



Convention on the Rights of the Child

Distr.: General
3 September 2013
English
Original: Spanish

Convention on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2004

Bolivarian Republic of Venezuela*

[5 July 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

GE.13-46591 (EXT)



* 1 3 4 6 5 9 1 *

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



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–6	3
II. Framework for protection and promotion of the human rights of children and adolescents	7–18	4
III. Commitments undertaken by the Venezuelan State upon ratifying the Optional Protocol	19–264	6
A. Information on the adoption of the Optional Protocol	19–35	6
B. Prohibition against the sale of children, child prostitution and child pornography	36–113	9
C. Criminal procedures	114–134	21
D. Protecting the rights of child and adolescent victims (article 8)	135–149	24
E. Policies on prevention of the sale of children, child prostitution and child pornography	150–211	27
F. Additional information on social welfare, trafficking in persons and migration.....	212–239	38
G. International assistance and cooperation	240–264	43

Annexes**

- I. Parámetros establecidos por el Estado venezolano, a través de la Dirección General de Prevención del Delito del Ministerio del Poder Popular para Relaciones Interiores y Justicia, para el análisis, revisión y posterior objeción o aprobación de todo material de carácter presumiblemente pornográfico
- II. Otras convenciones y pactos firmados por la República Bolivariana de Venezuela en materia de niños, niñas y adolescentes
- III. Material publicitario elaborado junto con el UNICEF.

** The annexes are available for consultation in the Secretariat archives.

I. Introduction

1. The Bolivarian Republic of Venezuela hereby submits to the Committee on the Rights of the Child its initial report under article 12 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In this report, the Venezuelan State describes the measures it has taken on the matter, in the light of its commitments under the Optional Protocol.
2. The Bolivarian Republic of Venezuela signed the Optional Protocol on 8 September 2002 and published it in *Gaceta Oficial* No. 37355, of 2 January 2002. The instrument of ratification was deposited on 8 May 2002.
3. The Bolivarian Republic of Venezuela is a party to the agreements arising from the first and second world congresses against commercial sexual exploitation of children which were held in Stockholm in 1996 and in Yokohama (Japan) in 2001. It has also signed the final document of the Regional Governmental Congress on the Sexual Exploitation of Children and Adolescents held in Montevideo, Uruguay, in 2001.
4. The Bolivarian Republic of Venezuela recognizes that sexual abuse and commercial sexual exploitation are public health problems. The international community has declared them to be a serious scourge that undermines human dignity and development to the detriment of society in general and families in particular, given that children and adolescents are treated as if they were not subjects of law.
5. The State has therefore strengthened its mechanisms for implementing public policies designed to provide comprehensive protection for children and adolescents, with a view to ensuring that everyone is able to enjoy his or her fundamental rights. Protection mechanisms have been set up for the prevention and eradication of sexual abuse and commercial sexual exploitation of children and adolescents.
6. The Venezuelan State is committed to implementing international legal instruments, including agreements, conventions and protocols, especially those relating to human rights and the rights of children and adolescents. Those instruments have been incorporated into the public policies carried out by all State agencies. Several entities of the national Government were consulted on the preparation of this report, so as to comply with the requirements of the Optional Protocol.

Executive branch

Ministry of Communes and Social Protection

Autonomous Institute and National Council on the Rights of Children and Adolescents

Ministry of Internal Affairs and Justice

Office of the Deputy Minister for Prevention and Citizen Security

Scientific, Criminal and Forensic Investigation Unit

Ministry of Foreign Affairs

Directorate-General for Multilateral and Integration Affairs

Office of the State Representative for Human Rights to the Inter-American System and the International Community

Ministry of Education

Civil branch

Public Prosecution Service

Ombudsman's Office

Legislative branch

National Assembly

The judiciary

Supreme Court of Justice

Public Defence Service

Electoral branch

II. Framework for protection and promotion of the human rights of children and adolescents

7. The Constitution of the Bolivarian Republic of Venezuela is the supreme law of the Republic. Article 19 thereof guarantees respect for human rights in keeping with the principle of progressivity and non-discrimination, observance of which is compulsory for all Government bodies, as stipulated in the human rights treaties that have been signed and ratified by the Republic.

8. The Constitution provides that the highest values of the legal order of the State and of its actions are life, liberty, justice, equality, solidarity, democracy, individual and social responsibility, the pre-eminence of human rights, public ethics and cultural and political pluralism.

9. State agencies play a vital role in the Venezuelan legal system as efforts are made to re-establish the legitimacy of the State and its institutions, to restore morality in public life and to improve administrative efficiency. Above all, special emphasis is placed on the vertical organization of public bodies, i.e., national authorities, state authorities and municipal authorities. In terms of horizontal organization, in addition to the executive branch, the legislative branch and the judiciary, two new branches of Government have been created: the electoral branch and the civil branch. This innovation stems from a social and political context in which a clear signal was needed of respect for the functional independence and autonomy of the bodies entrusted with public functions.

10. The Constitution takes a gender-based approach, recognizing that boys and girls, adolescents, young people, adult men and women, older men and women and persons with disabilities are all full subjects of law and justice and are entitled to comprehensive protection. The Constitution provides that public bodies are required to respect and guarantee human rights, as well as ethnic and cultural identity, as embodied in policies that are designed to promote social inclusion.

11. The Ombudsman's Office was created under article 281 of the Constitution to serve as the human rights protection system as a body of the civil branch charged with promoting, defending and monitoring the rights and guarantees laid down in the Constitution and various international human rights treaties, as well as protecting the collective or general interests of citizens. The Ombudsman's Office has special units that deal with issues relating to women, children, adolescents, indigenous persons, persons with disabilities, public services, health care and prisons, among others.

12. Title III, chapter V, article 78, of the Constitution mandates the creation of a National System for the Comprehensive Protection of Children and Adolescents. This was

done through article 117 of the Organic Act on Child Protection, which defines the System as follows: The National System for the Comprehensive Protection of Children and Adolescents shall comprise all the bodies, entities and services that formulate, coordinate, integrate, guide, supervise, evaluate and monitor policies, programmes and initiatives serving the public interest at the national, state and municipal levels, which are designed to protect and provide services for all children and adolescents. They also establish the means to ensure that children and adolescents are able effectively to enjoy their rights and guarantees and provide for the fulfilment of the duties mentioned in the Act.

13. The system operates through a coordinated set of intersectoral public service initiatives carried out by public bodies and entities and by civil society.

14. Article 119 provides that the National System for the Comprehensive Protection of Children and Adolescents shall be comprised by:

- (a) The Ministry with competence for matters relating to comprehensive protection of children and adolescents;
- (b) Councils on the rights of children and adolescents and councils on protection of the rights of children and adolescents;
- (c) Courts for the protection of children and adolescents and the Social Court of Cassation of the Supreme Court;
- (d) Public Prosecution Service;
- (e) Ombudsman's Office;
- (f) Public Defence Service;
- (g) Care institutions;
- (h) Offices of the Ombudsman for Children and Adolescents;
- (i) Community councils and other grass-roots organizations.

15. The Government carries out public policies that focus on human rights, especially in areas such as health, education, sports and recreation, social and cultural integration, social security, the right to housing and protection of children, adolescents and families.

16. A serious effort has been made to pass legislation and take administrative measures for the protection of human rights. The laws passed include the Organic Act on the Social Security System; the Housing and Habitat Benefits System Act; the Organic Act on Prevention, Working Conditions and the Working Environment; the Indigenous Peoples Habitat and Land Demarcation and Protection Act; the Organic Act on Education; the Organic Act on the Public Defence Service; the Organic Act on Child Protection; the Family and Parents Protection Act; the Act on Special Procedures for Protection of Children and Adolescents within the Family; the Organic Act on the Civil Registry and the Organic Act on the People's Power. These laws give priority to respect for the social rights of the general population, with the aim of improving the quality of life.

17. Legislation relating to civil and political rights includes the Organic Act on the Electoral Branch, the Organic Act on Identification, the Nationality and Citizenship Act, the Organic Act on Communes and the Organic Act on Community Councils. These laws provide a supplementary legal framework for the Venezuelan State's commitment to the promotion and protection of human rights, especially the rights of all children and adolescents and their right to identification and to a biological identity, the right to freely develop their personality, the right to a nationality and the right to actively participate in democracy.



18. The Government reiterates its willingness to cooperate with international human rights mechanisms, especially the treaty monitoring bodies. It is specifically committed to fulfilling the obligations arising from the international human rights treaties to which it is a party.

III. Commitments undertaken by the Bolivarian Republic of Venezuela upon ratifying the Optional Protocol

A. Information on the adoption of the Optional Protocol

19. Article 23 of the Constitution stipulates that the treaties, pacts and conventions relating to human rights which have been executed and ratified by the Bolivarian Republic of Venezuela have constitutional rank and prevail over internal legislation, insofar as they contain provisions concerning the enjoyment and exercise of such rights that are more favourable than those established by the Constitution and the laws of the Republic, and shall be immediately and directly applied by the courts and other public organs. In this regard, the Convention on the Rights of the Child includes provisions that must be applied by the State in order to promote the rights of the child.

20. The Constitution stipulates that the legislative branch is responsible for adopting as law all international treaties or agreements entered into by the national executive branch.

Only the Head of State has the authority to sign treaties or agreements with other States in the international community.

21. Once a treaty or agreement has been concluded, it is sent by the executive branch to the Foreign Policy Commission of the National Assembly, which must adopt it at a plenary meeting in order for it to be valid. The legislature then sends the treaty or agreement to the President of the Republic, and the act adopting it is then promulgated and published in the *Gaceta Oficial*. The treaty or agreement then becomes a special law which supersedes the general legislation on the same subject, in accordance with the principle of special laws. These procedures were followed in ratifying the Optional Protocol covered by this report.

22. In 2002, the Venezuelan State promulgated the Act ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.¹

1. Dissemination of the Optional Protocol

23. The Venezuelan State, families and society are duty-bound to guarantee the right of children and adolescents to protection; to identity; to respect for their personal wellbeing; to access to specialized legal services; to health information; to protection from sexual abuse and commercial sexual exploitation; to healthy, voluntary and risk-free sexuality; to education on sex and reproduction; to honour, reputation and self-image; to family life and privacy; to protection from pornographic materials and to receive truthful and age-appropriate information. These are fundamental rights that ensure equal treatment and cannot be waived.

24. Under the new institutional framework, the Autonomous Institute and National Council on the Rights of Children and Adolescents works within the guidelines set by the lead agency, in this case the Ministry of Communes and Social Protection, to coordinate the dissemination of laws and protocols designed to promote the rights of children and adolescents.

25. The National Council on the Rights of Children and Adolescents, now the Autonomous Institute and National Council on the Rights of Children and Adolescents, has published on its website a number of international legal instruments pertaining to children, adolescents, women and families, including the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in order to disseminate the information among the bodies comprising the National System for the Comprehensive Protection of Children and Adolescents, and in particular, among children and adolescents throughout the country. The website is currently being revised and updated in order to include new legislation adopted by the National Assembly which embodies or expands on the provisions of the Convention on the Rights of the Child and the Optional Protocol thereto.

26. During the period 2002–2008, the National Council on the Rights of Children and Adolescents conducted a nationwide campaign on prevention of abuse and commercial sexual exploitation. Information on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was provided, and a brochure on abuse and commercial sexual exploitation was distributed through schools and health centres, among others.

27. Strategies for implementation of the project on support for pregnant girls and adolescents are coordinated in the context of the technical cooperation agreement between

¹ *Gaceta Oficial* No. 37355, of 2 January 2002.

the Inter-American Development Bank and the Autonomous Institute and National Council on the Rights of Children and Adolescents. The project calls for the development of prevention and support protocols for promoting responsible sexual and reproductive health.

28. One of the duties of the Ombudsman's Office is to promote human rights. Accordingly, it has disseminated the texts of the Convention on the Rights of the Child and the Optional Protocols thereto through seminars for institutions and programmes that are concerned with these issues. It has also publicized the observations of the Committee on the Rights of the Child, with a view to strengthening policies, plans and programmes in this area.

2. Compatibility with the Protocol

29. Programmes on comprehensive protection of children and adolescents are based on the following principles: Children and adolescents are subjects of rights, and thus, their needs are subjective rights to which the principle of equality and non-discrimination applies. The best interest of children and adolescents is a principle of interpretation that must be applied by administrative and judicial bodies to all their decisions in cases involving children and adolescents; it must be given absolute priority in matters pertaining to the preferential support which children and adolescents must receive in all circumstances; families, society and the State share responsibility in these matters; families have a general obligation to observe gender equality in the upbringing of children and adolescents, in order to ensure their growth, protection and healthy development as human beings.

30. The right to equality and non-discrimination is a human right that is recognized in article 21 of the Constitution, which provides that all persons are equal before the law. Accordingly, the State has the obligation to ensure compliance, and to respect and guarantee the rights recognized by the legislation without distinction as to race, colour, sex, language, religion, political opinion, national or social origin, economic status, birth or any other social situation of the individuals under its jurisdiction. The consideration and adoption of draft legislation are the most effective mechanisms for protecting this right by making it possible to identify potential violations and prevent formal legal discrimination.

31. The Ombudsman's Office, acting on behalf of the State, has reviewed the laws currently in force, as well as the bills pending, and has monitored compliance with the right to equality. It has received and investigated complaints against public and private bodies that provide services to the public, and when necessary, it has encouraged the courts to act in cases of violation of violations of this right.

32. Under Venezuelan law, the right to equality and non-discrimination is a specific right. It is conceived as a principle which must be applied to the interpretation of all human rights recognized in the Constitution and in all international human rights treaties that have been ratified by the Republic; thus, it is a cross-cutting element of the legal system. Likewise, the rules governing the adoption of policies that promote this right have constitutional rank and legal status; consequently, they implicitly make the adoption of such policies compulsory, without expressly saying so, while others refer directly to the Government's duty to promote human rights.

33. This principle is ratified in the legislation that specifically targets children and adolescents, such as the Organic Act on Education, the Equal Opportunities for Women Act and, in particular, the Organic Act on Child Protection, all of which expressly recognize the principle of equality and non-discrimination.

34. The Constitution establishes the social rights of children and adolescents and of families. Article 55 of the Constitution provides that everyone must be protected by the bodies responsible for citizen security. Protection of children and adolescents is provided

through the Organic Act on Child Protection, as amended in December 2007, the purpose of which is to guarantee that all children and adolescents living in the national territory are able fully and effectively to enjoy their rights and guarantees through the comprehensive protection that the State, their families and society as a whole are required to offer them from the moment of conception.

