Geneva Convention, which grants civilians the right to respect their “persons, honours and family rights”.

### **Recommendations**

1. Demand that UN agencies and international organizations assume their responsibilities in protecting Jerusalemite women and have presence on the ground in Jerusalem in accordance with International Law, through activating mechanisms of international monitoring of the violations of conventions, laws and treaties pertinent to women rights, especially UNSC Resolution 1325 on the protection of women in armed conflicts.
2. Demand that the international community invokes mechanisms of international accountability to compel Israel to stop its practice of forcible displacement against Jerusalemite women and their families, including annulment of the Citizenship and Entry to Israel Law, because of the Law’s racial discrimination against them.
3. Demand that the international community follows up the UN resolutions that support Palestinian rights, including their right to self-determination, which requires urging the different states and lobbying with the concerned international agencies to implement these resolutions.