

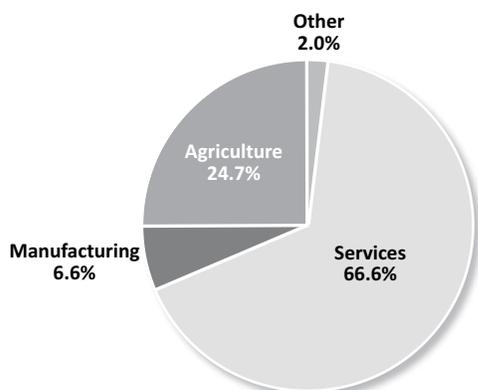
# Chile

In 2011, Chile made a significant advancement in efforts to eliminate the worst forms of child labor. The Government passed landmark legislation barring all forms of trafficking for the purposes of labor and sexual exploitation, augmenting protections for children. The Government also banned minors from working at night in commercial and industrial establishments. Chile increased assistance to child victims of commercial sexual exploitation, in addition to maintaining several programs that provide direct assistance to children in the worst forms of child labor. The Government also made efforts to collect accurate data on child labor, including by scrutinizing its internal procedures for registering incidents of child labor and by collaborating extensively with the ILO to begin a national survey on child labor. While Chile continued to implement a number of policies and programs targeting the worst forms of child labor, the impact these initiatives have had on reducing child labor remains unknown. The worst forms of child labor continue to exist in Chile, mainly in the commercial sexual exploitation of children and in hazardous activities in urban informal work.

## Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	3.5 (97,928)
Attending School	5-14 yrs.	97.2
Combining Work and School	7-14 yrs.	4.0
Primary Completion Rate		95.7

## Working Children by Sector, Ages 5-14



### Sources:

**Primary completion rate:** Data from 2007, published by UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from SIMPOC Survey, 2003.(2)



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

While rates of working children are relatively low in Chile, some children engage in the worst forms of child labor, primarily in commercial sexual exploitation and in hazardous activities in urban informal work.(3, 4) The commercial sexual exploitation of children is a problem in Chile; it takes place in cities, including Santiago and Valparaiso, in open public areas and in other venues, such as bars and dance clubs.(3, 5, 6)

In urban areas children work in street vending, construction, and domestic service.(4) 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 severe weather and traffic accidents.(7) Children working as domestic servants may work long hours and are isolated in private homes where they are susceptible to physical and sexual abuse.(8)

There are documented cases of children in rural areas working in hazardous activities in agriculture, though information on

the agricultural products and the specific activities that children engaged in is not available.(4, 9, 10) Hazardous agricultural work can include using dangerous tools, carrying heavy loads, and handling harmful pesticides.(11)

Children are used to transport drugs in the border area with Peru and Bolivia. Children are also trafficked internally for the purpose of commercial sexual exploitation.(12)

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

The Labor Code sets the minimum age for employment at 18, though children may engage in light work at 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.(13) In 2011, the Government of Chile modified the Labor Code to prohibit minors under the age of 18 from working at night in commercial and industrial establishments.(14)

	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	18
	Free Public Education	Yes

The Chilean Constitution and Labor Code prohibit slavery and forced labor.(15, 16) 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.(17- 19) The Penal Code prohibits all activities related to the prostitution of children and child pornography,

including its production, distribution and possession. (20) In 2011, the Government of Chile reformed the Penal Code to explicitly prohibit digital pornography of minors and to require maximum punishment, which is 3 to 5 years' imprisonment, for people who produce, disseminate, or view pornographic material involving minors.(21, 22) The minimum age for voluntary and compulsory military service in Chile is 18. (23) Chilean Law provides for specific penalties for adults who involve children under the age of 14 in the production or trafficking of illicit drugs.(21, 24-26) Education is compulsory through the completion of secondary school, generally at age 18.(27)

## 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 Minors (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, the National Statistics Institute and the National Tourism Service (SERNATUR), among others.(4) During the reporting period, members of the Advisory Committee met regularly and worked extensively with the ILO to prepare Chile's Second National Survey on Activities of Children and Adolescents, conducted in early 2012.(28)

