



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-seventh session

### Summary record of the 1905th meeting

Held at the Palais Wilson, Geneva, on Thursday, 2 September 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** (continued)

*Combined third to fifth periodic reports of the Bolivarian Republic of Venezuela on the implementation of the Convention on the Rights of the Child* (continued)  
(CRC/C/VEN/3-5; CRC/C/VEN/Q/3-5 and 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* (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)  
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1. *At the invitation of the Chairperson, the Venezuelan delegation took places at the Committee table.*

2. **Mr. Rangel Avalos** (Bolivarian Republic of Venezuela) said that, with the help of mobile units, the “Identity” mission had succeeded in registering all persons who had not been included in the civil registry at birth. There was no armed conflict in the Bolivarian Republic of Venezuela, and there were no cases of child recruitment by the regular army or by illegal armed groups. Only persons over the age of 18 could volunteer to join the army. The Bolivarian Republic of Venezuela endorsed all the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and was working to promote peace. There was no doubt that the conflict in Colombia had repercussions on the Bolivarian Republic of Venezuela, but no Venezuelan child took part in that conflict. Of the 86 Colombian paramilitary soldiers who had infiltrated Venezuelan territory in 2004 to attack the presidential palace, 9 had been adolescents, and a special commission had been set up to provide them with suitable protection before returning the entire group to Colombia. The Bolivarian Republic of Venezuela did not manufacture or export arms. The Venezuelan Constitution was inherently humanistic, and efforts to counter youth armed crime were carried out exclusively through dialogue and rehabilitation, not repression, as demonstrated by the “Choose Peace and Choose Life” mission. The provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been disseminated through various media, during workshops on prevention and at international seminars. For example, the Southern Common Market (MERCOSUR) had organized the first in a series of seminars on the prevention of human trafficking in Caracas in 2013. The National Office for the Prevention of Organized Crime and Terrorism Financing had never recorded a single case of human trafficking in the Bolivarian Republic of Venezuela.

3. **Mr. González** (Bolivarian Republic of Venezuela) said that the Venezuelan Armed Forces were a force for peace whose activities were directed towards assisting the population during natural disasters and providing humanitarian aid, not waging war. The 16 academies operated by the Ministry of Defence were attended by 4,117 students. The curricula they used were drawn up by the Ministry of Education and were identical to those followed in the regular educational system, except that they also included instruction in marching and parading, national identity and sovereignty, reconnaissance and patrol techniques, ethics and morality, first aid, geopolitics and military regulations. Students were under no obligation to join the Armed Forces after completing their studies, and they were

also free to leave the academy in order to enrol in the regular educational system. Military academies were regulated by article 57 of the Organic Act on the Protection of Children and Adolescents, and the Ministry of Education supervised them in the same way that it did other educational institutions. The Bolivarian National Militia was essentially an army reserve force, made up of volunteers whose average age was around 40 and who were trained and supervised by the national Armed Forces. The comprehensive military education plan, which had been adopted on 24 March 2011, set out guidelines that applied exclusively to the military education and training of members of the Armed Forces, all of whom were 18 years of age or older. It did not refer to instruction provided by the Militia. Pre-military training, which had been offered since 1982, aimed to impart general knowledge to students in the final two years of secondary school with a view to developing their critical faculties. The term “*guerrilla comunicacional*” (“resistance through communication”) referred to an alternative form of communication that used new advertising media. The expression did not have any military connotations.

4. **Mr. Garcías Utrera** (Bolivarian Republic of Venezuela) said that the use of children and adolescents in pornography and the production and dissemination of child and adolescent pornography were punishable by a term of imprisonment of between 25 and 30 years. Furthermore, the Drugs Act provided that the use of children or adolescents in the illegal production or trafficking of drugs constituted an aggravating circumstance.

5. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that, if he had understood correctly, the Committee favoured the establishment of a national body that would specialize in implementing the two Optional Protocols to the Convention. However, as a matter of principle, all matters relating to child protection in his country were the responsibility of the national child and adolescent protection system, which was overseen by the Ministry of People’s Power for the Office of the President and an office of the Deputy Minister that specialized in social affairs. The prevention of the offences covered by the Optional Protocols, which was provided for under Venezuelan law, fell within the remit of the Ministry of People’s Power for Internal Affairs and Justice. The National Human Rights Council, a high-level executive body that was responsible for coordinating and promoting an overall policy in favour of human rights, had been established in April 2014. Composed of representatives of several ministries, as well as of NGOs, the Council was responsible for gathering and compiling all the information needed for drafting the reports that would be submitted to the United Nations treaty bodies.

