



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by Uruguay 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

Addendum

Replies of Uruguay to the list of issues*

[Date received: 14 November 2014]

1. The replies were coordinated by the Ministry of Foreign Affairs and prepared using information provided by the Ministry of Defence and the judiciary.

1. Please provide information about the measures geared towards making a government body responsible for the implementation of the Optional Protocol, as well as about the role that the Uruguayan Institute for Children and Adolescents (INAU) is currently playing in its implementation. Please inform the Committee about how the work of the different organizations connected with the implementation of the Optional Protocol is coordinated, in particular as regards the Ministry of Defence and the Ministry of Education and Culture.

2. There has not been any special coordination between the Ministry of Defence and the Ministry of Education and Culture in connection with issues related to the Optional Protocol on the involvement of children in armed conflict, because, as was previously reported, there has been no armed conflict on Uruguayan territory, nor has Uruguay participated in any conflict at the international level. Uruguay has nevertheless contributed to the United Nations through the participation of its armed forces in peacekeeping missions, an activity in which children and adolescents under 18 years of age have never participated and cannot do so.

* The present document is being issued without formal editing.



3. Act No. 17823 of 7 September 2004, the Code on Children and Adolescents, expressly affords “special protection” in its article 15, which establishes the State’s obligation to protect children and adolescents from “situations that may place their lives at risk or incite to violence, such as the use of or trade in weapons”.

2. Please provide the Committee with disaggregated data (by sex, age, ethnicity and urban or rural origin) on students attending military training schools and military high schools. Please provide information on the role of the Ministry of Education and Culture in the oversight of the curricula of military training schools and military high schools and on the adoption of National Education System guidelines for use in police and military training, which is currently under way, as noted in paragraph 109 in the report of the State party. In the light of paragraph 29 of the report of the State party, please provide additional information on the specific steps taken to ensure that the training given to minors in military schools does not involve handling any kind of weapon.

(a) *Naval training*

4. No students under the age of 18 were enrolled in the naval officer training programme in 2014.

Naval baccalaureate

<i>Age</i>	<i>Gender</i>		<i>Place of residence</i>		<i>Ethnic group</i>			
	<i>M</i>	<i>F</i>	<i>Urban</i>	<i>Rural</i>	<i>White</i>	<i>Afro</i>	<i>Indigenous</i>	<i>Other</i>
16	15	3	17	1	14	0	0	4
17	28	13	39	2	35	0	0	6
Total	43	16	56	3	49	0	0	10

(b) *Military training*

5. In 2014, the Military School had nine cadets (six men and three women) who were 17 years old. All belonged to the White ethnic group; three were from urban areas and six from rural areas.

General Artigas Military High School

<i>Group</i>	<i>Gender</i>		<i>Age</i>					<i>Ethnic group</i>			<i>Place of residence</i>	
	<i>M</i>	<i>F</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>White</i>	<i>Afro</i>	<i>Other</i>	<i>Rural</i>	<i>Urban</i>
4th year	103	52	75	70	10	0	0	135	19	1	82	73
5th year	87	41	0	37	83	5	3	125	2	1	76	52
6th year	62	29	0	0	48	38	5	90	1	0	45	46
Total	252	122	75	107	141	43	8	350	22	2	203	171

Army School of Music

<i>Group</i>	<i>Gender</i>		<i>Age</i>		<i>Ethnic group</i>			<i>Place of residence</i>	
	<i>M</i>	<i>F</i>	<i>16</i>	<i>17</i>	<i>White</i>	<i>Afro</i>	<i>Other</i>	<i>Rural</i>	<i>Urban</i>
1 108	19	6	6	19	25	0	0	0	25

Army School of Communications

<i>Group</i>	<i>Gender</i>		<i>Age</i>					<i>Ethnic group</i>			<i>Place of residence</i>	
	<i>M</i>	<i>F</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>20</i>	<i>White</i>	<i>Afro</i>	<i>Other</i>	<i>Rural</i>	<i>Urban</i>
<i>Trainees</i>												
1st year	15	10	7	9	6	2	1	25	0	0	1	24
2nd year	11	2	0	5	5	3	0	13	0	0	1	12
Total	26	12	7	14	11	5	1	38	0	0	2	36

(c) Air Force training

6. No students under the age of 18 were enrolled in the Air Force Military School in 2014.

Air Force Technical School

<i>Age</i>	<i>Gender</i>		<i>Place of residence</i>	
	<i>M</i>	<i>F</i>	<i>Rural</i>	<i>Urban</i>
15 to 17 years	21	5		
18 to 24 years	53	10		
25 years or older	35	0		
Total	109	15	57	67

7. Act No. 19188, governing police and military training, entered into force on 7 January 2014. In article 1, paragraph 4, it stipulates that this type of education will reflect “at all times and at every opportunity, and in all programmes and educational activities, the human rights enshrined in the Universal Declaration of Human Rights, the Constitution of the Republic and the international instruments ratified by our country”.