The Government maintains a national case registry of the worst forms of child labor. The Ministry of Labor, the National Investigations Police, the National Uniformed Police, and SENAME input information on cases of the worst forms of child labor into the registry.(6, 29, 30) The registry enables SENAME to track incidents of the worst forms of child labor and to enhance programs designed to assist child laborers.(6, 29, 30) In 2011, the registry received reports of 444 cases of children and adolescents involved in the worst forms of child labor, a decrease from 571 in 2010.(21) SENAME has not attributed the decrease in cases to a particular factor, though it is investigating if internal difficulties in reporting cases could have played a role.(28) The majority of cases involved the commercial sexual exploitation of children, followed by the involvement of children in illicit activities—mainly the production and trafficking of drugs. The remaining cases were instances of children working in hazardous environments or engaging in other types of hazardous child labor.(21) During the reporting period, SENAME trained regional government and law enforcement representatives on the worst forms of child labor and the case registry system.(21)

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.(31)

The Ministry of Labor is charged with enforcing child labor laws and employs approximately 452 labor inspectors who inspect for all types of labor violations, including child labor. (21) In 2011, the Ministry of Labor imposed sanctions in 155 cases involving child labor law violations, an increase from 104 child labor sanctions in 2010.(32) The majority of the cases were for violations of work contract requirements for the employment of children between ages 15 and 18.(28) The specific sectors targeted for inspection are not known.

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.(4) For example, Chile's National Uniformed Police has a Department of Minors' Police with approximately 100 officers dedicated to minors' issues; they identify children in the worst forms of child labor and refer them to SENAME.(4)

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 Uniformed Police.(33) The National Investigations Police, for example, oversees regional offices which specialize in the investigation of sex crimes and the commercial sexual exploitation of children.(4) SENAME and the National Uniformed Police operate free hotlines to receive reports of commercial sexual exploitation of children.(5)

During the reporting period Chile's Public Ministry opened 106 new investigations for the commercial sex trafficking of minors. (27, 31) There were criminal convictions for the commercial sexual exploitation of minors during the reporting period, though the number of convictions was not available. (34)

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

In 2011, the Government of Chile continued to implement activities in line with Chile's National Plan to Prevent and Eradicate Child Labor, which aims to raise awareness about child labor, ensure children's retention in school, and protect

children and adolescents from exploitative work.(4, 35, 36) However, the National Plan expired at the end of 2010. The Government intends to prepare a new plan after processing the results of its 2012 national child labor survey, which will provide data on the current prevalence and nature of child labor.(38, 39) The Ministry of Education and the Ministry of Labor signed an agreement to implement joint actions in the metropolitan region of Santiago against child labor, including through the creation of mechanisms to detect child labor within the school system.(17) The Government has an agreement with the ILO to integrate the issue of child labor into Chile's social protection system. The agreement calls for both preventive actions and measures to remove children from the worst forms of child labor.(40) 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.(33) While the impact of these policies on reducing the worst forms of child labor remains unknown, the 2012 national child labor survey could provide useful information about changes in child labor since the previous survey, conducted in 2003.(38)

The Government of Chile also has a Technical Workgroup on the Worst Forms of Child Labor, composed of SENAME, the Ministry of Labor, the Ministry of Education, the Ministry of Health, SERNATUR, the National Uniformed Police and the ILO. The aim of the Workgroup is to evaluate and promote programs that prevent and protect children from the worst forms of child labor.(21) The Workgroup met five times in 2011 and developed a multi-sector protocol and awareness-raising material for the identification, registration and care of children in hazardous agricultural work.(11, 28)

Chile has agreements with other governments in the region to address issues of commercial sexual exploitation of children and child trafficking. Chile and other Southern Common Market (MERCOSUR) countries are carrying out the "Southern Child Initiative" to defend the rights of children and adolescents in the region.(41, 42) The Southern Child Initiative includes public campaigns against commercial sexual exploitation, trafficking and child labor as well as mutual technical assistance in raising domestic legal frameworks to international standards on those issues; it also includes the exchange of best practices related to victim protection and assistance.(43) During the reporting period, MERCOSUR member countries met to exchange good practices of systems to protect children and adolescents from commercial sexual exploitation as part of the Southern Child Initiative.(43)

SERNATUR is part of the Joint Regional Group for the Americas, which conducts child labor prevention and awareness-raising campaigns in tourism and whose members include Bolivia, Brazil, Chile, Colombia, Ecuador, Suriname, Uruguay, and Venezuela.(44) 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.(6)

