



Convention on the Rights of the Child

Distr.: General
12 September 2013
English
Original: Spanish

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict

Initial reports of States parties due in 2005

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.13-46756 (EXT)



* 1 3 4 6 7 5 6 *

Please recycle 



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–8	3
II. Framework for the protection and promotion of the human rights of children and adolescents	9–21	4
III. Commitments undertaken by the Bolivarian Republic of Venezuela upon ratifying the Optional Protocol: information on articles 1 to 7	22–171	7
A. Article 1	23–41	8
B. Article 2	42–62	11
C. Article 3	63–72	13
D. Article 4	73–88	15
E. Article 5	89–104	17
F. Article 6	105–163	18
G. Article 7	164–171	27

Annexes**

- I. Other conventions and treaties signed by the Bolivarian Republic of Venezuela relating to children and adolescents
- II. Results of the Bicentennial Safety Initiative

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

I. Introduction

1. The Government of the Bolivarian Republic of Venezuela hereby submits for consideration by the Committee on the Rights of the Child, a treaty monitoring body of the United Nations, the initial report of the Bolivarian Republic of Venezuela on progress made in complying with and implementing the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

2. Article 2 of the 1999 Constitution enshrines human rights as pre-eminent among the values protected by the legal system. The high importance attributed to them is attested to in article 3, which stresses the dignity of all persons and the guarantee of their rights as an essential purpose of the State.

3. The current Constitution attaches special significance to the international human rights treaties. Article 23 states that human rights treaties 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. It goes on to state that they shall be immediately and directly applied by the courts and other State organs. Article 23 is worded in such a way as to make it clear that there can be no discussion about the value and constitutional rank of human rights treaties that have been ratified by the Republic and hence, about the constitutional protection that is due to those rights, as they enjoy the same protection as the rights envisaged in the Constitution.

4. As a general principle, it is not necessary to adopt laws or other texts to develop the provisions of the treaty in order for the courts to be required to take the treaty into account in their work in the exercise of their powers under the law and under the provisions of the treaty in question.

5. Because the human rights treaties that have been ratified by the Bolivarian Republic of Venezuela have constitutional rank, the rights contained in those treaties are constitutional rights protected by the Constitution. This includes the different mechanisms for monitoring the constitutionality of laws and protecting the right of amparo, as well as the substantive guarantees envisaged in the Constitution, such as the capacity to declare null and void any act by the State that violates constitutional rights and to hold the officials concerned liable.

6. This report describes the measures taken by the Bolivarian Republic of Venezuela to follow all the parameters established by the United Nations for effectively protecting children and adolescents throughout the country, so as to ensure that they do not participate in armed conflict and that they are not recruited or drafted into compulsory military service.

7. The legal framework for this report is provided by the Constitution of the Bolivarian Republic of Venezuela,¹ the Organic Act on Child Protection,² the Organic Act on Education³ and the Act partially amending the Conscription and Military Enlistment Act,⁴ all of which establish protection for children and adolescents and incorporate the tenets of the Optional Protocol.

¹ *Gaceta Oficial* No. 5453, of 24 March 2000.

² *Gaceta Oficial* No. 5859, of 10 December 2007.

³ *Gaceta Oficial* No. 5929, of 15 August 2009.

⁴ *Gaceta Oficial* No. 39553, of 16 November 2010.

8. The different bodies of the national Government were consulted for the preparation of this report, in order to provide an effective response to the requirements of the Optional Protocol.

Executive branch

- Ministry of Defence
Office of the Deputy Minister of Education for Defence
Permanent Secretariat for Conscription and Military Recruitment
- 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 of Prevention and Citizen Security
- Ministry of Foreign Affairs
Directorate-General for Multilateral Affairs and Integration
Office of the State Representative for Human Rights to the inter-American system and the international community
- Ministry of Education
- Ministry of Sports
- Ministry of Culture

Civil branch

- Public Prosecution Service
- Ombudsman's Office

Legislative branch

- National Assembly

Judiciary

- Supreme Court of Justice
- Public Defence Service

Electoral branch

- National Electoral Council

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

9. Article 19 of the Constitution, which is the supreme law of the Republic, guarantees respect for human rights in accordance with the principle of progressiveness and non-discrimination. Respect for human rights is compulsory for all public bodies, in accordance with the human rights treaties that have been signed and ratified by the Bolivarian Republic of Venezuela.

10. The Constitution attaches the highest value within the legal system and all State action to the values of life, liberty, justice, equality, solidarity, democracy, individual and

social responsibility, the pre-eminence of human rights, public ethics and cultural and political pluralism.

11. Public agencies play a vital role in the Venezuelan legal system as the country seeks to restore the legitimacy of the State and its institutions, to regain public confidence and to improve administrative efficiency. Above all, special emphasis is placed on the vertical organization of the Government at the national, state and municipal levels. As regards 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 the respect due to the functional independence and autonomy of the bodies that are entrusted with making the work of governing.

12. The Constitution takes a gender-based approach, recognizing that children, adolescents, young people, adults, older persons 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, all of which is reflected in policies designed to promote social inclusion.

13. Pursuant to article 281 of the Constitution, the Ombudsman's Office was created as a body within the Civil Branch to represent citizens and promote, defend and monitor the rights and guarantees laid down in the Constitution and in international human rights treaties. The Ombudsman's Office also protects the collective or general interests of citizens. It has units that deal specifically with issues relating to women, children, adolescents, indigenous persons, persons with disabilities, public services, healthcare and prisons, among others.

14. Title III, chapter V, article 78 of the Constitution provides for the creation of a National System for the Comprehensive Protection of Children and Adolescents. This mandate is fulfilled in 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 comprises all the bodies, entities and services that draw up, coordinate, integrate, direct, supervise, evaluate and monitor policies, programmes and initiatives in the public interest at the national, state and municipal levels. These policies, programmes and initiatives aim to protect and provide services for all children and adolescents. They also establish mechanisms for ensuring that children and adolescents are able effectively to enjoy their rights and guarantees and for fulfilling the duties mentioned in the Act.

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

16. Article 119 of the Organic Act on Child Protection 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 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) Healthcare entities;
- (h) Ombudsman's Offices for Children and Adolescents;
- (i) Community councils and other grass-roots organizations.

17. 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 the family.

18. A serious effort has been made to pass laws and take administrative measures for the protection of human rights. The laws 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, and the Organic Act on the Civil Registry. These laws attach high priority to respect for the social rights of the general population, with the aim of improving the quality of life.

19. Legislation to protect human rights includes the Organic Act on the Electoral Branch, the Organic Act on Identification and the Nationality and Citizenship Act. These laws provide an additional legal framework for implementation of the Government's commitment to the promotion and protection of human rights, especially the rights of children and adolescents and their right to identification, to biological identity, to nationality and to active participation in democracy.



20. The Bolivarian Republic of Venezuela is a peaceful country which seeks to build a just and peace-loving society whose citizens live together in harmony; as such, it does not tolerate or promote armed conflict. In its public policies, the Government takes a human rights approach whereby it promotes the values of justice and peace which do not give rise to armed conflict, either national or international. Consequently, there have been no situations in the social or political spheres that would involve the recruitment of children and adolescents.

21. The Government reiterates its willingness to cooperate with international human rights mechanisms, including the treaty monitoring bodies. It complies with 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: information on articles 1 to 7

22. In compliance with the commitments it undertook upon signing the Optional Protocol on 23 September 2003, as laid out in articles 1 to 7 thereof, the Bolivarian Republic of Venezuela has taken the measures outlined below.

A. Article 1

1. Legislative measures to prohibit the direct participation of children and adolescents in hostilities

23. With regard to the primary obligation mentioned in article 1 of the Optional Protocol, on measures to prohibit the participation of children and adolescents in hostilities, the Organic Act on Child Protection requires the Government to ensure that all legislation relating to the content of and limits on the rights and guarantees of children and adolescents is in line with the express provisions of the Convention, as well as other international treaties and instruments.

