



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **BRIEFING ON ISRAEL FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD, PRESESSIONAL WORKING GROUP – October 2012**

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**This briefing describes the legality and practice of corporal punishment of children in Israel. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations to Israel on the issue, and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:**

- **in its List of Issues for Israel, raise the issue of corporal punishment of children, in particular asking what measures have been taken to ensure that legislation prohibiting corporal punishment is fully implemented, including in the home and in juvenile justice systems in Israel and in the occupied territories?**
- **in its concluding observations on Israel’s second periodic report, recommend that measures are taken to ensure the elimination of corporal punishment in practice, including through public and professional awareness raising and education/training, the promotion of positive, non-violent forms of discipline, child-friendly complaints mechanisms, and the development of a wide range of sanctions for those who continue to physically punish children.**

## 1 Corporal punishment of children in Israel

1.1 Corporal punishment is prohibited in all settings in Israel, including the home. However, research suggests that there is some degree of support among professionals for its use in childrearing and that it continues to be inflicted on children in detention.

1.2 Corporal punishment is prohibited in the **home**. In 2000, the Supreme Court ruled against all violence in childrearing;<sup>1</sup> the “reasonable chastisement” defence was removed from criminal law the same year. Another Supreme Court judgment ruled that corporal punishment is an illegitimate and unsound method of punishment:<sup>2</sup> in a majority decision, Judge Dorit Beinisch stated: “The child is not his parents’ property; he may not serve as a punching bag even if the parent honestly believes that he is implementing his obligation and right to educate his child. The child depends on his parent, needs his love, his protection and his soft touch. Using punishment that causes pain and degradation violates his rights as a human. It violates his body, his feelings, his dignity and his normal course of development.”

1.3 Corporal punishment is prohibited in **schools** under the Students’ Rights Law (2000). It is unlawful in the **penal system**, though we have no details of applicable legislation. With regard to **alternative care settings**, corporal punishment is prohibited in day care settings by clause 6 of the Regulations of Supervision of Daycare Institutions (1965, 1968); it is also prohibited in residential institutions and other forms of childcare, and the above mentioned Supreme Court rulings apply.

1.4 Despite its prohibition, a 2003 survey of physicians found that 58% perceived corporal punishment as an acceptable disciplinary act, particularly immigrant physicians.<sup>3</sup> Other research reveals that corporal punishment is inflicted on children in detention, in Israel as well as in the occupied territories. A report based on the sworn testimony of 311 children held in Israeli military detention between January 2008 and January 2012 documented systematic ill-treatment of children during their arrest, transfer and interrogation: 63% were detained inside Israel. Ninety-five per cent had their hands tied; 90% were blindfolded; 75% experienced physical violence such as being pushed, slapped or kicked, 57% were threatened and 54% suffered verbal violence.<sup>4</sup>

## 3 Recommendations by human rights treaty bodies and during the UPR

3.1 In 2002, the **Committee on the Rights of the Child** welcomed the prohibition of corporal punishment in homes, schools and other institutions but expressed concern at the lack of a comprehensive strategy and adequate resources for preventing and combating violence and abuse in these settings. The Committee recommended that Israel adopt a comprehensive national strategy which should include, among other things, public education campaigns on the negative consequences of ill-treatment of children and the promotion of positive, non-violent forms of discipline.<sup>5</sup>

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<sup>1</sup> *Natalie Bako v The State*

<sup>2</sup> Criminal Case 511/95 *State of Israel v Jane Doe*, 97 (3) Takdin-District Ct. 1898

<sup>3</sup> Tirosh, E. et al (2003), “Attitudes towards corporal punishment and reporting of abuse”, *Child Abuse & Neglect*, 27(8), 929–937

<sup>4</sup> DCI Palestine (2012), *Bound, Blindfolded and Convicted: Children held in military detention*

<sup>5</sup> 9 October 2002, CRC/C/15/Add.195, Concluding observations on initial report, paras. 3, 38 and 39

3.2 In 2010, the **Human Rights Committee** expressed concern at allegations of torture, cruel, inhuman or degrading treatment of juvenile offenders and recommended that such reports be investigated by an independent body.

3.3 Israel was examined in the first cycle of the **Universal Periodic Review** in 2008. In the national report submitted for review, the Government confirmed that corporal punishment is prohibited as a means of education.<sup>6</sup> No specific recommendations were made in relation to corporal punishment but recommendations were made concerning implementation of the Convention on the Rights of the Child in the West Bank and Gaza and concerning juvenile justice for Palestinian children.<sup>7</sup> Israel noted the recommendations and reported that a draft bill on the establishment of a new youth court was under review.<sup>8</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>6</sup> 25 September 2008, A/HRC/WG.6/3/ISR/1, National report, paras. 68, 69 and 70

<sup>7</sup> 8 January 2009, A/HRC/10/76, Report of the Working Group, paras. 100(37) and 100(45)

<sup>8</sup> 9 November 2009, A/HRC/10/29, Report of the Human Rights Council on its tenth session, para. 461