



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of Venezuela, adopted by the Committee at its sixty-seventh session (1-19 September 2014)

1. The Committee considered the combined third to fifth periodic reports of Venezuela (CRC/C/VEN/3-5) at its 1903rd and 1904th meetings (see CRC/C/SR. 1903 and 1904), held on 1 and 2 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party (CRC/C/VEN/3-5) and the written replies to its list of issues (CRC/C/VEN/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party.¹ The Committee expresses appreciation for the high-level and multisectoral character of the delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:
- (a) The Racial Discrimination Act, in August 2011
 - (b) The Drugs Act, in November 2010
 - (c) The Civil Register Act, in September 2009;
 - (d) The Act on the Prohibition of Warlike Video Games and Toys Act, in December 2009;
 - (e) The Education Act, in August 2009;
 - (f) The Promotion of Breastfeeding Act, in September in 2007; and

¹ The term "children" encompasses anyone under the age of 18, including adolescents. In Spanish, it should be translated into "niños, niñas y adolescentes".

(g) The Reform of the Child and Adolescent Protection Act (LOPNA), in December 2007.

4. The Committee also notes with appreciation the ratification of:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol in September 2013; and

(b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in October 2011.

5. The Committee also welcomes the following institutional and policy measures:

(c) The national strategy on HIV/AIDS, in 2012;

(d) The National Institute against Racial Discrimination, in 2011; and

(e) The consolidation of the National Programme on Sexual and Reproductive Health.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2007 on the State party's second periodic report (CRC/C/VEN/CO/2), notes with regret that several recommendations contained therein have not been fully addressed.

7. **The Committee recommends that the State party take all necessary measures to address those recommendations that have not been implemented or not sufficiently implemented and, in particular, reiterates its recommendations to the State party to:**

(a) **Increase its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. The Committee encourages the State party to continue to seek technical assistance from UNICEF and the Inter-American Institute of the Child for the training of professionals; and**

(b) **Ensure that a three digit toll-free 24-hour helpline for children is accessible throughout the country.**

Legislation

8. The Committee welcomes the reform of the Child and Adolescent Protection Act (LOPNNA) in 2007 and the adoption of various other legal instruments which have resulted in an increased and harmonised legal protection of children's rights in accordance with the Convention. However, the Committee is concerned about the lack of adequate implementation of this legislation in some areas and that accountability for children's rights is not systematically ensured. The Committee is further concerned that the State party has not yet reformed or adopted all relevant legislation in accordance with the Convention.

9. **The Committee recommends that the State party:**

(a) **Undertake all necessary measures to effectively implement children's rights related legislation in all areas by providing adequate human, financial and technical resources;**

(b) **Ensure systematic accountability for all children's rights, through rendering an effective access to justice and closely monitoring and evaluating the impact of laws, policies and programmes; and**

(c) **Expedite the reform and adoption of laws relevant to the implementation of the Convention.**

Comprehensive policy and strategy

10. Taking into consideration that the State party has never adopted the National Plan of Action for Children and Adolescents (2009-2013), the Committee reiterates its concern that the State party has not yet adopted any comprehensive plan of action on children.

11. **The Committee urges the State party to finalize the design of the National Plan of Action for Children and Adolescents (2015-2019). The State party should, on the basis of the National Plan of Action, develop a strategy which includes mechanisms for its implementation, monitoring and evaluation and which is provided with adequate human, technical and financial resources. The Plan should be in full harmony with other sectorial plans in the area of children's rights. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, UNICEF.**

Coordination

12. Noting that, according to article 133 of the LOPNNA, the ministry of people's power with responsibility for the comprehensive protection of children is the entity responsible for coordinating the National Protection System for Children and Adolescents' rights, the Committee is concerned that this responsibility has been transferred from one ministry to another within a short period of time, leading to institutional instability. The Committee is also concerned that the State party has not ensured in practice an adequate coordination of the various institutions involved in the implementation of children's rights at cross-sectoral, national, state and local levels.

13. **The Committee urges the State party to establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, state and local levels. The State party should ensure that the said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

14. While taking note of the role of the missions in improving the standards of living of the population, including children, the Committee remains concerned about the lack of clarity as to how these missions are organised and integrated in the child protection system.

