

GOVERNMENT OF CHILE
MINISTRY OF PLANNING AND COOPERATION

18 December 2001

**WRITTEN REPLIES BY THE GOVERNMENT OF CHILE CONCERNING THE
LIST OF ISSUES (CRC/C/Q/CHI/20) RECEIVED BY THE COMMITTEE ON
THE RIGHTS OF THE CHILD RELATING TO THE CONSIDERATION OF
THE SECOND PERIODIC REPORT OF CHILE (CRC/C/65/Add.13)**

Coordinated by the Ministry of Planning
and Cooperation of Chile

Introduction

The Convention on the Rights of the Child constitutes the Government of Chile's general ethical-political framework for the formulation of government policy on children and young people and the family.

Notwithstanding the progress noted in the second periodic report on implementation of the Convention, the standards established by the Convention have not yet been attained in Chile. There is an imperative need for reform of the current legal system and for an institutional framework that will in practice meet the obligation to provide comprehensive protection for children and young people from the standpoint of recognition of the child as a subject of law playing a part in his or her own development.

In the second half of 1999, in the context of the programme of work of the Social Ministers' Committee, an analysis was conducted of government policy towards priority groups, including children and young people. The Inter-Ministerial Working Group on Children and Young People, comprising representatives of all the government ministries and departments dealing with issues of concern to children and young people (20 government agencies), concluded its analysis and proposed a set of recommendations. Some of these recommendations

are in the process of being incorporated by agencies into their own sectoral work plans. Others, intersectoral and multidisciplinary in nature, constitute the principal challenges that the country must contend with in the years ahead with regard to children and young people.

The following main recommendations are of relevance:

Making children a first priority in government policy, in particular social policy;

Making the Convention on the Rights of the Child an effective framework for policies and programmes for children and young people;

Designing and implementing a national policy on children based on the Convention;

Creating an agency at the very highest level, with appropriate political, technical and social support, to coordinate government action on children;

Establishing a new, consensus-based planning instrument (National Plan of Action) prepared with the broadest participation of various sectors. The plan must be consistent with the concept of children as a national priority and be based on the Convention. It must also include sectoral commitments in the form of indicators to permit ongoing follow-up;

Establishing a permanent system for information on the situation of children and young people in terms of their rights;

Studying the structure and functioning of local networks for children and young people;

Incorporating cross-cutting issues such as gender, ethnicity and disability in children's programmes so that policy will be holistic and incorporate the family perspective needed;

In terms of the legal system, completing the adaptation of legislation to the Convention on the Rights of the Child and making the judicial authorities aware of the new approach;

Involving political and administrative actors and programme managers in design, planning and follow-up. Also involving the actors concerned in discussion of resource allocation;

Basing State action on behalf of children on universal policies focused on promoting and ensuring the effective enjoyment of children's rights and on outreach policies, for groups of children without ready access to government programmes.

This same intersectoral working group concluded that, even where planning instruments designed for the 1990s (1992-2000 National Plan and 1992-2000 regional plans) had had an

impact in putting the subject on the public agenda for social affairs, they had not had the hoped for impact in terms of amending or adjusting social policies and programmes from the standpoint of the rights of the child. Accordingly, the need for a national policy on children and young people, drawing on the approaches taken throughout the decade by both representatives of government agencies and Parliament and of civil society, becomes more compelling.

As a result, based on these recommendations, in 2000 a National Policy on Children and Young People was formulated and agreed. The aim of the policy is to provide a framework and guide for each and every State action on behalf of children and young people so that the basic needs of children will be recognized as rights and the responsibility that society as a whole has to ensure respect for those rights will be established. The policy will be structured on the basis of the fundamental rights of children and young people with recognition of their particular needs, including development needs, and potential. One of the aims of the National Policy is to establish an institutional framework for children, young people and the family implemented at the level of the commune, the region and the central State Administration. To this end it seeks to meet the need to promote and strengthen coordination between agencies, sectors and the various levels of the State Administration so as to improve the efficiency and effectiveness of public sector action on behalf of children, with the focus on a holistic approach to social programmes and services for children and young people. This National Policy was officially announced to the country by His Excellency the President of the Republic in April 2001.

In June 2000 President Lagos announced a reform of the existing system of care for children and young people, differentiating it from the system for young offenders. He announced a political decision to adopt a holistic approach to the promotion and protection of the rights of children and young people. The existing system combines protection of children and young people whose rights are threatened or violated and punishment of young offenders. As a result it neither offers real protection for children and young people's rights nor a proper, just and efficient response to the problem of juvenile delinquency. The system places children's social problems within the ambit of the courts, treating them apart from the rest of the social network.

Lastly, in the context of the proposal on reform and modernization of the State, put forward by the Government, discussion is now taking place of a future social institutional framework under which services for priority groups would fall. The proposal is for a Ministry of

Social Affairs which would be responsible for policies and programmes relating to government action on the disadvantaged, and for formulating and/or coordinating policy on priority groups: children and adolescents, young people, indigenous peoples, the disabled and the elderly.

It is in this context of change, in which we intend to create a qualitatively different and superior landscape of respect for the rights of children and young people, that we are submitting this reply. It contains information from the various ministries and services with responsibility for the various issues raised.

PART I

A. Data and statistics

1. Disaggregated data (by gender, age, indigenous group, urban or rural area) covering the period between 1998-2000.

(a) Number and proportion of children under 18 living in the State party.

Population: 0-17 years of age

Boys	2 523 291	51.6%
Girls	2 365 767	48.4%
Total	4 889 058	32.6%

Urban	85.8%
Rural	14.2%

Source: CASEN 2000 Survey, Ministry of Planning and Cooperation (MIDEPLAN)

(b) Number and proportion of children belonging to indigenous groups.

Indigenous children 0-17 years of age	Number	Percentage of total number of children	Percentage of total number of indigenous children
Female	109 993	4.6	51.2
Male	115 224	4.6	48.8
Total	225 217	4.6	100.0
Urban	136 625	12.7	60.7
Rural	88 592	3.3	39.3
Total	225 217	4.6	100.0

Source: CASEN 2000 survey (MIDEPLAN).

(c) Infant and child mortality

1999

Infant mortality rate (per thousand live births)	10.1
Neonatal mortality rate (per thousand live births)	5.9

Source: National Institute of Statistics (INE).

Mortality 1-4 years of age, 1996-1998

Year	Deaths: 1-4 years of age	Mortality rate
1996	566	0.48
1997	529	0.45
1998	589	0.51

Source: Civil register, INE, Ministry of Health (MINSAL), death certificates.

(d) Proportion of children with low birth weight

Children with low birth weight	5.5%
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Source: INE 1999.

(e) Proportion of children affected by chronic malnutrition

Malnutrition rate among children under 6	0.7%	10 271
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Source: CASEN 2000 Survey (MIDEPLAN).

It should be noted that new dietary habits and a somewhat sedentary lifestyle have led in Chile to an increase in overweight and obese children, who today represent 11.3 per cent of children under 18 years of age. By way of example, health statistics indicate that only 10.2 per cent of children from 6 to 9 years of age, only 14.6 per cent of children from 10 to 14 years of age, and only 14.6 per cent of children from 15 to 19 years of age exercise three times a week.

(f) Number of children with disabilities at home or in institutions

Children with disabilities (0-18 years of age inclusive)	Number	Percentage
Boys	70 734	47.7%
Girls	77 117	52.3%
Total	147 451	18.7% of total disabled population

Source: CASEN 2000 survey (inclusion of 18-year-olds slightly inflates the statistics).

(g) Number of children in domestic and inter-country adoptions.

Basic adoption statistics 1994-2001

Year	Domestic adoptions	Inter-country adoptions	Regularizations	Total
1994	151	241	-	392
1995	153	238	-	391
1996	110	195	-	305
1997	124	127	-	251
1998	202	142	-	344
1999	245	123	-	368
2000	642	36	259	937
2001	716	65	369	1 150
Total	2 343	1 167	628	4 138

Source: National Adoption Unit, National Service for minors (SENAME), November 2001.

Accredited private adoption agencies in Chile:

Fundación Chilena de la Adopción;

Fundación San José;

Instituto Chileno Colonia y Campamentos.

Domestic adoptions by age and sex

Year	Child's age	Sex		Total
		Girls	Boys	
1997	0-24 months	62	58	120
	2-12 years	7	4	11
	over 12 years			
Total		69	62	131
1998	0-24 months	101	101	202
	2-12 years	12	16	28
	over 12 years			
Total		113	117	230
1999	0-24 months	113	100	213
	2-12 years	9	23	32
	over 12 years			
Total		122	123	245
2000	0-24 months	96	135	231
	2-12 years	38	37	75
	over 12 years	11	6	17
Total		145	178	323

Source: National Adoption Unit, National Service for Minors.

Inter-country adoptions by age and sex

Year	Child's age	Sex		Total
		Girls	Boys	
1997	0-24 months	23	33	56
	2-12 years	61	51	112
	over 12 years	4		4
Total		88	84	172
1998	0-24 months	25	21	46
	2-12 years	42	51	93
	over 12 years	7		7
Total		74	72	146

Inter-country adoptions by age and sex (continued)

Year	Child's age	Sex		Total
		Boys	Girls	
1999	0-24 months	14	17	31
	2-12 years	46	42	88
	over 12 years	2	2	4
Total		62	61	123
2000	0-24 months	8	5	13
	2-12 years	6	9	15
	over 12 years	1	1	2
Total		15	15	30

Source: National Adoption Unit, National Service for Minors.

Other Ministry of Justice data show the following since implementation of the new Adoption Act:

In 2000 there were 320 domestic adoptions and 43 inter-country adoptions. This exceeded the projection of 300 domestic adoptions by December 2000;

Adoptions now take less time. This has increased interest in adoption and in regularizing the situation of care of children without a legal basis. Average time for completion of formalities has been reduced from 1 year to 4 months for domestic adoptions and from 18 months to 5 months for inter-country adoptions.

More efficient procedures have awakened increasing interest in adoptions with a resultant increase in demand by couples living in Chile (184 applications in 2000, double the 1999 figure).

2. Disaggregated data (by age and gender) on the amount and proportion of national budget devoted to children at the central and local levels, for the last three years (1999-2001). At the time of writing, US\$ 1 = Ch\$ 663.5.

(a) Education (different types of education) (figures in millions of Chilean pesos, year 2000)

Year	Level				
	Pre-school	Primary	Special	Secondary Humanities Sciences	Secondary Technical Vocational
1998	97 472.5	663 697.4	30 554.3	124 665.1	134 429.7
1999	106 015.3	733 146.9	35 756.3	131 997.6	139 023.5
2000	106 972.9	779 085.7	56 115.3	151 974.5	155 563.4

Source: Ministry of Education.

Note: Does not include private expenditure on education. In 1998 private expenditure represented 3.1 per cent of GDP, public expenditure 3.9 per cent. No data are available for 1999 and 2000.

