

**REPORT ON ALTERNATIVE PROTOCOL ABOUT THE INVOLVEMENT OF CHILDREN AND TEENS IN
ARMED CONFLICTS**

Period 2007-2012

NETWORK FOR HUMAN RIGHTS OF CHILDREN AND ADOLESCENTS

REPUBLIC OF VENEZUELA (REDHNNNA)

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This document is signed by the following organizations:

1. Asociación Civil Hogar Bambi Venezuela. Estado Miranda
2. Asociación Civil Programa Sobrevivir- Distrito Capital
3. Asociación Muchachos de la Calle- Distrito Capital
4. Asociación Protección Integral a la Infancia y La Familia (PROINFA). Distrito Capital
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6. Asociación Venezolana de Justicia Social (AVEJUS). Distrito Capital
7. ASOPICA. Distrito Capital
8. Cátedra de la Paz y Derechos Humanos "Mons. Oscar A. Romero/Universidad de Los Andes. Estado. Mérida
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14. Federación de Instituciones Privadas de Atención al Niño, el Joven y la Familia, FIPAN. Distrito Capital
15. Fundación Amigas y Amigos de Niñas, Niños y Adolescentes (FADNNA)
16. Fundación Centro Gumilla. Distrito Capital
17. Fundación Luz y Vida- estado Miranda
18. Fundación Nairam- Distrito Capital
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22. Justicia, Apoyo y Paz (CEPAZ). Distrito Capital
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24. Observatorio Venezolano de Violencia (OVV). Distrito Capital
25. Proadopción. Distrito Capital
26. Red de Casas Don Bosco. Distrito Capital
27. Red de Madres, Padres y Representantes. Distrito Capital

Abbreviations

CRC: Convention about Children Rights

CRBV: Constitution of the Bolivarian Republic of Venezuela

FANB: Bolivarian National Armed Forces

GAI: Irregular Armed Groups

IDENA: National Autonomous Institute Rights of Children and Adolescents

LOPNNA: Organic Law for the Protection of Children and Adolescents

NNA: Children and Adolescents

NGOs: Non-Governmental Organizations

REDHNNA Network for Human Rights of Children and Adolescents

SJR: Jesuit Refugee Service

Executive Summary

The Human Rights Network for Children and Adolescents (REDHNNNA) as a coalition of social, academic, community, research centres and institutes and advocates for children and adolescents, from different regions of the country, has a documented report analysis about the status of implementation of the obligations involving the State regarding the Protocol about the involvement of Children in armed conflicts, the Convention about Children Rights.

Analysing about the protocol that opens the development of initiatives by the State we see greater emphasis on military training and promotion opportunities for participation of adolescents alluding to words, images and content messages or war combat. Such is the case of a Ministerial Resolution that establishes a mandatory military education for National Defence, as an "integrating core" of basic education (comprehensive) and university education, so-called "Guerrilla Communicational Commands".

It is also concerning about the existence of documented cases of children and adolescents who have joined Irregular Armed Groups and these events have not been reported nor addressed expeditiously by state agencies that are in the border areas where these situations of violation of rights mostly occur. Additionally, institutional weaknesses remain in border areas except against making NNA life: protection agencies, as well as other state agencies that must ensure the protection of citizens and especially children and adolescents, no presence in the most affected communities and recognition by local actors. The lack of a clear public policy discussed and agreed with all national stakeholders for protection with specificity for NNA living in the border brings important limitations on the guarantee of their rights.

The absence of programs that allow children and especially teenagers, are options and opportunities for protection, intellectual, economic and human causes are provided by default, linking these to the GAI. Moreover, it is especially important the existence of programs that promote a culture of peace, peaceful resolution of conflicts and knowledge of the provisions of the Protocol about the involvement of children in armed conflict. In this regard it is important that education programs promote awareness of human rights treaties and legislation, which promote education for peace. This report raises particular concerns about the education and training of national actors linked to the guarantee of rights, in order to foster a culture increasingly favouring the participation of children and adolescents in family spaces, community and school, in order to promote their active citizenship training, participation, active especially in matters that concern them and affect them, such as prevention of her foray into the GAI.

It is hoped that the effort to prepare this report, is well weighted by the Venezuelan state and that the necessary bridges tend to coordinate actions in coordination with civil society and families, as established by the principle of shared responsibility, the LOPNNA.

Presentation

Depending on their interest in promoting the full realization of the rights of children and adolescents in the country, the coalition of social organizations gathered in REDHNNNA an analysis of the status of implementation of the obligations involving the Venezuelan State in respect to the participation of children and adolescents (NNA) in armed conflicts. By producing this independent report, it is intended to include different perspectives in order to identify achievements, challenges and difficulties that must be addressed about the realization of human rights of children and adolescents in the Bolivarian Republic of Venezuela.

A. General Measures of Implementation

1. The implementation of the Convention about Children Rights and the Optional Protocol about the involvement of Children and Adolescents in Armed Conflict has been done partially in Venezuela, obtaining favourable results for the general situation of certain rights, and little progress and even setbacks in others.

