

*In 2017, Chile made a moderate advancement in efforts to eliminate the worst forms of child labor. In 2017, the government updated its list of hazardous occupations prohibited for children and trained labor inspectors on the updated list; developed a labor inspection manual that includes specific instructions on how to conduct child labor inspections; and released a National Action Plan on Business and Human Rights to address human rights issues in supply chains. However, children in Chile engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture. Although the government made meaningful efforts in all relevant areas during the reporting period, prohibitions related to forced labor do not meet international standards. In addition, there is a lack of publicly available enforcement information, including the number of criminal violations and prosecutions related to the worst forms of child labor.*

## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Chile engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. (1; 2; 3; 4; 5; 6; 7; 8; 9) The results of the 2012 National Survey on Activities of Children and Adolescents (*Encuesta de Actividades de Niños, Niñas y Adolescentes*) indicate that 70.6 percent of working children ages 5 to 17 are engaged in work classified as dangerous. (6; 8) Table 1 provides key indicators on children's work and education in Chile.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	3.8 (94,025)
Attending School (%)	5 to 14	99.5
Combining Work and School (%)	7 to 14	4.5
Primary Completion Rate (%)		92.8

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (10)

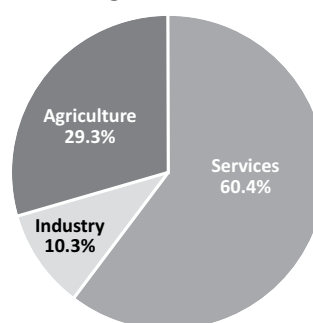
Source for all other data: Understanding Children's Work Project's analysis of statistics from *Encuesta de Actividades de Niños, Niñas y Adolescentes* Survey, 2012. (11)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Planting, harvesting, and fumigation of crops (12)
	Livestock rearing and raising farm animals (7; 8)
	Forestry,† activities unknown (7; 8)
	Hunting,† activities unknown (7; 8)
	Fishing,† activities unknown (7; 8; 13; 14)
Industry	Construction,† bricklaying†, auto repair, and carpentry† (6; 7; 8; 14; 12)
	Production of ceramics† and books (15)
Services	Repairing shoes and garments (15)
	Domestic work, including cleaning and babysitting (6; 8; 16; 12)
	Working in retail, corner stores, hospitality, offices, restaurants and bars† (17; 18; 13; 14; 19; 12)
	Garbage collection† and street cleaning (14)
	Street work, † including street vending and guarding and washing cars (7; 20; 13; 12)

**Figure 1. Working Children by Sector, Ages 5-14**



**Table 2. Overview of Children's Work by Sector and Activity (cont)**

Sector/Industry	Activity
Categorical Worst Forms of Child Labor <sup>†</sup>	Use in illicit activities, including in the production and distribution of drugs, sometimes as a result of human trafficking (1; 2; 3; 5; 21; 22; 14; 23)
	Forced labor in agriculture, mining, construction, street vending, domestic work, and garment and hospitality sectors (24; 3; 21; 18; 9)
	Commercial sexual exploitation, sometimes as a result of human trafficking (4; 5; 6; 18; 22; 14; 9)

<sup>†</sup> Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

<sup>‡</sup> Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

In Chile, children are subjected to human trafficking for commercial sexual exploitation and domestic work. (9) Children, some of whom may be trafficking victims, are also used to steal, or to produce, sell, and transport drugs near the border with Peru and Bolivia. (25; 21; 9) In 2017, the National Minors' Service (SENAME) identified 415 victims of the worst forms of child labor, including 242 engaged in illicit activities and 65 in commercial sexual exploitation. (23)




Indigenous children and adolescents from Otavalo, Ecuador, are especially vulnerable to human trafficking for labor exploitation in Chile. (2; 18) Children are also involved in street work, especially in Santiago, including selling handicrafts, clothes, or other goods. (26; 27; 28) In Coquimbo, children sell products in street markets, and work as jugglers. (13)

Education is compulsory in Chile through secondary school. (29)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

