

# 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.<sup>782</sup> As part of this program, the government established the National Advisory Committee to Eradicate Child Labor.<sup>783</sup> In 2001, the Committee developed a National Plan of Action<sup>784</sup> with five focus areas: nation-wide awareness-raising, collection of data,<sup>785</sup> promotion of legislative reform in compliance with ILO conventions, development of age-specific targeted intervention programs, and ongoing monitoring and evaluation.<sup>786</sup> As part of this effort, the Committee has designed specific programs for children working in the regions of Río Cachapoal, El Olivar, Temuco and the suburbs of Santiago.<sup>787</sup> In 2002, ILO-IPEC began working with the government on two new initiatives, a project to establish a national register on the worst forms of child labor and a project on the prevention and eradication of commercial sexual exploitation of children.<sup>788</sup>

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<sup>782</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited September 30, 2002]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>783</sup> This Committee is coordinated by the Ministry of Labor and includes UNICEF, ILO, NGOs, business leaders, legislators, labor unions, churches, and other public and private entities. See U.S. Embassy- Santiago, *unclassified telegram no. 2756*, October 2001.

<sup>784</sup> Andrés Bianchi, Ambassador, facsimile communication to USDOL official in response to request for information, September 6, 2002.

<sup>785</sup> As of August 2002, Chile was preparing to conduct a SIMPOC child labor survey. See ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

<sup>786</sup> National Commission for the Eradication of Child Labor-Chile, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, ILO-IPEC Regional Office for Latin America and the Caribbean, Lima, 2001, 2, 19 [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/planchi.doc>. Other focus areas include education, health services for children and the promotion of adequate adult employment and services. See ILO-IPEC, *Chile: Plan Nacional de Erradicación del Trabajo Infantil*, Lima, 2002, [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/chile.php#t2>.

<sup>787</sup> U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

<sup>788</sup> ILO-IPEC Regional Office official, electronic communication with USDOL official on Proniño and ILO-IPEC projects, October 1, 2002. Chilean unions have also received training on child labor issues under a regional union education campaign conducted by ILO-IPEC and small and medium sized-business owners have been sensitized through outreach seminars. See ILO-IPEC Regional Office for Latin America and the Caribbean, *Fortalecimiento de las Organizaciones Sindicales para la Prevención y Erradicación de las peores formas del Trabajo Infantil*, Lima, July 22, 2002, [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficchiinst.php#ch1>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 10 [cited December 16, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

In addition to collaborative efforts with ILO-IPEC, the Chilean government recently announced that a new “Chile in Solidarity” program will begin at the end of 2002 to provide income and other support for families with children at risk of deserting school and working.<sup>789</sup> A working group has also been established to prepare a plan of action against the commercial sexual exploitation of children.<sup>790</sup>

Chile is also participating in regional efforts to combat child labor. In 1997, Chile was a party to the Declaration of Buenos Aires, in which it agreed, along with the Mercosur countries (Argentina, Brazil, Paraguay, and Uruguay), to conduct awareness raising and promote the harmonization of regional laws related to child labor. With the support of ILO-IPEC, the Chilean government is collaborating with the Mercosur countries to gather more adequate statistics on child labor under ILO-IPEC’s SIMPOC, to create and exchange best practices on child labor inspection systems, to promote legislation in line with ILO Conventions 138 and 182 throughout the region, to strengthen civil society partners, to incorporate child labor themes into national and regional policies, to remove children from and prevent children from entering child labor, and to establish observer committees responsible for evaluating progress.<sup>791</sup> Also with assistance from ILO-IPEC, Chile is participating in the development of a coordinated information system on child labor throughout South America.<sup>792</sup>

The Chilean Ministry of Education has initiated reforms to improve the quality, equity and efficiency of the country’s educational system.<sup>793</sup> The government operates a family income support program (Subsidio Unico Familiar) in which families receive direct money transfers if they can demonstrate, among other requirements, that family members between 6 and 18 years of age are registered in school. The government also provides support for scholarship and school meal programs.<sup>794</sup> There has been a significant increase in the number of schools covered by the Program of 900 Schools (P-900), initially launched in 1990, which provides funding for teaching assistants for a number of basic education classrooms.<sup>795</sup> The government’s Rural Basic Education Program provides additional funding and targeted programs for rural students and teachers.<sup>796</sup> In

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<sup>789</sup> UNICEF, *En Seminario Sobre Deserción: Factores Asociados al Abandono Escolar*, [online] June 14, 2002 [cited August 13, 2002]; available from [http://www.unicef.cl/noticias/seminario\\_desercion.htm](http://www.unicef.cl/noticias/seminario_desercion.htm).

<sup>790</sup> UN Committee on the Rights of the Child, *Report on the Twenty-Ninth Session*, CRC/C/114, United Nations, Geneva, May 14, 2002, 102.

<sup>791</sup> ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil*, 5, 17-19.

<sup>792</sup> ILO-IPEC Regional Office for Latin America and the Caribbean, *Los Proyectos IPEC en breve: Proyecto Sistema de Información de la Marcha Global*, Lima, 2002, [cited December 16, 2002]; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/ficha\\_mglobal.doc](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/ficha_mglobal.doc).

