



Convention on the Rights of the Child

Distr.: General
20 October 2014

Original: English

Committee on the Rights of the Child Sixty-seventh session

Summary record of the 1904th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 2 September 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10.10 am

Consideration of reports of States parties *(continued)*

Combined third to fifth periodic reports of the Bolivarian Republic of Venezuela
(continued) (CRC/C/VEN/3-5, CRC/C/VEN/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Bolivarian Republic of Venezuela took places at the Committee table.*
2. **The Chairperson** invited the Venezuelan delegation to reply to the questions put by Committee members at the previous meeting.
3. **Ms. Tarazón** (Bolivarian Republic of Venezuela) said that her delegation had expected to engage in an interactive, constructive and cooperative dialogue with Committee members, with concerns, criticisms and recommendations based solely on technical considerations. The dialogue should be objective and transparent and was not the time for political or ideological confrontation. The Committee should refrain from frequently interrupting the delegation in order to ensure that it had sufficient time to reply to the many concerns and questions raised. She expressed surprise that the State party's significant political and social achievements had not been recognized during the dialogue.
4. **The Chairperson** said that she had to conduct the dialogue as she saw fit. The delegation was there to answer questions and it was the Committee's usual practice to ask follow-up questions during the dialogue thereby ensuring that it was interactive. The questions and follow-up questions raised during the previous meeting were not of a political nature; they were intended to help the Committee better understand the systems in place in the State party. Further questions had been asked to elicit more accurate and precise answers. The time remaining had been set aside for the delegation to respond to the questions raised without further interruption from Committee members.
5. **Ms. Tarazón** (Bolivarian Republic of Venezuela), responding to questions raised during the previous meeting, said that no child or adolescent had ever been detained for belonging to a political organization or social movement and that the alleged arrest of adolescents for belonging to non-governmental organizations (NGOs) could be a case of disinformation because media manipulation was rife in the Republic.
6. The Government recognized and guaranteed the right to peaceful demonstration and the responsible exercise of the freedom of expression. She emphasized that the violent attempt by opposition elements in early 2014 to depose the Government duly elected by the people had nothing to do with the legitimate right of Venezuelans to peaceful assembly. In the face of unprecedented violence, the Government had been forced to take appropriate action. However, only one adolescent remained in custody, after admitting in court to killing a worker. The Government would not tolerate any police action resulting in human rights violations and the isolated incidents in question were under investigation.
7. The revised Child and Adolescent Protection Act had not yet come into force, as there were two further stages in the legal reform process to complete before enactment. The State party would give more details in its next report to the Committee.
8. The law against corruption helped ensure that public servants upheld constitutional principles, particularly transparency and accountability in the use of public funds. A key factor in combating corruption was the involvement of the people through public oversight mechanisms and the dissemination of regular information on public expenditure and the use of public assets.
9. With regard to the dissemination of the Convention and the training of staff responsible for the protection of children and adolescents, the Government was constantly

developing strategies to raise public awareness, inter alia, through the media and free publication and distribution of the instrument. It also provided specialized training on the Convention for persons working directly with children and adolescents, particularly in government institutions and the judiciary.

10. The National System for the Comprehensive Protection of Children and Adolescents was provided for in the Constitution to uphold the human rights of children and adolescents. The Ministry of People's Power for the President's Office had overall responsibility for the protection of children and adolescents, demonstrating the President's direct interest in ensuring the System's effective management. The independent body responsible for the protection of children's and adolescents' rights (IDENNA) came under the Ministry of People's Power for the President's Office and was the body responsible for implementing public policies and programmes relating to such protection. Each municipality had councils responsible for public policies on children and adolescents at the local level and for dealing with individual cases of violations of their rights. There were also over 1,250 offices of the Children's Ombudsman and 46 entities within IDENNA to deal with cases of children and adolescents temporarily or permanently deprived of their family environment.

