United Nations CRC/C/SR.2040

Convention on the Rights of the Child

Distr.: General
1 October 2015

Original: English

Committee on the Rights of the Child
Seventieth session

Summary record of the 2040th meeting
Held at the Palais Wilson, Geneva, on Thursday, 24 September 2015, at 3 p.m.

Chairperson: Mr. Mezmur

Contents

GE.15-16421 (E) 011015 011015

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Fourth and fifth periodic reports of Chile (CRC/C/CHL/4-5; CRC/C/CHL/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Chile took places at the Committee table.*

2. **Ms. Aho Assouma** said that she would appreciate more information on malnutrition rates within the State party, on the Nutritional Intervention Programme, on whether steps were being taken to prohibit the advertising of unhealthy foods, on campaigns to prevent respiratory illnesses, on malaria and whether special malaria nets were available in Chile, on campaigns to prevent diarrhoea and vitamin A deficiencies, on the availability of breast milk substitutes, on whether children had access to HIV/AIDS tests and the price of such tests, on how the State party had managed to reduce the teenage pregnancy rate, on why pregnant girls were separated from their families and placed in centres, on programmes in rural areas to prevent drug and alcohol abuse, on whether any laws existed to prohibit the sale of alcohol to children, on whether there were rehabilitation centres available for children suffering from alcohol abuse, on whether the results of recent research conducted concerning the effects of drugs on children had been released, on why children were being over-prescribed medication and how such a practice could be prevented, on the rate of pregnant women with HIV/AIDS, on campaigns to prevent discrimination against children with HIV/AIDS, and on whether children with tuberculosis had full access to medical services.

3. **Ms. Ayoubi Idrissi** said that she would like clarification on what the Reform Bill to the Adoption Act entailed. The State party report indicated that a single age of consent to adoption for both boys and girls was proposed in the Bill and she wanted to know what the age would be. Furthermore, she asked for more information on adoption disaggregated according to gender, age and ethnicity, whether the Origin Search Programme was available for all adoption cases, why it was more difficult for Chilean children to be adopted within their own country than abroad, and how long the international adoption procedure took. Moreover, given that it was prohibited for a same-sex couple to adopt in the State party, she wondered what would happen in the event that one of the partners in a same-sex couple, who had a biological child, died. Would the biological child of the deceased be able to be adopted by the surviving partner?

4. **Mr. Gastaud** said that he would like more information on what was being done to combat discrimination against indigenous communities, particularly with regard to access to clean water and the right to be taught in their native language. In reference to street children, he asked whether the public policy devised in 2012 targeted homeless children specifically, whether residential programmes for such persons would be implemented outside of the metropolitan area of the country, what the outcome of the second national survey on homelessness of 2011 had been, what measures had been taken in the health and education sectors for street children, and how any programmes to tackle the issue of street children had been evaluated.

5. **Ms. Winter** said that she was concerned that legal assistance for children had not yet been institutionalized. She also wondered whether technology could be used, such as video recording, to avoid child victims of crimes having to recount their testimony on repeated occasions. With regard to the Optional Protocol on the involvement of children in armed conflict, the Committee was concerned that children

as young as 7 were requested to join air force academies where they could use weapons.

6. **Mr. Nelson** said that he would like further information on measures to address the high teenage suicide rate in Chile. He asked whether there were suicide helplines and whether steps had been taken to reduce the high number of juveniles in pretrial detention.

7. **Ms. Urrejola Noguera** (Chile) said that the Gender Identity Bill had recently been amended to allow children to request an official change of their identity. The Bill was currently being considered by the Human Rights Commission of the Senate.

8. **Ms. Torres Sansotta** (Chile) said that Chile was strengthening its policies and programmes in respect of children living in poverty. For example, the definition of poverty was being broadened to take account of non-income-based indicators so that public policy could be designed on the basis of more comprehensive information. In the area of education, a number of programmes had been initiated to improve the academic performance of children from low-income families. With regard to employment, there was a need to strengthen the linkages between social welfare and labour market policy. To that end, vocational training was available to facilitate access to the labour market. Furthermore, the Chile Grows With You subsystem offered protection to children from birth up to the age of 4 through a variety of different programmes. It was coordinated by the Ministry of Social Development in cooperation with local government bodies and other ministries. The Programme would be extended to cover children up to the age of 15 as of next year.

