

In 2016, Chile made a significant advancement in efforts to eliminate the worst forms of child labor. The Ministry of Labor began implementing the National Strategy to Eradicate Child Labor, strengthened Regional Advisory Committees for the Eradication of Child Labor and Protection of Adolescent Workers, and supported the design and implementation of regional operating plans to address child labor at the local level. The Government created 21 new Offices for the Protection of Children's Rights, published a comprehensive guide for the detection and referral of human trafficking victims, including children, and began updating its list of hazardous occupations for children. However, children in Chile perform dangerous tasks in construction. Children also engage in the worst forms of child labor, including in the production and distribution of drugs, sometimes as a result of human trafficking, and in commercial sexual exploitation. Information regarding the number of criminal violations found and prosecutions initiated related to the worst forms of child labor is not publicly available.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Chile engage in the worst forms of child labor, including in the production and distribution of drugs, sometimes as a result of human trafficking, and in commercial sexual exploitation. Children also engage in construction, an industry that is considered dangerous in Chile.(1-12) The results of the 2012 National Survey on Activities of Children and Adolescents (*Encuesta de Actividades de Niños, Niñas y Adolescentes*) indicate that 70.6 percent of working children ages 5 to 17 are engaged in work classified as dangerous.(8, 10) Table 1 provides key indicators on children's work and education in Chile.

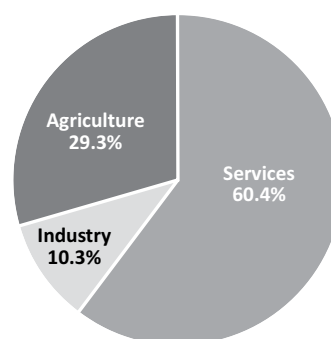
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	3.8 (94,025)
Attending School (%)	5 to 14	99.5
Combining Work and School (%)	7 to 14	4.5
Primary Completion Rate (%)		95.0

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(13)

Source for all other data: Understanding Children's Work Project's analysis of statistics from *Encuesta de Actividades de Niños, Niñas y Adolescentes* Survey, 2012.(14)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Harvesting, collecting, and selling crops, including wheat, and working on agricultural loading docks (4, 10, 12)
	Livestock rearing and raising farm animals (9, 10, 12)
	Forestry,† activities unknown (9, 10)
	Hunting, activities unknown (9, 10)
	Fishing,† activities unknown (9, 10)
Industry	Construction, activities unknown (4, 8-10, 12, 15)
	Production of ceramics and books (4, 12)
Services	Repairing shoes and garments (4, 12)
	Domestic work (4, 8, 10, 16)
	Working in retail, hospitality, and restaurants (4, 12, 15, 17, 18)
	Street work, including street vending and washing cars (4, 8, 9, 15, 19)

Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [†]	Use in illicit activities, including in the production and distribution of drugs, sometimes as a result of human trafficking (1-7, 11, 12, 20)
	Forced labor in agriculture, mining, construction, street vending, domestic work, and garment and hospitality sectors (3-5, 11, 12, 18)
	Commercial sexual exploitation, sometimes as a result of human trafficking (3, 4, 6-8, 12, 18, 20)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

In Chile, children are subjected to human trafficking for commercial sexual exploitation and domestic work.(3, 11, 16) In 2016, the National Minors’ Service (SENAME) detected 346 cases of commercial sexual exploitation of children—the majority of them Chilean.(20) Children are also used to steal, or to produce, sell, and transport drugs on the borders with Peru and Bolivia.(4, 11) In 2016, the Government identified 184 children—some of whom may have been trafficking victims—involved in illicit activities, including drug trafficking and theft.(20, 21)




Indigenous children and adolescents from Otavalo, Ecuador, are especially vulnerable to human trafficking for labor exploitation in Chile.(2, 18) Children are also involved in street work, especially in Santiago, including selling handicrafts, clothes, or other goods.(22-24) In 2016, SENAME detected 730 cases of children involved in the worst forms of child labor, including 68 in hazardous labor.(20) The Government reports that 90 percent of working children between the ages of 5 and 17 are engaged in hazardous work.(25)

