



Chile

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Chile is a multiparty democracy with a population of approximately 16 million. In 2006 voters elected President Michelle Bachelet in a free and fair runoff election, in a multiparty system. In 2005 voters elected 20 of the 38 senators and all 120 members of the Chamber of Deputies. These elections also were considered generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. There were isolated reports of excessive use of force and mistreatment by police forces, of physical abuse in jails and prisons, and of generally substandard prison conditions. The government generally took steps to investigate and punish abusers. Domestic violence against women and children was widespread. There were incidents of trafficking in persons to, from, and within the country. Some indigenous people suffered discrimination. Many children were employed in the informal economy.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

On October 23, the Rancagua Appeals Court indicted two former members of the uniformed Carabineros national police force for the 1988 killings of Raul Pellegrini and Cecilia Magni. Pellegrini and Magni were Manuel Rodriguez Patriotic Front (FPMR) activists killed in apparent reprisal for an attack on a police barracks. The case remained pending at year's end.

On August 28, the Supreme Court confirmed a life sentence for former Army general and head of the National Information Center (CNI) Hugo Salas for the 1987 killings of 12 FPMR activists in the "Albania Case." The court also increased the prison terms of two other former officers sentenced in the case. All three convicted officials and one civilian were imprisoned. On September 13, former Carabinero Ivan Quiroz Ruiz went into hiding after the Supreme Court ratified his sentence. He remained a fugitive at year's end. Eight other convicted individuals were serving lesser sentences not requiring incarceration. At a June 18 civil hearing before the Supreme Court on the same case, government prosecutors and victims' families agreed that the government would pay each victim's family \$577,000 (300 million pesos) in damages. This agreement and arrangements for payment concluded the civil case.

On July 19, the Senate approved a \$1.5 million (780 million pesos) payment to the family of dual Chilean-Spanish citizen Carmelo Soria, who was killed by National Intelligence Directorate (DINA) agents in 1976. The Senate's action completed action necessary to fulfill the government's 2003 agreement with the UN. Action on the criminal case in the killing of Soria was pending at year's end.

On January 25, Judge Alejandro Solis indicted eight former DINA agents, including former DINA director Manuel Contreras and two civilians, for the 1974 car bomb assassination of former Army commander Carlos Prats in Buenos Aires. On June 22, he indicted another former DINA agent. At year's end all those indicted in the Prats case were free on bail except for Contreras, who was serving a 12-year sentence for the death of Miguel Angel Sandoval, and Raul Iturriaga, who was serving a five-year sentence for the disappearance of Luis San Martin in 1974. Further action on the Prats case remained pending at year's end.

On July 28, the Santiago Court of Appeals revoked the amnesty applied by Judge Victor Montiglio in May 2006, under the 1978 Amnesty Law, in the 1973 "Caravan of Death" case. The court sentenced five former Army officials to prison terms, including a 10-year sentence for former general Sergio Arellano. The case remained pending in the Supreme Court at

year's end.

Judge Jorge Zepeda's investigations of retired security officer Rafael Gonzales, charged in connection with the 1973 killings of U.S. citizens Charles Horman and Frank Teruggi, remained pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

Courts prosecuted a number of historical cases based on plaintiffs' arguments that the abduction of political prisoners constituted a continuing crime, not covered by amnesty, unless the subsequent execution of the prisoner could be established concretely by identification of remains. The Supreme Court upheld a number of convictions based on indefinite or permanent kidnapping. The Supreme Court also revoked amnesty in several cases, allowing investigations of historical cases of politically motivated disappearances to be reopened.

On January 29, a court of military justice declined to continue investigating the 1974 disappearance case of Gloria Lagos Nilsson and remitted all documents and case records to criminal court judge Alejandro Solis. This was the first time a military court recused itself in the investigation of a Pinochet-era disappearance case.

On June 11, former army general Raul Iturriaga, convicted and sentenced for the 1974 disappearance of Luis Dagoberto San Martin, went into hiding after the Supreme Court ratified his sentence. He issued a statement on video in which he called the sentence for indefinite kidnapping a "judicial fiction." Iturriaga remained a fugitive for 52 days before being taken into custody; he began serving his prison term on August 2.

