



U.S. DEPARTMENT OF STATE  
DIPLOMACY IN ACTION

## 2008 Human Rights Report: Chile

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

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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. 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, physical abuse in jails and prisons, and 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. 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

The government or its agents did not commit any politically motivated killings. However, on January 3 in Vilcun, police shot and killed Matias Catrileo, who had joined an occupation by indigenous persons of private land. A military court indicted a police corporal for the shooting, but he remained free and the case was pending at year's end (see section 5, Indigenous People).

In October 2007 the Rancagua Appeals Court indicted two former members of the uniformed national police (Carabineros) for the 1988 killings of Manuel Rodriguez Patriotic Front (FPMR) activists Raul Pellegrini and Cecilia Magni. The case remained pending at year's end.

In the "Albania Case" concerning the 1987 killings of 12 FPMR activists, former Carabiniero Ivan Quiroz Ruiz was captured on January 24 after four months as a fugitive and began serving a 10-year sentence.

On February 1, the family of dual Chilean-Spanish citizen Carmelo Soria, who was killed by National Intelligence Directorate (DINA) agents in 1976, received a 780-million-peso (approximately \$1.5 million) payment as approved by the Senate. Action on an associated criminal case was pending at year's end.

On June 30, Judge Alejandro Solis convicted and sentenced nine former DINA agents, including former DINA director Manuel Contreras and two civilians, for the 1974 car bomb assassination of former army commander Carlos Prats and his wife in Buenos Aires. Contreras received two life sentences and 20 years for illicit association. At year's end all those indicted in the Prats case were free on bail except for Contreras, Pedro Espinoza, and Raul Iturriaga. Appeals regarding the sentences of the six other convicted individuals remained pending at year's end.

On October 15, the Supreme Court confirmed the conviction of former general Sergio Arellano and sentenced him to six years in prison. However, on November 18, the presiding judge relieved Arellano of serving time due to his Alzheimer's disease, and his family paid 500,000 pesos (approximately \$960) bail. This first ruling by the Supreme Court in the 1973 "Caravan of Death" case involved homicide convictions for four of the 72 killings perpetrated by a group of army officers and infantrymen who traveled around the country following the 1973 coup to order and perform prisoner executions. In addition, authorities convicted and sentenced four former military officers, one to six years in prison and three others to four years on parole.

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. In other cases the courts upheld the statute of limitations or lessened sentences, allowing the convicted persons to serve time outside of prison.

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

On May 26, Judge Victor Montiglio issued 98 indictments of former members of the army, air force, Carabineros, and Investigations Police (PDI) for the 1975 disappearance case called "Operation Colombo." The 98 indictees, 13 of whom were serving sentences for other human rights violations, were all charged with "permanent kidnapping" of 41 victims. "Operation Colombo" covered up DINA detentions of 119 Chileans by placing false media reports in Argentina and Brazil stating that the disappeared individuals had died in Argentina or Brazil.

A criminal court investigation of the 1974 disappearance of Gloria Lagos Nilsson remained pending at year's end. This case had been under military court purview until January 2007 when, for the first time in the investigation of a Pinochet-era disappearance case, a military court recused itself.

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

Although the constitution prohibits such practices, nongovernmental organizations (NGOs) received reports of abuse and mistreatment by the Carabineros, the PDI, and prison guards. Few reports of abuse or mistreatment led to convictions.

The Gendarmeria opened administrative investigations into 107 allegations of abuse before the end of the year, compared with 26 such cases in 2007. Of the new cases, six resulted in officials receiving sanctions, nine were closed or the accused officials were not found responsible, and 92 were pending at year's end.

On July 11, the Santiago Appellate Court confirmed a three-year prison sentence for Colonia Dignidad settlement founder Paul Schaefer for the abuse and torture of eight members of the community between 1970 and 1980. Schaefer was already serving time for rape and sexual molestation.

### 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 50,000 prisoners in prisons designed to hold 33,000 inmates. Prisons in the Santiago Metropolitan Region were at nearly double their design capacity. The 2008 Diego Portales University Law School Annual Report on Human Rights reiterated that overcrowded prisons with substandard sanitary, food, and medical services were a problem and also described cases of prisoner abuse and use of excessive force.

