



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Sixty-seventh session

1–19 September 2014

Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to the combined third to fifth periodic reports of the Bolivarian Republic of Venezuela

Addendum

### Replies of the Bolivarian Republic of Venezuela to the list of issues\*

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\* The present document was not edited before being sent to the United Nations translation services.

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## Part I

**1. Please provide more information on the organization, roles, responsibilities and activities of the National System for the Comprehensive Protection of Children and Adolescents as the entity responsible for coordination to ensure the implementation of the Convention in the State party. Please explain how the various bodies working for the rights of the child are structured.**

1. It is important to explain that the Constitution of the Bolivarian Republic of Venezuela mandates the establishment of a National System for the Comprehensive Protection of Children and Adolescents, under the authority of the national Government. Article 78 of the Constitution<sup>1</sup> provides for the creation of such a System in order to strengthen the State's responsibility for guaranteeing the human rights of children and adolescents.

2. The powers of the National System include establishing coordination between public bodies and private organizations in order to create a far more efficient and effective network for addressing, protecting and safeguarding the human rights of children and adolescents.<sup>2</sup>

3. The public bodies that make up the System are still administrative and judicial, but administrative bodies have been given a greater range of action in order to end judicial involvement in tackling social problems and limit the jurisdiction of judicial bodies to the resolution of purely legal conflicts.<sup>3</sup>

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<sup>1</sup> **Constitution of the Bolivarian Republic of Venezuela, article 78:** "Children and adolescents are full subjects of law and shall be protected by specialized legislation, bodies and courts, which shall respect, guarantee and implement the content of this Constitution, the law, the Convention on the Rights of the Child and any other relevant international treaties signed and ratified by the Republic. The State, families and society shall guarantee comprehensive protection as an absolute priority, taking the best interests of children and adolescents into account in decisions and actions concerning them. The State shall promote their gradual incorporation into active citizenship and shall create a national system for the comprehensive protection of children and adolescents."

<sup>2</sup> **Child and Adolescent Protection Act, article 133. Governing authority:** "The Ministry responsible for the comprehensive protection of children and adolescents shall be the governing authority of the National System for the Comprehensive Protection of Children and Adolescents. It shall have the following powers: (a) to define the policies of the National System for the Comprehensive Protection of Children and Adolescents; (b) to adopt the National Plan for the Comprehensive Protection of Children and Adolescents; (c) to approve the mandatory and legally binding general guidelines of the National System for the Comprehensive Protection of Children and Adolescents submitted for its consideration by the National Council for the Rights of Children and Adolescents; (d) to monitor and evaluate policies, plans and programmes for the comprehensive protection of children and adolescents; (e) to review and propose amendments to the applicable laws in order to ensure the viability of the National System for the Comprehensive Protection of Children and Adolescents; (f) to establish and develop forms of interaction and joint coordination among public, private and community bodies to ensure the coherence of the System's policies and plans; (g) to ensure compliance with the mandate and obligations of the National System for the Comprehensive Protection of Children and Adolescents in matters within its jurisdiction, as well as those of its affiliated bodies and entities; (h) to exercise any oversight functions with regard to the administration and management of its affiliated bodies and entities; (i) to request administrative and financial information from the National Council for the Rights of Children and Adolescents on its management; (j) to draw up the implementing regulations for this Act; (k) to exercise such other powers as are established by law or by the national executive branch."

<sup>3</sup> **Child and Adolescent Protection Act, article 119. Composition:** "The National System for the Comprehensive Protection of Children and Adolescents shall be composed of: (a) the Ministry

4. It should be mentioned that the amended Child and Adolescent Protection Act, in implementing **the National System for the Comprehensive Protection of Children and Adolescents**, in no way alters the principles underpinning the doctrine of comprehensive protection. Rather, it strengthens them by maintaining one of the requirements of the Convention, namely, to limit discretionality in the application of decisions affecting children and adolescents by incorporating new actors, bodies and procedures, with clearly defined powers, whose role is to guarantee their fundamental rights.
5. Moreover, because its governing authority is the Ministry responsible for the comprehensive protection of children and adolescents, the System ensures that a senior government official, namely, a Minister, can keep the President of the Republic regularly informed on all child-related matters and receive instructions from him in this regard. Furthermore, as a member of the Council of Ministers, the Minister can see to it that the necessary coordination exists for the rights of children and adolescents to be respected at all levels of government.
6. At the time of drafting, the governing authority is the Ministry for the Office of the President and the Monitoring of Government Action,<sup>4</sup> acting through its Vice-Ministry for the Supreme Social Happiness of the People, the creation of which was one of the measures taken by the Bolivarian Government to restructure and strengthen social policies targeting the most vulnerable sectors of the population.
7. As part of the new institutional framework, the Vice-Ministry directs policies, plans, programmes and actions in the areas of prevention, protection, health, care, education, recreation and social inclusion, as well as evaluating and monitoring these social policies aimed at addressing Venezuelans' social problems, in order to eradicate social phenomena that affect the exercise and full enjoyment of their rights, with special emphasis on the most socially vulnerable people, at the national, regional, municipal and communal level.
8. Its strategic objective is to ensure the coordination and integration of policies aimed at providing prevention, protection, care, recreation and social inclusion for families, children and adolescents, people living on the streets, older persons, people with disabilities and, in general, anyone living in conditions of social vulnerability.
9. This means that one of the most important functions of the Vice-Ministry for the Supreme Social Happiness of the People is coordination with the different bodies that implement public policy, in order to consolidate actions coordinated with social protection policies and establish and develop forms of joint interaction.
10. The different State entities and bodies working to promote children's rights also interact and coordinate their activities directly in order to ensure the coherence of the System's policies and plans. Ongoing intersectoral and inter-agency meetings and participation in and integration with community organizations, social groups and individual citizens have permitted the development, between grass-roots organizations and State entities, of a system of public management that is designed to meet communities' needs and aspirations in building a society characterized by equity and social justice.

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responsible for the comprehensive protection of children and adolescents; (b) councils for children's and adolescents' rights and child and adolescent protection councils; (c) child and adolescent protection courts and the Social Court of Cassation of the Supreme Court of Justice; (d) the Public Prosecution Service; (e) the Ombudsman's Office; (f) the autonomous Public Defender's Office; (g) care institutions; (h) offices of the children's and adolescents' Ombudsman; (i) communal councils and other grass-roots organizations."

<sup>4</sup> Official Gazette of the Bolivarian Republic of Venezuela, No. 40.280 of 25 October 2013, Decree No. 506.

**2. Please provide detailed information about the status of the adoption of the National Plan of Action for Children and Adolescents. Please also tell whether the Plan provides for a comprehensive review of policies, plans and systems for the advancement and protection of the rights of children and adolescents, whether it provides for a system of consultations and how the various actors working to promote and protect the rights of the child are to be involved.**

11. With regard to the status of the adoption of the National Plan for the Comprehensive Protection of Children and Adolescents 2009–2013, it should be explained that most of the actions envisaged in the Plan were included in the annual plan of action of the Institute for the Protection of Children’s and Adolescents’ Rights (IDENNA).

12. IDENNA is currently in the process of amending the Plan for the period 2015–2019. This will entail comprehensively reviewing the policy and plans of the system for the promotion and protection of children’s and adolescents’ rights by holding intersectoral coordination meetings, at which uniform criteria will be agreed for the monitoring of comprehensive protection plans, programmes and projects, the development of education and training strategies for public servants and the drafting and application of prevention and care protocols for children and adolescents in each of the services provided by the different institutions.

13. A consultation process is envisaged for the Plan’s design, consisting of three phases:

(a) A first phase, involving the incorporation and active involvement of children and adolescents with those working to promote and protect their rights. A pilot phase consisting of talks and workshops is currently being implemented in the states of Apure, Miranda, Sucre, Trujillo and Vargas and the Capital District to review priority lines of action and involve children and adolescents in the Plan’s design and consultation process. Working meetings are also planned with municipal councils for children’s and adolescents’ rights, child and adolescent protection councils and other components of the National System corresponding to the states chosen for the pilot phase.

(b) The second phase involves the holding of a national coordination meeting among public bodies, multilateral agencies, non-governmental organizations, social movements and other stakeholders in the National System. There are plans to include children and adolescents between the ages of 10 and 17 years in this meeting.

(c) In the third phase, a coordination meeting will be held with the state Directorates for Children’s and Adolescents’ Rights affiliated with IDENNA. The proposed Plan emanating from the pilot phase will be presented at the meeting with a view to continuing the consultation process with the different stakeholders in states, municipalities, parishes and localities in the rest of the country.

14. The preparation of the 2015–2019 Plan provides an opportunity for all stakeholders to meet and talk with a view to proposing and coordinating policies, plans, programmes and projects for the promotion and protection of the rights of children and adolescents, in keeping with the strategic objectives of the Second Socialist National Economic and Social Development Plan, 2013–2019.