6. **Mr. Conicles Perret** (Bolivarian Republic of Venezuela) said that, as the official statistics showed, virtually no cases of the sale of children, child prostitution or the sexual exploitation of children had occurred in the country. The Bolivarian Republic of Venezuela nevertheless endeavoured to prevent those phenomena by attacking their root cause, i.e. poverty, mainly through targeted social projects. A plan to raise public awareness in order to prevent adolescent prostitution had also recently been introduced in Isla de Margarita, the country’s most popular tourist destination. Alongside those efforts, awareness-raising messages were regularly disseminated through the media, and a law on the social responsibility of the media had been adopted. It was proving effective in preventing the dissemination of messages through the media that promoted pornography, prostitution and the sexual objectification of the female body. Furthermore, in May 2014, the Supreme Court had handed down a historic decision prohibiting the dissemination of information in any form that was accessible to children and that promoted prostitution or pornography. The right to sexual integrity was also one of the main themes of the various strategies for communicating directly with families that was being implemented by the municipal protection boards, by the Ombudsman’s Office and the State ombudsmen and by the specialized NGOs, with which the State maintained excellent relations. That network made it possible to ensure the presence of the protection system throughout the country, including in the most remote areas, such as those inhabited by indigenous peoples.

7. In the event that an offence covered by the Optional Protocols was committed, child victims could lodge a complaint with one of the councils on the protection of children and adolescents, which had full authority to impose measures intended to put an immediate stop to the offence. The public prosecutor's office had worked very hard to train its staff and had set up multidisciplinary teams that specialized in handling the cases of minors. In addition, guidelines on the protection of child victims of pornography, prostitution and sexual exploitation had been published by the Autonomous Institute and National Council for Children's and Adolescents' Rights. Lastly, a rigorous system for ensuring that no minor crossed the border without the authorization of his or her parents had been in place for approximately 15 years, and minors were prohibited from staying alone in hotels.

8. **Ms. Ochoa** (Bolivarian Republic of Venezuela) said that, upon assuming office, the Bolivarian Government, which fully supported the principles of openness and transparency, had found it a sizeable challenge to draft the many reports it was required to submit to United Nations treaty bodies. In order to collect the necessary data in a systematic way, the Government had set up a coordinating office that was tasked with compiling information from a wide range of sources: the Autonomous Institute and National Council for Children's and Adolescents' Rights, the public prosecutor's office, the courts, the Ombudsman's Office, government ministries, community boards (of which there were some 33,000) and civil society organizations. The latter could also make their voices heard through a website that had been created specifically for that purpose in conjunction with the universal periodic review of the Bolivarian Republic of Venezuela. Children, too, had been invited to consult the website, which published content that was specifically geared to them. Some 2,000 children had availed themselves of that opportunity in 2012. Additionally, a project had been launched in cooperation with the United Nations Development Programme (UNDP); its aim was to implement a system to follow up on action taken in response to the recommendations of international bodies and to develop new evaluation indicators in order to optimize that follow-up.

*The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.*

9. **Ms. Khazova** (Country Task Force) asked what physical and psychological support was provided to possible victims of the acts covered by the Optional Protocols. She also requested clarification concerning the role of the police in social integration programmes.

10. **Mr. Conicles Perret** (Bolivarian Republic of Venezuela) said that the mental and physical health needs of children who had been the victim of an offence covered by the Optional Protocols were addressed primarily by reuniting them with their family. Children who could not be returned to their family were placed in family-type reception centres and could eventually be adopted.

11. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that the police were involved in only one socially oriented programme: the one implemented by the Ministry of People's Power for Internal Affairs and Justice, whose objective was to disarm gang members and destroy their weapons.

12. **Mr. Rangel Avalos** (Bolivarian Republic of Venezuela) added that, although police officers carried out technical tasks as part of that programme, dialogue with the gangs was the responsibility of a presidential commission and was conducted by high-ranking officials or, in some cases, former gang members, who had first-hand knowledge of how gangs operated. The programme was producing excellent results, and in some states gang killings were no longer occurring.

13. **Mr. Gurán** asked whether the State party had a procedure for identifying unaccompanied minors at the border who might have taken part in an armed conflict in a neighbouring country, especially Colombia, and whether there had been any cases in which children in that situation had been sent back to their country of origin.

14. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that the influx of Colombian families fleeing the political and social situation in their country had considerable financial repercussions on the Bolivarian Republic of Venezuela. That was because most of those families received benefits under the anti-poverty plan, whose objective was to eradicate extreme poverty by 2019. The “Identity” mission managed the cases of those families, whose members usually entered the country illegally, and its objective was to regularize their situation. Children with refugee status attended Venezuelan schools.