Education is compulsory in Chile through secondary school.(26) However, barriers to education exist, including a lack of transportation in rural areas.(18)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Chile has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). The legal framework appears to be sufficient to address and protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 13 of the Labor Code (27)
Minimum Age for Hazardous Work	Yes	18	Articles 13, 14, and 18 of the Labor Code (27)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 18 of the Labor Code; Articles 1–11 of Law No. 50; Article 1 of Law No. 20.539 (27, 28)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Forced Labor	Yes		Article 19 of the Constitution; Article 411 of the Penal Code; Law 20.507 (29, 30)
Prohibition of Child Trafficking	Yes		Article 411 of the Penal Code (30)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 367 and 411 of the Penal Code; Law No. 20.594; Law No. 20.526 (30-32)
Prohibition of Using Children in Illicit Activities	Yes		Paragraph 1, Article 5 and Paragraph 2, Article 19 of Law No. 20.000; Law No. 20.084 (33, 34)
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	Chapter 1, Article 13 of the Armed Forces Recruitment and Mobilization Law No. 2.306 (35)
State Voluntary	Yes	18	Chapter 1, Article 13 of the Armed Forces Recruitment and Mobilization Law No. 2.306 (35)
Non-state Compulsory	No		
Compulsory Education Age	Yes	18‡	Articles 4, 25, and 27 of the General Education Law No. 20.370 (26)
Free Public Education	Yes		Article 4 of the General Education Law No. 20.370 (26)

* No conscription (35)

‡ Age calculated based on available information (26)

Chilean law does not sufficiently protect children from forced labor as it does not generally prohibit forced labor except when it results from human trafficking.

In 2016, the Government began updating its list of hazardous occupations and prohibited activities for children.(18) The President also sent a draft bill to Congress to create the Children's Rights Defender's Office.(18)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Security (MINTRAB)	Design and implement national strategy on child labor and generate public awareness of child labor and commercial sexual exploitation.(8, 36) The National Labor Directorate, functioning in parallel with MINTRAB, enforces child labor laws.(18)
National Minors' Service (SENAME)	Coordinate the provision of services to vulnerable children in collaboration with Rights Protection Offices.(37, 38) Operates under Ministry of Justice.(18)
National Investigations Police (PDI)	Investigate and prevent the worst forms of child labor by conducting community outreach activities, including trainings and information sessions.(39) Operates under Ministry of Interior.(18) Within PDI, sex crime brigades (BRISXME) specifically look for CSEC.(40)
National Uniformed Police (<i>Carabineros</i>)	Investigate, prevent, and detect crimes, including child labor violations, by conducting community policing and specialized investigations. The Directorate for Family Protection provides specialized orientation on policies and operating plans for detection and prevention of domestic violence and child abuse, including sexual exploitation of children.(20) Operates under Ministry of Interior.(18)
National Prosecutor's Office (<i>Fiscalía Nacional</i>)	Investigate and prosecute crimes, including those involving commercial sexual exploitation and trafficking of children. Train and coordinate with interagency partners, including the PDI and Carabineros, and regional and local prosecutor's offices.(41, 42)
Rights Protection Offices (<i>Oficinas de Protección de Derechos</i>)	Refer cases of children whose rights have been violated to appropriate social services, and monitor and raise awareness of the worst forms of child labor. Located in municipalities throughout the country and part of a social protection network overseen by SENAME.(9)