11. The participation of civil society in the protection system was guaranteed under the Constitution and by the Bolivarian Revolution and included the democratic development, implementation and oversight of public policy through various forms of direct and representative participation. Furthermore, civil society organizations, particularly those representing marginalized groups, were consulted on and involved in the development and implementation of IDENNA programmes.

12. In response to questions about the right of children to live, be raised and develop within their family of origin and about care institutions, she emphasized that all children and adolescents in the Republic enjoyed those rights and could not be separated arbitrarily from their families. Separation could take place only in exceptional circumstances and as a last resort, when deemed necessary in the child's best interests, following strict criteria after a protection order had been issued and having taken into consideration the views of the child or adolescent involved. State policy was to preserve family ties where possible and the launch of a national family inclusion policy had resulted in fewer children being taken into care and a significant increase in the number of children returning to their families. There were 226 public and private care institutions nationwide, 46 of which were run by IDENNA, and they were monitored quarterly by the Office of the Ombudsman.

13. The situation of street children no longer posed a problem and the rare cases of children thrown out of the family home that did arise were handled directly by the child and adolescent protection councils. They issued protection orders for those concerned to be taken into care or foster homes until they could be reunited with their nuclear or extended families, where possible.

14. Adoption was a two-stage process, administrative and judicial, the former undertaken by IDENNA and the latter by the relevant protection courts. Three different bodies were involved to ensure transparency: the Public Prosecution Service (*Ministerio Público*), IDENNA and the courts. The process to assess the suitability of potential adopters lasted no more than six months and legal procedures should be in keeping with the Child and Adolescent Protection Act. While there were no significant delays in procedures, fewer children were being put up for adoption because most were reunited with their nuclear or extended family and, unfortunately, people were not interested in adopting children over a certain age.

15. As for concerns over data collection, she confirmed the availability of statistical information by sector on the situation of children and adolescents. The National Institute of Statistics had made significant progress in disaggregating such information by age, ethnic

background and disability. With input from various other relevant national bodies the State party would be able to provide indicators and consolidated statistics in its next periodic report.

16. Concerning child labour, a rigorous nationwide registration and approval system was in place, which took into account the opinion, free will and best interests of the adolescents concerned and guaranteed their right to education, health and development. Adolescent labour was monitored by the Ministry of People's Power for Labour and Social Security and its subsidiary body within the national institute responsible for occupational health and safety.

17. In response to questions raised about violence, sexual abuse and corporal punishment, she said that cases were dealt with in the first instance by the 335 municipal child and adolescent protection councils. The local authorities had the power to issue immediate protection orders to stop the violence and ensure that the rights of the children and adolescents concerned were upheld. Such action was supported by the more than 1,250 local offices of the Children's Ombudsman, which provided first-line assistance to victims and referred them to the protection councils. In addition, IDENNA had 31 care institutions for children and adolescents removed from their family environment in exceptional circumstances to protect them from their abusers. Those institutions also provided mental health support to the children and adolescents concerned while their physical health was taken care of under the national health system.

18. **Mr. González** (Bolivarian Republic of Venezuela), in response to concerns raised regarding the right to education, said that education was a government priority and the State party was proud of its achievements. Comparing figures for 1998 and 2013, school enrolment rates had risen from 46 to 77 per cent for 3 to 5-year olds, from 90 to 97 per cent for 6 to 11-year olds and from 64 to 88 per cent for 12 to 16-year olds. The plan was to achieve 100 per cent school enrolment in all age groups, starting with the construction of more classrooms in 1,500 schools in communities with high levels of poverty.

19. Although the secondary school dropout rate had fallen from 12 to 6 per cent since 1999, the aim was reduce it to 2 per cent by 2018 by focusing on students at risk and by building 100 new schools in 2014. Funding had also been approved for the construction of a further 1,500 schools between 2014 and 2018. The new schools would be designed to integrate all levels of basic education and include ample recreational, sports and arts facilities. Primary level dropout rates had fallen from 2.5 to 0.3 per cent and school completion rates had risen from 70 to 92 per cent at primary level and from 43 to 78 per cent at secondary level.

