

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

The Government of Chile has been a member of ILO-IPEC since 1996.⁹⁵¹ That same year, the government established the National Committee for the Eradication and Prevention of Child Labor with support from ILO-IPEC.⁹⁵² Since the late 1990s, the Government of Chile has conducted sectoral and regional child labor surveys, participated in child labor seminars, and supported a project to mobilize teachers against child labor with assistance from ILO-IPEC.⁹⁵³ In 2001, the Committee developed a National Plan to Prevent and Eradicate Child and Teenage Labor⁹⁵⁴ with five focus areas: awareness-raising, data collection, promotion of legislative reform in compliance with ILO conventions, development of age-specific targeted intervention programs, and ongoing monitoring and evaluation.⁹⁵⁵ In addition, the Government of Chile, along with ILO-IPEC and the other MERCOSUR governments, has developed a 2002-2004 regional plan to combat child labor.⁹⁵⁶

In 2002, a 2-year ILO-IPEC project was initiated in Chile to combat the commercial sexual exploitation of children. The government has conducted an awareness-raising campaign as part of this project.⁹⁵⁷ Reportedly, Chilean police and social workers make efforts to identify and place child prostitutes in juvenile homes.⁹⁵⁸ Another ILO-IPEC project was started in 2002 to gather information on child labor, which consists of child labor surveys and studies and the establishment of a national register on the worst forms of child labor.⁹⁵⁹ Government agencies such as the National Minors Service (SENAME), the Ministry of Labor, and the police have developed a list of the worst forms of child labor and are contributing information on reports of such child labor to the shared register. SENAME is responsible for following up on these reports.⁹⁶⁰

The government operates various programs to encourage school attendance. It has established a family income support program (Subsidio Unico Familiar) in which poor families receive direct money transfers if they can

⁹⁵¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 25, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁹⁵² ILO-IPEC, *Ficha Pais: Chile*, Lima, 2003; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichachile.doc>. See also Chilean Ministry of Labor, *Report on Labor Rights in Chile and its Laws Governing Exploitative Child Labor*, Santiago, March 2003, 16. This Committee is coordinated by the Ministry of Labor and includes UNICEF, ILO, NGOs, business leaders, legislators, the police, labor unions, churches, and other public and private entities. See U.S. Embassy- Santiago, *unclassified telegram no. 2756*, October 2001.

⁹⁵³ ILO-IPEC, *Ficha Pais: Chile*.

⁹⁵⁴ Ambassador of Chile to the United States Andrés Bianchi, facsimile communication to USDOL official in response to request for information, September 6, 2002.

⁹⁵⁵ ILO-IPEC, *Ficha Pais: Chile*. See also 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; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/planchi.doc>.

⁹⁵⁶ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2 Numero 6 (August 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecciondos.html>. 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, 5; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

⁹⁵⁷ ILO-IPEC, *Ficha Pais: Chile*.

⁹⁵⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Chile*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18324pf.htm>. The ILO-IPEC project is funded by the Government of Canada. See ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 30 September 2002*, Geneva, 2002.

⁹⁵⁹ ILO-IPEC, *Ficha Pais: Chile*.

⁹⁶⁰ Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 16, 20-24.

demonstrate, among other requirements, that family members ages 6 to 18 are registered in school. The government also funds scholarship and school meal programs.⁹⁶¹ From 2001 to 2003, there has been an increase in the number of schools covered by the Program of 900 Schools (P-900), which provides funding for teaching assistants for a number of basic education classrooms.⁹⁶² Approximately 55 percent of the country's schools have implemented the Full School Day Reform, which was adopted in 1996 and 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.⁹⁶³

The government's Rural Basic Education Program provides additional funding for targeted programs to enhance teacher training, promote quality curriculum, and increase family involvement in schooling in rural areas.⁹⁶⁴ The government also received a loan in 2001 from the IDB to fund various projects involving indigenous communities in Chile, including an effort to support bilingual intercultural education for indigenous children.⁹⁶⁵

The Chilean government recently established the "Chile in Solidarity" program, in which several government agencies participate to coordinate the provision of benefits for very poor families.⁹⁶⁶ One of the goals is to provide income and other support for families with children at risk of dropping out of school and working.⁹⁶⁷

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.⁹⁶⁸ Children who work are active in the following sectors: agriculture,⁹⁶⁹ ranching, shepherding, meat and shellfish processing, fishing, bagging groceries in supermarkets, domestic service, and street sales.⁹⁷⁰ Most of these activities are carried

⁹⁶¹ Andrés Bianchi, facsimile communication, September 6, 2002.

