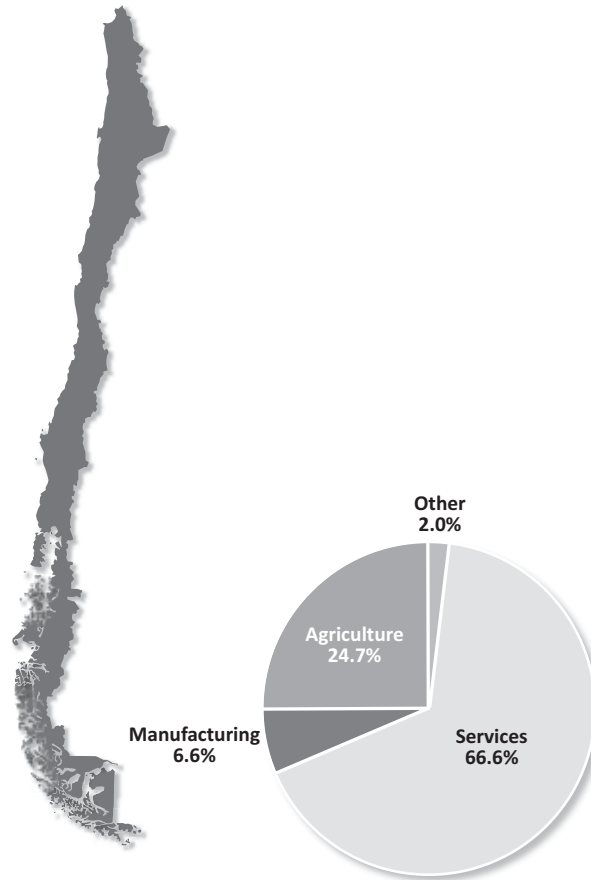


# Chile

The Government of Chile has a nationwide network of programs to assist children in the worst forms of child labor and has incorporated the goal of reducing child labor into some social protection programs. A gap in the legal framework remains, however. Chilean law outlaws the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities. In addition, children are still found in the worst forms of child labor, most commonly in urban informal work and commercial sexual exploitation.

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.5%
Attending School	5-14 yrs.	97.2%
Combining Work and School	7-14 yrs.	4.0%



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

While rates of child labor are relatively low in Chile,<sup>1059</sup> some children may be exploited in the worst forms of child labor, particularly in the urban informal sector and commercial sexual exploitation.<sup>1060</sup>

In urban areas of Chile, boys carry loads in agricultural loading docks and assist in construction activities, while girls can be found selling goods on the street. These activities may carry the risk of injury and accidents as they require high physical exertion and, in the case of work on the streets, exposure to densely-transited areas with the risk of vehicle accidents.<sup>1061</sup> Girls also work as domestic servants where they may be vulnerable to physical and sexual abuse.<sup>1062</sup> The commercial sexual exploitation of children (CSEC)—girls and boys—is a problem in Chile. Cities where CSEC takes place include Santiago and Valparaiso where children are exploited in both open areas, such as parks, as well as in hidden venues, including bars and dance clubs.<sup>1063</sup>

Children in rural areas, including those of indigenous descent, are involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as wheat, potatoes, oats, pine nuts, and quinoa (a plant native to South America). Agricultural work may involve handling pesticides and exposure to extreme weather conditions.<sup>1064</sup>

Children in Chile are exploited in other types of activities constituting the worst forms of child labor. For example, in the border area with Peru and Bolivia, children are used to transport drugs.<sup>1065</sup> Children are trafficked internally for the purpose of commercial sexual exploitation.<sup>1066</sup>

## Laws and Regulations on the Worst Forms of Child Labor





In 2007, the Government revised the Labor Code, raising the minimum age for work to 18 and to 15 for light work. In 2009, Chile updated a list of 27 types of work that are dangerous and prohibited to children

under the age of 18 due to their nature and conditions, such as work underground or underwater, work with toxic chemicals and handling heavy machinery.<sup>1067</sup>