(c) Children with disabilities

The column headed "Special" in the table in paragraph 2 (a) above indicates resources allocated to education for children with special needs. There is other expenditure on disabled persons, but it is not possible to separate out amounts on adults and children, as no differentiation is made. Such expenditure is made through the National Disability Fund.

**National Disability Fund
Social programmes budget 1999-2002
Ch\$ thousand's 2001**

Programmes	Annual budget			
	1999	2000	2001	2002
Project funding	835 584	843 360	1 081 783	1 075 975
Aid funding	762 911	749 145	1 046 104	1 024 347
Technical				
Special projects	0	52 350	50 000	48 250
Grants	21 484	19 893	202 000	170 323
Total	1 619 979	1 664 748	2 379 887	2 318 894

(d) Support programmes for families

Source: The Family Foundation.

The Family Foundation, under the Office of the First Lady of the Republic, has the role of strengthening family relationships from the standpoint of respect and equal opportunities. It works directly with community groups through 14 family centres in 14 communes:

Antofagasta	Recoleta
Copiapó	Huechuraba
Coquimbo	Peñalolén
Curicó	La Florida
Talca	La Granja
Talcahuano	La Pintana
Temuco	San Bernardo
Puerto Montt	

In 2001 the Family Foundation dealt with 100,000 cases, 60 per cent of which related to family relationships, 7 per cent to relationships between the family and the community, and 33 per cent to leisure and culture.

With regard to family relations, the Foundation promoted respectful, healthy, cohesive and democratic family relationships. In 2001 the main activities carried out were:

Workshops;

Family days;

Discussions on family topics;

Individual cases;

Mini-educational programmes in cooperation with Radio Chilena on everyday family issues.

In this same area, in 2001 three pioneering and innovative initiatives on the prevention of family violence, ill-treatment and child abuse were carried out.

“I know myself, I protect myself” workshop

Boys and girls from kindergarten to fifth grade learn to recognize situations involving personal risk, and develop self-help techniques through play and educational interactions. The workshop is carried out with the support of educational institutions throughout the country.

“Helping to grow” workshop

Adults responsible for the care of boys and girls from two to five years of age acquire skills allowing them to develop positive education and child-rearing styles in a framework of respect for children. The workshop is intended for parents and young children in the National Kindergarten Board (JUNJI), the INTEGRA Foundation and schools with a pre-school enrolment.

“Learning to work together in the family” workshop

Families learn to redefine conflict as an opportunity for growth, in which feeling for others, management of emotions, self-control and respect for others become skills which strengthen the family.

	No. of workshops	No. of participants
I know myself, I protect myself	700	17 000
Helping to grow	220	3 136
Learning to work together in the family	135	2 000

With regard to leisure and culture, family integration is promoted through various opportunities for development, encounters and leisure. In 2001 the main activities were:

Creative workshops;

Artistic clinics;

Cinema forums;

Cultural encounters;

Artistic events;

Concert cafés;

Festivals;

Guided visits to museums, historical buildings and districts;

Family walks;

Recreational sport for adult men and women;

Aerobics for women;

Leisure evenings for children;

Recreational activities for young people;

Sports events for the family;

Dance events for families, couples, adults and young people;

Various family competitions (gymkhanas) ;

Family vacations.

In the context of the family and the community, efforts are made to promote links between families and their community. Community social organizations are strengthened and the rights and duties of citizens promoted. In 2001 the main activities were:

Events on family violence, maintenance, tuition and acknowledgement of paternity;

Information on the community;

Awareness of citizens' rights;

Citizens' fairs;

Strengthening of and participation in community groups to prevent family violence, child abuse and sexual abuse;

Intersectoral work at the communal level on topics affecting families;

Commemoration of International Day of Families;

"No to family violence" Day;

Support for projects formulated by social groups;

Loan of rooms and facilities for self-run workshops, community activities and social groups. In 2001, 26,000 people were given assistance under this heading.

The Family Foundation is active vis-à-vis government authorities that design and coordinate policies on families and children:

National Commission for the Prevention of Family Violence;

Interministerial Committee on Treatment of Children;

Intersectoral Technical Committee on Children and Young People;

Interministerial Network on Tolerance and Non-Discrimination.

The Foundation also has a series of projects in cooperation with other agencies:

The "Strengthening of the family, municipality and neighbourhood with a focus on gender" project aimed at developing collaborative working methods in the communes of San Bernardo (Metropolitan Region) and Talcahuano (Region VIII, Bío Bío). The Foundation's family centres in those localities promote "collaborative round tables" on resolving the social problems facing families. Social organizations, groups, public bodies at the commune level and other actors participate;

The project is funded by the World Bank with overall coordination by the Subsecretariat for Regional Development. Social organizations in each commune, the Family Foundation, the National Service for Women, the Chilean Association of Municipalities, the municipality of San Bernardo and the municipality of Talcahuano take part;

The "Parental Reinforcement" project, a community education initiative, bringing together UNICEF, the Family Foundation, INTEGRA and the Foundation for the Advancement of Women's Rights (PRODEMU).

Public resources allocated to programmes by the Foundation:

Through the Family Foundation, in 2001 the Government of Chile invested Ch\$ 350 million in direct intervention in the community. These resources came from the Ministry of the Interior, the National Institute for Sport and the National Council for Narcotic Drug Control.

As early as possible before the Geneva session, we will provide information on the following programmes, of which we were unable to obtain details in the time available:

Family mediation pilot scheme (Ministry of Justice);

Programmes on family reinforcement and rehabilitation, family intervention, and legal advice in situations where serious violations of the rights of children have occurred (SENAME and Ministry of Justice);

Family health centres and programme for the participation of fathers in childbirth and paternal responsibility education (Ministry of Health);

Student family residence programme, for the continuation of primary and secondary education, partial-attendance education programme with the direct participation of families in the education process, guidance for families using private kindergartens;

Workshops for families and the rehabilitation of community areas and special programme for families (National Council for Narcotic Drug Control);

Prevention programme and care centres for victims of family violence;

“Chile Deporte” physical, sports and recreational activity programme for families;

The carabineros provide educational lectures for public and private organizations.

- (e) **Protection of children who are in need of alternative care including the support of care institutions**
- (f) **Juvenile justice**

SENAME budget allocations for 1998-2001 by line item

Year	Protection of Rights	Offenders (Juvenile justice)	Total (Ch\$ thousands)
1998			41 387 867
1999			46 797 073
2000	36 541 237	12 498 528	49 039 765
2001	38 238 701	13 079 127	51 317 828

Source: DEPLAE - SENAME.

The budget allocations for 1998 and 1999 did not show separate line items for protection and juvenile justice; separate line items were introduced in 2000.

SENAME budget allocations for 1998-2001 by sex

Year	Female	Male	Total (Ch\$ thousands)
1998	17 962 334	23 425 533	41 387 867
1999	20 356 727	26 440 346	46 797 073
2000	21 430 377	27 609 388	49 039 765
2001	22 323 255	28 994 572	51 317 828
%	43.5	56.5	100

SENAME budget for 1998-2001 by programme

Year	Support programme (Ch\$ thousands)	Direct admin. (Ch\$ thousands)	Subsidies (Ch\$ thousands)	Total (Ch\$ thousands)
1998	5 771 334	7 713 003	27 903 530	41 387 867
1999	7 007 112	9 281 473	30 508 488	46 797 073
2000	7 117 840	10 714 243	31 207 682	49 039 765
2001	7 715 806	11 302 410	32 299 612	51 317 828

Source: SENAME Department of Administration and Finance.

Note: Amounts are expressed in current Chilean pesos.

Percentages of these allocations derived from international sources and connection to expenses for children's rights

All the above allocations are from Chilean State resources.

3. Disaggregated data on child abuse (by age, gender and types of violation reported)

An updated study, "Child abuse in the family; the voice of children, five years on", carried out by UNICEF, attempted to assess the prevalence of child abuse in Chile in 2000, in comparison with a similar study carried out in 1994. It was based on an infant-child sample representative of the whole of the country (1,533 eighth grade primary school children between 13 and 15 years of age from 103 educational institutions in six regions of the country) were interviewed.

The study revealed that a total of 72.7 per cent of children had suffered from some form of abuse:

28 per cent from minor physical violence;

23.6 per cent from serious physical violence;

21.1 per cent from psychological violence.

Abuse occurs with equal frequency among boys and girls; mothers tend to be more abusive than fathers. Fathers are responsible for more physical violence against boys and

mothers against girls. Boys suffer more abuse when little, while girls suffer more when somewhat older. All of these trends were confirmed in both years that the study was carried out: in 1994 and, more recently, in 2000.

Statistical data from specialized services show the following:

According to statistics from the Forensic Medical Service, between 1994 and 1996 the number of cases investigated remained at around 1,300 per year. However, since 1997 the number of cases has increased significantly, by approximately 25 per cent (300 cases reported on). Clinical forensic sexology reports between 1995 and 1998 established the following profile of the victim: girls are most affected (80 per cent); the most affected age group is 0-24 years (85.5 per cent); and cases are more frequent between the ages of 0 and 15 years (63.5 per cent). With regard to the relationship between abusers and victims, 86 per cent of abusers are known to the victim, and include relatives, neighbours and other acquaintances, while only 14 per cent are strangers (Source: Forensic Medical Service);

In 1998 the Ministry of Justice family violence and child abuse hotline (800220040) in Santiago received a total of 7,228 calls, of which 29 per cent related to family child abuse. In 1999, of 6,444 instances of violence reported, 46 per cent related to child abuse.

Prevalence studies and statistical data are available on the usually extremely serious cases which reach hospitals or juvenile courts; there is under-reporting, with some cases not reported at all. Such studies indicate that in 2000 physical violence fell by 14 per cent and serious physical violence fell by 26 per cent. However psychological abuse increased from 14.5 per cent to 19.7 per cent.

(a) Number of individual complaints received by SENAME per year between 1998 and 2000

Types of abuse detected and age of child and adolescent victims of abuse, December 2000

	< 1 year	1-2 years	3-4 years	5-6 years	7-8 years	9-10 years	11-12 years	13-14 years	15-16 years	17 years and over	Age unknown	Current total
Specialized psychosocial interventions and general protection measures	123	684	1 259	2 829	4 484	5 206	5 254	4 517	3 430	2 269	74	30 129
Crisis care programme											1 075	1 075
Total	123	684	1 259	2 829	4 484	5 206	5 254	4 517	3 430	2 269	1 149	31 204

Source: SENAME database and crisis care programme.

In 1998 the Ministry of Justice domestic violence and child abuse hotline (800220040) in Santiago received a total of 7,228 calls, of which 29 per cent related to family child abuse. In 1999, out of 6,444 instances of violence reported, 46 per cent were related to child abuse.

**Types of abuse detected and sex of child and adolescent victims of abuse,
December 2000**

	Male	Female	Sex unknown	Total
Specialized psychosocial interventions and general protection measures	15 054	15 075		30 129
Crisis care programme			1 075	1 075
Total	15 054	15 075	1 075	31 204

Source: National Service for Minors.