2. The LOPNNA was reformed in 2007, replacing the system of decentralized participatory Protection for a centralized system in a Ministry (Ministry of People Empowerment for Communes and Social Protection) under the National Executive has very different skills, among which is the concerned about childhood and adolescence. The National Autonomous Institute for Rights of Children and Adolescents (IDEN) is a restricted management body under this Ministry. Various organizations have expressed their concern about the risks that entails since centralization for the protection, comprehension and timely attention to the NNA.

3. The frequent changes in the structure of the national public administration institutions have affected NNA protection and hampered the consolidation of the National Government system. This situation negatively affects the performance of the government agency that corresponds to the definition of policies, ensuring compliance with the powers and obligations of the system, structuring and implementation of policies, plans and programs consistent to permanent protection in order to achieve effective protection and full exercise of the rights of children and adolescents.

4. A proof about the above amendments is that since 2007 the board of directors in childhood and adolescence have gone through four different Ministries ¹and recently the President announced new changes regarding the Ministry of People Empowerment and Social Protection.

5. As a consequence of institutional weakness, the Venezuelan state is in arrears with the development of a National Plan for the Integral Protection for Children and Adolescents rights. It has not achieved a consolidation that integrates planning and inter-sectorial work that must be performed by public authorities at different levels and social participation. The IDENA management body protection system under current legislation in the country, submitted its institutional management plan for the period 2009-2013, which aims to "guide public policies and

¹ Since 1998 the rectory was in charge of the Ministry of Health and Social Development, and in 2005 was changed to the Ministry of Participation and Social Development, in 2009 the Ministry of Popular Power for Communes and in June of that same year, the People's Power for Communes and Social Protection, and according to recent statements by the President picked up by various media, stewardship, would be borne by the Ministry of Popular Power for Communes and Social Movements.

the implementation of plans, programs and projects about protection and comprehensive care for children and adolescents, with the purpose of contributing to the strengthening, development and welfare, in the pursue of supreme social happiness". When performing an analysis of the plan concerning the recognition of how the largest body of public administration in the field, presents a plan that does not express the fundamental principles of the Doctrine of Integral Protection, by not including universal public policies or special protection than those situations of poverty and social exclusion, with the resulting programs. It is a matter of concern that the plan's visions are overdue and that the focus circumscribes about childhood welfare. It is noteworthy that in paragraph 53 of the Consolidated Report presented by the Venezuelan before the Committee, stated that the plan is awaiting approval by the governing authority, although this has been made for a period which is nearing completion (2009-2013).

6. As one of the main consequences of the absence of a national plan, it is evidenced by the severe limitations of agencies and protective services for the restoration and promotion of children and adolescents rights.

7. In the law, since the reform process LOPNNA, established a new judicial process whose fundamental characteristics of orality, uniformity, strengthening of alternative ways to a dispute resolution, redefinition of judicial functions and modernizing the organization of the Protection Court. However, they have shown significant delays in the implementation of new judicial and temporary closure of some judicial circuits in the country, affecting the right of access to justice and effective legal protection of children and adolescents.

8. Beyond recognizing government efforts to increase social investment in the recent years, there are still recurring difficulties in measuring the investment of national public expenditures on NNA facing the duplication of instances and the incipient articulation with which they work. Access to information remains a challenge to overcome in order to manage reliable figures whose bases are transparent and standardized calculation. This prevents an adequate design of public policy and does not provide more nor better society participation in solving the problems.

9. Actors of great significance for the assurance process rights as teachers, principals, parents, physicians, healthcare institutions, lawyers, judges, journalists, police officers, among others, have received no information nor specialized training and systematic for the application of the principles of the doctrine of integral protection of children and adolescents and the provisions of LOPNNA in their areas of incidence. However, at the state level they are recognized and valued as an administrative achievement efforts promoted by the Fundación Juan Vives Suriá dependent on the Ombudsman, which has promoted training in areas of Children rights, however it is unfortunate that training such processes are not part of a systematic strategy nor had the necessary nationwide scope.

10. The REDHNNNA believes that stronger actions regarding the dissemination of the Convention and the LOPNNA, and training activities to significant actors for protection, have been led mostly by NGOs, social organizations and universities that work with Children and Adolescent rights. Similarly, the main processes of autonomous participation and citizenship training with children and adolescents have also been carried out by NGOs. An example of this is the development of legislative agendas for candidates to Representatives in the National Assembly.

11. Regarding implementing measures of current legislation in the country's comprehensive protection for children and adolescents is the creation and operation of the Municipal Councils for Rights, Protection Tips and Defenders of Children and Adolescents designated in each locality of the country to the immediate and full protection of the population which is a victim of threat or violation of their rights. Legal regulations provided that, by administrative decision to conform these councils and ombudsmen in each municipality, as their implementation is a responsibility awarded to the municipal authorities. Between the years 2000 to 2006 there has been an accelerated growth of these institutions and services, but following LOPNNA Reform in 2007, the protection system was subordinated to a national central authority (Ministry) that has changed four times and currently again being redefined (as discussed above). As a result of this legislative reform and administrative changes, Rights Councils have failed to fulfill their duties, the Protection Councils work in precarious conditions without institutional support nor financial resources required to meet the high demand assumed and has not increased the number and coverage of Ombudsman of NNA and programs that showed relevance and effectiveness as the Defenders Education under the Ministry of Popular Power for Education, which stopped working for several years and is now barely operating.

