



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third periodic reports of States parties due in 1997**

**CHILE** \* \*\*

[11 October 2005]

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\* For the second periodic report submitted by Chile, see document CRC/C/65/Add.13. For its consideration by the Committee, see documents CRC/C/SR.763 and 764 and CRC/C/15/Add.173.

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## INTRODUCTION

1. The purpose of this document is to comply with the commitment of the State of Chile to submit to the United Nations Committee on the Rights of the Child a periodic report on the implementation of the rights of the child within the country in accordance with the Convention on the Rights of the Child. On this occasion we submit the third report of the State of Chile, covering the period 1998-2004, on the degree of advancement and implementation at national level of the rights established in the Convention on the Rights of the Child.
2. Responsibility for the preparation of this report was entrusted to the Office of the Executive Secretary of the Council of Ministers for Children and Adolescents, which is attached to the Ministry of Planning and Cooperation. For this purpose the Office was assisted by a support network consisting of 18 ministerial and public-service institutions working for the benefit of children and adolescents.
3. During the period covered by the report the State of Chile made substantial progress in the fulfilment of the commitments deriving from the Convention on the Rights of the Child. A milestone in the construction of a society which protects the rights of children and young persons was the drawing-up of the *National Policy and Integrated Plan of Action in favour of Children and Adolescents, 2001-2010*, which is designed to give effect to the Convention through commitment on the part of the Government and the different branches of the State. The establishment of a system of management for the National Policy and Plan of Action, consisting of the constitution of the Council of Ministers for Children and Adolescents and its advisory bodies – the Office of the Executive Secretary, the Intersectoral Technical Committee and the Advisory Council of Civil Society, coordinated by the Ministry of Planning and Cooperation – is additional clear evidence of the importance of the rights of the child in the public agenda of the Government.
4. Substantial efforts have been made in the legislative sphere; as a result we now have available suitable tools for the guaranteeing of various rights to children and adolescents. In this area particular mention must be made of the 1998 Filiation Act, which was a great step forward in the elimination of discrimination; the Adoption Act, in which the rights of children are given precedence over the interests of adults; the Civil Marriages Act, which sets the age of consent to marriage at 16 years for boys and girls without distinction; and the Act concerning crimes of commercial sexual exploitation, which was adopted in January 2004.
5. It must nevertheless be mentioned that in this same legislative sphere we are still significantly behindhand in the adoption of a set of draft bills; this is causing delays in pursuing further the changes necessary for the securing of the rights of children and adolescents in the areas of protection and justice. This situation particularly affects implementation of article 40 of the Convention owing to the absence of guarantees in the present guardianship system for children and adolescents who have committed offences under criminal law. The Act concerning Juvenile Criminal Responsibility, which is currently in the final stage of its passage through Parliament, will give rise to a significant change in the present situation. In addition, there are draft instruments related to the functioning of the institutions in the sphere of the administration of justice and the protection of children and adolescents whose rights have been infringed which will permit confirmation and extension of the administrative reforms which have been effected within the Ministry of Justice and the National Service for Minors (SENAME).

6. Major reforms have in fact been implemented at administrative level in the systems of care within the purview of SENAME. These include in particular an increase in the scope of alternative measures to deprivation of liberty, the fixing of minimum ages for persons requiring care in programmes for the administration of justice, a systematic effort to remove children and adolescents from prisons where imprisonment is not justified and the establishment of Offices for the Protection of Rights (OPDs) at local level, permitting greater decentralization and intersectorality in preventive measures and measures for the protection of rights.
7. Another area of State activity which has called for great efforts on the part of the public administration is that of ensuring high-quality education for children to enable them progressively to enjoy that right under conditions of equality of opportunities. From the start of the educational reform at the beginning of the 1990s considerable efforts have been made to ensure quality in education and the right of all children to enjoy high-quality education regardless of their socio-economic status. A landmark in this sphere has been the Act establishing 12 years' compulsory schooling up to age 21.
8. The principal lines of action in educational policy continue to be the reduction of the high levels of dropouts and repeats of classes, which are particularly marked among children from indigenous groups, living in poverty or living in rural areas; to improve the treatment of children with behavioural problems; to reduce the numbers of pregnant adolescents who are debarred from the school system; and to raise the low levels of coverage of pre-school and secondary education. For the attainment of these objectives the Government has at its disposal a wide range of programmes and has committed substantial resources.
9. In addition, systematic efforts have been made to improve school output, to distribute high-quality educational materials to all schools, to reform the curricula of pre-school, primary and secondary education, to increase substantially teachers' pay and to introduce full-day schooling for every child in Chile.
10. A challenge which will face the educational system in future years is that of reducing the social disparities which still exist in Chile. This has become a matter of concern for the State and has a direct bearing on the aim of achieving greater social inclusion for children. The implementation of intercultural bilingual educational programmes in pursuance of this aim has permitted progress towards the recognition of the identity and culture of the indigenous peoples residing in Chile.
11. The reform of the country's public health system has implied a significant step towards the framing of policies framed within a rights perspective and ensuring that the entire population will receive care in the event of specified diseases. If the positive movements of the indicators of infant, neonatal and maternal mortality are also taken into account the outlook for the implementation of the rights of basic health and welfare laid down in the Convention is a favourable one.
12. Even so, as in the educational field, an examination of the situation in the health sphere reveals great disparities – attributable principally to social and ethnic factors - in health conditions in different parts of the country. In this context particular relevance attaches to the implementation of coordinated intersectoral programmes, the best example of which is the Chile Solidario social protection system. This system gives particularly vulnerable groups access to a network of State social benefits and direct professional assistance to families for the attainment of minimum levels securing a better quality of life.

13. Unquestionably – as will be seen from the report – the Government has made great efforts to give effect to the rights of children; but it also recognizes that the task still remains of bringing about a cultural change in society which will enable every child to be considered as a complete subject of rights. This is the challenge facing us.

14. This report was drafted in accordance with the Committee on the Rights of the Child document entitled "General guidelines regarding the form and contents of periodic reports to be submitted by States Parties under article 44, paragraph 1(b), of the Convention" (periodic reports). The guidelines were approved by the Committee at its 343<sup>rd</sup> meeting (13<sup>th</sup> session), held on 11 October 1996. In accordance with the above, reference will be made only to matters in which changes have occurred with respect to the second report. In addition, information with relevance to different sections of the report is given once only.

[To facilitate understanding of data relating to money amounts, the latter have been converted from pesos (the national currency) into United States dollars at the average rate for January 2004 as recorded and published by the Central Bank of Chile (<http://www.bcentral.cl>)].

## I. GENERAL MEASURES OF IMPLEMENTATION

### Periodic reports (CRC/C/58): paragraph 12

15. As regards general measures of implementation, and bearing in mind the concluding observations of the Committee on the Rights of the Child on the second report of Chile<sup>1</sup>, which noted with concern that the Juvenile Act (No. 16,618) was still in force and that the draft Bills concerning the "protection of the rights of children" and "criminal responsibility of juveniles" had not yet been submitted to Congress, it must be stated that since 2000 the Government of Chile, through the agency of the Ministry of Justice and the National Service for Minors (SENAME), has been pressing forward with a reform of the system of justice and protection of the rights of children in Chile. The reform involves a set of legislative, administrative and institutional measures designed to bring the present system of protection into line with the Convention on the Rights of the Child. The legislative advances made in this area during the years 1998-2003 are as follows:

- (a) On 2 August 2002 the Executive submitted to the National Congress a "draft bill to establish a system of responsibility of adolescents for offences in criminal law". The bill was adopted by the Chamber of Deputies. It establishes a specialized procedure for the investigation and determination of the responsibility of adolescents between ages 14 and 18 who commit offences; it also defines breaches of criminal law, the rights and guarantees enjoyed by adolescents who commit breaches of criminal law and custodial and non-custodial sanctions. Its objectives include the abolition of the system of declarations of discernment; the introduction of all the penal and procedural guarantees laid down for adults in the new system of criminal procedure; the application in cases of minor criminality – a category into which the majority of offences against criminal law by juveniles fall – of socio-educational measures as alternatives to deprivation of liberty; and the reservation of the latter for extreme

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<sup>1</sup> Second report on the measures taken by the State of Chile to give effect to the rights recognized in the Convention on the Rights of the Child, Republic of Chile, November 1998; Committee on the Rights of the Child document CRC/65/Add.13.

cases of offences designated as serious and monitoring execution of the measures imposed.

- (b) In 2000 a new Code of Criminal Procedure, which is superseding the current system of criminal proceedings throughout the country, came into force. As it applies to adolescents charged with breaches of criminal law, the reform has entailed recognition of the constitutional and legal guarantees traditionally withheld from them, and in particular those recognized in article 40 of the Convention on the Rights of the Child.
- (c) On 31 May 2002 Act No. 19,806 was adopted. This Act introduces provisions in response to the reform of criminal procedure and amends, among other legal instruments, Act No. 16,168. The amendments in question have established the first steps towards a separation of the procedures and responses applicable to children charged with having committed offences from those applicable to children whose rights are threatened or infringed. Before the change in the law there was a single list of protective measures, applicable in principle without distinction to children who are not criminally liable and those needing assistance and protection. Among other things Act No. 19,806 clearly distinguishes between the police procedures to be adopted in dealing with adolescents who have offended against the criminal law and interventions in cases where children have suffered infringements of their rights.
- The hypothesis of intervention by the juvenile courts in cases of “material or moral danger” is replaced by a provision to the effect that the juvenile courts shall be required to “take cognizance of all cases in which minors whose rights are seriously infringed or threatened are involved”.
  - As regards the measures which may be taken, different measures are provided for persons who have committed breaches of the law and children whose rights have been seriously infringed.
  - The definition of children’s homes has been amended; a distinction is made between those assisting adolescents charged with the commission of punishable acts, who will be taken into Observation and Diagnosis Centres (CODs) or Behavioural Rehabilitation Centres (CERECOs), and those receiving adolescents whose rights have been seriously infringed or threatened (who will be received in Transit and Distribution Centres (CTDs)).
  - Act No. 19,324, concerning the ill-treatment of minors outside the family environment, has been amended; in view of the ending of the criminal competence of the juvenile courts, responsibility for such cases now lies with the courts with competence in criminal matters.
- (d) As regards the protection of the rights of children, a draft bill on the subject is currently before Parliament; it will bring existing legislation into line with the Convention on the Rights of the Child, the Political Constitution of the Republic and international treaties ratified by Chile and will replace Act No. 16,618. The aim of the bill is to secure recognition of the rights of children which must be protected and the respective levels of responsibility of the State, the family and the community in this area. In addition, protective mechanisms of an administrative and judicial nature are

established which permit the real exercise of the rights of children and their restoration where they have been infringed.

- (e) In 2004 Act No. 19,968, creating family courts, was adopted. These courts bring all family problems and their solution within a single specialized jurisdiction; this arrangement is complemented by the establishment of an alternative system of settlement of disputes (mediation) which operates within a framework independent of the courts and the judiciary. In addition, the Act establishes jurisdictional procedures concerning the protection of the rights of children.
- (f) In 2005 the Act establishing a new system of care for children and adolescents within the SENAME network and its system of subsidies was adopted. This scheme promotes the provision of care of children within the family environment and the avoidance of institutionalization. The Subsidies Act creates some new programmes in the field of protection of rights and encourages the creation of new non-residential diagnosis systems. Implementation of all these new initiatives has already begun in advance of the adoption of the bill, in which reference is made to a further extension of SENAME starting at the beginning of 2000 and continuing until and including 2003.

16. Other important Acts relating to the protection of the rights of children and family law published in 1998 and thereafter are:

- (a) Act No. 19,585 concerning filiation, published in October 1998, which abolished the three categories of children established in civil law (legitimate, natural and illegitimate) and the discriminatory treatment between the different categories which it created. This Act was discussed in the second report.
- (b) Act No. 19,591, published in 1998, amending provisions in the Labour Code relating to maternity protection. This Act prohibits employers from making engagement, continuity in employment or promotion conditional on the existence or absence of examinations of any kind designed to prove non-pregnancy; extends maternity protection to women workers in private households; and provides that women workers in chains of enterprises are to enjoy the benefit of nurseries.
- (c) Act No. 19,620 (of 1999) laying down provisions concerning the adoption of minors. This Act establishes equality of rights for adopted children, abolishes the existing differences between simple and full adoption, creates a preference giving precedence over aliens to Chilean married couples with the will and ability to adopt; envisages a prior and separate procedure for the declaration of abandonment and a subsequent procedure for the establishment of adoption, in which opposition by third parties is not admissible; sets out grounds for an application for a declaration that a child is susceptible of adoption; and designates as an offence the wrongful receipt of payment for the delivery of a child for purposes of adoption.
- (d) In August 1999 the Government acceded to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption. This means that Chile has comprehensive regulations on the subject of intercountry adoptions. Under both this Convention and the new Adoption Act, the functions of regulatory body in this field at national level are assigned to SENAME.

- (e) The Act concerning sexual offences (No. 19,617 of 1999) expands the category of sexual offence-s, facilitates their designation as such, speeds up the provision of medical care, provides better protection for victims, and abolishes confrontation with aggressors. With the fact that the majority of sexual abuses are committed against children aged 12 in mind, the Act provides for more severe punishment of such offences where the victim is a minor and for an increase in the punishment if the crime is committed by a relative of the victim.
- (f) In January 2004 Act No. 19,927, amending the Criminal Code, the Code of Criminal Procedure and the Code of Criminal Trial Proceedings in respect of crimes involving child pornography, was adopted. A step forward in this area had already been made through Act No. 19,846 concerning the classification of cinematographic productions, which rendered punishable participation in the production of pornographic material in which use has been made of persons under age 18 and the presentation, import, distribution or marketing of such material.
- (g) Act No. 19,688 of 2000 amends the Constitutional Organization Act on Education, prohibiting pregnancy or maternity from constituting an obstacle to entry into or remaining in educational establishments of all levels and requiring the latter to provide all academic facilities to pregnant women or mothers of children requiring breastfeeding.
- (h) Act No. 19,712, published in 2001, entitled the Sports Act. This Act recognizes children as having priority rights of access to all the physical and sports activities which the State is required to organize within a national sports policy. The purpose of this measure is to facilitate access by the population, and particularly handicapped children of school age, to better physical and psychological development.
- (i) Act No. 19,814 of 15 July 2002 to amend the Act concerning alcohol, alcoholic beverages and vinegars with regard to the consumption of alcohol on the public highway. An article 116 has been added requiring the police to take children in this situation to the police station or to their homes with a view to returning them to their parents or the persons responsible for their care, provided that the latter are of adult age.
- (j) On 7 May 2003 the President of the Republic promulgated Act No. 19,876 introducing the constitutional reform providing for free and compulsory secondary education and assigning responsibility to the State for guaranteeing access to that level of education for all Chileans up to age 21. The Government is seeking in this way to ensure that children receive a minimum of 12 years' schooling.
- (k) Act No. 19,784 dated 13 May 2003 facilitates reporting of sexual assaults and permits better investigations of offences of this type.
- (l) Act No. 19,947 concerning civil marriages, adopted on 11 March 2004, raised the minimum age for contracting marriage from 12 years for females and 14 for males to 16 without distinction between males and females.

17. There are still important legislative reforms pending; these constitute at present an obstacle to the implementation of the rights of children in Chile. Particular mention must be made of the proceedings relating to the draft bill to establish a system of protection of the rights of children in Chile, which will constitute the final stage of the bringing into force of the existing Juvenile Act.

**Periodic reports (CRC/C/58): paragraph 17**

18. In 2001 the President of the Republic promulgated the National Policy and Integrated Plan of Action in favour of Children and Adolescents 2001-2010, under which the Government has entered into a commitment regarding the development of a safeguarding policy making for recognition and respect for the rights of children. The strategic aims of the policy are:

- awareness development, promotion and dissemination of the rights of children and adolescents;
- support for the strengthening of families as the principal elements responsible for the all-round development of children;
- Coordination and development of public policies in a rights perspective.
- Provision of special services for the complete protection of the rights of children and adolescents in cases where those rights are infringed or threatened.
- Promotion and stimulation of participation by children.

19. In addition, the text establishes a management model, i.e., an institutional system in which the functions, responsibilities and competences of the public officials involved and the mechanisms through which they are to operate are defined. The central purpose of this model is to ensure working together and the intersectoral and interinstitutional coordination of all the government agencies involved in the implementation of policies to promote the rights and the welfare of children and adolescents.

**Periodic reports (CRC/C/58): paragraph 20.**

20. With regard to the concluding observations of the Committee on the Rights of the Child expressing concern at the inadequate coordination between government agencies, both at national and local levels, and with civil society, it should be pointed out that the National Policy and the Integrated Plan of Action in favour of Children and Adolescents 2001-2010 and the Council of Ministers for Children and Adolescents are instruments fostering the integrality and intersectoriality of action by the public authorities.

21. On 20 May 2003, in pursuance of the provisions of Supreme Decree No. 114 of 17 July 2002, the Council of Ministers for Children and Adolescents was established under the authority of the Minister of Planning and Cooperation. The task of the Council is to advise the President of the Republic on the design, definition, coordination and coherence of policies concerning children and adolescents; to report on 14 August of each year on the progress made in the field of protection and implementation of the rights of children and adolescents; and also to undertake the coordination, implementation, monitoring and evaluation of the National Policy and Integrated Plan of Action 2001-2010.

22. The management system established for the execution and implementation of the National Policy and the Integrated Plan of Action in favour of Children and Adolescents is supported by the permanent presence of an Intersectoral Technical Committee for Children and Adolescents at central level. This committee is coordinated by the Office of the Executive Secretary of the Council of Ministers for Children and Adolescents, which is under the authority of the Ministry

of Planning and Coordination. Its membership is made up of 22 public institutions, including both ministries and services the activities of which directly or indirectly affect children. The tasks of the Committee consist of the provision of technical support for the representatives in the Council of Ministers. It is also responsible for follow-up and monitoring of the policy, the preparation of public accounts and other tasks involving intersectoral coordination.

23. The creation of the Offices for the Protection of the Rights of Children (OPDs) under the National Service for Minors has also been a major step forward in the coordination of policies and measures destined for children at local level. These offices are mobile administrative bodies established at local level; their principal aim is the full protection of the rights of children in situations of social exclusion or whose rights have been infringed. The OPDs have professional teams in various disciplines which provide personalized care of a social, psychological and legal nature to children and their families. They also conduct activities at community level designed to foster a culture of respect for the rights of the child and to promote a comprehensive administrative system for the protection of rights at community level. The activities of the OPDs are focussed on the establishment of a remedy of easy and timely accessibility for the detection and ending of infringements, avoiding unnecessary reference to the courts and institutionalization of problems of children. The OPDs have been in operation since August 2001. There are 44 OPDs serving 77 municipalities distributed over all the regions in the country.

24. As regards the recommendation contained in the concluding observations on the second report of the State of Chile concerning closer cooperation and active dialogue with non-governmental organizations (NGOs) in all matters concerning children, mention should be made of the establishment of the Advisory Committee of Civil Society for Children and Adolescents. The Committee was established on 1 August 2003; its terms of reference are laid down in the National Policy in favour of Children and Adolescents and the presidential instructions concerning citizen participation; it has contact with the Council of Ministers for Children and Adolescents through the Office of the Executive Secretary of the Council. The membership of the Council consists of federations of professional associations, networks of NGOs concerned with children and employers' and workers' unions, each of which elect a representative to the Committee; the latter enjoys standing participation in the Council of Ministers.

25. As regards the recommendation contained in the concluding observations on Chile's second report to the effect that the State of Chile should improve its system of data collection with a view to incorporating all the areas covered by the Convention, it should be mentioned that in addition to the permanent information systems existing in the country and described in the second report, in 2003 the *Indice de Infancia: una mirada communal y regional* (index of children: a study at municipal and regional levels) – produced jointly by the Ministry of Planning and Cooperation and UNICEF – was published. The aim of the index is to throw light on the conditions of life and development of children in Chile, using variables which permit representativeness at regional and municipal levels. The elements recorded were those of health, education, housing and incomes. This is an instrument of great value for the identification of regional and municipal areas in which shortfalls exist; for the design of coherent and relevant programmes; for the efficient allocation of resources; and to facilitate the tasks of monitoring and evaluating the measures taken.

26. In addition, as a result of the coordinated efforts since 2002 of the Ministry of Labour and Social Security and the International Labour Organization (ILO) to determine the reality of the work of children and adolescents in Chile, the First National Survey of the Activities of Children and Adolescents was carried out in 2003, and the Register of the Worst Forms of Child Labour became operational as from June of the same year.

27. As regards the concern expressed in the concluding observations on the second report of the State of Chile that an overall national mechanism with the mandate for continuing supervision and evaluation throughout the country of the implementation of the Convention had not been set up, the State, through the agency of the Council of Ministers for Children and Adolescents, has a duty to make yearly public reports on the progress made in the protection and implementation of the rights of children and adolescents and a follow-up report on the Integrated Plan of Action in favour of Children and Adolescents. The reports for the years 2003 and 2004 have been produced.

**Periodic reports (CRC/C/58): paragraph 19**

28. In 2000 the National Service for Minors, for its part, convened an advisory committee made up of five institutions recognized as cooperating with the service; the chairperson was the national director of SENAME. The purpose of the committee is to act as a body for participation and dialogue between the Service and the cooperating bodies in civil society in order to face up to the challenges of the reform of the system of care of children. In 2001, in pursuance of these guidelines, the Protection of Rights aspect of SENAME established a National Technical Board, the membership of which comprised all the cooperating institutions administering projects in the different regions of the country. There are also Regional Technical Boards (13 in number) with membership consisting of cooperating institutions executing projects in the region concerned.

**Periodic reports (CRC/C/58): paragraph 21**

29. During the 1998-2002 period of cooperation with Chile UNICEF cooperated, among other things, in the framing of the National Policy in favour of Children and Adolescents 2001-2010. It also supported activities in specific fields; in 2000 it conducted the second nation-wide survey of ill-treatment of children within the family.

30. In 2002 a new technical cooperation agreement was signed between UNICEF and the Government of Chile covering the period 2002-2004. Its aim was to stimulate and improve activities undertaken in implementation of the National Policy and Integrated Plan of Action in favour of Children and Adolescents 2001-2010, to make further progress with the improvement of social mechanisms working on behalf of children in the areas of justice, education, labour, the family and participation and also to strengthen the critical mass of the citizenry and the institutions promoting the rights of children.

**Periodic reports (CRC/C/58): paragraph 22**

31. The Government, through the agency of the National Indigenous Development Corporation (CONADI), has published 8,000 copies of a poster in the Mapuche, Aymara and Ramapui languages specifically referring to the rights of the child; between 1996 and 2000 they were distributed in schools in the regions with substantial indigenous populations, namely regions I, II, RM (Metropolitan region), VIII, IX and X. On this subject see the section in this report relating to paragraph 27 of document CRC/C/58 on measures to combat discrimination against the indigenous population.

32. In reply to the recommendation, contained in the document of concluding observations on the second report of the State of Chile, concerning the strengthening of measures to disseminate the Convention, in particular in rural areas and among indigenous children, a number of public and private institutions have developed strategies for the dissemination of the rights of children directed

both at specific sectors and at the general public. One example of the measures taken is the coordination between the Ministry of Education, the National Council for Narcotic Drug Control (CONACE), the Ministry of Justice, UNICEF and various municipalities, which have been distributing calendars describing the rights of children in every region of the country since 2000.

33. The dissemination of the rights of the child is promoted in the educational sphere in particular within the new curriculum through further training for teachers and the inclusion of families, both in schools and in non-formal education programmes.

#### **Periodic reports (CRC/C/58): paragraph 23**

34. In the preparation of this report an active role was played by representatives of the different branches of the State executing policies or measures directed towards children in concert with the Ministry of Planning, which was responsible for coordinating and preparing the report. In order to obtain information concerning the reporting period a support network was established comprising 18 public institutions, including both ministries and other services. In addition, work was conducted jointly with the Ministry of External Relations and the United Nations Children's Fund (UNICEF) on the conduct of motivation and training workshops at the initial stage in the drafting of the report and review workshops during the final stage. It should be mentioned that during the final review workshop non-governmental organizations and universities, together with representatives of the general public, took an active part in the discussion.

## **II. DEFINITION OF THE CHILD**

#### **Periodic reports (CRC/C/58): paragraph 24**

35. The following information relates solely to matters in respect of which changes have occurred during the reporting period:

- **Marriage.** Under the new Civil Marriage Act of 2004 the minimum age for contracting marriage is set at 16 years for males and females without distinction.
- **End of compulsory education.** With the approval of the requirement of 12 years of compulsory education, the age for the end of schooling is raised to 21 years.
- **Sexual consent.** In January 2003 Act No. 19,927 was promulgated, raising the age up to which incapacity to give sexual consent is presumed from 12 to 14 years. In this way the physical and sexual integrity and the development of minors under age 14 are protected.
- **Criminal responsibility.** With regard to the recommendation in the concluding observations on the second report of the State of Chile concerning the setting of a minimum age for criminal responsibility, the Act concerning the criminal responsibility of adolescents who have infringed the Criminal Code establishes a specialized system of justice for young persons between ages 14 and 18.
- **Capital punishment and life imprisonment.** The death penalty (capital punishment) in Chilean legislation was abolished in 2004; in its place there was established rigorous imprisonment for life with a minimum term of 40 years and no possibility of

parole (*presidio perpetuo calificado*). Life imprisonment is applicable to persons aged 18 or over.

- **Giving of testimony in court, in civil and criminal cases.** Under the new Code of Criminal Procedure (CPP) a child who is a victim of a crime or offence has the status of a subject of the courts, and a duty exists to afford him or her all the rights which the CPP grants to victims. The public prosecutor's office must ensure special protection of those rights, and the courts must provide special guarantees for the upholding of those rights during criminal proceedings. As regards participation by minors as witnesses, under the new criminal proceedings there is no such thing as an incompetent witness; thus any minor may appear before and make statements to the prosecutor or the court.

### **III. GENERAL PRINCIPLES: B. PERIODIC REPORTS – CRC/C/58**

#### **A. Non-discrimination (article 2)**

##### **Periodic reports (CRC/C/58): paragraph 25**

36. As stated in previous reports, the principle of non-discrimination is embodied in the Constitution. Even so, and in response to the concern expressed by the Committee on the Rights of the Child in the document containing the concluding observations on the second report to the effect that the principles of non-discrimination, the best interests of the child, right to life, survival and development of the child and respect for the views of the child were not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels, it should be stated that these principles are embodied in the National Policy and Integrated Plan in favour of Children and Adolescents 2001-2010. However, the process of inculcating these principles in society generally and at the different levels of the machinery of State is extremely complex, and although progress has been made in this field cultural changes are needed at national level. The areas in which progress has been least are those of participation and expression of views by children.

##### **Periodic reports (CRC/C/58): paragraph 26**

37. As regards to the concern expressed by the Committee in the document containing the concluding observations on the second report of the State of Chile that the principle of non-discrimination is not fully implemented for children belonging to indigenous groups, poor children, girls, children with disabilities and children living in rural areas, especially with regard to their access to adequate health care and educational facilities, it should be stated that during the period covered by the present report emphasis was laid on policies promoting non-discrimination.

38. Since the year 2000 the Tolerance and Non-discrimination Programme, which is under the authority of the Social Organizations Division of the Ministry/Secretariat General of the Interior, has been promoting the development of conditions for the complete exercise of rights and for the participation of the citizens in various social sectors vulnerable to discrimination.