(b) Number of reports of child abuse received by the National Police Family Affairs Units per year between 1998 and 2000

Allegations of child abuse made to the carabineros at the national level, 1997-1999

Year	Abused children	Ran away from home	Abandoned infants	Other cases	Total
1997	137	581	16	75	809
1998	127	574	13	83	797
1999*	53	187	5	38	283

Source: Department of Law and Order and Security, Family Protection Service.

* January-April 1999 only.

(c) Number and percentage of reports which have resulted in either a court decision or other types of follow-up

Minors in completed civil actions, by type and age group, 1998

	Tuition	Maintenance	Judicial	Adoption	Acknowledgement of paternity	Appointment of guardian	Visitation	Other
0-4 years	3 391	13 523	430	1 348	449	420	3 440	698
5-9 years	2 824	14 986	604	835	117	583	2 944	718
10-14 years	1 854	11 172	793	487	41	579	1 092	656
15-19 years	675	6 090	681	206	18	363	202	373
Total	8 744	45 771	2 508	2 876	625	1 945	7 678	2 445

Source: Statistical Yearbook 1998 of the Judiciary and the National Institute of Statistics.

Minors in completed civil actions, by type and sex, 1998

	Tuition	Mainten- ance	Judicial	Adoption	Acknowledge- ment of paternity	Appointment of guardian	Visitation	Other
Male	4 411	23 954	1 259	1 493	344	1 017	3 910	1 352
Female	4 310	23 353	1 250	1 356	292	936	3 784	1 242
Unknown	136	526	22	65	5	18	87	56
Total	8 857	47 833						

Source: Statistical Yearbook 1998 of the Judiciary and the National Institute of Statistics, 1998.

(d) Budget allocations for programmes and activities for the prevention of and protection from child abuse

To address this problem, the National Service for Minors carries out specialized rehabilitation programmes where serious child abuse has occurred and provides legal representation for abused children in criminal proceedings.

According to a financial study by the Inter-American Development Bank (1998), designed to calculate the direct and indirect costs of child abuse in the Metropolitan Region, public sector resources allocated to child abuse in 1998 amounted to Ch\$ 5,503,213,000. Of that total, 55 per cent was for protection activities (Ch\$ 3,013,741,000); 20.1 per cent for rehabilitation activities and programmes for victims and their families (Ch\$ 1,104,616,000); 15.4 per cent for monitoring activities (Ch\$ 845,219,000); 7 per cent for prevention activities and programmes (Ch\$ 403,149,000); and 2.5 per cent for institutional coordination and other activities (Ch\$ 136,486,000). There was little investment in prevention, around \$207 per child per year. As a result fewer resources were allocated to detection, early intervention and prevention programmes. The study also showed that, in most cases, protection activities consisted of placing victims in shelters taking them away, sometimes unnecessarily, from their family, neighbourhood or school. It also revealed that there was little investment in monitoring activities and coordination between sectors and, lastly, that prevention was largely carried out by municipalities.

Disbursement by the National Service for Minors fall under the allocation for the Serious Abuse Programme of the Rights Protection Department.

**Budget allocations for specialized care projects related to serious abuse,
by region, 1998**

Region	Budget allocation (Ch\$ thousands)
II	56 812
III	18 012
V	45 005
VI	87 326
VIII	46 861
IX	40 832
X	35 770
XI	62 090
Metropolitan Region	348 466
National total	741 175

Source: Department of Administration and Finance, SENAME.

**Budget allocations for specialized care projects related to serious abuse,
by region, 1999**

Region	Budget allocation (Ch\$ thousands)
II	57 084
III	18 098
V	45 220
VI	87 744
VIII	50 290
IX	41 028
X	35 942
XI	62 387
Metropolitan Region	350 133
National total	747 926

Source: Department of Administration and Finance, SENAME.

**Budget allocations for specialized care projects related to serious abuse,
by region, 2000**

Region	Budget allocation (Ch\$)
I	32 696 800
II	52 317 333
III	46 468 406
V	55 675 021
VI	56 884 041
VII	48 961 916
VIII	51 441 003
IX	41 540 934
X	52 691 196
XI	77 629 200
Metropolitan Region	447 021 350
National total	963 327 200

Source: Department of Administration and Finance, SENAME.

**Budget allocations for specialized care projects related to serious abuse,
by region, 2001***

Region	Budget allocation (Ch\$)
I	61 020 000
II	79 564 848
III	34 787 094
IV	30 000 000
V	58 579 130
VI	44 469 594
VII	25 863 290
VIII	52 624 146
IX	38 233 356
X	63 421 725
XI	97 977 584
XII	48 408 000
Metropolitan Region	321 457 388
National total	956 406 155

Source: Department of Administration and Finance, SENAME.

* To November 2001.

4. Disaggregated data (by gender, age, indigenous group and urban/rural area) covering the period between 1998 and 2000

General data

Level of education	1998	2000
(a) Percentage of children in pre-school education	30.3	32.5
(b) Percentage of children in primary schools	98.3	98.6
(c) Percentage of children in secondary schools	86.9	90.0

Source: CASEN surveys 1998 and 2000, MIDEPLAN.

Year	Point	Level	Percentage
1998	(d) Retention rate of the education system	Primary	82.98
		Secondary	74.63
1999	(d) Retention rate of the education system	Primary	83.2
		Secondary	73.3

Source: MINEDUC statistics 1999.

Retention is defined as the number of pupils in the cohort entering the final grade of a given level as new pupils compared with the number that initially entered the system. This indicator, however, does not take into account the final situation at the end of the cycle or level, namely whether or not pupils pass, fail or drop out. Furthermore, the method assumes that all pupils in each year will enter the final grade, including those who are repeating the year and have already been counted. Consequently the rate tends to be an overestimate. The indicator can also be defined as the propensity of the enrolled cohort to remain in the education system.

Point	Level/Year	No./Percentage
(e) Percentage and number of drop-outs	Primary 1998	59 880 (3)
	Primary 1999	42 281 (2.1)
	Secondary 1998	75 704 (8.9)
	Secondary 1999	71 943 (8.2)

Source: MINEDUC statistics, 2000.

The highest number of drop-outs at the primary level in 1999 occurs in seventh grade, with 11,286 children (the same situation arose in the previous year, 1998).

The highest number of drop-outs at the secondary level occurs in first grade, with 30,044 children (the 1998 figure was 29,966). No information on pregnant girls is available.

(f) Number of children enrolled, by level

Year	Pre-school	Special	Primary	Secondary (Humanities)	Secondary (Technical)	All secondary	Total
1999	274 587	46 049	2 305 459	444 281	359 551	803 832	3 429 927
2000	277 361	52 608	2 355 594	456 246	366 700	822 946	3 508 509

Source: MINEDUC statistics, 2000.

(g) Number of children enrolled, by sector

Year	Municipal	Subsidized private	Fee-paying private	Corporate	Total
1999	1 866 991	1 202 327	306 591	54 018	3 429 927
2000	1 884 320	1 256 116	312 808	55 265	3 508 509

Source: MINEDUC statistics, 2000.

(h) Number of establishments by geographical area and sector, 1999

	Municipal	Subsidized private	Fee-paying private	Corporate	Total
Urban	2 409	2 325	1 156	60	5 950
Rural	3 881	845	19	10	4 755
Total	6 290	3 170	1 175	70	10 705

Source: MINEDUC statistics, 2000.

(i) Total teachers in the country, by year

	Sex	Number
1999	Female	96 833
	Male	42 310
	Total	139 143
2000	Female	101 109
	Male	43 268
	Total	144 377

Source: MINEDUC statistics, 2000.

(j) Children with disabilities integrated in regular school

0-5 years: 4 248*	approx. 16%
6-18 years: 4 833**	approx. 4%

* JUNJI 1999.

** MINEDUC 1998.

(k) Enrolment in special schools according to type of disorder and sector, 2000

Disorder	Total	Municipal	Subsidized private	Fee-paying private
Hearing	1 267	787	480	-
Mental	29 114	14 720	14 313	81
Visual	501	335	166	-
Language	20 530	1 057	19 473	-
Motor	922	479	443	-
Autism	274	219	55	-
Total	52 608	17 597	34 930	81

Source: MINEDUC statistics, 2000.

(l) Indigenous children (already included in earlier statistics), 1999

Level of education	Percentage of total child population	Percentage of total indigenous child population
Percentage of indigenous children in pre-school education	3.5	11.1
Percentage of indigenous children in primary education	4.9	71.4
Percentage of indigenous children in secondary education	4.1	17.6

Source: CASEN 2000.

5. Disaggregated statistical data (including by gender, age, indigenous group and region) on adolescent health, including early pregnancy, sexually transmitted diseases (STDs), HIV/AIDS, drug and alcohol abuse covering the period between 1998 and 2000
Sexually transmitted diseases

There is a passive epidemiological monitoring system in Chile for sexually transmitted diseases, which requires notifications to be made of sexually transmitted diseases listed in Decree No. 11, the official document of the Ministry of Health governing the system. Epidemiological monitoring of HIV/AIDS is carried out by means of two mechanisms: passively, by mandatory notification of all cases of AIDS and persons diagnosed throughout the country as HIV-positive without displaying symptoms and, actively, by studies on the prevalence of HIV using the sentinel site methodology, implemented since 1992.¹

¹ The STD sentinel monitoring system comprises six STD centres for a population of 3,003,988.

In 1999, 294 children aged under 19 years were diagnosed in STD sentinel monitoring centres as having sexually transmitted diseases,² which means that children account for 13.6 per cent of cases of this type of disease. It should be borne in mind that these centres are not paediatric institutions; they deal only with those patients who were in for consultation, and not with the population as a whole. The first case of AIDS was recorded in 1984; by 30 September 1999, 3,262 people had been recorded as having the illness and 3,963 as carriers not displaying any symptoms.³

**Incidence of AIDS by year of diagnosis
1984-1999
(per 10,000 inhabitants)**

Year	Male cases	Rate	Female cases	Rate	All cases	Total
1984	6	0.10	0	0	6	0.05
1985	9	0.15	1	0.02	10	0.08
1986	19	0.31	1	0.02	20	0.16
1987	39	0.63	0	0	39	0.31
1988	49	0.78	10	0.15	59	0.46
1989	74	1.16	5	0.08	79	0.61
1990	142	2.18	5	0.07	147	1.12
1991	166	2.51	11	0.16	177	1.32
1992	180	2.68	20	0.29	200	1.47
1993	232	3.40	15	0.21	247	1.79
1994	285	4.11	30	0.42	315	2.25
1995	313	4.45	37	0.51	350	2.46
1996	373	5.23	49	0.67	422	2.93
1997	472	6.52	55	0.74	527	3.60
1998*	379	5.17	54	0.72	433	2.92
1999*	356	4.79	63	0.83	419	2.79
Total	3 094	46.21	336	5.20	3 450	25.47

* Preliminary figure pending notification.

Information as at 30 September 1999.

CONASIDA - MINSAL.

² A total of five cases of syphilis, one of gonorrhoea, one of bacterial vaginosis, five of condiloma and two of genital herpes were diagnosed in children aged under 14 years.