20. A national consultation process had been launched to encourage representatives from all sectors of civil society, including children and adolescents, to participate in ongoing efforts to improve the quality of education. As a result of the consultations, a national long-term plan to improve educational standards would be developed. Similar consultations would be held on merging special education with mainstream education.

21. Teacher training covered the rights of children and adolescents and priority had been given to embracing diversity. Teacher training facilities were equipped with libraries and Internet access, 1,000 secondary schools had free Wi-Fi and 3.4 million personal computers had been provided to primary and secondary schools. All textbooks were provided free to State school students.

22. There were over 1,400 multicultural bilingual schools in indigenous communities, where 80 per cent of the teachers were speakers of indigenous languages. Bilingual teaching materials were available for students from indigenous communities and the rest of the population. The texts of the Bicentenary Collection were being translated into indigenous languages.

23. Plans to introduce a full school day in all schools were well under way. All schools would follow the same curriculum and cultural, sports and recreational activities would be programmed into the school day. Those activities would also be available throughout the year, in collaboration with community organizations, so as to encourage children and adolescents to make good use of their free time. Recalling the international renown of the State youth and children's orchestras and choirs, he said that it was just one of the many opportunities for participation in cultural, artistic and sporting activities available to children and adolescents in the Republic.

24. **Mr. Rangel Ávalos** (Bolivarian Republic of Venezuela), in response to concerns raised regarding the right to identity, life and State protection, said that 99 per cent of children born in hospitals were registered at birth, irrespective of the mother's immigration status. The Government fully guaranteed the right to identity through a range of initiatives such as establishing a special foundation to support the Identity Mission, launched by the Identification, Migration and Immigration Service as part of its efforts to guarantee the right to identity, including by issuing all citizens with a laminated identity card. Importantly, the identity cards of indigenous persons, in addition to the usual identification information, showed details of their respective indigenous backgrounds, in accordance with the Indigenous Peoples and Communities Act, which provided that indigenous peoples be recognized and that their rights be guaranteed and protected and their culture preserved. It was also noteworthy that between 2011 and 2014 almost 1.7 million children and adolescents had received identity cards, thus fully guaranteeing their right to identity.

25. Under Identity Mission, 11 mobile units toured the country to carry out the identification process within communities, schools, universities, workplaces, prisons, shelters, areas with upcoming elections and other key locations, reaching out in particular to persons with disabilities, indigenous communities, rural communities and children and adolescents. The aim was to ensure that all Venezuelans were properly identified.

26. With regard to the right to life and State protection, in line with its obligations under the Convention and the Child and Adolescent Protection Act, the Venezuelan State had developed a raft of public policies and training programmes through its different government bodies and agencies in all sectors to safeguard human rights, with particular emphasis on the prevention of violence.

27. **Mr. Rangel Ávalos** (Bolivarian Republic of Venezuela) said that crime prevention programmes were being developed at all levels of the education system. Information on those programmes was conveyed to civil society, public officials and the judiciary, and those involved in the education system, and the wider community, received information about positive relationships, non-violence, respect and social awareness. Recreational and cultural activities also took place, along with training programmes for professionals working with children and awareness-raising measures for the general public.

28. In 2006, the State had initiated a process to reform the police, with a view to creating a compassionate, participative force that defended human rights. A national commission for police reform had been set up that had conducted research with the aim of ensuring the protection of citizens nationwide, through the establishment of a national police force, as provided for in the Constitution.

29. In 2009, a national experimental security university (UNES) had been set up, inter alia, to provide training and forge links with society in order to professionalize, develop and consolidate the security forces including by disseminating knowledge about security issues. There was a national police training programme and projects promoting peace in schools, including mediation workshops for teachers as part of an agreement between UNES and the United Nations Children's Fund (UNICEF).

