



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF CHILE CONCERNING  
THE LIST OF ISSUES (CRC/C/CHL/Q/3) RAISED BY THE COMMITTEE  
ON THE RIGHTS OF THE CHILD RELATING TO THE CONSIDERATION  
OF THE THIRD PERIODIC REPORT OF CHILE (CRC/C/CHL/3)\* \*\***

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**List of issues to be taken up in connection with the third periodic report of Chile concerning its implementation of the Convention on the Rights of the Child**

**PART I**

**A. Data and statistics, if available**

**1. Disaggregated statistical data (by sex, age group, ethnic group and area) for 2003, 2004 and 2005 on the number and percentage of children under the age of 18.**

1. The most recent national census was conducted in 2002. The main information and projection it provided are set out below.

**Table 1**

**Population under 18 by age group, sex and ethnic group, 2002**

Age	Male			Female			Total		
	Non-indigenous population	Indigenous population	Total	Non-indigenous population	Indigenous population	Total	Non-indigenous population	Indigenous population	Total
0-5	681 375	32 320	713 695	656 948	31 024	687 972	1 338 323	63 344	1 401 667
6-12	936 028	47 985	984 013	901 080	46 100	947 180	1 837 108	94 085	1 931 193
13-17	648 324	33 249	681 573	625 366	32 031	657 397	1 273 690	65 280	1 338 970
Total	2 265 727	113 554	2 379 281	2 183 394	109 155	2 292 549	4 449 121	222 709	4 671 830

*Source:* National Statistical Institute, 2002 Census.

**Table 2**

**Percentage of population under 18 by age group and ethnic group, 2002**

Age	Total		
	Non-indigenous population	Indigenous population	Total
0-5	95.5	4.5	100.0
6-12	95.1	4.9	100.0
13-17	95.1	4.9	100.0
Total	95.2	4.8	100.0

*Source:* National Statistical Institute, 2002 Census.

2. Of the total population under 18, some 4.8 per cent belong to an ethnic minority. The majority of indigenous children belong to the Mapuche (87.6 per cent), Aymara (6.9 per cent) and Atacameño (3.1 per cent) communities (see table 1).

**Table 3****Estimated population under 18 by age group and urban or rural area, 2005-2007**

Age group	2005			2006			2007		
	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total
0-4	1 086 558	150 905	1 237 463	1 087 369	152 266	1 239 635	1 088 180	153 627	1 241 807
5-10	1 400 145	215 637	1 615 782	1 382 147	209 067	1 591 214	1 364 149	202 499	1 566 648
11-14	1 035 048	165 794	1 200 842	1 014 102	161 268	1 175 370	993 160	156 739	1 149 899
15-17	766 262	124 160	890 422	765 799	123 480	889 279	765 336	122 800	888 136
Total	7 809 764	1 188 832	8 998 596	7 733 035	1 168 682	8 901 717	7 656 314	1 148 530	8 804 844

Source: National Statistical Institute, 2006.

**2. Disaggregated data on budget allocations and trends (in absolute figures and percentages of the national and regional budgets) for the years 2004, 2005 and 2006 regarding the implementation of the Convention evaluating also the priorities for budgetary expenditures given to the following:**

**(a) Education (different types of education, i.e. pre-primary, primary and secondary education);**

**Table 4**

**Education budget, 2004, 2005 and 2006  
(thousands of dollars)**

	2004	2005	Initial budget for 2006
Education, total	3 064 881	3 164 310	3 250 084
1. Preschool education, total	383 111	407 831	428 223
Integra Foundation	63 330	69 765	73 692
Support for pre-primary education in schools	2 078	3 559	4 274
School Meals Programme	15 109	17 684	20 904
School materials	0	0	227
Health	585	576	595
National Nursery Schools Board	118 261	120 444	122 261
Subsidies	183 748	195 804	206 272
2. Primary education, total	1 846 498	1 895 678	1 939 847
Educational improvement projects	2 657	2 015	2 031
Extra-curricular activities	1 395	1 355	1 553
Primary Education Programme	11 054	9 617	9 619
Information Technology Programme	15 669	12 679	14 048
Educational Quality Evaluation System	3 555	4 185	4 839
Textbooks	13 924	13 781	15 173
School Meals Programme	132 895	134 307	138 490
School materials	2 241	2 095	1 360
School Meals Programme for Vacations	2 441	2 943	2 920
Health	6 213	6 583	6 959
Subsidies	1 654 455	1 706 119	1 742 855

**Table 4 (continued)**

	2004	2005	Initial budget for 2006
3. Secondary education, total	835 273	860 801	882 014
Educational improvement projects	1 139	863	870
Extra-curricular activities	598	581	665
Secondary Education Programme	10 168	9 139	8 851
Information Technology Programme	6 715	8 452	9 365
Advanced schools	1 960	312	0
Educational Quality Evaluation System	0	25	2 605
Textbooks	8 534	8 446	9 299
School materials	0	0	680
Student family residence	4 481	4 325	4 419
School Meals Programme for Vacations	1 627	1 261	1 251
School Meals Programme	25 110	26 348	28 370
Health	1 755	1 728	1 784
Subsidies	764 469	787 676	801 318
Presidential Grants Programme	8 717	11 644	12 535

Source: Budget Office, 2006.

**(b) Health care (different types of health services, i.e. primary health care, vaccinations, adolescent health care, HIV/AIDS and other health-care services for children, including social insurance) (Source: Ministry of Health);**

**Table 5**

**Health care budget, 2004, 2005 and 2006  
(thousands of dollars)**

Health care	2004	2005	Initial budget for 2006
Health care, total	294 188	345 272	371 085
HIV/AIDS prevention programmes	1 008	1 008	1 490
Programmes and services for children with disabilities (Children's Rehabilitation Centres - Teletón)	3 752	4 695	7 024
Remaining services (primary health care, immunization programme, adolescent health, etc.)	289 428	339 568	362 570

Source: Budget Office, 2006.

*(c) Programmes and services for children with disabilities;***Table 6****Disability budget, 2004, 2005 and 2006  
(thousands of dollars)**

Disability	2004	2005	Initial budget for 2006
Programmes and services for children with disabilities, total	3 388	2 617	2 481
Technical assistance - FONADIS (*)	1 469	758	643
Contribution to Corporación del Niño Limitado	1 198	1 192	1 184
Support for special education	721	667	654

*Source:* Budget Office, 2006.

3. According to Act No. 19.284 the funds managed by the National Disability Fund (FONADIS) must be earmarked primarily for the following purposes: (a) to provide full or partial funding for the purchase of technical assistance by third parties; (b) to provide full or partial funding for plans, projects and programmes for disabled persons, which will be carried out by third parties and focus preferably on prevention, rehabilitation and social integration. To this end article 56 (b) provides that the funds will be allocated through public tender.

4. Thus, although at present FONADIS does not have programmes or policies that focus directly on children, children are their main beneficiaries:

(a) In 2007, FONADIS will launch a technical assistance financing programme for children aged 0-4 under the Chile Grows with You child protection system;

(b) In the sphere of education, FONADIS runs a support programme for students with intellectual, physical, visual, hearing and psychological disabilities. It consists in full or partial funding, for one year, of resources to facilitate the participation of disabled students in academic activities at their own level of education: these may include equipment or materials for personal use, technological resources, visual aids, reading aids for the blind or transport, taking into account their special educational needs according to type and severity of disability. It also covers resources for collective use by educational establishments, available in the first instance to beneficiary pupils, future pupils or other students who so require, such as computing equipment, specific hardware and software, suitable furniture and building modification in general, and educational and other support workers. In either case, it also provides an evaluation of the educational support and resources required by the individual as well as information and specific proposals relating to their use and application in the teaching and learning process, so that institutions will cater better for the different needs of their pupils and in particular those with disabilities;

(c) **The National Project Competition and Competition for Community-Based Organizations.** The National Project Competition covers five main areas, most of which involve children’s issues. They are (a) prevention/rehabilitation; (b) access to work; (c) access to culture; (d) access to physical space; (e) access to information. The aim of the Competition for Community-Based Organizations is to strengthen the organizations representing disabled persons, their families and other persons associated with them and which defend the rights of the disabled, provide them with care and help meet their needs.

(d) *Support programmes for families;*

**Table 7**  
**Family support budget, 2004, 2005 and 2006**  
**(thousands of dollars)**

Family	2004	2005	Initial budget for 2006
Family support programmes, total	3 383	4 069	4 667
Domestic Violence Care Centres - National Service for Women	1 471	1 812	2 068
Contribution to the Family Foundation	1 912	2 258	2 600

*Source:* Budget Office, 2006.

5. The Family Foundation runs various programmes aimed at strengthening the family. The purpose of the Family Development Programme is to promote respectful, healthy, supportive and democratic relations within families. Some of its most noteworthy activities are listed below.

**“Sounds familiar” workshop**

6. This workshop is part of a project developed by the United Nations Children’s Fund (UNICEF), the Foundation for the Advancement and Development of Women (PRODEMU), the Integra Foundation and the Family Foundation in 2002. It is designed to improve the psychosocial welfare of families by strengthening the parenting skills of adults in charge of children and by promoting the rights of the child in Chile.

**Thematic modules**

7. Thematic modules have the same objectives as the Family Development Programme and focus on specific problems often encountered by families. Themes are identified on the basis of the practical experience of staff employed in Family Centres. Thematic modules are two-hour workshops during which a specific theme is introduced and discussed, and conclusions reached.

8. The themes are communication in the family; trust between partners; the limits of parent-child relations and the rights of the child.

9. Many of the support programmes for families concern the prevention of abuse and details are given in the section relating to abuse.

*(e) Support for children living below the poverty line;*

**Table 8 (a)**

**Budget to support children living below the poverty line, 2004, 2005 and 2006  
(thousands of dollars)**

	2004	2005	Initial budget for 2006
Support for children living below the poverty line (family subsidy)	87 841	100 439	100 942

*Source:* Budget Office, 2006.

10. In addition to the budget for the family subsidy, the Chile Solidario social welfare scheme, which mainly targets indigenous families, provides resources for the family but these are difficult to break down into those allocated exclusively for children. Table 2 of the annex gives details of the benefits granted to families in 2006.

11. Total Chile Solidario transfers for children in situations of extreme poverty serve as a rough indicator of the budget for this target group. The following transfers are identifiable:

**Table 8 (b)**

**Chile Solidario transfers in 2006 for children living in extreme poverty**

Programme	Amount in dollars
Integra Foundation	3 083 259
Oral Health (JUNAEB)	435 205
Financial support to remain in school (MINEDUC)	6 666 651
Skills for Life and Healthy Schools (JUNAEB)	641 991
Pre-school education (MINEDUC)	1 864 685
High School for All (MINEDUC)	1 389 137
School meals and materials (JUNAEB)	4 311 435
Housing Programme (Integra)	856 376
<b>Total</b>	<b>19 248 739</b>

*Source:* Ministry of Planning and Cooperation, 2006.



12. It should be noted that in 2006, the total transfers amounted to \$136,499,758, a sum which directly or indirectly benefited many children under the Chile Solidario scheme.

*(f) Protection of children who are in need of alternative care, including support for care institutions;*

**Table 9**

**Budget for alternative care, 2004, 2005 and 2006  
(thousands of dollars)**

Alternative care	2004	2005	Initial budget for 2006
Protection of children in need of alternative care, total	46 394	47 871	50 993
Care centres for children of seasonal workers - National Service for Women	0	1 476	1 775
Protection of children in need of alternative care, including support for care institutions - Ministry of Justice	46 394	46 395	49 218

*Source:* Budget Office, 2006.

*(g) Programmes and activities for prevention of and protection against child abuse, trafficking in children, child sexual exploitation and child labour (Source: Ministry of Justice and Ministry of Labour);*

**Table 10**

**Budget for prevention of and protection against child abuse, 2004, 2005 and 2006  
(thousands of dollars)**

Child abuse	2004	2005	Initial budget for 2006
Prevention of abuse, sexual exploitation, child trafficking and child labour; protection programmes	5 114	6 648	8 876

*Source:* Budget Office, 2006.

13. In addition to the programmes referred to in the table above, which are organized by the National Service for Minors (SENAME), the Family Foundation also carries out activities relating to the prevention of domestic violence and child abuse and sexual abuse, the budget for which is set out in table 7 (family support). A detailed description of these programmes is given under point 8.

**(h) Programmes and services for children from indigenous peoples  
(Source: National Indigenous Development Corporation);**

**Table 11**

**Budget for indigenous children, 2004, 2005 and 2006 (thousands of dollars)**

Indigenous children	2004	2005	Initial budget for 2006
Programmes and services for indigenous children, total	8 982	8 618	7 183
Indigenous Grants Programme - primary education	2 394	2 729	2 711
Indigenous Grants Programme - secondary education	2 784	3 430	4 080
Bilingual Intercultural Education Programme	3 804	2 459	392

*Source:* Budget Office, 2006.

14. The National Indigenous Development Corporation (CONADI) has programmes relating directly to indigenous children, including the following.

**Programme for the application of a bilingual intercultural curriculum and teaching plan**

15. This programme is based on the Indigenous Act (No. 19.253), which establishes a bilingual intercultural education system in areas with a majority indigenous population, giving responsibility for it to CONADI together with the relevant State bodies. This type of education will serve to eliminate the high repetition and dropout rates and to build an ethnic identity through the use of ethnic languages and cultures in schools, based on the recognition of multiculturalism and ethnic diversity in schools, and in general will help to shape values, ethics and attitudes relating to the differences and relationships between cultures.

16. In 2006, the programme has a target population of approximately .380 (sic) schoolchildren in regions I, II, VIII, IX, X, XII and the Metropolitan Region.

17. As part of the programme, an intercultural meeting for indigenous children and young people in Temuco region (region IX) was held in Temuco from 1 to 3 October 2004, or some other city in region IX, with the participation of more than 300 indigenous children and young people from the different peoples of Chile, with a view to disseminating information on the activities of native peoples and supporting interculturality and ethnic diversity.

**Indigenous Grants Programme**

18. This programme has been under way since 1991, having been set up under the Indigenous Act, which states: "The public sector budget shall provide special resources to the Ministry of Education for an indigenous grants programme." The indigenous grant is a benefit granted by the State to keep the student in regular education.

19. The 2006 budget makes provision for the payment of 36,160 grants, distributed as follows:

- (a) 18,258 grants for primary-level education;
- (b) 13,331 grants for secondary-level education.

(i) *Programmes and services for abandoned children, including street children;*

**Table 12**

**Budget for abandoned or street children  
(thousands of dollars)**

Abandoned children	2004	2005	Initial budget for 2006
Programmes for abandoned children (particularly street children), total	1 008	1 543	1 199
Programmes for abandoned children - education	0	309	328
Programmes for abandoned children - justice	1 008	1 234	871

*Source:* Budget Office, 2006.

20. In addition, the Narcotics Control Board (CONACE) supports 19 psychosocial projects as part of a selective drug-use prevention strategy run by NGOs working with vulnerable children and young people throughout the country. Some \$1,903,000 have been invested in such programmes over the last three years.

21. Specialized treatment is also available, with access to various types of therapy depending on the gravity of the drug-use problem and the circumstances of the person concerned. Some \$2,755,000 were invested to carry out such programmes in 2005 and 2006. (Details of these programmes are given in the relevant section.)

(j) *The administration of juvenile justice and the recovery and social reintegration of juvenile offenders;*

**Table 13**

**Budget for programmes relating to the administration of juvenile justice and the recovery and social reintegration of juvenile offenders,<sup>1</sup> 2004-2006  
(thousands of dollars)**

Juvenile justice	2004	2005	Initial budget for 2006
Administration of juvenile justice and the recovery and social reintegration of juvenile offenders	557	557	557

*Source:* Budget Office, 2006.

<sup>1</sup> This includes only those programmes implemented by partner institutions and not those implemented directly by the service, such as the Non-residential Care Programme (PIA) and reparation measures, such as community service, compensation for harm, drug rehabilitation treatment and juvenile units of the Chilean prison service.

3. ***Please indicate the estimated investment in the private sector, in particular for health and education.***
22. There is no information available on the subject.
4. ***Please explain what measures are undertaken to address regional and socio-economic disparities in budget allocations.***
23. In this connection see the budget allocations mentioned under item 2 concerning support for children living below the poverty line.
5. ***With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by sex, age group, ethnic group, urban and rural area) for the years 2003, 2004 and 2005, in figures and percentages for children under the age of 18:***
24. Residential care to protect the rights of children and adolescents deprived of their family environment is governed by Act No. 20.032. This provides for a programme of residential centres, which are subdivided into residential homes and residential assessment centres. The homes are intended to provide children and adolescents separated from their families with accommodation, food, shelter, recreation, early learning opportunities and emotional and psychological support on a regular basis, by ensuring their access to education, health and other services required for their well-being and development. These institutions are of three types: (a) protective institutions for infants, children of preschool age and older children; (b) homes for children with disabilities (slight to moderate, serious to profound, physical or sensory); (c) specialized homes.
25. Residential assessment centres are intended to offer an emergency temporary solution for children and adolescents requiring assessment or removal from their family environment while protective measures are put in place, by providing accommodation, food, shelter, emotional and psychological support and any other care they need. They are therefore suitable for children under 18 who are to be assessed by order of a court or who need a place to go while awaiting a court decision on measures to be taken. There are three categories: infant assessment centres, preschool assessment centres and assessment centres for older children.
26. It should be emphasized that the removal of children from their family environment is an exceptional measure and should be applied only as a protective measure, by a court, when there has been a serious violation of their rights and of their physical and psychological integrity within the family, and when other options for their care and shelter have been exhausted.

**Table 14**  
**Numbers<sup>2</sup> in residential centres by sex, 2003, 2004 and 2005**

Sex	Year		
	2003	2004	2005
Female	10 563	10 640	10 011
Male	9 426	9 281	8 502
Total	19 989	19 921	18 513

*Source:* National Service for Minors (SENAME), 2006.

**Table 15**  
**Numbers<sup>3</sup> in residential centres by age group, 2003, 2004 and 2005**

Age <sup>4</sup>	Year		
	2003	2004	2005
1-5	2 911	3 039	2 860
6-13	10 505	10 383	9 289
14 and over	6 048	5 946	5 788
Not known	525	553	576
Total	19 989	19 921	18 513

*Source:* National Service for Minors (SENAME), 2006.

27. The National Service for Minors (SENAME) has maintained and developed a system of care in foster families for children and adolescents who must be removed from their family environment following a serious violation of their rights. According to the Family Courts Act, which entered into force in 2005, children and adolescents are to be separated from their parents only when it is strictly necessary in order to protect their rights, and as long as there is no other, more appropriate, measure. In such cases, the judge will give preference to blood relatives of the children or adolescents or other persons with whom they have a close relationship, and only in the absence of such persons will the court place them in an institution.

<sup>2</sup> Information from the National Service for Minors (SENAME): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>3</sup> Information from the National Service for Minors (SENAME): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>4</sup> Age groups correspond to preschool age (1-5), school age (6-13) and adolescents (14-18 and over).

**Table 16**

**Numbers<sup>5</sup> in the foster families programme by sex, 2003, 2004 and 2005**

Sex	Year		
	2003	2004	2005
Female	1 688	2 247	2 275
Male	1 652	2 225	2 252
Total	3 340	4 472	4 527

*Source:* National Service for Minors (SENAME), 2006.

**Table 17**

**Numbers<sup>6</sup> in the foster families programme by age group, 2003, 2004 and 2005**

Age <sup>7</sup>	Year		
	2003	2004	2005
1-5	19	884	908
6-13	1 762	2 401	82 440
14 and over	753	1 181	1 177
Not known	6	6	2
Total	3 340	4 472	4 527

*Source:* National Service for Minors (SENAME), 2006.

28. This system of protective care is for children up to 18, or up to 24 if they are in higher education, with problems similar to those of children in the residential centres. Children who require individual care for the full restitution of their rights are placed in foster families while the necessary steps are taken to reintegrate them in their own family environment, where that is possible.

<sup>5</sup> Information from the Department of Planning and Studies (DEPLAE): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>6</sup> Information from the National Service for Minors (SENAME): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>7</sup> Age groups correspond to preschool age (1-5), school age (6-13) and adolescents (14-18 and over).

**Adopted domestically or through intercountry adoptions;**

29. With regard to adopted children, the following statistical information is available:

**Table 18**

**Children leaving the SENAME network for adoption, by sex, age and region, 2003**

Region	Age 0-2		Age 3-5		Age 6-8		Age 9-12		Age 13 and over		Total
	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	Male	
1	6	4	6	0	1	0	0	0	0	0	17
2	8	9	3	1	1	0	0	0	0	0	22
3	1	0	1	0	2	0	1	0	0	0	5
4	3	0	1	1	0	0	0	0	0	0	5
5	18	23	3	8	0	3	0	0	0	0	55
6	7	3	2	0	5	3	4	4	1	0	29
7	6	4	3	2	2	1	1	2	0	0	21
8	21	20	9	3	4	3	2	2	0	0	64
9	23	13	2	3	0	4	0	1	0	0	46
10	21	15	4	2	2	7	6	0	1	1	59
11	1	2	0	6	2	0	0	0	0	0	11
12	3	3	2	0	2	1	0	0	0	0	11
13	63	67	13	9	8	6	2	2	0	0	170
Total	181	163	49	35	29	28	16	11	2	1	515

*Source:* National Service for Minors (SENAME), 2006.

**Table 19**

**Children leaving the SENAME network for adoption, by sex, age and region, 2004**

Region	Age 0-2		Age 3-5		Age 6-8		Age 9-12		Age 13 and over		Total
	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	Male	
1	5	7	0	0	0	0	0	0	0	0	12
2	12	7	2	2	2	0	1	0	0	0	26
3	4	0	0	0	0	1	0	0	0	0	5
4	4	5	2	2	0	1	0	1	0	0	15
5	15	14	6	6	6	5	1	1	2	1	57
6	4	4	1	2	1	1	5	10	3	3	34
7	7	6	0	1	1	0	1	2	0	1	19
8	13	13	15	10	7	4	0	1	0	0	63
9	16	7	4	3	2	4	2	1	0	0	39
10	14	23	4	2	2	0	0	1	0	0	46
11	1	2	0	1	2	0	0	0	0	0	6
12	2	6	2	3	0	0	1	0	0	0	14
13	57	63	15	6	7	6	4	6	0	2	166
Total	154	157	51	38	30	22	15	23	5	7	502

*Source:* National Service for Minors (SENAME), 2006.

**Table 20**

**Children leaving the SENAME network for adoption, by sex, age and region, 2005**

Region	Age 0-2		Age 3-5		Age 6-8		Age 9-12		Age 13 and over		Total
	Male	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	
1	4	5	0	0	0	1	0	0	0	0	10
2	12	7	1	1	1	0	1	0	0	0	23
3	3	3	0	1	0	0	0	0	0	0	7
4	9	9	4	0	3	1	0	2	0	0	28
5	23	11	8	7	2	3	0	1	0	1	56
6	7	4	4	4	6	5	4	3	1	0	38
7	8	7	0	3	1	3	2	0	1	1	26
8	19	10	7	5	3	4	2	1	0	0	51
9	14	18	4	3	1	5	1	4	2	1	53
10	26	16	4	3	1	3	0	0	1	0	54
11	2	2	2	1	1	0	0	0	0	0	8
12	6	3	1	3	0	3	0	1	0	0	17
13	85	59	6	10	6	8	4	3	0	1	182
Total	218	154	41	41	25	36	14	15	5	4	553

Source: National Service for Minors (SENAME), 2006.