³ This refers to the number of recorded carriers and does not necessarily reflect the true extent of HIV infection.

**Number of cases and rate of AIDS in children aged under 18 years, 2000
(per 10,000 inhabitants)**

Age group	Number of cases	Rate
0-4 years	35	0.23
10-14 years	6	0.04
15-18 years	27	0.22
Total	68	0.12

Source: Information as at 31 March 2000, National AIDS Corporation (CONASIDA) - Ministry of Health (MINSAL).

Out of a total of 68 children under 18 years of age, 37 deaths had been recorded by 31 March.

An analysis of AIDS transmission to child victims reveals that the most common means of transmission is vertical (from mother to child), accounting for 35 cases. A total of 20 cases were sexually transmitted; in six cases the means of transmission was unclear and in seven transmission occurred through contaminated blood. Of those seven cases, there were five haemophiliacs and one blood transfusion patient, all of whom had received contaminated transfusions prior to 1997, when testing of donations of blood and blood products was made mandatory.

For children aged under 18 years, programmes have been carried out both in the area of prevention, with a view to reducing the psychosocial impact of discrimination against children and young people affected either directly or indirectly by AIDS, and in the area of care and treatment. Some of the most significant programmes have included the training of teachers in the school system and institutions for young people, group counselling on the integration of HIV-positive children in schools, telephone counselling and discussion days concerning affectivity and sexuality, held in conjunction with the Ministry of Education. So far there have been four mass media campaigns, in all of which the issue of children and young people has been included.

Early pregnancy

The fact that 15 per cent of children are born to women aged between 12 and 19 illustrates the scale of the problem of teenage pregnancies and early motherhood.

Attention should be drawn to the high level of coverage of professional birth care, the early treatment of complications and the wide availability of antenatal care in Chile. In 1997 family planning was added to the perinatal maternal health programme to prevent deaths from complications arising from induced abortion.⁴

In Chile, virtually all children are born in hospital and receive professional care at birth. To ensure that mothers and children in remote rural areas receive professional care, there are centres for pregnant women that look after the woman from before the birth until the end of the puerperium. Changes have now been made to give the care a more human touch and to involve the father in the birth.

Some 13 per cent of the school-age population aged between 14 and 17 does not attend school (13.4 per cent of males and 12.6 per cent of females). The main reason why girls drop out of school is “maternity or pregnancy”, in 21.2 per cent of cases.

As far as Chilean teenagers are concerned, the Ministry of Health, in a coordinated inter-sectoral effort, produced a National Policy on Young People’s Health, which was announced in 1999. The aim of the policy is to help improve the overall physical, mental and social health of young people in Chile and it is guided by the principles of fairness, decentralization and participation. It includes promotional, preventive, diagnostic and treatment measures with an interdisciplinary and inter-sectoral focus and uses trained personnel who are sensitive to young people’s problems.

The policy gives priority to the following areas:

Health care for young people;

Mental health;

Accidents, injuries and assaults;

Sexual and reproductive health;

Health at school;

Malnutrition/eating disorders;

Oral health;

Use of leisure time.

In 1991, given the extent of teenage pregnancies and the mental, physical and social risk to both the child and the mother, the Ministry of Education decreed the implementation of Circular No. 247, which is intended to enable pregnant and nursing teenage girls to remain in the

⁴ (No text)

school system. In addition, 1999 saw the introduction of a sex education programme (workshops on emotional relations and sexuality (JOCAS)) and the Ministry of Education's Programme for Women, which undertake a number of activities to tackle the problem of teenage pregnancies in the educational system.

It is well known that the mother's educational level has a strong influence on children's quality of life and that it is difficult to break the cycle of poverty without raising the educational level of the population. In 1999, for example, the fourth-grade pupils who achieved above-average marks in the educational quality measurement system (SIMCE) were those whose mothers had four years of secondary education.⁵

One of the tasks and great challenges facing us is to prevent teenage pregnancies and, when they do occur, to give mothers and children the support they need to carry on with their lives as usual.

In April 2000, therefore, with a view to preventing discrimination against pregnant pupils (in 1999 the Ministry of Education recorded 5,857 schoolgirl pregnancies), draft legislation was adopted which inserts in article 2 of the Constitutional Organization Act on Education (No. 18,962) a new paragraph stipulating that pregnancy or breastfeeding shall not be an obstacle to entry into and attendance at educational establishments at any level.

Drug use

Drug use by 12-18 year olds

	1998	2000	Percentage change
All drugs	8.14	8.38	+2.95
Marijuana	7.79	8.17	+4.88
Cocaine	0.93	1.18	+26.88
Cocaine paste	0.99	0.77	-22.22

Source: National Council for Narcotic Drug Control, Fourth National Study (2000) on Drug Use among the General Population in Chile.

It is possible to infer (though the evidence is inconclusive), as the National Council for Narcotic Drug Control (CONACE) has done, that the fall in the use of cocaine paste is attributable to highly focused preventive programmes, since cocaine paste appears to be the most addictive drug and thus the one that causes the most damage.

⁵ (No text)

6. Disaggregated data (including by gender, age, indigenous group and type of crime) covering the period between 1998 and 2000

(a) Minors who have allegedly committed a crime and who have been reported to the police

Number of minors arrested, by reason for detention, 1998-2000

	1998	1998 percentage	1999	1999 percentage	2000	2000 percentage
Robbery with violence	1 582	3.2	2 128	3.5	2 546	4.9
Robbery	5 320	10.9	6 918	11.4	7 071	13.6
Drug offences	1 580	3.2	2 332	3.9	2 502	4.8
Homicide	106	0.2	113	0.2	137	0.3
Theft	4 544	9.3	6 540	10.8	7 240	13.9
Bodily harm	713	1.5	898	1.5	1 544	3.0
Minor bodily harm	1 382	2.8	1 682	2.8	1 529	2.9
Rape and other ^a	53	0.1	97	0.2	110	0.2
Drunken driving	121	0.2	177	0.3	53	0.1
Causing damage and rioting	5 110	10.5	6 194	10.2	8 207	15.8
Offences under the Juvenile Act	10 258	21.0	12 132	20.1	10 446	20.1
Other	7 239	14.8	7 149	11.8	7 494	14.4
Drunkenness and alcohol consumption	10 883	22.3	14 091	23.3	3 110	6.0
Total	48 891	100.0	60 451	100.0	51 989	100.0

Source: Carabineros Statistical Yearbook of the National Institute of Statistics (INE) and the institution's database; grouped according to category of offence by the Social Protection Department of the Ministry of Justice (MINJU).

^a Including hijacking, kidnapping and offences under the Anti-Terrorism Act.



(b) Minors who have been sentenced and type of punishment or sanctions

Number of young people admitted to juvenile sections of prisons in Chile, 1998-2000

Year	Number of young people in juvenile sections of prisons
1998	422
1999	476
2000	558

Source: National Service for Minors (SENAME) database. Figures for the number of young people as at 31 December of each year.

(c) Detention facilities for juvenile delinquents and their capacity

National data on the number of behavioural rehabilitation centres for young people accused of breaking the law, and on places allocated, 2001

Region	Number of centres	Places
I	4	81
II	6	56
III	3	27
IV	3	27
V	6	202
VI	2	26
VII	4	66
VIII	6	178
IX	5	58
X	8	137
XI	2	7
XII	1	5
Metropolitan Region	8	586
Total	58	1 456

Source: SENAME database.

(d) Minors detained in SENAME facilities and minors detained in adult facilities

Young people accused of breaking the law and held in SENAME facilities and in adult facilities of the Chilean prison service

Type of detention centre for young people accused of crimes	Number of young people
SENAME facilities	898
Adult facilities	558
Total	1 456

(e) **Minors kept in pre-trial detention and the average length of their detention**

Number of young people accused of breaking the law and admitted to facilities subsidized or operated by SENAME (1998)

Type of centre and sex of defendant	Age 12-15	Over 16	Total
Prison Service			
Young female defendants	21	79	100
Young male defendants	212	2 746	2 958
Facilities operated by SENAME			
Young female defendants	355	293	648
Young male defendants	3 079	3 537	6 616
Total	3 667	6 655	10 322

Source: SENAME database.

Number of young people accused of breaking the law and admitted to facilities subsidized or operated by SENAME, 1999

Type of centre and sex of defendant	Age 12-15	Over 16	Total
Subsidized			
Young female defendants	2	115	117
Young male defendants	206	3 494	3 700
Facilities operated by SENAME			
Young female defendants	414	380	794
Young male defendants	3 213	4 197	7 410
Total	3 835	8 186	12 021

Source: SENAME database.

Number of young people accused of breaking the law and admitted to facilities subsidized or operated by SENAME, 2000

Type of centre and sex of defendant	Age 12-15	Over 16	Total
Subsidized			
Young female defendants	42	260	302
Young male defendants	245	4 299	4 544
Facilities operated by SENAME			
Young female defendants	526	468	994
Young male defendants	3 618	4 701	8 319
Total	4 431	9 728	14 159

Source: SENAME database.

(f) Reported cases of abuse and maltreatment of children during their arrest and detention

This information is not systematically recorded by SENAME.

7. Statistical data on special protection measures (including by gender, age, urban/rural areas) per year between 1998 and 2000

(a) Number of children involved in sexual exploitation, including prostitution, pornography and trafficking

Although this problem is recognized in various studies and reports by child-protection agencies, there are no records that would allow us to quantify prostitution-related behaviours. The difficulties in coming to grips with this problem include its links with other, highly complex variables and the lack of standardized rules on how to define it, and this leads to gaps in the records of the police and judicial bodies. Many children working in the sex industry are therefore picked up by special units of carabineros and taken before the juvenile courts for their protection, so that they remain hidden from view.

The only quantitative research on record is that carried out in 1992 by the United Nations Children's Fund (UNICEF) and SENAME, which estimated that, nationwide, 4,200 children were engaged in prostitution, with Regions V and VIII and the Metropolitan Region of Santiago being those most affected by this problem. Since then there have been no conclusive studies, although UNICEF estimates that 10,000 children have been prostituted. The carabineros put the figure for the country at 3,500.

SENAME admissions data show that between January and December 1998 it investigated 338 cases related to prostitution. The cases were largely concentrated in Regions V and VIII and the Metropolitan Region, where there were 54, 64 and 78 cases respectively.

The age and sex distribution among the 338 cases dealt with by SENAME was as follows: 207 cases of girls and young women, and 131 cases of boys and young men; the age range in most cases was 10-18 years.

In 1999 SENAME investigated the cases of 359 children nationwide who were in its care because of sexual exploitation. Most of those cases were in the 10-18 years age range, with a clear predominance of girls (240, versus 119 boys).

