

**ALTERNATIVE REPORT
TO THE THIRD, FOURTH AND FIFTH REPORT OF THE VENEZUELAN STATE TO THE COMMITTEE ON
RIGHTS OF THE CHILD
NETWORK FOR HUMAN RIGHTS OF CHILDREN AND ADOLESCENTS
REPÚBLICA BOLIVARIANA DE VENEZUELA (REDHNNNA)
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This document is signed by the following organizations:

1. Acción Solidaria contra el Sida (ACCSI)
2. Aldeas Infantiles SOS Venezuela. Distrito Capital
3. Asociación Civil Hogar Bambi Venezuela. Estado Miranda.
4. Asociación Civil Niña Madre. Distrito Capital
5. Asociación Civil para el Desarrollo y la Educación (ASODE). Distrito Capital
6. Asociación Civil Programa Sobrevivir- Distrito Capital
7. Asociación de Niños, Niñas y Adolescentes con Enfermedades Hematológicas. Distrito Capital
8. Asociación Protección Integral a la Infancia y La Familia (PROINFA). Distrito Capital.
9. Asociación Muchachos de la Calle- Distrito Capital
10. Asociación Venezolana de Justicia Social (AVEJUS). Distrito Capital
11. ASOPICA. Distrito Capital.
12. Banco del Libro- Distrito Capital
13. Cátedra de la Paz y Derechos Humanos Monseñor "Oscar A Romero" de la Universidad de Los Andes- estado Mérida
14. Cátedra de Prevención de Violencia en la Escolaridad (CAPREVIE)- Distrito Capital
15. CECODAP- Distrito Capital
16. Centro de Investigación Social (CISOR). Distrito Capital
17. Centro de Investigaciones para la Infancia y la Familia (CENDIF) de la Universidad Metropolitana- Distrito Capital
18. Centro Justicia, Apoyo y Paz (CEPAZ). Distrito Capital
19. Comité de Familiares de Víctimas de los sucesos de febrero y marzo de 1989 (COFAVIC). Distrito Capital
20. Defensores de Niños, Niñas y Adolescentes del Municipio Chacao, acreditados bajo los números CH12-10, CHD-01-05, CH 02-11, CH 01-11
21. Defensoría de niños, niñas y adolescentes "Beto Morales"- estado Miranda
22. Dirección Nacional de Fe y Alegría. Distrito Capital
23. Federación de Instituciones Privadas de Atención al Niño (FIPAN)- Distrito Capital
24. Fundación Amigos y Amigas de Niñas, Niños y Adolescentes (FADNNA). Estado Miranda.
25. Fundación Centro Gumilla. Distrito Capital
26. Fundación Luz y Vida- estado Miranda
27. Fundación Mi Familia. Distrito Capital
28. Fundación Nairam- Distrito Capital
29. Fundación Oficina Nacional de Denuncia del Niño Maltratado. (FONDENIMA). Distrito Capital
30. Fundación para la Prevención de la Violencia Doméstica hacia la Mujer (FUNDAMUJER). Distrito Capital
31. Geografía Viva. Estado Mérida
32. Grupo de Orientación Familiar y Sexual (GOSS)- Distrito Capital
33. Instituto de Investigaciones Jurídicas de la Universidad Católica Andrés Bello (UCAB). Distrito Capital
34. Instituto de Psicología de la Universidad Central de Venezuela (UCV). Distrito Capital
35. Laboratorio de Ciencias Sociales (LACSO). Distrito Capital
36. Observatorio Venezolano de Mujeres. Distrito Capital
37. Observatorio Venezolano de Violencia (OVV). Distrito Capital
38. Observatorio Venezolano Violencia Escolar. Distrito Capital
39. Proadopción. Distrito Capital
40. Red de Casas Don Bosco. Distrito Capital
41. Red de Convivencia Familiar y Escolar del Estado Mérida. Estado Mérida
42. Red de Padres, Madres y Representantes. Distrito Capital
43. Red Venezolana de Gente Positiva (RVG+). Distrito Capital
44. Unión Afirmativa de Venezuela- Distrito Capital

Summary

The Human Rights Network for Children and Adolescents (REDHNNNA) as a coalition of social, academic, community, research centers and institutes and advocates for children and adolescents, from different regions of the country, presents a documented report with the analysis of the status of implementation of the obligations involving the State with regard to the Protocol on the involvement of children in armed conflict, the Convention on the Rights of the Child.

It is of concern, in general terms, that there are documented cases of children and adolescents who have joined irregular armed groups and these events have not been reported or 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 the border areas which impede saving the lives of children and adolescents: the protection agencies, as well as other state agencies which must ensure the protection of citizens and especially children and adolescents, have no presence in the most affected communities and are not recognized by local actors. The lack of a clear public policy discussed and agreed with all national stakeholders for protection with specificity for children and adolescents living in the border results in important limitations on the guarantee of their rights.

The absence of programs that allow children and especially teenagers, to find options and opportunities for protection and for intellectual, economic and human development makes it easy, by default, to connect them with the irregular armed groups. Moreover, of special importance is the existence of programs that promote a culture of peace, peaceful resolution of conflicts and knowledge of the provisions of the Protocol on 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 increasingly foster a culture favoring the participation of children and adolescents in spaces of the family, community and school, in order to promote their active and participatory citizenship training, especially in matters that concern and affect them, such as prevention of their incorporation in the irregular armed groups.

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

A. Presentation

Because of their interest in promoting the full realization of the rights of children and adolescents in the country, the coalition of social organizations gathered in REDHNNA carried out an analysis of the status of implementation of the obligations involving the State. By producing this independent report, REDHNNA tries to include different perspectives in order to identify achievements, challenges and difficulties that must be addressed for the realization of human rights of children and adolescents.

Additionally, the REDHNNA has worked on a report that meets the provisions of the Protocol to the CRC on the involvement of children in armed conflict, which is presented separately in this document.

B.1. The Human Rights Network for Children and Adolescents in Venezuela

The Human Rights Network for Children and Adolescents is a coalition of social, academic, community organizations, research centers and institutes and advocates for children and teenagers, from different regions of the country, in which community, academic and professional initiatives converge, with a shared vision on the rights of children and adolescents in Venezuela, based on the fundamental principles of the doctrine of comprehensive protection and international treaties for the protection and defense of the children and adolescents. The REDHNNA developed as areas of action: 1. Promoting the culture of peace and non-violence; 2. Promotion and protection of human rights of children and adolescents; 3. Active participation of children and adolescents; 4. Construction of social control mechanisms that affect the design and orientation in the plans, legislation and public policy of the State towards children and adolescents at different levels: national, state and municipal.

Since 2004, date of its creation, the REDHNNA has carried out various actions to promote and defend the rights of children and adolescents. In 2006 the second alternative report on the situation of the rights of children and adolescents in Venezuela was prepared and REDHNNA participated in the pre-session meeting for the adoption of the recommendations by the Committee on the Rights of the Child. On October 25, 2011, the joint contribution on the situation of the rights of children and adolescents, called for in the Universal Periodic Review (UPR) of Venezuela, was delivered to the High Commissioner for Human Rights of the United Nations and in the context of elections for president, and legislative, municipal and regional authorities, the REDHNNA has presented a set of proposals for minors where it has highlighted, among other things, the importance of designing and implementing public policy in favor of childhood and adolescence.

B.2. Limitations encountered in the process of developing the Alternative Report

1. Ignorance of the process of preparation of the 3rd, 4th and 5th Consolidated report, presented by the Venezuelan State and of the reports referred to in the protocols;
2. The country does not have a database or statistical information system on the rights of children and adolescents which is accessible to the general population, which publicly presents official statistics and reports on the situation of the rights of children and adolescents;
3. The progressive weakening of independent social organizations as a result of a public policy of nationalization and centralization promoted by the National Executive which contradicts the principles and rights of participation established in human rights treaties and the Constitution of the Bolivarian Republic of Venezuela (Constitution). There are 23 laws in Venezuela in which society is only recognized as those "community organizations" promoted, financed and controlled by the national government. So that discrimination operates according to which only initiatives and groups in political alignment with the actions of the government are recognized as social organizations or "people". Additionally, budget constraints on nongovernmental organizations (NGOs) along with a double-digit inflation rate and the decline of international cooperation have led to the termination of many of their operations or their reduction to a minimal level, thus limiting the scope of their actions and the capacity to generate information;

4. The refusal of some NGOs to present figures or information for this report, due to the pressures of the Venezuelan state and the intimidation to which they are systematically subjected. These pressures are expressed in different ways and the degree of significance varies according to the type of organization and the scope of their actions: public funding for NGOs is limited, obstacles are made for the registration of statutes or minutes, no response is given to requests or appeals made by the organizations, among others. Human rights organizations are the most affected by this situation and are often publicly questioned by the Venezuelan state. These conditions are understood by the REDHNNNA, in order to preserve the sustained actions for the rights of the children and teens who are targets of their programs;
5. The highly committed and difficult work currently carried out by the NGOs dedicated to the protection of the rights of children, who devote much effort to support their work and meet a growing demand due to the closure and reduction in coverage of an important number of public institutions that were in charge of services and protective programs. For these organizations, the priority has been to provide what the population requires of them, and have postponed or relegated social coordination actions and enforcement of rights. In this sense, despite the weakening, the REDHNNNA has achieved consensus among its members, respecting differences, and seeking above these, the promotion and defense of the rights of children and adolescents.

B. Country overview

B.1. Description of the Venezuelan State

- **Definition.** The Bolivarian Republic of Venezuela is a federal state and according to Article 4 of the CRBV, the system of government defined in the CRBV is democratic, participatory, decentralized, alternative, responsible and pluralist, with revocable mandates.
- **Organization of the State.** Public Power is organized at the National, State and Municipal levels. Public Power at the State and Municipal levels are made up solely by the executive and legislative branches, while the National Government is divided into 5 branches (Executive, Legislative, Judicial, Citizen and Electoral)

B.2. General population of the country

According to the last population census conducted in the country in 2011, there is a total population of **27,227,930**, of which **725,141** declared themselves as indigenous.

B.3. Population of children and adolescents

The Population Census of 2011 shows a total of 8,937,456 children and adolescents, representing 32.8% of the country's population. Of this total, 4,345,192 were girls and young women (49%), while 4,592,264 (51%) were male children and adolescents. Accordingly, we have that 66% are boys and girls (0-11 years) while 35% are adolescents (12-17 years).

B.4. Other country indicators

- B.4.1. **Population density:** The population density is 31.59 inhabitants / km²
- B.4.2. **Nominal GDP (BCV, 2012¹):** Bs 1640,578 million (USD 381 535 MM)
- B.4.3. **GDP per capita (BCV, 2012):** USD 14.556.00
- B.4.4. **Controlled exchange rate:** Bs 6.30 = U.S. \$ 1
- B.4.5. **Consumer Price Index (Inflation):** 45,4% % (October 2013)
- B.4.6. **Percentage of population below the poverty line (INE-2012):** 21.2%

¹ Data from the Central Bank of Venezuela

B.4.7. **Unemployment rate (unemployment in the first half of 2013):** 8.1%

B.4.8. **Human Development Index (HDI):** Between 2000 and 2012, the Latin American region recorded an average annual growth of 0.67% in the HDI value, the highest growth of all regions of the world. The Bolivarian Republic of Venezuela had an annual growth rate of 1.04% with an index of 0.748. This index, which measures the economic and social welfare of the citizens of a country, increases or decreases according to the opportunities that exist in the environment for a productive life. In the case of Venezuela the HDI is one of the biggest of Latin America, however this increase has been much discussed as the country maintains a double-digit inflation rate (45.4% in October 2013), the rate of shortage of products reaches 20%², the national productive sector has declined and there are other social indicators, such as the high crime rate, which question the HDI.