**3. Please tell what the function and responsibilities of the Autonomous Institute of the National Council for the Protection of Children’s and Adolescents’ Rights are and how the activities described in paragraph 25 of the periodic report, such as the annual public consultation on the formulation of comprehensive protection policies and plans and the preparation of the draft budget, are carried out.**

15. All public policy related to the promotion and protection of children’s and adolescents’ rights is formulated in accordance with the strategic objectives of the Second

Socialist National Economic and Social Development Plan, 2013–2019. Subsequent government action involves the inclusion of all the National System's different component bodies in the design, strategic implementation and decision-making processes, thereby ensuring broad agreement among many political and social actors with a view to strengthening and legitimizing a common project.

16. It must be emphasized that the key strategy for carrying out activities for the formulation of comprehensive protection policies and plans is public participation, which is ongoing and not just an annual exercise. The mechanisms used to ensure that this participation is real include: national coordination meetings between public institutions and organizations of people's power, multilateral agencies, social movements and other stakeholders who contribute to the protection system, and the inclusion and active participation of children and adolescents.

**4. Please provide additional updated information on budget appropriations for activities relating to children and adolescents and tell how they are allocated among the various programmes developed by the State party.**

17. The budget appropriations for the different programmes and projects related to children and adolescents executed by IDENNA and financed or co-financed with resources from the National Fund for the Protection of Children and Adolescents (FNPNA) were US\$ 135,843,535<sup>5</sup> in 2011, US\$ 179,433,704 in 2012 and US\$ 108,023,653<sup>6</sup> in 2013. These appropriations were distributed for: (a) the Neighbourhood Children Mission; (b) the promotion, defence and protection of children's and adolescents' rights; and (c) the financing or co-financing of comprehensive child and adolescent protection programmes and projects with resources from the Autonomous Service of the National Fund.

**5. In the light of paragraph 72 of the State party report, please provide information describing how the Neighbourhood Children Mission and other social missions are structured within the framework of public policy relating to the rights of children and adolescents. Please also provide information on systems for evaluating the work of social missions in implementing children's rights and indicate what percentage of the budget is earmarked for this.**

18. The Bolivarian Government originally set up the social missions as an accelerated mass social inclusion strategy structured to implement social policies in such areas as education, health, food, identity, work, culture and housing. However, over the past 10 years the social missions have evolved into a comprehensive public policy. The recently constituted National System of Missions has a structured plan that includes processes for the monitoring and evaluation of outcomes and impact for social missions and major social missions at the different territorial levels.

19. These social missions have made it possible to guarantee the universal exercise and enjoyment of economic, social and cultural rights by the entire population, promoting the active participation of society as a whole and the exercise of conscious, responsible and active citizenship, thereby contributing to the free and sovereign development of the nation. The impact of these missions on progress towards achieving the Millennium Development Goals has been recognized by international organizations such as the United Nations and the Food and Agriculture Organization of the United Nations (FAO).

<sup>5</sup> Reference exchange rates for the first quarters of 2011 and 2012: 4.30 bolivars.

<sup>6</sup> Reference exchange rates for the first quarter of 2013: 6.30 bolivars.

6. **In the light of paragraph 93 of the State party report, please explain how the Convention is incorporated in training programmes on the comprehensive prevention, care and protection of children and adolescents. Similarly, please provide information on other measures taken by the State party to carry out training plans and programmes on the Convention among professionals working with and for children, and on measures taken to disseminate and increase awareness of the Convention and the rights of children and adolescents. Please also indicate whether the Convention has been translated into and disseminated in indigenous languages.**

20. In 2011 and 2013, as well as in previous periods, IDENNA incorporated the entire contents of the Convention and the Child and Adolescent Protection Act into training plans for the different professionals working with children and adolescents. It has also carried out various training programmes to publicize both instruments, in order to disseminate and increase awareness of their content among the general public.

21. Training days on the Convention and the Child and Adolescent Protection Act were also held for children and adolescents belonging to educational institutions, for comprehensive protection units (UPI) and communal comprehensive protection centres (CCPI), for adolescents and young people belonging to different social movements such as the Children's Entertainers Movement,<sup>7</sup> for communal councils and, more specifically, their committees for the social protection of children and adolescents, and for other members of the National System for the Comprehensive Protection of Children and Adolescents.

22. The results achieved in the period from 2011 to 2013 include the following:

(a) **Training workshops on the subject of rights:** attended by a total of 354,599 persons, of whom 220,948 were children and 133,651 were adolescents;

(b) **Workshops on prevention and care:** attended by a total of 68,945 persons, of whom 31,968 were adolescents and 36,977 were young people;

(c) **Training workshops on popular communication brigades:** attended by a total of 5,590 persons, of whom 2,611 were children and 2,979 were adolescents;

(d) **Workshops on "life projects", aimed at teachers, adolescents and adults in general:** attended by a total of 59,941 persons, of whom 5,480 were teachers and 54,461 were adolescents and adults;

(e) **Workshops on child and adolescent rights, aimed at staff of the National System for the Protection of Children and Adolescents:** attended by a total of 156,391 persons, of whom 7,995 were spokespersons for communal councils and 148,396 were teachers.

23. On 13 October 2011, the Ombudsman's Office set up *the Juan Vives Suriá Human Rights School*,<sup>8</sup> whose action is focused on gradually building a space for the production of knowledge and the strengthening of practices that counter the liberal hegemonic model of human rights.

24. To this end, the Juan Vives Suriá Foundation has consolidated and institutionalized the teaching it offers on children's and adolescents' human rights. To date, the following academic courses have been offered, attended by large numbers of State employees with responsibilities in the area of children's affairs: "Basic course on the Child and Adolescent Protection Act", "Offices of the children's and adolescents' Ombudsman", "Child and

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<sup>7</sup> The comprehensive protection units (UPI), the communal comprehensive protection centres (CCPI) and the Children's Entertainers Movement are all programmes executed in the framework of the Neighbourhood Children Mission.

<sup>8</sup> Official Gazette No. 39.777.

adolescent protection councils”, “Mediation and conciliation in family disputes”, “Mediation and conciliation in school disputes”, “Prevention of mistreatment and promotion of good treatment” and “Improved teaching for the education of children and adolescents with attention deficit disorder”.

25. These courses, which do not lead to an academic qualification, are designed to offer comprehensive specialized training, incorporating theoretical knowledge, methodological tools and technical skills, in order to meet the challenges involved in guaranteeing the human rights of children and adolescents, in keeping with the fundamental aims, values and principles of a democratic and social State governed by the rules of law and justice. The Juan Vives Suriá Foundation also taught various courses on the human rights of children and adolescents at the Bolivarian University of Venezuela, which were attended by 2,648 persons and consisted of 872 hours of academic instruction.

26. Since its creation, the Foundation has carried out 291 activities related to child and adolescent human rights through the Human Rights School, training a total of 14,627 persons and imparting 13,444 hours of academic instruction.

27. To promote understanding of the right to be well treated, the Ombudsman’s Office has an outreach programme designed to promote a culture based on understanding of this right, which is a shared responsibility of the State, the family and society. As of 2013, 8,310 children and adolescents and 3,536 adults — comprising management personnel, mothers, fathers, teachers and community representatives and leaders — in 20 states had received instruction on this issue.

28. Another measure taken by the Ombudsman’s Office to promote the training of professionals working with children and adolescents was the publication of a document entitled “Theoretical and methodological guidelines for the teaching of children and adolescents”. The document was produced with the support of the United Nations Population Fund (UNFPA) and the National Sex Education Centre of Cuba (CENESEX-Cuba) and has been used to train 3,865 doctors from integrated community medical centres, 35 local Ombudsmen and 15 professionals from other institutions.

29. The Programme for the Promotion and Dissemination of Sexual and Reproductive Rights, also promoted by the Ombudsman’s Office, is designed to promote a human rights culture from the standpoint of healthy, pleasurable and responsible sexuality. The programme is currently being implemented through local Ombudsman’s offices throughout the national territory. As of 2013, 7,954 persons had received instruction on the subject, of whom 2,976 are professionals or persons dealing directly with children and adolescents.

30. To promote the organization and training of children and adolescents to provide outreach on the Convention and on human rights in a school setting, the Ombudsman’s Office has a nationwide School Ombudsman Programme. As of 2013, the Programme had been implemented in 41 educational centres run by 16 state Ombudsman’s offices, training a total of 1,483 children and adolescents and setting up 41 school Ombudsman councils.

31. One priority of the Ombudsman’s Office is to promote the exercise of the right to be well treated. To this end, messages and contents have been disseminated to help communities understand this right, with press articles and radio programmes on the subject designed to promote a culture of good treatment as the shared responsibility of the State, the family and society. What is important about this initiative is that it publicizes the legislative, administrative, social and educational measures taken to prevent and eliminate corporal or humiliating punishment of children or adolescents.

32. The Ministry of Internal Affairs, Justice and Peace promotes the incorporation of the Convention on the Rights of the Child and the Child and Adolescent Protection Act in the

different training programmes carried out by the Human Rights Directorate, the Directorate of Crime Prevention and the National Anti-Drug Office (ONA).

