



Convention on the Rights of the Child

Distr.: General
27 October 2014
English
Original: French

Committee on the Rights of the Child Sixty-seventh session

Summary record of the 1903rd meeting

Held at the Palais Wilson, Geneva, on Monday, 1 September 2014, at 3 p.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties

Combined third to fifth periodic reports of the Bolivarian Republic of Venezuela on the implementation of the Convention on the Rights of the Child

Initial report of the Bolivarian Republic of Venezuela on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial report of the Bolivarian Republic of Venezuela on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-15345 (E) 241014 271014



* 1 4 1 5 3 4 5 *

Please recycle A universal recycling symbol consisting of three chasing arrows forming a triangle.



The meeting was called to order at 3.15 p.m.

Consideration of reports of States parties

Combined third to fifth periodic reports of the Bolivarian Republic of Venezuela on the implementation of the Convention on the Rights of the Child (CRC/C/VEN/3-5; CRC/C/VEN/Q/3-5; CRC/C/VEN/Q/3-5/Add.1)

Initial report of the Bolivarian Republic of Venezuela on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/VEN/1; CRC/C/OPAC/VEN/Q/1)

Initial report of the Bolivarian Republic of Venezuela on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/VEN/1; CRC/C/OPSC/VEN/Q/1)

1. *At the invitation of the Chairperson, the delegation of the Bolivarian Republic of Venezuela took places at the Committee table.*

2. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that the 9 million children and adolescents who lived in the Bolivarian Republic of Venezuela were full subjects of law and enjoyed rights guaranteed by the Constitution and by the international instruments to which the Bolivarian Republic of Venezuela was party. The competent authorities, civil society organizations, and more than 11,400 children had participated in the preparation of the third, fourth and fifth periodic reports. Despite efforts to destabilize the country, the Bolivarian Republic of Venezuela enjoyed a level of political stability that had enabled it to make considerable advances in the implementation of children's rights. Between 1999 and 2012, the Government had spent 62.5 per cent of national income on social programmes, which had made it possible to bring the poverty rate down to below 20 per cent and the extreme poverty rate down to below 5 per cent. The Bolivarian Republic of Venezuela aimed to eradicate poverty by 2019. As stated in the periodic report, a number of programmes had been adopted in the area of education, including the school meals and Canaima programmes. Ninety-seven per cent of children between the ages of 6 and 11 and 88 per cent of children between the ages of 12 and 16 were now in school. A national plan on recreational activities had been launched in 2010 with a view to offering children an all-round education, and 4.5 million children had already benefited from it. A national system of children's orchestras and choirs had been created so as to promote a culture of peace. The promulgation of various laws, such as the law on the promotion and protection of breastfeeding, and the implementation of vaccination and food programmes, had helped bring down the infant mortality rate, which was now 11 per thousand live births, and the infant malnutrition rate, which had dropped from 5.3 per cent in 1998 to 2.9 per cent in 2011.

3. In 2007, the amendment of the Organic Act on the Protection of Children and Adolescents had made it possible to improve protection for children. The legal system had been made more efficient, thanks in particular to the increase in the number of specialized courts and the creation of in-service education programmes for judicial personnel; corporal punishment was now prohibited; and the right of children to express their opinion had been recognized. It was now the responsibility of the Ministry of People's Power for the Office of the President to coordinate State policy on the protection of children, and responsibility for implementation fell to the Autonomous Institute and National Council for Children's and Adolescents' Rights. In addition, a programme entitled "*Gran Misión Hogares de la Patria*" (Great Mission for the Nation's Households) had been developed as a way of consolidating social programmes that aimed to ensure that families had access to social protection, social integration, participation and training in the values of equality, equity,

social harmony and peace. The National Human Rights Council, created in April 2014, helped develop public policies on human rights, drawing on the recommendations of the Ombudsman's Office. It coordinated the work of authorities, companies and social welfare organizations in the area of human rights. Community involvement in decision-making was guaranteed by the Organic Act on the Protection of Children and Adolescents and by the Organic Act on Community Councils. More broadly, the Venezuelan authorities were setting up a national system for peace and social harmony based on the principles of solidarity, respect for ethical and moral values, recognition of diversity, and the consolidation of a culture of dialogue. In 2012, at the initiative of the President, the "*Gran Misión A Toda Vida Venezuela*" (Live life to the full) had been launched to guarantee equality in the exercise of the right to security, justice, reparation, and social harmony and solidarity, and to eliminate sources of violence that could harm children and adolescents.