Chilean laws prohibit slavery and forced labor.<sup>1068</sup> The Penal Code prohibits child trafficking across national boundaries for the purpose of sexual exploitation. Other legislation is used to prosecute internal trafficking of children for both forced labor and commercial sexual exploitation.<sup>1069</sup> The Penal Code prohibits all activities related to the prostitution of children and all activities related to child pornography, including its production, distribution, and possession.<sup>1070</sup> The minimum age for compulsory military service in Chile is 18 years.<sup>1071</sup>

Chilean law outlaws the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities.<sup>1072</sup>

for Children or SENAME), which is charged with implementing a national plan against child labor. The participating ministries include the Ministry of Labor, the Ministry of Education, the Ministry of Justice, the Ministry of Agriculture, the National Statistics Institute, among others.<sup>1073</sup> SENAME monitors the incidence of the worst forms of child labor through a national registry, which receives information on cases identified by the Ministry of Labor, the *Policia de Investigaciones* (national investigations police), the *Carabineros* (national uniformed police), and by SENAME’s social programming. The registry serves as a means to track the incidence of the worst forms of child labor throughout the country.<sup>1074</sup> In 2009, the registry received reports of 289 cases of children and adolescents involved in the worst forms of child labor. In addition, all of the provinces in the country have Regional Committees for the Prevention and Eradication of Child Labor, and are led by the regional Ministries of Labor.<sup>1075</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

### Institutional Mechanisms for Coordination and Enforcement

The Government of Chile operates a National Advisory Committee to Eradicate Child Labor, headed by the *Servicio Nacional de Menores* (National Service

The Government also operates an Interagency Working Group on Trafficking in Persons, which has the responsibility of coordinating the Government’s anti-trafficking efforts and is headed by the Ministry of the Interior. Members include law enforcement agencies, the Public Ministry, the Ministry of Foreign Relations, the Ministry of Justice, and the National Service for Minors, among others.<sup>1076</sup>

The Ministry of Labor is charged with enforcing child labor laws and employs approximately 360 labor inspectors who inspect all types of labor violations, including child labor. From January to October 2009, the Ministry of Labor imposed sanctions in 47 cases of child labor.<sup>1077</sup>

While the Ministry of Labor is responsible for enforcing labor laws, a number of agencies, including SENAME, the Ministry of Health, and the police have roles to play in enforcing laws related to the worst forms of child labor and in identifying children exploited in such situations.<sup>1078</sup> For example, Chile’s National Police has a Department of Minors’ Police with 103 officers dedicated to minors’ issues, who identify children in the worst forms of child labor and refer them to the SENAME.<sup>1079</sup>

A number of Government agencies are likewise charged with enforcement of CSEC and TIP laws, including the national Investigations Police, the Public Ministry, and the National Uniformed Police.<sup>1080</sup> Chile's Investigations Police oversees regional sex crimes offices, which investigate the commercial sexual exploitation of children.<sup>1081</sup> Chile's Public Ministry investigated 333 cases of commercial sexual exploitation of children and criminal courts handed down 72 convictions. Of the 333 cases and 72 convictions, 108 cases and 16 convictions involved trafficking in persons. In 2009, 450 officials from Chile's police forces were trained in handling cases of commercial sexual exploitation of children, and resources dedicated to detecting child prostitution were increased.<sup>1082</sup>

The Government along with IOM conducted eight training sessions for over 600 law enforcement officials, prosecutors, and prison officials on detecting and prosecuting cases of trafficking in persons.<sup>1083</sup>

### **Government Policies on the Worst Forms of Child Labor**

As part of its National Policy on Childhood (2001-2010), the Government of Chile updated its national child labor action plan in 2007 to include goals focusing on protecting child and adolescent workers.<sup>1084</sup> In September 2009, the Government signed an agreement with ILO to integrate the issue of child labor into the country's social protection system. The policy calls for both preventive actions and measures to remove children from the worst forms of child labor.<sup>1085</sup> In June 2009, the Ministry of Labor signed an agreement with the Confederation of Production and Commerce (CPC), one of the country's largest business associations, to collaborate in the fight against child labor. The CPC committed to distributing guides to employers on eliminating child labor.<sup>1086</sup> The Government of Chile adopted the 2006-2010 United Nations Development Assistance Framework, which among other goals aims to build government capacity to combat child labor through effective policies and programs.<sup>1087</sup>