⁹⁶² 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>.

⁹⁶³ Initially, all schools were expected to implement the reform by 2005, but the government has indicated that this target may not be reached. Efforts are being concentrated in regions with few resources. See Government of Chile, *no title*, 2003, Roberto Araos, electronic communication in response to request for information to USDOL official, May 27, 2003. See also Françoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series* 1, no. 1 (June 2000), 26-27.

⁹⁶⁴ Ministry of Education, *Educación Básica*, [online] 2003 [cited October 20, 2003]; available from <http://www.mineduc.cl/basica/index.htm>. See also Ministry of Education, *Objetivos del Programa de Educación Rural*, Government of Chile, [online] 2002 [cited June 25, 2003]; available from <http://www.mineduc.cl/basica/rural/N2002052417080024790.html>.

⁹⁶⁵ IDB, *Integral Development Program for Indigenous Communities: Executive Summary*, Washington, DC, 2001, 2; available from <http://www.iadb.org/EXR/doc98/apr/ch1311e.pdf>. See also UN Committee on the Rights of the Child, *Summary Record of the 764th Meeting*, CRC/C/SR.764, Geneva, September 25, 2003, 7.

⁹⁶⁶ Government of Chile, *no title*, Araos, electronic communication.

⁹⁶⁷ UNICEF, *En Seminario Sobre Deserción: Factores Asociados al Abandono Escolar*, [online] June 14, 2002 [cited August 11, 2003]; available from http://www.unicef.cl/noticias/seminario_desercion.htm.

⁹⁶⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to a government household survey, 4 percent (64,954) of children between the ages of 12 and 17 were working in 2000. See Ricardo Solarí Saavedra, "La Erradicación del Trabajo Infantil en Chile: Caracterización, Acciones del Gobierno y Lineamientos a Futuro," *Observatorio Laboral on Line* (July 11, 2002); available from <http://www.mintrab.gob.cl/>.

⁹⁶⁹ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6d.

⁹⁷⁰ ILO-IPEC Regional Office for Latin America and the Caribbean, *Sistematización del Proyecto: Acción Contra el Trabajo Infantil a Través de la Educación y la Motivación*, Sistema de Información Regional sobre Trabajo Infantil, Lima; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/colegioprof.pdf>.

out by children employed in the informal economy.⁹⁷¹ Children are also involved in the sale of drugs⁹⁷² and prostitution.⁹⁷³ The Government of Chile and other sources have estimated that the number of child prostitutes under the age of 18 in 1999 ranged from 3,500 to 10,000.⁹⁷⁴

In 2003, the Government of Chile changed the length of free and compulsory education from 8 to 12 years⁹⁷⁵ and committed funding to support the initiative and encourage school attendance among the poor.⁹⁷⁶ In 2000, the gross primary enrollment rate was 102.7 percent and the net primary enrollment rate was 88.8 percent.⁹⁷⁷ In 2000, a government household survey estimated that 1 percent of Chilean children between 7 and 13 did not attend school.⁹⁷⁸ The country's rural population completes less schooling than the country's urban population.⁹⁷⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁹⁸⁰ Children ages 15 to 18 years may work with express permission of parents or guardians and they must attend school; children age 15 may only perform light work that will not affect their health or development.⁹⁸¹ Children under age 18 are prohibited from working underground, in nightclubs or similar establishments in which alcohol is consumed, or in activities that endanger their health, safety or morality. They are also not permitted to work more than 8 hours, or to work at night between the hours of 10 p.m. and 7 a.m. (outside a family business).⁹⁸² The Constitution and the Labor Code prohibit forced labor,⁹⁸³ and the prostitution of children and corruption of minors are prohibited under the Penal

⁹⁷¹ U.S. Embassy Chile official, electronic communication to USDOL official, March 19, 2003.

⁹⁷² ILO-IPEC Regional Office for Latin America and the Caribbean, *Sistematización del Proyecto*.