Judge Jorge Zepeda continued investigations of military-era detentions and disappearances of persons at Colonia Dignidad, now called Villa Baviera. Settlement founder Paul Schaefer, sentenced in August 2006 to seven years in prison on weapons charges, was imprisoned and still faced multiple counts of child molestation.

There were no developments in the 1985 disappearance of U.S. citizen Boris Weisfeiler near Colonia Dignidad.

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

Although the constitution prohibits such practices, nongovernmental organizations (NGOs) received isolated reports of abuse and mistreatment by the Carabineros, the Investigations Police (PICH), and prison guards.

Few reports of abuse or mistreatment led to convictions. Military rather than civilian courts typically processed cases of military and police abuse (see section 1.e.).

On October 3, a Santiago civil court ruled that the government must pay \$288,000 (150 million pesos) in damages to the family of Raul Palma, who died as the result of torture by Carabineros in 1998. The military courts convicted four former Carabineros of manslaughter and sentenced them to 10 years' imprisonment.

Prison and Detention Center Conditions

Prison conditions generally were poor. Prisons often were overcrowded and antiquated, with substandard sanitary conditions. As of December there were approximately 48,000 prisoners in prisons designed to hold 28,700 inmates. Prisons in the Santiago Metropolitan Region were at nearly double design capacity. The 2007 Diego Portales University School of Law *Annual Report on Human Rights* reiterated that prison conditions remained substandard. Three new prisons were opened during the year in Santiago, Valdivia, and Puerto Montt, bringing the total of new facilities opened since 2005 to six. However, since the prison population grew by approximately 6,000 over the past two years, overcrowding remained a problem despite the new facilities.

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources in the prisons. Prison officials reported that there were 48 deaths from preventable causes during the year, compared with 64 in 2006. As of December, 23 inmates had been killed by other prisoners, and 25 inmates had committed suicide. Prisoners with HIV/AIDS and mental disabilities allegedly failed to receive adequate medical attention.

On June 8, a new juvenile justice system reform law took effect. It establishes a more rehabilitative approach to juvenile delinquency and creates a specialized system of detention facilities for minors. The law makes the government's National Children's Service (SENAME) responsible for providing the necessary infrastructure and implementing the reforms and the Gendarmeria responsible for providing security for the juvenile detention facilities. To meet these requirements, the government invested more than \$19 million (10 billion pesos) in programs and facilities. Cases involving minors are addressed in the criminal courts; previously, only family courts handled cases involving minors between the ages of 14 and

16. Human rights organizations criticized the government for implementing the reforms before the necessary infrastructure was in place. As of September 13, approximately 70 minors remained in the juvenile section of regular jails run by the Gendarmeria. On October 21, a fire started during a riot in the juvenile detention center Tiempo de Crecer in Puerto Montt killed 10 adolescents. SENAME conducted an internal investigation and issued a report for its National Director; a special prosecutor's investigation was pending at year's end.

The government permitted prison visits by independent human rights observers, and such visits took place. These included regular visits by Catholic and Protestant clerics and the NGO Paternitas. Amnesty International and the International Committee of the Red Cross were also granted access to facilities and prisoners. Prisoner rights groups continued to investigate alleged use of excessive force against detainees.

One court case alleging physical abuse was filed against prison officials, and action was pending at year's end. The Gendarmeria opened administrative investigations into 26 allegations of abuse before the end of the year, compared with 29 such cases in 2006. Of the 2006 cases, nine resulted in officials receiving sanctions, 13 were closed or the accused officials were not found responsible, and seven were pending at year's end. In a 2006 case of alleged abuse of prisoners, two Gendarmeria officials were convicted, suspended from their positions for one year, and fined \$740 (385,000 pesos).

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the uniformed Carabineros national police force and the plainclothes PICH, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention

Only public officials expressly authorized by law can arrest or detain citizens. Authorities must immediately inform a prosecutor of an arrest and generally did so in practice.

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 to detainees in the event that they do not select a lawyer of choice. Authorities must expedite notification of the detention to family members. If authorities do not inform the detainees of their rights upon detention, the process can be declared unlawful by the judge during the detention control hearing.

The law allows judges to set bail, grant provisional liberty, or order continued detention as necessary to the investigation or for 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 law provides for an independent judiciary, and the government generally respected judicial independence in practice.

