



child rights connect
formerly the ngo group for the crc

STATE PARTY EXAMINATION OF VENEZUELA'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

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 Sale of Children, Child Prostitution and Child Pornography (OPSC) on 8 May 2002. 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.

Opening Comments

The Special Rapporteurs, Ms. Olga Khazova and Mr. Wanderlino Nogueira Neto, thanked the delegation for the detailed answers provided in response to the List of Issues, and expressed belief that there was still not sufficient data provided to the Committee that would properly assess how the OPSC was being implemented.

General Measures of Implementation

Legislation

The Committee observed that not all crimes under the OPSC were prohibited by domestic law. It asked how the OPSC had been integrated into the domestic legislation and if a clear definition of the sale of children existed. The delegation informed that in April 2014, the National Assembly adopted an Organic Law against Organised Crime and Financing of Terrorism which replaced a 2005 provision. This law outlined how the State deals with the trial and conviction of suspects where crime associated with human trafficking were carried out, both in Venezuela, and extraterritorially. The Committee encouraged the development of a global policy as well as the allocation of human, financial, and technical resources for an effective implementation of the OPSC.

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

It inquired if there was a legislative framework to ensure legal liability of the enterprises operating in the tourism industry. The delegation commented that there were high sentence crimes of 25-30 years for any person involved in the dissemination and circulation of child pornography. Additionally, the delegation pointed out that the National Assembly had recognised trafficking as an autonomous crime. The Committee asked if there was a legal acknowledgement of extrajudicial jurisdiction for crimes committed against the OPSC in the form of organised crime. The delegation informed that extrajudicial jurisdiction for the State included international air space and high seas.

Coordination

The Committee thanked the delegation for the detailed plans and policies on this topic. However, it expressed concern over the lack of strategy and coordination to implement the OPSC. The delegation informed the Committee that issues related to the OPSC were dealt with by the executive but were overseen by several vice-ministries and various organisations, like other protection issues. The Human Rights Council oversaw coordination in these matters. The delegation informed that the State encouraged civil society participation in matters relating to protection and methodology. The State remarked that coordinating bodies worked to hold meetings in communities and with municipal councils and therefore, civil society played an active role in the development of the protection process. The delegation said that, based on the 2007 periodic review, the website www.epu.venezuela.ep had been created which made it possible to determine effectiveness of specific laws and legislation. The Committee also recognised that intersectional meetings that were held, but inquired as to the duration and information discussed in such meetings. The State did not provide a response.

Dissemination and training

The Committee asked for more accurate data regarding the dissemination of the OPSC, as there did not seem to be systematic training in schools. The delegation remarked that education involving sexual integrity took place in conjunction with national education on sexual and reproductive health. Additionally, the delegation informed that municipal councils worked together with the Ombudsman to establish training in remote areas such as the Amazonas and Alto Orinoco.

The Committee asked why there was a lack of strategy on dissemination of the OPSC among border guards, mass media, police, social workers, teachers, children and communities. The delegation responded that there was a system of social mass media in the State which informed the general public on issues relating to the OPSC, and there had been effort to tackle any information from private media sources not in compliance with the OPSC. The State regretted to inform that there had been recent cases of the private media perpetuating ideas against the OPSC, but a law on social responsibility in media stopped this from happening.

The Committee also noted that there was a lack of assessment in implementation of these trainings and encouraged the State party to create a mechanism for monitoring and improving trainings.

Prevention

The Committee asked what measures had been taken to prevent violations under the OPSC and what mechanisms were in place to identify children at risk (e.g. street children, indigenous children, and children in remote areas). The delegation explained that the government prevented sale of children, child prostitution and child pornography by addressing the root causes, such as extreme poverty and social exclusion. Additionally, the delegation informed that stronger restrictions on child travellers had been placed, both within the State and across

international borders. It also added that the Organic Law for the Protection of Children and Adolescents (LOPNNA) prohibited children from staying in hotels alone.

Child Sex Tourism

The Committee also noted that there had been reports of sexual exploitation in tourist centres and requested information regarding child sex tourism and prevention methods that may be utilised. The State party said that there was a pilot programme in *Isla de Margerita* to prevent prostitution among children and adolescents. The delegation informed that this programme included training, education and awareness in touristic areas. The Committee was concerned about cases of children involved in slavery-like forms of child labour, specifically around the indigenous gold prospecting areas. It asked what measures and sanctions were undertaken to combat this.

Prohibition and related matters

The delegation informed the Committee that on the 6th of May 2014, the Supreme Court issued decision 09066, which for the first time prohibited the dissemination of any pornographic material related to children. The Committee asked if the law specifically punished people who were in possession of child pornography. It further asked how the State was protecting children from intermediaries, such as adoption and employers did not violate OPSC. The delegation responded that the Organic Law against Organised Crime and Funding Terrorism criminalised sexual crimes with a maximum sentence of 30 years. These crimes included the dissemination and the direct or indirect display of pornography, and applied to material that originated in the State or abroad. The State acknowledged the risks of adoption as a way of legitimising the sale of children and assured the Committee that Article 419 of LOPNNA provided that nobody could obtain undue profit as a result of direct or indirect involvement in adoption. Three offices monitored developments in this area: the Executive, the Judiciary, and the office of the public Prosecutor.

Protection of the rights of victims

The delegation reported that each 335 municipalities had Council of Protections that children and adolescents could report to. The Children's Institute and Idena provided housing for children who were identified as victims. The Committee inquired as to whether there was any additional psychological or physical support afforded to victims. The delegation responded that the number of child victims was very low and highlighted that these children were cared for and protected from violence through protection measures issued by municipal authorities, including physical and mental health services. Finally, the Committee was concerned about some adolescents who escaped situations of prostitution and sexual exploitation in Colombia and were stopped at the Venezuelan border and turned back.

Concluding remarks

Ms. Olga Khazova and Mr. Wanderlino Nogueira Neto, the country Rapporteurs for the OPSC, thanked the delegation for its contribution to the dialogue with additional data and information. However, it requested that the next State report be more specific and expressed the hope that

its recommendations would be seen as an attribute to the good work already done by the State party.