

Venezuela

Incidence and Nature of Child Labor

An estimated 9.1 percent of children ages 10 to 14 years were counted as working in Venezuela in 2003. Approximately 11.4 percent of all boys 10 to 14 were working compared to 6.6 percent of girls in the same age group. The majority of working children were found in the services sector (63.6 percent), followed by agricultural (25.9 percent), manufacturing (8.1 percent), and other sectors (2.4 percent).⁴⁹²⁸ Children work mostly in the informal sector including in agriculture, domestic service, and street vending.⁴⁹²⁹ Boys work mostly in agriculture (49 percent), commerce (27 percent), and manufacturing (14 percent). Girls work more in commerce (65.1 percent) and services (17.8 percent).⁴⁹³⁰ Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 14.3 percent of the population in Venezuela were living on less than USD 1 a day.⁴⁹³¹

Although little data on the problem is available, the commercial sexual exploitation of children is a problem in Venezuela.⁴⁹³² Venezuela is a source, transit, and destination country for children trafficked for the purposes of sexual exploitation and forced labor. Children trafficked to and through Venezuela come from countries such as Colombia, Guyana, Brazil, Peru, Ecuador, and the Dominican Republic. Venezuelan children are trafficked internally and to destinations including Western Europe, notably Spain, and countries such as Mexico and Trinidad and Tobago.⁴⁹³³ Children living near the Venezuelan border are vulnerable to sexual exploitation and forced recruitment by armed Colombian groups, as well as trafficking for the purposes of sexual exploitation to Guyanese mining camps.⁴⁹³⁴

The Constitution mandates free and compulsory education up to the university preparatory level (approximately to age 15 or 16).⁴⁹³⁵ However, according to the U.S. Department of State, basic education

⁴⁹²⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

⁴⁹²⁹ U.S. Department of State, *Country Reports on Human Right Practices- 2004: Venezuela*, Washington, D.C., February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41788.htm>.

⁴⁹³⁰ Nacional Institute of Statistics of The Bolivarian Republic of Venezuela, *Análisis de los Resultados de la Encuesta de Hogares por Muestra - 2000*, 80; available from www.oit.org.pe/ipec.documentos/estadisticas_del_trabajo_infantil_en_venezuela_2000.pdf.

⁴⁹³¹ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

⁴⁹³² EPCAT International CSEC Database, *Venezuela*; accessed June 22, 2005; available from <http://www.ecpat.net>. See also UNESCO, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Venezuela*, pursuant to Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant, May 21, 2001, para. 16; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.56.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.56.En?Opendocument).

⁴⁹³³ U.S. Department of State, *Trafficking in Persons Report- 2005: Venezuela*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm>. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Observación Individual Sobre el Convenio n°um 29, trabajo forzoso*, Geneva, 2004; available from <http://www.ilo.org/ilolex/cgi-lex/commentpluss.pl?Venezuela@ref>.

⁴⁹³⁴ U.S. Department of State, *Trafficking in Persons Report*. See also U.N. Wire, *UNHCR Concerned About Child Soldier Recruitment*, [online] May, 22 2002 [cited September 28, 2005]. Colombians enter Venezuela for refuge from their nation's ongoing conflict. See ECPAT International CSEC Database, <http://www.ecpat.net/> (Venezuela; accessed June 22, 2005).

⁴⁹³⁵ Right to Education, <http://www.right-to-education.org/content/consuarant/venezuela.html> (Constitutional Guarantees: Venezuela; accessed September 9, 2005). See also U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 5.

suffers from chronic underfunding.⁴⁹³⁶ Further, one hundred and eighty schools were damaged as a result of flooding in 2005.⁴⁹³⁷ The Child and Adolescent Protection Act defines the state's responsibility to provide flexible education schedules and programs designed for working children and adolescents.⁴⁹³⁸ In 2002, the gross primary enrollment rate was 104 percent and the net primary enrollment rate was 91 percent.⁴⁹³⁹ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2003, 94.4 percent of children ages 10 to 14 years were attending school.⁴⁹⁴⁰ As of 2001, 84 percent of children who started primary school were likely to reach grade 5.⁴⁹⁴¹ Indigenous children are legally guaranteed education in their primary language.⁴⁹⁴² However, indigenous children, children of African descent, and the extremely poor often do not have access to education.⁴⁹⁴³

Child Labor Laws and Enforcement

Venezuela's Constitution prohibits adolescents from working if such work affects their development.⁴⁹⁴⁴ The Child and Adolescent Protection Act sets the minimum age for employment at 14 years and the executive branch reserves the right to adjust the minimum age for dangerous or harmful work.⁴⁹⁴⁵ However, there are exceptions to the minimum age. State and local Child and Adolescent Protection Councils may authorize adolescents 12 to 14 years of age to work, provided that the activity is not dangerous to their health or well being, does not obstruct their education, and the adolescent undergoes a health exam.⁴⁹⁴⁶ All working adolescents are required to register with the Protection Council's Adolescent Worker Registry.⁴⁹⁴⁷ Adolescents are not permitted to work more than 6 hours per day or 30 hours per week.⁴⁹⁴⁸ Children under age 18 may not work at night.⁴⁹⁴⁹ The Labor Code contains additional provisions such as requiring parental permission for adolescents ages 14 to 16 to work, prohibiting work in mines and smelting factories, and prohibiting work that may risk the life, health, or the intellectual or moral development of a child.⁴⁹⁵⁰

⁴⁹³⁶ U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 5.