33. As part of the first component of the *A Toda Vida Venezuela* mission,<sup>9</sup> entitled “Comprehensive prevention and harmonious coexistence”, the Human Rights Directorate is piloting the creation of the *Misión A Toda Vida Va a la Escuela* (*A Toda Vida* mission goes to school) in the state of Táchira as a means of reducing the risk of the commission of violent crimes, misdemeanours and conflicts. In this activity, the Ministry’s human rights team and the educational area of Táchira state were mobilized to promote the creation of educational centres in which children and adolescents and also teachers, parents and representatives have learnt about respect for human rights and their application, norms of coexistence and obligations, and prevention issues related to juvenile crime, early pregnancy and drug use. During 2012–2013, an average of 5,500 children and 2,700 adolescents received instruction in such centres.

34. The Directorate of Crime Prevention is also carrying out training programmes in the area of comprehensive prevention, which are designed to promote and propose a culture of crime prevention at all levels and in all areas of the country’s education system, strengthening such values as ethics, morality, discipline, criticism, self-criticism and social responsibility for good living.

35. These programmes cover topics that promote fundamental principles established in the Convention and the Child and Adolescent Protection Act, such as respect for coexistence at school, responsibility in the family, prevention of violence and mistreatment of children and adolescents and protection of children and adolescents against information and materials prejudicial to their wellbeing, as well as their duties and rights.

36. Lastly, through the “Planting Values for Life” plan, the National Anti-Drug Office is implementing programmes and projects for at-risk children and adolescents that promote a culture of human rights. These programmes include the “Step-by-Step Prevention” programme, which helps at-risk children and adolescents with tools that enable them to improve their life skills through educational, sports, cultural and recreational activities, with a view to preventing drug abuse and promoting social and family values. This programme is helping to reduce the demand for drugs at an early age and to prevent biological, psychological and social dysfunction in order to guarantee children’s and adolescents’ well-being, generate quality of life, strengthen their values and self-control and encourage their life projects.

**7. Please provide specific, detailed information on the process for the appointment of the Ombudsman as well as on the legislative and administrative measures taken to guarantee his or her independence and on the allocation of the human, technical and financial resources required for the full discharge of his or her mandate.**

37. The selection and appointment of the Ombudsman follows a procedure established in the Constitution, the Act on the civil branch of government and the Act on the Ombudsman’s Office.<sup>10</sup> The appointment procedure begins with the formation of a

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<sup>9</sup> Published in Official Gazette No. 39.965 of 16 July 2012 as a State policy aimed at taking action to strengthen environments for harmonious coexistence, peace and full development. Its implementation is entrusted to the Human Rights Directorate. Text available at: [http://www.misionatodavidavenezuelagob.ve/index.php?option=com\\_content&view=article&id=51&Itemid=179](http://www.misionatodavidavenezuelagob.ve/index.php?option=com_content&view=article&id=51&Itemid=179).

<sup>10</sup> **Act on the civil branch of government, article 279:** “The Republican Moral Council shall convene a committee to evaluate applications for appointment to the civil branch of government, made up of representatives from various sectors of society. It shall conduct a public process resulting in the adoption of a list of three candidates for each organ of the civil branch, to be submitted to the

committee to evaluate applications for appointment to the civil branch, which must have a maximum of 25 members. Under the Act on the civil branch of government, the various sectors of Venezuelan society must be represented on the committee.<sup>11</sup>

38. Subsequently, the evaluation committee must publicly invite Venezuelans interested in doing so to apply or submit applications for the post of Ombudsman. The committee must also evaluate the curricula vitae of all citizens who apply for the post, in order to select a list of three candidates for submission to members of the National Assembly.

39. Lastly, the National Assembly must choose from the list of three candidates proposed by the evaluation committee the person who is to serve as Ombudsman. If members of the National Assembly fail to reach an agreement, the electoral branch, through the National Electoral Council, must call a referendum of the entire population to choose the future Ombudsman.

40. According to article 273 of the Constitution<sup>12</sup> and article 3 of the Act on the civil branch of government,<sup>13</sup> the Ombudsman's Office is an organ of the civil branch that enjoys functional, financial and administrative autonomy. Articles 5 and 18 of the Act on the Ombudsman's Office<sup>14</sup> also refer to the Office's independence and autonomy. Furthermore, the Ombudsman enjoys immunity in exercising his or her functions, which guarantees that

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National Assembly for consideration. The Assembly shall select, by a favourable vote of two thirds of its members and within a period of 30 days at the latest, the appointee to the organ in question of the civil branch of government. If the Assembly fails to reach agreement by the end of this period, the electoral branch shall put the list of three candidates to the popular vote."

<sup>11</sup> **Act on the civil branch of government, article 23:** "The committee to evaluate applications for appointment shall be composed of no more than 25 representatives of various sectors of society, who must be Venezuelan by birth and in full possession and enjoyment of their civil and political rights. The requisite features of the committee shall be established in the rules of procedure of the Republican Moral Council, which shall convene it 60 days before the term of office of the existing appointees to the organs of the civil branch expires, so that new appointees can be selected in a public process as established in article 279 of the Constitution of the Bolivarian Republic of Venezuela. If the committee to evaluate applications for appointment to the civil branch is not convened within the period indicated, the National Assembly shall make the appointments to the organs of the civil branch within 30 days at the latest."

<sup>12</sup> **Constitution of the Bolivarian Republic of Venezuela, article 273:** (...) "The organs of the civil branch of government shall be the Ombudsman's Office, the Public Prosecution Service and the Office of the Comptroller General of the Republic (...) The civil branch shall be independent and its organs shall enjoy functional, financial and administrative autonomy. To this end, it shall be assigned a variable annual appropriation from the general State budget (...)."

<sup>13</sup> **Article 3:** The civil branch shall be independent of the other branches of government and may not, therefore, be obstructed or pressured by any authority in the exercise of its functions. The organs of the civil branch shall enjoy functional, financial and administrative autonomy."

<sup>14</sup> **Act on the Ombudsman's Office, article 5. Independence and autonomy:** "The Ombudsman's Office, as an organ of the civil branch, shall be independent of the other branches of government and shall enjoy organizational, functional, financial and administrative autonomy."

**Article 18:** Principle of independence. The Ombudsman shall be independent and shall act with freedom of conscience in exercising his or her constitutional and legal powers. He or she shall not be subject to a binding mandate or to instructions from any authority. His or her actions must be in keeping with the Constitution of the Bolivarian Republic of Venezuela."

he or she can act independently.<sup>15</sup> Such immunity is also mentioned in article 23 of the Act on the Ombudsman's Office.<sup>16</sup>

41. Thus, the Ombudsman's Office is an organ enjoying functional, administrative and financial autonomy; in exercising its functions it is independent of the other branches of government and its powers may be defined only by Organic Act. The Ombudsman directs the Office and is subject to neither a binding mandate nor instructions from any authority.

42. With regard to the selection of the staff of the Ombudsman's Office, it must be emphasized that, as mandated by the Constitution and the law, the Ombudsman is responsible for appointing and organizing the Office's staff. The Act on the Ombudsman's Office gives the Ombudsman the power to appoint, remove and dismiss the Office's staff.<sup>17</sup>

**8. Please tell how the National Development Plan, the “Plan for the Nation 2013–2019”, incorporates the principle of the best interests of the child, and indicate the public policies into which the rights of children and adolescents have been incorporated.**

43. The National Economic and Social Development Plan, 2013–2019 incorporates the principle of the best interests of the child implicitly in the national goal of building a fair and egalitarian society and expressly in the general objectives aimed at the expansion of conditions that guarantee everyone's rights, respecting the social, legal, physical, age and cultural diversity present in individuals or groups, and of conditions that will afford Venezuelan families the greatest level of social security and supreme happiness, based on values and principles of respect, equality, solidarity and shared responsibility, in a framework of social justice as the essence of the building of socialism.

44. Children's and adolescents' rights receive special attention and are a cross-cutting theme of public policy, in keeping with the principle of the best interests of the child as a guarantee of their rights. They are also framed by the major social missions, including: Children of Venezuela, Neighbourhood Children, Neighbourhood Mothers, Niño Jesús, Sonrisa, José Gregorio Hernández, Housing and Habitat, Mercal, Identity, Knowledge and Work, Barrio Adentro I, II and III, Barrio Adentro Deportivo, Culture, Sovereign People, Peace and Life, the José Félix Ribas Foundation, the National Foundation for Persons with Disabilities (CONADPIS), the Simón Bolívar Music Foundation, the César Rengifo National Children's and Youth Theatre Movement Foundation, the National Social Services Institute and the National Council for the Development of Afro-descendant Communities. These rights are also envisaged in the different intersectoral public policies developed by the national executive branch and those undertaken in the context of the signing of national and international cooperation agreements.

<sup>15</sup> **Constitution of the Bolivarian Republic of Venezuela, article 282:** “The Ombudsman shall enjoy immunity in exercising his or her functions and may not therefore be prosecuted, detained or put on trial for acts related to the exercise of his or her functions. In any case, only the Supreme Court of Justice shall be seized of the matter.”

<sup>16</sup> **Act on the Ombudsman's Office, article 23. Immunity:** “The Ombudsman shall enjoy immunity in exercising his or her functions from when he or she is first appointed until his or her term of office expires. Accordingly, he or she may not be prosecuted, detained or put on trial for any views that he or she may express or for any actions that he or she may take in exercising his or her constitutional and legal powers. In cases where he or she is alleged to have committed a crime, only the Supreme Court of Justice shall be seized of the matter, as the sole authority empowered to order his or her detention and to continue his or her trial. In the event of *flagrante delicto*, the competent authority shall place him or her under house arrest and immediately inform the Supreme Court of Justice.”

