



Convention on the Rights of the Child

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Committee on the Rights of the Child Forty-sixth session

Summary Record of the 1274th MEETING*

Held at the Palais Wilson, Geneva, on Friday, 28 September 2007, at 10 a.m.

Chairperson: Ms. Lee

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* No summary record was prepared for the 1272nd and 1273rd meetings.

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (item 4 of the agenda) (continued)

Second periodic report of Venezuela ((CRC/C/VEN/2); list of issues to be taken up (CRC/C/VEN/Q/2); written replies by the State party concerning the list of issues (CRC/C/VEN/Q/2/Add.1))

1. At the invitation of the Chairperson, the delegation of Venezuela took places at the Committee table.
2. **Ms. Hidalgo** (Venezuela) said that President Chávez, who had been elected in 1999, had launched a socialist, Bolivarian revolution to combat poverty, inequality and exclusion based on principles such as humanism, solidarity, respect for human rights, active participation by the people, defence of sovereignty, self-determination and development of ethnic cultures. The political will to that end represented a stand against extreme poverty and had encountered strident opposition from the privileged sectors which had previously held power in the country and their international allies. Despite all that, Venezuela had made strenuous efforts to follow the recommendations made by the Committee in 1999 following its consideration of the initial report of Venezuela.
3. The National Plan for Identity “*Yo Soy*” (I am) had led both to improved safeguards for the right to an identity and to the establishment of civil status registration units within health facilities to make birth registration easier, especially among indigenous groups.
4. Important texts had been adopted with a view to promoting children’s and adolescents’ involvement in the family, community, schools and other social institutions; included among those texts were articles 75, 76, 77 and 78 of the Constitution of the Bolivarian Republic of Venezuela, which recognized the child as a full subject of law; the Protection of Children and Adolescents (Organization) Act (LOPNA), which reiterated the fundamental principles of the Convention; the Municipal Councils Act, under which children over 15 years of age were given representation on those Councils; the Radio and Television Social Responsibility Act, under which children over age 12 were given a place in organizations for telecommunications services users, the task of those organizations being to exercise social control over media activity.
5. The Government had introduced a national protection system for children and adolescents, the system incorporated administrative and judicial bodies in which State agencies could participate alongside communities and social organizations that were involved in policy formulation and implementation.
6. The recent review of LOPNA, as approved by the National Assembly, placed Venezuela at the vanguard in terms of full respect for the principles enshrined in the Convention. The enactment of legislation including the Rooms with Internet Access, Video Games and Other Multimedia Formats (Child and Adolescent Protection) Act, the Families, Maternity and Paternity Protection Act, the Breastfeeding Promotion and Protection Act, the Refugees and Asylum-Seekers (Organization) Act, represented only a fraction of the work done in that field.
7. The aim of the reform of the judicial system for children and adolescents under way was principally to ensure standardized oral hearings devoid of formality, to increase recourse to alternative solutions in the settlement of disputes and to modernize the organization of the Child and Adolescent Protection Courts.

8. To combat poverty and exclusion the Government had adopted a set of policies intended to increase investment in social development and increase the population's income and purchasing power. The policy to promote social integration and combat poverty had narrowed economic and social inequalities and the Millennium Development Goals might be attained well before the set time-limit. Moreover, the United Nations Development Programme (UNDP) had noted a clear improvement in the country's human development index.

9. Universal primary education would soon be a reality and inequalities between girls and boys in respect of primary and secondary school enrolment had been erased. The child mortality rate had fallen. There had been considerable progress in maternal health but work had to continue if the maternal mortality rate was to be reduced by 75 per cent. The objective relating to reducing cases of HIV/AIDS, tuberculosis and dengue had been achieved.

10. The Government had established social programmes or "missions" to reduce poverty and exclusion which involved public participation. The *Barrio Adentro* mission, which had been launched in 2003 with the aim of enhancing the national public health system, was focused on primary health care and involved constructing public community clinics and having doctors continuously available in communities. The *Barrio Adentro II* mission had been launched to provide free, universal access to secondary health care with the construction of specialist diagnosis and care facilities. The construction of major hospital facilities was the aim of *Barrio Adentro III*. Over 1,000 children with congenital cardiopathy had already undergone surgery at the Children's Cardiac Hospital which opened in 2006.