The judiciary has civil, criminal, juvenile, family, and labor courts of first instance throughout the country. There are 16 courts of appeal. The 21-member Supreme Court is the court of final appeal. A constitutional tribunal decides whether laws or treaties present conflicts with the constitution. There are also military courts-martial.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. 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, trials are public, and judges rule on guilt and dictate sentences. Court records, rulings, and findings were generally accessible to the public.

The law provides for the right to legal counsel, and public defender's offices in all 15 regions and the Santiago Metropolitan

Region provide professional legal counsel to anyone seeking such assistance. When requested by other human rights organizations or family members, the NGO Corporation for the Promotion and Defense of the Rights of the People and other lawyers working pro bono assisted detainees during interrogations and represented some persons charged with terrorist acts in court. Defendants enjoy a presumption of innocence and have a right of appeal.

For crimes committed prior to the implementation of the 2005 judicial reforms, criminal proceedings are inquisitorial rather than adversarial. The statute of limitations to press charges is 10 years. The number of inquisitorial criminal courts in the Santiago metropolitan region was reduced to six (from an original 36) on June 15. All of the prereform cases were absorbed by the six remaining tribunals and faced extended waits for trial. On June 12, the Senate approved legislation to extend the lifetime of these inquisitorial criminal courts through 2008.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees, although a number of inmates convicted of terrorist acts following the return to democracy in 1989 claimed to be political prisoners.

Civil Judicial Procedures and Remedies

While there is an independent and impartial judiciary in civil matters, which permits access for lawsuits regarding human rights violations, modernization of the judiciary has not affected the civil justice system, which was characterized by antiquated and inefficient procedures. The average civil trial lasted more than five years, and civil suits could continue for decades. Additionally, only 8 percent of lawsuits resulted in a definitive sentence or court-enforced settlement; 90 percent of the remainder were eventually resolved through mediation outside the courts or settlement between the parties.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice, subject to significant legal restrictions.

Human rights groups and press associations criticized the existence and application of laws that prohibit insulting state institutions, including the presidency, the legislature, and judicial bodies, and those that allow government officials to bring charges against journalists who insult or criticize them. Military courts may charge and try civilians for defamation of military personnel and for sedition, but their rulings can be appealed to the Supreme Court.

Two major media groups, which were largely independent of the government, controlled most of the print media. The government was the majority owner of *La Nacion* newspaper but did not directly control its editorial content. International print media operated freely.

The broadcast media generally were independent of direct government influence. The Television Nacional (TVN) network was state-owned but not under direct government control. It was self-financed through commercial advertising, editorially independent, and governed by a board of directors appointed by the president and approved by the Senate.

On March 10, the TVN board of directors, responding to a request from the minister of foreign affairs, voted to postpone broadcast of the made-for-television documentary series *Epopoe: The War of the Pacific*, concerning the war of 1879 involving Chile, Peru, and Bolivia. The decision led to public debate and accusations of censorship. The documentary finally aired on May 6, but the first 90 seconds were cut.

On August 9, the Supreme Court absolved journalist Alejandro Guillier and former executive director of Chilevision television network Jaime de Aguirre of guilt in the "Calvo case" of illegal recording, while upholding the convictions of the journalists and producer who made the illegal recording.

The government-funded National Television Council (CNT) is responsible for ensuring that television programming respects "the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent, have obscene language, or depict sexually explicit scenes may be shown only after 10 p.m., when "family viewing hours" end. The CNT occasionally levied fines.

Internet Freedom

There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. While the PICH maintained a sexual crimes unit that monitored Web sites for child pornography and prosecuted several individuals for selling, storing, or trading child pornography on the Internet, there were no reports that the government monitored e-mail or Internet chat rooms for other purposes.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The armed forces unofficially integrated a number of Protestant and evangelical Christian chaplains but continued to block efforts by non-Christian religious groups to provide military chaplains. Hospitals and prisons outside the military system, however, provided good access to evangelicals as well as other minority religious groups.