B.5. General observations on the 3rd, 4th and 5th Report of the Venezuelan State to the Committee on Rights of the Child in 2012

B.5.1. The Report has a declarative character describing the legislative progress in terms of complying with the provisions of the Convention, but does not indicate what practical progress has been made in compliance with the legislation and its impact on the protection of children and adolescents.

B.5.2. It is particularly worrying that the Venezuelan state presents no disaggregated figures and information about child victims of deaths or injuries due to violence, those deprived of their family environment with disabilities, indigenous people, as refugees, HIV and AIDS and other chronic diseases, homeless, consumers of narcotic and psychotropic substances and adolescents in conflict with the law.

B.5.3. The Venezuelan state presents no information on actions taken to implement the recommendations of the Child Rights Committee made both in 1999 and in the year 2007: In this regard, we can mention the REDHNNNA concerns:

- ✓ The Committee in 1999 expressed concern at the necessary coordination between government bodies at the national, regional and local levels to articulate work conducive to a more effective implementation of the Convention in Venezuela. Thirteen years later, there is no clear mechanism or joint interagency planning involving all three levels of government, nor actions or joint programs. Quite to the contrary, the proposed integrated and decentralized system enshrined in the CRBV and the Organic Law for the Protection of Children and Adolescents (LOPNA) of 1998 became a deeply centralized system based on the reform of LOPNNA of 2007, which amends the Protection System and replaces it with a governing body reporting directly to the Executive. This reissues the proposal of a single overall state institution, centralizing in one agency the programs, institutions and actions being executed for the population of children and adolescents. In that legal reform decentralization is eliminated along with the parity of state and civil society, as a principle and mechanism of coordination of the System for the Protection of Children and Adolescents.
- ✓ In the observation number 35 the Committee regretted the lack of information on the Interagency Action Plan against Violence (2006-2007). This plan was never disclosed nor is anything known about actions taken on its implementation despite being a national priority.
- ✓ With respect to recommendation 65, despite the progress mentioned by the Venezuelan government in its report, the Recommendation laments that there is no program or action that gives priority to economic promotion and training aimed at strengthening families living with

² See: http://www.el-nacional.com/economia/Inflacion-anualizada-datos-BCV_0_261574017.html

children and adolescents affected by natural disasters (living in shelters) or those in the care institutions for reasons of economic necessity.

- ✓ On the question of justice for children in conflict with the law, it is observed that Recommendation No. 77 of the Committee has not been addressed, in that an institutional guarantor of rights be established, that appropriate measures are taken to prevent and give adequate attention to these cases, and that protocols are developed for specialized staff performance in this area.
- ✓ The Committee has recommended since 1999 (No. 13) and repeated in No. 21 of 2007, the development of a management evaluation system "with indicators for monitoring the implementation of policies and programs" in the different areas of the rights stated in the Convention. Despite what country the report notes, this information system does not exist.
- ✓ Still not being met is the recommendation marked as No. 9 for the year 2007 to ensure proper protection to child victims and witnesses of crime. There are no entities, specialized services, regulations, or technical guidelines for the comprehensive care required by child victims of violence. This recommendation is of special priority in a country that occupies the top levels of violent crimes against persons, which affects directly the children and adolescents, especially when they live in environments close to the victims or when they are parents or relatives. Particularly shameful is the testimony collected during the consultation with children and adolescents for the preparation of this report, in which a teenage victim of sexual abuse questioned the unfairness of being separated from her family and detained in a care institution because that was the protective measure that the state decided in order that "justice be done."
- ✓ The Committee recommended that dialogue should be promoted with the civil society, social organizations that develop protection programs and Municipal Councils for the Rights of Children and Adolescents (CMDNNA). However, the opportunities for independent social participation in governance dedicated to the protection of children have been reduced. The LOPNNA reform established that the Children's Rights Councils would be formed with representation from community councils, and that they could only elect their representatives following the provisions in the Rules of Participation which would be decreed by the President. This regulation was never issued by the Executive, so that the CMDNNA cannot have representatives of society (legally constituted) and guidelines have not been adopted nor mechanisms established so that social organizations and other groups working for the rights of children can participate in governance carried out by the CMDNNA. In this sense, a group of organizations filed a motion for abstention or absence due to the negligent conduct of the President in his failure to promulgate the regulations for popular participation in accordance with the provisions of Article 678 of the LOPNNA. The appeal was dismissed³ and the request for clarification by the REDHNNA was also dismissed⁴ by the Supreme Court, for legal technicalities, and referring to the existence of a project that to date has not been enacted. This situation means that the administrative system is being created in a statist form, ignoring the provisions of the current law and without social participation in the definition, development and control of its behavior.

A. General Measures of Implementation

1. Implementation in accordance with the provisions of the Convention has been partially performed in Venezuela, obtaining favorable results for the general situation of certain rights and little progress and even setbacks in others. In this sense, ratification by the Venezuelan state of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure is pending. The REDHNNA, on February 24, 2012 submitted to the

³See: <http://www.tsj.gov.ve/decisiones/spa/junio/00663-6612-2012-2010-0497.HTML>

⁴See: <http://www.tsj.gov.ve/decisiones/spa/octubre/01157-101012-2012-2010-0497.HTML>

Ministry of Popular Power for Foreign Affairs a request expressing the importance and need to ratify the protocol. Till date, there has been no reply. The entry into force of the denunciation of the American Convention on Human Rights, which excludes Venezuela from the jurisdiction of the Inter-American Court of Human Rights and compromises the international protection of human rights for children and adolescents, is a matter of concern.

2. The LOPNA in 1998 established a system for child protection organized on a model of parity (with equal participation of the state and society in establishing entities at the municipal, state and national level - the National Council for the Rights of Children and Adolescents) and favoring decentralization in the formulation, implementation and evaluation of public policies and protection mechanisms for situations of threat or violation of the rights of children and adolescents. With the reform of the LOPNA of 2007, social participation was limited to a minimum and the Protection System came to be subordinated and centralized in a Ministry that was established as the governing body.
3. The very frequent name changes and changes in the structure of the national public administration have affected the institutions for the protection of children and adolescents and have hampered the consolidation of the National Guidance System. This situation negatively affects the performance of the governing body. A sample of the changes mentioned above is that since 1998 the leadership in the area of childhood and adolescence has passed through four different Ministries⁵. At present the Ministry of Popular Power for Communes and Social Protection is not seen providing national guidelines, while IDENA publicly assumes the role of the governing body on the matter, but according to law only constitutes an operational agency. At the time of recording this report have met additional change crosses the rectory Protection System to a new Ministry. This change was published in Official Gazette number 40,280⁶ by Decree number 506 dated October 23, 2013 by which the Vice-created the Supreme People's Social Happiness, under the Ministry of the People's Office of the President of the Republic, who assumed according to the provisions of Article 3, paragraph 2 ° the design, control and monitoring of policies and development aimed at the protection, assistance and protection of children and adolescents who are vulnerable or excluded, one affiliated entities of the National Autonomous Institute NNA Rights.
4. As a consequence of institutional weakness, the Venezuelan state is still in arrears with the development of a National Plan for the Integral Protection of the rights of children and adolescents. The IDENA confuses its institutional management plan for 2009-2013 with a National Action Plan which the Protection System as a whole should develop in the country. It is noteworthy that in paragraph 53 of the Consolidated Report presented by the Venezuelan State to the Committee, it is stated that the plan is awaiting approval by the governing authority, although the plan has been made for a period which is nearing completion (2009-2013).
5. One of the main consequences of the absence of a national plan is evidenced by the severe limitations of the entities and protective services for the restoration and promotion of the rights of children and adolescents. An example of this are the figures from the Office of the Ombudsman⁷ which for the year 2011 indicate that nationally there were a total of 337 Protection Councils, of which only 7% had a multidisciplinary team to deal with the cases and only 28.7% of these had a cubicle space to ensure the confidentiality of those seeking services. Similarly, the report for that year shows the existence of 616 NNA Ombudsmen, of which 39.7% have no plan to promote the rights of children and adolescents. All of this reflects the breach of the provisions in Articles 161 and 284, paragraph c) of the LOPNNA. Note that this report does not indicate precisely how many of these local Ombudsmen are ascribed to a municipality, i.e. are created and organized by the municipal government and according to its population, in compliance with article 201 of the LOPNNA. It is of interest to know whether this figure refers to Ombudsmen only registered without having clarity about how many of them remain in operation, if there has been an increase in coverage, their territorial distribution and the impact of the services they provide.

⁵ From the year 2007 the central guidance was the responsibility of the Ministry of Health and Social Development, and in 1999 went 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

⁶ <http://www.tsi.gov.ve/gaceta/octubre/25102013/25102013-3825.pdf#page=2>

⁷ See: Report and Accounts 2011. P. 158-159. In: <http://www.defensoria.gob.ve/dp/index.php/publicaciones>

6. In the judiciary, the reform process of the LOPNNA established a new judicial process whose fundamental characteristics are the use of oral processes, uniformity, strengthening of alternative means of conflict resolution, redefinition of judicial functions and modernizing the organization of the Courts of Protection. However, there have been significant delays in the implementation of the new judicial processes and the temporary closure of some judicial circuits in the country, affecting the right of access to justice and effective legal protection of children and adolescents.
7. Recurring difficulties remain in measuring the investment of national public spending on children and adolescent given the duplication of entities and the disarticulation between them. Access to information remains a challenge to overcome in order to manage reliable figures whose bases for calculation are transparent and standardized. This prevents an adequate design of public policy and does not provide more and better society participation in solving the problems.
8. Actors of great significance for the process of guaranteeing the rights of children, such as teachers, principals, parents, physicians, healthcare institutions, lawyers, judges, journalists, police officers, among others, have received no information or specialized and systematic training on the application of the principles of the doctrine and the provisions of the LOPNNA in their areas of incidence, despite the efforts promoted by the Juan Vives Suriá Foundation, a dependency of the Ombudsman, which has promoted training in the area of children's rights but is not part of a systematic strategy nor has had the necessary nationwide coverage.
9. The REDHNNNA believes that the actions of greatest impact regarding the dissemination of the Convention and the LOPNNA, and training activities for significant actors for protection, have been led mostly by NGOs, social organizations and universities working in the rights of children and adolescents. Similarly, the main processes of autonomous participation and citizenship training with children and adolescents have also been carried out by NGOs, such as in the preparation of legislative agendas of the candidates for Deputies in the National Assembly.

B. Definition of the child

10. Despite the recommendations made by the Committee in previous years, Article 46 of the Civil Code is still in force which sets the minimum age for marriage at 16 years for men and 14 years for women. In June 2010, the Ombudsman introduced to the Constitutional Chamber of the Supreme Court of Justice a petition for annulment based on unconstitutionality and requested the application of the principle of equality and non-discrimination. The appeal was admitted by the Court⁸; however, to date there has been no decision on it.