15. **The Committee reiterates its recommendation (CRC/C/VEN/CO/2 para 13) that the State party bring successful social missions in line with the institutional framework of children's rights in order to strengthen the implementation of the provisions of the Convention and enhance evaluation and transparency. The Committee further recommends that the State party define the relationship between the mechanism for the coordination of the institutions involved in the implementation of children's rights and the institutional structure created to coordinate the missions.**

Allocation of resources

16. The Committee welcomes the efforts made by the State party in increasing social investment during the reporting period, including through social missions. However, the Committee regrets that it remains difficult to disaggregate the precise spending on children in the total public expenditures (CRC/C/VEN/CO/2, para. 18). In particular, the Committee is concerned about:

(a) The reduction in real spending of the budget allocated to programs and projects implemented by the IDENNA from 2012 to 2013;

(b) The increase of the extreme poverty rate up to 9.8% from 2012 to 2013 as measured by the method of the poverty line; and

(c) The lack of a preliminary evaluation of the impact of the recent budget cuts on the enjoyment of children's rights.

17. Furthermore, while acknowledging the existence of the law against corruption (2003), the Committee is concerned about the ineffective implementation of the law and that corruption is still prevalent, resulting in less resources available for the implementation of children's rights.

18. In the light of its day of general discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:

(a) **Ensure the allocation of adequate budgetary resources in accordance with article 4 of the Convention for the implementation of children's rights, including earmarked resources for children at the national, state and local level;**

(b) **Adopt a child-rights approach in the elaboration of the State budget, including the budget of the missions, by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children;**

(c) **Undertake impact assessments on how investments or budget cuts in any sector take into consideration "the best interests of the child", ensuring that the different impact of such investment or budget cuts on girls and boys is measured;**

(d) **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention at the national, state and local level; and**

(e) **Take all necessary measures to prevent and combat corruption by implementing the law against corruption.**

Data collection

19. While noting the initiative of designing a System of Statistical Information on Children and Adolescents (SIENNA), the Committee is concerned about the slow progress made in establishing it.

20. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to expeditiously complete and implement its data collection system (SIENNA). The data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, urban and rural area, ethnic, indigenous and Afro-descendent origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators

be shared among the line ministries and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, UNICEF and regional bodies.

Dissemination and awareness-raising

21. The Committee regrets that article 685 of the LOPNNA stipulating the dissemination of the Convention was removed during its reform in 2007.

22. **The Committee reiterates its recommendation (CRC/C/VEN/CO/2, para. 23) that the State party strengthen its efforts to disseminate the Convention throughout the country and to raise public awareness, in particular among children themselves, parents, teachers and authorities about its principles and provisions. Cooperation with civil society organizations, such as academic centres, media and NGOs should be strengthened for this purpose.**

Cooperation with civil society

23. The Committee welcomes the statement made by the State party during the dialogue about wide participation of children and civil society in discussions about new policies, plans and draft-laws. However, the Committee is concerned that the dialogue with independent civil society organizations specialising in children's rights is decreasing because of the expanding role of the "fora for participatory democracy" (such a Communal Councils). The Committee is also concerned about reports that the LOPNNA reform has not been fully implemented and that the lack of a required regulation on civil society participation has led to a reduced participation of civil society in the implementation of children's rights.

24. **The Committee recommends that the State party:**

(a) **In addition to the "fora for participatory democracy", undertake all necessary measures to systematically involve all NGOs working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children in accordance with the LOPNNA;**

(b) **Ensure access to information, including by making available the reports and plans of public entities to NGOs and other private entities working in the field of children's rights; and**

(c) **Encourage the active participation of all civil society organizations in the follow-up of the concluding observations of the Committee and in the process of preparation of its next reports.**

B. Definition of the child (art. 1 of the Convention)

25. The Committee recognizes that the issue of the minimum age for marriage is before the Supreme Court for decision and that campaigns have been initiated to inform the population, including children, about the negative effects of early marriage, but it remains concerned that the minimum age of marriage remains very low.