⁹⁷³ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6f.

⁹⁷⁴ The Government of Chile stated 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; available from <http://www.tercera.cl/>. 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- 2002: Chile*, Section 6f. There is limited information on other forms of commercial sexual exploitation of children in Chile.

⁹⁷⁵ Ricardo Lagos, *Intervención de S.E. Presidente del Republica En Promulgacion del Reforma Constitucional que establece 12 anos de escolaridad obligatoria*, Valparaíso, May 7, 2003; available from http://www.mineduc.cl/destacados_web/escolaridad12/Intervenci%F3nPresidente.doc. See also U.S. Embassy Chile official, electronic communication.

⁹⁷⁶ Ministry of Education, *12 Años de Escolaridad Obligatoria y Gratuita para Todos los Chilenos y Chilenas: Hito Sin Precedentes en América Latina*, 2003; available from http://www.mineduc.cl/destacados_web/escolaridad12/index.htm.

⁹⁷⁷ World Bank, *World Development Indicators 2003*.

⁹⁷⁸ Ministry of Planning and Cooperation, *Situación de la Educación en Chile 2000: Informe Ejecutivo*, July 2001, 10; available from <http://www.mideplan.cl/sitio/Sitio/estudios/documentos/informeeducacion2000.pdf>.

⁹⁷⁹ 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; 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*, CRC/C/114, United Nations, Geneva, May 14, 2002, 101.

⁹⁸⁰ Children under the age of 15 may work in theatrical productions with the proper legal authorization. See Government of Chile, *Código del Trabajo, as amended in 2000*, Ley 19684, (1994), Article 13. See also Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 8.

⁹⁸¹ *Código del Trabajo*, Article 13. See also U.S. Embassy Chile official, electronic communication, to USDOL official, February 12, 2004.

⁹⁸² Boys between the ages of 16 and 18 are excepted from this regulation in certain industries. *Código del Trabajo*, Articles 13-15, 18. See also Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 8.

⁹⁸³ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6c.

Code.⁹⁸⁴ Prostitution, however, is legal in Chile and the age of consent for sexual relations is 14 years. As such, Chilean law provides for no legal penalties for adults who engage in commercial or non-commercial sex with children ages 14 to 18.⁹⁸⁵ Although there is no specific prohibition of child pornography, the Penal Code contains a prohibition against the sale, distribution and exhibition of pornography.⁹⁸⁶ The trafficking of children for prostitution is also prohibited under the Penal Code.⁹⁸⁷

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.⁹⁸⁸ While child labor inspections are infrequent, and usually initiated only after a specific complaint,⁹⁸⁹ overall compliance is good in the formal economy.⁹⁹⁰ In 2002, the Ministry of Labor found less than 1 percent of employers to be out of compliance with child labor laws.⁹⁹¹ Child labor is a problem, however, in the informal economy.⁹⁹² In 2002, the UN Committee on the Rights of the Child reported that cases of commercial sexual exploitation of children often are not investigated and prosecuted and victim assistance services are lacking.⁹⁹³

The Government of Chile ratified ILO Convention 138 on February 1, 1999 and ILO Convention 182 on July 17, 2000.⁹⁹⁴

⁹⁸⁴ Chilean Penal Code, Articles 367, as found in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile*, [database online] [cited June 26, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp>.

⁹⁸⁵ U.S. Department of State: Bureau of Economic and Business Affairs, electronic correspondence to USDOL official, May 28, 2003. See also U.S. Embassy Chile official, electronic communication, February 12, 2004.

⁹⁸⁶ Chilean Penal Code Article 374, as found in Interpol, *Legislation of Interpol Member States*.

⁹⁸⁷ Chilean Penal Code, Article 367 BIS, as found in *Ibid.*

⁹⁸⁸ U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

⁹⁸⁹ *Ibid.*

⁹⁹⁰ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6d.

⁹⁹¹ These infractions were discovered during approximately 189,000 inspections conducted by the Labor Ministry in 2002. See Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 9-10.

⁹⁹² U.S. Department of State, *Country Reports- 2002: Chile*, Section 6d.

⁹⁹³ 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, April 3, 2002, 13; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>.

⁹⁹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 26, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.