B. - PREVENTION OF RECRUITMENT AND USE OF CHILDREN IN HOSTILITIES

12. Among national laws relevant to this protection include the Organic Law for the Protection of Children and Adolescents, and the Law for the Protection of Children and Adolescents in Rooms with Internet, Video Games and Other Multimedia². And in terms of prohibitory laws that guarantee the rights, highlighting the Act to Ban Video Games and Warlike Toys, which establishes rules aimed at preventing child participation in activities associated with the use of weapons, or the promotion of militaristic thinking, advocating instead, peaceful social coexistence, solidarity and peace, and the Law Against Kidnapping and Extortion stating that the forced enlistment of any person is a crime.

13. However, parallel to this favourable legislation, there are other legal aspects that are contradictory to the promotion of peace thinking, social solidarity and coexistence:

1) The Ministry of Popular Power for Education has preserved Pre Military Instruction as required component in the training curriculum and vocational education in Venezuela (Joint Resolution of the Ministry of Defence N ° 1856 and the Ministry of Education No. 134 of June 15, 1999). It is necessary to review the mandatory Pre - Military Instruction subject in all elementary and high school education institutions in the country and to clarify and disseminate the NNA rights not to participate in this training, for reasons of consciousness and respect for their right to participate in the educational process. On the other hand, an oversight by the Ombudsman's activities involving education is required, which should be ensured to be consistent with the educational goals that are intended, particularly in areas affected by criminal violence or the presence of Irregular Armed Groups (IAG).

2) Another different situation is that on March 24, 2011 was published in Official Gazette No. 39.641³, a resolution in which it has enacted the Comprehensive require Military Education Plan of

² Published in Official Gazette No. 38,529 of September 25, 2006.

³ <http://www.tsi.gov.ve/gaceta/marzo/2432011/2432011-3102.pdf#page=7>

the National Bolivarian Armed Forces issued by the Ministry of Popular Power for Defence⁴, in which it develops the objectives, theoretical foundations and guidelines for activating **Comprehensive Military Education Plan**, and the incorporation of a new subject called "Comprehensive Defence Education" as integrating core curriculum of basic education (high school) and university, for the express purpose of incorporating military training as a core subject within the National Education System. For organizations of children's human rights in the country, this massive training education model contradicts the essential purposes of education and violates the fundamental principles and rights enshrined in the Constitution, international treaties signed by the Republic and national law, which affirms the civic, comprehensive and Venezuelan humanist education. In particular it is assumed that this type of education, which views national defence as a priority, aims to promote military vocation.

14. Another concern is that this resolution incorporates the Bolivarian Militias in basic education schools and universities, attributing the responsibility to implement the subject "Comprehensive Defence Education", which clearly violates the constitutional provisions on compulsory education which is in charge of teaching professionals, and the autonomy of the universities to decide their programs and plans of teaching, research and extension. Furthermore, it threatens the physical, psychological and emotional and adolescents by the political polarization that exists in the country, when, contrary to the statutory mandate to ensure respect for all currents of thought, tolerance and plurality, is set theoretical foundations of the Education for Defence, the ideology of the "new socialist ethics" and "revolutionary democracy" advocated by the government sector.

15. The Resolution of the Ministry of Popular Power for Defence continues, although publicly and based on the law, human rights organizations have asked the National Executive the immediate revocation of the mentioned resolution.

16. As a proposal for participation promoted by the State, through the Ministry of Popular Power for Education and the Capital District Government⁵ in April 2010 bound themselves the "Communicational Guerrilla Commands" composed by teen students from high school education centres. According to available information the aim is to monitor the information issued by the private media, under the assumption that they omitted information or distorted information affects management or current government. In this regard, the REDHNNNA issued a statement valuing the participation of adolescents in the public sphere as an essential element for the strengthening of democracy and active citizenship building, but delimiting the risks of this model, while limiting the freedom of thought and conscience as the intent of this initiative that was designed to defend the interests of a political sector, ignoring the diversity of choices of students, teachers and families. Furthermore, the fact that in a social context in which many children and adolescents are victims of violence and social sectors where they come to work for a social transformation that promotes peace and integral protection of children, the higher authorities and some educators, promote messages or activities that could be associated with anti-judicial practices, creating confusion in teenagers about what is legal or socially acceptable.

⁴ This situation was reported in April 2011 by organizations dedicated to the protection of the rights of children and adolescents in the country.

