

# Venezuela

## Incidence and Nature of Child Labor

UNICEF estimated that 9.9 percent of children ages 5 to 14 years in Venezuela were working in 2000.<sup>4212</sup> Children work in agriculture, street vending, artisanry, office work, and services.<sup>4213</sup> Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.<sup>4214</sup> Venezuela is a destination, transit, and source country for children trafficked for the purpose of sexual exploitation.<sup>4215</sup> Children are trafficked internally for labor and sexual exploitation,<sup>4216</sup> as well as from other South American countries, especially Ecuador, to work in the capital city of Caracas as street vendors and domestics.<sup>4217</sup> There are also reports that children from Venezuela have been abducted and used as soldiers by the Revolutionary Armed Forces of Colombia.<sup>4218</sup>

The Constitution mandates free and compulsory education up to the university preparatory level (15 or 16 years of age).<sup>4219</sup> The Organic Law for Child and Adolescent Protection defines the state's responsibility to guarantee flexible education schedules and programs designed for working children and adolescents.<sup>4220</sup> In

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<sup>4212</sup> The *Multiple Indicator Cluster Survey* (MICS) study defines "currently working" to include children who were performing any paid or unpaid work for someone other than a member of the household, who performed more than 4 hours of housekeeping chores in the household, or who performed other family work. See Government of Venezuela, *Multiple Indicator Cluster Survey (MICS): Standard Tables for Venezuela and Annex I: Indicators for Monitoring Progress at End-Decade*, UNICEF, 2000; available from <http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm> and <http://www.childinfo.org/MICS2/EDind/exdanx1.pdf>.

<sup>4213</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Venezuela*, Washington, D.C., February 25, 2004; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27923.htm>.

<sup>4214</sup> *Ibid.*, Section 5. For additional information on child involvement in prostitution in Venezuela, see ECPAT International, *Venezuela*, in ECPAT International, [database online] [cited March 11, 2004]; available from <http://www.ecpat.net/>. UNICEF estimates that 45,000 children are involved in prostitution. See UNICEF, *At a glance: Venezuela*, [online] [cited June 3, 2004]; available from <http://www.unicef.org/infobycountry/venezuela.html>.

<sup>4215</sup> Venezuelan children are often trafficked internationally from Venezuela to Western Europe. See U.S. Department of State, *Trafficking in Persons Report- 2004: Venezuela*, Washington, D.C., June; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm>.

<sup>4216</sup> Children are generally trafficked internally from rural to urban areas. See U.S. Department of State, *Country Reports- 2003: Venezuela*, section 6f.

<sup>4217</sup> *Ibid.* It is reported that Brazilian and Colombian girls are trafficked to and through Venezuela. See U.S. Department of State, *Trafficking in Persons Report- 2004: Venezuela*.

<sup>4218</sup> See Coalition to Stop the Use of Child Soldiers, "Colombia," in *Child Soldiers 1379 Report*, London, 2002, 26; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/c560bb92d962c64c80256c69004b0797/\\$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf](http://www.child-soldiers.org/cs/childsoldiers.nsf/569f78984729860e80256ad4005595e6/c560bb92d962c64c80256c69004b0797/$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf).

<sup>4219</sup> Right to Education, *Constitutional Guarantees: Venezuela*, [database online] [cited March 11, 2004]; available from <http://www.right-to-education.org/content/consguarant/venezuela.html>. See also U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 5.

<sup>4220</sup> El Congreso de la República de Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, Gaceta Oficial No. 5.266, Ministerio del Trabajo, Caracas, October 2, 1998, article 59; available from <http://www.mintra.gov.ve/sitio/legal/leyesorganicas/ldelnino.html>.