11. The mission *Alimentación*, established in 2003, provided the whole population, especially the most disadvantaged, with access to basic food products; the mission operated using the *Mercal* network which distributed good-quality foodstuffs at low prices. It also acted as a framework for special programmes aimed at particularly vulnerable groups.

12. The aim of the *Negra Hipólita* mission was to coordinate, promote and evaluate the assistance provided to street children, pregnant adolescents, persons with disabilities and adults living in extreme poverty and their families. The mission was behind the Social Equality and Protection Committees – community structures with representation on Municipal Councils. Some 50,000 children were currently being cared for under that framework in centres which provided assistance, strengthened the family unit and offered primary education.

13. The aim of the mission *Madres del Barrio* was to help lift disadvantaged housewives and their families out of extreme poverty by making them beneficiaries of social programmes and missions, community support and a temporary allowance equivalent to 80 per cent of the national minimum wage. The work done by housewives was thus recognized as an economic activity which generated added value, wealth and social well-being.

14. The education policy implemented by the Government had five major objectives: to expand school enrolment, especially among the most excluded population groups; to develop the school infrastructure; to bring the education system into line with the socio-economic model; to enhance research into teaching methods to improve the quality of teaching; and to develop bilingual cross-cultural education. Missions had been established with a view to providing a place in the education system to everyone who had been excluded from it. The mission *Robinson I* had taught over 1.5 million people to read and write with a view to incorporating them into the education system. Under the mission *Robinson II*,

people who had been excluded from the system were able to resume their studies and take a basic education course. The mission *Ribas* meant that people who had not been able to finish their studies could go back into higher education. The aim of the *Sucre* mission was to enhance the synergy between institutions and community participation to guarantee access to university education for all qualified secondary-school leavers who had traditionally been excluded from higher education.

15. Despite the progress made, an integrated system to collect disaggregated data on the situation of children and adolescents in the country was yet to be established; such a system would make it possible to submit better-documented reports and the State undertook to pursue its efforts in that regard. The State also planned to establish a comprehensive national plan for children's and adolescents' fundamental rights. Recently adopted legislative measures aimed to relaunch plans and policies safeguarding the rights of children but, even so, the measures in question were inadequate.

16. Venezuela thanked the UNDP and United Nations Children's Fund (UNICEF) offices in the country for their support for institutions in terms of staff training and the implementation of children's policies. Venezuela intended to continue to work with national and international actors to achieve respect for the rights of the child and hoped that the discussion would give the Committee a better understanding of the political, economic, social and cultural changes under way in the country and the effects of those changes on the situation of children.

17. **Mr. Zermatten** noted that the second periodic report of the State party was generally in conformity with the Committee's Guidelines regarding the Form and Content of Reports and that the written replies included data from 2005, which were therefore more recent than the data supplied in the report. Venezuela had demonstrated its great concern to improve the situation of the rights of the child, especially by adopting numerous legislative texts, implementing plans and campaigns and establishing social missions.

18. The State party had ratified or acceded to several international instruments, including the two Optional Protocols to the Convention on the Rights of the Child, the Rome Statute of the International Criminal Court, the Palermo Protocol to the United Nations Convention against Transnational Organized Crime and the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

19. By contrast, the State party had failed to follow up many of the recommendations made by the Committee following consideration of its initial report, especially the ones relating to combating discrimination against girls and indigenous peoples, the dissemination of information and training in respect of the rights of the child, and the dissemination of the Committee's recommendations.

20. The Committee asked whether the revised version of LOPNA had already been approved by Parliament and signed by the President, what amendments had been made to it during the review, and whether it was compatible with the Convention and respected the federal nature of the Venezuelan State, given that the LOPNA, as revised, would appear to be based on the concept of centralization.

21. It would also be useful to know whether the Convention could be directly applied by the courts and whether there was any case law in that regard.

22. Although Venezuela had a National Development Plan for 2001-2007 and a Strategic Plan for 2004, it was a matter of regret that Venezuela still did not have a specific National Plan of Action specifically dedicated to children.