Minors involved in criminal cases, by type of offence and age, 1998

Offence	Under 12 years of age	Age 12	Age 13	Age 14	Age 15	Age 16	Age 17
Moral and physical endangerment	9 362	734	756	790	906	715	524
Ill-treatment of a minor	669	69	59	56	65	41	40
Misconduct	186	105	132	234	243	210	146
Running away from home	124	82	147	276	346	310	218
Prostitution	5	1	-	2	2	2	2
Vagrancy and begging	188	76	96	140	162	111	51
Drunkenness	18	16	55	238	706	1 079	1 355
Drug use	16	12	39	89	172	268	338
Theft	152	140	238	366	425	409	389
Causing damage	67	33	66	85	132	110	124
Indecent assault	246	59	72	80	80	62	41
Fraud	-	-	-	2	-	6	4
Robbery	124	140	278	539	975	1 262	1 318
Bodily harm	99	60	93	137	207	233	297
Sodomy	25	7	14	13	12	5	8
Rape	61	19	25	19	34	22	36
Homicide		1	3	8	19	18	10
Infringement of by-laws	30	33	67	180	267	224	156
Infringement of recruitment law	1	-	-	1	-	2	1
Other	2 462	309	391	658	1 044	1 295	1 496
Total	13 835	1 896	2 531	3 913	5 797	6 384	6 554

Source: Statistical Yearbook 1998 of the Judiciary and the National Institute of Statistics.

(b) Number of children involved in sexual exploitation who received rehabilitation treatment

See tables compiled by SENAME on care coverage and budgets in part C of the reply to question 7 (d).

(c) Number of children under 15 involved in child labour

A. Information on child labour in the farming sector is taken from the sixth national farming census, dating from 1997. It should be noted that the census distinguishes only two age groups: over and under the age of 15. The data selected are therefore for minors under the age of 15 who do paid or unpaid work, while there is no information on workers between the ages of 16 and 18.

The nationwide total of child workers under the age of 15 is 9,763, with the highest incidence of child labour in Regions VIII, IX and X. Region IX has the highest percentage, accounting for 34.1 per cent of the national total, followed by Region VIII, with 19 per cent, and Region X, with 16.3 per cent.

A breakdown of child labour by production sector - farming and forestry - shows that the overwhelming majority of children (98.75 per cent) work in the former, with the forestry sector accounting for only 1.2 per cent, and that the highest percentage in the forestry sector is found in Regions V, VII and VIII.

Number of children under the age of 15 working in the farming sector, by region

Region	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	Metropolitan. region	Total
Number	359	35	30	700	424	372	867	1 857	3 328	1 589	0	0	202	9 763

Source: National farming census, INE, 1997.

B. With regard to other data, the Forward-Planning Unit of the Ministry of Planning and Cooperation (MIDEPLAN) produced a report entitled "Child labour in Chile, 1990-1998: developments and outlook, June 2001", which provided input for the preparation of the National Plan for the Prevention and Gradual Eradication of Child Labour.

The data in this study reveal that:

The participation rate of children aged between 12 and 17 ranged between 7.9 per cent in 1992 and 5.8 per cent in 1998. Less than 2 per cent of children aged between 12 and 14 work, but this percentage rises to 7 per cent for those aged between 15 and 17. In terms of numbers, the number of working children in the past 10 years peaked at 112,000 in 1992 and fell to 92,000 in 1998;

The majority of working children are employed by or work for companies employing between 2 and 9 persons, and they have no contracts. Their working day is, on average, shorter than that of other workers;

In 1998 only 31 per cent of children who were working went to school;

Some 76 per cent of working children were male and 70 per cent lived in rural areas.

This indicates that child labour in Chile is predominantly a male, rural phenomenon that can involve dropping out of school;

The child earned about 20 per cent of total household income in the period 1990-1998.

At the same time, the report revealed that the educational level of the head of household in homes with working children was inferior to that of heads of household with no children working and that the unemployment rate of heads of household in homes with working children was lower than that of heads of household with no children working (although this may seem paradoxical, the study ventures the hypothesis that it occurs because in most cases of child labour the parents take their children to work).

Situation of children working in Chile

Work situation	1994	1996	1998
Self-employed	18.5%	12.9%	14.7%
Employee/worker	62.2%	65.9%	67.7%
Unpaid work for relative	14%	13.3%	13.4%

Source: Based on the National Social and Economic Survey (CASEN), compiled by the Ministry of Planning and Cooperation (MIDEPLAN).

Distribution by economic sector

Sector	1994	1996	1998
Agriculture	38.8%	37%	34.9%
Business	25.7%	25%	31.1%

The Government took the following legal measures in 2000:

The adoption of Act No. 19,684 amending the Labour Code, which raises the minimum age for admission to employment from 14 to 15. The Act puts into effect the Chilean Government's ratification in February 1999 of the International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138);

The ratification in May 2000 of the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182).

(d) Budgetary allocations for programmes and activities for the prevention of and protection from child sexual exploitation and child labour

(a) Child Labour Programme Budget, 2000

Region	Coverage	Amount (Ch\$)
Region V	30	21 332 551
Metropolitan Region	60	38 762 447
Metropolitan Region	110	29 071 900
Total	200	89 166 898

(b) Child Labour Programme Budget, 2001

Region	Coverage	Amount (Ch\$)
Region V	30	18 117 563
Metropolitan Region	60	47 169 038
Metropolitan Region.	110	31 093 215
Total	200	96 379 816

(c) 2001 Budget for the Programme on the Commercial Sexual Exploitation of Children

Region	Coverage	Amount (Ch\$)
Metropolitan Region	50	60 000 000
Total	50	60 000 000

Source, tables (a), (b) and (c): Emerging issues programme of the SENAME Rights Protection Department.

B. General measures of implementation

1. The Committee would appreciate receiving information on those recommendations contained in the Committee's previous concluding observations (CRC/C/15/Add.22, 25 April 1994, paras. 14-18) which are not yet implemented, in particular the ones related to the implementation of the principle of the best interests of the child (para. 14), the fight against child abuse and ill-treatment (para. 16) and the establishment of a system of juvenile justice (para. 18).

Paragraph 14. The Committee recommends that special efforts should be made by the Government to fully harmonize the existing legislation with the provisions of the Convention.

Many amendments have been made to the existing legislation in this regard in the last three years.

Act No. 19,325 (Family Violence Act), published on 27 August 1995. This Act describes acts of family violence, which is defined as any ill-treatment that affects the physical or mental

health of any member of the family. It establishes competence, procedures and sanctions in respect of any act of family violence described in the Act and precautionary measures that may be taken to protect the integrity of family members and ensure the care and safety of the children and property to be found in the household. This Act was a major step forward because it made it possible to clearly establish the illicit nature of conduct defined as family violence. These legislative texts also place an obligation on the State as guarantor of the rights protected therein.

Act No. 19,324, of August 1994, protects minors from any form of ill-treatment resulting from actions or omissions by their carers, in extra-family situations.

Act No. 19,617 (Sexual Offences Act), of July 1999, broadens the range of offences, facilitates verification, makes medical attention easier to obtain, provides victims with better protection and eliminates the need for them to confront their assailants, which is particularly important for minors. The new Act defines new offences, redefines existing ones and generally increases the penalties for both. Most sexual abuse is committed against children below the age of 12, and the most severe penalties are accordingly applied in such cases, and increased in cases where offender and victim are related (even where the relationship is only one of de facto care). In addition, persons convicted of rape or homicidal rape no longer have a right to any of the alternative measures set forth in Act No. 18,216.

Act No. 19,482 (Sunday Holiday Act), of 3 December 1996. This Act, sponsored by the National Service for Women (SERNAM) and the Ministry of Labour and Social Security, amends article 38 of the Labour Code to enable workers who are excluded from the general provision that Sunday should be a day of rest to take their weekly day off on a Sunday.

Act No. 19,505, of 25 July 1997, granting workers special leave of absence in the event of serious illness of their children, provides for absence from work for up to 10 days per calendar year by a working mother (or the father if both parents work - the choice is the mother's) in the event that the health of a child under 18 years of age requires the personal attention of the parents as a result of a serious accident, a terminal illness in its final stage, or a serious or acute life-threatening illness.

Act No. 19,585 (Filiation Act), of 26 October 1998, recognizes the equality of all children under the law, whether born in or out of wedlock. It allows investigation of paternity and maternity, and provides for an inalienable and irrevocable right to claim filiation; and it

extends the mother's and father's parental authority over their minor children. Under this Act, parental authority extends also to the potential rights of an unborn child. It also improves the position of a surviving spouse as regards inheritance.

The Act provides for maternity rights in certain cases for women adopting a child in accordance with Act No. 19,670 (Adoption Act), of 15 April 2000. Act No. 19,250 granted paternity leave to a father if the mother died in childbirth or during maternity leave, but excluded him from the maternity rights regime, that prevents women from being dismissed from their job within the year following the end of maternity leave. The new Act aims to put fathers on an equal footing when taking paternity leave following a mother's death and therefore gives them access to the same regime. It also provides for the right to one year's leave for women and widowers or single men who inform the court of their wish to adopt a child in accordance with the provisions of the Adoption Act. In such cases, the year's parental leave begins when the court hands down the judgement awarding custody or guardianship to workers in this situation.

Act No. 19,620 (Adoption Act), of 1999, not only brings Chile's legislation into line with the Convention, but is also based on the principle that the best interests of the child shall be the paramount consideration. It explicitly recognizes that the purpose of adoption is to ensure that this principle is observed and to safeguard the child's right to live and grow up in a family that offers not only affection but also care that will meet both his or her spiritual and material needs, in cases where that cannot be provided by the natural family. As a result of this change, children's opinions are beginning to be taken into account during adoption proceedings and consent is required in the case of adult minors. This represents a considerable change from the situation that prevailed before the new Act came into force, when the requirement to hear and take account of children's views in a matter of decisive importance to them was generally ignored. The Filiation Act (No. 19,585) recognizes the principle of the equality of children, and this is maintained in the Adoption Act by the elimination of the differences between full and simple adoption and the introduction of a single form of adoption whose principal effect is to grant an adopted child the civil status of child, with exactly the same effects as those produced by birth. A further effect of these amendments has been to eliminate the so-called classical adoption procedure, which did not grant the status of child and was more like a solemn contract concluded between adopter and adoptee. Although it established property and non-property relations between the parties, it had scant practical application and lacked the advantage of providing an abandoned child with a family.

Improvements in procedure

The legislation introduces an important reform in the procedure for determining whether a child is eligible for adoption, by allowing objections to be made before adoption, by concerned third parties. Adoption in itself is now no longer a matter for litigation between parties, and this not only gives prospective adopters more confidence and a greater likelihood of success, but also takes better account of the best interests of the child by providing a firm guarantee of his or her right to live within a family. The National Service for Minors (SENAME) is responsible for accreditation of foundations offering protection to minors and for certifying that they are technically and professionally competent to run adoption programmes.

As regards the legal position, the law authorizes SENAME and accredited organizations to become a party in any case arising from Act No. 19,620, in defence of the rights of minors covered by this legislation. This right may be exercised until the adoption becomes effective, i.e., up to the date the judgement is officially registered in the Civil Registry, and even beyond that date, for example following a judgement annulling an adoption.

The law also establishes clear time frames to be observed in applying for a determination of eligibility for adoption, which vary depending on the age of the child. This avoids unwarranted stays in centres and institutions when children cannot be reintegrated into their natural family.