Chile has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Chile's legal framework to adequately protect children from the worst forms of child labor, including the prohibition of forced labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 13 of the Labor Code (30)
Minimum Age for Hazardous Work	Yes	18	Articles 13–14, and 18 of the Labor Code (30)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 14–18 of the Labor Code; Supreme Decree 2; Article 1 of Law No. 20.539 (30; 31; 32)
Prohibition of Forced Labor	No		Article 19 of the Constitution; Article 2 of the Labor Code, Article 411 of the Penal Code; Law 20.507 (33; 34; 30; 35)
Prohibition of Child Trafficking	Yes		Article 411 of the Penal Code (34)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 367 and 411 of the Penal Code; Law No. 20.594; Law No. 20.526 (34; 36; 37)

**Table 4. Laws and Regulations on Child Labor (cont)**

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Using Children in Illicit Activities	Yes		Paragraph 1, Article 5 and Paragraph 2, Article 19 of Law No. 20.000; Law No. 20.084 (38; 39)
Prohibition of Military Recruitment			
State Compulsory	Yes	18	Chapter 1, Article 13 of the Armed Forces Recruitment and Mobilization Law No. 2.306 (40)
State Voluntary	Yes	18	Chapter 1, Article 13 of the Armed Forces Recruitment and Mobilization Law No. 2.306 (40)
Non-state	Yes		Article 26 of Law No. 20.357 (41)
Compulsory Education Age	Yes	18‡	Articles 4, 25, and 27 of the General Education Law No. 20.370 (29)
Free Public Education	Yes		Article 4 of the General Education Law No. 20.370 (29)

‡ Age calculated based on available information (29)

In 2017, the government updated its list of hazardous occupations prohibited for children and provided special protections for adolescent workers and, in early 2018, passed a law creating the Children's Rights Defender's Office. (32; 42) However, Chilean laws related to forced labor are not sufficient because they do not criminally prohibit forced labor except when it results from human trafficking. (34)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the National Labor Directorate that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Security (MINTRAB)	Design and implement national strategy on child labor and generate public awareness of child labor and commercial sexual exploitation. (6; 43) The National Labor Directorate, functioning in parallel with the MINTRAB, enforces child labor laws. (18)
National Minors' Service (SENAME)	Coordinate the provision of services to vulnerable children in collaboration with Rights Protection Offices. (44; 45) Operates under the Ministry of Justice. (18)
National Investigations Police (PDI)	Investigate and prevent the worst forms of child labor by conducting community outreach activities, including trainings and information sessions. (46) Operates under the Ministry of the Interior. (18) Within the PDI, sex crime brigades specifically look for the commercial sexual exploitation of children (CSEC). (47)
National Uniformed Police ( <i>Carabineros</i> )	Investigate, prevent, and detect crimes, including child labor violations, by conducting community policing and specialized investigations. The Directorate for Family Protection provides specialized orientation on policies and operating plans for detection and prevention of domestic violence and child abuse, including sexual exploitation of children. (22) Operates under the Ministry of the Interior. (18)
National Prosecutor's Office ( <i>Fiscalía Nacional</i> )	Investigate and prosecute crimes, including those involving commercial sexual exploitation and trafficking of children. Train and coordinate with interagency partners, including the PDI and <i>Carabineros</i> , and regional and local prosecutor's offices. (48; 49)
Rights Protection Offices ( <i>Oficinas de Protección de Derechos</i> )	Refer cases of children whose rights have been violated to appropriate social services, and monitor and raise awareness of the worst forms of child labor. Located in municipalities throughout the country and part of a social protection network overseen by the SENAME. (7)

#### *Labor Law Enforcement*

In 2017, labor law enforcement agencies in Chile took actions to combat child labor (Table 6). However, gaps exist within the operation of the National Labor Directorate that may hinder adequate labor law enforcement, including the number of vehicles to conduct labor inspections.

