



Convention on the Rights of the Child

CRC/C/OPSC/CHL/Q/115 October 2007

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

14 January - 1 February 2008

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

List of issues to be taken up in connection with the consideration of the initial report of Chile (CRC/C/OPSC/CHL/1)

The State party is requested to submit in written form additional and updated information, if possible before 23 November 2007

Please provide (if available) disaggregated statistical data (including by sex, age group, urban/rural area) for the years 2004, 2005 and 2006 on:

The number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators;

The number of children trafficked to and from Chile, as well as trafficked within the country;

The number of child victims provided with recovery assistance and compensation as indicated in article 9, paragraphs 3 and 4, of the Protocol.

Please clarify whether the National Service for Minors (SENAME) is the governmental body in charge of the implementation of the Optional Protocol and further elaborate on its role and activities in this respect.

Please provide more information on measures taken to establish an effective system of data collection on the issues covered by the Optional Protocol.

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Please briefly clarify the nature of the Framework for Action against the Commercial Sexual Exploitation of Children and Adolescents and elaborate on its activities.

Please update the Committee on any significant legislative measure taken in the areas covered by the Optional Protocol other than the adoption of Act No. 19,927 amending the Criminal Code and the Code of Criminal Procedure in 2004.

Please inform the Committee on measures taken to address the increase in two worrisome phenomena, i.e. sex tourism and child pornography in Internet. In respect of the latter, please also clarify the extent and significance of the so-called "Pokemon" phenomenon which has been brought to the Committee's attention.

Please clarify whether:

Possession of child pornography is prohibited and punished in the State party's legislation according to article 3, paragraph 1 (c), of the Optional Protocol;

Sale of children is an offence qualitatively distinguishable from trafficking of children;

Sale of children for the purpose of adoption is prohibited and punished in conformity with article 3, paragraphs 1 (a)(ii), 3 and 5, of the Optional Protocol;

The draft law against trafficking in children has been approved by the Chamber of Deputies;

The draft law on the use of children in illicit activities has been adopted.

With reference to paragraph 38 of the State party's report, please inform the Committee whether the State party may establish its jurisdiction over all the offences referred to in the Optional Protocol in all cases indicated in article 4, and notably in its paragraph 2, i.e. when the crime is committed abroad by or against a Chilean national, or when the alleged offender is present on the State party's territory.

Please inform the Committee on the number of investigations, trials and convictions/acquittals, including sanctions imposed, for crimes

covered by the Optional Protocol in the years 2004-2006.

Please provide more information on measures taken to strengthen international assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences covered by the Optional Protocol.

Please provide the Committee with updated information on the social reintegration assistance as well as physical and psychosocial recovery measures available for victims of offences covered by the Optional Protocol.

Please comment on the information that children involved in prostitution in some cases may be considered not as victims, but be deprived of their liberty and held in detention together with children in conflict with the law.

Please indicate whether special training, particularly legal and psychological, is provided to persons working in the area of recovery and social reintegration of child victims of the offences under the Optional Protocol.