39. Some of the more important measures taken to this end are:

- In the educational field the principle of non-discrimination is given full consideration in the educational reform which the Government is implementing; it is reflected in the new educational plans and the curricular bases for the different levels of education.
- In addition, the universal perspective within which care of children has been defined in the Offices for the Protection of Rights (OPDs) in SENAME ensures compliance with the principle of non-discrimination. The programme admits all children who have been harmed without regard to any consideration based on ethnic, social, economic or family situation or on sex.
- The Indigenous Peoples Act (No. 19,253 of 1993) and the National Indigenous Development Corporation (CONADI), established to implement it – both of which were described in the previous report – have enabled progress to be made in respect for and protection and promotion of the development of indigenous groups and their cultures, families and communities.
- Act No. 19,284 on the social integration of persons with disabilities, through the National Disability Fund (FONADIS), has permitted partial or complete financing of the acquisition of technical aids for disabled persons with few resources or for non-profit-seeking organizations caring for such persons; the principal orientation has been the development of their functional autonomy and integration into society.
- SENAME includes in its residential benefits programme the admission of children with slight, moderate, serious or very serious deficiencies. Specifically, it has 33 residential homes with a total capacity of 1,913 children. In addition, it operates seven non-residential projects, distributed throughout the country, with a total capacity of 304 places. It has also signed a cooperation agreement with the Teletón institution to provide care for 126 children throughout the country by placing them in families.
- As regards discrimination against carriers of the Human Immunodeficiency Virus (HIV), Act No. 19,779 of 2001 states that the prevention, diagnosis and control of infections caused by HIV, and the free and egalitarian exercise by persons carrying or suffer from the disease of their rights without discrimination of any kind, are objectives of a health, cultural and social nature and of national interest. Equally, the fact of being infected by the virus may not affect admission to an educational establishment or continued membership of or promotion in such an establishment. Moreover, the submission to, or presentation of the results of, an examination for the detection of the virus may not be required. Furthermore, no public or private health institution, if required to intervene in accordance with the law, may refuse admission or care to persons carrying or suffering from the human immunodeficiency virus or make admission or care conditional on the submission to, or presentation of the results of, such an examination.
- The Sports Act proposes measures and activities designed to produce equality of opportunities for all citizens, making possible their true integration into society. The State will foster activities through the provision of sports promotion services and an allocation of budgetary resources, distributed in accordance with regional criteria and considerations of benefit and direct social impact, to improve access to better physical and psychological development for the population as a whole and especially for

handicapped children of school age. Initiatives have been taken to further projects comprising care for persons suffering from HIV and others, comprising both training and recreational elements, designed for the disabled.

- The principal efforts of President Ricardo Lagos in the social sphere consist of the Chile Solidario systems, which targeted the most vulnerable sectors of society<sup>2</sup> and, in the health sphere, the Plan Auge (Summit Plan).<sup>3</sup> Both schemes are based on the principle of non-discrimination and that of guaranteeing the rights of the most vulnerable population groups.

### **Periodic reports (CRC/C/58): paragraph 27**

40. With a view to reducing the inequities under which the indigenous communities labour, the National Indigenous Development Corporation has implemented programmes emphasizing the dissemination of political, social, economic, educational and cultural rights. Within this general framework mention should be made of the dissemination of the Convention on the Rights of the Child. The following are the measures taken:

- Since 1996 social programmes have been in operation directed at indigenous communities and aimed at promoting and providing information on the benefits offered by the public social network and on the rights of the indigenous peoples. One example was the transmission of 15 radio programmes in indigenous languages and in which emphasis was laid on the dissemination of indigenous rights and the facilities offered by the public services; mention may also be made of the establishment of local information offices in 8 regions with substantial indigenous population groups.
- In the health field a training programme is currently under way for officials in nine health services in different parts of the country, designed to enable them to recognize indigenous culture, to take care measures with cultural relevance and to recognize current attitudes which create discrimination in the care given to children by measuring their development without cultural differences being taken into account.

41. With a view to providing special benefits to handicapped children, the National Disability Fund (FONADIS), through the national project competition, finances in the various fields within its competence an average of 45 projects the direct beneficiaries of which are exclusively children and adolescents (persons between ages 0-17).

42. With a view to protecting the migrant population, Chile is engaged in a process of discussion and definition of a policy on migration. At the same time it has promoted a number of measures taken by the State with the aim of progressively reducing the discrimination of which foreign children residing in Chile can be the victims. One of the most significant measures taken in this area has been the campaign entitled “For the Right to Education”, which seeks to facilitate and promote the entry of all the children of migrants currently residing in Chile into the different general, basic and secondary education establishments. Children of foreign nationality whose

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<sup>2</sup> On this subject see the section in the present report concerning paragraph 36 of document CRC/C/58..

<sup>3</sup> In this connection reference is made to the section in the present report concerning paragraph 93 of document CRC/C/58.

migrant status has not been regularized will be granted residence permits as ordinary students. With a view to ensuring the right to health an experiment was conducted in the metropolitan area in 2002 with a view to solving the problem of pregnant women whose migrant status had not been regularized. The measure focussed on the registration of the women concerned at the clinics nearest to their places of residence in order to facilitate the control and monitoring of their pregnancies. The Ministry of the Interior grants temporary visas to pregnant women who undergo regular examinations at the clinics nearest to their places of residence.

**Periodic reports (CRC/C/58): paragraph 28**

43. The following measures have been taken:

- Within the framework of a public information strategy the Government, through the agency of the National Service for Women (SERNAM), has been promoting awareness within the population of gender-based inequalities and socially accepted behaviour patterns which imply imbalances of power which spill over into problems such as acts of violence against women and children within families. Awareness campaigns have been launched with the following titles: “Let us build a new relationship”, “Equality of opportunities for women”, “Women, know your rights”, “Life is better without violence between men and women”, “Some words hurt; keep them in check”, “Do not let violence damage your relationship”, “Battered bodies”, “Women with rights – women citizens”.
- A number of measures have been taken in the different areas of public administration; among these particular mention may be made of the cross-cutting commitment to incorporate the gender variable in all areas of State action through a Management Improvement Programme (Gender PMG) under which all institutions are required to incorporate the gender perspective in their work programmes.
- In the educational sphere the gender perspective has been incorporated in the management and implementation of the different support programmes administered by the National School Support and Scholarships Board (JUNAEB) such as food bursaries, the curricular bases of nursery school education, the pre-school programmes administered by the National Nursery Schools Board (JUNJI) and the INTEGRA foundation, as well as in the technical guidelines for the purchase of non-sexist teaching materials, including texts in the design and drafting of which this perspective has been incorporated, as regards the use of both language and illustrations, and also in educational projects.
- The promulgation of Act No. 19,688 of 2000 was an important step forward in the eradication of discrimination against pregnant adolescents. This Act amended the Constitutional Organization Act on Education, prohibiting pregnancy or motherhood from constituting an obstacle to admission into or continued membership of educational establishments at all levels and imposing on those establishments an obligation to provide all academic facilities to pregnant women or breastfeeding mothers.

**Periodic reports (CRC/C/58): paragraph 30**

44. As indicated in the section of this report concerning paragraph 26 of document CRC/C/58, in 2000 the Government launched the programme to promote tolerance and non-discrimination, which is implemented through an inter-ministerial network constituted for the purpose.

**B. The best interests of the child (article 3)**

**Periodic reports (CRC/C/58): paragraph 33**

45. In accordance with Article 5, paragraph 2, of the Political Constitution of the Republic, the Convention and its guiding principles form part of the legal system of the country with constitutional rank. The same principles are embodied in the National Policy and Integrated Plan of Action in favour of Children and Adolescents as directions and guidelines. However, this principle is not affirmed in the Juvenile Act No. 16,618, which is still in force. It is proposed, as part of the reform of the system of protection of rights of children and adolescents which the Government of Chile began in 2000, to adapt institutional practices and domestic legislation in areas covered by the provisions of the CRC. For this reason one of the fundamental principles underlying the technical orientations of work programmes in the centres and the programmes of the SENAME network of non-residential and residential care facilities is that of the best interests of the child. The principle is reflected in the pending programme of legislation concerning children, and especially in the draft bill concerning the protection of the rights of children and adolescents which is at present before Parliament and in the Act establishing a system of juvenile responsibility for adolescents who commit offences against criminal law, which contemplates procedures protecting rights and guarantees during judicial proceedings and includes the best interests of the child among its central guidelines. In this connection see the section in this report concerning paragraph 12 of document CRC/C/58.

**Periodic reports (CRC/C/58): paragraph 34**

46. In 2002 the Government began the promotion of an extensive task of training the judiciary, conducting seminars in every region in the country. In those seminars the importance of the human rights instruments in force in Chile was examined, and the different legislative levels (legal, supralegal or constitutional) to be attributed to them in their application by the courts were discussed. The seminars also devoted special attention to the Filiation Act and its directing principles, the Act concerning sexual offences and the Act concerning intra-family violence. In addition, meetings were held with specific juvenile courts in order to improve the work of protection of rights and measures to deal with offenders.

**Periodic reports (CRC/C/58): paragraph 35**

47. Act No. 19,620 of 1999 laying down rules for the adoption of minors expressly derives from the principle of the best interests of the child. In this connection see the section in this report concerning paragraphs 12 and 83 of document CRC/C/58.

**Periodic reports (CRC/C/58): paragraph 36**

48. The Government of President Ricardo Lagos introduced a system of social protection known as Chile Solidario to improve the impoverished condition in which 849,169 Chileans, or

approximately 5.7% of the population, were living.<sup>4</sup> The objective was to enable 225,000 families to benefit from the system between 2002 and 2005. This task implied the coordination of the existing public and private welfare networks at national, regional and local levels in the light of the needs and requests of the families entering the system to ensure that they receive full support from the State and the network of public social services. The basis of the Chile Solidario scheme is as follows:

- *Psycho-social support and solidarity assistance.* Families which agree to enter the system undertake to work with a professional worker (“family support”) of the Puente (bridge) programme, which is being implemented by the Solidarity and Social Investment Fund (FOSIS). The Fund will monitor them for 24 months to enable them to establish their own route to improvement of their lot. The Government also grants degressive financial incentives to women heads of households and/or the head of the family in a couple. At the end of the intervention it is expected that at least 70 per cent of the families will be engaging in mutual support practices, integrated into a day-to-day local space, enjoying at their express request the welfare benefits designed for the poorest, linked to the existing welfare networks and with a money income above the poverty threshold level. The work conducted with a family has to cover seven aspects corresponding to the following dimensions: identification, health, education, family dynamic, housing, employment and income. For each of these aspects the programme has laid down a set of minimum conditions of quality of life which it is hoped that the participating families can achieve as a result of the intervention. The minimum conditions laid down are sufficient to ensure that the families are adequately equipped to provide the child with the protection and care necessary for its well-being, all the more so as a large number of the minima required have a direct bearing on the child population.
- *Financial subsidies.* Families are guaranteed payment of the following financial subsidies:
  - Single Family Subsidy (SUF) for all children under age 18;
  - Old-age Assistance Pension (PASIS) for all persons over age 65;
  - Invalidity Assistance Pension (PASIS) to persons where appropriate;
  - Drinking Water Subsidy (SAP) covering the entire cost of water consumption up to 15 cu. m. per month;
  - a subsidy for remaining in school.
- *Preferential access to welfare programmes.* Families which enter the system receive preferential access to welfare programmes thanks to the commitment accepted by institutions and organizations in the fields of health, education, employment, housing, justice, etc.

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<sup>4</sup> CASEN survey, year 2000.

**Periodic reports (CRC/C/58): paragraph 37**

49. The Government has accepted a commitment to improve the quality of care in public institutions. On a general plane, the Management Improvement Programmes (PMGs) began in 1998, combining the fulfilment of management objectives with financial incentives for the officials. One aspect of the programme concerns quality of attention to users; all State institutions are required to undergo this section. One example of this is the quality control of programmes executed by JUNAEB, which carried out a number of studies and surveys of user perception, directed at the children concerned, of aspects such as school meal programmes, homes and school health in 2001 and 2002. SENAME also operates a system of supervision and counselling of a continuing and permanent character over its programmes with a view to evaluating the quality of the care provided and the levels of living of the children who have to remain within a residential system, this with a view to correcting shortcomings observed and ensuring the well-being of the children.

**Periodic reports (CRC/C/58): paragraph 38**

50. Among the difficulties in the way of implementing the principle of the best interests of the child, particular mention must be made of the 1968 Juvenile Act, which is not in line with the provisions of the CRC and consequently hampers the execution of measures designed to apply that principle. One critical feature of the Juvenile Act is that it does not separate the area of protection of rights from that of offences against criminal law. This obstacle to implementation of the rights of the child is currently being approached by the competent bodies by means of the amending legislation which was described in the section of this report concerning paragraph 12 of document CCR/C/58.

**Periodic reports (CRC/C/58): paragraph 39**

51. The Government of Chile, through the National Policy and Integrated Plan in favour of Children and Adolescents, has taken steps to ensure that the principle of the best interests of the child is considered relevant in all measures concerning children taken within the public administration. To that end the implementation of these guidelines has been entrusted to professional teams in different areas of the machinery of State.

**C. The right to life, survival and development (article 6)**

**Periodic reports (CRC/C/58): paragraph 40**

52. The positive health indicators for Chile at national level, especially those for maternal and infant mortality, have permitted a focussing of government policies designed to ensure the survival and development of the child on the reduction of the social and economic disparities existing within the country. The inequalities by region of residence and ethnic and social origin reflected in the indicators concerning children have called for specific measures to provide support for the most disadvantaged sectors, particularly those where the population is living in conditions of extreme poverty. The Chile Solidario programme deals with matters fostering the development of children and their families. Among the commitments with which families registered with the scheme must comply, particular mention should be made of those concerning health which have a direct impact on children, viz.:

- the family must be registered with the primary health care service;

- during pregnancy, women must keep their health checks up to date;
- children aged 6 or less must keep their vaccinations up to date;
- children aged 6 or less must keep their health checks up to date;
- family members suffering from a chronic disease must be under medical supervision in the appropriate health centre;
- family members with disabilities susceptible of rehabilitation must participate in a rehabilitation programme.

**Periodic reports (CRC/C/58): paragraph 41**

53. Every death of a child requires medical certification. The death certificate must indicate the cause and the place of death. All deaths of children under one year of age are the subject of hearings at which the factors which gave rise to the death are determined. In addition, the long-term demographic statistics in Chile periodically produce indicators of mortality by sex, age and cause of death.

**D. Respect for the views of the child (article 12)**

**Periodic reports (CRC/C/58): paragraph 42**

54. The Political Constitution of the Republic of Chile guarantees the right of everyone to express their opinions freely without prior censorship. On this subject reference is made to the second report.

**Periodic reports (CRC/C/58): paragraph 43**

55. In the educational sphere special efforts are being made to promote the right of opinion through reforms in the curricula at the different levels. In addition, special machinery has been created for the purpose, for example:

- the *Children's Club in the Children's Phone Service (Fonoinfancia)*: this scheme has been in operation since 2001. Its purpose is to offer a facility for communication with children throughout the country, collecting their opinions and their interests, anxieties and difficulties as seen from their own standpoints. There are 450 members, of ages between 4 and 15 years.
- the *Let us Listen to the Children* project: its aim is to produce noteworthy events in which children participate as subjects of rights in order to contribute to the placing of themes associated with childhood and the protection of the rights of children on the public agenda. The project was launched in the year 2000; children attending 30 nursery schools throughout the different regions of the country take part.
- *Conduct of inquiries* into perception of the quality of the services provided through JUNAEB in programmes concerning health care, food and school camps for schoolchildren. These inquiries permit evaluation and improvement of the services

provided. The inquiries are directed at children and at parents and teachers participating in the programmes.

- The *MINEDUC 600 programme*, which is described in the section of this report relating to paragraph 89 of document CRC/C/58.

56. The administration of juvenile justice guarantees the right of adolescents to express their views through the medium of participation in the preparation of the reports submitted to the courts, taking into account the right to keep silent and not to incriminate themselves in respect of charges laid against them without recourse to that right being punishable.

57. The National Service for Minors has since 1998 been pursuing the following measures:

- Incorporation of the principles of consideration of the views of children and their families in matters concerning them, particularly in the design and execution of the intervention plan designed to deal with situations where rights are infringed which affect them and in decisions within their field of competence relating to technical guidelines for the different programmes in the field of protection of rights.
- The maintenance and strengthening of a legal intervention unit representing before the courts the interests of children whose rights have been seriously violated by measures of a delictuous nature.
- At local level, the interventions of the OPDs take into account the views of the child throughout the intervention proceedings and in the different administrative spheres affected by the programme.

#### **Periodic reports (CRC/C/58): paragraph 44**

58. The juvenile courts are not under any obligation to hear adolescents during proceedings, although some do so. Equally, they do not always permit the intervention of counsel in cases handled by them. SENAME, through the intermediary of cooperating institutions, has legal defence projects in every region in the country to safeguard the right of children to due process. Also, civil registry offices dealing with courts of civil jurisdiction in cases where the holder of a birth certificate is a minor and the parents demand a change of the surname or forenames draw attention of the judges to the importance of allowing the child a hearing.

#### **Periodic reports (CRC/C/58): paragraph 45**

59. The Sports Act provides for the possibility of organizing a course for school sports directors. The direct beneficiaries are adolescents and members of the school community interested in the promotion and creation of school sports clubs within the educational establishment concerned. The aim of this activity is the development of social roles and decision-making by the beneficiaries, thus improving the quality of life of children.

#### **Periodic reports (CRC/C/58): paragraph 46**

60. Since 2001 SENAME has been developing a programme of training for educators dealing directly with children in direct administrative centres; the courses offered cover the Convention on the Rights of the Child and an understanding of the development process among children.

There are also training arrangements for professionals in projects administered by cooperating institutions. In all, 3,090 persons have received training since 2001.

**Periodic reports (CRC/C/58): paragraph 47**

61. The principle of respect for the views of the child is taken into consideration in the reports prepared by the transit and distribution centres when this is requested by the juvenile courts in order to determine the most appropriate measure to be applied in cases of children whose rights have been infringed or who have committed offences under criminal law. Notwithstanding the progress made with the incorporation of the principles of the Convention on the Rights of the Child in Chile, the right of children to express their views and to be heard is one of the areas in which the shortcomings are greatest, both as regards the conduct of public intervention measures and in the judicial and legislative areas.

**IV. CIVIL RIGHTS AND FREEDOMS  
(articles 7, 8, 13-17 and 37(a): see below)**

**Periodic reports (CRC/C/58): paragraph 48**

62. The Committee noted with concern that the Juvenile Act of 1967, which is based on the doctrine of “irregular situation”, was still in force. It is true that Act No. 16,618 is still in force; but in recent years it has undergone a number of amendments introduced with the aim of adjusting its provisions to the requirements of reality and the principles of the Convention. Act No. 19,806 of May 2002 introduced reforms in line with the doctrine of comprehensive protection of the rights of children.

63. The Committee also noted with concern that detention is not used as a last resort and that children are often detained in detention centres for adults. The power of detention has been clearly restricted. Where children are in situations where their rights are threatened or seriously infringed, the police authority concerned must take them to the homes of their parents or guardians, hand them over and provide information on the circumstances which have led to the intervention of the judiciary. If the physical or psychological integrity of children is endangered and it proves necessary to remove them from the family environment or from the persons in whose care they are, they will be taken to a transit and distribution centre under the authority of SENAME, and the competent juvenile court will be informed of the situation. Under the 2002 amendment the detention of minors in conflict with the law in establishments other than observation and diagnosis centres or, where none such exist, in establishments designated by the President of the Republic, constitutes a serious fault. In addition, directors of detention establishments are prohibited from placing minors under age 18 in contact with adult prisoners or detainees.

**A. Name and nationality (article 7)**

**Periodic reports (CRC/C/58): paragraph 49**

64. Since 2001 public hospitals have had sub-offices of the Civil Registry and Identification Service for the registration of newborn children. In addition, a gradual process of personalized registration of births in the maternity departments of hospitals has been introduced. The Filiation Act has imposed an obligation on the Service to provide information in writing to all persons applying for the registration of a child born of a non-matrimonial relationship on the elements of

law which will assist them in claiming filiation of the child through judicial process; the claim may be accredited by expert evidence of a biological nature.

65. In the Chile Solidario scheme, operating through the Puente programme, one of the minimum conditions for benefiting from the scheme is that every member of the family must be registered at the Civil Registry and have identity cards.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

##### **Periodic reports (CRC/C/58): paragraph 61**

66. Act No. 19,806 amended the legislation on maltreatment outside the family environment, establishing competence to deal with it with the criminal courts as a consequence of the removal of competence in criminal matters from the juvenile courts.

67. The Committee on the Rights of the Child is concerned that corporal punishment of children remains socially acceptable in Chile and is still practised in families and in schools and other institutions, and also that Chilean legislation does not expressly prohibit corporal punishment. Article 234 of the Civil Code removes the previously existing power of parents to inflict moderate corporal punishment on their children, stating that “parents shall have the power to punish their children, ensuring that such punishment does not adversely affect their health or personal development”.

68. Corporal punishment is strictly forbidden in systems providing care for children whose rights have been infringed or who are in conflict with the law; any person inflicting such punishment will be charged and sanctioned according to the seriousness of the case. If a child on admission to an establishment shows signs of having been subjected to maltreatment or reports having been subjected to maltreatment the police authorities are requested to establish a medical certificate; alternatively, the child is taken to a medical centre for corroboration of injuries, and the competent court is informed. See the section in this report relating to paragraph 89 of document CRC/C/58.

#### **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (articles. 5; 18, paras. 1-2; 9-11; 21; 25; 27, para. 4; and 39)**

##### **A. Parental guidance (article 5)**

##### **Periodic reports (CRC/C/58): paragraph 62**

69. Article 1 of the Constitution of the Republic of Chile states that “the family is the fundamental nucleus of society”. It gives no indication of the types of family to which it refers. The National Commission on the Family has defined the family as a unit consisting of persons with individual identities united by bonds of consanguinity, filiation (biological or adoptive) and alliance which maintains itself and develops in a situation of love, respect and protection. The definition includes de facto unions if they are stable.

70. The Filiation Act of 1998 amending the Civil Code states, in the section on “Rights and obligations between parents and children”, that “Children owe respect and obedience to their parents. The fundamental concern of the parents is the best interests of the child, to which end

they will pursue its best possible material and spiritual attainment and will guide it in the exercise of the essential rights deriving from human nature in a manner in conformity with the development of its faculties.” It goes on to state: “The parents in agreement, or the surviving father or mother, are responsible for custody of their children and their upbringing and education.”

71. Responsibility for the custody of a child neither conceived nor born during a marriage and recognized by one of its parents lies with the parent who has recognized it. If it is not recognized by either parent, the courts shall designate the person with custody. If the parents live apart, custody of the child will lie with the mother. However, the law authorizes agreements by public deed under which the two parents grant custody to the father, either temporarily or permanently. In all cases, if the interests of the child so require on account of maltreatment, neglect or other good reason, the courts may grant custody to the other parent, as provided for in the new article 225 of the Civil Code.

72. The new article 229 of the Civil Code reformulates the traditional “right of visit”, converting it into a right and a duty of the parent not living with his or her children to maintain a direct and regular relationship with them, such relationship to be exercised with the frequency and freedom agreed to by the parent with custody or, in the absence of such agreement, as the courts consider suitable for the child.

73. Act No. 19,741 dated 24 July 2001 provides better guarantees of the material welfare of minor children in that it introduces the concept of a minimum maintenance payment, from which the person from whom it is due can obtain exemption only if he or she proves absence of means to pay. Finally, partial or total failure by the parents to provide maintenance for their children creates a right to require maintenance from the grandparents of the children; the law now permits recourse in the first instance against the grandparents on the side which has failed to provide maintenance or has not provided it in sufficient quantity.

74. During the last four years the National Service for Women (SERNAM) has been developing a working strategy for the reconciliation of working and family life. By research and promotional measures it is seeking to induce society to provide both men and women with more and better opportunities to discharge their family and work responsibilities in a harmonious fashion. To that end it has organized meetings, prizes and guides, associating the theme with that of corporative social responsibility.

### **Periodic reports (CRC/C/58): paragraph 63**

75. The Government has available a number of instruments for the provision of support for families in the performance of their role. The principal courses available in this field are:

- The information, complaints and suggestions offices run by the National Service for Women. They offer guidance to persons consulting them on training programmes available in different institutions and concerned with family matters. They offer advice on general legal matters, family law and provide specialized guidance in centres for care and prevention in the area of intra-family violence.
- The educational reform recognizes the family as the principal agent for the socialization and education of children. Pre-school education creates room for participation by families and seeks to give them greater strengths as parents, agents

for the socialization of their children and relevant social actors in educational policies at the different levels of the system.

- In the programming sphere a number of measures have been taken. One of these – the “Te suena familiar” (it sounds familiar to you) programme, which seeks to help families to improve relations among their members, is being executed by the Family Foundation, the Foundation for the Promotion of Women and the INTEGRA foundation and is being supported by UNICEF.
- In 2002, with the aim of providing support for families, an agreement was signed with UNESCO for the execution of the “Education in early years” project, which was designed to promote empowering educational practices within families and foster awareness within families of the importance of the early years, promoting the use of technological sources. The project is directed towards families with children under age 4 who are not currently attending any pre-school education programme.
- The Fotoinfancia telephone service is a free support service providing guidance on the upbringing of children. It has nationwide coverage and consists of a team of expert professionals (psychologists and social workers) giving guidance on upbringing to parents and persons responsible for children. Their work is directed towards the prevention of aggressive behaviour by parents towards their children and the strengthening of their competence as parents. It was started up in 2003.

## **B. Parental responsibilities**

### **Periodic reports (CRC/C/58): paragraph 65**

76. The National Policy and Plan of Action in favour of Children and Adolescents 2001-2010, which is at present in course of execution, contains a strategic element entitled “Support and strengthening of families as principal actors responsible for the comprehensive development of their children”; it includes measures specifically designed to guarantee the egalitarian participation of both father and mother in matters relating to their children. These measures include the following:

77. During the year 2001 a “Framework of guidelines for government action in favour of families”, designed to strengthen and give a common focus to the different initiatives being implemented in different sectors, was drawn up. The principles underlying this framework include the protection of families, which are considered as spaces generating and reproducing relationships based on affection, mutual respect, trust, unconditional acceptance, and reciprocity and solidarity among all its members; equality of rights and duties between men and women in the discharge of their roles and responsibilities in the family; and equity in the exercise of the cultural, economic, social and political rights of all its members.

### **Periodic reports (CRC/C/58): paragraph 66**

78. With regard to the concern of the Committee that the system of assistance to parents and legal guardians in the performance of their child-rearing responsibilities is still insufficient, in particular with respect to single-parent families, the Government has new policies and programmes primarily focussed on families, viz.:

- (a) A working strategy has been introduced together with UNICEF. Its purpose is to train welfare officials and technicians at local level in this subject. During 2002 a series of meetings with persons working with families at local level was organized within programmes of various kinds, such as offices and programmes concerning children, programmes for the eradication of extreme poverty, programmes concerning intra-family violence and maltreatment of children.
- (b) Particular emphasis is laid on the programme for single-parent families (1991-2002) entitled "Occupational rehabilitation programme for women with modest resources, preferably heads of households" (PJM), conducted through the agency of SERNAM and directed towards women heads of households. During the last few years this programme has indirectly benefited the children of the women concerned. In addition, a strategy of child care has been implemented in coordination with other government institutions.
- (c) In the educational sphere, the programme entitled "Healthy schools", consisting of a fund of a competitive nature for dealing with risk factors in health promotion projects in healthy schools, involves the active participation of parents. There are currently 151 projects in operation in the country; priority is given to subsidized primary schools. The programme has brought benefits to 91,863 pupils and 54,430 parents.
- (d) For the benefit of families living in extreme poverty the Chile Solidario system of protection has established draft agreements with different public institutions with a view to lifting the 225,000 poorest families in Chile out of their state of indigence. In addition, the intervention strategy of the programme comprises aspects relating to family dynamics with which the family undertakes to comply. These requirements include the existence of day-to-day routine conversations within the family on subjects such as habits, time-tables and opportunities for recreation; of adequate mechanisms for settling disputes; of clear rules for living together within the family; of a fair system of distribution of household chores; of awareness in the family of the community resources and the development programmes available locally (sports clubs, senior citizens' centres, initiative groups, community organizations, etc.); of acceptance that if violence is occurring within the family the persons directly involved should be admitted to a support programme of some kind, that a family with a child in residential care within a system of protection should visit the child regularly, and that a family with a juvenile member deprived of liberty should support that member and cooperate in the rehabilitation programme.
- (e) In the specific case of services for the protection of rights catering for children whose rights have been infringed and providing care for adolescents in conflict with the law, the different programmes of SENAME have as a cross-cutting theme work and intervention with the families of the children in their care. The family accepts a certain number of responsibilities which are the counterpart of the overriding right of children to live in their families.
- (f) The SENAME Offices for the Protection of Rights (OPDs) are implementing various psycho-educational measures targeting parents or adult significant others with a view to providing them with tools sufficient to enable them to make an effective contribution to the preservation of the lives of children and the achievement of their complete development. Particular mention must also be made of the implementation

of family strengthening projects within the protection of rights network, the purpose of which is the reintegration of children who have been placed in residential protection centres into their families and to avoid custodial treatment. In addition, in the diagnosis centres a form of short intervention has been developed with the aim of dealing with problems which can be handled without separating the child from his or her family. In the prevention centres, and especially the Community Child and Juvenile Centres, the utmost importance is attached to working with families to improve discharge of parental roles.

### **C. Separation from parents**

#### **Periodic reports (CRC/C/58): paragraph 66**

79. At present the juvenile courts are the only authority competent to decide on a measure implying the separation of a child from his or her parents.