In isolated instances prisoners died due to lack of clear prison procedures and insufficient medical resources. Prison officials reported that there were 63 deaths from preventable causes during the year, compared with 48 in 2007. As of December 48 inmates had been killed by other prisoners, and 15 inmates had committed suicide. Prisoners with HIV/AIDS and mental disabilities allegedly failed to receive adequate medical attention.

In March the UN Children's Fund issued a report on the new, more rehabilitative juvenile justice system established under a 2007 reform law. The principal shortcomings noted included deficient implementation of schooling and training programs, a lack of appropriate medical attention and administration of medicines, the use of solitary confinement despite its prohibition in the law, and the absence of segregation of youths by age and gender. As of December approximately 1,600 minors were incarcerated in the new system, of whom nearly 80 percent were held provisionally during their trial. A special prosecutor's investigation into a 2007 fire, which started during a riot in the Tiempo de Crecer juvenile detention center in Puerto Montt and killed 10 adolescents, was pending at year's end.

The government permitted prison visits by independent human rights observers, and such visits took place to both government-run and privately operated facilities. An Inter-American Commission on Human Rights (IACHR) delegation that visited and evaluated the country's prison system in late August found some good practices, but it also noted excessive use of force, systematic physical mistreatment including the use of isolation measures in inhuman conditions, overcrowding, unsanitary conditions, deficient infrastructure, and a lack of appropriate inmate separation and specialized medical attention. Prisoner rights and human rights groups continued to investigate alleged use of abuse or excessive force against detainees.

#### 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, overseen by the Ministry of Defense, and the plainclothes PDI, overseen by the Ministry of the Interior. 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.

#### 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 interrogation and trial. 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. At year's end authorities closed four of the six remaining inquisitorial criminal courts in the Santiago Metropolitan Region, and all prereform cases faced extensive waits for trial.

#### 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 1990 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 approximately five years, and civil suits could continue for decades.

#### 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 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.

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. 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 10:00 p.m., when "family viewing hours" end. The CNT occasionally levied fines.

On May 7, authorities arrested documentary filmmaker Elena Varela Lopez, charged her with "illegal association with intent to commit an offense," and confiscated her equipment and research documents regarding the conflict between lumber companies and the Mapuche indigenous people. She was released from custody on August 13 but placed under house arrest at night; at year's end she remained charged with crimes dating from bank raids in 2004-05.

On September 26, the State Defense Council agreed to pay 30 million pesos (approximately \$55,000) to journalist Alejandra Matus for censoring her book, *El Libro Negro de la Justicia Chilena*. The book criticized the country's justice system for actions during the Pinochet era. The decision complied with an IACHR recommendation that determined the censorship had violated the author's rights.

### 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 PDI maintained a cybercrime unit that monitored Web sites for financial crimes and child pornography, there were no reports that the government monitored e-mail or Internet chat rooms for other purposes. The International Telecommunication Union reported that there were 31 Internet users per 100 inhabitants in 2007.

### 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.

On October 7, the government approved October 31 as a national holiday recognizing evangelical churches.

#### Societal Abuses and Discrimination

There were reports of anti-Semitic incidents, including spray-painted graffiti and swastikas directed at Jewish individuals and institutions in Concepcion. Government investigations identified two suspects in these acts. 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 shared 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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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. In practice the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened. Between January and October, 248 residents were given recognized refugee status for a total in October of 1,385 residents with that status. During the year the government also provided temporary protection to three individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Between April and May, 30 families (116 refugees) of Palestinian origin were resettled from the Al-Tanf camp on the Syrian-Iraqi border into communities in the Santiago Metropolitan and Valparaiso regions, with implementation assistance and local integration facilitated by the Catholic Archdiocese of Santiago and the UNHCR. Refugees may be naturalized after five years of permanent residency if they demonstrate financial independence and have no criminal record.

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 center-left Concertacion coalition as president in a free and fair runoff election. In 2005 voters elected 20 of the 38 senators and all members of the Chamber of Deputies in elections generally considered free and fair. Political parties can operate without restriction or outside interference.