24. The Bolivarian Republic of Venezuela has amended its legislation, including article 78 of the 1999 Constitution, to deal specifically with this issue. The Bolivarian Republic of Venezuela has adopted the doctrine of comprehensive protection of children and adolescents, as embodied in the Organic Act on Child Protection, which provides protection for children and adolescents from the moment of conception to the age of 18 years.

25. The current Civil Code, which was passed in 1982, includes the following: Book I, Of Individuals. Title I. Of individuals in general and individuals in regard to their nationality. Chapter I, of individuals in general, article 18: An individual is an adult when he or she reaches the age of eighteen (18). An adult has capacity for all acts of civil life, with the exceptions established in special provisions.

26. The Conscription and Military Enlistment Act of 1978 was amended in 2009 and 2010,⁵ given that the Constitution, in article 134, stipulates that no one shall be subjected to forcible recruitment.⁶

27. Article 4 of the Act amending the Conscription and Military Enlistment Act⁷ sets the age of military service, as follows: "For the purposes of this Act, the age for military service shall be between 18 and 60 years. Consequently, Venezuelans included in this age group shall be required to register and shall be eligible for military service."

28. The Venezuelan Government has always respected the fundamental rights of all children and adolescents living within the national territory. During the period covered by this report, 2003-2010, no cases have arisen in which children and adolescents have taken a direct part in armed hostilities, nor have they been forcibly recruited into the National Bolivarian Armed Forces. This is in line with article 1 of the Optional Protocol.

29. Every year the Ministry of Defence, acting through the Permanent Secretariat for Conscription and Military Enlistment of the National Bolivarian Armed Forces, conducts enlistment and conscription campaigns aimed at attracting individuals, who must be adults, to voluntary military service. The military authorities verify that the men and women who respond to the appeal are over 18, so as not to be guilty of violating the law or the

⁵ The Conscription and Military Enlistment Act was amended and adopted by the National Assembly on 14 October 2010. The amendment has three basic goals: To eliminate the deadline of 21 October 2010 for registering in the Military Registry; to eliminate the system of penalties that had been established in the 2009 Act, and to create the Permanent Military Registry.

⁶ Constitution of the Bolivarian Republic of Venezuela. Article 134: "Everyone, in accordance with law, has the duty to perform such civilian or military service as may be necessary for the defence, preservation and development of the country, or for dealing with situations involving a public calamity. No one may be subjected to forcible recruitment. Everyone has the duty to render their services in the electoral functions assigned to them by law."

⁷ *Gaceta Oficial* No. 39553, of 16 November 2010.

agreements on the matter that have been signed and ratified by the Bolivarian Republic of Venezuela and to adhere strictly to the requirements of the existing legal order.

30. To ensure that the true age of individuals is given, the Organic Act on the Civil Registry stipulates that one of its purposes is to ensure the human right of every individual to a biological identity and to identification, as well as to guarantee the constitutional right of all individuals to be entered in the Civil Registry. Accordingly, Title III, Chapter IV of the Organic Act on the Civil Registry provides for the creation of individual civil records as the only mechanism for systematically compiling all acts and events recorded in the Civil Registry for all Venezuelans. Everyone who has been entered in the Civil Registry is assigned an individual code, known as the Single Identity Number, which is recognized by all means of identification in the Bolivarian Republic of Venezuela. This is one of the mechanisms used to guarantee and elucidate, when necessary, the true age of individuals whose biological age is in doubt.

31. Pursuant to article 23 of the Constitution and bearing in mind that it is a party to the Convention on the Rights of the Child, the Bolivarian Republic of Venezuela undertook, in its periodic report of 2006 to the Committee on the Rights of the Child, to guarantee the human rights of all children and adolescents in the country. In particular, it referred to the prohibition against supplying or facilitating weapons of war, ammunition or explosives to children and adolescents.

32. The laws adopted by the Bolivarian Republic of Venezuela on this matter include the Organic Act on Child Protection. Article 92(d) of that Act, in the section on the rights, guarantees and duties of children, includes the prohibition against selling or facilitating weapons, ammunition and explosives to children and adolescents. Anyone who fails to comply with or violates this rule shall be subject to a criminal penalty, on the grounds of failing to provide due protection. Under articles 261 and 265 of the Organic Act on Child Protection, criminal penalties are also imposed for including children and adolescents in criminal groups that promote, direct, participate or profit from associations set up to commit crimes or for recruiting children and adolescents for that purpose.

33. In keeping with the spirit and purpose of the Optional Protocol, article 79(b) of the Organic Act on Child Protection, on prohibitions designed to protect the right to information and to a healthy environment, prohibits the sale or facilitation to children and adolescents or the public exhibition, through any type of multimedia, books, magazines, etc., of any information that advocates violence and incites children and adolescents to participate in armed conflict.

2. Other legislative measures designed to prevent the participation of children and adolescents in hostilities

34. The following legislative measures are also relevant to the purpose of the Optional Protocol.

35. The Organic Act on the National Bolivarian Armed Forces⁸ stipulates, in article 52, that military service is open to all Venezuelan men and women of military age. Article 50 provides that members of combat forces must be male and female citizens who work in public or private institutions and volunteer to be registered, organized and trained by the general military command, provided they are over 18 years of age. Article 51 stipulates that the territorial militia shall be made up of male and female citizens over the age of 18 years, who voluntarily organize to perform duties relating to the comprehensive defence of the

⁸ *Gaceta Oficial* No. 39359, of 2 February 2010.

nation, in accordance with the principle of shared responsibility between the Government and society.

36. Article 10 of the Organic Act on Education, which was promulgated in August 2009, prohibits incitement to hatred in all educational institutions and centres in the country, as well as in programmes, statements, advertising or propaganda that would be detrimental to values, peace, morality, ethics, decency, health, harmonious relations and human rights.

37. Another advance in the law is the Act against Kidnapping and Extortion,⁹ which deals with forcible enlistment as a separate crime from kidnapping. Article 9 of the Act stipulates that anyone who, through threat or deception, holds, hides, takes or transfers by any means whatsoever, one or more persons for purposes of subjecting them to forcible enlistment, in order to include them in armed or regular groups, shall be punished with imprisonment of 15 to 20 years. The same Act also establishes mechanisms for increasing the penalty by one third in cases of kidnapping for purposes of forcible enlistment when children or adolescents are affected.

38. The Act on Protection of Children and Adolescents in Facilities Offering Access to the Internet, Video Games and Other Multimedia, which was published in *Gaceta Oficial* No. 38529, of 25 September 2006, lays down, in article 8, provisions relating to suitable information that children and adolescents have the right to receive, as well as their right to use it as appropriate for their stage of development, in facilities providing access to computerized games, electronic and multimedia Internet services. The article also prohibits their access to information and content that promotes, advocates or incites to violence, to war, to the commission of punishable acts, to racism and so forth.

39. The Act Prohibiting Warlike Video Games and Warlike Toys,¹⁰ which supplements the aforementioned Act and reinforces the right of children and adolescents to receive suitable and age-appropriate information, was passed recently and published in *Gaceta Oficial* No. 39320, of 3 December 2009. It includes the doctrine on the comprehensive protection of children and adolescents, which follows the principles set forth in the Convention on the Rights of the Child, especially as regards games and video games, and is intended to prevent any incitement to violence.

40. Article 3 of the Act Prohibiting Warlike Video Games and Warlike Toys defines warlike video games and warlike toys as those which promote or incite to violence or to the use of weapons, or which, even though not promoting war, establish a gaming environment that encourages aggressiveness or violence. This is directly in keeping with the spirit, the purpose and the *raison d'être* of the Optional Protocol.