**Table 21**

**Children leaving the SENAME network for domestic or intercountry adoption, by region, 2005**

Region	Children leaving		Total
	Intercountry	Domestic	
1	1	9	10
2	4	19	23
3		7	7
4	7	21	28
5	15	41	56
6	15	22	37
7	7	19	26
8	11	40	51
9	14	39	53
10	7	47	54
11	3	5	8
12	6	11	17
13	16	167	183
Total	106	447	553

Source: National Service for Minors (SENAME), 2006.



6. *Number of Children with disabilities, up to the age of 18, disaggregated by sex, age groups, ethnic groups and urban and rural areas, for 2003, 2004 and 2005*

**Table 22**

**Children by disability diagnosis and age group (ENDISC), 2004**

	Age 0-4	Age 5-12	Age 13-17	Total	Rate per 1,000 children
Disability diagnosis not known	930 465	1 885 204	1 364 530	4 180 199	920.47
Disability diagnosis known	80 934	157 465	122 789	361 188	79.53
Infectious and parasitic diseases	5 011	370	1 789	7 170	1.58
Tumours, neoplasms	0	2 304	2 380	4 684	1.03
Diseases of the blood and blood-forming organs and of the immune system	1 571	4 025	826	6 422	1.41
Endocrine, nutritional and metabolic diseases	1 487	2 612	6 183	10 282	2.26
Mental and behavioural disorders	288	8 852	12 286	21 426	4.72
Diseases of the nervous system	6 514	21 137	15 907	43 558	9.59
Diseases of the eye and adnexa	1 675	13 650	12 251	27 576	6.07
Diseases of the ear and mastoid process	3 636	2 975	3 704	10 315	2.27
Diseases of the circulatory system	1 851	6 821	7 664	16 336	3.60
Diseases of the respiratory system	40 535	64 618	27 297	132 450	29.17
Diseases of the digestive system	3 535	5 268	9 467	18 270	4.02
Diseases of the skin and subcutaneous system	265	579	477	1 321	0.29
Diseases of the musculoskeletal system and connective tissue	7 929	12 134	13 273	33 336	7.34
Diseases of the genito-urinary system	1 884	4 257	3 018	9 159	2.02
Congenital malformations, deformations and chromosomal abnormalities	3 481	5 319	4 491	13 291	2.93
Other diagnosis	1 272	2 544	1 776	5 592	1.23
<b>Total</b>	<b>1 011 399</b>	<b>2 042 669</b>	<b>1 487 319</b>	<b>4 541 387</b>	<b>1 000.00</b>

Source: National Disability Fund (FONADIS), 2006.

**Children with disabilities living in institutions;**

30. As part of its residential programme, SENAME subsidizes residential homes for children with disabilities. In 2005, there were 23 homes for children with slight or moderate intellectual disabilities, and 10 for children with severe or profound disabilities.

**Table 23****Numbers<sup>8</sup> in residential centres for children with disabilities  
2003, 2004 and 2005<sup>9</sup>**

	2003	2004	2005
Boys	991	817	868
Girls	926	891	825
Total	1 917	1 708	1 693

*Source:* National Service for Minors (SENAME), 2006.

**Table 24****Numbers of children with disabilities<sup>10</sup> by residential and  
day-care programmes, 2003, 2004 and 2005<sup>11</sup>**

	2003	2004	2005
Residential programme <sup>12</sup>	2 809	2 733	2 622
Day-care programmes	1 686	1 410	1 375
Total	4 495	4 143	3 997

*Source:* National Service for Minors (SENAME), 2006.

<sup>8</sup> Information from the National Service for Minors (SENAME): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>9</sup> Information from the National Service for Minors (SENAME): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>10</sup> This information includes children and adolescents with intellectual disabilities or other disabilities such as physical, neuropsychiatric, sensory, etc.

<sup>11</sup> Information from the National Service for Minors (SENAME): numbers in residential centres as at 31 December 2003, 2004 and 2005. The children are those in care on the date in question (this figure may differ from levels of care stipulated in agreements).

<sup>12</sup> This includes all residential centres and not only those specifically for children and adolescents with disabilities.

**Table 25**

**Numbers of children with disabilities<sup>13</sup> by sex, 2003, 2004 and 2005**

	2003	2004	2005
Female	2 469	2 219	2 125
Male	2 026	1 924	1 872
Total	4 495	4 143	3 997

*Source:* National Service for Minors (SENAME), 2006.

**Table 26**

**Numbers of children with disabilities by age group,<sup>14</sup> 2003, 2004 and 2005**

Age	2003	2004	2005
1-6	677	618	577
7-12	1 557	1 367	1 288
13 and over	2 256	2 149	2 122
Not known	5	9	10
Total	4 495	4 143	3 997

*Source:* National Service for Minors (SENAME), 2006.

**Table 27**

**Children with disabilities attending school by educational level,  
2003, 2004 and 2005**

	2003	2004	2005
Attending	3 588	3 213	3 124
Not attending	633	721	638
Not known	274	209	235
Total	4 495	4 143	3 997

*Source:* National Service for Minors (SENAME), 2006.

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<sup>13</sup> This information includes children and adolescents with intellectual disabilities or other disabilities such as physical, neuropsychiatric, sensory, etc.

<sup>14</sup> Age groups correspond to preschool age (1-5), school age (6-13) and adolescents (14-18 and over).

**Children with disabilities attending ordinary or special schools or not attending school****Table 28****Children with disabilities aged 5 to 18 by age, area and education status, 2004**

Age	Area	Attending school			Not attending school	Total
		Total attending school	Attending ordinary schools	Attending special schools		
Total	Urban	109 046	93 229	15 817	20 295	129 341
	Rural	17 651	11 224	6 427	5 172	22 823
	Total	126 697	104 453	22 244	25 467	152 164

Source: National Disability Fund (FONADIS), 2006.

**Table 29****Children from 5 to 18 with disabilities, by age, sex and education status, 2004**

Age	Sex	Attending school			Not attending school	Total
		Total attending school	Attending ordinary schools	Attending special schools		
Total	Male	70 949	58 124	12 825	14 823	85 772
	Female	55 748	46 329	9 419	10 644	66 392
	Total	126 697	104 453	22 244	25 467	152 164

Source: National Disability Fund (FONADIS), 2006.

7. **Disaggregated statistical data relating to the health services by sex, age, ethnic groups and areas for 2003, 2004 and 2005:**

(a) **Rates of infant and child mortality;**

**Table 30**

<b>Child mortality, 2003</b>											
Infant		Neonatal		Early neonatal		Post-neonatal		Age 1-4		Age 5-9	
Deaths within one year	Rate*	Deaths within 28 days	Rate*	Deaths within 7 days	Rate*	Deaths between 28 days and 11 months	Rate*	Deaths	Rate*	Deaths	Rate*
1 935	7.8	1 212	4.9	937	3.8	723	2.9	396	0.39	250	0.18
<b>Child mortality, 2004</b>											
Infant		Neonatal		Early neonatal		Post-neonatal		Age 1-4		Age 5-9	
Deaths within one year	Rate*	Deaths within 28 days	Rate*	Deaths within 7 days	Rate*	Deaths between 28 days and 11 months	Rate*	Deaths	Rate*	Deaths	Rate*
2 034	8.4	1 035	5.4	1 004	4.1	729	3.0	388	0.38	235	0.17

Source: Ministry of Health, 2006.

\* Per 1,000 live births nationwide.

(b) *Rates of immunization;*

**Table 31**

**Immunization programme, 2005**

Type of vaccine	Dose	Age groups	Total
BCG	At birth	Scheduled	215 195
		Total	225 710
DPT	1st dose	2 months	214 610
		Total	223 317
	2nd dose	4 months	205 121
		Total	219 619
	3rd dose	6 months	197 296
		Total	217 973
	1st booster	18 months	193 823
		Total	217 796
	2nd booster	4 years	196 061
		Total	222 592
Hib	1st dose	2 months	215 018
		Total	223 809
	2nd dose	4 months	205 725
		Total	220 124
	3rd dose	6 months	197 534
		Total	218 183
Polio	1st dose	2 months	214 949
		Total	223 802
	2nd dose	4 months	205 909
		Total	220 146
	3rd dose	6 months	197 654
		Total	218 416
	1st booster	18 months	193 556
		Total	217 577
Hepatitis B	1st dose	2 months	114 045
		Total	162 016
	2nd dose	4 months	76 617
		Total	114 834
	3rd dose	6 months	42 467
		Total	70 053
	Health service staff		5 418
	Others		4 259
	Total		9 664

**Table 31 (continued)**

Type of vaccine	Dose	Age groups	Total
MMR	1st dose	1 year	199 190
		Total	215 019
	1st booster	1st year primary	231 063
		Total	237 041
Diphtheria - Tetanus Toxoid	1st dose	7 years	242 058
		Prophylaxis	162 116
		Others	24 921
		Total	429 095
Influenza	Adult		940 052
	Health service staff		68 879
	Pregnant women		45 937
	Healthy children, 6-12 months		1 287
	Chronic patients	0-9 years	56 982
		10-19 years	31 296
20-64 years		267 646	
Measles	6 years		695 811
	Total		696 637
Rabies			
Total bitten			30 733
Vaccination schedule completed			6 312
Vaccination schedule not completed			11 062
Total vaccinations given			53 623

Source: Ministry of Health, 2006.

*(c) Rates of malnutrition;*

**Table 32**

**Nutrition status of population under the age of 6, 2005**

Age group	Total population monitored	At risk		Malnutrition		Overweight		Obesity		Normal		Second-degree malnutrition	
		Monitored	Rate*	Monitored	Rate*	Monitored	Rate*	Monitored	Rate*	Monitored	Rate*	Monitored	Rate*
Total	985 458	25 502	2.6	2 971	0.3	143 839	14.6	69 572	7.1	742 931	75.4	643	0.1
0-2 months	36 095	196	0.5	18	0	1 271	3.5	284	0.8	34 293	95	33	0.1
3-5 months	41 087	357	0.9	35	0.1	3 510	8.5	1 175	2.9	36 003	87.6	7	0
6-11 months	81 367	3 221	4	395	0.5	12 853	15.8	4 789	5.9	60 060	73.8	49	0.1
12-17 months	83 114	3 992	4.8	544	0.7	12 779	15.4	4 794	5.8	60 951	73.3	54	0.1
18-23 months	81 542	3 670	4.5	527	0.6	11 924	14.6	4 526	5.6	60 820	74.6	75	0.1
24-47 months	333 685	9 052	2.7	931	0.3	45 925	13.8	17 817	5.3	259 734	77.8	226	0.1
48-71 months	328 568	5 014	1.5	521	0.2	55 577	16.9	36 187	11.0	231 070	70.3	199	0.1

*Source:* Ministry of Health, 2006.

**(d) Children infected with and/or affected by HIV/AIDS;****Table 33****Children discharged from hospital, by HIV or AIDS diagnosis,  
both sexes, by age group and year, 2003 and 2004**

Year	Total	Age 0-4	Age 5-9	Age 10-19
2003	1 247	137	92	34
2004	1 419	156	69	19

Source: Ministry of Health, 2006.

**(e) Adolescent health;**

*Drug, alcohol and tobacco abuse*

**Table 34****Registered live births by mother's age and year**

Year	Total	Mother's age (in years)	
		Under 15	15-19
2003	234 486	994	33 838
2004	230 352	906	33 522

Source: Ministry of Health, 2006.

31. National information on drug use, which is by and large collected from biennial studies of the general population and the school population, shows that this is a problem from the age of 12 upwards.

32. An analysis of the situation of the 12-18 age group compared with other age groups yields the following table showing annual prevalence:

**Table 35****Annual drug use prevalence, 2004**

Age	Marijuana	Cocaine	Cocaine base paste	Total illicit drugs
12-18	6.4	0.79	0.65	6.60
19-25	15.05	3.57	1.41	16.09
Total for the population aged 12-64	5.29	1.28	0.62	5.83

Source: Narcotics Control Board (CONACE), Sixth National Study on Drug Use among the General Population in Chile, 2004.



33. This shows that drug consumption (annual prevalence) in the 12-18 age group is close to the national average for cocaine base paste and marijuana, but clearly lower for cocaine.

34. With regard to this information, it is important to emphasize that:

- (a) Marijuana is the most prevalent illicit drug in the 12-18 age group;
- (b) Prevalence in the 12-18 year age group is significantly lower than in the 19-25 age group, which has the highest prevalence for all drugs;
- (c) The behaviour of the 12-18 age group varies considerably according to age, with higher prevalence among older children. Annual prevalence for any illicit drug is as follows:

**Table 36**

**Annual prevalence for any illicit drug by age**

Age	Annual prevalence
12	0.1
15	5.6
18	14.4

*Source:* Narcotics Control Board (CONACE), Sixth National Study on Drug Use among the General Population in Chile, 2004.

(d) In the case of marijuana, the dependency rate in the 12-18 age group is 31.28 per cent; the highest of any age group in the study.

35. Another interesting fact to be considered in the overall drugs situation among children in Chile is the age at which they first use drugs. The age of first use has been stable in the last two studies and is under 18 only in the case of marijuana, as can be seen from the table below:

**Table 37**

**Average age of first drug use**

Age of first use	Marijuana	Cocaine base paste	Cocaine
2002	17	20	21
2004	17	19	21

*Source:* Narcotics Control Board (CONACE), Sixth National Study on Drug Use among the General Population in Chile, 2004.

8. *With reference to child abuse and sexual exploitation, please provide disaggregated data (by sex, ethnic groups and types of child abuse reported) covering the years 2003, 2004 and 2005*

(a) *The number of reported child abuse cases and measures taken*

36. The third UNICEF study on child abuse, which was based on a questionnaire given to a total of 1,525 eighth-grade children in municipal schools and subsidized and fee-paying private schools in regions IV, V, VIII, IX, X and the Metropolitan Region (RM), published in October 2006, yielded the following findings:

(a) Between 1994 and 2006 the perception of abuse within the family remained virtually unchanged. In 1994, 77.5 per cent of respondents said they had suffered some kind of abuse; in 2006 the percentage was virtually the same, with 75.3 per cent of respondents saying they had suffered some kind of abuse;

(b) The study showed a steady increase in psychological violence towards children (from 14.5 per cent in 1994 to 19.7 per cent in 2000 and 21.4 per cent in 2006);

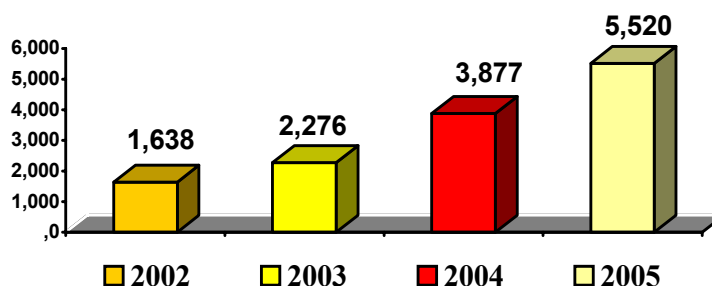
(c) The whole of society is affected, regardless of social sector. In higher socio-economic strata 72.4 per cent of children have suffered some kind of violence, the most widespread being psychological violence, with a prevalence of 25 per cent compared to 17.4 per cent in the lowest socio-economic group and 23.7 per cent in the middle stratum.

37. In the light of the above this remains an important area of work for the Government, and the SENAME has defined strategies for promotion, prevention and special rehabilitation in this area.

38. SENAME has drawn up technical guidelines and financed 53 child abuse rehabilitation projects nationwide. In 2005 a total of 5,520 children were helped under these projects, which indicates a threefold increase in the annual level of abuse over a three-year period, from 1,638 cases reported in 2002.

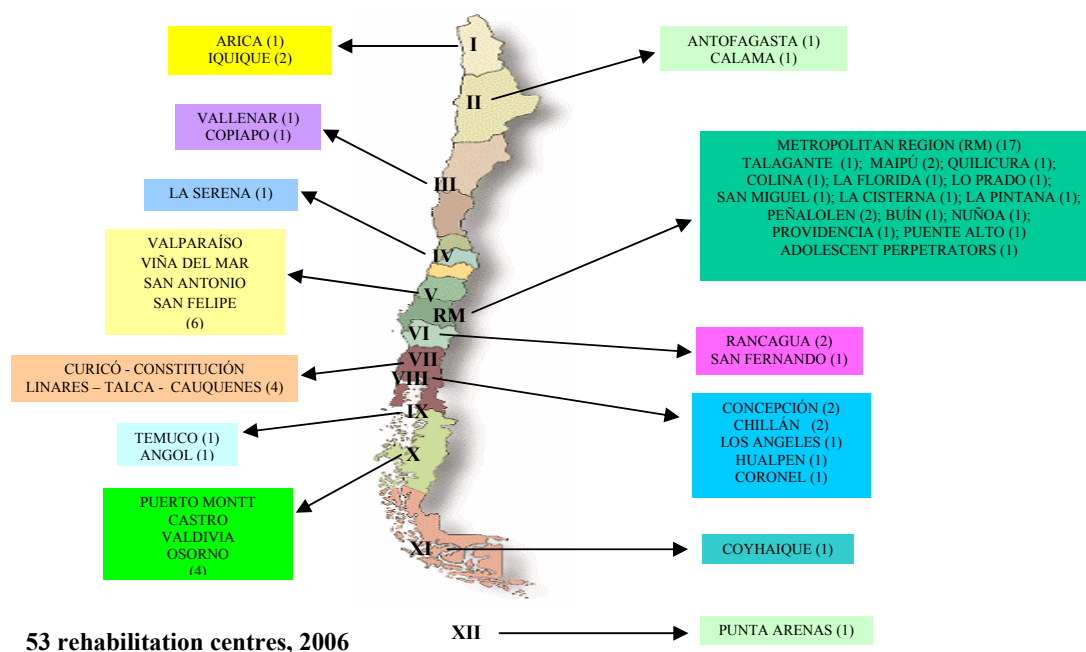
**Figure 1**

**Children victims of sexual abuse cared for by SENAME**



Source: National Service for Minors (SENAME), 2006.

**Criminal violence and sexual abuse: rehabilitation programmes, December 2005**



Source: National Service for Minors (SENAME), 2006.

39. SENAME keeps a record of cases involving criminal complaints, broken down by the sex of the child as shown below.

**Table 38**

**Complaints lodged by National Service for Minors for criminal acts against children and adolescents, by sex and region, 2003, 2004 and 2005**

Region	2003		2004		2005		Total
	M	F	M	F	M	F	
I				2	1	2	5
II	6	10	11	27	10	38	102
III	4	21	7	26	13	51	122
IV	2		2	4	16	36	60
V	2	12	4	10	6	23	57
VI	5	30		5	3	5	48
VII		3	13	25	14	27	82
VIII			5	24	23	63	115
IX							0
X	1	4	2	5	10	45	67
XI				1			1
XII	1		2	4	3	15	25
RM	84	248	76	230	21	77	736
Total	105	328	122	363	120	382	1 420

Source: National Service for Minors (SENAME), 2006.

**(b) *The number and percentage of reports which have resulted in either a court decision or other types of follow-up***

40. A total of 391 criminal complaints were lodged by SENAME in 2003 in respect of acts constituting offences against children and adolescents, as defined in the Criminal Code and which led to criminal court proceedings. There were 444 such cases in 2004 and 400 in 2005 (see annex containing data on criminal complaints lodged by most common type of offence, table ...).

**(c) *The number and proportion of child victims that have received counselling and assistance in recovery***

41. The aim of the special care projects is to help the rehabilitation of children who have been physically and/or sexually abused, by initiating legal proceedings to obtain protection, facilitating the process of resignification of the experience of abuse, and strengthening family and social resources for their well-being as individuals, family members and members of society.

42. Family Mental Health Centres and a number of hospital units are among the various institutions dealing with child abuse and sexual abuse. However, SENAME is the institution specializing in rehabilitation through the provision of psychological, social and legal support. This work started in late 1997, with the establishment of four specialized centres in Antofagasta, and Aysen regions and the Metropolitan Region.

43. The rehabilitation projects provide specialized psychological, social and legal support to children and adolescents and their families, in the following areas:

- (a) Helping to break the cycle of violence, providing expert care to those who are victims of serious assault and have been referred by the relevant prosecutor's office or court, SENAME network or local bodies, including Offices for the Protection of Rights (OPDs);
- (b) Assessing the severity of the damage done to the child and the family;
- (c) Attending oral hearings in the capacity of assessor or expert witness;
- (d) Drawing up a prognosis and treatment plan for care tailored to individual cases;
- (e) Providing psychological and social treatment;
- (f) Strengthening the child's meaningful relationships;
- (g) Strengthening the parenting skills and capabilities of adults responsible for victims' development;
- (h) Helping with resignification of traumatic events;
- (i) Strengthening means of self-protection;
- (j) Promoting a system for the protection of rights at the local level.

44. As at January 2006, a total of 53 specialized projects had been implemented, providing care in approximately 2,896 cases at any one time. Geographical coverage is limited to three municipalities per region. In 2004, 71.9 per cent of the cases dealt with involved girls and 28.1 per cent boys; in 2005 72.7 per cent involved girls and 27.3 per cent boys.

**Table 39**

**Children in serious physical abuse and sexual abuse rehabilitation projects, 2001-2005**

2001	2002	2003	2004	2005
1 462	1 638	2 276	3 877	5 520

*Source:* National Service for Minors (SENAME), 2006.

45. Results showed that, in 67.4 per cent of cases, rehabilitation was successful. In other words, child victims and their families managed to break the cycle of violence, resignify their experience and strengthen protection mechanisms. The number of people cared for increased by 42.4 per cent from 2004, thanks to the creation of new services by redeploying resources from traditional services. To measure user satisfaction, samples from 97.8 per cent of projects under way in 2005 were evaluated, and a baseline established from which to measure user satisfaction in the current year. The level of satisfaction was shown to be 96.9 per cent.

**(d) The coverage of the programmes referred to in the State party report**

46. This question was also addressed under the previous item.

47. In addition to the programmes covered by the previous table, the Family Foundation works to prevent domestic violence and child abuse and sexual abuse.

48. The MCMP workshop is a free, nationwide initiative, set up to prevent child abuse and sexual abuse in schools. It is aimed at boys and girls from kindergarten to the fifth grade of primary school, their parents or guardians and the teaching staff of the schools where the workshop is held. Work is carried out at three levels: with the children, with their guardians, and with teaching staff. Annual coverage of this workshop is 17,000 children and their families.

49. The aim of the “Helping them grow up” workshops is to prevent child abuse, taking as a starting-point the specific roles of preschool educators, parents and other responsible adults. It is geared to prevention of abuse and sexual abuse of very young children. Fathers, mothers and female and male teachers are given suitable tools for learning to resolve conflicts in a non-aggressive way, taking into account the children’s stages of development in promoting children’s rights.