⁵ Note: www.correodelorinoco.gob.ve/tema-dia/me-guerrilla-comunicacional-no-forma-parte-curriculum-educativo/

2.2.2 Prohibition and related matters

17. The Constitution of the Bolivarian Republic of Venezuela states that no one may be subjected to forced recruitment (Art. 134). Other laws also refer explicitly to the topic:

1) The Law on Conscription and Enlistment establishes military age between 18 and 60 years, and refers specifically non-admission of children under 18 years (Art. 4)

2) LOPNNA contains several prohibitions relevant to this matter, for example, prohibits the sale, supply and provision of weapons, ammunition and explosives to NNA identifying this prohibition as prevention activity (Art. 92. D.), and prohibits carriers printed or audio visuals, books, publications, videos, illustrations, photographs, lectures and chronicles aimed to children and adolescents containing information and images that promote or incite violence or use of weapons (Art. 75). This law establishes the facts typifying Prohibitions and setting offense penalty of imprisonment for certain cases, namely preventing the supply of arms, ammunition and explosives to NNA (Art. 261); NNA traffic into or out of the territory of country with the purpose of obtaining illicit profit (Art. 266), the illegal deprivation of liberty (Art. 268), the abduction and retention of children and adolescents (Art. 272), the admission or profit for work of NNA (Art. 257), forced labour of children and adolescents (Art. 255). It also indicates other prohibitions, for which the punishment of a fine set: prohibits the illegal transport of children and adolescents within or outside the national territory (Art. 231), the admission or for work of NNA profit, or gain admission for work adolescents without authorization (Art. 239).

3) Law to Ban Video Games and Warlike Toys, of December 3, 2009 , which establishes rules aimed at preventing child participation in activities associated with the use of weapons, or the promotion of militaristic thinking , advocating instead, peaceful social coexistence , solidarity and peace;

4) The Law Against Kidnapping and Extortion (Official Gazette No. 39,194 dated June 5, 2009) states that the forced enlistment of any person is a crime, in this sense provides in its Article 9: "who by threat or deception, retains, conceals, snatches or move by any means one or more persons to conduct a forced conscription in order to be part of irregular armed groups shall be punished with imprisonment of 15-20 years."

18. The difficulties of compliance with these regulations are presented in the practical field. An emblematic case was the one in the Capital sector, 23 de Enero, (January 2012) when it was reported that a group called " The Piedrita " made the presentation of a group of children from 3-7 years of age, allegedly using weapons like rifles Kalavnikov, to promote the activities of your organization on a historic date (anniversary of the location). The photographs in this act were widely circulated throughout the country. The intervention of the General Attorney in this matter was a result of the public request to the President of the Republic, from which began the research that led to the complaint of two women as responsible for this alleged delivery of arms to the children.

19. The Latest News Journal dated March 18, 2012⁶ reported the alleged recruitment of NNA by irregular armed groups that are present in Apure, Barinas and Tachira, specifically in the areas of El Nula and Las Bocas de Río Viejo (border areas with Colombia). These data are consistent with the information provided by UNHCR and UNICEF as part of the First International Congress on the prevention of recruitment and use of children and adolescents, held in Colombia on 18 and 19 November 2009.⁷

20. Given this information was published by the press, REDHNNNA filed a formal complaint against the National General Attorney, Luisa Ortega Diaz in a communication sent on April 23, 2012, in which it requested the General Attorney General to lead investigations and proceedings that were initiated in order to verify the veracity of the allegations in the newspaper Ultimas Noticias. It also requested the Court to order the necessary protective measures for the purpose of providing special and immediate protection to children and adolescents and families of victims of crime recruitment, who were in high-risk border areas, especially in Upper Apure, Barinas and Tachira. who exposed / as not only the impact of the Colombian armed conflict and to the actions of Irregular armed groups, but also operational problems of public institutions with competence in the comprehensive protection in this area. To this date no response has yet been received by the General Attorney General nor any known research or protection undertaken by them or by any other body or public authority of the Venezuelan government.

21. Direct participation in hostilities: Understanding how a child associated with an armed force or group to any person under 18 years of age who has been recruited or used by an armed force or armed group in any type of function , including but not limited to, the children used as fighters, cooks, porters , messengers, spies or for sexual purposes . On these matters note the following:

Participation of children and adolescents in activities of Irregular Armed Groups (IAG) operating in Venezuela's border with Colombia:

22. The Jesuit Refugee Service in 2011 conducted an exploratory research, not yet published, that refers to the linking of NNA with armed groups in the border states between Venezuela and Colombia, in which interviews were conducted with informant residents in areas, whose identities were deliberately protected, fulfilling the guarantee of absolute confidentiality, so that with the information provided in this way, do not affect the safety of the institutions and / or individuals. Their names were changed in the text under a pseudonym in quotes in page footnotes. The same procedure was applied to the references made by the respondents of third parties, and to the identification of the GAI mentioned by these interviewed persons.

23. Fieldwork was conducted between November 2010 and May 2011 in border areas in Venezuela, including the following regions : Amazonas state (Municipalities Atures , Autana and Atabapo) Tachira state (municipalities Hevia García; Pan, Ayacucho, Pedro María Ureña; Bolivar

⁶ Press release published in the Journal Latest News: enroll minors to "war of resistance". Available at: <http://www.ultimasnoticias.com.ve/noticias/actualidad/sucesos/enrolan-a-menores-para-guerra-de-resistencia-.aspx>. Consulted on Apr. 24, 2012.

⁷ Press release issued by UNHCR: Alto Apure, Venezuela, became a haven for Colombians fleeing violence. Available date http://www.acnur.org/index.php?id_pag=6509 Accessed April 24, 2012.