26. **The Committee urges the State party to expedite all necessary measures to raise the minimum age of marriage for girls and boys to 18 years. It reiterates the importance to implement awareness raising programmes regarding the negative effects of teenage marriages.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

27. The Committee notes with satisfaction the adoption of the Law against Racial Discrimination in 2011 and other laws aiming to protect the rights of indigenous peoples. It also welcomes the adoption of the Education Law in 2009 which includes a provision on non-discrimination. However, the Committee is concerned at reports that these legal advances have not been translated into greater protection of children from discrimination. It also regrets the lack of information provided by the State party concerning the measures taken to combat discrimination based on sex, sexual orientation, gender identity and disability as well as against children living with HIV/AIDS. In that sense, the Committee is particularly concerned at the persistent patriarchal attitudes and gender stereotypes that discriminate against girls and the lack of adequate measures undertaken by the State party to address this situation. The Committee is also concerned at reports of cases of bullying and discrimination against children because of their sexual orientation or gender identity.

28. The Committee recommends that the State party undertakes all necessary measures to:

(a) Translate the legal and political advances to combat racial and ethnic discrimination into greater protection of children's rights. The State party should conduct an evaluation of the implementation of laws, policies and programmes, including indicators to measure the achievements;

(b) Eliminate patriarchal attitudes and gender stereotypes that discriminate against girls, including through the implementation of educational and awareness raising programmes;

(c) Prevent all forms of discrimination – including discrimination based on sexual orientation, gender identity and disability – and ensure, in law and in practice, that these are prohibited and adequately sanctioned; and

(d) Establish an efficient complaints mechanism that keeps track of and responds to cases of discrimination within educational establishments, juvenile detention centres, alternative care institutions and any other setting.

29. The Committee reiterates its recommendation (CRC/C/VEN/CO/2 para 63) that the State party ensures that discrimination and other forms of irregularities against children living with HIV/AIDS are corrected.

Best interests of the child

30. The Committee remains concerned that, in spite of its legal recognition, the right of the child to have his or her best interests taken as a primary consideration is not properly implemented in practice.

31. **In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

32. The Committee welcomes the information given by the delegation of the State party on the initiatives taken to reduce the use of arms by children and clashes between armed gangs. However, the Committee is concerned at reports that the mortality rate in the age group 15 to 17 years has tripled between 1997 and 2009, and, even if, according to the information provided by the State party during the dialogue, that rate has decreased in 2013, it remains very high. The Committee reiterates its serious concern about reports concerning the high number of extrajudicial killings of children, such as the Barrios family case, and at the very low number of prosecutions undertaken.

33. **In the light of article 6 and other relevant articles of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of children, inter alia, by:**

(a) Strengthening its efforts to prevent killings of children, included by armed gangs, and addressing the root causes of these violent acts, such as poverty and marginalization;

(b) Ensuring that mechanisms to investigate extrajudicial killings complaints are available and that all killings are thoroughly investigated and the perpetrators brought to justice;

(c) Providing the family of the child victims with adequate support and compensation; and

(d) Ensuring that arms are not available to children.

Respect for the views of the child

34. The Committee welcomes the development of guidelines to ensure children's right to be heard in legal proceedings. However, the Committee is concerned about how these guidelines are translated into practice. While taking note of the legal progress made by allowing children above 15 years to be part of the Community Councils, the Committee regrets the lack of information provided as to the representativity of the children elected, their role and the results achieved. The Committee is further concerned about the lack of a comprehensive strategy in place to promote the participation of children in all spheres of life.

35. **In the light of its General Comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

(a) Develop a comprehensive strategy to promote the participation of children in all spheres of life, in consultation with children, all civil society organizations, UNICEF and other relevant organizations. The State party should provide it with adequate human, technical and financial resources and include a monitoring mechanism. The strategy should address the different needs of boys and girls in terms of participation and should be directed to different groups of children, in particular children with disabilities, indigenous, Afro-descendants and LGBTI;

(b) Provide trainings on the guidelines to ensure children's rights to be heard in legal proceedings and closely monitor and evaluate their implementation; and

(c) Closely monitor and evaluate the extent and results of the participation of adolescents in the Community Councils and include that information in its next periodic report.