# Chile

## MODERATE ADVANCEMENT

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	\$30,590,726 (18)	\$32,562,017 (14)
Number of Labor Inspectors	549 (18)	579 (14)
Inspectorate Authorized to Assess Penalties	Yes (18)	Yes (14)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (18)	Yes (14)
Training on New Laws Related to Child Labor	N/A	Yes (14)
Refresher Courses Provided	Yes (18; 50)	Yes (14)
Number of Labor Inspections Conducted	116,535 (18)	102,865 (14)
Number Conducted at Worksites	116,535 (18)	102,865 (14)
Number of Child Labor Violations Found	344 (18)	396 (14)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown	396 (14)
Number of Child Labor Penalties Imposed that were Collected	Unknown	Unknown
Routine Inspections Conducted	Yes (18)	Yes (14)
Routine Inspections Targeted	No (18)	No (14)
Unannounced Inspections Permitted	Yes (18)	Yes (14)
Unannounced Inspections Conducted	Yes (18)	Yes (14)
Complaint Mechanism Exists	Yes (18)	Yes (14)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (18)	Yes (14)

In 2017, the government conducted a national training for labor inspectors on topics including children's rights, child labor, protection of adolescent workers, and worst forms of child labor. The government also trained 70 female labor union-affiliated employees on child labor and protection of adolescent workers. (14)

The government conducted training for 25 regional labor inspectors on the updated hazardous work list, and committed funds to continue this training in 2018. (14) MINTRAB published an updated inspections procedure manual that included guidance for conducting child labor inspections. (14; 51) However, the number of vehicles available to labor inspectors is insufficient, especially in regional areas where distances between regional officers and employers can be great.

### *Criminal Law Enforcement*

In 2017, criminal law enforcement agencies in Chile took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including penalties for promoting or facilitating the commercial sexual exploitation of children.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Yes (18)	Yes (52)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (18; 50)	Yes (14)
Number of Investigations	23 (18)	32 (14)
Number of Violations Found	Unknown	415 (23)
Number of Prosecutions Initiated	23 (50)	32 (14)
Number of Convictions	21 (22)	23 (14)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (18)	Yes (14)

The government also initiated 32 investigations for worst forms of child labor and secured 23 convictions, primarily for commercial sexual exploitation of children. (14) However, the penalties for promoting or facilitating the commercial sexual exploitation of children, ranging from 3 to 5 years imprisonment, are not commensurate with those for other serious crimes such as rape. (21; 9)

Additionally, judges frequently suspend or commute sentences of individuals convicted of commercial sexual exploitation of children. (9)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role and Description
National Advisory Committee to Eradicate Child Labor	Oversee implementation of the “National Strategy for the Eradication of Child Labor and Protection of Adolescent Workers (2015–2025),” formulated with the Social Observatory to Eradicate Child Labor. (22) Led by the MINTRAB, includes representatives from the Ministries of Agriculture, Education, and Justice; the National Statistics Institute; the National Tourism Service; the SENAME; the PDI and the <i>Carabineros</i> . (53) In 2017, met regularly, bringing together civil society organizations and government agencies to raise awareness, provide services to victims, and protect victims’ rights. (14)
Regional Advisory Committees for the Eradication of Child Labor and the Protection of Adolescent Workers	Replicate the functioning of the National Advisory Committee at the regional level. (18) Led by the Regional Secretary of Labor, committees bring together local government agencies, civil society organizations, and the business community to address child labor. In 2017, continued to be strengthened in all 15 regions of the country. (14)
Worst Forms of Child Labor (WFCL) Task Force	Oversee the WFCL Registry, which tracks incidents of the worst forms of child labor and provides information on programs designed to assist child workers. Compile data in the WFCL Registry and present it to the National Advisory Committee to Eradicate Child Labor and other government stakeholders. (22)
Social Observatory to Eradicate Child Labor	Established by Decree No. 131 to coordinate the study of child and adolescent labor issues among working groups, foundations, educational study centers, and institutions. Conduct technical studies on child and adolescent labor issues and evaluate current policies to eliminate child labor. (1; 54)
National Council for Children	Integrate efforts across government agencies to uphold the rights of the child. Implement policies, strategic plans, and programs at national, regional, and local levels. (17) Managed by the Ministry General Secretariat of the Presidency. (17)
Interagency Task Force on Trafficking in Persons	Coordinate the government’s anti-human trafficking efforts. Led by the Ministry of the Interior, comprises law enforcement agencies, the Ministry of Foreign Relations, the Ministry of Justice, the National Prosecutor’s Office, the SENAME, and others. (55) Met twice in 2017 and presented procedures for the identification of trafficking in persons victims. (23)

