

Chile

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

The Government of Chile has been a member of ILO-IPEC since 1996. As part of the program, the government established the National Advisory Committee to Eradicate Child Labor.⁵²⁸ The Committee has promoted legislation, raised awareness about child labor issues and designed regional programs for children in Rio Cachapoal, El Olivar, Temuco and the suburbs of Santiago.⁵²⁹ In September 2000, the Committee organized a seminar to define guidelines for a national action plan to address child labor. The Committee is also participating in a South America regional project through ILO-IPEC to train labor inspectors on child labor issues, collect data under ILO-IPEC's SIMPOC, and conduct activities on child labor for employers and workers.⁵³⁰

The Chilean Ministry of Education has initiated reforms to improve the quality, equity and efficiency of the country's educational system.⁵³¹ The Program of 900 Schools (P-900), which was launched in 1990, provided professional development for teachers, special courses for children, leadership development and family involvement for Chile's most economically disadvantaged pre- and primary school children.⁵³² Since 1992, the Rural Basic Education Program has provided additional funding for rural students and teachers.⁵³³ In 1996, the government implemented the Full School Day Reform, which extended the school day, provided a new curriculum framework, implemented incentives for teacher professionalism and initiated a network to model and disseminate innovative teaching, learning and managerial practices at the secondary level.⁵³⁴

⁵²⁸ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. This committee includes the Ministry of Labor, UNICEF, ILO, NGOs, business leaders, legislators, trade unions, churches, and other public and private entities. *See also* U.S. Embassy— Santiago, unclassified telegram no. 2756, October 2001 [hereinafter unclassified telegram 2756].

⁵²⁹ Unclassified telegram 2756.

⁵³⁰ Organización Internacional del Trabajo, Oficina Regional para América Latina y el Caribe, *Programa Internacional para la Erradicación del Trabajo Infantil IPEC, Coordinación Subregional para América del Sur: Chile*, at <http://www.ilolim.org/pe/spanish/260ameri/activi/proyecto/ipecc/chile.shtml>.

⁵³¹ Françoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series*, vol. 1, no. 1, World Bank, Human Development Network, Washington, D.C. [hereinafter Delannoy, "Education Reforms in Chile"], 61.

⁵³² Gobierno de Chile, Ministerio de Educación, *Programa de las 900 Escuelas Para Sectores Pobres*, at http://www.mineduc.cl/basica/p_900.htm.

⁵³³ Gobierno de Chile, Ministerio de Educación, *Educación Rural, Programa Básica Rural*, at <http://www.mineduc.cl/basica/rural.htm>.

⁵³⁴ Delannoy, "Education Reform in Chile," at 25-27.

Incidence and Nature of Child Labor

In 1996, a survey conducted by the Government of Chile estimated that 1.9 percent of children between the ages of 6 and 14 in Chile were working during the three months preceding the survey.⁵³⁵ ILO-IPEC identified mining, agriculture, and street work as three areas where children are working in Chile.⁵³⁶ Children also work in fishing, charcoal production, meat processing, manufacturing (bakeries, furniture, bottling and packaging), ranching, shepherding, shellfish processing, construction, lumber processing, domestic service, as porters and baggers in supermarkets, and in the sale of drugs.⁵³⁷ The government reported that in 1999, 3,500 children under the age of 18 worked in prostitution and pornography.⁵³⁸ Girls are trafficked from Chile to Brazil's Pantanal region, and there is allegedly an increase in the prostitution of boys.⁵³⁹

Education is compulsory in Chile between the ages of 6 and 13.⁵⁴⁰ The gross primary enrollment rate was 101.3 percent and the net primary enrollment rate was 89.4 percent in 1996.⁵⁴¹ Primary school attendance rates are unavailable for Chile. While enrollment rates indicate a level

⁵³⁵ The 1996 government survey found that 47,000 children between the ages of 6 and 14 were working, and that 78,000 children between ages 15 and 17 were working, which is 9.7 percent of the total number of children in that age group. See Ministerio de Planificación y Cooperación, *Situación del Trabajo Infantil en Chile, 1996: Resultados de la Encuesta de Caracterización Socioeconómica Nacional* (Santiago, September 1997), 3, 9.

⁵³⁶ Unclassified telegram 2756.

