

Chile

Incidence and Nature of Child Labor

An estimated 3.5 percent of children ages 5 to 14 years were counted as working in Chile in 2003. Approximately 4.4 percent of all boys 5 to 14 were working compared to 2.6 percent of girls in the same age group. The majority of working children were found in the services sector (66.6 percent), followed by agriculture (24.7 percent), manufacturing (6.6 percent), and other sectors (2 percent).¹⁰⁶⁰ The rate of child work is higher in rural than in urban areas, although the absolute number of working children is higher in urban areas. Frequent activities undertaken by children in urban areas are working in supermarkets, waiting tables in restaurants, selling goods on the street, and caring for parked automobiles. Children also work in fishing, and assist others in construction, industrial, and mining activities.¹⁰⁶¹ Child labor is one of many problems associated with poverty. In 2000, less than 2 percent of the population in Chile were living on less than USD 1 a day.¹⁰⁶²

Children are also victims of commercial sexual exploitation, in some cases as a result of internal trafficking. In 2003, the Government of Chile estimated that there were approximately 3,700 children involved in some form of commercial sexual exploitation.¹⁰⁶³ The commercial sexual exploitation of boys appears to be increasing.¹⁰⁶⁴

Education in Chile is free and compulsory for 12 years for all children and adolescents through the age of 20 years.¹⁰⁶⁵ In 2003, the gross primary enrollment rate was 98 percent and the net primary enrollment rate was 85 percent.¹⁰⁶⁶ 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 2003, 97.2 percent of children ages 5 to 14 years were attending school.¹⁰⁶⁷ However, attending school does not preclude children in Chile from working. A 2003 child labor survey conducted by the National Statistics Institute in coordination with ILO-IPEC found that 78.9 percent of children performing “unacceptable

¹⁰⁶⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children’s work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the “Data Sources and Definitions” section of this report.

¹⁰⁶¹ See Ministry of Labor and Social Welfare, *Resultados generales de la encuesta*, [online] 2004 [cited October 18, 2005]; available from <http://www.trabajoinfantil.cl/resultados.html>. See also ILO-IPEC, *Trabajo Infantil y Adolescente: Diagnóstico Nacional: Resumen Ejecutivo*, 2004.

¹⁰⁶² World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

¹⁰⁶³ See National Minors Service, *Explotación Sexual Comercial Infantil: Serie Estudios y Seminarios*, July, 2004; available from <http://www.sename.cl/interior/publicaciones/explotacionsexual.pdf>.

¹⁰⁶⁴ ECPAT International, *Chile*, in ECPAT International, [database online] January, 14, 2004 [cited September 30, 2005], Child Prostitution; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

¹⁰⁶⁵ Length of compulsory education was extended to 12 years in May 2003. See Ministry of Education, *Hito Sin Precedentes en América Latina*, [online] [cited June 29, 2005]; available from http://biblioteca.mineduc.cl/documento/12_anos.pdf.

¹⁰⁶⁶ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

¹⁰⁶⁷ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

work” also attend school.¹⁰⁶⁸ As of 2002, 99 percent of children who started primary school were likely to reach grade 5.¹⁰⁶⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.¹⁰⁷⁰ In order to work, children 15 and 16 years of age must have completed obligatory schooling and must obtain permission from their parents or guardians. Such children may only perform light work that will not affect their health or development.¹⁰⁷¹ Children ages 16 to 18 years may work if they receive authorization from their parents or guardians and may not work in occupations that may be dangerous or require excessive force. Children under age 18 are also not permitted to work more than 8 hours per day, at night between the hours of 10 p.m. and 7 a.m. (excluding work in a family business), or in nightclubs or similar establishments in which alcohol is consumed.¹⁰⁷² All persons under the age of 21 are prohibited from working underground without undergoing a physical exam.¹⁰⁷³ The minimum age for compulsory military service in Chile is 18.¹⁰⁷⁴

The worst forms of child labor may be prosecuted under different statutes in Chile. The Chilean Constitution and the Labor Code prohibit forced labor.¹⁰⁷⁵ The prostitution of children and corruption of minors are prohibited under the Penal Code, providing for substantial prison sentences and fines.¹⁰⁷⁶ The Penal Code contains a prohibition against the sale, distribution, and exhibition of pornography and calls for fines and imprisonment for those convicted of such acts.¹⁰⁷⁷ In 2004, Law No. 19.927 was established, which aims to combat child pornography, including on the Internet.¹⁰⁷⁸ Although there is no single law that generally addresses trafficking in persons, the Penal Code does prohibit trafficking for prostitution

¹⁰⁶⁸ The survey defines unacceptable child work as work performed by children less than 12 years of age, work performed by children between 12 and 14 years of age who do not attend school, work beyond legal working hours, and work at night. See Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras: Síntesis de la primera encuesta nacional y registro de sus peores formas*, ILO-IPEC, Santiago, 2004, 11-12, 44; available from <http://www.oitchile.cl/pdf/tra022.pdf>.