D. Civil rights and freedoms (arts. 7, 8, and 13-17)**Birth registration**

36. The Committee welcomes the legal and policy measures taken by the State party to ensure the registration of all children, in particular Decree no. 2890 of 2009 providing for the registration of newborn children whose parents are undocumented, as well as the establishment of the missions “Yo soy” and “Misión Identidad”, including measures to register indigenous children. However, the Committee expresses its concern at the lack of information provided in regard to the approximate number of children who are not registered as well as the causes for this. It also regrets the lack of evaluations available of the programs “Yo soy” and “Mision Identidad”.

37. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to design a national system of disaggregated data collection on birth registrations;**

(b) **Conduct an evaluation of the programs “Yo soy”, “Mision Identidad” and similar initiatives and use it as a baseline to develop a strategy to ensure universal birth registration and provide adequate human, technical and financial resources for its implementation;**

(c) **Enhance efforts to automatize civil registration processes and digitalize civil certificates; and**

(d) **Continue seeking technical assistance from UNICEF and the Office of the United Nations High Commissioner for Refugees (UNHCR) among others, for the implementation of these recommendations.**

Freedom of expression

38. The Committee is concerned at reports that a number of children have been arrested in the framework of the demonstrations in early 2014 in the State party.

39. **The Committee recommends that the State party undertake all necessary measures to protect children from harassment and arbitrary detention and ensure the right of children to participate in demonstrations in accordance with article 13 of the Convention.**

Access to appropriate information

40. The Committee welcomes the State party’s “Canaima Education Project”, under which more than 2.5 million of computers have been distributed to schools with the intention to promote access to information for children. However, the Committee is concerned about a shortage of teachers trained in the use of ICT.

41. **The Committee recommends that the State party develop a strategy to ensure that teachers receive adequate training and relevant material to provide guidance to children in their safe access to appropriate information through computers.**

E. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)**Sexual exploitation and abuse**

42. While noting some initiatives taken by the State party to prevent child sexual exploitation and abuse, such as the delivery of training and the establishment of the

Intersectoral Commission in 2011, the Committee regrets the lack of information on the results achieved through those measures. The Committee is deeply concerned about reports that sexual violence against children is widespread and increasing, that alleged perpetrators are not prosecuted, and that official data on the extent of the problem is not available.

43. **The Committee urges the State party to:**

(a) **Strengthen mechanisms, procedures and guidelines to ensure accessible, confidential, child-friendly, effective and mandatory reporting of cases of child sexual abuse and exploitation;**

(b) **Proactively investigate cases of sexual abuse and exploitation, prosecute the perpetrators, punish those convicted with appropriate sanctions, and adequately protect, rehabilitate and compensate the victims;**

(c) **Evaluate the results achieved through the existing Action Plan and protocols on sexual abuse and exploitation and, based on lessons, learned improve these instruments and ensure their adequate implementation;**

(d) **Strengthen services, including forensic services, related to the protection of rights of children victims from sexual abuse and exploitation by providing regularly trained specialized staff, protocols, infrastructure and technical equipment as required;**

(e) **Strengthen the Intersectoral Commission against Abuse and Sexual Exploitation of Children and Adolescents, monitor its functioning and evaluate its accomplishments;**

(f) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Sexual Exploitation of Children; and**

(g) **Conduct awareness-raising and educational activities to prevent sexual exploitation and abuse and protect child victims thereof.**

Freedom of the child from all forms of violence

44. The Committee welcomes the various initiatives undertaken by the State party to prevent violence against children, and in particular the “social inclusion initiative” that produced positive results as stated by the State party during the dialogue. However, the Committee is deeply concerned about the still existing high incidence of violence against children in all settings, including schools, home, public spaces and the Internet. The Committee regrets the absence of disaggregated data as to the extent of the problem and of a comprehensive strategy to combat all forms of violence against children.

45. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) **Collect disaggregated data on all cases of violence against children and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(b) **Develop a comprehensive national strategy to prevent and address all forms of violence against children, in coordination with civil society, children’s**

organizations and other relevant stakeholders. The strategy should address the gender dimension of violence. It should provide for prevention, protection, rehabilitation and reintegration programmes, including health services, psychosocial and legal support, free helplines and adequate shelters for victims;

(c) Ensure the full implementation of the legal prohibition of corporal punishment in all settings and promote positive, non-violent and participatory forms of child-rearing and discipline; and

(d) Cooperate with the Special Representative of the Secretary-General on violence against children and seek technical cooperation from other relevant United Nations institutions.

F. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))

Family environment

46. The Committee notes the significant efforts made by the State party to reduce poverty and the implementation of programmes to support families. However, the Committee is concerned about the lack of a comprehensive strategy to support families. The Committee further regrets the lack of information provided with regard to the concrete impact of these programmes in preventing separation of children from their families.

47. **The Committee recommends that the State party:**

(a) **Undertake an evaluation on the impact of the programmes in preventing separation of children from their families and include this information in the next periodic report to the Committee; and**

(b) **Develop a comprehensive strategy, with the technical support of UNICEF and in consultation with civil society at large, aimed at supporting families, which includes indicators, expected results and budget allocation.**

Children deprived of a family environment

48. The Committee welcomes the efforts made by the State party to ensure that children are only separated from their families as a measure of last resort. However, the Committee is concerned about the lack of information provided by the State party on the situation of children living in institutions and other care programmes. The Committee is also concerned about reports according to which IDENNA, the entity legally responsible for the supervision of all alternative care centres is not adequately supervising and supporting all centres, such as those run by civil society organizations or other State-run institutions.

49. **Drawing the State party's attention to the Guidelines for the Alternative Care of children (General Assembly resolution 64/142, annex), the Committee recommends that the State party urgently undertake all necessary measures to:**

(a) **Collect comprehensive and disaggregated data on the situation of children living in institutions and other alternative care settings; and**

(b) **Ensure that IDENNA adequately monitors, supervises and supports, through proper human, technical and financial resources allocation, all institutions and care programmes and regularly reports on them.**

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)

Children with disabilities

50. The Committee welcomes the various initiatives undertaken to address the specific needs of children with disabilities in particular in the areas of health and education. However, it regrets the absence of information on a comprehensive strategy that ensures the coherence among all those initiatives and the full protection of the rights of children with disabilities. The Committee is also concerned about the lack of disaggregated data in this field. It is further concerned at reports that a large percentage of children with disabilities do not attend school, in particular in rural areas, and that there are no special programmes to ensure future employment opportunities for adolescents with disabilities.

51. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

- (a) **Collect disaggregated data on the situation of children with disabilities;**
- (b) **Adopt a comprehensive strategy that addresses the specific needs of children with disabilities in all areas, and in particular in education, health, accessibility, recreation and access to culture, future employment opportunities and participation. The strategy should include indicators, results, budget allocation and a monitoring mechanism; and**
- (c) **The Committee also reiterates its recommendation (CRC/C/VEN/CO/2 para 57 (a and d) that the State party ensure that all children with disabilities receive education and encourage the inclusion of children with disabilities in regular schools, and make greater efforts to provide the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups.**

Health and health services

52. The Committee welcomes the measures taken by the State party to reduce under five mortality and increase vaccination coverage. However, the Committee is deeply concerned at the high rates of maternal mortality, and the lack of information provided on the measures taken to reduce it. The Committee is also concerned about the lack of data provided on breastfeeding practices. The Committee is further concerned about the reports that some important medical services and/or medical staff and/or medicines are not available for children in some hospitals.

53. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

- (a) **Collect disaggregated data on children's health related issues, in particular on child mortality, including under five mortality, maternal mortality, vaccination coverage, nutrition and breastfeeding;**
- (b) **Allocate adequate human, technical and financial resources to the national public health system;**

(c) **Building on data related to the causes, design a strategy to reduce child and maternal mortality, which includes the implementation of the two existing protocols on maternal and neonatal mortality;**

(d) **Continue its efforts to reduce malnutrition and increase vaccination coverage;**

(e) **Increase its efforts to promote breastfeeding by developing a comprehensive programme of action to promote exclusive breastfeeding, including training for staff in hospital maternity wards, closely monitor the implementation of the International Code of Marketing of Breast-milk Substitutes and develop awareness raising campaigns; and**

(f) **Include information on its next periodic report on the implementation of the recommendations made in 2007 (CRC/C/VEN/CO/2, paragraph 59(d)) on the integration of the Barrio Adentro health mission in the public health network.**

Mental health

54. The Committee regrets the lack of public policy on mental health of children in the State party. The Committee is also concerned about reports on reduction of the coverage and quality of mental health care centres.

