



Convention on the Rights of the Child

Distr.: General
28 April 2010
English
Original: Spanish

Committee on the Rights of the Child

Fifty-fourth session

25 May–11 June 2010

Written replies by the Government of Argentina concerning the list of issues (CRC/C/OPAC/ARG/Q/1) to be taken up in connection with the consideration of the initial report of Argentina under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ARG/1)*

[Received on 15 April 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

1. Please indicate whether there are legal provisions in the State party's legislation that penalize forced recruitment and/or the participation in hostilities of children under 18 years of age.

Firstly, as indicated in the last report under the Optional Protocol, submitted in June 2007, we stress that no members of the Armed Forces of Argentina are under 18 years of age.

As you are aware, Argentina approved the Optional Protocol through Act No. 25,616, of August 2002, and ratified it in October 2002.

In addition, when it ratified the Optional Protocol, Argentina declared the minimum age for voluntary recruitment into the national Armed Forces to be 18.

Military service is voluntary, as established by Decree No. 1,537 of 29 August 1994.

Voluntary military service is regulated by Act No. 24,429, which defines it as "service performed of their own free will by men and women of Argentine nationality — whether by birth, by choice or by naturalization — as a contribution to the national defence" (art. 1).

Article 2 establishes the human rights perspective of the Act, as follows: "The rights protecting human dignity that Argentina recognizes, subscribes to and exercises constitute the foundation on which specific rules of procedure are predicated and structured; they must be respected and, where they are not, may be asserted by all citizens. The laws, military regulations and international agreements accepted by Argentina, which shall govern the activities and behaviour of members of the Armed Forces, must include and guarantee the necessary safeguards for citizens serving in the system of national defence as well as guarantees of the objectives and purposes of relevance to the highest interests of the Nation."

Article 8, paragraphs (c) and (d), of the Act set the following conditions for admission to voluntary military service: "to be between 18 and 24 years of age" and "in the case of minors, to have the permission of their legal guardian" (bearing in mind that the age of majority in Argentina is 18¹).

In addition, when it ratified the Optional Protocol, Argentina declared the minimum age for voluntary recruitment in the national Armed Forces to be 18.

In accordance with the above, the country complies with the obligations it assumed when it approved and ratified the Protocol.

2. Please inform the Committee whether the Ministry of Education monitors educational establishments operated by the Armed Forces. Please provide more information on the teaching in such establishments of topics relating to human rights and international humanitarian law, in particular whether there is teaching on the Convention and its optional protocols. Please inform the Committee what training is given to teachers at military academies on the provisions of the Optional Protocol. Please also clarify whether military training given to children under 18 years of age in educational establishments operated by the Armed Forces includes training with weapons of any kind.

The educational institutions operated by the Armed Forces are attached to the Ministry of Defence and provide education at the reception, primary and secondary levels.

¹ Act No. 26,579/2009.

The teaching curricula are drawn up by teachers working in the State sector and the school calendar is identical to that of all other State schools in Argentina regulated by national laws and the resolutions of the Federal Education Council.

The curricula are officially approved and conform to the legal framework established under the Education Act (No. 26,206). All qualifications obtained are certified by the Ministry of Education. In this way, the Ministry of Defence aims to guarantee that all children attending military educational institutions receive an education in conformity with the principles of the Convention on the Rights of the Child and its optional protocols and with Act No. 26,061.

In accordance with the Policy and Strategic Guidelines for Compulsory Secondary Education approved by Federal Council resolution No. 84/09, the Ministry of Defence has reviewed the academic curricula for secondary education and has incorporated within the study plans for the 2010 academic year cross-disciplinary content to raise awareness of human rights, international humanitarian law and citizenship-building and to foster training in these areas in educational institutions, with an emphasis on the issues of gender and tolerance between social groups.

The Ministry of Defence has also begun a review of all disciplinary systems and codes of conduct currently applied in military colleges at the secondary level, with a view to bringing them into line with the general rights-protection approach.

With regard to weapons training and instruction for pupils under 18 years of age in educational establishments operated by the Armed Forces, in accordance with the study plans established for military colleges and in conformity with the official national regulations on general education, elements of initial military training are included in the curriculum at the secondary level only.

It should be noted that, as of the 2010 academic year, military instruction will be a voluntary option to be exercised by the parents or guardians of pupils in military colleges. This means that, as of 2010, marksmanship training is prohibited until the last year of college. In this final year (when pupils are aged 16 or 17), firearms training will be provided to those who have opted for military instruction. The only weapon authorized for this training is the 22 Carbine rifle.

With regard to the recruitment to the military of children under 18 years of age, until 2009 pupils at military colleges who were receiving military training automatically became part of the country's military reserve. However, since the decision to receive military instruction and join the military reserve is now a choice made by their parents, the Ministry of Defence will, as of this year, introduce a mechanism to allow young people to confirm or revoke that decision once they reach the age of 18.
