

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 because Chilean law prohibits the production and trafficking of drugs, but does not prescribe 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 commercial sexual exploitation and urban informal work.

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

* Population of working children: 97,928



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

While rates of child labor are relatively low in Chile,¹²⁷⁹ some children engage in the worst forms of child labor, particularly in commercial sexual exploitation and urban informal work.¹²⁸⁰

The commercial sexual exploitation of both girls and boys is a problem in Chile and takes place in cities, including Santiago and Valparaiso, in open public areas and in hidden venues, such as bars and dance clubs.¹²⁸¹

In urban areas, children carry loads in agricultural loading docks and assist in construction. Girls can be found selling goods on the street.¹²⁸² These activities may carry the risk of injury and accidents as they require strenuous physical exertion and, in the case of work on the streets, exposure to densely transited areas with the risk of traffic accidents and heavy traffic. Girls also






work as domestic servants and are vulnerable to physical and psychological abuse.¹²⁸³

Limited evidence indicates that children in rural areas, including children of indigenous families, are involved in caring for farm animals, as well as harvesting, collecting, and selling crops, such as oats, pine nuts, potatoes, quinoa (a plant native to South America) and wheat. Agricultural work may involve handling pesticides and exposure to extreme weather conditions.¹²⁸⁴ Some Bolivian children migrate with their families to work in Chile in markets and in agriculture.¹²⁸⁵

Children in Chile are exploited in other types of activities that constitute the worst forms of child labor. For example, in the border area with Peru and Bolivia, children are used to transport drugs.¹²⁸⁶ Children are trafficked internally for the purpose of commercial sexual exploitation.¹²⁸⁷

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 18 years, though children may engage in light work from age 15. Chile has a list of 27 types of work that are dangerous and prohibited for children younger than age 18, including work with toxic chemicals, heavy machinery, and sharp tools, as well as other types of work that carry risks to the mental and physical health of the child.¹²⁸⁸

	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

Chilean laws prohibit slavery and forced labor.¹²⁸⁹ In 2011, the Government of Chile passed comprehensive legislation prohibiting domestic and international trafficking in persons for the purposes of labor and sexual exploitation, strengthening prior legislation which had prohibited some but not all forms of human trafficking.¹²⁹⁰ 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.¹²⁹¹ The minimum age for compulsory military service in Chile is 18.¹²⁹²

Chilean law also prohibits the production and trafficking of drugs, but does not provide for specific additional penalties for adults who involve children in these illicit activities.¹²⁹³

Education is compulsory through the completion of secondary school, approximately age 17 or 18.¹²⁹⁴

Institutional Mechanisms for Coordination and Enforcement

The Government of Chile operates a National Advisory Committee to Eradicate Child Labor, headed by the National Service for Children (SENAME), which is charged with implementing a national plan against child labor. Participating ministries include the Ministry of Labor, the Ministry of Education, the Ministry of Justice, the Ministry of Agriculture, and the National Statistics Institute, the National Tourism Service (SERNATUR), among others.¹²⁹⁵ 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 national investigations police, the national uniformed police (*Carabineros*), and SENAME's social programs. The registry serves as a means to track the incidence of the worst forms of child labor throughout the country to enable the government to enhance programs designed to assist child laborers.¹²⁹⁶ In 2010, the registry received reports of 586 cases of children and adolescents involved in the worst forms of child labor¹²⁹⁷, an increase from 289 in 2009. The majority of cases involved the commercial sexual exploitation of children, and other cases involved hazardous child labor and the use of children in illicit activities.¹²⁹⁸

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.¹²⁹⁹

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. As of December 2010, the Ministry of Labor imposed sanctions in 104 cases of child labor law violations, an increase from 47 cases in 2009.¹³⁰⁰ The majority of these cases were for contract violations of regulations barring the employment of children between ages 15 and 18, and for employing children in hazardous work.¹³⁰¹

SENAME, the Ministry of Health, and the police also play roles in enforcing laws related to the worst forms of child labor and in identifying exploited children.¹³⁰² For example, Chile's national uniformed 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 SENAME.¹³⁰³

A number of Government agencies are likewise charged with enforcing laws against child trafficking and commercial sexual exploitation of children. They include the national Investigations Police, the Attorney General, and the national uniform police.¹³⁰⁴ Chile's Investigations Police, for example, oversees regional offices, which specialize in the investigation of sex crimes and the commercial sexual exploitation of children.¹³⁰⁵ In 2010, 115 SENAME officials were trained in identifying child trafficking cases.¹³⁰⁶ SENAME and the national uniform police operate free hotlines to receive reports of commercial sexual exploitation of children.¹³⁰⁷

Between January and August 2010, Chile's Public Ministry investigated 281 cases of commercial sexual exploitation of children, as compared with 333 cases in all of 2009.¹³⁰⁸

