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USDOS – US Department of State

## Country Report on Human Rights Practices 2017 - Chile

### EXECUTIVE SUMMARY

Chile is a constitutional multiparty democracy. Chile held presidential elections November 19 in an election observers considered free and fair. Former president and center-right candidate Sebastian Pinera and center-left independent Senator Alejandro Guillier advanced to a December 17 presidential runoff, which was won by Pinera. The country also held concurrent legislative elections.

Civilian authorities maintained effective control over the security forces.

The principal human rights issues concerned harsh conditions in some prisons; abuse of minors under the state’s care; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and violence, including police abuse, against indigenous populations.

The government took steps to investigate and prosecute officials who committed abuses.

### Section 1. Respect for the Integrity of the Person, Including Freedom from:

#### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

As of November 2015, according to the Ministry of the Interior, a total of 1,373 former military and law enforcement officials had been charged or convicted of complicity in murder or disappearance during the Pinochet government years (1973-90). In its 2016 annual *Human Rights Report*, the University of Diego Portales reported that 177 of these were in prison as of December 2015.

## b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On August 28, the Appellate Court of Santiago returned the case regarding the 1985 disappearance of U.S. citizen Boris Weisfeiler to special Judge Jorge Zepeda and requested medical evaluations on the mental fitness of seven of eight former members of the police and the army whom the judge had acquitted in March 2016. In March 2016 Judge Zepeda had ruled that while the evidence presented indicated that kidnapping and obstruction of justice did take place, the statute of limitations for prosecuting those crimes had expired. Zepeda stated that the defense proved each of the accused acted of personal volition and not under orders, making it inappropriate to classify the death as a crime against humanity, which would have suspended the statute of limitations. The appeal process remained pending at year’s end.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were reports of excessive force, abuse, and degrading treatment by law enforcement officers. In November 2016 a law modifying the criminal code to update the definition of torture, increase mandatory sentencing, and prohibit the application of the statute of limitations and the application of amnesty went into effect. In its 2015 annual *Human Rights Report*, the University of Diego Portales published statistics showing that during the period of 2006-14, state prosecutors applied torture charges 846 times, and nearly 50 percent of those accusations corresponded to acts committed by correctional officers working within the prison system.

## Prison and Detention Center Conditions

Conditions in some prisons were harsh, as several antiquated prisons offered substandard sanitary conditions, medical services, heating, and ventilation. Human rights organizations reported that violence, including torture, occurred, as did violence among inmates.

Physical Conditions: Some prison facilities were antiquated and offered substandard sanitary conditions, inadequate food, and insufficient medical services. Inadequate heating in some prisons remained a serious problem, and inadequate lighting and ventilation also affected inmates at some prisons. The government reported that access to potable water was limited in several prisons.

On February 1, a fight broke out across several blocks of the Second Colina Central Penitentiary and left injured 30 inmates and 10 gendarmes, including the director of the National Association of Non-Commissioned Officers and Gendarmes. Media and nongovernmental organizations (NGOs) attributed the violence to poor conditions within the prison and reported obstruction to detainees’ care after the incident.

Administration: Independent government authorities, including the National Institute of Human Rights (INDH), a government body, generally investigated credible allegations and documented the results in a publicly accessible manner. The government usually investigated and monitored prison and detention center conditions. Some NGOs, including the Center for Studies on Public Safety at the Institute for Public Affairs at the University of Chile, expressed concern over the potential for conflict of interest.: They noted that the Human Rights Unit of the Gendarmeria (the corrections officers corps) served as the investigating body of first instance for complaints of violations by corrections officers but appeared to lack the administrative and political support within the institution necessary to fully execute its duties.

Independent Monitoring: The government permitted prison visits by independent human rights observers, and such visits took place at both government and privately operated facilities. Prisoner and human rights groups continued to investigate alleged abuse or use of excessive force against detainees, and media covered some of the allegations.

