

Venezuela

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

The Government of Venezuela has been a member of ILO-IPEC since 1996.³⁸⁰³ In 1997, the government created the National Commission for the Eradication of Child Labor and Protection of Child Workers with responsibilities for collaborating with ILO-IPEC on child labor elimination projects and encouraging and strengthening coordination among national and international public and private institutions in an effort to combat child labor.³⁸⁰⁴ ILO-IPEC, with the support of the Spanish government, implemented a project from 1999-2000 to eliminate the commercial sexual exploitation of girls in Venezuela.³⁸⁰⁵ The Ministry of Labor and the Ministry of Social Development are currently working together on a government study of the child labor situation in the country.³⁸⁰⁶

The government has collaborated with UNESCO to develop an Education for All plan to increase primary school enrollment and completion rates, improve educational achievement, and expand basic education services and training in essential skills for youth.³⁸⁰⁷ 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 social risk.³⁸⁰⁸

³⁸⁰³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 21, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³⁸⁰⁴ 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 1999, para. 181.

³⁸⁰⁵ ILO-IPEC, *Programa Internacional para la Erradicación del Trabajo Infantil: Venezuela*, Regional Office for Latin America and the Caribbean, Caracas, August 15, 1999, [cited August 22, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficvensex.php>.

³⁸⁰⁶ U.S. Embassy- Caracas, *unclassified telegram no. 3537*, December 2001.

³⁸⁰⁷ UNESCO, *Education for All 2000 Assessment: Country Reports-Venezuela*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, Part 1 [December 19, 2002]; available from <http://www2.unesco.org/wef/countryreports/venezuela/contents.html>.

³⁸⁰⁸ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992*, para. 187.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 9.9 percent of children ages 5 to 14 years in Venezuela were working.³⁸⁰⁹ Children are engaged in selling goods on the streets, shining shoes, bagging groceries at supermarkets, guarding and washing cars, guiding the blind, and helping in family businesses (including family farms).³⁸¹⁰ Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.³⁸¹¹ Although child labor is not reported to be a significant problem in the manufacturing sector, some girls work in their homes helping their mothers sew garments on a piecework basis.³⁸¹²

There are reports that children from Venezuela have been abducted and used as child soldiers by the the Revolutionary Armed Forces in Colombia, the military wing of the Colombian Communist Party.³⁸¹³ In 2001, Venezuela was reported to be a source, destination and transit country for trafficking in persons.³⁸¹⁴ Children were reportedly trafficked from other South American countries, especially Ecuador, to work in Caracas as street vendors and housemaids.³⁸¹⁵

Education is compulsory for 10 years³⁸¹⁶ and free up to the university preparatory level (15 or 16 years of age).³⁸¹⁷ Under Article 53 of the Law for the Protection of Children and Adolescents, all children have the right to receive a free education at a school or institution near their home.³⁸¹⁸ In 1996, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 83.8 percent.³⁸¹⁹ Primary school attendance rates are unavailable for Venezuela. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation

³⁸⁰⁹ 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*, UNICEF, [cited October 7, 2002]; available from <http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm>. See also Understanding Child Work, *Recently Completed and Upcoming Surveys*, ucw-project.org, [online] [cited August 22, 2002]; available from http://www.ucw-project.org/resources/future_survey_information.html.

³⁸¹⁰ U.S. Embassy- Caracas, *unclassified telegram no. 2626*, July 10, 1996.

³⁸¹¹ *Ibid.*

³⁸¹² *Ibid.*

³⁸¹³ Coalition to End the Use of Child Soldiers, "Venezuela," in *Global Report 2001*, [cited August 21, 2002]; available from <http://www.child-soldiers.org/report2001/countries/venezuela.html>.

³⁸¹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Venezuela*, Washington, D.C., March 4, 2002, 3085-89, Section 6f [cited August 20, 2002]; available from <http://www.state.gov/drl/hrrpt/2001/wha/8229.htm>.

³⁸¹⁵ *Ibid.*

³⁸¹⁶ UNESCO Institute for Statistics, *National Education Systems*, uis.unesco.org, [online] [cited April 5, 2002]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.htm.

³⁸¹⁷ U.S. Department of State, *Country Reports- 2001: Venezuela*, 3081-85, Section 5.

³⁸¹⁸ *Ley orgánica para la protección del niño y del adolescente, 2000*, [cited August 21, 2002]; available from <http://www.cajpe.org.pe/rij/bases/legisla/venezuel/ve42.htm>.

