

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

The Government of Venezuela has been a member of ILO-IPEC since 1996.⁴⁶²³ In 1997, the government created the National Commission for the Eradication of Child Labor and Protection of Child Workers.⁴⁶²⁴ ILO-IPEC, with the support of the Spanish government, implemented a project from 1999 to 2000 to eliminate the commercial sexual exploitation of girls in Venezuela.⁴⁶²⁵ The National Children's Institute, the government agency responsible for the protection of children's rights,⁴⁶²⁶ 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.⁴⁶²⁷ The Ministry of Labor and the Ministry of Health and Social Development has conducted a study of the child labor situation in the country.⁴⁶²⁸

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.⁴⁶²⁹ The World Bank provided financing for a basic education project from 1993–2000 that aimed to increase access to education materials, improve teacher effectiveness, and enhance the Ministry of Education's management capacity.⁴⁶³⁰ The Ministry of Education has developed a plan for a national literacy campaign for 2003–2005 that aims, in part, to reach out-of-school youth.⁴⁶³¹ A 2002 NGO report stated that approximately 1 million children were not eligible to receive government assistance, including public education, because their births were not documented properly.⁴⁶³²

⁴⁶²³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 2, 2003]; available from http://www.ilo.org/public/english/standards/ippec/about/countries/t_country.htm.

⁴⁶²⁴ The Commission is responsible for collaborating with ILO-IPEC on child labor elimination projects and to encourage and strengthen coordination among national and international public and private institutions in an effort to combat child labor. See 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. 181; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/7ab5da65834d643f80256778004a22fd?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/7ab5da65834d643f80256778004a22fd?Opendocument). Various government agencies, such as the Office of the First Lady, the Ministry of Education, and the Ministry of Labor, as well as National Workers Organization are members of the commission. See ILO-IPEC, *Ficha País: Venezuela*, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fichavenezuela.doc>.

⁴⁶²⁵ ILO-IPEC, *Los Proyectos IPEC en breve: Venezuela*, Caracas, 2003; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/ficha_nina_madre.doc.

⁴⁶²⁶ National Children's Institute, *Instituto Nacional del Menor*, [online] [cited October 21, 2003]; available from <http://www.inam-msds.gov.ve>.

⁴⁶²⁷ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992*, para. 187.

⁴⁶²⁸ U.S. Embassy– Caracas, *unclassified telegram no. 3537*, December 2001. There is no information available on the results.

⁴⁶²⁹ UNESCO, *Education for All 2000 Assessment: Country Reports-Venezuela*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84; available from <http://www2.unesco.org/wef/countryreports/venezuela/contents.html>.

⁴⁶³⁰ World Bank, *Basic Education Project*, [online] November 3, 2003 [cited November 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P008218>.

⁴⁶³¹ Ministry of Education, Culture, and Sports, *Plan de Alfabetización Nacional*, [online] [cited July 2, 2003]; available from <http://www.me.gov.ve/mecd/portal/>.

⁴⁶³² The study was conducted by the NGO Community Centers for Learning. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Venezuela*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18348pf.htm>. 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 identity and that the State shall assure that there are program 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/rj/bases/legisla/venezuel/ve42.htm>.

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.⁴⁶³³ Children work in agriculture, street vending, domestic service, artisanry, office work, and services.⁴⁶³⁴ Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.⁴⁶³⁵ Venezuela is a source, destination, and transit country for trafficking in persons, including children.⁴⁶³⁶ Children are trafficked internally and internationally for labor and sexual exploitation.⁴⁶³⁷ Children are also trafficked from other South American countries, especially Ecuador, to work in the capital city of Caracas as street vendors and domestics.⁴⁶³⁸ There are reports that children from Venezuela have been abducted and used as soldiers by the Revolutionary Armed Forces of Colombia.⁴⁶³⁹

The Constitution mandates free and compulsory education up to the university preparatory level (15 or 16 years of age).⁴⁶⁴⁰ 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.⁴⁶⁴¹ In 2000, the gross primary enrollment rate was 101.9 percent, and the net primary enrollment rate was 88.0 percent.⁴⁶⁴² In 2000, UNICEF estimated that 92 percent of children ages 5 to 12 attended primary school.⁴⁶⁴³ Basic education suffers from chronic underfunding, and the economic turmoil in the country during 2002 led to further drops in education spending.⁴⁶⁴⁴ There are an insufficient number of well-trained teachers in some areas and dropout and repetition rates at the primary and secondary school level are high.⁴⁶⁴⁵ Approximately 1 million undocumented children also lack access to basic educational facilities.⁴⁶⁴⁶

⁴⁶³³ 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, 2000; available from <http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm>.

⁴⁶³⁴ U.S. Department of State, *Country Reports- 2002: Venezuela*, Sections 5 and 6d.