41. This Act represents a significant step forward for the Bolivarian Republic of Venezuela, as it assigns exclusive competence for all warlike gaming activities to the National Bolivarian Armed Forces, in terms of planning, execution and control of warlike games, among others. Under Article 19, paragraph 4, and article 26, paragraph 4 of the Organic Act on the National Bolivarian Armed Forces, this function is assigned exclusively to the Strategic Operational Command, the Strategic Comprehensive Defence Region and the Operational Comprehensive Defence Zone.

⁹ *Gaceta Oficial* No. 39194, of 5 June 2009.

¹⁰ *Gaceta Oficial* No. 39320, of 3 December 2009.

B. Article 2

42. Given that the Bolivarian Republic of Venezuela guarantees the human rights of all citizens, its Constitution prohibits forcible recruitment. Article 134 establishes this prohibition and clearly stipulates that military service shall be voluntary for civilians or enlisted persons for the defence, preservation and development of the country. In this regard, the laws governing civilian and military service in defence of sovereignty, national identity and territorial integrity have been partially amended. The partial amendment to the Conscription and Military Enlistment Act¹¹ makes it clear that while registration in the military is obligatory upon reaching adulthood, enlistment and conscription are voluntary. As required by the Optional Protocol, conscription and military enlistment of minors are specifically excluded.

43. The Organic Act on the National Bolivarian Armed Forces and the Conscription and Military Enlistment Act, both of which were published in *Gaceta Oficial* No. 39359, of 21 October 2009, protect minors by ensuring that they do not join an armed contingent. Under article 4 of the Conscription and Military Enlistment Act, all Venezuelans are of military age from the time they reach adulthood and up to the age of 60 years. The Organic Act on the National Bolivarian Armed Forces provides that military service begins from the time that the first military rank is granted; this is obtained after a four-year university course. Article 51 of the Organic Act on the National Bolivarian Armed Forces provides that the territorial militia shall be made up of male and female citizens over the age of 18 years who voluntarily organize to perform duties relating to the comprehensive defence of the country, in accordance with the principle of shared responsibility between the Government and society.

1. The enlistment process

44. The Ministry of Defence, acting through the Commander-in-Chief, the President of the Republic, determines on a yearly basis the size of the contingent that will replace the enlisted troops who have been discharged. It then issues a call to begin the enlistment process.

45. The Permanent Secretariat for Conscription and Military Enlistment of the Ministry of Defence conducts recruitment campaigns through the mass media (press, radio and television) at the national, state and municipal levels. The requirements for enlisting in the National Bolivarian Armed Forces are explained during these campaigns, which are directed at all Venezuelans who are eligible for active military service, i.e., those between the ages of 18 and 30.

46. The Permanent Secretariat for Conscription and Military Enlistment then issues instructions to all the district recruitment offices in the country, in both rural and urban areas. No one is allowed to enlist who does not fulfil the basic requirement for military service, i.e., to be at least 18 years old.

47. Venezuelans of military age who wish to fulfil their constitutional duty to serve in the military go voluntarily to the military recruitment office in their jurisdiction.

48. At the district recruitment office, a psychological test is administered to determine whether or not candidates have been coerced. If the test results are positive, candidates are given the option to leave. They can report the case to the Public Prosecution Service so that the appropriate action can be taken.

¹¹ Act amending the Conscription and Military Enlistment Act. November 2010.

49. In the Bolivarian Republic of Venezuela, no State security agency or other State entity is allowed to coerce citizens of any age in order to require them to appear before the military recruitment offices.

50. The aforementioned recruitment campaigns provide information on the date and place where citizens of military age who wish to enlist in the National Bolivarian Armed Forces should report. The benefits and responsibilities of joining the military are also described.

51. The new recruits then undergo medical, dental, social and psychological testing in order to determine whether or not they are suited for military service. Those who are selected are assigned to the unit in which they will serve until they are discharged.

52. The Commander-in-Chief, who is the highest authority in the military recruitment process, has proposed and promoted a new approach to military service for Venezuelans who have enlisted. By contrast with the former system, the idea now is to train enlistees not only for national defence, but also for work

53. In addition to receiving training for the comprehensive security and defence of the country, Venezuelans who join the military are provided with a monthly stipend based on their rank, as well as with clothing; balanced meals; medical, dental and psychological care; life insurance, and an opportunity to enrol in military institutions of higher education or to continue their education in one of the many universities in the country. They are also eligible to participate in the different missions carried out by the national executive branch, to take part in social production battalions, to learn a dignified trade through courses in the National Institute of Socialist Training and Education and to receive scholarships. When they complete their university education, they become eligible to apply for a professional position in the National Militia.¹²

54. Another innovative approach to military service that has been promoted by the Commander-in-Chief is that of part-time military service. Under this system, male and female enlistees remain in the military for a specific period of time during which they perform their military service while at the same time pursuing their formal education (secondary, technical and university), or hold a job, in order to guarantee their personal and professional development and provide them and their families with economic and social stability.

2. Legal framework for the military enlistment process

55. The legal framework for military enlistment is provided by:

- The Constitution of the Bolivarian Republic of Venezuela
- The Conscription and Military Enlistment Act and regulations thereto.

56. Chapter IX of the Conscription and Military Enlistment Act, which deals with conscription and enlistment, provides, in article 55, that conscription is the initial procedure that must be completed by all male and female Venezuelans of military age in order to serve in the military.

57. Article 69 of the aforementioned Act describes the enlistment process whereby male and female Venezuelans of military age join the National Bolivarian Armed Forces. Recruits are concentrated and then undergo medical, psychological and dental testing for

¹² The Bolivarian National Militia is a special corps organized by the Government to implement the principle of shared responsibility. Its main objective is to interact with society as a whole in the comprehensive defence of the nation.

purposes of selection, after which the contingent reports for duty. Article 56 provides that under the Constitution, all Venezuelans have the duty to register with the conscription board closest to their residence or domicile within 90 days from the date of their eighteenth birthday.

58. Operational bodies. The National Conscription and Enlistment Board, which is comprised by the Ministry of Internal Affairs and Justice and the Ministry of Defence, holds a Joint Directors Meeting every year in order to draw up rules and procedures for recruitment of the annual ordinary contingent. These rules are adopted by all federal entities for the purpose of renewing and maintaining the troops that are constitutionally authorized by the President of the Republic, acting in his capacity as Commander-in-Chief of the National Bolivarian Armed Forces.

59. The civilian and military authorities at different levels cooperate with each other. Under the Conscription and Military Enlistment Act, they are responsible for convening and selecting the annual ordinary contingent in order to deliver the quotas required by the Ministry of Defence, ensuring that recruits possess the necessary skills and report for duty at the appropriate location and within the prescribed time period.

60. The authorities concerned are responsible for providing the financial and logistical support needed to cover the cost of calling up and incorporating the annual ordinary contingent. To expedite the process, enlisted citizens are transported to the military and naval units to which they have been assigned by their respective commands. Only the small number of candidates who did not pass the medical, moral, physical, psychological and legal tests and were found unsuited for military service remain at the reception centres in the different federal entities.

61. The plan for recruitment of the annual ordinary contingent includes the strategies devised by the citizen President of the Republic, acting in his capacity as Commander-in-Chief and highest authority for the enlistment process, for the agencies in charge of executing it and meeting the established goals. The plan is designed to ensure that everyone is equal before the law, and consequently, that there is no discrimination based on race, sex, beliefs or social status, or any kind of discrimination that would preclude or undermine the recognition, enjoyment or exercise, on an equal footing, of a person's rights and liberties. Accordingly, the plan determines which human resources are to be included in the contingent selected to replace the enlisted persons who are being discharged after having completed their service, in order to maintain the military personnel needed by the National Bolivarian Armed Forces.