Improvements: The government made a concerted, long-term effort to relieve prison overcrowding; during the year many prisons that were grossly overcrowded in 2010 were drawn down to capacity.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides the right of any person to challenge the lawfulness of their arrest or detention in court, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The Carabineros and the Investigative Police (PDI) have legal responsibility for law enforcement and maintenance of order, including migration and border enforcement, within the country. The Ministry of the Interior oversees both forces. The INDH monitors complaints and allegations of abuse.

Civilian authorities generally maintained effective control over the Carabineros and the PDI, and the government has mechanisms to investigate and punish abuse and corruption. The military justice system investigates alleged abuses by Carabineros, and

the civilian criminal justice system investigates allegations of abuse by PDI officers. The NGO Human Rights Watch reported concern that military courts were not fully transparent or independent.

### Arrest Procedures and Treatment of Detainees

Only public officials expressly authorized by law may arrest or detain citizens and generally did so openly with warrants based on sufficient evidence brought before an independent judiciary. Authorities must immediately inform a prosecutor of an arrest and generally did so.

The prosecutor must open an investigation, receive a statement from the detainee, and ensure that the detainee is held at a local police station until the detention control hearing. Detention control hearings are held twice daily, allowing for a judicial determination of the legality of the detention within 24 hours of arrest. Detainees must be informed of their rights, including the right to an attorney and the right to remain silent until an attorney is present. Public defenders are provided for detainees who do not hire their own lawyer. Authorities must expedite notification of the detention to family members. If authorities do not inform detainees of their rights upon detention, the judge can declare the process unlawful during the detention control hearing.

The law allows judges to set bail, grant provisional liberty, or order continued detention as necessary for the investigation or the protection of the prisoner or the public.

The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. Regular visits by family members are allowed.

### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence and have a right of appeal. They have the right to be informed promptly of charges, to have time to prepare their defense, and not to be compelled to testify. National and regional prosecutors investigate crimes, formulate charges, and prosecute cases. Three-judge panels form the court of first instance. The process is oral and adversarial, defendants have the right to be present

and consult with an attorney in a timely manner, and judges rule on guilt and dictate sentences. Defendants have the right to free assistance of an interpreter. Court records, rulings, and findings were generally accessible to the public.

The law provides for the right to legal counsel, and public defenders’ offices across the country provided professional legal counsel to anyone seeking such assistance. When human rights organizations or family members requested, the NGO Corporation for the Promotion and Defense of the Rights of the People and other lawyers working pro bono assisted detainees during interrogation and trial. Defendants may confront or question adverse witnesses and present witnesses and evidence on their behalf, although the law provides for secret witnesses in certain circumstances.

For crimes committed prior to the implementation of the 2005 judicial reforms, criminal proceedings are inquisitorial rather than adversarial. As of December 1, inquisitorial criminal court remained open and had an extensive wait for trials.

### Political Prisoners and Detainees

There were no reports of political prisoners or detainees, although some indigenous Mapuche convicted of criminal offenses claimed to be political prisoners.

### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, which permits individuals to seek civil remedies for human rights violations; however, the civil justice system retained antiquated and inefficient procedures. The average civil trial lasted approximately five years, and civil suits could continue for decades. Administrative and judicial remedies are available for alleged wrongs. Cases involving violations of an individual’s human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights (IACHR), which in turn may submit the case to the Inter-American Court of Human Rights. The court may order civil remedies including fair compensation to the individual injured.

#### f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

## Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 66 percent of the population had access to the internet.

## Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

### b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/) (<http://www.state.gov/religiousfreedomreport/>).

### d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

## Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, including access to education and health care. The country recognized approximately 2,000 refugees, including 60 Syrians. On May 25, the government launched the project

Chile Reconoce, designed to extend Chilean citizenship to children of refugees and immigrants born in Chile. UNHCR reported 100 children who were at risk of statelessness were able to confirm their Chilean nationality as a result of the project.

## Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### Elections and Political Participation

Recent Elections: Chile held presidential elections November 19 in an election observers considered free and fair. Former president and center-right candidate Sebastian Pinera and center-left independent Senator Alejandro Guillier advanced to a December 17 presidential runoff, which was won by Pinera. The country also held concurrent legislative elections. Voters elected 23 new senators and all members of the Chamber of Deputies in elections considered free and fair.

Political Parties and Political Participation: In October 2016 Congress passed a law allowing citizens who reside overseas to vote in national referendums and presidential primaries and elections at Chilean consulates abroad. On July 2, overseas voters participated in the presidential primaries for the first time.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

A 2015 gender parity law designed to increase the participation of women in Congress entered into force during the 2017 congressional election cycle. The law requires political parties to limit the candidacies of any one gender to no more than 60 percent and provides economic incentives for female candidates.

Self-identified indigenous individuals were elected to public office at the municipal level but not at the national level, in part due to cultural and institutional barriers (see section 6, Indigenous People).

## Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Corruption: In July the Office of the Prosecutor General indicted 86 Carabineros, including a coronel and several other high-ranking officials, on charges of misappropriating up to 25 billion Chilean pesos (\$38 million). In April the National Congress Chamber of Deputies appointed an investigative committee to investigate irregularities in the management and financial administration of the Carabineros. On November 7, the committee found General Director of Carabineros Bruno Villalobos innocent of charges but determined several mid-rank officers, employees from the Finance Department, inspector generals, and former general directors guilty of misappropriating funds. The Prosecutor’s Office will sentence the officials once it completes its independent investigation, which remained pending.

On July 31, four former army vendors were convicted for their involvement in the misappropriation of public funds related to the high-profile army corruption scandal, dubbed “Milicogate.” Military officers were accused of using approximately seven billion pesos (\$11 million) in army funds for personal use. The criminal case was pending in the military justice system at year’s end.

Financial Disclosure: Law and regulation require income and asset disclosure by appointed and elected officials. Declarations are made available to the public, and there are administrative sanctions for noncompliance.

## Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The INDH operated independently, issued public statements, and proposed changes to government agencies or policies to promote and protect human rights. In its 2016 report, the INDH took an in-depth look at the human rights impact of environmental degradation, democratic security, migration, and poverty, among other themes.

The Senate and Chamber of Deputies have standing human rights committees responsible for drafting human rights legislation.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape. Penalties for rape range from five to 15 years’ imprisonment, and the government generally enforced the law when violations were reported. The law criminalizes both physical and psychological domestic violence and protects the privacy and safety of the victim making the charge of rape or domestic violence.

Family courts handle cases of domestic violence and penalize offenders with fines up to 556,680 pesos (\$850). Additional sanctions include eviction of the offender from the residence shared with the survivor, restraining orders, confiscation of firearms, and court-ordered counseling. Cases of habitual psychological abuse and physical abuse cases in which there are physical injuries are prosecuted in the criminal justice system. Penalties are based on the gravity of injuries and range from 61 to 540 days’ imprisonment.

The government continued launched a national video campaign against femicide, and operated shelters and a hotline.

Sexual Harassment: Sexual harassment is not a criminal offense but is classified as a misdemeanor, with penalties outlined exclusively in the labor code. By law sexual harassment is cause for immediate dismissal from employment. The law requires employers to define internal procedures, or a company policy, for investigating sexual harassment, and employers may face fines and additional financial compensation to victims if it is shown that the company policy on sexual harassment was not followed. The law provides protection to those affected by sexual harassment by employers and coworkers. The law provides severance pay to individuals who resign due to sexual harassment if they have completed at least one year with the employer.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/) (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: Although women possess most of the same legal rights as men, discrimination in employment, pay, owning and managing businesses, and education persisted. The default and most common marital arrangement is “conjugal society,” which provides that a husband has the right to administer joint property, including his wife’s property, without consultation or written permission from his spouse, but a wife must demonstrate that her husband has granted his permission before she is permitted to make financial arrangements. Legislation remained pending years after a 2007 agreement with the IACHR to modify the conjugal society law to give women and men equal rights and responsibilities in marriage. The commercial code provides that, unless a woman is married under the separate estate regime or a joint estate regime,

she may not enter into a commercial partnership agreement without permission from her husband, while a man may enter into such an agreement without permission from his wife.