Junin and Córdoba); Apure state (municipalities Paez and Romulo Gallegos) and in the last period of the study, interviews were conducted in the municipalities of Maracaibo, Guajira Mara, Jesus Enrique Losada; Rosary Perijá; Machiques Perijá and Jesus Mary Semprun, Zulia state .

24. The study reports that "a common denominator in the states of Amazonas, Apure and Tachira States was the fear expressed by many of the people who are requesting information. In many cases the feeling conveyed was inadvertently exaggerating in terror. The prejudices and mistrust of the informants were considerable. What constitutes an indicator of the impact of irregular armed groups in the social fabric in those areas. Respondents showed the same degree of Zulia and distrust prevention without many fears."

25. The main data of the study, which will be referred to in the following paragraphs to document reveal the child participation in the activities Irregular Armed Groups in these areas. Although it was not possible to have exact knowledge and Statistical ages of all children and adolescents affected, the data provided by respondents realize that their ages range from 12 to 17 years old. This is evidence from the testimony taken:

There are some boys like twelve, fourteen years. Do not tell me that there are elder adults there, no older. Right now I have not seen so adults, thirty old and up no, no (...). In the GAI ... more mature than the GAI.... The GAI ... have a lot of young people. (Woman interviewed, El Nula, 2011)

I think that they incorporate more boys than girls of ages twelve or thirteen years old (Woman interviewed, Guas dualito, 2011)

Regardless of the type of child participation in the activities of the GAI (whatever way in which children and adolescents come to interact with GAI), in all these cases, the presence of NNA is a violation to their rights, and specifically a violation of rules concerning the protection in the CRC and its Optional Protocol, and at a national scope, a violation to NNA protection rules such as Article 78 of the LOPNNA, among others, and depending on the case, we can refer also to the violation of rules prohibiting actions or that you determine criminalize.

26. To differentiate these situations, we refer to the testimony of the interviews, which can be identified in some way or form of presence of NNA in the activities of GAI on the Colombian – Venezuelan border. **Regarding the recruitment imposed by GAI:**

A case of a very poor man, that happened about four years ago [2007] ... this man took away his eldest son and said - do not report or do anything because if not, we will come for your other son.

*The man remained in silence due to this situation and was told do not worry **your child is in our group** and it's over. But around a year later they took away the second child. (Female interviewed, Guas dualito, 2011)*

In the area of Paraguaipoa, in 2009 the GAI ... distributed flyers, among other things, threatening to recruit teens who were on the streets after 10 pm. (Male interviewed, Paraguaipoa, 2011).

The GAI ... abduct teenagers and then rape them. In some cases girls have become pregnant. (Male interviewed, Paraguaipoa, 2011).

Entire families are recruited for them, there are people working with GAI ... now, our fear is move around and now meet ... with armed groups (GAI local members), they are monitoring at the

border for the drug trafficking, to the Gulf of Venezuela and from there to the Caribbean and to all coasts of the peninsula to the Caribbean (...). Sometimes two or three would get involved, but if one person engages with them, everyone else gets involved, that is the truth for us, though you like it or not, for fear we have to protect our families. (Male interviewed, Paraguaipoa, 2011).

27. GAI Intervention for discipline or sanctions, that involves or affects the child participation in activities of these groups: we can say that the long presence of GAI at border social areas and interactions with local residents of these locations, promotes their social importance standing as guarantors of order and as social authority reference social and considered as family. In the town of El Nula it is known about mediation among GAI members to discipline adolescents exhibiting disruptive behaviour within the family.

They [GAI] have knowledge that a child is not studying or misbehaves or parents often come to them. Come to them in the sense that their child has become a conflict. He/she ignores, does not study, or misbehaves. On weekends, if they show up late, eight, nine, one, two o'clock am in the streets. Ignore their parents, come home drunk. Many parents prefer or decide to go to a, how can I say, one of the commanders to explain the situation? Or go to the contact the guerrillas because they know that they threaten and know what they do, then they tell them 'Look I have problems, my son ignores me. Here there is no psychologist, teacher, nor dad, not mom, he/she disrespects me. They ask the GAI to scare them. (Woman interviewed, El Nula, 2011)

This mode of trying to discipline the adolescents' behaviour becomes a risk that the GAI may recruit, with the aggravation that there is a legitimate consent of parental figures.

The same mom here personally said [the teenager] 'Well, you know that they have seen you. He told me so-and- so, you know who he [referring to a member of the armed group] told me that if you are still out there on the street they are going to take you. (Woman interviewed, El Nula, 2011)

In some cases, for example there is a crazy boy of the community doing crazy things, they then impose a sanction, the sanction (...). If you steal a chicken, you stole this, or that, and then the GAI grabs them on the third time for punishment for two to three months. If the child continues, then they take him away. Then I say it's forced recruitment (...). Yes, they join their groups, some might want to kill. Then the child says: 'no, I better go with you so you will spare my life (Male interviewed, El Nula, 2011)

Days ago they a couples of girls from the streets and put them to cook. One is fourteen and the other sixteen. They don't stay at home. They do nothing. They go partying around, and from problems to problems, so they took them. The past few days they were cooking, fifteen days and then go back home. Right now this is the method they are doing. For those guys who do not want to work, do not want to study, then they take them to cut grass⁸ at farms, to clean⁹. (Woman interviewed, El Nula, 2011)

⁸ Machete.