Chile

SIGNIFICANT ADVANCEMENT

Labor Law Enforcement

In 2016, labor law enforcement agencies in Chile took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	\$30,464,007 (17)	\$30,590,726 (18)
Number of Labor Inspectors	550 (17)	549 (18)
Inspectorate Authorized to Assess Penalties	Yes (17)	Yes (18)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Yes (18)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	Yes (11)	Yes (18, 21)
Number of Labor Inspections	124,565 (17)	116, 535 (18)
Number Conducted at Worksite	Unknown	116,535 (18)
Number Conducted by Desk Reviews	Unknown	N/A
Number of Child Labor Violations Found	526 (17)	344 (18)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown
Number of Penalties Imposed That Were Collected	Unknown	Unknown
Routine Inspections Conducted	Yes (17)	Yes (18)
Routine Inspections Targeted	No (17)	No (18)
Unannounced Inspections Permitted	Yes (17)	Yes (18)
Unannounced Inspections Conducted	Yes (17)	Yes (18)
Complaint Mechanism Exists	Yes (17)	Yes (18)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (17)	Yes (18)

The number of labor inspectors is insufficient for the size of Chile's workforce, which includes over 8 million workers. According to the ILO recommendation of 1 inspector for every 15,000 workers in developing economies, Chile should employ about 585 labor inspectors to adequately enforce labor laws throughout the country.(18, 43-45) Additionally, the Labor Inspectorate has only 133 vehicles to conduct inspections in all of Chile, and must share them with other departments of the Directorate.(18)

In 2016, the Government conducted two qualitative studies on child labor in the agricultural and commercial sectors.(18, 46-48)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Chile took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Yes (18)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (17)	Yes (18, 21)
Number of Investigations	91 (17)	23 (18)
Number of Violations Found	Unknown	Unknown
Number of Prosecutions Initiated	Unknown	23 (21)
Number of Convictions	30 (17)	21 (20)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (17)	Yes (18)

In 2016, the Interagency Task Force on Trafficking in Persons published a comprehensive guide to facilitate detection and referral of trafficking victims, including children.(21, 49) The Government opened 266 investigations related to commercial sexual exploitation of children—including 103 for promotion or facilitation of commercial sexual exploitation of children, 12

for procurement of sexual services from children, and 151 for production of pornographic material involving children.(18) The Government also initiated seven prosecutions for facilitation of prostitution of children, five for solicitation of sexual services from children, and convicted three individuals for facilitation of prostitution of children and three individuals for labor trafficking of children.(21) However, the penalties for promoting or facilitating the commercial sexual exploitation of children are not commensurate with those for other serious crimes.(11) Additionally, all sentences for crimes involving children were served on parole.(20)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Advisory Committee to Eradicate Child Labor	Oversee implementation of the “National Strategy for the Eradication of Child Labor and Protection of Adolescent Workers (2015–2025),” formulated with the Social Observatory to Eradicate Child Labor.(20) Led by MINTRAB, includes representatives from the Ministries of Agriculture, Education, and Justice; the National Statistics Institute; the National Tourism Service; SENAME; the PDI and the National Uniformed Police.(50) In 2016, met regularly and brought together civil society organizations and government agencies to raise awareness, provide services to victims, and protect victims’ rights.(12)
Regional Advisory Committees for the Eradication of Child Labor and the Protection of Adolescent Workers	Replicate the functioning of the National Advisory Committee at the regional level.(18) Led by the Regional Secretary of Labor, committees bring together local government agencies, civil society organizations, and the business community to address child labor. In 2016, committees began implementing a strategy to eradicate child labor and operating plans at the regional, provincial, and municipal levels, in line with the National Strategy 2015–2025.(18, 51, 52)
Worst Forms of Child Labor (WFCL) Task Force	Oversee the WFCL Registry, which tracks incidents of the worst forms of child labor and provides information on programs designed to assist child workers.(53) Compile data in the WFCL Registry and present it to the National Advisory Committee to Eradicate Child Labor and other government stakeholders.(20) In 2016, maintained the registry and continued to implement a multisector protocol to identify, register, and care for children and adolescents who are victims of commercial sexual exploitation.(12)
National Council for Children	Integrate efforts across government agencies to uphold the rights of the child. Implement policies, strategic plans, and programs at national, regional, and local levels.(17) Managed by the Ministry General Secretariat of the Presidency.(17)
Interagency Task Force on Trafficking in Persons	Coordinate the Government’s anti-human trafficking efforts. Led by the Ministry of the Interior, comprises law enforcement agencies, the Ministry of Foreign Relations, the Ministry of Justice, the National Prosecutor’s Office, SENAME, and others.(54)
Social Observatory to Eradicate Child Labor	Established by Decree No. 131 to coordinate the study of child and adolescent labor issues among working groups, foundations, educational study centers, and institutions. Conduct technical studies on child and adolescent labor issues and evaluate current child labor elimination policies.(1, 55) Disaggregate child labor survey data from the 2012 National Survey on Activities of Children and Adolescents.(55)

