

responded. The State rescinded its decision to negate the residency of seven of the petitioners. On a wider level, the State announced that residents of East Jerusalem who moved to the peripheral neighborhoods of Jerusalem and retained their connection to the city will be able to keep their Jerusalem residency. Apart from these concessions, the State continued to defend its policy to revoke residency and continues to argue that no new policy is involved. The High Court judges will hear this petition in April 1999.

#### Living as a Family: The Closure and Divided Families

Since 1991 (the Gulf War), the Occupied Territories are subject to an ever-tightening closure. One of the most serious outcomes of the closure is the severance between the parts of East Jerusalem annexed to Israel and the rest of the Occupied Territories. In numerous East Jerusalem families one of the relatives holds an identity card of the Israeli military government of the territories (and today of the Palestinian Authority). If in the past this did not prevent residence in Jerusalem, now the non-resident relative must receive a permit to enter the city and live there legally. Until March 1996 these permits were given to the non-resident spouses of Jerusalem residents in the framework of a "divided family regulation," initiated by HaMoked. However, in the beginning of 1996 this regulation was cancelled and these families now faced an impossible dilemma: If they move to the territories, they would threaten their requests for family reunification and risk their status in the city, as the requests are dependent on proving center of life in Jerusalem. If they did not leave the city, the couple would be forced to live apart and maintain two households, or the non-resident spouse would be forced to reside in Jerusalem illegally. In the summer of 1997 HaMoked submitted a High Court petition to renew the divided family regulation, and in its wake the problems of the majority of the individual petitioners were solved. The petition remains pending concerning HaMoked's demand to renew the regulation for the entire Palestinian population. Toward the end of 1998 the State Attorney's office announced that a new regulation for issuing permits to divided families had been formulated and would be implemented soon.

#### To Give Birth Without Worries: Social Rights of the Mother

The law of national insurance guarantees that a resident of Israel who is due to give birth does not have to worry about the costs involved. The law determines procedures according to which the matter of covering the costs of birth will be arranged directly between the hospitals and National Insurance Authority. However, this is not true for residents of East Jerusalem. Residents of East Jerusalem were forced by the hospitals to receive a special form from the National Insurance Authority that it would indeed defray the costs of birth. The National Insurance Authority, for its part, did not hurry to provide this form prior to commencing a lengthy process of investigating the center of life of the East Jerusalem residents, a process almost never completed by the time of birth. With the absence of this form from the National Insurance Authority, the hospitals demanded that the women themselves cover the costs of birth.

Toward the end of 1997, HaMoked and other organisations submitted a High Court petition against these discriminatory regulations. As a result, the National Insurance Authority announced a major change already in the beginning of 1998. Now, when both the husband and wife are residents of Jerusalem, the woman will not be forced to receive a special form from the Authority but will be treated as all other women giving birth in Israel.

However, if the husband is not a Jerusalem resident the National Insurance Authority remained firm in its demand that an investigation into the woman's "center of life" be conducted before it would guarantee to cover the costs of birth. However, the Authority did agree that if the woman turned to it by the end of the first trimester of pregnancy and if the investigation was not concluded by the time of birth, it would also guarantee to cover the costs. This proposal, in the opinion of HaMoked, was an empty one: The woman should not be expected to notify the authorities of her pregnancy at such an early stage, when she herself may not know or have told her family members. Even the judges of the High Court expressed the opinion that this arrangement is unreasonable. With the pressure of the court, the National Insurance Authority agreed that this arrangement would be applicable for women who notify of their pregnancy by the sixth month.

The new arrangement is still discriminatory. Until the birth itself, the woman is forced to live with uncertainty about whether she will be faced with a hospital bill of thousands of shekels. She is still forced to notify the National Insurance Authority of her pregnancy, a demand not made of other women in her situation. She is still exposed to investigations which are generally unfair and humiliating. With this, the new arrangement does neutralise one of the more cruel means which the authorities found to harass East Jerusalem residents at the critical moment of birth.

#### When the Child is Sick: Health Insurance for Children

There is no need to expound upon the critical importance of medical treatment for children, especially in the earliest stages of their lives. The national health law is intended to ensure that every resident of Israel receives health care with no regard to his or her economic situation. The law stipulates, among other things, that each resident register his children with a health cooperative. However, as usual, the procedure is different for residents of East Jerusalem. The children of Jerusalem residents do not automatically receive identification numbers in the hospital, and the procedure for registering them in the Ministry of Interior is liable to take years. As long as the children have no identity numbers, they do not appear on the computers of the health cooperatives and while the National Insurance Authority does award temporary numbers, this is also a lengthy procedure. The National Insurance Authority conducts an investigation into the center of life of the parents, an investigation which lasts many months. Even when the investigation is concluded it takes many months and even years until a temporary number is awarded. During this entire time the child does not receive vital medical care or, if the financial situation of the parent's permits it or if the child is extremely ill, he or she receives private and expensive care.

In May 1998, HaMoked and Physicians for Human Rights (PHR) petitioned the Jerusalem Labour Court in the name of ten children from whom medical care was prevented in this manner. As with cases previously mentioned, the very submission of this petition resulted in the solution to the individual problems of the petitioners themselves. However, no progress was made with the overall situation as the court refused to discuss the principled difficulties raised in the petition.

It must be noted that the position of the Public Complaints Commission of the national health law is that it is impossible that health insurance not be given to an infant until the National Insurance Authority conducts an investigation and awards temporary identification numbers. This position was recently expressed in the yearly report of the commission.

HaMoked and PHR will soon be submitting a High Court petition in this matter.

#### Registering Children with the Ministry of Interior: Update

The procedure for registering children in the Ministry of Interior continues to be arduous. This is especially true when the child's father is not a resident of Jerusalem, but HaMoked has also encountered cases in which the Ministry of Interior causes difficulties with the registration of children whose father, or even both parents, are Jerusalem residents. With this, HaMoked has a high success rate in registering children and the length of time required has been shortened, especially when a newborn's sibling was registered in the not so distant past. At the same time, a new form of harassment on the part of the Ministry of Interior must be noted. In at least two cases, in which the registration of children was approved, the Ministry of Interior provided these children with a temporary permit to reside in Israel. This permit includes an identity number, and is intended to mislead the parents as the problem of registration is seemingly solved. In reality, however, an additional bureaucratic procedure is required with the passage of one year. This new form of harassment is patently illegal, as the law stipulates that children must receive the status of one of their parents and not a third status.

#### Family Reunification - Update

It is also possible to outline progress made on the individual level in the subject of family reunification. However, the Ministry of Interior is constantly placing even more formidable barriers in the way of families who wish to live together. The current policy of the Ministry of Interior is that when the family's center of life is in Jerusalem and there are no criminal or security suspicions against the non-resident spouse, family reunification will be permitted. However, this approval does not mean that a Jerusalem identity card will be awarded immediately to the non-resident spouse. Instead, the Ministry of Interior has commenced a "trial period" regulation for five years and three months, during which the eligibility for an identity card will be reexamined. During this trial period temporary residency permits, which must be renewed yearly, are given to the non-resident spouse.