⁹ Shares of weeding on farms

In the absence of programs or support services to families, that can play an appropriate role in the upbringing and socialization of their children, these irregular armed groups act as references for the solution of family conflicts in a non-constructive way.

28. Regarding **Peer Recruitment**, the study indicates this as another tactic of linking new teenagers. The teenager linked would be a kind of model demonstrating the advantages of belonging to an illegal armed group. Will begin to wear fashion clothes, go to school on a bike and have enough money to invite your colleagues to small treats.

(...) Many times as part of the group not all leave. Many times some still are studying normally and having a completely normal life but are within institutions (...) - Hey, but that guy used to walk barefooted and today he has a bike, has good clothes or shoes, and money that obviously attracts other children. I do not know if that's the only way I do not know if that is perhaps the main form, but it's how I know things happen within institutions. (Woman interviewed, El Nula, 2011)

29. In the mode of **promoting inclusion of children and adolescents to join irregular armed groups** were recurring data drawn from the evidence on which states the offering of benefits by these armed groups to achieve the organization's incorporation or recruitment.

They offer silver, bikes, women and a nice life. You paint a beautiful picture, who is not going to love? (Woman interviewed, El Nula, 2011)

Well then, respect to those that have been kidnapped or children abducted is rather convincing the youth, to teens today it is easier to introduce them with a weapon (...) to give a meal today is easier, to buy a bike, buy a gun, buy them with something they like to say: go to school. We have the recent case of a young woman who was practically with them because they offered many possibilities but after all, she got nothing. (Woman interviewed, El Nula, 2011)

There are cases here in Guasdalito that begins with falling in love with a cell phone, motorcycles, power, weapons, money, but mostly the fastest is with phones and motorcycles. (Male interviewed, Guasdalito, 2011)

The way the GAI or those that opened from the GAI use to seduce is: giving work, giving bikes, they have resources, they have weapons, and power. (Male respondent, Guasdalito, 2011)

That's a lie, what money can they give you? Sure the first few days they give you but after a while there is nothing. They must fuck themselves to earn their money. The first few days is because, the one that works has but it's not because they give them, is because they make their rounds to grab their money but the kids that come say they have silver - look. It is a lie, an illusion that they put in their heads, but it is not so. (Woman interviewed, El Nula, 2011)

30. Regarding the **Identification of Vulnerable groups** that have some association to GAI cases occurs because of the poverty situation of households and lack of institutional response of the State to ensure the required assistance to families:

Apparently those who do not study, do not work, have no dad, have no mom or let them do what they want, are convinced by telling them that there they will be better, **if they leave, then they get killed.** (Woman, El Nula, 2011)

Yes, there are many teenagers who are part of the GAI, we say GAI (...). Thirteen, fourteen and sixteen years old (...) Men (...) more than anything that has been seen in the communities are very young teens (...). What one is able to perceive is that many times children that need (...) one of the reasons that I notice are dropouts from school or those children whom are not studying are easy targets for these groups. These are children who have need of money, they are children whom are abandoned as (...). Right, because there can find easy money. (Female interviewed, El Topon, 2011)

Speaking of this case specifically, he wanted both. He wanted to help his mom and dad because they had many debts, help his brothers so they could eat better, to be able to offer things and as well for himself, he said that he felt he had many needs and lacked many things, that he had new things (Woman interviewed, El Nula, 2011)

Last year, itself, in to mid-year they were sweetening them (...). They were saying, at least to "Cassandra", she is a single girl whose mother was imprisoned for drugs, they tell her that if she gets in she will have all, no need to work. She is sixteen. And she does not need to be going to work and will have everything; they give clothing, give money, give house. The GAI invited her. If she wants to be in the mountains, she can go, if you want to be in the village, stay in the village. She is not the only one. They are always looking for people who are lonely or more independent, they do not have to guide them and stuff. (Woman interviewed, El Nula, 2011)

31. There is also a **voluntary way to obtain a status or social recognition:**

(...) There are guys that are formed in this situation, as I believe as escorts, because whenever you see one that goes to the side of the boss or going back on the bike, or are always with the boss, the boy of fourteen, fifteen years. They see they are growing with them, as they are going to see that they like the boss, and their attention (...). Yeah, well I think that is how they seduce to join the GAI (Woman interviewed, El Nula, 2011)

And they [the armed groups] are always sweetening giving the key of the bike, they have at their disposal to where they want to go [teenagers] do not even have to put gas or accommodate it or anything. - Lend me the bike - Yes, here it is. Take it. (Woman interviewed, El Nula, 2011)

There are many parents that when their son goes to GAI ... feel proud. Because that is when the person will say, 'Try fuck with me. I have a son in the GAI If you want you're done'. So , for them is like having a safe conduct to have a child in the GAI ... and that is what I have seen of many families who have children in the GAI ... and having a family in the guerrilla is to have a pass. (Male interviewed, El Nula, 2011)

In a rural location of San Camilo's parish in the municipality of Paez, Apure state, we reported that: (...) a happy mom was glad that China would hang around [sic] with one of the tough guys from there [referring to a commander of the armed group]. (Woman interviewed, El Nula, 2011)

Some of them are going for idle. In these days a lady told me that the son of a neighbour who is six or seven years old, is studying second grade, his mom would send him for something and he grumbled and replied: - I'm going to the guerrillas! If this seven, or eight years has a thought like that in the head, I do not think that child studies much and is expecting to grow to leave. (Male interviewed, El Nula, 2011)

32. With respect to the **assignment for revenge**, we have been referring to the study that reports on known cases of Children and Adolescents linking to GAI thanks to a desire to avenge the death of close people, seeking to locate and repair the damage.