80. As regards the measures which the juvenile courts can take, a distinction must be made between those applicable to children whose rights have been threatened or seriously infringed and those which can be applied to offenders under age 16 and minors between ages 16 and 18 who have acted without discernment.

- (a) In the former case, article 30 of the Juvenile Act states that the juvenile courts may, in the circumstances laid down by law, order participation in support measures or programmes, reparation or guidance for children and parents or guardians, and order admission to a Transit and Distribution Centre (CTD), a substitute home or a closed establishment. Detention as a measure is essentially temporary in character; its duration may not exceed one year and it is subject to review after 6 months in the light of the reports of the person in charge of the centre or home concerned. The duration of this measure may be increased if the circumstances which gave rise to it persist.
- (b) The juvenile courts may also apply some of the measures mentioned in the Juvenile Act to offenders under age 16 and minors between ages 16 and 18 who have acted without discernment. In pursuance of the changes introduced by the amending instruments the courts may assign adolescents to “the special transit and rehabilitation establishments referred to in the Act, according to the circumstances”. The protective measures currently being applied by SENAME take the following forms:
  - Ordinary custodial protection (closed-institution centres, residences of a family nature, homes for adolescent mothers).
  - Placement in a family (homes of host families)
  - Psychological rehabilitation (day and closed-institution centres)
  - Protection for the slightly and moderately mentally deficient (day and closed-institution centres)
  - Offices for the Protection of Rights (OPDs)
  - Child and juvenile centres (CIJs) and prevention centres.

- Specialized therapeutic projects (maltreatment and sexual abuse of children, non-indictable children under special protection, child labour, commercial sexual exploitation, treatment of drug users).
- Protection of rights at local level (Offices for the Protection of Rights).
- Diagnostic benefits (residential and non-residential).

81. Since the year 2000 attention has been focussed on care for children in their family and community environments. This is the principle underlying the following provisions:

- The draft bill on the protection of the rights of children will establish specific grounds for specific measures; in all cases the separation of the child from his or her family is a measure of last and provisional resort. Its preamble contains provisions affirming the responsibility of parents for the upbringing and care of their children. It is stipulated that the State and the institutions must respect the rights and duties of parents and of persons who by law or judicial decision have the custody of children.
- The functioning of the Act concerning Juvenile Criminal Responsibility, which incorporates the provisions of the Convention concerning separation from parents.
- Act No. 20032 concerning subsidies for the network of institutions cooperating with the National Service for Minors.

82. On the programming side SENAME is developing an active strategy concerning the family. Special mention may be made of the following measures:

- Programmes for release from detention and integration of children into their families.
- The gradual creation of homes with limited numbers of places for the more complex cases in which personalized care will be given in a welcoming and family environment.
- Programmes for the reception of families, family reintegration and the development of programmes to prevent serious violations of rights.
- With a view to safeguarding the right of every child to maintain links with its parents or significant adults, measures have been introduced into the rules of closed-institution care guaranteeing visits and frequent contact with families. In addition, in programmes dealing with cases of severe maltreatment each of the meetings between the child and his or her family is supervised when the latter is unable to perform its protecting role.

### **Periodic reports (CRC/C/58): paragraph 70**

83. The Filiation Act provides that a father or mother who does not have the custody of he child shall not be deprived of the right, or exempt from the duty, of maintaining a direct and regular relationship with the child. To complement this provision Act No. 19,711 of January 2001 expedites the handling of cases concerning regulation of the manner in which the right and duty of maintaining a regular and direct relationship between parents who do not have custody of their children and the children themselves is to be exercised. This Act provides that when, for reasons

imputable to the person who has custody of the child, the relationship, in the terms in which it has been established, is frustrated, delayed or obstructed in any way, the parent affected may apply for the recovery of the unused time. The Act also provides that the exercise of the right may be restricted or suspended when it is manifestly prejudicial to the well-being of the child. This right is favoured by the Family Courts Act, which offers alternative mechanisms for the solution of disputes in family matters (for example, mediation), thus preventing conjugal disputes from affecting the relationships between parents and children.

**Periodic reports (CRC/C/58): paragraph 71**

84. The Government provides continuing support to the principal agents of development of children who have been separated, as a protective measure, from their family environments, and particularly to parents, families and all significant adults working directly with the children concerned. In the case of the National Service for Minors the institutions are required to permit and encourage contact between the children and their families save where there is a court decision to the contrary. As a consequence the assistance regulations governing the payment of subsidies, which allowed only 4 day-releases per month, which the majority of children use to visit their families, have been amended. Now the children may visit their families as often as necessary, and may even stay with them for extended periods as an approach or preliminary step towards release, without any consequent reduction in the amount of the subsidy received by the institutions subsidized. In addition, the children have the right to receive visits from their families in the establishments in which they are receiving care.

**Periodic reports (CRC/C/58): paragraph 72**

85. SENAME has an automated registration system which permits access to information on the identities, individual characteristics and conditions of each of the children admitted to the programmes it administers. In addition, a new automated system is being introduced which will enable the users of the different SENAME centres to enter, update and obtain basic information on children, subject to the safeguards which such information requires.

**E. Illicit transfer and non-return**

**Periodic reports (CRC/C/58): paragraph 78**

86. The illicit transfer and non-return of children is punishable in Chilean law under a number of instruments.

- (a) The abduction of children is punishable by long-term rigorous imprisonment for a maximum or a life term where the aim is to obtain a ransom, impose demands or obtain decisions under duress, or if serious harm to the person of the child results; in other cases a medium or maximum term of rigorous imprisonment is applicable. If in the course of the abduction any of the crimes of homicide, rape, sodomy or any of the injuries listed in the Criminal Code are committed, the punishment ranges from rigorous imprisonment for a maximum term to rigorous imprisonment for life.
- (b) Trafficking in individuals for purposes of prostitution (promotion or facilitation of international prostitution) is specified as a crime in the Criminal Code, which declares it punishable by ordinary imprisonment of a maximum term and a fine. However, a sentence of rigorous imprisonment of any term and a fine may be imposed in the

following cases: if the victim is a minor; if violence or intimidation is used; if he agent has acted by deceit or through misuse of authority or in breach of trust; if the author is an ascendant, descendant, spouse, brother, tutor, guardian or person responsible for the education of the victim; if the agent takes advantage of the financial distress of the victim; or if the conduct of the agent is habitual.

- (c) Act No. 19,620, concerning the national and international adoption of minors, prohibits the illicit removal abroad of Chilean children. This Act designates as an offence the wrongful obtaining of payment for the transfer of a child for purposes of adoption. This situation supersedes the previous arrangements, under which only court authorization was required to permit the departure of a child from the country for adoption in accordance with the laws of the country of nationality and residence of the prospective adoptive parents.
- (d) An important tool for the prevention of illicit transfers is the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which was adhered to by the State of Chile in August 1999.

#### **F. Recovery of maintenance for the child**

##### **Periodic reports (CRC/C/58): paragraph 79**

87. On this subject Act No. 19,741 concerning maintenance was promulgated in 2001. It provides for a minimum maintenance allowance of 40% of the minimum wage. If the respondent has more than one child, that person must pay 30% of that wage for each one. In the case of an employee the court is required to order withholding by the employer as the form of payment. This means that the employer must deduct the amount of the maintenance from the pay of the employee and pay it directly to the person receiving the maintenance. In the event of non-payment of maintenance a wife married under the regime of community of property can exceptionally, and with court authorization, dispose of assets held in common and keep the money to pay for maintenance outstanding.

#### **G. Children deprived of their family environment**

##### **Periodic reports (CRC/C/58): paragraph 80**

88. The National Policy for Children and Adolescents states that the measure of separation from parents by detention is a measure of last resort which should be used only when there is no alternative method of ensuring care for a child. Consequently systems of protection for children favour systems of care in a non-institutional environment. However, it is important to mention that, as the Juvenile Act has not yet been amended, measures of separation of children from their parents are still an established practice in the courts, with changes pursuant to the introduction of amending provisions in the reform of criminal trial procedure.

89. The care provided through institutional systems in the field of protection covered by the National Service for Minors, which was described earlier in the section relating to paragraph 68 of document CRC/C/58, has in the past given rise to critical and important problems. Beginning in 2002 measures have been taken gradually to reduce the number of places in order to divert the resources to non-institutional and local systems of care for children and their families. The principal areas of progress achieved by SENAME in this domain are:

- Consolidation of the process of separation and specialization in systems of care for the area of protection of rights and that of juvenile rights and responsibility respectively.
- Development of the range of programmes open to children whose rights have been infringed.
- Reconversion of the range of available programmes.

90. SENAME has some 15,000 places in residential institutions for children between ages 0 and 18. These places are in homes, the majority of which are of medium or small size (less than 60 children). The treatment given in these establishments seeks to maintain a family environment with close and protective carer figures. In the technical guidelines for establishments of this type priority is assigned to work with the family (nuclear or extended) with the aim of preserving bonds of high quality between the children and their parents or legal guardians. The work, which is carried out by professionals, is based on the principle that institutional care must be transitory and as short as possible.

91. The institutions administering centres for simple protection have been instructed that the admission of a child must be effected by court order as a measure of protection and on the understanding that separation from the parents is a restriction of rights required for the protection of other rights essential to the child.

92. As regards admissions on grounds of poverty, during 2002 only 219 children were admitted on grounds of socio-economic problems – fewer than in 2001 (253).

93. Efforts have been made to implement the available range of non-institutional types of care, which provides support for families in their protective role. In 1990, 62% of available places were institutional; today 62% of places are non-institutional. In the document of concluding observations on the second report the Committee expressed the view that “at present SENAME is still in charge of both children in need of care and protection as well as those in conflict with the law, and that social services need to be more decentralized. Further, it notes that a bill for the establishment of family courts has been before Congress since 1997.” In this context the following points should be made:

- The Subsidies Act, No. 20,032, contains new strategies and systems of care. This is the case with the Offices for the Protection of the Rights of the Child (OPDs), whose task it is to facilitate genuine access by children in situations where their rights are infringed or seriously threatened to the programmes, services and remedies available in the community, thus avoiding institutional care.
- The Subsidies Act also regulates institutional care, dividing the centres into two specialized types – residences and reception hostels. Residences are to provide care of a stable type for children deprived of their family environment by court order. Reception hostels are to provide care for children temporarily deprived of their family environment pending a final decision. The latter deal with the current “spontaneous demand” (applications for admission to an institutional centre without a court order). Finally, the proposed subsidies project creates a number of new programmes relating to the protection of rights and promotes the creation of non-institutional diagnosis systems.

**Periodic reports (CRC/C/58): paragraph 81**

94. Adolescents who have been deprived of their family environments because they have been subjected to a measure involving deprivation of liberty are guaranteed inclusion in school support programmes to avoid a break in the continuity of their studies. In 2003 an agreement was drawn up between SENAME and the Ministry of Education to enable these children to join the Chile Calificada programme at the primary education level, which is designed for adolescents who have been victims of infringements of their rights and have committed offences against criminal law.

**Periodic reports (CRC/C/58): paragraph 82**

95. Notwithstanding the progress reported, there are still difficulties regarding children temporarily admitted into a centre (for example: a residential CTD), irregularity of access to formal education during their stay on account of the transitory nature of the measure, which is of a duration not exceeding 3 or 4 months, a period designed to enable the court to collect the necessary information and determine the most appropriate measure.

**H. Adoption (article 21)**

**Periodic reports (CRC/C/58): paragraph 83**

96. In October 2003 Act No. 19,910 introduced important changes in the legislation on adoption in force in Chile and brought the regulations on adoption into harmony with the best interests of the child. This Act seeks to solve the problems raised by Act No. 19,620 of 1999. Its principal provisions expedite the procedure for the declaration of adoptability, determine the time-limits for that procedure and simplify the system of notifications. The Act also empowers the courts to assign custody of the child during the proceedings; that power will become effective only once the decision declaring the child adoptable has become executory. It establishes that intercountry adoptions may only be sponsored by SENAME or an accredited body. It reduces the time-limits relating to the grounds for abandonment and introduces a presumption of intent to leave the child for adoption in the event of abandonment on the public highway, in an isolated spot or on hospital premises.

97. With Act No. 19,620 of 1999 the National Service for Minors gained the status of an agency assisting the judiciary with regard to proceedings concerning declarations of adoptability and adoption itself. SENAME plays an important role in the control and supervision of the proceedings; this ultimately averts or prevents abuses arising from trafficking in children. Private institutions must be accredited and supervised by SENAME.

98. The National Service for Minors has created a space known as “Búsqueda de Raíces” (Search for roots). Many young people or adults undertake searches of this kind to discover their origins. Such searches now have a legal basis in the regulations accompanying the Adoption Act, presume the existence of professionals specializing in this field who can advise, accompany and restrain the adopted person in due form so that he or she may ultimately benefit from the discovery without suffering any harm thereby.

99. The regulations accompanying the Adoption Act govern the interventions of the National Service for Minors in the adoption process, the registers in which the contents of the adoption programmes must be kept; and the accreditation of private bodies intervening in national and intercountry adoption programmes. The regulations thus implement the provisions of articles 9-

12 of the Hague Convention concerning the participation of central authorities in the process of intercountry adoption and the work of accredited bodies.

100. The principles underlying the new adoption regime in Chile are: the best interests of the child; the subsidiarity of adoption vis-à-vis the biological family or priority of the family of origin over adoption; and subsidiarity of intercountry vis-à-vis national adoption.

*Principle of respect of the right of opinion of the child:* the law expressly lays down the need to ascertain the views, or even to obtain the consent, of the child in the adoption proceedings; the age of puberty is deemed to be sufficient for acceptance or refusal of the adoption. The consent of the child is required at two stages: first, for the declaration of adoptability; and second, for the actual establishment of the adoption. Even so, the court has the power to act, even against the wishes of the child, if it is seen that there exist good grounds to consider that adoption will better safeguard the best interests of the child.

*Principle of preference for a family constituted within marriage:* Adoption by de facto couples is not permitted. Adoption by single or widowed persons is allowed, but only provided that the applicant is resident in Chile and that there are no married couples interested in and suitable to undertake the adoption. With regard to intercountry adoption the law requires that applicants to adopt must be united by marriage.

*Principle of relative confidentiality:* the law requires that all proceedings (both judicial and administrative), and the storage of all the documents to which the adoption gives rise, be confidential and lays down sanctions for any person revealing these items or permitting others to reveal them. However, this confidentiality is not absolute; certain limitations are admitted. The prospective adoptive parents may decide to refuse confidentiality; in addition, the issue of certificates during the proceedings for purposes of establishment of rights or to take measures benefiting the child is permitted.

*Principle of the right to an identity:* the right to identity is affected by an adoptive identity which supersedes and excludes the previous identity. To respect the right of identity in adoption it is sought to enable adopted persons to know themselves by means of the reconstruction of their personal histories and their origins. The possibility is kept in mind that adopted persons have the right to locate and contact their biological parents. To that end the Adoption Act provides that “Any interested person of full age and legal capacity possessing evidence permitting that person to assume that he or she was adopted may make personal application to the Civil Registry and Identification Service for information on whether his or her filiation had such an origin”.

*Principle of prevention of trafficking in children:* under Act No. 19,620 any persons who by abuse of trust, deceitful stratagems, simulation, wrongful statement of identity or civil status or other similar condition obtains the transfer of a child for themselves, for a third party or for removal from the country, are liable to both imprisonment and a fine. The same punishment is applicable to persons who solicit or agree to receive any form of consideration for facilitating the making available of a person for adoption. The act also provides that the stated penalties shall be increased if the illicit act is committed by a person in authority, a public employee, an attorney-at-law, a physician, a matron, a nurse, a social worker or the person who on any basis has the custody of the minor if that person performs the act in question by making wrongful use of his or her office, post or profession.

During 2002 SENAME promoted the adoption of children over age 4. The campaign yielded satisfactory results, since until recently in the majority of cases the only hope of finding a family for these children was for them to leave the country and find opportunities for full development abroad.

**Periodic reports (CRC/C/58): paragraph 84**

101. The legislation in force envisages the right of a person requiring an adoptive family to find that family preferably in his or her country of origin.

**I. Periodic review of placement (article 25)**

**Periodic reports (CRC/C/58): paragraph 86**

102. The residential projects of the National Service for Minors are required to monitor the full exercise of the rights of children. Measures are taken to stop the infringements of rights of which children have been victims and to provide reparation. Where appropriate, efforts are made to reintegrate the minor into a family with the shortest possible delay. For each child an intervention plan must be established covering education, recreation, health, participation, etc., together with technical interventions for reparation in respect of rights infringed, including intervention by the family.

103. SENAME must promote conditions making for the development of bonds of affection with the child's family, facilitating all circumstances permitting the development of this greater closeness – contact through periodical visits, vacations, special holidays, etc. – and where possible permitting a maximum frequency of contacts.<sup>5</sup> Communication in writing or by telephone with the family or significant figures, and the gradual involvement of the family in activities conducive to the takeover of responsibility for the development of the child, are to be facilitated.

104. Throughout the intervention process account must be taken of requests from the children, according to their levels of development, regarding their concerns over measures affecting them or decisions relating to their situation in life.

105. The law provides that the directors of residential institutions must report to the court which ordered the admission of the child, at least once every six months, on the progress made in the detention. The quality of the care and the level of living of the children concerned is safeguarded by the process of inspection, which is carried out by SENAME. In situations affecting the safety and well-being of the children immediate measures must be taken for their safeguarding and protection, the juvenile court must be informed and a complaint against those responsible for any acts of maltreatment constituting offences must be lodged with the criminal courts.

106. For adolescents placed in establishments where they are deprived of liberty administrative measures have been introduced to ensure their care and protection and the treatment of their physical and psychological condition by means of periodic inspections of the particular circumstances of their detention and of any treatment they may be undergoing.

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<sup>5</sup> Unless it has been decided on technical grounds, and approved by the courts, that the child cannot have contacts with his or her family.

**Periodic reports (CRC/C/58): paragraph 87**

107. The juvenile courts have competence to order the placement of a child in a residential institution of SENAME as a measure of protection.

108. The placement of children in establishments where they are deprived of liberty is decided upon by the competent courts. Where deprivation of liberty is inappropriate because the child is not charged with an act constituting an offence or because he or she is under age 14, the legal services submit an appeal in *amparo* calling for the child to be restored to his or her family environment.

**J. Abuse and neglect, including physical and psychological recovery and social reintegration**

**Periodic reports (CRC/C/58): paragraph 88**

109. During the 1990s, as described in detail in the second report, considerable progress was made with the legal and administrative measures implemented by the State of Chile to protect and salvage children who are victims of maltreatment, neglect and sexual abuse. Further progress has been made in recent years. In the area of crimes and offences affecting the sexual freedom and integrity of children, seven specific types of crime and offence have been defined; these are rape, incest, debauchery, sodomy, sexual abuse, child pornography and the use of children for purposes of prostitution (under the last-mentioned heading a distinction is made between proxenetism and punishment of the user of child prostitution). The majority of the punishments laid down are applicable where the victim is a minor. The punishments are increased where the offender is a person with links to the victim; the fact of being in a direct or habitual relationship with minors suffices.

110. As regards maltreatment constituting an offence (including acts of child sexual abuse), under the new Code of Criminal Procedure (CPP) any person may report a fact which has the characteristics of an offence. Thus children may make such reports to the Office of the Public Prosecutor, the police or a court with competence in criminal matters. Without prejudice to the foregoing, the Office of the Public Prosecutor may at any time and on its own initiative begin proceedings in respect of offences giving rise to a right of public action when committed against children. The same applies to sexual offences.

111. In cases of acts of intra-family violence, reports of offences may be formulated or deduced by the victim, ascendants, descendants, guardians, tutors, trustees or any other person with direct knowledge of the facts which form the subject of the report or application. In such proceedings individuals may act and appear in person and without requirement of counsel unless the court expressly orders the latter.

112. Intra-family violence resulting in minor injuries, threats with the use of firearms, psychological maltreatment and maltreatment by omission are matters for the civil courts. The latter may, from the start of the proceedings, order precautionary measures designed to guarantee the physical or psychological safety of the victim, peaceful coexistence, financial subsistence and the integrity of the assets of the family group. For purposes of enforcement and implementation of these measures the court may require the assistance of the police; such assistance will be essentially provisional, since it may not exceed 60 working days in duration but may on serious and urgent grounds be extended to a total of 180 days. The sanctions envisaged consist of: (a)

compulsory participation in specified therapeutic or family guidance programmes over a period not exceeding six months; (b) a fine to be paid to the municipality; (c) imprisonment at any degree of severity for a period not exceeding 60 days.

113. The Code of Criminal Procedure lays down the right of all victims to apply for measures for their protection against possible harassment, threats or violence against themselves or their families. The Office of the Public Prosecutor may take or apply for measures for the protection of victims or their families as follows: (a) the adoption, without court intervention, of any measure for the protection of victims and their families which do not entail any deprivation or restriction of the rights of the person charged; or (b) request the court to order a personal precautionary measure directed to the protection of the victim. If the danger is caused by a member of the child's family or by guardians, the public prosecutor may immediately order the Carabineros de Chile (the uniformed police) to take the child to the home of blood relations or other persons with whom the child has a relationship of trust, or to a transit and distribution centre, and to inform the juvenile judge accordingly. In such cases the agreement of the child is not required.

114. Where a less serious offence, committed by parents or guardians, and prejudicing the rights of children or adolescents, is involved, and always provided that the children are in a protected environment, the public prosecutor may request the juvenile judge to order the participation of children and their parents in support, reparation or guidance programmes or measures designed to face and overcome the crisis which has arisen. The prosecutor may also request the juvenile judge to order that blood relations or other persons with whom the child has a relationship of trust should provisionally take custody of the child, provided that they have not contributed to the commission of the offence.

115. In the cases of offences committed by parents or guardians endangering the life, the physical or the psychological integrity or the sexual integrity of a child, and in the absence of blood relations of the child or other persons with whom the child has a relationship of trust, the prosecutor may request the juvenile judge to order that the child be placed in a protection establishment, such placement only to be applicable in situations where serious breaches of other rights of the child have occurred and when no other effective measure exists for the prevention of further breaches.

116. In cases of rape, debauchery, sodomy, sexual abuse, the promotion of prostitution or trafficking in persons committed to the prejudice of a child the prosecutor may immediately on the formal opening of the investigation request special measures for the protection of the victim, including: (a) placing of the person charged under the supervision of a specified person or institution, which will report periodically to the court; (b) a prohibition on visiting the home, the workplace or the educational establishment of the victim; (c) a prohibition on approaching the victim or the victim's family and, if appropriate, an order to quit the home that person shares with the victim.

117. In 1999 the National Committee for the Prevention of Maltreatment of Children, constituted in 1995, drew up the "National Plan for the Prevention of Maltreatment of Children in Chile" covering the period 2000-2006. The Plan has been pursued through the performance of sectoral tasks relating to the prevention of maltreatment of children (including child sexual abuse) and care of the victims. Between 1999 and 2003 training and skills development programmes on the subject were drawn up. In addition, the regional committees for the prevention of maltreatment of children are developing year-round educational activities of a preventive nature and training in

the rights of children. The following is a description of some of the educational and preventive measures taken:

- (a) During 2001 the INTEGRA foundation drew up an “Institutional Plan for the Proper Treatment of Children”. In addition, jointly with the Family Foundation, it organizes “Helping them to Grow Up” workshops for parental education workers. During 2003, in cooperation with UNICEF, the “Te suena familiar” project was implemented in 50 nursery schools. In all the establishments of this type workshops for the strengthening of parental skills were organized. A project was also developed with SENAME and the INTEGRA foundation of all the regional teams of INTEGRA and 70% of nursery school teams in 13 regions in the country, involving in all 40,000 children; it was operational during the period October 2003-December 2004.
- (b) Since 2001 the National Nursery Schools Board (JUNJI) has been implementing the programme known as “Grow up and develop in the path of day-to-day affection”, a strategy of comprehensive protection from maltreatment of children and intra-family violence, which is being conducted in cooperation with the National Service for Women. In the year 2000 the project was operational in 51 nursery schools; in 2001, 106; and in 2002, 187. The target for 2003-04 has been the introduction of the project into the work plans of all the nursery schools operated by JUNJI throughout the country and the promotion of its development within cross-cutting themes and in accordance with regional programmes.
- (c) The Ministry of Education has developed a programme entitled “Design, Implementation and Evaluation of a Programme of Education for Non-Violence”, which is being implemented in the school system by a university body; it is financed by the Scientific and Technological Development Fund. In addition, in 2003 it implemented a pilot plane entitled “Towards Responsible Sexuality” which is coordinated by the Ministry of Health and Education and SERNAM; the Ministry of Health has proposed that the theme of prevention of child sexual abuse should be incorporated in it.
- (d) The criminal investigation police force is taking measures to disseminate the theme of prevention of child sexual abuse within the community. These include educational campaigns, the distribution in pre-primary and primary cycles of posters concerning the prevention of child sexual abuse, the broadcasting of messages concerning trafficking and pornography on the Internet and coordination with municipal prosecutors’ offices (drugs, sexual offences).
- (e) During 2003 the Ministry of Justice completed evaluation and follow-up on the Plan, and sectoral targets for the field were set. During the same year the Ministry, working jointly with the Family Foundation, produced a “Manual of technical guidelines for the prevention and care of maltreatment of children and sexual abuse in the school system” written for teachers and designed to secure early detection of cases of sexual abuse in schools and referral to the appropriate judicial and protection bodies.
- (f) The Ministry of Justice and SENAME have established coordination arrangements with the Office of the Public Prosecutor within the framework of the new system of criminal procedure with a view to establishing certain criteria for action by public prosecutors to avoid the secondary victimization of children who have been victims

of offences. During 2003 a set of instructions concerning action by prosecutors to deal with the situations of child victims of offences within the reform of criminal procedure was published. In addition, in 2001 the National Service for Women (SERNAME) launched a manual for the implementation of the Act concerning Intra-family Violence designed specifically for judges and officials of the judiciary.

118. The Committee drew up a “National Handbook of Technical Guidelines for Prevention and Care in Cases of Maltreatment and Sexual Abuse of Children” for use by health and education personnel and SERNAME staff members. It is also updating a compendium of institutions at national and regional levels treating cases of child sexual abuse.

119. Between 1997 and 2003 the National Committee for the Prevention of Maltreatment of Children coordinated and conducted five nationwide and regional campaigns entitled “For decent treatment of children”. The purpose of these campaigns was to develop awareness and knowledge of the rights of the child and the prevention of maltreatment of children. The specific contents of the campaigns were as follows:

*First campaign.* “Count up to ten before maltreating a child” – a campaign designed to bring the subject of maltreatment of children before public opinion.

*Second campaign.* “What matters is not size, but respect. Let us measure our actions”- The message of this campaign, held in 1998, was to prevent the use of violence as a method of upbringing and a means of settling disputes.

*Third campaign.* “I am a boy; can you see me? I am a girl; are you listening to me?” This campaign took place in 1999; its aim was to promote the right of children to participate in family and social affairs. Primary emphasis was laid on emotional or psychological maltreatment.

*Fourth campaign.* “There are gestures that hurt ... and gestures that stimulate”. This campaign took place in 2000; its aim was to bring down the high levels of maltreatment – principally psychological maltreatment – prevalent in Chile.

*Fifth campaign.* “To prevent child sexual abuse Your presence matters ... Listen to children, look at them, take them seriously”. The core concern of this campaign, which took place in 2003, was the prevention of child sexual abuse. The specific aims were to introduce the subject of child sexual abuse into national discussion and dialogue in an educational and prevention perspective (“Decent Treatment”). Faced with situations of child sexual abuse and the importance of reacting positively, listening to children and believing them in such situations, and to encourage responsible reporting of offences (promoting the use of the telephone complaints line 800 730 800).

120. As part of ILO-IPEC/SERNAME cooperation on the worst forms of child labour, in 2000 a university body carried out a nationwide study of the magnitude of commercial sexual exploitation. As of April 2004, a system for registering the worst forms of child labour was installed in five regions of the country; the work was directed by SERNAME under an agreement among ILO-IPEC, the Ministry of Labour and SERNAME. The list was accompanied by a qualitative study on children who find themselves in such situations.

**Periodic reports (CRC/C/58): paragraph 89**

121. Since 2001, the Ministry of Health has had a regulatory framework to ensure coverage and quality of health care relating to child maltreatment and sexual abuse. Some of this framework's guidelines are contained in documents on: "Programme guidelines, human rights, health and violence", "Technical and programme guidelines on child abuse", "Guide for the emergency services on detection of and response to physical violence and sexual abuse" and "Health relationships in the pre-school environment".

122. The forensic medical services receive referrals for expert appraisals (sexological and psychiatric) from the emergency services and have received instructions and technical guidelines for their handling.