In 2016, the Government strengthened the Regional Advisory Committees and supported the implementation of regional strategies based on the challenges experienced by Chile’s diverse local communities.(18) With assistance from the ILO, each regional government developed operating plans to combat child labor and planned at least two activities related to child labor in 2016.(18)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor†

Policy	Description
National Strategy for the Eradication of Child Labor and Protection of Adolescent Workers (2015–2025)	Establishes a strategy to eradicate child labor by (1) combining efforts across national and regional agencies and private and public entities and (2) requiring regions to establish a strategy adapted to issues particular to the area to effectively eradicate child labor.(56) The Ministry of Labor oversaw the implementation of regional strategies, including the design and implementation of regional operating plans.(20)

Table 9. Key Policies Related to Child Labor[‡] (cont)

Policy	Description
National Policy for Childhood and Adolescence (2015–2025)	Creates an Integrated System of Guarantee of Rights and an Inter-Agency Task Force, which is developing a 2016–2025 plan of action for childhood and adolescence. MINTRAB also participates and provides information and guidance regarding child labor.(57, 58) The National Council for Children worked with Congress to pass a bill to create a new system guaranteeing the rights of children in accordance with the UN Convention on the Rights of the Child.(20)
Anti-Trafficking National Action Plan (2015–2018)	Acts to prevent and combat human trafficking, with a focus on women and children. Encompasses four strategic areas: (1) prevention and awareness raising, (2) control (prosecution), (3) victims’ assistance and protection, and (4) interinstitutional cooperation and coordination.(59) The Government provided specialized training on trafficking to law enforcement and judicial officials and published a comprehensive guide on identifying and referring trafficking victims.(20)
Cooperative Agreement for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers in Chile	Creates mechanisms to detect child labor in the capital region school system. Signed by the Ministry of Education and MINTRAB.(60) Provided for 24 training programs on child labor through the Ministry of Labor to educate stakeholders, including teachers and students.(20)
Inter-Agency Protocol on Assistance for TIP Victims	Creates a system to register, monitor, and assist victims of trafficking. Provides safe housing; health and psychological services; and legal, employment, and immigration assistance.(21) Coordinated by the Under Secretariat for Crime Prevention and Citizen Security at the Ministry of the Interior.(21) In 2016, two adolescent minors received assistance under this protocol.(21)
Chilean Ministry of the Interior and Public Security and U.S. Department of Homeland Security Joint Statement on Trafficking in Persons	Seeks to enhance collaboration and information exchanges between enforcement agencies on combating human trafficking and protecting vulnerable populations. Signed in 2015 by Chile and the United States.(61) The PDI provided training to Chilean and Peruvian border police to increase cross-border law enforcement cooperation and the U.S. Department of Homeland Security provided training for officers from Chilean Customs, Carabineros, and Navy to build host national capacity for targeting and risk management in the seaport and maritime environment, including rescue of trafficking victims.(20)

[‡] The Government had other policies that may have addressed child labor issues or had an impact on child labor.(62-64)

In 2016, the Government began implementing the National Strategy to Eradicate Child Labor and took important steps to ensure that this strategy remains a priority, including establishing regional advisory committees to address child labor and protect young workers.(18)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor[‡]

