



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

## **ISRAEL – COUNTRY REPORT**

Child population: 2,331,000 (UNICEF, 2009)

### **Summary of necessary legal reform to achieve full prohibition**

Corporal punishment is prohibited in all settings, including the home.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is prohibited in the home. In 2000, the Supreme Court ruled against all violence in childrearing (*Natalie Bako v The State*). 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 (Criminal Case 511/95 *State of Israel v Jane Doe*, 97 (3) Takdin-District Ct. 1898). Judge Dorit Beinisch, in a majority decision, stated (section 29 of verdict): “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.”

### Schools

Corporal punishment is prohibited in schools under the Students’ Rights Law (2000). A Supreme Court ruling in 1994 declared that “corporal punishment cannot constitute a legitimate tool in the hands of teachers or other educators” (*The State of Israel v Alagani*), applicable to both state and private schools.

### Penal system

Corporal punishment is prohibited as a **sentence for crime** and as a **disciplinary measure** in penal institutions, but we have no details of applicable legislation.

### Alternative care

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. The Supreme Court rulings (see above) apply.

## Prevalence research

A report on the detention of five children at the Al Jalame and Petah Tivka interrogation centres in Israel during October and November 2011 found that the children told of being held in solitary confinement for between three and 24 days. Children were held in a small windowless cell and many experienced lengthy interrogation sessions in which they experienced physical violence. Between February 2008 and November 2011, DCI-Palestine documented 34 cases of Palestinian children being removed from the Occupied Palestinian Territory and taken to the Al Jalame facility, where they were subjected to cruel, inhuman or degrading treatment or punishment. (DCI-Palestine (2011), *Complaint submission: The use of solitary confinement on Palestinian children held in Israeli detention*)

A survey published in 2003 assessed 107 physicians’ attitudes towards corporal punishment and their reporting of child abuse. Corporal punishment was perceived as an acceptable disciplinary act by 58% of the physicians. A greater proportion of immigrant than Israeli physicians found corporal punishment acceptable in most cases. For example, 58.5% of immigrants believed it was acceptable for a parent to slap a child’s face, compared with 14.4% of Israelis; 68.7% of immigrants believed that smacking a

child's bottom and leaving a red mark was acceptable, compared to 56.3% of Israelis. (Tirosh, E. et al (2003), "Attitudes towards corporal punishment and reporting of abuse", *Child Abuse & Neglect*, 27(8), 929–937)

For research published more than ten years ago, see the research pages at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

## **Recommendations by human rights treaty bodies**

### *Committee on the Rights of the Child*

(9 October 2002, CRC/C/15/Add.195, Concluding observations on initial report, paras. 3, 38 and 39)

“The Committee welcomes:

c) the prohibition of corporal punishment in homes, schools and other institutions....

“The Committee welcomes the many efforts of the State party to prevent and combat all forms of violence and abuse within the family, in schools and in other institutions which care for children, but is concerned at the apparently limited impact of these efforts owing to, among other things, the lack of a comprehensive strategy and adequate resources.

“The Committee recommends that the State party establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and other institutions caring for children, which should include, among other things:

a) establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and in other institutions caring for children, which should include, among other things, a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address these practices;

b) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

### *Human Rights Committee*

(3 September 2010, CCPR/C/ISR/CO/3, Concluding observations on third report, para. 22)

“The Committee is concerned at a number of differences in the juvenile justice system between Israeli legislation and under military orders in the West Bank. Under military orders, children of the age of 16 are tried as adults, even if the crime was committed when they were below the age of 16.... [The Committee] is also very concerned at allegations of torture, cruel, inhuman or degrading treatment of juvenile offenders (arts. 7, 14 and 24).

The State party should:

a) ensure that children are not tried as adults; ...

d) ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body.”

## **Universal Periodic Review**

Israel was examined in the first cycle of the Universal Periodic Review in 2008. No recommendations were made concerning corporal punishment of children. Examination in the second cycle is scheduled for 2013.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children*  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
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