50. The programme on prevention of family violence is applied through a workshop on cooperation in the family which is held in family centres or such community bodies as may request it. It comprises six sessions for adult men and women, and aims to enhance families’ abilities and skills, with a view to preventing domestic violence and promoting the non-violent conflict resolution in everyday life.

9. *Please specify the criteria for “poverty” and indicate the number of children living below the poverty line. Please also specify the support for children living below the poverty line.*

### **Definitions of poverty and extreme poverty**

#### *Extreme poverty line*

51. The cost of the monthly per capita food basket is established and people in extreme poverty are those in households whose per capita income is below this amount, in other words, households that would not be able to meet the food requirements of their members even if they spent their entire income on food. There are two extreme poverty lines - one for urban areas and one for rural areas.

52. The extreme poverty line as at November 2003 stood at 21,856 pesos in urban areas and 16,842 pesos in rural areas.

#### *Poverty line*

53. The poverty line for urban areas is obtained by doubling the value of the extreme poverty line, while for rural areas it is calculated by increasing the estimated basic food budget for these areas by 75 per cent. Households whose per capita income is below these levels are able to meet their food requirements but not all basic needs, and are defined as “non-indigent poor”.

54. The poverty line as at November 2003 stood at 43,712 pesos in urban areas and 29,473 pesos in rural areas.

55. The instrument for measuring poverty is the National Social and Economic (CASEN) survey. The most recent results available are those for 2003. The latest survey started in November 2006, and the results will be available in 2007.

**Table 40**

### **Poverty and extreme poverty lines by year and area (in October 2006 pesos)**

Area	Poverty line	1990	1992	1994	1996	1998	2000	2003
Urban	Extremely poor	27 062	26 659	24 805	24 305	24 086	24 029	23 728
	Poor	54 123	53 318	49 609	48 610	48 173	48 057	47 457
Rural	Extremely poor	20 853	20 543	19 114	18 728	18 560	18 502	18 285
	Poor	36 496	35 950	33 449	32 776	32 480	32 378	31 998

*Source:* Ministry of Planning and Cooperation, 2006.

**Table 41**

**Trends in poverty and extreme poverty, population aged under 18, 1990-2003**

	Extremely poor	Poor	Total poor	Non-poor
1990	19.3	31.4	50.7	49.3
1992	13.7	30.4	44.1	56.0
1994	11.5	26.5	38.0	62.0
1996	8.6	23.7	32.3	67.8
1998	8.2	21.9	30.1	69.9
2000	8.3	20.1	28.4	71.6
2003	7.2	19.5	26.7	73.4

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), 2006.

**Table 42**

**Poverty situation by ethnicity, children aged under 18, 2003**

	Not belonging to an ethnic group	Belonging to an ethnic group
Extremely poor	7.2	12.6
Poor	19.5	25.8
Total poor	26.7	38.4
Non-poor	73.4	61.7
Total	100.0	100.0

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), 2006.

56. A wide range of programmes and subsidies for children, focusing in particular on those living in poverty, is offered by the various sectors and institutions. Primary and secondary education is compulsory and free of charge. The State is responsible for guaranteeing access to education for all Chileans up to 21 years of age, thus ensuring that children and young people get a minimum of 12 years' schooling. Both the Ministry of Education and the National School Support and Scholarships Board (JUNAEB) have support programmes to ensure that children of limited means have access to preschool, primary and secondary education. Preschool education is provided by the National Kindergartens Board, the Integra Foundation and the Ministry of Education institutions which, in addition to providing increased coverage, offer varied services that may be tailored to the needs of the children and their families. In terms of the right to health, children from low-income households have access to the public health system, which is free of charge for extremely poor children. In addition to action to improve the public health system, the Auge Plan is being implemented, which establishes a new health guarantees regime,<sup>15</sup> to cover all children.

<sup>15</sup> Became law on 3 September 2003 with the publication in the *Diario oficial* Act No. 19.966, which describes and regulates its operation.

57. The current range of social programmes is offered mainly by the health, education and justice sectors, and institutions such as the National Disability Fund (FONADIS), the Narcotics Control Board (CONACE) and Chile Deportes. Although some programmes are aimed at children in particular, most are aimed at the population in general. (For a list of social programmes for children, see annex.)

58. Chile's social security system, Chile Solidario, works directly with the extremely poor, with the aim of helping to incorporate individuals and families living in extreme poverty into social networks and improve their access to better living conditions, in order to lift them out of extreme poverty.

59. In order to meet this objective, the system works by coordinating public-sector institutions and managing private-sector participation. In this way optimal use is made of existing resources and only those that are lacking are generated. In addition, the Bridge Programme provides specialist psychosocial support to each family, in order to guide and help them in social integration. Work with families lasts two years and is structured around 53 minimum quality of life conditions, relating to the following aspects: identification, health, education, family dynamic, housing, work and income.

60. The Chile Solidario scheme initially targeted those living in extreme poverty but this year, as part of its work to eliminate extreme poverty, it is being extended to cover people living on the streets. As extreme poverty decreases, so the scheme brings in the non-indigent poor and vulnerable families, such as older persons living alone and families with a disabled family member.

61. Chile Solidario is a rights-based scheme, which means that families and individuals are guaranteed the right to citizenship, health, education, quality of life and housing, employment with social protection, recreation, leisure and culture.

62. In operational terms, Chile Solidario is structured around the following three components, the first of which constitutes the point of entry to the system:

- (a) Tailored psychosocial support (Bridge Programme) and a family protection grant;
- (b) Guaranteed financial subsidies where appropriate;
- (c) Preferential access to welfare programmes.

63. In this way, by the end of 2006, some 268,246 families, 6,500 older people living alone and 2,720 people living on the streets will have been incorporated into Chile Solidario. Within participating families, children are distributed as follows:



**Children covered by Chile Solidario, by sex**

Age group	Female			Male			Total		
	No.	% by column	% by row	No.	% by column	% by row	No.	% by column	% by row
0-5	42 590	24.5	49.0	44 272	24.2	51.0	88 862	24.3	100.0
6-10	49 914	28.7	48.6	52 859	28.9	51.4	102 773	28.8	100.0
11-15	52 596	30.2	49.0	54 840	30.0	51.0	107 436	30.1	100.0
16-18	29 073	16.7	48.6	30 737	16.8	51.4	59 810	16.8	100.0
Total	174 173	100.0	48.8	182 708	100.0	51.2	356 881	100.0	100.0

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), 2006.

64. A total of 356,881 children are covered by Chile Solidario, 48.8 per cent of them girls. Some 60 per cent of children up to 18 years of age covered by the scheme fall into the intermediate, i.e., the 6 to 15, age bracket. Age distribution does not vary significantly according to sex.

65. Among families invited to join Chile Solidario as at the first half of 2006, and with children under 18 years of age the following services were requested and provided:

Bridge Programme item	Minimum quality of life condition	Families applying	Attainment rate (%)	Assistance required (%)
Health	Health checks	2 202	47.9	52.1
	Vaccinations up to date	2 578	49.8	50.2
	Health and self-care	27 859	40.8	59.2
Education	Preschool education	7 157	35.9	64.1
	Child care	2 651	33.9	66.1
	Children up to age 18 in formal education	3 227	38.7	61.3
	Assistance from the National School Support and Scholarships Board (JUNAEB)	10 146	39.7	60.3
	Over-12s can read and write	1 364	31.0	69.0
	Disabled children integrated in education system	1 181	25.7	74.3
	Adult responsible for child's education	3 481	41.1	58.9
	Positive attitude to education and school	4 268	39.2	60.8
Family dynamic	Family conversation habits	13 795	33.7	66.3
	Suitable mechanisms for settling disputes	19 641	30.6	69.4
	Clear rules for living together	14 825	31.8	68.2
	Fair distribution of household chores	14 893	39.9	60.1
	Support programme for situations of domestic violence	6 618	23.5	76.5
	Children in protection systems visited regularly	414	26.3	73.7
	Under-15s do not drop out of school to work	2 336	49.9	50.1

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), 2006.

66. As can be seen, the minimum conditions most commonly attained, i.e., present in families with children under 18 in the Bridge Programme, are: health checks; vaccinations up to date; presence of an adult responsible for the child’s education; and under-15s do not drop out of school to work. Conversely, the minimum conditions for which most assistance is required are: disabled children integrated in the education system; children who need it are in support programmes for situations of domestic violence; and children in protection systems are visited regularly.

**10. With reference to the right to education, please provide disaggregated statistical data (by sex, age groups, if possible ethnic and religious groups, urban and rural areas, immigrant children) covering the years 2003, 2004 and 2005 as a percentage of the relevant age group.**

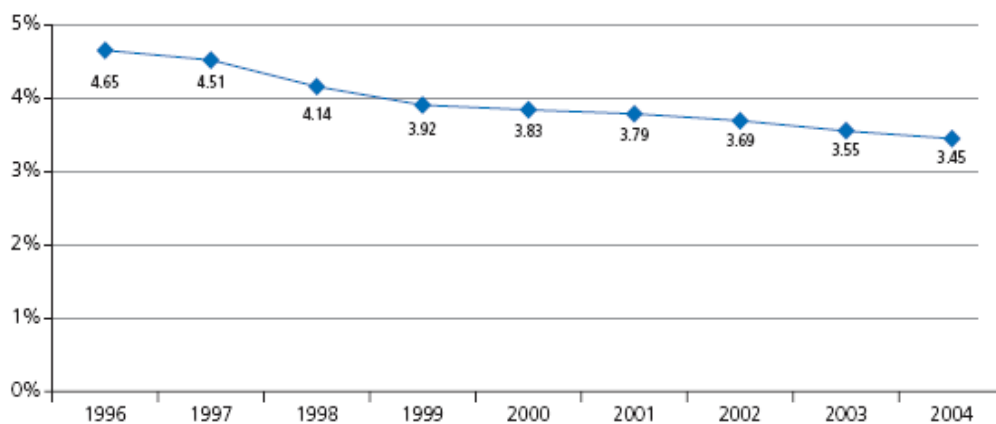
67. The data is provided below, as follows:

*The rates of literacy, below and over 18 years*

**Figure 2**

**Illiteracy rate 1996-2004**

**Percentage of illiterates among population, aged 15 years and over, by year, 1996-2004**



*Source:* National Statistical Institute (INE), National Employment Survey, October-December 1996-2004. Calculated on the basis of information provided by the above sources.

**Table 43**

**Literacy in population aged 15 and over, by area and sex, 2003**

Zone	Sex	Can read and write				Total	
		Yes		No		No.	%
		No.	%	No.	%		
Urban	Male	4 698 798	97.5	118 053	2.5	4 816 851	100.0
	Female	5 139 931	96.9	165 121	3.1	5 305 052	100.0
	Total	9 838 729	97.2	283 174	2.8	10 121 903	100.0
Rural	Male	692 080	88.9	86 497	11.1	778 577	100.0
	Female	642 793	87.7	90 522	12.3	733 315	100.0
	Total	1 334 873	88.3	177 019	11.7	1 511 892	100.0
Total	Male	5 390 878	96.3	204 550	3.7	5 595 428	100.0
	Female	5 782 724	95.8	255 643	4.2	6 038 367	100.0
	Total	11 173 602	96.0	460 193	4.0	11 633 795	100.0

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), National Economic and Social (CASEN) survey 2003.

**Table 44**

**Literacy in population aged 15 and over by ethnicity, 2003**

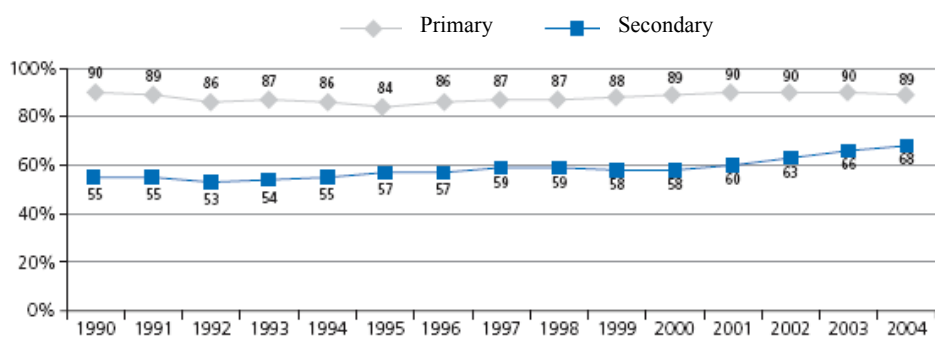
Population group	Yes		No		Total	
	No.	%	No.	%	No.	%
Belonging to an ethnic group	540 456	91.2	52 028	8.8	592 484	100.0
Not belonging to an ethnic group	10 633 146	96.3	408 165	3.7	11 041 311	100.0
Total	11 173 602	96.0	460 193	4.0	11 633 795	100.0

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), National Economic and Social (CASEN) survey 2003.

*The enrolment in pre-primary schools, primary schools and secondary schools and in vocational training*

**Figure 3**

**Net enrolment rate by educational level and year, 1990-2004**



*Source:* Ministry of Education. Department of Studies and Development. National Statistical Institute (INE), Chile up to 2050 - Population projections, 1990-2050, August 2005.

**Table 45**

**Education coverage by level of education and national independent income quintile (\*), 2003**

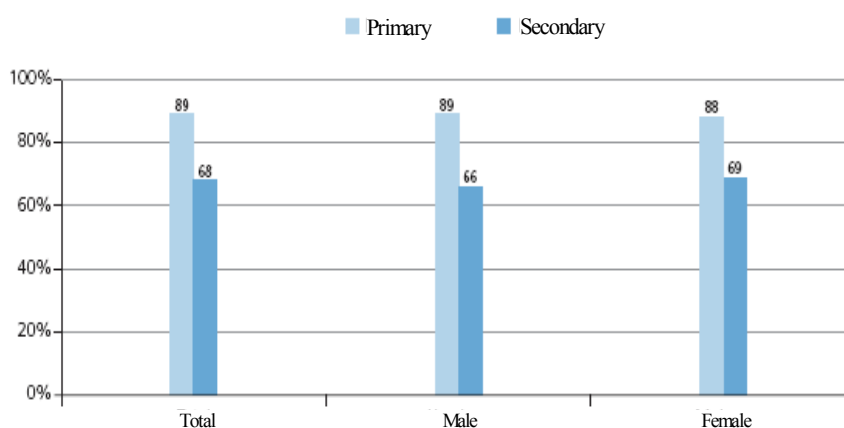
Sex	Independent income quintile	Educational level		
		Preschool	Primary and special primary	Secondary
Male	I	30.4	98.5	86.9
	II	32.9	98.9	92.6
	III	36.5	99.6	94.0
	IV	36.0	99.4	96.5
	V	47.3	99.5	98.4
	Total	34.9	99.0	92.7
Female	I	30.6	98.5	88.4
	II	34.5	99.3	91.3
	III	34.1	99.5	94.4
	IV	35.9	99.5	97.3
	V	50.8	99.6	99.2
	Total	35.2	99.1	93.0
Total	I	30.5	98.5	87.7
	II	33.7	99.1	92.0
	III	35.3	99.5	94.2
	IV	35.9	99.5	96.9
	V	49.0	99.5	98.8
	Total	35.1	99.1	92.8

*Source:* Ministry of Planning and Cooperation, Social Division, National Economic and Social (CASEN) survey 2003.

(\*). Excluding live-in domestic service and related immediate family.

**Figure 4**

**Net enrolment by educational level and sex, 2004**



*Source:* Ministry of Education. Department of Studies and Development. National Statistical Institute (INE), Chile up to 2050 - Population projections, 1990-2050, August 2005.

**Table 46**

**Preschool education coverage by independent income quintile and region (\*), 2003**

Region	Regional income quintile					Total
	I	II	III	IV	V	
I	25.5	39.0	33.2	50.8	43.2	35.2
II	24.0	27.8	29.0	41.0	41.4	30.2
III	35.2	36.5	37.3	46.6	43.8	38.3
IV	29.1	31.8	41.8	36.7	53.3	36.5
V	34.7	34.7	33.0	36.6	39.1	35.0
VI	31.5	35.6	31.9	36.4	44.2	34.6
VII	33.2	34.0	31.0	35.7	39.4	34.0
VIII	28.6	37.1	32.8	29.4	42.6	33.2
IX	31.4	26.9	38.9	32.3	37.8	32.4
X	29.2	28.1	34.9	45.1	42.4	34.3
XI	45.3	56.7	39.2	53.8	47.9	48.6
XII	47.2	51.4	38.4	22.3	41.0	45.0
RM	30.0	32.7	37.8	42.0	50.4	36.1
Total	30.5	33.7	35.3	35.9	49.0	35.1

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), Social Division, National Economic and Social (CASEN) survey 2003.

(\*) Excluding live-in domestic service and related immediate family.

**Table 47****Preschool education enrolment by institution and region, 2004**

Region	Total	Ministry of Education	National Kindergartens Board	Integra Foundation
I	20 345	11 054	6 558	2 733
II	16 830	10 458	4 581	1 791
III	12 253	5 931	4 123	2 199
IV	22 954	12 377	7 767	2 810
V	45 490	29 621	10 295	5 574
VI	27 142	17 257	7 414	2 471
VII	30 775	17 568	7 965	5 242
VIII	59 281	37 272	12 908	9 101
IX	27 509	15 080	5 293	7 136
X	35 942	21 832	8 018	6 092
XI	4 380	1 550	2 180	650
XII	6 974	2 723	3 202	1 049
RM	167 885	104 731	40 290	22 864
Total	477 760	287 454	120 594	69 712

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division. National Kindergartens Board. Integra Foundation, Department of Regional Development.

**Table 48****Preschool education enrolment, 2000-2004**

Year	Enrolment
2000	277 361
2001	287 296
2002	289 419
2003	286 381
2004	287 454

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

Does not include preschool education establishments attached to the National Kindergartens Board or the Integra Foundation.

**Table 49**

**Primary education coverage by independent income quintile and region (\*), 2003**

Region	Regional independent income quintile					Total
	I	II	III	IV	V	
I	96.8	100.0	100.0	100.0	100.0	99.0
II	99.0	99.0	99.9	93.1	99.7	98.4
III	97.6	99.6	99.8	100.0	100.0	99.1
IV	98.2	98.4	99.1	99.4	100.0	98.8
V	99.3	99.4	99.9	99.6	100.0	99.5
VI	98.8	99.8	100.0	99.6	100.0	99.5
VII	99.2	99.0	99.6	99.9	99.2	99.3
VIII	99.1	98.9	98.4	99.6	100.0	99.1
IX	97.9	98.5	99.1	99.6	99.0	98.7
X	98.1	98.6	99.3	99.6	99.7	98.9
XI	99.6	98.8	99.5	99.6	99.5	99.4
XII	99.5	99.8	100.0	100.0	100.0	99.8
RM	98.1	99.5	99.8	99.4	99.5	99.1
Total	98.5	99.1	99.5	99.5	99.5	99.1

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), Social Division, National Economic and Social (CASEN) survey 2003, with extrapolations from the 2002 census.

(\*) Excluding live-in domestic service and related immediate family.

**Table 50**

**Secondary education coverage by independent income quintile and region (\*), 2003**

Region	Regional independent income quintile					Total
	I	II	III	IV	V	
I	92.2	90.1	99.8	99.8	90.7	93.5
II	94.0	93.9	99.5	92.7	99.3	95.4
III	78.3	95.8	92.5	98.9	100.0	90.4
IV	87.7	94.5	95.0	94.8	100.0	93.6
V	91.5	94.9	97.1	99.0	99.6	95.5
VI	87.2	86.9	92.0	96.5	98.0	90.8
VII	87.0	89.0	88.3	94.4	99.4	90.4
VIII	85.0	89.4	91.4	95.5	100.0	90.7
IX	87.3	92.7	96.1	95.3	96.1	92.8
X	82.0	86.8	91.6	93.8	97.2	89.4
XI	73.4	90.0	92.1	92.0	99.5	87.8
XII	91.5	91.4	99.6	94.8	93.9	93.9
RM	88.9	92.6	95.6	98.2	99.2	93.9
Total	87.7	92.0	94.2	96.9	98.8	92.8

*Source:* Ministry of Planning and Cooperation (MIDEPLAN), Social Division, National Economic and Social (CASEN) survey 2003, with extrapolations from the 2002 census.

(\*) Excluding live-in domestic service and related nuclear family.

**Table 51**

**Enrolment by level of education and area, 2003**

Level of education	Area	Enrolment
Preschool	Total	286 381
	Urban	257 803
	Rural	28 578
Total primary	Total	2 312 274
	Urban	1 997 371
	Rural	314 903
Total secondary	Total	947 057
	Urban	910 895
	Rural	36 162
Technical-vocational secondary	Total	375 505
	Urban	353 537
	Rural	21 968

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

*Note:* Numbers of pupils enrolled as at 30 April 2004, according to reports of regional ministries of education.

Does not include preschool education establishments attached to the National Kindergartens Board or the Integra Foundation.

**Table 52**

**Enrolment by level of education and sex, 2003**

Sex	Preschool	Primary	Total secondary	Technical-vocational secondary
Total	286 381	2 312 274	947 057	375 505
Male	145 999	1 188 883	475 042	203 306
Female	140 382	1 123 391	472 015	172 199

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

*Note:* Numbers of pupils enrolled as at 30 April 2004, according to reports of regional ministries of education.

Does not include preschool education establishments attached to the National Kindergartens Board or the Integra Foundation.



**Table 53**  
**Enrolment by level of education and area, 2004**

Level of education	Area	Enrolment
Preschool	Total	287 454
	Urban	258 646
	Rural	28 808
Total primary	Total	2 269 388
	Urban	1 966 767
	Rural	302 621
Total secondary	Total	989 039
	Urban	494 854
	Rural	494 185
Technical-vocational secondary	Total	384 355
	Urban	361 553
	Rural	22 802

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

*Note:* Numbers of pupils enrolled as at 30 April 2004, according to reports of regional ministries of education.

**Table 54**  
**Enrolment by level of education and sex, 2004**

	Preschool	Total primary	Total secondary	Technical-vocational secondary
Total	287 454	2 269 388	989 039	361 553
Male	154 560	1 167 855	494 854	22 802
Female	141 894	1 101 533	494 185	384 355

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

*Note:* Numbers of pupils enrolled as at 30 April 2004, according to reports of regional ministries of education.

**Table 55**

**Enrolment by level of education and area, 2005**

Level of Education	Area	Enrolment
Preschool	Total	301 177
	Urban	270 499
	Rural	30 678
Total primary	Total	2 227 777
	Urban	1 937 450
	Rural	290 327
Total secondary	Total	1 029 366
	Urban	987 011
	Rural	42 355
Technical-vocational secondary	Total	397 673
	Urban	372 356
	Rural	25 317

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

*Note:* Numbers of pupils enrolled as at 30 April 2005, according to reports of regional ministries of education.

Does not include preschool education establishments attached to the National Kindergartens Board or the Integra Foundation.