55. **The Committee recommends that the State party collect disaggregated data on mental health related issues of children. It further recommends the development of a national strategy to address children's mental health problems which includes the provision of mental health care services with adequate human, technical and financial resources.**

Adolescent health

56. The Committee welcomes the consolidation of the National Programme on Sexual and Reproductive Health and the new protocol on adolescent health. It also notes the programmes undertaken to prevent and deal with unplanned teenage pregnancies. However, the Committee is deeply concerned that the State party has one of the highest rates of adolescent pregnancies in the region and that many of them result in maternal deaths. It is also concerned about the lack of access to safe abortion procedures due to a restrictive law on abortion and the lack of information on the actual impact of the programmes to reduce these pregnancies.

57. **In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) **Collect disaggregated data on the number of deaths among pregnant girls and adolescents and undertake a study on the scope and root causes of these deaths;**

(b) **Review its legislation on abortion and provide for additional exceptions in cases of pregnancy resulting from rape or incest, when the pregnancy poses a risk to the health of the adolescents and when abortion is in the best interests of the pregnant adolescent so as to prevent her from resorting to unsafe abortion. The State party should ensure in law and in practice that the views of the child always be heard and respected in abortion decisions.**

(c) **Increase efforts to reduce maternal mortality among adolescents by implementing the existing protocol and providing adequate sexual and reproductive health services, including emergency contraception and ante-natal, delivery, post-natal and post-abortion services. In this endeavor, the State party is encouraged to**

consider the OHCHR's technical guidance on the application of a rights based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity (A/HRC/21/22). The State party is also encouraged to seek technical assistance from UNICEF.

(d) Ensure coherency and coordination between the social Mission Daughters and Sons of Venezuela and the public health system in regard to adolescent health;

(e) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men; and

(f) Allocate adequate human, technical and financial resources to the proper implementation of the National Programme on Sexual and Reproductive Health and the protocol on adolescent health.

Drugs and substance abuse

58. The Committee is concerned about the information provided by the delegation of the State party during the dialogue on the rate of children using drugs in spite of the National Drug Plan 2009-2013.

59. **The Committee recommends that the State party address the incidence of drug use by children by, inter alia, providing children with accurate and objective information as well as life skills education on preventing substance abuse, and develop accessible and youth-friendly drug-dependence treatment and harm reduction services. The State party should also allocate adequate human, technical and financial resources to the continuation of the National Drug Plan.**

HIV/AIDS

60. The Committee welcomes the measures taken by the State party to provide universal free access to antiretroviral treatment as well as the adoption of the 2012 national strategy on HIV/AIDS. However, the Committee regrets the lack of data on issues related to children living with HIV/AIDS. The Committee also regrets the absence of evaluation of the actual impact of the programmes undertaken on preventing and dealing with HIV/AIDS. The Committee is further concerned about reports on sporadic shortages of antiretroviral drugs and on cases of HIV/AIDS positive pregnant women not having access to treatment.

61. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) **Collect disaggregated data on HIV/AIDS related issues, in particular on the number of children living with HIV/AIDS, number of cases of mother-to-child transmissions, number of deaths related to HIV/AIDS and number of children and pregnant women under treatment;**

(b) **Continue implementing measures to prevent HIV/AIDS transmission, including through educational and awareness raising activities;**

(c) **Address the sporadic shortages of antiretroviral drugs and ensure that all HIV/AIDS positive pregnant women receive adequate treatment;**

(d) **Ensure the proper implementation of the 2012 national strategy on HIV/AIDS by allocating adequate human, technical and financial resources; and**

(e) **To this effect, seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.**

Standard of living

62. The Committee notes the efforts made by the State party to improve the standard of living of children, including their access to drinking water. However, the Committee is concerned about reports that drinking water is not of adequate quality in some areas of the State party resulting in numerous cases of infant deaths associated with infections and diarrhoea. In the light of the information provided by the Ministry of Environment that air pollution exceeds the permitted standards in some cities, such as Barcelona/Puerto La Cruz and Maracaibo, the Committee is concerned that excessive air pollution results in cases of pneumonia in children under five.