On the regional level, Chile has signed agreements with other regional governments to address issues of the commercial sexual exploitation of children

and child trafficking. For example, the Government and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region.<sup>1088</sup> Chile's National Tourism Service is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.<sup>1089</sup> In 2009, Chile's National Tourism Service (SERNATUR), SENAME, and ILO signed an agreement to combat child sex tourism. The Government of Chile has a bilateral agreement with Bolivia to combat the worst forms of child labor, with a special emphasis on child trafficking.<sup>1090</sup>

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

The Government of Chile operates a number of programs to prevent and remove children from the worst forms of child labor.<sup>1091</sup> SENAME assists disadvantaged youth and children at-risk of or engaged in the worst forms of child labor through its 47 specialized integral intervention programs throughout the country.<sup>1092</sup> In addition, SENAME operates an additional 14 specialized programs, which include psychosocial and education services to assist child victims of commercial sexual exploitation including 1,062 children. During the reporting period, SENAME carried out trainings for officials from SERNATUR on child sex tourism.<sup>1093</sup> The funding for all SENAME intervention programs was \$8 million during the reporting period.<sup>1094</sup> SENAME's programs to address the issue were funded, sustainable, and reached their goals, although additional interventions may be needed, given the scope and magnitude of commercial sexual exploitation of children in Chile.

The Ministry of Education operates educational reinsertion programs for vulnerable children, including child laborers, in 13 regions, and served 1,100 children during 2009. In addition, the Ministry of Education oversees a bilingual education program that aims to increase the quality of education available to indigenous children and increase communities' involvement in the educational process.<sup>1095</sup> The Government's Ministry of Planning runs the *Programa*

*Puente* (Bridge Program), which assists families living in extreme poverty by facilitating families' access to Government social services, including health, education, and cash transfers. One of the objectives of the program is to combat child labor.<sup>1096</sup> In addition, the Government participates in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.<sup>1097</sup>

The Government of Chile has a range of sustainable services and programs to assist the most vulnerable children. The programs have nationwide coverage and the capacity to reach children in many of the worst forms of child labor, particularly those at-risk or victims of commercial sexual exploitation.

**Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Chile:**

**IN THE AREA OF LAWS AND REGULATIONS:**

- Strengthen legal protections for children from the worst forms of child labor by specifically forbidding the procurement of children for illicit activities, such as drug production or trafficking.

**IN THE AREA OF PROGRAMS:**

- Implement awareness raising efforts in border areas to prevent the recruitment of children into drug transport.

<sup>1059</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. All data provided are from 2003. 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. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report

<sup>1060</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Chile (ratification: 2000)*, [online] 2009 [cited February 28, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also ILO-IPEC and Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 2005, 7-8, 16, 45; available from [http://white.oit.org.pe/ipecc/boletin/documentos/pueblos\\_originarios\\_ch.pdf](http://white.oit.org.pe/ipecc/boletin/documentos/pueblos_originarios_ch.pdf). See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 2007, 69-79; available from [http://white.oit.org.pe/ipecc/documentos/est\\_demanda\\_esci\\_cl.pdf](http://white.oit.org.pe/ipecc/documentos/est_demanda_esci_cl.pdf).

<sup>1061</sup> U.S. Embassy- Santiago, *reporting*, February 13, 2009. See also ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

<sup>1062</sup> ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

<sup>1063</sup> OHCHR, *Consideration of Reports Submitted by States Parties under Article 12(1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* 2008, 5; available from <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-CHL-CO-1.pdf>. See also ILO-IPEC, *La Demanda en la Explotación Sexual Comercial de los Adolescentes: el Caso de Chile* 69-72.