Societal Abuses and Discrimination

There were several reports of anti-Semitic incidents, including spray-painted graffiti of swastikas and derogatory comments directed at Jewish individuals and institutions. Stores in Chillan with Jewish proprietors were painted with swastikas, anti-Semitic reading material was placed in the vicinity of a Jewish home for the elderly, anti-Semitic messages were sent to the Santiago office of a Jewish organization, and the Sephardic Web site was hacked and defaced. Government investigations into these incidents continued at year's end. There were approximately 15,000 members of the Jewish community.

Neo-Nazi and skinhead groups engaged in gang-type criminal activities and violence against immigrants, homosexuals, punk rockers, and anarchists. While these groups share the anti-Semitic rhetoric of neo-Nazi groups, there were no reports of neo-Nazi attacks targeting the Jewish community. Police arrested persons involved in neo-Nazi attacks, and neo-Nazis have been dismissed from the armed forces and Carabineros.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The law prohibits forced exile, and it was not used.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. In June a total of 1,134 residents had recognized refugee status. In 2006 the government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 450 persons during the year. These individuals were eligible for government-funded health care and education while awaiting adjudication of their cases and were financially supported by the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations. The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In January 2006 voters elected Michelle Bachelet of the Socialist Party as president in a free and fair runoff election. Bachelet is a member of the center-left Concertacion coalition, which includes the Socialist Party, the Christian Democratic Party, the Party for Democracy, and the Radical Social Democrat Party. In 2005 voters elected 20 of the 38 senators and all 120 members of the Chamber of Deputies in elections generally considered free and fair. President Bachelet and the new congress assumed office on March 11, 2006.

In addition to President Bachelet, there were 15 women in the 120-seat Chamber of Deputies, two women in the 38-seat Senate, and nine women in the 22-member cabinet. Indigenous people have the legal right to participate freely in the political process, but relatively few were active. No members of the legislature acknowledged indigenous descent.

Women became more visible in political life after Michelle Bachelet assumed the presidency. As a result of her policy of "gender parity," women filled nearly 50 percent of governmental appointments. However, women continued to be vastly underrepresented among elected officials, constituting, for instance, only 12 percent of municipal mayors.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. While there were isolated reports of government corruption during the year, World Bank and other sources indicated that the country remained relatively free of corruption.

In 2005 the mayor of the Fifth Region municipality of Quillota alleged irregularities in the use of the government's Employment Generation Program (PGE). After Public Ministry and comptroller investigations found that many Fifth Region officials misused the funds of the PGE, the government took remedial steps to control public employment programs and dismantled the PGE. Government authorities brought charges against eight individuals and were investigating two members of the Chamber of Deputies.

Investigations continued into Chiledeportes following an October 2006 government audit that revealed financial irregularities in the program, which promotes amateur and professional sports. In 2006 the government removed all 13 Chiledeportes regional directors and initiated an investigation of potential fraud or mismanagement. The Chiledeportes director resigned on January 22; on March 14, a congressional investigative committee completed its report; and prosecutors charged more than 20 individuals with tax evasion, fraud, and falsification of documents. On October 1, a Santiago court issued the first conviction in the case.

A 2006 law making public officials subject to financial disclosure assigns responsibility to the comptroller for conducting audits of government agencies and to the Public Ministry for initiating criminal investigations of official corruption.

The constitution requires the government and its agencies to make all unclassified information about their activities available to the public. All government ministries and most public agencies had Web pages. In December 2006 the NGO Participa released the results of its Second Study of Access to Public Information, which found that national and local government agencies failed to respond to 61 percent of requests for information and provided incomplete responses to 7 percent of requests.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 often were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, age, nationality, national origin, or social status, and the government enforced this prohibition; however, such discrimination continued to occur.

Women

Rape, including spousal rape, is a criminal offense. Penalties for rape range from five to 15 years' imprisonment, and the government generally enforced the law. The age for statutory rape is 14. The law protects the privacy and safety of the

person making the charge. From January to September, the Public Ministry investigated 1,970 cases of rape, compared with 2,845 cases in all of 2006. Experts believed that most rape cases went unreported.

The Ministry of Justice and the PICH had several offices specifically to provide counseling and assistance in rape cases. A number of NGOs, such as La Morada Corporation for Women, provided counseling for rape victims.

