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10 March 2010

ISR103375.E

Israel: The treatment of conscientious objectors called up for reserve duty or military service

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

A representative from Israel's Ministry of Justice provided the Research Directorate with a May 2009 government document outlining Israel's position on contentious objection (4 Feb. 2010). While noting that there are various reasons why an individual may be legally exempted from military service, the document specifically addresses the circumstances under which Israel will grant an exemption based on conscientious objection (Israel Feb. 2010, 1). The following information is contained in the document.

Israel's High Court of Justice has ruled that Israelis may be granted exemptions from military service on the grounds of conscientious objection (Israel May 2009, 1). The Israeli Defence Force (IDF) "respects the views of conscientious objectors, provided that it is satisfied that these views are genuine" (ibid., 1). Those wishing to obtain an exemption from military service on the grounds of contentious objection must appear before a "special military committee" composed of an officer with training in psychology, a member of the IDF Military Advocate General's Corps and an academic (ibid., 1-2). The IDF's Chief Enlistment Officer, or deputy, heads the committee (ibid., 1).

In addition to granting exemptions, the committee can also recommend that an enlistee be allowed "special treatment" (ibid., 2). For example, the committee can recommend that the individual be assigned to a non-combatant position or be exempted from carrying a weapon so as to fulfil his or her military service without compromising his or her beliefs (ibid., 2).

The committee determines if a claim for exemption is "truly conscientious, and not politically, socially or otherwise motivated" (ibid., 2). Even if an individual's motives are deemed "genuine," the committee will reject the claim if it appears to be based on "civil disobedience" rather than contentious objection (ibid., 2). Civil disobedience is defined as

...a form of protest, one that is motivated by ideological and political opinions and is oriented to influence a change in State policy; thus, it is usually performed publicly by numerous people, trying to "get a message across" to the authorities. The individual's needs and conscientiousness are not the reasons behind this phenomenon. (ibid., 2)

Moreover, the committee will not support a claim that it determines is based on "selective objection" (ibid., 3). In other words, the claim will be rejected if it stems from "ideological and political beliefs" that correlate to "the prevailing circumstances

under which duties need to be performed by the army" (ibid., 3) The government document states that being in the army inherently means individuals cannot choose which orders they wish to follow (ibid., 3).

Those who are denied an exemption must serve in the military; they are otherwise subject to disciplinary measures, including criminal prosecution (ibid., 2).

In correspondence with the Research Directorate, a Professor of Political Sociology at the Open University of Israel states that the military committee determines "genuine" conscientious objectors by examining the motives of those applying for exemption "in order to verify that the motives are conscientious rather than political. Much is drawn from personal impression" (27 Jan. 2010). In addition, a representative from New Profile, an Israeli movement that describes itself as a "counter-voice to government and military policy" (June 2009, 2), stated the following in correspondence with the Research Directorate:

In practice we know that only a very restricted definition of pacifism is recognized by the committee as possible grounds for exemption. Questions asked by the committee aim to establish that the person appearing before it is not in any way motivated to refuse by the Israeli army's conduct as an occupying force in the Occupied Palestinian Territories, that he or she would not accept any sort of unarmed military service as a compromise, that he or she would refuse to be part of a police force and would ... refuse to join any armed conflict under any kind of historical or hypothetical circumstances, and that he or she would never use force or ask others to use force in self-defense or to save others. (Feb. 2010)

In the opinion of the New Profile Representative, questions asked by the committee are "unfair" and any inconsistency in an applicant's answers or "note of 'impurity'" can serve as a basis for rejection (Feb. 2010).

Conscience and Peace Tax International (CPTI) and War Resisters' International (WRI) state that the IDF does sometimes grant conscientious objectors exemptions from military service (CPTI Dec. 2008, 2; WRI 29 Mar. 2009). CPTI is a non-governmental organization (NGO) based in Belgium that aims to gain "recognition of the right to conscientious objection to paying for armaments and war preparation and war conduct through taxes" (CPTI n.d.) and WRI is a network that supports those who "refuse to take part in war or the preparation of war" (WRI 24 July 2008).

CPTI states that the IDF is "very restrictive in its approach" to granting exemptions on the grounds of conscientious objection, adding that the military committee is not "impartial" because it is part of the military establishment (Dec. 2008, 2). New Profile also states that the army's definition of conscientious objection is "extremely narrow" (June 2009, 13).