⁵³⁷ Sistema de Información Regional sobre Trabajo Infantil, *Sistematización del Proyecto: Acción Contra el Trabajo Infantil a Través de la Educación y la Motivación*, at <http://www.colegiodeprofesores.cl/trabajoinfantil/erradicación2.htm>. See also Colegio de Profesores de Chile, A.G., "Trabajo Infantil: Los Niños y Niñas a la Escuela," *El Nuevo Educador*, March 5, 2000 [on file]; Coordinación Nacional de Marcha, Corporación Opción Marcha, *Global Contra el Trabajo Infantil* (Chile, March 12-17, 1998), 7 [on file]; and Ministerio de Justicia, *Trabajo Infantil en Chile: Ponencia de la Ministra de Justicia, María Soledad Alvear Valenzuela, en la Conferencia Internacional sobre Trabajo Infantil, realizada en Oslo Noruega, October 1997* [hereinafter *Trabajo Infantil en Chile*], 4, 5 [on file].

⁵³⁸ Comisión Andina de Juristas CAJ, *3,500 Children Involved in Prostitution in 1999, A Figure Provided by President Ricardo Lagos, The Government Ratifies ILO Convention 182 on Eliminating the Worst Forms of Child Labor*, at [http://caj.../bdescripior.in\]?ddatos'2000®istros'25&format'resumen&bollean'0470](http://caj.../bdescripior.in]?ddatos'2000®istros'25&format'resumen&bollean'0470) [on file].

⁵³⁹ Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996 for 1999-2000* (Stockholm, 2000), Section 4.3.

⁵⁴⁰ UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Chile* at http://www2.unesco.org/wef/countryreports/chile/rapport_1.htm.

⁵⁴¹ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

of commitment to education, they do not always reflect children's participation in school.⁵⁴² The country's rural population, particularly that which is directly engaged in agriculture, rarely completes basic education.⁵⁴³ Children of low-income families are more likely to work and are less likely to attend school than children of higher-income families.⁵⁴⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁵⁴⁵ Children ages 15 to 18 can work with the permission of their parents. Fifteen year olds are allowed to do light work if they have completed compulsory education, and if the work will not affect their health, development or attendance in education and training programs.⁵⁴⁶ Children under the age of 18 are prohibited from working more than eight hours a day, at night between the hours of 10 p.m. and 7 a.m. (outside a family business), underground, in nightclubs, or in activities that endanger their health, safety and morality.⁵⁴⁷ The Constitution and the Labor Code prohibit forced labor,⁵⁴⁸ and child prostitution, the corruption of minors and pornography are prohibited under the Penal Code.⁵⁴⁹ The trafficking of children for prostitution is also prohibited under the Penal Code.⁵⁵⁰

The Ministry of Labor's Inspection Agency enforces child labor laws in the formal sector, while the National Service for Minors (SENAME) within the Ministry of Justice investigates exploitative child labor related to pornography, the sale of drugs, and other related criminal activities.⁵⁵¹ Child labor inspections are infrequent, and are usually initiated only after a complaint.⁵⁵² Chile ratified ILO Convention 138 on February 1, 1999 and ILO Convention 182 on July 17, 2000.⁵⁵³

⁵⁴² For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁵⁴³ ILO-IPEC, untitled paper from Sistema Regional de Informacion sobre Trabajo Infantil (Chile, 1995), 16 [on file].

⁵⁴⁴ *Trabajo Infantil en Chile* at 6, 7.

⁵⁴⁵ Unclassified telegram 2756.

⁵⁴⁶ Código Del Trabajo (1994), Chapter II, Articles 13-18, Ministerio Del Trabajo y Prevision Social, LEY-19684, as found in Andres Lamoliatte, Embassy of Chile, electronic correspondence to Chris Camillo, USDOL official, November 2, 2001.

⁵⁴⁷ Unclassified telegram 2756. See also *Country Reports on Human Rights Practices for 2000—Chile* (Washington, D.C.: U.S. Department of State, 2001), [hereinafter *Country Reports for 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=736>.

⁵⁴⁸ *Country Reports for 2000*, Section 6c.

⁵⁴⁹ Unclassified telegram 2756. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children: Chile* [hereinafter *Legislation of Interpol Member States*], at <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp> on 11/6/01.

⁵⁵⁰ *Legislation of Interpol Member States*.

⁵⁵¹ Unclassified telegram 2756.

⁵⁵² *Ibid.*

⁵⁵³ ILO, Ratifications of ILO Conventions, ILOLEX database, at <http://www.ilolex.ilo.ch:1567/english/>.