Despite a law providing for equal pay for equal work, the average woman’s annual income was 32 percent less than that of men, according to the Ministry of Women and Gender Equality. The ministry is in charge of protecting women’s legal rights and is specifically tasked with combatting discrimination against women.

## Children

Birth Registration: Citizenship is derived by birth within the country’s territory and from one’s parents or grandparents. Births are registered immediately.

Child Abuse: Intrafamily violence, including violence against children, remained a persistent problem. The law renders persons convicted of child sexual abuse permanently ineligible for any position, job, career, or profession in educational settings requiring direct and habitual contact with children under age 18. The law also includes a public registry of these sex offenders.

Early and Forced Marriage: The legal minimum age of marriage is 18 (16 with parental consent).

Sexual Exploitation of Children: Commercial sexual exploitation of children and adolescents was a problem, and children were exploited in prostitution with and without third-party involvement. Law 20,507 prohibits all forms of human trafficking, prescribing penalties ranging from five years and one day to 15 years in prison, plus fines, for trafficking offenses. Nevertheless, internal child sex trafficking cases were often prosecuted under a different law, Article 367 of the penal code, which provides lesser penalties. Due to sentencing guidelines for first-time offenders or those sentenced to less than five years’ confinement, many convicted traffickers were given weak and inadequate sentences for the crime, which continued to hamper efforts to deter and hold traffickers accountable.

Heterosexual sexual relations with minors between the ages of 14 and 18 may be considered statutory rape depending on the circumstances; sex with a child under age 14 is considered rape, regardless of consent or the victim’s gender. Penalties for statutory rape range from five to 20 years in prison. Child pornography is a crime. Penalties for producing child pornography range from 541 days to five years in prison.

Institutionalized Children: On June 27, the second special congressional committee in a span of five years to investigate the situation of SENAME issued a report that claimed widespread lack of oversight of its child protective programs. The report also found that the service had long waiting lists for its programs, lack of training for its personnel, and “an [organizational] culture lacking in the protection of [children’s] rights.”

On July 12, the INDH released the results of a year-long study of 171 SENAME child-service centers. Among the 405 children interviewed, 195 reported negligent treatment by child services workers; physical, mental, or psychological abuse; and sexual abuse or exploitation.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) (<http://travel.state.gov/content/childabduction/en/legal/compliance.html>).

## Anti-Semitism

The Jewish community numbers approximately 18,000 persons. Jewish community leaders reported concern over the tone of social media postings they perceived as threatening. The commentary leaders found offensive primarily referenced frustration with Israeli government policies and did not specifically mention either Jewish individuals or Chilean Jews.

A June soccer game between Israeli-Chilean and Palestinian-Chilean clubs ended in physical violence. Jewish community leaders filed a complaint with the public prosecutor over anti-Semitic chants by Palestinian fans. Palestinian leaders complained to authorities that the entrance to their community’s soccer field was marked with graffiti of the Star of David and the words “Palestine doesn’t exist, Arabs are terrorists.”

## Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government mostly enforced these provisions. On June 8, the government made concerted efforts to improve workforce participation and further eliminate all forms of discrimination by passing the Employment Inclusion Act for Persons with Disabilities. Nevertheless, persons with disabilities suffered forms of de facto discrimination.

