

## Venezuela

### *Selected Statistics and Indicators on Child Labor*

Percent of children ages 10-14 estimated as working in	9.1% <sup>4472</sup>
Minimum age for admission to work:	14% <sup>4473</sup>
Age to which education is compulsory:	Approximately age 15 <sup>4474</sup>
Free public education:	Yes* <sup>4475</sup>
Gross primary enrollment rate in 2004:	105% <sup>4476</sup>
Net primary enrollment rate in 2004:	92% <sup>4477</sup>
Percent of children 10-14 attending school in 2003:	94.4% <sup>4478</sup>
As of 2003 percentage of primary school entrants likely to reach grade 5:	91% <sup>4479</sup>
Ratified Convention 138:	7/15/1987 <sup>4480</sup>
Ratified Convention 182:	10/26/2005 <sup>4481</sup>
ILO-IPEC participating country:	Yes <sup>4482</sup>
*Must pay for school supplies and related items.	

### Incidence and Nature of Child Labor

In 2003, approximately 11.4 percent of boys and 6.6 percent of girls ages 10 to 14 were working in Venezuela. The majority of working children were found in the services sector (63.6 percent), followed by the agricultural sector (25.9 percent), manufacturing (8.1 percent), and other sectors (2.4 percent).<sup>4483</sup> Most children work in the informal sector.<sup>4484</sup>

<sup>4472</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7 2005.

<sup>4473</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, (October 2, 1998), Articles 96; available from <http://www.fiscalia.gov.ve/legislacion.asp>.

<sup>4474</sup> U.S. Department of State, "Venezuela," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/>. See also UNESCO Institute for Statistics, *Ending Age of Compulsory Education*, accessed March 8, 2007; available from <http://stats.uis.unesco.org>.

<sup>4475</sup> U.S. Department of State, "Country Reports- 2006: Venezuela," Section 5. See also UNESCO, *Education for All Global Monitoring Report: 2006*, Paris 2005, 84; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=43283&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=43283&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>4476</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>4477</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

<sup>4478</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>4479</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>4480</sup> ILO, *Ratifications by Country*, [online] [cited October 20, 2006]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>4481</sup> Ibid.

<sup>4482</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] 2001 [cited March 7, 2007]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>4483</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>4484</sup> U.S. Embassy- Caracas, *reporting*, December 14, 2006.

Venezuela is a source, transit, and destination country for children trafficked for the purposes of sexual exploitation and forced labor.<sup>4485</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum employment age at 14, with exceptions. Children ages 12 and 13 can work with permission from the Protection Council if the work is not dangerous and does not obstruct education.<sup>4486</sup> Fines are established for employing any minor from age 8 to age 12, and employing or profiting from the employment of a child from 12 to 15 years of age who does not have authorization to work. Employing a child younger than 8 years of age is punishable by 1 to 3 years of incarceration.<sup>4487</sup>

Minors are prohibited from work that poses risks to their development.<sup>4488</sup> They are prohibited from work in mines, smelting factories, and in places where alcohol is sold, with the exception of hotels, restaurants, planes, and other similar establishments.<sup>4489</sup> Children under age 16 may not work more than 30 hours per week. The Children's and Adolescence Protection Code (LOPNA) limits minors' working hours to 6 per day, however the Labor Code allows those under 16 to work 8 hours per day if the work is intermittent or requires only the minor's presence.<sup>4490</sup> Rest periods are established for children under 16 and for minors working as domestic servants. Minors are prohibited from working without authorization after 7 p.m. and before 6 a.m.<sup>4491</sup>

Working adolescents are required to be registered with the Protection Council and the social security system, are to be provided with working credentials and must have medical examinations and a medical certificate.<sup>4492</sup> Employing or profiting from the employment of a minor in work indicated by their medical exam as detrimental is punishable by 6 months to 2 years of incarceration.<sup>4493</sup> Fines are established for violations of the registration, medical, and social security system requirements, as well as for employers that impede child labor inspectors.<sup>4494</sup> Minors may not be paid by piece or less than other workers for equal work.<sup>4495</sup> Employers must maintain a registry of basic information regarding minor employees and must

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<sup>4485</sup> U.S. Department of State, "Venezuela (Tier 3)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/>.