There were 16 women in the 120-seat Chamber of Deputies, two women in the Senate, and nine women in the 22-member cabinet. After President Michelle Bachelet instituted her policy of "gender parity," women filled nearly 50 percent of governmental appointments. However, women continued to be underrepresented among elected officials, constituting only 12.5 percent of mayors, for instance.

Indigenous people have the legal right to participate freely in the political process, but relatively few were active. No member of the legislature was known to be of indigenous descent.

#### Government Corruption and Transparency

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

On September 18, member of the Chamber of Deputies Amelia Herrera was convicted of extorting companies when she was mayor of Quilpue to obtain funds for her congressional campaign. A judge commuted her 61-day sentence and imposed a three-year prohibition against serving in public positions.

On October 28, the former manager of administration of the State Railroad Company, Claudio Carreno, was convicted of repeated acts of fraud and two counts of bribery in 2005-06, acts that generated a loss of 371 million pesos (approximately \$713,000) in public funds. A judge sentenced him to five years in prison and a fine of 31.7 million pesos (\$61,000) but allowed him to serve his sentence on parole because he cooperated with the investigation.

Investigations continued into Chiledeportes, which promotes amateur and professional sports. On May 23, the former Valparaiso Chiledeportes director was convicted of fiscal fraud and sentenced to prison but released on parole. Investigation of the indicted former Santiago Metropolitan Region Chiledeportes director continued at year's end. On October 6, five persons were convicted in the related Publicam case, in which Publicam sold false invoices to companies seeking to evade taxes. Some of these invoices were discovered during the Chiledeportes investigation.

The law makes public officials subject to financial disclosure and 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 ministries and most public agencies had Web sites.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

On November 12, the Chamber of Deputies rejected a bill to create the People's Defense Office (ombudsman). This constitutional reform measure, originally introduced in 2003, received a majority of votes but not the required three-fifths of deputies.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, age, nationality, national origin, disability, 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. Statutory rape applies to victims 14 years of age and under. The law protects the privacy and safety of the victim making the charge. During the year the Public Ministry investigated 2,946 cases of rape, compared with 2,782 cases in 2007, and the courts handed down 303 convictions for rape. Experts believed that most rape cases went unreported.

The Ministry of Justice and the PDI 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. From January to September, the Public Ministry initiated investigations into 53,380 cases of family violence, compared with 46,354 cases for all of 2007. During the year 59 women were killed as a result of domestic or sexual violence, compared with 61 in 2007.

Government actions to confront the problem included a national domestic violence awareness campaign beginning in October; operation of 58 assistance centers and 25 shelters for women; and partnerships with NGOs to provide training on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. In April the women's rights NGO DOMUS and private sponsors published a manual for the prevention of domestic violence. In November a national campaign, sponsored by the UN Development Fund for Women and private entities, began providing information on resources available to domestic violence victims.

Although adult prostitution is legal, bordellos are not. Several hundred women 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 fine of 50,000 pesos (approximately \$95) 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 coworkers. The Labor Directorate received 344 complaints of sexual harassment in 2007, of which 27 percent involved harassment by an employer.

On March 11, the government and Marcela Valdes signed an agreement to end the 1999 IACHR case she filed after she was fired from the Carabineros. Her firing occurred after she reported domestic abuse by her husband, who also worked for the Carabineros; however, authorities punished but did not dismiss him. Under the agreement the government acknowledged violating her rights, paid her \$50,000, committed to revise domestic violence policies in the Carabineros, and promised to strengthen efforts to prevent violence against women in the organization.

Women enjoy most of the same legal rights as men, including rights under family law and property law. Despite the 1994 introduction of a "community property" marital arrangement, in which each spouse maintains separate control of the assets brought into the marriage, the default and most common marital arrangement is "conjugal society," which gives a husband the right to administer joint property, including his wife's property. Under a 2007 agreement with the IACHR, the government committed to modify the law to give women and men equal rights and responsibilities in marriage; implementing legislation remained pending 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 labor code provides specific benefits for pregnant workers and recent mothers, including a prohibition against dismissal; 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. The National Women's Service is charged with protecting women's legal rights.

