

Submission prior to the combined fifth and sixth periodic reports of Bolivia on the Convention on the Rights of the Child

Military enlistment of children by Bolivian armed forces

Introduction

This submission has been prepared by the Child Rights International Network in support of the Committee's examination of Bolivia's State Party Report.

The submission is focused on the recruitment of children by the State Party for military purposes.

Background

Following extensive ratification globally of the Optional Protocol on the involvement of children in armed conflict since 2002, approximately three-quarters of states worldwide now allow only adults aged 18 and above to be recruited into state armed forces.

The *General Comment on adolescence on the implementation of the rights of the child during adolescence* (2016) records the Committee's 'deep concern' that adolescent children continue to be recruited into state armed forces (para 81) and specifies that the minimum age for entry should be 18 (para 40).

In response to State Parties that continue to allow the military recruitment of children, the general practice of the Committee has been to include in its Concluding Observations a recommendation that the minimum age for entry into the armed forces be 18.

Country situation

The Bolivian armed forces are estimated to be around **70,000** personnel strong.¹

Treaty ratifications. The State Party ratified the Optional Protocol on the involvement of children in armed conflict (OPAC) in 2004.

Child conscription. The Bolivian armed forces compulsorily conscript children from age 17 per Supreme Decree No. 1875 issued in 2014, and as confirmed in para. 281 of the State Party's report. This is an unambiguous violation of Article 2 of OPAC. The annual rate of adolescent child conscription is unknown.

Child recruitment. The Bolivian armed forces also recruit an unknown number of school students from age 16, per Law No. 954 (2017), as confirmed in para. 283 of the State Party's report.

Reporting

- The State Party's initial report on OPAC, due in 2007, has yet to be submitted to the Committee.
- In the previous reporting cycle, the Committee's Concluding Observations encouraged the State Party to submit the initial reports for both the Optional Protocols it has ratified (para. 90).
- In the current reporting cycle, the Committee's List of Issues asked the State Party to 'report on the steps taken to prepare and submit the initial reports' for the two Optional Protocols (List of Issues, para. 15).
- The State Party's reply to the List of Issues did not respond on this point (see Reply to the List of Issues, paras. 124–126).

Conscientious objection

Bolivia makes no provision for conscientious objectors to military service of any age, despite repeated commitments to do so. This includes the undertaking it made in a Friendly Settlement before the Inter-American Commission in the Bustos case in 2005 to 'include, in accordance with international human rights law, the right to conscientious objection to military service in the preliminary draft of the amended regulations for military law currently under consideration by the Ministry of Defense and the armed forces'.²

In its Concluding Observations on Bolivia's Third Periodic Report under the ICCPR, the Human Rights Committee expressed concern that no alternative civilian service existed to enable conscientious objectors to exercise their rights in accordance with the Covenant, and it recommended that the State party legally recognise the right of conscientious objection to military service and to provide an alternative to military service, which should be accessible to all conscientious objectors and neither punitive nor discriminatory in nature.³

Previous recommendations. In its Concluding Observations for the last two reporting cycles, the Committee did not include a recommendation that the State Party raise the minimum age for military recruitment to 18 years.

Recommendations

We suggest that the Committee recommend:

- 1. The State Party immediately cease conscription of children aged 17;**
- 2. The State Party raise the minimum age for enlistment to 18 to safeguard children from the harms associated with military training and work and to establish a higher legal standard overall;**
- 3. The State Party allow all child recruits an unfettered right to leave the armed forces at will;**
- 4. As previously recommended by the Human Rights Committee,⁴ the State Party recognise in statute a legal right of conscientious objection to military service and provide a non-punitive civilian alternative; and**
- 5. The State Party take steps as a matter of urgency to submit its initial reports on both the Optional Protocols it has ratified.**

Child Rights International Network, August 2022. Contact: charlotte@crin.org.

¹ World Bank, 'Armed forces personnel, total – Bolivia', 2019, <https://data.worldbank.org/indicator/MS.MIL.TOTL.P1?locations=BO>.

² Inter-American Commission on Human Rights: Report no. 97/05; Petition 14/04; Friendly Settlement; Alfredo Díaz Bustos – Bolivia, 27 October 2005, para. 16, I, d. The Inter-American Commission on Human Rights in 2020 found a further petition regarding conscientious objection to military service in Bolivia admissible for consideration by the Inter-American Court, where the case is still pending. See Inter-American Commission on Human Rights, Report No. 147/20; Petition 1384–16; José Ignacius Orias Calvo – Bolivia, Report on Admissibility, 9 June 2020.

³ CCPR/C/BOL/CO/3, 6 December 2013 [in Spanish], para. 21.

⁴ Ibid.