62. Pursuant to the instructions handed down by the citizen Permanent Secretary for Conscription and Military Enlistment, the individual military districts throughout the country must prepare and submit a final report for each ordinary contingent enlisted (three final reports during the year, making up the annual ordinary contingent). The report must contain detailed information on the men and women who have enlisted, providing personal data for all citizens who have voluntarily responded to the call for enlistment, including their full names and surnames, date of birth, age and sex. The report is reviewed by the Permanent Secretariat for Conscription and Military Enlistment, which collects it for distribution to all the authorities involved in the process. The final report is used to monitor implementation of the military enlistment process throughout the country.

C. Article 3

63. The minimum age for voluntary enlistment in the Bolivarian Republic of Venezuela, as stipulated in the Conscription and Military Enlistment Act, is 18 years. It is thus clearly established that minors cannot be involved in active military service.

64. The situation is different in the case of children and adolescents who voluntarily decide to study in the educational units of the defence sector. These schools do not present any kind of physical, moral or psychological risk, since the courses offered follow the curriculum guidelines issued by the Ministry of Education.

1. Educational units operated by the defence sector

65. The Bolivarian Republic of Venezuela has the following military educational centres:

- Public military educational units: 11
- Private militarized educational units: 5
- Officer training schools: 5
- Professional troop training schools: 3

66. The private militarized educational units have a total of 2,991 students, and the public military educational units have 4,117.

67. These institutions operate on the basis of the following legislation: the Constitution, article 30 of the Organic Act on Education, articles 115 to 121 of the Organic Act on the National Bolivarian Armed Forces, the regulations for public military educational units and the regulations for military education.

68. In order to enrol in private militarized educational units, applicants must be between the ages of 11 and 13, they must have completed sixth grade of basic education, they must have good conduct and be of good moral character, and they must pay the registration fee and the monthly fees.

69. In order to enrol in public militarized educational units, applicants must be between the ages of 11 and 13, they must have completed sixth grade of basic education, and they must have good conduct and be of good moral character. There is no fee for these schools.

70. These educational centres follow the curricula developed by the Ministry of Education; in addition, they provide training in civic values and principles pertaining to the security, defence and comprehensive development of the nation.

71. The difference between civilian and military educational units is that the military schools instil in their students the values of the National Bolivarian Armed Forces. In addition, they provide more in-depth training in the area of security and comprehensive defence of the nation.

2. State protection for children and adolescents who choose private and/or public military educational units

72. The Bolivarian Republic of Venezuela offers the necessary protection to children and adolescents who choose to enrol in private and public military educational units. Accordingly, the fundamental protection provided is to be found in the Constitution, the Organic Act on Child Protection and the Organic Act on Education, which safeguard the personal wellbeing of Venezuelan children by not allowing military exercises that endanger the lives of children and adolescents and not allowing them to participate in military operations during armed conflicts.

D. Article 4

1. Armed groups and legislative measures

73. Concerning the obligation of the Venezuelan State not to allow any armed group to recruit or use children and adolescents in hostilities, legislation has been passed that clearly and categorically prohibits all armed groups from enlisting or recruiting children and adolescents. Moreover, any such activity constitutes an infringement of the duty to provide protection and gives rise to punitive action.

74. There are no armed groups in the territory of the Bolivarian Republic of Venezuela, and there have been no reports of children or adolescents having participated in armed conflicts, either in the past or at present.

75. The Directorate of Human Rights and International Humanitarian Law of the Ministry of Defence is charged with disseminating the provisions of the human rights treaties that have been signed by the Bolivarian Republic of Venezuela. Accordingly, a number of activities have been carried out for the purpose of publicizing the content of the Optional Protocol.

76. One of the main goals of the Bolivarian Republic of Venezuela is to build a just and peace-loving society. Consequently, there are no irregular armed groups that might recruit children and adolescents for the purpose of involving them in armed conflict.

2. Legislation designed to protect children and adolescents and prevent them from participating in forcible recruitment

77. The Organic Act on Child Protection was published in *Gaceta Oficial* on 2 October 1998; it entered into force in April 2000. The Act was amended and published in *Gaceta Oficial* special edition No. 5859, of 10 December 2007. This was done in the context of the review, improvement and re-launching of the Bolivarian Process, the goal of which was to make the in-depth structural changes that are required by the new Republic. The transformation of the legal framework is foundational to the construction of the new social development model designed to strengthen the State so that it can fulfil its responsibility to provide comprehensive protection for children and adolescents, so as to guarantee the development of the new men and women who will play a key role in building a better country.

78. The Government has implemented public policies that make it possible to overcome exclusion and enforce justice, equity and equality as fundamental principles of society, promoting coordination between the components of the National System for the Comprehensive Protection of Children and Adolescents and other stakeholders involved in implementation of comprehensive protection policies.

79. The Organic Act on Child Protection is designed to guarantee that all children and adolescents in the Bolivarian Republic of Venezuela will be able to fully enjoy their rights and guarantees thanks to the comprehensive protection that the State, the society and the family are required to give them from the moment of conception. The Act is based on the principle that the best interests of the child must be a primary consideration; this principle must be observed in all decision making where children and adolescents are concerned, since the goal is to ensure their full development. To that end, the Government has set up an integrated system, the National System for the Comprehensive Protection of Children and Adolescents, that is made up of administrative and jurisdictional bodies, the Public Prosecution Service, the Ombudsman's Office and the Public Defence Service, all of which provide protection, care, guidance and advice to the subjects of the Act and the Optional Protocol.

80. Article 32-A of the Organic Act on Child Protection, as amended, refers to the right to proper treatment; this is an important step forward in the effort to abolish humiliating physical punishment of children and adolescents. With the participation of the family and of society, the State guarantees that policies and programmes will be implemented and measures taken to eliminate the use of violence in education and child rearing.

81. Public policies relating to children and adolescents are implemented through laws, resolutions, decisions and actions involving coordination between the Government and civil society for the purpose of protecting and ensuring the rights of children and adolescents, especially those who are at risk and most vulnerable. All these measures call for decentralized action at the national, state and municipal levels, with the participation of different stakeholders at every level.

82. One of the essential goals of the Bolivarian Republic of Venezuela is to build a just and peace-loving society. Consequently, there are no irregular armed groups that might recruit children and adolescents for the purpose of involving them in armed conflict. As a republic that defends peace and harmonious relations between its citizens, the Bolivarian Republic of Venezuela has enacted the following legislation:

83. The Act against Kidnapping and Extortion, published in *Gaceta Oficial* No. 39194, of 5 June 2009, defines forcible enlistment as a criminal offence separate from kidnapping. Article 9 of the Act stipulates that anyone who, by means of threat or deception, holds, hides, takes or transfers by any means whatsoever, one or more persons for purposes of subjecting them to forcible enlistment, in order to include them in armed or regular groups, shall be punished with imprisonment of 15 to 20 years.

84. The same Act also establishes mechanisms for increasing the penalty by one third in cases of kidnapping for purposes of forcible enlistment when children or adolescents are affected. Article 10, paragraph 1 provides that penalties for the offences envisaged in the preceding articles shall be increased by one third when: 1. The victim is a child or an adolescent, an adult or an older person, a person with physical or mental disabilities, a pregnant woman or a person with a life-threatening illness.

85. Article 6 of the Conscription and Military Enlistment Act stipulates that all Venezuelans of military age are duty bound to serve in the National Bolivarian Armed Forces and that they shall receive such military instruction as is necessary for the defence, preservation and comprehensive development of the country, in accordance with the rules laid down in the relevant laws and regulations. This duty is based on the principle of shared responsibility between the State and society in support of the fundamental pillars of the State, namely, independence, justice, equality and respect for human rights.

