

So Near and Yet So Far: Implications of Israeli-Imposed Seclusion of Gaza Strip on Palestinians' Right to Family Life

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After the 1967 occupation, Israel enabled Palestinians to travel relatively freely between the West Bank, the Gaza Strip and Israel. Residents of the West Bank and the Gaza Strip who married Israeli citizens or Israeli residents (i.e., East Jerusalem Palestinians with Israeli ID cards) could receive permanent residential status in Israel through the family unification process. This policy facilitated the renewal of family ties and the creation of new ties of marriage, work, etc.

However, once the first intifada began in late 1987, Israel started imposing restrictions on the freedom of movement of West Bank and Gaza Palestinians. At present, it is practically impossible for Palestinians to travel between the West Bank and Gaza. There is also absolutely no possibility for Gaza residents to receive official status in Israel or East Jerusalem and live there with a local spouse.

Israel's restrictions on entering and exiting Gaza sentence family members to separation, and force mixed Gaza-West Bank or Gaza-Israel couples to live without a normal routine, governed by a host of bureaucratic constraints. Tens of thousands of people must live with this impossible reality in which the state infringes on the most intimate aspects of their lives through many procedures with strict criteria that are virtually impossible to meet. The most fundamental and apparently simple matters such as raising a family, living together with one's partner and children and regular contact with the relatives of both partners, are rendered impossible and impracticable. All procedures for entering and exiting the Gaza Strip are contingent on security clearance. If Israeli authorities deny clearance – even if the alleged security concerns relate to a relative and not to the actual applicant – there is no possibility to enter or exit Gaza.



Woman waiting at Erez Crossing at Gaza-Israel border, Oren Rosenfeld, 19 March 2009

Passage between the Gaza Strip and the West Bank

Israel prohibits all passage between the Gaza Strip and the West Bank, except in very few exceptional humanitarian cases of first-degree relatives involving serious illness, death or a wedding. Even then, not all requests are granted and some are granted too late to be relevant, such as requests to attend a wedding, a funeral or visit a sick relative in hospital.

Being married to a person from a different area is not a criterion that merits a permit for travel between the Gaza Strip and the West Bank. As a rule, Israel does not allow Palestinians to register a change of address in their ID cards from the Gaza Strip to the West Bank. As of 2007, Israel has considered Palestinians who live in the West Bank but are officially registered in Gaza to be “illegal aliens”, unless they receive a permit from the Civil Administration to be in the West Bank. Consequently, residents of Gaza who are found to be without permits in the West Bank may be expelled and sent back to Gaza. After Israel’s High Court of Justice intervened, Israel undertook not to expel persons who had moved from Gaza to the West Bank prior to September 2005, the date Israel’s Disengagement Plan from Gaza was completed. As part of a diplomatic gesture of goodwill to the Palestinian Authority, the state also undertook to update retroactively the addresses of 5,000 Palestinians who were registered as residents of Gaza, despite many years’ of residence in the West Bank.

In practice, however, Israel did not fill this quota. Tens of thousands of Palestinians who live in the West Bank but are still registered as residents of Gaza must undergo bureaucratic procedures akin to immigration procedures before the military is prepared to recognize the “legality” of their presence in their homes, on their land. On the flip side, West Bank residents who want to move to the Gaza Strip to live with their Gazan spouses can do so easily, as long as they pledge they are relocating permanently to Gaza. Once they make such a pledge, they too may return to the West Bank to visit their families only under the extreme circumstances of death, illness, or the wedding of a first-degree relative.

Travel between the Gaza Strip and Israel

An Israeli government resolution ratified in 2008 effectively annulled the option of family unification by Gaza residents with their spouses in Israel, forcing such couples to live in the Gaza Strip or live apart. Couples who choose to live together in Gaza must comply with the “split family procedure”, which enables the Israeli partner to live in Gaza contingent on renewal of the permit every six months.

These permits are mostly granted to women. Although able to leave the Gaza Strip freely, these women can only file a request to return home to Gaza once in Israel. Processing the request may take weeks on end, and sometimes even longer during periods of high security alerts in Gaza. Consequently, many women are forced to stay in Israel, away from their spouses and children in Gaza. They must stay in Israel for much longer than they had planned and without knowing when they will return. The uncertainty and fear of prolonged separation from their families, especially in the case of women who are mothers, deter many women from leaving Gaza to visit their relatives in Israel. The split family procedure provides no arrangements for travel to Israel by children of women who have Israeli residency (of East Jerusalem). These children, who do not have Israeli residency status themselves, cannot enter Israel with their mothers and in practice Israel allows only children under the age of six to do so. Implications of Israel’s policy

In traditional Palestinian society, a wife is expected to move in with her husband’s family. Therefore, women are those primarily affected by the procedures that Israel has instituted. Women residents of Gaza who marry residents of the West Bank are forced to leave their families and familiar surroundings behind, with no option of returning for visits except in exceptional circumstances. Those who did not succeed in updating their addresses in the West Bank live in constant fear that they will be sent back to Gaza, away from their homes, spouses and children. Women residents of the West Bank who marry residents of Gaza face similar conditions, with the exception of being allowed by Israel to update their addresses. Women citizens and residents of Israel who marry residents of Gaza and wish to live with their spouses must relocate to Gaza. Then, every time they visit Israel, they are dependent on bureaucratic procedures of indeterminate length, during which time they are separated from their families in Gaza. The stringent procedures instated by Israel take an especially heavy toll on divorced women: going back to their families in Israel

severs them from their children, as Islamic law grants custody to the father. Israel's obligations

Israel operates under the premise that the right to family life does not include a couple's right to choose where they wish to live, assigning that decision to the state. This premise holds true unless the couple chooses to live in Gaza, in which case the state respects their choice. Israel claims that this approach is grounded in the state's exclusive authority to decide who is allowed to enter its territory, and on security concerns. Yet the fact that Israel freely allows Palestinians to relocate from the West Bank to Gaza for the purpose of living with a spouse renders the security argument questionable. As Israel allows such relocation with ease, it seems that the alleged security concerns may actually mask unacceptable demographic interests. In the absence of individual justification for such a grave violation of basic rights, this policy constitutes a breach of Israel's obligations under international law. Moreover, Israel classifies the Gaza Strip "a hostile entity", citing it as a collective security concern. This forms the basis for blanket prohibitions that do not balance security concerns with Palestinians' rights to family life and to freedom of movement.

B'Tselem and HaMoked: Center of the Defence of the Individual call upon Israel to respect the right of all Palestinian residents to family life and to freedom of movement, and to allow them to choose where to live. When one spouse is a resident of the West Bank, the couple must be allowed free movement – subject to individual security checks – between Gaza and the West Bank, which constitute a single territorial unit. Israel must also enable residents of Gaza who marry Israeli citizens or residents to live with their spouses, and enable residents of Gaza to maintain regular family ties with relatives in Israel, East Jerusalem and the West Bank.