<sup>17</sup> **Act on the Ombudsman's Office, article 29:** Powers of the Ombudsman. “The powers of the Ombudsman in exercising his or her functions shall be (...) to organize and direct the Ombudsman's Office, to create posts and to appoint, evaluate, promote, recognize, punish, remove and dismiss permanent or temporary staff, in keeping with the staff regulations.”

**9. Please tell the Committee whether the State party has considered raising the legal age for marriage. Likewise, please provide information on the current status of the remedy relating to this question, which the Ombudsman's Office submitted to the Supreme Court of Justice in June 2010.**

45. On 9 February 2010, the Ombudsman's Office filed with the Constitutional Division of the Supreme Court of Justice a remedy for nullification on grounds of unconstitutionality against article 46 of the Civil Code, published in the Official Gazette, Special Edition No. 2.990 of 26 July 1982, which establishes the age requirements for contracting marriage.

46. The remedy argued that the article in question infringed the right to equality and non-discrimination provided for in article 21 of the Constitution, as well as the absolute equality of rights of the spouses enshrined in article 77 of the Constitution, by establishing differential treatment, based exclusively on gender, with regard to the minimum age for marriage, a distinction that is neither reasonable nor objective.

47. On 8 June 2010, the Constitutional Division found the remedy for nullification admissible. The case is currently awaiting a judicial decision.

**10. Please tell the Committee whether the national identity plans "Yo Soy" and the "Misión Identidad" have been evaluated and what results these plans have had. In addition, please provide information about the progress made by the National Electoral Commission in the computerization of birth records with a view to the digitalization of birth certificates.**

48. The *Misión Identidad* Foundation was created on 17 May 2005<sup>18</sup> to provide substantive support to the Identification, Migration and Immigration Service (SAIME).<sup>19</sup> Its aim is to guarantee the human right to an identity by permitting the issuance of a laminated identity document to all Venezuelans, children and adolescents, without distinction as to class, religion or belief. This strategy has had a positive impact on the lives of all Venezuelans by enabling them to obtain an identity document rapidly and safely and giving them access to services that they were previously unable to receive. It should be noted that this process includes children receiving an identify card for the first time, as well as new documents issued in the event of loss of or damage to an existing document.

49. By means of annual planning, the mission fulfils its aims through 11 routes organized throughout the country according to the situation and needs of different communities,<sup>20</sup> thereby benefiting those communities and bringing the identification process to them.

50. It is important to emphasize that the identity card for indigenous persons includes not only basic information but also information on their respective indigenous community, as envisaged in the Indigenous Peoples and Communities Act, which enshrines their

<sup>18</sup> Published in Official Gazette No. 38.188 of 17 May 2005.

<sup>19</sup> Lead body for identification of the inhabitants of the Republic, attached to the Ministry of Internal Affairs, Justice and Peace.

<sup>20</sup> These routes are: José Gregorio Hernández identity route, for persons with disabilities; identity for native peoples route, for indigenous communities; school identity route, located in schools; university identity route, located in universities; electoral identity route, set up before electoral processes, at which an official of the National Electoral Council (CNE) is present and permitting the updating of data and the registration of citizens in the CNE system; communal councils identity route, located in rural or working class areas; fixed modules identity route and worker's identity route, located in businesses and public institutions; solidarity identity route, located in shelters; prison identity route, located in prisons; *Mi Casa Bien Equipada* identity route, set up when these kinds of operations are carried out.

recognition as native peoples, the protection and safeguarding of their rights and the preservation of their cultures.

51. The figures for the process of issuing identity cards to children in recent years are the following:

<i>Year</i>	<i>Children receiving their first identity card</i>
2011	497 597
2012	563 897
2013	536 921
January-March 2014	94 180
<b>Total</b>	<b>1 692 595</b>

**11. Please provide additional information on the implementation of the programme entitled “More protection and less violence, more inclusion and less disparity”, mentioned in paragraph 131 of the State party’s report. Also, please provide more information on measures taken by the State party to prevent violence in all areas, including in schools and in the home, and on the results achieved.**

52. The Institute for the Protection of Children’s and Adolescents’ Rights (IDENNA) is implementing a series of plans in coordination with the national Government. In particular, it is implementing programmes aimed at the prevention of violence at school, in the family and in the community. The actions taken include the following: National Child and Adolescent Recreation Plan, Art Lovers’ Festival, Rivers and Beaches Festival, *Colmenita Bolivariana* Cultural Collective, National Movement of Children’s Entertainers, Promotion of the Right to Good Treatment and the Peace and Life Movements.

53. Public policy is also being coordinated with the national Government, in an effort to improve public safety, through the *A Toda Vida Venezuela*<sup>21</sup> mission. In 2012, this mission was presented as a comprehensive public policy designed to tackle problems related to public safety. Its aim is to reduce violence and crime and to strengthen environments of peace and harmonious coexistence through the transformation of structural, situational and institutional factors.

54. In this context, the Ministry of Internal Affairs, Justice and Peace is taking steps to prevent violence in all spheres, including schools and the family, by working jointly with the *A Toda Vida Venezuela* Foundation and the Directorate of Crime Prevention.

55. Firstly, the *A Toda Vida Venezuela* Foundation is implementing a series of projects aimed at the protection of children and adolescents, based on this comprehensive public policy of the Venezuelan State. Under its first component, entitled “Comprehensive prevention and harmonious coexistence”, work is under way to formulate a “school for parents” programme in order to promote opportunities for meetings and training that will guide parents in their educational role. This will involve providing them with motivational and reflective tools for improving their educational role within the family, so that their children can grow up in environments conducive to their all-round physical, intellectual and spiritual development.

56. The first component also includes the promotion of cultural, sports and recreational activities within communities to enable them to develop their potential. As part of this effort, music schools have been created through the National System of Youth and

<sup>21</sup> See part III of this document.

Children's Orchestras of Venezuela and sports clinics have been held, in coordination with the Ministry of Sport and the Directorate of Crime Prevention, for children and adolescents from the neediest sectors. These clinics also include the rehabilitation of sports fields and sports areas in order to promote healthy leisure activities and provide crime-free spaces. To date, work has begun on the construction of 65 "*canchas de paz*" (crime-free sports fields), with an investment of 1,454,970 bolivars.<sup>22</sup>

57. The mission's third component, entitled "Transformation of the criminal justice system and creation of alternative conflict-resolution mechanisms", has involved the creation of comprehensive mediation and harmonious coexistence centres (CIMCS). Their aim is to help disseminate a culture of peace through public participation and harmonious coexistence, providing opportunities for helping, guiding and assisting citizens. By means of governmental inter-agency action, this policy seeks to prevent conflict from turning into crime.

58. Two CIMCS are currently in operation in the socialist urban development complexes of Ciudad Caribia in Vargas state and Ciudad Belén in Miranda state. They provide office space for protection bodies, and local Ombudsmen have been working there since November 2012 to guarantee and restore the rights of children and adolescents living in these communities. In so doing, they take a comprehensive approach to social cases at the local level, while legal aspects are referred to the child and adolescent protection courts and the municipal child and adolescent protection councils of the corresponding municipalities.

59. For 2014, there are plans to launch CIMCS in Petare, Ciudad Tiuna, civil prefecture El Junko, 23 de Enero and Brisas de Maiquetía in greater Caracas and in priority municipalities throughout the country.<sup>23</sup>

60. The Directorate of Crime Prevention is also carrying out social prevention activities to give effect to individual and collective guarantees and rights, as a cross-cutting process in education, culture, religion, sport, recreation, work, health, food, justice and communication. To this end, it is working to reduce risk factors by means of a strategic quarterly action plan that involves formulating, coordinating and executing tasks aimed at strengthening public safety. The plan is being executed in the Directorate's 24 regional offices throughout the country and is based on the participation of organized communities both in educational activities and in assistance and awareness-raising in the abovementioned areas.

61. In this connection, mention should be made of the implementation at institutional and community level of the following initiatives: a training programme for prevention and harmonious coexistence, the modules of which include contents that help promote peace, public coexistence, family strengthening and the importance of values; sports projects in the disciplines of taekwondo and boxing; and the "School Mediators for Peace and for Life" pilot project, aimed at creating a school mediation system to further promote and strengthen peace and respect for children, adolescents and young people within the framework of the Act on the special communal peace courts.<sup>24</sup> A training programme for community outreach workers is also being implemented, in which members of the

<sup>22</sup> *A Toda Vida Venezuela* bulletin, available at: [http://www.misionatodavidavenezuela.gob.ve/index.php?option=com\\_content&view=article&id=41&Itemid=170](http://www.misionatodavidavenezuela.gob.ve/index.php?option=com_content&view=article&id=41&Itemid=170).

<sup>23</sup> Nationwide, 79 municipalities with the highest rates of violence have been given priority.