C. General Principles

C.1. Non- discrimination

11. There has been a significant progress in incorporating less stigmatizing language for the population of children and adolescents. Gradually the media have incorporated terms that undoubtedly reflect a greater understanding of the human rights perspective of childhood and adolescence. It has significantly reduced the use of the term "minor" to refer to children and adolescents.
12. An outstanding important breakthrough is the legal prohibition of physical and humiliating punishment as a means of child-raising and education based on the recognition of the right to good treatment of children and adolescents (Art. 32-A LOPNNA reform). However, the state has not formulated policies, programs and protective measures aimed at abolishing all forms of physical and humiliating punishment, such as the current regulation orders.
13. The Venezuelan state does not take into account in its policies towards children and adolescents those who are suffering from discriminatory situations because of their sexual orientation or gender identity. Many teens suffer from bullying and discrimination in schools and even in their homes, without being able to go to support programs to guide their families, teachers and school administrators to overcome these situations.

⁸ See: <http://www.tsj.gov.ve/decisiones/scon/Octubre/1406-241012-2012-10-0161.html>

C.2. Best Interests of the child

14. The LOPNNA effectively incorporates the best interest principle for all actions involving children and adolescents but just the legal recognition of the principle is not enough to ensure its implementation. No guidelines exist in the country, nor technical orientation and nor training sufficient to guide the analysis and implementation in concrete situations of all the content that make up the best interest of the child.

C.3. Right to life, survival and development

15. It is important to recognize the State's efforts to reduce poverty through a range of social programs, especially the Missions. However, the real and specific impact in the development and wellbeing of children and adolescents in these programs is unknown.
16. It is noteworthy that in the health sector there exists an "Expanded massive child Immunization Program" which has achieved care for a large segment of the population of children and adolescents. However, it is important to note that vaccines for pneumococcus and HPV are not yet included in the scheme for compulsory vaccination in the country despite their incidence. For this reason the costs of these vaccines must be covered by the families.
17. In Venezuela violence toward children and adolescents is a matter of concern to social organizations because there is no State strategy to generate plans and programs for the prevention of violence and the promotion of coexistence, in all areas of socialization (family, school and community).
18. School violence as a social phenomenon is a complex reality, with multiple causes and dimensions that has various manifestations, together with the legal implications of the acts committed. Therefore, school violence should not be limited only to those violent episodes or events that materialize among students because of an asymmetry or inequality of strength, power or any other condition. This would constitute a limited vision that could cover up its multiple dimensions and their relations with other phenomena that occur outside of school, such as violence in the family and in the community. The Network for Peace Building in Educational Institutions, sponsored by the Gumilla Center and since 2011 comprised of organizations that have worked for many years in the prevention of school violence in the country, has repeatedly said that the violent episodes in the school environment are not limited to the presence and use of firearms, drugs or physical aggression among students, but include any act that harms or threatens the physical and emotional safety of the members of an educational community, especially children and adolescents . Therefore, the possible forms of violence are multiple (physical, verbal and psychological). They range from the most extreme and classified as crimes, to the most mundane and accepted as normal forms of relationship, such as bullying. At the level of Venezuelan schools there are frequent reports of physical and verbal aggression against and among members of the educational community, violations of the rules, the presence of firearms, drug use and trafficking, bullying, " cyber-bullying " sexual violence , violent school routines, destruction of furniture and school facilities, teachers overwhelmed by the gravity of the situations they must tackle, among other incidents, regardless of whether the schools are public or private, rural or urban.
19. The Protection Councils in their capacity as municipal agencies receive a high percentage of complaints related to threats to personal integrity (physical, moral and psychological) of children and adolescents through the Internet, including "cyber-bullying" or bullying through social networks; of these cases approximately 15% are linked to school violence and abuse by classmates: death threats, stabbings and beatings. Also noteworthy is the increasing number of complaints from teachers and administrators of educational institutions, who present such complaints anonymously for fear of intervening and becoming the victims of physical aggression from teens or their parents⁹.
20. The Human Development Report presented in 2013 by the United Nations Program for Development (UNDP) notes that Venezuela is the 5th most violent country in the world. Although there are differences in the data from official sources, all reflect a progressive increase in these figures: for example the Venezuelan Violence Observatory, taking as its source the People's Ministry of Interior and Justice, said that in 1999, 5,988 homicides were reported, which implies a rate of 25 per 100,000 inhabitants, and by 2010 this figure rose to 14,000

⁹ See: <http://www.ultimasnoticias.com.ve/noticias/ciudad/educacion/video--el-acoso-escolar-se-viraliza-en-la-web.aspx>

homicides, with a rate of 48 per 100,000 inhabitants⁹. Also, according to this organization in 2011 the number of homicides was 19,459, for a rate of 67 per 100,000 inhabitants¹⁰. Another important source is the Survey of Victimization and Perception of Safety sponsored by the National Statistical Institute and the vice presidency in 2009, which indicates that the number of homicides between July 2008 and July 2009 is 21,132 cases, which corresponds to a rate of 75.08 per 100,000 inhabitants. That is, the increase in homicides has been sustained and is increasingly alarming. Meanwhile, COFAVIC figures indicate that between January and September 2013 there were registered in the national press 42 cases of children and adolescents whose right to life and personal integrity were violated under the guise of "fighting or executions" and "cruel, inhuman and degrading treatment", all allegedly committed by police and military officials in Venezuela. Of these cases, 37 were murders, 2 cruel, inhuman and degrading treatment, and 3 were arbitrary arrests. 98% of these cases (41) were adolescents aged 12 to 17 years and of these, 36 cases were male. It is of concern that in all these situations the principal authorities of national security are involved.

21. A report sponsored by CECODAP, entitled Impact of Violence in Children and Adolescents¹¹, indicated an increase in the mortality rate in the age group 15 to 17 years from 15.9 in 1997 to 42.2 in 2009. That is, the number has tripled in a period of 12 years. Similarly, the same study indicates that in 2009, 9.46 % of the country's violent deaths occurred in children and adolescents, and of these 7.05% corresponds to deaths of adolescents between 15 and 17 years. This means that, of all violent deaths in children under 18, 74.59 % were adolescents between 15 and 17 years. Of this total, the highest percentage were men who were killed mostly in clashes and armed conflicts between urban gangs. 53% of these teenagers died in the streets without medical care¹². This violent crime affects the quality of life and compromises social development options, particularly for people living in poverty, where most of the victims live: these are areas where people live in fear and anxiety, where insecurity from crimes such as theft, robbery, rape, is seen in public transport, schools, on the streets, permanently, at any time of day. It is of particular concern how the children and adolescents are raised in this culture of violence, which is imposed and extended, without the necessary policies and protection plans being developed. The testimonies of the children and adolescents show how aggression, violation of the law and impunity are everyday matters in their life experience.
22. According to figures from the Population Fund of the United Nations , in its report State of World Population 2011 , Venezuela has one of the highest teen pregnancy rates: 101 births per 1,000 women 15-19 years of age , which places the country above Ecuador (100) , Colombia (96) , Peru (59) , Brazil (56) and Chile (51) , exceeding the average of teenage pregnancies in the region of Latin America, which is 74 per 1,000 women. In the continent, only two countries have higher numbers than those of Venezuela: Honduras with 108 pregnancies per 1,000 teens and Nicaragua with 109. Despite the fact that social organizations have warned for years about the high numbers, the increase has been evident in relation to the year 2000 when the rate was 93 pregnancies per 1,000 teens. According to official sources, of 591,303 births in 2010, more than 130,000 were to mothers aged 15 and 19, and nearly 8,000 were under 15 years. For his part, the Director of the Program for the Care of Mothers, Children and Adolescents of the Ministry of Popular Power for Health indicates that 23% of the 850.000 pregnant that year who received prenatal care in public institutions were teenagers and the same source reports that one of the factors that influenced the increase in these numbers is the decline of centers with specialized services of sexual and reproductive health for adolescents. Thus, for 2005 about 70 of these centers operated , while in July 2013 there are only 23 , which means that a total of 47 health centers with these characteristics have closed¹³. The Venezuelan State, in response to that situation implemented the Mission "Sons of Venezuela" where teenage mothers receive a subsidy but it is worrying that this merely economic support has not been supplemented with strategies for assistance and accompaniment (health control, healthy child control, schooling, etc.) nor has there been implemented a nationwide program to prevent adolescent pregnancies .

¹⁰ Briceño-León, Roberto (2012): Informe del Observatorio Venezolano de Violencia 2012 Editorial Alfa, Caracas.

¹¹ Fernández y Chacón (2013): Impacto de la Violencia en niños, niñas y adolescentes.- CECODAP, Caracas.

¹² Idem

¹³ See: http://www.el-nacional.com/sociedad/minuto-quedan-embarazadas-adolescentes_0_225577465.html

C.4. Right to participation

23. There is widespread fear in the social media of the country to include the participation of children and adolescents in news programs and interviews, saying they want to avoid problems and breaking the law, avoid sanctions under the LOPNNA and the Law on Social Responsibility in Radio, Television and Electronic Media. The interpretation and application under a restrictive and punitive approach of the provisions of the legal framework has led to a limitation on the participation of children and adolescents in social media, which constitutes censure before the fact. There is increasingly limited space in print, radio and television where children and adolescents can freely express their ideas. There is no space and opportunities on opinion programs for children and adolescents to express their complaints or suggestions about the issues that affect them or any other topic of interest. The same phenomenon operates in other natural spaces for development like schools and communities, in which there are no opportunities for participation so that consulting children and adolescents regarding elements that concern them and the expression of their views, is not a part everyday practices.
24. A notable advance is the Law of Community Councils, created to regulate the functioning of these levels of participation whose role in decision -making in community life is central to the project of society being fostered by the current government. This law mentions in Article 15, number 3) the right of adolescents from 15 years to be elected as spokesmen on the Community Council or members of the electoral commission. This implies a contradiction regarding the age for criminal responsibility , which is set from 12 years, indicating that we are seeing adolescents as persons capable of assuming criminal responsibility -as they are indeed - but incapable of handling the process of participation in matters concerning themselves. It is also important to note that in these instances adolescents over 15 years are not only allowed to vote, but they can be elected and participate actively in the exercise of functions.
25. The Supreme Court approved in plenary session in 2007 an agreement entitled "Guidelines for ensuring the right to the opinion of children and adolescents in judicial proceedings." This institutional effort deserves to be recognized and deepened, in order to achieve ever greater levels of genuine participation of children and adolescents in all areas of the country. A 2010 research study conducted by the Institute for Legal Research of the Catholic University Andrés Bello (IIJ-UCAB) on the implementation of this agreement of the Supreme Court in the Caracas circuit, showed that there is no clarity regarding how to record the non-verbal manifestations of children and adolescents as a form of opinion, how make a faithful record of their opinion in court, how to determine the maturity of the children and adolescents in each case and how to assess value of the opinions of the children and adolescents in the decisions of the courts.

D. Civil rights and freedoms

D.1. Right to identity

26. As for the right to a name and nationality, the State has implemented the National Identity Plan "I am" which ensures that children who are born in hospitals in the principal state capitals of the country get their Birth Registration Act upon leaving the hospital. There are no known projects or actions to expand this program in other states of the country. Moreover, the State has implemented the "Mission Identity" that has made it possible to deliver the identity card in 2012 to a total of 977 645 adolescents, however, it is unknown if this manages to cover the real demand.
27. As provided in the new Civil Registration Law, the CNE since 2009, announced the automation of the civil registration processes and the digitization of all birth certificates documenting the civil registry of people. However, this process has not yet been implemented. Institutional weakness is seen and an incipient performance in the National Civil Registry of the CNE , given its limited achievements and little coordination with other public institutions, such as the Protection Councils, the Administrative Service for Identification , Migration and Immigration (SAIME) and the Ministry of Popular Power for Education. There are no statistics to identify who are the children who are born in the health facilities in Venezuela and do not make use of the Civil Registry

of Births, nor has the necessary clerical training materialized, or the monitoring to verify which cases known to the Protection Councils as late registration indeed culminate the process with the Civil Registry in the Office of Records. Besides this, there is the plight of children who remain in Venezuela with their parents, without any identification, and are presumed to have been born outside the country, but do not have an identity document, neither from their country of origin nor from Venezuela, thus being unable to have the full enjoyment of their rights, a situation that shows a discriminatory practice for this population.