<sup>793</sup> Françoise Delannoy, “Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism,” *The Education Reform and Management Publication Series* 1, no. 1 (June 2000), 61.

<sup>794</sup> Bianchi, facsimile communication, September 6, 2002.

<sup>795</sup> Ministry of Education, *Sentidos y Propósitos: Programa de las 900 Escuelas (P-900)*, Government of Chile, [online] 2002 [cited August 12, 2002]; available from <http://www.mineduc.cl/basica/p900/N2002052411352223165.html>.

<sup>796</sup> Ministry of Education, *Objetivos del Programa de Educación Rural*, Government of Chile, [online] 2002 [cited August 12, 2002]; available from <http://www.mineduc.cl/basica/rural/N2002052417080024790.html>.

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.<sup>797</sup>

## **Incidence and Nature of Child Labor**

In 2000, the ILO estimated that less than 1 percent of children ages 10 to 14 in Chile were working.<sup>798</sup> ILO-IPEC has identified mining, agriculture and street work as three high risk areas where children are working in Chile.<sup>799</sup> Children also work in manufacturing (garment, furniture, bottling and packaging),<sup>800</sup> lumber processing, charcoal production, meat processing, shellfish processing, fishing, ranching, shepherding, domestic service, as baggers in supermarkets, and in the sale of drugs.<sup>801</sup> Many children are employed in the informal economy.<sup>802</sup> Children are involved

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<sup>797</sup> All government and privately subsidized schools were expected to adopt the reform by 2002, unless superior performance could be demonstrated. See Delannoy, "Education Reforms in Chile," 26-27. In addition, the Ministry of Education has promoted a national debate on a proposal to require 12 years of schooling in Chile. See Ministry of Education, *Seminario, 12 Años de Escolaridad: Un Requisito para la Equidad*, Government of Chile, [online] 2002 [cited August 2, 2002]; available from [http://www.mineduc.cl/destacados\\_web/seminario12/index.htm](http://www.mineduc.cl/destacados_web/seminario12/index.htm).

<sup>798</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1996, a survey conducted by the Chilean Ministry of Planning and Cooperation estimated that 1.9 percent of children ages 6 to 14 years in Chile were working during the three months preceding the survey. The 1996 government survey found that approximately 47,000 children ages 6 to 14 (or 1.9 percent of children in that age group) were working. The same survey found that approximately 78,000 children ages 15 to 17 were working, which is 9.7 percent of children in that age group. See Ministry of Planning and Cooperation, *Situación del Trabajo Infantil en Chile, 1996: Resultados de la Encuesta de Caracterización Socioeconómica Nacional*, survey, Santiago, September 1997, 3, 9. According to a more recent version of this same household survey, 4 percent (64,954) of children ages 12 to 17 were working in 2000. See Ricardo Solari Saavedra, "La Erradicación del Trabajo Infantil en Chile: Caracterización, Acciones del Gobierno y Lineamientos a Futuro," *Observatorio Laboral on Line* (July 11, 2002), [cited December 16, 2002]; available from <http://www.mintrab.gob.cl/>.

<sup>799</sup> U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

<sup>800</sup> Ministry of Justice, *Trabajo Infantil en Chile: Ponencia de la Ministra de Justicia, Maria Soledad Alvear Valenzuela, en la Conferencia Internacional sobre Trabajo Infantil*, Oslo, October 1997, 4.

<sup>801</sup> ILO-IPEC Regional Office for Latin America and the Caribbean, *Sistematización del Proyecto: Acción Contra el Trabajo Infantil á Través de la Educación y la Motivación*, Sistema de Información Regional sobre Trabajo Infantil, Lima, [cited December 16, 2002]; available from <http://www.colegiodeprofesores.cl/trabajoinfantil/erradicacion2.htm>.

<sup>802</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Chile*, Washington, D.C., March 4, 2002, [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8318.htm>.

in prostitution in Chile.<sup>803</sup> There is limited information available on other forms of commercial sexual exploitation of children in Chile.<sup>804</sup>

Education is free<sup>805</sup> and compulsory in Chile for eight years.<sup>806</sup> In 1998, the gross primary enrollment rate was 105.8 percent and the net primary enrollment rate was 87.9 percent.<sup>807</sup> In 2000, according to a government household survey, 1 percent of Chilean children between 6 and 13 did not attend school.<sup>808</sup> The country's rural population completes less schooling than the country's urban population.<sup>809</sup> The likelihood that children will engage in work instead of attend school increases as family income decreases.<sup>810</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years, although children under the age of 15 may work in theatrical productions with the proper legal authorization.<sup>811</sup> Fifteen year olds

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<sup>803</sup> ECPAT International, *Chile*, in ECPAT International, [database online] 2002 [cited December 4, 2002]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). Estimates of the number of children involved in prostitution in Chile vary widely. UNICEF reported that in 1999 there were approximately 10,000 child prostitutes between the ages of 6 and 18. See U.S. Department of State, *Country Reports- 2001: Chile*, Section 5. The Government of Chile, however, reported that 3,500 children under the age of 18 worked in prostitution and pornography in 1999. See Alejandra Muñoz, "3,500 menores ejercieron la prostitución el 99," *La Tercera* (Santiago), June 23, 2000, [cited December 26, 2002]; available from <http://www.tercera.cl/>. In 2000 there were reports that the prostitution of boys was increasing. See 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*, Stockholm, 2000, Section 4.3.