63. **The Committee recommends that the State party ensure the availability of quality drinking water for children in all areas of the country. It further recommends that the State party conduct an assessment of the impact of air pollution on children's health and subsequently design a strategy, provided with adequate human, financial and technical resources, to remedy this situation.**

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

64. The Committee notes the progress made by the State party in ensuring the right to education for children and adolescents, which includes the adoption of the 2009 Law on Education, the expansion and consolidation of school enrolment, including pre-school education, and the increased number of schools and teachers. However, the Committee remains deeply concerned about:

(a) The persistent challenges in accessing quality education for children from rural areas, indigenous and afro-descendant children, as well as refugee and asylum-seeking children;

(b) The high rate of adolescent mothers with children not attending school; and

(c) The military approach which permeates the educational programmes of regular schools (See CRC/C/OPAC/VEN/1, para. 22 and 23).

65. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee reiterates its previous recommendations (CRC/C/VEN/CO/2 para 67) and recommends that the State party:**

(a) **Undertake all necessary measures to ensure the enrolment and prevention of dropouts of children in rural areas, children belonging to indigenous or Afro-descendants groups, children with disabilities, as well as pregnant girls and adolescent mothers;**

(b) **Facilitate the enrolment of refugee and asylum-seeking children by removing administrative obstacles to their inclusion in the educational system;**

(c) **Promote the quality of education through the reform of curricula and the introduction of instruction and learning methods which stimulate the active participation of children;**

(d) **Strengthen its efforts to provide quality training to teachers;**

(e) **Include human rights education in the curriculum at all levels;**

- (f) **Ensure that the military approach is eliminated from the curricula of regular schools; and**
- (g) **Provide vocational education and training.**

Rest, leisure, recreation and cultural and artistic activities

66. The Committee welcomes the initiatives taken by the State party to ensure the right to leisure, cultural life and the arts, particularly the establishment of orchestras and choirs as mentioned by the State Party. However the Committee is concerned at the scarce recreational and sports spaces available for children, in particular for those living in rural and remote areas, in spite of a legal provision providing for such spaces.

67. **The Committee draws the State party's attention to its general comment No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts and recommends that the State party:**

- (a) **Undertake an evaluation of the National Plan on Recreation and based on lessons learned, develop a dedicated plan, policy or framework with appropriate resources, or incorporate this issue into an overall strategy for children, to ensure the right to rest, leisure, play, recreational activities, cultural life and the arts for all children, taking into consideration a gender perspective; and**
- (b) **Ensure that appropriate recreational and sports spaces are available for children, including in rural and remote areas.**

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

68. The Committee is concerned about the lack of information on the number of asylum seeking children and that the delays in refugee status determination decisions have a negative impact on the enjoyment of rights of asylum-seeking children and their families. The Committee is further concerned about the lack of programmes addressing the particular needs of asylum-seeking and refugee children that have been involved in armed conflicts in neighbouring countries.

69. **The Committee recommends that the State party:**

- (a) **Collect disaggregated data on asylum seeking children;**
- (b) **Ensure that all children and their families in need of international protection receive appropriate and fair treatment at all stages, and that decisions on refugee status determination are dealt with expeditiously;**
- (c) **Provide adequate assistance and psychosocial support to children who have been involved in armed conflicts abroad; and**
- (d) **Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Economic exploitation, including child labour

70. The Committee notes that according to reports the rate of child labour has decreased in the last decade in the State party. However, it remains concerned about its prevalence. The Committee regrets the lack of information on the extent and forms of child labour, including the worst forms of child labour.

71. **The Committee reiterates its recommendation (CRC/C/VEN/CO/2 para 77) that the State party undertake and evaluation of PRONAT (currently PRODINAT - Program to Dignify Working Children and Adolescents), determine the numbers and categories of children working informally or formally, and take all necessary measures to protect children from economic exploitation. The Committee further recommends that the State party give special attention to the worst forms of child labour in accordance with ILO Convention No.182 (1999) on the worst forms of child labour and consider ratifying ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.**

Children in street situations

72. The Committee welcomes the initiatives taken by the State party to ensure that children in street situations may exercise their rights. However, the Committee regrets the lack of information on the extent of the phenomenon, the consistency among the various initiatives taken so far, the results of these initiatives and their actual impact in improving the living conditions of children in street situations.