30. The *Plan Patria Segura* (Safe Country Plan) guaranteed children's right to life by promoting healthy social relations and conflict resolution, thus improving living standards and safety in communities and reaffirming the State's responsibility for the safety of its citizens, especially children. The *Movimiento por la Paz y por la Vida* (Movement for Life and Peace) aimed to prevent violence and its causes and involved families, society and institutions. Part of that movement was a plan for social peace, targeted at young people, intended to frame a public policy strengthening the culture of peace in close cooperation with communities.

31. The State had granted refugee status to 4,733 persons; 54 per cent were women and children and almost all were Colombians fleeing internal conflict. Temporary documents had been issued to 856 asylum seekers in 2014.

32. **Mr. Garcías Utrera** (Bolivarian Republic of Venezuela) said that children whose parents were in prison had a constitutional right to maintain direct contact with them. For safety reasons, a protection board or court was required to authorize children's visits to men's prisons, while female prisoners saw their children every 15 days with the support of social workers, psychologists, cultural and recreational staff. The Ministry of People's Power for the Prison Service had established houses outside prison buildings, but within prison grounds that provided a safe place for parents and children to be alone together. There were currently 44 children living with their mothers in prisons. Those children were all under 3, kept separate from other prisoners and given comprehensive care. The child protection and young offender systems had 31 and 32 care centres, respectively, and both observed the right of child detainees to private communications and allowed them to maintain contact with their parents via visits and telephone calls.

The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.

33. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that recognizing the right of indigenous peoples to collective ownership of their ancestral lands, the State had established a national commission coordinating the demarcation of indigenous territory, which was chaired by the Executive Vice-President and comprised indigenous spokespersons. Demarcation was an ongoing policy and by 2014 more than 87 collective title deeds to land had been issued, representing 2,900,000 hectares and benefiting 509 indigenous communities.

34. The various child protection institutions provided free telephone lines that children could use to report violations of or threats to their human rights. The Venezuelan State was a staunch defender of the right to freedom of expression and its legislation therefore provided for that freedom for children, particularly through article 14 of the Social Responsibility of Radio and Television Act. Under the Act radio and television broadcasters must broadcast at least three hours of high-quality educational programmes for children every day and involve adolescents in their production; however, compliance with that requirement continued to pose a challenge. It should be noted that no broadcaster had been sanctioned for allowing any child freedom of expression, but legal action taken against private broadcasters had related to respecting children's right to receive information appropriate to their development, in accordance with the Committee's general comment No. 16.

35. Under Venezuelan child protection laws, adolescents caught committing an offence punishable by imprisonment were brought before a court within 24 hours. If they were to be remanded in custody, they were transferred to specialized youth justice centres. Their detention in police stations was therefore very short and they were always separated from adult detainees. Detention centres were periodically monitored by the Office of the Ombudsman, which made recommendations to the State bodies responsible for prisons.

36. **Ms. Villegas** (Bolivarian Republic of Venezuela) said that 1,508,000 children with disabilities were currently being treated by centres providing a wide range of treatment, including for neuromuscular and skeletal disorders and hearing impairments. The oil company *Petróleos de Venezuela* imported cochlear implants.

37. Family planning, sexual health and antenatal and newborn care programmes were being developed to deliver sexual and reproductive health services tailored to each age and population group, including care for pregnant women and adolescents, supplies and basic drugs for sexual and reproductive health care and epidemiological surveillance.

38. It was not true that centres delivering sexual and reproductive health services had been closed down, as suggested by Mr. Cardona Llorens. The department responsible for children and adolescents under the Ministry of People's Power for Public Health had implemented several strategies promoting healthy growth and development, including the prompt diagnosis and treatment of illnesses, guidance on sexual and reproductive health and the prevention and monitoring of mother-to-child transmission of HIV/AIDS and other sexually transmitted infections. Many public hospitals offered services for adolescents and children, paediatric surgery and specialized maternal and infant care. Almost a quarter of hospital beds nationwide were dedicated to paediatric services.

