

## Chile

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working in 2003:	3.5% <sup>952</sup>
Minimum age for admission to work:	18 <sup>953</sup>
Age to which education is compulsory:	12 <sup>954</sup>
Free public education:	Yes <sup>955</sup>
Gross primary enrollment rate in 2004:	104% <sup>956</sup>
Net primary enrollment rate in 2003:	85% <sup>957</sup>
Percent of children 5-14 attending school in 2003:	97.2% <sup>958</sup>
As of 2003, percentage of primary school entrants likely to reach grade 5:	99% <sup>959</sup>
Ratified Convention 138:	2/1/1999 <sup>960</sup>
Ratified Convention 182:	7/17/2000 <sup>961</sup>
ILO-IPEC participating country:	Yes <sup>962</sup>

### Incidence and Nature of Child Labor

In 2003, approximately 4.4 percent of boys and 2.6 percent of girls ages 5 to 14 were working in Chile. 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).<sup>963</sup> 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. In urban areas children work in supermarkets, waiting tables in restaurants, selling goods on the street, caring for parked

<sup>952</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

<sup>953</sup> Government of Chile, *Código del Trabajo de Chile (vigencia desde el 14 de febrero de 2007)*, (1994), Section 5; available from [http://www.dt.gob.cl/legislacion/1611/article-59096.html#h2\\_1](http://www.dt.gob.cl/legislacion/1611/article-59096.html#h2_1).

<sup>954</sup> Ministry of Education, *Reforma Educacional 12 Años de Escolaridad*, [online] 2006 [cited September 28 2006]; available from [http://www.mineduc.cl/index.php?id\\_portal=1&id\\_seccion=990&id\\_contenido=936](http://www.mineduc.cl/index.php?id_portal=1&id_seccion=990&id_contenido=936).

<sup>955</sup> Ministry of Education, *Hito Sin Precedentes en América Latina*, [online] [cited October 20, 2006]; available from [http://biblioteca.mineduc.cl/documento/12\\_anos.pdf](http://biblioteca.mineduc.cl/documento/12_anos.pdf).

<sup>956</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>957</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>958</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>959</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>960</sup> ILO, *Ratifications by Country*, accessed October 20, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>961</sup> Ibid. See also ILO-IPEC, *Ficha País: Chile*, Lima; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/documentos/fichachile.pdf>.

<sup>962</sup> ILO-IPEC, *Ficha País: Chile*.

<sup>963</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

automobiles, and assisting in construction activities. In rural areas, children are involved in harvesting, collecting and selling crops, and caring for farm animals.<sup>964</sup>

Children are victims of commercial sexual exploitation, in some cases as a result of internal trafficking from rural areas to cities such as Santiago, Iquique, and Valparaiso. Anecdotal reporting suggests that girls have been trafficked to other countries for prostitution after being misled by false newspaper ads recruiting models and product promoters.<sup>965</sup>

### **Child Labor Laws and Enforcement**

The law sets the minimum age for employment without restrictions at 18 years. Children 16 to 18 must obtain permission from their parents or guardians to work. The law establishes that children age 15 may only perform light work that will not affect their health or school attendance, and only with parental permission.<sup>966</sup> Children under 18 are also not permitted to work 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.<sup>967</sup> All persons under the age of 21 are prohibited from working underground without undergoing a physical exam.<sup>968</sup> Penalties include fines, which increase in cases of repeat offenders.<sup>969</sup>

Chilean laws prohibit slavery and forced labor.<sup>970</sup> The minimum age for compulsory military service in Chile is 18.<sup>971</sup> The prostitution of children is punishable by prison sentences and fines.<sup>972</sup> The law establishes punishments for the production, sale, importation, exportation, distribution, and exhibition of pornography using minors.<sup>973</sup> Chilean law prohibits trafficking for prostitution and imposes prison terms of 5 to 20 years if the victim is under 18 years.<sup>974</sup>

The Ministry of Interior coordinates national efforts to combat trafficking in persons. The Undersecretary of the Interior heads a new committee that includes the Public Prosecutor's

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<sup>964</sup> 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; available from <http://www.oit.org.pe/ipecc/documentos/chile.pdf>.

<sup>965</sup> U.S. Department of State, "Chile," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78884.htm>.

<sup>966</sup> Government of Chile, *Código del Trabajo*, Article 13.

<sup>967</sup> *Ibid.*, Article 13, 15 and 18.

<sup>968</sup> *Ibid.*, Article 14.

<sup>969</sup> *Ibid.*, Article 14 and 17.

<sup>970</sup> Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, Articles 2 and 16; available from <http://www.georgetown.edu/pdba/Constitutions/Chile/chile01.html>.

<sup>971</sup> Coalition to Stop the Use of Child Soldiers, "Chile" in *Child Soldiers Global Report 2004*, London 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=819](http://www.child-soldiers.org/document_get.php?id=819). All Chileans must register for military service when they turn 18.

<sup>972</sup> Government of Chile, *Código Penal de la República de Chile*, Article 367; available from <http://www.unifr.ch/derechopenal/legislacion/cl/cpchindx.html>. See also Government of Chile, *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, 2004), Article 1; available from [http://www.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927\\_DelitoPornografiaInfantil\\_CHILE.pdf](http://www.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf).

<sup>973</sup> Government of Chile, *Modifica el Código Penal*, Articles 1 and 8.