D.2. Right to freedom of expression and thought

28. While the legal framework recognizes the right of participation of all citizens, including children and adolescents, effective mechanisms of participation have not been established so that children and adolescents can express their ideas on issues that are of interest or in public spaces.
29. In the national education system there are not enough operational opportunities for participation for children and adolescents in primary and secondary schools. In 2012 the Ministry of Popular Power for Education (Official Gazette 397 068) creates the figure of Student Councils as "an organizational and co-responsible entity of the body of students enrolled in each official or private educational institution."¹⁴ This proposal has problems in its implementation, and an appeal for annulment has been filed in the Supreme Court by the Civil Association Network of Parents and Representatives.
30. As a proposal for participation promoted by the State, through the Ministry of Popular Power for Education and the Capital District Government¹⁵ in April 2010, a swearing in ceremony was held for the "Communicational Guerrilla" commands composed of teenage students from secondary education centers. The aim was to monitor the information issued by the private media, under the assumption that they omitted information or distorted information relating to the performance of the 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, to the extent that it limits the freedom of thought and conscience since the intent of this initiative was to defend the interests of a political sector, ignoring the diversity of choices for students, teachers and families. Furthermore, in a social context in which many children and adolescents are victims of violence and where different social sectors have been working for a social transformation that promotes peace and the integral protection of children, it is disturbing that 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.

D.3. Right to information

31. The national government in 2009 promoted the "Canaima Education Project" which distributed during the first phase a total of 743,000 computers in national, state and municipal schools with the purpose promoting technological literacy and access to information for children and adolescents. At the time of preparing this report, the project has delivered a total of 2,650,601 computers with free software and 100 contents designed in Venezuela¹⁶. This project is undoubtedly a step forward in the empowerment of children and adolescents for the use of information and communication technologies (ICT), although it also is a major challenge in training teachers in the use of ICT in the learning processes.

D.4. Protection against injury, physical and mental abuse, neglect or negligent treatment, maltreatment or exploitation

32. The report "We are News" of CECODAP published in 2011 which makes an analysis of the national press newspaper archives, says that during the period covered by this report (October 2010 to September 2011) the

¹⁴ See: www.me.gov.ve/consejos_educativos/index.php

¹⁵ See: www.correodelorinoco.gob.ve/tema-dia/me-guerrilla-comunicacional-no-forma-parte-curriculum-educativo/

¹⁶ See: <http://www.canaimaeducativo.gob.ve/>

number of cases of violence against children and adolescents increased by 11% to record 4,107 cases compared to 3,708 cases in the previous period (corresponding to October 2009 - September 2010). Of the 1,492 child victims, 44% were homicide, 17% wounded by gunfire and 12% were involved in violent acts such as kidnappings, wounds with weapons or witnessed a murder. Of these victims, 94.8% of deaths occurred as a result of social violence: fights, scores settled between youth gangs, robberies or shootings in public.

33. The Foundation National Bureau for Denunciation of Abused Children (FONDENIMA) in Caracas, in the period 2007-2012 handled 453 cases of all types of child abuse. The first is physical abuse 38 %, the second sexual abuse 29 %, third psychological abuse 23 % fourth neglect 9% and fifth Munchausen syndrome or aggression by proxy with 0.5 %. Also situations of sexual abuse increased, although less evident.
34. The only information generated in the official area is based on a telephone survey research , entitled " Abuse against children and adolescents in the Greater Caracas , situational strategic analysis published in 2007 " , by the Caracas Foundation for Children . They analyzed 72 general points of identified problems. Appended was a survey conducted by telephone of interviews accepted 714 (43 %), from 10 questions, a total of 1,657 invitations to answer. They have 253 responses from people who recognized that they "have suffered or witnessed child abuse situations " The answers were: physical abuse 23%, Verbal 18 % psychological 4% and all of the above : 55%.

E. Family environment and alternative care

E.1. Family protection

35. The national legislation is comprehensive in recognizing the fundamental role of families in the integral development of children and adolescents, and the support the State must provide to fulfill this role. In this sense, we are facing a significant persistent gap between the necessary diversity of programs specified in the legislation and the programs that have been effectively implemented in the country so far. Weaknesses are found in the development of programs to strengthening families, dropout prevention, comprehensive protection, safeguarding and restoration of rights with a comprehensive, family-centered focus.

E.2. Protection against wrongful removal and retention of children and adolescents abroad

36. Since 1997, the Hague Convention on the Civil Aspects of International Child Abduction has been applied in Venezuela. In many cases it has been an effective tool to achieve international effectiveness of the principles, rights and duties enshrined in the Constitution of the Bolivarian Republic of Venezuela, in favor of the children and adolescents. There is a framework for action in the country which delays the application of the legal provisions of the Convention, due to the lack of commitment to ensure promptness in returning the children and adolescents to their country of origin. There is a low disclosure of information for the purpose of avoiding this type of illegal activity with children and adolescents. Similarly the national agencies continue to be slow in sending information to the Central Authority and the national officials lack knowledge about the provisions of this Convention to expedite the international return of children and adolescents to their country of origin.

E.3. Guarantee assistance to parents

37. There are initiatives and programs developed by NGOs to promote the strengthening of families and support their role in the upbringing of children and adolescents. Article 32-A of the LOPNNA which prohibits physical and humiliating punishment against children and adolescents, mandates the creation of policies, programs and services that enable the abolition of this practice. However, to date, no public programs exist for training and skills development in parents and families for a non-violent upbringing and education.

38. Despite the precarious little coverage and support, the Ombudsmen for children and Adolescents continue to provide easily accessible services to strengthen and support families through educational and grievance processes.

E.4. Special protection and assistance for children and adolescents deprived of their family environment

39. The Mission Neighborhood Boys and Girls, created by the Venezuelan State in 2008, raises the issue of care for children and adolescents "in the streets, at risk, institutionalized and workers"¹⁷ which has been seen as a return to the tutelary approach, in the sense of confusing universal public policy with special protection policies, prioritizing the latter over the former. In the framework of this mission, the National Plan for Family Inclusion is developed which promotes the foster family as a means to ensure the comprehensive development of children and adolescents, who are in care institutions, living under the arrangements for family placement and adoption.
40. In the country there is not enough reliable, public and official data on the magnitude and socio- legal characterization of the minors separated from their families of origin. The incongruity, inconsistency and lack of standardization of the data available is evident. However, through a review of documents and interviews conducted for this report, one can infer some trends and characteristics of this population: for the period 2002 to 2006 IDENA indicates that two thousand nine hundred twenty-five (2925) and nine hundred and ninety children three (993) adolescents were under care. These data reveal inconsistencies between state sources, for example in the Metropolitan District, where in 2005 there were no reported cases of family placement, the year 2006 indicates the placement of five hundred and forty (540) children. The State in its reports on the subject does not indicate the reasons for terminating the placement of the child or adolescent, whether by achieving family reintegration or by the implementation of other legal measures (adoption or guardianship).
41. The IDENA states in its Annual Report and Accounts for 2011 that 125,384 children and adolescents at the national level received comprehensive care¹⁸. These figures do not include children and adolescents with measures for Shelter or Family Placement in private care agencies or in programs implemented by other national organizations, not assigned to the central government (NGOs, civil associations, foundations, etc. .). To date, neither the governing body nor the IDENA have produced a report evaluating the situation of the rights of these children, analyzing residence time, action and family reintegration strategies, and there is no system to monitor and track the performance of the administrative and judicial protection authorities.
- 42.43. On the same subject and for 2011, the Ombudsman in its Annual Report and Accounts indicates there are a total of 244 institutions for care nationwide, although it does not specify how many of them are private and how many public. The same source determines that there were 3,147 children and adolescents in Care Agencies, of whom 790 were boys, 799 were girls and 1,558 were adolescents of both sexes, i.e. an increase of 1,681 children and adolescents over the previous year, considering the IDENA figures. Unfortunately, one cannot determine whether this corresponds to a real increase in the number of children and adolescents with measures of Shelter or Placement in a Service Agency, as the origin of the data is different and apparently based on different sources, however, relating to one specific subject. This is an indicator of the weaknesses in the effort to effectively monitor the rights situation of children in the country, given the absence of systemization periodically and methodologically defined for each law.

E.5. Adoption

43. For 2010 the IDENA indicates it made 341 adoptability¹⁹ assessments, but does not specify the outcome of these assessments and the impact they had on the lives of the children and adolescents involved. This shows how the structural invisibility of children and adolescents is maintained, those who are deprived of parental care and institutionalized in care agencies, both public and private, throughout the country, children and adolescents who deserve the protection of a family, whether through: a) family reintegration, b) family placement or c) full adoption.

¹⁷ See: <http://www.idena.gob.ve/index.php/la-institucion/mision-ninos-y-ninas-del-barrío>

¹⁸ Memoria y Cuenta del Ministerio del Poder Popular para las Comunas y Protección Social- 2011. Page: 267. En: <http://www.derechos.org/pw/wp-content/uploads/VIII.-CAP%C3%8DTULO-VIII-RESUMEN-ENTES.pdf>

¹⁹ See: Memoria y Cuenta del IDENA (año 2011)

44. This invisibility becomes latent, when the proportion or the exact data of this population, is neither precisely known, nor is available in a transparent way. In circumstances like this, it becomes materially impossible to measure the impact and scope of the work and effort of the State in this matter.

E.6. Support obligation of parents to an adequate standard of living

45. The national legal framework recognizes the importance of the maintenance of the children and adolescents by both parents. The state has encouraged, through the reform process of the LOPNNA the issue of gender equality in family relations, which means that both parents are responsible for maintenance on equal terms. The LOPNNA introduces a novel principle by including work in the home as an element for determining the amount of support. However, the lack of guidelines for establishing these calculations has precluded its effective implementation. No authority has organized a nationwide public campaign aimed at changing cultural patterns that strengthen parental irresponsibility, machismo and discrimination in raising children. This is an area of high demand, particularly because of the high number of cases of abandonment, neglect and family irresponsibility dealt with by the Ombudsmen for Children and Adolescents and the Protection Councils.

F. Basic health and welfare

F.1. Protection and care to children and adolescents with disabilities

46. The national government has promoted the Mission "Sons of Venezuela" which includes the care of people with disabilities. Similarly, the creation of the National Council for Persons with Disabilities (CONAPDIS) makes evident the recognition that the state wishes to give to this population. However, there is concern that these children and adolescents are not differentially included in national statistics, and mentioned in specific programs for their care and protection.

47. The Ministry of Popular Power for Education (MPPE) has progressively introduced and implemented a proposal called "Transformation of the Mode of Special Education 2012 Education without Barriers". The document prepared by the MPPE recognizes the lack of scientific, educational and technical supervision by the various administrative units with competence in the subject matter of the schools and special education services, and the lack of ongoing training programs for the teachers.