86. The Organic Act on Education. Significant progress has been made in recent years in the area of military education, especially through the recent changes made possible with the entry into force of the Organic Act on Education of 2009, in which military education is included in the national education system. Article 30 of the Act states that military education is designed to orient the training, improvement and comprehensive development of members of the National Bolivarian Armed Forces through educational processes based on the higher values of the State and on ethical, moral, cultural and intellectual principles.

87. The military subsystem of university education is covered by National Executive Decree No. 7662, which was published in *Gaceta Oficial* of 3 September 2010. This decree provides for creation of the Bolivarian Military University of Venezuela, which coordinates its programmes with those of other institutions in the university subsystem in order to implement cooperation agreements.

88. The Organic Act on the Civil Registry, which was published on 15 September 2009 in *Gaceta Oficial* No. 39264, provides the means for implementing the constitutional

guarantee that everyone has the right to identification and to have his or her name recorded in the Civil Registry free of charge. As an essential public service based on the equality of all citizens without distinction or discrimination, the Civil Registry helps to guarantee social inclusion for everyone.

E. Article 5

89. With regard to the obligation not to preclude provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child, article 23 of the Constitution provides that in the event of a conflict between the domestic legislation and international law arising from a human rights treaty that has been ratified by the Bolivarian Republic of Venezuela, those treaties prevail over the 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 shall be immediately and directly applied by the courts and other State organs.

90. The Bolivarian Republic of Venezuela has signed the following treaties¹³ in order to promote the human rights of Venezuelan children and adolescents and protect them.

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

92. Amendment to article 43, paragraph 2 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.

93. 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.

94. 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. 37353, of 27 December 2001. Instrument of ratification deposited on 13 May 2002.

95. Inter-American Convention on the International Return of Children. Approved by the legislature on 14 February 1996. Ratified by the Executive on 28 May 1996. Instrument of ratification deposited and entry into force in the Bolivarian Republic of Venezuela on 26 June 1996.

96. Geneva Convention relative to the Treatment of Prisoners of War (Third Convention). Adopted in Geneva on 12 August 1949. Ratified on 13 February 1956.

97. Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention). Adopted in Geneva on 12 August 1949. Ratified on 13 February 1956.

¹³ See annex.

98. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Adopted in Geneva on 10 June 1997. Ratified on 6 July 1998.

99. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Adopted in Geneva on 19 June 1997. Ratified on 6 July 1998.

100. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention). Adopted in Oslo on 18 September 1997. Ratified on 14 April 1999.

101. Rome Statute of the International Criminal Court. Adopted in Rome in July 1998. Signed on 14 October 1998. Ratified on 7 June 2000.

102. International Labour Organization (ILO) Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, 1999. Ratified on 26 October 2005.

103. Because the Bolivarian Republic of Venezuela is a State party to treaties, covenants and conventions that guarantee the rights of children and adolescents, and its own Constitution also affords those guarantees, it provides assurance and security to its entire population, such that at all times, their human rights are respected.

104. The Bolivarian Republic of Venezuela respects the rights of all children and adolescents and therefore is in full agreement with the provisions of inter-American humanitarian law, which has been the underlying premise for encouraging, promoting and respecting their fundamental guarantees. International humanitarian law provides that minors, especially those who are under 15 years of age, must not participate directly in hostilities, and strives to insure that they will not join the armed forces or any armed opposition group.

F. Article 6

1. Application and enforcement of the Optional Protocol

105. As for the duty of the State to apply and ensure the effective implementation of the Optional Protocol, article 4 of the Organic Act on Child Protection establishes a binding obligation for the State to take all necessary administrative, legislative, judicial or other measures to that end. The National System for the Comprehensive Protection of Children and Adolescents was created for that purpose.

106. To fulfil its obligation to disseminate the Optional Protocol, the Bolivarian Republic of Venezuela created the Autonomous Institute and National Council on the Rights of Children and Adolescents as part of the National System for the Comprehensive Protection of Children and Adolescents. The Institute is responsible for advocating and raising awareness about the rights, guarantees and duties of children and adolescents, as well as representing their interests and concerns before the other agencies and stakeholders in the system.

107. The Optional Protocol is in full effect in the Bolivarian Republic of Venezuela and is applied by all State institutions, especially the Ministry of Defence, the staff of which has been briefed on the Optional Protocol under review and has participated in its dissemination, through activities carried out across the country by every branch of the National Bolivarian Armed Forces. Full compliance with every article has thus been ensured.

108. The Venezuelan State, acting through the Ministry of Defence, the Ministry of Foreign Affairs and its Office of the State Representative for Human Rights and the Ministry of Communes and Social Protection and its subsidiary agency, the Autonomous Institute and National Council on the Rights of Children and Adolescents, reiterates its commitment to disseminating the Optional Protocol among the general public and the country's military and police forces.

109. Specifically, in order to raise awareness regarding the rights of children and adolescents, prevent the use of children and adolescents in armed hostilities and conflicts and fulfil the mandate set forth in the Optional Protocol, the Office of the State Representative for Human Rights of the Ministry of Foreign Affairs has implemented mechanisms for disseminating the Optional Protocol among government institutions, encouraging them to effectively inform the public about the principles set forth in this international instrument and raise awareness about the Optional Protocol.

2. Implementation of the Optional Protocol. Case of the Hacienda Dakтары paramilitary forces

110. Article 6, paragraph 3 of the Optional Protocol provides that "States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration."

111. The Bolivarian Republic of Venezuela was the first State party to implement the Optional Protocol, thus fulfilling its obligation to comply with international human rights instruments. It has been recognized by organizations such as the United Nations Children's Fund (UNICEF) for its efforts to protect children and adolescents. It has implemented its comprehensive protection systems to safeguard the human rights of children and adolescents, providing them appropriate treatment as victims at all times. This was the case in 2004, when paramilitary forces that included adolescents were discovered at a property near Caracas.

112. On 9 May 2004, Colombian paramilitary forces were found between the municipalities of El Hatillo and Baruta, in the Bolivarian state of Miranda, near Caracas, on an estate known as Dakтары. The incident triggered the intervention of the authorities concerned.

113. The Directorate-General for Human Rights of the Ministry of Internal Affairs and Justice, the Ombudsman's Office and the Autonomous Institute and National Council on the Rights of Children and Adolescents (formerly the National Council on the Rights of Children and Adolescents), among others, intervened to protect the rights of the adolescents who were detained in the municipality of El Hatillo due to their participation in the armed group.

114. In May 2004, representatives of the Directorate-General for Human Rights asked the Directorate-General for Intelligence and Prevention to assess the situation of the adolescents who had been detained. Medical examinations were conducted to evaluate their health at the time of their detention and rule out possible injuries or trauma. The results were satisfactory.

115. The Bolivarian Republic of Venezuela contacted the appropriate parties in order to inform UNICEF of the purpose of its actions, which was to protect the rights of all children and adolescents on Venezuelan soil and comply with international conventions on the matter.

116. On 24 May 2004, the Child and Adolescent Protection Board of the Libertador municipal government decided, in Resolution No. 0905-2004:

117. That the adolescents should be repatriated, and the protective order for institutional custody should be revoked.

118. The Military Attorney General, Colonel Eladio Ramón Aponte, was instructed to formally hand the adolescents over to their country of origin, in the presence of national and international organizations such as UNICEF, the Family Welfare Institute of Colombia, the National Council on the Rights of Children and Adolescents, the Public Prosecution Service, the Executive Branch and the Child and Adolescent Protection Board of the Libertador municipal government.

119. The assistance of UNICEF was requested, to help the Government of Colombia enrol the adolescents and their families in rehabilitation and social reintegration programmes.

120. The adolescents were granted permission to travel to Bogotá, Colombia, in the company of an appointed delegation, as well as of the Military Attorney General, who served as their guardian.