**Table 56**

**Enrolment by level of education and sex, 2005**

Sex	Preschool	Total primary	Total secondary	Technical-vocational secondary
Total	301 177	2 227 777	1 029 366	397 673
Male	152 120	1 146 582	514 864	213 981
Female	149 057	1 081 195	514 502	183 692

*Source:* Ministry of Education. Department of Studies and Development, Planning and Budget Division.

*Note:* Numbers of pupils enrolled as at 30 April 2005, according to reports of regional ministries of education.

Does not include preschool education establishments attached to the National Kindergartens Board or the Integra Foundation.

**Table 57**

**Gross enrolment rate 2000-2004**

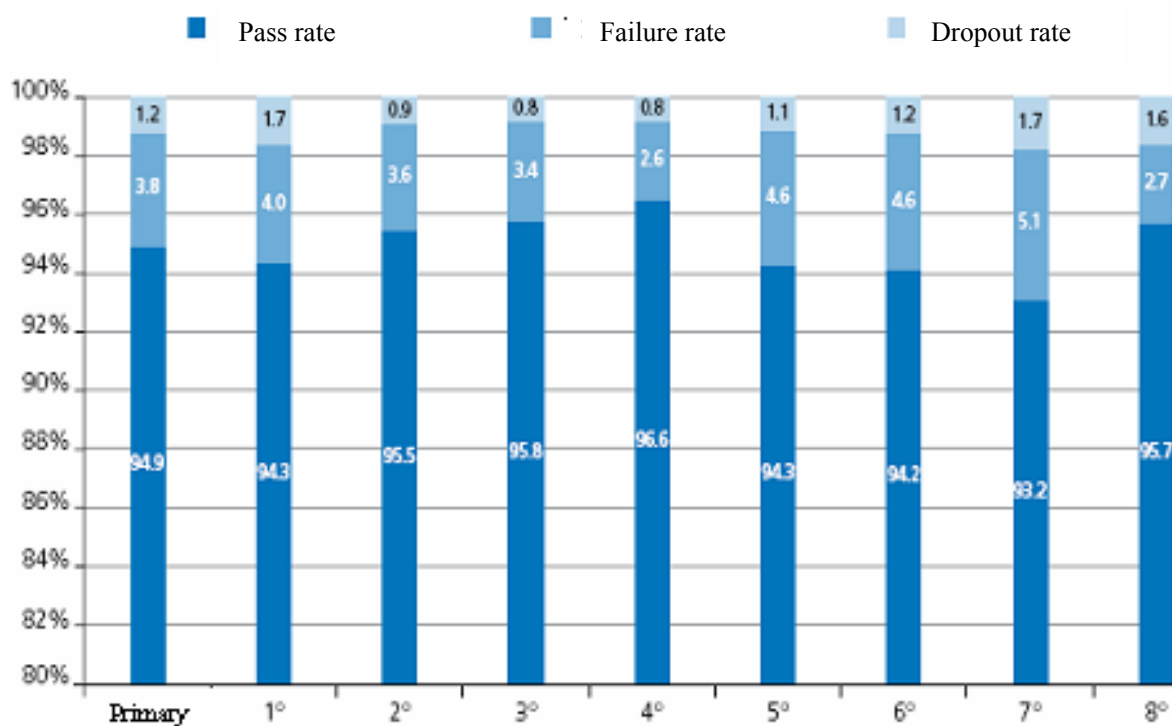
Year	Primary	Secondary
2000	102	83
2001	104	85
2002	104	88
2002	105	91
2004	104	93

*Source:* Ministry of Education. Department of Studies and Development. National Statistical Institute (INE). Chile up to 2050 - Population projections, 1990-2050, August 2005.

*The number and percentage of dropouts and repetitions*

**Figure 5**

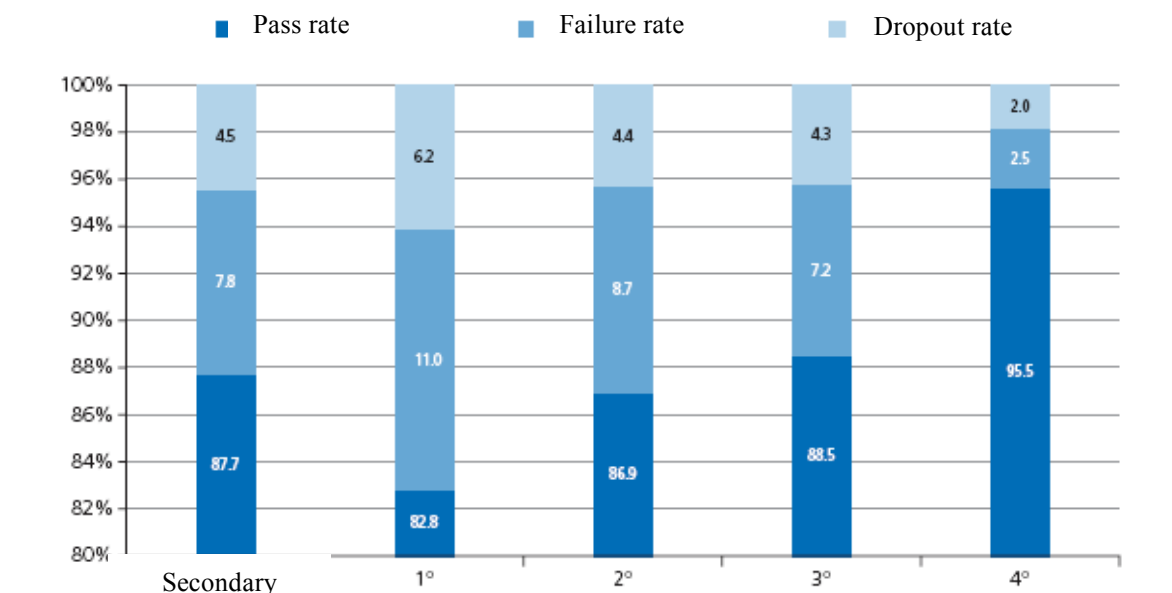
**Pass, failure and dropout rates for primary education by grade, 2004**



*Source:* Ministry of Education. Department of Studies and Development.

**Figure 6**

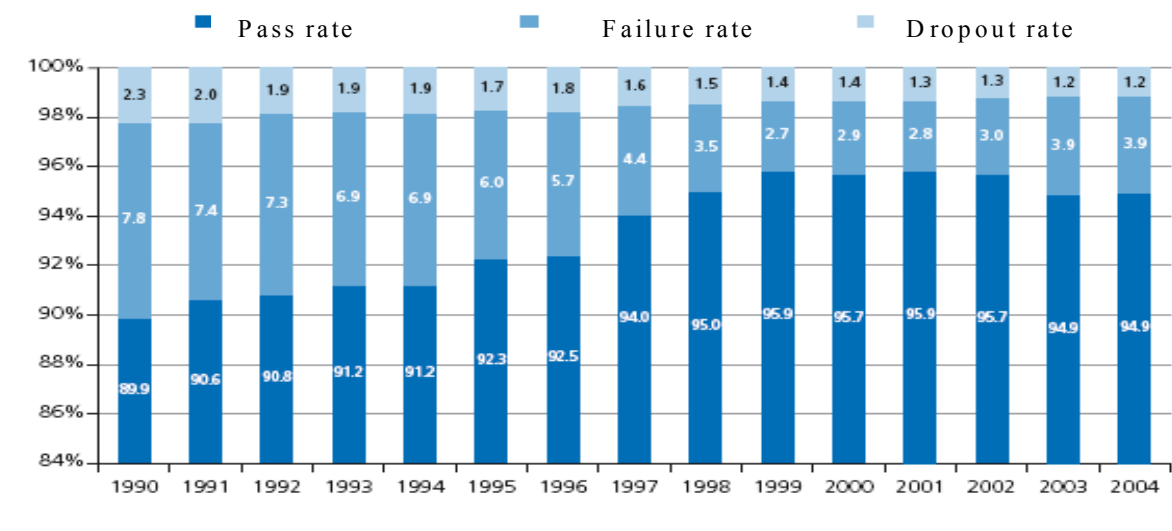
**Pass, failure and dropout rates for secondary education by grade, 2004**



Source: Ministry of Education. Department of Studies and Development.

**Figure 7**

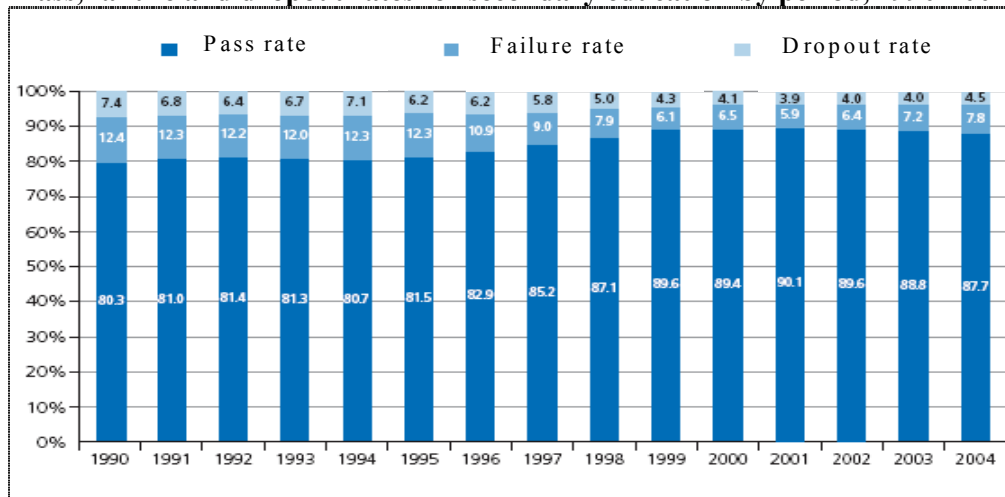
**Pass, failure and dropout rates for primary education by period, 1990-2004**



Source: Ministry of Education. Department of Studies and Development.

**Figure 8**

**Pass, failure and dropout rates for secondary education by period, 1990-2004**

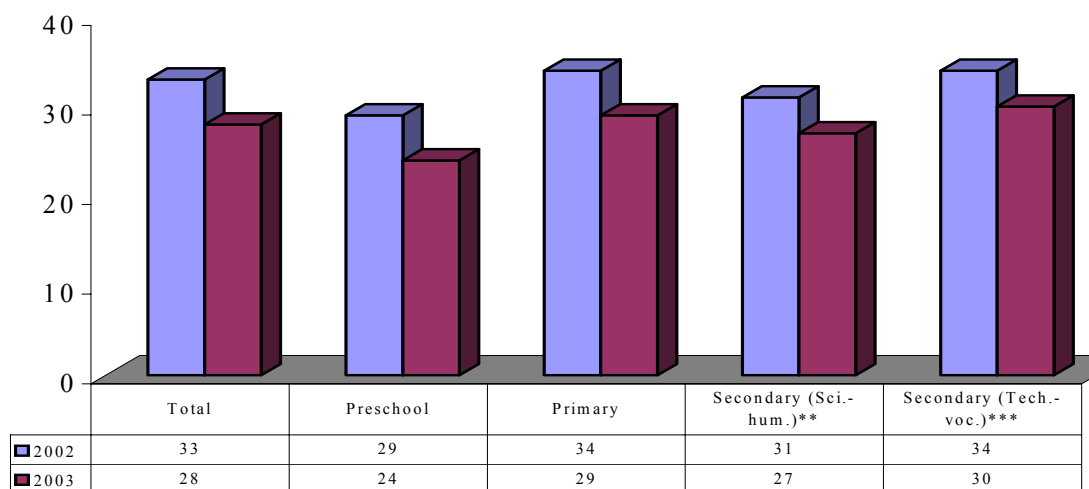


Source: Ministry of Education. Department of Studies and Development.

*The teacher-child ratio and number of children per class*

**Figure 9**

**Pupil-teacher ratio\* 2003-2004**



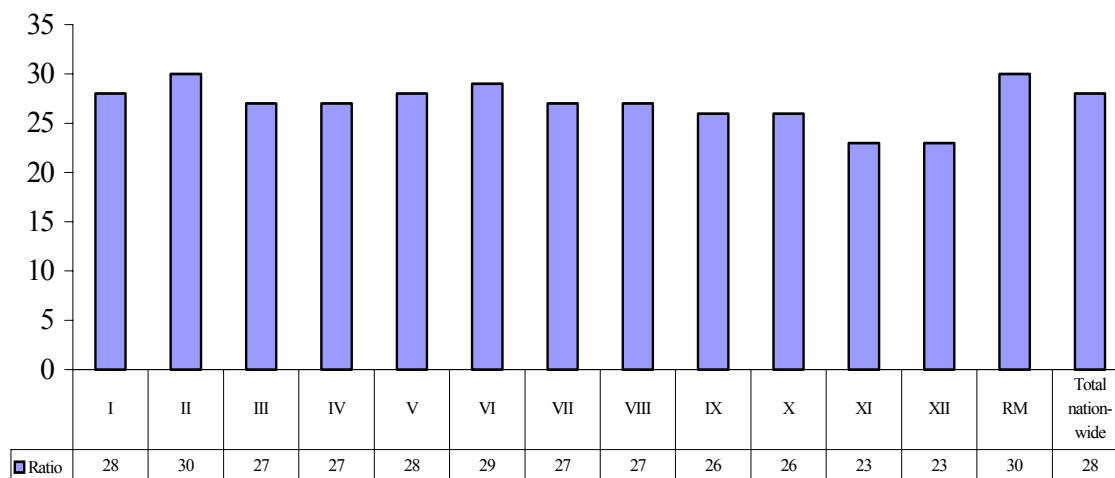
Source: Ministry of Education. Department of Studies and Development.

\* Equivalent pupil-teacher ratio by level of education.

\*\* Secondary (Science-humanities)

\*\*\* Secondary (Technical-vocational)

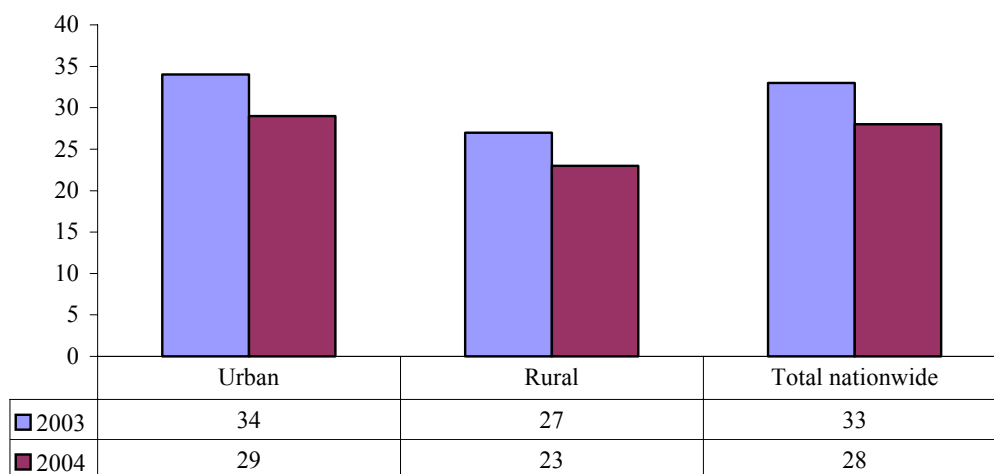
**Figure 10**  
**Pupil-teacher ratio\* 2004**



Source: Ministry of Education. Department of Studies and Development.

\* Equivalent pupil-teacher ratio by region.

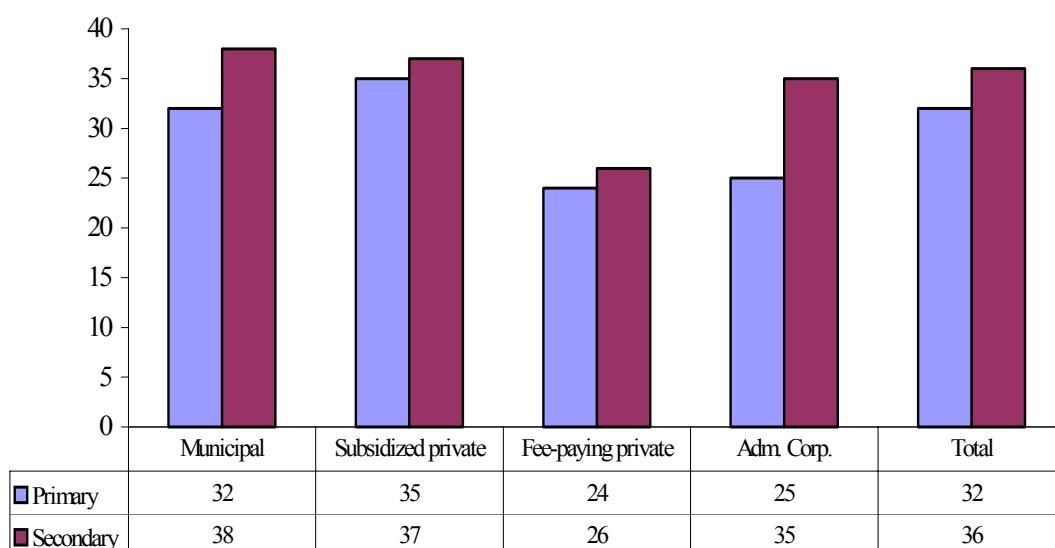
**Figure 11**  
**Pupil-teacher ratio, by area\* 2003-2004**



Source: Ministry of Education. Department of Studies and Development.

\* Equivalent pupil-teacher ratio by area.

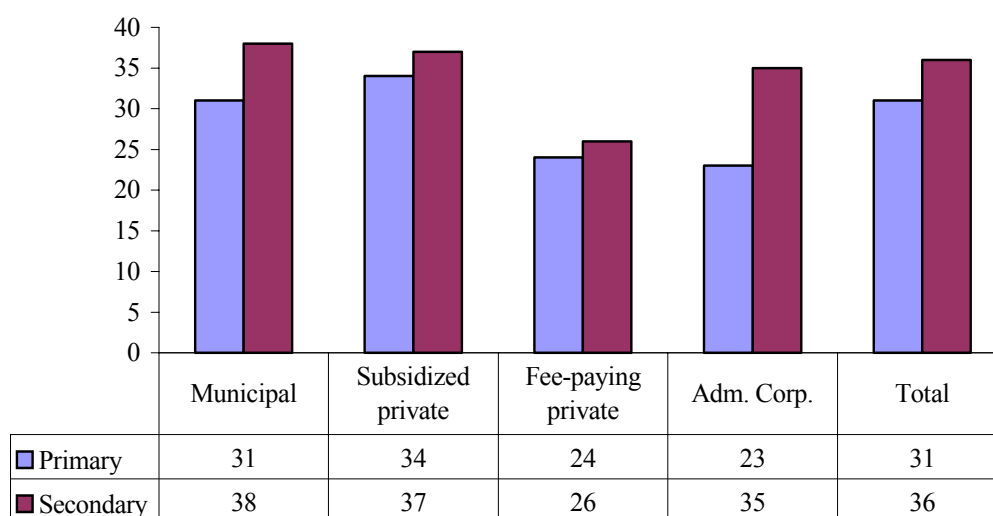
**Figure 12**  
**Class size,\* 2003**



Source: Ministry of Education. Department of Studies and Development.

\* Number of pupils per class by level of education and administrative sector.

**Figure 13**  
**Class size,\* 2004**



Source: Ministry of Education. Department of Studies and Development.

\* Number of pupils per class by level of education and administrative sector.

**Table 58**

**Class size,\* 2003-2004**

	Primary		Secondary	
	2003	2004	2003	2004
Municipal	32	31	38	38
Subsidized private	35	34	37	37
Paying private	24	24	26	26
Deleg. Adm. Corp.	25	23	35	35
Total	32	31	36	36

*Source:* Ministry of Education. Department of Studies and Development.

\* Number of pupils per class by level of education and administrative sector.

**Table 59**

**Class size by region,\* 2004**

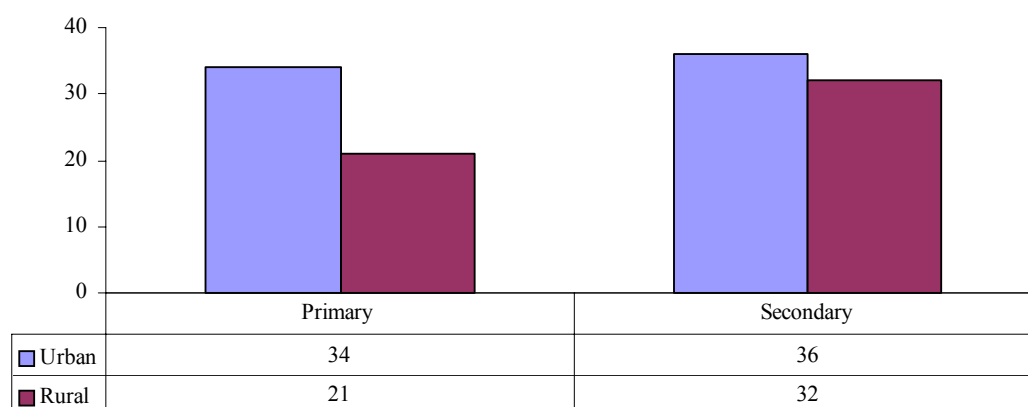
Region	Primary	Secondary
I	33	35
II	37	36
III	32	37
IV	30	37
V	30	34
VI	30	37
VII	29	36
VIII	31	36
IX	26	34
X	28	35
XI	27	34
XII	31	31
RM	34	37

*Source:* Ministry of Education. Department of Studies and Development.

\* Number of pupils per class by level of education and administrative sector.



**Figure 14**  
**Class size by area,\* 2003**



Source: Ministry of Education. Department of Studies and Development.

\* Number of pupils per class by level of education and area.

**11. Please provide disaggregated statistical data (including by sex, age and type of crime) covering the years 2003, 2004 and 2005, on the number of:**

- (a) *Persons below 18 who have allegedly committed a crime that was reported to the police and*
- (b) *Persons below 18 who have been charged with a crime and of those the number who are sentenced, and the type of punishment or sanctions related to offences, including length of deprivation of liberty*

68. The following table provides information on the number of persons charged with serious offences, disaggregated by age (detailed information broken down by system<sup>16</sup> is given in the annex).

**Table 60**  
**Offenders by age, 2003, 2004 and 2005**

Age	2003	2004	2005
12+	2	9	13
12-13	51	41	24
14-15	1 259	1 684	1 572
16-17	2 060	3 070	3 149
18+	2 030	386	591
No age given	7	27	16
Total	4 883	5 217	5 365

Source: National Service for Minors (SENAME), 2006.

<sup>16</sup> See annex for a description of the systems.

**Table 61**

**Offenders by category of offence 2003, 2004 and 2005**

Year	Serious offences	Offences	Petty offences	Other	Protection	Charge not known	Total
2003	790	3 609	87	217	180		4 883
2004	831	3 858	268	0	133	127	5 217
2005	1 030	3 716	273		149	197	5 365

*Source:* National Service for Minors (SENAME), 2006.