¹⁰⁶⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableView/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

¹⁰⁷⁰ Government of Chile, *Código del Trabajo, as amended in 2000*, (1994), article 13; available from <http://apuntes.rincondelvago.com/codigo-del-trabajo-de-chile.html>.

¹⁰⁷¹ Children under the age of 15 may work in theatrical and artistic productions with the proper legal authorization. See *Ibid.*, articles 13, 15 and 16.

¹⁰⁷² Boys between the ages of 16 and 18 are excepted from this regulation in certain industries. See *Ibid.*, articles 13, 15 and 18.

¹⁰⁷³ *Ibid.*, article 14.

¹⁰⁷⁴ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004 - Chile*, 2004; available from http://www.child-soldiers.org/document_get.php?id=819. All Chileans must register for military service when they turn 18. See *Dicta Normas sobre Reclutamiento y Movilización de Las Fuerzas Armadas, Ley 20045 10-9-2005*, articles 13 and 18; available from <http://www.bcn.cl/portada.html>.

¹⁰⁷⁵ CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Chile (ratification: 1999)*, ILO, Geneva, 2003, No. 16; available from <http://webfusion.ilo.org>. See also Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2003*, articles 2 and 9; available from <http://www.georgetown.edu/pdba/Constitutions/Chile/chile01.html>.

¹⁰⁷⁶ Chilean Penal Code, Articles 367 to 372, as found in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile*, [database online] [cited June 29, 2005]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp>. See also *Código Penal de la República de Chile*; available from <http://www.unifr.ch/derechopenal/legislacion/cl/cpchindx.html>.

¹⁰⁷⁷ Chilean Penal Code Article 374, as found in Interpol, *Legislation of Interpol Member States*. See also *Chilean Penal Code*.

¹⁰⁷⁸ This law modifies the Penal Code on matters of child pornography and other offenses. Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras*. See also *Modifica el Código Penal, El Código de Procedimiento Penal, y el Código Procesal Penal en Materia de Delitos de Pornografía Infantil, 19.927*, (January 5), article 1.14; available from http://www.anuariodh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf.

and imposes increased prison terms and fines if the victim is under the age of 18 years.¹⁰⁷⁹ In addition, current laws governing sexual crimes, kidnapping, and criminal association could be used to prosecute traffickers.¹⁰⁸⁰ Since 1999, the Government of Chile has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.¹⁰⁸¹

The Ministry of Labor's Inspection Agency enforces child labor laws. The National Service for Minors within the Ministry of Justice investigates exploitative child labor related to pornography, the sale of drugs, and other related criminal activities.¹⁰⁸² The Investigations Police's Sexual Crimes Brigade investigates complaints involving the commercial sexual exploitation of children, internet pornography and the trafficking of persons for the purpose of commercial sexual exploitation.¹⁰⁸³ The government has launched investigations against some traffickers but lacks a nationally coordinated enforcement strategy, which impedes country efforts to gather data on trafficking-related cases.¹⁰⁸⁴

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

As part of its 2001 to 2010 National Policy on Childhood, the Government of Chile has adopted a national child labor action plan that focuses on awareness-raising, data collection, promotion of legislative reform in compliance with ILO conventions, development of targeted intervention programs, and ongoing monitoring and evaluation.¹⁰⁸⁵ The national action plan was developed by the National Advisory Committee for the Prevention and Progressive Eradication of Child and Adolescent Labor. This committee is composed of representatives from the government, civil society, workers and employers organizations and is coordinated by the Ministry of Labor and Social Welfare.¹⁰⁸⁶ In addition, the Government of Chile, along with ILO-IPEC and MERCOSUR¹⁰⁸⁷ governments,

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/1/1999	✓
Ratified Convention 182	4/17/2000	✓
ILO-IPEC Associated Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

¹⁰⁷⁹ Chilean Penal Code, Article 367 BIS, as found in Interpol, *Legislation of Interpol Member States*. See also *Chilean Penal Code*, article 367 and 367 bis.

¹⁰⁸⁰ U.S. Department of State, *reporting*, March 3, 2005.

¹⁰⁸¹ ILO-IPEC official, e-mail communication to USDOL official, November 14, 2005.

¹⁰⁸² U.S. Embassy- Santiago, *reporting*, October 22, 2001.