<sup>4486</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Articles 2 and 96.

<sup>4487</sup> *Ibid.*, Articles 238, 239 and 257.

<sup>4488</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, 5.152, (June 19, 1997), Article 250; available from <http://www.mintra.gov.ve/>. See also Government of Venezuela, *Constitución de la República Bolivariana de Venezuela, 1999*, Article 89; available from <http://pdba.georgetown.edu/Constitutions/constudies.html>.

<sup>4489</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, 249-250.

<sup>4490</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 102. See also Government of Venezuela, *Ley Orgánica del Trabajo*, Article 255.

<sup>4491</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, Articles 256 and 257. See also Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 113.

<sup>4492</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Articles 96, 98, 99, 104, 105, 110, and 111. See also Government of Venezuela, *Ley Orgánica del Trabajo*, 252 and 253.

<sup>4493</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 256.

<sup>4494</sup> *Ibid.*, Articles 240-243.

<sup>4495</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, Articles 258 and 259. See also Government of Venezuela, *Salario Mínimo Obligatorio al partir del 1° de Septiembre de 2006*, Decreto N° 4.446, (April 25, 2006), Article 2; available from <http://www.mintra.gov.ve/>. See also Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Articles 112.

notify designated authorities if they hire a minor as a domestic servant.<sup>4496</sup> Labor Code provisions apply to minors working under apprenticeships.<sup>4497</sup> The government is responsible for providing working minors with appropriate educational programs.<sup>4498</sup> The executive branch reserves the right to adjust the minimum age for dangerous work.<sup>4499</sup> The ILO CEACR has requested that the government ensure that minors are not authorized to engage in hazardous work, except under certain circumstances involving training for children older than 16.<sup>4500</sup>

The sexual exploitation of children is prohibited and is punishable by 3 to 8 years of incarceration.<sup>4501</sup> Inducing, supporting, or facilitating the prostitution of a minor to another party may result in 3 to 18 months of incarceration. If the crime is done repeatedly, or for profit, it is punishable by 3 to 6 years of incarceration.<sup>4502</sup> Punishments for inducing a minor into prostitution are increased to up to 5 years of incarceration if various aggravating circumstances occur.<sup>4503</sup> Prison terms for the forced prostitution of a relative range from 4 to 6 years.<sup>4504</sup> Punishments for adult perpetrator of crimes, including those crimes involving illegal drugs, are increased if a minor participated in the commission of the crime.<sup>4505</sup> The law prohibits and establishes sentences of 1 to 3 years of incarceration for forced child labor, and establishes prison terms of 6 to 12 years for slavery, situations similar to slavery, and slave trafficking.<sup>4506</sup> Child trafficking by members of organized groups is punishable by 10 to 18 years of incarceration.<sup>4507</sup> The illicit movement of children is prohibited, and trafficking may also be punishable under a law that provides punishments of 2 to 6 years of imprisonment for sending a child outside the country for profit, as well as fines for transferring a child to a third party and for transporting a child without authorization either within the country or internationally.<sup>4508</sup> The prison term for profiting from the transfer of a son, daughter, student, or minor in an individual's care to a third party is from 2 to 6 years, and the same punishment applies for offering payment in exchange for a child.<sup>4509</sup> Trafficking may also be punishable under a law that provides prison sentences of 8 to 10 years for human smuggling under circumstances that include when violence, intimidation, or deception are used, with penalties increased if the victim's life, health or integrity is

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<sup>4496</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, Articles 262 and 265. See also Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 108.

<sup>4497</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, Article 266.

<sup>4498</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 59.

<sup>4499</sup> *Ibid.*, Articles 238 and 239.

<sup>4500</sup> ILO, *CEACR: Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Bolivarian Republic of Venezuela*, Geneva, 2006; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

<sup>4501</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Articles 33 and 258.

<sup>4502</sup> Government of Venezuela, *Código Penal de Venezuela*, 5.494, (October 20, 2000), Article 382, 389 and 392; available from <http://www.mintra.gov.ve/legal/codigos/penaldevenezuela.htm>.

<sup>4503</sup> *Ibid.*, Articles 388 and 392.