**Table 62**

**Offenders by age and gender, 2004 and 2005**

Age	2004			2005		
	Girls	Boys	Total	Girls	Boys	Total
Under 12	1	8	9		13	13
12-13	5	36	41	4	20	24
14-15	218	1 465	1 683	181	1 391	1 572
16-17	250	2 816	3 066	237	2 912	3 149
18+	37	349	386	62	529	591
No age given	2	25	27	3	13	16
Total	513	4 699	5 212	487	4 878	5 365

*Source:* National Service for Minors (SENAME), 2006.

**(c) Detention facilities for persons below 18 in conflict with the law and their capacity**

**Table 63**

**Facilities directly administered by National Service for Minors (SENAME) and capacity, 2003 to 2005**

Region	Facility	System	2003	2004	2005	2006***
I	Arco Iris	COD CERECO	95	95	95	60
I	Qhalltani	COD CERECO	65	65	65	84
II	Surgam	COD CERECO	40	40	40	38
III	Crisol	COD CERECO	40	40	40	70
IV	Talay	COD CERECO	48	48	48	60
V	Lihuen	COD CERECO	80	80	80	102

**Table 63 (continued)**

Region	Facility	System	2003	2004	2005	2006***
VI	Antuhue	COD CERECO	60	60	60	112
VII	Peullas	COD CERECO	46	46	46	92
VIII	Talita Kum	COD CERECO	94	94	94	166
IX	Inapewma	COD CERECO			60	112
X	Tiempo de Crecer	COD CERECO	95	95	95	86
X	Cau-Cau	COD CERECO	120	120	120	70
XI	Trapananda	COD CERECO			7	34
XII	Aonikenk*	COD CERECO				42
XIII	Santiago**	COD CERECO	135	135	135	50
XIII	Santa Inés	CERECO	65	65	65	54
XIII	Arrayán	COD	240	240	240	200
XIII	Tiempo Joven	COD CERECO	120	120	120	150
Total nationwide			1 343	1 343	1 410	1 582

*Source:* National Service for Minors (SENAME), 2006.

COD: Observation and assessment centres.

CERECO: Behavioural rehabilitation centres.

In line with the new mission established under Act No. 20.084, both the COD and the CERECO systems will have facilities for pretrial detention and for the serving of custodial sentences under closed and semi-open regimes.

\* No opening date has yet been set for the facility in region XII.

\*\* This facility is for girls only.

\*\*\* The data for 2006 has been calculated on the basis of the maximum capacity of the facilities according to building standards in respect of quality of life and habitable space. The data on previous years is based on places allocated under the facility's operating statute or constitution.

**(d) Persons below 18 in pretrial detention and the average length of their detention**

**Table 64**

**Juveniles in pretrial detention, 2003, 2004 and 2005**

Year	Average time spent in observation and assessment centres	In observation and assessment centres	In Chilean prison service facilities
2003	62.7 days	361	314
2004	47.2 days	354	267
2005	45.1 days	277	327
To September 2006	44.2 days	489	296

Source: National Service for Minors (SENAME), 2006.

**(e) Reported cases of abuse and maltreatment of persons below 18 which occurred during their arrest and detention**

69. As at September 2006, there were 30 pretrial proceedings under way in directly administered facilities within the juvenile system.

**(f) Persons under 18 tried and sentenced as adults**

70. In August 2006, the Public Defender submitted a study on suspects under the age of 18 represented by his office, compiled from information collected from September 2005 to August 2006. It contains data on young people aged between 16 and 17 (deemed to have reached the age of discernment under the Minors Act, which remains in force in Chile until June 2007).<sup>17</sup>

71. The report indicates that during this period the Office of the Public Defender represented 20,353 adolescent suspects, equivalent to 10.8 per cent of the total number of incoming cases. Of the total number of incoming cases, 12.2 per cent are women and 87.8 per cent are young men. On average per month, there are 1,696 new cases involving adolescent suspects.

72. The most common outcome in cases involving adolescents was dismissal (40.3 per cent), followed by convictions (20.4 per cent), alternative outcomes (17 per cent), and acquittals (0.6 per cent).

73. The dismissals were based in 87.6 per cent of the cases on the fact that the accused were exempt from criminal liability, usually because they were declared lacking in discernment.

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<sup>17</sup> Given that this report refers only to juveniles who were defended by the Office of the Public Defender, it does not contain data on all the criminal offences committed by this age group.

74. According to Chilean prison service statistics, there were 415 male and 23 female minors detained in prisons in 2003. Of the males, 108 were detainees, 277 were awaiting sentence or trial and 30 were serving sentences. Of the females, 8 were detainees, 13 were awaiting sentence or trial and 2 were serving sentences.

75. In 2004 there were 242 male and 9 female minors in prison. Of the males, 12 were detainees, 211 were awaiting sentence or trial and 19 were serving sentences. Of the females, one was a detainee and eight were awaiting sentence or trial.

76. In 2005 there were 258 male and 5 female minors in prison. Of the males, 7 were detainees, 42 were awaiting sentence, 169 were awaiting trial and 40 were serving sentences. One female was awaiting sentence and four were awaiting trial.

**2. With reference to special protection measures, please provide statistical data (including by sex, age, if possible ethnic groups, urban and rural areas) for the years 2003, 2004 and 2005 on:**

**(a) The number of children involved in sexual exploitation, including prostitution, pornography and trafficking; the number of them who received recovery and/or reintegration support; and how many of the perpetrators were prosecuted**

77. Please see the reply to point 8.

**(b) The number of unaccompanied minors and asylum-seeking and refugee children, as well as the number of children awaiting expulsion**

78. There are no records on unaccompanied minors and asylum-seeking and refugee children for the years mentioned. As to children awaiting expulsion during the specified period, the following information is available.

**Table 65**

	2003		2004		2005	
	Male	Female	Male	Female	Male	Female
Age 17	4	1	3	6	2	3
Age 16	3	1	4	1	3	0
Age 15	0	1	1	1	1	0
Age 14	4	0	0	0	0	0
Age 13	1	0	0	0	0	0
Age 12	1	1	0	0	0	0
Age 8	0	1	0	0	0	0
Total	13	5	8	8	6	3

Source: Alien Affairs, Ministry of the Interior, 2006.

(c) *The number of children involved in labour who are under 16, indicating the type of work*

79. Data from the 2003 national survey and register of the worst forms of child labour classifies children and young people aged between 5 and 17 years as one age group. This same age bracket has therefore been used to reply to this question, bearing in mind that the question refers to children aged up to 16.

80. The overall figures indicate that 3,416,619 children do not work; 107,676 children work in unacceptable conditions; 42,000 children and adolescents perform household tasks in their own home; 88,428 do acceptable work.

81. The following table provides data on the number of children working in unacceptable conditions, disaggregated by age group and type of work.

**Table 66**

**Children working in unacceptable conditions according to data from the 2003 national survey and register of the worst forms of child labour**

Children and adolescents in unacceptable work		
107 676 3.0%		
Aged 5-11 in unacceptable work 36 542 1.9%	Aged 12-14 in unacceptable work 31 587 3.5%	Aged 15-17 in unacceptable work 39 547 4.9%
Working on the streets 5 127 Working at night 3 086 Working 14 hours or more 9 563	Working 14 hours or more 30 243 Working at night 7 838 Working on the streets 3 419	Working 21 hours or more and not attending school 17 573 Working at night 11 719 Working on the streets 4 754

*Source:* Ministry of Labour, 2006.

82. The following table provides information on the number of children working in acceptable conditions, disaggregated by age group and sex.

**Table 67**

**Children working in acceptable conditions by sex according to data from the 2003 national survey and register of the worst forms of child labour**

Acceptable work		
	No.	Percentage
Boys and girls	88 428	100.0
5-14	25 304	28.6
15-17	63 124	71.4
Boys	58 036	100.0
5-14	15 796	27.2
15-17	42 240	72.8
Girls	30 392	100.0
5-14	9 508	31.3
15-17	20 884	68.7

*Source:* Ministry of Labour, 2006.

83. The central register of the worst forms of child labour is an intersectoral diagnostic instrument that provides quantitative and qualitative information on children and adolescents involved in the worst forms of child labour in Chile, which can help put a stop to such situations where identified, and restore the victims' rights, mainly through programmes run by the National Service for Minors (SENAME) network.

84. The worst forms of child labour included in this register were classified in line with the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, to which Chile acceded in 2000.

**Table 68**

**Children registered, June 2003-May 2006**

Type of work	Total	
	Girls	Boys
Work of a dangerous nature	44	310
Work performed under dangerous conditions	225	514
Commercial sexual exploitation of children	393	164
Illegal activities	70	333
Other	12	50
<b>Total</b>	<b>744</b>	<b>1 371</b>

*Source:* Consolidated report: Children in the central register of the worst forms of child labour. National Service for Minors (SENAME), Information Technology Unit, 2006.

**(d) *The number of street children and the type of assistance given to them***

85. A distinction must be made between children and adolescents who work on the streets to survive or for social reasons on a daily basis (*children on the streets*) and children and adolescents who actually live on the streets (*street children*).

86. Children on the streets, who do various kinds of work on a daily basis in order to take money home or help their mother or father, say, in work such as street vending, gradually drop out of school and out of leisure and sporting activities, and indeed out of all activities appropriate to their age, because they take on a precarious role as breadwinner, with commitments and attitudes more appropriate to the adult world.

87. The results of a 2003 study<sup>18</sup> of the number and situation of street children indicate that some 1,039 children nationwide live in gangs, most of them in the Metropolitan Region (330) and regions V (168); VIII (166); IX (86); X (60); VI (57); VII (56); IV (41) and I (22).

88. In 2005 a national survey to register people living on the streets was conducted in 80 municipalities of more than 40,000 inhabitants. The Government took charge of the survey, working with civil society organizations. Some 7,254 people were registered as living on the streets, 674 or 9.3 per cent of them under the age of 18, including 298 in the Metropolitan Region. The main reasons given for living on the streets were “family problems” (49.9 per cent), followed by “own decision” (19.9 per cent), “drugs problems” (19.1 per cent) and “abuse” (14.1 per cent).

89. Therefore, while in numerical terms children on the streets and street children do not constitute a major problem in Chile, they constitute a group whose rights have been seriously violated. This makes it difficult to address the issues and necessitates specialist action subject to continual review, and adaptability in terms of the strategies applied.

90. The National Service for Minors (SENAME) is the government body responsible for addressing this issue. In 2005 some 1,066 children were assisted under the street programmes (for street children and children on the streets). They reported related circumstances such as running away from home, casual work (such as hawking), begging, vagrancy and drug taking. Most of them are boys over the age of 9.

91. It is time, however, that children living on the streets, under bridges, in railway stations, on wasteland or elsewhere constitute a smaller group: SENAME estimates that they account for about 10 per cent of all street children.

92. In December 2005 SENAME was running 11 projects to address the problem of children and adolescents on the street, in five regions: I (Arica); IV (La Serena); V (Viña del Mar); VIII (Concepción) and X (Puerto Montt).

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<sup>18</sup> Conducted by a team of experts from a partner institution working with the National Service for Minors, the Chilean United Nations Association and the Chilean Children’s Rights Association.



93. In previous years, the situation was as follows:

- (a) In 2003, 7 projects with 215 places nationwide;
- (b) In 2004, 11 projects with 455 places nationwide.

94. In December 2005 there were 449 street children, 38 per cent of them girls and 72 per cent boys.

95. For children and adolescents on the streets, the measures taken have the following basic objectives:

- (a) Guiding, supporting and strengthening families or responsible adults in learning and acquiring parenting abilities and skills in order to bond with their children and protect them;
- (b) Guiding, supporting and strengthening families or responsible adults in finding solutions to the problems that make children take to the streets;
- (c) Developing and strengthening children's potential and abilities;
- (d) Preventing drug taking;
- (e) Taking action to help in giving up drugs;
- (f) Encouraging children to return to school and/or supporting children who are in school and promoting access to age-appropriate leisure, sporting and cultural activities.

96. For street children, the measures taken achieve gradual results over two or more years and have the following aims:

- (a) Protecting the right to life;
- (b) Improving living conditions and the quality of life;
- (c) Reducing drug taking and providing access to specialist treatment where there is drug abuse;
- (d) Taking rehabilitative action for children victims of serious violations of their physical, social and psychological integrity;
- (e) Steering into remedial education, using various strategies;
- (f) Work training for youngsters aged 15 and over;
- (g) Re-establishing family ties or links with other significant adults. Approaching and working with adults who are in a position to support the children through these processes;

(h) Lastly, and arising out of the different institutional initiatives mentioned, a model of comprehensive support is being developed to enable children to work through the damage resulting from the victimization they have suffered by providing a programme of specialist attention from interdisciplinary teams including social workers, psychologists, teachers, lawyers and educational psychologists, who gear their efforts towards stopping the violation of rights and getting those rights restored. Strategies have also been implemented to provide psychotherapeutic and biopsychosocial care with a view to encouraging reintegration with family and community, once again by means of close intersectoral cooperation to facilitate educational, employment and general social integration.

97. Regarding the age groups of children who enter such programmes, 38.2 per cent of them are aged between 6 and 12 and 60.9 per cent between 13 and 18.

98. As to total exits from these specialist programmes, the data show a total of 315 leaving in 2005, some 26.3 per cent of them girls and 73.7 per cent boys.

99. As for the reasons for these exits, 34.6 per cent of those leaving a given process do so on total or partial completion of the specialist support programme for the child, their family or their responsible adults. Of this group, 51.4 per cent leave because their families - in most cases, the biological families - have accepted their role as care providers. Some 37.6 per cent leave because they have attained the goals set in the plan drawn up by the programme's technical team and 11 per cent because they are no longer in the social risk category. The level of success is linked to the involvement of the family as a result of targeted interventions by the project teams.

100. One of the strategic aims for 2003-2008, as part of the national drugs strategy, is to reduce drug taking among socially vulnerable and high-risk groups.

101. For the Narcotics Control Board, children in situations of extreme social risk and exclusion are the top priority social risk group, and it has designed and launched two key components of its programme to target this group in particular, one focusing on selective prevention and the other on treatment and rehabilitation.

102. The selective prevention component involves 19 psychosocial projects within the framework of a strategy on selective prevention of drug taking run through NGOs that specialize in working with vulnerable children and young people in all regions. These projects explicitly aim to encourage a preventive approach to drug taking, the strengthening of protection and the social reintegration of vulnerable groups of people.

103. Its specific objectives are:

(a) To integrate street children and school dropouts into selective drug-prevention programmes and projects;

(b) To encourage the social integration or reintegration of street children and school dropouts;

(c) To reduce drug taking and its attendant harm among vulnerable or social risk groups;

(d) To provide specialist services for children and adolescents at greatest risk of drug taking, through programmes and projects in line with their needs and their environment;

(e) To strengthen the municipal intersectoral network to provide an integrated response by involving all stakeholders responsible for the development of the target group;

(f) To promote the coordination between institutions that is needed for a programme of social reintegration or drug treatment, as appropriate, for this group.

104. From 2004 to date, these projects have provided assistance to some 3,991 children and adolescents.

105. Treatment and rehabilitation involve specialist care which can be accessed in one of two ways and includes several therapeutic options depending on the complexity of the drug habit and the person's background.

106. Care can be accessed through treatment for children and adolescents provided by SENAME, and mainly financed by SENAME with additional funding from the Narcotics Control Board, or through treatment for the general public, which has special programmes for children and adolescents and is funded by the Narcotics Control Board and developed in conjunction with the Ministry of Health and the National Health Fund.

***(e) The number of child victims who suffered torture between 1973 and 1989 and who received reparations during the reporting period***

107. The National Commission on Political Prisoners and Torture was established as a Presidential consultative body by Supreme Decree No. 1040<sup>19</sup> of the Ministry of the Interior in 2003.

108. Its aim was to ascertain, from information submitted, which people suffered deprivation of liberty and torture for political reasons at the hands of State officials or persons in the service of the State, during the period from 11 September 1973 to 10 March 1990. The Commission was also required to make proposals to the President on measures of reparation for the victims it identified, and write a report on all its findings.

109. The Commission collected testimony from personal interviews conducted nationwide over a six-month period, and from people in over 40 other countries who sent written testimony.

110. At the end of the process, some 28,459 people were recognized as having been political prisoners and victims of torture, representing 34,690 detentions in all. Of that total, 12.72 per cent (3,621 people) were women, 1,244 were people under the age of 18, and of those 176 were under 13 and 88 had been detained when they were 12 or younger. The report

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<sup>19</sup> Text of the Decree available at: <http://www.comisiontortura.cl/filesapp/DecretoSupremo1040.pdf>.

also highlighted the situation of 87 children who were detained together with their parents, 4 children who were unborn at the time of detention and were affected by the torture inflicted on their mothers, and 11 cases of persons born during their mother's captivity. The report also recognized the situation of one person who was conceived as a result of the rape of the mother.

111. On 24 December 2004, Act No. 19.992<sup>20</sup> was published in the *Diario Oficial*, establishing reparation pensions and granting entitlement to those the Commission recognized as having been imprisoned and tortured for political reasons.

112. The Act also provided those the Commission recognized as victims with access to the Compensation and Comprehensive Health Care Programme (PRAIS). Moreover, that Programme was recently approved under another law (Act No. 19.980), which guarantees its continuation and funding. To use these services, the person must go to their local hospital or health centre and sign up at their local PRAIS office.

113. Act No. 19.992 also established the right of recognized victims to pursue their studies at primary, secondary or higher level. In order to regulate this right, the Ministry of Education issued Supreme Decree (Education) No. 32, of 2005.<sup>21</sup>

114. The Act exempted the children of recognized victims from compulsory military service: requests should be addressed to the Department of National Mobilization, enclosing a birth certificate showing the identities of the parents.

115. The Ministry of Housing and Town Planning provided for reparation for the victims in the form of housing subsidies, provided certain other requirements are met.

116. Lastly, Act No. 19.962 provides for the deletion of all entries in judicial records referring to sentences passed by military courts for offences defined in given laws. The body responsible for administering this right is the Civil Status and Identification Service.

## **B. General measures of implementation**

### ***1. Information on activities related to recommendations contained in the Committee's concluding observations on the second report of Chile (CRC/C/15/Add.173) which have not yet been fully implemented, in particular regarding:***

#### ***(a) Legislation***

117. In its concluding observations on the second report of Chile, the Committee on the Rights of the Child recommended that the State party take all the necessary measures for the adoption

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<sup>20</sup> Text of the Act available at: <http://www.comisiontortura.cl/filesapp/ley199992VersionWord.pdf>.

<sup>21</sup> Text of the Decree available at: [http://www.comisiontortura.cl/filesapp/Dto32\\_reparacion\\_Educacion.pdf](http://www.comisiontortura.cl/filesapp/Dto32_reparacion_Educacion.pdf).

without delay of the laws amending the Minors Act of 1967; ensure the full implementation of the amended Minors Act in compliance with the Convention, paying particular attention to the need for adequate structures by allocating the necessary human and financial resources; and seek technical assistance from, among others, UNICEF.

118. In that regard it can be stated that, through the Ministry of Justice and the National Service for Minors (SENAME), the Government has been pressing forward since 2000 with a reform of the Chilean system of juvenile justice and protection of children's rights. The reform involves a set of legislative, administrative and institutional measures designed to bring the present system of protection into line with the Convention, some of which were detailed in the report.

119. There has been much progress in the legislation in recent years. Several laws amending the Minors Act have been passed, including Act No. 20.084 establishing a system for making adolescents take responsibility for their criminal offences, which was published in the *Diario Oficial* on 7 December 2005, and Act No. 19.968 (Family Courts Act), which was published in the *Diario Oficial* on 30 August 2004. A bill on the protection of the rights of children and adolescents, which came before the National Congress on 19 January 2005, is currently under consideration, and Act No. 20.032 establishing a support system for children and adolescents through the SENAME network and subsidiary scheme, is now in force, having been published in the *Diario Oficial* on 25 July 2005. The main features of this legislation are summarized below.

*1. Act No. 20.084 establishing a system for holding adolescents responsible for their criminal offences*

120. Act No. 20.084 is one of several proposals sent to Congress by the Government for a complete overhaul of the legislation and policies on children and adolescents, to reflect Chile's new legal and social obligations, and in particular the principles and guidelines contained in the Constitution, the Convention on the Rights of the Child and other international instruments in force in Chile.

121. This law changes the way the State reacts when persons under 18 commit criminal offences, by reinforcing their sense of responsibility while guaranteeing their rights and those of the victims.

122. It does away with the system of legal liability based on a court ruling on discernment, replacing it with a minimum legal age of criminal responsibility, namely 14. It regulates adolescents' criminal liability for the offences they commit, the procedure for investigating and establishing their liability, the determination of the applicable penalties and the manner in which these are enforced.

123. As to the legal consequences arising from an offence committed by a juvenile, these must not be merely punitive in nature but must also ensure that youngsters accept responsibility, so that the penalty forms part of a broad socio-educational effort aiming at full social integration.

124. With regard to determination of penalties, it is important to note, firstly, that a range of custodial and non-custodial sanctions are provided for and that the Act regulates how they are imposed by establishing criteria for determination that courts must take into account when passing sentence; there is thus no risk of indefinite penalties being imposed. It also allows the penalties imposed to be rescinded or replaced by lighter ones, and establishes powers of judicial supervision of the execution of sentences to safeguard convicted persons' rights and ensure that penalties are properly enforced, establishing the position of visiting magistrate for the first time in Chile. Lastly, it explicitly sets forth the consequences of violation of penalties, including the possibility of imposing tougher, though not necessarily custodial, penalties.

125. Deprivation of liberty is considered a measure of last resort, and a custodial sentence may not be passed if an adult convicted of the same offence would not be liable to such a sentence. Moreover, a maximum term is set for custodial sentences, which may not exceed 5 years for offenders under the age of 16 and 10 years for those aged over 16. Similarly, in respect of pretrial detention as a procedural precautionary measure, the Act states that it is applicable only when a juvenile is accused of a serious offence and when it would not be possible to achieve the same aims by applying any of the other individual precautionary measures.

126. The penalties provided for by the Act are imprisonment in a closed institution with a social reintegration programme, imprisonment in a semi-open institution with a social reintegration programme, special probation, probation, community service, reparation of harm, fine and reprimand. Provision is also made for two accessory penalties, namely, a driving ban and compulsory drug or alcohol rehabilitation treatment.

127. It should be stressed that, for the court to impose a reprimand, the juvenile in question must have previously made a statement accepting responsibility for the offence, and the parents or guardians must be informed that this penalty has been imposed if they are not present at the hearing. The maximum fine is 10 monthly tax units and the amount must be determined taking into account not only the criteria established in the Act but also the financial status and means of the offender and of their guardian; at the offender's behest, a fine can be commuted to community service, at a rate of 30 hours to every 3 monthly tax units.

128. The penalty of reparation of harm imposes an obligation to compensate the victim for the harm caused by the offence, either by payment of a sum of money or by the return or replacement of the object appropriated in the offence, or by performance of a service for the victim without remuneration, in which case the prior agreement of the convicted person and the victim is required. This penalty does not preclude civil proceedings for damages if the compensation received is found insufficient.

129. Community service may in no case exceed 4 hours a day, must be compatible with the person's studies or work and must have a minimum duration of 30 hours and a maximum of 120 hours. It also requires the convicted person's consent and may if necessary be replaced by a heavier, non-custodial penalty.