¹⁰⁸³ *Delitos contra la Familia: Brigada Investigadora de Delitos Sexuales y Menores*, *Brigada Investigadora de Delitos Sexuales y Menores*, [online] [cited October 3, 2005]; available from <http://www.investigaciones.cl>.

¹⁰⁸⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Chile*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41753.htm>. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>.

¹⁰⁸⁵ ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, National Plan, Ministry of Labor and Social Welfare, Santiago de Chile, 2001, 3, 20, 24, 26, 30, 32-36; available from <http://www.oit.org.pe/ipecc/doc/documentos/plch.doc>. See also ILO-IPEC, *Ficha País: Chile*, Lima, 2003; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/documentos/fichachile.pdf>.

¹⁰⁸⁶ ILO-IPEC, *Chile: National Plan*, 12. See National Minors Service, *Trabajo Infantil: Las respuestas de SENAME*, [online] [cited June 28, 2005]; available from http://www.sename.cl/interior/trabajo/trabajo_05.asp. In addition to the national advisory committee, 11 of Chile's 13 regions have state advisory committees. See Ministry of Labor and Social Welfare, *Preguntas frecuentes*, [online] [cited June 15, 2005]; available from <http://www.trabajoinfantil.cl/faq.html>.

¹⁰⁸⁷ MERCOSUR comes from "Mercado Común del Sur", or "Common Market of the South."

is implementing the 2002-2005 regional plan to combat child labor. This regional effort is funded by the Government of Spain.¹⁰⁸⁸

The Government of Chile also collaborates with ILO-IPEC on projects to address the worst forms of child labor. In 2004, with technical assistance from ILO-IPEC, the National Institute of Statistics released the results of a child labor survey¹⁰⁸⁹ and the National Institute for Minors (SENAME) published the results of a study on the commercial sexual exploitation of children and adolescents.¹⁰⁹⁰ Also in 2004, the Ministry of Labor and Social Welfare, the National Statistics Institute and SENAME, in collaboration with ILO-IPEC, published a qualitative study on the worst forms of child labor in Chile.¹⁰⁹¹ In September 2004, USDOL funded a USD 5.5 million ILO-IPEC regional project to continue to combat the commercial sexual exploitation of children in Chile and in other countries in the region.¹⁰⁹²

The government has increased funding for programs targeting at-risk children, adolescents and families.¹⁰⁹³ SENAME oversees ten projects to benefit street children and adolescents, providing them with services including drug treatment and prevention, school reinsertion and skills building.¹⁰⁹⁴ Government agencies including SENAME, the Ministry of Labor and Social Welfare and the Police have developed a list of the worst forms of child labor.¹⁰⁹⁵ Based on this list, SENAME developed and maintains a register of documented worst forms of child labor cases with input from the Chilean police forces and the Ministry of Labor and Social Welfare.¹⁰⁹⁶

Efforts to combat the commercial sexual exploitation of children are coordinated under the country's action plan to combat child labor.¹⁰⁹⁷ SENAME is expanding its provision of services to children and adolescents engaged in commercial sexual exploitation to four new regions.¹⁰⁹⁸ The Investigations Police's

¹⁰⁸⁸ ILO-IPEC, *Ficha País: Chile*. Efforts include a study of social policies in the region with a view to addressing child labor and the design of indicators to measure progress on the issue. See Government of Chile, *Information Sought*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Santiago, October 2004, 7.

¹⁰⁸⁹ See the first section of this country report for information on the results of this survey. See Ministry of Labor and Social Welfare, *Resultados generales*; available from www.trabajoinfantil.cl/resultados.html.

¹⁰⁹⁰ The study was conducted by academics at the Arcis University in Chile. National Minors Service, *Explotación Sexual Comercial Infantil*; available from <http://www.sename.cl/interior/publicaciones/explotacionsexual.pdf>

¹⁰⁹¹ National Minors Service, *Estudio sobre la Situación de niños, niñas y adolescentes en peores formas de trabajo infantil: una aproximación cualitativa*, Seri Estudios y Seminarios, 2004; available from http://www.sename.cl/interior/publicaciones/peores_formas_trabajo.pdf.

¹⁰⁹² The project also combats the commercial sexual exploitation of children and child domestic labor in Colombia, Paraguay, and Peru. See ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru*, Geneva, September 8, 2004, 6.

¹⁰⁹³ U.S. Department of State, *Trafficking in Persons Report*.

¹⁰⁹⁴ These projects also provide families and guardians of beneficiaries with classes in parenting and problem solving skills. See National Minors Service, *Niños de la Calle, Proyectos*, [online] [cited June 29, 2005]; available from http://www.sename.cl/interior/ninos/f_subportada.html.

