

CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Supplementary comments on **ISRAEL** for the 94th Pre-session of the Committee on the Rights of the Child

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In response to the question by Ms Skelton regarding the 2018 amendments to the Education Act, the most surprising thing was that they were new, and that they should have been considered necessary. The obvious intent was to legitimise the exclusion from access to schools any organisation critical of the Israeli Defence Force, and of militarisation in general. At the time, they were popularly known as the “Breaking the Silence” Law, as their particular target was seen to be that organisation of military veterans which collects and publishes testimony on army abuses. Naftali Bennet (later to be Prime Minister) who was the Minister of Education responsible for the amendments had criticised Breaking the Silence for damaging Israel’s image abroad and putting soldiers and officials at risk of prosecution for alleged war crimes. According to a report at the time in *The Guardian* “However, critics warn the law is so vague that it could apply to any person or body that criticises Israel to a foreign entity or government – for example, an Israeli rights group that submits an unfavourable report to a UN agency.”¹ In fact, without the assistance of this amendment, the anti-militarist group New Profile (“a movement of feminist women and men dedicated to the civilisation of Israeli society”) had already been subjected to such a ban, as reported by the International Fellowship of Reconciliation to the UN Human Rights Committee in 2014² - at the time it was believed to be the only organisation so affected, but its treatment was in stark contrast to the privileged access of military personnel and spokespersons to educational establishments. We do not have detailed information about the implementation of the amendment in practice; we can double-check with our colleagues in New Profile that “their” ban is indeed still in place; otherwise we have traced only a report in the *Times of Israel* of 17th January 2021 that the organisation B’Tselem was about to suffer such a ban.

The purpose of the amendment is clear; to restrict open debate and the free exchange of ideas within the education system, and to do so moreover in a direction directly contrary to the very spirit of the Convention on the Rights of the Child and of OPAC. In this it merely restates and reinforces the existing pervasive militarisation of Israeli education (the National Civilian Service alluded to in the amendment is not widely available as an alternative to military service; we understand that it is provided only for certain members of the ultra-orthodox community), an issue which was addressed by the Committee in paragraphs 26 and 27 of its Concluding Observations on Israel’s Initial Report under OPAC in 2010 but which was not raised in its subsequent examination under the Covenant itself. The same was true of the matters raised in paragraphs 18 to 23 of the OPAC Concluding Observations. We would enter a plea, not just in the case of Israel, but in general, that Concluding Observations under the Optional Protocols should be followed up in subsequent Lists of Issues no less assiduously than those adopted in the examination of Periodic Reports. We do not have any specific updated information; we believe the situation to be unchanged; but the State party should be challenged to show that it has taken action to address the concerns raised.

1 Holmes, O. “Israeli parliament votes to ban state and army critics from schools” *The Guardian* 17th July 2018

2 UN document INT_CCPR_CSS_ISR_18241

From our own perspective, we would also add a plea that, particularly in the case of Israel, the Committee should not ignore the issue of conscientious objection to military service. It has been a success of OPAC that no State still confesses to imposing obligatory military service on persons under the age of eighteen, therefore the question of conscientious objection rarely arises for the age group of concern to this Committee. However in Israel obligatory military service faces both men and women immediately after the eighteenth birthday, without even the possibilities of deferments for further study which are normal in other States. This is no accident – it is part of the same deliberate conditioning of young people to militarism which is made explicit in the amendment to the Education Law. At that point, the shortcomings of the provisions for conscientious objectors which have been identified by both the Human Rights Committee and the Working Group on Arbitrary Detention become very relevant, and in particular, given the inquisitorial investigation of claims of conscientious objection those who wish to have any hope of recognition as conscientious objectors are well-advised to establish their credentials at a younger age. This notwithstanding the fact that Article 18 of the ICCPR guarantees the freedom to change beliefs, and without any allowance for the particular importance of the teenage years in the individual's moral and intellectual development. In this context, given the activity of New Profile in advising conscientious objectors, their exclusion from access to schools gains an added significance. Conscientious objectors who are not recognised as such face repeated short sentences of imprisonment in military penal facilities, with the deliberate intention of encouraging recantation. At the time of writing three conscientious objectors aged 18 and 19 are serving their fifth consecutive sentences, having all been imprisoned for over 100 days; a fourth was finally exempted in January 2023 after four consecutive terms of imprisonment totalling 87 days.

Finally, it might be observed that all these issues of militarisation, conscientious objection and restrictions on civil society impinge essentially on the Israeli Jewish population. While Israel must obviously be held accountable for the abuses committed in the Occupied Territories, the State consistently refuses to enter into dialogue on such issues, but meanwhile escapes the degree of scrutiny of its “domestic” human rights record to which other States are subjected.