

Mexico: Children and the military

Pre-session

Submission to the Committee on the Rights of the Child (CRC) on the combined sixth and seventh periodic reports of Mexico (October 2023)

Summary

- **Child recruitment.** It appears that Mexico has removed the legal provision for the military recruitment below the age of 18 years, which would be a profoundly welcome change. We encourage the Committee on the Rights of the Child (the Committee) to verify that children are no longer being recruited in any circumstances, and to urge the state party to update its binding declaration accordingly.
- **Military schools.** As of Mexico's most recent review, approximately 100 children were enrolled in five military training academies across the state party. The Committee's various serious concerns are not mentioned in the state party report. We encourage the Committee to ask the state party whether children continue to be enrolled, whether they may be mobilised, and whether they are free to leave at will and without penalty.
- **Suggested questions.** The submission closes with two suggested questions for the List of Issues.

Introduction

The Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) present these comments as part of their project to monitor progress made by states parties in implementing the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict (OPAC).

Country situation

Population (2022): 128 million.¹

Armed forces (est. 2022): 216,000.²

Military service: Compulsory for adults who are Mexican by birth or naturalisation.

OPAC ratified: 2002.

OPAC report: [Received 2008](#) (with additional subsequent [reply to List of Issues](#)), [reviewed 2011](#).

CRC reviews since OPAC report: [Received 2012](#), [reviewed 2015](#).

¹ Institute for Strategic Studies, *The military balance 2023*.

² Ibid.

Issues arising

Minimum recruitment age

In its 2015 review of Mexico's periodic report, the Committee remained 'deeply concerned' that most of the issues raised in response to the State Party's OPAC report had yet to be addressed.

First among these was that 'voluntary recruitment and enlistment in the compulsory military service of children from 16 years of age is still being permitted under certain circumstances'. The Committee further urged the State Party to:

'Revoke article 25 of the Military Service Act, end the practice of early enlistment in military service for 16- and 17-year-old children, and raise the minimum age for voluntary recruitment to 18 years, without exceptions...'

The State Party report for the present review cycle maintains that this recommendation has been accepted:

'Regarding the Committee's recommendation to end the military service of children and adolescents, in July 2015 the Decree was published through which the Personnel Recruitment Regulations for the Mexican Army and Air Force were amended, where article 17 was repealed, now providing as an entry requirement to be 18 years old.' [machine translation]

Article 17 of the Recruitment Regulations was indeed revoked in 2015,³ such that 18 years is now the only minimum age specified in that statute. In 2022, article 25 of the Military Service Act was also revoked as recommended, again leaving 18 years as the only minimum age specified in that statute.⁴

It appears that Mexico has removed the legal provision for the military recruitment below the age of 18 years, which would be a profoundly welcome change serving the best interests of children in the state party. If so, we encourage the Committee to commend the state party accordingly.

Mexico's OPAC Declaration remains unchanged, reserving the right to recruit from age 16 under now-revoked provisions of the Military Service Act:

'[...] Those over 16 and under 18 shall be accepted into signals units for training as technicians under contracts with the State not exceeding five years in duration. Moreover, under article 25 of the Military Service Act, only the following persons may be accepted for early enlistment in the armed forces: I. Those who wish to leave the country at the time when they would be required by law to undertake military service if they are over 16 at the time of requesting enlistment; II. Those who are obliged to request early enlistment because of their studies.'⁵

³ State of Mexico, [Reglamento de reclutamiento de personal para le ejército y fuerza aérea mexicanos](#).

⁴ State of Mexico, [Ley del servicio militar](#), p. 4.

⁵ UN Treaty Collection, [Chapter IV: Human Rights \(11b\)](#), 2023.

Military schools

As of 2010, Mexico was operating five military training academies, of which approximately 100 students were children from age 15.⁶ In response, the Committee expressed several concerns:

- Military schools are managed solely by the Ministry of Defence;
- Students at military schools have military status and are subject to the military law;
- Students can leave the school only according to the rules established by the internal regulations of the school;
- Students are required to serve in the military for at least double the time they spend at military school; and
- Reports had indicated that ‘students in military schools have taken part in the fight against drug trafficking... which seriously jeopardizes the rights and lives of children’.⁷

At the subsequent periodic review, the Committee found the situation unchanged and restated its concerns as follows:

‘that children who study in military schools are subjected to the Military Code of Justice and only allowed to leave the school according to its internal regulations; and that military schools are managed solely by the Ministry of Defence’.⁸

The State Party was urged to

‘ensure that children in military schools receive an education in accordance with the Convention monitored by the Ministry of Education and do not participate in the fight against drug trafficking’.⁹

Mexico’s report under the current review cycle does not mention these concerns, and we urge the committee to follow them up.

Suggested questions for the List of Issues

1. Does the domestic law of the state party now unambiguously prohibit the military recruitment of persons under the age of 18 in all circumstances? Please give details. Have any persons under the age of 18 years been recruited since the relevant statutes were amended to prohibit the practice?

2. Which military schools in the State Party enrol students under the age of 18 years and how many such persons are enrolled in each? Please disaggregate data by age, gender, and social background. Are such students classified as members of the armed forces, can they be mobilised, and are they free to leave at will and without further obligation?

⁶ Reply to List of Issues following submission of OPAC report, 2010, [CRC/C/OPAC/MEX/Q/1/Add.1](#), pp. 6-7.

⁷ Concluding Observations on OPAC report, [CRC/C/OPAC/MEX/CO/1](#), para. 17.

⁸ Concluding Observations on CRC report, [CRC/C/MEX/CO/4-5](#), para. 71.

⁹ *Ibid.*, para. 72.