130. As to probation and special probation, the Act provides for a maximum duration of three years.

131. In respect of custodial sentences, the Act stipulates that the corresponding social reintegration programmes must be carried out with the family's cooperation, as far as possible. On imprisonment in a semi-open institution with a reintegration programme, it provides that the activities to be done outside the prison shall occupy at least eight hours and may not take place between 10 p.m. and 7 a.m., unless it is necessary in exceptional cases in order to meet the objectives of the penalty.

132. The Act also provides that the purpose of custodial sentences will be the reintegration of the adolescent into free society.

133. As to the use of force on juveniles in detention centres, the Act recognizes that it must be exceptional, limited to situations in which all other means of control have been exhausted, and applied for the shortest possible time. The Act also prohibits the use of disciplinary measures that constitute corporal punishment, confinement in unlit cells and isolation or solitary confinement, and any other punishment that could endanger physical or mental health or constitute degrading, cruel or humiliating treatment.

134. The Act establishes a special justice system, with officials who must be competent and suited to take responsibility for applying the law, and provides that judges, prosecutors and defenders should have a specialist's understanding of juveniles so that they can take appropriate action to resolve the conflict. It also includes an article on police training, since the police are key actors who will in a significant proportion of cases be the first to make contact with a youngster who has broken the criminal law.

135. With regard to procedure, the fundamental principles of the new adult criminal justice system are applied and the Act provides for an oral accusatorial procedure that recognizes the presumption of innocence and the right to a defence, allows compensation agreements between victim and juvenile offender, and permits a broad interpretation of the principle of discretion to prosecute. In fact the Act indicates that, in exercising their discretion to prosecute in respect of an adolescent charged with an offence, prosecutors must particularly bear in mind the potential impact of their decision on the person's future. It also sets a limit of six months, plus one two-month extension, on the duration of juvenile investigations.

136. The rules of procedure established by Act No. 20.084 provide that the parents or guardians must be notified of the first hearing the adolescent has to attend, and of their right to intervene, should the judge deem it necessary.

137. With regard to the enforcement of penalties, the Act explicitly recognizes the right of adolescents to be treated in such a way as to strengthen their respect for the rights and freedoms of others, while protecting their development, dignity and social integration; to be informed of their rights and obligations vis-à-vis the persons and institutions responsible for them; to know the internal rules and regulations of the institutions and programmes to which they have been assigned, and in particular the grounds that might give rise to disciplinary measures against them or a declaration of non-application of such measures; to submit requests to any relevant competent authority and to receive a prompt response; to request the review of their punishment in accordance with the law; to report threats or violations in respect of any of their rights to the

court; and to have the constant assistance of a lawyer. Adolescents subject to custodial measures have the right to regular personal visits, with direct contact, at least once a week; to personal security and privacy; to access to educational services; and to privacy and regularity in communication, in particular with their lawyers.

138. The Act was scheduled to enter into force six months after publication, i.e., June 2006, but in May 2006 it was decided, under Act No. 20.110, to postpone its entry into force for another year, because one of the main concerns in the debate on Act No. 20.084 had been that the system should be adequately equipped to perform a specific task and there were still certain gaps that posed a threat to the attainment of the objectives set. These weaknesses mainly concerned the administration of penalties in semi-open institutions, and educational or drug rehabilitation programmes for juvenile criminal offenders. The reform of the Chilean juvenile justice system will therefore enter into force on 8 June 2007.

## 2. *Act No. 19.968 - Family Courts Act*

139. The purpose of this Act is to create a special jurisdiction for family matters so that problems arising from the same source can all be resolved by the same body and the parties have an effective means of solving those problems together. This jurisdiction is also multidisciplinary in nature so that it can offer comprehensive solutions.

140. The idea is to move towards procedures that encourage direct contact between the parties and the judges, through a preference for oral hearings, which in turn favour public, impartial proceedings and enhance the legitimacy of the decisions adopted. Thus the Act stipulates that proceedings shall be oral, concentrated and informal, with emphasis on the principles of immediacy, ex officio action, and the search for joint solutions.

141. The principle of protection of privacy is also upheld in this Act: the court must ensure respect for the privacy of the parties, especially that of children and adolescents, throughout the proceedings. To that end, it may prohibit the publication of information or pictures relating to the proceedings or the parties, or, in a reasoned decision, order all or part of the proceedings to be conducted in camera. The Act also refers to the principle of the best interest of the child and to the right of children and adolescents to be heard, in order to ensure the exercise and full and effective enjoyment of their rights and guarantees.

142. In terms of organizational structure, family courts are single-judge, multidisciplinary tribunals, and the Act also creates a technical board, which is a special advisory body composed of social workers and psychologists who can help judges maintain a cross-disciplinary approach. Also, in order to enable judges to dedicate a maximum amount of time to judicial business proper, the Act establishes the post of administrator to take charge of the court's administrative and financial business.

143. With the entry into force of the Act, the number of family judges was increased to 258, which, with a further 77 judges competent in family matters, makes for a total of 335 judges nationally to deal with this type of dispute. The State has invested more than 55 billion pesos in establishing the new family justice system, including new judges and court officials, training, new up-to-date infrastructure and information technology.



**Table 69**

**Budget for family court reform  
(in millions of pesos)**

Total family courts	60
Total family judges	258
Expenditure subtotal (includes remuneration, operation and investment)	47 243 029
Permanent infrastructure	7 783 741
Total for country	55 026 770

*Source:* Ministry of Justice, 2006.

144. With regard to attendance by the parties and the rights of children and adolescents, the Act contains an important provision concerning the guardian ad litem, stipulating that, in all cases involving children's interests, the court shall ensure that the children or adolescents are duly represented. In cases where the child has no legal representative or where the court has reasonable grounds to believe that their interests diverge from or conflict with those of their legal representative, the court shall assign a lawyer from the legal aid corporation, which is a public institution providing social and legal services, or any public or private institution for the defence, promotion or protection of the rights of children and adolescents.

145. In August 2005 the Executive submitted a bill to Congress containing organizational and procedural amendments to the Family Courts Act (No. 19.968), as it had become clear that several aspects needed to be reviewed and modified in order to attain the ideal of prompt, informal, transparent, accessible, direct and collaborative justice, in line with the original impulse and objective.

146. The bill attempts to introduce some controls, because the right to appear before the court without a lawyer, the failure to make mediation mandatory in certain matters and the absence of other mechanisms for screening applications, combined with high public expectations concerning the virtues of the new system, led in no time to extreme congestion in the family courts. The bill aims to improve the organization and administration of the family courts and introduce more expeditious procedures more consistent with the requirements of such specialized proceedings. The amendments will entail a considerable increase in expenditure for the family justice system (see annex).

3. *Act No. 20.032 establishing a support system for children and adolescents through the SENAME network and subsidiary scheme*

147. This Act was published in the *Diario Oficial* on 25 July 2005. Its aim is to ensure the effective application of the Convention on the Rights of the Child and of other international instruments on the human rights of persons under 18 years of age; to promote the integration of children and adolescents in their families, schools and communities and their participation in

society; and to strengthen partnership between civil society organizations, the State and municipalities in the design, implementation and evaluation of public policy, such that the guiding principles of that policy will be inclusiveness, comprehensiveness, local orientation, involvement and judicial protection of children's rights.

148. The Act puts forward a new model of support for children and adolescents, devising lines of action and defining how they relate to each other and to all parties active in social policy. The areas eligible for subsidy are: children's rights protection offices (local outreach support offices intended to provide comprehensive protection for children's rights and help establish conditions conducive to a culture of recognition, and respect for children's rights); residential centres (for children and adolescents deprived of or separated from their family environment, and which may be assessment centres or residential homes); programmes (sets of activities that may be grouped according to technical criteria and including programmes on the protection of rights, reintegration of adolescent criminal offenders, prevention, promotion, foster families and emergencies); and assessment (peripatetic services providing psychological, social and similar technical advice to the competent court or any other bodies that may request it).

149. The Act establishes the form and conditions in which SENAME will subsidize its accredited partners and how it will ensure that their work respects and promotes the fundamental rights of beneficiary children and adolescents.

150. With regard to the lines of action, the Act stipulates that it will be for the rights protection offices to provide children and adolescents with effective access to programmes, services and resources available in the community, strengthening networks and public-private partnerships; to directly provide any special protection that is required when referral to a programme is not possible or when such a referral appears to be unnecessary because the situation is one that can be resolved relatively quickly with the office's own resources; and to promote the strengthening of the parenting skills needed in families, giving priority to activities aimed at avoiding the separation of children from their families or those responsible for their care.

#### *4. Bill on the protection of children's and adolescents' rights*

151. This bill is intended to govern the mechanisms to be made available to the State to deal with violations of the rights of children and adolescents. The stated objective of the bill in the draft originally presented by the Government was to define the responsibilities of the family, the community and the State in protecting children's rights and to regulate the special mechanisms to be set up by State administrative bodies, the courts and public and private bodies in general, in order to prevent violations of children's and adolescents' rights and protect and promote the enjoyment of those rights. Its guiding and interpretative principles are the best interests of the child and the priority of children's rights, equality and non-discrimination.

152. However, in the course of the ongoing parliamentary process, the aim of the bill has changed and it now protects the rights of children and adolescents and governs the situation of children aged under 14 who commit criminal offences; to that end, it regulates the special mechanisms to be set up by State administrative bodies, the courts and public and private bodies in general in order to prevent violations of children's and adolescents' rights and to protect and promote the enjoyment of those rights.

153. The bill introduces a general mechanism for the protection of rights giving children the right to petition State and municipal administrations and establishing an obligation to receive and, within a mandatory time frame, respond to, requests and claims made by or on behalf of minors in respect of violations of their rights by the administration in question or by private bodies administered or supervised by that authority.

154. The bill also regulates action by SENAME in dealing with concrete cases of rights violations, and it proposes to rename SENAME the National Service for Children and Adolescents. It provides for intervention by SENAME through programmes and projects implemented either directly or by other bodies in the SENAME network, in the areas of prevention, promotion and protection of rights.

155. In the judicial sphere two protection mechanisms are proposed. The first is an action termed the special action for the protection of rights, which is designed to restore the rule of law in cases where children's rights are threatened, interfered with or denied. The second mechanism supplements, in practical terms, the procedural regulations for the judicial application of protection measures set out in the Family Courts Act, by providing a description of the specific situations in which such measures may be taken, an exhaustive list of those measures and the basic conditions for when and how they should be applied.

156. The draft also recognizes the existence of serious situations affecting children and adolescents that call for measures to protect their lives and physical integrity, such as compulsory admission to hospital, to a psychiatric institution or to a special treatment centre, but also warns that such measures are to be taken only in qualified cases and to the extent that there is a need for a specific service from such a facility: the deprivation of liberty must not be used for purposes of social control.

157. Other points include regulation of police action in the context of the protection of rights, with an emphasis on the obligation of the police to provide immediate assistance to a child whose rights have been violated and to hand them over immediately to their parents or guardians. Children are to be brought before a court only in exceptional circumstances, without prejudice to the duty to provide information to the competent court and the Public Prosecutor's Office when necessary.

158. The Government is currently studying ways of improving this bill in order to ensure that domestic law is effectively in keeping with the Convention.

***(b) Respect for the views of the child***

159. With regard to respect for the views of the child, the Committee recommended that the State party undertake measures in order to take into account the views of children, in accordance with the concept of their evolving capacities, in all matters affecting them, in particular in judicial and administrative proceedings, and integrate this principle in the new legislation and in policies and programmes affecting children, including the national policy.

160. A qualitative study on children and their rights, conducted by UNICEF and aimed at determining Chilean children's knowledge and perception of their own rights, found that both children and adolescents valued three rights highly: the right to be heard and to free expression; the right to free association; and the right to defend oneself and be respected.

161. In this regard, the Family Courts Act establishes the best interests of the child and the right to be heard as guiding principles for the courts. While these were also recognized in the Minors Act and other laws such as the Adoption Act, here they are elevated to guiding principles for any procedure affecting a minor. Indeed, the Act states that one of the functions of the members of the technical board is to advise the judge on appropriate provision for children to be heard and make a statement.

162. In respect of the judicial application of measures to protect children's rights, the Act explicitly regulates court appearances by minors for the purpose of making a statement, stipulating that the judge shall take due account of their opinions, bearing in mind their age and maturity, and that such hearings must be held in an appropriate setting, taking care to safeguard the physical and psychological well-being of the child. It also establishes that, in this procedure, the children or adolescents must be informed in language they can understand, and stipulates that children and adolescents who are the subject of a judicial protection measure shall have the right to be received personally by the judge when they themselves or the persons responsible for implementation so request.

163. The Adoption Act (No. 19.620) also establishes that, during the procedures it regulates, the judge shall take due account of the opinions of children, in the light of their age and maturity. For juvenile adults (girls aged 12-18 and boys aged 14-18), the person's consent for the possible adoption is required and must be expressly stated before the judge during the adoption proceedings relating to the application filed by the party or parties concerned.

164. Regarding criminal proceedings, Chile has undertaken a major reform: for the first time, victims' rights are recognized by law. Children and adolescents victims of offences are thus recognized as parties in criminal proceedings.

165. In respect of children's right to be heard, the preliminary provisions of the bill on the protection of children's and adolescents' rights, currently in its second reading in the Chamber of Deputies, establish that "in all matters affecting them, children and adolescents shall have the right to freely express their opinions, and these must be taken into consideration with due regard for their age and maturity. To this end, they shall have the opportunity to be heard in any judicial or administrative proceedings that affect them".

166. Since 1997, as part of its intersectoral activities, the National Intersectoral Committee for the Prevention of Child Abuse has carried out seven national and regional campaigns to promote decent treatment of children, in order to raise awareness and educate people in respect for children's rights and prevention of child abuse. In 2006, the objective and theme of the campaign was the promotion of respect for children's right to be heard and to have their opinions taken into consideration in all matters affecting them, especially in family, educational and health matters and in judicial and administrative proceedings.

167. In December 2004, SENAME conducted the first national “My Opinion Counts” survey, through 31 of its Offices for the Protection of Children’s Rights (OPD), with the aim of determining which rights children saw as the most respected and the most violated in their municipalities. A total of 20,048 third- to eighth-grade children took part.

168. The survey showed that the least respected rights were the right not to be abused physically or psychologically (24.9 per cent), the right to live in a pollution-free environment (16.1 per cent) and the right to have one’s opinion heard (14.2 per cent). The most respected rights were the right to live with one’s family (25.1 per cent), the right to attend school (19.9 per cent) and the right not to be abused (11.4 per cent).

169. The second “My Opinion Counts” survey was carried out in 2006, with the participation of 86 OPDs in 120 municipalities nationwide. The aim was to determine which rights children and adolescents in municipalities with OPDs considered the most and least respected in their municipalities. Some 49,100 third to eighth-grade children took part, 35.4 per cent of them aged between 6 and 10, 34.1 per cent between 11 and 12, 24.3 per cent between 13 and 18, and 6.3 per cent did not report their age.

**Table 70**

“My Opinion Counts”: survey results	%
Most respected rights	
Live in a family	31.2
Good education	21.5
Be properly cared for by parents or another responsible adult	9.6
Least respected rights	
Have opinions heard on matters affecting them	21.5
Clean and pollution-free environment	20.9
Be treated well, physically and psychologically	11.4

*Source:* National Service for Minors (SENAME), 2006.

170. *Promoting children’s involvement.* Toy libraries<sup>22</sup> began to appear in 2004, as a means of promoting children’s participation by setting aside special areas for that purpose, with the aim of encouraging civic participation by children and pre-teens and allowing them to take their development into their own hands and to be a part of the community, all within a rights perspective. The children involved are between 6 and 14 years of age.

171. Broadly speaking, toy libraries are spaces adapted to meet the needs of their users and are equipped with many different kinds of toys and educational games, which users - in this case children and pre-teens - may borrow for use either directly on the premises or at home. They work in the same way as traditional libraries, but their thematic focus is on learning through play rather than formal learning.

<sup>22</sup> Toy libraries have been set up at the Curicó, Coquimbo, Temuco, La Pintana, Huechuraba and Recoleta family centres.

172. A facilitator who has undergone awareness training and instruction in the project and its methodology helps the children by, among other things, encouraging and assisting with team formation, peer reinforcement, deciding on activities and projects, obtaining materials, arranging the physical space, outreach work with the community and attainment of the stated objectives.

173. In addition to the work with children themselves, the bill also includes a series of activities aimed at further spreading and promoting children's participation in the main agencies working with children. For example, it seeks to make adults more aware, to ensure that children will be able to see a basic consistency between the discourse and the practice of those who are their main models in the process of learning and of socialization.

**Table 71**

**Services provided and children participating in toy libraries**

Year*	Services	Participants
2002	6 093	155
2003	11 750	295
2004	14 354	287
2005	12 271	514
Total	44 468	1 251

**(c) *Physical and sexual abuse of children within and outside the family***

174. The following studies have been conducted on domestic violence, ill-treatment and abuse, in particular sexual abuse, within the family and in institutions, in order to assess the extent, scope and nature of such behaviour:

(a) Study on the prevalence of family violence, conducted by the National Service for Women (SERNAM) in 2002. The purpose of the study was to determine the prevalence of marital violence, the forms it takes, related factors and the strategies adopted by women who live with this problem in the Metropolitan Region and the Araucanía Region (urban and rural). The study found that 50.3 per cent (i.e., half) of Chilean women who were currently married or had once been married had experienced situations of marital violence at least once in their lives; 34 per cent had suffered physical and/or sexual violence, and 16.3 per cent reported psychological violence;

(b) UNICEF comparative studies of child abuse in Chile, 1994-2000 and 2000-2006. These studies compare statistics compiled in 1994 and 2000 and indicate a decline in serious physical abuse (34 per cent in 1994 and 25 per cent in 2000) and an increase in psychological abuse in the family (14.5 per cent in 1994 and 19.7 per cent in 2000), while the level of minor physical abuse remained at around 28 per cent. According to the study, some 73.6 per cent of children said that they had been exposed to some kind of abuse in their families;

(c) The 2000-2006 comparative study found that 75.3 per cent of children are subjected to some form of violence by their parents, whether minor physical violence, serious

physical violence or psychological abuse. In addition, the study showed the evolution of the situation in the country since 1994, and demonstrated a steady increase in psychological violence towards children (from 14.5 per cent in 1994 to 19.7 per cent in 2000 and 21.4 per cent in 2006) and little change in levels of physical violence between 2000 and 2006. The most significant change noted was a marked decrease in the level of serious physical violence in the lower socio-economic strata, which in 1994 stood at 39.1 per cent of children surveyed, 31 per cent in 2000, and 29 per cent in 2006;

(d) Ministry of Health study on the prevalence of child abuse in Chile (De la Barra, 1998). This study found, in schools, some 23.1 per cent of children who had been subjected to physical abuse (cases identified by teachers), in health clinics 25.3 per cent (children diagnosed) and in the courts 27.1 per cent (cases or suspected cases);

(e) Second Survey on Intolerance and Discrimination, Fundación IDEAS (University of Chile, Santiago, 2002), commissioned by the Office of the Minister and Secretary-General of Government. This survey looked into adults' attitudes to children. It established that about 34 per cent of the population considers that "in important matters, a child's opinion does not count". Some 28 per cent agree that "when punishing children it is sometimes necessary to hit them so that they do not do it again". The report found that there is a high level of intolerance and discrimination against children and pointed out that "a society that discriminates so heavily against children must take a critical look at its ethical standards";

(f) Statistical data on sex offences against children for 2000-2002 and 2003-2004, provided by specialized services and compiled by the Department for Minors of the Ministry of Justice. Information was requested from the criminal investigation police and the carabineros, the forensic medical service, the criminal investigation police Centre for Victims of Sexual Abuse (CAVAS) and the Public Prosecutor's Office. According to statistics from the civil investigation police and carabineros, approximately 4,500 sex offences were reported annually between 2000 and 2002. In 2003, 5,133 sex offences were reported and in 2004, 6,541. Some 35 per cent of the total related to rape, 60 per cent to sexual abuse and 5 per cent to other sex offences;

(g) The statistics from the Public Prosecutor's Office indicated that 9,295 cases had been received in 2003 and 2004, 57 per cent of them relating to minors under the age of 18. As for the sex of the victims, 84 per cent were female and 16 per cent male. In addition, 63.7 per cent of all the victims of sex offences referred to the regional victim and witness support units in 2003 and 2004 were minors under the age of 18, the majority of them children under the age of 13 (64.8 per cent) and women (83.3 per cent);

(h) The statistics on sexual offences collected by the Ministry of Justice also give a breakdown by type of sex offence, sex, most affected age groups and the relationship between victim and offender;

(i) Study by the Chilean Children's Rights Association and the Chilean United Nations Association, with support from Save the Children Sweden, entitled "Styles of upbringing and child care in Santiago de Chile: understanding domestic violence" (*Estilos de crianza y cuidado*

*infantil en Santiago de Chile: algunas reflexiones para comprender la violencia educación en la familia*), 2006. The study presents the results of a qualitative research project aimed at exploring and describing how and why strategies involving corporal punishment are used by adults in the Santiago Metropolitan Region in bringing up children between the ages of 4 and 9. The study is mainly based on the results of in-depth interviews with six fathers and six mothers from differing socio-economic backgrounds, and detailed descriptions of various everyday situations. The main purpose of this research was to investigate “styles of upbringing” in a broad sense, in terms of their application in conflict resolution and the cultural forums taken by these practices in the family setting.

175. The Committee on the Rights of the Child has called for the effective investigation of cases of domestic violence and ill-treatment and abuse of children, including sexual abuse, within the family and in institutions within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy.

176. Cases of domestic violence and child abuse are subject to two procedures under domestic law. For physical abuse constituting an offence, and for sexual abuse, the applicable procedure is the new criminal procedure established in Chile in 2000. Domestic violence that does not constitute an offence is under the jurisdiction of the family courts and a specially designed procedure is applicable. However, family courts are also responsible for applying judicial protection measures for children whose rights have been seriously violated.

177. In terms of criminal proceedings, guidelines have been drawn up for prosecutors to avoid secondary victimization of child victims of offences. Based on the work done in this field, an instruction “on action by prosecutors on the situation of child and adolescent victims of offences in the reform of criminal procedure” was published in 2003 to guide prosecutors’ action in this regard. The areas and rights covered by the instruction include: the definition of children as active parties in the proceedings; the principle of gradual autonomy in the exercise of rights; the assignment of a guardian *ad litem* in cases where children’s legal guardians are the perpetrators of the offence; opening of proceedings on the basis of a complaint and referral to a victim and witness support unit; children’s and adolescents’ statements to the prosecutor and the possibility of recording them; interview procedure for prosecutors; procedures for confrontation and identification; medical, psychiatric and psychological examinations; procedures to safeguard the rights of children and adolescents; alternatives to oral proceedings and the protection of children’s rights; bringing of charges, psychological preparation of child witnesses and victims for oral proceedings and conduct of the proceedings; recommendations in respect of the hearing in general; recommendations for cases where a child or adolescent is a witness in oral proceedings; protecting the identity, honour and privacy of children by allowing them to make their statements via closed-circuit television or from behind a screen; and other relevant areas.

