



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

**BOSNIA AND HERZEGOVINA**  
**BRIEFING FOR THE HUMAN RIGHTS COUNCIL**  
**UNIVERSAL PERIODIC REVIEW – 7<sup>th</sup> session, 2010**

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*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.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and 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. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*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 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, setting a goal of 2009.*

**Summary**

**This briefing describes the legality of corporal punishment of children in Bosnia and Herzegovina, despite the recommendations of the Committee on the Rights of the Child. We hope the Review will emphasise the importance of prohibition of corporal punishment and urge the government to introduce legislation explicitly prohibiting all corporal punishment in all settings, including the home.**

## **1 Legality of corporal punishment in Bosnia and Herzegovina**

1.1 Corporal punishment is lawful in the **home**. There is no legal defence for its use enshrined in law, but it is widely socially and legally accepted. Children are protected from serious abuse and neglect under a number of laws: the Family Code in the Federation of Bosnia-Herzegovina and in the Republic of Srpska; the Criminal Code of Bosnia and Herzegovina (2003), the Social Protection Law and the Protection of Families with Children Law in the Federation of Bosnia-Herzegovina; the Law on Child Protection in the Republic of Srpska; and the Law on Child Protection in the District Brcko. These are not interpreted as prohibiting corporal punishment in childrearing.

1.2 Corporal punishment is considered unlawful in **schools** under the legislation against physical abuse of children in the child protection laws, but there is no explicit prohibition. It is prohibited in the **penal system**.

1.3 There is no explicit prohibition of corporal punishment of children in **alternative care settings**.

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

2.1 Following examination of the state party's initial report in 2005, the **Committee on the Rights of the Child** recommended explicit prohibition of corporal punishment in the home and in institutions (CRC/C/15/Add.259, paras. 42 and 43).