123. The psychiatric clinics of the public health system conduct detection, diagnostic, treatment and referral activities for tracking cases of child violence and sexual abuse, on the basis of local standards and those of the mental-health unit of the Ministry of Health (MINSAL).

124. The same activities described in the preceding paragraph are carried out at the Centre for Victims of Sexual Abuse (CAVAS), a branch of the Investigations Police and PRE-VIF (funded by SENAME), with its own technical guidelines. One of the problems detected in this area is that the various agencies' diagnostic standards and categorizations differ and ultimately not comparable. Also, SENAME finances, advises and monitors 33 projects specializing in reparation of serious physical maltreatment or sexual abuse, with a coverage of 1,900 children spread out through all the regions of the country. This aspect is developed in the reply in the section of this report relating to paragraph 90 of document CRC/C/58.

125. In 2004, MINSAL considered including in the "Towards responsible sexuality" programme a component for treatment of sexual abuse at emergency and primary emergency health posts (SAPUs). In many cases, emergency care could help in detection even if the reason for the consultation is not directly linked to ill-treatment or abuse.

126. SENAME has restructured its traditional and assistance-based prevention services and, in the context of this reform, has coordinated a set of highly specialized services relating to reparation in cases of serious ill-treatment. This has been supplemented with a strategy designed to prevent acts or behaviour that constitute rights violations, to be applied in ambulatory form. Under a new prevention modality, Community Centres for the Rights of Children and Adolescents (CIJs) have been set up, *inter alia*, to promote and generate a culture of protection of children's rights and to restore responsibility for care, provision of affection and protection within the family and in the community environment (in 2003 there were 120 CIJs). The programmes are based on participatory community diagnoses in which families are encouraged, sensitized, informed and trained for their responsibility and guardianship role. Practices of decent treatment are formed and strengthened; training in the non-violent settlement of disputes is provided; associative relationships and group and community management are promoted in order to facilitate protective environments and involve other community-grassroots actors, such as schools, health advisory clinics and neighbourhood councils, in this task.

127. In parallel with the CIJs, two other modalities of prevention programmes within the family were implemented on a pilot basis from 2002 to June 2003. They took the form of projects for family strengthening for prevention, and also a project on daily care within the family. Their purpose is to strengthen families' skills for their role of protection and care and to contribute to

decent treatment and avoid recourse to institutionalization and the uprooting of the family and community.

128. In cases of child ill-treatment and sexual abuse, the Offices for the Protection of Rights (OPDs) take the initial protection measures and take steps to secure proper attention for the child and his or her family in a specialized reparation body.

129. Although there are technical standards for addressing and preventing child ill-treatment and sexual abuse in the health area, and although doctors in the emergency services have been trained to detect sexual abuse, there are no homogeneous standards for dealing with such cases; there are also infrastructural obstacles to detection and diagnosis.

130. The Government has made a special effort to inform the population of the complaint mechanisms for ill-treatment and abuse and has supplied citizens with various tools on the relevant procedures.

#### *Complaint mechanism*

- (a) As early as 1995 the Ministry of Justice, in conjunction with the Chilean uniformed police (*carabineros*), the detective force, the regional governments and the Chilean Telecommunications Company (currently *Telefónica*) set up a hotline with the number 800 220 040 to inform the public of the laws on domestic violence and child ill-treatment, receive complaints of domestic violence and child ill-treatment and refer them to the bodies and institutions that comprise its support network. In 2001, the programme was implemented in Regions V, VI, VII, VIII, IX, XI and the Metropolitan region.
- (b) For its part, in 2001 the INTEGRA foundation established Fono-Infancia (Child Phones) for consultation on topics of child-rearing, including ill-treatment and sexual abuse.
- (c) In 2002 SENAME and the Legal Assistance Corporation set up a centre for child victims of maltreatment and sexual abuse, which also uses telephone line (800 730 800) to take calls concerning abandonment, sexual abuse and commercial sexual exploitation of children.
- (d) In 2004 the telephone line 147 was set up by the Chilean uniformed police to take calls directly from children in cases of violation of their rights.
- (e) In the area of education, there is the MINEDUC 600 programme, an initiative that has emerged as a practical response to the concerns and problems of the members of the school system. It is an information, promotion and assistance service designed to support school communities in the prevention and settlement of problems relating to the basic conditions of coexistence and school life. It may be accessed by telephone on the number 600 600 2626, at the MINEDUC 600 offices set up in all the provincial departments of education in the country, or on the [www.mineduc.cl](http://www.mineduc.cl) website. This programme provides information and consultations, receives suggestions and comments, handles educational formalities and document delivery, and sorts out problems raised by non-enrolment, arbitrary discrimination, unwarranted payments and school violence.

131. The National Committee for the Prevention of Maltreatment of Children has promoted a child maltreatment training strategy, at the same time encouraging the incorporation of its guidelines in each of the State sectors, institutions and communication media, both for early detection and referral and for prevention. The following are some of the most significant activities carried out by the various State sectors:

- (a) The Ministry of Health supplied information and sensitized its staff and users to the problem of maltreatment and abuse of children, in the framework of respect for the rights of individuals, especially women and children. In 2001, training activities for detection and treatment, and also coordination of networks for prevention of and attention to violence and maltreatment, with the participation of primary-level health-care teams and secondary-level mental-health clinics, were developed in all regions of the country.
- (b) The National School Support and Scholarships Board (JUNAEB) disseminated a manual on prevention of child abuse in the pre-school environment, provided technical guidance to the Skills for Life programme teams for referral of child maltreatment cases to the local network, and supported programmes for the promotion of schools with a healthy attitude to the problem.
- (c) Activities have been carried out at the regional level, especially in connection with the National Plan for the Prevention of Maltreatment of Children in Chile, 2000-2006, formulated in 1999. The regional committees for the prevention of maltreatment of children, coordinated by the regional ministries of justice, have developed educational activities for prevention and training in children's rights throughout the year, some of them under agreements with universities.
- (d) SENAME has devised courses in detection, classification and intervention in serious ill-treatment and sexual abuse for professionals working on the various projects run by the Service, such as: OPDs, CIJs, Diagnosis and specialized projects. These topics were also worked on with hands-on educators of the CTD residences administered directly by the Service.

See also the section in this reply concerning paragraph 34 of document CRC/C/58.

**Periodic reports (CRC/C/58): paragraph 90**

132. The National Service for Minors, as a State body, has assumed responsibility for fulfilling the commitment to protect the rights of maltreated or sexually abused children; promote their physical and psychological recovery; adopt all measures necessary for protecting children from any form of violence, physical or mental harm, carelessness or negligence, maltreatment or exploitation, including sexual abuse, while children are in the custody of their parents or a guardian or other person in charge of them. This commitment is carried out through a supply of remedial projects, both non-residential and residential, whereby the various types of rights violations can be addressed. Projects relating to serious maltreatment and sexual abuse provide psychological, social and legal attention. Coverage includes non-residential care with interventions for both children in the charge of their protectors and those under a simple protection measure.

133. Cases of serious maltreatment are far greater in number than the resources available for treating them, despite efforts to focus resources on this area. Remedial centres have waiting lists of children in need of care (which was one reason for the decision to increase the care coverage of those projects by 10 per cent), and strenuous attempts have been made to expand care provision. This has meant increasing resources by almost 300 per cent since 2001; this has been achieved through the restructuring of other programmes that are no longer of a priority nature..

134. SENAME, in conjunction with ILO-IPEC, conducted a study of violations involving child sexual exploitation and trafficking in children. One finding was that there were an estimated 3,719 sexually exploited children in the country. In 2003, SENAME funded a specialized project on the subject, covering 60 children in the Metropolitan region. In addition, an ILO-funded project for 60 children was developed in Ciudad de Concepción.

135. Given the serious consequences that being a victim of sexual exploitation have for children, the President of the Republic announced a US\$ 842,034 budget increase for SENAME, specifically for the care of child victims of commercial sexual exploitation. That money has permitted a 283 per cent increase in care coverage. SENAME invited civil society institutions to participate in a selection process; in March 2004 these launched a new project benefiting 280 children in regions where the problem was most rife (Regions I, II, V, X and the Metropolitan region). The new projects envisage provision of specialized residential care for 30 per cent of the children they assist, and support children under 18 years of age who are victims of any form of commercial sexual exploitation.

136. SENAME activities provide specialized attention to at least 400 children, or 10.8 per cent of the estimated national total. The remedial care projects for child victims of commercial sexual exploitation are proposals implemented by SENAME, using interdisciplinary teams. They work with social and institutional networks that provide operational support to the protection process. Since commercial sexual exploitation of minors is a crime, there is provision for legal intervention, both in terms of rights protection and of criminal prosecution.

137. In the legal sphere, SENAME provides legal representation for child victims of serious maltreatment and sexual abuse through criminal proceedings, using expert lawyers in all regions of the country, who have been involved in 1,800 criminal prosecutions.

138. Regarding child abuse, the forensic medical service, at the request of the courts, conducts medical evaluations of children injured as a result of maltreatment, as well as examinations for sexual offences, case-history register, outreach and teaching. This service currently has a specialized unit and a new set of evaluation regulations on child abuse for forensic medical tasks, according to a protocol for internal use and international standards. The unit on child abuse and child and adolescent psychiatry, created in 2000, has increased its human, material and infrastructure resources over the past year. Since 2003 the unit has had a new infrastructure consisting of three offices built to conduct evaluations of child victims of sexual offences with a video-recording system. The video tape may be produced as evidence in court cases, making it possible to reduce the number of children's witness appearances and so protect them from further victimization.

139. The Ministry of Justice is implementing two projects designed to provide legal assistance, legal representation and psychological treatment for child victims of offences. They are the Regional Centre for the Rights of the Child and the regional centres for comprehensive care of victims of violent crimes. There are currently 18 such centres in all regions of the country, plus

5 municipal centres located in the Metropolitan region. These centres also perform community-work and rights-dissemination activities. The corporations also furnish free legal assistance, sponsorship and legal representation in various fields (civil, juveniles, criminal, labour); legal information and guidance; services for dispute settlement through mediation, dissemination of rights, and community work.

140. The following are among the activities implemented by the Ministry of Health in the area of reparation for ill-treatment of children:

- Between 1997 and 2000 this Ministry determined that child ill-treatment and sexual abuse was a programme priority. Since 1999 it has been developing the “National Mental Health and Psychiatry Plan”, one of whose programme priorities is mental-health problems associated with physical, psychological and sexual violence, as well as child neglect and abandonment.
- Between 1994 and 2001, its activities were geared to developing, in the national health services, the capacity for prevention, early detection and treatment of child maltreatment and sexual abuse. It also assumed new responsibilities assigned to the sector by the legislation on domestic violence and child maltreatment promulgated in 1994 and the 1999 Sexual Offences Act. There is a regulatory framework that ensures coverage and quality of activities health measures relating to maltreatment and sexual abuse of children. In addition, measures have been defined for prevention of and attention to physical maltreatment and sexual abuse by the family mental-health centres (COSAMs) and for its prevention and detection in the women’s and children’s health programmes. Between 1997 and 2000, expansion of the activities of detection and primary care regarding maltreatment was financed through the health campaign in the health services which make this issue a priority.
- Health measures have been developed in public hospitals which have made this problem a priority. Examples are the PRE-VIF treatment and referral centre and the Luis Calvo McKenna, Exequiel González Cortés, Félix Bulnes and Roberto del Río Hospitals. The doctors in the emergency departments of most of these hospitals have been trained in detection of sexual abuse.

#### **Periodic reports (CRC/C58): paragraph 91**

141. The main difficulty lies in the limited number of special projects on treatment and rehabilitation for child victims of commercial sexual exploitation.

## **VI. BASIC HEALTH AND WELFARE** **(articles 6, 18 (paragraph 3), 23, 24, 26 and 18 (paras. 1-3))**

### **A. Disabled children**

#### **Periodic reports (CRC/C/58): paragraph 92**

142. The measures taken by the State of Chile on behalf of disabled children and the policies for addressing disability were extensively set out in the second periodic report. Historically, child health policies have assigned priority to activities for the prevention of disability, with emphasis

on activities connected with perinatal health and the comprehensive development of the child. The actions are carried out essentially through the basic programme activities: monitoring of healthy children; prenatal monitoring; expanded immunization programme; early screening for congenital hypothyroidism and phenylketonuria; accident prevention and control; early stimulation and evaluation of psychomotor development; long-term tracking of very premature babies; and implementation of high-impact public health measures, such as fortifying flour with folic acid, which has made it possible to reduce the incidence of serious problems such as neural tube defect.

143. In the area of rehabilitation, the most outstanding programmes are those being implemented in the mental rehabilitation units, and those that have been incorporated into basic health programmes, and RBC (community-based rehabilitation) strategy. The existing programmes for children are the following:

- Improvement of physical medicine and rehabilitation services.
- Agreement with the Society for Assistance to Injured Children (children up to 18 years of age).
- Programme of rehabilitation and social reintegration for psychological reasons.
- Fund for agreements with protected residences.
- Community mental-health centres.

144. In order to integrate children into sporting activities development, the National Sports Institute, under the Sports Act, funds sports projects in its various categories, which are accessible by public competition through institutions involved with the country's disabled child population. Projects have been approved for financing sports championships for persons with disabilities and regional para-Olympic games, sports training and high-performance sports.

145. Also, since 2001 the National Disability Fund (FONADIS) has been implementing a grants programme for technical support for students with educational disabilities in private and public schools. This support takes the following forms: specialized and high-technology technical assistance for education; equipment of special classrooms with software, hardware, aids for poor vision and so on; professionals specializing in educational integration to assist regular teachers; upgrading of infrastructure as needed; and transport for children with severely limited mobility. In this same connection, FONADIS, through public television, implements a distance training programme in educational integration of students with disabilities for regular classroom teachers.

146. In addition, the National Service for Minors has 23 projects under residential programmes for children aged 6-18 with slight and moderate intellectual disabilities. There are also ten projects for children with severe and profound disabilities. These projects come under the SENAME supervision and guidance system, whose purpose is to guarantee the welfare of the children treated, their reintegration into family life, and the exercise of all the rights to which they are entitled. There are also non-residential services for children with such problems, with seven projects currently catering to a total of 304 children.

## **B. Health and health services (article 24)**

### **Periodic reports (CRC/C/58): paragraph 93**

147. Given the concerns of the Committee on the Rights of the Child regarding the huge disparities in the mortality rates among infants and breastfed babies, especially indigenous children, those living in rural areas, those from low socio-economic backgrounds and those with poorly educated mothers, it should be said that an extensive health reform is under way in Chile. The Government is committed to making the right to health a reality through the Universal Access to Health Care with explicit guarantees health-care plan (AUGE). The resources the country devotes to health care are limited and scarce. What is needed, therefore, is for the country to concentrate those resources on ensuring adequate treatment of the diseases that cause the most suffering, damage and preventable deaths. To that end, the fundamental thrust is established in the national health objectives. The AUGE system is an instrument for promoting equity and attaining objectives of health and social well-being for all Chileans.

148. The AUGE system includes guaranteed services for the following diseases that affect children's health: child cancer, operable congenital cardiopathy, bronchitis, asthma, pneumonia in children under five years of age; malformation of the spinal cord; dental care for six-year-olds; children born with harelips and/or cleft palates; prevention and treatment of premature births; care of premature babies; cardiac arrhythmia in children over 15; terminal chronic renal deficiency; type-1 diabetes; epilepsy in children under 15; scoliosis requiring surgery in persons under 25; cancer of the ganglia in persons over 15; testicular cancer in persons over 15; and treatment of children born of mothers with AIDS.

149. The AUGE system establishes guarantees as the beneficiaries' exigible rights in the following areas:

- *Access.* Refers to the right to receive services in the form and conditions laid down by the health authority.
- *Timeliness.* Refers to the maximum time for delivery of services. In operational terms, time guarantees are determined for the diagnostic confirmation and/or treatment where a diagnosis already exists.
- *Quality.* Involves receiving services that are sufficiently complex and possessing the appropriate technical attributes for obtaining the expected results, including complete satisfaction of the consumer.
- *Financial protection.* Considerations of payment do not limit access to services, nor do they pose any risk that the worker or his or her family should become poor or remain in poverty through their defrayal of health costs.

### **Periodic reports (CRC/C/58): paragraph 94**

150. The purpose of the child health programme activities is to improve the quality of life of Chilean children. In this context, the main areas of development in child health are: neonatal care, a wide-scale programme for detecting phenylketonuria and congenital hypothyroidism, congenital abnormalities, children's psychosocial development, programme for the control of acute respiratory infections (ARI), child nutrition, cancer, child and juvenile mental health,

programme for comprehensive treatment of haemophiliacs, trauma and accidents, oral health, reproductive health and HIV/AIDS in children.

**Periodic reports (CRC/C/58): paragraph 95**

151. Infant mortality has been on a steady downward trend, falling to a rate of 8.3 per thousand live births in 2001. Neonatal mortality (age 0-28 days) accounts for some 60 per cent of deaths of infants under one year of age, the current rate being five per thousand live births. Late infant mortality has shown a more pronounced decline than neonatal mortality, the 2001 rate being 3.4 per thousand, but still from many preventable causes such as acute respiratory infections and accidents. The national average obscures substantial regional differences, and more particularly, differences among municipalities, reflecting inequality and inequity in access to health care by the country's poorest sectors and indicating the need to focus on reducing the disparities in the care received by those sectors.

152. Efforts have focused on implementing strategies for tackling the main causes of deaths of infants under one year old: perinatal, congenital and acute respiratory infections. The Ministry of Health has implemented strategies for action in those areas which help improve the quality of survival of Chilean children. The factors of social and economic vulnerability that previously exposed children to the risk of death now expose them to the risk of impairment of physical, mental, social and emotional development in their early months and years of life. So emphasis has been placed on the promotion and monitoring of children's comprehensive development, with due detection and management of biomedical and sociocultural risk factors such as:

*Perinatal infections*, which constitute the most common causes of deaths of infants under one year of age, with a rate of 3.26 per 1,000 live births, representing 40 per cent of all deaths. The overall activities developed to tackle this situation were set out in the previous report and to them the following have been added:

- Development and use of polyclinics for monitoring premature babies throughout the country.
- Review and imminent publication of the national norms for care of newborns, with the participation of health services and universities.
- Free delivery of special milk for premature babies has been recently included, with resources from the national food supplement programme (PNAC).
- Priority has been given to action on risk groups: underweight women; pregnant women with health risks: infections, anaemia and others; women with a history of underweight children in previous pregnancies; and women with a background of smoking, alcohol use and use of pharmaceutical products.

*Congenital disorders* are responsible for 31 per cent of deaths of infants under one year of age and are the second most common cause of infant mortality with a rate of 2.6 per 1,000 live births. The strategies devised to address this problem issue are set out in detail in the second report. In addition, as of August 2002 diagnosis and surgery for congenital cardiopathies were incorporated into the AUGE system, bringing about an improvement in diagnosis and cure, as evidenced by the increased number of discharges as a result, despite

the drop in the number of births. The death rate has also fallen as a proportion of the number of discharges.

*Diseases of the respiratory tract* are the third most common cause of deaths of children aged under one year, with a rate of 0.75 per 1,000 live births, accounting for nine per cent of deaths in this age group. The most important specific cause is bronchopneumonia, responsible for 85 per cent of total deaths from diseases of the respiratory apparatus. The actions taken to address this situation are set out in the second report.

153. Regarding the general characteristics of the Expanded Immunization Programme for the Chilean population, reference is made to the detailed explanation in the second report. The vaccination requirement is applied to the entire population and has attained coverage levels of 90 per cent or more. The high rate of professional attendance at delivery (98 per cent or more) has a decisive influence on the immunization of newborn babies. The year 2002 saw the third follow-up campaign in Chile's commitment to eradicate measles as part of the 1992 Latin-American regional strategy. A total of 1,200,000 children aged 1-5 were vaccinated, a coverage of 99.4 per cent. This strategy has been instrumental in keeping the country measles-free for four consecutive years (2000-2003).

154. On the subject of infant malnutrition, the Government of Chile continues to pursue the goals and strategies described in the second report. The national food supplement programme (PNAC) is aimed at preventing and reducing nutritional deficit among children under 6 years of age, pregnant women and nursing mothers. The programme is described in detail in the second report. Regarding reduction of anaemia, the nutritional impact that PNAC has had by fortifying milk with iron, zinc, copper and vitamin C has reduced anaemia among breastfed babies from 30 per cent to 8 per cent in two years. This measure was incorporated in 1999 for the pregnant population. In 2003 PNAC incorporated three new products, two of them designed for breastfed infants, one for babies with a very low birth weight and the other for phenylketonurics. The third product is intended for children suffering or at risk from malnutrition and is a vitamin- and mineral-enriched soft food. Malnutrition figures have remained stable and very low in recent years, remaining at 0.5 per cent and 3.2 per cent of nutritional risk since 2000; in contrast, overweight stands at 16 per cent and obesity at 8 per cent among children under six years of age.

155. Regarding breastfeeding, there has been a significant increase in the proportion of mothers who breastfeed exclusively from 32.3 per cent in 1993 to 40 per cent in 2002). For the breastfeeding policy and the National Breastfeeding Commission, reference is made to the second report.

156. The rate of maternal mortality has continued to fall considerably, from 40 per 100,000 live births in 1990 to 11.1 in 2001. For the reasons for this drop, reference is made to the second report. In the past three years, the commonest specific cause of maternal deaths has been hypertension complications during pregnancy.

157. Professional attention at delivery had increased to 99.8 per cent in 2001, and the antenatal checks carried out under the women's health programme of the Ministry of Health has a coverage rate of 90 per cent of the pregnant population in the public health system; in 79 per cent of cases screening began in a timely manner (before the twentieth week of gestation). Postnatal check-ups and check-ups on newborn babies have achieved coverage of nearly 100 per cent. Assisted deliveries in the public health system numbered 180,463 in 2001, 30.7 per cent of them by Caesarean section. In 2002, the father or a relative was present at 30.6 per cent of births.

158. The background to the development of family planning in Chile may be found in the second report. The public health system monitors the family planning of some 25 per cent of the women of childbearing age it covers. In the period 1990-2000 the monitored population rose by 40 per cent, making a total of one million women. It is estimated that 60 per cent of the population of childbearing age (MEF) currently use some form of contraception, although they are not all monitored.

159. There have been changes in fertility patterns. The year 2001 witnessed the births of 259,069 children, making a gross birth rate of 16.8 live births per 1,000 inhabitants. These figures have dropped steadily in recent years, posting a 10 per cent reduction during the period 1997-2001. According to the 2002 national census, the overall fertility rate is 2.26 children per woman (2.12 in urban areas and 2.9 in rural areas). The breakdown of fertility by age alone has changed in recent years. Deliveries by women under 20 years of age have increased proportionally, attaining 16 per cent of all births registered in 2000. The concentration of class 1 and 2 births is 71 per cent and more younger women are giving birth (in 60 per cent of live births the mothers are aged 20-29.)

160. *Teen pregnancies*: the concern expressed by the Committee on the Rights of the Child regarding the high rates of early pregnancy and the lack of information, counselling and preventive programmes on reproductive health, including the inadequacy of access to contraceptives, especially in rural areas, point to a field which has been poorly developed owing mainly to the difficulty of introducing cultural changes in Chilean society. Adolescents may attend the Ministry of Health consultation facilities without any differentiation except in places where the comprehensive health programme for adolescents, established in 1995 and slow to get off the ground, is being implemented. At the same time, pressures from conservative political and religious quarters have limited inclusion of adolescent male and female sexuality in public policies. This situation is exemplified by the lack of exclusive sexual and reproductive health services for adolescents of both sexes, with information, education and access to family-planning services. Where guidance for and education of parents are concerned, a situation similar to that of adolescents exists, since it depends on each educational establishment's sex education policy. In 2001, as a continuation of the discussion sessions on emotional relations and sexuality (JOCAS)<sup>6</sup>, the same participating institutions – the Ministry of Education, the Ministry of Health, the National Service for Women and the National Youth Institute – formulated a governmental proposal entitled "Towards responsible sexuality". In parallel with that proposal, a pilot plan was initiated in eight municipalities in four regions of the country; the project is currently at the evaluation stage so that the experience gleaned may be transferred to the country's other municipalities.

### **Periodic reports (CRC/C/58): paragraph 96**

161. The Government of Chile, through CONASIDA,<sup>7</sup> promotes and facilitates processes aimed at ensuring that society works towards the prevention and reduction of the bio-social impact of HIV/AIDS and sexually transmitted diseases (STDs).

162. Work has been conducted on three levels:

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<sup>6</sup> On this topic reference is made to the observations concerning the same paragraph of document CRC/C/58 in the second report.

<sup>7</sup> The National AIDS Committee – the body responsible for preparation and executive coordination of the Prevention and Control of AIDS and Sexually Transmitted Diseases Programme.

- (a) *Individual level*: it provides personalized assistance for individual risk management and the supply of personalized information and guidance, through direct and telephone advisory services. Since 1998 Chile has had a National Advisory Services Network for the prevention of HIV/AIDS, consisting of CONASIDA, representing the country's health services, FONOSIDA, various NGOs and the Detection and Advisory Centre in Santiago.
- (b) *Community group level*: the aim is to socialize peer learning regarding prevention and risk management and promote social environments that foster prevention. This area includes projects involving the most high-risk population and intersectoral social projects.
- (c) *Overall level*: its main objective is to maintain the population's social alertness and risk perception. It includes social communication campaigns, events or activities geared to an anonymous and heterogeneous public, and work with mass communications and media.

163. The strategy of regional HIV/AIDS prevention plans is a cross-cutting action that embraces the three levels of work, promoting the development of grassroots projects with the participation of various governmental and non-governmental organizations involved in the prevention of HIV/AIDS.

164. These measures include:

- (a) *HIV/AIDS monitoring system in Chile*: this system is the central mechanism for evaluating and assessing the evolution of the epidemic; obtaining inputs for planning prevention and care; prioritizing and targeting of resources; and measuring the impact of programme implementation. The compulsory reporting of HIV/AIDS in Chile, established in 1985, is one of the components of the system that makes it possible to pinpoint the scale of the epidemic in Chile.
- (b) *Incidence of AIDS*: the first case of AIDS in Chile was reported in 1984; as of December 2001, reports had been received of 4,749 cases of sickness and 5,276<sup>8</sup> HIV + asymptomatic persons in the country's 13 regions. The deaths of 3,230 persons have been reported.
- (c) *The annual AIDS incidence rate*: shows an increase over the years up to 1998, when there was a 12.2 per cent decrease in relation to 1997, attributable to the impact of the bitherapy implemented in Chile from 1997. This effect would be temporary, and it is currently assumed that the impact of expanded access to tritherapy begun in 2001 would show a drop in the AIDS incidence curve as of 2003.
- (d) *The geographical distribution of AIDS cases* shows that while there are cases in all regions of the country they are concentrated in the Metropolitan region, with 57.9 per 100,000 inhabitants), Region V (Valparaíso) with 45.5, Region I (Tarapacá) with 38.4 and Region II (Antofagasta) with 29.8, with an annual cumulative rate of 34.8 per 1000,000 inhabitants.

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<sup>8</sup> The reference is to the number of asymptomatic persons reported living with HIV and does not reflect the actual situation of HIV infection.

- (e) *AIDS cases disaggregated by sex:* this shows that since the beginning of the epidemic the highest proportion of sufferers have been men, accounting for 89.1 per cent of AIDS cases, with women accounting for a mere 10.9 per cent. However, the relative growth of AIDS cases among women has been higher than among men in the past five years, all methods of transmission included.
- (f) *Breakdown by age:* diagnosis shows that the 20-49 age group is the worst affected, accounting for 84.6 per cent of cases. Persons under 20 account for 2.2 per cent and those over 50 for 13.2 per cent. The age pattern is arrived at through monitoring, over a period of time, of age at the time of the diagnosis. The results show that the HIV/AIDS infection diagnoses decline progressively among youths aged 15-24. In young adults aged 25-34 there has been a significant decline over time, the opposite of the situation regarding adults aged 35-49, among whom cases increased. One possible reason for this situation is the fact that the young people in various studies are more inclined than adults to accept preventive measures and resort to them more. Another reason may be forms of antiviral therapy that prevent AIDS from developing, extending the asymptomatic period of the infection and delaying the appearance of illnesses symptomatic of AIDS among adults.
- (g) *The type of exposure declared by persons reported* shows that *sexual transmission* has been the main category, with a rising trend, and in 2001 was as high as 93.9 per cent of all cases. Analysis of the trend over time shows that most cases continue to be concentrated among homosexuals and bisexuals. However, there has been an increase in heterosexual transmission among women and men alike. Regarding *transmission through blood*, this form constitutes 4.6 per cent of all cases and is on the wane. The analysis of transmission through blood over time shows that infection contracted through practices associated with the use of injection drugs is today the main type in this form of transmission. Detection of anti-HIV antibodies was performed on blood banks starting in the second half of 1987 and slowed down exposure via blood transfusions and other haemoderivatives. *Vertical transmission* accounts for 1.5 per cent of all cases. Analysis of mother-to-child transmission does not include cases in which there is no definite diagnosis owing to interruption of tracking concerning 27 children. Of those diagnosed, cumulative vertical transmission since the start of the epidemic accounts for 27.3 per cent.
- (h) *Strategies implemented to reduce vertical HIV transmission:* protocol ACTG076 for the prevention of vertical HIV transmission has been in use in Chile since 1996. Evaluated in 1999, it was found to be highly effective in reducing transmission, which stood at an overall 5.6 per cent. In cases with complete protocol, including Caesarean sections, it was 2 per cent. The vertical HIV transmission prevention protocol stipulates suspension of breastfeeding by the mother, replacing it with breast-milk substitutes for a period of six months for child beneficiaries of the public health system. During 2001, 72 women in Chile were treated with this therapeutic protocol. Under Chilean legislation, the test is carried out on pregnant women following proper counselling and with their explicit and informed consent. Act No. 19.779 establishes that the test to detect the human immunodeficiency virus must always be confidential and voluntary and that consent must be given in writing by the patients or their legal representatives.