<sup>24</sup> Published in Official Gazette No. 39.913 of 2 May 2012.

community can participate from the age of 16 and then opt to join prevention and social protection committees.<sup>25</sup>

62. In 2013, a total of 6,720,872 citizens were reached by the Directorate's activities, with 27,883 activities directly benefiting 207,370 working class children and adolescents nationwide. A total of 118 comprehensive protection committees, with 2,193 members, were set up and effective coordination was established with 1,014 communal councils comprising 22,062 members drawn from the community. The holding of 1,247 sports days allowed 319,527 children and young people to become actively involved in peace and life events; this will result in their inclusion in activities that contribute to their all-round development.

63. The Ombudsman's Office is focusing on the prevention of violence against children and adolescents through promotion and vigilance. Training, promotion and dissemination programmes can thus be conceived of as measures to prevent violence in the family, at school and in the community.

64. The powers of the Ombudsman's Office<sup>26</sup> include inspecting care institutions, children's and adolescents' Ombudsmen and their offices and urging the competent authorities to take such measures as may be necessary. The Ombudsman's Office must also supervise child and adolescent protection councils to ensure the effective exercise of children's and adolescents' rights and monitoring of the procedures laid down by law. This supervisory work is broadly preventive, one of the supervision criteria being to detect and avoid situations that could threaten the exercise of children's and adolescents' rights.

65. In addition to the above activities, the local Ombudsman's offices receive guidelines annually on how to gather information about cases of violence against children and adolescents detected through complaints made to the child protection councils of the country's different municipalities. Each state Ombudsman's office must identify, in the municipal plan for the protection of children and adolescents and in other possible programmes of each municipal rights council, the different measures, lines of action or guidelines for preventing violence against this vulnerable group or the measures taken to minimize, combat or mitigate such acts. It must also identify and support any measures or lines of action implemented by the municipal rights councils to care for child and adolescent victims of any kind of violence and any actions to promote the right to be well treated.

66. Lastly, one strategy for the prevention of violence at school was the holding of the international seminar entitled "School: a space for peace and good treatment. The role of national human rights institutions". The Venezuelan Ombudsman's Office, in close cooperation with the Ombudsman's Office of the Republic of Ecuador, hosted this international seminar, which included the participation of the United Nations Children's Fund (UNICEF) and was organized in the framework of the Network of National Human Rights Institutions in the Americas, under the auspices of the International Coordinating Committee and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Spokespersons from the national human rights institutions of Argentina, Bolivia, Canada, Chile, Colombia, Costa Rica, Ecuador, Mexico, Nicaragua, Panama and

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<sup>25</sup> The purpose of these committees is to make social actors assume responsibility for playing an active role in comprehensive prevention, through social organizing aimed essentially at working with vulnerable individuals and families to prevent factors that give rise to crime and affect the safety of communities (domestic violence, violence against children and adolescents, persons at risk, etc.). They channel and incorporate the participation of local institutions responsible for public safety, promoting and activating the principle of shared responsibility between the State and the community.

<sup>26</sup> See Child and Adolescent Protection Act, art. 170-A, paras. (e) and (k).

Venezuela attended the seminar in order to exchange experiences and help promote the right of children and adolescents to a life free from violence at school.

**12. Please provide information on the measures taken by the State party to prevent killings of children between the ages of 12 and 17, which have increased in recent years. Please provide information on the investigations carried out in cases in which members of the public security forces have been involved in such incidents.**

67. As explained earlier, the Venezuelan State is implementing and coordinating, through its different bodies, the public safety policy entitled *Gran Misión a Toda Vida Venezuela*. This involves taking safety measures designed to protect all Venezuelans, including children and adolescents, and to preserve their right to life. One component of the policy involves tackling the issue of child and adolescent protection from the standpoint of prevention and the safeguarding of rights, through a number of programmes and projects already mentioned under issue 10.

68. The Ministry of Internal Affairs, Justice and Peace is also working to foster a new culture of safety based on prevention and the preservation of life in different parishes, housing developments and communities throughout the country. It is doing this through the Safe Nation Plan, a civil and military project that emphasizes comprehensive protection, strengthening of public security bodies, transformation of the criminal justice system, creation of alternative conflict-resolution mechanisms and care for victims of violence.

69. The above activities are supplemented by the work being done by the Executive Secretariat of the Presidential Commission for Peace and Life, which approaches the goal of social peace from the standpoint of components I, V and VI of the *A Toda Vida Venezuela* mission. Its aim is to build a public policy that strengthens the culture of peace and life as a supreme value, giving priority to securing the active participation of the populations concerned in transforming the contexts and conditions that make them more vulnerable.

70. It is very important to highlight the work of the Commission for Voluntary Disarmament, which is promoting the voluntary surrender of firearms and ammunition located in Venezuelan territory, based on anonymity and on respect for and the protection of human rights, thereby increasing public safety and giving priority to human life.

71. The professional training and all-round development of law enforcement officers in Venezuela, thanks to the work of the National Experimental Security University (UNES), is also playing a vital role in building security forces in the service of the Venezuelan people that are transparent, ethical, trustworthy, effective, open to public participation and financial oversight and respectful of citizens' rights and freedoms.

72. Venezuelan law requires the competent bodies to launch a criminal investigation against police officers alleged to have committed a crime in the course of performing their duties, when the victim is a child or adolescent. The investigatory bodies are responsible for obtaining all the technical and scientific evidence needed to build a case file, which is transmitted to the Public Prosecution Service. The Prosecution Service verifies whether there has been a possible violation of fundamental rights and, if so, the police officers are tried before the corresponding courts in accordance with the principles of due process and presumption of innocence.

**13. Please provide updated information about measures taken to prevent teenage pregnancy in the State party and on progress made in implementing the Comprehensive Health Protocol for Adolescents. Please also provide additional information on the results of the “Gran Misión Hijos de Venezuela” project and on the kind of support and services provided to pregnant adolescents.**

73. To improve women’s overall health, the National Women’s Institute implemented, under the *Juana Ramírez la Avanzadora* plan, a project entitled “Strengthening families and communities for prevention, care and responsibility with regard to early pregnancy”. Between 2012 and 2013, 45,930 girls and adolescent women and 41,448 boys and adolescent men aged between 10 and 19 were trained as prevention workers in 499 educational centres in 20 federal entities.<sup>27</sup>

74. Workshops and talks were also given in educational communities and in entities of people’s power for the promotion of healthy, pleasurable and responsible sexuality. A total of 6,120 women attended such workshops and talks in 2013.

75. The Ministry of Internal Affairs, Justice and Peace is taking steps to prevent teenage pregnancy through the Directorate of Crime Prevention, which carries out comprehensive prevention educational activities that impart contents on sexual and reproductive health in primary and secondary schools.

76. Each of these activities lasts approximately four hours and involves face-to-face teaching and the use of methodological strategies that include screenings of the video “Sexuality in Adolescence”, workshops with slideshows, and discussions led by trained psychologists. These activities are aimed at adolescent girls and boys, teachers, mothers, fathers, people in authority and the community at large.<sup>28</sup>

**14. Please provide information on the measures taken to ensure the quality of education for all children, including children belonging to indigenous peoples. Please also describe any programmes for assessing the quality of the education provided.**

77. Venezuela is currently engaged in a broad and open consultative process on the quality of education, with the participation of students, teachers, administrative and manual staff and the community, aimed at drafting proposals for improving education. The national executive branch has attached particular importance to this issue and major advances have been made over the past decade through the implementation of educational missions, which have extended educational coverage to large masses of the population that previously had no access to it.

78. A National Commission for Educational Quality (CNCE) has been created for this purpose, chaired by the Minister for Education and made up of representatives of broad sectors of society. The Commission is temporary, consultative, inter-agency, transparent, participatory, plural and technical. Debates and consultations will include the different levels of territorial organization, beginning with schools, which form part of a community space, parishes, municipalities and states.

79. In the area of teacher training, there are policies and programmes for ongoing in-service training as part of current curriculum guidelines. Postgraduate teacher training

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<sup>27</sup> Statistics from the project “Strengthening families and communities for prevention, care and responsibility with regard to early pregnancy”, National Women’s Institute, 2011–2012.

<sup>28</sup> The training imparted in these workshops is the following: definition of adolescence, characteristics of the adolescent, problems faced by adolescents, concepts of sex and sexuality, causes of early pregnancy, consequences of early pregnancy, concept of sexually transmitted infection, types, causes and symptoms, risk factors, alternatives for preventing teenage pregnancy and sexually transmitted infections, institutions that offer sexual guidance.

programmes have been under way since 2007, with 4,016 teachers completing refresher courses, 617 teachers completing diplomas, 239 teachers completing various kinds of Master's degrees and 33 teachers completing doctorates.

80. With regard to measures to incorporate into the regular school curriculum for adolescents of both sexes broad and effective programmes on health and sexual and reproductive rights tailored to the various age groups, the Government, through the Ministry of Education and in cooperation with UNFPA, is carrying out a series of actions in response to the need to provide sex education to children, adolescents, young people and adults, guaranteeing comprehensive quality education. These actions are aimed at promoting public education so that Venezuelan citizens can exercise all their rights, including sexual and reproductive rights. They are also aimed at tackling social and public health problems associated with sexual activity, such as teenage pregnancy and sexually transmitted infections (STIs), including HIV/AIDS.