Inter-country adoption

The Act explicitly enshrines the principle that inter-country adoption is an exceptional measure. Preference is thus given to suitable Chilean couples who wish to adopt, in order to avoid, as far as possible, uprooting the child from his country of origin and ethnic roots.

In the absence of such couples, applications are accepted from foreign couples; applications from Chilean widowers or single men will be accepted only if no couples are interested. Lastly, the Act states that inter-country adoption should be concluded within Chile, which means that the child must leave the country as the child of the foreign adopters, subject to a court judgement to that effect. In this way the protection afforded to children by the State of Chile is further strengthened.

This is an improvement on the situation that existed before the new Act came into force, whereby the absence of proper regulations meant the only requirement was a court order allowing the child to leave the country for adoption abroad in accordance with the legislation of the adopters' country of nationality and residence.

In August 1999, the Government signed the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, a legal text that binds the majority of countries using inter-country adoption, which means that Chile now has comprehensive regulations governing inter-country adoptions. Under both the Hague Convention and the new Adoption Act, SENAME is empowered to act as the regulatory body on adoption at the national level, and has therefore implemented an adoption programme in accordance with its mandate under the Act.

Act No. 19,591 (Act amending the maternity protection provisions of the Labour Code), of 9 November 1998, prohibits employers from making recruitment, tenure or promotion conditional on any form of examination or certificate proving non-pregnancy, and extends maternity rights to private domestic workers.

The right to a name is governed by article 31 of the Civil Registry Act, article 28 of which establishes an obligation to register a person's birth within 60 days; article 33 stipulates a requirement to provide the child's date of birth, given name, family name and sex on registration.

Act No. 19,299 (Maternity Allowance (Basis for Calculation) Act), of 8 March 1994, provides a formula that guarantees working mothers an allowance comparable to their actual pay, thereby rectifying the earlier situation.

Act No 19,688, published on 5 August 2000, amends Act No. 18,962 (Education (Constitutional Organization) Act) in respect of the right of students who are pregnant or who are breastfeeding mothers to attend educational establishments. The Act establishes that pregnancy and maternity shall not constitute impediments to entry to or attendance at educational institutions at any level and imposes an obligation on such institutions to provide all appropriate academic facilities.

Ratification of International Labour Organization (ILO) Conventions Nos. 103 and 156 by Decree No. 1,907 of 3 March 1999. These Conventions deal with maternity protection and shared family responsibilities, respectively.

Act No. 19,591, published on 9 November 1998, amends the maternity protection provisions of the Labour Code. It prohibits making non-pregnancy a condition of recruitment, mobility, promotion or renewal of contract for working women; and it corrects the position of female domestic workers, who were previously excluded from the right to maternity benefits. It also extends the provision of crèches for women workers employed by commercial chains,

subject to a current minimum of 20 workers wishing to avail themselves of that right. This is required, not of every establishment or subsidiary, but of the enterprise as a whole: thus, women working in a store within a shopping mall are entitled to a crèche if there is a total of 20 women who work for the same store but in other premises.

Paragraph 15. The Committee recommends that an overall national mechanism be set up with a mandate to assure continuing supervision and evaluation throughout the country of the implementation of the Convention.

Paragraph 16. The Committee recommends that the Government consider pursuing the measures adopted to fight situations of child ill-treatment, training activities for the professional groups concerned, and the development of mediation measures.

In April 2001, President Lagos publicly announced the National Policy on Children and the Integrated Plan of Action that implements the policy and the far-reaching reform of SENAME. The purpose of these instruments is to establish a new institutional framework for children. This framework will be based around a central Ministerial Council for Children and Young People, which will have two subsidiary technical advisory bodies: a council of representatives of civil society and an intersectoral technical committee. This framework will be coordinated by a technical secretariat within the Ministry of Planning and Cooperation (MIDEPLAN) (or within the Ministry of Social Affairs it is hoped to create) and its chief task will be to ensure implementation of the Convention and monitor compliance with the National Policy and Integrated Plan of Action.

The purpose of the reform of SENAME, which is supported and promoted by the President himself, is to remove the children's rights regime from the judicial arena by taking that function away from SENAME and handing it over to social services. A proposal has therefore been developed to establish a children's rights service under the direction of MIDEPLAN or the Ministry of Social Affairs on completion of the relevant legislative procedures. This is a major reform to the child protection regime and we estimate it will take two to three years, given that some of the changes require legislative amendments that will take one or two years to complete.

SENAME itself will become a service specializing in work with children and young people in conflict with the law.

The purpose of this national institutional framework, which will also extend down to the regional and local levels, is to create a system that can effectively implement (i.e. monitor, plan, evaluate, inform, etc.) sectoral and global policies on children and ensure a human rights

perspective; and also to create a flexible protection regime with a local orientation, capable of coping with the social differences that continue to have a profound effect on the children of Chile.

Paragraph 17: Legal system of administration of juvenile justice taking account of the principles and provisions of the Convention (arts. 37 and 40).

See section B.1, which deals with the legislative amendments made to date in application of the Convention.

As mentioned under the heading “New legislation”, the bills currently in the pipeline, whether awaiting readings in Parliament or still in draft form awaiting approval by the relevant authorities, effectively aim to bring Chile’s juvenile justice administration system into line with the provisions of the Convention.

Paragraph 18: The Committee recommends that the provisions of the Convention should be widely publicized among the general public and that the report submitted by the Chilean Government be made widely available to the public at large. The Committee expresses the hope that the present concluding observations will inspire an open debate at the national level.

The Government has developed “Be kind to children” campaigns, which it has carried out annually throughout the country since 1997. The campaign is run by the Ministry of Justice and supported by other ministries and services, including the police force. It centres around the principles of the Convention.

The thrust of the 1997 campaign was to raise awareness of the ill-treatment of children in Chile. The 1998 campaign, “It’s not about size, it’s about respect”, emphasized the recognition of children as people with rights and published guidelines for bringing up children that helped parents and guardians to understand the stages of child development. The main objective of the third campaign, in 1999, “I’m a boy - can you see me? I’m a girl - can you hear me?”, was to promote the right of children right to participate in the family and society and to tackle psychological or emotional abuse head on.

All the initiatives developed jointly with UNICEF have had a similar aim and in 2001 focused on activities in connection with the special session of the General Assembly for follow-up to the World Summit for Children, publicizing the National Policy on Children and Young People, the regional forums held in five of Chile’s regions, and activities surrounding the “Say yes to children” campaign.

It is now becoming possible to correct shortcomings and promote public involvement in children's issues, and to plan publicity, information and awareness-raising campaigns at a higher level and with closer coordination between civil society organizations and the State, as part of the National Policy on Children and Young People.

To that end, we undertake to make this report, the Committee's observations and these replies, available to all private and public bodies involved in creating an institutional framework for children.

2. Please provide information on whether steps were undertaken to establish a coordination mechanism at the national, regional and local levels for ensuring the implementation of the Convention, for coordinating policies relevant to children and an independent body for monitoring progress achieved. Further, please provide additional information on the Intersectoral Working Group on Children which was established in 1997.

(a) The Intersectoral Working Group on Children and Young People was set up in 1997 and involves 22 ministry representatives and heads of service (18 of whom were also involved in preparing the National Policy and Integrated Plan of Action). The Working Group has developed into the Intersectoral Technical Committee on Children and Young People, which, together with the Civil Society Consultative Committee, will play a key role in developing Chile's institutional framework for children.

Between 1997 and 1998, the work of the Intersectoral Working Group was to monitor ministry actions, but in 1998 it became a public service bringing together programme design specialists and programme implementation specialists, thereby giving added value to its work. At the same time it took on the task of carrying out analyses of the situation of children in Chile on the basis of existing data, current public-sector services and the public policy implications of the provisions of the Convention. Having completed this task in 1999, the Working Group, under the direction of MIDEPLAN and with a mandate from the Social Ministers' Committee, began preparing the National Policy on Children and Young People, and then the Integrated Plan of Action, both of which were officially launched by the President in April 2001.

(b) The National Committee against Child Abuse commenced work in June 1995. This Committee is coordinated by the Ministry of Justice and is responsible for devising policy, formulating recommendations and coordinating public action in the various sectors involved in this area. The Intersectoral Committee is currently made up of representatives of the Ministries

of Education, the Interior, Finance, Planning and Cooperation, and Health, the Ministry of Justice and its dependent services (National Service for Minors, the prison service, and the Forensic Medical Service), SERNAM, the *carabineros* and the criminal investigation police. Also participating is the Network of Municipalities for Children; the INTEGRA Foundation, the National Kindergarten Board, the Solidarity and Social Investment Fund (FOSIS), the Family Foundation (Office of the First Lady of the Republic), and UNICEF joined later. Regional committees have also been set up in every region, coordinated by the corresponding regional secretariats of the Ministry of Justice. The Committee prepared a Plan of Action 2000-2002 in the areas of prevention of and response to child abuse.

(c) The National Advisory Committee on the prevention and eradication of child labour commenced work in 1996. Under the direction of the Ministry of Labour, it is responsible for central coordination of the Ministries of Health, Justice, MIDEPLAN and Agriculture; parliamentarians; NGO representatives; the Teachers' Association; the *carabineros*; UNICEF; and the ILO International Programme for the Elimination of Child Labour and Protection of Child Workers (ILO-IPEC).

(d) Regional bodies: each of the 13 regions of the country has a regional plan for children, and these will be reviewed beginning in 2002 in the light of the National Policy and Integrated Plan of Action. In addition, there are two other plans that function as programmes of work: the Plan of Action on child abuse and the Framework for Action against Pornography and Sexual Exploitation, both of which are directed by the Ministry of Justice. To these have been added the Plan for the prevention and eradication of child labour, directed by the Ministry of Labour. These plans have been included as specific components of the Integrated Plan of Action, but are nevertheless to some extent independent insofar as they are responses to specific issues in the area of children's rights within two important sectors of public administration, namely justice and labour.

Regional committees to combat child abuse were set up in 1996 and regional commissions on the eradication of child labour were established during the course of 2001. Efforts will be made to support any regional and local institutional structures established under the National Policy and Integrated Plan of Action within the existing framework in order to facilitate inter-agency work, whether involving public services or both the public and private sector.

3. Please provide information on the status of the two draft laws (one on the support system to childhood through the network SENAME, the other one on the responsibility for juvenile infractions to criminal law) prepared in 1997 in order to reform the Minors' Law of 1967.

(a) The Children's and Young People's Rights Bill is still in draft form, awaiting the required approval for presentation to Parliament.

(b) The Criminal Offences (Young Persons' Responsibility) Bill has been drafted and approved and is awaiting presentation to Parliament.

(c) Documents that will form the basis for the preliminary drafts of bills establishing a service dealing with the execution of sentences for criminal offences and another for the protection of children's and young people's rights have now been drafted. The reports provide information regarding the mission, functions, structure and management of these services. This initiative is an attempt on the part of the State to develop appropriate responses that differentiate between violations of rights and criminal offences.