Government Policies on the Worst Forms of Child Labor

In 2010, the Government of Chile continued to implement the National Plan against Child Labor, which aims to raise awareness about child labor, ensure children's retention in school, and protect children and adolescents from exploitative work.¹³⁰⁹ During the reporting period, the Ministry of Education and Ministry of Labor signed an agreement to implement joint actions in eight districts of the metropolitan region against child labor, including through the creation of mechanisms to detect child labor within the school system.¹³¹⁰ The government has an agreement with the ILO to integrate the issue of child labor into the country's social protection system. The agreement calls for both preventive actions and measures to remove children from the worst forms of child labor.¹³¹¹ The Ministry of Labor has 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 continues to distribute guides to employers on eliminating child labor through their member guilds.¹³¹² The 2006-2010 United Nations Development Assistance Framework was in place during the reporting period. One of its goals is to build government capacity to combat child labor through effective policies and programs.¹³¹³

Chile has agreements with other governments in the region to address issues of 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.¹³¹⁴ During the reporting period, MERCOSUR member countries met to

exchange good practices on programs to protect children and adolescents from commercial sexual exploitation as part of the *Niño Sur* initiative.¹³¹⁵

SERNATUR 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.¹³¹⁶ 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.¹³¹⁷

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. SENAME assists disadvantaged youth and children at risk of or engaged in the worst forms of child labor through its 84 intervention programs throughout the country.¹³¹⁸ In addition, SENAME operates an additional 16 specialized programs, which include psychosocial and education services to assist child victims of commercial sexual exploitation. In 2010, these programs helped a total of 1,084 children.¹³¹⁹ During the reporting period, government representatives from SENAME participated in workshops with other countries to exchange good practices on identifying and assisting child laborers.¹³²⁰

During the reporting period, the Government held a national child labor training for regional government representatives to update the regional plans to combat child labor.¹³²¹ In 13 regions, the Ministry of Education operates educational reinsertion programs for vulnerable children, including child laborers. In addition, the Ministry of Education oversees a bilingual education program to increase the quality of education available to indigenous children and improve community involvement in the educational process.¹³²² The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed.

The 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.¹³²³ 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.¹³²⁴

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.

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 penalizing the procurement of children for illicit activities, such as drug production or trafficking.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact that the Ministry of Education's reinsertion programs may have on addressing the worst forms of child labor.

¹²⁷⁹ 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

¹²⁸⁰ 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. See also ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*. 2005, 28; available from http://white.oit.org.pe/ipecc/boletin/documentos/pueblos_originarios_ch.pdf.

¹²⁸¹ 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. See also U.S. Embassy-Santiago. *reporting*. February 7, 2011.

¹²⁸² U.S. Embassy- Santiago, *reporting*, February 13, 2009. See also ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*, 28.

¹²⁸³ ILO-IPEC. *Niñas, niños adolescentes: Los riesgos de un trabajo invisible para el propio hogar*. 2005, 22, 28; available from http://white.oit.org.pe/ipecc/documentos/riesgos_tid_chile.pdf. See also ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*, 8.

¹²⁸⁴ ILO-IPEC, and Colegio de Profesores de Chile A.G. *Trabajo Infantil y Pueblos Originarios en Chile*, 28,31,32,35.

¹²⁸⁵ U.S. Embassy- Santiago, *reporting*, February 13, 2009.

¹²⁸⁶ 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 Colegio de Profesores de Chile A.G., *Trabajo Infantil y Pueblos Originarios en Chile*, 2005, 34; available from http://white.oit.org.pe/ipecc/boletin/documentos/pueblos_originarios_ch.pdf.

¹²⁸⁷ U.S. Department of State, "Trafficking in Persons Report- 2010: Chile."

¹²⁸⁸ 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>.

¹²⁸⁹ 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 *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.

¹²⁹⁰ *Tipifica los Delitos de Tráfico de Migrantes y Trata de Personas y Establece Normas para su Prevención y Más Efectiva Persecución Criminal* 20.507; available from <http://www.leychile.cl/Navegar?idNorma=1024319>. See also U.S. Embassy- Santiago. *reporting*. May 2, 2011. See also Embassy of Chile, *U.S. Department of Labor Request for Information on Child Labor and Forced Labor*, 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, April 8, 2011. See also U.S. Embassy- Santiago official, E-mail communication to USDOL official, July 15, 2011.

¹²⁹¹ Government of Chile, *Código Penal de la República de Chile*, (March 1, 1875), article 368; available from <http://www.cajpe.org.pe/rij/bases/legisla/chile/codpench.htm>. 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.anuariocdh.uchile.cl/anuario/documentos/10.Ley%2019927_DelitoPornografiaInfantil_CHILE.pdf.

¹²⁹² 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.

¹²⁹³ 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 U.S. Department of State. "Chile (Tier 2)." In *Trafficking in Persons Report- 2010*.

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- ¹²⁹⁹ U.S. Embassy- Santiago. *reporting*. February 7, 2011.
- ¹³⁰⁰ *Ibid.* See also U.S. Embassy- Santiago. *reporting*. February 13, 2009. See also U.S. Embassy- Santiago. *reporting*. February 8, 2010.
- ¹³⁰¹ *Ibid.*
- ¹³⁰² U.S. Embassy- Santiago. *reporting*, February 13, 2009.
- ¹³⁰³ *Ibid.*
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- ¹³⁰⁵ U.S. Embassy- Santiago. *reporting*, February 13, 2009.
- ¹³⁰⁶ U.S. Embassy- Santiago. *reporting*. February 7, 2011.
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