

Venezuela

*Selected Statistics and Indicators on Child Labor*³⁶³²

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.³⁶³³ Children are subjected to forced labor in the informal sector.³⁶³⁴ 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.³⁶³⁵

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.³⁶³⁶ Adolescents between 12 and 18 years can work up

to 30 hours per week, between 6 a.m. and 7 p.m.³⁶³⁷ 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.³⁶³⁸ 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.³⁶³⁹ Minors under age 16 are also prohibited from working in public shows without authorization.³⁶⁴⁰

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.³⁶⁴¹ 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.³⁶⁴²

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.³⁶⁴³ Fines are established for violations of the registration, medical, and social security system requirements, as well as for employers that impede child labor inspections.³⁶⁴⁴ 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.³⁶⁴⁵ Hiring a child under age 8 is punishable by 1 to 3 years in prison.³⁶⁴⁶

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.³⁶⁴⁷ 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.³⁶⁴⁸ Child trafficking by members of organized groups is punishable by 10 to 18 years of incarceration.³⁶⁴⁹ 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.³⁶⁵⁰ The sexual exploitation of children is prohibited and is punishable by 3 to 8 years of incarceration.³⁶⁵¹ 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.³⁶⁵² The punishment for using minors to commit crimes is 1 to 4 years in prison.³⁶⁵³

The law prohibits child pornography and penalizes it through fines and prison sentences of between 3 months and 4 years.³⁶⁵⁴ Producing or selling child pornography by organized criminal groups may result in prison terms of 16 to 20 years.³⁶⁵⁵ 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.³⁶⁵⁶ 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.³⁶⁵⁷ The minimum recruitment age for the Government Armed Forces is 18 years. Secondary students are required to complete 2 years of pre-military instruction.³⁶⁵⁸

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.³⁶⁵⁹ 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.³⁶⁶⁰ 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.³⁶⁶¹

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.³⁶⁶²

³⁶³² 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/bitblob/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>.

³⁶³³ 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>.

³⁶³⁴ 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>.

³⁶³⁵ 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.

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

³⁶³⁷ Government of Venezuela, *Ley Orgánica del Trabajo*, 5.152, (June 19, 1997), articles 254 and 257; available from http://www.analitica.com/bitblob/congreso_venezuela/ley_del_trabajo.asp#Vc1.

³⁶³⁸ 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.

³⁶³⁹ Government of Venezuela, *Ley Orgánica del Trabajo*, articles 249-251.

³⁶⁴⁰ Ibid.

³⁶⁴¹ 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.

³⁶⁴² Government of Venezuela, *Ley Orgánica del Trabajo*, articles 258, 259, 266.

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

³⁶⁴⁴ *Ibid.*, articles 240-243.

³⁶⁴⁵ *Ibid.*, articles 238-239.

³⁶⁴⁶ *Ibid.*, articles 33 and 258.

³⁶⁴⁷ *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>.

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

³⁶⁴⁹ 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>.

³⁶⁵⁰ 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>.

³⁶⁵¹ Government of Venezuela, *Ley Orgánica para la Protección del Niño y del Adolescente*, articles 33 and 258.

³⁶⁵² *Ibid.*, article 264.

³⁶⁵³ *Ibid.*, Article 264.

³⁶⁵⁴ *Ibid.*, article 237.

³⁶⁵⁵ Government of Venezuela, *Ley Contra la Delincuencia*

Organizada, article 14.

³⁶⁵⁶ 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>.

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

³⁶⁵⁸ 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.

³⁶⁵⁹ U.S. Department of State, "Country Reports- 2007: Venezuela," section 6d.

³⁶⁶⁰ 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/G07/44/5/90/PDF/G0744590.pdf?OpenElement>.

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

³⁶⁶² 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.³⁶⁶³ 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.³⁶⁶⁴

The majority of working children are found in agricultural sectors, including in the production of *qat* (a mild narcotic found in the region).³⁶⁶⁵

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.³⁶⁶⁶ 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.³⁶⁶⁷ Children employed in domestic service and restaurants are particularly vulnerable to sexual abuse and exploitation.³⁶⁶⁸

Children are trafficked internally for commercial sexual exploitation.³⁶⁶⁹ 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.³⁶⁷⁰ Reports indicate that these children sell such items as flour and basic commodities, as well as *qat*,