81. The Bolivarian national curriculum for the basic education subsystem incorporates contextualization as a strategy for ensuring that education responds to sociocultural and historical realities and includes processes of research, creativity and innovation in pedagogical practice.

**15. Please provide information on the measures taken to improve the living conditions of adolescents deprived of their liberty in detention centres and to prevent violence in such centres. Please also provide information about measures taken to ensure that adolescents are not detained with adults.**

82. To guarantee the rights of adolescents deprived of their liberty or at social risk and ensure that their prison situation is appropriate, the Venezuelan State has special prison facilities for adolescent detainees. Where adolescent men and women are held in the same facility, they are kept duly separated in independent areas. There are also safeguards to ensure that they are able to exercise their right to family visits. The State is thus in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

83. The State provides special medical care, according to their needs or treatment, to pregnant women and nursing mothers deprived of their liberty, thereby preserving the rights of both child and mother. It also tries to ensure that childbirth takes place in a specialized obstetric unit away from the prison. Where this is not possible, measures are taken to ensure that conditions in the place chosen for assisting the prisoner both during and after childbirth are hygienic and clean.

84. With regard to education and employment training, all persons deprived of their liberty have the opportunity to access comprehensive care programmes, literacy programmes and the three levels of education: primary, through the Robinson mission; secondary, through the Rivas mission; and university, through the Sucre mission.

85. Education and employment training plans such as the "*Llegó la Chamba*" plan have also been designed. The "*Llegó Maita*" plan involves the mothers of women prisoners in conflict resolution in prisons and care centres nationwide. The "*Cambote*" plan involves women prisoners in the prison infrastructure repair, rehabilitation and restoration processes carried out by the National Prison Buildings Fund (FONEP).

**16. Please tell the Committee of the measures taken by the State party to guarantee the rights of child asylum seekers and refugees. In particular, please provide information relating to the right to an appropriate identity document and the right to education. Please provide information on the new policy for the integration of refugees in the State party.**

86. The Constitution of the Bolivarian Republic of Venezuela guarantees the right of asylum to all non-Venezuelans who are in need of international protection, particularly the rights of children and adolescent asylum seekers. The Refugees and Asylum Seekers Act<sup>29</sup> provides special guarantees for the protection of refugee children.

87. In addition to the provisions contained in the Act, the National Refugee Commission, in exercise of its powers under article 13(3) of the Act and with a view to safeguarding the rights of refugees, adopted rules of procedure that are key to ensuring the best interests of the child or adolescent, in that they give priority to cases involving children and adolescents.<sup>30</sup>

88. Venezuela has also taken very positive steps to ensure the right to education. The unrestricted establishment of this right at all levels by the 1999 Constitution and the express obligation on schools to admit undocumented children<sup>31</sup> are reflected in article 103 of the Constitution.

89. With regard to documentation, minors seeking asylum ordinarily receive their temporary document at once. This document gives them official access to all levels of the

<sup>29</sup> “Article 2. Fundamental principles: The Bolivarian Republic of Venezuela recognizes and guarantees the right of asylum and refuge in accordance with the following principles:

The unity of the family of the refugee or asylum seeker, and especially the protection of refugee children and adolescents who are unaccompanied or have become separated from their family, shall be guaranteed on the terms established in this Act.”

“Article 19. The identity document issued to persons who have been granted refugee status in the country on the terms established in this Act shall be valid not only for their legal stay but also for the exercise of any paid activity. In the case of children and adolescents, the document shall be valid for attending educational institutions.”

<sup>30</sup> Obligations of the National Refugee Commission: subparagraph (g): “The obligations of the National Refugee Commission shall be to consider, in its decisions, respect for the principles of family unity, protection of children and adolescents and the situation of unrepresented minors.”

“Article 18. Unaccompanied minors. If the National Refugee Commission receives an application for asylum from an unrepresented minor, it shall immediately notify the child and adolescent protection council so that the necessary measures can be taken for his or her protection.”

“Article 19. Expedited procedure. To safeguard the best interests of unrepresented minors, an expedited procedure comprising the application, the preliminary document and the interview shall be carried out; the corresponding temporary document shall be issued at once and the case shall be decided as soon as possible.”

<sup>31</sup> “Article 13. Everyone shall have the right to an all-round, quality, ongoing education, on an equal footing and with equal opportunities, without other limitations than those deriving from his or her aptitudes, vocation and aspirations. Education shall be compulsory at all levels from nursery school to diversified secondary education. The education provided in State schools shall be free up to undergraduate level. To this end, the State shall make investment in education a priority, in keeping with United Nations recommendations. The State shall create and maintain institutions and services that are sufficiently funded to ensure that children have access to the education system, stay in it and complete their education. The Act shall guarantee equal attention for persons with special needs or with disabilities, those deprived of their liberty and those who lack the basic means for entering and remaining in the education system. Contributions by private individuals to public education projects and programmes at the secondary and university levels shall be eligible for income tax deduction under the corresponding law.”

national education system and to all their other rights in the country, such as health, sport, culture and leisure, which are provided free of charge by the Government.

90. Once the asylum application has been processed and decided in favour of the applicant, the Commission refers the case to the Identification, Migration and Immigration Service (SAIME), which issues the corresponding temporary migrant visa and identity card provided for in the Refugees and Asylum Seekers Act. This procedure too is free.

91. As part of the policy of incorporating refugees in the Venezuelan State, Ministry of Education decision No. 07 of 25 February 2003 concerning refugees and asylum seekers, published in Official Gazette No. 37.640 of 26 February 2003, applies directly in that it imposes on principals of public and private schools the obligation to register children and adolescents who are not in possession of identity documents. A public school principal who registers a pupil who does not have personal identification must notify the nearest juvenile attorney or child and adolescent protection council in writing in order to arrange for the child or adolescent to receive an identity document.

92. The decision also establishes that if the personal identification problem persists, the school principal must issue to the parents and representatives a certificate attesting to the successful completion of grades, courses and the like, which shall serve as a temporary document guaranteeing the right to education irrespective of whether or not the refugee has an identity document.

93. It should be mentioned that the Ministry of Education circular of 21 March on student identification, issued through the Directorate of Academic Registration and Oversight attached to the Vice-Ministry for Participation and Academic Support, accepts as valid for education purposes the number of a diplomatic passport, diplomatic identity card or foreign passport or any other form of accreditation or identification that conforms to agreements signed validly by the Bolivarian Republic of Venezuela.

94. In the context of the National Coordinating Office for Public Policies on Refugees, a unique initiative recognized by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Venezuelan Government has been able to help give asylum seekers timely access to fundamental rights and other rights important for improving their standard of living. For instance, refugee children and adolescents have been incorporated officially in state and national sports leagues. Mention should likewise be made of the health protection and education extended especially to children and adolescents at all levels. The following advances have likewise contributed to the inclusion and safeguarding of refugee children and adolescents:

(a) Refugees and asylum seekers have access to the Government's educational missions (Robinson, Rivas, Culture, Sport and Sucre).

(b) In the eradication of illiteracy (Robinson Mission I), 33 per cent of beneficiaries were of Colombian origin.

(c) Women victims of gender violence have been granted refugee status (based on the grounds "sex" in article 5 of the Refugees and Asylum Seekers Act).

(d) An expedited protection procedure is available for unaccompanied child and adolescent asylum seekers, and IDENNA, the lead body for children and adolescents, intervenes immediately to ensure the effective protection of all their rights (protection and oversight of children's and adolescents' rights, assistance in the special procedure for unaccompanied children and adolescents and preparation of joint procedures manuals for dealing with the situation of vulnerable children and adolescents in border areas).

(e) Although Venezuelan legislation stipulates a deadline for the submission of asylum applications, in practice late applications have been accepted from individuals

unfamiliar with the procedure or otherwise prevented from applying in time. The deadlines for submitting applications for review are similarly flexible, given the time and space constraints faced by the refugee population.

(f) A National Coordinating Office for Public Policies on Refugees has been established, bringing together all the government bodies that deal on a cross-cutting basis with refugees' rights. Set up in May 2012, it brings together more than 20 representatives of bodies and institutions connected with the lives of refugees in Venezuela.

(g) The *Voluntariado de Refugiados en Venezuela*, an association promoted by the National Refugee Commission, has brought to the table the key issues affecting the effective exercise of refugees' rights and carries out activities to promote the well-being of refugees in Venezuela.

(h) A training programme on the right to asylum has been created for students at the National Experimental Security University, who are the country's future police officers.

(i) Classes, workshops and diploma courses at different educational levels, including university, have been held in various public and private institutions nationwide.

(j) Young refugees participate in the Simón Bolívar National System of Orchestras.

(k) The Ministry of Education has issued an administrative ruling for the validation of refugees' and asylum seekers' documentation so that they can obtain certification of their regular studies.

(l) The Refugees and Asylum Seekers Act gives preference to refugees for acquiring citizenship through naturalization.

(m) The issuance of the documents envisaged in the Act, namely, the temporary migrant identity card and visa for refugees and asylum seekers, has been regionalized. In addition to the existing head office in Caracas, this procedure is now in place in Maracaibo and San Cristóbal, where the offices for the receipt of applications in border areas are based.