9. **Mr. Salinas Rivera** (Chile) said that Chile was committed to implementing the United Nations Guiding Principles on Business and Human Rights and general comment No. 16 of the Committee regarding the impact of the business sector on children's rights. A national human rights action plan, developed by the Ministry of Foreign Affairs and the National Human Rights Institute, was currently being put into practice by a committee consisting of representatives from various Government ministries. Moreover, an independent university, in cooperation with Danish human rights institutions, was in the process of conducting a study on Chile's implementation of the United Nations Guiding Principles and the results would be forthcoming in 2016. Following the release of the results, public consultations with relevant stakeholders would take place. Measures had also been adopted to ensure that businesses and industries were more sustainable in an effort to minimize their negative impact on vulnerable populations.

10. **Ms. Padró Bernachea** (Chile) said that Act No. 20536 on school violence aimed to promote greater awareness of the problem, offer training, involve communities in the prevention of such violence, and ensure that an effective system was in place to deal with bullying in schools. It also provided for educational support materials, guidelines for staff in schools, and protocols for settling disputes. The "Skills for Life II" programme was another programme offered to pupils aged between 9 and 15 to improve their psychosocial well-being in school. Services and programmes had also been established to combat drug and alcohol abuse and sexual abuse in schools, and to assist children affected by those problems.

11. **Ms. Sepúlveda Devia** (Chile) said that legal measures had been taken to prohibit corporal punishment. For instance, Act No. 20286 prohibited the corporal and psychological punishment of children by parents. The criminal justice system was developing sanctions for such offences, particularly against those most vulnerable. As for the prevention of domestic violence, a bill had been approved which provided for the imprisonment of anyone who sexually abused a child. Special services were available round the clock for child victims of violence. Compensation and legal

assistance were also offered to such children. In addition, circulars had been issued containing protocols for the care of children using childcare services. In the event that children suffered abuse while in the care of such services, all cases must be reported and compensation had to be provided to victims. A helpline operated 24 hours a day for the registration of complaints. Aggravating circumstances were set out in the Criminal Code, for example where there was an abuse of trust, such as when a child was raped by a priest.

12. **Mr. Correa Bluas** (Chile) said that the Government had recently prepared the outline of a bill that would characterize torture as a specific offence. Article 150 (a) of the current Chilean Criminal Code provided for the offence of coercion, punishable by up to 15 years' imprisonment, in cases where a public official had subjected children or adolescents to physical or psychological ill-treatment. In two recent cases brought by the National Human Rights Institution of Chile, the courts had ruled that the conduct of Carabineros operating in indigenous communities had violated existing protocols and that criminal investigations should be initiated by the Public Prosecution Service. The National Human Rights Institution of Chile and the Ministry of the Interior and Public Security had filed complaints on behalf of an adolescent relating to the use of coercion by members of the investigative police and official action had been taken against three of the officers involved. As to police violence relating to social protest movements, under law No. 20502 of 2012, police officers answered to the Ministry of the Interior and Public Security. In 2014, the Carabineros had introduced a series of protocols clearly setting out officers' responsibilities. As to the killing of an adolescent during the 2011 student protests, the Ministry of the Interior and Public Security had filed criminal complaints against two police officers and the case was currently before the Supreme Court. The Ministry of the Interior and Public Security held that the case should be treated as one of aggravated homicide, rather than of wrongful death and was currently working to ensure that police officers convicted of misconduct were immediately dismissed. An amendment to article 6 of the Code of Military Justice to the effect that child and adolescent victims of serious offences would be heard by the ordinary, rather than the military, courts would be tabled in the near future.