Domestic violence against women remained a serious problem. A 2004 National Women's Service (SERNAM) study reported that 50 percent of married women had suffered spousal abuse. From January to September, 74,670 cases of family violence were reported to police, compared with 95,829 such reports in all of 2006. During the year 61 women were killed as a result of domestic or sexual violence. SERNAM ran a national domestic violence awareness campaign on television and in print media from October 25 to November 25.

On October 10, the Supreme Court ordered the creation of a Center for Preventive Measures within the Family Courts to expedite domestic violence cases, permitting preventive measures, such as detentions or restraining orders, to be adopted immediately. The new center opened in November and received 1,413 reports of domestic violence in its first month of operation.

The courts frequently ordered counseling for those involved in domestic violence. At year's end there were 31 government and private centers to attend to victims of domestic violence. During the year SERNAM partnered with NGOs to conduct courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities.

Although adult prostitution is legal, bordellos are not. Several hundred women were registered as prostitutes with the National Health Service. Police often detained prostitutes (usually as a result of complaints by neighborhood residents) on charges of "offenses against morality," which could lead to a \$96 (50,000 pesos) fine or five days in prison. Procurement or pandering is illegal and punishable under law.

Sexual harassment generally was recognized as a problem. The law provides protection and financial compensation to victims of sexual harassment and penalizes harassment by employers or co-workers. The Labor Directorate received 244 complaints of sexual harassment from January to September 2006 of which 205 involved harassment by a supervisor or employer.

Women enjoy the same legal rights as men, including rights under family law and property law, with the exception of women married under an arrangement called "conjugal society". This marital arrangement gives a husband the right to administer joint property, including his wife's property. Although a 1994 law introduced a community property system, in which each spouse maintains separate control of the assets brought into the marriage, "conjugal society" remained the default arrangement when couples did not expressly select an alternative. Sixty percent of marriages in 2006 were made under the conjugal society arrangement. On March 5, an agreement reached in the Inter-American Human Rights Commission case of Sonia Arce Esparza v. Chile included a government commitment to modify the law to give women and men equal rights and responsibilities in marriage. The reform legislation remained pending in the Senate at year's end. The commercial code provides that unless a woman is married under the separate estate regime, she may not enter into a commercial partnership agreement without permission from her husband.

The quadrennial 2004 National Socio-Economic Survey estimated that the overall gender income gap remained at 33 percent, which widened to 38 percent in managerial and professional positions. The minimum wage for domestic workers, probably the largest single category of working women, was 75 percent of the standard minimum wage. The labor code provides specific benefits for pregnant workers and recent mothers, including a prohibition against dismissal; these benefits also apply to domestic workers. Employers may not ask women to take pregnancy tests prior to hiring them, although the NGO La Morada received reports that the practice continued in some companies. SERNAM is charged with protecting women's legal rights.

A 2005 study by Humanas Corporation and the University of Chile's Institute of Public Affairs reported that 87 percent of women surveyed felt that women suffered discrimination. According to the survey, 95 percent believed women faced discrimination in the labor market, 67 percent believed they faced discrimination in politics, and 61 percent felt that women were discriminated against by the media.

Children

The government is committed to children's rights and welfare.

By law education is universal, compulsory, and free from first through 12th grade. The latest government figures showed that in 2002 the median level of education was 10 years but varied regionally and across age groups. The World Bank reported that in 2004 more than 90 percent of school-age children attended school. Three-quarters of the population had completed primary education (eight years), and 61 percent had completed secondary education (12 years).

The government provided basic health care through a public system, which included regular checkups, vaccinations, and emergency health care. Boys and girls had equal access to health care.

Violence against children was a problem. A 2006 UN Children's Fund study reported that 75 percent of 13- and 14-year-olds reported they were subject to some type of physical or psychological violence from one or both parents, including 26 percent who reported having suffered serious physical violence (e.g., beatings, cuts, and burns).

On August 31, a law went into effect modifying the penal code and suspending the statute of limitations in cases of sexual abuse of minors. Depending on the type of crime, the statute of limitations for sexual abuse of minors is five or 10 years, beginning when the victim reaches the age of 18 rather than from the time the crime was committed.