8. Article 5 provides that military education will integrate human rights education into its objectives, design and contents with “the aim that students, using basic knowledge of the relevant legislation, will develop attitudes, and embody principles, inspired by fundamental human rights and international humanitarian law”.

9. Military education adheres to the definitions, principles and guidelines contained in General Education Act No. 18437 of 12 December 2008, and, as it is integrated into the national education system, it must comply with the general and cross-cutting aspects of the curriculum and the educational standards and income and selection criteria established for each educational level, as envisaged in the above-mentioned Act, under which human rights are a fundamental reference point in the exercise of the right to education.

10. In addition, while specific and technical aspects of military education are to be overseen by the Ministry of Defence (art. 2), a representative of the national system of public education will be involved in overseeing the various levels of the system of military education (art. 17).

11. The national defence policy and its strategic guidelines, adopted via Decree No. 105/2014 of 29 April 2014, include knowledge of human rights — civil, political, economic, social and cultural — as the best way of protecting and consolidating those rights, prioritizing the care and protection of children, fostering appropriate child and adolescent development and facilitating the education of children, since they are the nation's future.

12. Following are noteworthy examples of what is being done in schools and institutes to raise awareness of and deliver training in human rights.

13. Students in the fourth year of the Naval School's officer training programme study international humanitarian law. Naval baccalaureate students receive the same type of training in children's rights and human rights as high school students, in accordance with the curriculum established by the Secondary Education Board.

14. The faculty of the Military School includes specialists in various disciplines whose previous experience with INAU and other public and private tertiary educational institutions affords them a detailed knowledge of human rights topics. Year-long courses on various topics are delivered during three of the four years of study. In the first and second years, this content is taught through the history curriculum. In the second year, it is also taught in constitutional law classes, and in the last year, in classes on public international law.

15. The various schools of the Military Weapons and Specialization Institute offer numerous courses relating to human rights.

16. At the Basic and Advanced Training School for Officers, as part of the training curriculum for officers of the command corps and support echelons wishing to specialize in administration or to serve in the military band, the fourth-year course for first lieutenants includes the study of legislation, covering human rights and the Geneva Conventions. This course is a prerequisite for promotion to the rank of captain.

17. The Army School for junior officers delivers courses on military topics to prepare junior staff for promotion, as well as the secondary-level courses required for promotion through the high school equivalency track.

18. The advanced course for junior officers required for the rank of sergeant, the basic course for junior officers required for corporal first class and the training course required for the rank of private first class all include topics such as the history of humanitarian law, instruments of international humanitarian law, the laws of war, international humanitarian law, prisoners of war and rules of engagement.

19. The Army Intelligence School offers the following courses incorporating human rights issues:

- In a course for officers, delivered to those at ranks of second lieutenant through captain or the equivalent in other forces, module II includes the topic of human rights, which covers subjects such as international conventions and treaties and international humanitarian law;
- In a course for junior officers, delivered to those at ranks of corporal second class through sub-officer major, the human rights component includes coverage of international conventions and treaties and the international law of armed conflict;
- In an intelligence techniques course for junior-level officers, delivered to those at ranks of soldier through corporal first class, the subject of human rights is taught, with content including international conventions and treaties and the international law of armed conflict.

20. At the General Artigas Military High School, while there is no specific human rights training, students receive the same training in children's rights as other secondary school students, in accordance with the curriculum established by the Secondary Education Board.

21. While there are no minors at the Military Institute of Higher Studies (IMES), it has, since 2006, delivered courses on human rights to members of the military and civilians with university degrees. Topics include, among others, the history, background, foundations and principles of human rights and the international law of armed conflict. At the National School of Peace Operations the situation is the same as at IMES: the school provides human rights education and does not enrol minors. It provides its teachers with "training for trainers" through external United Nations programmes. To date, one teacher has taken a course in Austria and another is doing so in Sweden. The institution also holds a yearly course for teachers on the protection of children. The curriculum includes all the topics suggested by the Integrated Training Service and the Department of Peacekeeping Operations as well as other relevant topics.

22. Special courses offered by the School have included:

- A course on issues relating to groups of migrants or displaced persons and the particular vulnerability of children, as well as how to tackle the problem from the organizational perspective;
- A course on the situation of children in war zones and possible support programmes;
- A course on tackling all aspects of the issue of children with disabilities, with descriptions of relevant programmes in Uruguay and possible approaches to situations that might arise abroad.