3. Preparation of the report

35. This report was prepared by officials of the different government bodies and the Ministry of Foreign Affairs. Several limitations had to be overcome in the process, including the difficulty of obtaining the necessary statistics, inasmuch as the institutions concerned have had to adjust gradually to a new legal framework as they adopt improved standardization and monitoring techniques. The State is working to consolidate statistical data that will make it possible to demonstrate the results of its policies. An example of this is the creation of the Statistical Unit and the Single System of Statistical Information on children and adolescents that has been implemented by the Autonomous Institute and National Council on the Rights of Children and Adolescents, in collaboration with the National Statistical Institute, with a view to generating timely and reliable information that can be used to formulate policies and implement plans, programmes and projects for the care and protection of children and adolescents. The Subcommittee on Statistics relating to children and adolescents was reactivated in 2011; its mission is to achieve consensus on and to coordinate and harmonize statistics for this sector and ensure that they are up-to-date, pertinent and of high quality.

B. Prohibition against the sale of children, child prostitution and child pornography

36. The Bolivarian Republic of Venezuela has taken the following measures to fulfil its commitments under articles 1 to 12 of the Optional Protocol.

1. Penalties established by the State for persons incurring in the offences described in article 3, paragraph 1 of the Optional Protocol

Article 1

37. The sale of children, child prostitution and child pornography are a scourge that affects the entire world population; they are an affront to the dignity of all human beings, especially children and adolescents, who are the pillars on which a better society can be built. By signing the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, the Venezuelan State undertook, as envisaged in article 1 of the Optional Protocol, to pass legislation prohibiting and criminalizing the behaviours mentioned in that text, in accordance with the guidelines laid down therein.

38. Even before the Bolivarian Republic of Venezuela had ratified the Optional Protocol, its Criminal Code had always included offences in the definition of which morality, good behaviour and family harmony were protected, and the victimization of a child or an adolescent was an aggravating circumstance. Since the enactment of the Organic Act on Child Protection, however, special measures have been taken to protect the sexual identity of these especially vulnerable victims. Thus, the law covers behaviours similar to those described in the Optional Protocol, such as forced labour and sexual exploitation of children and adolescents.

39. When the Bolivarian Republic of Venezuela ratified the Convention, its domestic legislation already covered child prostitution (article 2(b) of the Optional Protocol). The substantive law included the offences of inducement to prostitution, encouraging prostitution of a minor and prostitution through violence or fraud by a family member (articles 386, 387 and 388 of the Criminal Code). Nevertheless, even though the offence was included in the domestic legislation, it could not be prosecuted unless the offended party brought charges; that was changed with the enactment of the Organic Act on Child Protection, under which all acts defined therein as offences were classified as matters of public order, thus requiring the State, acting through the Public Prosecution Service and its special prosecutors, to prosecute and punish them.

Article 2

40. As required by the Optional Protocol, following is a list of offences that are covered by domestic and international legislation.

41. Child prostitution means the use of a child in sexual activities in exchange for remuneration or any other type of consideration.

42. Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

43. Forced labour. ILO Convention No. 29 (1930), on forced labour, defines forced labour, for the purposes of international law, as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” (art. 2, para.1).

44. Sexual exploitation is defined in the guidelines for the protection of children and adolescents from child pornography as a form of commercial sexual exploitation,² as a concept related to transactions that are compensated in cash or in kind in which children and adolescents are used in sexual activities in exchange for any other consideration. These include child pornography, child prostitution, the sale of children, sexual tourism and trafficking of children and adolescents.

45. Sexual abuse is defined in article 3 of the general guidelines for ensuring the protection of children and adolescents against sexual abuse and commercial sexual exploitation³ as any action by a person of any sex or age who uses his or her power arising from an age difference, a position of authority, physical strength or intellectual and psychological resources, among others, with or without physical violence, to subject and use a child or adolescent in order to satisfy his or her sexual desire, involving the child or adolescent, by means of threat, seduction, deceit or any other form of coercion, in sexual activities for which the child or adolescent is not prepared, physically or mentally, or is not able to grant his or her free and informed consent.

46. Article 2 of the Organic Act on Child Protection defines a “child” as anyone under the age of 12 years. “Adolescent” means anyone aged 12 or older and younger than 18. Article 1 of the Convention on the Rights of the Child states the following: “For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”

² *Gaceta Oficial* No. 35640, of 23 August 2007.

³ *Gaceta Oficial* No. 37815, of 11 November 2003.

Article 3

47. The Government has stepped up prosecution of individuals who incur in the offences envisaged in the Criminal Code, the Organic Act on Child Protection and other legislation that has been enacted to comply with the guidelines set forth in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

48. Article 54 of the Constitution stipulates that no one shall be subjected to slavery or servitude, human trafficking, and that, especially in the case of women, children and adolescents, shall be liable to the penalties prescribed by law.

49. Article 375 of the Criminal Code establishes a penalty of 5 to 10 years imprisonment for anyone who engages in a carnal act with a person of either sex, who at the time of the offence (1) is under 12 years of age, or (2) is under 16, if the perpetrator is a relative in the ascending line, a guardian or an instructor.

50. Article 376 of the Criminal Code stipulates that when any of the acts referred to in the first part of article 375 and in subparagraphs 1 and 4 of that article involve an abuse of authority, of trust or of family relationships, the penalty shall be 6 to 12 years' imprisonment for the offences mentioned in the first part, and 5 to 10 years for those mentioned in subparagraphs 1 and 4.

51. Article 379 stipulates that anyone who engages in a carnal act with a person older than 12 and younger than 16, or who commits lascivious acts against that person, and is not a relative in the ascending line, a guardian or an instructor, even when none of the circumstances envisaged in article 375 exist, shall be punished with imprisonment of 6 to 18 months, and the penalty shall be doubled if the perpetrator is the first one causing the corruption of the offended person. Carnal acts against a woman who is over 16 and under 21, with her consent, shall be punishable when there has been seduction with the promise of marriage, and the woman is known to be an honest woman; in such cases, the penalty shall be 6 months' to 1 year's imprisonment.

52. Article 388 states the following: Anyone who, for the purpose of satisfying another person's passions, induces a minor into prostitution or corrupt acts, shall be liable to 3 to 18 months' imprisonment. Imprisonment shall be 1 to 4 years if the offence has been committed: (1) by anyone under 12 years of age, (2) by means of fraud or deceit, (3) by a relative in the ascending line or in-laws in the direct ascending line, by an adoptive parent, by the husband, guardian or other person in charge of caring for, instructing, watching over or guarding the minor, even temporarily. If several of the circumstances in the above categories exist at the same time, imprisonment shall be 2 to 5 years.

53. Article 389 reads as follows: Anyone who, for the purpose of satisfying another person's passions, facilitates or encourages the prostitution or corruption of a minor, in any of the ways or in any of the cases mentioned in the first part of article 388 and in subparagraphs 1, 2 and 3 of that article, shall be liable to 3 to 12 months' imprisonment. In the case of the last part of that article, imprisonment shall be for 3 to 18 months.

54. The criminal offences of trafficking of children and adolescents and of profiting from the handing over of children or adolescents are covered in articles 266 and 267 of the Organic Act on Child Protection, which have been harmonized with the concepts set forth in article 2 (a) of the Optional Protocol. These all refer to the subject of trafficking of children and adolescents.

55. With regard to child prostitution, article 258 of the Organic Act on Child Protection establishes penalties for anyone who promotes, directs or profits from the sexual activity of a child or an adolescent. The penalties for such acts are increased when the criminal act is committed by persons who have authority over the victim or who are responsible for the

victim's rearing or care. This goes further than the former paradigm of the Criminal Code, which only punished perpetrators who were relatives in the ascending or descending line or guardians or instructors.

56. With regard to the definition of child pornography, which is mentioned in article 2 (b) of the Optional Protocol, prosecutors specializing in this area have worked diligently to follow up on cases involving such behaviour, basing their work on the definitions of criminal offences described below.

57. Firstly, reference should be made to the offences of disseminating or exhibiting pornographic materials and the pornographic exhibition of children and adolescents. These offences are described in the chapter on offences against children and adolescents in the Cybercrimes Act, which was promulgated in 2001 in view of the increasing importance in recent decades of information technologies. The benefits of those technologies are obscured by the actions of a small percentage of the population who commit offences against the constitutionally protected rights of sexual liberty and moral integrity.

58. The legislature has also enacted laws on issues related to the eradication of child pornography, such as the Organic Act against Organized Crime of 2005, which deals specifically with pornography.

59. The legislation covers several concepts such as the exploitation, production and/or sale of pornography and the use of information and communication technology for purposes of exhibition or dissemination. The substantive criminal legislation does not exclude the participation of other actors or participants in the consummation of the punishable act, given that the Venezuelan Criminal Code fully covers different degrees of criminal participation during the *iter criminis* of the criminal act; thus, the norm is not applied restrictively, especially in cases involving an age group as vulnerable as that of children and adolescents. The Public Prosecution Service takes a broadly punitive approach and always strives to establish the criminal liability of those accomplices or participants whose behaviour would be covered by article 84 of the Venezuelan Criminal Code.

60. Potentially criminal behaviours involving a failed attempt to commit an offence are also addressed. Thus, article 80 of the Criminal Code deals with the existence of an attempt when, for the purpose of committing a crime, the actor has begun to carry it out with appropriate means and has not done everything needed to consummate the crime for reasons beyond his control. A failed offence exists when someone, for the purpose of committing a crime, has done everything necessary to consummate the crime but has not succeeded because of circumstances beyond his control. These are all circumstances involving attempts, failures and degrees of participation which were already included in the Criminal Code when the Bolivarian Republic of Venezuela ratified the Convention on the Rights of the Child and the Optional Protocol thereto, and they are fully consistent with article 3, paragraph 2 of the Optional Protocol.

61. In addition to these definitions that were already in our substantive legislation, one of the major innovations in the legislation has been the recognition, in specialized laws protecting the rights of children and adolescents, of offences involving commission by omission; in other words, not only are penalties imposed for individuals who commit a deed with criminal intent or who have participated to some degree in a crime, but omissive behaviour may also be punishable when the defendant is a child or an adolescent.

62. As noted earlier, in order to prevent, punish and eradicate the offences referred to in article 3 of the Protocol, the Organic Act on Child Protection provides for a number of civil and criminal penalties. Some of the civil penalties are described in article 230, on illegal accommodation of a child or adolescent; article 231, on illegal transport of a child or adolescent; article 232, on illegal transfer; article 238, on admission or profit from the work of children; and article 240, on admission of adolescents not registered in the Registry of

Adolescent Workers. These are punished with fines calculated in tax units (*unidades tributarias*), ranging between 30 and 120 tax units.

63. Criminal penalties are established for the cases covered by article 255, on forced labour, and article 256, on admission or profit for non-approved labour, for which the penalty is imprisonment ranging between 6 months and 3 years. Criminal sanctions are harsher for sexual exploitation of children and adolescents and sexual abuse of children, as envisaged in the following articles.

64. Article 258. Sexual exploitation of children and adolescents. Anyone who promotes, directs or profits from the sexual activity of a child or adolescent shall be liable to a prison term of 5 to 8 years. If the perpetrator has authority over the victim or is responsible for rearing or caring for the child, imprisonment shall be 6 to 10 years.

65. Article 259. Sexual abuse of children. Anyone who performs sexual acts with a child or who participates in such acts shall be liable to 2 to 6 years' imprisonment. If the sexual act involves genital or anal penetration by means of a carnal or manual act or by introducing objects, or by oral penetration even with instruments simulating sexual objects, the prison term shall be 15 to 20 years.

66. Article 260. Sexual abuse of adolescents. Anyone who performs sexual acts with an adolescent, against his or her will, or who participates in such acts, shall be punished according to the preceding article.

67. Finally, article 254 of the Organic Act on Child Protection, on cruel or ill treatment, stipulates the following: Anyone who subjects a child or an adolescent under his or her authority, care or protection to cruel or ill treatment by means of physical or psychological abuse shall be liable to 1 to 3 years' imprisonment, provided the punishable act is not subject to a harsher penalty. Cruel or ill treatment may be physical or psychological. The same penalty shall be incurred by a parent, representative or guardian who acts negligently or omisively in the exercise of his or her responsibility and causes physical or psychological harm to the child or adolescent.

2. Other legal instruments that establish penalties in the context of compliance with the Optional Protocol

68. The Bolivarian Republic of Venezuela has also passed several laws to deal with this offence and to protect the best interests of children and adolescents, including the following.

69. The Organic Act on Women's Right to a Life Free from Violence contains the following provisions: article 3 protects the right of women victims of violence to life, dignity and to physical, psychological and sexual integrity and protection of their property and legal rights; article 15 defines the types of violence; article 18 defines trafficking of women, children and adolescents; and article 19 refers to the sale of women, children and adolescents.

70. In article 43, the Act establishes criminal penalties for sexual violence as follows: If the act harms a girl or a female adolescent, the penalty shall be 15 to 20 years' imprisonment. If the victim is a girl or a female adolescent, the daughter of the woman with whom the perpetrator maintains a conjugal relationship, the perpetrator's common-law spouse, former spouse, former common-law spouse, or a person with whom he has or has had a sentimental relationship even without living together, the penalty shall be increased by one fourth or one third. Article 55 establishes penalties of 10 to 15 years' imprisonment for illicit trafficking of women, girls and female adolescents, and article 56 establishes a penalty of 15 to 20 years' imprisonment for trafficking of women, girls and female adolescents.

71. Article 6 of the Act on Protection of Children and Adolescents in Internet Access Facilities lays down regulations on how children's and adolescents' admission to and presence on premises that provide computer, electronic or multimedia games and private Internet services. Article 7 stipulates that all physical spaces and environments on such premises must be suitable for children and adolescents, and that they must facilitate direct and permanent supervision by the staff of the facility.

72. Article 8 prohibits access to information and content that promotes, advocates or incites to violence, war, the commission of punishable acts, racism, gender inequality, xenophobia, religious intolerance and any other type of discrimination, to slavery, to servitude, to economic or social exploitation of persons, to the use and consumption of cigarettes and tobacco products, of alcoholic beverages and other products envisaged in the legislation on the subject of narcotic drugs and psychotropic substances, as well as pornographic materials or materials that jeopardize the security of the nation or that are contrary to the principles of a revolutionary democratic society. Article 9 of the Act makes it obligatory to disseminate the content of the Act.

73. Article 14 of the Organic Act against Organized Crime establishes a penalty of 16 to 20 years' imprisonment for anyone who engages in the sale of pornography produced with children or adolescents or directed at them. Furthermore, article 16 defines the trafficking of persons and of migrants as organized crime.

74. Article 56 of the Aliens and Migration Act establishes penalties for smuggling of persons as follows: Imprisonment of 4 to 8 years for individuals and representatives of legal entities who, by action or omission, promote or take part in the smuggling of persons in transit or travelling to the territory of the Republic. Article 57 establishes a penalty of 8 to 10 years' imprisonment when the behaviours referred to in article 56 are directed at victims who are needy because of their gender or who are part of a vulnerable group.