⁴⁶³⁵ *Ibid.*, Section 5. For additional information on child involvement in prostitution in Venezuela, see ECPAT International, *Venezuela*, in ECPAT International, [database online] [cited June 18, 2003]; available from <http://www.ecpat.net/>.

⁴⁶³⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Venezuela*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

⁴⁶³⁷ Children are generally trafficked internally from rural to urban areas. See U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 6f. Children are generally trafficked internationally from Venezuela to Europe and the United States. See U.S. Department of State, *Trafficking in Persons Report- 2003: Venezuela*.

⁴⁶³⁸ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 6f.

⁴⁶³⁹ 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/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

⁴⁶⁴⁰ Right to Education, *Constitutional Guarantees: Venezuela*, [database online] [cited July 2, 2003]; available from <http://www.right-to-education.org/content/consguarant/venezuela.html>. See also U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 5.

⁴⁶⁴¹ *Ley del niño y del adolescente, 2000*, Article 53.

⁴⁶⁴² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁶⁴³ Government of Venezuela, *(MICS): Standard Tables for Venezuela*, Table 11.

⁴⁶⁴⁴ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 5.

⁴⁶⁴⁵ 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).

⁴⁶⁴⁶ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 5.

Child Labor Laws and Enforcement

The Labor Code of 1997 and the Law for the Protection of Children and Adolescents set the minimum age for employment at 14 years.⁴⁶⁴⁷ Children ages 12 to 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.⁴⁶⁴⁸ Children ages 14 to 16 can work only with the permission of their parent or legal guardian or another appropriate authority.⁴⁶⁴⁹ In most cases, children under the age of 16 are not permitted to work more than 6 hours a day (in 2 shifts of no more than 4 hours each) and 30 hours a week.⁴⁶⁵⁰ Children under the age of 18 cannot work at night.⁴⁶⁵¹ Article 38 of the Law for Protection of Children and Adolescents prohibits forced labor, slavery, and servitude.⁴⁶⁵² Forced labor is also prohibited under Article 32 of the Labor Code⁴⁶⁵³ and slavery and servitude are also prohibited under Article 54 of the Constitution.⁴⁶⁵⁴ 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.⁴⁶⁵⁵

Articles 388 and 389 of the Criminal Code prohibit inducing the prostitution and corruption of minors.⁴⁶⁵⁶ Persons convicted of these crimes can be sentenced to imprisonment from 3 to 18 months, and up to 4 years if the minor is younger than 12 years of age.⁴⁶⁵⁷ Laws protecting minors from abuse may be used to prosecute cases of child pornography.⁴⁶⁵⁸ While there is no comprehensive law on trafficking,⁴⁶⁵⁹ Article 40 of the Law for the Protection of Children and Adolescents states that children have the right to be protected from trafficking, and Article 266 provides for a penalty of 2 to 6 years imprisonment for trafficking in children.⁴⁶⁶⁰ The Ministry of Labor and the National Institute for Minors enforces child labor laws. These laws are enforced effectively in the formal sector, but less in the informal sector.⁴⁶⁶¹ 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 2002.⁴⁶⁶²

The Government of Venezuela ratified ILO Convention 138 on July 15, 1987, but has not ratified ILO Convention 182.⁴⁶⁶³

⁴⁶⁴⁷ Children under the age of 14 are prohibited from working in businesses, establishments, and industrial, mining, and commercial enterprises. See *Ley de reforma parcial de la Ley Orgánica del trabajo*, No. 5152, (June 19, 1997), Article 247; available from <http://natlex.ilo.org/txt/S97VEN01.htm>. See also *Ley del niño y del adolescente, 2000*, Title II, Chapter 3, Article 96.

⁴⁶⁴⁸ *Ley orgánica del trabajo, 1997*, Article 247, para. 1.

⁴⁶⁴⁹ *Ibid.*, Article 248.

⁴⁶⁵⁰ *Ibid.*, Article 254.

⁴⁶⁵¹ *Ibid.*, Article 257.

⁴⁶⁵² *Ley del niño y del adolescente, 2000*, Article 38.

⁴⁶⁵³ *Ley orgánica del trabajo, 1997*, Article 32.

⁴⁶⁵⁴ *Constitución de la República Bolivariana de Venezuela, 1999*, Article 54; available from <http://www.georgetown.edu/pdba/Constitutions/Venezuela/ven1999.html>.

⁴⁶⁵⁵ *Ley del niño y del adolescente, 2000*, Article 33.

⁴⁶⁵⁶ Criminal Code of Venezuela as cited in Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children- Venezuela*, [database online] [cited July 2, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaVenezuela.asp>.

⁴⁶⁵⁷ *Ibid.*

⁴⁶⁵⁸ *Ibid.*

⁴⁶⁵⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Venezuela*.

⁴⁶⁶⁰ *Ley del niño y del adolescente, 2000*, Article 266.

⁴⁶⁶¹ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 6d.

⁴⁶⁶² *Ibid.*, Section 6f.

⁴⁶⁶³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.