- (i) *The general aims of comprehensive care for persons living with HIV/AIDS are:*
- To reduce transmission of HIV/AIDS, STDs and discrimination against persons living with HIV/AIDS (PLHIVs).
  - To improve the quality, timeliness and coverage of health care for PLHIVs.
  - *Strategies for comprehensive care of persons living with HIV/AIDS (PLHIVs)*
  - Prevention of vertical transmission (from mother to child) of HIV and STDs.
  - Professional health care at centres run by the public health services.
  - Periodic evaluation of the immunology and virology situation.
  - Anti-retroviral treatments, according to availability and updated technical protocol.
  - Prevention and treatment of opportunist infections.
  - Support for accepting treatment and tracking in clinics.
  - Psychosocial support.
  - Promotion of social participation of PLHIVs.
- (k) *Children living with HIV:* all children living with HIV in Chile are beneficiaries of the public health system and enjoy free access to the required therapies established in the protocol for the treatment of children living with HIV. It includes rural as well as urban areas. In parallel, periodic monitoring of these therapies is guaranteed through the CD4 lymphocyte-count, viral load and gene-typing in the event of failure. At 31 December 2003, a total of 118 children living with HIV were receiving treatment at public health centres.

#### **D. Standard of living (article 27, paras. 1-3)**

##### **Periodic reports (CRC/C/58): paragraph 103**

165. The Government's chief social initiative is the social-security system, *Chile Solidario*, which guarantees for the country's most vulnerable population groups the right to minimum social-security benefits and provides assistance to families for their integral development. In this connection, reference is made to the section in this report relating to paragraph 36 of document CRC/C/58.

166. The main instruments for measuring socio-economic indicators were described in the second report.

##### **Periodic reports (CRC/C/58): paragraph 104**

167. In the case of SENAME, its work on the residential system for children deprived of their family environment is considered successful in the area of reduction of the weight of the care provided and the gradual incorporation by the institutions that administer these children's homes

of infrastructure improvement policies in order to provide living conditions more similar to those of family life. In 2002, 77.08 per cent of the centres were converted into residential establishments with less than 60 places. It should also be pointed out that the residential system is in the process of rationalization of its coverage in favour of non-residential care.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES** **(articles 28, 29 and 31)**

### **A. Education, including vocational training and guidance**

#### **Periodic reports (CRC/C/58): paragraph 105**

168. The Committee has expressed its concern at the difficulty of access to education; the high drop-out and repetition rates that particularly affect indigenous children, the poor and those living in rural areas; the low pre-school enrolment rate; the low rate of children reaching secondary education; the treatment of children with behavioural problems; and the large number of pregnant teenagers who are excluded from the school system. In that regard, the Government has made important amendments to the Constitution and the Constitutional Organization Act on Education (LOCE). The second report contained a detailed description of the principles and norms that, both in the Constitution and in the LOCE, recognize and guarantee the right of children to education. Those principles and norms are still in force, although in the past year both legal instruments have been amended to deepen and expand those rights:

- (a) On 7 May 2003 a new constitutional reform came into force establishing compulsory and free secondary education, with the State responsible for guaranteeing access to that level of education for all Chileans up to the age of 21. In this way, the Government is seeking to ensure that children and adolescents receive a minimum of 12 years' schooling.
- (b) Also, to ensure that pregnancy and motherhood do not pose an obstacle to continued studies, in 2000 Act No. 19,688 was enacted amending the LOCE Constitutional Organization Act on Education, stating that pregnancy and motherhood shall not constitute an obstacle to entry to and continuation in educational institutions at any level. The institutions must also provide the appropriate academic facilities.

169. During the current Government administration the emphases of educational policy were defined, many of them intended to continue to pursue the objectives established by the first Government following the restoration of democracy, which are as follows:

- (a) *Better quality for all*

*Teacher evaluation.* The Ministry of Education is determined to secure a substantial increase in the learning results of the school system. In this regard it is vital for the teacher to possess the appropriate skills, since the emphasis of educational reform is currently placed on the teacher-pupil relationship in the classroom.

*Improving learning.* Improving basic knowledge and skills in language, mathematics and sciences (social and natural).

*Improving the quality of school management.* To promote good school management, which involves responsible principals who report to the institution and community they serve; teachers who are evaluated and are given support, incentives and performance requirements; systems for evaluating target attainment and recording of results that result in capable and responsible institutions and professionals motivated by their pupils' circumstances.

(b) *Skills for globalization*

*Mastery of a foreign language and computer literacy* are the two feet needed for travelling a global world. In future the illiterate will be those who have no second language and are unable to communicate, write or perform tasks on a computer.

*Technical training.* Stepping up efforts to raise the quality of secondary and higher technical education and increase its relevance to the requirements of the development of production in current work and employment scenarios.

(c) *Advanced human capital*

*Higher education.* Developing high-quality higher education to which all talented children enjoy equal access, continuation and graduation. In concrete terms, the higher education system must be such as to: (i) educate growing segments of the population; (ii) comprise both knowledge and learning skills; (iii) develop the country's science and technology base through the training of science and technology personnel, as well as a growing presence of the processes of creation, dissemination and expansion of knowledge.

*Science and technology.* Improving and expanding the training for doctorates and masters' degrees, encouraging their holders' integration into businesses; increasing public and private investment in science and technology; strengthening research teams and promoting their links with the private sector; promoting and boosting the formation of national and international research and development networks so as to obtain a sufficient critical mass in the various frontiers of research.

(d) *Civic training*

*Education and value training.* This should occur in three crucial areas for individuals and society: family, work and citizenship. There is a need for continual strengthening of our children's creativity, discipline and entrepreneurial spirit; their autonomy and their appreciation of freedom; their integrity; and their commitment to peace and democratic coexistence.

*Education is training in discernment skills.* Family, work and citizenship require education that is capable of teaching pupils to discern, reflect, evaluate and hold opinions about the conflicting values they witness in school and which they will come up against outside the schoolroom; about dilemmas and alternatives existing in society and in their own lives; and to develop participation skills.

*Education as a universal undertaking. Participation:* Everyone can contribute to the task of ensuring higher quality through their knowledge and experience. The only vehicle for meeting all the aforementioned challenges is a meeting-place for accumulated technical knowledge and individual common sense in order to fulfil the universal commitment to higher quality on the basis of shared interest.

**Periodic reports (CRC/C/58): paragraph 106**

170. In order to prevent situations of discrimination, the Ministry of Education has implemented a number of policies and actions, including:

- (a) The Bilingual Intercultural Education programme, whose aim is to improve learning and strengthen the self-esteem of indigenous children.
- (b) The school coexistence policy - preparation of which involved various actors: teachers, students, parent associations, representatives of the Chilean Association of Municipalities, the College of Teachers, supporters of municipal establishments and international personalities and organizations - promotes respect for the diversity of culture, language, worldview, ethnicity, autonomy and solidarity. The guiding principles of this policy are as follows:
  - All actors in the education community are subjects of rights.
  - Children are subjects of rights.
  - Education as integral development of the person.
  - Democratic coexistence and construction of citizenship in the school.
  - Coexistence in school, an area of ethical consistency.
  - Respect for and protection of privacy and public life and the honour of the individual and the family.
  - Equality of opportunity for boys and girls.
  - The rules of coexistence: an encounter between law and ethics.
- (c) Creation of the aforementioned MINEDUC 600 Unit, an information, promotion and assistance service designed to support school communities in the prevention and settlement of problems relating to the basic conditions of coexistence and school life.
- (d) The full school enrolment plan, which accompanies the enactment of the constitutional reform expanding compulsory education to 12 years, is another example of the efforts of educational policy to reduce existing inequalities. This plan will promote integration of the poorer groups into the school system, allocate more resources to the most vulnerable high schools and strengthen actions being taken to reduce drop-out. A central role in this plan is that of the pro-continuation subsidy, which provides special economic assistance to the supporters of subsidized municipal and private establishments that keep pupils from the poorer sectors in high school. This allocation is an additional State contribution for strengthening the ability of children from poor families to accede to and remain in the education system. This subsidy is paid to 126,000 beneficiaries from 209,000 families living in situations of extreme poverty. In 2003 the Government invested US\$ 4,794,543 in this initiative, resources that have gradually increased, reaching US \$ 22,494,106 for 2006, when all the beneficiary pupils will be participating.

171. As shown in the second report, in 1994 the Ministry of Finance put the priority assigned by the Government to education into practical terms: to increase the country's investment in education from 4.9 per cent to 7 per cent of GDP within a period not exceeding eight years in length, dividing that increase equally between the public and private sectors. For the public sector this meant increasing its spending on education from 2.8 per cent of GDP in 1994 to 4 per cent of GDP by 2002 at the latest. As shown in the table in the annex, that target was met in 1999, while in 2001 investment in education accounted for 4.4 per cent of GDP.

172. During 2001, 51 per cent of the total expenditure of the Ministry of Education went on primary education, 20 per cent on secondary education and 14.4 per cent on higher education; the remaining 13.9 per cent was distributed among pre-school, adult and special education, and culture. Annual expenditure per pupil in regular education is US\$ 648.4 in primary and secondary education and US\$ 852 in higher education.

173. Regarding assistance to students and grants awarded by the Government through the Ministry of Education in 2001, a total of US\$ 187,739,980 was paid, of which 41 per cent went to pupils in basic education, 21 per cent to pupils in secondary education, 19 per cent to pupils in pre-school education, and 9 per cent to students in higher education.

174. A set of specific programmes is being implemented to render assistance to families. The Ministry of Education programme of indigenous grants has been maintained and is coordinated by the Bilingual Intercultural Education programme (PEIB) and the National Indigenous Development Corporation (CONADI). Both the number of grants awarded and the programme's budget have increased considerably in recent years. Whereas 6,000 grants were awarded in 1997, the number had increased to 28,301 by 2003. The cost of the programme increased from US\$ 1,469,171 in 1997 to US\$ 6,997,779 in 2003.

175. At the same time, there has been a gradual increase in the share of allocations to basic and secondary education, to the detriment of those made to higher education.

176. The objective of the National School Support and Scholarships Board (JUNAEB) is to reach schoolchildren all over the country with a series of assistance programmes to encourage their enrolment and maintenance in the education system, to improve their performance and avoid drop-out until they have completed the appropriate education cycle. These programmes are basically targeted at school sectors which are more socio-economically vulnerable subsidized municipal and private schools with different educational levels.

177. *JUNAEB programmes*

*School Food Programme (PAE).* This programme benefits pupils in pre-school, primary and secondary education, enrolled in municipal and subsidized private schools. It consists in the allocation of a daily ration in the form of breakfast and lunch during the school year. The calorific value of the daily food intake varies according to the socio-economic vulnerability of the children concerned, measuring 250 or 700 or 1,000 calories according to need. There is also a food programme for boarders, who are given four meals: breakfast, lunch, tea and dinner with a daily value of 2,400 calories.

*School Materials Programme.* This programme caters for all the beneficiaries of the School Food Programme (PAE). It provides every year a set of school materials and tools

consisting of exercise books, coloured pencils, crayons felt pens, lead pencils and erasers. This kit is delivered at the beginning of each academic year.

*Student Housing Programme.* In the form of family residences, JUNAEB student homes and boarding grants, this programme is intended for schoolchildren in primary grades 7-8 and in secondary education, especially those living in rural areas which are not equipped with schools, in order to enable them to continue their studies. It also provides full daily food intake, accommodation and teaching support and full training throughout the school year. The student housing programme also includes the First Lady programme of grants, which is intended for schoolchildren in Region V (Easter Island and Juan Fernández) and Region XI, coming from primary or secondary education and wishing to continue their studies in special, technical vocational, technical or university education as appropriate. It provides cash contributions for transfer and maintenance throughout the children's studies.

*School Health Programme.* This programme is intended for students aged 6-12 in municipal and subsidized private schools, enrolled in grades 1-5 of primary education and suffering from eyesight, hearing or posture problems detected by teachers and confirmed by primary health-care establishments. Free care is provided in the form of examinations, medicines and necessary items such as spectacles, hearing aids and insoles. The programme runs from March to December of each year. The first stage of the programme involves research into health problems, covering all students in the first primary grade of municipal and subsidized private establishments. Specialist care is provided on a quota basis per municipality and according to the impairments observed in former years. Within each municipality an effort is made to select the most impaired children and those who are socio-economically most vulnerable.

*Oral Health Programme.* This programme is intended for children between the ages of 6 and 14 in municipal and subsidized private establishments, selected by the municipality's dental unit. It provides full dental care free of charge and organizes lectures on oral health and prevention (gel application and tooth brushing). The programme takes place from March to December each year.

178. Of the budget allocated to JUNAEB, 95 per cent has gone on developing support programmes for children in situations of vulnerability within the school system subsidized by the Ministry of Education.

179. Progress has been made on the establishment of the Bilingual Intercultural Education programme (PEIB), as it has on the adoption of measures to boost the maintenance and development of indigenous cultures and languages. Particular progress has been made on the generation and design of intercultural education programme units to be used in educational establishments for non-indigenous pupils to provide general training in values, attitudes and procedures based on the recognition of cultural diversity and understanding among members of different cultures.

180. The framework of the educational reform specifically recognizes the need to take linguistic and cultural characteristics into account in curriculum development, the better to guarantee genuinely successful learning processes. A first path towards implementation of intercultural education consists in the curricular adjustments of the Study Plans and Programmes proposed by MINEDUC and applied in many of the country's educational establishments through the preparation of classroom programmes by the teachers themselves as a function of their pupils'

actual educational and cultural situations. A second path consists in the design and organization of a bilingual intercultural curriculum based on the legal provisions on education insofar as the educational establishments are free to establish partial or total study plans and programmes for education courses or cycles, with particular consideration of the fundamental objectives and minimum compulsory contents for the corresponding level. On that basis, advances have been achieved in the following areas:

- (a) Development of bilingual and intercultural curricular projects in the country's schools. Texts have been prepared for the processing of curricular cultural contents of the Mapuche and Atacameño peoples and EIB teaching units for pre-primary and primary education.
- (b) Development of strategies for indigenous community participation in institutional education management; to that end, 15 EIB awareness-raising campaigns have been devised.
- (c) Development of the teaching of technical subjects in bilingual intercultural education through the production of textbooks, teachers' manuals and teaching materials for the indigenous school population among peoples with evolving ethnic languages (Aymara, Rapanui and Mapuche).
- (d) Maintenance and development of indigenous languages through the codification, standardization and updating of evolving languages, and linguistic recovery of languages in process of extinction (Kunza, Kolla, Yagán and Kawashkar). Books, dictionaries, grammars and educational software in the various indigenous languages have been published in order to attain that objective.
- (e) In-service teacher training in bilingual intercultural education: 265 teachers have been trained.

181. The Bilingual Intercultural Education programme (PEIB) caters to the demand requirement established by Indigenous Act No. 19.253 regarding the proposal for curriculum building appropriate to the cultural and linguistic diversity of the country's children and that can be incorporated into the MINEDUC syllabuses. The educational proposal considers:

- Developing strategies for involving the family and indigenous community in the teaching-learning process in schools;
- Participatory preparation of institutional educational projects geared towards interculturalism and bilingualism;
- Professional development and improvement of the teaching practices of teachers working in cultural contexts;
- Procuring, preparing and distributing educational materials suited to the sociocultural and linguistic contexts of the country's indigenous children;
- Boosting the development of local initiatives designed to bring about changes in teaching practices and participatory models of management of schools in the EIB framework.

- The mechanisms developed to guarantee access by all children, children with special needs and children living in difficult circumstances to education tailored to their age and level of maturity.

182. The National Nursery Schools Board (JUNJI), a public body specializing in matters relating to infant education in Chile, in 1990 created the Nursery Schools Programme for Indigenous Communities with a special curriculum for each of the indigenous peoples living in the country. It was designed with the full participation of the communities concerned, and places emphasis on the recovery of these peoples' specific cultural features. It underscores the sense of belonging and the mother tongue, considering that infants under six years of age are at an ideal position to reaffirm their own identities. There are currently 69 such nursery schools, catering to a total of 1,293 children, in addition to which the travelling community nursery school attends to children through an infant education expert who visits the communities in which the families live and carries out activities with Mapuche, Pehuenche and Huilliche children in each community's social centre or in their homes, depending on the distance and the families' particular circumstances. This service caters to 205 children. JUNJI caters to approximately 1,434 children from different indigenous communities in the north, centre and south of the country, at an annual cost of US\$ 586,056, and its service uses two methods, namely:

183. *Special education.* Special education as a separate part of general education is conducted preferably within the regular education system, providing specialized resources and services to persons with special educational needs at all levels and in all sectors of education (pre-school, primary, secondary and higher). The 1994 Act on disability and the rules for the full integration of disabled persons have continued to foster the development of educational integration projects, which found expression in a steady increase in the coverage of pupils with special educational needs derived from disability. The methods used to provide education to children with special educational needs are as follows:

*Integration.* Regular schools cater to children with special educational needs in two ways: school integration projects for those pupils with special educational needs associated with disability, and separate groups for children with special educational needs unrelated to disability.

Given the coverage increase in 2005, the disabled population served through the integration projects account for some eight per cent of the estimated total population with disabilities in the country (300,000 persons of school age with disabilities).

*Differentiated groups.* Pupils with special educational needs unrelated to disability but with learning problems at school are looked after in primary general education schools, with specialized teaching support, as well as in separate groups working in special classes, reaching an average of 67,179 in 2003.

*Special schools.* These are of two main types: hospital classes and schools and those offering educational services to pupils with intellectual, auditory, visual or motor disabilities; severely deficient relational and communication capacity; and oral communication disorders.

*Hospital classes and schools.* This modality, created in 2001, offers compensatory education to pupils in regular and special schools who, because of health problems, are obliged to remain in hospitals or receive non-residential treatment for a protracted period.

184. On the subject of teaching staff, the effective number of teachers working in the school system is 146,918, of whom 70 per cent are women. The appropriate teaching qualification is held by 90.4 per cent. Of all teachers working in the school system 125,615 work in the classroom.

185. One of the main components of the educational reform currently under way is the “strengthening of the teaching profession”, which may be described in the following terms:

- (a) *Regulation of teachers’ working conditions and improved pay* (see background to the reforms in the second report). In 2001 the average pay of a teacher in the municipal sector for teaching a standard 30 hours per week was US\$ 677.60, while the average pay for municipal and subsidized private teachers, with the same timetable, was US\$ 420.67. In 1990, before the issue of the teachers’ statute in 1991, those salaries were US\$ 271.18 on average in the municipal sector, US\$ 159.25 as a minimum in the same sector, and US\$ 76.70 as a minimum in the subsidized private sector. A salary incentive was established for outstanding individual performance by classroom teachers accredited as such. In 2004, individual applications were called for, and 7,000 teachers applied for this allowance, for which there is a quota of 3,200 available. The average amount of the allowance for excellent teaching performance is approximately equivalent to a month’s salary.
- (b) *Programme for strengthening initial teacher training (FFID)*. This programme has been in progress since 1997 and has a five-year duration. It is based on a competitive submission of projects for access to funds totalling some US\$ 30 million, the projects to be executed during a four-year period (1998-2000), with each university receiving an average of approximately US\$ 1.8 million. The projects are assigned to 17 universities with 78 per cent of teacher-training students. The programme also comprises a fund for grants for tuition and study materials for students with a good secondary-education academic background.
- (c) *New opportunities for professional development*
  - A ministerial programme entitled “Further Training Abroad for Education Professionals” has been in operation since 1996. Until 2000 the programme used two methods: short-term traineeships (six to eight weeks) to learn from successful teaching experiments conducted by prestigious foreign academic institutions; and six-month diploma courses comprising three months in Chile and three months abroad. Until 2000, grants were awarded using these two methods to 4,138 education professionals from all over the country and from all levels of the system.
  - Another fundamental approach in recent years has been the establishment of the “Allowance for Teaching Excellence” programme in 2002. The aim is to reinforce the quality of education through recognition of individual merit of class teachers. It consists of a financial award payable for up to ten years.
  - The “Teachers of Teachers Network” was started in 2001 and comprises education experts previously recognized as teachers of excellence, who devote their time to professional support of other classroom teachers in various lines of action.

- In order to ensure that teachers are available to implement the Bilingual Intercultural Education programme, the programme trains human resources in the private and public sectors in teaching and training strategies based on bilingual intercultural education. It trains not only teachers in the schools in the PEIB programme, but also officials, indigenous leaders, community leaders and social workers responsible for the Indigenous Grants scheme.

186. The Ministry of Education has continued the policies designed to provide appropriate and accessible educational facilities. Implementation of the Full School Day scheme has required improvements in building infrastructure so as to make it possible to deliver educational services spread out over a longer day.<sup>9</sup> As pointed out in the previous report, the extension of the school day is an initiative that seeks to make significant improvements in teaching periods so as better to develop the new curricular framework. Implementation of the full school day (JEC) began in 1997, the year in which it was joined by over 3,000 establishments. Since then it has grown constantly, and by April 2003, 6,269 establishments had joined, representing an enrolment figure of 1,651,752 students. The major infrastructure investment effort that an extension of the school day presupposes has made it necessary to extend the deadlines originally set for all establishments to apply the JEC. The deadline for the incorporation of those establishments considered vulnerable is 2007,<sup>10</sup> and 2010 for the remaining establishments.

187. The investment made in infrastructure means that between 1997 and 2002 the number of subsidized establishments rose from 3,413 to 6,001 and that enrolment in the full school day rose from 289,808 to 1,200,637 children.

188. The traditional illiteracy figure in Chile continues to fall. In 1996 it stood at 4.8 per cent of the total population aged over 15, and in 2001 it had dropped to 3.8 per cent. During that period (1996-2001) 14, 387 persons became literate.

189. At the pre-school education level, non-formal education programmes have continued to be implemented:

- (a) *The “Know your Child” education programme.* This programme is geared to mothers of minors under six years of age in geographically dispersed rural sectors. It is devised by female community leaders trained as monitors and is conducted at weekly meetings with some 12 mothers. For their work with the mothers the monitors have a set of structured materials containing the topics to be dealt with. These relate basically to the children’s development and learning characteristics and ways in which the mothers can encourage them. During 2003, there were 315 such groups functioning in as many localities in 10 regions of the country. Coverage by age bracket may be found in the annex.
- (b) *Improvement Programme for Children (PMI).* This is a non-formal education programme for infants carried out at community level. It involves the participation of the families of children under six years of age living in conditions of poverty.

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<sup>9</sup> Reference is made to the second report for further information on the full school day.

<sup>10</sup> Vulnerability here refers to the biological, psychological, socio-economic and cultural risk to the students’ quality of life, well-being and learning capacity. It is measured by the vulnerability index, which is the weighted average percentage of the unmet needs of students in the establishment, including medical, dental and weight-for-age deficits.

190. Between 1996 and 2003 coverage at this level continued to increase despite considerable disparities that persist according to socio-economic level, as shown in the statistical data in the annex.

191. The Government's policy priorities for this level are as follows:

- (a) *Increased coverage of attention to this sector in order to favour equality of opportunity and strengthen its integral nature.*

For increasing coverage, the Programme for the Expansion of First-Level Transition Coverage was created. The target for 2006 is to incorporate 120,000 children aged 4 into pre-school education. This target represents an important milestone in the expansion of coverage, since it proposes a leap from 32.4 per cent coverage in 2000 to 41 per cent in 2006. According to plans, between 2001 and the present-day coverage has increased by 47,500 new places; 2,363 free municipal and subsidized schools have been incorporated into the coverage expansion programme; coverage has been extended to 307 of the country's 342 municipalities. The programme has been financed with funds from the national budget through targeted subsidies. The State subsidy for incorporating 30,000 children in 2001 entailed an investment of US\$ 9, 675,549. The year 2002 saw the entry of 35,000 children with an investment of US\$ 11,808,708. In 2003 the coverage figure was 47,500 children for a subsidy investment of US\$ 16,488,725.

With a view to improving the physical conditions of educational spaces and the equipment of municipal schools through increased coverage, an infrastructure investment programme was launched and in 2001 achieved an investment of US\$ 1, 684,068,710 in addition to US\$ 505,221 for the benefit of new establishments. In addition, teaching materials have been supplied to 50 per cent of schools and further training has been provided for 12,000 pre-school teachers. This expanded coverage has been achieved through a coordinated effort on the part of the three public bodies responsible for infant education in Chile: the Ministry of Education, JUNJI and the INTEGRA foundation.

- (b) *Promoting improvement in the quality of care through curricular reform based on the curricular guidelines for pre-school education.*

The new curricular guidelines for pre-school education were approved in October 2001 and constitute a policy framework for education from a child's earliest months until he or she starts primary education. They take into account the social and cultural circumstances that define and give meaning to education and have been devised on the basic criterion of the right of the family to be the prime educator of its children. These guidelines revisit the issue of the purpose of pre-school education, indicating that it must: "Promote quality, timely and pertinent education that stimulates relevant and meaningful learning processes in terms of well-being, integral development and the overriding importance of children as individuals. This is done in close relationship with and alongside the family's educational role, fostering at one and the same time the child's continuation in the education system and his or her contribution to society within a framework of shared nationwide values and consideration of the rights of the child."

192. In addition, since 1999 pre-school education has been explicitly included as an educational level in the country's Political Constitution, which states that "the State shall promote pre-school education".

193. Education has been and will continue to be a public strategy objective. A significant educational reform was initiated in the early 1990s, with equity and quality as its main objectives. Students now have a new curriculum tailored to the educational requirements of the twenty-first century; they enjoy 3.5 times more food rations than in 1990; they are given textbooks in all the country's subsidized establishments; 90 per cent of them have access to computer classes in schools and colleges; they attend between 200 and 250 more hours of classes per year within the Full School Day; there has been an increased investment in educational infrastructure so that children and teachers enjoy better conditions; teachers have been treated with respect and their remuneration has doubled since 1990. Efforts are being focused on guaranteeing the quality of education. The aim is to ensure that children receive high-quality education regardless of their socio-economic circumstances. The State is promoting computer literacy and a plan for improving the learning of English within the school system, entitled "English Opens Doors".

194. *Primary education curricular reform*

Since 2002, with a view to improving training in reading, writing and mathematics, all policies and programmes for grades 1-4 in primary education have focused on helping establishments, teachers and families to achieve their task of stimulating students to learn these basic skills. In order to support the teachers' task, one of the most important actions has been modification of the fundamental objectives and minimum compulsory contents of the subsectors of learning: language, communication and mathematics education, corresponding to the first basic cycle (grades 1-4) of primary education and the development of new study programmes for the six subsectors of the first basic cycle.

195. *Secondary education curriculum reform*

In 1998 the Ministry of Education started developing the education programmes for the four levels of education included. This task was completed in 2002 with the approval of study programmes for year 4 of secondary education, thus completing the curriculum reform initiated in 1996.

196. The plans and programmes developed for both primary and secondary education have been made available to the various educational establishments, which may opt to use them or devise their own programmes, while remaining within the curricular framework.

197. *Other activities developed in the framework of the educational reform*

- Work on primary education during the decade has been able to provide 100 per cent of State-financed schools with textbooks, with a considerable increase in the number of titles. In 2003, a total of 8,286,039 textbooks were distributed for primary grades 1-8.
- Educational improvement projects generated by the schools have received financing. The aim of these projects is to contribute to the autonomous devising and implementation of educational solutions and improvements. On average, 410 projects

were financed each year between 1998 and 2001, some 340 in primary schools and 70 in rural microcentres.