48. There are no plans or programs designed and implemented by the MPPE directed toward communities to eradicate the physical-environmental and attitudinal barriers that limit the full inclusion of people with special educational needs or disabilities. To this must be added the lack of effective programs and projects which coordinate the special education mode with the different levels of the basic education subsystem to ensure effective school inclusion. Nor are there are programs and projects for communities and businesses to ensure full employment of the disabled population.

F.2. Right to health

49. The infant mortality rate of less than 1 year had historically maintained a downward trend (1940-2009) according to the Health Report on the Americas of the Pan American Health Organization (PAHO). The period 2006-2009 shows an infant mortality rate of 14.2 per 1,000 live births estimated. The main causes of death in 2006 were conditions occurring in the perinatal period with 59.2 % and congenital malformations, congenital and chromosomal abnormalities in 18.2 %, remaining at similar rates in 2009: 61.8 % and 18.2 % respectively. Neonatal mortality accounts for about 71% of infant mortality. In the group of children under 5 years of age it is observed that the mortality rate between 2006 and 2009 decreased from 350.8 to 346.6 deaths per 100,000 children under 5 years. The conditions occurring in the perinatal period and congenital malformations, congenital and chromosomal abnormalities as primary causes were maintained in 2006, with percentages of 49.5 % and 17.7 %, and in 2009 with 52.8 % and 17.7 % respectively. However, for the year 2012 according to the Epidemiological Bulletin No. 52 of the Ministry of Popular Power for Health 72 deaths were reported in children less than 1 year. Upon distribution by component, neonatal mortality (0-27 days) concentrated 70.8 % of all child deaths with

neonatal sepsis, pneumonia, prematurity, hyaline membrane disease as the most common causes. The post neonatal mortality represented 29.2%. When compared with a homologous week of 2011 there is an increase of just 1 death. The annual accumulation through week 52 of the year 2012 indicates an increase of 19.2 % compared to 2011, reaching an annual accumulation for 2012 of 7,009 infant deaths.

50.51. The Health Report on the Americas of the Pan American Health Organization (PAHO) indicates that during the period 2006-2009 maternal mortality maintained a 63.3 average per 100,000 live births. In 2006, 82.8% of all maternal deaths corresponded to four causes: other obstetric causes 29.7%, edema, proteinuria and hypertensive disorders in pregnancy, childbirth and postpartum with 24.4%; pregnancy ended in abortion with 15.5%, and complications of labor and delivery with 13.2%. The highest proportion of deaths corresponded to the group of women between 20 and 39 years with 74.7%. For 2009, the same four major causes of maternal death in 2006 accumulated a total of 83.7%

51. The main cause of death in children 0-14 years of age are accidents, but it is remarkable the number of deaths of adolescents and young men between 15 and 24 years amounts to 40.90% and is related to violent acts (homicide) according to the Annual Mortality 2010 - Ministry of Popular Power for Health
52. In December 2006, the new organizational structure of the Ministry of Popular Power for Health was approved, however to date it has not been possible to create and consolidate a National Public Health System in accordance with the provisions of CRBV. The weakness of the services, equipment, materials, supplies and expertise to meet the social demand continues.
53. In relation to the children and adolescents, there is insufficient data to identify the specific impact of the actions taken by the state in the area of health. There is a significant lack of programs and services for the prevention, promotion, protection, treatment and rehabilitation of the health of children and adolescents.
54. There is no public policy in the country aimed at the mental health of children and adolescents. The main health centers have closed and the few available services, primarily private, have limited care coverage.
55. During 2008 the IJ- UCAB (Institute of Judicial Research) conducted research on the fulfillment of the rights of children and adolescents hospitalized in the Hospital JM de los Rios, a type IV health center and national reference in the country. The study concluded that medical care does not conform to the principles of the doctrine of comprehensive protection. During hospitalization it is difficult for children and adolescents to exercise all of their rights. Therefore, the hospitalization process leads to inactivity in the exercise of citizenship when they are unable to meet and demand their rights and guarantees. Difficulties were evident for the exercise of the right to health, health information , intimacy, privacy , opinion, rest, recreation , leisure, play , among others , mainly because the health center does not have a public policy aimed at ensuring comprehensiveness in the exercise of rights to pediatric patients : there are no rules and protocols , there is not adequate space , there is a shortage of health personnel, equipment and supplies, lack of preventive and corrective maintenance and electro- medical equipment . This reality is recurrent in different health centers nationwide, a situation recognized in the Report of the Comptroller General of the Republic of 2011²⁰.

F.3. Children and adolescents children living with HIV and aids

56. There are no official reports available which have the number of children and adolescents living with HIV-AIDS, or those who receive treatment. There is also no data on the number of deaths of children and adolescents due to HIV-aids. There are general data that do not discriminate the figures for children and adolescents.
57. Between 2009 and 2013 there were episodes of shortages of antiretroviral drugs and drugs for aids-related infections, reagents for diagnostic tests, control and monitoring HIV and nutritional supplements, which reportedly affect children and adolescents, according to ACCSI²¹ and Venezuelan Network of Positive People.
58. The National Program for HIV / AIDS of the Ministry of Popular Power for Health has a special program for pregnant women in order to ensure the prevention of mother to child transmission. Figures from Dr. Ana Carvajal

²⁰ See: http://www.cgr.gob.ve/site_informes_management.php?Cod=026

²¹ ACCSI (2012) Venezuela: +2 de años con desabastecimientos de medicamentos antirretrovirales Nov 2009- Dic 2012. Disponible en: <http://www.accsi.org.ve>

, medical specialist in infectious diseases at the University Hospital of Caracas indicate that "the percentage of HIV positive pregnant women who received antiretroviral drugs to reduce the risk of mother to child transmission of HIV in Venezuela for 2011 , was only 33.45 % and vertical transmission (mother to child) (...) for the year 2011 was 25.47% ". This situation is unacceptable, since vertical transmission is preventable through the provision of antiretroviral drugs to the mother²².

F.4. Nutrition of children and adolescents

59. Venezuela ranks among the five states of Latin America, with the lowest malnutrition rates in children under 5 years old. Never the less, in terms of childhood obesity, according to the Food and Nutrition Surveillance System (FNSS) of the National Institute of Nutrition, in recent years there has been an increasing trend of overweight in children and adolescents of 7-14 years. This pathology is among the main risk factors in the incidence of chronic diseases, which are among the 10 leading causes of death in the country²³. A study by the agency in 2010 which assessed a total of 12,495 children and adolescents aged 7 to 17 years old, found that in the group of 7-12 years old , 17.57 % were overweight and 9 , 87 % reached levels of obesity , while in the teenage group of 13-17 years overweight stood at 12.03% , while obesity affected 9.33% . It is noteworthy that in both cases, the geographical state with the highest obesity levels is Delta Amacuro, in which paradoxically 46 % of the households are poor, and of these 20.96% are in extreme poverty²⁴.

F.5. Children and adolescents with congenital heart disease or chronic diseases

60. In 2006 the Children's Cardiology Hospital was inaugurated. The size of the effective demand for specialized children's heart services is unknown so it is impossible to have a clear estimate of the impact of these services in the care of these children and adolescents, moreover the services provided by this specialist hospital are subject to referrals from the from the pediatric cardiology services of the network of public hospitals (Hospital Universitario de Caracas, Hospital JM de los Rios , Dr. Enrique Tejera City Hospital in the city of Valencia , Carabobo state).
61. A matter of concern is the plight of children and adolescents with hematologic and oncology disease treated at the Hospital JM de los Rios in Caracas, a health center of national reference. The closure of hospital services for lack of medical specialists²⁵ has repeatedly been denounced even though the Superior Court of the Court of Protection of Children and Adolescents in Caracas in a judgment of April 27, 2004 ordered the State to provide medical treatment of the highest quality, for this, it must ensure the timely, efficient, free drugs, supplies and medical tests , as well as medical staff and skilled nursing . It is reprehensible that more than nine years after the judicial decision the conditions have not been created to ensure continuity of the service. Since July of 2013 the Association of children and adolescents with Hematologic Diseases denounced the lack of anesthesiologists in the Hospital JM de los Rios which meant that lumbar puncture procedures and marrow extraction are performed with only local anesthesia²⁶

F.6. Other aspects related to the health of children and adolescents with emphasis on environmental problems

62. According to the Movement for Water Quality, treatment plants installed in the years 1940, 1950 and 1960 do not cover the needs of the whole country and were not meant to treat water with the current level of pollution so that the water quality is not suitable for human consumption, which particularly affects children and adolescents. In other cases, such as Delta Amacuro state where the water is not even treated, and the children and adolescents who consume it suffer the consequences of this situation, so that in this state 17% of infant deaths are associated with infections and diarrhea.

²² See: <http://www.stopvih.org/noticias/en-venezuela-solo-3345-de-las-mujeres-con-vih-embarazadas-reciben-antirretrovirales/>

²³ See: <http://www.inn.gob.ve/pdf/libros/sobrepeso.pdf>

²⁴ See: <http://www.eluniversal.com/caracas/120126/en-peligro-hematologia-del-jm-por-falta-de-medicos>

²⁵ See: <http://www.eluniversal.com/caracas/130815/hospital-de-ninos-en-crisis-por-falta-de-insumos-y-anestesiologos>

²⁶ Idem

63. Air pollution is another issue that directly affects the lives of children and adolescents. The cities with the largest population, according to the latest study of the System of Indicators and National Statistics for Environmental Management of the Ministry of Popular Power for the Environment (2010), significantly exceed permitted standards. According to WHO, air pollution would be linked indirectly with half of the cases of pneumonia in children under five²⁷.

G. Education, cultural and recreational activities

G.1. Right to education

64. Schooling data reveal an expansion and consolidation of school enrollment at all levels. According to the Ministry of Popular Power for Education, educational enrollment for 2009-2010 was 7.7 million children and adolescents, which implies an increase of 24% between 1998-2010, and likewise, the net enrollment rate increased 28% in primary education, 7% in primary, 24% in secondary education and 98% in secondary education (specializing in science and humanities).

65. According to INE figures in their 2011 Census, the total population of 3-17 years is 7,460,093 and only 6,213,317 are attending some education center, i.e. 17% (1,276,746) of children and adolescents nationwide who should attend school are outside the school system.

G.2. Right to rest, leisure and play

66. In terms of recreation, the Government has promoted sporadic and non-systematic actions to guarantee this right. There is no articulated policy in this area, although many state and government entities carry out recreational activities sporadically, benefiting many children and adolescents.

67. The LOPNNA, Article 64 states that urban planning should ensure landscaping, recreational and sports activities for children and adolescents and their families. However, plans with these features are unknown.

68. As emblematic of the limited importance given to recreational space for children and adolescents, the figures presented by the Ombudsman in his report for 201128 can be considered, which indicates that 91.5% of the Protection Councils nation-wide had no recreational space for children and adolescents. Similarly, 75% of the Ombudsmen for children and adolescents did not have this recreational space.

H. Special protection measures

H.1. Protection of children and adolescent refugees

69. According to the United Nations Agency for Refugees (UNHCR)²⁹ for the year 2009 there were over 200 requests for shelter from the Venezuelan state, of which 95% are people of Colombian origin, forced to leave their country because of persecution and threat of armed groups and situations of extreme violence. For 2009, 2,873 people filed a refugee claim with the Venezuelan state and just 1,364 people were recognized as such. Taking into account the cumulative requests, a total of 14,604 applications are pending. Of the total population recognized as refugees, only 73 (5%) are children and adolescents.