The law provides for universal and equal access to buildings, information, and communications. Most public buildings did not comply with legal accessibility mandates. The public transportation system, particularly outside Santiago, did not adequately provide accessibility for persons with disabilities. In recent years, however, TranSantiago, the main system of public transportation within Santiago, instituted changes to improve compliance with the law, including new ramp systems and elevators at certain metro stations as well as improved access to some buses. Nevertheless, many metro stations and most buses remained inaccessible to persons with physical disabilities.

The Ministry of Social Development’s National Service for the Disabled (SENADIS) reported that children with disabilities attended primary and secondary school but noted difficulties in ensuring equal access to schooling at private institutions. SENADIS also reported that persons with disabilities had fewer opportunities to continue their education beyond secondary school.

In its annual report, the INDH noted concerns over the prolonged or forced institutionalization of persons with mental disabilities in psychiatric hospitals or other types of residency centers. The government, along with SENADIS, worked to expand access to legal justice for persons with disabilities.

## National/Racial/Ethnic Minorities

Equal treatment and nondiscrimination are explicitly protected in the constitution, and the labor code specifically prohibits discrimination. According to a June survey by the National Center for Migration Studies at the University of Talca, 48 percent of immigrants surveyed, most of whom were from other Latin American countries or from the Caribbean, reported experiencing discrimination.

## Indigenous People

Although the constitution does not specifically protect indigenous groups, indigenous people have the right to participate in decisions affecting their lands, cultures, and traditions, including the exploitation of energy, minerals, timber, or other natural resources on indigenous lands. The Citizen’s Observatory reported, however, that indigenous people encountered serious obstacles to exercising these civil and political rights. Indigenous persons experienced societal discrimination, including in employment, and there were reports of incidents in which they were attacked and harassed.

There were numerous reports of police abuse against Mapuche individuals and communities, including against children. The INDH brought petitions to protect the constitutional rights of Mapuche individuals, including children and adolescents, in

cases of excessive use of force by security forces. In February, Amnesty International's annual report cited constant reports of excessive use of force and arbitrary detention during police operations in Mapuche communities.

Indigenous lands are demarcated, but some indigenous Mapuche communities demanded restitution of privately and publicly owned traditional lands.

The Law on Indigenous Peoples' Protection and Development recognizes nine indigenous groups in the country and creates an administrative structure to provide specialized programs and services to promote economic, social, and cultural development of these peoples.

### Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law sets the age of consent at 18 for homosexual sexual activity; heterosexual activity is permitted, under some circumstances, at age 14. Antidiscrimination laws exist and prohibit discrimination based on sexual orientation or gender identity. In March the NGO Movement for Homosexual Integration and Liberation (MOVILH) reported that it tracked 332 cases of discrimination due to sexual orientation and gender identity during 2016.

Violence against LGBTI individuals continued. MOVILH, a leading gay rights NGO, reported that, on September 12, a lesbian couple presented a criminal lawsuit against their former neighbors for discriminatory threats under the country's antidiscrimination law. The couple had been subject to verbal slurs for two years, which escalated to death threats and vandalism of their property. The criminal case was pending at year's end. According to MOVILH, in 2016 (the year for which the most recent data is available) four persons were killed and 39 were physically assaulted in homophobic attacks. The most common discriminatory acts reported to MOVILH were verbal abuse and discrimination in the workplace, such as difficulty obtaining promotions.

Law enforcement authorities appeared reluctant to use the full recourse of a 2012 antidiscrimination law, including charging assailants of LGBTI victims with a hate crime, which would elevate criminal penalties as permitted under the law.

Laws prevent transgender persons from changing gender markers on government-issued identity documents, including national identity cards and university diplomas, to match their outward appearance or chosen expression.

### HIV and AIDS Social Stigma

The law prohibits discrimination against persons based on their HIV status and provides that neither public nor private health institutions may deny access to health-care services on the basis of a person’s serological status.