³⁸¹⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

in school.³⁸²⁰ Children in some regions of the country do not have access to schools and have limited access to materials and textbooks.³⁸²¹ There are an insufficient number of well-trained teachers in some areas and drop out rates and repetition rates at the primary and secondary school level are high.³⁸²² In 2000, an NGO study reported that 500,000 children were not eligible to receive government assistance, including public education, because their births were not documented properly.³⁸²³ Members of the country's indigenous population also lack access to basic educational facilities.³⁸²⁴

Child Labor Laws and Enforcement

The Labor Code of 1997³⁸²⁵ and the Law for the Protection of Children and Adolescents sets the minimum age for employment at 14 years.³⁸²⁶ Children under the age of 14 are prohibited from working in businesses, establishments, and industrial, mining, and commercial enterprises.³⁸²⁷ Children between the ages of 12 and 14 can work under certain circumstances with the permission of the National Children's Institute and the Ministry of Labor, provided that they are employed in work suited to their physical capacity and are guaranteed an education.³⁸²⁸ Children ages 14 to 16 can work only with the permission of their parent or legal guardian or another appropriate authority.³⁸²⁹ In most cases, children under the age of 16 are not permitted to work more than 6 hours a day (in two shifts of no more than four hours each) and 30 hours a week. Children under the age of 18 cannot work at night.³⁸³⁰ Article 28 of the Law for Protection of Children and Adolescents prohibits forced labor, slavery and servitude.³⁸³¹ Forced labor is also prohibited under

³⁸²⁰ For a more detailed description on the relationship between education statistics and work, see the preface to the report.

³⁸²¹ Ibid.

³⁸²² 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, February 11, 1999, D.7.

³⁸²³ The study was conducted by the NGO Community Centers for Learning (CECODAP). U.S. Department of State, *Country Reports- 2001: Venezuela*, 3081-84, 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 further states that children have the right to obtain public identification documents that demonstrate their identify and that the State shall assure that there are program and measures to determine the identity of all children and adolescents. See *Ley niño y del adolescente, 2000*.

³⁸²⁴ U.S. Department of State, *Country Reports- 2001: Venezuela*, 3081-84, Section 5.

³⁸²⁵ *Ley de reforma parcial de la Ley Orgánica del trabajo*, No. 5152, (June 19, 1997), Title V, Chapter 2, Article 254 [cited November 21, 2001]; available from <http://natlex.ilo.org/txt/S97VEN01.htm>.

³⁸²⁶ *Ley niño y del adolescente, 2000*, Title II, Chapter 3, Article 96.

³⁸²⁷ *Ley orgánica del trabajo, 1997*, Title V, Chapter 1, Article 247.

³⁸²⁸ Ibid.

³⁸²⁹ Ibid., Title V, Chapter 1, Article 248.

³⁸³⁰ Ibid., Title V, Chapter 1, Articles 254 and 57.

³⁸³¹ *Ley niño y del adolescente, 2000*, Title II, Chapter II, Article 38.

Article 32 of the Labor Code³⁸³² and slavery and servitude are prohibited under Article 54 of the Constitution.³⁸³³ Article 33 of the Law for Protection of Children and Adolescents guarantees the right of all children to be protected against any form of abuse or sexual exploitation.³⁸³⁴

Articles 388 and 389 of the Criminal Code prohibit inducing the prostitution of minors and the corruption of minors.³⁸³⁵ Persons convicted of these crimes can be sentenced to imprisonment from 3 to 18 months.³⁸³⁶ Laws protecting minors from abuse may be used to prosecute cases of child pornography.³⁸³⁷ The Constitution prohibits trafficking in persons.³⁸³⁸ The Law for the Protection of Children and Adolescents provides a penalty of 1 to 10 months in jail for trafficking in children.³⁸³⁹ The Ministry of Labor, the National Institute for Minors, and the Prosecutor General's office enforce child labor laws. These laws are enforced effectively in the formal sector but are not well enforced in the informal sector.³⁸⁴⁰ The government did not prosecute any cases of trafficking in 2001 and government efforts to prevent and prosecute trafficking are rare.³⁸⁴¹

The Government of Venezuela ratified ILO Convention 138 on July 15, 1987, but has not ratified ILO Convention 182.³⁸⁴²

³⁸³² *Ley orgánica del trabajo, 1997*, Title V, Chapter 3, Article 32.

³⁸³³ *Constitución de la República Bolivariana de Venezuela, 1999*, [cited August 21, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Venezuela/ven1999.html>.

³⁸³⁴ *Ley niño y del adolescente, 2000*, Title II, Chapter I, Article 33.

³⁸³⁵ Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children- Venezuela*, [online] December 5, 2002 [cited August 21, 2002]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaVenezuela.asp>.

³⁸³⁶ *Ibid.*

³⁸³⁷ *Ibid.*

³⁸³⁸ U.S. Department of State, *Country Reports- 2001: Venezuela*, 3085-89, Section 6f.

³⁸³⁹ *Ibid.*

³⁸⁴⁰ *Ibid.*, 3085-89, Section 6d.

³⁸⁴¹ *Ibid.*, 3085-89, Section 6f.

³⁸⁴² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited December 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.