From January to September, the Public Ministry reported 195 cases of commercial juvenile sexual exploitation, compared with 221 cases in 2006. SENAME assisted 1,062 victims of commercial juvenile sexual exploitation during the year. In October SENAME opened 33 new Specialized Intervention Programs in 12 regions of the country for children and youth in high-risk situations, including commercial sexual exploitation. By December there were 43 programs in operation in all regions. SENAME, the Carabineros, and the PICH cooperated with schools and NGOs to identify children in abusive situations, provide abused children with counseling and other social services, and keep families intact.

Child prostitution was a problem.

Child labor in the informal economy was a problem.

Trafficking in Persons

The law does not specifically prohibit all forms of trafficking in persons, and there were reports that persons were trafficked to, from, and within the country for the purposes of sexual and labor exploitation, and involuntary domestic servitude.

Most reported victims were Chilean women and minors trafficked internally for sexual exploitation. Victims were also trafficked from the country to Argentina, Peru, Bolivia, the United States, Europe, and Asia for sexual and labor exploitation. Anecdotal reports suggested that young women were the primary targets for trafficking abroad. Foreign victims were brought to the country for commercial sexual exploitation or involuntary domestic servitude or labor, particularly in agriculture, from Peru, Argentina, Colombia, Bolivia, and China, although it was difficult to distinguish some trafficking victims from economic migrants.

Principal traffickers were small-scale criminals, although reports of trafficking by organized criminal rings increased. Traffickers reportedly used newspaper advertisements for models and product promoters to lure girls, ages 11 to 17, into prostitution. Law enforcement agencies indicated that traffickers looking for children also targeted economically disadvantaged families, convincing the parents that they were giving the child the opportunity for a better life. The majority of transnational trafficking victims reportedly held valid travel documents.

The law criminalizes promoting the entry into or exit from the country of persons for the purpose of facilitating prostitution, with penalties of up to three years in prison and a fine of \$827 (430,000 pesos). Sanctions are increased in a number of circumstances, including cases in which the victim is a minor, violence or intimidation is used, deception or abuse of authority is involved, the victim is related to or under the tutelage of the perpetrator, or advantage is taken of a victim's circumstances or handicap. The law criminalizes the promotion of child prostitution, corruption of minors, and solicitation of sexual services from a minor in exchange for money or other considerations. While the law does not criminalize transnational trafficking for the purpose of labor exploitation and lacks specific prohibitions against some forms of internal trafficking, it prohibits cross-border trafficking for sexual exploitation.

The government made modest progress on improving antitrafficking efforts during the year. An antitrafficking coordinator in the Interior Ministry worked with multiple government agencies and NGOs to coordinate antitrafficking efforts. The Public Ministry gathered information on new cases investigated and prosecuted. From January through September, 95 new cases were opened, with 66 pending active investigations. From October 2006 to September, courts convicted three persons of cross-border trafficking. Most trafficking-related cases dealt with commercial sexual exploitation of minors. The Public Ministry investigated seven cases of cross-border trafficking in persons from January to September, compared with 14 cases in all of 2006. Additionally, the PICH sex crimes and cybercrime units worked with the Ministries of Justice and Interior to address trafficking. The government cooperated with Interpol on law enforcement activities.

The government made substantial efforts to assist trafficking victims. Child victims trafficked into sexual exploitation received counseling, psychological and health care, and educational courses in NGO-operated centers for abused and exploited children. The government gave nearly two million dollars (1.03 billion pesos) to 16 NGOs for victim-assistance programs in 11 districts. Police officials who identified child trafficking victims referred them to family courts for placement in protective custody with relatives or shelters and put victims in contact with NGOs.

SENAME worked with 105 local offices, with international organizations, including the International Organization for Migration, and with NGOs to ensure that minors involved in possible trafficking situations were not returned to abusive or high-risk situations. The government also worked with Bolivian and Argentine authorities to coordinate the safe repatriation of foreign victims. Trafficking victims may remain in the country during legal proceedings against their traffickers. Victims may also bring legal action against traffickers and seek restitution. The government had no residence visa program for foreign trafficking victims.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, but such persons suffered forms of de facto discrimination. The law mandates access to buildings for persons with disabilities, but a Ministry of Housing and Urban Planning study based on a 2002-03 census showed that 70 percent of the buildings in the country designated as public or multiuse failed to meet that standard. An improved public transportation system in Santiago provided wheelchair access on major "trunk" routes. Some local "feeder" routes also provided low-rise buses with access ramps. Subway lines in the Santiago metropolitan area provided limited access for persons with disabilities. Public transport outside of Santiago was problematic. Approximately 100,000 persons with disabilities under the age of 27 did not receive any special care or education.