As the majority of citizens with HIV and AIDS were men, NGOs reported that government-sponsored outreach campaigns were oriented to a male audience, particularly men who have sex with men.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

Revised labor standards came into effect on April 1. The legislation was designed to modernize labor relations, strengthen unions, and facilitate labor agreements. The law provides for the rights of workers, with some limitations, to form and join independent unions of their choice, bargain collectively, and conduct strikes. The law also prohibits antiunion practices and requires either back pay or reinstatement for workers fired for union activity.

Police, military personnel, and civil servants working for the judiciary are prohibited from joining unions. Union leaders are restricted from being candidates or members of congress. The Directorate of Labor has broad powers to monitor unions’ financial accounts and financial transactions. The law prohibits public employees from striking, although they nevertheless frequently did. While employees in the private sector have the right to strike, the law places some restrictions on this right. For example, an absolute majority of workers must approve strikes. The law also prohibits employees of 101 private sector companies, largely providers of services such as water and electricity, from striking, and it stipulates compulsory arbitration to resolve disputes in these companies. In addition, workers employed by companies or corporations whose stoppage would cause serious damage to the health, economy, or security of the country do not have the right to strike. In a change from the previous labor code, employers may not dismiss or replace employees involved in a strike. Unions must provide emergency personnel to fulfill the company’s “minimum services.” Those include the protection of tangible assets and of the company’s facilities, accident prevention, service of the population’s basic needs, ensuring the supply of essential public services, and ensuring the prevention of environmental and sanitary damages.

The labor reform extended unions’ rights to information, requiring large companies to disclose annual reports including balance sheets, statements of earnings, and audited financial statements. Large companies must provide any public information that is required by the Superintendence of Securities and Insurances within 30 days following the date when the information becomes available. Smaller companies must provide information necessary for the purposes of preparing the collective bargaining process.

While the law prior to the labor reform provided for collective bargaining rights only at the company level, the reform extends such rights to intercompany unions, provided they represent workers at employers having 50 or more employees and falling within the same economic rubric or activity. Intercompany unions for workers at micro or small businesses (i.e., with fewer than 50 workers) are permitted to bargain collectively only when the individual employers all agree to negotiate under such terms. The law does not provide for collective bargaining rights for workers in public institutions or in a private institution in which more than 50 percent of its funding comes from the state in either of the preceding two years or whose budget is dependent upon the Defense Ministry. It also does not provide for collective bargaining in companies whose employees are prohibited from striking, such as in health care, law enforcement, and public utilities. Whereas the previous labor code excluded collective bargaining rights for temporary workers or those employed solely for specific tasks, such as in agriculture, construction, ports, or the arts and entertainment sector, the recently revised labor standards eliminate these exclusions, extending bargaining rights to apprentices and short-term employees. Executives, such as managers and assistant managers, are prohibited from collective bargaining.

The government generally enforced labor laws effectively. Nevertheless, the Labor Directorate under the Ministry of Labor commented on the need for more inspectors and noted that financial penalties did not always deter companies from repeating offenses. Companies are generally subject to sanctions for violations to the labor code, according to the severity of each case. Companies may receive “special sanctions” for infractions, which include antiunion practices. NGOs reported that cases in labor tribunals took on average three months to resolve. Cases involving fundamental rights of the worker often took closer to six months. NGOs continued to report that it was difficult for courts to sanction companies and order remedies in favor of workers for various reasons, including if a company’s assets were in a different name or the juridical entity could not be located.

Freedom of association was generally respected. Employers sometimes did not respect the right to collective bargaining. Despite being prohibited by law, public-sector strikes occurred throughout the year. According to Freedom House and the International Trade Union Confederation, antiunion practices continued to occur. NGOs and unions reported that companies sought to inhibit the formation of unions and avoid triggering collective bargaining rights by using subcontracts and temporary contracts, as well as obtaining several fiscal registration/tax identification numbers when increasing the size of the workforce.

