

**STATE PARTY EXAMINATION OF VENEZUELA'S
INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

67TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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The Bolivarian Republic of Venezuela ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 23 September 2003. On 2 September 2014 the Committee on the Rights of the Child (the Committee) examined the initial periodic report of the Bolivarian Republic of Venezuela. Venezuela has a declaration under OPAC which states the domestic legislation on recruitment of soldiers and penalties for violation of this legislation.

Opening Comments

The delegation of Venezuela was led by Ms. Andreina Tarazón, Minister of People's Power for Women and Gender Equality. She was supported by a large delegation consisting of representatives of the Vice Minister of Interior Politics, Vice Minister of Education, and the Permanent Mission in Geneva.

The Committee Rapporteurs for Venezuela, Mr. Bernard Gastaud and Ms. Olga Khazova welcomed the delegation to the Committee to discuss their implementation of OPAC.

General Measures of Implementation

Legislation

The Committee noted that recruitment of children into armed forces was prohibited by law and asked if perpetrators had been prosecuted sanctioned based on the law. It also asked if the State sought to establish extraterritorial jurisdiction for the crimes under the OPAC when they are committed by or against a person who is a citizen of or has other links with the State.

Dissemination and training

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

The State informed that dissemination and training is undertaken by the Minister for Justice and Peace in cooperation with other government entities. The delegation stated that the dissemination was done through preventative information, workshops, international seminars and publicity campaigns throughout the country.

Implementation and Coordination

The Committee expressed its concern over the absence of a consolidated policy for the implementation of the OPAC and stated that this absence affected coordination and dissemination. It was also not clear which body was responsible for coordination and awareness raising.

Information relating to non-State actors

Gangs

The Committee cited that there were adolescents who were part of armed gangs and asked what measures were being taken to prevent this. The delegation informed that the *Movement for Peace and Life* provided a humanist approach to dealing with children involved in violent activities. It stated that this was successful through peaceful and voluntary dialog aimed at reintegrating youth back into society.

Colombian border

The Committee was also concerned over instances of adolescents being recruited by non-state armed groups in areas bordering Colombia. The delegation recognised the decade long conflict currently in Colombia but said that there was no conflict taking place inside of Venezuela. The delegation referred to an incident in 2004 in which paramilitaries entered Venezuela with 9 armed adolescents that were returned to Colombia.

Prohibition and Related Matters

The Committee recognised that the age of conscription and voluntary recruitment under the constitution and national law was 18 years of age, however was worried to read reports on recruitment of children. It asked what the circumstances of this were and if there were investigations carried out to rectify the issue. The delegation responded that there were no instances of this kind in Venezuela and that recruitment was completely voluntary. The Committee asked how the State party identified the age of adolescents that had not been registered. The delegation responded that if there were doubts as to a person's age, that person would be considered under the age of 18 until proven otherwise. The delegation reiterated that 99% of children were registered at birth and therefore this was not a serious issue.

Military Schools and Education

The Committee also inquired about the military education and ideology promoted by the State. It asked who was running military school programmes and if children were free to transfer out of these schools. The delegation responded that the State did not promote any unlawful ideology and that society was aware of the positive role of the armed forces, such as provide aid and response in the event of disasters. Furthermore, the delegation declared that there were only 16 military educational centres; all of these followed national curricula and youth did not

participate in military training of any sort. The delegation affirmed that these schools were completely voluntary and free.

The Committee was also concerned about the mandatory military training received called *communication of guerrilla commanders*. The delegation said that this was not related to any terrorist activity and clarified that this training referred to a social movement to carry out alternative publicity through channels of social networks and websites. The Committee further questioned the scope of the Bolivarian Militia. The delegation responded that it consisted of groups of armed civilians trained by the army. The delegation assured the Committee that all members of the militia were over 18 years old and that the militia acted as a military reserve force and was completely voluntary.

Social reintegration

The Committee asked for more information on social reintegration mechanisms and if these involved law enforcement officials. The delegation replied that it was a combination of sectors which participated in the process of exchanging dialog for the weapons. It was proud to announce that it had been able to destroy large volumes of weapons through this programme, and many youth had been reintegrated into society. Additionally, it noted that participation in these programmes was at a very high level, with the Deputy Minister of Justice personally participating in demobilisation efforts. The Committee inquired about the training of law enforcement officials who identify the children. The State responded that it was not the police who worked in the *Movement for Life and Peace*, but civilians. It remarked on the effectiveness of the process and cited that in some areas, the homicide had dropped to zero.

Protection of the Rights of Victims

The Committee expressed concern that there was no data on the protection and recovery of children and requested information on programmes and facilities for these children. The Committee also asked if there were any protection mechanisms for children who had been involved in armed conflict in Colombia who arrived in Venezuela. The delegation recognised that this area of protection was complex due to political and social concerns, but stated that as part of the Plan for the Eradication of Extreme Poverty, the government was reaching out to populations in order to identify and protect children who might fall into this category. The Committee asked if youth escaping the conflict in Colombia were eligible to receive special aid and refugee status. The delegation concluded by stating that if a child entered the State, the best interests of the child would prevail and the child could receive the status of refugee.

Production and Exporting of Arms

The Committee asked the delegation to indicate whether the State was exporting weapons or arms to other States where children could use such weapons in a conflict situation. The delegation responded that the State did not manufacture weapons and therefore, it did not trade them.

Concluding Remarks

Mr. Bernard Gastaud and Ms. Olga Khazova, the country rapporteurs for the OPAC, thanked the delegation for the dialogue and said that the next report of the State party will allow it to assess whether the dialog was useful and contributed to comprehensive implementation of the protocol.