23. Further information on the missions established to combat poverty and promote education and health would be useful. It would in particular be useful to indicate how they were coordinated with the strategic aims of LOPNA, whether they were inspected by the National Council for Children's and Adolescents' Rights or by another body and whether they aimed to provide a comprehensive protection policy or represented a parallel policy. Finally, it would be useful to know what the exact funding of the missions was and who assessed the funds needed in order for the missions to operate.

24. The statistical data supplied by the State party were inadequate, particularly with regard to children in difficult circumstances. Moreover, the extent to which the data were disaggregated was very limited and they did not give a clear picture of disparities, particularly between urban and rural areas. The figures for 2007 on children with disabilities, according to which 51 of the 145,000 children with disabilities in the country had apparently been placed in institutional care appeared unrealistic. It would be useful to know why Venezuela had been unable to implement a more efficient data collection policy.

25. No systematic activities to provide information on the provisions of the Convention appeared to have taken place. School teachers had not received special guidelines for providing instruction either in the Convention or the content of LOPNA. The delegation might indicate how those instruments were brought to the attention of people in difficult circumstances, those living in remote areas and street children, and the extent of the dissemination of the Committee's concluding observations from 1999.

26. The Municipal Councils Act apparently gave the right to vote to children from the age of 15, a measure which would represent considerable progress in the field of children's participation; further information in that regard would be welcome. The delegation might also indicate whether there were any children's parliaments and provide clarification on the treatment of child victims in court proceedings.

27. The delegation might also indicate why the licence of *Radio Caracas Television* had not been renewed and what the consequences of a decision of that kind were for freedom of expression and freedom of access to different sources of information for children. It would also be useful to know whether the media respected the right to protection of privacy.

28. **Ms. Ortiz** requested details about the operation of the remarkable protection system drawn up by the State party and information about what mechanisms, whether already in place or at the planning stage, there were to coordinate children's policies (at national and local levels), disseminate the Convention and evaluate its degree of implementation. It would also be useful to know what professional and financial resources were available to discharge the tasks involved in coordination. Details on the operation of the Protection Councils would be welcome.

29. The delegation might define the municipalities' role in child protection and state which bodies provided child protection at municipal level, how their activities supplemented those of the missions and the types of activity to which municipal funds were allocated.

30. In under three months the State party had prepared two reports, one in December 2006, for the Committee, and one in February 2007, for the National Council for Children's

and Adolescents' Rights. As both reports dealt with virtually the same area, it would be useful to know who had prepared the report submitted to the Committee and whether it would have been more efficient to have drafted just one report for all the relevant areas (sectoral, national, municipal etc.).

31. **Mr. Parfitt** asked how the activities of the 245 Children's Ombudsman's Offices were coordinated, whether the Ombudsman's Office was accessible to all children in the country, including those in the most remote areas, and whether it carried out activities to promote the Convention, especially in educational establishments.

32. He asked whether the law of the State party included provisions on the need to take account of the best interests of the child, especially where the courts were concerned, and enquired about the role of the National Council for Children's and Adolescents' Rights in that regard and whether that Council provided information to Parliament with a view to formulating legislative programmes. It would also be interesting to know whether the Social Cabinet, which comprised representatives from several Ministries, had regard to the best interests of the child when formulating programmes and the federal budget, and whether there was a mechanism to ensure that the courts, legislative bodies and administrative authorities gave consideration to what children had to say when taking decisions which affected them.

33. **Ms. Smith** observed that the report of the State party did not supply any information either on the implementation of the child protection laws that had been adopted or about the reality on the ground. She asked what measures the Venezuelan authorities intended to take to remedy the situation of migrants who were still unable to register the birth of their children because they did not have the necessary papers.

34. The delegation might indicate whether the State party supported the production of high-quality children's television programmes.

35. The Committee further enquired whether there were libraries accessible to children nationwide, whether children were free to follow or not to follow the religious education provided in school, whether children and adolescents had access to information on reproductive health without having to be accompanied by a parent, and whether children were encouraged to establish associations, for example children's rights associations.