⁴⁹³⁷ An additional 150 schools were used as shelters for those displaced by flooding. UNICEF, *At a glance: Venezuela - Hundreds of thousands of children affected by floods*, [online] [cited June 22, 2005]; available from http://www.unicef.org/infobycountry/venezuela_25206.html.

⁴⁹³⁸ Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, 5.266, (October 2, 1998), Article 59; available from http://www.analitica.com/bitbliblioteca/congreso_venezuela/lopna.asp.

⁴⁹³⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tab1eView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

⁴⁹⁴⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

⁴⁹⁴¹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁴⁹⁴² UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, CERD/C/476/Add.4, prepared by Government of the Bolivarian Republic of Venezuela, 2004, para. 136; available from <http://www.unhchr.ch/tbs/doc.nsf/documentsfrset?OpenFrameSet>.

⁴⁹⁴³ UNICEF, *At a glance: Venezuela - Background*, [online] [cited June 3, 2005]; available from <http://www.unicef.org/infobycountry/venezuela.html>.

⁴⁹⁴⁴ *Constitución de la República Bolivariana de Venezuela*, 1999, (December 30), Article 89; available from <http://www.georgetown.edu/pdba/Constitutions/Venezuela/ven1999.html>.

⁴⁹⁴⁵ *Ley del Niño y del Adolescente*, Article 96.

⁴⁹⁴⁶ *Ibid.*

⁴⁹⁴⁷ *Ibid.*, Article 98.

⁴⁹⁴⁸ *Ibid.*, Article 102.

⁴⁹⁴⁹ *Ibid.*

⁴⁹⁵⁰ U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 6d.

The worst forms of child labor may be prosecuted under different statutes in Venezuela. The Child and Adolescent Protection Act prohibits the sexual exploitation, slavery, forced labor, and trafficking of minors.⁴⁹⁵¹ Perpetrators are subject to prison sentences of 6 months to 8 years.⁴⁹⁵² Child pornography is prohibited and punishable by fines and confiscation of the material.⁴⁹⁵³ Additionally, the Computer Crimes Law prohibits the use of any form of information technology to depict child pornography. Punishments range from 4 to 8 years of incarceration and fines, with increased penalties under certain circumstances.⁴⁹⁵⁴ The Criminal Code establishes penalties ranging from 3 to 18 months of incarceration for inducing the prostitution of a minor to another party, with punishments increased for up to 5 years of incarceration under aggravated circumstances.⁴⁹⁵⁵ Promoting the prostitution of a minor to another party repeatedly or for profit, and the forced prostitution of a relative are both punishable by 3 to 6 years of incarceration.⁴⁹⁵⁶ The Military Conscription and Enlistment Act sets the minimum recruitment age at 18. Secondary students are mandated by the Act to complete two years of pre-military instruction.⁴⁹⁵⁷ Since 1999, the Government of Venezuela has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.⁴⁹⁵⁸

The Ministry of Labor and the National Institute for Minors are responsible for enforcing child labor laws. These laws are enforced effectively in the formal sector, but less so in the informal sector.⁴⁹⁵⁹ The National Protection System for Children and Adolescents includes institutions such as state and local Councils on Children's and Adolescents' Rights that are responsible for monitoring children's rights and Children's and Adolescents' Ombudsmen that are responsible for defending children's rights.⁴⁹⁶⁰ According to the U.S. Department of State, the actions of governmental institutions do not demonstrate a commitment to eliminating exploitative child labor.⁴⁹⁶¹ The U.S. Department of State also reports that the Government of Venezuela is not making a significant effort to combat trafficking,⁴⁹⁶² as insufficient resources, a weak legal system, and corruption hamper its efforts. There is no evidence that the government arrested individuals in relation to the commercial sexual exploitation of children or prosecuted any trafficking cases in 2004, the latest date for which such information is available.⁴⁹⁶³

⁴⁹⁵¹ *Ley del Niño y del Adolescente*, Articles 33, 38, 40, and 79d.

⁴⁹⁵² *Ibid.*, Articles 255-258 and 266-267.

⁴⁹⁵³ *Ibid.*, Article 237.

⁴⁹⁵⁴ Government of the Bolivarian Republic of Venezuela, *Legislation of Interpol member states on sexual offences against children: Venezuela*, Interpol, [online] February 3, 2003 [cited June 22, 2005], Section IV, Article 24; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/Default.asp>. See also ECPAT International CSEC Database, (Venezuela).

⁴⁹⁵⁵ Government of the Bolivarian Republic of Venezuela, *Legislation of interpol member states*, Penal Code, Article 388.

⁴⁹⁵⁶ ECPAT International CSEC Database, *Venezuela*; accessed June 22, 2005.

⁴⁹⁵⁷ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- 2004*, London, November 17, 2004; available from <http://www.child-soldiers.org>.

