



STATE PARTY EXAMINATION OF ARGENTINA'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

54TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
25 MAY – 11 JUNE 2010

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Argentina ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 10 September 2002. On 3 May 2010 the Committee on the Rights of the Child (the Committee) considered Argentina's initial report under the OPAC.

Opening Comments

Mrs. Vessevessian, the head of the delegation, began by emphasizing Argentina's commitment to the protection of children from armed conflict, primarily by making 18 the minimum age for military service. She said that as Argentina had not been involved in military conflicts in recent years, there were no instances of children being adversely affected by armed conflict. Furthermore, the government was managed with human rights and democracy in mind. She informed the Committee that reforms were underway to ensure that the curriculum taught in military schools was in conformity with civilian educational standards and that students did not receive training with weapons.

Mr. Zermatten, the Country Rapporteur on the OPAC, began by welcoming the delegation. He praised Argentina for its consistent efforts to ensure that children were protected from armed conflict, as the country played an active role in the drafting of the OPAC. He commended Argentina for eliminating forced conscription in 1995 and limiting military service to those between 18 and 24 years of age. However, he raised concerns about a law that providing a loophole for the conscription of 17 year olds in a time of emergency, as well as military schools, the lack of specific legislation criminalising OPAC offences, arms export and asylum seekers.

General Measures of Implementation

The Committee asked about a law that stipulated that, in exceptional circumstances, the Parliament could authorize the voluntary conscription of 17 year olds. The delegation responded that this had never occurred, and that it was unlikely to occur in the foreseeable future.

The Committee enquired about the capacity and competency of the Ministry of Human and Minority Rights, which was the body that was mandated to implement the OPAC. It added that usually the Ministry of Defence was mandated to implement this specific protocol, and asked for clarification on how the Ministry of Human and Minority Rights was doing this. It specifically wanted to know how this ministry coordinated the various other bodies to fully implement the OPAC. The delegation responded that the Ministry of Human and Minority Rights was responsible for preparing all reports on international treaties and that it coordinated all the other ministries in providing the necessary information for the reports.

Military Schools

The Committee asked for clarification on the investigations and reviews of military schools and on the oversight mechanisms in general. The delegation replied that the State was in the process of transferring the schools to the Ministry of Education, rather than the Ministry of Defence with the help of an advisory committee. Progress had been made in standardising the curriculum, including human rights education and eliminating military disciplinary methods. The pupils had civilian student status and most teachers were civilians.

The delegation informed the Committee that Argentina had seven military schools, one of which was quite prestigious. Only one per cent of students in military schools continued in the armed forces upon graduation, while others went on to pursue civilian careers and were highly qualified to do so. The Committee asked if students attended military schools for financial reasons, and the delegation explained that the schools were highly regarded and that attendance was often a family tradition. Although efforts had been made to restrict arms training to those 18 and over, parliamentary resistance had led to a compromise that stipulated that weapons training could only occur in the last semester of military school.

The Committee asked for clarification on the law allowing children to confirm or reject the decision to attend military schools at the age of 18 and asked how the government ensured that families did not put too much pressure on their children to continue on that path. The delegation emphasized the importance of having children validate the educational choices of their parents, but could not give information on the situations of individual families.

Information Related to Non State Actors

The Committee noted that Argentina did not have a specific law criminalising the recruitment of children into the armed forces and cautioned that while Argentina did not seem to have a problem with recruitment of children at the moment, this could change in the future. This was a concern, since there were armed groups operating in border areas that could attract children. The delegation promised to consider the suggestion, as it could indeed be an issue in the future.

Prevention

The Committee asked for more information on the dissemination of the OPAC. The delegation admitted that the OPAC was not widely disseminated and explained that it had prioritized the dissemination of the Convention and the OSPC, because the offences described in the OPAC were not a significant problem in Argentina.

Prohibition and Related Matters

The Committee asked that Argentina fully harmonize its domestic legislation with the OPAC and specifically criminalize the recruitment of children into the armed forces. In addition, the Committee pointed out that Argentina, as party to the Rome Statute of the International Criminal Court, was obligated to treat the recruitment of children under 15 as a war crime. Although it was not required by the OPAC, the Committee said that it would be ideal to treat

the recruitment of all children under 18 as a war crime as well.

Protection, Recovery, and Reintegration

The Committee asked if there was any training provided for immigration officials to help them identify refugees who had been involved in armed conflict and if there were psychosocial services in place for these children. The delegation reported that there were psychosocial services available, and that all refugees were required to attend services to help with reintegration and transition, but that so far, there were no registered cases of children seeking asylum after being involved in armed conflict.

International Assistance and Cooperation

The Committee noted that Argentina did not have an express provision on the extradition of those who had committed crimes under the OPAC, and asked if bilateral treaties were necessary. The Committee asked if the State followed the principle of passive extradition, or giving jurisdiction to the country where the victim was a citizen. The delegation replied that the issue was regulated through bilateral and multilateral treaties and that the protocol was not a sufficient basis for extradition. The Committee informed the delegation that the protocol was designed to facilitate extradition of offenders.

The Committee asked about the measures in place to prevent the export of arms to countries where children may be used in armed conflict. The delegation replied that there was no specific provision preventing Argentina from exporting arms to sensitive countries, but that it did not occur in practice.

Concluding Remarks

Mr. Zermatten thanked the delegation for their cooperation and said that he was satisfied with their responses.

Mrs. Vessevessian reaffirmed Argentina's commitment to children's rights, and acknowledged that Argentina still needed to work on coordination and developing specific detailed plans to ensure access to rights and services. She said that Argentina would actively pursue policies that would seek to improve the living conditions of children and their families.