36. **Ms. Vuckovic-Sahovic** asked whether the State party had asked NGOs to prepare the periodic report, whether the term "social organizations" used by the delegation was the official designation for NGOs in Venezuela, how those organizations were registered and how they operated. It would also be useful to indicate the consequences of the review of LOPNA for the activities carried on by civil society and NGOs, and whether the State subsidized the activities of NGOs and associations supplying services to children who were, for example, deprived of parental protection or had disabilities.

37. It would be interesting to know whether the striking marginalization of indigenous children and children of African descent was attributable principally to poverty or to a negative attitude towards them and discrimination.

38. It was reported that some children had died as a result of police violence and it would therefore be useful to know what measures the Venezuelan authorities intended to take to rectify that situation.

39. **Mr. Kotrane** asked whether the State party intended to accede to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.

40. He welcomed the work done by the National Human Rights Institute, which complied with the Paris Principles as it had been given an “A” rating, but enquired whether children were able to lodge a complaint with the Institute in person and whether an emergency telephone helpline had been set up for them.

41. **Mr. Siddiqui** stated that the collection of statistics left a lot to be desired and asked whether the National Institute had been asked to play a role in improving the system. The fact that data were not disaggregated was very prejudicial, especially with regard to budget data: as a result it was impossible to identify the sectoral distribution of allocations and the proportions allocated to the central, regional and local levels respectively.

42. **Ms. Aidoo** asked for further information on the way in which the authorities involved NGOs in assessing progress made in the implementation of the Convention.

43. **Mr. Filali** asked whether LOPNA had been revised following an assessment of the text. It would be useful to have details on the principle of progressivity in the exercise of rights by children and adolescents as described in the 1999 Constitution, which also recognized children and adolescents as holders of rights.

44. It would be useful if the delegation might comment both on reports that minors had been killed by police officers during rioting and on the very high rate of suicide among young people.

45. **Mr. Citarella** asked whether the Convention had precedence over the numerous pieces of legislation that had been adopted since its ratification, whether there were plans to prohibit the sale of tobacco and alcohol to minors and why the revised Act been given the slightly outmoded title of “Children and Adolescents (Protection) Act rather than “Children and Adolescents (Rights) Act”.

46. **Mr. Pollar** indicated that the Committee had received reliable information reporting extrajudicial killings, kidnappings, rape, neglect and harassment and asked how the State party intended to prevent and combat such violence and ease the pervading mood, especially in deprived areas.

47. **The Chairperson** said that several treaty bodies had already recommended that Venezuela should review its definitions of the child, stressing that the age of sexual consent was too low (12 years of age for girls) and that the possibility of marrying a pregnant minor led to early marriage. She urged the State party to take the necessary legislative measures.

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

48. **Mr. Perdomo** (Venezuela) said that pursuant to the Constitution, the Convention was an integral part of the domestic legal order and that all provisions of legislative texts adopted after its ratification were in full conformity with it.

49. To strengthen the right of access to justice, which was independent and free of charge, Venezuela had approved a reform establishing 320 courts for minors; the reform also reserved the capacity to hear and determine cases concerning the protection of minors to children’s judges alone while increasing the role of oral proceedings, mediation and reconciliation in order to expedite proceedings.

50. All discrimination was prohibited on Venezuelan soil. Therefore all children went to school, regardless of whether they had Venezuelan nationality. Several employers had already been convicted for employing children.

51. **Ms. Ramírez** (Venezuela) said that a parliamentary group specializing in the rights of the child had recently been set up; it comprised 15 members of Parliament who had attended training workshops organized by UNICEF.

52. The review of LOPNA was in response to a request from the judicial system, which had reported a number of procedural shortcomings. All the existing safeguards had been retained or improved in the revised version of the text. The prohibition on corporal punishment went further than in the previous version, and corporal punishment as a method of discipline was now prohibited even in the home. The prohibition on separating a child from his or her family for financial reasons was another new aspect of the revised text.