75. Article 23 of the Special Act on Cybercrime establishes a penalty of 2 to 6 years' imprisonment and a fine of 200 to 600 tax units for anyone who disseminates or exhibits pornographic materials or materials with adult content without first warning users to restrict access to such materials by children and adolescents. Article 24 of that Act establishes a penalty of 4 to 8 years' imprisonment and a fine of 400 to 800 tax units for anyone who uses a child or an adolescent, personally or through images, for exhibitionist or pornographic purposes by means of information technology.

76. The Organic Act on Telecommunications, which was published in *Gaceta Oficial* No. 36970, of 12 June 2000, includes the following general objectives: To protect the interests of users, ensuring their right to have access to telecommunications services of adequate quality and, with regard to the provision of such services, to safeguard the observance of constitutional rights, in particular, the right to honour, to privacy, to secrecy of communications and to protection of young people and children. Accordingly, the operators of such services may be required to guarantee those rights.

77. The Act partially amending the Act on Social Responsibility in Radio and Television Broadcasting, which was published in *Gaceta Oficial* No. 39610, of 7 January 2011, has the aim of establishing, in the dissemination and reception of messages, the social responsibility of providers of radio and television services, providers of electronic media, advertisers, independent national producers, and users, in order to promote a democratic balance between their duties, rights and interests, to promote social justice and to promote civic education, democracy, peace, human rights, culture, education, health and the social and economic development of the nation, in accordance with the constitutional rules and principles of legislation designed to provide comprehensive protection of children and adolescents, culture, education, social security, free competition and the Organic Act on Telecommunications.

78. Finally, it should be noted that the Organic Act against Organized Crime includes the innovative provision that legal entities shall be criminally liable for punishable acts committed on their behalf by their boards of directors or their representatives. This provides for broader protection in terms of the scope of offences covered, to which children and adolescents are more vulnerable, and it is consistent with the terms of article 3, paragraph 4 of the Optional Protocol.

79. Article 113 of the Criminal Code, which provides for a declaration of civil liability arising from an offence, once a definitive conviction has been handed down, and allows the victim of the act in question to appear before the competent civil courts to request compensation for damages.

80. Article 217 of the Organic Act on Child Protection establishes a generic aggravating circumstance whereby penalties must be increased proportionally for any criminal act against a child or an adolescent. Also, considering that the future consequences of all behaviours that harm children or adolescents are more serious, article 218 establishes “preferential application”, which simply means that when criminal acts are perpetrated against children or adolescents, the relevant legislation must establish harsher penalties than those normally applied.

81. In order to protect the rights of children and adolescents, the Public Prosecution Service and, in particular, the prosecutors assigned to the Directorate for Comprehensive Protection of the Family, have also focused their efforts on requiring that anyone who profits from the exploitation of children and adolescents through forced labour or unsuitable work should be held criminally liable.

3. Bodies responsible for implementing the Optional Protocol

82. The State has set up a number of bodies charged with protecting and guaranteeing the rights of families, children and adolescents. The 1990s saw the creation of the Ministry of the Family and especially, the National Autonomous Service for the Comprehensive Care of Children and Families, which did not have legal status but had the rank of a directorate-general for sectoral matters. In 2000, the National Autonomous Service for the Comprehensive Care of Children and Families was assigned to the Ministry of Health and Social Development (resulting from the merger of the former ministries of health and of the family). This Service now works within the Ministry of Education.

83. The National System for the Comprehensive Protection of Children and Adolescents is comprised of the Ministry of Communes and Social Protection, as the lead agency; the Autonomous Institute and National Council for the Rights of Children and Adolescents, as managing agency; the municipal councils on rights of children and adolescents; the councils on protection of children and adolescents; the courts for the protection of children and adolescents and the Court of Social Cassation of the Supreme Court of Justice; the Public Prosecution Service; the Ombudsman’s Office; the Autonomous Public Defence Service; care institutions; Offices of the Ombudsman for Children and Adolescents; community councils and other grass-roots organizations.

84. The amendments to the Organic Act on Child Protection that were passed in December 2007,⁴ provide that the lead agency of the National System for the Comprehensive Protection of Children and Adolescents shall be the Ministry with competence for the comprehensive protection of children and adolescents, which is responsible for setting policies and adopting guidelines on matters relating to children and adolescents, at the national level. The Autonomous Institute and National Council on the

⁴ *Gaceta Oficial* No. 5859, special issue dated 10 December 2007.

Rights of Children and Adolescents, a division of the Ministry with competence for the comprehensive protection of children and adolescents, is responsible for management of the System. It conducts deliberations, provides oversight and advice and is empowered to submit proposals on policies and guidelines on matters relating to children and adolescents to the lead agency.

85. The competent judicial bodies are the courts for the protection of children and adolescents and the Court of Social Cassation of the Supreme Court of Justice.

86. In order to promote recognition of and protection for the rights of children, the Venezuelan State has set up special services for this population. On 20 September 2000, the National Assembly created the Standing Committee on Women, the Family and Young People to deal with all matters relating to the protection of families, guaranteeing the rights of women and developing a regulatory framework to promote the effective development of young people, children and adolescents.

87. Other government bodies and agencies charged with implementing the Protocol and coordinating their work with other national and regional bodies, as well as with social organizations in the country, are: the Ministry of Foreign Affairs, the Ministry of Internal Affairs and Justice, the Ministry of Education, the Ministry of University Education, the Ministry of Health, the Ministry of Sport, the Ministry of Culture, the Ministry of Tourism, the Ministry of Communication and Information, the Ministry of Labour and Social Security, the Ministry of Women and Gender Equality, the Ministry of Planning and Finance and the Ministry of Science, Technology and Intermediate Industries.

88. The Public Prosecution Service, which belongs to the civil branch of Government and is responsible for the administration of justice (under article 2 of its Organic Act), acts in the general interest and guarantees respect for constitutional rights and guarantees in order to preserve the democratic and social State under the rule of law.

89. In addition, the Directorate for Comprehensive Protection of the Family, which is part of the Directorate-General for Court Proceedings, was created to defend and protect this fundamental nucleus of society. This Directorate works to dignify and ensure respect for the rights enshrined in articles 75 and 78 of the Constitution.

90. Among its other duties, the Directorate for Comprehensive Protection of the Family works to ensure full observance of legal instruments such as the Organic Act on Child Protection and the Organic Act on Women's Right to a Life Free from Violence. Bearing in mind its duty to protect the rights of the most vulnerable victims (children, adolescents, women and families), it also bases its work on the Criminal Code, the Cybercrimes Act, the Organic Act against Organized Crime, the Social Services Act and the Act against Illicit Trafficking and Use of Narcotic Drugs and Psychotropic Substances, among others.

91. Approximately 160 prosecutors' offices are distributed throughout the country. They have material jurisdiction over issues relating to the protection of the most vulnerable victims. Under the Organic Act on Women's Right to a Life Free from Violence, prosecutors specializing in that area have been appointed for the sole purpose of establishing the criminal liability of persons or institutions that commit the offences described in that law.

92. Within the framework of the Convention on the Rights of the Child and the subsequent promulgation of the Organic Act on Child Protection, which has gradually been amended, the Public Prosecution Service and the Directorate for the Comprehensive Protection of the Family have focused their efforts on setting up prosecutors' offices to promote the rights of children and adolescents throughout the country. Their jurisdictions are distributed according to three types of prosecution services.

93. Prosecutors for ordinary criminal matters deal with cases involving adults who victimize children and adolescents. The work of these prosecutors is based on legislation such as the Criminal Code, the Organic Act on Child Protection, the Organic Act against Organized Crime and the Act against Illicit Trafficking and Use of Narcotic Drugs and Psychotropic Substances, among others.

94. Prosecutors for matters relating to criminal liability of adolescents deal with cases involving juvenile offenders. In their work, these prosecutors follow the procedures prescribed in the Organic Act on Child Protection and other criminal legislation. The main emphasis is on educational proceedings.

95. Prosecutors specializing in protection are responsible for safeguarding family institutions, including the obligation to provide support, the system of supervised visits, guardianship and custody.

96. The Sixty-sixth Prosecutors' Office with Full Competence at the National Level was created in 2006. This office provides assistance to the prosecutors' offices assigned to the Directorate for Comprehensive Protection of the Family throughout the country; it conducts investigations on especially complex cases. All the prosecutors' offices assigned to this agency have focused their efforts on the struggle to eradicate behaviours that jeopardize the rights of children and adolescents.

97. The Public Defence Service has also made a significant effort as advocate before the competent authorities through the formulation of policies, plans and programmes designed to protect the personal safety of children and adolescents, emphasizing issues such as abuse and sexual exploitation. Meetings have been held with national and international agencies, especially the United Nations Children's Fund (UNICEF), and recommendations have been presented at working groups with the aim of unifying efforts to develop guidelines for protecting the rights of children and youth.

4. Country information

98. Investigations focusing on the two specific issues of violence against women and protection of children and adolescents are conducted by the Investigation and Protection Division for Children, Adolescents, Women and Families, which operates under the Directorate of Investigations into Crimes against Life and Psychological and Physical Integrity of the Scientific, Criminal and Forensic Investigation Unit of the Ministry of Internal Affairs and Justice.

99. This office is responsible for dealing with cases in which children, adolescents and women are either victims or perpetrators. It is also charged with determining the total number of such cases that occur throughout the country. It investigates and clarifies offences and misdemeanours against children, adolescents and women or cases in which the physical and moral integrity of families are at risk. It initiates proceedings to clarify cases involving children or adolescents, in order to enforce compliance with the rights and duties laid down in the Constitution and the law.

100. The Division has a multidisciplinary staff of psychologists, sociologists, social workers, attorneys, teachers and scientific researchers (holding university degrees as technicians and/or degrees in police sciences and criminalistics). The Division deals with cases involving the offences under the Organic Act on Women's Right to a Life Free from Violence, the Organic Act on Child Protection, the Organic Act against Organized Crime and the Special Act on Cybercrime.

101. The following tables show the cases of prostitution, pornography, trafficking and sale of children and adolescents that were dealt with by the Division between 2007 and 2010.

Venezuela
Cases considered, by Federal Entity
Overall total 2007–2010

Year	Metropolitan District	Amazonas	Anzoategui	Apure	Aragua	Barinas	Bolivar	Carabobo	Cojedes	Delta Amacuro	Falcon	Guarico	Lara	Merida	Miranda	Monagas	Nueva Esparta	Portuguesa	Sucre	Tachira	Trujillo	Vargas	Yaracuy	Zulia	Total
2007	2	0	0	0	5	0	1	3	0	0	4	0	1	0	2	1	0	0	2	1	0	0	0	1	23
2008	6	0	0	0	2	3	2	1	0	0	1	0	4	0	2	0	0	0	2	0	1	0	0	0	24
2009	6	0	1	0	2	0	1	2	0	0	0	0	0	3	3	0	1	0	0	0	1	0	1	0	21
2010	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	37
Total	51	0	1	0	9	3	4	6	0	0	5	0	5	3	7	1	1	0	4	1	2	0	1	1	105

Source: Operational units of the Scientific Criminal Investigations Group.

Venezuela
Cases considered, by Federal Entity
Overall total
Child Pornography 2007–2010

Year	Metropolitan District	Amazonas	Anzoategui	Apure	Aragua	Barinas	Bolivar	Carabobo	Cojedes	Delta Amacuro	Falcon	Guarico	Lara	Merida	Miranda	Monagas	Nueva Esparta	Portuguesa	Sucre	Tachira	Trujillo	Vargas	Yaracuy	Zulia	Total
2007	1	0	0	0	5	0	0	2	0	0	4	0	1	0	1	1	0	0	2	1	0	0	0	1	19
2008	2	0	0	0	1	2	1	1	0	0	1	0	3	0	2	0	0	0	2	0	0	0	0	0	15
2009	1	0	0	0	2	0	0	2	0	0	0	0	0	3	0	0	1	0	0	0	0	0	1	0	10
2010	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36
Total	40	0	0	0	8	2	1	5	0	0	5	0	4	3	3	1	1	0	4	1	0	0	1	1	80

Source: Operational units of the Scientific Criminal Investigations Group.

Venezuela
Cases considered, by Federal Entity
Overall total
Child Prostitution 2007–2010

Year	Metropolitan District	Amazonas	Anzoategui	Apure	Aragua	Barinas	Bolivar	Carabobo	Cojedes	Delta Amacuro	Falcon	Guarico	Lara	Merida	Miranda	Monagas	Nueva Esparta	Portuguesa	Sucre	Tachira	Trujillo	Vargas	Yaracuy	Zulia	Total
2007	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
2008	4	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
2009	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	4
2010	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	11	0	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	16

Source: Operational units of the Scientific Criminal Investigations Group.

Venezuela
Cases considered, by Federal Entity
Overall total
Child Trafficking 2007–2010

Year	Metropolitan District	Amazonas	Anzoátegui	Apure	Aragua	Barinas	Bolívar	Carabobo	Cojedes	Delta Amacuro	Falcon	Guárico	Lara	Merida	Miranda	Monagas	Nueva Esparta	Portuguesa	Sucre	Táchira	Traujillo	Vargas	Yaracuy	Zulia	Total
2007	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
2008	0	0	0	0	0	0	1	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	0	0	3
2009	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
2010	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	3	0	0	0	0	0	1	0	4	0	0	0	0	0	1	0	0	0	9

Source: Operational units of the Scientific Criminal Investigations Group.

Venezuela
Cases considered, by offence and by year
Overall total, by offence and by year (2007–2010)

Years, offences	2007	2008	2009	2010	Total
Child pornography	19	15	10	36	80
Child prostitution	2	6	7	1	16
Child trafficking	2	3	4	0	9
Overall total	23	24	21	37	105

Source: Operational units of the Scientific Criminal Investigations Group.

102. The Venezuelan State believes that the prevention and treatment of sexual abuse of children and adolescents are everyone's responsibility. Efforts in this area should be carried out in coordination with the relevant State agencies and with the participation of families and social and community organizations, bearing in mind the provisions of article 136 of the Organic Act on Child Protection.

103. Article 136, on citizen participation, reads as follows: Community councils, committees for the social protection of children and adolescents and other types of grass-roots organizations, including indigenous peoples and communities, are the means for direct participation in the formulation, implementation and oversight of the work of the National System for the Comprehensive Protection of Children and Adolescents, in accordance with the provisions of this Act and the regulations thereto.