<sup>804</sup> There have been reports that girls are trafficked from Chile to Brazil's Pantanal region. See Swedish International Development Agency, *Looking Back, Thinking Forward*, Section 4.3. Internet child pornography is available in Chile. In July 2002, arrests were made of four men involved in Internet child pornography. See ECPAT International, *Chile*. See also Casa Alianza, *Casa Alianza and Chilean TV Break up Pedophile Network*, [electronic listserv] 2002 [cited July 5, 2002].

<sup>805</sup> Right to Education, *Chile: Constitutional Guarantees*, [online] [cited November 8, 2002]; available from <http://www.right-to-education.org/content/consuarant/chile.html>.

<sup>806</sup> UNESCO, *Education for All 2000 Assessment: Country Reports- Chile*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited December 16, 2002]; available from [http://www2.unesco.org/wef/countryreports/chile/rapport\\_1.htm](http://www2.unesco.org/wef/countryreports/chile/rapport_1.htm).

<sup>807</sup> World Bank, *World Development Indicators 2002*.

<sup>808</sup> Bianchi, facsimile communication, September 6, 2002. See also Ministry of Planning and Cooperation, *Situación de la Educación en Chile 2000: Informe Ejecutivo*, July 2001, 10 [cited December 26, 2002]; available from <http://www.mideplan.cl>.

<sup>809</sup> Ministry of Planning and Cooperation, *Análisis de la VIII Encuesta Caracterización Socioeconómica Nacional (CASEN 2000), Documento No. 7: Situación del Sector Rural en Chile 2000*, MIDEPLAN, Santiago, January 2002, 45 [cited December 26, 2002]; available from <http://www.mideplan.cl/estudios/sectorrural2000.pdf>. Indigenous children also face obstacles to school access. See UN Committee on the Rights of the Child, *Report on the Twenty-Ninth Session*, 101.

<sup>810</sup> Ministry of Justice, *Trabajo Infantil en Chile*, 7.

<sup>811</sup> U.S. Embassy- Santiago, *unclassified telegram no. 2756*. See also Government of Chile, *Código del Trabajo, as amended in 2000*, Ley 19684, (1994), Article 16.

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. Children ages 16 to 18 can work with the permission of their parents.<sup>812</sup> Children under the age of 18 are prohibited from working at night between the hours of 10 p.m. and 7 a.m. (outside a family business), underground, in nightclubs or similar establishments in which alcohol is consumed, or in activities that endanger their health, safety or morality.<sup>813</sup> The Constitution and the Labor Code prohibit forced labor,<sup>814</sup> and the prostitution of children, corruption of minors and involvement of children in pornography are prohibited under the Penal Code.<sup>815</sup> The trafficking of children for prostitution is also prohibited under the Penal Code.<sup>816</sup>

The Ministry of Labor's Inspection Agency enforces child labor laws in the formal sector, while the National Service for Minors within the Ministry of Justice investigates exploitative child labor related to pornography, the sale of drugs, and other related criminal activities.<sup>817</sup> Child labor inspections are infrequent, and are usually initiated only after a specific complaint,<sup>818</sup> but overall compliance is good in the formal economy.<sup>819</sup> Child labor is a problem in the informal economy, however.<sup>820</sup> Cases of commercial sexual exploitation of children often are not investigated and prosecuted and victim assistance services are lacking.<sup>821</sup>

Chile ratified ILO Convention 138 on February 1, 1999 and ILO Convention 182 on July 17, 2000.<sup>822</sup>

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<sup>812</sup> *Código del Trabajo*, Article 13.

<sup>813</sup> Boys between the ages of 16 and 18 are exempted from this regulation in certain industries. *Ibid.*, Articles 14-15, 18. See also U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

<sup>814</sup> U.S. Department of State, *Country Reports- 2001: Chile*, 2677-80, Section 6c.

<sup>815</sup> U.S. Embassy- Santiago, *unclassified telegram no. 2756*. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile*, [online] [cited August 13, 2002]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp>.

<sup>816</sup> Interpol, *Legislation of Interpol Member States*.

<sup>817</sup> U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

<sup>818</sup> *Ibid.*

<sup>819</sup> U.S. Department of State, *Country Reports- 2001: Chile*, 2677-80, Section 6d.

<sup>820</sup> *Ibid.*, 2675-77, Section 5.

<sup>821</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Chile*, CRC/C/15/Add. 173, United Nations, Geneva, February 1, 2002, 13 [cited December 16, 2002]; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfriset?OpenFrameSet>.

<sup>822</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.