Congress is currently considering a bill to establish family courts, which are vital to the resolution of family conflicts and the implementation of judicial procedures for the protection of children's rights.

4. Please provide information on measures to build confidence among government officials, professionals working with and for children and the population in general, including children. In particular, please indicate whether the Convention has been translated into indigenous languages, in particular Mapuche. In addition, please provide additional information on how governmental institutions cooperate with non-governmental organizations, especially with reference to the participation of representatives of civil society in the design and implementation of policies and programmes for children.

The Convention has not been translated into Mapuche.

As regards confidence-building, MIDEPLAN has attempted to coordinate with a wide range of actors working with children. UNICEF has given its wholehearted support to the regional forums organized to publicise and discuss the National Policy and Integrated Plan of Action, which to date have been held in five regions of the country and brought together representatives of civil society, young people and the public services. Besides UNICEF and MIDEPLAN, three NGOs were actively involved in organizing these forums: Opción, ACHNU-Prodeni and Serpaj.

Similarly, the work of preparing the National Policy on Children and Young People during 1999 and part of 2000 involved meetings attended by NGOs, the public services and municipalities in every region of the country, at which results were submitted and views canvassed for incorporation into the policy document. The National Policy could thus be described as the outcome of a participatory process, which gives it broad legitimacy among the institutions and organizations working in this field.

One illustration of the links being forged between children's NGOs and MIDEPLAN is their cooperation in work around international events, such as preparations for the special session of the General Assembly on children and for the Ibero-American conference of Ministers and experts on children held in November 2001.

Training activities carried out by various institutions during 1998 and 1999 include a training seminar for the staff of the Minors' Prefecture on child abuse legislation; the first series of in-service training days on family affairs for police officials, organized by the Department for Police Protection of the Family in 1998; a seminar entitled "Community networks: projections and challenges in family violence and child abuse", organized by the Ministry of Justice for social networks in 52 municipalities within the Metropolitan Region; the first provincial symposium on child abuse and the role of the community, organized by the INTEGRA Foundation in Chiloé; and the seventh National Conference of Municipal Health, Education and Child Care Institutes, which was attended by 54 municipalities from around the country.

Training in peaceful conflict resolution was also organized for teachers in Valparaíso, Conchalí, Santiago and El Bosque; and workshops on rights and social skills were organized for children in Lo Espejo, El Bosque, Conchalí and Santiago.

In the area of education, a series of training days on the development of evaluation instruments for quality enhancement focused on child abuse. All these activities took place in 1998.

In 1999, regional meetings of child abuse analysis networks were organized by the Ministry of Justice in Regions VII and VIII, and training days were held for professionals from the public-sector institutions represented on the Intersectoral Committee against Child Abuse.

These initiatives notwithstanding, much work remains to be done in the area of training in order to bring the principles of the Convention home to Chile's public officials and the adult population at large.

The Government intends to establish bodies involving all public-sector actors working with children and representatives of civil society as permanent mechanisms within the new institutional framework for children. Their task will be to help in monitoring implementation of the Convention and in implementing the National Policy and Plan of Action. The aim is to establish an institutional framework made up of all social actors involved with children, including children and young people themselves.

In the same vein, SERNAM is planning a National Policy on the Family in Chile, which has been developed with the participation of various ministries and public services using the approach adopted in developing the National Policy on Children and Young People. The family policy is consistent with a human rights perspective and the Convention on the Rights of the Child.

Parallel with this development, two important initiatives in the area of the family were launched in 2001. Firstly, links were established between the Solidarity and Social Investment Fund (FOSIS), MIDEPLAN and the Family Foundation, with a view to developing direct, integrated action at the local level for families in extreme poverty. The second initiative, which was launched by the Subsecretariat for Regional and Administrative Development (SUBDERE) in conjunction with the World Bank, aims to strengthen integrated and participatory work with families, incorporating the gender perspective and developing intersectoral capabilities for coordination, analysis, planning and evaluation, and coordination with representatives of families and social organizations at the local level: this experiment has been running successfully since 2001 in the communes of San Bernardo in Santiago and Talcahuano in Concepción, and is to be extended to 20 more communes in 2002.

SENAME has embarked on a very important reform process and in 2002 will launch, as a pilot project, six experimental Children's Rights Offices at the local level, which will attempt to coordinate the various existing initiatives and provide families, children and young people with a "one-stop shop" giving them access to all the services required in cases of rights violations. These projects form part of the new institutional framework for children Chile is developing and the establishment of the Rights Offices is one element of the projected national service for the protection of children's and young people's rights, which will have a strong local presence. As part of its reform, SENAME is also planning training activities based explicitly on the Convention.

The health sector and the education sector have both included training for directors and officials on the rights in the Convention and the National Policy for Children and Young People, in their objectives for the coming period.

5. Please provide information about the content, coordination, monitoring and implementation for the coming years of the National Policy and Integrated Plan of Action in favour of Children and Young People for 2001-2010.

(a) Content (see annex)

The preparation of the National Policy and Integrated Plan of Action for Children and Young People was coordinated by the Ministry of Planning and Cooperation (MIDEPLAN) as part of the work of the Ministerial Working Group on Children and Young People, formed in 1997, which includes representatives of all ministries and public services that provide services specifically for children and young people.

In 1999, as part of the process of preparing the Policy, four thematic seminars were held that helped shape the general framework of the Policy. The following subjects were discussed: the International Convention on the Rights of the Child; education; family, community and the State; and decentralization and participation. The workshops were organized with the support of UNICEF and were attended by representatives of both the public and private sectors.

The National Policy is being implemented through the Integrated Plan of Action for Children and Young People 2001-2010, which is structured around the fundamental rights of children and at the same time takes due account of children's and young people's specific situation at their various stages of development, their development needs and potential, and the economic, social, cultural and geographical context in which they grow up and develop. In drawing up the Plan, consultations were held throughout the country, in every region and province, under the direction of the regional administrations of the State authorities.

The National Policy takes as its broad organizing principles the child as a special subject of law, the best interests of the child, the primary responsibility of parents for the upbringing of their children, and equality between the mother and father. It also identifies the following specific guiding principles:

- Respect for the child's life and for development of his or her full potential at each stage;
- Equality of rights and opportunities;
- The gradual autonomy of the child in the enjoyment of his or her rights;
- Non-discrimination and respect for individual identity;

Freedom of thought and expression;

The State guarantees, promotes, supports and restores the rights of children and young people, taking into account the best interests of the child.

The National Policy defines itself as a planning instrument with four basic objectives:

1. To act as a framework for each and every initiative for children and young people, particularly public initiatives;
2. To generate mechanisms and instruments to ensure that all children's and young people's rights are respected and fully enjoyed;
3. To develop an institutional framework specifically for children, young people and the family, which is reflected at the municipal, regional and central levels of the State Administration;
4. To promote and stimulate the development of plans, programmes and social services to ensure that children and young people can develop their full potential.

Within the priority areas on which it is suggested action should initially concentrate, the Government has planned the action detailed below on children and young people.

The first strategic area is awareness-raising, promotion and public information regarding children's and young people's rights. The aim is to establish an ongoing process of awareness-raising, promotion and information as regards children's and young people's rights, reaching out to children as they grow and develop in their everyday environment, to adults with responsibility for children's upbringing and their full integration into society, and to the media, in order to create an awareness of children as persons who have rights, which in turn will translate into behaviours, attitudes and values of respect and consideration.

The second area is support for families as having primary responsibility for children's development. A priority task is the training of, and ongoing support for, the main agents of children's development, especially parents and families and in general all significant adults who work directly with children. Support strategies will always be more sustainable if they have the backing of the family and community and include training that enables families themselves and the local community to meet children's and young people's development needs.

The third area is coordination and development of public policies with a human rights perspective. Public policies, particularly social policies, have a vital role to play in the cultural change that must take place in the relationship between Chilean society and its children and

young people. The design, implementation and evaluation of each and every one of the public policies launched and developed by the State must include a children's and young people's rights perspective.

The fourth area is the provision of special services for comprehensive protection of children's and young people's rights in cases where those rights are threatened or violated. The kind of society Chile develops in the future will depend in large part on what it does now to repair damage already done and deal firmly with the threats to their rights that many children face in their daily lives. The State should provide the services needed to resolve situations where rights are threatened or violated, and that protection should aim to restore violated rights and repair and compensate any damage caused.

The fifth and last strategic area is promotion and encouragement of participation by children. Participation is the cornerstone of democracy and one of the criteria on which democracies are judged. Creating specific spaces and mechanisms for the effective participation of children and young people in decisions that affect them is clearly a profitable investment in the society of the future and in greater democracy in social relations.

Coordination and monitoring

The National Policy and Integrated Plan of Action offer a general management model through the creation of an institutional framework that will ensure coordination of all the public agencies working with children, and follow-up and monitoring of the implementation of the policy and Plan at the highest level of Government. They also propose the development of technical instruments such as an index of basic development during childhood and adolescence (see outline annexed to this document), the design of which is now complete: updates and adjustments are now being carried out in conjunction with UNICEF. Input to this instrument will be provided by the data on children obtained and processed through the CASEN socio-economic survey (see data for 2000 annexed to this document). The census to be carried out in 2002 will provide more input to the childhood index in the medium term.

Note that the other coordinating bodies - one on child abuse, run by the Ministry of Justice, the other on child labour, run by the Ministry of Labour - are fully represented on the above-mentioned bodies and in their projects on children.

Plans for the future

A key objective of the National Policy and Integrated Plan of Action for Children and Young People is to establish an institutional framework for children that will allow effective monitoring of the implementation of the Convention and of the National Policy on Children and Young People.

The institutional framework for children will be created by a Presidential Decree establishing a Ministerial Council for Children and Young People made up of the Ministers of Health, Education, Justice and Labour and the Minister-Director of the National Women's Service. This body will be supported by an executive secretariat and two technical advisory bodies, one comprising representatives of civil society and the other made up of representatives of all the ministries and services involved with children and young people.

A priority task of this institutional framework will be to implement a series of objectives relating to some of the most urgent problems facing Chile's children and their families, including the following:

- Increase the number of nursery schools with extended opening hours;

- Implement a policy to prevent teenage pregnancies through a responsible sexuality programme;

- Create more opportunities for fathers to attend their children's births;

- Extend the coverage of free care programmes to children in middle schools, as is being done with the School Health Programme;

- Establish a unified policy for publicizing and promoting children's and young people's rights;

- Implement a plan to convert the large homes subsidized by SENAME into family-style residential units located in the areas where children actually live their lives;

- Establish a legislative and regulatory framework for the curriculum that will make it possible to fully integrate children with special educational needs into the education system;

- Amend the Family Courts Act to make it clear what procedures are to be used in order to take account of children's and young people's opinions in any proceedings affecting them;

- Develop training programmes for young volunteers in order to promote a culture of solidarity and peace;

Effective implementation of the Plan for the prevention and eradication of child labour in Chile.