23. In addition to five Uruguayan trainers (three from the Army, one from the Navy and one from the police), the trainers have included three from other countries. Fifty per cent of the instructors have been female. A total of 37 students have completed the course, including 18 female students and 19 male students. Of those who finished, 6 were foreigners (from Mexico, Peru and Paraguay) and 31 were from Uruguay. Students enrolled in such courses have included members of the Army, the Navy, the Air Force and the police as well as personnel of the National Rehabilitation Institute.

24. At the Air Force Military and Technical School, first-year cadets take a course in international humanitarian law and human rights, which covers the legal aspects and fundamentals of the topic in a comprehensive manner, in line with the programme approved by the Ministry of Defence.

25. At the Command and Air Force General Staff School (ECEMA), human rights material is taught in the basic course which is delivered to junior officers and chief officers who are following the regular ECEMA curriculum. Its purpose is to convey to students a set of concepts and information relating to human rights that enables them not only to understand the concepts but also to integrate them as a core value into their professional and personal conduct as members of the military. ECEMA also offers a course whose purpose is to train chief officers according to Air Force requirements and which includes units on the following: the importance of international humanitarian law in the world of conflicts; the distinction between international human rights law and international humanitarian law; peacemaking, peacekeeping and humanitarian action; fundamental rules of the Geneva Conventions and their additional protocols; provisions common to the four conventions and their protocols; protection of the wounded, sick and shipwrecked by the Armed Forces and the Navy; rules governing the behaviour of combatants and the protection of prisoners of war; the protection of civilian populations and persons in times of war.

26. As was already explained in the report prepared in 2012, in accordance with the statement made by Uruguay at the time of depositing the instrument of ratification of the Optional Protocol, the legal minimum age for voluntary recruitment is 18 years. There are no statutory provisions allowing this age to be reduced, even in exceptional circumstances.

27. The report also detailed the conditions under which persons under the age of 18 are admitted as students, candidates or trainees at military training schools. They do not join units that might be called on to participate in hostilities; it has been emphasized that the training provided to them never includes the handling of weapons (article 13 of the Code on Children and Adolescents).

28. Naval baccalaureate candidates and students at the Army School of Music and the Army School of Communications have no contact with weapons and do not receive theoretical or practical training in their use or features. They also do not use parade weapons of any kind.

29. Students at the Military School and the Air Force Military School, being under the age of 18, receive only theoretical instruction and are not allowed to handle weapons until they turn 18.

30. The General Artigas Military High School provides no weapons training of any kind. Weapons are to be used only for parade training, for which inert (out-of-service) weapons are used. As far as the use of weapons by minors is concerned, this institution, too, complies with the Code on Children and Adolescents.

31. Finally, the instruction provided at the Air Force Military and Technical School is theoretical and does not include the handling of any type of weapon.

3. Please provide information on the disciplinary methods used in these schools and indicate whether a confidential complaints mechanism is available to their students.

32. The general disciplinary regime is based on a system of rewards and sanctions tied to the achievements and shortcomings of students. The system is set out in decrees and regulations. For military school students under the age of 18, there are no specific complaint mechanisms different from those for adults, which in general involve filing a complaint through hierarchical channels.

33. At the Naval School, students enrolled in officer training have a disciplinary system with rewards and demerits, regulated by Executive Decree No. 219/003. Misconduct results in demerit points that affect weekend leave.

34. The disciplinary regime in the naval baccalaureate programme is regulated by Executive Decree No. 219/003. Misconduct results in demerit points that are converted into compulsory study time.

35. The disciplinary system for all students includes means of querying punishments handed down and informing the administration orally or in writing of any act that violates school regulations, decency standards or respectful relations among superiors, subordinates and peers, with all types of physical punishment expressly prohibited. Also, the affiliation of naval baccalaureate students with the Naval School must at all times be authorized by their parents, legal representatives or guardians.

36. All the disciplinary methods used at the Military School are authorized in the Military Criminal Code (Decree of 11 June 1942), General Service Regulation No. 21 (Decree No. 305/003) and Military School General Regulation R.95 (Decree No. 24087), with the exceptions permitted under Act No. 17823. Various regulatory avenues are available for female and male cadets to file complaints.

37. The disciplinary regime used at the Military High School is based on the student rules, with demerit points accumulated in accordance with the severity of the offence. Students who accumulate demerit points must stay at school over the weekend and study.

38. Serious offences may result in community service assignments. These tasks are performed on weekends and involve cleaning, mainly of lodgings, for the benefit of the other students. This activity is covered in General Education Act No. 18437 (sect. II, chap. VII, art. 40, para. F).