4. Since there was no armed conflict in the Bolivarian Republic of Venezuela, there were no cases of recruitment of children by the regular army or by illegal armed groups. The sale of children, child prostitution and child pornography were criminal offences. Several legislative, administrative, policy and other measures had been taken to prevent and eliminate such acts and punish those who committed them. A new plan for the comprehensive protection of children and adolescents was being developed. The second Social and Economic Development Plan for the Nation, for 2013–2019, drawn up under the auspices of former President Hugo Chávez Frías, served as a road map, guiding the State party's transition to twenty-first century Bolivarian socialism, and thereby paving the way to equality and social justice. The best interests of the child, a love of others and of nature, and the right of all persons, especially children and adolescents, to live in peace and dignity, figured prominently in the Plan.

5. **Mr. Cardona Llorens** (Coordinator, Country Task Force) congratulated the State party on its progress since 2007 with the implementation of the Convention. He wished to know whether the Venezuelan Government planned to ratify the Optional Protocol on a communications procedure, and whether there had been an evaluation of the Organic Act on the Protection of Children and Adolescents and its implementation. He said it was regrettable that there was no overall strategy to guide the annual action plans of the Autonomous Institute and National Council for Children's and Adolescents' Rights. He asked why the 2009–2013 national plan on the comprehensive protection of children and adolescents had never been adopted, and which civil society partners were involved in the implementation of policies on children. He requested further information about how the agency running the *Hogares de la Patria* programme worked, and about the areas of work and rights affected by the cuts in the budget for children, that budget having been practically halved between 2012 and 2013. He asked whether there had been a prior evaluation of the effects of adjustment measures taken in response to the crisis. He wished to know what measures had been taken to combat corruption in public administration, what role the missions had within the national system for the protection of children, and what progress had been made with the establishment of the Common Statistical Information System on Children and Adolescents. He asked for further information about the publication and dissemination of the Convention at all levels of the education system and in all branches of higher education in which professionals who worked with children were being trained, and about measures taken to shield the rights of indigenous children from the impact of mining activities on indigenous lands. He also wished to know the outcome of the implementation of the "*Yo soy*" (I am) programme.

6. **Ms. Winter** (Country Task Force) noted that, although the report listed many plans and measures aimed at protecting children, it did not describe the actual effects of the plans or provide statistics that would help in evaluating their implementation. In particular, she wished to know whether the plans drawn up by the State party for the prevention of early pregnancy and awareness-raising about that issue had produced the expected results,

whether the Organic Act on Organized Crime had ever been invoked before the courts, whether there was compliance with the Organic Act on Education, which aimed in part to reinforce the identity of the various peoples that made up the Bolivarian Republic of Venezuela, including peoples of African descent, and what had been the effects of measures taken to guarantee compliance in practice with the principle of the best interests of the child. She also wished to know whether children's opinions were taken into account in practice in all matters concerning them, and whether children who felt that they had been deprived of that right had ever filed a complaint, and if so, what action had been taken on such complaints. She also asked whether the reform of the police force conducted by the National Commission on Police Reform had had a positive effect on the behaviour of law enforcement personnel, whether legal action had ever been taken against a police officer, and if so, what the outcome had been. She asked the delegation to say whether there were television programmes for indigenous children, whether the courts guaranteed the right to privacy and confidentiality of information when dealing with cases concerning minors, and whether they ensured that the identity of the parties concerned was not disclosed to the media. Lastly, she said that it would be interesting to know whether teachers received training in information technology.

