

# Venezuela

<i>Selected Statistics and Indicators on Child Labor<sup>3632</sup></i>	
Working children, 5-14 years (%), 2005:	5.4
Working boys, 5-14 years (%), 2005:	7.1
Working girls, 5-14 years (%), 2005:	3.6
Working children by sector, 5-14 years (%), 2005:	
- Agriculture	28.3
- Manufacturing	8
- Services	61.1
- Other	2.6
Minimum age for work:	14
Compulsory education age:	15
Free public education:	Yes*
Gross primary enrollment rate (%), 2006:	104
Net primary enrollment rate (%), 2006:	91
School attendance, children 5-14 years (%), 2005:	94.9
Survival rate to grade 5 (%), 2005:	92
ILO-IPEC participating country:	Yes
*Must pay for miscellaneous school expenses	

## Incidence and Nature of Child Labor

In Venezuela, children work in agriculture, retail trade, hotels, restaurants, manufacturing, and community and social services. Boys are more often found working on farms, while girls work mostly in service industries.<sup>3633</sup> Children are subjected to forced labor in the informal sector.<sup>3634</sup> There are reports that Venezuela is a source, transit, and destination country for children and women trafficked for the purposes of sexual exploitation and forced labor; however, information specifically related to children is limited.<sup>3635</sup>

## Child Labor Laws and Enforcement

The law sets the minimum employment age at 14. However, adolescents ages 12 to 14 may be authorized to work in certain justified circumstances that do not compromise the health, education, or development of the child.<sup>3636</sup> Adolescents between 12 and 18 years can work up

to 30 hours per week, between 6 a.m. and 7 p.m.<sup>3637</sup> While the Protection Code for Children and Adolescents limits the working hours of minors to 6 per day, the Labor Code allows adolescents ages 12 to 16 to work 8 hours per day if the work is intermittent or requires only the minor's presence.<sup>3638</sup> Minors are prohibited from work that prejudices their moral or intellectual development, although minors may work in places where alcohol is sold, such as in hotels, restaurants, ships, planes, and similar establishments. They are prohibited from work in mines, smelting factories, and in places that may pose risks for their life, health, or development.<sup>3639</sup> Minors under age 16 are also prohibited from working in public shows without authorization.<sup>3640</sup>

The law establishes obligations for employers who hire minors, such as maintaining a child labor registry; registering the minor with the Protection Council and the social security system; providing working credentials, medical examinations and certificates; and protecting their basic labor rights. Employers must notify authorities if they hire a minor as a domestic worker.<sup>3641</sup> Minors may not be paid by piece or less than other workers for equal work. Labor Code provisions likewise apply to minors working under apprenticeships.<sup>3642</sup>

Employing or profiting from the employment of a minor in work for which they are physically unfit is punishable by 6 months to 2 years imprisonment.<sup>3643</sup> Fines are established for violations of the registration, medical, and social security system requirements, as well as for employers that impede child labor inspections.<sup>3644</sup> Fines are established for employing any minor from age 8 to 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.<sup>3645</sup> Hiring a child under age 8 is punishable by 1 to 3 years in prison.<sup>3646</sup>

Forced child labor can be punishable by 1 to 3 years of incarceration, and prison terms for slavery and slave trafficking are of 6 to 12 years.<sup>3647</sup> Trafficking children internationally is punishable by 2 to 6 years in prison, and fines apply for transferring a child to a third party or transporting a child

without authorization.<sup>3648</sup> Child trafficking by members of organized groups is punishable by 10 to 18 years of incarceration.<sup>3649</sup> Persons who promote or assist human trafficking may be punished with prison sentences of 4 to 8 years; and 8 to 10 years if circumstances involve violence, intimidation, or deception.<sup>3650</sup> The sexual exploitation of children is prohibited and is punishable by 3 to 8 years of incarceration.<sup>3651</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>3652</sup> The punishment for using minors to commit crimes is 1 to 4 years in prison.<sup>3653</sup>

The law prohibits child pornography and penalizes it through fines and prison sentences of between 3 months and 4 years.<sup>3654</sup> Producing or selling child pornography by organized criminal groups may result in prison terms of 16 to 20 years.<sup>3655</sup> Using any form of information technology to depict child pornography is punishable by 4 to 8 years of incarceration and fines, with penalties increased under certain circumstances.<sup>3656</sup> Punishments of 2 to 6 years of incarceration are established for the recruitment of minors into criminal organizations, with the prison sentence ranging from 4 to 8 years if the perpetrator is an authority figure.<sup>3657</sup> The minimum recruitment age for the Government Armed Forces is 18 years. Secondary students are required to complete 2 years of pre-military instruction.<sup>3658</sup>

USDOS reports that the Ministry of Labor and the National Institute for Minors enforced child labor laws effectively in the formal sector, but less effectively in the informal sector.<sup>3659</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>3660</sup> USDOS 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>3661</sup>

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

The Government of Venezuela has developed and adopted a National Plan of Action against Sexual Abuse and Exploitation. The U.N. Committee on the Rights of the Child has expressed concern over the lack of information and data related to sexual exploitation and actions taken as part of this plan.<sup>3662</sup>

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<sup>3632</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, (October 2, 1998), article 53, 96; available from [http://www.analitica.com/bitblito/congreso\\_venezuela/lopna.asp](http://www.analitica.com/bitblito/congreso_venezuela/lopna.asp). See also UNESCO, *Education for All Global Monitoring Report: 2006*, Paris 2005, 86, 308; available from <http://unesdoc.unesco.org/images/0014/001416/141639e.pdf>.