An important and integral part of this process is the SENAME reform and the creation of a national service for the protection of children's and young people's rights, but the establishment of this service is subject to a separate - and lengthier - legal procedure from that involved in establishing the institutional framework described above.

PART II

Please provide copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects. If possible, please submit these texts in electronic form.

No copies of the text of the Convention in the official languages are available.

PART III

Under this section, please provide information on:

(a) New budgets

There have been no further changes in the budgets described above, which the ongoing economic crisis has tended to keep at the same level. However, all the services and ministries dealing with the needs of children are making an effort to reallocate resources in accordance with the goals of the Integrated Plan of Action.

(b) New legislation

a. The Children and Young People's Rights Act, which will bring existing legislation into conformity with the Convention on the Rights of the Child, will replace the present Juvenile Act.

A preliminary bill is currently being prepared by the MINJU-SENAME Commission.

b. Act establishing a National Service for the Protection of Children's Rights, aimed at children whose rights have been violated.

A bill is currently being drafted by the MINJU-SENAME Commission.

c. Act relating to Family Courts and Protection of Children's Rights.

A preliminary bill has been prepared by the Ministry of Justice.

Specialized system of criminal justice for young people

d. Act relating to the Responsibility of Young People for Violations of Criminal Law. The purpose of the Act is to govern the responsibility of young people for the commission of offences, in a shift away from the “incapacity” paradigm; to apply the criminal and procedural guarantees laid down in the Constitution and Convention; to protect the rights of victims and to provide special age-appropriate penalties for young people.

A bill has been prepared and approved by the justice sector and has still to be submitted to Congress, which according to the Ministry of Justice will take place next year.

e. Act establishing a Service for the Enforcement of Sentences for young people. The Act is currently being drafted by the MINJU-SENAME Commission.

(c) New policies

A National Policy on Families has been developed, and will be introduced in the coming year in accordance with a specific timetable.

A draft national policy on pre-school education is also being prepared by an inter-ministerial team attached to the Secretariat-General of the Presidency’s National Commission for the Modernization of the State. Its contents are based on the principles of the Convention and will include the definitions set forth in the National Policy on Children.

Implementation of the National Plan for the Prevention and Gradual Eradication of Child Labour, which was completed and announced during 2001, will begin in 2002.

Finally, a sectoral policy to address the commercial sexual exploitation of children and young people will be designed.

(d) New programmes and projects

A major challenge is represented by data production, in terms of both national policy (CASEN, indicators on children) and specific subjects such as ill-treatment, child prostitution and child labour. This is considered to be an extremely important task for next year and the following years, as it is a matter of priority for the Chilean institution system to be provided with a specific area devoted to studies, evaluations and other data-based work.

Children’s Rights Offices

Children’s Rights Offices are defined as “local bodies responsible for providing comprehensive protection for the rights of children and young people who are in a situation of social exclusion or whose rights have been violated”.

The Offices regard their users, i.e. children and young people, as subjects of law fully entitled to exercise their basic rights, and believe that one of their most important objectives is to

help eradicate the traditional private-law conception of children's rights, which formally recognizes their existence while at the same time stating that children are incapable of exercising them.

The establishment of the Offices at the local level will provide a valuable resource for making children's rights more visible; they will be the "gateway" to local resources and mechanisms for the protection of children, a gateway to which the children themselves will have direct access in defending their rights. The family and the community are also called on to be actively involved in the Offices' work, using their own potential to address situations of exclusion and violation of rights, thereby discarding the assistance- and charity-oriented, paternalistic solutions of the past.

The fundamental objective of the Children's Rights Offices is threefold:

To provide administrative protection for the rights of children and young people, to address situations of exclusion and/or violation of rights from a definite psychosocial perspective, with the family and the community involved as protagonists in meeting this goal. Of particular importance in this connection are alternative means of conflict resolution, especially the settling of disputes outside the courts.

To provide for legal representation or legal aid in court cases where the best interests of children and young people are at stake, by taking on, whenever possible, children's legal defence or by seeking measures for due protection of the guarantees or rights infringed.

To help establish children's protection networks and build a local circuit for the protection of children's rights. This is of particular importance in view of the fact that the Offices will not be able to address all the problems submitted to them directly; in many cases they will have to act as a referral service, steering people towards appropriate specialized programmes in the community network, when alternative means of conflict resolution, crisis intervention or legal representation and legal aid are not possible or appropriate.

The Offices' activities are divided into two areas:

1. Protection: Aimed at psychosocial and legal protection for children and their families who require specific services from the Office to address a situation involving social exclusion (discrimination and lack of access to basic social services) or violation of rights (ill-treatment, sexual exploitation, etc.); and
2. Community management: Work in this area is basically geared towards creating the conditions for a culture that recognizes children and young people as subjects of law fully

entitled to exercise rights, and towards providing appropriate information about available resources, through surveys and registries aimed at establishing, reinforcing and structuring the local network.

Accordingly, the Offices will aim to achieve the following medium- and short-term results: reduction in the number of situations involving violations of rights and/or social exclusion; decrease in institutionalization measures; settlement of conflicts outside the courts; increased use of target indicators in the children's programmes run by SENAME and its collaborating institutions; strengthening of the SENAME network and optimization of the institutional resources needed to increase possibilities for the development of children and young people and their integration in society and in the family.⁶

During 2001 six Children's Rights Offices were opened as part of a pilot programme nation-wide: Region V, Valparaíso Office; Region VIII, Talcahuano Office; Region IX, Temuco Office; and Metropolitan Region, La Pintana and Cerro Navia Offices.

"System response to the opinions and requests of the children in the SENAME network" project. As from 2000, SENAME decided actively to promote a line of communication with the children and young people covered by the network, on the basis of article 12 of the Convention on the Rights of the Child, which states that children shall be assured the right to express their views freely in all matters affecting them, without distinction or discrimination, and that their views shall be given due weight.

The objectives of this strategy were to learn the needs of and collect suggestions and contributions from the children and young people of the SENAME network and their families, and to propose ways of strengthening this initiative. Specifically, this meant systematizing the opinions and suggestions contained in the forms the children handed in and selecting those most likely to improve the work of the Offices; evaluating the means used (form); proposing improvements in the form and procedure for installing the suggestion boxes; creating a mechanism for systematizing the information and proposing a system of follow-up and response to the needs expressed by the children and young people.

⁶ It should be noted that, of the 55,000 cases with which SENAME deals annually, a high percentage involve serious violations of rights (child abuse, 45 per cent; vagrancy and begging, 10.1 per cent; socio-economic problems, 9.8 per cent; drug addiction, 6.9 per cent; neglect, 6.8 per cent).

The Service at all its levels (care centres, regional offices, national offices) has accordingly devised a process for responding to the needs of beneficiaries and their families, in which regional supervision will be strengthened and the care centres will be responsible for implementing solutions in cooperation with the regional offices.

In November 2001 this procedure was introduced on a permanent basis in 220 of the 802 centres funded by SENAME throughout the country, with plans to extend coverage in 2002.

The installation of the suggestion boxes has made it possible to draw the conclusions indicated below:

1. The opportunity for expression provided by the suggestion boxes was properly used by the children; in no case was it distorted or used inappropriately.
2. The boxes are a means for learning how children and young people perceive their own situation.
3. They are an effective feedback mechanism, providing concrete and useful suggestions. In this connection they provide valuable input for supervision in the field and for improving management of the centres.
4. They are a mechanism for detecting situations that involve serious violations of children's rights, such as physical and/or psychological maltreatment in the network's centres.
5. Broadly speaking, according to the sample obtained from centres in their first months of operation the main needs expressed by the children and young people were the following:

For open centres: recreation (29.3 per cent), infrastructure (19.7 per cent), TV and computers (13.8 per cent). For closed centres: recreation (18 per cent), relaxation of discipline (14.4 per cent) and food (9.2 per cent).

1. Qualitatively speaking, aspects have emerged which transcend statistics and therefore need to be pointed out. Closer contact with the family was an important need expressed, with the children expressing the desire to return to their families as soon as possible. This is significant in the light of a policy of avoiding institutionalization and moving towards a care system in which institutionalization takes place only when fully justified.
2. Another qualitative aspect of interest has to do with the children's attitudes towards their educators, who are in some cases perceived as verbally and physically abusing them. We believe that this situation arises from the children's need for emotional support and that a

way of addressing this need would be to provide them with opportunities for communication that will satisfy their desire to be listened to and help lessen their feelings of loneliness.

CONACE and MINEDUC will also engage in a joint effort to equip 60 per cent of schools with workshops for parents in drug prevention and to conduct a drug-prevention campaign directed at young people, every summer beginning in summer 2002; FOSIS will launch pilot projects in two regions on civic education for children through libraries of toys and a fund for child-related projects at the local level; SERNAM will incorporate new communes into its responsible sexuality plan; JUNAEB will promote children's rights in 8,000 schools; 100 per cent of the INTEGRA centres will be provided with teaching materials to strengthen parent training in the rights of the child; SENAME-MINJU will sponsor an annual children's workshop on the rights of the child and MINJU will work towards achieving agreements in MERCOSUR on a legal system governing the Hague Convention on the Civil Aspects of International Child Abduction; and MIDEPLAN will introduce the necessary legal and constitutional procedures to ensure that the new institutions for children are established.

PART IV

Preliminary list of major issues that the Committee intends to take up during the dialogue with the State party. THEY DO NOT REQUIRE WRITTEN RESPONSES. This list is not exhaustive as other issues might be raised in the course of the dialogue.

The dialogue with the State party might include issues such as:

1. Information about the implementation in practice (e.g., in court decisions, in decisions by administrative bodies, in developing national and local policies on children's issues) of the principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and the right of the child to be heard (art. 12).
2. Legislation, policies and programmes implemented and/or foreseen to prevent discrimination against and social exclusion of the most disadvantaged groups of children, in particular children living in rural areas, indigenous children, the rural and urban poor, girls, children of adolescent mothers and to ensure their rights in compliance with the Convention.
3. The situation of abuse and neglect, including sexual abuse within the family, and domestic violence. Additional information on the work carried out by the SENAME. Strategies developed to prevent child abuse and mechanisms established to adequately assist both the

victims and perpetrators of abuse. Further, the use of corporal punishment in families, schools, care and other institutions and whether alternative disciplinary measures have been developed to prevent and combat this practice.

4. Availability, quality and efficiency of health-care services for children, in particular in rural areas. Family-planning services provided to adolescents. The situation of children with disabilities.

5. Impact of measures taken to encourage regular attendance at school and to reduce the number of children not attending secondary school, in particular among children belonging to more disadvantaged groups and pregnant girls, and other efforts to make the school a true instrument for social mobility.

6. Measures taken to implement policies and programmes to prevent and combat child labour.

7. The scope of the social phenomenon of sexual exploitation of children as well as measures taken to prevent and combat it.

8. The situation of children belonging to indigenous groups.

9. With respect to the treatment of children in conflict with the law, issues including the treatment of children aged between 16 and 18 who acted with discernment, deprivation of liberty not used as last resort and the conformity of legislation and practice in the area of juvenile justice with international juvenile justice standards.

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