70. Although the Constitution of the Bolivarian Republic of Venezuela guarantees the right to asylum, the Venezuelan state has still not ratified the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness cases, which has negative consequences for children and adolescents who are in this situation, especially those that are not recognized as such and may not have access to education, health, counseling or other measures required by their situation.

²⁷ PROVEA (2011). Situación de los Derechos Humanos en Venezuela, Informe Anual octubre 2010-septiembre 2011. Caracas: PROVEA.

²⁸ See: Memoria y Cuenta del año 2011. P. 158-159. En: <http://www.defensoria.gob.ve/dp/index.php/publicaciones>

²⁹ See: www.acnur.org/t3/fileadmin/script/doc.php?file=biblioteca/pdf/4184

H.2. Protection of ethnic, religious or linguistic minorities

71. Venezuela recognizes in its legal framework respect for indigenous peoples in both the Constitution of the Bolivarian Republic of Venezuela and in the Organic Law of Indigenous Communities and Peoples, and in 50 other laws indirectly claiming the rights of indigenous peoples. However, there are still weaknesses in the care of these ethnic groups according to their interests, needs and culture, especially in matters relating to the demarcation of indigenous habitat referred to in article 119 of the Constitution. The children and adolescents in indigenous communities are especially vulnerable in these omissions.

H.3. Protection from economic exploitation and work

72. In Venezuela, according to the Center for Social Research (CISOR) the percentage of children and adolescents between 10 and 17 years who work has been reduced from 7% to 6% in a decade (2000-2010). However, it is evident that the highest proportion of school dropouts occur in the last levels of secondary and diversified education are caused by the inclusion of adolescents in the economically active population. A clear example is the youth of 12 and 13 who had economic participation rates of 7% in 2005 and 3% in 2010. In contrast, at 14 and 15 years this proportion increased significantly, reaching 17% in 2005 and 10% in 2010.

H.4. Protection against illicit use of narcotic drugs and psychotropic substances

73. According to the "Report on the characterization of drug use in patients attending treatment and rehabilitation centers nationwide," conducted by the National Anti-Drug Office (ONA) in 2009, 15.4% of patients seen nationally are young people between 15 and 19 years of age, while 1.7% are children between 7 and 14 years. Other significant results of this report indicate that most started using drugs during childhood or adolescence.
74. Despite having a National Drug Plan 2009 - 2013, there are still weaknesses in the school curriculum to prevent substance abuse and psychotropic drugs in children and adolescents. Nor are there any known public programs for the diagnosis, treatment and rehabilitation of children and adolescents with drug consumption problems and addictions, while mental health centers that provide care have significantly reduced their coverage and quality.

H.5. Protection against sexual exploitation and abuse

75. The Intersectoral Commission Against Abuse and Sexual Exploitation of Children and Adolescents (EPU 2011) was created, however the accomplishments of this committee have not been formally reported.
76. With regard to sexual violence, the report We Are News 2011 reports a total of 469 victims of sexual violence reported in the national press, of which 79.5% were victims of sexual abuse, 6.8% lewd acts, 5.9% sexual exploitation and 2.5% victims of attempted sexual abuse. The rest relates to crimes of passion, sexual harassment and child pornography. These figures are ratified by the NGO AVESA³⁰ reporting that 57% of the cases they handle in their psychological consultations (2013) are child sexual abuse and of these cases 61% were female, i.e. girls and adolescents.
77. The LOPNNA Article 34 orders that forensic services be ensured with specially trained staff for the care of children and adolescents, especially in cases of sexual abuse and exploitation. However, these services do not exist and children and adolescents are attended with adults without specialized protocols and without personnel trained for this delicate task. Additionally, these services are overwhelmed and are provided with inadequate infrastructure and insufficient equipment and staff.

H.6. Children and adolescents in conflict with the law

78. The competence for adolescents in conflict with the law has been adopted by the Ministry of Popular Power for Prison Service, via the Vice-Ministry for Care for Adolescents in Conflict with the Law. This Ministry is the national body responsible for processing and detention of adults and adolescent care is currently the responsibility of non-specialists, coupled with the fact that no technical guidelines have been developed in accordance with applicable

³⁰ See: <http://www.talcualdigital.com/Nota/visor.aspx?id=88081>

regulations of juvenile justice. A significant number of the population remains imprisoned for a long time, as held in police detention centers, where they stay, contravening the provisions of national law and without the supervision or inspection corresponding to the Ombudsman. There are no known measures or actions for the monitoring of the rights of adolescents detained in these centers.

79. The information available in this field refers to the historical structural deficiencies regarding adequate infrastructure, skilled personnel, abundance and relevance of programs. Institutional intervention as guarantor of human rights and transforming the lives of these adolescents, remains an outstanding debt of the State. For these reasons, the repressive actions persist, and even worse, persists their non classification as adolescents, which also unnecessarily prolongs their stay in detention centers, unfit to fulfill an educational role.
80. A case of irregularities that occur in care programs for adolescents in conflict with the law, reflected constantly in the national press describing riot situations caused by the conditions in which they find themselves. For example, on February 7, 2012, the newspaper El Siglo outlined: "Mutiny in Zulia juvenile shelter left 23 teenagers injured," and in the body of the article states that "According to the police commissioner Odalis Caldera, the riot occurred because of the permanence of 9 adult prisoners who were in the shelter, causing juvenile detainees there to rise up."³¹ This gives a clear indication of the violation of the system of rights and less than perfect conditions for adolescents in conflict with the law.
81. It is worth noting Resolution 334 dated December 20, 2011, relating to the Standards of Police Behavior when directed toward children and adolescents, approved by the Ministry of Popular Power for the Interior and Justice and prepared with technical support from UNICEF and IJJ-UCAB, which seek to guide police. However, the resolution itself indicates the elaboration of complementary standards when the minors are victims of crime, witnesses or perpetrators of offenses. In this regard, research conducted by the IJJ-UCAB and promoted by UNICEF developed a complementary proposal of these standards which has not been made official by the competent Ministry.
82. The LOPNNA, in Article 651, requires states to have a specialized investigative police, with members specially trained to work with adolescents. This is a debt that the State has since 1999, date of approval of this legislation and in which no progress has been made.

I. Opinions of Children and Adolescents on the fulfillment of their rights, to mark the alternative report presented the 3rd, 4th and 5th consolidated report of the Venezuelan State to the CDN

In line with the views expressed by the Committee in its General Comment No. 12 (2009), the REDHNNNA recognizes, promotes and values the importance of the right to express an opinion of all the children and adolescents living in a democratic society. For this reason, in preparing the alternative report and beyond the limitations of resources and time, the REDHNNNA, supported by UNICEF-Venezuela, decided to seek the views of children and adolescents linked to organizations in the network, with the aim that their perceptions regarding the fulfillment of their rights and guarantees be documented in their own words.

In the 3rd, 4th and 5th consolidated report submitted by the Venezuelan State to the Committee (July, 2012), it is affirmed that children and adolescents were consulted but unfortunately the report does not explain or elaborate an explanation of the methodology used nor does it incorporate the expressions of the children and adolescents.

In the case of the REDHNNNA, 171 children and adolescents were consulted who lived in the Sucre municipality in Miranda State, Puerto Cabello (Carabobo) and San Felix, Bolivar State. A methodology was conceived for consulting the children and adolescents which foresaw at least two meetings. A first meeting to inform the youth of the objectives and themes of the consultation, seeking their consent to record their opinions, asking

³¹ See: Diario El Siglo. 07 de febrero de 2012, Página A-8. "Motín en albergue de menores de Zulia dejó 23 adolescentes heridos"

contributions to the scheme shown , in an environment of safety and confidentiality. In the second session, we continued consulting the children and adolescents attending, exploring their perceptions of the compliance or not of rights in the categories of survival, development, participation and Special Protection. Depending on the size and characteristics of the group we worked separately with teenagers or children, some groups were only children or adolescents and opinions were collected in places of comfort and familiarity for the children and adolescents.

As a general appreciation from the REDHNNA, having heard the opinions of the children and adolescents, it can be said initially that those consulted are unaware of much of the information on the Convention and the LOPNNA; however once informed they show their ability (according to their maturity) to take a position on matters that directly affect them in their daily lives. Many of the children and adolescents polled reflected through their testimonies that they have unfortunately been exposed to many threats and disturbing situations and / or where rights violations have not received or have not been provided with the timely and proper comprehensive protection from those responsible. Many of the children and adolescents consulted already feel distrust regarding the verifiable compliance with legal standards in this area and at times are not convinced of the value of activating the mechanisms for enforcing rights. It is noted in the language of some children and adolescents a certain "naturalization" of violence, in part, given the levels of impunity and institutional instability to which they are exposed and within which they are being socialized.

Next, the most relevant phrases which express the views of children and adolescents consulted in the various categories mentioned will be presented textually.

I.1. Opinions of Children and Adolescents regarding the category of survival:

Only two adolescents referred to the right to life in these terms:

"I see it, like this. There are women who are pregnant when they kill that life and the baby has to be born, I am against abortion ... is ugly you do not assume your responsibility ..." (State of Miranda), *"... the parents make the decision to give you life and bring you into the world ..."* (Carabobo State).

While another teenager, reflected on the difficulties of ensuring this right remembered that:

"Where mom lived ... she did not give birth to the children in the hospital, she got pregnant and gave birth, outside of the hospital ... like that ..." (Miranda State).

From this point, the different testimonies cited revolve around the phenomenon of violence in the country and its impact on the ability to ensure the survival and development of children and adolescents, associating it with problems of coexistence, impunity, insecurity and militarization of the subject, etc..

One teenager told us in his words:

"Now the street has an owner ... now you're going to sit in a square and the square already has an owner ..." (Miranda State).

While another teenager, explaining how they deal with differences inside the classroom, between colleagues, added:

"... And so on, violence will be bigger and so no one will be able to stop the violence ... one goes to the hospital and another to the cemetery, God forbid, and so ..." (Miranda State).

A testimony that illustrates impunity as part of daily living is:

"In my community a motorcycle came and one 10 year old girl was crossing ... he came fast as he could ... a little girl, he flattened her!, Thank God she was alive but lost some teeth and had many fractures in her body; the motorcyclists are always crazy and nothing happened ... left the injured girl and now ... If she had died ... just the same, grab your bike and go ... no one can say anything ... "(a teenager, Miranda State).

Even some of the children surveyed go further and state that faced with the violation of the law, demanding civic behavior is mocked, the abusive behavior does not change and moreover, it is not supported by the authorities:

Facilitator: *"there is really nothing to do so that [violence] does not keep happening?"*

Children in unison: *"No!"*

Girl: *"no, because you give them an example and they make fun of you"*

Facilitator: *"to speak to you in such an ugly way, they that for fun or why?"*

Child: *"no because they put on that this neighborhood is theirs, as if they were the owner ..."*

Child: *"... and that's the way they are in Petare, they rob and then they kill ..."* (Miranda State)

In line with this another child shared:

"... I was in Charallave one day, it's the truth, and this dude was bugging me and he said "get out of here, this is my neighborhood! "(...) I didn't say a word (...) I was so scared, I thought he would kill me, and he was almost an old man, a guy like 30 years ... "(Miranda State).