121. On 27 May 2004, the adolescents were formally handed over to the Colombian authorities. Throughout the process, the Bolivarian Republic of Venezuela displayed the utmost respect for their human rights. The handover was witnessed by representatives of the Ombudsman's Office, the Ministry of Foreign Affairs, the Embassy of Colombia and the adolescents' families. All of these actions were carried out in observance of both the Optional Protocol — specifically, articles 6 and 7 — and the Convention on the Rights of the Child.

3. Activities to promote prevention, awareness and a culture of peace and social harmony

a. Inclusion initiatives to promote education for peace in school curricula

122. The educational system of the Bolivarian Republic of Venezuela teaches citizens the value of participatory and proactive democracy, social responsibility, equality for all without discrimination, training for independence, liberty, respect and appreciation for all ethnic groups, emancipation, gender equality and a strong national identity based on the promotion of human rights.

123. Accordingly, the basic education subsystem, which administers education at different levels and following different methods, is structured around key thematic areas which are relevant to the Optional Protocol, inasmuch as they promote a culture of peace and social harmony among Venezuelan children. These values serve as organizing principles for curriculum development, helping to integrate different forms of knowledge and guide the learning experience. They permeate every area of learning, and should be considered vital to the adoption of values, attitudes and virtues in the educational process.

124. The thematic area on health and environment is designed to encourage a lifestyle in which high-risk behaviour is avoided, through comprehensive education and the development of life skills, knowledge and tools that promote a culture of health as the foundation for comprehensive personal, family and community health. This thematic area facilitates the comprehensive protection of children and adolescents, advancing learning in every area and discipline and fostering the fulfilment of potential and the attainment of skills within schools, families and communities, in a healthy environment.

125. The thematic area on sovereignty and comprehensive national defence promotes the enjoyment and exercise of the rights established in the Constitution by teaching citizens the

values necessary to establish a democratic, participatory and proactive society which upholds liberty, independence, solidarity, the common good, territorial integrity, social harmony, the rule of law and peace.

126. The thematic area on human rights and a culture of peace is based on the idea that education is a human right and a fundamental social duty which should seek to develop the creative potential of all human beings under specific historical conditions, as stated in article 4 of the Organic Act on Education (2009). Accordingly, every child, adolescent, young person and adult is guaranteed an education based on social values such as liberty, solidarity, cooperation, justice, equity, integration, the common good, participation, independence, social harmony and the promotion of liberating work, in an environment in which schools, families and communities work side by side to create a culture of peace and sociocultural awareness that ensures full individual and collective development.

127. The two aforementioned thematic areas are the basic elements that give shape to the principles and rights that make it possible to protect children and adolescents in the Venezuelan educational system. One of the specific policies currently being implemented by the Ministry of Education, through its Directorate-General for Student Welfare and Development, is the National Programme of Ombudsman's Offices for the Basic Education Subsystem. The programme is designed to strengthen the skills and abilities that children and adolescents need so as to be able to settle conflicts on their own, using tools such as discussion groups and educational games (e.g. playrooms, sporting events and creation of posters, among other activities). It is the institutional sponsor of the Vive sin Violencia (Live without Violence) Campaign for School Peace among families, schools and communities, which seeks to encourage mediation and independent conflict resolution in the educational system.

b. Educational programmes implemented by the Ombudsman's Office

128. The Ombudsman's Office oversees the School Ombudsman Programme, which organizes and trains children and adolescents as active multipliers of the promotion and dissemination of human rights in their schools. The programme develops organizational skills and promotes values education among children and adolescents. Peace and social harmony are its foundational cross-cutting principles.

129. As part of its efforts to promote human rights, the Ombudsman's Office has promoted observance of the Convention on the Rights of the Child and the Protocols thereto, hosting seminars for the stakeholders and institutions concerned. It has also disseminated the observations of the Committee on the Rights of the Child, in order to strengthen policies, plans and programmes on the subjects.

130. The Ombudsman's Office has worked through its Juan Vives Suría Foundation to implement educational programmes designed to strengthen the skills of civil servants responsible for providing comprehensive protection for children and adolescents. The Convention on the Rights of the Child and the Protocols thereto are some of the main subjects covered in this effort.

c. The National System for the Comprehensive Protection of Children and Adolescents

131. In the context of the National System for the Comprehensive Protection of Children and Adolescents and the agencies which comprise it, article 137 of the Organic Act on Child Protection authorizes the Autonomous Institute and National Council on the Rights of Children and Adolescents to request that the competent authorities take measures and allocate resources to address specific problems affecting children and adolescents.

132. The programmes implemented by the Bolivarian Republic of Venezuela play an important preventative role by promoting, guaranteeing and restoring the rights of children and adolescents and thus preventing their involvement in irregular armed groups.

133. The Bolivarian Republic of Venezuela has worked through the Autonomous Institute and National Council on the Rights of Children and Adolescents to ensure respect for the rights of children and adolescents in border regions. A study of violations of the rights of children, adolescents and families along the border between Colombia and the Bolivarian Republic of Venezuela (*Diagnóstico de la vulneración de derechos de niños, niñas, adolescentes y familias en la frontera colombo-venezolana*) was conducted in 2003, under a technical cooperation agreement with UNICEF. As a result of that study, a situational assessment (*Análisis de situación de los niños, niñas y adolescentes*) was conducted in four border municipalities: Páez, in the state of Apure; Bolívar and Ureña, in the state of Táchira, and Semprum, in the state of Zulia. Efforts were also made to coordinate actions with other agencies.

134. As a follow up to the thirty-first and thirty-second meetings of the Presidential Commissions on Integration and Border Affairs, the Autonomous Institute and National Council on the Rights of Children and Adolescents attended the thirty-third meeting of the Presidential Commissions on Integration and Border Affairs (of Colombia and the Bolivarian Republic of Venezuela), which took place in May 2005, in the state of Táchira. The meeting was attended by representatives of the Bolivarian Republic of Venezuela and Colombia, as well as public institutions from the sectors and subsectors that comprise the Commission in both countries. This meeting served as a starting point for efforts to improve the system for protecting children and adolescents living on the border between the Bolivarian Republic of Venezuela and Colombia.

135. At the meeting, the Venezuelan delegation, represented by the National Council on the Rights of Children and Adolescents, submitted a proposal for a binational plan of action for the protection of children and families living in the border region. The proposal was based on the agreements reached at the thirty-second meeting, as well as on situational assessments of the protection system. The binational plan was designed to reinforce the protection of children and adolescents in both countries. The Venezuelan delegation also stressed the need for a binational working group to further develop the proposals under discussion.

136. With regard to the defence and protection of the rights of children and adolescents in the national territory, the Autonomous Institute and National Council on the Rights of Children and Adolescents, working within the framework of the democratization policy of the National System for the Comprehensive Protection of Children and Adolescents, has made efforts to prevent children and adolescents from falling prey to threats, violations of their rights and violence, leading to their recruitment into armed groups. In June 2008, the Niños y Niñas del Barrio (Neighbourhood Children) mission was created to provide swift and comprehensive protection for vulnerable and at-risk children and adolescents. The mission's plans and programmes follow three strategic lines of action: prevention, protection and participation, as described below.

137. Prevention programmes: Community Centres for Comprehensive Protection. Twelve such centres operate throughout the country, in the following states: Aragua, Bolívar, Carabobo, Lara, Mérida, Miranda, Sucre and the Capital District of Caracas. They provide opportunities for collective participation, where communities, with the support of the Autonomous Institute and National Council on the Rights of Children and Adolescents, provide services for at-risk children and adolescents aged 0 to 12 years old, offering the comprehensive protection they need to fully exercise their rights. The centres are an example of grass-roots action, given that the projects and programmes are carried out by the community councils, which thus play a major role in helping families exercise their rights.