(n) The constitutional doctrine of human rights is being applied, making it possible to provide international protection to victims of human trafficking, as well as to persons suffering from serious illnesses who cannot afford treatment in their countries of origin but can access free medical care and medicines in Venezuela, provided by the Bolivarian Government.

**17. Please provide additional information on the projects and activities carried out by the Programme for Dignifying the Work of Adolescent Workers and on the evaluation and outcome of such projects.**

95. With regard to the projects and activities carried out by the Programme for Dignifying the Work of Adolescent Workers, two projects were implemented in the 2011, 2012 and 2013 financial years and are still in operation: the "Frutinats" project, a fruit pulp extraction plant in Lara state that was launched in 2010, and the "Serigrafínats" project in the municipality of Valera in Trujillo state, an alternative communication project launched in 2012, which uses silk screen printing on T-shirts and banners to disseminate information about children's and adolescents' rights.

96. The results achieved include the following: adolescents, as well as spokespersons for the communal councils responsible for the projects and activities that form part of the Programme, receive comprehensive assistance, as well as training according to the social production model. Families and communities in general receive psychological, legal, health, employment, recreational, sports and other guidance and assistance. In 2012

and 2013, a total of 10,213 people received assistance, disaggregated as follows: 2,878 children, 3,886 adolescents and 3,449 adults.

- 18. Please tell the Committee whether a reform is under way with regard to the Organic Law for the Protection of Children and Adolescents in the area of juvenile criminal justice, and whether any evaluation has been undertaken to this end. Where appropriate, please provide information about this reform.**

97. In 2010, the National Assembly drafted a proposal for changing the juvenile criminal justice system provided for in the Child and Adolescent Protection Act, for consideration during the 2011–2012 legislative session. The National Assembly’s Standing Committee on the Family is responsible for holding technical meetings to discuss the proposed changes.

- 19. In the context of the resolution governing police activities, please provide information on the concrete measures taken to address the problem of police violence against children in contact and/or in conflict with the law. Similarly, please tell whether any programmes exist to combat violence among adolescents and police violence directed at adolescents.**

98. The Ministry of Internal Affairs, Justice and Peace is taking steps to tackle the problem of police violence against children in contact and/or conflict with the law through the National Experimental Security University (UNES), a specialized university institution responsible for the professional training and all-round development of law enforcement officers in Venezuela.<sup>32</sup> In this connection and in the context of the effective and efficient conduct of public law enforcement officers, the University shares responsibility for the design of educational policies for training processes that are in keeping with the changes taking place in individual and collective awareness. This is the basis for the new law enforcement model being created in the country, which is guided by a transformative vision committed to providing a rounded education based on humanist principles.

99. Accordingly, UNES developed a national police training programme designed to train professionals fully versed in policing to do their job honestly and efficiently, upholding human rights and the law, in keeping with constitutional precepts on law enforcement and with the guidelines of the National Economic and Social Development Plan, 2007–2013,<sup>33</sup> the National Economic and Social Development Plan, 2013–2019<sup>34</sup> and the purposes and principles of the Alma Mater mission.<sup>35</sup>

<sup>32</sup> The new police model proposed as a result of the popular will was endorsed by President Hugo Chávez through an implementing law and reproduced with the rank, value and force of an organic law in the Decree on the Police Service and the Bolivarian National Police Force (2008). Article 58 of the Decree establishes that the lead agency, in conjunction with the Ministry responsible for higher education, shall determine the curriculum design and the policies and actions guaranteeing the unified training process and the in-service professional development to be applied by the national academic institution responsible for the unified police training system. As part of the “Alma Mater” mission, the creation of the National Experimental Security University as the academic institution specialized in the professional training and all-round development of law enforcement officers in Venezuela, with a view to building police forces in the service of the Venezuelan people that are transparent, ethical, trustworthy, effective, open to popular participation and financial oversight and respectful of citizens’ rights and freedoms, was formalized in 2009.

<sup>33</sup> National Plan. First Socialist National Economic and Social Development Plan, 2007–2013. Available at: <http://www.psu.org.ve/wp-content/uploads/2011/03/Proyecto-Nacional-Sim%C3%B3n-Bolívar.pdf>.

100. The University also developed the content of a training programme aimed at guides in the comprehensive training centres for adolescents in conflict with the law, thereby complying with article 1 of the Child and Adolescent Protection Act by designing a course for teachers/facilitators providing services in the comprehensive training centres for adolescents in conflict with criminal law. The aim is to train public servants with a high level of theoretical and practical knowledge in the social, pedagogical, psychological and legal spheres, making it possible to guarantee the effective exercise of their functions from a human rights perspective.

101. The Ministry of Internal Affairs, Justice and Peace is also implementing, through UNES, programmes to combat violence among adolescents. Two community intervention projects are being carried out as part of the social linkages policy developed by teachers and students on the different training programmes imparted at the University, namely:

(a) **The National Project for a Culture of Peace in Schools**, the main aim of which is to reduce outbreaks of school violence by developing practices of harmonious coexistence and peaceful settlement of disputes in the schools of districts where UNES training centres are in operation.<sup>36</sup> The priority target population are students from the fourth grade of primary education to the last grade of secondary education. Some of the most striking achievements of this project since UNES was set up on 13 February 2009 include the involvement of 160 high schools and other schools in the national project for harmonious coexistence at school; the holding of 44 Peace Olympics in various schools and high schools in the Lara, Catia, Aragua, Anzoátegui, Táchira, Junquito and Zulia districts, in which a total of 1,133 people participated; strengthening of the alliance with the Aragua, Lara, Sulia and Capital District educational area for the planning and implementation of training workshops in school and community mediation, with 85 workshops on school and community mediation practices held nationwide, attended by 2,637 people; curriculum design for the holding of workshops on school mediation aimed at teachers in the basic education subsystem, carried out under the UNES-UNICEF agreement for 2013–2014,<sup>37</sup> and assistance to 30 communities in formulating prevention projects, benefiting some 59,332 people.

(b) **The National Youth and Transformation Project** seeks to foster cultural, educational, sports, social inclusion and job placement organizing processes by and for working class youth, in order to help restore their rights and transform the situations of exclusion associated with the violence of which they are both victims and perpetrators. The

<sup>34</sup> National Plan. Second Socialist National Economic and Social Development Plan, 2013–2019. Available at: [http://www.asambleanacional.gob.ve/uploads/botones/bot\\_90998c61a54764da3be94c3715079a7e74416eba.pdf](http://www.asambleanacional.gob.ve/uploads/botones/bot_90998c61a54764da3be94c3715079a7e74416eba.pdf).

<sup>35</sup> Alma Mater Mission: Bolivarian and Socialist University Education. Available at: [http://www.mppeu.gob.ve/web/uploads/documentos/documentosVarios/pdf21-12-2009\\_07:30:40.pdf](http://www.mppeu.gob.ve/web/uploads/documentos/documentosVarios/pdf21-12-2009_07:30:40.pdf).

<sup>36</sup> A UNES district is the geographical and communal sphere of influence of UNES as defined by the so-called “Point and Circle” strategy designed by President Hugo Chávez, which involves the transformation and optimization of the material conditions of a community (the circle) through the establishment of an institution (the point). What surrounds the point (UNES in the present case) is the district, where community intervention plans are carried out to reduce violence and increase coexistence.

<sup>37</sup> The purpose of cooperation with UNICEF is to improve the situation of working class adolescents and young people, not just as objects of social policy but as involved, active subjects capable of transforming structurally, politically, symbolically and daily the unequal relations of political, economic and cultural power associated with the violence of which they are both victims and perpetrators. This is being done through the conclusion of school and community coexistence agreements in the educational institutions present in UNES districts and through the formation of school conciliation brigades, guaranteeing the full and active participation of children and adolescents in a framework of harmonious coexistence at school.

priority target population are adolescents aged 12 to 18, as well as young people aged 15 to 28. In the social inclusion and job placement component, priority is given to young people who are not in education (school dropouts), are unemployed and/or working in the informal sector, are involved in small-scale trafficking, are living outside their primary home, are fathers or mothers or are in conflict with the law. It is important to clarify that the project does not exclude young people who are in education or are interested in becoming involved in the social inclusion and job placement component, as long as they do not abandon their studies. The project has succeeded in involving 5,400 young people in social organizing processes, the most significant achievements being the participation of 2,981 young people in the project's different components and the organization of 18 cultural events in training centres nationwide to promote the formation of music and dance groups, in which a total of 651 young people took part. Sporting events have also been held nationwide and 21 schools have been set up providing instruction in a comprehensive range of sports at the community level. A total of 623 young people are involved in these activities and 99 sports outreach persons are currently being trained. In addition, nine young people's music groups have been set up nationwide and some 1,768 young people in conflict with criminal law have been assisted and identified. Lastly, the Project has established links with 98 different social, cultural and sports movements nationwide.

102. In 2011, in keeping with the policy guideline on the introduction of a new, human rights-based police model, the Ministry of Internal Affairs adopted a decision<sup>38</sup> establishing rules for police actions targeting children and adolescents.