39. In cooperation with UNICEF, the Pan American Health Organization and the United Nations Population Fund, health professionals were trained in comprehensive neonatal care, antenatal care, emergency obstetric care and primary and secondary health care for adolescents. Health-care and community workers received training on the regulations in force governing comprehensive sexual and reproductive health. Several measures had been adopted to provide information and guidance on sexual and reproductive health, and the Government had invested heavily in a wide range of contraceptives; subdermal contraceptive implants were aimed particularly at adolescents.

40. A committee studying maternal mortality had been set up and the *Niño Jesús* Mission provided care for pregnant women and newborns. Maternal mortality represented a challenge and the Ministry of People's Power for Public Health had made efforts to reduce it, in line with the objectives of the plan for Bolivarian socialist management for 2013–2019, which also aimed to reduce child mortality.

41. More than 40,000 patients received free antiretroviral therapy, including approximately 1,000 children under 15. The *Barrio Adentro* Mission guaranteed access to free health care and had built many health-care facilities. In 2014, the Government had invested more than US\$ 70,000,000 in vaccines and currently provided 12 vaccines against 18 diseases. The diet and nutrition of mothers, breastfeeding infants and young children had been improved through a national programme promoting breastfeeding and providing food supplements. Seven breast milk banks and eight breastfeeding facilities had been set up.

42. The number of cases of diarrhoea had decreased slightly in recent weeks; the highest rates were observed among children under 4 and adults aged from 25 to 44. Access to drinking water and wastewater collection had increased steadily since 1990. A state of alert existed regarding only three diseases: rubella, dengue fever and malaria, and cases were decreasing. There were campaigns to stop vectors breeding in houses and to treat water supplies, and a special campaign day was planned. The country's climate meant that mosquitoes would always be present, causing seasonal spikes in dengue fever.

43. **Ms. Elvigia Porras** (Bolivian Republic of Venezuela) said that pending a decision on the proposed nullification of article 46 of the Civil Code regarding the age of marriage for girls, the delegation was unable to state its views on such matters. Legislation expressly provided for the right of children to express their views and be heard and judges should hear child witnesses before handing down a judgement. The Supreme Court had overturned all judgements where a child witness had not been heard or his or her view not taken into

consideration. Children could also be heard via videoconference and more than 3,000 had been heard in court. The Supreme Court had adopted guidelines on the matter, which were applied nationwide. There were 38 child protection courts, each with a multidisciplinary team. The Supreme Court provided training for judges and judicial officials, with the aid of the United Nations and UNICEF, and judicial officials were given guidance on good practice in relation to child protection.

44. Turning to the question concerning the principle of the best interests of the child, she stressed that it was an indeterminate legal concept that needed to be carefully considered in each individual case. In a 2003 judgement, the Supreme Court of Justice had ruled that the principle's main objective was to ensure the comprehensive protection of the child, who on account of his or her lack of physical and mental maturity needed special protection and care, including due legal protection, both before and after birth. In a 2011 ruling, the Court had further stated that parental roles did not entail absolute rights but rather rights limited by the best interests of the child. The principle was enshrined in article 78 of the Constitution and article 8 of the Child Protection Act, which required that the State, families and society should give absolute priority to the best interests of the child in all decisions involving children and adolescents. Accordingly, judges and other judicial officials were guided by the principle at all stages of judicial proceedings.

45. Regarding the right not to be deprived of a family environment, the Constitution established the right of children to grow up and develop within their family of origin, preferably their nuclear family of origin. However, a range of alternative care arrangements existed for children who, for any reason, were deprived of their family environment. For instance, temporary measures to place children in shelters or with substitute families could be taken by the administrative authorities, pending long-term solutions; if, after 30 days, it had not proved possible to make permanent care arrangements, the matter was referred to the judicial authorities. In cases where the parents of a child were dead or could not be located, the judge could appoint a guardian with responsibility for the upbringing and representation of the child and the administration of his or her assets. Should it not be possible to establish guardianship, the judge could order placement with a foster family as a provisional measure pending the outcome of efforts to integrate or reintegrate the child in his or her nuclear or extended family. Failing that, the child could be adopted — nationally or internationally — or, as a last resort, placed in a care facility. It should be noted that the number of adoptions had fallen, since more children were being reintegrated into their family of origin, in accordance with constitutional and legislative provisions.