104. The National System for the Comprehensive Protection of Children and Adolescents ensures the protection of children and adolescents who are victims of trafficking, sale, prostitution and child pornography. It protects both their collective and their individual rights by responding to requests for its intervention and through criminal penalties; it also carries out preventive action in this area.

105. Responsibilities are assigned in a work agenda that must be followed by everyone concerned, so as to enable them to play a more active role in preventing sexual abuse and in protecting and assisting children and adolescents who have been victims of rape and abuse, as well as to prevent such situations.

5. Cases identified and addressed by the competent bodies

106. Bearing in mind the importance of guaranteeing the rights of children and adolescents and acting in compliance with the aforementioned domestic legislation, the State has conducted in-depth criminal investigations through the Public Prosecution Service. Special prosecutors throughout the country have been active in such investigations; however, special mention should be made of the Sixty-sixth Prosecutors' Office with Full Competence at the National Level, which, working with regional prosecutors, has conducted three investigations that are exemplary, considering the penalties that were imposed in the first two cases, which are described below.

107. An investigation was conducted against citizens C.E.G. and R.P., residents of the state of Aragua, who sexually abused several children and adolescents, whom they would seek out in order to satisfy their sexual desires. These individuals were convicted by the courts of the Republic. C.E.G. admitted his guilt in order to obtain a reduced penalty; he was sentenced to 25 years in prison and a fine of 800 tax units. R.P. was sentenced to 21 years and 6 months' imprisonment. Both were convicted of rape and sexual exploitation.

108. The third case was that of citizens B.N.C., R.A. and A.G., paedophiles living in Caracas, who filmed children while they were abusing them. Because of the damning evidence presented by the Public Prosecution Service when presenting the charges, they admitted the facts at the preliminary hearing. B.N.C. and R.A. were sentenced to 20 years, while A.G. was sentenced to 13 years 8 months' imprisonment.

6. Adoption

109. Article 406 of the Organic Act on Child Protection states that adoption is an institution designed to protect children and adolescents who are adoptable by placing them with suitable permanent surrogate families. The domestic legislation stipulates that international adoption is subordinate to national adoption and can only take place when treaties or agreements dealing specifically with adoption have been signed between the Bolivarian Republic of Venezuela and the habitual country of residence of the prospective parents.

110. To this end, the Bolivarian Republic of Venezuela applies the international adoption procedure established in the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.⁵ In addition, article 75 of the Constitution stipulates that international adoption shall be subordinated to national adoption.

111. In 2008, the Autonomous Institute and National Council on the Rights of Children and Adolescents drew up the proposal that led to the creation of Misión Niños y Niñas del Barrio (Neighbourhood Children's Mission). This programme is part of the State's strategy for more fully guaranteeing the rights of children and adolescents, especially those who live in extreme poverty, and giving new impetus to the State's efforts in this regard.

112. As a social policy, Misión Niños y Niñas del Barrio is aimed at advancing in the construction of social change and implementing the strategic guideline of achieving Supreme Social Happiness. The strategic goal is to reduce extreme poverty to zero and accelerate the reduction of poverty within the framework of the Guidelines of the Economic and Social Development Plan of the Nation (Simón Bolívar Plan 2007-2013).

113. In this regard, the National Family Inclusion Plan was created within the framework of Misión Niños y Niñas del Barrio. The purpose of the Plan is to promote and guarantee the right of children and adolescents who are under administrative or judicial protection in

⁵ *Gaceta Oficial* No. 37401, of 11 March 2002.

care centres to enjoy life as part of a family. The National Family Inclusion Plan includes family reintegration programmes, programmes providing temporary placement in foster families and adoption programmes.

National Family Inclusion Plan – October 2008 to December 2010

<i>Situation</i>	<i>Total</i>
Children and adolescents reintegrated into their families of origin	1 303
Children and adolescents adopted	671
Children and adolescents placed in foster families	376
Total number of children and adolescents placed in families	2 350

Source: Department of Adoptions – IDENA, February 2011.

C. Criminal procedures

1. Jurisdiction

114. Referring the State's power to carry out the administration of justice, the domestic legislation provides that the State decides on all matters of jurisdiction. Thus, the State must necessarily exercise its jurisdiction according to criteria of subjective and objective competence – the subjective competence of the body responsible for the administration of justice, and the State's objective competence to enforce the law.

115. A review of the applicable criminal jurisdiction shows that the domestic legislation includes the substantive rules necessary to address all the issues raised in article 3, paragraph 1 of the Optional Protocol.

116. The principles that apply to the spatial validity of the criminal legislation suggest the implementation of the principle of territoriality, while adding certain specific criteria of extraterritoriality. Article 3 of the Criminal Code establishes the principle of territoriality in respect of the spatial validity of criminal law, according to which anyone who commits an offence or a misdemeanour within the geographic space of the Republic shall be punished under Venezuelan law, independently of the nationality of the defendant; this fully applies to offences committed against children and adolescents, including the so-called sale of children, child prostitution and child pornography.

117. Under article 10 of the Constitution and articles 11, 52, 61 and 67 of the Organic Act on Aquatic and Insular Spaces, the concept of territory has been analysed so as to preclude impunity for behaviours that are harmful to legally protected assets, including, as part of the territory, ships or aircraft registered in the Bolivarian Republic of Venezuela. The doctrine also covers Venezuelan ships and aircraft, according to the interpretation of article 4, paragraph 7 of the Criminal Code currently in force.

118. In the sphere of criminal procedure, long before ratifying the Optional Protocol, the State had already adopted regulations on territorial competence, subsidiary competence and extraterritoriality. These rules, which are laid down in articles 57, 58 and 59 of the Organic Code of Criminal Procedure, are consistent with the last part of article 4 (a) of the Optional Protocol. They are also applicable in cases involving defendants who commit offences against children and adolescents.

119. Article 4 of the Venezuelan Criminal Code establishes jurisdictional scope in the cases covered by article 3 of the Optional Protocol, as follows:

The following shall be prosecuted in the Bolivarian Republic of Venezuela and punished in accordance with Venezuelan criminal law:

- Venezuelans who are accused of treason against the Republic and those who commit acts against one another that are punishable under its laws.
- Foreigners who, while in a foreign country, commit an offence against the security of the Republic or against one of its nationals.
- In the above two cases, the suspect must have come to the geographical space of the Republic, and in cases of treason or of an offence against the security of the Bolivarian Republic of Venezuela, the proceeding must be set in motion by the injured party or by the Public Prosecution Service.
- Another requirement is that the suspect has not have been tried in a foreign court, or that, having been tried, he or she has evaded punishment.
- Venezuelans and foreigners who, without authorization from the Government of the Republic, manufacture, purchase or sell arms or munitions to be sent to the Bolivarian Republic of Venezuela, or who in some way encourage their introduction into Venezuelan territory.
- Venezuelans who, while in a foreign country, violate the laws relating to civil status and capacity of Venezuelans.
- Diplomatic employees of the Republic who perform their duties poorly, or who commit a punishable act that is not actionable in their place of residence because of the privileges inherent to their position.
- Employees and other persons belonging to the crews of Venezuelan navy ships or military aircraft who commit punishable acts anywhere.
- Captains or skippers, employees other than crew and seamen, as well as passengers of Venezuelan merchant ships, for punishable acts committed at high sea or on board, in the waters of another nation, except, in respect of passengers, the situations covered by the second part of paragraph 2 of this article.
- Venezuelans or foreigners who, having come to the Republic, commit at high sea acts of piracy or other offences which under international law are defined as atrocious and as crimes against humanity, unless they have already been tried for such crimes in another country and have completed the sentence.

120. In the following articles, the Organic Act on Child Protection establishes the jurisdiction and creation of special courts for children and adolescents: Article 173, on jurisdiction: The Child Protection Courts and the Court of Social Cassation of the Supreme Court of Justice shall be responsible for exercising jurisdiction and deciding on cases submitted to them, in accordance with the terms of this Title, the laws on organization of the judiciary and the internal regulations.

121. Article 175, on composition of the Child Protection Court: Child protection courts shall be set up as decided by the Executive Directorate of the Judiciary, which may create more than one judicial circuit for the protection of children and adolescents within the same judicial area, should that be necessary in light of the demand for its services. The organization and operation of the child protection courts shall be governed by the provisions of this Act, the relevant basic acts and the internal regulations on judicial circuits for the protection of children and adolescents.

122. Child protection courts in individual judicial circuits shall be comprised, in the first instance, of mediation and trial judges and, in the second instance, of superior-court judges. In each judicial circuit, and depending on the needs of the service, the Executive Directorate of the Judiciary shall decide which cases should be decided by mediation or trial judges or by superior-court judges, or if enforcement judges for protection of children

and adolescents should be appointed. It may also separate mediation cases from trial cases, assigning those duties separately to lower-court judges in the judicial circuit concerned.

2. Extradition

123. Under Venezuelan legislation, extradition is governed by the Constitution, the Criminal Code, the Organic Code of Criminal Procedure and other special laws, as well as by extradition treaties with other States and by the principles of international law, especially international practice and reciprocity.

124. Article 271 of the Constitution stipulates that the extradition of foreigners who have committed a crime cannot be refused, as follows:

“In no case shall extradition be denied in respect of foreigners who are liable for the crimes of money laundering, drug-related crimes, international organized crime, committed against the public treasury of other States and against human rights. There shall be no statute of limitations for legal proceedings aimed at punishing crimes against human rights or against the public treasury or for drug trafficking. Likewise, pending a court decision, all assets obtained from activities related to crimes against the public treasury or to drug trafficking shall be confiscated. Proceedings in connection with the aforementioned crimes shall be public, oral and brief, while respecting due process. The competent judicial authority shall be empowered to order the necessary precautionary measures for seizure of assets belonging to the accused persons or their intermediaries, in order to guarantee their civil liability.”

125. Article 391 and the articles following it in the Organic Code of Criminal Procedure establish regulations for extradition proceedings and set the rules to be followed in cases of active extradition, i.e., when the Bolivarian Republic of Venezuela, being competent to do so, exercises the right to request the delivery of a person who has been tried or convicted and has gone to another country. Passive extradition refers to compliance with the obligation to deliver to a foreign State a person who has been tried or convicted and who is physically present in Venezuelan territory.

126. The system followed by the State in regard to extradition is fundamentally jurisdictional rather than administrative in nature, given that the decision as to whether or not extradition is in order is made by the Supreme Court of Justice once the procedure established by Venezuelan law has been completed. The decision by the highest court of the Republic does not imply any judgment concerning the culpability of the defendant as a result of adversarial evidentiary proceedings. In cases of passive extradition, the Supreme Court of Justice merely reviews the documents submitted by the requesting State in order to verify that they are in compliance with the requirements of the relevant treaties and the domestic legislation, in regard to both form and substance.

127. All requests for extradition must include a certified copy of the arrest warrant or equivalent decision, in the case of persons who are being prosecuted, or a copy of the definitive sentence issued by the competent judicial authority of the requesting State, in the case of persons who have been convicted. The request must also include a copy of the laws that defining the offence and establishing the punishment to be applied, as well as a summary of the facts and the personal data needed to establish the identity and nationality of the wanted person. All these documents must be translated into the language of the requested country.

128. Once all formal and substantive requirements have been met, and the wanted person is in custody, it is up to the requested State to grant or deny extradition. The competent body, which in the case of the Bolivarian Republic of Venezuela is the Supreme Court of Justice, must explain the grounds for its decision.

129. Article 392 of the procedural law, on active extradition, stipulates that when an accused person against whom the Public Prosecution Service has brought charges and who has been ordered by the supervising judge to be remanded in custody, is reported to be in a foreign country, the supervising judge shall order the Court of Criminal Cassation of the Supreme Court of Justice to request extradition.

130. To that end, a copy of the proceedings on which the request is based shall be transmitted to the Supreme Court. Also, if a convicted person who is serving time escapes, the supervising judge shall be responsible for submitting the case to the Supreme Court of Justice.

131. In both cases, the Supreme Court of Justice shall have 30 days from the date on which it receives the case file to decide whether or not extradition should be requested, provided the Public Prosecution Service has first issued its opinion pursuant to article 108, paragraph 16 of the Organic Code of Criminal Procedure and article 21, paragraph 13 of the Organic Act on the Public Prosecution Service. The Supreme Court of Justice shall notify its decision, in order for the Public Prosecution Service to follow through with it.

132. Should extradition be in order, the national executive branch, through the Ministry of Foreign Affairs, shall have 60 days to process the extradition request with the authorities of the foreign country in which the requested person is. To that end, it shall produce all necessary certifications and translations, as provided in article 393 of the Organic Code of Criminal Procedure.

133. The national executive branch may ask the requested country to take the wanted person into custody and to seize objects related to the offence, pursuant to article 394 of the Organic Code of Criminal Procedure. In this case, the extradition request must be formally processed within the time period envisaged in the applicable international treaties or rules of international law.

134. As regards passive extradition, article 395 of the Organic Code of Criminal Procedure provides that when a foreign Government requests the extradition of a person who is in Venezuelan territory, the executive branch shall transmit the request to the Supreme Court of Justice along with the documentation received. The diplomatic mission of the requested State accredited to the national Government shall transmit the request to the Ministry of Foreign Affairs, which in turn shall send it to the Ministry of Internal Affairs and Justice. If the wanted person is present in the country, the Public Prosecution Service shall request the supervising judge to order that the wanted person be held in custody pending extradition. If the court issues the order, it shall transmit the supporting documentation to the Supreme Court of Justice so that it may decide if extradition is in order.

D. Protecting the rights of child and adolescent victims (article 8)

135. Article 8 of the Optional Protocol stipulates that States Parties shall take appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process. In that regard, the Venezuelan State has implemented legislation to provide comprehensive protection to victims of punishable acts. One of the principles underlying the Organic Code of Criminal Procedure is embodied in article 23, which states that victims of punishable acts are entitled to have access to the criminal justice system free of charge and expeditiously, without undue delays or red tape, without prejudice to the rights of indicted or accused persons. Criminal proceedings shall also act to protect victims and provide reparation for damages to which they are entitled. Article 660 of the Organic Act on Child Protection also stipulates that the objective of the proceedings shall be to protect and provide reparation for victims of punishable acts.

136. In line with the aforementioned rules, article 1 of the Act on Protection of Victims, Witnesses and Other Parties to Legal Proceedings⁶ states that the purpose of the Act is to protect the rights and interests of victims, witnesses and other parties to a lawsuit, as well as to lay down rules for protection measures, specifying their scope, types and procedures. Article 6 of the Act deals specifically with victims who are highly vulnerable and stipulates that those responsible for implementing the provisions of the Act must pay special attention to older persons, persons with disabilities, children and adolescents and victims of sexual offences or domestic violence. The Public Prosecution Service is responsible by law for requesting this protection; to that end, it has created, multiplied and strengthened victim support units in every state. These units work as part of the relevant prosecutors' office with the aim of providing comprehensive protection for victims, especially children and adolescents.