⁴⁹⁵⁸ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

⁴⁹⁵⁹ U.S. Department of State, *Country Reports- 2004: Venezuela*, Section 6d.

⁴⁹⁶⁰ UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, para. 139, 140, and 142.

⁴⁹⁶¹ U.S. Embassy- Caracas, *reporting*, August 17, 2005.

⁴⁹⁶² *Ibid.*

⁴⁹⁶³ U.S. Department of State, *Trafficking in Persons Report*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of Interior and Justice heads an inter-agency working group that is developing an anti-trafficking plan. In January 2005, the Ministry of Foreign Affairs held anti-trafficking workshops that included the IOM and the OAS.⁴⁹⁶⁴ Venezuela, in coordination with UNICEF, has encouraged the legal registration of children through its National Identity Plan.⁴⁹⁶⁵ Children without legal birth registration may be at higher risk for trafficking and other forms of exploitation.

The Ministry of Education and Sports has several strategies aimed at improving education. The “Alternative Educational Spaces Program” provides services to out-of-school youths with the objective of reinserting them in the formal educational system.⁴⁹⁶⁶ Other projects include a pedagogy improvement project, a national literacy campaign (2003-2005) whose objectives include reaching out-of-school youth,⁴⁹⁶⁷ a bilingual indigenous education project in coordination with UNICEF,⁴⁹⁶⁸ and a school feeding program.⁴⁹⁶⁹ The “Rights in My Size” program emphasizes children’s rights and promotes cooperation between pre-schools and public state and local agencies.⁴⁹⁷⁰ Some children receive special services not generally available in conventional Venezuelan schools through the Bolivarian Education Project.⁴⁹⁷¹ At the pre-school and primary education levels this includes full-day education and meals through the “Simoncito Project” and “Bolivarian Schools.”⁴⁹⁷² At the secondary education level this includes school meals through “Bolivarian Lyceums.”⁴⁹⁷³ Additionally, some youth receive technical training through the “New Schools.”⁴⁹⁷⁴

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	7/15/1987	✓
Ratified Convention 182	10/26/2005	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

The Public Defender’s Office works with UNICEF to promote and defend the rights of minors, as well as to provide training and raise awareness.⁴⁹⁷⁵ The Ministry of Health and Social Development is

⁴⁹⁶⁴ Ibid.

⁴⁹⁶⁵ UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, para. 170.

⁴⁹⁶⁶ Ministry of Education and Sports, *Programa Espacios Educativos Altrnativos*, [online] March 19, 2004 [cited September 29, 2005]; available from <http://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=137>. See also U.S. Embassy- Caracas, *reporting*, August 17, 2005.

⁴⁹⁶⁷ Ministry of Education and Sports, *Bienvenidos al Portal Oficial del Ministerio de Educación y Deportes de Venezuela: Lista de Páginas*, [online] n.d. 2005 [cited September 30, 2005]; available from http://www.me.gov.ve/modules.php?name=Content&pa=list_pages_categories&cid=16.

⁴⁹⁶⁸ UNICEF, *Educación Intercultural Bilingüe en las Etnias Indígenas*, [online] n.d. [cited June 22, 2005]; available from <http://www.unicef.org/venezuela/cuerpo-temas-3.htm>.

⁴⁹⁶⁹ Ministry of Education and Sports, *Programa de Alimentación Escolar*, [online] February 13, 2004 [cited September 30, 2005]; available from <http://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=96>.

⁴⁹⁷⁰ UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, para. 168.

⁴⁹⁷¹ UNESCO, *Plan Educación para Todos: Venezuela*, prepared by Culture and Sports Ministry of Education, August 2003, 19; available from http://portal.unesco.org/education/en/ev.php-URL_ID=8369&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁴⁹⁷² Ministry of Education and Sports, *Ministerio de Educación y Deportes de Venezuela: Lista de Páginas*.

⁴⁹⁷³ Ministry of Education and Sports, *Liceo Bolivariano*, Caracas, September 2004, Section II; available from <http://www.me.gob.ve/Documento%20Liceo%20Bolivariano2.pdf>.

⁴⁹⁷⁴ Ministry of Education and Sports, *Ministerio de Educación y Deportes de Venezuela: Lista de Páginas*.

⁴⁹⁷⁵ Public Defendor, *Convenio entre UNICEF y la Defensoría del Pueblo*, [online] 2002 [cited September 30, 2005]; available from <http://www.defensoria.gov.ve/imprimir.asp?sec=1903&cid=242&plantilla=8>.

implementing a program to guarantee the rights of children and adolescents through strengthening the National Protections System as well as related projects with funding from the IDB.⁴⁹⁷⁶

⁴⁹⁷⁶ IADB, *Programa de Apoyo a La Infancia y Adolescencia*, November 28, 2000; available from <http://www.iadb.org/exr/doc98/apr/ve1302s.pdf>. See also Venezuelan Social Investment Fund, *Con éxito FONVIS reactiva el Programa de Apoyo a la Infancia y Adolescencia*, [online] June 30, 2005 [cited September 30, 2005]; available from <http://www.fonvis.gov.ve>.