2001, the gross primary enrollment rate was 105.9 percent, and the net primary enrollment rate was 92.4 percent.<sup>4221</sup> 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 2000, UNICEF estimated that 92 percent of children ages 5 to 12 attended primary school.<sup>4222</sup> In that same year, the repetition rate for primary school students was 7.7 percent (5.9 percent for girls and 9.3 percent for boys).<sup>4223</sup> As of 1999, 84.7 percent of children who started primary school were likely to reach grade 5.<sup>4224</sup> Basic education suffers from chronic under funding and the economic turmoil in the country during 2002 led to further drops in education spending.<sup>4225</sup> There is an insufficient number of well-trained teachers in some areas.<sup>4226</sup> Approximately 1 million children were not eligible to receive government assistance, including public education, because their births were not legally documented.<sup>4227</sup>

## Child Labor Laws and Enforcement

The Organic Law for Child and Adolescent Protection defines labor laws for children and adolescents.<sup>4228</sup> This law sets the minimum age for employment at 14 years, but the executive branch reserves the right to adjust the age for dangerous or harmful work.<sup>4229</sup> In special circumstances, the Child and Adolescent Protection Councils may authorize work for adolescents younger than 14 years of age, provided that the activity is not dangerous to their health or well being and does not obstruct their right to education.<sup>4230</sup> Adolescents ages 12 and above are not permitted to work more than 6 hours a day (in 2 shifts of no more

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<sup>4221</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

<sup>4222</sup> Government of Venezuela, *Multiple Indicator Cluster Survey (MICS): Standard Tables for Venezuela*, UNICEF, 2000, Table 11; available from <http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm>.

<sup>4223</sup> World Bank, *World Development Indicators 2004*.

<sup>4224</sup> *Ibid.*

<sup>4225</sup> U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 5.

<sup>4226</sup> UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Right of the Child, Venezuela*, CRC/C/15/Add.109, Geneva, November 2, 1999, D.7. para. 28; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ed03929b951dfcb080256810005797ca?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ed03929b951dfcb080256810005797ca?Opendocument).

<sup>4227</sup> Data was derived from a study conducted by the NGO Community Centers for Learning. See U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 5. Under Title II, Chapter II, Article 17 of the Law for the Protection of Children and Adolescents, all children have the right to be identified after birth. Article 22 of the *Ley orgánica* further states that children have the right to obtain public identification documents that demonstrate their identity and that the State shall assure that there are programs and measures to determine the identity of all children and adolescents. See *Ley orgánica para la protección del niño y del adolescente, 2000*; available from <http://www.cajpe.org.pe/rij/bases/legisla/venezuel/ve42.htm>.

<sup>4228</sup> This law takes precedence over the Ley de Reforma Parcial de la Ley Orgánica del Trabajo. See Venezuela, *Ley Orgánica para la Protección*, Article 116.

<sup>4229</sup> *Ibid.*, Article 96. All working adolescents are required to register with the Protection Council's Adolescent Worker Registry. See Venezuela, *Ley Orgánica para la Protección*, article 98.

<sup>4230</sup> In this case, adolescents must undergo a complete physical exam to confirm their physical and mental capacity for the activity. Venezuela, *Ley Orgánica para la Protección*, article 96, paragraphs 3 and 4. The Organic Law for Child and Adolescent Protection created the Child and Adolescent Protection Councils. These State and Municipal Councils are administrative mechanisms responsible for defending child and adolescent rights. See Venezuela, *Ley Orgánica para la Protección*, article 158.

than 4 hours each) and 30 hours a week.<sup>4231</sup> Children under the age of 18 cannot work at night.<sup>4232</sup> In addition, the Organic Law defines the state's responsibility to protect minors from sexual exploitation, slavery, forced labor, and internal and external trafficking.<sup>4233</sup> Perpetrators are subject to prison sentences from 6 months to 8 years in duration.<sup>4234</sup>

The Ministry of Labor and the National Institute for Minors enforce child labor laws. These laws are enforced effectively in the formal sector, but less so in the informal sector.<sup>4235</sup> Insufficient resources, a weak legal system, and corruption hamper efforts to combat trafficking. There is no evidence that the government prosecuted any cases of trafficking in 2003.<sup>4236</sup>

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

The National Institute for Minors has made efforts to address the commercial sexual exploitation of children by establishing Local Social Protection networks for children and adolescents who are at high risk.<sup>4237</sup> These networks are comprised of public and private institutions and organizations that contribute toward the development of a coordinated local plan in regions of the country where children are most vulnerable.<sup>4238</sup>

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

The Ministry of Education, Culture and Sports<sup>4239</sup> has a plan for a national literacy campaign (2003-2005) whose objectives, in part, include reaching out-of-school youth.<sup>4240</sup> The Ministry also provides a public school feeding program that contributes to academic achievement, school access, and the increased

<sup>4231</sup> Venezuela, *Ley Orgánica para la Protección*, articles 2 and 102.