137. The Public Prosecution Service is charged with protecting the integrity and wellbeing of child and adolescent victims of crime, including the sale of children, child prostitution and child pornography, and meeting their special needs when they participate as witnesses or victims in oral proceedings. Accordingly, the prosecutors with competence in ordinary criminal matters – in criminal proceedings in which the victims are children and adolescents and the accused are adults – provide strict, ongoing surveillance in order to prevent the children and adolescents from being re-victimized. In such cases, an exception must be made to the principle of public hearings under article 333, paragraph 4 of the Organic Code of Criminal Procedure, and similarly, the Public Prosecution Service must insist on qualified psychologists attending to provide support at the court hearings in order to minimize the potential effect on the child victim.

138. Article 8, paragraph 1(b) of the Optional Protocol stipulates that child victims must be informed of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases. In this regard, articles 85, 86 and 87 of the Organic Act on Child Protection enshrine the right of children and adolescents to petition, to defend their rights and to justice. This includes the right to submit and address petitions to any public official, to defend their rights personally and directly before any authority and to appear before the courts to defend their rights. The courts are required to decide on the matter in timely fashion.

139. Child victims of crime in general, including offences relating to the sale of children, child prostitution and child pornography, have the rights enshrined in article 120, paragraphs 2, 6 and 7 of the Organic Code of Criminal Procedure. They have the right to be informed of the outcome of the proceedings, even when they have not taken part in them, to be notified if the case is suspended and to be heard by the court before any decision is made to discontinue a case or before any other decision is made that would put an end to or conditionally suspend proceedings, thus enabling the child victim to be informed of the progress of proceedings and of the disposition of the case.

140. Article 8, paragraph 3 of the Optional Protocol provides that States Parties must ensure that, in the treatment by the criminal justice system of children, the best interest of the child shall be a primary consideration. The Venezuelan State complies fully with this provision, as article 8 of the Organic Act on Child Protection stipulates that the best interest of children and adolescents is a principle that must be applied in the interpretation and enforcement of the Act.

141. As a State Party to the Optional Protocol, the Bolivarian Republic of Venezuela is required to adopt measures to provide specialized training for persons who work with

⁶ *Gaceta Oficial* No. 38536. Special issue of 4 October 2006.

victims of the crimes prohibited by the Protocol. Accordingly, the Public Prosecution Service and its attorneys specializing in ordinary criminal matters (limited to offences committed by adults against children and adolescents) and prosecutors specializing in criminal liability of adolescents (cases in which the defendant is an adolescent) and in violence against women (especially when the victim is a girl or a female adolescent in gender-related criminal behaviours, and the defendant is an adult male). The prosecutors receive continuing specialized training in legal, human and psychological aspects of the issues. The Public Prosecution Service provides this comprehensive training through the National School of Prosecutors.

142. In connection with the above activities, the Directorate for Comprehensive Protection of Families of the Public Prosecution Service has set up specialized technical units to provide comprehensive support for female, child and adolescent victims. Among other things, the staff of psychologists, psychiatrists, social workers and forensic medical specialists provides technical support for child and adolescent victims and offers advice to specialized prosecutors.

143. In line with its determination to help eradicate the sexual exploitation of children and adolescents, the Venezuelan Government has signed the agreements reached at the international summits of Stockholm and Yokohama. In 2001, in keeping with these agreements, the National Council on the Rights of Children and Adolescents, now the Autonomous Institute and National Council on the Rights of Children and Adolescents, set up the Commission against Abuse and Sexual Exploitation. This working group is made up of governmental and non-governmental agencies that are concerned with these issues and are striving to find solutions and address the problem from different perspectives. In the context of its activities, the Commission developed the National Plan of Action against Sexual Abuse and Commercial Sexual Exploitation.⁷

144. The law guarantees the right of children and adolescents to exercise, personally and directly, their right to be heard, especially at administrative or judicial proceedings leading to a decision that will affect their rights, guarantees and interests, with no limitation other than that which involves their best interest. Article 80 of the Organic Act on Child Protection provides that all children and adolescents have the right to: (a) freely express their opinion on matters that concern them; (b) have their opinions taken into account, bearing in mind their stage of development.

145. Article 8 of the Act on Simplification of Administrative Procedures⁸ stipulates that whenever complaints are lodged, public officials must take into account the following principles: assume that citizens are acting in good faith; simplify, transfer, expedite and ensure the efficiency of the work of the public administration; ensure that public agencies are acting for the benefit of citizens, and implement deconcentration in decision-making by administrative bodies.

146. Articles 16 and 17 of the Guidelines for Guaranteeing the Protection of Children and Adolescents from Child Pornography as a form of commercial sexual exploitation⁹ lay down a procedure for lodging complaints about such cases. These articles specify which bodies or services are responsible for receiving complaints (the councils for the protection of children and adolescents, the Public Prosecution Service, the Ombudsman's Office, the Offices of the Ombudsman for Children and Adolescents, the police, prefectures or civil

⁷ Plan de Acción Nacional contra el Abuso Sexual y la Explotación Sexual Comercial, *Gaceta Oficial* No. 38631, of 23 February 2007.

⁸ *Gaceta Oficial Extraordinario* No. 5393, of 22 October 1999.

⁹ *Gaceta Oficial* No. 38753, of 23 August 2007.

authorities and health-care centres). All these agencies must coordinate their activities so as to ensure that they are following proper procedures and achieving effective results.

147. Article 15 of the Guidelines provides that the entities and services that receive complaints shall:

- Keep standardized statistical records of all cases of children and adolescents who are victims of child pornography and other forms of commercial sexual exploitation;
- Develop comprehensive support programmes so as to protect victims at all stages of the process, as well as their family members and witnesses testifying on their behalf, from intimidation and reprisal;
- Protect the privacy and identity of victims, and take measures, as provided for in the domestic legislation, to prevent the dissemination of information that might lead to their being identified;
- Recognize the vulnerability of victims and adapt procedures to ensure that they are recognized as such;
- Treat victims with respect and dignity, bearing in mind that they are child and adolescent victims;
- Establish a well-coordinated mechanism for consultation and expeditious action so as to guarantee effective responses to each case, avoiding unnecessary delays in resolving cases and taking the necessary action to restore their rights;
- Develop comprehensive support programmes, including outpatient treatment, academic training, recreational and cultural activities and sports, for children and adolescents; these programmes should follow a cross-disciplinary approach and be carried out by psychiatrists, medical-forensic experts, forensic psychologists, social workers and lawyers.

148. As provided in article 58 of the Organic Act on Women's Right to a Life Free from Violence, complaints received by an entity or service must be processed within the next 48 hours.

149. The Public Defence Service receives and processes complaints or petitions from any petitioner without distinction, regardless of whether or not they submit supporting documentation. In compliance with the Act on Simplification of Administrative Procedures, the good faith of petitioners is assumed, and the situation described is addressed with the minimum amount of information needed. A full investigation is then conducted to determine what type of action is needed; this may take the form of legal advice, mediation or conciliation, or a trial.

E. Policies on prevention of the sale of children, child prostitution and child pornography

1. Guaranteed access to justice in the Bolivarian Republic of Venezuela

150. Access to justice is a fundamental human right that is fully recognized in the Constitution, which provides that everyone is entitled to have access to the bodies responsible for the administration of justice in order to assert their rights. Accordingly, the State guarantees that justice shall be accessible, impartial, competent, transparent, autonomous, expeditious, and that it shall be administered without undue delays or red tape or unnecessary reviews.

151. The Organic Act on Child Protection stipulates that the Public Prosecution Service must include prosecutors specializing in protection of children and adolescents. Thus, it has prosecutors who specialize in civil matters for cases involving child victims and cases involving child perpetrators, while some specialize in criminal matters relating to enforcement of penalties.

152. In regard to civil matters (protection), the specialized prosecutors have the following duties, among others, under article 170 of the Organic Act on Child Protection: (a) to take the necessary steps to enforce the civil, administrative or disciplinary liability of persons or institutions which, either by action or by omission, violate or threaten the individual, collective or general rights of children and adolescents; (b) to carry out judicial protective action; (c) to take such action as may be necessary to establish the criminal liability of persons who commit punishable acts against children and adolescents; (d) to protect the interests of children and adolescents in judicial or administrative proceedings; (e) to bring action to request deprivation of parental authority, either ex officio or at the request of a child aged 12 or older, of ascending relatives and other relatives of the child within the fourth degree in any line, of a person acting as guardian and of the Council on the Protection of Children and Adolescents; (f) to promote judicial and extrajudicial agreements to protect the interests of children and adolescents.

153. The Public Defence Service is also responsible for guaranteeing the right of all citizens to free legal counsel and for providing guidance, advice, support and efficient and effective legal representation in its sphere of competence, so as to contribute to impartial, equitable and expeditious administration of justice.

154. Article 170-B of the Organic Act on Child Protection provides that in addition to the duties set forth in the Organic Act establishing it, the Public Defence Service or the Special Public Defence Service for Children and Adolescents shall be responsible for: (a) providing free legal counsel to children, adolescents and other concerned parties; (b) providing free technical assistance to and representation for children, adolescents and other concerned parties, in respect of any judicial or administrative procedure, so as to defend their individual, collective or general rights, guarantees and interests; (c) providing other legal services, free of charge, on behalf of children and adolescents; (d) promoting judicial and extrajudicial settlements on behalf of children and adolescents.

155. In exercising their role as representatives, public defenders and special public defenders for children and adolescents may not enter into any agreement to sue, abandon a lawsuit, reach a compromise, subject a case to arbitration, request a decision according to equity, bid at auctions, receive money and dispose of a right in a lawsuit. In such cases, they may only act with the support of the parties.

156. Article 656 of the Organic Act on Child Protection, on public defenders, stipulates that if the defendant does not choose a lawyer he or she trusts as his or her defence counsel, or if he or she rejects the counsel provided by his or her parents, representatives or guardians, the supervising judge or the judge dealing with the proceedings at the time shall appoint a public defender, and the defendant may not raise objections. The Public Defence Service shall have a specialized unit for that purpose.

157. The Public Defence Service has a staff of 283 public defenders throughout the country,¹⁰ to serve citizens who need guidance and advice on issues relating to the criminal liability of adolescents and to provide protection for children and adolescents.

¹⁰ Figures updated to November 2010.

158. Article 170-A of the Organic Act on Child Protection stipulates that in addition to the duties spelled out in the Act establishing the Ombudsman's Office, the delegates of that Office shall: (a) Promote, disseminate and carry out educational and research activities for the dissemination and effective protection of the human rights of children and adolescents; (b) promote citizen participation in safeguarding the rights and guarantees of children and adolescents; (c) undertake and pursue, either *ex officio* or at the request of a concerned party, investigations aimed at clarifying issues within their competence, as provided by law; (d) promote judicial and extrajudicial settlements on behalf of children and adolescents; (e) inspect care institutions, protection programmes, Offices of the Ombudsman for Children and Adolescents, and urge the competent authorities to take such measures as may be necessary; (f) monitor and ensure the proper functioning of the other bodies in the National System for the Comprehensive Protection of Children and Adolescents; (g) bring actions of *amparo*, habeas corpus and habeas data and request councils on the protection of children and adolescents to apply special protection measures and initiate judicial appeals against acts that have specific effects, on behalf of children and adolescents; (h) initiate legal proceedings to ensure protection, among others.

159. The Organic Act on Child Protection also provides that all children have the right to be heard, especially in administrative or judicial proceedings leading to a decision that will affect their rights, guarantees and interests. In addition, all children and adolescents must be allowed to defend their rights personally and directly before any person, office, entity or agency (article 86 of the Organic Act on Child Protection). To this end, the State must guarantee free legal assistance to children and adolescents who lack the necessary financial means, as established in article 87 of the aforementioned Act.

2. Policies on prevention and support. Autonomous Institute and National Council on the Rights of Children and Adolescents

160. Policies on comprehensive support and protection for children and adolescents are submitted for consideration, review and approval to the lead agency – currently the Ministry of Communes and Social Protection – by the Autonomous Institute and National Council on the Rights of Children and Adolescents, as the administering and executing body.

161. These policies on support, protection and prevention make it possible to coordinate and provide technical support to members of the National System for the Comprehensive Protection of Children and Adolescents and thus guarantee the rights of children and adolescents.

162. The following programmes are carried out under the Organic Act on Child Protection:

- (a) Support for children and adolescents and their families who live in poverty or who have been affected by natural disasters;
- (b) Support or guidance to foster the integration of children and adolescents in their family and in society;
- (c) Family tracing and placement: to reunite children and adolescents with their family of origin, or if that is not possible, to organize their placement in foster homes;
- (d) Rehabilitation and prevention: to prevent situations that would threaten or jeopardize the rights or guarantees of children and adolescents, and to restore those rights;
- (e) Identification: to meet the need of children and adolescents to be enrolled in the Registry of Civil Status and to obtain their identity documents;

(f) Instruction, skills development and training: to meet the training needs of children and adolescents, parents, representatives and guardians;

(g) Shelter: to provide care for children and adolescents for whom protective measures have been ordered;

(h) Communications: to guarantee an adequate supply of information, messages and programmes for children and adolescents;

(i) Socio-educational measures: to provide programmes for adolescents subject to socio-educational measures;

(j) Promotion and defence: to enable children and adolescents to know their rights and have the means to defend them;

(k) Cultural activities: to promote respect and disseminate the values of our own people as well as universal culture.

163. Between 2001 and 2007, in an effort to provide comprehensive support and protection for children and adolescents, the State, working through the National Council on the Rights of Children and Adolescents, which as a result of the 2007 amendment of the Organic Act on Child Protection is now the Autonomous Institute and National Council on the Rights of Children and Adolescents, worked in coordination with other State agencies on a number of prevention activities, including the following.

164. The following guidelines were drawn up to deal with these issues:

- Directrices generales para garantizar la protección de niños, niñas y adolescentes contra el abuso sexual y explotación sexual comercial (General guidelines for guaranteeing the protection of children and adolescents against sexual abuse and commercial sexual exploitation).¹¹ See annex.
- Lineamientos para la protección de los niños, niñas y adolescentes víctimas de pornografía infantil, como forma de explotación sexual comercial (Guidelines for the protection of child and adolescent victims of child pornography as a form of commercial sexual exploitation).¹² See annex.
- Lineamientos generales para adopciones nacionales e internacionales (General guidelines for national and international adoptions). See annex.
- Lineamientos de autorización para viajar dentro o fuera del país de los niños, niñas y adolescentes (Guidelines for authorizing travel within the country or abroad of children and adolescents).¹³ See annex.
- Lineamientos para la protección de niños y adolescentes, antes, durante y después de los desastres naturales (Guidelines for the protection of children and adolescents before, during and after natural disasters).¹⁴ See annex.
- Plan de Acción Nacional contra el abuso sexual y la explotación sexual comercial (National Plan of Action against sexual abuse and commercial sexual exploitation).¹⁵

¹¹ *Gaceta Oficial* No. 37815, of 11 November 2003.