The National Fund for Persons with Disabilities (FONADIS), under the jurisdiction of the Ministry of Planning, has responsibility for protecting the rights of persons with disabilities and for creating programs to promote their better integration into society.

Indigenous People

The 2002 census recorded approximately 692,000 self-identified persons of indigenous origin (5 percent of the total population). The Mapuches, from the south, accounted for approximately 85 percent of this number. There were also small populations of Aymara, Atacamen, Rapa Nui, and Kawaskhar in other parts of the country.

The law gives indigenous people a voice in decisions affecting their lands, cultures, and traditions, and provides for bilingual education in schools with indigenous populations. Approximately one-half of the self-identified indigenous population remained separated from the rest of society, largely due to historical, cultural, educational, and geographical factors. Both internal factors and governmental policies limited the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous people also experienced some societal discrimination and reported incidents in which they were attacked and harassed. According to the 2006 Socioeconomic Characteristics Survey (CASEN), the indigenous population's poverty rate dropped 10 percent since 2003 and the gap between indigenous and nonindigenous poverty narrowed more than 5 percent.

The National Corporation for Indigenous Development (CONADI), which included directly elected indigenous representatives, advised and directed government programs to assist the economic development of indigenous people. According to CONADI, in 2006 approximately 250,000 acres of validated Mapuche lands had not yet been registered as indigenous economic assets.

There were isolated instances of violent confrontations between indigenous Mapuche groups and landowners, logging companies, and local government authorities in the southern part of the country. The actions took the form of protests and, occasionally, instances of rock throwing, land occupations, and burning of crops or buildings. The Coordinadora Arauco Malleco (CAM), an indigenous group that has been accused of domestic terrorist acts, initiated many of these actions.

There were reports of police abuse against Mapuche individuals and communities and harassment of NGOs associated with the promotion of indigenous rights. The Observatory of Indigenous Peoples' Rights (OIPR) reported that, on February 17, police raided the community of Temucucui and arrested and mistreated a community leader. The police reportedly searched the same community on multiple occasions during 2006, at times without a warrant. The OIPR also reported that individuals and organizations that defend indigenous rights were threatened or had their property damaged during the year, including incidents where information was stolen from the offices of the OIPR and the Council of All the Lands.

On August 31, authorities arrested two CAM Mapuche leaders, charging one with arms possession and another with arson. On December 26, another CAM member was arrested and charged for an October 12 arson fire. Investigations were pending at year's end.

During the year the Ministry of Education and CONADI provided 7,711 scholarships under the Indigenous Scholarship Program that benefited indigenous elementary, high school, and college students.

Other Societal Abuses and Discrimination

During June a skinhead group hacked into and defaced the Web site of the Movement for Homosexual Integration and

Liberation (MOVILH). According to MOVILH's *Fifth Annual Report on the Human Rights of Sexual Minorities*, 49 cases of discrimination (including two killings) due to sexual orientation were registered in 2006. The report cited a 15 percent decrease in reports but an increase in the use of violence against gays, lesbians, transvestites, and transgendered individuals. On August 26, the Chilean Confederation of Sexual Diversity was formed, grouping together 13 organizations of sexual minorities from around the country.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form and join unions without prior authorization, and approximately 13 percent of the total work force (estimated at 6.8 million) was unionized in more than 20,000 registered unions. Police and military personnel may not organize collectively. Members of unions were free to withdraw from union membership.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The 2007 International Trade Union Confederation report identified continuing antiunion practices, such as barring of union leaders' access to companies, replacement of striking workers, and threatening dismissal to prevent formation of trade unions. Temporary workers, those in agriculture and construction as well as port workers and entertainers, may form unions, but their right to collective bargaining is limited. Intercompany unions were permitted to bargain collectively only if the individual employers agreed to negotiate under such terms. Collective bargaining in the agricultural sector remained dependent on employers agreeing to negotiate.