13. **Ms. Olivares Urzúa** (Chile) said that the National Service for Minors had moved away from a residential-care approach and was increasingly relying on outreach work. Between 2007 and 2014, over half a million children had been assisted, including through short-term targeted prevention projects providing psychosocial support to children affected by parental neglect and mistreatment. In 2014, the national foster families programme had been overhauled and its budget had been increased. Over 15,000 minors aged under 18 years with a close family member in detention had received psychosocial support, cash transfers and training.

14. **Ms. Torres Sansotta** (Chile) said that wide-ranging public consultations had been carried out in order to gather information to be used in the design of measures targeting children and adolescents in the spheres of education, health, recreation, culture, accessibility, non-discrimination and vocational training. In 2015, the Second National Study of Disabilities had been carried out and up-to-date information on children with disabilities had been collected. A number of initiatives had been to support children with disabilities, including the Technical Assistance Programme, as described in paragraph 191 of the State party report (CRC/C/CHL/4-5). The National Service for Disability was developing health prevention and promotion programmes for persons with disabilities and was strengthening the community-based rehabilitation network. A national fund for inclusive projects had been set up to promote disability prevention and community and family based rehabilitation through the funding of grass-roots organizations.

15. The National Service for Disability had signed agreements with various judicial bodies on access to justice for persons with disabilities, trained public officials, disseminated information on the rights of persons with disabilities and provided technical advice on accessibility in urban environments and inclusive games.

16. **Ms. Monsalve Castillo** (Chile) said that underage girls with mental disabilities could not be forcibly sterilized and only reversible contraceptive measures could be used in their regard. One of the goals of the National Health Strategy 2011-2020 was to cut the adolescent pregnancy rate through the strengthening and extension of sexual and reproductive health education programmes, the improvement of the quality of care and training on offer and the expansion of the coverage of a 2014 home visit pilot project designed to prevent second pregnancies. A programme had been rolled out providing care in 13 regions for 3,000 pregnant adolescents and adolescents with very young children, an intersectoral panel on teenage pregnancy had been set up to ensure that young parents remained in or returned to school, measures had been taken to ensure continuity of studies, including a ban on the expulsion of adolescent parents from school and the implementation of a nationwide programme enabling young parents to bring their children to school with them. Shelters for pregnant adolescents and adolescent mothers had been opened in five regions and a programme providing guidance to young parents wishing to put their children up for adoption had been initiated. Congress was currently considering a bill on the voluntary interruption of pregnancy by the end of the twelfth week of gestation and by the end of the eighteenth week in the case of girls under the age of 14 years in cases where there was a risk to the life of the mother, a severe congenital or genetic anomaly affecting the embryo or foetus, or where pregnancy was the result of rape. Measures taken to reduce the adolescent suicide rate included the progressive expansion of the coverage of comprehensive health monitoring services for youth and the implementation of the intersectoral national suicide prevention programme and the strengthening of its monitoring component. In order to bring down obesity rates among children under 6 years of age, the authorities had developed strategies based on the provision of advice and basic health care, a media campaign promoting healthy eating and local-level interventions. Under law No. 20606, foods high in saturated fats and sugars must be labelled as such, and restrictions on the sale and use of unhealthy foodstuffs in schools and a ban on their marketing to children had been introduced.

17. **Mr. Cardona Llorens** (Country Rapporteur) asked for more information on financial support for women heads of families, policies designed to ensure that fathers assumed their parental responsibilities, steps taken to move from a special to an inclusive education model and the geographical coverage of related plans and policies. Given that the courses run on juvenile justice for judicial officials were optional, was it possible that juvenile courts were being presided over by judges who lacked the necessary specialized training?

18. **Ms. Sandberg** asked whether any support or training was provided to the biological families of children placed in institutions and whether health-care professionals carried out regular visits to schools as a part of suicide prevention initiatives.

19. **Ms. Oviedo Fierro** asked whether the State was in a position to bring Catholic priests accused of the sexual abuse of children before the secular national courts, whether it worked with the Catholic Church to prevent such cases from occurring and whether any further changes to the care system were planned. Information on programmes offering support for transsexual children facing discrimination and their families and on related training for staff would be welcome. As to the issue of breastfeeding, she asked what was being done to at the institutional level to ensure

that hospitals were child-friendly and to comply with the relevant international agreements to which Chile was a party.