The opinion of a teenager on the issue of insecurity:

"The trouble with the military, they say they are people who ... are just kids, so they shouldn't have that kind of weapon because they are not like the police, the Baruta Police, or police, like those in Chacao, because they are well trained, at least the military says so, I don't know, because I still don't think the military ... should carry those weapons because it's dangerous ... "(Miranda State).

Another way of saying that the right to life is threatened or violated is when there are few structural opportunities to choose between a violent life or not:

"... It's the right to have a good life ... when we are ... like this ... we have a proper life is right ... it's a good life that gets you out of all the evil ..." (a teen, Miranda State).

In the opinions issued by the children and adolescents consulted regarding the right to health, we find:

"Then if in that household there are smokers, they get to smoke and start drinking and then later they realize they have a child, but just the same continue drinking. Then they should give them a talk on that, "hey man, don't do this, or the other", this should be done, it should be to prevent, it should be like that ... "(teenager, Miranda State).

"I want a clean hospital with medicines, needles, stretchers and calm doctors" (girl, Miranda State).

Some comments about the doctors were:

"There are some who do not study, there are doctors who don't study ... make bad health" (child, Miranda State)

Another child praised the Cuban doctors and the so-called Integral Diagnostic Centers (CDI) as:

"Good, free and which are close to the houses and take care of you fast" (Miranda State).

Meanwhile, a teenager reported to us:

"... The ambulances and hospitals are not equipped to receive patients because they have no oxygen ..." (Carabobo State).

On some diseases they reported:

"In health we also need to classify some patients, not all have to be spread around, they all have to go get their check-up, not like they go around there ... they have AIDS and don't say it, I feel sorry for some, the idea is to say that they have a disease because it can grab another person and can spread through wounds or when people are in love and the girl didn't know the boyfriend or she has AIDS "(teenager, Miranda State).

And as for the treatment, one child shared his experience in these words:

"In some hospitals, yes, they encourage you and say you are going to be OK. They treat you well, like it's your home, but in some they treat you quick, you have to go fast or you they move you fast, roughly." (Miranda State).

About vaccines an adolescent added:

"... Vaccination, I have only two vaccines, where I lived many kids were missing vaccines; vaccinated children are healthier" (Miranda State).

And on the right to receive information about health an adolescent girl said:

"... It is important to tell the girls what disease they have ... it is better to be told because if it's a matter that needs an operation and they don't tell you, they are not going to tell you at the last minute." (Miranda State).

On the right to identity, some opinions emphasized the responsibility of the parents / representatives:

"... There is a friend 14 years old I spend a lot of time with who doesn't have a birth certificate or an ID card, virtually no papers ... her mom doesn't want to help and as always happens, the mother brings kids to the world, and leaves them under the care of the oldest child, practically she is the mother of her siblings, she cares for three siblings, plus her mom is sick, the little ones have different fathers and they do have papers ... "adding:" There are people ... I'll wait my for husband to come to present my son because he has to have the his name and if the husband never comes, they never are presented and for me that's a problem ... "(a teenager, Miranda State).

"... There are parents who are not aware of the documents and have to go through a lot of paperwork because in the birth certificate they are not aware that the last name is wrong or the date is bad and do not realize it in time and then to get the papers they have to go through so much paperwork ... "(a teenager, Miranda State)

Others however, showed the flaws and / or institutional difficulties in exercising the right:

"For me, for the business of the ID card, we had to go to a place that I didn't even know was here in Caracas but we had to go through so many steps ...it was 6, 7, 8 in the morning, 1 in the afternoon and we could not get me the card ... people were killing themselves to get the card, they gave out numbers but we were way at the bottom ... it was with a special government campaign that I could get the card ... my mom had the original birth certificate and that it was also a lot of paperwork ... they go to the schools and my mom took advantage of that day ... to get the ID card is a problem until the special government campaign started coming to the schools ... "(a teenager, Miranda State)

There were also references to cases where the minors were not born in Venezuela:

"I know about my cousin who is 12, he came here from Colombia at about 6 or 7 but as he had no documents he could not enroll in any school nor could he get the ID card. His dad who was working had to leave his job to get the card and the papers. It was complicated. It cost a lot ... for example, ...the steps to go through all the paperwork cost a lot and he didn't have the money... "(a teenager, Miranda State).

On the right to enjoy an adequate standard of living a teenage girl says:

"... Of course, because it's like my mom brought me into the world to fight to make a living ...if they brought me here they have to be responsible for me ... not everyone can live high, it's not like we have money, but if we decide to have another life, it's that I can make it with that life because I'm deciding to give what it takes ... you understand ... so first , first it's the parents ... "(Miranda State).

While another account mentions poverty as a factor affecting the exercise of this right:

"... I have seen poverty today that some children sometimes are not in homes or family homes or things just poor. I see many skinny kids with diseases because they have nothing to eat or eat food from the garbage" (teenager, Miranda State).

On the subject of how to get low cost meals, a teenager shared his direct experience:

"... In my community there are some MERCAL that are like that and you have to get in with your ID card, others don't require it, you get in line and put up with the sun, the rain, whatever and when you get there, nothing is left...sometimes you can get a bargain.. sometimes you wait in line, because I have done it, because I'm not, we also eat like that and when get there its 'one milk' o 'there's no milk' and if there is, what happens is that they grab it from you, [another example] 3 kg of rice, we are only three but it's sold in 1 and 2 and we have to buy 3 people, we have to split the money to buy 3 people ... "(a teenager, Miranda State).

While in the south of the country, in Bolivar state, the situation the children report is very similar:

[the right is not met] "When there is no gas, flour, sugar, chicken, milk," "When our parents do not have money to buy food," "When parents are unemployed or do not get paid ".

On decent housing, safe, hygienic and access to public services, the testimonies were:

"... There are families living in the shelter, because they have no house, water, food ..." (a teenager, Miranda State).

"... In my school I had two friends who lived in shelters, the shelter was about two blocks from the school and they said there was only one kitchen for a lot of people and each had a specific time for cooking and bathrooms until 12, then you could not go to the bathroom ... it was like a school and grabbed it for a shelter. We were in class and they sent us to the school farther down and put them in the shelter, in that school ... in one room four families were sleeping. We lasted a month and a half without studying as they fixed up that school to put us there ... that was this year ... we lost more or fewer classes and had to start over again because ... they got several little children from the shelter to study, many came from far away... "(a teenager, Miranda State).

Another comment denounces the following:

"... Well, in my friend's house there are a lot of people..seven.. they live in a shack that is more falling than standing, and soon it falls on my house... It's not that we live on a hill... It's like a big room but it is divided... It's ugly, It's horrible... water comes from under the floor. "(a teenager, Miranda State).

On essential public services they commented:

"... The pipes are bad and so the water does not arrive on time, it comes on the weekends or there is only a little and it's a water that sometimes looks more or less ... [yellow, dirty]" (an adolescent , Miranda).

The trash man doesn't comes the days he should. Where we live he comes on Mondays and Wednesdays and sometimes on Mondays and Saturdays and then the people start throwing the trash.

I.2. Opinions of the children and adolescents on the development category:

On the exercise of the right to education the opinions touched several aspects from poor infrastructure and inadequate supply relative to the demand for places to economic barriers, including the negligence of some parents and poor motivation of some children and adolescents to stay within the education system, more inclined to yield to the economic emergency.

"There are schools that are in good condition and there are schools that need fixing up" (child, Miranda State)

"... If you don't have what's needed to pay the children stop studying ..." (a teenager, Miranda State)

"... Because some cannot, because there is no room, because sometimes the family doesn't put them in school, and that's it. (a teenage girl, Miranda State)

" ... And there are children who do not go to school because they do not have enough resources for that ... there are schools that are falling apart... " Adding to the situation as follows: " [teachers] OK, but fought a lot because the school was collapsing, parents who put in a day's work (...) selling things to help the school to raise money... " (teenager , Miranda State) .

" ... There are people who see no point in studying and prefer to work, look for either money or simply no , stay at home just slacking , watching TV or like a person and work to invite her ... right now stop school to work because they like seeing the money more than knowledge , to be someone else .. " (a teenager, Miranda State)

" [There are] parents do not want to put them in school because they are waiting for them to reach a certain age to put them in the military or do not want them ... there are several that already have already turned 18 but have not set foot in a school since they were seven or six ... " (teenager , Miranda State) .

" ... Where I study ... in a private school ... the bathrooms are horrible ... you cannot use them ... one has to die there ... you feel bad and those bathrooms are disgusting ... for makeup exams they charge [when one fails a subject] 25 bolivars each exam ... the Director says that money is for the school and the school is always the same ... " (a teenager, Miranda State) .

In connection with a sentence from the quote above, we reproduce several stories which display serious concerns from the teen perspective regarding irregularities of the teachers:

"... The teachers just give the essentials ... don't go in deeply..." (teenager, Carabobo).

"... I just entered fourth year, now I'll have more teachers and most teachers are set in their own ways, they fight a lot ... we are too big a class too... like 53 [students] and by the way the room is small ... then we are all piled up together and a teacher who is stubborn from the other students, he makes us stubborn and we make him more stubborn and that is when the fights start, the cursing ... I'll just kick you out ... "(a teenager, Miranda State).

"... I was the first semester and second semester without a professor of Venezuelan history or geography, we got one in the third semester and they gave us a grade of 10 to pass the course ..." (a teenager, Miranda State).

"I also lasted a month without a Chemistry Professor ... there was a problem that happened, they recorded a video and the teacher came out in it ... they were taking nude pictures of him and they uploaded them ... they stole his code key pin and there to Facebook ... that was a month before classes were out ... he didn't go to class.. mostly from shame... the mothers charged him... they said he should be jailed... those photos were plastered all over the high school... we were happy because that month we didn't have chemistry but then came the consequences.... "(a teenager, Miranda State).

"Many teachers charge to give you a test, you have to buy the sheet with the questions, it can be for a normal examination or a makeup ... (a teenager, Miranda State).

On violence in the school environment some of the testimonies recorded were:

Facilitator: *" Why is there violence in the schools? "*

Child: *"Because in high school they smoke a lot in secret, when the teachers don't come they do bad things to the women, they put them in the bathroom and lock them up and mistreat them ... "*

Adolescent: *"because there are teachers who see you doing something wrong and instead of correcting you they see you like this and don't say anything to you (...) they are afraid to tell you because they think the dude is going to rebel or something, so it shouldn't be like that ... "*

Facilitator: *"Let's see, is this fear justified? Is nothing going to happen? Or things do happen the teachers? "*

Adolescent: *" ... there are some, yes , because they say the kids find out , that is teachers speak to the directors and then the kids find out, then they have friends who are ' thugs ' and ask them to lend them this and then they get into that life of ' thugs ' instead of them continuing their normal life ... " (teenager , Miranda State) .*

" ... I tell you that over in Mariche [parish of Miranda state] it's red hot ! , The same bands [armed] in the morning start shooting at each other [with guns] and you are outside of school , waiting to go in ... " (an adolescent)

As for the right to good treatment, comprising a nurturing and nonviolent education, the contributions of the children and adolescents were very direct, although at times contradictory to justify punishment by parents:

"... It is wrong to hit people ... you can break a bone, damage your heart ... " (child, Miranda State).

"... For us God sent us here to be happy not to be fighting and it's not necessary for parents fight in front of us because it is not just for us because we are still small and no ... no ... " (girl, Miranda State) .

"... There is some mistreatment from the parents who really are not good ... I for example ... that my mother mistreats me ... I have a right ... I have someone that can protect me from my mother beating me so much. She does it for a good but still she doesn't have to mistreat me so much ... "(a teenager, Miranda State).