178. The Public Prosecutor’s Office has thus made considerable progress in implementing procedures that will avoid the secondary victimization of children, including: (a) avoiding or managing encounters with their aggressors by using closed-circuit television for children to testify from an adjoining room; (b) speedy referral of child victims from local prosecutors’ offices to the regional victim and witness support units of the Public Prosecutor’s Office, which



have more specialized teams who can accompany and inform the child throughout the criminal proceedings; (c) cooperation between the prosecutor and the victim and witness support units so as to provide support for child victims throughout the procedure; (d) keeping the number of interviews with children down by making a video recording of their statements that can be used by the various participants in the proceedings, as is done in certain regions; and (e) application of protective measures in coordination with the family courts, with priority given to precautionary measures against the defendant, in order to safeguard the child's rights.

179. With regard to the Committee's concern over measures to protect the privacy of child victims during legal proceedings, under article 40 of the instruction on the situation of child and adolescent victims of offences in the new criminal procedure, if a child has to make a statement, mechanisms preventing direct contact between the victim and the accused or the accused's family are recommended. Thus the prosecutor may request technical assistance from the victim and witness support units, for example to arrange for closed-circuit television or screens to preclude a confrontation between the victim and the accused. To protect the child's identity, honour and privacy their statement is made from an adjoining room by closed-circuit television, with just one camera aimed at the child's back, thereby preventing their face being seen.

180. With regard to the protection of privacy, there is also a provision in the Press Act (No. 19.733), prohibiting the publication in any form of media of the identity of child victims of sex offences.

*Avoiding institutionalization of child victims of abuse*

181. In keeping with the standards of the reform of criminal procedure, in 2002 a new article 16 bis was inserted in Act No. 16.618. Under this provision, the carabineros are obliged to take minors whose rights have been violated or seriously threatened to their parents' or guardians' home. In cases where it is necessary to separate children from the family environment or from their guardians in order to safeguard their physical or psychological integrity, the police should take the children to a transit and placement centre and report the circumstances of the case at an initial hearing of the competent family court. The official at the centre receiving such minors must bring them before the family court for the initial hearing so that the legally required steps can be taken.

182. The same provision applies to minors under 16 years of age charged with an offence. Where the minors are the victims of an offence, the carabineros must also apprise the Public Prosecutor's Office.

183. SENAME is the agency responsible for establishing specific programmes for children and adolescents who have suffered serious violations of their rights and since 2000 it has been revising those programmes to reflect the legal changes envisaged in the reform of the system of juvenile justice and protection of children's rights which comes into effect this year.

184. The Government launched a comprehensive reform of the system of juvenile justice and protection of children's rights in 2000, in order to make it possible once and for all to separate

the system for protecting children whose rights have been violated from the system for punishing adolescents who have committed criminal offences. This reform directly affects the handling of ill-treatment and sexual abuse of children in families and institutions, placing the emphasis on providing care for children in their family and community environment.

185. Thus the repeal of the current Minors Act and its replacement with a Children's Rights Protection Act, on the substantive side, and the entry into force of the family courts system, on the procedural side, will make it possible, where children's rights have been seriously violated, to provide care in the family and the community and avoid institutionalization.

186. In the administrative sphere, SENAME has been carrying out the following activities since 2000 in order to implement this reform:

(a) At the community level it has established the Offices for the Protection of Children's Rights (OPD). In 2000 no such service existed but by September 2005 52 OPDs had been set up in 84 municipalities across the country. From 2001 to 2005 personal attention was given to 74,965 children and their families and 882,822 persons took part in community management programmes. By 2006, with the entry into force of Act No. 20.032 on SENAME subsidies, 105 OPDs were in operation in 172 municipalities throughout the country;

(b) The OPDs provide psychosocial care and legal aid to children and their families in situations of exclusion, discrimination and a lack of access to basic services. They also provide legal representation for children or their families, for example in cases of ill-treatment or sexual abuse, in defence of their interests. OPDs have interdisciplinary teams of specialists, including lawyers, psychologists, social workers and educators. There are more than 330 specialists to do such work;

(c) Between 2001 and 2005, the number of children whose rights were protected increased by some 24.8 per cent, from 49,646 to 66,368;

(d) Large residential homes are being converted into family-type centres or homes;

(e) There has been an increase in the number of programmes dealing with new problems such as commercial sexual exploitation of children, serious physical child abuse and sexual abuse of children;

(f) In technical terms, efforts to ensure separate procedures have been carried through and consolidated, so that children whose rights have been violated and children accused of criminal offences now have special centres that do not confuse the issues but provide differentiated, comprehensive treatment depending on the reasons for admission. The Service's coverage has grown by 22.4 per cent in the past four years: protection-oriented activities increased by some 28.1 per cent and coverage for offenders decreased by 18.4 per cent, mainly as a result of this improved targeting of care whereby the children are placed in relevant programmes depending on the reason for admission.

**(d) Regional disparities in access to health care**

187. The term “regional disparity” is used to denote inequality in welfare or development between regions. It refers to a latent and multifaceted reality in which various indicators - including school enrolment rates, child mortality, unemployment and pollution levels and the cost of living, and not just per capita income - are frequently interrelated and reflect an inequitable distribution of economic development.<sup>23</sup>

188. In Chile, a State mutual health insurance scheme, the National Health Fund (FONASA), is supplemented by a private, individual, commercial insurance system provided by health insurance institutions known as ISAPREs. Access to these insurance schemes is dependent upon individual income. By law, workers in the formal sector are obliged to contribute 7 per cent of their overall income to the system, either through FONASA or an ISAPRE. ISAPREs’ coverage depends on the member’s contribution or premium and individual medical risks, which are generally determined on the basis of the age and sex of the insured and their family (the beneficiaries). Health plans offered by ISAPREs have an overall premium that the companies may change unilaterally and that may exceed the minimum level of 7 per cent of income, which means the insured must pay the difference by an extra contribution. Benefits vary with each plan; there are no minimum packages and pre-existing conditions may be excluded. Thus, two persons paying the same premium but presenting different medical risks will receive different coverage and benefits. On the other hand, FONASA, with a standard premium of 7 per cent, provides universal coverage to its beneficiaries, either through the national health service or with a free choice of health provider. Beneficiaries who opt for the national health service are not obliged to make co-payments, except for certain benefits and in the highest household income brackets. Under this option FONASA is also the sole insurer for persons not registered in ISAPREs, the poor and extremely poor, non-contributing informal workers, pensioners and most of those with catastrophic or pre-existing conditions. Solidarity in risk compensation is a feature of this health insurance. FONASA’s free-choice option works like private insurance, with an out-of-pocket payment that may be quite high, depending on the provider chosen.

189. In Chile, 75.7 per cent of children under 18 are covered under the FONASA public health system and only 16.9 per cent - those from the wealthier strata of the population - by private ISAPREs. This is reflected in the following tables (for detailed information, see annexes).

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<sup>23</sup> Hernández Aragón, J., “Las disparidades regionales: ¿Hacia la convergencia o divergencia regional?” (“Regional disparities: Toward regional convergence or divergence?”), in *Contribuciones a la Economía*, March, 2006. Complete text (in Spanish) at <http://www.eumed.net/ce>.

**Table 72**

**Children under 18 by health scheme and independent household income quintile, 2003**

Age	National independent income quintile	Health insurance scheme				Total
		State system	ISAPRE	Private or other	No data available	
Under 18	I	93.2	1.6	4.7	0.5	100.0
	II	86.9	6.7	5.8	0.6	100.0
	III	75.1	15.0	9.1	0.8	100.0
	IV	54.5	32.9	11.6	0.9	100.0
	V	26.0	63.7	10.0	0.3	100.0
	Total	75.2	16.8	7.4	0.6	100.0
Over 18	I	89.2	1.6	8.5	0.7	100.0
	II	84.3	5.1	9.4	1.2	100.0
	III	76.2	10.2	12.3	1.3	100.0
	IV	61.8	21.6	14.9	1.6	100.0
	V	35.2	47.7	15.7	1.4	100.0
	Total	70.0	16.7	12.1	1.3	100.0
Total	I	90.9	1.6	6.9	0.6	100.0
	II	85.2	5.7	8.1	1.0	100.0
	III	75.9	11.5	11.4	1.1	100.0
	IV	60.0	24.4	14.1	1.5	100.0
	V	33.2	51.2	14.5	1.2	100.0
	Total	71.6	16.7	10.6	1.1	100.0

*Source:* Ministry of Planning and Cooperation, Social Division, National Social and Economic (CASEN) survey 2003, with extrapolations from the 2002 census.

\* Excluding live-in domestic service and related immediate family.

**(f) Refugee children**

190. The Committee noted with concern that the Chilean legislation does not regulate the status of unaccompanied children, who are therefore considered stateless. It therefore recommended that the State party:

- (a) Take measures to prevent unaccompanied children from being considered stateless;
- (b) Ratify the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness.

191. Under the procedures currently applied for asylum-seekers in general and children in particular, unaccompanied children are not considered to be stateless; their nationality is considered to be the one indicated by their travel documents, failing which it is determined by an individual analysis of each case and of reports from other State agencies or organizations working with the State in the matter of asylum.

192. The above is corroborated by the available statistics, which show no asylum-seekers or persons granted refugee status who have been considered as stateless, whether adults or children.

193. In respect of non-discrimination in general and discrimination against child refugees in particular, and of the situation of refugee children in Chile, there was a significant increase in the number of asylum applications under the 2000-2006 Government. As a result, an effort was made to give more importance to asylum matters by raising the status of the relevant agency in the Ministry of the Interior and an Asylum and Resettlement Section was accordingly established in the Aliens and Migration Department.

194. This initiative is aimed at providing a more comprehensive response to the vulnerability of asylum-seekers, and also at improving support systems with a view to the efficient and effective resolution of applications.

195. Specifically to address the situation of children, the State has sought to ensure access for all minors to the education systems regardless of their parents' immigration status; child asylum-seekers also have access to education.

196. Initiatives are also currently being studied to ensure health benefits for all foreign minors in Chile regardless of their immigration status, and in the specific case of asylum-seekers, alternatives are under consideration to ensure health care from the moment the application is filed.

**(g) *Sexual exploitation and trafficking***

197. With regard to sexual exploitation and trafficking, the Committee recommended that the State undertake a study on this issue in order to assess its scope and causes, enable effective monitoring of the problem and develop all necessary measures and programmes to prevent, combat and eliminate sexual exploitation and abuse of children, including by developing social reintegration programmes; decriminalize prostitution of children and protect children from commercial sexual exploitation up to the age of 18; and develop and adopt a national plan of action against sexual and commercial exploitation of children.

198. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified by Chile on 28 June 2000 and entered into force on 6 March 2003. Chile ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) by Supreme Decree No. 1447 of 17 November 2000; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, by Supreme Decree No. 342, published on 16 February 2005. There is now a bill before Congress to criminalize child and adult trafficking and provide for prevention and more effective criminal prosecution.

199. In the field of social research, the Government is conducting a joint project involving SENAME, the Ministry of Labour and Social Security and ILO, to create a central register of the worst forms of child labour between 2002 and 2003, as part of a nationwide study to assess child labour and identify its worst forms. The study set up a system for recording cases from the

police, the SENAME support network and the Labour Department, making it possible to identify and follow up on cases, as well as to take account of children's and adolescents' own views regarding their needs, so as to help draw up the most appropriate policies for rehabilitation.

200. As part of this research, in 2003 a qualitative study was done to find out how children and adolescents themselves perceived their living conditions and economic exploitation.

201. With funding from the ILO International Programme on the Elimination of Child Labour (ILO-IPEC), a programme entitled "Commercial sexual exploitation of children and adolescents: study of the problem, social awareness, prevention and support for victims" was carried out from 2002 to January 2004. The programme included an assessment of prevalence, an awareness-raising campaign and the opening of a centre for specialist support, applying a model of rehabilitative action. The research consisted in a quantitative and qualitative assessment of the extent and nature of commercial sexual exploitation of children and adolescents in Chile and specifically their use in prostitution. It demonstrated the need to draw up intersectoral policies and programmes involving the justice, health, education and labour sectors.

202. There has been a gradual increase in resources earmarked for the rehabilitation and care of children and adolescent victims of sexual exploitation, and specifically prostitution. There are now 16 projects throughout Chile to support child victims of commercial sexual exploitation, reaching 730 children in the regions most affected, which corresponds to 19.7 per cent of the estimated total nationwide. In addition, SENAME acts as legal representative for the children in criminal proceedings and in the family courts, and runs a telephone helpline for reporting sex offences against children.

203. As part of the SENAME/ILO-IPEC programme on the prevention and elimination of the commercial sexual exploitation of children and young persons 2002-2004, a study was conducted to assess the impact of action taken by State institutions against the commercial sexual exploitation of children, including legislative developments.

204. At the end of 2004 the second national conference on the commercial sexual exploitation of children was held.

205. The Ministry of Labour and Social Security is approaching the problem of commercial sexual exploitation as one of the worst forms of child labour (intolerable forms of child labour and work of a dangerous nature or that is carried out in dangerous conditions) and is running projects in social research, victim care, and legislative reform.

206. The memorandum of understanding signed in 1996 by the Chilean Government and ILO-IPEC to comply with international conventions and strengthen national policy on child labour and the worst forms of child labour, was renewed in 2002.

207. Legislative developments also include Act No. 19.927, which was published in the *Diario Oficial* on 14 January 2004 and amends the Criminal Code, the old Code of Criminal Procedure and the new Code of Criminal Procedure in respect of sex offences against children. The law severely sanctions paedophilia and child pornography and web-based paedophile and pornography rings, and regulates more fully the various sex offences, especially any form of

commercial sexual exploitation of children and adolescents, defining new criminal offences. It increases the penalties for most sex offences against children and adolescents and raises the age of sexual consent from 12 to 14. It also establishes the offence of procuring the sexual services of a minor in exchange for money or other consideration, which will help discourage the child sex trade; extends the scope of the offence of promoting or facilitating the prostitution of minors under 18 years of age by making it punishable even without the elements of habit or abuse of authority or trust, which were required before; brings the offences of production, marketing, import, export, distribution, dissemination and exhibition of child pornography - previously subject to Act No. 19.846 on the rating of cinematographic productions - under the Criminal Code; and introduces the offence of acquisition and storage of child pornographic material with malicious intent.

208. Furthermore, the Act fixes an additional penalty of a temporary total ban on employment involving regular direct contact with children and establishes a register of persons convicted of sex offences against children and adolescents.

209. On the judicial side, the Act empowers the national courts to try the offences of production of child pornography, promotion or facilitation of child prostitution and trafficking in minors where they threaten or violate the sexual integrity or freedom of any Chilean or are committed by a Chilean or a person normally resident in Chile, and the offence of acquisition or storage of child pornographic material with malicious intent where the pornographic material in question was produced using Chileans under the age of 18.

210. As to procedures, the Act introduces new investigative powers such as the use of undercover agents and the monitoring or recording of telecommunications. Lastly, it establishes a new penalty whereby the court may order establishments and premises used to commit such offences with the owner's or manager's knowledge to be closed down.

#### ***(h) Juvenile justice***

211. With regard to the Committee's recommendations on juvenile justice, on 7 December 2005 the *Diario Oficial* published Act No. 20.084 establishing a system for holding adolescents responsible for their criminal offences, which enters into force on 8 June 2007 (for details please refer to the legal reforms outlined under item 1 above). The Act incorporates alternatives to trial and punishment, with a view to avoiding their desocializing effects, by applying the principle of discretion to prosecute, compensation agreements and the conditional suspension of proceedings. In this connection, article 35 of the Act states that, in exercising their discretion to prosecute, "prosecutors must particularly bear in consideration the potential impact of their decision on the future of the accused adolescent"; it also includes a long list of non-custodial penalties such as reprimands, fines, probation, special probation, community service and reparation of harm, and permits deprivation of liberty only as a last resort. As for the minimum age of responsibility, the Act will be applicable to persons who at the time of commission of the offence are between 14 and 18 years of age. The provisions of the Act are set out in part (a) of this section.

212. A great deal of work has also been done in systematizing the information in the juvenile justice system. Guidelines have been drawn up for the publication of a yearbook on the regular

operation of the system, and to that end a statistics commission has been set up, coordinated by the Ministry of Justice, and composed of the Public Prosecutor's Office, the Office of the Public Defender, the judiciary, the National Service for Minors, the prison service, the carabineros, the criminal investigation police and the Civil Status and Identification Service. The yearbook will include 15 global juvenile justice indicators identified by UNICEF.

213. In another area, there has been close intersectoral coordination with the Ministry of Education, the Ministry of Health and the National Training and Employment Service, so as to reach agreement on the role played by each of these institutions in the social rehabilitation of adolescent offenders.

214. As to the recommendations that pretrial detention should be used as a last resort and for the shortest possible time, and that children should be separated from adults in all such cases, the Act expressly stipulates that pretrial detention shall be used as a last resort and is applicable only when the adolescent is accused of a serious crime; with regard to duration, since the law sets a six-month time limit on investigations, plus a further two months in proceedings where the accused is an adolescent, pretrial detention could last equally long, but efforts are now under way to devise a programme, to be administered by SENAME, that will provide sufficient support to facilitate compliance with precautionary measures during the proceedings, should they be required, but in a non-custodial setting.

215. Regarding the separation of adults and children, Act No. 20.084 expressly calls for such separation during temporary or permanent deprivation of liberty, whether in one place or in transit, and states that failure to comply with this obligation constitutes a serious violation of official duties.

**2. *Progress made to reform the Juvenile Act or Minors Act No. 16.618 of 1967 and to replace it with comprehensive legislation which adequately takes into account the provisions of the Convention***

216. See the reply to point 1 on legislation.

**3. *Steps taken to assess and restructure the National Service for Minors (SENAME)***

217. This question has still not been resolved, but in 2000 the President launched a reform of Chile's system of juvenile justice and protection of children's rights, which includes changes to the law and institutional reforms.

218. Alongside the legal and institutional changes, the reform was also supposed to initiate administrative developments, in respect of the work of SENAME, while the legal and institutional reforms were being worked out and discussed. The process became known as the SENAME transition, referring to the shift from a programme focusing on social problems to one where the emphasis is on the comprehensive protection of rights.

219. Restructuring of SENAME began in 2000 with the aim of effecting this transition and introducing the principle of separate procedures. A special department to deal with juvenile criminal responsibility, and another to deal with the protection of rights, were established. SENAME is now engaged in the following work:



- (a) Gradual removal of children from large residential homes (deinstitutionalization programmes) and placement in families;
- (b) The creation of homes with a limited number of places for the more complex cases (when deinstitutionalization is not an option);
- (c) Development of family reintegration programmes;
- (d) Strengthening of foster-family programmes;
- (e) Strengthening of the adoption programme;
- (f) Development of programmes to combat serious rights violations (ill-treatment and sexual abuse);
- (g) Strengthening of local children's support networks through the new Offices for the Protection of Children's Rights (OPD).

220. A new law (Act No. 20.032) on subsidies for the SENAME network has now come into effect. It significantly changes the range of SENAME programmes, improves the quality of support and places the integration of children in the family and in society at the heart of policies relating to children.

221. Lastly, it should be noted that a new organization Act to regulate the reforms carried out through administrative channels is still awaited, and the Ministry of Justice has been working with SENAME on a draft bill since 2005.

#### **4. *The status of the Convention and whether it has been invoked directly in domestic courts and, if so, examples of such cases***

222. The Convention on the Rights of the Child has constitutional rank in Chilean law, in accordance with article 5, paragraph 2, of the Constitution, which states that "the exercise of sovereignty is acknowledged to be limited by respect for the fundamental rights inherent in human nature. It is the duty of the organs of the State to respect and promote such rights, which are guaranteed by this Constitution and by the international conventions ratified by Chile and currently in force".

223. The Convention has been invoked directly in the national courts on various occasions, most of the time to challenge a deprivation of liberty imposed on the grounds of protection of society through the remedy of *amparo*, which is a constitutional action aimed at restoring the rule of law and ensuring the protection of the injured party when a person is arrested, detained or held prisoner in violation of the Constitution or the law. By way of illustration, on 11 June 2003 the Santiago Appeals Court ruled in favour of a teenage boy who had been ordered to be admitted to an orientation and assessment centre (COD), on the grounds that he had a record of three previous offences of theft and robbery, that there was no other legal requirement for admission, apart from age, and that there was therefore no violation of rights. The Court ruled that "any measure adopted by a court relating to a minor must necessarily take into account the best interests of the child" and that "ordering placement in a COD is a violation of the child's

freedom and of his best interests, which under the Convention on the Rights of the Child must always be taken into consideration when a court adopts a measure relating to a child". The Court upheld the appeal and ordered the teenager to be admitted to a transit and placement centre (CTD) - which is designed to deal with children requiring assessment, assistance and protection - with a view to applying measures of some kind for his future benefit, or to be released, if there was no CTD available.

224. In another case, this time relating to non-discrimination in education and health, action was taken against a school after it had expelled certain pupils. The Puerto Montt Appeal Court ruled on 31 January 2001 that the high school had acted arbitrarily and unlawfully. It stated that the disciplinary powers of the various educational institutions actually constituted a form of administrative criminal law, against which the complainants were doubly defended, by the Constitution and by the Convention on the Rights of the Child, which imposed constraints on the exercise of State sovereignty and thus on the repressive powers of the organs of State and the intermediate bodies whereby society is organized and structured. The Court thus concluded that the measure in question had been arbitrary and unlawful, overturned it and upheld the appeal (see annexes for other examples in which the Convention has been invoked).

**5. *Have there been steps taken to disseminate and evaluate the National Policy and Integrated Plan of Action in favour of Children and Adolescents 2001-2010?***

225. The National Policy and Integrated Plan of Action in favour of Children and Adolescents 2001-2010 has been disseminated through State agencies working with children both nationally and regionally, and numerous seminars have been held for technical and professional staff providing direct and indirect services to children.

226. For its part, the Ministry of Planning has constantly followed up on the objectives of the Plan of Action and has also carried out annual public audits of the status of children's rights in Chile, which in 2004 and 2005 were submitted to the President.

227. There is also the comprehensive child protection system known as Chile Grows with You. This is one of the Government's political priorities, due to be implemented beginning in 2007, is based on the Convention on the Rights of the Child and is part of the National Policy and Integrated Plan of Action in favour of Children and Adolescents (see information on the Comprehensive Child Protection System in part III, item 3, of this report).

**6. *Progress made towards the establishment of an independent national human rights institution, in accordance with the Paris Principles, in order to provide a complaint and redress mechanism accessible to children***

228. No developments beyond the information provided in the report.

**7. *Information on efforts to disseminate the Convention and the State party report***

229. With respect to dissemination of the Convention, please refer to the reply to the next point. As for the State party's report, it has been published for public consultation on the web page of the Ministry of Planning.

230. This year, a workshop was organized by the Ministry of Planning, the Ministry of Foreign Affairs and UNICEF to present the report formally to civil society. It was also attended by NGOs and academic institutions working with children.