138. The Programme on Restoring the Dignity of Adolescent Workers consists of one social production unit in Lara state and five additional projects implemented by adolescents in the states of Bolívar, Carabobo, Miranda, Monagas and Zulia. It helps working adolescents transition toward economic activities that do not compromise their dignity, generating inter-institutional actions to combat labour exploitation and protect their health and overall development. The programme also encourages children and adolescents to be involved in the development of protection policies and the implementation of social production projects that improve their own and their families' lives, in compliance with articles 94 through 116 of the Organic Act on Child Protection.

139. Protection programmes: The Comprehensive Protection Units programme operates 32 Comprehensive Protection Units and four Specialized Comprehensive Protection Units in 16 states. The objective of the programme is to protect children and adolescents who have been separated from their families, offering them a suitable environment where they can receive temporary care until they are returned to their families or placed in foster homes. Specialized Comprehensive Protection Units provide assistance for children and adolescents with some form of disability who have been separated from their families, providing therapy, detoxification and rehabilitation for children and adolescents with substance abuse issues, as well as their families.

140. The Comprehensive Care Centres programme is a standout initiative which provides care for homeless and at-risk children and adolescents, from the intake stage through comprehensive assistance and reinsertion into society, their families and production activities. The programme is carried out in the Capital District and in Zulia state, through the Divino Niño Relief Brigade.

141. The Community Shelters Programme represents the culmination of a national policy under which responsibility for enforcing the Organic Act on Child Protection is transferred to civil society, thereby advancing social inclusion and the restoration of rights. It serves children and adolescents for whom protective measures have been ordered by child and adolescent protection boards. One community shelter is currently in operation in the state of Vargas, and six additional shelters are being built under the supervision of community councils.

142. Participation and organization programmes. The Autonomous Institute and National Council on the Rights of Children and Adolescents promotes and supports the Semillero de la Patria Simón Bolívar (Simón Bolívar Youth Organization), which helps children and adolescents aged 6 through 17 realize their right to active participation in society through recreational, training, educational, sporting, cultural and environmental activities designed to encourage the development of critical thinking and leadership, bearing in mind the principles that will define the new man and the new woman.

143. The National Communications Programme for Children and Adolescents is active in eight states (Aragua, Anzoátegui, Bolívar, the Capital District, Falcón, Mérida, Miranda and Zulia) and 12 municipalities. It is sponsored by the Niños y Niñas del Barrio initiative, and is designed to provide training for the people's communication brigades of the programme called Semillero de la Patria Simón Bolívar. This programme teaches children and adolescents to be communicators through the mastery of various forms of communication and expression.

144. Niño Simón Camp is a programme designed to promote the full development of children and adolescents, strengthening solidarity, tolerance, cultural identity and environmental conservation through environmentally themed and non-competitive community games, with a view to comprehensively addressing the needs of children and adolescents and ensuring that they are able to fully enjoy their right to recreation and leisure.

145. The Colmenita Bolivariana Cultural Collective is an initiative developed in collaboration with the Niños y Niñas del Barrio and the Misión Cultura Corazón Adentro programmes, with additional assistance from the Cuban La Colmenita Children's Artistic Collective, an organization which has been recognized as a goodwill ambassador by UNICEF.

146. Several agencies also organize community vacation programmes, such as Reto Juvenil (Youth Challenge), as well as holiday camps offering preventive and educational programmes, including environmental, recreational, cultural and sporting activities that promote socialist values. These activities are coordinated by different State agencies so as to provide recreational opportunities for children and adolescents during their school vacations.

147. The Autonomous Institute and National Council on the Rights of Children and Adolescents has developed the following plans: The National Plan for Comprehensive Protection of Children and Adolescents (2009-2013), which is designed to guide public policy and implement plans, programmes and projects to provide comprehensive protection and assistance for children and adolescents, strengthening their development and well-being to achieve supreme social happiness. It was developed in conjunction with the ministries that have competence in this area¹⁴, in order to ensure that the best interests of children and adolescents are a public priority.

148. The National Family Inclusion Plan is comprised of the following: (a) the Foster Care Programme; (b) the Family Reinsertion Programme; (c) the Adoption Programme.

149. As the executing agency of the National System for the Comprehensive Protection of Children and Adolescents, the Autonomous Institute and National Council on the Rights of Children and Adolescents is implementing socio-educational alternatives to incarceration, in order to further develop its policy of comprehensive care for adolescent criminal offenders. The measures, which have been taken in the context of the amendment to the Organic Act on Child Protection, include probation, community service and rules of conduct. A number of programmes and actions are being developed to finalize implementation of the measures.

d. Sporting activities

150. Sports and physical activity are effective tools for avoiding conflict and achieving peace. From a preventive standpoint, they keep children and adolescents away from armed conflict and encourage the values necessary to prevent violence and ensure peace. The Government sponsors a number of sporting and physical fitness programmes and projects to prevent children and adolescents from participating in conflicts. The following programmes are included:

151. The Sports Training Programme seeks to develop and strengthen the country's athletic talent (children and youths with outstanding athletic ability who are in training for

¹⁴ The Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Health and Social Protection, the Ministry of Culture and the Ministry of Internal Affairs and Justice. Other participating agencies included the following: the National Autonomous Service for Comprehensive Care of Children and Families, the State Foundation for the National System of Youth and Child Orchestras of the Bolivarian Republic of Venezuela, the National Social Services Institute, the Foundation and Centre for Studies on Population Growth and Development, the National Council for Persons with Disabilities, the National Women's Institute, the National Institute on Prevention, Health and Worker Safety and, representing the community sector, the Community Councils of San Luis, in the Winche Mariche sector of the state of Miranda, and De Cara al Ávila, in Campo Rico, Petare, Miranda.

top-level competition), through the proper recruitment and training of athletes from the country's schools, national sports federations, state sports associations, sports clubs and other organizations.

152. Athletic Education Units. These basic, intermediate and diversified education centres are developed in coordination with the Ministry of Education to provide comprehensive and specialized training for athletes.

153. The Barrio Adentro Deportivo mission is a programme designed to encourage citizens of any age, sex, religion and social background to participate in exercise, sporting, recreational, fitness and therapeutic activities through mass outreach, diversification and systematization, in order to enhance their quality of life and their health. The programme includes initiatives such as Barrio Adentro Deportivo, mass community sports, exercise programmes in schools and community recreational activities.

154. Exercise programmes, mass sports and recreation. The Community Athletic Power programme encourages the systematic practice of sports, exercise and recreational activities in communities, encouraging the participation of children and adolescents in community sports leagues and athletic development units. By promoting the development of specialized athletic skills, these units help children between the ages of 10 and 15 improve their motor skills and technical and tactical abilities.

155. The Mass Student Sports programme promotes the systematic and organized practice of sports, encouraging the development and strengthening of athletic disciplines in children, adolescents and young students, aged 7 and above, in the country's various educational subsystems and projects. It involves the planning, organization and execution of national and international school sporting events, as well as the design of beginners programmes and athletic training initiatives and the supply of educational and athletic materials.

156. The Simoncito Deportivo programme seeks to help the largest possible number of schoolchildren aged 0 to 6 years old to develop their basic motor skills through play, recreation and self-esteem-building activities. It includes gymnastics, swimming, track-and-field activities and chess. Teachers are provided with innovative tools to upgrade their skills, improving their performance and helping them to multiply the efforts of community council sports officials, all of which enhances their full development and encourages them to pursue studies in their specialty. The programme includes festivals and other group activities that promote the full development of children, helping to improve their prospects for a better quality of life.

e. School and civic harmony programmes

157. The Directorate-General for Crime Prevention¹⁵ is responsible for designing, promoting, coordinating and implementing plans, projects and programmes on prevention of violence and crime. These programmes, which are organized in conjunction with institutions and communities, help strengthen civic harmony by fostering a culture of prevention, proactive participation and appreciation for values, while improving the quality of life and national development.