Furthermore, sources indicate that those who do not wish to serve with the military because they are opposed to the IDF's actions in the Occupied Palestinian Territories are not likely to be granted an exemption on the grounds of conscientious objection (WRI 29 Mar. 2009; CPTI 13 Feb. 2009). WRI and New Profile state that such opposition is likely to be viewed as "political" (29 Mar. 2009; New Profile June 2009, 16).

Members of the Shministim, a group of "Israeli teenagers who refuse to take part in an army that [illegally] and brutally occupies the Palestinian Territories" have expressed their opposition to the occupation and have been imprisoned for refusing to serve with the IDF (Shministim n.d.; CPTI 13 Feb. 2009; *Counterpunch* 29 Aug. 2008; New Profile June 2009, 13; *Guardian* 16 Dec. 2008). According to the Shministim website, members of the group who refuse to serve with the IDF are sentenced to between 21 and 28 days in prison (n.d.). Similarly, in an article published on *YNet News*, an Israeli news website, a member of New Profile is quoted as saying that most "refuseniks" [those who refuse military service] receive a 28 day sentence (20 Aug. 2010). The *Guardian* corroborates this information, reporting on a member of the Shministim who received a four-week sentence (16 Dec. 2008).

Sources indicate that those who refuse to wear a military uniform while in

detention facilities must spend time in solitary confinement (Shministim n.d.; *Guardian* 16 Dec. 2008). New Profile states that only immediate family members are allowed to visit imprisoned draft refusers (June 2009, 13).

The *Electronic Intifada*, a "not-for-profit, independent publication committed to comprehensive public education on the question of Palestine..." (EI 1 Jan 2000), reports that Shministim members can be jailed in "repeated cycles" until they are 21 years of age or are provided with a discharge on the grounds of physical or mental health (6 Oct. 2009). Similarly, the *Guardian* reports that "the cycle of draft-refusal-punishment" can go on until a draft refuser turns 21 years old or is "discharged for some other reason (medical for example)" (16 Dec. 2008). The New Profile Representative stated the following:

...those who decide to refuse openly, and are not exempted by the Conscience Committee, are usually sent to prison on their enlistment date, after they refuse to join the military. The normal scenario is that they are then sentenced by a military officer to a relatively short prison term (the maximum penalty in such a disciplinary procedure is 35 days in prison; a full military tribunal has no such limitations, other than the maximum sentences set out in law - 3 years for refusing an order; 15 [years] for desertion - but conscientious objectors go before a full tribunal only in exceptional cases). However, when the prison term is over, the conscientious objector is again ordered to report at the military induction base, where she or he is again ordered to enlist and is sentenced to yet another short prison term for refusing to do so.

The present situation is that this cycle of repeated imprisonment goes on until the conscientious objector decides to opt for a psychiatric discharge instead. The last time an exemption on other grounds (incompatibility) was granted to a conscientious objector was in 2007 (to a woman, after five prison terms; the last case for men was back in 2004, to six men who spent in total about two years in prison each). (New Profile Feb. 2010)

Corroborating information on the number of conscientious objectors and on the last exemption on the grounds of incompatibility could be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The New Profile Representative also stated that young people who are conscientious objectors may choose not to be open about their reasons for refusing to serve with the military (*ibid.*). The New Profile Representative said such objectors may "choose an easier path" for obtaining an exemption:

Many [objectors choose] to apply for a medical, usually psychiatric, discharge and are successful in obtaining one. The process in itself is slightly easier and does not require making statements regarding conscientious objection or political views regarding the Occupation. Often even those objectors who have appealed to the Conscience Committee and failed to obtain an exemption are granted a psychiatric discharge before their enlistment ... although in some cases the military seems to have blocked this option. (*ibid.*)

The New Profile Representative stated that in recent years "only a handful" of declared conscientious objectors have been imprisoned, and "in most cases it was their choice, given the overall circumstances, to go to prison, rather than to get a psychiatric or other discharge" (*ibid.*).

With respect to the way in which conscientious objectors are treated by society, the Professor of Political Sociology stated that, for the most part, Israeli society "delegitimizes" conscientious objection, but added that "pacifists are more appreciated than selective refuseniks" (27 Jan. 2010).