In 2017, the government created a Technical Secretariat to design and implement the Third Action Plan against the Commercial Sexual Exploitation of Children and Adolescents for the 2017-2019 period. (14) The government also published a guide to coordinate interagency efforts to address trafficking in persons, including conducting inspections and detecting and referring trafficking victims. (23)

#### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies that are consistent with relevant international standards on child labor (Table 9).

**Table 9. Key Policies Related to Child Labor†**

Policy	Description
National Strategy for the Eradication of Child Labor and Protection of Adolescent Workers (2015–2025)	Establishes a strategy to eradicate child labor by (1) combining efforts across national and regional agencies and private and public entities and (2) requiring regions to establish a strategy adapted to issues particular to the area to effectively eradicate child labor. (56) The MINTRAB oversees the implementation of regional strategies, including the design and implementation of regional operating plans. (22) In 2017, the government conducted a qualitative study on child labor and migrants as part of this strategy. (14)
National Policy for Childhood and Adolescence (2015–2025)	Creates an Integrated System of Guarantee of Rights and an Inter-Agency Task Force, which is developing a plan of action for childhood and adolescence. MINTRAB participates and provides information and guidance regarding child labor. (57; 58) In 2017, under this policy, the government created the Children’s Rights Defender’s Office. (52)
Third Action Plan against the Commercial Sexual Exploitation of Children and Adolescents (2017-2019)†	Released in 2017. Creates cooperation mechanisms for private and public institutions to collaborate on preventing and detecting commercial sexual exploitation of children and providing social services and rights restitution to victims. (59). Under this plan, the government funded a qualitative study to deepen understanding of commercial sexual exploitation of children in Chile. (60)

**Table 9. Key Policies Related to Child Labor† (cont)**

Policy	Description
Anti-Trafficking National Action Plan (2015–2018)	Acts to prevent and combat human trafficking, with a focus on women and children. Encompasses four strategic areas: (1) prevention and awareness raising, (2) control (prosecution), (3) victims' assistance and protection, and (4) inter-institutional cooperation and coordination. (61) In 2017, the government for the first time included a specific line item budget to fund the implementation of this Plan. (23)
Inter-Agency Protocol on Assistance for Trafficking-in-Persons Victims	Creates a system to register, monitor, and assist victims of trafficking. Provides safe housing; health and psychological services; and legal, employment, and immigration assistance. (50) Coordinated by the Under Secretariat for Crime Prevention and Citizen Security at the Ministry of the Interior. (50) In 2017, provided safe housing, health and psychological services, legal assistance and representation, employment assistance, and regularization of migratory status to victims. (23) In July 2017, published a new guide for the Interagency Control and Monitoring of TIP. (23)
Chilean Ministry of the Interior and Public Security and U.S. Department of Homeland Security Joint Statement on Trafficking in Persons	Seeks to enhance collaboration and information exchanges between enforcement agencies on combating human trafficking and protecting vulnerable populations. Signed in 2015 by Chile and the United States. (62) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period.
National Action Plan on Business and Human Rights†	Released on August 21, 2017. Fosters respect of human rights in business, prevents potential negative impacts of business on human rights, promotes human rights due diligence within business operations and supply chains, strengthens remedial mechanisms, and contributes to the fulfillment of the 2030 Agenda for Sustainable Development. (63)

† Policy was approved during the reporting period.