¹² *Gaceta Oficial* No. 35640, of 23 August 2007.

¹³ *Gaceta Oficial* No. 37476, of 2 July 2002

¹⁴ *Gaceta Oficial* No. 37090, of 1 December 2000, under review.

¹⁵ *Gaceta Oficial* No. 38631, of 23 February 2007.

- Plan de Acción interinstitucional dirigido a la protección integral de niños, niñas y adolescentes contra la violencia 2006-2007 (Inter-agency Plan of Action for comprehensive protection of children and adolescents against violence 2006-2007).
- Plan Nacional Identidad: El Cnda (ahora Idenna), conjuntamente con UNICEF, Ministerio del Poder Popular para la Salud (MPPS) y Ministerio del Poder Popular para el Interior y Justicia (Mppij) (National Identity Plan: The National Council on the Rights of Children and Adolescents (now the Autonomous Institute and National Council on the Rights of Children and Adolescents), in conjunction with UNICEF, the Ministry of Health and the Ministry of Internal Affairs and Justice).

165. Educational software for the prevention of sexual abuse of adolescents was developed in the context of the cooperation agreement between Cuba and the Bolivarian Republic of Venezuela. The software includes instructional materials on sexual abuse, dated 2004–2005.

166. Thirteen workshops and round tables were organized for officials of the System for the Comprehensive Protection of Children, Adolescents and Families, and the general guidelines on sexual abuse and exploitation of children and adolescents, as well as the guidelines for prevention of such abuse, were disseminated at these gatherings.

167. An agreement was signed with EDUMEDIA-Ministry of Education for the production of educational videos on prevention of sexual abuse, commercial sexual exploitation, child pornography and violence in general.

168. Thirty-one workshops on promotion and sensitization relating to the lines of action on defence and protection against sexual abuse were held with the participation of public and private institutions and social organizations in several states. In addition, 1,000 brochures, 7,000 posters and 60 books on prevention of abuse and sexual exploitation of children and adolescents and child pornography were distributed.

169. In February 2008, in the context of the National Plan of Action against sexual abuse and commercial sexual exploitation and the Inter-agency Plan of Action on comprehensive protection of children and adolescents against violence, the Institute launched a communication campaign on prevention of these crimes and support for victims. The campaign, which was carried out in conjunction with the Ministry of Participation and Social Protection, the Ministry of Communication and Information, the National Women's Institute and UNICEF, was aimed at preventing violence against children, adolescents, women and families. The issue of sexual abuse of children and adolescents was addressed, and brochures, calendars, notebooks, posters and pins were distributed and TV spots were broadcast.

170. Pursuant to articles 137 and 339 of the Organic Act on Child Protection, 16 programmes on prevention of sexual abuse and sexual and reproductive orientation were financed through the Autonomous Service and National Fund for the Protection of Children and Adolescents. The programmes reached 10,179 children and adolescents. In addition, the Venezuelan Sex Education Association carried out a programme on psychological care for victims of sexual abuse.

171. As a result of the 2007 amendment to the Organic Act on Child Protection and the creation of the Autonomous Institute and National Council on the Rights of Children and Adolescents, which protects and guarantees the rights of children and adolescents living in the Bolivarian Republic of Venezuela, a policy of democratization of the National System for the Comprehensive Protection of Children and Adolescents has been underway with a view to preventing violence against children and adolescents. In June 2008, Misión Niños y Niñas del Barrio was created to implement plans and programmes along three strategic lines of action: prevention, protection and participation.

172. Prevention programmes: Community Centres for Comprehensive Protection. This is a nationwide prevention programme to provide support for children at the community level. Twelve centres have been set up in the following states: Aragua, Bolívar, Carabobo, Lara, Mérida, Miranda, Sucre and the Capital District, Caracas. The centres provide opportunities for grass-roots participation, where communities, with support from the Autonomous Institute and National Council on the Rights of Children and Adolescents, provide services for at-risk children between the ages of 0 and 12 years, including comprehensive protection and alternatives for use of their free time, including educational, recreational, cultural and sporting activities. The programme disseminates, promotes and protects the right to a life free from violence and campaigns against abuse, sale and commercial sexual exploitation, all in accordance with the legislation currently in force, so as to enable children to fully exercise their rights. They are an example of participation by the people, as the community councils are responsible for developing projects and implementing programmes, thus acting as a driving force for strengthening families and encouraging them to exercise their rights.

173. Programme on Restoring the Dignity of Adolescent Workers. A Social Production Unit has been set up in Lara state, and five projects have been undertaken by adolescents who are treated with dignity in Bolívar, Carabobo, Miranda, Monagas and Zulia states. The programme helps adolescent workers migrate to economic activities in which they are treated with dignity, which are based on a new collective morale, civic awareness, tolerance, creative and productive work, social responsibility, ethics and a human-rights approach. Under the programme, inter-agency activities are carried out with the participation of adolescents and communities with the aim of combating the exploitation of workers by promoting opportunities for participation, encouraging the development of protection policies and implementing socio-productive projects which lend dignity to their and their families' lives, as envisaged in articles 94 and 116 of the Organic Act on Child Protection.

174. Protection programmes. The Comprehensive Protection Units programme includes 33 protection units and four specialized protection units in 16 states. The purpose of this programme is to protect children and adolescents who have been separated from their families by offering them a dignified environment in which they can live and be cared for temporarily until they can be reunited with their families of origin or placed in foster homes. The specialized comprehensive protection units serve children and adolescents with disabilities who are separated from their families by providing therapeutic, detoxification and rehabilitation services for children and adolescents with drug-addiction issues, along with their families.

175. A good example is that of the Comprehensive Care Centre, which serves at-risk children and adolescents who live on the street. The Centre provides training, initial evaluations and comprehensive care so as to facilitate reintegration into society, the family and the work force. The programme is carried out in the Capital District and in Zulia state.

176. The Community Shelters Programme was set up under the Government's policy of transferring competence for implementing the Organic Act on Child Protection to community organizations and moving forward in the social struggle for inclusion and restoration of rights. The shelters provide care for children and adolescents who have been referred by the child protection councils. There is one community shelter in Vargas state, and construction and procurement of equipment are underway for six projects that will be coordinated with the community councils.

177. Participation and Organization programmes: Through these programmes, the Autonomous Institute and National Council on the Rights of Children and Adolescents promotes and supports the children's and adolescents' organization entitled *Semillero de la Patria Simón Bolívar* (Simón Bolívar Seedbed of Patriots), with a view to enabling children

and adolescents between the ages of 6 and 17 years to exercise their right to participate actively and play a leading role in society, through recreational, educational, sporting, cultural and environmental activities. The aim is to develop their critical thinking and leadership skills, based on new principles that will shape them as new men and new women.

178. Colectivo Cultural Colmenita Bolivariana (the Bolivarian Little Beehive Cultural Collective). This initiative of Misión Niños y Niñas del Barrio and Misión Cultural Corazón Adentro (Heart-Within Cultural Mission) is carried out in collaboration with personnel from Cuba's Colectivo Artístico Infantil La Colmenita (Little Beehive Children's Artistic Collective), which has been recognized by UNICEF as a goodwill ambassador.

179. Community vacation plans, youth challenges, vacation camps. These programmes organize environmental, recreational, cultural and sporting activities that are aimed at prevention. Their work is coordinated with State agencies, with the aim of offering options for leisure activities during school vacations and promoting socialist values.

180. The Autonomous Institute and National Council on the Rights of Children and Adolescents has drawn up the following plans: the National Plan for Comprehensive Protection of Children and Adolescents 2011-2016, the general objective of which is to guide public policies and implement plans, programmes and projects designed to provide protection and comprehensive support for children and adolescents, in order to contribute towards enhancing their development and wellbeing in the effort to achieve supreme social happiness. The ministries with competence in this area¹⁶ helped design the Plan, so as to ensure that public policies take into account the best interests of children and adolescents.

181. The National Plan on Family Inclusion provides the following types of services: (a) placement in foster families; (b) reintegration of children and adolescents into their families of origin; (c) adoption.

182. The Autonomous Institute and National Council on the Rights of Children and Adolescents has signed an agreement with the Inter-American Development Bank for the design of an intervention model for preventing and reducing child and teen pregnancies, to begin in 2011. This programme includes a research, training and support component and follows a cross-cutting gender-based approach. The State, working through the Directorate-General for Crime Prevention of the Office of the Deputy Minister of Prevention and Citizen Security of the Ministry of Internal Affairs and Justice¹⁷ pursues the following objectives: to design, promote, coordinate and implement plans, projects and programmes for the prevention of violence and crime, with institutions and communities sharing responsibility so as to strengthen harmonious relations among citizens through a culture of prevention, proactive participation, a focus on values, improvement of the quality of life and promotion of the country's development goals.

¹⁶ Ministry of Foreign Affairs, Ministry of Education, Ministry of Health, Ministry of Culture and Ministry of Internal Affairs and Justice. Other participating entities are the National Autonomous Service for the Comprehensive Care of Children and Families, the State Foundation for the National System of Youth and Children's Orchestras of the Bolivarian Republic of Venezuela, the National Social Services Institute, the Foundation and Centre for Studies on Growth and Development of the Venezuelan Population, the National Council for Persons with Disabilities, the National Women's Institute, the National Institute for Prevention, Health and Worker Security and Community Power, community councils of San Luis, Winche Mariche sector of Miranda state, and De Cara al Ávila, in Rico, Petare, Miranda state.

¹⁷ Created by Presidential Decree No. 241 of 11 February 1970 and ratified, as recorded in Gaceta Oficial No. 36617, of 1 January 1999.

183. The plan to combat child pornography. Between 2000 and 2004, agreements to participate in the fight against pornography and abuse and commercial sexual exploitation of children and adolescents were signed by the Ministry of Education, Culture and Sport; the Scientific, Criminal and Forensic Investigation Unit; the Office of the Attorney-General of the Republic; the National Council on the Rights of Children and Adolescents and the Inter-Agency Commission against Abuse and Commercial Sexual Exploitation of Children and Adolescents. The goal is to establish partnerships and create mechanisms for facilitating the implementation of programmes for gradually eradicating all forms of abuse and commercial sexual exploitation of children and adolescents.

184. The Pilot Plan for Combating Child Pornography in the educational institutions of the Caracas Metropolitan District was developed in 2007.

185. Support for homeless persons. The aim of this programme is to provide comprehensive care for homeless persons, bearing in mind the different types of risk to which this population is exposed, and to ensure that they enjoy all the guarantees set forth in the Constitution. The following programmes were developed and implemented in 2003.

186. Comprehensive Support for the Homeless. This programme provided guidance, treatment and comprehensive support for homeless persons, especially children and adolescents. The plan on Comprehensive Care for Indigenous Peoples was designed to provide guidance, treatment and comprehensive support for homeless citizens from different ethnic groups in the Caracas Metropolitan Area, especially children and adolescents, and to relocate them to their places of origin and reunite them with their families.

187. The State, working through the Directorate-General for Crime Prevention, also works with schools on a programme entitled Opportunities for Comprehensive Prevention. This programme is designed to promote a culture of prevention throughout the educational community by means of training, cultural, recreational, sporting and leisure activities in different types of basic, intermediate and diversified educational institutions. The goal is to raise awareness among all concerned and, through comprehensive prevention, to create a stronger system of values and develop individual and collective behaviours that will be conducive to responsible citizenship.

188. Between 2000 and 2010, programmes were carried out in 3,232 public and private educational centres and 355 Bolivarian schools; prevention training was given to 18,385 teachers and 255,288 students, parents and guardians, through 18,609 training workshops on crime prevention; preventing drug use and abuse; trafficking in persons and smuggling of migrants; preventing child pornography; preventing school violence; preventing the inappropriate use of information and communication technologies; preventing child abuse; preventing sexual abuse; family education; adolescence, sexuality and early pregnancy; victimology and victim support, and conflict resolution. Two hundred ninety-one prevention education projects were carried out.

3. Prevention policies. Ministry of Internal Affairs and Justice. Directorate-General for Crime Prevention

189. The State, working through the Ministry of Internal Affairs and Justice and its Directorate-General for Crime Prevention, is implementing the National System of Prevention Education. The System targets the student population with the aim of promoting prevention strategies to strengthen values in basic and secondary schools throughout the country and to foster harmonious relations and security for all citizens, so as to reduce violence and crime. The System includes the following programmes.

190. Crime prevention committees in schools. The goal is to promote prevention strategies to strengthen values in basic, secondary and diversified schools in order to

promote harmonious relations and security for all citizens, thus reducing violence and crime in school. The target population is comprised of fourth, fifth and sixth-grade students in the basic education system.

191. Life and Values educational programme. The goal is to develop in adolescents the positive moral values that are common to all human beings. Target population: adolescents in seventh, eighth and ninth grade in secondary schools.

192. Social work programme. The objective is to promote volunteer social activities and prevention programmes in communities. Target population: fourth and fifth-year students at secondary schools. Every student is required to do 80 hours of social work.

193. Multiplier committees for prevention programmes. In order to graduate from secondary school with their *bachiller* degree, students must do 120 hours of social work involving the multiplication of information on citizen security.

194. Prevention-oriented school journalism project. The goal is to teach students to create alternative communications media in educational institutions. The publications provide information on prevention-related issues; they are written by students for students in their own everyday language. Every student must complete 80 hours of work on the school prevention journal.

195. Community prevention programme. The purpose of this programme is to promote active participation by community groups in planning, implementing and supervising prevention projects arising from felt needs. The idea is to encourage, raise awareness, orient, inform and train organized groups and the general public in areas relating to comprehensive prevention of violence, both criminal and non-criminal, by teaching strategies and techniques to empower the most vulnerable population, i.e., the children and adolescents in each community.

196. Between 2000 and 2010, 130,299 individuals in the community were sensitized and trained, and 3,810 grass-roots organizations were set up. A total of 2,677 events, involving the participation of 121,823 people, were carried out, and 4,591 multiplier agents were trained for community prevention activities in the areas of crime prevention; self-protection and community security; personal development; prevention of drug use and abuse; trafficking in persons and smuggling of migrants; prevention of child pornography; prevention of school violence; life skills; prevention of the inappropriate use of information and communication technologies; prevention of child abuse; prevention of sexual abuse; family education; adolescence, sexuality and early pregnancy; community development; community journalism; victimology and victim assistance and conflict resolution.