39. With regard to the existence of a confidential complaint mechanism that can be used by students, the school has two mechanisms:

(a) The administration has two advisory bodies that investigate and determine the severity of offences, a disciplinary council (chaired by the deputy director of the school and consisting of the commanding officer, the academic director and the student's head of year and section head) and a pedagogical advisory council composed of six teachers, of whom three are elected in a process in which all teachers participate and three by the students of the Institute;

(b) Complaints are to be filed as written reports addressed to the responsible official or one who is present when the complaint is filed. The complaint is then brought to the attention of the school administration.

40. Chapter II of General Service Regulation No. 21, covering discipline, provides general guidance on conduct for students at the Army School of Music. The School also has a system for awarding prizes or points according to the grades obtained during the week.

41. In that same chapter, a section on appealing disciplinary measures describes the actions to be taken. There is no confidential complaint mechanism for trainees.

42. At the Army School of Communications, students enrolled as apprentices are enlisted persons and thus members of the non-commissioned staff, and therefore have military status (article 68 of Act No. 14157 on the Armed Forces), with the exceptions provided for in Act No. 17823.

43. The grade of apprentice is associated exclusively with learning a specialized skill, subject to the parents' consent, as was previously stipulated in article 209 of Act No. 10050, updated by article 325 of Act No. 10757.

44. As part of the military hierarchy, apprentices in principle have all the obligations and rights inherent in military status, and are naturally subject to the military disciplinary regime with special norms as set out in Act No. 17823 and articles 116, 117, 118 and 121 of the School's regulations (Decree No. 24091).

45. Disciplinary sanctions affect the leave that students may take, pursuant to the provisions of General Service Regulation No. 21, with degrees of severity determined by the administration. However, students subject to disciplinary measures are guaranteed a minimum of one period of leave per month. Unserved days of punishment will result in the loss of vacation days in the form and degree determined by the administration in accordance with the student rules.

46. When apprentices at the Army School of Communications are given leave for disciplinary or study-related reasons or at their request, if they are minors then the consent of their parents and/or legal representatives is required, and such consent, in written form and duly signed by the responsible party, is added to the student's file.

47. Complaint mechanisms available to apprentices include filing complaints through hierarchical channels and, in special cases, through a multidisciplinary team including a psychologist and a social worker.

48. The disciplinary methods used at the Air Force Military School are outlined in the School's General Regulations (Decree No. 450/984 and Decree No. 226/989 updating it) as well as in the General Disciplinary Regulations for Air Force Personnel (Decree No. 55/994 and Air Force Regulation No. 125-1). Students may file complaints in accordance with chapter VI of the General Internal Regulations (No. 125-1), on appealing disciplinary sanctions.

49. The disciplinary methods used at the Air Force Technical School are those provided for in the laws, decrees and regulations in force.

4. Please provide information on the activities to heighten awareness of the Optional Protocol among society at large, and in particular among children and their parents, and to promote a culture of peace. Please also provide specific information on the activities carried out to disseminate and provide training on the Optional Protocol and on human rights training programmes for all groups of professionals responsible for implementing the Optional Protocol, in particular members of the Armed Forces, members of international forces taking part in peacekeeping missions, law-enforcement officials and immigration personnel.

50. In addition to the detailed information about human rights training provided in the answers to question 2, it should be noted that, as Uruguay has not been involved in domestic or international conflicts, no special campaigns have been conducted to display or disseminate the text of the Optional Protocol. However, the rights of children and adolescents in general are always covered in broadcasts, advertising, education and training provided to specialized staff and to society at large.

51. Act No. 18650 of 19 February 2010 provides that overseas missions organized by the international organizations to which Uruguay is a State party shall be conducted for defence, humanitarian, stabilization or peacekeeping purposes, and the participation of national forces in those missions is a sovereign decision determined by the nation's foreign policy with the aim of promoting national interests in the international arena, engaging in mutual confidence-building measures and fostering relations of cooperation and respect between the different actors of the international community, in accordance with international law.

52. Executive Resolution No. 538/2013 tasked the Directorate-General of Defence Policy with organizing, prior to the deployment of troops, workshops with courses aimed at strengthening human rights training for participants.

53. Using human rights as a starting point, the workshops address topics related to international human rights law; international humanitarian law; specific rights such as social, economic and cultural rights; HIV/AIDS prevention and treatment; and addiction. Information about the society and culture of the mission's target country is provided, with an emphasis on the special protection of children and women against violence, on abuse and sexual exploitation and on trafficking, among others.