- In order to improve learning processes and ensure that pupils from the most disadvantaged sectors remain in the school system, the policy of affirmative action initiated in the 1990s has been continued through specific programmes: the 900 Schools Programme and the rural basic education programme. The former is a quality improvement programme designed for the most socio-economically vulnerable schools in urban and rural areas. The latter is designed for multigrade rural schools..

198. *The 900 Schools programme (P-900)*. Since its inception this programme has supported some 2,400 subsidized educational establishments, both municipal and private. Approximately half of those establishments have been rural. Until 1997 the P-900 programme catered only to the first cycle of primary education. Since 1998 it has also been giving support to the second transition level from nursery education and the second cycle of primary education, grades 5-8. Later, in 2001, coverage increased from approximately 900 schools to some 1,400.

199. *Rural basic education programme*. Since its inception this programme has been implemented progressively in 13 regions of the country, starting with the most complex and poverty-stricken areas, which has afforded a more intensive and extended role in educationally high-risk schools. Current coverage is 3,487 schools and 120,000 students. Until 2000 the focus was placed on multigrade schools – mostly not full - with up to three teachers. It is an affirmative action programme that has currently reached 38 per cent of subsidized educational establishments and 5 per cent of the enrolled figures. The programme's coverage has been expanded since 2001. Increased coverage meant the inclusion of full schools comprising all levels from the first transition level to the eighth year of primary. As a result, the modalities for multigrade and grade schools have been diversified and infants have been incorporated.

200. The strategy of the rural basic education programme is founded on the premise that collective pedagogical work by teachers can generate better learning processes among children. For this reason rural microcentres are organized, comprising clusters of teachers from seven to eight multigrade schools, at which they exchange experiences and plan, evaluate and develop projects. They also define a pedagogical and educational proposal suited to the rural context and appropriate for multigrade education. Also incorporated into this strategy is work with the family and community through a specific policy.

201. With the emphasis on improving the quality of education, in 2002 two important new initiatives emerged and sought to cover, in a differentiated manner, all subsidized primary education establishments: the Technical Assistance Plan for 66 schools in the Metropolitan region and, implemented by external technical institutions, which focuses on a few schools with very poor performance and high poverty levels; and the reading, writing and mathematics campaign (LEM) campaign as an initiative of universal scope from the second transition level (*Kinder*) to the first primary cycle (grades 1-4, which account for 1,300,000 pupils).

202. In recent years there has been a steady increase in the number of children enrolled in the education system. This may be confirmed by an analysis of trends in enrolment by region, or the coverage of the various educational levels by zone. Reference is made to the statistical data provided in the annexes.

**Periodic reports (CRC/C/58): paragraph 107**

203. The following paragraphs provide data on the age of entry to the various levels and the methods of education in which changes not mentioned in the previous report have been made. Nursery education comprises the period from 84 days of age until the child begins general basic education, and none of the levels are compulsory. In administrative terms, nursery education is divided into the following levels: young infants' class: 84 days to one year; older infants' class: 1-2 years of age; lower-middle level: 2-3 years of age; upper-middle level: 3-4 years of age; first transition level: 4-5 years of age; and second transition level: 5-6 years of age. In curricular terms, the organization established by the nursery school education curricular guidelines is: first cycle 0-3 years and second cycle 3-6 years.

204. Regarding secondary scientific-humanistic and technical vocational education, the recent amendment to the Constitution described above sets the maximum age of 21. Entrance to secondary education requires completion of primary education or equivalent studies. The minimum enrolment age for basic adult education is 15. Regarding education indicators, the primary education level posted a pass rate of 95.9 per cent, a repetition rate of 2.8 per cent and a drop-out rate of 1.3 per cent.

205. In addition to the aforementioned Act introducing 12 years' compulsory education and the complete schooling plan, both described earlier, a specific programme has been developed to encourage children to stay on at secondary school. The High School for All programme has been in operation since mid-2000 and aims to reduce drop-out in high schools that evince greatest socio-economic vulnerability. In particular, this initiative is carried out in 424 high schools throughout the country, which in 2003 accounted for 255,000 students, i.e., one third of all students in the Chilean education system. The support this programme provides for the schools concerned is translated into action for improving residence conditions, scholarships for students with a high drop-out risk, pedagogical development, training of teachers and supervisory personnel, participation strategies for the school community and projects of psycho-educational care. Over US\$ 2,526,103 has been invested in these schools and have been transferred directly to the establishments for implementing a plan of action aimed at preventing drop-outs. Pedagogical development is carried out through a project for first-year secondary students to catch up on knowledge in order to even out the imbalance in skills with which pupils in the most vulnerable high schools enter secondary education. Some 60,000 students from first-year secondary education participated in this initiative in 2003.

206. An important aspect of this programme is the awarding of annual grants of US\$ 249 to students with poor attendance records and low marks and who are over-age for their classes. This grant is thus awarded to students at greatest risk of dropping out of school. The grant is awarded directly to the students, with no intervention on the part of the school or family. Evaluation studies on the retention grant show that it has impact of 7 per cent on the drop-out rate of the programme schools and that 93 per cent of students receiving the grant complete the school year. The grant has therefore become one of the principal tools for enabling children in vulnerable situations to stay in school.

207. The programme has implemented a policy for improving residence conditions with a view to improving the quality of life of boarders. Its aim is to ensure that boarding schools are places that cater to students' psychosocial development; promote young people's academic development through workshops, tutorials and research and cultural action groups; promote the organization of recreational and cultural activities and make for the proper use of young people's free time and

the development of their skills. In 2003 the programme was involved in upgrading 166 boarding schools, most of them located in the country's rural areas.

208. One concrete measure taken to promote the development of secondary education is the "President of the Republic" grants programme. Its essential aim is to provide economic support to pupils with meagre resources and outstanding academic performance so that they can pursue their secondary and higher education. The grant consists of an unconditional monthly financial payment of US\$ 20.3 for students in secondary education.

209. At the same time, since 1998, a group of 51 high schools throughout the country have been implementing educational innovation and institutional development projects devised and administered by their management teams and educational communities under the Montegrande project. The project directly benefits 43,300 students and 2,500 teachers. The purpose of this initiative is to provide the country with a network of high-quality secondary schools for young people from low-income sectors, and a set of validated educational models that can be replicated by establishments with similar contexts.<sup>11</sup>

210. Implementation of the Educational Improvement Projects (PMEs),<sup>12</sup> in both primary and secondary education, has continued. Their purpose is to improve the results of children's learning. During the period 1998-2002, PMEs were developed in State-subsidized establishments, both municipal and private, benefiting children in nursery, primary and secondary education, in addition to the special and adult education modalities, achieving a coverage of 1,225,676 students.

211. The Ministry of Education has developed a public policy through a fund offering competition-based awards. Regarding the performance of this fund, an impact study on the PMEs showed a correlation between PME schools and improved SIMCE (educational quality measurement system) indicators and that PME development produces an aggregate effect – in terms of SIMCE results – on schools involved in the Ministry's targeted programmes. They have achieved greater participation in the area of institutional management, establishing decision-making bodies and facilitating team work, involving principals, class teachers and, in some cases, students' parents and guardians.

212. Access to higher education has increased in the last decade. In 1990 there were 220,000 in higher education, in 2003 there are over a million young Chileans following first-degree and postgraduate courses in universities, vocational institutes and technical-training centres. In 2003, one out of three young people aged 18-24 is following a course in a higher-education establishment, which is equivalent to 31.5 per cent coverage for that age group. However, although access has increased for young people, that increase has not been even throughout.

213. A loans scheme and various tuition and subsistence grants schemes have been established in order to promote access to higher education and prevent young people who emerge from secondary education with good academic results from finding it financially difficult to continue their studies. They are as follows:

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<sup>11</sup> Participating colleges have received support in addition to the subsidy totaling US\$ 8 per student per month during the project implementation period.

<sup>12</sup> For the characteristics of the PMEs see the section of the second report relating to the same paragraph of document CRC/C/58.

- (a) *University loans from solidarity funds.* These are loans granted to students at universities that form part of the Consejo de Rectores (Council of Deans) and whose economic situations require it. This loan covers part or all of the course tuition fees. Repayment must start two years after graduation and must be paid at the rate of five per cent of the person's income.
- (b) *Other higher education scholarships*
- Merit grants: for low-income students who show special devotion to study (Juan Gómez Millas Scholarship and Bicentenary Scholarship).
  - Welfare grants: for low-income young people who receive a loan and need support for their subsistence (President of the Republic grants, First Lady grants and Indigenous grant).
  - Promotion scholarships: for career development and programmes of special national and regional interest (Scholarships for students entering teacher training; and New Millennium Scholarships for technical studies).

The financial resources allocated for helping students by means of university loans and higher-education grants, mentioned previously, have risen steadily since 1990, from US\$ 44,910 in that year to US\$ 121,182 in 2003. The total resources devoted to higher education also increased substantially. In 1990 they were equivalent to US\$ 203,391 and in 2003 to US\$ 481,213.

- (c) *National student financing system*

This scheme consists of three subsystems operating together and whose purpose is to guarantee, through loans and scholarships, the financial support necessary to cover all or part of the tuition fees of young people in need of such support, together with assistance for the poorest in meeting their basic needs. The subsystems are the National Scholarships Fund, the Solidarity Credit scheme for students in universities forming part of the Consejo de Rectores and the financing of higher-level studies in universities, professional institutions and accredited autonomous technical training centres. A process of improvement of the scheme has begun, consisting of improvements in the award and recovery procedures. At the same time, a draft bill has been submitted to Congress concerning the financing of higher education; among other things, it will open access to loans and scholarships to students in universities, professional institutions and accredited autonomous technical training centres who do not at present have access to those benefits.

- (d) *National system for ensuring the quality of higher education*

A bill establishing a national system for ensuring high-quality higher education was submitted to Parliament in April 2003; it establishes a set of guidelines for the training of the country's technicians and professionals. The project provides for accreditation of degree courses, accreditation of postgraduate studies, institutional accreditation, licensing of new institutions and a public information system.

(e) *Strengthening of higher-education institutions*

It considers new arrangements for financing the universities of the Consejo de Rectores; the modernization of State universities, which will involve updating their legal, regulatory and administrative structures; and reform of the statute regulating the functioning of the Consejo.

214. In the section of the report concerning paragraph 106 of document CRC/C/58, this report described the creation of the MINEDUC 600 Unit which strengthened the information offices set up in 1996.

215. Encouragement for children to remain in the regular secondary education system. Specific strategies for children living in areas remote from educational establishments have been put in place and are described below.

- (a) In 2002 the MINEDUC boarding-schools committee launched a pilot version of a system for applications for admission to boarding facilities, family residences and JUNAEB homes. The system consists in a website where students in primary grade 8 who need student housing in order to continue their access to secondary education may discover what accommodation is available and what it consists of, and submit their applications with appropriate information. The system has made it possible to improve the targeting of the boarding service. There were 7,500 applications from schoolchildren in Regions IX and X in 2002.
- (b) Administered by JUNAEB, the Dario Salas competition seeks to garner experiences from schools that arrange for pupils to remain in the school system through the school's participation in and opening up to the community.
- (c) For its part, the School Food Programme (PAE), which aims to reduce drop-out and truancy and help ensure that students have a proper nutritional intake, has shown – through an impact evaluation carried out in 2002 and 2003 – that the programme effectively prevents absenteeism and drop-outs to the tune of four per cent and three per cent respectively.
- (d) For the population involved in SENAME assistance programmes, agreements have been concluded with the Ministry of Education,<sup>13</sup> both for directly administered centres and for the programmes implemented by collaborating institutions. These agreements make it possible to even out the basic studies for adolescents over 15 years of age through the Chile Califica programme.
- (e) Since 2002, agreements have also been concluded between SENAME and the National Training and Employment Bureau to provide adolescents with access to work-training courses and training grants.

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<sup>13</sup> Further information may be found in the section in this report relating to paragraph 80 of document CRC/C/58.

**Periodic reports ( CRC/C/58): paragraph 108**

216. The Political Constitution of the Republic of Chile establishes that the State ensures access to education for all. The recent constitutional reform that declared that secondary education is compulsory and free of charge, as described in the foregoing paragraphs, shows that education is assumed to be a right and not a privilege. There is no category of children in Chile that does not enjoy the right to education. Nevertheless, according to the figures of the 2003 CASEN survey, 33 per cent of persons aged 0- 24 are not incorporated in the Chilean education system:

- In the 0-5 age group, 69 per cent of children are not incorporated in the education system.
- In the 6-13 age group, 1 per cent of children are not incorporated in the education system.
- In the 14-17 age group, 7.2 per cent are not incorporated in the education system.

217. The main reasons behind the figures for the 14-17 age group differ for girls and boys. The main reasons for girls are motherhood (25.9 per cent), pregnancy (12.7 per cent) and economic hardship (11.4 per cent). For boys the reasons are that they work or are looking for work (20.4 per cent), are not interested (19 per cent), economic hardship (18.7 per cent ) and performance problems (15.5 per cent). Difficulties relating to socio-economic situation and geographical location explain why non-attendance at school is most prevalent among the lowest-income population. While 34.8 per cent of the under-24 population in the first income quintile (the poorest of the poor) do not attend school, only 21.9 per cent of the top quintile do not attend.

218. Children with difficulties (physical disability, disease, etc.) have been able to access the school system through the coordination established between FONADIS and MINEDUC, bodies that respectively provide support in terms of medical instruments and facilitate access to special education schools.

**Periodic reports (CRC/C/58): paragraph 109**

219. The Ministry of Education has promoted and developed various work strategies for restoring discipline in schools. With the participation of actors and institutions representing public and private schools, a policy of school coexistence has been established which sets out the criteria, guidelines and quality indicators of pedagogical interaction; monitoring procedures and tools that do not undermine dignity; and supervision mechanisms that guarantee due process for students accused of misdemeanours. This policy establishes forms of coexistence based on respect, non-discrimination and appropriate forms of conflict resolution. The key point of the coexistence policy is that children are subjects of rights, and it fosters broad participation of students in all matters concerning them. Implementation of the policy is facilitated through the training of teachers and students in management and incorporation of techniques such as peer negotiation and mediation into school culture.

220. As described in previous paragraphs, the Ministry of Education has set up offices for complaints, claims and information in 52 provincial education departments, in which children's views and statements are as important as those of adults.

221. Expulsion as a punishment still exists in the school system. Within the current atmosphere of decentralization existing in the country, the Ministry of Education has established that the expulsion may be applied only for a serious offence endangering the physical or psychological integrity of third parties in the school community and only after a due process in which the student's voice is heard. Given the importance that current policies assign to the right to education, the Ministry of Education has the permanent role of protecting this right and excluding such children from the school system.

**Periodic reports (CRC/C58): paragraph 110**

222. In 2001, the Ministry of Education signed a cooperation agreement with the Inter-American Development Bank (IDB) under which the Bilingual Intercultural Education programme (PEIB) expands and diversifies its coverage and field of action.

**B. The aims of education**

**Periodic reports (CRC/C58): paragraph 112**

223. The curricular reform is based on the principles enshrined in the Political Constitution, the Constitutional Organization Act on Education and the national laws, as well as on the Universal Declaration of Human Rights and the country's major spiritual traditions. It stems from the fundamental conviction that all human beings are born free and equal in dignity and rights.

224. The National Commission for the Modernization of Education determined the need for general training to embrace a set of ethical principles. These principles must offer all children the opportunity to develop as free individuals, in full awareness of their own dignity and as the subjects of rights. Likewise, they must help to inculcate in them morality governed by love, solidarity, tolerance, truth, beauty, a sense of nationality and a yearning for personal excellence. Recognition of the freedom, equality and dignity of individuals imposes on the State the duty to guarantee high-quality education for all, which must help all children, without exception, to develop as free and socially responsible individuals.

225. The primary and secondary education curricular reform, begun in 1996, focuses on the systematic training of students in the knowledge, skills and values that will enable them to exercise their rights as citizens and play an active and critical role in the construction of society on the basis of principles of solidarity, care of the environment, pluralism, the common good, enhanced national identity, and democracy. Specific cross-cutting fundamental objectives are defined in relation to the rights of the child, human rights and citizenship. Their aim is to incorporate and facilitate the pertinent minimum content of the subject in the various learning subsectors and to encourage their development through the various aspects of school culture. They include the school environment, education proper, regulations and discipline, and areas of participation.

226. The policies described below have been developed to encourage parents to collaborate and participate in the task of education; they provide information and afford opportunities for remedial education for students who have not completed primary or secondary education.

- (a) The reading, writing and mathematics (LEM) campaign considers the family to be a key actor in children's access to learning. Hence, relevant material is produced and distributed in order to help parents to contribute to their children's education.

- (b) Targeted primary education programmes provide for lines of action in this area. Programmes such as the P-900 and Rural Primary programmes encourage convergence of family, school and community and seek to generate and develop knowledge and strategies of action to promote partnership between family and school. Encouragement is given to the so-called family-school encounters, in which teachers and persons in charge of children agree on joint action for improving learning processes and the training of children.
- (c) In the policies and actions of the Bilingual Intercultural Education programme (PEIB) particular emphasis is placed on work with indigenous communities, involving parents and other members of the community. Work with cultural advisers began in Region IX (Araucanía) in 1993 and, starting with in 2003, it was extended to all PEIB target regions. The cultural advisers are appointed by their own communities and their task is to transmit, impart and strengthen knowledge of its culture.

227. The Ministry of Education has continued to run the Environmental Education Programme reported on in the second report. In this area an intervention strategy entitled National School Environmental Certification System (SNCAE) was developed and was implemented jointly by the Ministry of Education, the National Environmental Commission, the National Forestry Corporation, UNESCO and the Chilean Association of Municipalities. The strategy has contributed to the development of complementary lines of action for strengthening environmental education, care and protection of the environment, and the creation of associative networks for local environmental management.

**Periodic reports (CRC/C/58): paragraph 114**

228. As indicated in the second report, the Constitution establishes that the freedom of education includes the right (for any natural or legal person) to set up, organize and maintain educational establishments subject to no constraints except those of good morality, good customs, public order and national security.

**Periodic reports (CRC/C/58): paragraph 115**

229. The Government, through the Ministry of Education, exercises ongoing supervision through the Regional Secretariats and the Provincial Education Departments.

**C. Leisure, recreation and cultural activities**

**Periodic reports (CRC/C/58): paragraph 117**

230. The aims of the Government's sports policy have been to define the values and benefits of sports activities to the population through: expanded coverage, strengthening of programmes and quality of physical and sports activities in the national community; and developing and improving the level and position of high-performance sport in international competitions. For the participation of children aged 6-17, the public sports institution, Chiledeportes, devises projects such as hikes, bicycle rides, indigenous pre-sports games, basic swimming and summer camps led by specialized professionals. This body concludes agreements with other institutions that promote innovative projects to equip alternative spaces such as streets, parks, squares and parking lots, where the population can come to practise their physical, sports and recreational activities. It also promotes the systematic and consistent practice of sports activities for schoolchildren

aged 4-18 from disadvantaged families so that they can receive adequate sports training. There have been sports projects for psychomotor development of children between four and seven years of age, motor-training workshops for infants and motor activities in contact with nature. Sports competitions have been organized for adolescents, the main component of which are sports championships that benefit children aged 10-16 throughout the national territory - whether or not they are enrolled in the education system - belonging to legally constituted sports organizations.

231. The Government organizes school camps<sup>14</sup> providing leisure activities for the poorer population. For the population involved in protection programmes, since 2001 there has been a cooperation agreement with Chiledeportes for developing sports, recreational and cultural activities with all children who fall within the SENAME network. Also, in detention centres directly administered by SENAME, and in programmes of collaborating institutions that cater for adolescents, there are workshops for occupying free time, sports workshops, workshops of rights promotion, personal development, and cultural activities.

232. Since its inception in 1993 and until 2003, the National Book and Reading Council has provided, through the 2,500 projects approved by competition, approximately US\$ 1,010,441 to over 400 projects geared specifically towards children aged 0-18 in the areas of children's libraries, collections, premises and furniture. Also organized were multiple children's corners and movable equipment such as trunks, tricycles, carts, book borrowing by post and mobile libraries transported by motor-cycle or launch. Other National Book Council initiatives include:

- *Competition for projects for the promotion of books and reading*: its purpose is to contribute to the development of initiatives to promote libraries and reading, events, training, and support for the publication, promotion and export of Chilean books. This competition is open to the entire public but has always given particular priority to projects that are especially beneficial to children.
- *Competition for children's literature (unpublished category)*: in order to stimulate the imagination and creativity of children up to 12 years of age, since 1955 this competition for writers seeking to make a name as writers specializing in children's literature (stories and novels) has been held every two years. The six prize-winners of the 1999 and 2001 competitions received a total of US\$ 30,313.
- *The "Maria Luisa Bombal" best reader prize competition*: this competition was established in 2002 to reward the best readers in primary and secondary education in each of the country's regions. The prize consists of US\$ 674 and a collection of books for the pupils' schools. Last year 30 prizes were awarded: 26 to the regions and six to the Metropolitan region.
- *The "Books change your life" campaign*: a nationwide children's campaign was held in October and November 2002 for the main purpose of highlighting the importance of books and a positive reading culture among that population group. US\$ 168,407 was invested in this campaign.

233. On another level, the Department of Libraries, Archives and Museums (DIBAM) has conducted various programmes linking young people to the cultural heritage, with emphasis on

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<sup>14</sup> For a description of the School Camps program please see the section in the second report concerning paragraph 117 of document CRC/C/58.

plastic arts and literary creation, with storytelling workshops and plastic arts competitions held in all regions during the Week of the Child between 2000 and 2002. Public libraries were equipped and improved, “children’s corners” were set up and mobile services created in 2000 were expanded in 2001 and 2002. The budget allocated for the purchase of books for the “children’s corners” was US\$ 60,000 in 2001 and US\$ 62,000 in 2002. Mobile libraries travel through the communities on a route that includes over 20 villages, which they visit every fortnight, offering books, music, videos, exhibitions and activities. These were inaugurated in 2002 and cover urban and rural areas. In the Santiago underground system seven lending centres have been in service in recent years at some stations and include children’s literature. Libraries have been set up in public hospitals, particularly for children.

234. Museum buildings were renovated and their displays upgraded in 2000-2002: the Concepción Natural History Museum, with a multi-display room, workshops, Internet access and classrooms; the National Museum of Natural History, in which children’s interactive and multimedia games have been installed as a complement to the displays. Numerous exhibitions put on in national and regional museums were largely visited by students, with annual visits exceeding 1.2 million in total.

235. The “We can read and write” project, conducted in conjunction with the Regional Centre for Book Promotion in Latin America and the Caribbean (CERLALC) and the Mexican Ministry of Public Education, began in 2001. This project, which encourages and fosters the promotion of reading among schoolchildren, with emphasis on recreational literature, is being carried out in Regions II, III, IX, X and XI.

## **VIII. SPECIAL PROTECTION MEASURES** **(Articles 22, 38, 39, 40, 37 (b) -(d), 32-36)**

### **B. Children in conflict with the law**

#### **1. Administration of juvenile justice**

##### **Periodic reports (CRC/C/58): paragraph 132**

236. Chile possesses laws that guarantee due process of law for all persons, including minors. Regarding recent legislative advances in the area of adolescents charged with breaches of criminal law, reference is made to the section in this report relating to paragraph 12 of document CRC/C/58 concerning the law establishing a system of responsibility of adolescents for offences under criminal law, and the adoption on 31 May 2003 of Act No. 19.806 introducing provisions in response to the reform of the criminal procedure, which amends, among other legal instruments, the Juvenile Act (No. 16.618).

237. The current momentum of the reform of the adult criminal procedure system and the introduction of amending regulations have improved the supervision and monitoring of adolescents’ living conditions in detention centres, through the presence of safeguarding judges and defence counsel and through visits from magistrates of the courts of appeal, who report on institutions and centres where young offenders are housed, such as “juvenile units” and “diagnosis and referral centres”. In addition, a special regulation in force since 2002 for “juvenile units” in prisons provides better guarantees for adolescents and for the development of psychosocial activities, aided by extramural programmes.

238. The following are among programme advances: (a) the national plan for construction and equipment of the joint system of Behavioural Rehabilitation Centres (CERECOs) and Observation and Diagnosis Centres (CODs) planned from 1995 to 2002; and (b) legal and psychosocial support projects for law-breakers, implemented by SENAME and intended to provide special, free and timely defence of minors charged with committing a breach of criminal law. These projects cover virtually 100 per cent of offenders.

239. In the case of the Direct Administration Centres, SENAME has invested a great deal in ensuring that each region can provide a specialized service, specifically for cases of juvenile offenders (see statistics annexed hereto).

**Periodic reports (CRC/C/58): paragraph 134**

240. The Act establishing a system of responsibility of adolescents for breaches of criminal law, described above and about to be promulgated, establishes 14 as the age of criminal responsibility. Children under that age shall be considered not to be criminally responsible. For the latter, psychosocial programmes have been organized and place emphasis on work with the family and on social policies.

**Periodic reports (CRC/C/58): paragraph 135**

241. The SENAME reform process, whereby proceedings are separated, with different treatment for minors who need to have their rights protected and for adolescents accused of infringing the law, has generated the conditions for introducing the changes in the administrative organization which will be needed when the laws relating to protection of the rights of children and adolescents are enforced. The programmes catering to young offenders include new concepts founded on the Convention on the Rights of the Child; they are consistent with the recommendations of the United Nations Committee on the Rights of the Child; and there are plans to include other similar measures. From 2002 onwards the technical guidelines for the application of programmes for children accused of breaches of criminal law have been aimed not only at guaranteeing rights during legal proceedings, but also at promoting social reintegration through family, institutional and community networks.

242. Detention centres have been built in accordance with technical standards laid down in international treaties with regard to hygiene, safety, family contact, control of the internal regulations (visits, routine, complaints), the number of officers and their training system, community presence and contact with outside networks. In 2004 construction began on two centres in Regions XI and XII, thus ensuring that there was a specialized detention centre in every region of the country. The technical guidelines for the directly administered detention centres establish that the diagnostic reports must be issued within one month and that young people's attendance at the Behavioural Rehabilitation Centres (CERECOs) must not exceed one year, unless the competent juvenile judge stipulates a different term.

243. The open-environment programmes have strengthened work with the community and pre-existing networks. The supervised-probation officials have targeted their action at the family and grass-roots solutions. The process of restructuring the various non-residential schemes has been completed in accordance with new technical guidelines. Under the designation "Open-environment intervention programmes, a daily behavioural rehabilitation modality", an effort is made to generate the conditions for making supervised freedom the modality of choice when the law on criminal responsibility of adolescents comes into force. Only adolescents charged with breaches of criminal law may have access to those programmes, on the ruling of a competent court.

244. A start has been made on implementation of programmes of reparation measures for victims and of community service with the launching of the reform of criminal procedure for adults. It should be said that this measure is included as a sanction in the bill on criminal responsibility of adolescents.

**Periodic reports (CRC/C/58): paragraph 136**

245. Since the inception in 2000 of the comprehensive reform of the system for the protection of rights and justice for children and adolescents, the Ministry of Justice has organized and participated in training and further-training events at which guidelines on and contents of international treaties signed by Chile and connected to the rights and guarantees of children and adolescents are disseminated.

**Periodic reports (CRC/C/58): paragraph 137**

246. The criminal procedural reform, the laws pertaining to this reform, the amendments to the regulations and the new technical and administrative guidelines for units that come under the Ministry of Justice have enabled progress to be made in respect of the rights of adolescents charged with offences. In that regard, special mention should be made of the existence of programmes of specialized legal support for adolescents accused of committing a crime; the advisory services of the Public Defender's Office for adolescents charged under the new penal system; application of special regulations for adolescents in penal institutions; and the presence of magistrates, safeguarding judges and defence counsel in detention units in which adolescents voice their concerns and complaints.

**2. Children deprived of liberty, including any form of detention, imprisonment or placement in custodial settings**

**Periodic reports (CRC/C/58): paragraph 138**

247. The principal legislative measures are the reform of criminal procedure and the submission of bills relating to children and adolescents since the year 2000.<sup>15</sup> At the same time policies, programmes and projects promoting children's rights have been implemented, especially in relation to the administration of justice, including the police, the courts, defence lawyers, custodial institutions and psychosocial support initiatives on behalf of adolescents serving a sentence or the measures adopted in the custodial or non-custodial system. The foregoing notwithstanding, problems persist with the population of adolescents held to possess discernment and detained in prisons for adults (such as poor living conditions). This situation will finally be rectified through the Act establishing a system of responsibility of adolescents accused of breaching criminal law, as the notion of adolescents tried as adults disappears.