<sup>1064</sup> ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 28, 31, 32, 35.

<sup>1065</sup> U.S. Department of State, "Chile (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also ILO-IPEC and A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 34.

<sup>1066</sup> U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

<sup>1067</sup> Government of Chile, *Aprueba Reglamento para la aplicación del artículo 13 del Código del Trabajo*, (September 11, 2007); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/77036/81487/F1662015800/>

Decreto%20Supremo%20N%2050%20de%202007%20Reglamento%20Menores.pdf. See also U.S. Embassy- Santiago, *reporting*, February 8, 2010.

<sup>1068</sup> Government of Chile, *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, (2005), article 19, no. 2; available from <http://pdba.georgetown.edu/Constitutions/Chile/chile05.html>. See also Government of Chile, *Código del Trabajo de Chile*, (November 15, 2007), article 2; available from [http://www.leychile.cl/Consulta/Exportar?radioExportar=Normas&exportar\\_formato=pdf&nombearchivo=NORMA2074360&exportar\\_con\\_notas\\_bcn=True&exportar\\_con\\_notas\\_originales=True&exportar\\_con\\_notas\\_al\\_pie=True&hddResultadoExportar=207436.2010-02-13.0.0%23](http://www.leychile.cl/Consulta/Exportar?radioExportar=Normas&exportar_formato=pdf&nombearchivo=NORMA2074360&exportar_con_notas_bcn=True&exportar_con_notas_originales=True&exportar_con_notas_al_pie=True&hddResultadoExportar=207436.2010-02-13.0.0%23). See also U.S. Department of State, “Chile,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 10, 2010, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136105.htm>.

<sup>1069</sup> Government of Chile, *Código Penal de la República de Chile*, (March 1, 1875), article 367; available from <http://www.cajpe.org.pe/rij/bases/legisla/chile/codpench.htm>. See also U.S. Embassy- Santiago, E-mail communication to USDOL official, July 27, 2010.

<sup>1070</sup> Government of Chile, *Código Penal de la República de Chile*, article 368. 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); available from [http://www.anuariodh.uchile.cl/anuario/documentos/10.Ley%2019927\\_DelitoPornografiaInfantil\\_CHILE.pdf](http://www.anuariodh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf).

<sup>1071</sup> Coalition to Stop the Use of Child Soldiers, “Chile,” in *Child Soldiers Global Report 2008*, London, 2008; available from [http://www.childsoldiersglobalreport.org/files/country\\_pdfs/FINAL\\_2008\\_Global\\_Report.pdf](http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf).

<sup>1072</sup> ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Chile.”

<sup>1073</sup> U.S. Embassy- Santiago, *reporting*, February 13, 2009, para. 28. See also U.S. Embassy- Santiago, *reporting*, February 8, 2010, para 10.

<sup>1074</sup> U.S. Embassy- Santiago, *reporting*, February 8, 2010, para 10. See also Ministry of Labor and Social Welfare, *Sistema de registro*, [online] [cited September 30, 2010]; available from [http://www.trabajoinfantil.cl/peores\\_definiciones.html](http://www.trabajoinfantil.cl/peores_definiciones.html).

<sup>1075</sup> Embassy of Chile, *Programas y acciones desarrolladas por el Ministerio del Trabajo y Previsión Social de Chile para erradicar y prevenir el trabajo infantil desde 2008 a la fecha*, submitted in response to U.S. Department of Labor Federal Register Notice “Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production

of Goods in Foreign Countries and Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor”, Washington, DC, May 5, 2010, 3, 5.

<sup>1076</sup> U.S. Embassy- Santiago, *reporting*, February 8, 2010, para 11, 14.

<sup>1077</sup> *Ibid.*, para 6.

<sup>1078</sup> U.S. Embassy- Santiago, *reporting*, February 13, 2009.

<sup>1079</sup> *Ibid.*

<sup>1080</sup> U.S. Embassy- Santiago, *reporting* February 25, 2010 para 14.