¹⁰⁹⁵ Chilean Ministry of Labor, *Report on Labor Rights in Chile and its Laws Governing Exploitative Child Labor*, Santiago, March 2003. The list includes street vendors, waiters, supermarket baggers and construction workers in urban areas. In rural areas, the list includes children involved in the planting, harvest and selling of agricultural goods, caring for livestock, and handling heavy and dangerous machinery. See Ministry of Labor and Social Welfare, National Statistics Institute, and National Minors Service, *Trabajo infantil y adolescente en cifras*, 17.

¹⁰⁹⁶ See Ministry of Labor and Social Welfare, *Sistema de registro*, [online] 2005 [cited June 15, 2005]; available from http://www.trabajoinfantil.cl/peores_definiciones.html.

¹⁰⁹⁷ Government of Chile, *Informe Complementario Refundido*, Santiago, November 5, 2004. See also ILO-IPEC, *Chile: National Plan*.

¹⁰⁹⁸ National Minors Service, *Explotación Sexual Comercial Infantil*. SENAME, *Explotación Sexual Infantil: ¿Que Hace el Sename?* [online] [cited June 16, 2005]; available from http://www.sename.cl/interior/explotacion/explotacion_04.asp.

Sexual Crimes Brigade educates the public on topics related to sexuality, including the sexual exploitation of children.¹⁰⁹⁹

The government operates various programs to encourage school attendance. The *Chile in Solidarity* program provides families in extreme poverty with psychosocial services, various subsidies, (including for children under the age of 18 years), and access to social services such as health and education.¹¹⁰⁰ In addition, the Ministry of Education implements the Full School Day Reform program. The program, adopted in 1996, extends the school day by four hours and provides a new curriculum framework, incentives for teacher professionalism, and a network to model and disseminate innovative teaching, learning, and managerial practices at the secondary level.¹¹⁰¹

The Ministry of Education currently implements four programs that promote improved learning in urban and rural areas of high vulnerability.¹¹⁰² In order to encourage students to stay in school for a full 12 years as now required under Chilean law, the government recently instituted the "Pro-retention Specialized Subsidy" for schools that serve low income populations. Through this program, the government provides additional resources to target schools, enabling them to provide extra support to at-risk students so that they can complete the obligatory 12 years of schooling.¹¹⁰³ At the same time, the government has instituted a scholarship program under the "Degree Program for All," in order to encourage students with very limited resources to finish secondary school.¹¹⁰⁴

¹⁰⁹⁹ Delitos contra la Familia: Brigada Investigadora de Delitos Sexuales y Menores, *Brigada de Delitos Sexuales*. See also Policia de Investigaciones de Chile-Educación y Prevención, *Guía Práctica sobre Prevención de Abusos contra Menores*, [online] [cited October 3, 2005]; available from <http://www.investigaciones.cl/paginas/publicaciones/folletos/guiapra1/guiapRACTICA.htm>. See also Policia de Investigaciones de Chile-Educación y Prevención, *Delitos Sexuales: Una Prevención Necesaria*, [online] [cited October 3, 2005]; available from <http://www.investigaciones.cl>.

¹¹⁰⁰ Ministry of Planning, *Como funciona Chile Solidario?* [online] [cited June 29, 2005]; available from http://www.chilesolidario.gov.cl/publico/que_es.php?art=4. In 2005, the program is working with 225,000 families living in extreme poverty. See Ministry of Planning, *Objetivos*, [online] [cited June 29, 2005]; available from http://www.chilesolidario.gov.cl/publico/que_es.php?art=3.

¹¹⁰¹ Françoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series* 1, no. 1 (June 2000). At the end of 2004, 6,718 of the country's schools had adopted the full school day. With the passage of Law 19.979 in November 2004, all public schools in the country will adopt the Reform by 2010. See Ministry of Education, "Nuestros Temas: Publicación para Profesores de Educación Básica," No. 20 Otoño, (2005), 6-7; available from http://biblioteca.mineduc.cl/documento/nuestros_tema_numero_20.pdf.

¹¹⁰² The four programs are 1) Focused Schools P-900; 2) Rural Multi-grade Schools organized in Microcenters; 3) Schools with external technical support; and 4) Rural schools with indigenous populations. Ministry of Education, *Atención Focalizada*, [online] [cited June 28, 2005]; available from http://www.mineduc.cl/index2.php?id_portal=17&id_seccion=837&9d_contenido=702.

¹¹⁰³ Ministry of Education, *Reforma Educacional*, [online] [cited June 16, 2005]; available from http://www.mineduc.cl/index.php?id_portal=1&id_seccion=990&id_contenido=936.

¹¹⁰⁴ Government of Chile, *Information Sought*, 15.