7. **Ms. Khazova** (Country Task Force) said she found it regrettable that civil society organizations were not as a rule consulted during the development of new legislation. She wished to know what progress had been made in the revision of the Organic Act for the Protection of Children and Adolescents, which would provide for the creation of children's rights councils in which civil society organizations would be represented. Information available to the Committee suggested that many NGOs were hesitant to express their opinions for fear of reprisals. Moreover, members of one NGO, including children, had recently been arrested after having taken part in a demonstration. She would welcome a comment on that matter from the delegation. Describing the scale of violence in the State party (extrajudicial executions, theft, assault, rape and clashes between armed gangs), which explained the particularly high mortality rate for adolescents, and noting the high levels of corruption and impunity in the country, Ms. Khazova said that the State party should, as a matter of urgency, make the struggle against violence a priority and try to improve the situation. She wished to know whether the ban on corporal punishment in all contexts, promulgated in 2007, had really put a stop to that method of discipline, given that a study carried out some years previously had shown that it was still used on children.

8. **Mr. Nogueira Neto** (Country Task Force) asked whether the State party planned to create ways of gathering more information about sexual violence against children and the sexual exploitation of children, and what effect the measures taken to combat those problems had had. He wished to know whether there had been any awareness-raising or prevention campaigns and whether the victims had any form of protection.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

9. **Mr. Molina** (Bolivarian Republic of Venezuela) said that the Government was currently assessing the potential impact of ratification of the Optional Protocol on a communications procedure by the Bolivarian Republic of Venezuela.

10. **Ms. Ravicini** (Bolivarian Republic of Venezuela) said that it was the Ministry of People's Power for the Office of the President that developed policies on children and adolescents. In practice it was up to local authorities to implement those policies through the municipal councils on children's and adolescents' rights (whose task was to protect the collective rights of that group) and the councils for the protection of children and adolescents (whose task was to ensure that the individual rights of vulnerable children were respected). The Autonomous Institute and National Council for Children's and Adolescents' Rights, for its part, was responsible for presenting the Ministry of People's Power for the Office of the President with policy guidelines after having conducted

consultations at the local level. In the spirit of participatory democracy, the Bolivarian Republic of Venezuela was continuously examining and re-evaluating its policies, in particular its economic and social policies. In evaluating its policies on children, it had consulted many civil society organizations and NGOs working in the area of protection for young people — including young people's associations — by means of round tables and citizens' assemblies.

11. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that he was concerned about the fact that the standard of services for children varied from one region of the country to another, and wished to know which body was responsible for coordinating policies on children and adolescents and deciding on the funding allocated to that sector, and what role the various "mission" programmes had in that regard.

12. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that it was the executive branch that coordinated activities for children, and that the missions, which had their own budgets, helped families living in poverty and extreme poverty. There was no policy that restricted children's rights. The budget cuts experienced by the Autonomous Institute and National Council for Children's and Adolescents' Rights were not a sign that the State was uninterested in social issues; on the contrary, in 2014 the State had increased the budget for policies on the family and children by 42 per cent compared with the previous year. All children benefited from education and health policies, as the particularly high rate of school enrolment attested.

13. **Mr. Cardona Llorens** (Coordinator, Country Task Force) asked whether the State party had developed indicators and conducted impact assessments so as to evaluate the results of its social policies. He wished to know, in view of the severe budget cuts suffered by the Autonomous Institute and National Council for Children's and Adolescents' Rights, whether in future it would be the missions that would distribute the funding set aside for the social sector. He wished to be certain that no child was left behind.

14. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that detailed disaggregated data existed and she undertook to send the Committee the information in writing as soon as possible. She asked the Committee to exercise caution when examining comparative figures, however, and to bear in mind that some programmes supplemented the broader system serving the population as a whole. For example, the goal of the Robinson Mission was merely to guarantee the right to education of children who did not have access to formal education.

15. **Mr. Cardona Llorens** (Coordinator, Country Task Force) said that he was appreciative of the State party's significant efforts with the budget but repeated that the only way to ensure that investments would be effective was to conduct impact studies.

16. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that she took note of the Committee's remarks. A review of the evaluation criteria was already a priority for the Government, as the creation of the National Institute of Statistics in 2011 demonstrated. The significant reduction in structural poverty, which had come about thanks largely to the numerous food aid programmes, was considered a sign of the success of the new practice of regular revision of strategies and policies.