<sup>3633</sup> F. Blanco and C.A. Valdivia, *Child Labour in Venezuela: Children's Vulnerability to Macroeconomic Shocks*, UCW, 2006, 11; available from <http://www.ucw-project.org/pdf/publications/CHILDLABOURINVENEZUELA.pdf>.

<sup>3634</sup> U.S. Department of State, "Venezuela," in *Country Report on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100657.htm>.

<sup>3635</sup> U.S. Department of State, "Venezuela (Tier 3)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82807.htm>. See also U.S. Department of State, "Country Reports- 2007: Venezuela," section 5.

<sup>3636</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 96.

<sup>3637</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, 5.152, (June 19, 1997), articles 254 and 257; available from [http://www.analitica.com/bitblito/congreso\\_venezuela/ley\\_del\\_trabajo.asp#Vc1](http://www.analitica.com/bitblito/congreso_venezuela/ley_del_trabajo.asp#Vc1).

<sup>3638</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>3639</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, articles 249-251.

<sup>3640</sup> Ibid.

<sup>3641</sup> Government of Venezuela, *Ley Orgánica para la*

*Protección del Niño y del Adolescente*, articles 96, 98, 99, 104, 105, 108, 110, and 111. See also Government of Venezuela, *Ley Orgánica del Trabajo*, 252, 262, 265.

<sup>3642</sup> Government of Venezuela, *Ley Orgánica del Trabajo*, articles 258, 259, 266.

<sup>3643</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 255-257.

<sup>3644</sup> Ibid., articles 240-243.

<sup>3645</sup> Ibid., articles 238-239.

<sup>3646</sup> Ibid., articles 33 and 258.

<sup>3647</sup> Ibid., article 255. See also Government of Venezuela, *Código Penal*, 5.494, (October 20, 2000), article 174; available from <http://www.mintra.gov.ve/legal/codigos/penaldevenezuela.htm>.

<sup>3648</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 231, 232, 266 and 267.

<sup>3649</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>3650</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>3651</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 33 and 258.

<sup>3652</sup> Ibid., article 264.

<sup>3653</sup> Ibid., Article 264.

<sup>3654</sup> Ibid., article 237.

<sup>3655</sup> Government of Venezuela, *Ley Contra la Delincuencia*

*Organizada*, article 14.

<sup>3656</sup> Government of Venezuela, *Ley sobre Delitos informáticos*, 37.313, (October 30, 2001), articles 24, 27, and 28; available from <http://www.abinia.org/ley-contra-delitos-informaticos.pdf>.

<sup>3657</sup> Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, article 265.

<sup>3658</sup> Government of Venezuela, *Ley de Conscripción y Alistamiento Militar*, 2.306, (September 11, 1978), articles 3, 4, 70 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>3659</sup> U.S. Department of State, "Country Reports- 2007: Venezuela," section 6d.

<sup>3660</sup> UN Committee on the Elimination of Racial Discrimination, *Eighteenth Periodic Reports of State Parties Due in 2004: Venezuela*, CERD/C/476/Add.4, June 14, 2004, para 139, 140, and 142; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also UN Convention on the Rights of the Child, *Consideration of Reports Submitted by State Parties Under Article 44 of the Convention: Concluding Observations: Venezuela (Bolivarian Republic of)*, CRC/C/VEN/CO/2, October 17, 2007, para 70-71; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G07/445/90/PDF/G0744590.pdf?OpenElement>.

<sup>3661</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Venezuela."

<sup>3662</sup> UN Convention on the Rights of the Child, *Concluding Observations, Convention on Rights of the Child*, para 74 and 75.

## Yemen

### Incidence and Nature of Child Labor

Children living in rural areas of Yemen are more likely to work than are children living in urban areas.<sup>3663</sup> A study by Understanding Children's Work, a research project of ILO-IPEC, UNICEF, and the World Bank, estimated that 87 percent of working children work in a family enterprise.<sup>3664</sup>

The majority of working children are found in agricultural sectors, including in the production of *qat* (a mild narcotic found in the region).<sup>3665</sup> Children working in agriculture are confronted with hazardous conditions and activities, including the use of pesticides and heavy equipment, prolonged exposure to extreme temperatures, and

carrying heavy loads.<sup>3666</sup> Children also work under hazardous conditions as street vendors, beggars, and domestic servants, as well as in the fishing, construction, textile, and automobile repair sectors.<sup>3667</sup> Children employed in domestic service and restaurants are particularly vulnerable to sexual abuse and exploitation.<sup>3668</sup>

Children are trafficked internally for commercial sexual exploitation.<sup>3669</sup> Saudi Arabia is the primary destination for children trafficked out of the country, where children work as street beggars, domestics, unskilled laborers, or street vendors.<sup>3670</sup> Reports indicate that these children sell such items as flour and basic commodities, as well as *qat*,