46. The adoption process consisted of two stages: an administrative stage and a judicial one. The administrative stage — handled by the National Adoption Office within IDENNA — was initiated following a request by either or both parents of the child, the person seeking to adopt the child or the relevant judicial authorities. The international adoption process commenced when the person seeking to adopt the child submitted a request to the competent authorities in his or her country of origin, if the child concerned was a Venezuelan resident, or to the National Adoption Office, when relevant international adoption treaties existed between both countries. The Office then undertook the necessary investigations and consultations prior to preparing a report for the judge who would determine the child's suitability for adoption. If appropriate, the judge, in conjunction with a multidisciplinary team from the Office, interviewed prospective adopters in order to select the most suitable. If the matching process was successful, the child was then placed with the adopting family for a trial period of 6 or 12 months.

47. The judicial phase began when, at the beginning of the trial period, the prospective adopter submitted an adoption request to a mediation and substantiation judge. On receipt of the request, the judge notified the Public Prosecution Service (*Ministerio Público*) and, at

the end of the trial period, referred the case file, including monitoring and assessment reports prepared by the Office, to the relevant court for a hearing and ruling on the case.

48. In conclusion, she said that her Government's outstanding achievements in safeguarding children's rights served as a model for other States in the region.

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 (continued) (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 (continued) (CRC/C/OPSC/VEN/1; CRC/C/OPSC/VEN/Q/1 and Add.1)

49. **Ms. Khazova** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography and for the Optional Protocol on the involvement of children in armed conflict), referring to the Optional Protocol on the involvement of children in armed conflict, said that the lack of a coordinated policy on implementation of the Protocol had an adverse impact in a number of areas, such as dissemination and training. Furthermore, the specific duties of the various bodies responsible for dealing with issues covered by the Protocol — including the Ministry of Defence, the National System for the Comprehensive Protection of Children and Adolescents and the Ministry of Education — were unclear. She would therefore like information on those duties and on the arrangements in place for coordinating their activities.

50. In view of reports regarding the recruitment into the armed forces of adolescents under the minimum age of 18 established by the Constitution, she asked about measures taken to ensure compliance with the relevant constitutional provisions, to prosecute and punish those responsible for any offences committed and to prevent the reoccurrence of similar violations.

51. She wished to know whether the involvement of children in armed groups was criminalized and what was done to prevent their recruitment into such groups. In the light of reports in the Venezuelan press about the recruitment of adolescents by non-State armed groups operating in areas bordering Colombia, she asked whether any investigations had been undertaken and, if so, what the outcome had been.

52. The Committee was concerned that the various military educational establishments that existed in the Bolivarian Republic of Venezuela contributed to the promotion of a military ideology. She would therefore appreciate clarification as to who was responsible for those centres, the content of their teaching programmes and whether students were free to leave. She also requested information about the aims and operational duties of the territorial militias promoted by the Government and their compliance with the requirements of the Optional Protocol.

53. Turning to the Optional Protocol on the sale of children, child prostitution and child pornography, she said that while the replies to the list of issues (CRC/C/OPSC/VEN/Q/1/Add.1) were much appreciated, there were a number of issues that she wished to raise. First, the data provided were not sufficiently detailed for the Committee to properly assess the Optional Protocol's implementation. Second, although the replies described in great detail various programmes and policies dealing with issues covered by the Protocol, the impression remained that there was no single, comprehensive strategy in that regard. Consequently, she was concerned about the overlapping activities of the various bodies involved and the resulting lack of an effective, coordinated response to

emergency situations. She asked about the frequency of intersectoral meetings held for coordination purposes and the contingency plans for emergency situations.