<sup>4232</sup> *Ibid.*, article 102.

<sup>4233</sup> *Ibid.*, articles 33, 38, and 40.

<sup>4234</sup> *Ibid.*, articles 255-58, 66-67.

<sup>4235</sup> U.S. Department of State, *Country Reports- 2003: Venezuela*, section 6d. The National Institute for Minors is a public and autonomous entity appointed by the Ministry of Health and Social Development. It is the agency responsible for developing policy for the protection of children's rights. See National Children's Institute, *Instituto Nacional del Menor*, [previously online] [cited October 25, 2004]; available from <http://www.inam-msds.gov.ve/mision.htm> [hard copy on file].

<sup>4236</sup> U.S. Department of State, *Country Reports- 2003: Venezuela*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Venezuela*.

<sup>4237</sup> UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992: Supplementary Report, Addendum, Venezuela*, CRC/C/3/add.59, prepared by Government of Venezuela, pursuant to Article 44 of the Convention on the Rights of the Child, December 1998, para. 187; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/7ab5da65834d643f80256778004a22fd?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/7ab5da65834d643f80256778004a22fd?Opendocument).

<sup>4238</sup> *Ibid.*

<sup>4239</sup> Ministerio de Educación y Deportes, *Ahora Somos Ministerio de Educación y Deportes*, [online] 2004 [cited June 3, 2004]; available from <http://www.me.gov.ve>.

<sup>4240</sup> Ministerio de Educación y Deportes, *Plan de Alfabetización Nacional*, [online] [cited June 3, 2004]; available from <https://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=36>.

likelihood that children and adolescents will reach the high school level.<sup>4241</sup> In addition, the Ministry, in conjunction with NGOs and civil society organizations, provides children and adolescents who have dropped out of school with a flexible alternative school program to help them re-enter the formal school system.<sup>4242</sup>

The Public Defenders Office works with UNICEF to strengthen the Child and Adolescent Defenders Offices throughout the country, as outlined in the Ministry of Planning and Development's Master Plan of Operations 2002-2007.<sup>4243</sup> The Ministry of Health and Social Development's Social Investment Fund supports actions that guarantee the rights of children and adolescents.<sup>4244</sup>

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<sup>4241</sup> Ministerio de Educación y Deportes, *P.A.E. (Programa de Alimentación Escolar)*, [online] February 13, 2004 [cited June 3, 2004]; available from <http://www.me.gov.ve/modules.h?name=Content&pa=showpage&pid=96>.

<sup>4242</sup> Ministerio de Educación y Deportes, *Programa Espacios Educativos Alternativos*, [online] March 19, 2004 [cited June 3, 2004]; available from <http://www.me.gov.ve/modules.php?name=Content&pa=showpage&pid=137>.

<sup>4243</sup> Defensoría del Pueblo, *Convenio entre UNICEF y la Defensoría del Pueblo*, [online] 2002 [cited June 10, 2004]; available from <http://www.defensoria.gov.ve/imprimir.asp?sec=1903&id=242&plantilla=8>. The Child and Adolescent Defenders Offices were created by the Public Defender's Office to guard, protect and teach child and adolescent rights. Defensoría del Pueblo, *Niños, niñas y adolescentes*, [online] 2002-2003 [cited June 10, 2004]; available from <http://www.defensoria.gov.ve/lista.asp?sec=1903>.

<sup>4244</sup> Fondo de Inversión Social de Venezuela, *PAIA: Programa de apoyo a la Infancia y Adolescente*, [online] [cited June 10, 2004]; available from <http://www.fonvis.gov.ve/paia.htm>.