197. Orientation, prevention and treatment centres. This programme provides free comprehensive outpatient support for persons with psychosocial problems that are directly or indirectly related to drug use, behavioural problems and or risk factors in general. The centres operate in Aragua, Carabobo, Cojedes, Falcón, Táchira, Trujillo and Yaracuy states. Between 2000 and 2010, the centres provided support in 18,891 cases; of these, 937 were referred to other institutions, and 10,854 were students and members of the general public. Psychosocial reports were prepared for 3,122 cases; 1,269 therapy and family-orientation groups were set up, and 628 workshops on crime prevention, prevention of drug use and abuse, domestic violence and child pornography were held for the individuals who had received support and for their families.

198. Prevention information and training. The purpose of this programme is to create, unify and rationalize resources for the development and implementation of general and specific policies and programmes in the area of crime prevention. It also aims to disseminate, publicize and promote prevention-related content in order to raise public awareness about the importance of establishing guidelines and taking measures to promote

self-protection and security for individuals, families and communities. To reinforce the programme, a workshop on training police for prevention duties and a workshop on victimology and comprehensive victim support were organized and led by personnel of citizen security agencies.

199. During the period between 2000 and 2010, training was provided through 131 workshops for 6,241 officers, subordinate officers and personnel of the National Navy. In addition, 1,777 workshops on comprehensive violence prevention were organized for staff of other institutions and citizen security units, with the participation of 39,480 people.

200. Crime prevention volunteers. This programme is directed at groups in communities, schools and universities and teaches strategies to enable them to become multipliers of prevention action in their immediate environments. Under the programme, 1,012 groups of volunteers, totalling 11,652 people, were trained as multiplier agents for prevention during the period 2000–2010.

201. Criminological studies. The purpose being to systematize and analyse the incidence of crime in the country and provide information on crime at the national and international levels to institutions and civil society; in addition, criminological, victimological and psychosocial research is being conducted in order to provide scientific underpinning for plans, programmes and policies in the area of crime prevention. The following studies have been prepared: *El Secuestro en Venezuela* (Kidnapping in the Bolivarian Republic of Venezuela), *Efectos y Repercusión de la Publicidad de Bebidas Alcohólicas* (Social Effects and Repercussions of Advertising for Alcoholic Beverages), *Estudio Estadístico de la Violencia Intrafamiliar en el Territorio Nacional (período 2000-2002)* (Statistical Study of Domestic Violence in the National Territory (2000-2002)), *Criminalidad y Violencia en Venezuela* (Crime and Violence in the Bolivarian Republic of Venezuela), *Estudio Estadístico de las Lesiones Personales en el Territorio Nacional (período 2000-2002)* (Statistical Study of Personal Injury in the National Territory (2000-2002)), *Boletín de Ocurrencias Delictivas 2001-2002, primer semestre 2003* (Bulletin of Criminal Activity 2001-2002, January-June 2003), *Efectos y Repercusiones Psicosociales de la Pornografía en el Individuo* (Psychosocial Effects and Repercussions of Pornography on Individuals), *Criminalidad, Violencia y Prevención del Delito en Venezuela* (Crime, Violence and Crime Prevention in the Bolivarian Republic of Venezuela), *Boletín Informativo de Estadísticas Delictivas año 2003* (Information Bulletin on Crime Statistics, 2003), *Estadísticas del Delito de Secuestro del año 2003 según el Cicpc* (Statistics on Kidnappings in 2003 according to the Scientific, Criminal and Forensic Investigation Unit), *Análisis Histórico del Comportamiento Delictivo durante el Período 1995-2002* (Historical Analysis of Criminal Behaviour during the period 1995-2002), *Anteproyecto de Investigación sobre Trata de Personas con fines de Explotación Sexual Comercial en el Estado Mérida 2006* (Preliminary Draft Research Study on Human Trafficking for Purposes of Commercial Sexual Exploitation in Mérida State 2006).

202. The following research studies were conducted in 2010: *Jóvenes en Situación de Riesgo* (At-Risk Youth), *Violencia Escolar* (Violence in Schools), *Redes Sociales y Delincuencia Organizada* (Social Networks and Organized Crime), *Trata de Personas* (Trafficking in Persons), *Medios de Comunicación y Violencia* (Communications Media and Violence), *Percepción de Seguridad de los Centros de Emergencia 171* (Perception of Security at Dial-171 Emergency Centres).

4. Prevention Policies. Ombudsman's Office. Special Ombudsman for Children and Adolescents

203. The Ombudsman's Office has provided technical support with a human rights approach for the design and implementation of public policies. It has issued

recommendations that are in line with the mandates and the spirit of the Convention on the Rights of the Child and has actively participated in the design of the following actions.

204. Guidelines for collective formulation of public policies for comprehensive protection and care of children and adolescents in 2005. This document includes technical information that will be useful to government agencies, non-governmental organizations, families, communities, children and adolescents who are involved in the collective formulation of public policies that reflect the current situation of the country and are in line with the Constitution and the Organic Act on Child Protection.

205. Participation in technical meetings for the design and implementation of a plan of action to prevent, suppress and punish the offence of human trafficking and provide comprehensive support to victims. The overall objective of the plan is to work in coordination with government agencies and non-governmental and international organizations concerned with prevention, suppression and punishment and to provide comprehensive support to victims of human trafficking in the Bolivarian Republic of Venezuela.¹⁸ One of the specific objectives is to set up an inter-agency commission to draw up a protocol for protection of and comprehensive support to victims of human trafficking, with special emphasis on women, children and adolescents, in order to prevent re-victimization and ensure respect for the fundamental rights of all human beings, implement programmes and review the domestic legislation. The Ombudsman's Office has undertaken a review of legislation, programmes and institutions relating to children and adolescents, with a view to developing programmes and proposals for strengthening policies in this area.

206. Participation in the implementation of projects to provide care for street children and adolescents and eradicate child labour and child and teen pregnancies, with the aim of preventing or identifying instances of this scourge. An example of such an effort is the metropolitan policy on prevention of and services for child and teen pregnancies in the Caracas Metropolitan District.¹⁹ This policy takes a comprehensive approach to the issue by promoting a sound family structure; improving nutrition in schools; establishing links among communities, families and schools; and promoting strategies for sexual and reproductive health.

207. The Ombudsman's Office has also contributed to development of the public policy for protection of and support for street children and adolescents.²⁰ Its intervention was geared towards providing direct support and protection, preventing risk factors, strengthening institutions and fostering citizen participation. The overall objective of this social welfare programme is to ensure the immediate restoration of the human rights of all children and adolescents who are forced to live on the street.

208. The Ombudsman's Office is a member of the Inter-Agency Commission against Abuse and Sexual Exploitation of Children and Adolescents that was set up under the prevention policy being implemented since 2003 by the Autonomous Institute and National Council on the Rights of Children and Adolescents. The fundamental objective of the Commission is to coordinate actions aimed at gradually eradicating all forms of abuse and commercial sexual exploitation of children and adolescents. Its work is based on the National Plan of Action against Abuse and Commercial Sexual Exploitation of Children and Adolescents. The Ombudsman's Office presents proposals, observations and recommendations, following an inter-agency, intersectoral and interdisciplinary approach.

¹⁸ Ministry of Internal Affairs and Justice. Draft Plan of Action to prevent, suppress and punish the crime of human trafficking and provide comprehensive assistance to victims.

¹⁹ *Gaceta Oficial Ordinaria* No. 00127, of 8 June 2006.

²⁰ *Gaceta Oficial Extraordinaria* No. 00123, of 29 May 2006.

209. In the context of the discussions on the Act on Protection of Children and Adolescents in Facilities Offering Access to the Internet, Video Games and Other Multimedia, the Ombudsman's Office made a number of observations and recommendations for enhancing supervision by parents, guardians and other responsible persons so as to guide children and adolescents as they gradually exercise their right to suitable information. The observations also referred to the establishment of appropriate penalties, the importance of calling on society at large to participate actively in ensuring full enforcement of the Act through community councils, social protection committees and other organizations concerned with the technical aspects of the legislation. One of the reasons for stressing the need for supervision and guidance is that the Internet is, without a doubt, one of the main media affecting the rights of children. Children and adolescents represent the most vulnerable group among users of the Internet, since they can easily become victims of illicit activities (trafficking of children, pornography and sexual exploitation, among others), and they can easily gain access to harmful content including violence, racism, xenophobia, gender discrimination and others that would have a negative effect on their physical, mental, spiritual and social development.

210. Through its work of promoting human rights, the Ombudsman's Office organizes workshops, talks and discussion groups on human rights of children and adolescents, emphasizing the critical importance of human rights and the doctrine of comprehensive protection. It addresses issues such as the history of the doctrine of comprehensive protection; children and adolescents as full subjects of rights from the psychological, social and legal standpoint; shared responsibility of the State, the family and society; the fundamental role of the family; protection of personal integrity, including protection against sexual abuse and exploitation, and description of the protection system in the Bolivarian Republic of Venezuela.

211. Programme on Human Rights Defenders in Schools. This programme consists of five modules covering human rights, international instruments, the System for the Protection of Children and Adolescents, conflict resolution in schools, and a practical component involving the establishment of human rights councils in schools. The programme also calls for training of officials in the health sector, both public and private, on issues relating to social security, and a study on assistance received by children and adolescents in health-care centres. Officials of the Bolivarian National Armed Forces are trained on issues relating to the human rights of children and adolescents. Police forces in municipalities throughout the country receive training in human rights, social and family rights and the rights of children and adolescents.

F. Additional information on social welfare, trafficking in persons and migration

212. The State, working through the Ministry of Internal Affairs and Justice, is implementing a social welfare agenda which seeks to encourage and strengthen positive values so as to help individuals achieve full personal development. Social and/or legal measures are taken to facilitate oversight of materials that might be detrimental to such development; this effort involves coordinating the work of the competent institutions, as well as communities. Article 16 of Customs Tariff Decree No. 989 (published in *Gaceta Oficial* No. 5039, special edition of 9 February 1996) prohibits the importation of all pornographic materials. The Ministry is authorised to apply social welfare measures, bearing in mind the duty of the State to:

- Encourage and/or strengthen values among citizens that are conducive to healthy, voluntary and risk-free sexuality.

- Provide Venezuelans with a system that shields them from the pernicious and/or negative effects of pornography, which leads to the squandering of financial resources, time and emotional capital.

213. In 2007, the State, working through the Directorate-General for Crime Prevention of the Ministry of Internal Affairs and Justice entered into an agreement with UNICEF which provides for the creation of the Plan of Action of the Bolivarian Republic of Venezuela for the Prevention, Suppression and Punishment of the Crime of Trafficking in Persons and Comprehensive Support for Victims. Objective No. 2 of the Plan calls for actions to protect and provide comprehensive support for individuals – girls, boys, adolescents, young people, men and women – who are victims of human trafficking, in order to prevent their revictimization and thus ensure respect for the fundamental rights of all human beings.

214. The fight against trafficking in persons. Over the last few years, the Bolivarian Republic of Venezuela has intensified its efforts to combat trafficking in persons. The national Government has made a serious effort to eradicate this crime, displaying earnest political will in that endeavour. It has taken significant measures and implemented strategic guidelines to combat human trafficking and protect victims. The Government views prevention as the way to fight against all forms of organized crime. Hence, a comprehensive approach requires stronger social programmes, in order to prevent vulnerable groups from becoming ensnared in criminal networks.

215. According to *Gaceta Oficial* No. 38140, of 4 March 2005, the Ministry of Internal Affairs and Justice, with the Directorate-General for Crime Prevention acting as its central authority, has been tasked with implementing guidelines on the prevention of trafficking in persons and coordinating the prevention and cooperation measures listed in article 9 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol, 2000).

216. The Directorate-General for Crime Prevention has focused its efforts on providing information through the mass media as a warning to the general public, particularly its most vulnerable members – boys, girls, adolescents and women – as well as to personnel of the justice system, of the system for the protection of children and adolescents and of the various State social programmes. Significant efforts have also been made to ensure that victims are treated with dignity by the judicial system, avoiding revictimization, and that appropriate punishment is meted out to the organized criminal networks responsible for trafficking in persons.

217. The inter-agency commission responsible for executing the Plan is currently reviewing the Manual on Comprehensive Support for Victims of Trafficking in Persons.

218. Policies to prevent trafficking in persons. In order to prevent the spread of human trafficking in the country, and bearing in mind the Palermo Protocol on Trafficking in Persons (2000), the State, acting through the Directorate-General for Crime Prevention, has been carrying out the following strategic actions: (a) in 2004, an inter-ministerial commission was set up to design a programme for the prevention and suppression of the crime of trafficking in persons; (b) in 2005, a partnership with UNICEF was set up which was implemented during 2007 and 2008, with a view to promoting the development of a plan of action to prevent, suppress and punish the crime of trafficking in persons and provide comprehensive support for victims.

219. The main objectives of the aforementioned programme are to set up an inter-agency commission to implement the plan and to draw up instructions to make it possible to provide protection and comprehensive support for victims, through the design of a manual describing the psychological, medical, legal and social support to be offered to victims, as

well as the accommodations, education and care needed to ensure their physical, psychological and emotional recovery.

220. Efforts are also underway to enhance protective measures for preventing trafficking in persons through prevention programmes focusing on boys, girls, adolescents, adults, members of security forces and consular officials. These will be targeted, nationwide initiatives.

221. The Bolivarian Republic of Venezuela is committed to strengthening immigration controls and public security, paying special attention to border zones and tourist areas. A bill on combating trafficking in persons will be submitted with a view to effectively punishing this crime, in accordance with points 4 and 6 of Topic III of the Conclusions and Recommendations of the Meeting of National Authorities on Trafficking in Persons of the Organization of American States (OAS). A manual on comprehensive support for victims of trafficking in persons, especially women, girls, boys and adolescents is included.

222. The programme will also facilitate an assessment of the dimensions of human trafficking, in order to analyse and understand the psychosocial, criminological and victimological causes and consequences of the phenomenon, through research by public and academic institutions.

223. Projects, programmes or activities will be included in the operational plans of public agencies, in coordination with the Ministry of Internal Affairs and Justice, to ensure that resources are available for prevention efforts. National and international meetings will also be organized, in order to encourage the development of cooperation agreements and/or arrangements to fight human trafficking and facilitate the exchange of experiences and information.

224. The implementation of the Plan will enable government institutions, non-governmental organizations and international cooperation agencies to work together to prevent, suppress and punish trafficking in persons and provide comprehensive support for girls, boys, adolescents, young people, women and men in the Bolivarian Republic of Venezuela who have been victims of this crime. The many efforts undertaken to fight human trafficking include the signing and ratification of numerous treaties, pacts and conventions which seek to safeguard human rights and social harmony, with special priority being given to the protection of children, adolescents and women. This is attested to by the fact that the Bolivarian Republic of Venezuela is a State party to the Palermo Protocol, which represents a convergence of inter-agency efforts at both the national and international levels.