### 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 93 intervention centers throughout the country.(21) In 2011, these programs helped a total of 7,730 children.(21) In addition, SENAME operates 16 specialized programs, which include psychosocial and education services to assist child victims of commercial sexual exploitation. In 2011, SENAME assisted 1,168 child victims of commercial sexual exploitation, an increase from 1,101 assisted children in 2010.(21, 31)

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.(45) The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

The Ministry of Social Development runs the Bridge Program, a \$7.3 million initiative which in 2011 assisted over 90,000 families living in extreme poverty by facilitating families' access to government social services, including health, education and cash transfers.(21, 46) One of the objectives of the program is to combat child labor.(4) To benefit from the Bridge Program, families with children between ages 6 and 18 must demonstrate their children are enrolled in school and have an attendance rate of at least 85 percent.(21) Other programs provide scholarships and social services to children at high risk of leaving school to enter work, such as adolescent parents and children of incarcerated parents.(21) 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.(47)

The Government of Chile has a range of services and programs to assist the most vulnerable children. The programs have extensive coverage and the capacity to reach children engaged in many of the worst forms of child labor.

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

Area	Suggested Actions	Year(s) Action Recommended
Policies	Ensure a new national plan against child labor is drafted and enacted.	2011
Social Programs	Assess the impact that the Ministry of Education's reinsertion and bilingual education programs may have on child labor.	2010, 2011

#### REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.*; accessed July 16, 2012; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 2, 2012. Reliable statistical 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 on children's work in general are reported in this chart, 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.
- ILO-IPEC. *La Demanda en la Explotación Sexual Comercial de los Adolescentes: El Caso de Chile*; 2007. [http://white.oit.org.pe/ipecc/documentos/est\\_demanda\\_esci-cl.pdf](http://white.oit.org.pe/ipecc/documentos/est_demanda_esci-cl.pdf).
- U.S. Embassy- Santiago. *reporting, February 13, 2009*.
- UN Committee on the Rights of the Child. *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. <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-CHL-CO-1.pdf>.
- U.S. Embassy- Santiago. *reporting, February 7, 2011*.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in street work is not available, research studies and other reports have documented the dangerous nature of tasks in street work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.

8. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva; 2011. While country-specific information on the dangers children face in domestic work is not available, research studies and other reports have documented the dangerous nature of tasks in domestic work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
9. U.S. Embassy- Santiago. *reporting, August 8, 2008*.
10. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011.
11. Government of Chile Ministry of Labor. *Niños, niñas y adolescentes en trabajos agrícolas peligrosas*; 2011.
12. U.S. Department of State. "Chile," in *Trafficking in Persons Report- 2011*. Washington, DC; June 27, 2011; <http://www.state.gov/g/tip/rls/tiprpt/2011/index.htm>.
13. Government of Chile. *Aprueba reglamento para la aplicación del artículo 13 del Código del Trabajo*, enacted September 11, 2007. <http://bit.ly/Ag6soQ>.
14. Government of Chile. *Prohíbe a los menores de dieciocho años todo trabajo nocturno en establecimientos industriales y comerciales*, 20.539, enacted October 6, 2011. <http://bit.ly/xYhB4i>.
15. Government of Chile. *Constitución Política de 1980 incluidas las Reformas hasta el 2005*, enacted 2005. <http://pdba.georgetown.edu/Constitutions/Chile/chile05.html>.
16. Government of Chile. *Código del Trabajo de Chile*, enacted November 15, 2007. <http://bit.ly/zrXHdz>.
17. Government 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.
18. U.S. Embassy- Santiago. *reporting, May 2, 2011*.
19. Government of Chile. *Tipifica los Delitos de Tráfico de Migrantes y Trata de Personas y Establece Normas para su Prevención y Más Efectiva Persecución Criminal* 20.507, enacted 2011. <http://www.leychile.cl/Navegar?idNorma=1024319>.
20. Government of Chile. *Código Penal de la República de Chile*, enacted March 1, 1875. <http://www.leychile.cl/Navegar?idNorma=1984>.
21. Government of Chile. *Report on Status of Child Labor in Chile*. submitted in response to U.S. Department of Labor Request for Information on Child Labor and Forced Labor. Washington, DC; February 3, 2012.
22. Government of Chile. *Sanciona el acoso sexual de menores, la pornografía infantil virtual y la posesión de material pornográfico infantil*, 20.526, enacted 2011. <http://bit.ly/wDxXeE>.
23. Coalition to Stop the Use of Child Soldiers. "Chile," in *Child Soldiers Global Report 2008*. London; 2008; <http://bit.ly/RB4Kz>.
24. U.S. Embassy- Santiago official. E-mail communication to USDOL official June 20, 2012.
25. Government of Chile. *Sustituye la ley No. 19.366 que sanciona el tráfico ilícito de estupefacientes y sustancias sicotrópicas*, 20.000, enacted February 2, 2005. <http://bit.ly/xN08YQ>.
26. Government of Chile. *Establece un Sistema de Responsabilidad de los Adolescentes por Infracciones a la Ley Penal*, 20.084, enacted November 28, 2005. <http://bcn.cl/4tx0>.
27. Government of Chile. *Response to U.S. Department of Labor Request for Information*. Washington, DC; April 30, 2012.
28. U.S. Embassy- Santiago. *reporting, January 31, 2012*.
29. Government of Chile- Ministry of Labor and Social Welfare. *Sistema de registro*, [online] [cited January 20, 2012]; [http://www.trabajoinfantil.cl/peores\\_definiciones.html](http://www.trabajoinfantil.cl/peores_definiciones.html).
30. ILO-IPEC. *Good Practices*. Geneva; 2010. <http://unpan1.un.org/intradoc/groups/public/documents/icap/unpan043527.pdf>.
31. U.S. Embassy- Santiago. *reporting, February 23, 2012*.
32. U.S. Embassy- Santiago official. E-mail communication to USDOL official February 6, 2012.
33. U.S. Embassy- Santiago. *reporting, February 8, 2010*.
34. Chilean Embassy- Washington, Do. E-mail communication to USDOL official May 3, 2012.
35. Government of Chile & ILO IPEC. *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*. Lima; 2001. <http://bit.ly/yhJUWl>.
36. Government of Chile- Ministry of Labor and Social Welfare. *Contexto en Chile y el mundo*, [online] [cited January 20, 2012]; [http://www.trabajoinfantil.cl/en\\_chile.html](http://www.trabajoinfantil.cl/en_chile.html).
37. Government of Chile, ILO-IPEC. *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*. Lima; 2001. <http://bit.ly/yhJUWl>.
38. Government of Chile. *Gobierno y la OIT lanzan segunda encuesta nacional de Trabajo Infantil*, [online] [cited February 20, 2012]; <http://www.mintrab.gob.cl/?p=430>.
39. U.S. Embassy- Santiago official. E-mail communication to USDOL official May 9, 2012.
40. ILO-IPEC. "Chile: New child labour elimination model incorporated in the social protection system." *IPEC News*, 3(14)(2009); <http://www.ilo.org/ipecinfo/product/viewProduct.do?productid=10794>.
41. Niño Sur. *Explotación sexual Infantil. Trata, Tráfico y Venta*, [online] [cited January 20, 2012]; <http://www.ninosur.com/index2.asp?id=126>.
42. Niño Sur. *Quiénes Participan, Niño Sur*, [online] [cited January 20, 2012]; <http://www.ninosur.com/index2.asp?id=124>.
43. Niño Sur. *Actividades, Niño Sur*, [online] [cited January 20, 2012]; <http://www.ninosur.com/index3.asp?id=123>.
44. Grupo de Acción Regional. *Grupo de acción regional de las Américas, quienes somos*, [online] 2010 [cited January 20, 2012]; <http://bit.ly/zNbrd7>.
45. OAS Unidad De Desarrollo Social, EYC. *Programa de Educación Intercultural Bilingüe, Chile*; 2011. <http://www.oas.org/oipec/espanol/documentos/ChileProgramaeducacioninterculturalbilingue.doc>.
46. Government of Chile. *Programa Puente*, [online] [cited February 20, 2012]; [http://www.fosis.gob.cl/opensite\\_20090403114922.aspx](http://www.fosis.gob.cl/opensite_20090403114922.aspx).
47. ILO-IPEC official. E-mail communication to USDOL official. January 30, 2012.