

AMNESTY INTERNATIONAL

Public Statement

AI Index: MDE 15/022/2007 (Public)
News Service No: 058
22 March 2007

Israel / OT: Amnesty International condemns Israeli Knesset's extension of discriminatory law denying family unification to Palestinian spouses of Israelis

The Citizenship and Entry into Israel Law (Temporary Order), which the Knesset, Israel's parliament, yesterday extended until 31 July 2008 with widened provisions is profoundly discriminatory. It is explicitly discriminatory against Palestinians from the occupied West Bank and Gaza Strip since it is used to prevent them from living with spouses in Israel. It also implicitly discriminates against Palestinian citizens of Israel (Israeli Arabs), who form 20% of the population of Israel, and against Palestinian residents of Jerusalem, as it is most often they who marry Palestinians from the Occupied Territories.

The Law imposes blanket bans, which cannot be justified by genuine security concerns. It does not allow family unification with Israeli spouses for men aged between 18 and 35 and for women aged between 18 and 25 who are residents of the Occupied Palestinian Territories. Over that age, the amended law extends the denial of family unification to other relatives and in-laws of anyone suspected of hostile Israeli activity (which carries a very broad definition, including such offences as stone-throwing, demonstrating and other political activity).

Amendments also ban family unification to spouses from four "enemy states": Syria, Lebanon, Iraq and Iran. This would mean, for example, that family unification would be forbidden also for a spouse with joint Iraqi/US or US/Lebanese citizenship.

In what was supposed to be a gesture to the law's critics, an "Exceptional Cases Committee" has been set up to consider individual cases on a "humanitarian" basis. The five-person committee will include a representative of the Ministry of Defense, the General Security Services (*shinbet*) and the Population Registry.

The Israeli Knesset's extension of the law came less than two weeks after the United Nations Committee on the Elimination of Racial Discrimination called for it to be revoked. Israel became a state party to the International Convention on the Elimination of all Forms of Racial Discrimination on 3 January 1979, assuming the obligation to respect the Convention and implement its provisions. The Convention prohibits discrimination based on race, colour, descent, or national or ethnic origin. On 9 March 2007 the Committee said of the law:

Such measures have a disproportionate impact on Arab Israeli citizens wishing to reunify with their families in Israel. While noting the State party's legitimate objective to guarantee the safety of its citizens, the Committee is concerned that these "temporary" measures have systematically been renewed, and have been expanded to citizens of "enemy States". Such restriction targeting a particular national or ethnic group in general is not compatible with the Convention, in particular the obligation of the State party to guarantee to everyone equality before the law.

In a hearing before Israel's Supreme Court in May 2006, six of the 11 judges agreed that the law affected family life to a disproportionate extent; however the majority of judges allowed it to continue. When the Law was extended for three months in January, the Court agreed to hear a petition on the unconstitutionality of the law by March. However, the fact that this amended law has now been passed means that this hearing is likely to be postponed for months, to give 30 days for the petitioners to amend their petition and 45 days for the state to respond before a new date is fixed.