He never told me that because he said he was the GAI ... he got into this because his dad was killed in Colombia, that hurt him that and then he did not want is, he wanted to revenge but he didn't get by heart, he got in by rage, but not because he was born that way and one day I asked him how it was and I said, you never ever do that. I never force anyone, who wants to go gets there by themself. (Woman interviewed, El Nula, 2011)

33. **Linking refugee children**, as the case of a teenage refugee who was linked to the GAI was placed in combat roles.

There was a case of a "chamito" who was fourteen or fifteen years old, he was wounded. Did you hear about a bombing at a camp along the sides of Saravena last year where between eleven or fourteen guerrillas were killed?

(...) . Among those injured was this boy who was seeking refugee too, but he was alive, he was taken away. We talked to the mother and at Bogota he recovered his health and is now with his family, look where they had him (Male interviewed, El Nula, 2011)

34. Use in activities:

In some situations armed groups use several teenagers to work without these being a part of the organization. Obviously the use of teenagers to work or favours, paves the way for a greater linkage further on. Furthermore, it endangers the lives of these teenagers which are used directly or indirectly as members of rival groups can identify them as members of groups threatening enemies and integrity.

Yes, I knew a case about a child who had no mom, no dad and the child so put him to do some labour. The child was thirteen but maybe they used him to collaborate with them. The Gai – They would tell me to take out some cassava (...). They insisted sometimes for him to work with them and the child had seen kids like him and guys who were with them but they were not the from their area (...) In uniform and everything (...) that was like in 2007-2008. (Female interviewed Town Sucre, 2011)

To have a particular skill that is evaluated and considered of use for the GAI utility can mean that they will start to approach to request their services and then reach with their ranks.

*He handled very well the outboard engine canoes, they were aware of who could handle well the engine, who runs the motorcycle and grab those guys, then he was taken away but not abducted but (...) then the twelve year old boy would come out school would be integrated it to do some work such as to pass things by the river (...) like to take us here and wait for us, and now we go somewhere else, and began to get involved (...) that is the story of how he got linked to them, just for the fact of knowing how to run well outboard a canoe and **when he wanted to come out, he couldn't** (Man interviewed, Guasualito, 2011)*

35. NNA functions or roles within the GAI:

Investigating about the functions to which adolescents are featured in the GAI, we find a diversity that involves surveillance activities, housework, escorts local control groups.

In a rural village located in the municipality Páez of Apure State, one of the sources interviewed mentioned the case of a teenager who was at a checkpoint by an armed group in the area monitoring functions as an effective combatant.

Two years ago I met a girl on a barge¹⁰ with uniform and everything and what was my surprise when I saw that she was armed, then I asked why did she do this?, because she wanted to and because they offered money, uniforms and walked armed (...). She was fifteen. (Woman interviewed, El Nula, 2011)

One sees that there are consequences in the area because there are children who even play the role of flies, surveillance, armed, children who meet the role as a supervisor, security, many roles for these children, not only are kids there to learn. There are children who already have a role. (Male interviewed, El Nula, 2011)

Some of the ways of financing the activities of the GAI is through required forced contributions. The process of collecting them is sometimes assigned to teenagers incorporated into its ranks.

Between September and October I know a 12-year dude (...) with the GAI and we thought he was in some mountain in Colombia. Now we found out in September and October that was put in jail passing Barinas, somewhere in Portuguesa. Apparently the teen's arrest was made while blackmailing. (Male interviewed, El Nula, 2011)

When consulted about the functions assigned to teens once they are in the ranks of the groups, one of these functions was to make them selective executors of the armed group against whoever they issued a death sentence. In El Nula this is a practice of GAI. A source told the following:

Because they are trained. At least those small kids are trained to kill and at least they will kill that person no one will suspect of a "carajito" of these then they take them and take them to the mountains. Because "Justino" was taken by force three years ago and supposedly he was the big bully and the one to do the job. (Woman interviewed, El Nula, 2011)

Part of the criminal actions of the GAI is selling security practice to businessmen and residents of some areas where they have influence. In case the payment is required and refused to pay, the

¹⁰ San Camilo's parish rural farmhouse, Paez municipality. Apure State.

GAI teens send its ranks to steal from those people. In other cases they are threatened and have to leave the area.

(...) They link them to the activities they do [GAI] for example; there are some who claim the vaccine (...). Some charge for monitoring, surveillance they don't do, then all the people of the houses, even at my house when they passed us we paid (...). The collectors are teenagers (Woman interviewed, Ureña, 2011)

One of the roles played by teenagers, once they reach the camps of armed groups has to do with housework during the initial phase of training.