54. The teaching staff who plan, organize and deliver these workshops are employees of the Ministry of Defence, the Ministry of Foreign Affairs and the United Nations.

55. In 2013, a total of 15 predeployment workshops were delivered, with the participation of 2,101 members of the Armed Forces. In March and April 2014, a total of 12 predeployment workshops were delivered to 1,522 participants.

56. Also, in 2013, at the initiative of the Department of Peacekeeping Operations, a regional pilot training course in child protection was delivered under the rubric of protection of civilians.

5. Please inform the Committee whether there is a provision of criminal law explicitly prohibiting the voluntary recruitment or use of children under the age of 18 by the Armed Forces, non-State armed groups or private security and defence contractors; and if there is, please provide information on the steps envisaged by the State party to ensure compliance with the Optional Protocol as regards the explicit criminalization of those acts.

57. As has already been stated, there is no forcible recruitment or compulsory military service in Uruguay. All enlistment is voluntary, and the minimum age is 18 years, with the provisos that were already stated with respect to military schools.

58. In 2010, the framework Defence Act No. 18650 partially repealed Act No. 9943 of 20 July 1940, which provided for compulsory military training, and instead stated in its article 29 that “military training and military service shall be voluntary”.

59. Persons under the age of 18 cannot be considered criminally responsible, from the viewpoint of both ordinary and military criminal law, since the Code regulating the latter refers in its article 7 to the provisions of Book I of the Ordinary Criminal Code for whatever matters are not subject to exception, such as the minimum age of criminal responsibility, which is 18 years according to article 34 of the Ordinary Criminal Code. There is, moreover, specific jurisdiction applying to minors, regulated by Act No. 17823, whose article 13 states, “Children and adolescents cannot take part in hostilities during armed conflicts or receive training for that purpose”, with its implementation provisions applicable “to all human beings below the age of 18 years”.

60. Finally, it should be recalled that Uruguay has ratified the Rome Statute of the International Criminal Court and that Act No. 18026 on cooperation with the Court classifies as a war crime (art. 26) the recruitment of children under the age of 18 to participate actively in hostilities.

6. Please indicate to the Committee whether extraterritorial jurisdiction can be established for offences covered by the Optional Protocol.

61. The judiciary is not aware of any involvement of children in armed conflict, or of any recruitment activities. In any case, it should be made clear that the principle of territoriality applies in criminal matters, as criminal laws apply only at the national level. Criminal law applies only to crimes committed on national territory, whether or not the perpetrators are Uruguayan nationals. In contrast, crimes committed abroad, whether by Uruguayan nationals or foreigners, are not punishable under Uruguayan criminal law, except in explicitly outlined exceptions. This is an offshoot of the concept of State sovereignty and the principle that jurisdiction extends as far as a country’s borders.

62. Exceptions to the principle are provided for and relate to cases involving the principles of defence or guardianship, nationality or personality and universal justice.

7. Please provide information on the procedures adopted by the State party to identify the refugee, asylum seeking and migrant children who have been or are at risk of being recruited or used in hostilities. Please also identify the rehabilitation services available to these children.

63. As was mentioned earlier, Uruguay is not involved in any international or national conflict and therefore the recruitment and use in hostilities of minors, whether migrants or others, does not occur.

8. Please explain how access to firearms is regulated in the State party. Please also provide information on the rules for the manufacture, sale and distribution of small arms and other types of weapons and on whether there is a domestic system of control over the sale of firearms that depends on the country of final destination.

64. The sale of firearms in the country is governed by Decree No. 652/1970 as amended by Decree No. 231/02. Article 2 of the latter clearly states that “Everyone over the age of 18 who wishes to acquire firearms must first obtain a permit for the acquisition and possession of firearms ...”, which tacitly prohibits the sale of weapons to persons under the age of 18. Notwithstanding this, Act No. 17823 (art. 187, para. 1) prohibits the sale, supply, rental or distribution of weapons, ammunition and explosives to persons under the age of 18.

65. To carry weapons, applicants must first obtain a permit from the police authority. To do that, they must, among other things, prove that they have no criminal record and provide a certificate of medical fitness and a certificate of basic knowledge about safety and the handling of weapons. The permit is granted for a maximum period of one year.

66. With regard to registration, the Material and Weapons Service of the Ministry of Defence and the Weapons, Ballistics and Police Units Office of the Ministry of the Interior regularly exchange updated information on the registers for permits (issued or cancelled) for the acquisition and possession of weapons and permits for carrying weapons (including, for each permit, the characteristics of the weapon in question).

67. Finally, the manufacturing and assembly of firearms are regulated by Decree No. 195/1995, while the issuing of permits for such activity lies within the competence of the Ministry of Defence.