53. The revised Act should first and foremost make for more cohesive initiatives. Previously, action for children had been the responsibility of a national agency as well as various regional and municipal agencies, resulting in information becoming fragmented and leading to difficulties in coordination. There would now be just one national agency which would report to the executive, with regional offices. The municipal agencies would become the financial responsibility of mayors; local management of that kind should be less onerous and should enhance the agencies' role.

54. **Mr. Filali** enquired whether the municipal agencies dealing with the rights of the child and the adolescent were independent, given that their funding depended on the goodwill of the municipal authorities.

55. **Mr. Parfitt** asked what specific changes had been introduced by the review of LOPNA.

56. **Mr. Zermatten** asked what the current status was of LOPNA.

57. **Ms. Ortiz** requested an explanation of the process of drafting legislation in Venezuela: it would appear that the decisions were mostly taken at national level with no proper consultation of municipalities or civil society.

58. **Ms. Ramírez** (Venezuela) said that the revision of LOPNA had been undertaken a year and a half previously and that it would enter into force following its enactment by the executive. Under the new text, the municipal agencies dealing with the rights of the child and the adolescent would enjoy increased independence and freedom in decision-making. The revision of the Act did not entail any centralization in the decision-making and policy-formulation process. The measures envisaged had been formulated in cooperation with civil society and presented to citizens' assemblies. The new Organization Act would enable greater participation by society in all fields affecting children. The Venezuelan Government had worked closely with NGOs in formulating the Children and Internet Act. The country had around 50 children's assemblies.

59. **Mr. Perdomo** (Venezuela) stated that the new LOPNA had been approved by the National Assembly but had not yet been enacted by the President.

60. Venezuela was opening its doors wide to refugees. Over the previous 12 months the country had accommodated around 400 refugees, none of whom were subject to discrimination of any kind.

61. **Mr. Saltrón** (Venezuela) said that unlike other democracies, where the citizens expected their elected representatives to honour promises made prior to elections, Venezuela attached greatest importance to citizens' active participation. Indeed, article 62 of the Constitution enshrined the principle of joint responsibility pursuant to which all citizens were jointly responsible for constructing a freer, more democratic country and took part in the management and oversight of public affairs. The State was organized so as to promote the greatest possible participation by citizens. Citizens were able to establish Municipal Councils at any time to intervene in the management of local affairs, such as public infrastructure planning, and to communicate their priorities and grievances.

62. **Mr. Zermatten** asked what the state of play was with children and adolescents with alcohol or drug problems, and especially whether the proximity of Colombia affected young people's access to products from coca plantations.

63. The delegation might indicate how many street children there were, whether the comprehensive care plan for street children, for which 28 educators had been trained, had been assessed and whether there were plans to train more educators as they were too few in number given the extent of the problem. Further information on the establishment of specialist courts for minors would be welcome.

64. **Ms. Ortiz** enquired what the state of play was with opportunities for participation for children, in particular whether children had the opportunity to participate in the Municipal Councils or the municipal agencies dealing with their rights.

65. She asked what measures the State party had taken to ensure that the period spent in a care institution by a child suitable for adoption should be as short as possible, give the highest possible preference to in-country adoptions and prepare Venezuelan families for adoption.

66. **Ms. Aidoo** enquired what the State party was doing to rectify the extreme vulnerability of young children facing poverty, discrimination, family breakdown and other problems prejudicial to their rights and well-being. In that regard she drew the delegation's attention to General Comment No. 7 of the Committee on Implementing child rights in early childhood.

67. On the matter of adolescent health, according to some reports 27 per cent of mothers were adolescents; the State party therefore should make efforts both to raise the minimum age of marriage and the legal age of sexual consent and step up efforts in the field of sex education and the provision of information about reproductive health.

68. The delegation should rectify the regrettable absence of information on the problems of sexual violence and sexual exploitation of children.

69. **Mr. Parfitt** asked what measures were envisaged to address poverty among large families, given that one of the aims of the new LOPNA was to prevent children from being placed in a care institution because of poverty and thereby deprived of their family environment. The delegation might also indicate whether child protection institutions were subject to inspections and whether there were any independent mechanisms by which children in care institutions could lodge a complaint in the event that their rights were violated.

The meeting rose at 1 p.m.