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## Human Rights Council

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**Human rights situation in Palestine and other  
occupied Arab territories**

## **Written statement\* submitted by Women's Centre for Legal Aid and Counseling, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2023]

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\* Issued as received, in the language of submission only.



## **The Impacts of the Ban on Family Reunification on Palestinian Women in Jerusalem**

On 31 July 2003 the Israeli parliament passed the Citizenship and Entry into Israel Law (temporary order), banning family reunification for Palestinians. This law prevents only Palestinians from obtaining residency licenses in Israel including in illegally annexed East Jerusalem based on their conjugal relationship, while illegal Jewish settlers are not banned.

Exceptions are very limited, subject to Interior Minister's discretion, and entails the engagement in different forms of institutionalized discrimination.

The fact that the eligibility for a Palestinian spouse from the West Bank to retain their residency license rests on the survival of the couple's marriage, the ban effectively reinforces a patriarchal structure, leaving women dependent on their male spouses for residency status, perpetuating gender dynamics and inequality in all aspects of women's lives, and it positions them in a subordinated and defenceless position, leaving them more vulnerable and subject to systemic injustices.

The below categories are the repercussions of the exceptions on spouses who move from the West Bank to reside with their Jerusalemite spouse, holder of a permanent residency:

### **I. Domestic Violence**

Domestic violence victims often avoid reporting incidents to Israeli police due to fear of divorce, separation from children, and forced return to the West Bank. They can apply to a humanitarian committee for permission to remain in Jerusalem, but the process can take years. Until the committee decides on the case, the Israeli Ministry of Interior can extend the stay permit for six months at a time, however the process is casted with perpetual uncertainty. Thus, the male spouse becomes the ultimate master, determining the fate of the woman and dictates the course of her life.

### **II. Child Registration and Custody:**

In case of a Palestinian Jerusalemite father with permanent residency and a West Bank mother, child registration requires a special procedure. Israeli laws only allow permanent residency holding parents to register children, excluding the mother. In case of divorce or death child registration and custody become a byzantine problem. If the father dies before child registration; mother cannot register the child, even if she has a stay permit or temporary residency, unless a humanitarian committee permits. Only transferring custody to a first-degree relative of the deceased parents allows registered children. In divorce cases, parents may share child custody, but the Israeli Ministry of Interior requires exclusive custody for the child by the parent who holds permanent residency for the child registration. Children under 14 are eligible for residency status, while those between 14 and 18 are considered only for a stay permit. However, individuals older than 18 are disqualified from obtaining any civil status in illegally annexed East Jerusalem - rendering them statusless.

### **III. Alimony**

In divorce cases, Israeli courts may grant alimony to a mother who united with her husband in Jerusalem. These mothers can file a claim to the Israeli National Insurance Institute and receive immediate reimbursement. However, Palestinian mother from the West Bank with a stay permit or temporary residency license cannot claim alimony from the Institute, she must rely on the Israeli Department of Execution and wait for a court ruling to support her alimony claim. In cases where a father from the West Bank returns to the West Bank, implementing the order is impossible, leaving the mother without financial support.

#### **IV. Bigamy**

Under the Israeli penal code bigamy is a crime, but if a husband, holder of permanent residency, decides to marry a second wife, he usually divorces the first wife in Israeli courts, and remarries her in Sharia courts, and marries the second wife in Israeli courts leaving the first wife forced to live 'statusless' in Jerusalem, deprived of social security rights, and under fear of being caught by Israeli police.

#### **V. Health Insurance and the Right to Health**

Israeli laws exclude Palestinians from the West Bank who are married to Jerusalemite permanent resident holders from health insurance for 27 months. During the period of 27 months, the spouse from the West Bank will have to get private health insurance, which costs a lot of money. After this period ends the spouses who hold permanent residency are obliged to pay a one-off payment of 1.860 NIS and 310 NIS monthly if legally residing in Israel; this applies only to spouses from the Occupied Palestinian Territory, as Israeli citizens marrying foreign women are not required to pay the 1.860 NIS amount. In the event of failing to pay the monthly health insurance dues for two to three months, it results in a six months revocation of their insurance, even if they pay the debt retroactively, this six months revocation only applies for spouses from the Occupied Palestinian Territory.

#### **VI. Driving License**

West Bank spouses are prohibited from driving cars in Israel for three years after obtaining a stay permit within the exception of the ban. After three years, they can apply for a permit to drive a car, however only for one car, and they are banned from driving any other vehicle. The driving permit must be renewed annually for the same requirements as in the first application of a driver's license. In comparison, Israel allows spouses from other countries to drive any car from day one.

#### **VII. The Ability to Open a Bank Account**

Prior to 2014, Palestinians spouses from the West Bank were unable to open bank accounts in Israel. However, in 2014 they were allowed to open bank accounts in Israeli banks. Despite the permission, Israeli banks often reject their applications without explanation and only after legal representation and multiple applications they may be allowed eventually to open it. This delay in processing applications leaves the spouse without a bank account and forces them to find alternative solutions. The inability to open a bank account directly impacts financial independence and access to essential services.

#### **VIII. Freedom of Movement**

Palestinian spouses from the Occupied Palestinian Territory face obstacles in international travel. They cannot fly abroad via Israeli airports, unless they submit an application in advance, which takes lots of time to be processed and its outcome is never certain. They usually cross the Jordan bridge - a long detour - which easily adds 24 hours to the trip and additional expenses. To return without jeopardizing their civil status, spouses from the Occupied Palestinian Territory must apply for a re-entry visa to the Israeli Ministry of Interior and submit an online request to Israel's security apparatus for permission to board an aircraft. Additionally, Palestinians with a stay permit cannot cross through all checkpoints between the West Bank and Jerusalem, but only through specific ones, often making their travel from the West Bank to their home in Jerusalem take hours.

## **Conclusion and recommendations:**

Within the exceptions the ban allows, Israeli apartheid continues to reverberate its sinister echoes into every facet of Palestinians lives. This situation underscores the urgent need to address the systematic discrimination, barriers and inequities faced by Palestinian women in Jerusalem. Accordingly, we call on the Council and Member States to:

I. Recognize and declare that Israel has established and upholds an Apartheid system vis-à-vis the Palestinian people with the explicit objective of securing Jewish domination, superiority, and hegemony over both the land and its inhabitants.

II. Call on Israel to immediately revoke the inequitable discriminatory ban on family reunification and allow Palestinians unconditionally to live with their families wherever they wish in the Occupied Palestinian Territory, including in the occupied Eastern part of Jerusalem.

III. Call on Israel to promptly cease the implementation of its domestic law in the illegally annexed Eastern part of Jerusalem.

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Community Action Center- Al-Quds University, NGO(s) without consultative status, also share the views expressed in this statement.