20. **Mr. Kotrane** (Country Rapporteur) said that the bill of 31 January 2015 on abortion set a time limit for therapeutic abortions. In other countries, no such time limit was in place. He asked whether there had been any discussions on decriminalizing abortion for girls aged between 14 and 18 years and exempting them from the restrictions imposed by the bill.

21. **Ms. Aho Assouma** asked whether there were sufficient teams to carry out home visits, whether the Government could provide support for children who remained in the family environment, what measures had been taken to ensure that girls had access to safe abortion procedures and whether any programmes had been launched promoting paternal responsibility and responsible sexual conduct among boys and men.

22. **Mr. Soffia Vega** (Chile) said that a law on inclusive education had been published governing student admission, phasing out mixed public/private funding for schools and prohibiting State-subsidized schools from charging school fees. From 2017 onwards, State-subsidized schools would no longer carry out selective admissions screening or require parents to provide proof of income. Where there were sufficient places for all candidate students, admission would be automatic. Where schools were oversubscribed, places would be allocated by the Ministry of Education. By 2018, State-subsidized schools would no longer be able to charge school fees; however, they would receive two new forms of State funding. Under the new law, students could no longer be expelled during the school year on the basis of poor academic results. Between 2016 and 2019, around US$ 438 million per year would be channelled towards efforts to strengthen public education. State-subsidized schools were working with psychosocial professionals as a part of a suicide-prevention programme that would gradually be extended to cover the whole education system. In 2014, a programme had been launched guaranteeing gifted vulnerable students a place at university and support throughout the first three years of their studies.

23. **Ms. Padró Bernachea** (Chile) said that, among measures to improve education, a bill providing for the establishment of local education services was currently under consideration. The services would manage public schools — which were currently under the authority of the municipalities — with strong local community participation. They would also provide technical, administrative and financial support to schools based on regional considerations. The services would be public and decentralized and would be answerable to the Ministry of Education.

24. The Government considered one of its highest priorities to be strengthening preschool education. In the first half of 2015, two pieces of legislation had been enacted: one concerned the establishment of the Office of Undersecretary for Preschool Education and the other concerned the licensing of preschool establishments. Together they were expected to help modernize the preschool education system, increase the number of public preschool facilities and guarantee the quality of the first level of education. Approximately 1,500 new classrooms were scheduled to be built in 2015 and 2016, which would provide an estimated 35,000 new places for preschoolers. Improvements were expected in the areas of infrastructure, digital connectivity, artistic and sports programmes, and teacher training. An inter-agency quality assurance system had been set up in order to provide continuing support and guidance to schools and evaluations of their institutional capacity in order to identify areas for improvement.

25. **Mr. Soffia Vega** (Chile) said that assistance projects for schools located in indigenous territories had been developed as part of an educational policy that had

been formulated in conjunction with the indigenous communities as far back as 1996. That policy had led to the expansion of such projects and the growth of the corresponding implementing institutions within the public administration. One important development had been the incorporation in the Education Act of the principle of interculturalism, including the general promotion of indigenous languages and culture within the education system and the inclusion of indigenous languages in the national curriculum. The language, culture and history of the indigenous peoples had been taken into account in educational reform processes carried out throughout the country. The number of preschools that had implemented an intercultural programme had increased steadily, nearly quadrupling from 20 in 2007 to 77 in 2014, and the budget of the intercultural programme had also increased significantly during that period.

26. **Ms. Aylwin Pérez** (Chile) said that the Government acknowledged the need to amend the State's existing migration regime in view of the current migrant situation in Chile. To that end, a bill was being prepared for submission to the National Congress that embodied principles and rights specifically pertaining to migrant children and adolescents. While awaiting its adoption, a series of measures had been implemented to guarantee migrant children access to education, health and social protection. Since 2014, fresh impetus had been given to existing initiatives and to creating systems of communication with municipalities that would ensure better delivery of public services to such children. In the area of education, the residency status of all children enrolled in a public school had been regularized, and a cooperation agreement between the Ministry of Internal Affairs and the National Kindergartens Board had been signed, entitling migrant and refugee children to attend preschool. With regard to health, pilot programmes had been implemented to date in five communities with a view to formulating a health policy for migrants. Steps were being taken to update legislation on access to health care for migrants in an irregular situation, giving priority to pregnant women, children under 18 and persons requiring emergency care.