103. The decision took account of a public consultation aimed at members of different police forces in the Caracas Metropolitan Area and in Miranda and Carabobo states, as well as different entities of the Protection System, including representatives of the juvenile criminal justice system and the Ombudsman's Office.

104. The decision develops principles and rules for police actions targeting children and adolescents, in general for all cases of contact and intervention and in particular in the case of victims or threats of human rights violations, victims or witnesses of punishable acts, and involvement in and responsibility for punishable acts. It reproduces the general principles of the doctrine of comprehensive protection in relation to police actions, defines the powers and responsibilities of the lead agency and the police forces and sets up specialized units for children and adolescents, as well as establishing rules for cooperation, training, in-service training and specialized management of the police service in such cases.<sup>39</sup>

## Part II (recent achievements not reflected in the report)

105. As part of the public policies being implemented by the Government, the Vice-Ministry for the Supreme Happiness of the People has been working, through IDENNA, to strengthen a policy in the area of prevention, protection and comprehensive care for children and adolescents and their families by implementing such new programmes as:

(a) **The Neurodevelopment Project**, designed to provide comprehensive care and rehabilitation to children and adolescents with cognitive, affective and motor impairments, as well as counselling to their families, in order to promote their social, educational and employment integration using a rights-based approach.

(b) **The National Public System for the Treatment of Addictions**, which provides three levels of care. The family counselling centres are the first level of

<sup>38</sup> Official Gazette No. 39.824 of 20 December 2011.

<sup>39</sup> *Ibid.*

specialized care for children, adolescents and adults who are highly vulnerable, both individually and as a family, and suffer from various psychosocial problems, the aim being to promote healthy lifestyles as well as preventing different diseases, especially addictions. These centres carry out four programmes: community prevention; counselling and care; community education; and monitoring and oversight. The specialized comprehensive care centres are the second level of care, aimed at offering children and adolescents with problems of addiction to psychoactive substances programmes that will enable them to envisage and adopt a new life project and play an active role in promoting and building a new society. These programmes use the following modalities: containment, outpatient detoxification, outpatient assistance, daily admission and overnight admission. The socialist therapy communities are the third level of care, bringing together the activities of all three levels. They guarantee care for children and adolescents with addiction problems through a process of around-the-clock controlled isolation, adhering to a comprehensive biological, psychosocial and community therapy model that facilitates the cessation of consumption, the maintenance of abstinence, the adoption of a new life project and the development of the child's or adolescent's physical, emotional, social, educational and socioproductive potential.

(c) **The “El Sombrero de la Ñ” national reading programme**, aimed at promoting books and reading as a preventive and recreational practice among children and adolescents in order to help develop their creative, affective, spiritual and cognitive capacities and instil in them principles and values based on freedom, tolerance and universality.

106. The following laws and regulations have also been promulgated:

(a) **Act on Disarmament and the Control of Weapons and Ammunition**,<sup>40</sup> designed to regulate and control the bearing, possession, ownership, use, registration, manufacture, marketing, supply, storage, import, export, transit and transport of all kinds of weapons, ammunition, accessories, parts and components; define and criminalize associated illicit acts in order to prevent, combat and eradicate the manufacture and illicit trafficking of firearms and ammunition; and draw up plans for implementing, coordinating and overseeing the disarmament of individuals and legal entities in order to safeguard and protect citizens and State institutions, as well as their property, goods and valuables.

(b) **Implementing regulations of the Act on Disarmament and the Control of Weapons and Ammunition**.<sup>41</sup> The regulations stipulate that persons who express their willingness to surrender firearms or ammunition will be given a temporary licence for their transfer, issued by the competent organ of the national armed forces. It is important to mention that these regulations provide for the establishment of a National Disarmament Service, a specialized decentralized body hierarchically dependent on the Ministry of Internal Affairs, which has no legal personality and exercises budgetary, administrative and financial management powers. This Service will be responsible for planning, organization, operations, administration, disposal, safekeeping, monitoring, procedures and oversight of the handling of weapons collected as a result of the voluntary surrender of arms and ammunition by members of the public.

(c) **Act on the Second Socialist National Economic and Social Development Plan, 2013–2019**. The Plan is part of the legacy of Hugo Chávez, Supreme Commander of the Bolivarian Revolution. It is a broad government proposal on which there was systematic consultation with and discussion by Venezuelan social movements. Through it, the Government will be able to continue the transition to twenty-first century Bolivarian

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<sup>40</sup> Official Gazette No. 40.190 of 17 June 2013.

<sup>41</sup> Official Gazette, Special Edition No. 6.129 of 8 August 2014.

socialism, focusing on five major historical objectives designed to smooth the path of equality and social justice traced by Commander Chávez, namely, to defend, expand and consolidate national independence (regained after 200 years); to continue building twenty-first century Bolivarian socialism as an alternative to the savage, destructive capitalist system, thereby ensuring the greatest sum of social safety, political stability and happiness for the people; to transform the country into a social, economic and political power, within the great emerging powerhouse of Latin America and the Caribbean, so as to guarantee the creation of a zone of peace in the Americas; to contribute to the development of a new international geopolitics, in which a multi-centric, multipolar world will take shape that will make it possible to achieve a balanced universe, guarantee world peace, preserve life on the planet and save the human species.

(d) **Decree No. 9194 on the disablement of firearms stored in evidence rooms.** Published in Official Gazette No. 40.027 of 11 October 2012, the Decree orders the implementation of the procedure for disabling firearms stored in the evidence rooms of police stations, investigatory bodies and other public security bodies with police powers throughout the national territory. The staff attached to these bodies who perform police services and operational functions within such divisions will be those responsible for implementing the corresponding procedure, which will apply to all weapons on which the corresponding expert examinations, analyses and related tests have been carried out, once the period of 20 days granted by the Public Prosecution Division for deciding on their final disposal has elapsed.

107. The following new institutions have been created:

(a) **Movement for Peace and Life:** Nicolás Maduro Moros, Constitutional President of Venezuela, decided to promote a plan for restoring peace to Venezuelan society in order to tackle the problem of violence and insecurity. The purpose of this initiative is to design a public policy that will strengthen the culture of peace and life as a supreme value, giving priority to the active participation of the populations concerned in transforming the contexts and conditions that make them more vulnerable.

(b) **Presidential Commission for Peace and Life,**<sup>42</sup> the aim of which is to enforce any plans, programmes and projects that may be developed to create a safe environment in the country and that contribute to achieving peace and guaranteeing the right to life.

(c) **Commission for Voluntary Disarmament,**<sup>43</sup> the aim of which is to encourage the voluntary surrender of firearms and ammunition located in Venezuelan territory, based on anonymity and on respect for and the protection of human rights, thereby increasing public safety and giving priority to human life.

108. The following new policies and programmes have been adopted and implemented at different levels of the national territory:

(a) **The *A Toda Vida Venezuela* mission**<sup>44</sup> is a comprehensive public policy of the Venezuelan State, created in 2012 to tackle the structural causes of the problem of violence through six strategic components: comprehensive prevention and harmonious coexistence; strengthening of public security bodies; transformation of the criminal justice system and creation of alternative conflict resolution mechanisms; modernization of the Venezuelan prison system; national system of comprehensive care for victims of violence; and creation and socialization of knowledge for coexistence and public safety. This mission means that the Government is pursuing a profoundly humanist approach, setting aside the

<sup>42</sup> Official Gazette No. 40.190 of 17 June 2013.

<sup>43</sup> Official Gazette No. 40.345 of 6 September 2013.

<sup>44</sup> Official Gazette No. 39.965 of 16 July 2012.

repressive policies that characterized earlier governments and paving the way for peace and security by transforming violent contexts through programmes of prevention and public participation. Its main focus is the preservation of life as the supreme value of all those living in the national territory, a life that is characterized by harmonious coexistence, peaceful settlement of disputes and protection of human rights and that contributes to the collective building of a socialist democracy, the institutions of which respond to security problems with justice and equity. The *A Toda Vida Venezuela* mission<sup>45</sup> includes structural measures to be implemented immediately at national and local level. It gives priority to areas with the highest incidence of crime and seeks to protect the population sectors that most need it: victims of violence and crime, working class sectors, young people, children and adolescents, working class women and the prison population.

(b) **The “Efficient government at street level” policy** is a political methodology adopted when President Nicolás Maduro Moros took office. It has been highly successful and involves staff of the different public bodies concerned, who are committed to and involved in the Government’s efforts to help build a better country, one in which the most vulnerable people can be heard directly. It offers a means of dealing expeditiously with people’s demands, seeking an effective, clear response to problems and avoiding bureaucracy and delays. The Government analyses problems and works with the Venezuelan people to solve them, its overall aim being to safeguard children and adolescents and to provide humane, direct care that ensures the comprehensive protection of citizens and respect for life and the other guarantees inherent to the human person, thereby honouring the Government’s commitments to Venezuelans in a framework of genuine public, social and legal security.

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<sup>45</sup> The mission’s legal basis is available at: [http://www.misionatodavidavenezuela.gob.ve/index.php?option=com\\_content&view=article&id=45&Itemid=174](http://www.misionatodavidavenezuela.gob.ve/index.php?option=com_content&view=article&id=45&Itemid=174).