<sup>1081</sup> U.S. Embassy- Santiago, *reporting*, February 13, 2009.

<sup>1082</sup> ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Embassy- Santiago, *reporting*, February 25, 2010, para 16.

<sup>1083</sup> U.S. Embassy- Santiago, *reporting*, February 25, 2010, para 23.

<sup>1084</sup> Comisión Nacional para la Erradicación del Trabajo Infantil and ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, Lima, 2001, 20, 24, 26, 30, 32-36; available from [http://www.ine.cl/canales/chile\\_estadistico/encuestas\\_trabajo\\_infantil/pdf/23\\_04\\_09/pdf/plan\\_nacional.pdf](http://www.ine.cl/canales/chile_estadistico/encuestas_trabajo_infantil/pdf/23_04_09/pdf/plan_nacional.pdf). See also Ministry of Labor and Social Welfare, *Contexto en Chile y el mundo*, [online] [cited December 1, 2010]; available from [http://www.trabajoinfantil.cl/en\\_chile.html](http://www.trabajoinfantil.cl/en_chile.html). See also U.S. Embassy- Santiago, *reporting*, February 13, 2009.

<sup>1085</sup> ILO-IPEC, “Chile: New child labour elimination model incorporated in the social protection system,” *IPEC News* 3 (2009), 14; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=10794>.

<sup>1086</sup> U.S. Embassy- Santiago, *reporting*, February 8, 2010.

<sup>1087</sup> United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2006, 25; available from <http://www.undg.org/docs/7620/UNDAF%20Chile.pdf>.

<sup>1088</sup> Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).

<sup>1089</sup> Brazilian Ministry of Tourism, *Ecuador Assume Dirección de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from <http://www.jornaldeturismo.com.br/noticias/7-governo/20432-equador-assume-direcao-de-grupo-latino-americano-para-a-protecao-infante-juvenil.html>. See also Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).

<sup>1090</sup> ILO Committee of Experts, *Individual Direct Request C182: Chile (2009)*. See also U.S. Embassy- Santiago, reporting, February 13, 2009.

<sup>1091</sup> U.S. Embassy- Santiago, reporting, February 13, 2009. See also U.S. Embassy- Santiago, reporting, February 8, 2010.

<sup>1092</sup> Embassy of Chile, *Programas y acciones desarrolladas por el Ministerio del Trabajo y Previsión Social de Chile para erradicar y prevenir el trabajo infantil desde 2008 a la fecha*.

<sup>1093</sup> Senado de la República de Chile, *SENAME aumentará en 50% los recursos para los jóvenes en situación vulnerable que no han delinquido*, [online] [cited October 4, 2010 2010]; available from [http://www.senado.cl/prontus\\_galeria\\_noticias/site/artic/20091028/pags/20091028175122.html](http://www.senado.cl/prontus_galeria_noticias/site/artic/20091028/pags/20091028175122.html). See also U.S. Embassy- Santiago, reporting, February 25, 2010. See also SENAME, *Sename y OIT capacitaron a personal de Sernatur para prevenir la explotación sexual comercial*

*infantil* [online] August 8, 2009 [cited November 3, 2010]; available from <http://www.sename.cl/wsename/estructuras.php?name=News&file=article&sid=295>.

<sup>1094</sup> U.S. Embassy- Santiago, reporting, February 8, 2010. See also U.S. Embassy- Santiago, reporting, February 25, 2010, para 16, 34.

<sup>1095</sup> U.S. Embassy- Santiago, reporting, February 13, 2009. See also Educación y Cultura OAS Unidad De Desarrollo Social, “Programa de Educación Intercultural Bilingue, Chile”; available from <http://www.oas.org/oipc/espanol/documentos/ChileProgramaeducacioninterculturalbilingue.doc>.

<sup>1096</sup> U.S. Embassy- Santiago, reporting, February 13, 2009. See also Government of Chile, “Programa Puente: Resultados esperados por el programa”; available from <http://public.programapuerto.cl/index.html>.

<sup>1097</sup> ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.