

BRIEFING FROM GLOBAL INITIATIVE **TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
PRE-SESSIONAL WORKING GROUP**

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BOLIVIA (second periodic report – E/C.12/BOL/2)

Corporal punishment is lawful in the **home**. Children have limited protection under the Criminal Code and the Law Against Domestic Violence, which includes in its definition of domestic violence “when parents, guardians or those responsible for custody jeopardize a minor’s physical or psychological integrity through abuse of corrective or disciplinary measures ...” (article 6).

A 1997 study in La Puz, Oruro and Cochabamba found that seven out of ten children had been subjected to psychological punishment and six out of ten had experienced corporal punishment.¹

There is no explicit prohibition in law of corporal punishment in **schools**, though it is reportedly prohibited by regulation.²

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Penal Code, the Juvenile Code and the Law on the Public Ministry, but it may be ordered by community elders in traditional Indian justice systems, still used in much of the country. There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions.

There is no prohibition of corporal punishment in **alternative care settings** or in **situations of employment**.

In examinations of state party reports to the **Committee on the Rights of the Child** in 1998 and 2005, the Committee has been led to believe that legislation already effectively prohibits all corporal punishment of children. The Committee has therefore focused its recommendations on awareness raising and full implementation of legislation (respectively CRC/C/15/Add.95, para. 21 and CRC/C/15/Add.256, paras. 35 and 36). As noted above, despite serious efforts (including analysis of legislation by the Andean Commission of Jurists) we have failed to identify legislation relating to any setting which explicitly prohibits corporal punishment of children. We hope the **Committee on Economic, Social and Cultural Rights** will rigorously pursue this with the state party and require that assertions that prohibition is in place are supported by copies of the relevant legislation.

¹ Reported in the third state party report to the Committee on the Rights of the Child, 2004, CRC/C/125/Add.2, para. 301

² Third state party report to the Committee on the Rights of the Child, 2004, CRC/C/125/Add.2, pp.41-42