17. **Ms. Acosta** (Bolivarian Republic of Venezuela) said that the prevention of early pregnancy was one of the most important goals of the National Reproductive Health Programme, which aimed to guarantee access for everyone, without discrimination, to family planning services, which were regularly re-evaluated, and to antenatal, perinatal, and postnatal care. Over the past few years many health teams and communities had received training and equipment, and several million contraceptives of different kinds had been distributed, particularly to teenage girls.

18. **Ms. Khazova** (Country Task Force) asked for further information about the circumstances under which a child could be separated from his or her parents, and about the bodies responsible for oversight of the care of children placed elsewhere than in institutions under the responsibility of the Autonomous Institute and National Council for Children's and Adolescents' Rights. She noted that the adoption process was slow and lacking in transparency. While welcoming the drop in the rates of child labour, she noted that the numbers of children in work, including children under the age of 14, remained high. The delegation was invited to provide further information on the types of checks carried out to combat child labour involving young children.

19. **Mr. Cardona Llorens** (Coordinator, Country Task Force) welcomed the fact that the State party had improved its legislative framework for the protection of the rights of persons with disabilities. It was regrettable, however, that the report did not have any information on the action taken on the Committee's recommendations on children with disabilities, contained in its concluding observations of 2007. He therefore invited the delegation to state whether there was an overall strategy for children with disabilities and how the State party ensured the prevention of disabilities, the integration of children with disabilities in mainstream schools, and the training of teachers for their integration. He noted that the rate of early pregnancy in the State party was one of the highest in the region and that, as the Ministry of People's Power for Health itself admitted, that could be due in part to the closure of many centres offering sexual and reproductive health services. In such a context, four hours of sex education a year in schools was clearly inadequate. Moreover, the maternal mortality rate was also very high, and that called for strong measures. He drew attention to the existence of problems such as malnutrition, child obesity, low vaccination rates, the lack of resources available to hospitals, insufficient access to drinking water, and air pollution in some cities. Lastly, he asked how many children were living in prison with their parents, how many were separated from their parents because the parents were in prison, and what support there was for those children.

20. **Mr. Nogueira Neto** (Country Task Force) wished to know about human and technical resources used to support the National HIV/AIDS Strategy, the number of HIV-positive children, the number of child deaths caused by HIV/AIDS, the number of cases of mother-to-child AIDS transmission and the number of pregnant women receiving antiretroviral treatment.

21. **Mr. Gastaud** (Country Task Force) said that, despite the undeniable progress in the area of education, approximately 20 per cent of children were excluded from the education system and the school dropout rate remained high. Moreover, sources agreed that the quality of teaching was mediocre and that there was a degree of indoctrination in schools, and a militarization of education that fed into a general climate of violence in the country. He drew the delegation's attention to the Committee's general comment No. 1, on the aims of education. He asked to what extent teaching in minority languages was guaranteed in practice. He also asked what the special characteristics of Bolivarian schools were and why it had been found necessary to depart from the principle of equality by creating two different kinds of school. Noting that 4 million children belonged to orchestras, he wondered whether they had been conscripted or were free to choose to join, and whether there were other activities available to them. He invited the delegation to provide further information about the measures taken to help refugee, asylum seeking and street children.

22. **Ms. Winter** (Country Task Force) said that, according to her information, more than 4,000 asylum applications from children were pending consideration. The time taken to process asylum applications seemed excessive. She asked whether telephone hotlines had been set up for children in distress and whether information that might interest children, for example information on health, was available in all the languages spoken in the country. She found it regrettable that the State party's report did not contain information on juvenile

justice and that the Committee had been informed very late in the day about the existence of a bill on that subject. She invited the delegation to say more about the bill, giving details, for example, of the legal safeguards it provided in the event of non-judicial intervention such as mediation, and which provisions defined new kinds of offences. Lastly, she pointed out that the duration of police custody was excessive and that the police did not comply with national legislation in this regard. She asked whether any complaints had been filed in that regard and whether the Ombudsman had oversight of police custody.

The meeting rose at 6 p.m.