There were no export processing zones, and there were no special laws or exemptions from regular labor laws in duty-free zones.

While employees in the private sector have the right to strike, the government regulated this right, and there were some restrictions. The law permits replacement of striking workers, subject to the payment of a cash penalty distributed among the strikers.

Public employees do not enjoy the right to strike, although government teachers, municipal and health workers, and other government employees have gone on strike in the past. The law proscribes employees of 30 companies, largely providers of services such as water and electricity, from striking. It stipulates compulsory arbitration to resolve disputes in these companies. There was no provision for compulsory arbitration in the private sector. Strikes by agricultural workers during the harvest season are prohibited. Employers must show cause and pay severance benefits if they dismiss striking workers.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, such practices occurred. The labor code does not specifically prohibit forced or compulsory labor by children, and child prostitution remained a problem.

d. Prohibition of Child Labor and Minimum Age for Employment

The law restricts child labor, but it was a problem in the informal economy. On June 12, new labor code provisions relating to minors went into effect. The law provides that children between the ages of 15 and 18 may work with the express permission of their parents or guardians, but they must attend school. They may perform only light work that does not require hard physical labor or constitute a threat to health and childhood development. When attending school, a child may not work more than 30 hours a week and in no case more than eight hours in a day. Their work contracts must be registered by their employers at the local Ministry of Labor inspector's office. Additional provisions in the law protect workers under age 18 by restricting the types of work open to them.

Ministry of Labor inspectors enforced these regulations, and while compliance was good in the formal economy, many children were employed in the informal economy. From January through October, the Ministry of Labor imposed some form of sanctions in 77 cases involving violations of child labor laws, compared with 123 cases in 2006. There were reports that children were trafficked. A survey by the Ministry of Labor and the International Labor Organization (ILO) reported that in 2003 approximately 200,000 children between the ages of five and 17 worked and that 3 percent of all children and adolescents worked under unacceptable conditions. Among working children, those between the ages of five and 14 worked an average of 18.5 hours a week, and adolescents worked an average of 26.9 hours.

From January through October, there were 343 cases of children and adolescents involved in the worst forms of child labor. Approximately 63 percent of the 2,476 cases of children and adolescents engaged in such labor reported since 2003 involved boys, 72 percent were 15 years or older, and 53 percent did not attend school. In addition, 48 percent were

involved in hazardous activities such as mining or working with chemicals or toxins, 30 percent in commercial sexual exploitation, and 18 percent in illegal activities.

The government devoted considerable resources and oversight to child labor policies. SENAME, in coordination with labor inspectors, has a system for identifying and assisting children in abusive or dangerous situations. The Ministry of Labor convened regular meetings of a business-labor-government group to monitor progress in eradicating child labor. SENAME, in conjunction with the ILO, operated rehabilitation and reinsertion mini-programs in nine municipalities for exploited child workers. SENAME also implemented public educational programs to create awareness about child labor and its worst forms.

e. Acceptable Conditions of Work

The minimum wage is set by law and is subject to adjustment annually. A committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. On July 1, the minimum wage increased 6.25 percent to approximately \$277 a month (144,000 pesos). This wage was designed to serve as the starting wage for an unskilled single adult worker entering the labor force and did not provide a worker and family with a decent standard of living. The minimum wage for domestic servants was 75 percent of that for other occupations. The minimum wage for workers over age 65 and under 18 was approximately \$207 a month (107,500 pesos). The Labor Directorate, under the Ministry of Labor, was responsible for enforcing minimum wage and other labor laws and regulations and did so effectively.

The law sets the legal workweek at six days or 45 hours. The maximum workday length is 10 hours (including two hours of overtime pay), but positions such as caretakers and domestic servants are exempt. 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. The law establishes fines for employers who compel workers to work in excess of 10 hours a day or do not provide adequate rest days. The government effectively enforced these standards.

The law establishes occupational safety and health standards, which were administered by the Ministries of Health and Labor and effectively enforced. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. The law protects employment of workers who remove themselves from dangerous situations if labor inspectors from the Labor Directorate and occupational safety and health inspectors from the Chilean Safety Association determine conditions that endanger their health or safety exist. Authorities effectively enforced the standards and frequently imposed fines for workplace violations.