The revised labor code provides that the labor court can require workers to resume work upon a determination that a strike, by its nature, timing, or duration, causes serious risk to health, national security, the supply of goods or services to the population, or to the national economy. Generally, a back-to-work order should apply only where a prolonged strike in a vital sector of the economy might cause a situation endangering the public’s safety or health, and where applied to a specific category of workers.

## b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. In general the government effectively enforced applicable laws. Penalties of five to 15 years’ imprisonment for violations were sufficiently stringent to deter violations. NGOs reported many government officials responsible for identifying and assisting victims had limited resources and expertise to identify victims of labor trafficking. In addition judges often suspended or commuted sentences. The government worked to prevent and combat forced labor through its antitrafficking interagency taskforce of government agencies, which included international organizations and local NGOs. The task force developed and adopted a 2015-18 national action plan.

Labor trafficking continued to occur. Some foreign citizens were subjected to forced labor in the mining, agriculture, domestic service, and hospitality sectors. Some children were forcibly employed in the drug trade (see section 7.c.).

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) (<http://www.state.gov/j/tip/rls/tiprpt/>).

## c. Prohibition of Child Labor and Minimum Age for Employment

Chile conforms with international standards, which dictate the minimum age for employment or work should be no less than 15 years. The law sets the minimum age for employment at 18, although it provides that children between 15 and 18 may work with the express permission of their parents or guardians as long as they attend school. They may perform only light work that does not require hard physical labor or constitute a threat to health or the child’s development. According to the results of the 2012 National Survey on Activities of Children and Adolescents, 71 percent of working children ages 5 to 17 were engaged in work considered to be hazardous. When attending school, children may not work more than 30 hours a week and in no case more than eight hours a day or between the hours of 10 p.m. and 7 a.m. Employers must register their work contracts at the local Ministry of Labor inspector’s office.

Ministry of Labor inspectors effectively enforced regulations in the formal economy but did not inspect or enforce such regulations in the informal economy. Infractions included contracting a minor under 18 without the authorization of the minor’s legal representative, failure to register a minor’s contract with the ministry, and contracting a minor under age 15 for activities not permitted by law. Penalties and inspections were not generally seen as sufficient to deter grave violations that mostly occurred clandestinely or in the informal economy.

The government devoted considerable resources and oversight to child labor policies. With accredited NGOs, SENAME operated programs to protect children in vulnerable situations. SENAME, in coordination with labor inspectors, identified and assisted children in abusive or dangerous situations. SENAME continued to work with

international institutions, such as the International Labor Organization, and with other ministries to conduct training on identifying and preventing the worst forms of child labor. SENAME also implemented public education programs to raise awareness and worked with the International Labor Organization to operate rehabilitation programs for children withdrawn from child labor.

Multisector government agencies continued to participate in the National Advisory Committee to Eradicate Child Labor. The committee met regularly throughout the year and brought together civil society organizations and government agencies in a coordinated effort to raise awareness, provide services to victims, and protect victims' rights. The Worst Forms of Child Labor Task Force, a separate entity, maintained a registry of cases and developed a multisector protocol for the identification, registration, and care of children and adolescents who are victims of commercial sexual exploitation. In 2015 SENAME worked with the National Tourism Service (SERNATUR) to include strict norms in hotel certification procedures for preventing the commercial sexual exploitation of children. This included special training for SERNATUR staff charged with assessing and certifying hotels.

Child labor continued to be a problem in the informal economy and agriculture, primarily in rural areas. Higher numbers of violations occurred in the construction, industrial manufacturing, hotels and restaurants, and agriculture sectors.