225. The Plan was set in motion with four technical working groups, three of which met in 2006. The fourth working group, which met in November 2007, brought together representatives of 35 institutions, who reviewed the Plan in order to submit final recommendations.

226. The Inter-agency Commission on the Prevention, Suppression and Punishment of Trafficking in Persons and Comprehensive Support for Victims was set up in 2010. The Commission is comprised of a number of different institutions,²¹ and also includes

²¹ Ministry of the Office of the President.
 Institute of People's Power for Youth
 National Statistical Institute
 Ministry of Internal Affairs and Justice
 Directorate-General for Crime Prevention
 National Drug Enforcement Office
 Scientific, Criminal and Forensic Investigation Unit

representatives of non-governmental and intergovernmental organizations, which have observer status. With regard to the remaining objectives of the Plan, a support protocol or manual, for use by the institutions responsible for supporting victims, is currently being reviewed. Efforts are also underway throughout the country to develop targeted training programmes for security, health, education, tourism and consular workers.

227. On 3 November 2010, the State, acting through the Directorate-General for Crime Prevention, submitted the bill on prevention and punishment of the crime of trafficking in persons and comprehensive support for victims to the Standing Committee on Women, the Family and Young People of the National Assembly. The purpose of the bill is to prevent and punish crimes involving trafficking in persons, as well as to ensure respect for human rights and provide support, comprehensive assistance and protection to victims and their immediate family members, as required by the Constitution, the law and the international treaties and conventions on trafficking in persons that have been signed and ratified by the Republic.

228. Awareness-raising activities. National Training Plan. A workshop on the basic elements of human trafficking was held for children and adolescents in basic and secondary schools; another workshop, on prevention of trafficking in persons and smuggling of migrants, was organized for staff of public and private institutions. The number of persons trained as a result of these workshops is shown below.

2006	2007	2008	2009	2010	Total number of persons trained
6 456	10 467	11 635	4 058	412	33 028

Organized Crime Division
 Division on Investigation and Protection for Children, Adolescents, Women and Families
 International Police (INTERPOL)
 Identification, Migration and Aliens Administration Service
 Directorate of Migration and Border Areas
 Ministry of Foreign Affairs
 Directorate of Multilateral Affairs
 Directorate of Consular Relations
 Ministry of Health
 National Nutrition Institute
 Ministry of Participation and Social Protection
 Autonomous Institute and National Council on the Rights of Children and Adolescents
 Ministry of Education
 Ministry of Housing and Habitat
 Ministry of Transport and Communications
 Ministry of Defence
 Ministry of Communication and Information
 Ministry of Tourism
 Ministry of Women's Affairs and Gender Equality
 National Women's Institute
 National Women's Rights Office
 Ministry of Labour and Social Security
 Directorate-General for Employment
 Directorate of Labour Migration
 National Institute for Prevention, Health and Worker Security
 National Assembly
 Supreme Court of Justice
 Public Prosecution Service
 Ombudsman's Office

229. Beneficiary population. Representatives of community councils, students, teachers, parents, school representatives, university students and faculty members, the community at large and staff of the national security forces.

230. Victims and cases. The number of cases reported in 2005 and 2006,²² according to data provided by the Scientific, Criminal and Forensic Investigation Unit – specifically the Division on Investigation and Protection for Children, Adolescents, Women and Families – is shown below.

<i>Cases in 2005</i>	<i>Cases in 2006</i>	<i>Total cases</i>
8	8	16

231. The Public Prosecution Service reports the following cases:

<i>Cases in 2005</i>	<i>Cases in 2006</i>	<i>Cases in 2007</i>	<i>Cases in 2008</i>	<i>Cases in 2009</i>	<i>Cases in 2010</i>	<i>Total cases</i>
8	10	2	6	7	12	45

Source: Public Prosecution Service. Directorate-General for Court Proceedings.

232. Inter-agency partnerships. Bearing in mind that the prevention and punishment of trafficking in persons and the provision of support for victims call for concerted efforts on the part of different stakeholders, strategic partnerships have been set up with governmental and non-governmental organizations, as well as with international cooperation agencies, including the following.

233. Public institutions: the Public Prosecution Service; the Division on Investigation and Protection for Children, Adolescents, Women and Families of the Scientific, Criminal and Forensic Investigation Unit; the Ministry of Foreign Affairs; the National Women’s Institute; the National Women’s Rights Office, and the Autonomous Institute and National Council on the Rights of Children and Adolescents, among others.

234. Non-governmental organizations: Asociación de Mujeres por el Bienestar y la Asistencia Recíproca (Women’s Welfare and Reciprocal Assistance Association), Centros Comunitarios de Aprendizaje (Community Learning Centres), SOS Children’s Villages, Fundación Salud y Familia (Health and Family Foundation), the Jesuit Refugee Service, FIPAN and Asociación para la Planificación Familiar (Family Planning Association). The Women’s Welfare and Reciprocal Assistance Association has signed a cooperation agreement which focuses on providing comprehensive care to vulnerable groups, as well as children and adolescents who have been victims of commercial sexual exploitation.

235. International cooperation agencies: the International Organization for Migration (IOM), UNICEF, the United Nations Population Fund (UNFPA-Venezuela), the United Nations Development Programme (UNDP-Venezuela) and the United Nations High Commissioner for Refugees (UNHCR).

236. Results of the partnership with UNICEF (2007): Joint working groups comprised of state institutions and non-governmental and international organizations have produced the following outputs: a Plan of Action of the Bolivarian Republic of Venezuela for the Prevention, Suppression and Punishment of the Crime of Trafficking in Persons and Comprehensive Support for Victims; a draft bill on trafficking in persons, submitted to the

²² The data provided by the Scientific, Criminal and Forensic Investigation Unit apply only to the Caracas Metropolitan Area. .

legislature; and a Manual on Comprehensive Support for Victims of Trafficking in Persons, especially women, children and adolescents. These initiatives are aimed at preventing revictimization and ensuring respect for the fundamental human rights of all human beings within the national territory, as well as of Venezuelans living abroad.

237. Training in prevention: In the context of its national programmes, the State, acting through the Directorate-General for Crime Prevention, carried out the following workshops: crime prevention, self-protection and community security; personal development; prevention of drug use and abuse; trafficking in persons and smuggling of migrants; prevention of child pornography; prevention of school violence; life skills; prevention of inappropriate use of information and communication technologies; prevention of child abuse; family education; adolescence, sexuality and early pregnancy; community development; community journalism; victimology; victim assistance; school journalism; leadership; tools for facilitators; community planning; volunteers for prevention; ethics and values and conflict resolution.

238. Information and dissemination on prevention: In the context of its national programmes, the State, acting through the Directorate-General for Crime Prevention has designed and prepared different types of informational materials, including leaflets and brochures, pamphlets, posters, bookmarks, banners and manuals on issues such as prevention measures, alcohol and other drugs, domestic violence, neighbourhood security, the Organic Act on Child Protection, crime prevention, self-esteem and communication, prevention of drug use and abuse, trafficking in persons and smuggling of migrants, prevention of child pornography, prevention of school violence, prevention of inappropriate use of information and communication technologies, prevention of child abuse, prevention of sexual abuse, adolescence and other issues. These resources serve as tools to support government programmes.

239. In the context of its national programmes, the State, acting through the Directorate-General for Crime Prevention, has commissioned the design and manufacture of t-shirts, jackets, caps, bags, pins and sweatshirts, which are given to programme participants as a means of strengthening and promoting the different prevention efforts.

G. International assistance and cooperation

240. Within the framework of international law currently in force, the Bolivarian Republic of Venezuela has signed and ratified documents of vital importance, demonstrating its willingness to prevent and suppress the crimes covered by the Optional Protocol.

241. Convention on the Rights of the Child, signed by the Bolivarian Republic of Venezuela on 26 January 1990. Adopted by the legislature on 20 July 1990. Ratified by the executive branch on 20 August 1990. Published in *Gaceta Oficial* No. 34541, of 29 August 1990. Instrument of ratification deposited on 13 September 1990.

242. Amendment to Article 2, paragraph 43 of the Convention on the Rights of the Child. Adopted in New York (at the Conference of States Parties) on 12 December 1995. Published in *Gaceta Oficial* No. 36072, of 25 October 1996.

243. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Signed by the Bolivarian Republic of Venezuela on 8 September 2002. Published in *Gaceta Oficial* No. 37355, of 2 January 2002. Instrument of ratification deposited on 8 May 2002.

244. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational

Organized Crime. Signed in Palermo (Italy) on 15 December 2002. Published in *Gaceta Oficial* No. 37 353, of 27 December 2001. Instrument of ratification deposited on 13 May 2002.

245. Inter-American Convention on the International Return of Children. Adopted by the legislature on 14 February 1996. Ratified by the executive branch on 28 May 1996. Deposit of instrument of ratification and entry into force on 26 June 1996.

246. Geneva Convention relative to the Treatment of Prisoners of War (Third Convention). Date of adoption: Geneva, 12 August 1949. Date of ratification: 13 February 1956.

247. Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention). Date of adoption: Geneva, 12 August 1949. Date of ratification: 13 February 1956.

248. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Date of adoption: Geneva, 10 June 1977. Date of ratification: 6 July 1998.

249. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Date of adoption: Geneva, 10 June 1977. Date of ratification: 6 July 1998.

250. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty). Date of adoption: Oslo, 18 September 1997. Date of ratification: 14 April 1999.

251. Rome Statute of the International Criminal Court. Date of adoption: Rome, July 1998. Date of signature: 14 October 1998. Date of ratification: 7 June 2000.

252. ILO Convention No. 182, on the worst forms of child labour, 1999. Date of ratification: 26 October 2005.

253. As a State party to treaties, agreements and conventions which safeguard the rights of children and adolescents, and in compliance with its own Constitution, the Bolivarian Republic of Venezuela guarantees respect for the human rights of the entire population, at all times.

International events relating to the Protocol which have been attended by officials of the Bolivarian Republic of Venezuela

254. The Bolivarian Republic of Venezuela has been represented at the following international forums, supporting the further development of the agenda of issues dealt with in the Optional Protocol, in order to better document efforts to deal with those problems.

255. The Second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in 2001. Representatives of the Bolivarian Republic of Venezuela also attended the follow-up meeting to the Second World Congress, which was held in San José, Costa Rica, from 18 to 20 May 2004.

256. Likewise, in January 2007, representatives of the Bolivarian Republic of Venezuela attended the Bi-national Forum between the Bolivarian Republic of Venezuela and the Federative Republic of Brazil on Trafficking in Persons. The purpose of the Forum was to exchange experiences and document progress on these issues in the Brazilian state of Roraima and the Venezuelan state of Bolívar. Commitments were adopted by both countries.

257. Also in January 2007, the Bolivarian Republic of Venezuela attended a forum on Latin American Experiences in the Provision of Aid to Victims of Trafficking in Persons.

The forum was hosted by Colombia, and included authorities from Colombia, Ecuador, Panama, Peru and the Bolivarian Republic of Venezuela. The attendees discussed progress achieved, their respective experiences and actions taken to provide comprehensive assistance to victims of trafficking in persons.

258. The fifty-first session of the United Nations Commission on the Status of Women, held in New York in February and March 2007. Two officials from the Autonomous Institute and National Council on the Rights of Children and Adolescents attended the High-level Roundtable on Elimination of all forms of discrimination and violence against the girl child.

259. The Seventh South American Conference on Migration (SACM) was held in June 2007. The conference was attended by representatives of Argentina, Brazil, Chile, Paraguay, Uruguay, Bolivia, Colombia, Ecuador, Peru, Guyana, Suriname and the Bolivarian Republic of Venezuela, who agreed on guidelines concerning migration to be included in the South American integration process. Discussions focused on three topics: the Plan of Action, the position of SACM at the Global Forum on Migration and Development and the strengthening and consolidation of SACM.

260. The Regional Seminar on Migration Governance and Human Rights, held in August 2007 in Santiago, Chile. The seminar was attended by government officials from each participating country, as well as civil society representatives and members of the judiciary and legislative branches of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and the Bolivarian Republic of Venezuela. The general objective of the meeting was to contribute to the development of public policies on migration governance and protection of the human rights of migrants, in accordance with international human rights instruments and international criminal law.

261. The Inter-State Follow-up Meeting to the Binational Forum on Trafficking and Sexual Abuse of Children and Adolescents, held in September 2007 in the state of Táchira, in the Bolivarian Republic of Venezuela.

262. Efforts to combat trafficking in persons, especially in border areas, led to the Second Binational Forum, held in the Gran Sabana municipality of the state of Bolívar. The meeting included representatives from the Ministry of Internal Affairs and Justice, the Ministry of Foreign Affairs, UNICEF, IOM, the Bolívar state government, and the Bolívar Children's Foundation, as well as authorities from the Brazilian state of Roraima. Its purpose was to serve as a venue for the adoption of binational actions against trafficking in persons and the signature of a binational agreement to combat human trafficking with the Federative Republic of Brazil.

263. The Latin America and the Caribbean Regional Preparatory Meeting for the Third World Congress against the Commercial Sexual Exploitation of Children, held in August 2008 in Buenos Aires, Argentina. The meeting was attended by an official from the Autonomous Institute and National Council on the Rights of Children and Adolescents.

264. The Third World Congress against Commercial Sexual Exploitation of Children, held in Río de Janeiro, Brazil, in November 2008.

Sources

Constitution of the Bolivarian Republic of Venezuela, 1999

Gaceta Oficial No. 37355

Gaceta Oficial No. 38753, of 23 August 2007

Gaceta Oficial No. 37313, of 30 October 2001

Organic Act on Child Protection 2007

Organic Act on Women's Right to a Life Free from Violence 2006

Organic Act against Organized Crime

Act on Social Responsibility in Radio and Television Broadcasting 2005

Act on Protection of Children and Adolescents in Facilities Offering Access to the Internet, Video Games and Other Multimedia 2006

Special Act on Cybercrime 2001

Aliens and Migration Act 2004

General Guidelines for Guaranteeing the Protection of Children and Adolescents against sexual abuse and commercial sexual exploitation, published in *Gaceta Oficial* No. 37815, of 11 November 2003

Guidelines for the Protection of Child and Adolescent Victims of Child Pornography as a form of commercial sexual exploitation. *Gaceta Oficial* No. 35640, of 23 August 2007

United Nations. Commission on Human Rights resolution 1992/54, of 3 May 1992. Accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Supreme Court of Justice. Constitutional Chamber Decision 1197, case No. 00-1408