Once they get there, they begin cooking, watching others, they arrive doing their duties while others teach them (Woman interviewed, El Nula, 2011)

36. NNA Fighters: fieldwork evidence cases of adolescents who were part of the GAI participating as combatants.

Lately with this new group that has now emerged. That is the GAI then if there has been, say, training camps for children who are at the other side of the river and on the border of Barinas (...) by Sarare River (...) and have the children practicing there (...). They give military training. (Male interviewed, Guasqualito, 2011)

37. Protection, recovery and reintegration: to examine public institutions serving the protection of children and adolescents in the border area, and to demonstrate the insecurity as there is no Protection Council in violence-affected areas such as Apure border. There is only one Ombudsman, which works without any programs dedicated to the protection, recovery and reintegration of victims. In the Yearly Financial Reports of public institutions there isn't any reported protective actions in the area and the State fails its action by arguing that there is no presence of GAI in the country, even in the Report of the State Committee states that "in the Bolivarian Republic of Venezuela there are no armed groups operating in our territory nor has known of the presence of children and adolescents or Venezuelans who have participated or are participating in armed conflicts "State Report to the Committee Rights of the Child, 2012, paragraph No. 74).

In case of forced recruitment, parents and individuals seeking reimbursement directly negotiate with the perpetrators of crime, as shown in the case referred to in this testimony:

A gentleman crying and all that stuff asks the boss asks that you let him take back his child, then the guy asked him to give it some time (...) days later the boy returned home, but now he is very silent, no longer speaks, doesn't go out, I guess he's so traumatized. (Male interviewed, Guasqualito, 2011)

About three years ago they took one, a boy (...) he was twelve. He was still a child, but the father influenced because he [the teenager] could not stand it, horrible. They took him and then [the father] went to get him and they didn't do not want to release him [the armed group] until the third time he returned and was released (Woman interviewed, El Nula, 2011)

RECOMMENDATIONS

- 1) To complete and guarantee the full functioning of the organs of the System of Protection for Children and Adolescents in the locations and zones in the Colombian-Venezuelan border, with sufficient and adequately staffed Protection Councils, many different protection programs, Defenders of children and adolescents, Municipal Councils of Rights, courts and prosecutors.
- 2) Develop a public policy and a specific plan for promoting the rights of children and adolescents, promoting social awareness of the priority of ensuring the full development of children by families, schools, public authorities and social organizations.
- 3) Promote prevention plans and programs at local and community levels, with sufficient resources to ensure their quality and continuity in time, so that children and adolescents have access to training opportunities, work, financial assistance and avoid participation in activities associated the GAI.
- 4) Annul the decision of the Ministry of Popular Power for Defence on the Military Defence Education as their objectives and contents are contrary to the purposes of education enshrined in the Human Rights Treaties and the national legal regulations.
- 5) That the Ministry of Popular Power for Education establish as a priority for national education and training focusing on integrating the educational system, the preparation of childhood and adolescence for constructive conflict resolution and peaceful coexistence, based on the respect for the rights of all people.
- 6) That the Ministry responsible for the rectory of the National Governing System for the Integral Protection of Children and Adolescents and the Ombudsman, as an institution of the National Government responsible for monitoring human rights prioritize in monitoring and surveillance of the situation human rights of children and adolescents living in the Colombian- Venezuelan and act ordering the measures and actions that require protection against threats or violations of rights.
- 7) That the Ombudsman and the Children's Rights Councils and Adolescents advocate about knowledge of Military training practices in elementary and high school education to ensure that they are guarantors of legal regulations enshrined in national legislation about human rights of children and adolescents.
- 8) That the Public Prosecutor initiate criminal investigations as to determine the accuracy of the data presented in the national press about the use of NNA by GAI in borders between Colombia and Venezuela.
- 9) Establish protocols and guidelines for actions to ensure the professional quality and warmth in the care of bodies, programs and services to protect children and adolescents. These protocols should be based on the conception of children and adolescents as subjects of human rights and incorporate formative accompaniment for accurate indicators for tracking and monitoring / measurement of impact, and protection measures to be adopted.
- 10) Implement the recommendations of the UN Study on Violence against children conducted by the United Nations in 2006, specifically in the following areas:

a. "Monitoring the incorporation of children under 18 years of age in military schools , regions and hierarchically structured institutions where children and adolescents are residents ... this monitoring should be aimed at the prohibition of all learning based on strict authoritarian discipline, repressive, based on the execution of punishments and harmful physical efforts for development."

b. Prohibit the presence of the military in direct instruction and persons providing security services in educational training institutions and in all those who are institutionalized persons under 18 years".

11) That the government should disseminate the principles and provisions of the Protocol on child participation in armed conflict, particularly local authorities, teachers and children themselves in border areas.

12) The implementation of a prevention program with preventive approach to implement strategies and awareness-raising, training and education about the negative consequences of child participation in GAI.

13) Develop an early warning system with sufficient resources to prevent the recruitment and involvement of children and adolescents to GAI, and implement the necessary protective measures.

14) Implement comprehensive and psychosocial preparation for NNA who have been recruited or have been linked to GAI, to ensure their full integration into civilian life.