158. The Directorate-General for Crime Prevention carries out a school programme to provide opportunities for comprehensive prevention. It is designed to promote a culture of prevention throughout the educational system, by offering instructional, training, cultural,

¹⁵ A division of the Office of the Deputy Minister of Prevention and Citizen Security of the Ministry of Internal Affairs and Justice. It was created by Executive Decree No. 241, of 11 February 1970, and ratified as noted in *Gaceta Oficial* No. 36617, of 1 January 1999.

recreational and sporting activities at the basic, intermediate and diversified educational centres. The programme seeks to raise awareness among its members, using comprehensive prevention to develop a value system that is consistent with social responsibility, at both the individual and the collective levels.

159. The National Preventive Education System is a programme that targets the country's student population. Its objective is to encourage preventive strategies that strengthen values at the basic and intermediate levels of the system, in order to promote civic harmony and comprehensive security, thereby reducing violence and crime. It is supplemented by the following initiatives:

- School Crime Prevention Committees, which promote the development of prevention strategies for reinforcing values at the basic, intermediate and diversified levels, in order to promote civic harmony and comprehensive security and reduce violence and school crime. The target population is fourth-, fifth- and sixth-grade students in the basic education system.
- The Life and Values Educational Programme, which seeks to develop in adolescents the positive moral values that all human beings possess. The programme targets first-, second- and third-year students in the intermediate education system.
- The Social-Work Programme, which seeks to encourage social outreach activities in the communities, with students serving as volunteers in prevention education. The programme targets fourth- and fifth-year students in the intermediate educational system.
- The Preventive Action Multiplier Committees Programme, which is designed to help high-school students who are near completion of the *bachillerato* (high-school diploma) programme to complete the required 120 hours of social work in order to receive their diploma and become multipliers of public safety information. The programme targets fourth- and fifth-year students in the diversified cycle at selected schools.

160. The Community Prevention Programme seeks to promote active citizen participation in community groups responsible for planning, implementing and supervising prevention projects that address felt needs. It is designed to encourage, sensitize, guide, inform and train organized groups, as well as the community as a whole, in the comprehensive prevention of violence, both criminal and non-criminal. It provides the most vulnerable members of the population — children and adolescents — with strategies and techniques that allow them to play a central role in this effort.

161. The Plan of Action for the Prevention, Suppression and Punishment of the Crime of Trafficking in Persons and Comprehensive Assistance for Victims promotes coordinated action on the part of governmental and non-governmental organizations, as well as international cooperation agencies, to prevent, suppress and punish trafficking in persons and provide comprehensive assistance for children, adolescents, young people, women and men in the Bolivarian Republic of Venezuela who have been victimized by this crime. In the effort to combat this crime, several treaties, pacts and conventions on human rights and civic harmony, especially on the protection of children, adolescents and women, have been signed and ratified. The Bolivarian Republic of Venezuela is a State party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. A bill on trafficking in persons is currently being drawn up, with a view to regulating the prevention, investigation and punishment of crimes involving trafficking in persons, and ensuring respect for human rights and the provision of comprehensive assistance and protection for victims and their immediate families, in accordance with the Constitution, the

law and relevant international treaties and conventions that have been signed and ratified by the Bolivarian Republic of Venezuela.

162. The following workshops are offered in the context of the aforementioned programmes of the Directorate-General for Crime Prevention: Crime Prevention, Prevention of Drug Use and Abuse, Trafficking in Persons and Smuggling of Migrants, Prevention of Child Pornography, Prevention of School Violence, Proper Use of Information and Communication Technologies, Prevention of Child Abuse, Prevention of Sexual Abuse, Education in the Family and Conflict Resolution.

163. The programme entitled *El Policía y el Guardia Van a la Escuela* (The Policeman and the Watchman Go to School) teaches children and adolescents to view officers of public safety agencies as effective sources of information on how to improve safety and minimize risks for this vulnerable sector of the population. The Bicentennial Safety Initiative, a specialized plan to provide comprehensive security in areas with high crime rates, provides for patrols in school zones and communities.

G. Article 7

164. To fulfil the Bolivarian Republic of Venezuela's obligation to offer cooperation and financial assistance for the implementation of the Optional Protocol, a number of well-coordinated intersectoral public service programmes are being carried out by State entities and civil society, through the following means: (a) formulation of policies and programmes providing protection and care; (b) protection measures; (c) administrative and judicial bodies that provide protection; (d) entities and services that provide care; (e) sanctions; (f) administrative and judicial procedures; (g) protection action, and (h) economic resources.

165. With regard to technical cooperation and financial assistance, the Ministry of Defence and the military units posted at the borders have monitored the situation in those areas, in compliance with international commitments relating to children. These units reinforce the prevention programmes carried out by agencies in the National System for the Comprehensive Protection of Children and Adolescents by alerting them about irregular situations involving the participation of children and adolescents in armed groups.

166. In the framework of the National System for the Comprehensive Protection of Children and Adolescents and its subsidiary entities, and pursuant to article 137(k) of the Organic Act on Child Protection, the Autonomous Institute and National Council on the Rights of Children and Adolescents is charged with requesting the competent authorities to take action and allocate resources for the solution of specific problems affecting children and adolescents.

167. Since 2003, the Autonomous Institute and National Council on the Rights of Children and Adolescents, working through the Autonomous Service and National Fund for the Protection of Children and Adolescents, has financed action and implementation plans, as well as nationwide programmes and projects, so as to ensure that funds are available for prevention, protection, care and restoration of the rights of children and adolescents throughout the country, and especially in the border areas.

168. Between 2000 and 2010, the National System for the Comprehensive Protection of Children and Adolescents, working through the Autonomous Service and National Fund for the Protection of Children and Adolescents, devoted financial and non-financial resources at the national, state and municipal levels, for the purpose of implementing programmes, actions or services to provide protection and assistance to children and adolescents, as required under article 331 of the Organic Act on Child Protection. The resources have gradually been transferred to state and municipal child protection funds under financing and co-financing agreements, in order to reduce the effect of inequities in income distribution

and offset the high cost of implementing protection programmes, actions and services in sparsely populated areas. The resources were assigned in two stages.

169. During the first stage, the Autonomous Service and National Fund for the Protection of Children and Adolescents allocated 60 per cent of its resources to state and municipal funds. Forty per cent of its resources were used to finance national and regional programmes.

170. During the second stage, resources were allocated to states and municipalities, taking into account the following criteria:

- (a) Human development index for each state;
- (b) Budgetary allocations made by the National Budget Office, by state and municipality;
- (c) Population of children and adolescents, by state and municipality;
- (d) Socioeconomic situation of municipalities;
- (e) Population density.

171. During 2008 and 2010, the criteria used to select beneficiaries of the programmes and projects were based on articles 124 and 334 of the Organic Act on Child Protection, as well as on the general guidelines for the Simón Bolívar National Project 2007-2013, the objectives and goals issued by the Ministry for Participation and Social Protection, the lead agency of the National System for the Comprehensive Protection of Children and Adolescents and the strategic lines of action of the Neighbourhood Children mission, which include:

- (a) Services for four groups:
 - (i) Children and adolescents who have been removed from their family environment;
 - (ii) Children and adolescents who are drug-dependent and users of drugs and narcotic substances;
 - (iii) Children and adolescents who are victims of labour exploitation;
 - (iv) At-risk children and adolescents, this being the largest group, as it includes children from all sectors of society;
- (b) Organizing of children and adolescents for proactive participation in society.

Sources

Constitution of the Bolivarian Republic of Venezuela

Civil Code

Organic Act on Child Protection

Organic Act on the National Bolivarian Armed Forces

Organic Act on Education

Conscription and Military Enlistment Act

Act against Kidnapping and Extortion

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

Act Prohibiting Warlike Video Games and Warlike Toys