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (64; 65)

In 2017, at the IV Global Conference on the Sustained Eradication of Child Labor in Buenos Aires, Argentina, the government pledged to update data from EANNA, continue to collaborate in initiatives that further social dialogue with other Latin American countries, and actively continue with its process of submission of Protocol 29 relating to the ILO Convention on Forced Labor to its legislature. (66)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor, which cover the main sectors where child labor has been identified in the country (Table 10).

**Table 10. Key Social Programs to Address Child Labor‡**

Program	Description
Walking Together for the Eradication of Child Labor (2017–2018)*†	Contribute to the employability of family members of children and adolescents who are at-risk for child labor. Includes job training and assistance with job search. (67) Led by the MINTRAB in collaboration with the Catholic Church and implemented in Maipu, Quilicura and Quinta Normal, in the Metropolitan Region of Santiago. (67) In October 2017, the government trained and granted trade certification to fifty parents of children engaged in or at risk of engaging in child labor. (68)
Regional Action Group for the Americas†	Conduct prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America. (69) Administered in Chile by the National Tourism Service, conducts child labor prevention and awareness-raising campaigns in the tourism sector. (6) In 2017, trained 41 tour operators and travel agencies and 133 hotels and lodging providers. (52)
SENAME Programs for Children at Risk of or Engaged in the Worst Forms of Child Labor†	Approximately 132 programs serving disadvantaged youth and children at risk of or engaged in the worst forms of child labor, including commercial sexual exploitation. Includes projects implemented along with municipal governments and involves local branches of the Office for the Protection of Children's Rights (OPCR). (1; 7; 50; 44) In 2017, added 105 local branches of the OPCR bringing the total to 231 branches. (52)
Here I am and I act ( <i>Aquí Estoy y Actuo</i> )	Led by <i>Fundacion Telefonica</i> and the MINTRAB under the fifth principle of the UN Global Pact to help businesses contribute to the eradication of child labor in supply chains. Adopted by 17 businesses, this program feeds into the National Strategy for the Eradication of Child Labor. (70; 71) In 2017, trained employers in Maule and Metropolitan regions on child labor and adolescent work and conducted a working group to apply a child labor diagnostic tool to government contractors. (72)
Programs on Commercial Sexual Exploitation of Children (CSEC)†	Administered by the SENAME, includes 18 programs, one of which was opened in 2017, and 1 residential center to serve victims of CSEC. (50) The Child Labor Survey on CSEC is a collaboration of the government and ILO to collect data on CSEC from police and other governmental agencies. (5; 6) In 2017, assisted 1,350 victims, opened an additional program for child and adolescents in Punta Arenas, and continued its social media campaign "There is No Excuse." (52)



**Table 10. Key Social Programs to Address Child Labor‡ (cont)**

Program	Description
Indigenous Language Sector Program ( <i>Sector de la Lengua Indígena</i> )†	Ministry of Education program that seeks to increase the quality of education available to indigenous children. (73) In 2017, the Ministry of Education finalized seventh and eighth grade study programs for the indigenous languages <i>Aymara</i> , <i>Quechua</i> , <i>Rapa Nui</i> , and <i>Mapuzugun</i> and developed a plan with UNESCO to revitalize Rapa Nui language and culture. (52)

\* Program was launched during the reporting period.

† Program is funded by the Government of Chile.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (7; 44; 74; 75; 76; 77)

In 2017, the government funded a study in collaboration with the ILO to collect data on child labor among migrant communities in Arica and Parinacota, Tarapacá, Antofagasta, and Santiago. (14) This study explored cultural attitudes towards child labor and their influence on the early incorporation of children into the labor market. (12)

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Chile (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Criminally prohibit forced labor.	2016 – 2017
Enforcement	Ensure that inspectors receive adequate resources, such as vehicles, to carry out their duties.	2016 – 2017
	Strengthen the Labor Inspectorate by initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents.	2015 – 2017
	Publish information on the number of child labor violations for which penalties were collected.	2015 – 2017
	Ensure that penalties for promoting or facilitating the commercial sexual exploitation of children are commensurate with those for other serious crimes.	2016 – 2017

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