Program	Description
Guides on Eliminating Child Labor and Safe Work for Adolescent Workers	MINTRAB collaborates with the Confederation of Production and Commerce and the Chilean Safety Association to fight against child labor. Distributes guides to employers on eliminating child labor through public-private partnerships, and develops and distributes a manual to promote safety for adolescent workers.(65)
Regional Action Group for the Americas [‡]	Conduct prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America.(66) Administered in Chile by the National Tourism Service (SERNATUR), conducts child labor prevention and awareness-raising campaigns in the tourism sector.(8) SERNATUR conducted regular training nationally for tourism students and businesses on commercial sexual exploitation of children. Collaborated with the PDI to provide training to 110 hotels, travel agents, and tour operators that applied for quality certification seals.(20)
SENAME Programs for Children at Risk of or Engaged in the Worst Forms of Child Labor [‡]	Approximately 125 programs serving disadvantaged youth and children at risk of or engaged in the worst forms of child labor, including commercial sexual exploitation. Includes projects implemented along with municipal governments and involves 126 local branches of the Office for the Protection of Children’s Rights (OPCR).(1, 9, 21, 37, 67) In 2016, SENAME added 21 OPCRs.(21)
Here I am and I act (<i>Aquí Estoy y Actuo</i>)	led by Fundacion Telefonica and MINTRAB under the fifth principle of the UN Global Pact to help businesses contribute to the eradication of child labor in supply chains. Adopted by 17 businesses, this program feeds into the National Strategy for the Erradication of Child Labor.(68, 69)

Table 10. Key Social Programs to Address Child Labor[†] (cont)

Program	Description
Programs on Commercial Sexual Exploitation of Children (CSEC)	Administered by SENAME, includes 17 programs and 1 residential center to serve victims of CSEC.(21) The Child Labor Survey on CSEC is a collaboration of the Government and ILO to collect data on CSEC from police and other governmental agencies.(7, 8) In 2016, SENAME continued its social media campaign, “There is no Excuse: Commercial Sex with Those Under 18 is a Crime.”(18)
Indigenous Language Sector Program (<i>Sector de la Lengua Indígena</i>) [†]	Ministry of Education program that seeks to increase the quality of education available to indigenous children. (70) The Ministry of Education finalized fifth and sixth grade study programs for the indigenous languages <i>Aymara</i> , <i>Quechua</i> , and <i>Rapa Nui y Mapuzugun</i> .(20)

[†] Program is funded by the Government of Chile.

‡The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(9, 37, 71-75)

Research was unable to determine whether activities were undertaken to implement the Guides on Eliminating Child Labor and Safe Work for Adolescent Workers and the Here I Am and I Act program.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Chile (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law criminally prohibits forced labor.	2016
	Ensure that the law criminally prohibits the recruitment of children under 18 into non-state armed groups.	2016
Enforcement	Hire a sufficient number of labor inspectors to meet the ILO recommendation.	2015 – 2016
	Ensure that inspectors receive adequate resources, such as transportation, to effectively carry out their duties.	2016
	Strengthen the labor inspectorate by initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents.	2015 – 2016
	Publish information on the number of child labor violations found for which penalties were imposed and collected, and criminal violations found related to the worst forms of child labor.	2015 – 2016
	Ensure that penalties for promoting or facilitating the commercial sexual exploitation of children are commensurate with those for other serious crimes.	2016
Social Programs	Improve access to education for all children by removing barriers such as a lack of transportation in rural areas.	2016
	Undertake activities to implement the Guides on Eliminating Child Labor and Safe Work for Adolescent Workers and the Here I Am and I Act Program.	2016

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- is the total number of new entrants in the last grade of primary education, regardless of age, expressed as a percentage of the population at the theoretical entrance age to the last grade of primary education. A high ratio indicates a high degree of current primary education completion. The calculation includes all new entrants to the last grade (regardless of age). Therefore, the ratio can exceed 100 percent, due to over-aged and under-aged children who enter primary school late/early and/or repeat grades. For more information, please see “Children’s Work and Education Statistics: Sources and Definitions” in the Reference Materials section of this report.
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