In urban areas it was common to find boys carrying loads in agricultural loading docks and assisting in construction activities, while girls sold goods on the streets and worked as domestic servants. Children worked in the production of ceramics and books and in the repair of shoes and garments. In rural areas children were involved in caring for farm animals as well as harvesting, collecting, and selling crops, such as wheat. The use of children in illicit activities, which included the production and trafficking of narcotics, continued to be a problem. Commercial sexual exploitation of children also continued to be a problem (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

#### d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination based on race, sex, age, civil status, union affiliation, religion, political opinion, nationality, national extraction, social origin, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The law also provides civil legal remedies to victims of employment discrimination based on race, ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, association or participation in union organizations or lack thereof, gender, sexual orientation, gender identification, marriage status, age, affiliation, personal appearance,

and sickness or physical disability. In June congress passed the Law on Workplace Inclusion to address matters related to persons with disabilities. For all public agencies and for private employers with 100 or more employees, the law requires a 1 percent quota of jobs reserved for persons with disabilities.

The government effectively enforced applicable laws and regulations prohibiting employment discrimination. Authorities generally enforced the law in cases of sexual harassment, and there was no evidence of police or judicial reluctance to act. Companies may receive “special sanctions” for infractions such as denying maternity leave. Such penalties were generally sufficient to deter violations.

Nevertheless, discrimination in employment and occupation continued to occur. Persons with disabilities often faced discrimination in hiring; they constituted approximately 7.6 percent of the working-age population but only 0.5 percent of the workforce. Indigenous persons continued to experience societal discrimination in employment. Statistics regarding rates of discrimination faced by different groups were not available.

#### e. Acceptable Conditions of Work

As of July 1, the national minimum wage was 270,000 pesos (\$415) a month for all occupations, including domestic servants. The minimum monthly wage for workers over age 65 and under 18 was 201,561 pesos (\$310). The minimum wage exceeded the poverty level.

The law sets the legal workweek at six days or 45 hours. The maximum workday is 10 hours (including two hours of overtime pay), but the law provides exemptions for hours of work restrictions for some categories of workers, such as managers; administrators; employees of fishing boats; restaurant, club, and hotel workers; drivers; airplane crews; telecommuters or employees who work outside of the office; and professional athletes. The law mandates at least one 24-hour rest period during the workweek, except for workers at high altitudes, who may exchange a work-free day each week for several consecutive work-free days every two weeks. Annual leave for full-time workers is 15 workdays, and workers with more than 10 years of service are eligible for an additional day of annual leave for every three years worked. Overtime is considered to be any time worked beyond the 45-hour workweek, and workers are due time-and-a-half pay for any overtime performed.

The law establishes occupational safety and health standards, which are applicable to all sectors. Special safety and health norms exist for specific sectors, such as mining and diving. The National Service for Geology and Mines is further mandated to regulate and inspect the mining industry. The law does not regulate the informal sector. By law workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

The Labor Directorate under the Ministry of Labor is responsible for enforcing minimum wage and other labor laws and regulations, and it did so effectively in the formal economy. The Ministries of Health and Labor administered and effectively enforced occupational safety and health standards. The law establishes fines for noncompliance with labor regulations, including for employers who compel workers to work in excess of 10 hours a day or do not provide adequate rest days. Companies may receive “special sanctions” for infractions such as causing irreversible injuries to an employee. An estimated 25 percent of the labor force worked in the informal sector, according to a 2015 Rand report. Workers in the informal economy were not effectively protected in regard to wages or safety.

The Labor Directorate employed labor inspectors during the year. Both the Labor Directorate and NGOs reported the need for more inspectors to enforce labor laws throughout the country, particularly in remote areas. NGOs commented that inspectors and labor tribunal judges needed more training and that a lack of information and economic means generated an inequality between parties in cases before the tribunals. Fines were not considered to have a deterrent effect with larger employers. The Labor Directorate worked preventively with small and medium-sized businesses to assist in their compliance with labor laws.

Minimum wage violations were most common in the real estate and retail sectors. The sectors with the most infractions in safety and health standards were construction, retail, industrial manufacturing, and commerce. The service sector suffered the most accidents during the year. Immigrant workers in the agricultural sector were the group most likely to be subject to exploitative working conditions. On June 9, two mineworkers went missing after a Mandalay Resources underground silver and gold mine in Chile Chico flooded.

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