**Periodic reports (CRC/C/58): paragraph 139**

248. Measures to replace deprivation of liberty are organized under the non-custodial programmes in 55 programmes spread out across the national territory with a total of 4,523 places. This option is in line with existing Act No. 16.618, which permits courts to entrust a child to the special transition or rehabilitation establishments designated by that Act.

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<sup>15</sup> Reference is made to the section in this report relating to paragraph 12 of document CRC/C/58.

There are also seven programmes of measures of redress in the form of mediation in criminal cases and community service.

**Periodic reports (CRC/C/58): paragraph 140**

249. Since 2000 the National Service for Minors has provided in its programmes and projects for legal support to adolescents accused of committing an offence. This has made possible a more rational use of custodial sentences, either by avoiding them or reducing them as appropriate. Despite the foregoing, considerable difficulties persist, owing mainly to the terms of Act No. 16.618 and the uncertainty regarding the time to be served when adolescents are held not to possess discernment. Through administrative channels, SENAME has designed technical guidelines establishing the length of sentences for rehabilitation systems in order to limit sentences, but the necessary legal safeguards do not yet exist.

**Periodic reports (CRC/C/58): paragraph 141**

250. There are no children illegally deprived of their liberty, since the procedures are in conformity with the Juvenile Act currently in force.

**Periodic reports (CRC/C/58): paragraph 142**

251. In 2002 the new regulations on minors' sections in adult prisons, which promote the guarantees for adolescents deprived of liberty, whether on trial, charged or sentenced, were approved. These regulations highlight the role of technical bodies for the design, execution and monitoring of plans of action designed for social reintegration activities that target adolescents. In addition, Decree No. 730 was issued governing the living conditions of adolescents in the Behavioural Rehabilitation Centres (CERECOs) and the Observation and Diagnosis Centres (CODs). This decree stipulates that every six months judges must visit those centres and the juvenile offenders' sections in adult prisons to monitor the custodial conditions of adolescents on trial or sentenced.

**Periodic reports (CRC/C/58): paragraph 143**

252. The construction of new special centres for adolescents deprived of liberty has made it possible to segregate them entirely from adults; strengthen contact with their families; provide supervision and monitoring of the premises by higher and independent bodies; provide complaints procedures; and ensure direct participation of qualified professionals, technicians and monitors in the programmes and general routine. The institutional conditions are supervised by SENAME. There is also a supervisory body made up of juvenile judges and judges of the courts of appeal.

**Periodic reports (CRC/C/58): paragraph 144**

253. The strengthening of legal assistance programmes subsidized by SENAME has streamlined legal procedures, reducing the time spent on judicial formalities, affording more expeditious release procedures, efficient implementation of technical reports and the application of measures geared to adolescents' development and characteristics. In custodial centres, these programmes, run by institutions collaborating with SENAME, ensure presence at all times and provide legal advice to detainees (see statistics in annex).

**Periodic reports (CRC/C/58): paragraph 146**

254. The administrative and technical measures taken by SENAME, the rationalization and strengthening of programmes, investment in infrastructure and intersectoral work with the judiciary have resulted in substantial progress in respect for the rights and guarantees of adolescents accused of committing an offence. The greatest difficulty is that no progress has yet been made on the legal initiatives that would establish a system for the protection of children's rights.

**3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment**

**Periodic reports (CRC/C/58): paragraph 147**

255. Strictly speaking, the Juvenile Act does not refer to sentences. The sentence most closely resembling the definition of deprivation of liberty is that of indefinite detention, which is limited to persons under 18 years of age.

**4. Physical and psychological recovery and social reintegration of the child**

**Periodic reports (CRC/C/58): paragraph 149**

256. Regarding adolescents in custodial centres, the administrative measures designed to guarantee care, protection and treatment of their physical and mental health establish that such treatment should be monitored on a regular basis. The other circumstances relating to their treatment are covered by the staff of each centre, which has an infirmary for less serious situations, and through agreements with nearby health-care centres. Work with the families of adolescents contributes considerably to their social integration. In this connection efforts are being made to strengthen links between the families and grass-roots networks in an attempt to boost their social capital; this task is carried out by the various professionals in the programmes devoted to adolescents in conflict with the law.

**C. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

**1. Economic exploitation of children, including child labour (art. 32)**

**Periodic reports (CRC/C/58): paragraph 151**

257. It is the Labour Department in Chile that monitors enforcement of the laws on legal protection against economic exploitation and the performance of work that is likely to be hazardous or prejudicial to a minor's health, development or education, which are set forth in the Labour Code. However, given the supervision of children's work, no special norms apply. Such supervision may be initiated officially by inspectors themselves or at the request of either the children in question or of any person who learns that the services provided for minors comprise irregularities (see statistical data in annex).

**Periodic reports (CRC/C/58): paragraph 152**

258. In February 1999 Chile ratified ILO Convention No. 138, whereby States undertake to follow a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment.

- On 2 May 2000, it ratified ILO Convention No. 182 on the worst forms of child labour, which requires each country to establish a list of the worst forms of child labour. Since 2002, the Ministry of Labour, supported by ILO, has been implementing the project entitled “National diagnosis of child labour and its worst forms” and has been compiling a register of the forms encountered. This instrument has provided Chile with an exhaustive definition of the worst forms of child labour existing in our country and enables it to monitor the phenomenon, coordinate the bodies in contact with such cases (uniformed police, investigation teams, Labour Directorate and SENAME); improve treatment and effective referral; and improve the formulation of better remedial and school-reintegration policies associated with this problem.

259. Where correctional measures are concerned, since 2001 the Ministry of Labour and Social Security, in collaboration with the Ministry of Education and UNICEF, has been organizing an annual campaign for the prevention of seasonal agricultural labour by children attending high schools with the highest drop-out rate throughout the country, with special emphasis on rural areas.

**Periodic reports (CRC/C/58): paragraph 153**

260. In conformity with the standards set forth in ILO Convention No. 138, in June 2000 the Senate adopted Act No. 19.684 amending the Labour Code and raising the minimum age for admission to employment from 14 to 15 years of age.

**Periodic reports (CRC/C/58): paragraph 154**

261. The National Policy and Plan for the Prevention and Progressive Eradication of Child and Adolescent Labour has been in force since 15 November 2001. Those who contributed to the elaboration of this initiative were State institutions, international organizations, social organizations and networks and associations of workers and employers, all members of the National Advisory Committee for the Prevention and Progressive Eradication of Child Labour, coordinated by the Ministry of Labour and Social Security. The Plan constitutes a guideline framework and an instrument of public action, whose purpose is to integrate children into the economic and social development process in a manner consistent with the principles of equity, equality of opportunities and promotion of social justice and poverty eradication.

262. The Plan includes five strategic areas of intervention as guidelines for action: sensitization of the national community to the violation of children’s rights; production of data for increasing empirical knowledge of the subject; norms and monitoring of compliance for promoting legal reforms leading to the progressive eradication of child labour; age groups, in order to differentiate the actions required for children’s various age groups; and monitoring and evaluation of the development of the Plan.

263. The programme “National diagnosis of child labour and its worst forms” was launched in June 2002 by the Ministry of Labour with ILO support for the purpose of conducting the first national survey with a specific methodology for measuring child labour. This survey took place from February to April 2003 in all the regions of the country. A register of the worst forms of child labour was also established. These activities were carried out by the National Institute of Statistics and the National Service for Minors.

264. The results of the survey show that 94.6 per cent of children do not work and devote their time mainly to study and to activities suited to their age. In the 5-17 age group 5.4 per cent worked at least one hour a week, making a total of 196,104 child workers. Of these, 3 per cent worked at what has been termed “unacceptable”<sup>16</sup> activities and 2.4 per cent at “acceptable” activities.

265. The study also shows that there are 42,083 children who work in their own homes, devoting more than half the daytime to domestic chores. This form of displacement of the adult productive role on to children involves cultural gender patterns in which women are responsible for domestic tasks while men bring home the wages, and it has serious consequences in terms of school drop-out and backwardness rates.

## 2. Drug abuse

### Periodic reports (CRC/C/58): paragraph 155

266. The Fifth National Study on Drug Use in the General Population in Chile, conducted by the National Council for the Narcotic Drug Control (CONACE) in 2003, reported on the prevalence, in percentage terms, of drug use among schoolchildren from primary grade 8 to secondary grade 4 (see statistical data in annex).

267. Between 2000 and 2003 CONACE, in conjunction with the Ministry of Education (MINEDUC), devised and implemented a set of drug-use prevention programmes to be applied in the school system. These programmes embrace all educational levels (nursery, primary and secondary) and have been made available to all schools in the country.

268. As of 2003, a new CONACE programme has been introduced targeting the adolescent population in situations of extreme social vulnerability (street children, those not attending school or at high risk of dropping out). After one year of programme implementation through 19 projects (13 for regional strengthening and 5 at national level), coverage has increased to over 1,300 children for purposes of drug-use prevention and school and social reintegration.

269. Starting in the second half of 2003, as part of the cooperation agreement between SENAME and CONACE, the latter began a national training process for professionals and technicians working in the SENAME network. Coordination took the form of joint workshops, a project aimed at a group (“caleta”) of street children, as well as joint support, both financial and technical, for detoxification of child addicts in the Metropolitan region.

270. There is a drug-abuse prevention programme of family scope, entitled “Prevention in the family” for families with the highest social vulnerability ratings and with children aged 12-18. A total of 11,123 monitors have received training for the implementation of this programme. In its initial phase its coverage is expected to extend to 55,615 families. SENAME, for its part, has implemented 22 specialized projects nationwide to remedy drug abuse and has attained a coverage of 936 children.

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<sup>16</sup> *Acceptable work* is work done in accordance with the law by adolescents aged 15 and over. This category also includes light or short-time work that can be performed, under protection, by children aged 12-14. Any activity that does not comply with those characteristics is considered *unacceptable work*.

### 3. Sexual exploitation and sexual abuse (article 34)

#### Periodic reports (CRC/C/58): paragraph 159

271. In 1996 the Government of Chile adopted the Final Declaration and Plan of Action of the First World Congress against Commercial Sexual Exploitation of Children (Stockholm, 1996) and undertook to implement a national plan on the subject by 2000. In 1999 it adopted the final declaration of the regional seminar “Violence and commercial sexual exploitation of children in Latin America and the Caribbean”, organized by the Inter-American Children’s Institute. Also in 1999, the State of Chile ratified ILO Convention No. 182 on the worst forms of child labour. In 2002 the National Congress ratified the “Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography”.

272. Legislative advances include the publication in 1999 of the Sexual Offences Act (No. 19.617), which has recently been amended by Act No. 19.927, promulgated on 8 January 2004. It typifies the following offences:

- (a) Facilitating or promoting prostitution of children under 18.
- (b) Patronizing child prostitutes (meaning children over 14 and under 18 years of age).
- (c) Facilitating entry into or departure from the country of persons working as prostitutes.
- (d) Use of persons under 18 years of age in the production of pornographic material.

273. Act No. 19.927 raises the minimum age of sexual consent from 12 to 14, thereby protecting the sexual safety, development and integrity of persons under 14 years of age. That amendment covers all sex offences. The law also increases penalties for most currently typified sex offences. In addition, new criminal offences are created, such as the special offence that penalizes anyone who “procures the sexual services” of a minor in exchange for money or other consideration. With that offence, the client is punishable by law for the first time in our country.

274. Genuine protection of the rights of child victims of commercial sexual exploitation is secured by extending the offence of promoting the prostitution of persons under 18 to include any person who promotes or facilitates it, even if not on a regular basis, or abuses a position of authority or trust, as occurred with the earlier typification, but in which case a lesser sentence applies than previously. Also expanded are the offences linked to child pornography, introducing distribution and sales of child pornography, and storage and acquisition of child pornography material.

275. A new punishment is being established in the form of a temporary and total ban on duties, jobs occupations or professions exercised in the education sphere or involving a direct and habitual relationship with minors.

276. Lastly, national courts are empowered to try specific offences committed outside the territory of the Republic, provided certain conditions are met. Also admitted are investigation measures such as intercepting or recording of telephone calls, taking photographs, filming or using other means of reproducing images that help clarify events, recording of communications, and the use of undercover agents.

277. Regarding programme advances, in 1999 Chile held the first national conference on child sexual exploitation and abuse. As a first step, it served to raise awareness of the issue of commercial sexual exploitation of children. It culminated in a final declaration and undertaking which, based on the Stockholm and Montevideo agreements, laid the groundwork for a National Plan of Action on the subject.

278. Between 1999 and 2000, the “Framework for Action against the Commercial Sexual Exploitation of Children and Adolescents” was formulated. It is an important working tool for progress on devising coordination policies and actions on the subject. Its main lines of action cover the areas of investigation, intervention, social-policy reforms and normative reforms.

279. The second national conference was held in 2004; it was decided to establish a permanent workshop on the subject, coordinated by the Ministry of Justice and SENAME, with the participation of all the sectors involved. This working group will be responsible for monitoring the actions proposed in the “Framework for Action against the Commercial Sexual Exploitation of Children and Adolescents”.

280. In the area of research, and with financial support from ILO-IPEC, in 2003 SENAME conducted a quantitative and qualitative diagnosis that indicates the magnitude and current characteristics of commercial sexual exploitation of children in the country, specifically their use for prostitution. This diagnosis constitutes an important advance because none had been conducted in the country since 1992. The research findings show an estimated 3,719 child victims of commercial sexual exploitation across the country.

- Between 2001 and 2003 SENAME developed two projects for remedying child commercial sexual exploitation (one funded by SENAME and the other by IPEC). The purpose of this initiative is to repair physical and psychological damage suffered as a result of sexual exploitation to which children have been subjected.
- Considering the seriousness of the consequences for children who are victims of sexual exploitation, and on the basis of an up-to-date diagnosis of the problem on a national scale, six further projects were added in 2004 entailing a total investment of US\$ 1,044,123 by SENAME.

## **5. Other forms of exploitation**

### **Periodic reports (CRC/C/58): Paragraph 163**

281. The “Single System of Registration of Worst Forms of Child Labour”, an instrument that makes it possible to identify ways in which rights violations affect the well-being and integral development of children, includes the category “Dimension of Dangerous Work”, which corresponds to all work activities that are harmful either in themselves or because of the conditions in which they are performed. In this connection, reference is made to the section in this report relating to paragraph 88 of document CRC/C/88.

#### **D. Children belonging to a minority or an indigenous group**

### **Periodic reports (CRC/C/58): paragraph 163**

282. In this regard, reference is made to the sections in this report relating to paragraphs 27 and 106 of document CRCC/C/58.

## ANNEXES

### ABBREVIATIONS AND ACRONYMS

Universal access to health care with explicit guarantees	AUGE
Inter-American Development Bank	IDB
Reading, Writing and Mathematics Campaign	LEM Campaign
Centre for Victims of Sexual Abuse	CAVAS
Observation and Diagnosis Centre	COD
Family Mental Health Centre	COSAM
Community Centre for Children's and Adolescents' Rights	CIJ
Behavioural Rehabilitation Centres	CERECO
Transit and Distribution Centres	CTD
Code of Criminal Procedure	CPP
National AIDS Committee	CONASIDA
Convention on the Rights of the Child	CRC
Indigenous Development Corporation	CONADI
National Council for Narcotic Drug Control	CONACE
Department of Libraries, Archives and Museums	DIBAM
Bilingual Intercultural Education	EIB
National Social and Economic Survey	CASEN
Sexually Transmitted Diseases	ETS
Solidarity and Social Investment Fund	FOSIS
National Disability Fund	FONADIS
Acute Respiratory Infections	IRA
Discussion Sessions on Emotional Relations and Sexuality	JOCAS
Full School	JEC
National School Support and Scholarships Fund	JUNAEB
National Nursery Schools Board	JUNJI
Constitutional Organization Act on Education	LOCE
Ministry of Education	MINEDUC
Ministry of Health	MINSAL
Women of Childbearing Age	MEF
Office for the Protection of Rights	OPD
International Labour Organization	ILO
Non-governmental Organization	NGO
Sickness Welfare Pension	PASIS

Persons living with HIV	PVVIH
Gross Domestic Product	GDP
Old-age Pension Pensions Scheme	PASIS
School Food Programme	PAE
Bilingual Intercultural Education programme	PEIB
Programme for Strengthening Initial Teacher Training	FDI
900 Schools Programme	P- 900
Management Improvement Programme	PMG
Educational Improvement Projects	PME
Childhood Improvement Programme	PMI
National Supplementary Food Programme	PNAC
Community-based Rehabilitation	RBC
Emergency Primary Health Care	SAPU
National Service for Women	SERNAM
National Service for Minors	SENAME
Drinking Water Subsidy	SAP
Single Family Subsidy	SUF
System for Measuring the Quality of Education	SIMCE
National System for Environmental Certification of Educational Establishments	SNCAE

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**Table 1**  
**PAE food rations distributed, 1998-2002**

<b>Educational level</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
PAE Pre-nursery	-	-	-	21 000	27 000
PAE Nursery	29 107	28 500	29 000	32 000	55 000
PAE Primary	728 571	755 000	797 000	831 000	842 000
PAE Secondary	140 347	162 500	182 500	204 000	210 000

*Source:* JUNAEB, 2003.

**Table 2**  
**Beneficiaries, JUNAEB health area programmes, 1998-2002**

<b>Subproducts</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
School health	138 770	162 298	180 575	193 958	190 075
Oral health	245 400	128 700	131 440	166 238	161 430
Life skills	0	14 202	29 432	34 257	63 544

*Source:* JUNAEB.

**Table 3**  
**Deaths by sex and age group, 1998-2000**

	<b>1998</b>			<b>1999</b>			<b>2000</b>		
	<b>Men</b>	<b>Women</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Under age 1	1 566	1 227	2 793	1 486	1 168	2 654	1 263	1 073	2 336
1 year	90	56	146	55	54	109	58	47	105
2 years	120	108	228	82	94	176	99	68	167
3 years	70	50	120	55	44	99	50	30	80
4 years	56	39	95	46	31	77	62	27	89
5-9 years	208	143	351	182	131	313	176	129	305
10-14 years	188	121	309	204	103	307	180	126	306
15-19 years	507	192	699	475	194	669	492	189	681
Total									
0-19 years	2 805	1 936	4 741	2 585	1 819	4 404	2 380	1 689	4 069
All ages	43 695	36 562	80 257	44 424	37 560	81 984	42 970	35 844	78 814

*Source:* INE, Compendio Estadístico, 2001, 2002, y 2003.

**Table 4**  
**Deaths by suicide or intentionally self-inflicted injuries,**  
**by sex and age group, 1998-2000**

Year	Total country population			10-14 years			15-19 years		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
1998	899	132	1 031	4	4	8	49	14	63
1999	903	138	1 041	3	1	4	42	19	61
2000	1 266	207	1 473	8	6	14	84	30	114

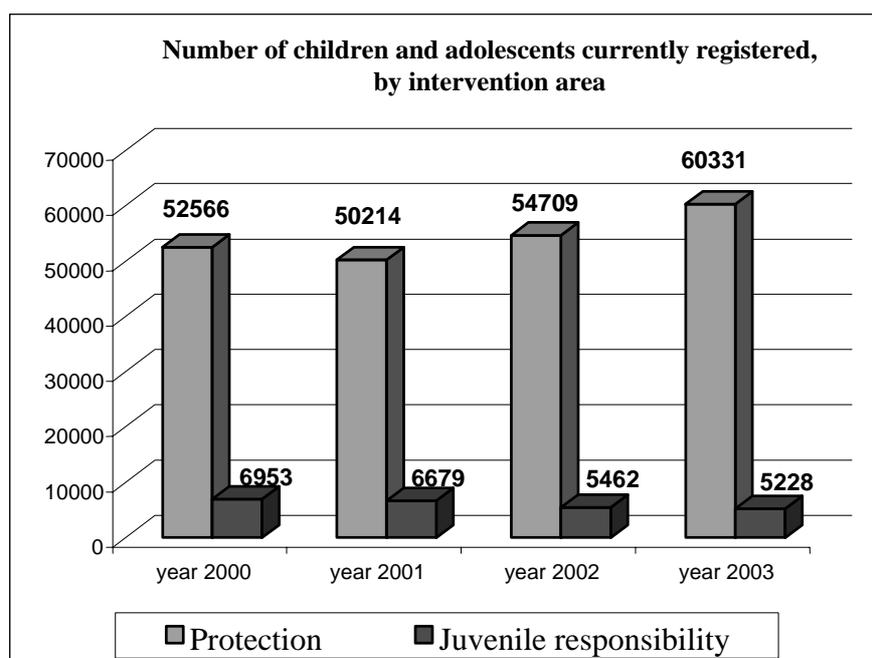
Source: INE, Compendio Estadístico, 2001, 2002 and 2003.

**Table 5**  
**Children registered with SENAME, 2000-03 (on 31 December of each year)**

Years	Total	Protection	Juvenile responsibility
2000	59 549	52 566	6 953
2001	56 893	50 214	6 679
2002	60 171	54 709	5 462
2003	65 559	60 331	5 228

Source: SENAME database, 2004.

**Table 6**



Source: SENAME database, 2004.

**Table 7**  
**Trends in national and international adoptions, 1995–2004**

Year	National adoptions	International adoptions
1995	153	238
1996	110	195
1997	124	127
1998	202	142
1999	245	123
2000	357	59
2001	474	87
2002	412	70
2003	425	90
2004 (first quarter)	90	26

*Source:* SENAME, 2004.

**Table 8**  
**Children adopted by foreign married couples, by country of residence of the adoptive parents, 1999-2003**

Country/years	1999	2000	2001	2002	2003
Italy	30	17	37	28	38
Norway	6	6	13	12	10
United States	10	3	3	-	4
Germany	10	2	6	2	11
Spain	16*	8	15	16	10
France	30	7	12	11	17
Brazil	1	-	-	-	-
Canada	2	-	-	-	-
Sweden	-	-	-	1	-
Switzerland	2	-	-	-	-
Bolivia	1	-	-	-	-
Belgium	2	1	-	-	-
Total	110	44	86	70	90

*Source:* SENAME, 2004.

\* Includes two cases of children adopted in November and December of that year under Act N° 19.620.

**Table 9**  
**Children adopted by foreign married couples, 1999-2003, by sex**

Sex/years	1999	2000	2001	2002	2003
Female	54	21	53	33	44
Male	56	23	33	37	46
Total	110	44	86	70	90

Source: SENAME, 2004.

**Table 10**  
**Children adopted by foreign married couples, 1999-2003,  
by age group**

Age/years	1999	2000	2001	2002	2003
0- 2 years	30	14	9	15	3
2-4 years	13	7	8	5	11
4-6 years	15	5	22	14	18
6-8 years	30	5	26	16	30
8 years and over	22	13	21	20	28
Total	110	44	86	70	90

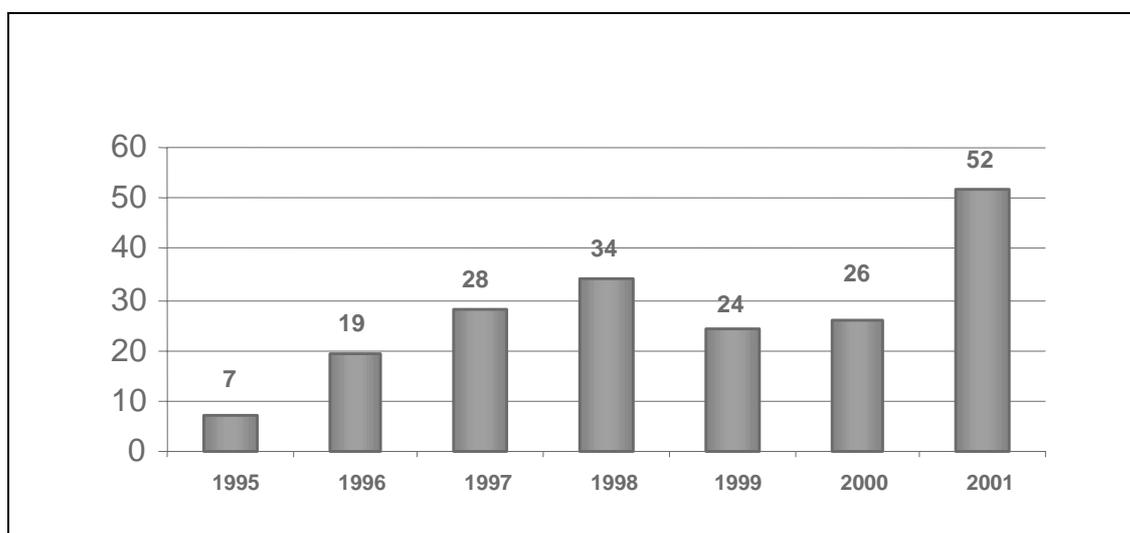
Source: SENAME, 2004.

**Table 11**  
**Six-year projection for projects to remedy severe maltreatment**

Year	Number of projects	Coverage
2002	20	1 433
2003	24	1 736
2004	33	1 900
2005	34	1 990
2006	35	2 036

Source: SENAME, 2004.

**Table 12**  
**Number of projects of the National Disability Fund for children**



Source: FONADIS, 2003.

**Table 13**  
**Assistance to disabled persons aged 0-17 provided through the FONADIS technical assistance programme**

	Beneficiaries	Grants	Amount (US\$)	Co-contributions	Total
2001	427	608	192 000	21 000	213 000
2002	519	541	188 000	28 000	216 000
2003	408	412	130 000	13 000	143 000

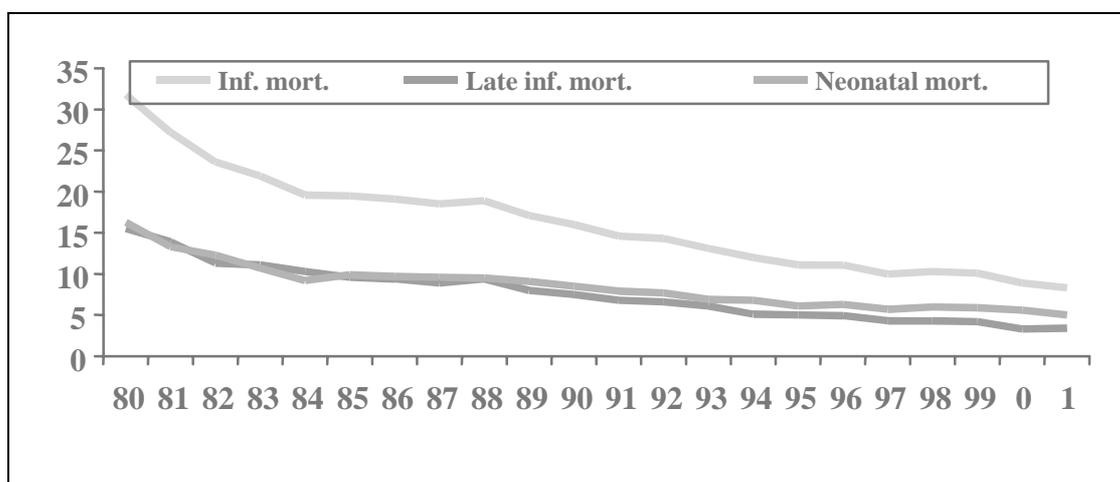
Source: FONADIS, 2003.

**Table 14**  
**Disabled children assisted by SENAME, by sex, 1999-2003**

	1999		2000		2001		2002		2003	
	F	M	F	M	F	M	F	M	F	M
Intellectual disability	16	14	13	16	0	1	12	15	22	18
Physical and intellectual disability	442	624	448	637	498	706	415	596	437	630
Physical disability alone	2 144	2 452	2 152	2 632	2 063	2 438	1 721	2 120	1 607	1 943

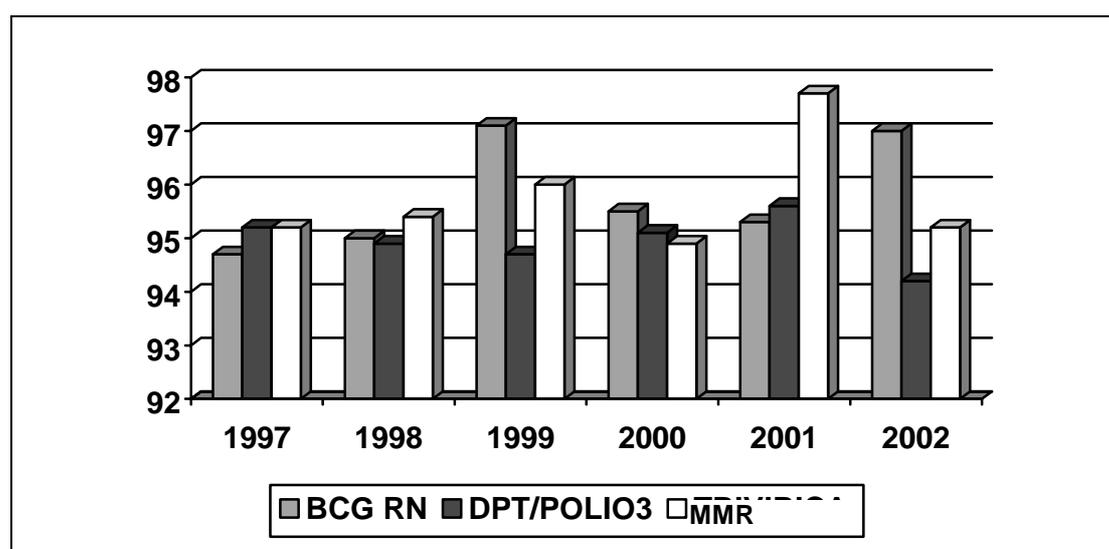
Source: SENAME, 2004.