54. She would appreciate more detailed information about the mechanism used to identify children particularly at risk, such as street children, indigenous children and those living in remote areas. As it was her understanding that there was no provision for the systematic dissemination of information concerning the Optional Protocol, she asked what steps were taken to ensure awareness-raising activities in areas with high concentrations of vulnerable children.

55. Lastly, she asked the delegation to comment on reports of the widespread prostitution of children in the areas bordering Colombia, the sexual exploitation of girls in some Venezuelan tourist centres and the use of child labour in centres of gold prospecting in the upper Orinoco and the Casiquiare and Guainia-Río Negro basins.

56. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked what methods were used to verify the age of recruits into the armed forces. At the previous meeting, the delegation had reaffirmed that there were no armed groups in the territory of the Bolivarian Republic of Venezuela. However, in view of numerous and consistent reports indicating the existence of such groups, the Committee was bound to ask questions in that connection. Which provisions of the Act against Kidnapping and Extortion or of other legislation made it a punishable offence to recruit children into armed groups? Had any prosecutions been brought for such offences and, if so, had any convictions been handed down?

57. He asked what legislation established the extraterritorial jurisdiction of the Venezuelan courts, what rules governed extradition, whether the Government had concluded bilateral extradition agreements with, in particular, neighbouring States and whether the delegation was aware of any cases of extradition. Were there any programmes, strategies or facilities in place designed to protect and care for the health of children involved in armed groups? Lastly, he asked whether the Government exported weapons to States where their use by children in armed conflict situations was likely.

58. **Mr. Nogueira Neto** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography), noting that not all forms of trafficking in children were prohibited under Venezuelan legislation, asked what steps could be taken to fully incorporate the Optional Protocol on the sale of children, child prostitution and child pornography into the national legal order. What could be done to ensure that legislation included a clear definition of the specific offence of trafficking in children? How might it be possible to adopt legislation in accordance with international standards on the trafficking in persons?

59. The Government should develop a comprehensive strategy for children and adolescents dealing with all issues covered under the Optional Protocol and make available the necessary human, financial and technical resources for its implementation. He wished to know whether it would be possible for the Government to establish indicators and goals addressing the needs of children and adolescents. Had the Government taken action to follow up on the commitments made at the first, second and third world congresses against commercial sexual exploitation of children held in Stockholm, Yokohama (Japan) and Rio de Janeiro (Brazil)?

60. While he recognized the efforts made to provide training on the Optional Protocol to public officials, he noted with regret the lack of adequate coordination, monitoring and assessment mechanisms. He asked the delegation to provide information on the resources allocated to the implementation of the Optional Protocol during the reporting period. Why had civil society organizations not been involved in preparing the State party's initial report? What action had been taken to adapt the legislative framework to ensure the legal

responsibility of companies in the Republic, in particular those operating within the tourism industry? Was it possible for the Government to take legislative measures to establish extraterritorial jurisdiction over all the offences under the Optional Protocol in such a way as to ensure that prosecutions were not subject to a double criminality requirement? Did the Government intend to continue and strengthen its cooperation with United Nations agencies, in particular UNICEF?

61. **Mr. Kotrane**, referring to State party's report on the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/VEN/1), said it was unclear whether the forced labour of children, the sale of organs or intermediation in adoptions constituted offences under national legislation. There was a similar lack of clarity regarding whether the Organic Act against Organized Crime of 2005 defined the exportation, transmission and intentional possession of child pornography in the same way as the Optional Protocol. He would appreciate clarification of those issues.

62. He wished to know whether State party's legislation established the criminal liability of legal entities for all offences covered under the Optional Protocol. He asked whether it was indeed the case that national legislation failed to establish the extraterritorial jurisdiction of domestic courts over offences committed under the Optional Protocol by a Venezuelan or a person who had his habitual residence in the Bolivarian Republic of Venezuela.

The meeting rose at 1 p.m.