73. **The Committee recommends that the State party:**

(a) **Conduct a study on the scope -including disaggregated data- and causes of the phenomenon of children in street situation, and regularly update it;**

(b) **Evaluate the consistency and impact of the initiatives taken so far and based on the lessons learned develop a comprehensive policy, with adequate human, technical and financial resources, to prevent and reduce the phenomenon. The policy should address the different needs of boys and girls in street situations; and**

(c) **Strengthen its efforts to ensure that children in street situations are provided with adequate nutrition, shelter, health care, educational opportunities and protection from all forms of violence.**

Administration of juvenile justice

74. The Committee regrets the lack of updated information on juvenile justice in the State party's report and replies to the list of issues. While noting the current LOPNNA bill on juvenile justice which includes some positive developments, such as raising the age of criminal responsibility, the Committee is concerned that the reform includes some provisions which are clearly not compliant with articles 37, 39 and 40 of the Convention. The Committee is particularly concerned that:

(a) The proposal to amend article 561 of the LOPNNA extends the period of preventive detention of three months "for a reasonable period not less than thirty (30) days for the conclusion of the investigation";

(b) The proposed reform increases the maximum period of deprivation of liberty from 5 to 10 years;

(c) The proposed reform of article 628 increases the number of crimes punished with deprivation of liberty;

(d) Mechanisms to monitor children's rights in police detention centres have not been established;

(e) Children and adults deprived of liberty are not systematically held separated, in particular in pre-trial detention;

(f) Conditions in juvenile detention facilities and the socio-educational programmes in place, including the use of military training, do not comply with international standards and lead to frequent riots and children being injured; and

(g) The State party has not yet established a specialised police force with members trained to deal with children.

75. **The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, as well as with other relevant standards and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:**

(a) **Expedite the adoption of a law reform on juvenile justice in accordance with international standards, including raising the age of criminal responsibility, unify the juvenile justice system throughout the country and provide facilities and services with adequate human, technical and financial resources;**

(b) **Build on the positive lessons learned through the initiatives taken to reduce armed violence among adolescents through dialogue and alternative measures and amend the current reform in order to eliminate the measures that extend pretrial detention, the maximum period of deprivation of liberty and the number of crimes punished with deprivation of liberty. These measures should be replaced by alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, while upholding procedural rights in penal justice and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

(c) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**

(d) **Ensure that all socio-educational programmes for juveniles in detention are in full compliance with international standards, and explicitly prohibit the use of military training as part of such programmes; and**

(e) **Establish specialized police services to deal with children, ensure the adequate implementation of the 2011 Resolution on Standards of Police Behaviour, adopt the complementary standards of police behaviour to apply when children and adolescents are victims, witnesses or perpetrators of crimes and strengthen mechanisms to address and monitor complaints against police officers.**

76. **The Committee further recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.**

Child victims and witnesses of crimes

77. **The Committee reiterates its recommendation (CRC/C/VEN/CO/2 para 9) that the State party ensure, through adequate legal provisions and regulations, that all children who are victims and/or witnesses of crimes, e.g. children victims of abuse, violence, sexual and economic exploitation, and trafficking, are provided with the protection required by the Convention and that the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).**

J. Ratification of the Optional Protocol on a Communications Procedure

78. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC).

K. Ratification of international human rights instruments

79. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

L. Cooperation with international bodies

80. The Committee is deeply concerned about the withdrawal of the State party from the American Human Rights Convention which, by excluding it from the Inter-American Commission and from the jurisdiction of the Inter-American Court of Human Rights, may seriously affect children's rights in the country.

81. The Committee urges the State party to reconsider its withdrawal from the American Human Rights Convention. The Committee also recommends that the State party cooperate with:

(a) The Organization of American States (OAS) on the implementation of the Convention on the Rights of the Child and other human rights instruments, both in the State party and in other OAS member States; and

(b) Relevant international bodies, such as the Office of the High Commissioner for Human Rights, on the implementation of the Convention and other human rights instruments.

M. Follow-up and dissemination

82. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

N. Next report

83. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 15 July 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the

established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

84. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document is 42,400 words, as established by the General Assembly in its resolution 68/268 (para. 16).