On the right to rest, recreation, leisure, sport and play the opinions expressed were:

"... There are parents who prevent their children [the exercise of this right] because they worry a lot about them because then they say this is not happening here, the other the other is happening, then they don't let them out ..." (teenager, Miranda State).

"... At least parents will not let him go out and play or anything because they think they are going to get in trouble or things like problem of getting into drugs ..." (child, Miranda State)

Furthermore, on the supply and condition of existing facilities commented:

"... The park was spoiled ..." (child, Miranda State).

Facilitator: *"And for young children is there no where to play?"*

Child: *"No, there is nothing not even a small park ..."*

Facilitator: *"So what would you do?"*

Child: *"... I don't have fun there and the kids can't play because the kids big tell them no because they are playing basketball ... they always want to give orders ..." (children, Miranda State).*

In San Felix, Bolivar State, the children and adolescents consulted on this situation felt that this right is not met: *"When we are asked for a collaboration of 20 Bolívares to play [in a football club],"* *"When the thugs take over the courts,"* *"When people damage the court facilities,"* *"There are no coaches"* and *"on the streets you can't play because of cars and thugs "*.

To ensure exercise of this right they recommended:

"That they fix the courts", "That there be balls, uniforms and coaches", "Install street lights" and "That there be security in the courts".

With teenagers from Miranda State a very interesting discussion was generated about the risks involved in so-called "matinees" (meeting places for dancing in the afternoon), assumed as recreational and leisure activities:

"... I would not allow them because the police themselves are corrupt, they stand at the door, hover, move up and down to avoid their party being shut down and the people in charge of the party pay them ... They don't ask for ID cards and adults and children can be mixed together (...) many times in the drinks they sell they put in pills or some substance...well drugs... and the children are not aware of what they are taking ... "(a teenager, Miranda).

I.3. Opinion of children and adolescents on the category of participation

In this case, we recorded the following points of view:

Teenager: *"I don't know ... don't know why there are adults who see you like this, you are talking and they don't pay attention to you..."*

Facilitator: Why do you think they don't pay attention?

Teenager: *"What you are saying to them doesn't interest them ..." (Miranda State)*

"... Because just like big people have the right to express their ... What do you call that? ... their ideas, we also have ... We can express ... because we also have the right to talk just like them ... "(girl, Miranda State).

And with all forcefulness another girl considered:

"... I say that is that they think [adults] that we have no mind for, like we don't know what's going on and actually we do know what's happening ..." (Miranda State).

In the consultation in the state of Carabobo a teenager said:

"Today in Venezuela, this right that is practiced very little, as we tend to judge people by any preference, opinion" and this led to an interesting discussion which recognized "we need more respect and understanding and tolerance, which is essential so all can give their opinions freely. "

Common examples of participation given by some of the children consulted, are reduced to certain assignments in the classroom environment as:

"To me, my teacher asked us some opinions about activities they want to do, some things like arranging the bulletin board ...".

While one teenager admitted that he does not like to participate:

"I never participate in my school, I turn out wrong it's by participation, I am always quiet ... talk is boring ... and I don't like it because if after the answer is wrong ..." (Miranda State).

As a concrete proposal an adolescent said:

"I imagine that for everybody to participate the same Community Councils should get the signatures of children and well [ask] what do you like? What do not you like? And make that list ... listen to them ... to keep them entertained in something ... children in their home so much ... go crazy, become rebellious ... let them do what they do what they like and not shut up all the time and they are eager and cannot ... "(Miranda State).

I.4. Opinions of the children and adolescents on the category of special protection:

Below we list the most relevant comments, made just by children and adolescents who at the time of the consultation were under a protective measure (placement agency) issued by a court:

- "... When something happens to a child it is important to have someone who protects him ..." (an adolescent)
- " ... A dude over there [in the institution] who is now called Williyou, a singer, he was on the street and what saved his life was the Beehive (a shelter) because he was going to get into a different life, was going to be a thug, then they saved his life ... " (teenager)
- " [The court] is not that they do it well but that they are very slow ... annoying , with the permissions ... " (teenager)
- " ... I went to a medical examiner did not like what I saw, it smelled really bad , if would change the air in order to change the smell , the doctor smelled bad ... " (an adolescent)
- " ... I was attended by a gynecologist who only treats girls , I was in the hospital three months , adults and children shared bathrooms... " (an adolescent)
- " ... Water, food, shelter, clothing , kitchen , fridge , my house has everything but I can't live there for the environment, because of the environment with the neighbors ... " (an adolescent)
- "I want a family with mother and father and they took me to a house with only a mother and I did not like it" (a teenage girl)
- "The courts do not do well (...) they did nothing for me (...) they have to help us find our families (...)they don't seem to comply with the law ... " (an adolescent)
- "... We are to have health insurance when we get sick ... " (teenager)
- " For a year they did not take my case to the courts , a year and they haven't decided anything with my case and the social worker throughout this time has taken nothing of mine to the Court, from the other girls , yes, but not mine " (a teenage girl)

The other children and adolescents consulted made references of the following type:

- "... There are some policemen who are with the thugs (...) and grab innocent people ..." (girl).
- "... At least right now, as they say 'new', everyone says is that they spend their time 'ruchando' because as they believe they are 'authority', the 'law', you know ... I'll stop everyone ... 'you have this, you don't have that, you give me so much and not get the fine' you know? They don't do as they really should do ... "(a teenage girl).
- "... When I studied here ... you know it's next to a field, they played football there ... one day we were there all the gang, everyone, and the police arrived and they started beating on one guy with their night sticks because he talked back to them, and they were asking for money from another guy ... after a while some cars ... after a while, another patrol car came and they started talking with them and they left us alone, those who were there at first ... it was an abuse ... "(teenager).
- " ... In my community they use marijuana, the ' parrot' and ' stone' ... are the ones you hear about there ... in my community ... sell it right there it's a short street and there are stairs ... everyone knows that entering the second house , they sell there but nobody , no one is brave to accuse them! ... Sometimes they take it to school themselves and sell it there to the students ... have children in the family to sell it at school ... " (a teenage girl) .
- "... In high school since they don't search girls, they put them in their bags [drugs] , for them the keep , They keep it for the boyfriends and then keep it for them in the room or throw it over there in a tree... to keep bottles also ... more men are seen to consume it than girls, but they also are doing it ... they make themselves accessories to hide all that stuff for them.... " (a teenage girl) .
- " ... In the case of a friend she was raped at age 14 by her stepfather and she started with the consumption of cigarettes until she got to marijuana, from there to "the parrot" , then "the stone" and was 17 and seemed to be

36 years old . . .they have tried to help her but she doesn't want ... but she needs that ... every day she gets her stuff ... she says that every time you do that you forget what happened to her ... " (a teenage girl) .
"This does happen, because in my house, when my father walks around with the gun, he puts it in the window , he does not carry the gun in the house , he puts it in the window , looking out . " (child , Miranda) .
"The police do have the right to mistreat and beat the thugs" (child , Miranda)

J. General Recommendations.

1. A National Plan for the Integral Protection of the Rights of Children and Adolescents should be designed in order to consolidate comprehensive planning, articulating public institutions and society initiatives, specifying goals, investments and actions that the different public authorities must meet to ensure respect for the rights of children and adolescents in the short, medium and long term, where special emphasis is on the participation of children and adolescents.
2. The National Protection System should be established ensuring that it is intersectoral, participatory, decentralized, non-concentrated. This requires an effort which is coordinated and shared between public authorities, the various institutions of the state and society.
3. The situation of the governing body in childhood and adolescents must be clarified in order to overcome the overlapping and lack of definition of the powers of public authorities to guarantee the proper performance of the protection system. This definition is necessary both for the Protection System and for the System of Adolescent Criminal Responsibility for the purpose of identifying the responsible authorities and obligations in this area, as well as the mechanisms for coordination among state institutions at the central level and decentralized.
4. Regarding the Criminal Responsibility System for Adolescents, it is urgent to adopt a public policy that strengthens its specialized nature and guarantees comprehensive and preventive care in accordance with the provisions of the Beijing Rules, the United Nations Guidelines for the Protection of Juveniles Deprived of their Liberty (the Riyadh Guidelines) and the General Comment No. 10 of the Committee on the Administration of Juvenile Justice (2007). Special attention should be paid on issues related to educational measures, programs for implementation, infrastructure and services in specialized centers for the detention of juveniles, adult separation, effective control of policing, training of all personnel involved in this system.
5. It is essential that the State encourage dialogue and cooperation with all society organizations actively engaged in the promotion and protection of the rights of children and adolescents. There is an urgent need for the promulgation of the regulations of the LOPNNA for popular participation in strict adherence to the principles of the doctrine of comprehensive protection and the establishment of institutional mechanisms that facilitate and support public participation in the planning, development and evaluation of public management in this matter. On this depends the effectiveness and sustainability of the efforts of the state and society which are obliged to put an end to the serious violations of rights that affect children and adolescents.
6. Ensure actions and strategies that promote and value the active participation of children and adolescents and the respect for their opinions in all aspects of life and issues of interest to them, especially on issues related to the prevention and management of violence. There must be an increase in the efforts to promote organizations of children and adolescents and initiatives managed by them.

7. Legislative reforms alone are not enough. The state must make an absolute and auditable priority of the public investment required to ensure the full functioning of the organs and Protection System services, especially, Ombudsmen, Protection Councils and Programs to be developed throughout the country ensuring fairness and opportunity in promoting and protecting the rights of children and adolescents.
8. A national information statistics system on the situation of the rights of children and adolescents must be developed, with data disaggregated by age, sex, geographical distribution that monitor and support the implementation of policies, measures and activities aimed at the fulfillment of rights and guarantees.
9. Design and implement programs, services and projects with sufficient budget to care for child victims of violence, abuse, sexual abuse, teen pregnancy, loss of parental care, rehabilitation of different types of addictions, rehabilitation of juvenile detainees, victims of sexual exploitation, asylum seekers, refugees, among others, with the required quality and in accordance with the LOPNNA. In the same sense it is necessary to strengthen institutional plans and programs in mental health for children and adolescents and specific programs for strengthening families.
10. The Venezuelan State should place greater emphasis on the training activities for all stakeholders related to the protection and promotion of children and adolescents and this training should be organized, carried out systematically, and must have an accreditation system for certain actors whose role in protecting is essential: hospitals, schools, courts, protective tips, ombudsmen, and others.
11. Studies are required that account for the impact of the action of the organs of the Protection System and the System of Adolescent Criminal Responsibility nationwide, to identify weaknesses and increase effectiveness.
12. The state must take measures for the dissemination of the Convention and the LOPNNA so that children and adolescents, parents, teachers, staff of the institutions and all the society know the implications of the legal framework and carry out their actions accordingly. It is in this sense, the editions of these documents in Indian languages and Braille are important.
13. Given the magnitude and severity of violence, according to the recommendations of the 2006 United Nations Study on Violence against Children, a plan of action to combat violence against children with the participation of multiple social sectors must be implemented as soon as possible. It is necessary to unify reporting processes, develop prevention programs, mental health services and actions for legal and psychosocial support for victims, and to train public officials for adequate and proper care, among other actions necessary for the timely and comprehensive protection of the victims and to put an end to impunity. For this it is essential to summon the necessary social organizations and public authorities to work together continuously so that a civic culture of rights can be fostered and so that the protection of children and adolescents is indeed a priority.