15. **Ms. Salazar** (Bolivarian Republic of Venezuela) said that, out of respect for the best interests of the child, unaccompanied minors were granted refugee status.

16. **Mr. Rangel Avalos** (Bolivarian Republic of Venezuela), highlighting the fact that the Bolivarian Republic of Venezuela had always been a destination country for migrants, said that unaccompanied minors arriving at the border were immediately taken in hand and directed to the closest municipality’s council on the protection of children and adolescents. The relevant services contacted the consular authorities of the State from which the child claimed to come. If the child’s family was found, the child was escorted to the border by agents who were tasked with ensuring his or her protection. If the family was not found, the minor was taken into the care of the State in the same manner as were Venezuelan children who had been deprived of a family environment. No unaccompanied minor whose family had not been found had ever been returned to his or her country of origin.

17. **Mr. Kotrane** asked whether Venezuelan legislation prescribed penalties for the importation, exportation or possession of child pornography. He also wished to know whether improperly inducing consent, as an intermediary, for the adoption of a child or offering, delivering or accepting a child for the purpose of forced labour were considered criminally punishable cases of the sale of a child.

18. **The Chairperson**, speaking as a member of the Committee, asked what measures the State party had adopted to prevent early pregnancies, many of which ended in death, owing to a lack of access to safe abortion.

19. **Mr. Garcías Utrera** (Bolivarian Republic of Venezuela) said that the Organic Act on the Prevention of Organized Crime and Terrorism Financing prescribed penalties ranging from 25 to 30 years’ imprisonment for the production of child pornography and the exposure of children to pornographic material. Importing and exporting such material was punishable by imprisonment for a term of 20 to 25 years.

20. **Mr. Conicles Perret** (Bolivarian Republic of Venezuela) said that article 419 of the Organic Act on the Protection of Children and Adolescents expressly prohibited inducing consent for the adoption of a child by means of financial or other compensation. Articles 266 and 267 of the same law prescribed prison sentences for facilitating the entry of foreign minors into the country or sending Venezuelan minors abroad in exchange for remuneration and in disregard of official procedures, and equated those acts with the sale of a child. The aim of those provisions was to avoid circumvention of the official procedures governing international adoption.

21. **Mr. Devoe** (Bolivarian Republic of Venezuela) said that the Government intended, in the near future, to fully reform its criminal justice system and to align its criminal legislation with the provisions of the international instruments to which the Bolivarian Republic of Venezuela was a party, including the Optional Protocol on the sale of children, child prostitution and child pornography.

22. **Ms. Elvigia Porras** (Bolivarian Republic of Venezuela) said that the employment of children under 12 was prohibited by law, except where a child showed talent in an artistic

field, such as music or theatre. Children aged 14 and over could be employed as apprentices. There was no problem of child labour in the Bolivarian Republic of Venezuela.

23. **Ms. Tarazón Bolívar** (Bolivarian Republic of Venezuela) said that the Bolivarian Republic of Venezuela would supply the Committee with additional written information on any outstanding questions. Contrary to what had been stated, the country had not been confronted with the problem of child trafficking, any more than it had with that of child prostitution or the involvement of children in armed conflict. That said, her country was faced with a number of other challenges, including the reduction of maternal and child mortality rates and the prevention of early pregnancies.

24. **Mr. Cardona Llorens** (Country Task Force) said that he wished to thank the delegation for the large quantity of information it had presented orally. It was regrettable that the delegation had been somewhat defensive in its replies, and he recalled that the Committee's role was not to judge or condemn. He appreciated the delegation's recognition of certain continuing obstacles to the implementation of the Convention and emphasized that the State party should, in particular, raise the legal age for marriage and adopt legislation that prescribed harsher penalties for perpetrators of violence against children.

25. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) said that the dialogue had provided an opportunity for the delegation to explain how the State party implemented the Optional Protocol on the involvement of children in armed conflict at the national level and for the Committee to express its concerns on the subject, the common objective being to ensure that children were kept away from all military activity.

26. **Mr. Nogueira Neto** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) said that, on several occasions, the delegation seemed to perceive the advocacy of the best interests of the child by Committee members as an unjustified and excessive criticism of the State party's judicial, political and institutional framework. He emphasized that Committee members discharged their mandate in a completely impartial manner, and their sole objective in posing so many questions was to better understand how the State party gave effect to the Optional Protocol on the sale of children, child prostitution and child pornography, given that the report under consideration was incomplete and failed to provide enough statistical data to give the Committee an overview of the situation.

*The meeting rose at 6.05 p.m.*