The New Profile Representative stated that there is "high antagonism in Israeli society towards those who choose not to serve in the military," adding that there is:

...a very intensive campaign coordinated and supported by the government, military, and NGOs to encourage young people to enlist and to defame those who choose not

to.... Young people [who refuse] often feel ostracized, subjected to contradiction and criticisms, and rejection by their peers or by teachers. There have been individual cases where young men have been asked to leave their homes because they decided to refuse enlistment.... (New Profile Feb. 2010)

The New Profile Representative also indicated that "on the other hand, there is sizeable opposition" among Israeli youth to military policies (ibid.).

The New Profile Representative further said that many government benefits are granted exclusively to ex-soldiers and indicated that those who do not serve with the military have more limited job options (ibid.). In particular, the Representative stated that military service is considered to be a "legitimate prerequisite" for jobs in the security sector, which represents a large proportion of the total number of jobs available in Israel (ibid.). The New Profile Representative further stated that many employers outside the security sector will not hire those who avoided their military service, even though such discrimination is against the law (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Conscience and Peace Tax International (CPTI). 26 February 2009. Human Rights Council. "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development." Written Statement submitted by Conscience and Peace Tax International. (A/HRC/10/NGO/68) <<http://unispal.un.org/UNISPAL.NSF/0/67A2BF8F435D50D38525757700607FF6>> [Accessed 26 Jan. 2009]

_____. December 2008. "UPR Submission: Israel." <http://www.cpti.ws/cpti_docs/unhrcouncil/08/CPTI_UPR_Submission_Israel_December_2008.doc> [Accessed 21 Jan. 2010]

_____. N.d. "About CPTI." <http://www.cpti.ws/about/about_cpti.html> [Accessed 9 Feb. 2010]

Counterpunch. 29 August 2008. Neve Gordon. "The Ordeal of Sahar Vardi, Refusenik." <<http://www.counterpunch.org/gordon08292008.html>> [Accessed 11 Feb. 2010]

The *Electronic Intifada* (EI). 6 October 2009. Nora Barrows-Friedman. "Israeli Highschoolers Choose Jail over Occupation Army Service." <<http://electronicintifada.net/v2/article10816.shtml>> [Accessed 11 Feb. 2010]

_____. 1 January 2000. "Introducing the Electronic Intifada." <<http://electronicintifada.net/v2/article1387.shtml>> [Accessed 26 Feb. 2010]

Guardian [London]. 16 December 2008. Ben White. "Fighting on a Different Front." <<http://www.guardian.co.uk/commentisfree/2008/dec/16/israelandthepalestinians-humanrights>> [Accessed 15 Feb. 2010]

Israel. 4 February 2010. Ministry of Justice. Correspondence from an official.

_____. May 2009. Ministry of Justice. "Conscientious Objection." Obtained from an official.

New Profile. February 2010. Correspondence with a representative.

_____. June 2009. *Activity Report 2008*. <<http://www.newprofile.org/data/uploads/New%20Profile%202008%20Annual%20Report.pdf>> [Accessed 26 Jan. 2010]

Professor of Political Sociology, Open University of Israel, Raanana. 27 January 2010.
Correspondence with the Research Directorate.,

Shministim. N.d. "Who we Are." <<http://www.shministim.com/about>> [Accessed 3 Feb. 2010]

War Resisters' International (WRI). 29 March 2009. "Israel to Recognize Conscientious Objection?" <www.wri-irg.org/node/7089> [Accessed 26 Jan. 2010]

_____. 24 July 2008. "About WRI." <http://www.wri-irg.org/network/about_wri> [Accessed 16 Feb. 2010]

Ynet News. 20 August 2008. Yael Levy. " Conscientious Objector to IDF Service Jailed." <<http://www.ynetnews.com/articles/0,7340,L-3585534,00.html>> [Accessed 18 Jan. 2010]

Additional Sources Consulted

Oral sources: Jewish Voice for Peace was unable to provide information.

Internet sites, including: Association for Civil Rights in Israel (ACRI), Bat Shalom, The Bridge: Jewish and Arab Women for Peace in the Middle East, Breaking the Silence, Courage to Refuse, European Bureau for Conscientious Objection (EBCO), Fédération Internationale des ligues des Droits de L'Homme (FIDH), Freedom House, *Haaretz*, Human Rights Watch, Israeli-Palestine Centre for Research and Information (IPCRI), Jewish Voice for Peace (JVP), Middle East Research and Information Network (MERIP), Refusers Solidarity Network (RSN), World Council of Churches (WCC), Znet.

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