**Table 15**  
**Infant mortality. Chile 1980-2001**



Source: Minsal. Rates per 1,000 live births.

**Table 16**  
**Vaccination coverage – Expanded immunization programme, 1997-2002**



Source: Ministry of Health, 2004.

**Table 17**  
**Reduction of the number of pregnant women with nutritional deficiencies**

Year	Monitored population	Obese Underweight Low weight		
		(percentages)		
1997	95 858	28.7	22.1	15.7
1999	91 978	31.8	22.5	14.2
2000	93 161	32.5	22.2	13.9
2001	88 596	32.6	21.8	13.3
2002	93 617	33.4	21.8	13.3

Source: Ministry of Health, 2003.

**Table 18**  
**Causes of maternal mortality, 2001**

<b>Specific causes of maternal deaths</b>	<b>Year 2001 (percentages)</b>
Hypertension complications, oedema, proteinuria in pregnancy, childbirth and puerperium	50
Complications relating mainly to pregnancy	20
Other obstetric complications	13.3
Unspecified abortions	6.6

*Source:* Ministry of Health, 2003.

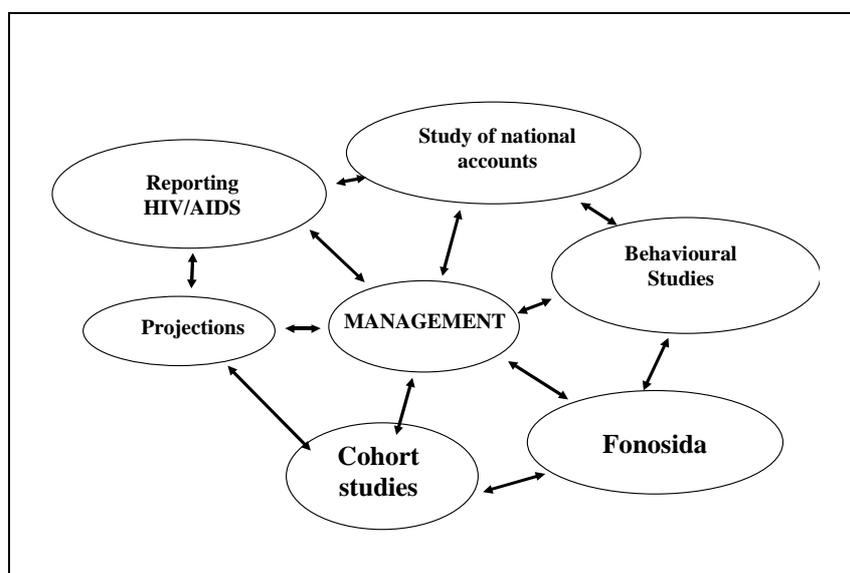
**Table 19**  
**Maternal and perinatal health indicators. Chile 1990-2001**

<b>Year</b>	<b>MM (x 100.000 live births)</b>	<b>MFT (x 1.000 live births)</b>	<b>MNP (x 1.000 live births)</b>	<b>MI (x 1.000 live births)</b>
1990	39.9	5.8	7.7	16.0
1991	35.3	5.9	6.4	14.6
1992	30.9	5.7	6.1	14.3
1993	34.4	5.3	5.3	13.1
1994	25.3	4.6	5.2	12.0
1995	30.7	4.6	4.6	11.1
1996	22.6	4.5	4.8	11.1
1997	22.3	4.5	4.5	10.0
1998	20.3	4.3	4.5	10.3
1999	23.0	4.1	4.5	10.1
2000	19.0	4.3	4.3	8.9
2001	11.5			8.3

*Source:* Ministry of Health, 2003.

Maternal Mortality Rates (MM), Late Fetal Mortality (MFT), Early Neonatal Mortality (MNP) and Infant Mortality (MI).

**Table 20**  
**Epidemiological surveillance of AIDS in Chile**



Source: Ministry of Health, CONASIDA.

**Table 21**  
**Orphans' pensions – Average number of beneficiaries, by legal basis**

Year	Organic laws ex welfare funds: Act N° 15.386 and Act N° 16.744	Act N° 19.234 (exempted)	Act N° 19.123 (reparation)	Average No. of beneficiaries
1998	14 154	9	0	14 163
1999	12 725	9	0	12 734
2000	11 413	12	154	11 579
2001	10 219	33	132	10 384
2002	9 827	90	107	10 024
June 2003	9 191	118	80	9 389

Source: INP, 2003.

**Table 22**  
**Family allowances – Summary of monthly average numbers of persons entitled and beneficiaries and total annual payments**

Year	Monthly average of persons entitled	Monthly average of beneficiaries	Total annual payments (US\$)
1998	944 715	476 508	52 576 504
1999	985 393	451 659	55 361 192
2000	1 016 320	464 142	59 409 864
2001	1 039 906	470 132	60 585 263
2002	1 020 849	463 824	64 743 100

Source: INP, 2003.

**Table 23**  
**Single family subsidies (SUF)<sup>17</sup>**  
**Summary of monthly average numbers of persons entitled and amounts paid**

Year	<15 years	Newborn	Pregnant women	Mothers	Mental Defs.	Monthly average number of persons	Annual amount paid out (US\$)
1998	720 831	1 155	2 914	109 873	0	834 773	57 722 875
1999	788 087	0	1 203	115 328	662	905 280	58 457 033
2000	759 299	0	1 969	109 892	846	872 006	63 798 740
2001	759 414	0	1 814	125 050	1 310	887 588	66 234 116
2002	779 950	768	1 860	150 012	1 541	934 131	71 551 361
June 2003	763 636	703	1 206	172 346	1 663	939 554	36 179 828

Source: INP, 2003.

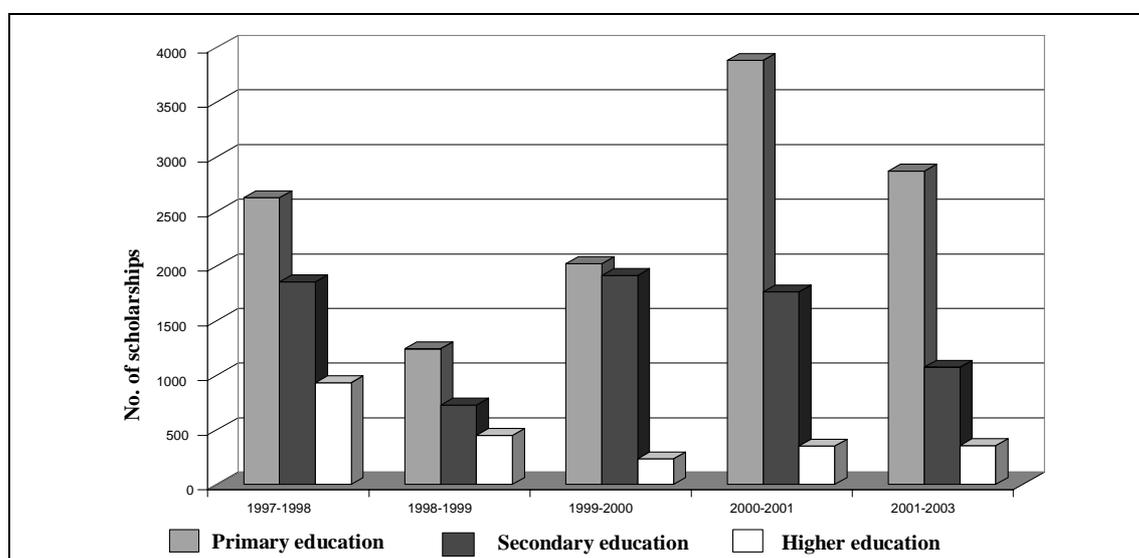
**Table 24**  
**Public expenditure on education, 1995-2001**

Year	Annually (US\$)	Average 2001(US\$)	Percentage of total social spending	Percentage of total public spending	GDP
1995	1.382.551.364	1.840.296.396	23.9	15.6	2.9
1996	1.664.253.958	2.063.371.506	24.4	16.1	3.2
1997	1.964.200.067	2.294.417.312	25.7	16.9	3.4
1998	2.258.903.671	2.510.483.328	26.2	17.3	3.7
1999	2.533.031.324	2.724.311.216	26.3	17.9	4.0
2000	2.804.269.114	2.904.220.276	26.5	18.4	4.1
2001	3.122.783.766	3.122.783.766	26.8	18.7	4.4

Source: Education Statistics 2001. Department of Studies and Statistics, Ministry of Education.

<sup>17</sup> SUF is a family subsidy for people with few resources.

**Table 25**  
**Annual increases in the number of indigenous scholarships by educational level, 1997-2003<sup>18</sup>**



Source: Ministry of Education, 2004.

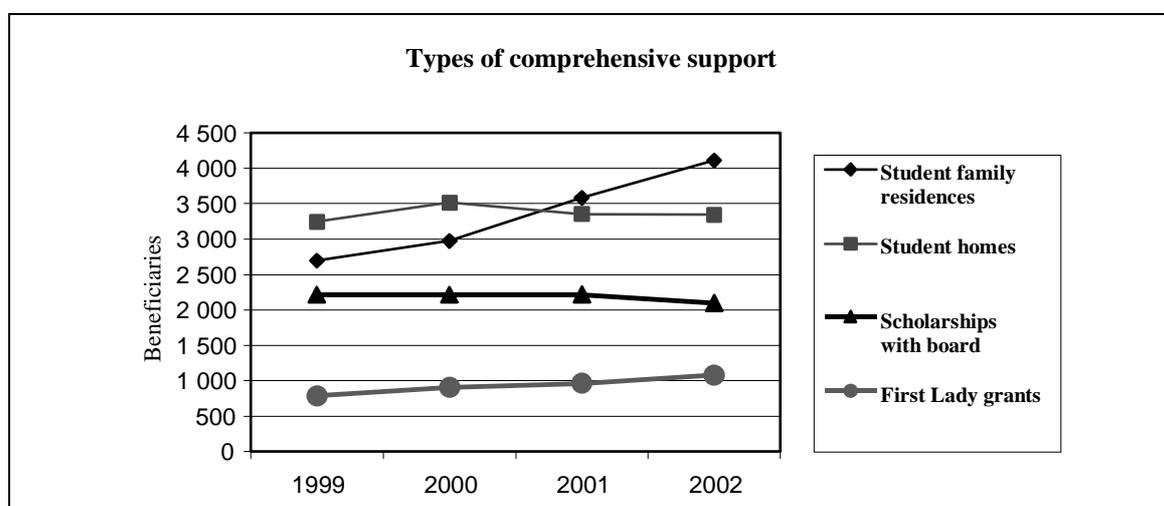
**Table 26**  
**Comprehensive support programme beneficiaries**

Programmes	1998	1999	2000	2001	2002
Student housing:					
Student family residences	2 113	2 967	2 971	3 580	4 110
Student homes	3 542	3 245	3 516	3 353	3 342
Boarding grants	2 232	2 213	2.215	2.219	2.095
First Lady grants	686	788	908	965	1.080
School camps	29 200	41 502	41 728	42 578	32 445
School materials	910 000	940 000	940 000	947 000	1 159 000

Source: JUNAEB, 2003.

<sup>18</sup> In 2002 there was no increase in the number of scholarships for primary and secondary education, and only 70 scholarships more for higher education.

**Table 27**  
**Beneficiaries by form of comprehensive support**



Source: JUNAEB, 2003.

**Table 28**  
**Trends in the JUNAEB budget**

Year	Annual budget allocation (US dollars)	Programme investment (%)	Administration costs (%)
1999	99 438 360	96.6	3.4
2000	111 065 586	94.7	5.3
2001	127 992 209	94.3	5.7
2002	135 604 223	95	5

Source: JUNAEB, 2003.

**Table 29**  
**Ethnic establishments in nursery school programme, by community (July 2003)**

Indigenous peoples	Premises	Children
Aymara	16	220
Atacameño	3	51
Colla	1	20
Rapanui	1	64
Pehuenche	6	143
Mapuche	22	412
Huilliches	17	306
Other	3	77
Total	69	1 293

Source: JUNAEB, 2003.

**Table 30**  
**Enrolment in school integration projects**

<b>Year</b>	<b>Students involved in integration projects</b>
1997	3 365
1998	5 339
1999	6 200
2000	10 705
2001	11 500
2002	14 756
2003	18 000

*Source:* MINEDUC, Special Education Programme, 2003.

**Table 31**  
**Enrolment in hospital schools and classes**

<b>Year</b>	<b>Total enrolment in hospital schools and classes</b>
2002	317
2003	415

*Source:* MINEDUC, Special Education Programme.

**Table 32**  
**Special schools**

<b>Year</b>	<b>Total enrolment in special schools</b>
1998	45 504
1999	46 049
2000	52 608
2001	58 108
2002	71 591
2003	96 000

*Source:* MINEDUC. Special Education Programme.

**Table 33**  
**Classroom teachers by educational level in pre-school education \***

<b>Nursery education</b>	<b>10 265</b>
Primary education	74 312
Special education	5 012
Secondary education	34 050

\* Excluding adult education.

*Source:* Educational statistics, 2001. Department of Studies and Statistics, Ministry of Education.

**Table 34**  
**Investment in infrastructure for Full School Day programme**  
**(in thousands of US dollars)**

<b>Year</b>	<b>US dollars (thousands)</b>
1997	49 439
1998	83 891
1999	123 562
2000	173 017
2001	174 193
2002	214 273
<b>Total</b>	<b>818 376</b>

*Source:* Infrastructure Programme, Ministry of Education.  
Rate of exchange applied: US\$ 1= 688.94 pesos (the average dollar/peso rate for 2002).

**Table 35**  
**History of enrolment in subsidized establishments incorporated into the Full School Day programme**

<b>Year</b>	<b>Establishments</b>	<b>Average enrolment</b>
1997	3 143	289 08
1998	4 102	433 69
1999	4 132	525 88
2000	4 961	719 96
2001	5 489	963 37
2002	6 001	1 200 637

*Source:* Department of Subsidies, Ministry of Education.

**Table 36**  
**Illiteracy rate, 1996-2001**

<b>Year</b>	<b>Illiteracy rate</b>
1996	4.84
1997	4.74
1998	4.64
1999	4.55
2000	4.42
2001	3.79

*Source:* Education statistics 2001, Ministry of Education.

**Table 37**  
**Illiteracy by zone and region, 2003 (percentages)**

<b>Region</b>	<b>urban</b>	<b>Rural</b>
I	1.5	10.8
II	0.6	9.2
III	3.3	9.8
IV	2.3	12.1
V	2.2	9.1
VI	4.2	11.8
VII	4.4	12.9
VIII	4.2	15.2
IX	5.7	15.1
X	4.1	8.2
XI	4.9	11.2
XII	1.1	5.7
Metropolitan	2.1	6.0
COUNTRY	2.8	11.8

*Source:* MIDEPLAN, CASEN survey 2003.

**Table 38**  
**Average school enrolment of the economically active population, 1996-2001**

<b>Year</b>	<b>Level of schooling</b>
1996	9.8
1997	9.7
1998	9.9
1999	10.0
2000	10.2
2001	10.3

*Source:* MINEDUC, Education statistics, 2001.

**Table 39**  
**Average school attendance level among the population aged 15 and over by sex, 1996-2003**

<b>Year</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
1996	9.6	9.3	9.4
1998	9.8	9.5	9.7
2000	10.0	9.7	9.8
2003	10.3	10.0	10.1

*Source:* MIDEPLAN, CASEN surveys, 1998, 2000 and 2003.

**Table 40**  
**Average school attendance level among the population aged 15 and over**  
**by zone, 1996-2000**

Area	1996	1998	2000
Urban	10.0	10.2	10.3
Rural	6.3	6.5	6.7
Total	9.4	9.7	9.8

*Source:* MIDEPLAN, CASEN surveys 1996, 1998 and 2000.

**Table 41**  
**“Know Your Child” programme: coverage 2000-2003, Children (both sexes)**

Year	0 - 1 year 11 months	2 years – 3 years 11 months	4 years - 5 years 11 months	Total
2000	977	1 720	1 905	4 602
2001	925	1 280	2 022	4 227
2002	813	1 191	2 006	4 010
2003	877	1 223	1 917	4 017
Total	3.592	5 414	7 850	16 856

*Source:* Nursery Education Unit, Ministry of Education.

**Table 42**  
**Coverage 1998-2003 PMI**

Year	Children
1998	7 365
2000	2 740
2001	2 772
2002	3 090
2003	3 192
Total	11 794

*Source:* Nursery Education Unit, Ministry of Education.

**Table 43**  
**Pre-school education coverage, by income quintile, 1996-2000**

Quintile	1996	1998	2000	2003
I	22.3	23.6	25.5	30.3
II	26.8	29.1	29.6	34.0
III	30.3	30.5	32.7	35.0
IV	36.8	34.8	37.6	36.1
V	48.4	44.8	50.2	49.1
Total	29.8	30.3	32.4	35.1

Source: MIDEPLAN, CASEN surveys 1996, 1998, 2000 and 2003.

**Table 44**  
**P.900 programme coverage, 1998-2002**

	1998	1999	2000	2001	2002
Schools	893	913	909	1 443	1 443
Teachers	11 165	11 451	11 471	25 685	25 685
Students	285 87?	294 40?	295 257	641 316	641 316

Source: MINEDUC, 2003.

**Table 45**  
**Rural primary programme coverage, 1998-2002**

	1998	1999	2000	2001	2002
Schools	3 299	3 302	3 626	3 626	3 487
Microcentre	510	517	597	597	655
Teachers	5 058	5 068	8 096	8 096	7 788
Students	96 346	96 446	129 742	129 742	119 417

Source: MINEDUC, 2003.

**Table 46**  
**Total enrolment 1997-2003 by year and region**

Region	1997	1998	1999	2000	2001	2003
I	95 443	98 984	100 330	102 236	103 904	108 895
II	108 231	111 325	113 175	116 198	118 925	124 602
III	63 278	64 175	64 537	65 560	66 836	67 485
IV	136 322	139 231	142 869	145 507	148 662	151 387
V	345 909	350 974	354 939	357 382	362 973	365 493
VI	173 837	176 769	179 632	183 250	188 431	193 008
VII	202 865	206 844	211 689	214 890	219 022	224 128
VIII	424 772	422 504	439 563	439 046	445 508	456 101
IX	196 951	199 806	206 197	211 736	216 155	222 523
X	230 984	237 799	243 968	248 849	255 589	264 901
XI	21 676	22 014	22 292	22 966	23 165	23 525
XII	32 235	33 428	33 931	33 782	34 028	33 435
Metropolitan region	1 274 097	1 274 113	1 316 805	1 367 107	1 375 824	1 393 228
Total	3 306 600	3 337 976	3 29 927	3 508 509	3 559 022	3 628 711

Source: MINEDUC, Education Statistics, 2003.

**Table 47**  
**Education coverage by educational level and by area**

Year	Pre-school education			Primary education			Secondary education		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
1996	29.0	30.7	29.8	98.2	98.1	98.2	84.7	87.0	85.9
1998	30.0	30.6	30.3	98.2	98.5	98.3	86.3	87.4	86.8
2000	33.0	32.0	32.4	99.0	99.0	98.0	90.0	90.0	90.0
2003	34.8	35.3	35.1	99.0	99.1	99.1	92.6	92.8	92.7

Source: MIDEPLAN, CASEN surveys 1996, 1998, 2000 y 2003.

**Table 48**  
**Enrolment in primary education by pass, failure and drop-out rates**

<b>Years</b>	<b>Enrolment Primary education</b>	<b>Pass rates</b>	<b>Failure rates</b>	<b>Drop-out rates</b>
1990	1 991 178	89.9	7.8	2.3
1991	2 002 948	90.6	7.4	2.0
1992	2 034.831	90.8	7.2	1.9
1993	2 066.037	91.2	6.9	1.9
1994	2 088.468	91.2	6.9	1.9
1995	2 144.800	92.3	6.0	1.7
1996	2 205.092	92.5	5.7	1.8
1997	2 234.608	94.0	4.4	1.6
1998	2 253.171	95.0	3.5	1.5
1999	2 305.459	95.9	2.8	1.4
2000	2 355.594	95.7	2.9	1.4
2001	2 361.721	95.9	2.8	1.3

*Source:* MINEDUC, Education statistics, 2001.

**Table 49**  
**Assistance grants for remaining in school**

<b>Year</b>	<b>Number of beneficiaries</b>	<b>Location</b>
2000	3 000	Regions V, VII, IX, X and MR
2001	6 125	All regions
2002	10 000	All regions
2003	13 000	All regions

*Source:* MINEDUC. High School for All programme.

**Table 50**  
**Number of grants to pupils in secondary education**

<b>Years</b>	<b>Secondary-education grants</b>
1997	13 369
1998	15 194
1999	18 194
2000	19 288
2001	22 951
2002	22 668

*Source:* Ministry of the Interior, 2003.

**Table 51**

**Evolution of the coverage of higher education by nationwide per capita income quintile in households**

Year	Income quintile					Total
	I	II	III	IV	V	
1996	8,5	15,1	21,5	34,7	59,7	27,8
1998	8,7	13,3	23,0	38,8	65,5	29,3
2000	9,4	17,3	29,8	42,5	66,0	32
2003	14,5	21,2	32,8	46,4	73,7	37,5

Source: MIDEPLAN, CASEN surveys 1996, 1998, 2000 y 2003.

**Table 52**

**Direct administration centres of the National Service for Minors**

Region	1999	2000	2001	2002	2003
I Tarapacá	2	2	2	2	2
II Antofagasta	1	1	1	1	1
III Atacama	1	1	1	1	1
IV Coquimbo	1	1	1	1	1
V Valparaíso	1	1	2	2	2
VI Libertador Bernardo O'Higgins	-	-	1	1	1
VII Maule	2	2	2	2	2
VIII Bío-Bío	3	4	4	4	4
IX Araucanía	2	2	2	2	2
X Los Lagos	1	1	2	2	2
XI Aysén del General Carlos Ibáñez del Campo	-	-	-	-	1
XII Magallanes and Chilean Antarctic	-	-	-	-	1
XIII Metropolitan region	8	8	8	8	8
Total Centres administered directly by SENAME	22	23	26	26	28

Source: SENAME, 2004.

**Table 53**

**Girls and boys in the area of juvenile responsibility, by sex, 2000-2003**

	2000		2001		2002		2003	
	No.	%	No.	%	No.	%	No.	%
Girls	1.631	23,6	1.505	22,7	746	13,7	512	9,8
Boys	5.322	76,5	5.464	81,8	4.406	86,3	4.716	90,2
Total	6.953	100	6.679	100	5.462	100	5.228	100

Source: SENAME, 2004.

**Table 54**  
**Children and adolescents in the area of juvenile responsibility,**  
**by age, 2001-2002**

Age	2001		2002	
	Number	Percentage	Number	Percentage
7 - 8	1	0,0	-	-
9 - 10	13	0,2	-	-
11 -12	183	2,7	30	0,5
13 - 14	1.210	18,1	748	13,7
15 - 16	2.868	42,9	2.667	48,8
17	1.680	25,2	1.625	29,8
18 and over	620	9,3	346	6,3
Not known	104	9,3	46	0,8
Total	6.679	1,6	5.462	100,0

Source: SENAME, 2004.

**##Table 55**  
**Children and adolescents in the area of juvenile responsibility,**  
**by age, 2003**

Age	Total	%
10 - 11	1	0
12 - 13	74	1,4
14 - 15	1.713	32,8
16 - 17	3.070	58,7
18 and over	362	6,9
Not known	8	0,2
Total	5.228	100,0

Source: SENAME, 2004.

**Table 56**  
**Children and adolescents in the area of juvenile responsibility,**  
**by region, 2001-2003**

Regions	2001		2002		2003	
	Number	%	Number	%	Number	%
I	452	6,8	317	5,8	179	3,4
II	330	4,9	246	4,5	219	4,2
III	130	1,9	129	2,4	143	2,7
IV	470	7	290	5,3	222	4,2
V	905	13,5	820	15	619	11,8
VI	142	2,1	191	3,5	208	4
VII	362	5,4	295	5,4	331	6,3
VIII	1.109	16,6	735	13,5	816	15,6
IX	111	1,7	187	3,4	264	5
X	620	9,3	585	10,7	463	8,9
XI	24	0,4	77	1,4	76	1,6
XII	123	1,8	95	1,7	70	1,4
Metropolitan	1.901	28,5	1.495	27	1.618	31
Total	6.679	100	5.462	100	5.228	100

Source: SENAME, 2004.

**Table 57**  
**Number of adolescents accepted in defence projects**  
**between 1 January and 31 May 2003**

Region	Number of adolescents
I	78
II	182
III	104
IV	147
V	719
VI	154
VII	203
VIII	308
VIII	108
IX	108
X	108
X	115
Metropolitan region	1 971
XII	23
Total	4 332

Source: SENAME, 2004.

**Table 58**  
**Reported cases of child labour, by zone**

Year	Urban	Rural	Total
2000	468	253	721
2001	526	1.342	1.868 <sup>19</sup>
2002	74	51	125
2003	17	14	31 <sup>20</sup>

Source: Labour Department, 2004.

**Table 59**  
**Boys and girls performing unacceptable work**

Sex	Unacceptable work Ages 5-14 years		Unacceptable work Ages 15- 17 years		Total unacceptable work Ages 5-17 years	
	Number	%	Number	%	Number	%
Boys	44.300	3,1	29.336	7,1	73.636	4,0
Girls	23.829	1,7	10.211	2,6	34.040	1,9
Total	68.129	2,4	39.547	4,9	107.676	3,0

Percentages of all children and adolescents.

Source: ILO, MINTRAB, INE, SENAME, Trabajo Infantil y Adolescente en Cifras.

**Table 60**  
**Boys and girls employed on work in their own homes**

	Number	%	Rate for all children and adolescents
Boys	6.394	15,2	0,3
Girls	25.541	60,7	1,5
Teenage mothers, married or cohabiting	10.148	24,1	43,3
Total	42.083	100,0	1,2

Source: ILO, MINTRAB, INE, SENAME, Trabajo Infantil y Adolescente en Cifras, 2004.

<sup>18</sup> The increase is due to the national scheme applied to seasonal agricultural work during the period December 2000 to March 2001.

<sup>19</sup> Data for the period January-May 2003.

**Table 61**  
**Prevalence of drug abuse among schoolchildren, 2003**

<b>Drug type</b>	<b>Lifetime prevalence</b>	<b>Prevalence in last year</b>
Alcohol	78,7	61,1
Tobacco	75,0	51,4
Marijuana	21,8	12,9
Base glue	5,0	2,3
Cocaine	5,7	3,0
Tranquillisers without prescription	9,1	3,9
Stimulants without prescription	5,9	2,3
Inhalants	7,9	3,1

*Source:* CONACE, 2004.

**Table 62**  
**Drug-abuse prevention programmes in educational establishments, 2003**

<b>Programme</b>	<b>Establishment</b>	<b>Teachers</b>	<b>Pupils</b>
"In search of treasure" (pre-school education)	3.500	7.000	210.000
"Marori and Tutibu" (first cycle primary, grades 1-4)	2.000	4.000	720.000
"I want to be" (second cycle primary, grades 5-8)	5.000	15.000	1.800.000
"I decide" (secondary education)	1.000	8.000	360.000
<b>Total</b>	<b>11.500</b>	<b>34.000</b>	<b>3.090.000</b>

*Source:* CONACE, 2004.

**Table 63**  
**Statistics on students with indigenous Aymara and Mapuche parentage**

<b>Region</b>	<b>Aymara</b>	<b>Mapuche</b>	<b>Total indigenous</b>
I	52		52
III		1	1
IV	1	1	2
V	0	3	3
IX		339	339
	53	344	397

*Source:* JUNAEB, 2003.