#### Children

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

Violence against children was a significant problem. The First National Survey of Victimization of Domestic Violence and Sex Crimes, conducted by the government in 2006-08, found that 72 percent of children had suffered some form of violence including psychological abuse.

The law prohibits sexual abuse of minors and suspends the statute of limitations in such cases. During the year the Public Ministry investigated 347 cases of commercial juvenile sexual exploitation, compared with 289 in 2007; and the National Children's Service (SENAME) assisted 1,216 victims of commercial juvenile sexual exploitation, compared with 1,062 in 2007. SENAME ran 14 programs specifically for victims of commercial sexual exploitation and 47 additional programs for children and youth in high-risk situations, including commercial sexual exploitation. SENAME, the Carabineros, and the PDI cooperated with schools and NGOs to identify children in abusive situations, provide counseling and other social services to abused children, and keep families intact.

Child prostitution was a problem. Children engaged in prostitution for survival with and without third-party involvement.

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, through, and within the country for the purposes of sexual and labor exploitation and involuntary domestic servitude.

Most reported victims were 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, Paraguay, and China, although it was difficult to distinguish some trafficking victims from economic migrants. The Chinese appeared to be transiting en

route to Mexico, Brazil, and possibly the United States.

Principal traffickers were small-scale criminals, although reports of trafficking by organized criminal rings increased. Traffickers reportedly used newspaper advertisements for models to lure girls and targeted economically disadvantaged families when looking for children. The majority of transnational trafficking victims reportedly held valid travel documents.

The law criminalizes cross-border trafficking for sexual exploitation, with a minimum penalty of three years in prison and fines beginning at 430,000 pesos (approximately \$825). Sanctions are increased to a maximum of 20 years 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 disability. 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. 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 law does not criminalize transnational trafficking for the purpose of labor exploitation and lacks specific prohibitions against some forms of internal trafficking.

An antitrafficking coordinator in the Ministry of the Interior worked with the PDI, the Ministry of Justice, other government agencies, and NGOs to coordinate antitrafficking efforts. During the year the Public Ministry opened 126 new cases, including 15 cases of cross-border trafficking, and convicted five persons of cross-border trafficking. Nine investigations of cross-border trafficking were active at year's end. Most trafficking-related cases dealt with commercial sexual exploitation of minors. The government cooperated with Interpol on law enforcement activities.

The government made substantial efforts to assist trafficking victims. SENAME worked with local offices, international organizations, and NGOs to provide child victims counseling, psychological and health care, and educational opportunities. SENAME also worked to ensure that child victims would not return to abusive or high-risk situations.

The government also worked with Bolivian and Argentine authorities to coordinate the safe repatriation of foreign victims. The government had no residence visa program for foreign trafficking victims.

Government programs to prevent trafficking included a PDI public awareness campaign, with a cinema workshop at the PDI police academy; ongoing training of police and prosecutors in collaboration with the International Organization for Migration; and participation in the regional training of officials from immigrant services, the National Prosecutor's Office, and the PDI.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, but such persons suffered forms of de facto discrimination. In October the "New Faces" Foundation, an NGO that provides attention to impoverished adults with mental or psychological disabilities, reported an estimated 60,000 persons suffered from moderate or severe mental disability and nearly half received no mental health attention. Approximately 100,000 persons under the age of 27 with disabilities did not receive any special care or education.

A majority of public buildings did not comply with legal accessibility mandates. An improved transportation system in Santiago provided additional, but still limited, accessibility for persons with disabilities. Public transportation

outside of the capital remained problematic.

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. FONADIS supported a number of programs through its annual national projects contest.

#### Indigenous People

The law gives indigenous people (approximately 5 percent of the total population) the right to participate 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 participation of indigenous people 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, 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 2007 approximately 40,000 acres were transferred and registered as indigenous lands, benefiting approximately 1,000 Mapuche families. During the year the Ministry of Education and CONADI provided scholarships to nearly 44,000 indigenous elementary, high school, and college students, compared with approximately 42,000 in 2007. Indigenous groups noted, however, that the scholarships were actually small stipends to cover living expenses and did not cover tuition costs.

