

ISRAEL

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 15th session, 2013

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

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many states persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children in Israel is prohibited in the home and all other settings, complying with the state’s obligations under the Convention on the Rights of the Child and other human rights instruments in respect of legislative protection of children. However, research indicates that children continue to be physically punished.

We hope the Human Rights Council will note the achievement of law reform to prohibit corporal punishment in Israel. We hope states will raise the issue during the review in 2013 and recommend to Israel that the state undertake measures to implement the law and eliminate corporal punishment in practice.

1 The initial review of Israel by the Human Rights Council (2008)

1.1 Israel was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 3). In the national report submitted for review, the Government described the law reform that took place in 1999/2000 to prohibit corporal punishment of children in schools and in the home.¹ No recommendations were made on the issue during the review, but the prohibition of corporal punishment in the education system was noted by the UK and Japan;² Japan also expressed the “hope” that Israel would “do its utmost to protect children from acts of violence”.³

1.2 Recommendations concerning children were made in relation to Israel’s position as the occupying force in the Palestinian territories, including the following:

“Develop mechanisms for overseeing the implementation of the Convention of the Rights of the Child in the West Bank and Gaza (Slovenia)....

“Establish a separate juvenile justice system to try accused Palestinian children (Slovenia)”⁴

1.3 Israel did not clearly accept or reject the recommendations but did report that “following the universal periodic review process, several measures were currently being taken towards further promoting children’s rights through several preliminary means” and “a draft bill on the establishment of a new youth court had been prepared and was currently under review”.⁵

1.4 The Global Initiative is pleased to confirm that Israel achieved legal prohibition of all corporal punishment of children, including in the home, in 2000, and that subsequent court rulings have upheld the law. However, in reporting to the UPR in 2008 the Government did not describe measures taken to ensure continued public and professional awareness of the prohibition and/or to promote positive, non-violent forms of education and childrearing. Research reveals that corporal punishment in childrearing continues to enjoy a certain degree of support among professionals, and that it is inflicted on children in penal institutions within Israel as well as in the occupied territories (see next section).

2 Corporal punishment of children in Israel

2.1 Corporal punishment is prohibited in the home and all other settings. 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). In schools, corporal punishment is explicitly prohibited in the Students’ Rights Law (2000).

2.2 In 2003, a survey of physicians’ attitudes towards corporal punishment and their reporting of child abuse found that 58% perceived corporal punishment as an acceptable disciplinary act, particularly among immigrant physicians.⁶ More recently, 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%

¹ 25 September 2008, A/HRC/WG.6/3/ISR/1, National report, paras. 68, 69 and 70

² 8 January 2009, A/HRC/10/76, Report of the Working Group, para. 21

³ 8 January 2009, A/HRC/10/76, Report of the Working Group, para. 83

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

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

⁶ Tirosh, E. et al (2003), “Attitudes towards corporal punishment and reporting of abuse”, *Child Abuse & Neglect*, 27(8), 929–937

experienced physical violence such as being pushed, slapped or kicked, 57% were threatened and 54% suffered verbal violence.⁷

3 Recommendations by human rights treaty monitoring bodies

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.⁸

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.

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⁷ DCI Palestine (2012), *Bound, Blindfolded and Convicted: Children held in military detention*

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