**8. *Information on efforts made to provide training, awareness about the Convention and on human rights in general to children, parents, teachers, social workers and other professionals working with and for children***

231. The different public services working directly with children have run various campaigns to publicize the rights protected by the Convention on the Rights of the Child, both ongoing and one-off publicity drives, and have referred to children's rights in information material and in their direct contact with families and children.

232. For example, the Offices for the Protection of Children's Rights (OPD) are continually publicizing the rights of the child. Similarly, the Ministry of Justice has been running awareness-raising and training activities on this subject since 1997. In addition to intersectoral coordination, it has carried out eight national and regional campaigns to promote decent treatment of children, with the aim of developing awareness and knowledge of the rights of the child and preventing maltreatment of children. The last two campaigns had the following themes:

(a) The 2005 campaign: "15 years growing up with my rights". This campaign focused on promoting the human rights of children and adolescents to mark the fifteenth anniversary of Chile's ratification of the Convention. Its objectives were to publicize the special human rights of children and adolescents; to promote a conception of children as subjects of rights; and to commemorate the fifteenth anniversary of Chile's ratification of the Convention;

(b) The 2006 campaign: "We have a view ... and the right to be heard". The aim was to publicize and promote an attitude of respect for children's right to be heard and to have their opinions taken into consideration in all matters affecting them, in particular in the family, in questions relating to education and health, and in judicial and administrative procedures.

233. The target audience for these campaigns are the adults and children covered by the institutional programmes represented on the Committee for the Prevention of Abuse and the other institutions invited to take part. The campaign media included graphic material; radio spots and interviews; press reports and interviews, press releases and press conferences. It was also conducted through the government media; and Internet opinion polls, and e-mails sent to children via the Ministry of Education's website and others. A campaign website was set up as a link on the web pages of all the Ministries and Services represented on the Children's Rights Committee.

**9. *The role of non-governmental organizations in the implementation of the Convention***

234. NGOs play a fundamental role in the implementation of public policy on children in Chile because they are the main providers of special protection, executing as they do many of the SENAME programmes. The Government enables them to implement the various lines of action established by SENAME, as outlined above, through agreements and a per-child subsidy to the organization involved.

235. Since 1990, and especially in the last 10 years, the Government has held the view that both public and private providers under its policies on children should be guided in their actions by the doctrine of children's rights. That is why NGOs are fundamental to ensuring implementation of the rights of the child in Chile.

**10. *Information on the implementation and results of efforts and programmes to combat economic and sexual exploitation***

236. New amendments specifically relating to sexual exploitation of children were introduced in 2004 (Act No. 19.927) and are explained under point 1 of this section. Economic exploitation is covered in the previous section.

237. With regard to child smuggling, people smuggling is not defined as an offence in the Chilean legal system. In the absence of specific provision, and when the victim is a child or adolescent, those offences that are described in the Criminal Code are invoked: article 142, which penalizes child abduction, article 357, which penalizes incitement to run away from home, and article 367 bis, which penalizes the encouragement and facilitation of entry into or departure from the country. People trafficking is defined as an offence and penalized under article 367 of the Criminal Code: "Anyone who promotes or facilitates child prostitution to satisfy the desires of others shall be sentenced to a term of ordinary imprisonment within the maximum range. If the offence is committed on a habitual basis, or with abuse of authority or trust or deception, the penalty shall be a term of rigorous imprisonment within any range and a fine of 31 to 35 monthly tax units."

238. SENAME also provides legal advice to guarantee victims' access to justice and represents them as ad litem guardian and as complainant, when that is possible.<sup>24</sup>

239. SENAME has made action on all forms of commercial sexual exploitation of children a priority, in the context of the Convention on the Rights of the Child and of its own mission. It is currently developing an action plan incorporating three strategies.

240. One of these is a preventive strategy, with specific measures on behalf of vulnerable families and the community.

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<sup>24</sup> As at August 2006, SENAME had undertaken criminal prosecution in 80 cases involving offences relating to commercial sexual exploitation of children, 47 of which involved 117 accused persons. As to the offences, there were 28 cases of the criminal offence of "promoting and facilitating prostitution" under article 367 of the Criminal Code, 13 of "producing pornographic material" (Criminal Code, art. 366), 17 of "storing and distributing pornographic material" (Criminal Code, art. 374 bis), 13 prosecutions of clients (Criminal Code, art. 367) and 9 cases in which, rather than requesting the application of a penalty to the client, the application of article 362 (rape) or article 366 (sexual abuse) was requested since the victims were under 14 years old.

241. A centralized register has been set up with the aim of detecting the worst forms of child labour, including sexual exploitation, determining their extent and characteristics, and mapping the location of the children and adolescents involved, in order to put a stop to violations and make a start on rehabilitation. This system has made it possible to detect 2,115 cases (June 2003 to May 2006).

242. Another valuable step forward, one intended to raise awareness and make sexual exploitation more visible, is the decree proclaiming 18 May Chile's National Day against Commercial Sexual Exploitation of Children; this demonstrates the Chilean Government's commitment to child and adolescent victims of this type of offence.

243. A support agreement was drawn up in May 2005 between Save the Children, the Ministry of the Interior, the Public Prosecutor's Office, the Carabineros, the criminal investigation police and SENAME, with a view to implementing a "Disappeared Chileans Programme" to establish a central register of missing persons intended, among other things, to prevent smuggling and trafficking of children, adolescents and adults for commercial sexual purposes.

**SENAME**  
FOR A COUNTRY THAT PROTECTS THE RIGHTS OF CHILDREN AND ADOLESCENTS

**II. Special Rehabilitation Strategy**

17 special support projects for children and adolescents affected by commercial sexual exploitation (2005). Support provided to 745 children and adolescents and their families - 20 per cent of the estimated national total.

**Map Labels:**  
Iquique  
Antofagasta  
Calama  
Copiapó  
La Serena  
Valparaíso, San Antonio, Los Andes  
Santiago Centro, Santiago Sur, Santiago Sur Poniente, Santiago Sur Poniente  
Rancagua  
Talca  
Concepción  
Temuco  
Puerto Montt

244. These intervention strategies aim to repair the psychological, social and legal damage resulting from victimization.

245. As at December 2005, support was being provided to 753 child victims of commercial sexual exploitation (2.1 per cent of the total in the network), of whom 72.2 per cent (544) were girls and 27.8 per cent (209) were boys. These figures illustrate and support the conclusion that there is a close correlation between differences between the sexes in access to SENAME services in respect of commercial sexual exploitation of children, and the distribution of the population of potential users of such services, as suggested by the 2003 study which found that, of an estimated total of 3,719 cases nationwide, 78.1 per cent were girls and 21.9 per cent were boys.

246. At the same time it bears out the fact that the majority of victims of sex offences are female, and sexual exploitation of children is no exception.

247. A total of 163 children exited from programmes of this kind in 2005, 29.4 per cent of them as a result of action taken under the project (for example, the goals were achieved, the risk situation passed or the family accepted responsibility) and 42.9 per cent of them after having abandoned the programme for various reasons (for example, ceasing to attend, running away or being withdrawn by their family).

248. In addition, seven legal intervention projects have been implemented, guaranteeing access to justice, for victims, some in criminal proceedings and some in the area of protection. With the aim of meeting all children's need for, and right to, equal opportunities - particularly children who are being victimized - a joint Intersectoral Programme for Educational Rehabilitation has been set up by the Ministry of Education, the Narcotics Control Board (CONACE), the Public Safety Division and the Social Investment and Solidarity Fund (FOSIS).

**11. *Developments with regard to implementation of the reformed juvenile justice system. Please indicate whether components of restorative justice have been incorporated in the administration of juvenile justice. Also, please provide information on the criteria applied in determining whether to apply deprivation of liberty for child offenders***

249. With regard to the implementation of the reform of juvenile justice, see the reply to issue 1, on juvenile legislation and juvenile justice.

250. Certain elements of restorative justice - measures, alternative outcomes and punishments - are clearly established in the new system of adolescent criminal liability (Act No. 20.084, on the criminal responsibility of adolescents). In terms of aims, conditional suspension of proceedings and compensation agreements are consistent with restorative justice, and both measures are incorporated into the new adolescent criminal system. But it is not only these pre-sentencing measures that can be considered to meet the restorative purposes of the Act; there are also what are known as non-custodial penalties: reprimand, fine, probation, special probation, driving ban, reparation of harm and community service. Clearly, some of these go further towards meeting the goal of restorative justice than others, but all go some way towards it.

251. The penalty of community service is regulated by article 11 of the Act, which states that “the penalty of community service consists in performing services for the community or the disadvantaged without remuneration”. The penalty of reparation of harm is established in article 10 of the Act, which provides that “reparation of harm imposes an obligation to compensate the victim for the harm caused by the offence, either by payment of a sum of money, or by the return or replacement of the object appropriated in the offence, or by performance of a service for the victim without remuneration”: the effect is the same in practice as that of compensation agreements, but their legal nature is different insofar as the first is a penalty or punishment whereas compensation agreements are an alternative outcome before the sentencing stage.

252. In any event, the adolescent criminal system gives priority to these alternative outcomes, and of course to non-custodial penalties. With regard to alternative outcomes, the Act is clear in article 41, paragraph 4, and in article 27, which makes regulation of conditional suspension subject to the Code of Criminal Procedure; with regard to non-custodial penalties, it is clear that the legislature and the system give priority to penalties of this kind and articles 20, 24 and 26 stipulate that those involved in criminal proceedings must always prefer the most appropriate penalties and take account of the adolescent’s best interests. This is reflected in the fact that, as a general rule, non-custodial penalties are explicitly applied.

253. Thus in terms of intent, the adolescent criminal liability system established under the Act incorporates a wide range of restorative measures and penalties, which must be given preference as expressly stated in the Act.

254. In order to fulfil this aim, SENAME runs 16 programmes across the country, in all regions, and it has made administrative arrangements for closed facilities to admit, under their operating statute, only young people who have committed criminal acts or offences.

***12. Indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention***

255. The present Government has specified that one of its main priorities is to introduce policies, backed by adequate budgets, to improve the standard of living of the very young, i.e., children from conception to the age of 4.

256. The Government takes the view that in order to progress towards equal rights and opportunities, it is vital to create conditions for development in early childhood, which is a key period for laying the foundations for subsequent development. The developmental stage from birth to age 6 or 7 is considered by biologists and cognitive scientists to be the most significant in shaping the individual. During this stage the bases are laid for the physical characteristics and psychological features of personality that will accompany the individual for life and will be consolidated and refined in successive stages of development.

257. A system of full protection of early childhood has therefore been created called Chile Grows with You, which is described in Part III of the present report.

## PART II

**13. Provide the Committee with copies of the text of the Convention in all official languages of the State party as well as in other languages or dialects, when available (electronic form)**

258. There has been no change from the information provided in the third report.

## PART III

**Briefly (3 pages maximum) update the information provided with regard to:**

### ***New bills or enacted legislation***

259. See the reply to issue number 1 (Part I B of this document), on legislation. The new bills are as follows:

- (a) Bill on the protection of the rights of children and adolescents;
- (b) Bill to criminalize smuggling of children and adults and regulate prevention and more effective criminal prosecution, submitted December 2005; first reading, Chamber of Deputies (*Boletín* No. 3778-18);
- (c) Bill to increase penalties for the offences of producing, marketing and storing child pornography; first reading, specifically sub-stage in first report of the Constitutional, Legislative and Justice Committee, submitted 2 August 2006 (*Boletín* No. 4450-07);
- (d) Bill to restore the authority of SENAME to become a party to paedophilia proceedings (*Boletín* No. 3271-18, non-urgent);
- (e) Bill to authorize working mothers to feed their children and establishing mothers' right to breastfeed even when no nursery facilities are available; second reading, Senate Labour and Social Security Committee (*Boletín* No. 1758-13);
- (f) Bill on flexible maternity leave; second reading, Senate Labour and Social Security Committee (*Boletín* No. 1309-13);
- (g) Bill to establish the Office of the Children's Ombudsman; first reading, Chamber of Deputies, then on to the Constitutional, Legislative and Justice Committee (*Boletín* No. 3500-07);
- (h) Bill to amend the Criminal Code in respect of infanticide and abandonment of children; first reading, Chamber of Deputies, second report of the Constitutional, Legislative and Justice Committee (*Boletín* No. 1626-07);
- (i) Constitutional reform bill extending the scope of the remedy of protection to cover the right to education; first reading, Chamber of Deputies (*Boletín* No. 2320-07);



- (j) Draft framework act on sexual and reproductive rights; first reading, Chamber of Deputies (*Boletín* No. 2608-11);
- (k) Bill to reinforce and expedite the search for missing persons and missing children (stipulates immediate investigation of disappearances of minors under 18); first reading, Chamber of Deputies (*Boletín* No. 2816-07);
- (l) Bill to ensure identification of newborn babies and prevent abduction of minors; first reading, Chamber of Deputies, first report of the Health Committee (*Boletín* No. 4417-11);
- (m) Bill to amend the Labour Code in respect of admission of minors to employment and completion of compulsory schooling; first report of the Labour and Social Security Committee, first reading, Chamber of Deputies (*Boletín* No. 3598-13);
- (n) Bill to amend the Minors Act (No. 16.618) and the Civil Status and Identification Act (No. 19.477) to cover identification of newborn babies and prevent abduction of minors; first reading, Chamber of Deputies, then on to the Health Committee (*Boletín* No. 4417-11);
- (o) Bill to create a new criminal offence in the Criminal Code, relating to antenatal screening; first reading, Chamber of Deputies, then on to the Health Committee (*Boletín* No. 3449-11);
- (p) Bill to grant double visiting rights to a child's parent if the other parent prevents him or her from visiting without justification; first reading, Chamber of Deputies, then on to the Family Committee (*Boletín* No. 3673-18);
- (q) Bill to suspend statute of limitations for sex offences against minors; second reading, Senate, then on to the Constitution, Legislation, Justice and Regulations Committee (*Boletín* No. 3799-07);
- (r) Bill to authorize electronic monitoring of known paedophiles; bill to complement Act No. 19.927 on child pornography; first reading, Chamber of Deputies; official memo No. 75 from the Supreme Court (*Boletín* No. 3841-07);
- (s) Bill to restrict benefits under Act No. 18.216 for persons convicted of sex offences against minors; first reading, Chamber of Deputies, then on to the Constitutional, Legislative and Justice Committee (*Boletín* No. 3914-07).

***New institutions***

260. The most important developments during the reporting period were connected with the establishment of the family courts (see reply to question 1, part I B of this document, on legislation).

*Newly implemented policies*

**Chile Grows with You: System of Full Protection for Early Childhood**

261. On 13 October 2006, the President announced the implementation of the System of Full Protection for Early Childhood, “Chile Grows with You”, marking a fundamental shift in Chile’s policy on children.

262. The concept of the System of Full Protection emerged from a public consultation process that began with the establishment of a 14-member Advisory Board on Children’s Policy Reform, appointed by the President to develop, within three months, a set of proposals on the delivery of a comprehensive child protection system. To help develop their proposals, the Board held extensive public consultations with various bodies with an interest in the subject, but most importantly, with children themselves, who participated via a specially designed website.

263. Having taken up many of the Advisory Board’s proposals, the President announced the launch of Chile Grows with You for the first quarter of 2007. The purpose of the programme is to support children’s development from conception to age 4, and is a priority of the current Government.

264. Chile Grows with You aims to promote greater equality of opportunity in children’s development from conception onwards, by setting up a range of multidimensional schemes to ensure that children develop properly, and to support their families.

**How will the System of Full Protection for Early Childhood benefit children?**

265. Chile Grows with You will provide differentiated support for all children and their families. Some schemes are universal; some are directed at all those in early childhood who are seen by the public health service in primary care centres or maternity wards; and others are specifically aimed at the most vulnerable children and children from the poorest 40 per cent of households. The system is to be gradually rolled out across the country to a set number of municipalities at a time, the aim being to reach all municipalities by 2009. This means that, by the beginning of 2010, all children born that year in the public health service will be covered by the System of Full Protection for Early Childhood. The main elements of this scheme are:

- (a) Information programme for the whole population;
- (b) Adjustment of the legislation and regulations on maternity and paternity rights;
- (c) Continuous care for children starting from the first pregnancy check-up to entry into the school system (transition level or pre-nursery);
- (d) Special support and protection for children from households in the lowest 40 per cent income group, or who are at particular risk.

### **Schemes for all children**

266. Starting in 2007, an information campaign will be run in all the mass media, though mainly radio and television, which will consist of two main strands:

(a) Information and education for adults, especially parents, on best practices in childcare and in stimulating children's development, and on children's developmental needs at each stage of their early childhood;

(b) An education component specifically for children, offering activities to develop age-appropriate motor, cognitive and social skills.

267. As a complement to this initiative, a web page will be created, providing online information about children's development needs at each stage of early childhood, and with online specialists to answer questions on child development and give guidance on child-rearing and the support available. The website will also include teaching materials and ideas for activities that children can do in their everyday settings and that will stimulate their development.

268. Chile's legislation on maternal and paternal rights also needs some refinement in order to encourage closer relationships right from birth, between children and significant adults, especially their parents. To this end, a package of legal reforms will be introduced, including the following:

(a) A legislative amendment will be proposed so that, for premature births, the unused days from the antenatal period will automatically be transferred to the post-natal period. This will strongly reinforce the draft bill currently in its second reading in the Senate Health Committee;

(b) Support will also be given to the bill to amend existing regulation to give women the right to transfer up to three of their first weeks of antenatal leave and maternity allowance to their post-natal leave and maternity allowance, in compliance with the requirement to safeguard the health of both mother and infant;

(c) Lastly, the legislation protecting adopted children needs to be strengthened by the following legislative measures:

- (i) Set a maximum period of two months for declaring a child eligible for adoption;
- (ii) Guarantee adoptive parents the right to post-natal leave and allowance regardless of the age of the adopted child; and
- (iii) Ensure that post-natal rights are effective from the time the adoptive parents assume care of the child, rather than the time the adoption is confirmed.

### **Schemes for all children coming into contact with the public health service**

269. Starting in 2007, as a key part of her first pregnancy check-up, every mother will receive a Guide to Pregnancy and Childbirth giving information about the progression through pregnancy to birth week by week. The Guide contains information that will be of use during the experience of pregnancy and the birth of a child that mothers, fathers and families are embarking on - the development of the pregnancy, the biological and psychological changes that take place in the mother, the mother's need for a supportive environment, and her employment rights, as well as practical advice and guidance on each stage of the pregnancy and the birth of her child.

270. Furthermore, as a complement to the new system, starting in 2007, the Plan Auge will incorporate a caring approach to childbirth, which means respecting the rights of the mother and the newborn child throughout the process, in the sense that every mother may be accompanied during labour and delivery by her partner, a family member or someone close to her and has the right to privacy, to be informed of the treatment to be provided, to adopt whatever physical position she finds most comfortable, and to express her needs freely. The availability of painkillers will also be guaranteed.

271. A programme to support the biological and psychosocial development of children under 2 will be run through all primary health-care centres. This programme includes:

(a) Information and educational materials on basic care during pregnancy, the stages of the baby's development, the mother's employment rights, health care and nutrition, and the importance of family involvement (the emotional environment) in contributing to a safe pregnancy and childbirth (pregnancy calendar);

(b) Classes and workshops to prepare for the birth and for bringing up and caring for the child, run through primary health-care centres, in community settings or in maternity wards themselves;

(c) The active involvement of fathers in health check-ups, labour and birth: adjustments to working hours for consultations and suitable provision for the father or other significant companion to be present during labour and delivery. Provision is also made for women to be attended by the same health workers in the primary health-care centre and when giving birth in the maternity ward, so as to encourage continuity of care and personalized support by the health-care staff;

(d) Home visits by health workers to pregnant women who present a particular biological or psychosocial risk factor, and for children who are late or at risk in their development.

272. For children diagnosed with some form of developmental delay, a Child Development Assistance Fund will be set up to enable appropriate local initiatives to be taken to meet such children's special needs and to support them and their significant adults so that the delay detected can be corrected in time. This may include early learning programmes in health-care or community centres and specialist attention for children with special needs. These programmes should make it possible to track progress in overcoming the identified delay on an individual basis.

273. Lastly, it was felt necessary to provide a family education pack with information on health care essential to child development, as an additional part of health monitoring procedures for children under 3.<sup>25</sup> This material will also be supplemented by a stage-by-stage guide to child development, recommendations on how to support psychomotor and emotional development, and a set of basic checks to perform at each stage, so that parents can observe their child's development and watch out for any delay.

#### **Special attention for children in the most vulnerable 40 per cent of households**

274. The System of Full Protection for Early Childhood will guarantee an entitlement and automatic access to the family allowance for all pregnant women, and for children from birth to the age of 18 who satisfy the following eligibility criteria:

- (a) Not in receipt of social security;
- (b) Without financial resources (information from the social security file).

275. For children with some special need (disability), technical aids, such as equipment that families and/or childcare centres require in order to adapt children's daily environment to their support needs, will be made available through the National Disability Fund (FONADIS).

276. By 2010, under the Chile Grows with You scheme, a place in a crèche or equivalent provision will be available for all children from the poorest 40 per cent of households whose mothers are working, looking for work or studying, and for those not in this socio-economic group who have special care needs or are in situations of particular risk (cases where the mother suffers from depression or a serious illness or has had a bad accident, or where the child has special needs).

277. Within the same time frame, the programme will guarantee places in kindergartens with extended hours - i.e., suited to the parents' working day - for children whose mothers work outside the home. Part-time kindergarten coverage will be guaranteed for children whose mothers do not work outside the home.

278. Chile Grows with You will also guarantee that infant education is quality assured. A mechanism of accreditation and certification will be introduced for all types of childcare at all levels, which will also be used to assess compliance with the quality standards established for all service providers from both the public and private sectors.

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<sup>25</sup> It covers the following points: what to do if a child has a fever; how to prevent acute respiratory infections; the symptoms of diarrhoea; how to prevent accidents; what to do if my child doesn't do as he/she is told; what to do if my child refuses to eat; what to do if my child cries a lot; what to do if my child throws tantrums; when and how to teach my child to do without nappies; how much sleep should my child get?

279. In order to reflect the many factors influencing child development, the System of Full Protection for Early Childhood gives families preferential access to the public services they need to support their children's development, such as remedial education, guidance in finding employment or self-employment, home improvements (standard of housing), mental health care, support for family life, legal aid, and prevention and support in cases of violence in the family or child abuse.

**Staged implementation, starting with priority municipalities**

280. The global implementation<sup>26</sup> of Chile Grows with You will be carried out in stages, to cover all municipalities between 2007 and 2010, and will involve introducing all the services described above for the child population resident in each municipality.

281. Under this phased approach, the first 100 municipalities, which will be those with the largest concentration of vulnerable children, will be brought into the system in 2007. In 2008, coverage will be extended to a total of 250 municipalities, and to the remainder of Chile's 345 municipalities in 2009. As a result, by the beginning of 2010, the system will cover all the children to be born that year.

282. In order to support the full range of child development needs in the selected municipalities, a sinking fund for initiatives for children will be created, the main priorities to include sport, culture, community infrastructure and facilities for children, and initiatives to promote children's participation.

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<sup>26</sup> "Global implementation" means the introduction of all elements of the system simultaneously for a given target population of children.