<sup>4504</sup> *Ibid.*, Articles 390 and 392.

<sup>4505</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 264. See also Government of Venezuela, *Código Penal de Venezuela*, Article 367.

<sup>4506</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Articles 38 and 255.

See also Government of Venezuela, *Código Penal de Venezuela*, Article 174.

<sup>4507</sup> Government of Venezuela, *Ley Contra la Delincuencia Organizada*, 38.281, (September 27, 2005), Article 16; available from <http://www.asambleanacional.gov.ve/ns2/leyes.asp?id=298>.

<sup>4508</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Articles 40, 231, 232 and 266. See also Government of Venezuela, *Constitución de la República Bolivariana de Venezuela, 1999*, Article 54. See also U.S. Department of State, "Country Reports- 2006: Venezuela," Section 5.

<sup>4509</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 267.

endangered.<sup>4510</sup> The law prohibits child pornography and punishes it with fines and prison sentences of between 3 months and 4 years.<sup>4511</sup> Producing or selling child pornography may result in prison terms of 16 to 20 years.<sup>4512</sup> Using any form of information technology to depict child pornography is punishable by 4 to 8 years of incarceration, with penalties increased under certain circumstances.<sup>4513</sup> Punishments of 2 to 6 years of incarceration are established for the recruitment of minors into criminal organizations; and the prison sentence ranges for 4 to 8 years if the perpetrator is an authority figure.<sup>4514</sup> The minimum recruitment age for the government armed forces is 18. Secondary students are required to complete 2 years of pre-military instruction.<sup>4515</sup>

The U.S. Department of State reports that the Ministry of Labor and the National Institute for minors effectively enforced child labor laws in the formal sector, but less effectively in the informal sector.<sup>4516</sup> 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.<sup>4517</sup> The U.S. Department of State also reports that while the Government of Venezuela has improved its efforts to capture individuals suspected of human trafficking, there were no prosecutions or convictions of traffickers in 2005 and anti-trafficking laws were usually not enforced.<sup>4518</sup>

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

The Ministry of Interior and Justice's Crime Prevention Unit held trainings for government officials that included the theme of trafficking. The government has an anti-trafficking plan and implemented an anti-trafficking awareness raising campaign.<sup>4519</sup>

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<sup>4510</sup> Government of Venezuela, *Ley de Extranjería y Migración*, 37.944, (May 24, 2004), Articles 56-58; available from <http://www.acnur.org/biblioteca/pdf/2867.pdf>.

<sup>4511</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 237. See also Government of Venezuela, *Código Penal de Venezuela*, Article 383.

<sup>4512</sup> Government of Venezuela, *Ley Contra la Delincuencia Organizada*, Article 14.

<sup>4513</sup> Government of Venezuela, *Ley sobre Delitos informáticos*, 37.313, (October 30, 2001), Articles 24, 27, and 28; available from <http://www.asambleanacional.gov.ve/ns2/leyes.asp?id=234>.

<sup>4514</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Article 265.

<sup>4515</sup> Government of Venezuela, *Ley de Conscripción y Alistamiento Militar*, 2.306, (September 11, 1978), Articles 3, 4, and 71; available from [http://www.gobiernoenlinea.ve/legislacion-view/view/ver\\_legislacion.pag](http://www.gobiernoenlinea.ve/legislacion-view/view/ver_legislacion.pag).

<sup>4516</sup> U.S. Department of State, "Country Reports- 2006: Venezuela," Section 6d. See also Alejandro Silva and Miliseth Ysea, *245 centros de trabajo censados. Las Inspecciones de trabajo infantil son un Ejercicio de corresponsabilidad.*, [online] July 15, 2006 [cited October 16, 2006]; available from [www.mintra.gov.ve](http://www.mintra.gov.ve).

<sup>4517</sup> UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of States Parties Due in 2004*, prepared by Government of the Bolivarian Republic of Venezuela, CERD/C/476/Add.4, 2004, para. 139, 140, and 142; available from <http://www.unhcr.ch/tbs/doc.nsf/documentsfrset?OpenFrameSet>

<sup>4518</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Venezuela."

<sup>4519</sup> Ibid.