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 normally took the form of protests. Instances of rock throwing, land occupations, and burning crops, buildings, or vehicles occurred occasionally. The Coordinadora Arauco Malleco (CAM), an indigenous group that has been accused of domestic terrorist acts, reportedly 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. On January 3, police shot and killed 22-year-old Matias Catrileo while he and approximately 30 other Mapuche individuals occupied private land and destroyed crops in Vilcun. A military court indicted Corporal Walter Ramirez for the shooting, but he remained free and on active duty with the case pending at year's end.

The Observatory of Indigenous People's Rights (OIPR) reported incidents of police searches of indigenous homes without a warrant, arrest and release of indigenous individuals without a detention control hearing, and police use of intimidation and discriminatory statements against indigenous individuals including minors. The OIPR also reported that individuals and organizations that defend indigenous rights were subject to threats.

On November 3, a court absolved alleged CAM member Avelino Menaco of involvement in an October 2007 arson fire. The Prosecutor's Office filed an appeal that was pending at year's end. Also pending at year's end were investigations regarding the 2007 arrests of two other Mapuche CAM members under charges of arms possession or arson.

#### Other Societal Abuses and Discrimination

According to the Sixth Annual Report on the Human Rights of Sexual Minorities of the Movement for Homosexual Integration and Liberation (MOVILH), there were 57 cases of discrimination (including four killings) due to sexual orientation in 2007. MOVILH cited a decrease in reports of police brutality but an increase in labor discrimination against gays, lesbians, transvestites, and transgendered individuals.

There were no confirmed cases of societal violence or discrimination based on persons with HIV/AIDS.

## 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 workforce (estimated at 7.2 million) was unionized in more than 20,000 registered unions. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Police and military personnel may not organize collectively.

Public employees do not enjoy the right to strike, although a four-day strike in November that included government teachers, municipal and health workers, and other government employees halted the work of 70 percent of public-sector employees. The strike ended with the negotiation of a salary increase.

While employees in the private sector have the right to strike, the government regulated this right, and there were some restrictions. Employers must show cause and pay severance benefits if they dismiss striking workers. The law proscribes employees of 32 private sector companies, largely providers of services such as water and electricity, from striking. It stipulates compulsory arbitration to resolve disputes in these companies. Strikes by agricultural workers during the harvest season are prohibited.

### b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law, but the right of entertainers and temporary agricultural, construction, and port workers to bargain collectively 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.

A 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.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, such practices occurred, primarily for domestic servitude and forced prostitution. 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

Despite laws restricting child labor, the employment of children was a problem in the informal economy and in agriculture.

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 children may not work more than 30 hours a week and in no case more than eight hours a day. Their work contracts must be registered by their employers at the local Ministry of Labor inspector's office.

During the year there were 268 detected cases of children and adolescents involved in the worst forms of child labor. The majority of reported child and adolescent labor cases since 2003 involved boys, children over the age of 15, and children not enrolled in school. Examples included hazardous work in mines, commercial sexual exploitation, and illegal activities.

Ministry of Labor inspectors enforced regulations, and while compliance was good in the formal economy, many children were employed in the informal economy. During the year the Ministry of Labor imposed some form of sanction in 111 cases involving violations of child labor laws, compared with 98 cases in 2007.

The government devoted considerable resources and oversight to child labor policies. SENAME, in coordination with labor inspectors, identified and assisted children in abusive or dangerous situations. SENAME also implemented public education programs to raise awareness and worked with the International Labor Organization to operate rehabilitation programs. The Ministry of Labor convened regular meetings of a business-labor-government group to monitor progress in eradicating child labor.

#### e. Acceptable Conditions of Work

The minimum wage is set by law and is subject to adjustment annually. A committee composed of 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 10.4 percent to 159,000 pesos (approximately \$305) a month. 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 118,690 pesos (approximately \$230) a month. 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 country's Safety Association determine conditions that endanger their health or safety exist. Authorities effectively enforced the standards and frequently imposed fines for workplace violations.