<sup>974</sup> Government of Chile, *Código Penal de la República de Chile*, Article 367 bis. See also U.S. Embassy- Santiago, *reporting*, March 7, 2007.

office, the Ministry of Justice, the Investigative Police, the Carabineros (uniformed police), the Department of Immigration, the National Institute for Minors (SENAME) and the Ministry of Women's Issues (SERNAM).<sup>975</sup> The Public Prosecutor's office is in charge of all prosecutions, while the Ministry of Justice takes the lead on legal issues related to trafficking in persons. Not all forms of trafficking in persons are criminalized in Chile; public prosecutors do not investigate forms of trafficking they will be unable to prosecute. Police are often understaffed and lack basic resources to address trafficking cases.<sup>976</sup>

The Ministry of Labor enforces labor laws.<sup>977</sup> The U.S. Department of State reports that Chile is devoting adequate resources and oversight to child labor policies. During 2006, 1,123 violations were reported in which children and adolescents were engaged in the worst forms of child labor.<sup>978</sup>

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

As part of its 2001-2010 National Policy on Childhood, the Government of Chile has adopted a national child labor action plan that focuses on raising awareness, collecting data, promoting legislative reform in compliance with ILO conventions, developing targeted intervention programs, and conducting ongoing monitoring and evaluation.<sup>979</sup>

The Government of Chile collaborates with ILO-IPEC on projects to address the worst forms of child labor. A USD 5.5 million USDOL-funded regional IPEC project works towards the prevention and elimination of child domestic labor and the commercial sexual exploitation of children.<sup>980</sup> The Chile component of this project aims to withdraw 316 and prevent 400 children from commercial sexual exploitation.<sup>981</sup> 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.<sup>982</sup> 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.<sup>983</sup> SENAME works with international organizations and local NGOs

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<sup>975</sup> U.S. Embassy- Santiago, *reporting, March 9, 2007.*

<sup>976</sup> Ibid.

<sup>977</sup> Ministerio del Trabajo y Previsión Social, *Servicios Dependientes- Direccion del Trabajo*; available from [http://www.mintrab.gob.cl/quienes\\_servicios1.php](http://www.mintrab.gob.cl/quienes_servicios1.php).

<sup>978</sup> U.S. Department of State, "Country Reports- 2006: Chile."

<sup>979</sup> Ministry of Labor and Social Welfare, *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; available from <http://www.oit.org.pe/ipec/doc/documentos/plch.doc>. See also Ministerio del Trabajo y Previsión Social, *Contexto en Chile y el mundo*, [online] 2006 [cited September 28, 2006]; available from [http://www.trabajoinfantil.cl/en\\_chile.html](http://www.trabajoinfantil.cl/en_chile.html).

<sup>980</sup> ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru*, project document, Geneva, September 8, 2004.

<sup>981</sup> ILO-IPEC, *Technical Progress Report - Prevention and Elimination of CSEC in South America*, TPR, September 4 2006.

<sup>982</sup> Ministry of Labor and Social Welfare, *Manual de Capacitación: Sistema de Registro Unico de Peores Formas de Trabajo Infantil*, Santiago, May 2003. See also Ministry of Labor and Social Welfare, *Categorías*, [online] [cited September 28, 2006]; available from [www.trabajoinfantil.cl/peores\\_categorias.html](http://www.trabajoinfantil.cl/peores_categorias.html).

<sup>983</sup> Ministry of Labor and Social Welfare, *Sistema de registro*, [online] 2006 [cited September 28, 2006]; available from [http://www.trabajoinfantil.cl/peores\\_definiciones.html](http://www.trabajoinfantil.cl/peores_definiciones.html).

to ensure that children rescued from trafficking are not returned to high-risk and abusive situations.<sup>984</sup>

The government is funding 16 NGOs that provide counseling, psychological and health care, and educational services to minors that are victims of trafficking.<sup>985</sup> SENAME's strategy for combating commercial sexual exploitation of minors includes awareness raising, prevention, and victim's assistance.<sup>986</sup> SENAME oversees 10 projects to benefit children and adolescents who live in the streets, providing them with services including school reinsertion and skills training.<sup>987</sup> SENAME is expanding its provision of services to children and adolescents engaged in commercial sexual exploitation to four new regions, and is incorporating two new projects in Santiago.<sup>988</sup>

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<sup>984</sup> U.S. Department of State, "Country Reports- 2006: Chile," Section 6d.

<sup>985</sup> U.S. Department of State, "Chile (Tier 2 Watch List)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>.

<sup>986</sup> SENAME, *Explotación Sexual Infantil: Acción del SENAME*, [online] [cited January 29 2007]; available from [http://www.sename.cl/interior/explotacion/f\\_subportada.html](http://www.sename.cl/interior/explotacion/f_subportada.html).

<sup>987</sup> National Minors Service, *Niños de la Calle, Proyectos*, [online] [cited September 28, 2006]; available from [http://www.sename.cl/interior/ninos/f\\_subportada.html](http://www.sename.cl/interior/ninos/f_subportada.html).

<sup>988</sup> SENAME, *Explotación Sexual Infantil: ¿Que hace el Sename?*, [online] [cited October 17 2006]; available from [http://www.sename.cl/interior/explotacion/explotacion\\_04.asp](http://www.sename.cl/interior/explotacion/explotacion_04.asp).