



המוקד להגנה הפרטית

HAMOKED

Center for the Defence of the Individual

هموكيد - مركز الدفاع عن الفرد

Child Registration in the Palestinian Population Registry

With the onset of the occupation in 1967, Israel conducted a census in the West Bank and Gaza Strip. Palestinians who were present in the Occupied Palestinian Territories (OPT) were recorded as permanent residents in the population registry. Since then, Israel has allowed only the registration of minors under the age of 16 who have at least one parent who is an OPT resident.

In 1995, as part of the Oslo Accords, the Palestinian Authority was given exclusive powers to enter children under the age of 16, including those born abroad, in the population registry. In reality, Israel grossly breaches the Oslo Accords agreement and by requiring the child's actual presence in the OPT during registration. Israel thus effectively controls registration, given that minors, with the exception of children under 5, must receive visitor permits from Israel in order to enter the West Bank and Gaza.

Whenever it chooses to do so – as it did for five years beginning in November 2000 – Israel freezes all residency related processes, including granting visitor permits for the purpose child-registration, and in so doing, it deprives thousands of Palestinians of their right to residency in their country.

1967	Israel conducts a census in the West Bank and the Gaza Strip Palestinians who are present in the OPT are registered as permanent residents in the population registry.
1967-1987	Israel permits minors under 16 who have at least one parent who is an OPT resident to be registered in the population registry
13.9.1987	Israel tightens military legislation concerning child registration in the OPT: <ul style="list-style-type: none">• A child born in the OPT who is under 16 will be registered provided both his parents are residents.• A child whose mother alone is an OPT resident, will be registered provided he still under age 5.• A child over the age of 5, born outside the OPT, will not be registered. The order creates an absurd situation in which children who were registered before the order entered into effect, are official residents, while their siblings, born afterwards, are "illegal aliens".

17.1.1995	<p>The military introduces a new requirement: having one parent who is a registered OPT resident is no longer sufficient for the purpose of child registration, the parent must now prove the OPT is his permanent place of residence</p> <p>However, the military revokes the harsh provisions of 1987 and raises the cut off age for registration from 16 to 18. The military thus brings the legal definition of a minor in the OPT on par with the one in effect inside Israel.</p>
24.9.1995	<p>The Oslo Accords: the Palestinian Authority gains sole authority over the registration of children under 16 in the population registry, provided one of their parents is an OPT resident</p> <p>In reality, Israel blatantly breaches the Oslo Accord and requires the child's physical presence in the OPT during registration. In so doing, Israel effectively retains control over the registration, given that, with the exception of children under 5 who enter the OPT as companions of their parents, minors are required to obtain visitor permits in order to enter the West Bank and Gaza.</p> <p>It should be noted that in the Oslo Accords, Israel reinstates age 16 as the cut off age for child registration in the OPT. As such, the legal definition of a minor in the OPT conflicts with both international law and Israeli law.</p>
1997	<p>HaMoked in petitions the High Court of Justice to instruct the military to register Palestinian children under 18 as OPT residents</p> <p>HaMoked argues that the military contravenes the amended order of January 1995, whereby: "[Any child] under age 18 is entitled to be registered in the population registry [...]". Furthermore, HaMoked argues that the Convention on the Rights of the Child, to which Israel is a signatory, establishes the best interests of the child as the primary consideration in all actions concerning children under 18 years of age. The court rejects the petition.</p>
October 2000	<p>The second intifada: Israel imposes a complete freeze on all OPT resident related processes, including the issuance of visitor permits for child registration purposes</p>
2005	<p>Following HaMoked's petition, after a five year freeze, Israel resumes issuing visitor permits for children under 16 for registration in the Palestinian population registry</p>
2006	<p>As a result of the Israeli freeze and Israel's refusal to consider the child's age on the date of application as the deciding age: many Palestinians have lost – according to the Israeli position – their eligibility for residency</p> <p>In most cases handled by HaMoked, some through petitions to the HCJ, the military ultimately approves the child registration.</p>
April 2006	<p>With Hamas' rise to power, Israel announces a complete severing of relations with the Palestinian Authority, and again freezes the processing of applications for visitor permits needed for child registration</p>

June 2006	<p>HaMoked petitions the High Court of Justice for approval of visitor permits and late registration of children who turn 16 during the Israeli break with the Palestinian authority</p> <p>In many such petitions, Israel approves the registration of children over 16 before the HCJ delivers its verdict, in order to avoid a judicial debate on the issue of principal.</p>
2007 and onwards	<p>Following HaMoked's intervention, the military lifts the freeze on child registration procedures and implements a relatively regular procedure for issuing visitor permits to children under 16 for the purpose of registration in the Palestinian population registry, based on the Oslo Accords</p> <p>HaMoked continues to petition the court and otherwise handle cases of Palestinian children whose entry to the West Bank for registration is denied by the military.</p>