27. With regard to the children born in Chile of parents who were not lawfully present in the territory of Chile, the Government, in keeping with the case law of the national courts and relevant international treaties, had issued instructions restricting the definition of "transient foreigners" to persons who were in the national territory temporarily but who did not intend to reside there, essentially tourists or crew members of transport services. Such persons were to be distinguished from the Chilean-born children of persons in an irregular migratory situation.

28. With regard to refugees, a comprehensive system for processing refugee applications and providing assistance had been developed pursuant to Act No. 20430 of 2010 on the protection of refugees. In 2014, the National Service for Minors, together with the Ministry of Internal Affairs, had concluded an agreement on a protocol for handling requests for refugee status from children and adolescents and on ensuring respect for their rights during the application process through the provision of specialized assistance. The Ministry of the Interior also operated a humanitarian assistance programme for refugees and asylum seekers that included financial support for housing, health, employment and language lessons. A cooperation agreement between the Ministry of the Interior and the National Health Fund guaranteed all foreign children under the age of 18 access to health-care services on an equal footing with other children in Chile. Another agreement between the Ministry of the Interior and the Ministry of Education enabled the children of asylum seekers to attend school on an equal basis with other children in Chile.

29. **Ms. Ortiz Rojas** (Chile) said that, during the recent visit to Chile of the Director General of the International Organization for Migration (IOM), the President of Chile and the Minister for Foreign Affairs had announced the intention of Chile to receive a

certain number of Syrian families who were part of the massive flow of migrants currently fleeing the Middle East. That intention was based not only on the principle of solidarity upheld by Chile but also on the nation's prior experience in successfully resettling a number of Palestinian refugees — an experience that had recently culminated in the naturalization of those refugees.

The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.

30. **Ms. Sepúlveda Devia** (Chile) said that statistics on child labour in Chile indicated that approximately 229,000 children between the ages of 5 and 17 were engaged in some form of paid employment. Of those, some 10,000 were working in compliance with the law, since adolescents between the ages of 15 and 18 were allowed to work, subject to the fulfilment of a set of requirements, such as being in possession of a valid employment contract and working no more than eight hours a day. However, that still left some 94,000 child workers who were younger than the minimum age of employment, and another 125,000 who were engaged in hazardous jobs not legally authorized for minors. Those 219,000 children and adolescents who worked illegally represented 6.6 per cent of the Chilean population between the ages of 5 and 17.

31. With regard to domestic work, Chilean legislation was in conformity with the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the ILO Domestic Workers Convention, 2011 (No. 189). Article 13 of the Labour Code stipulated that employment contracts could be concluded only with persons over the age of 15 and only for light work that was not likely to be harmful to their health or development, provided that they presented written authorization from their parents or guardians and had completed or were in the process of completing compulsory primary or secondary education.

32. **Ms. Torres Sansotta** (Chile) said that the general public policy introduced in 2012 for persons in a street situation contained a special section on children and adolescents. It had been reformulated in 2014 with the aim of establishing a framework for the complete elimination of the problem by the year 2025. Assistance projects in the capital that included shelters for street children and adolescents were being evaluated with a view to their replication — beginning in 2016 — in other parts of the country.

33. **Ms. Olivares Urzúa** (Chile) said that, although the sale of children was not criminalized as such in Chile, Act No. 19620 on the adoption of children prescribed criminal penalties for anyone who requested or accepted any form of compensation for facilitating the handover of a child by means of adoption. Similarly, Act No. 20507 criminalized trafficking in migrants and other persons, and established rules for the prevention and effective prosecution of such offences. It provided for the addition of an article to the Criminal Code that criminalized trafficking in persons for the purposes of slavery, and prescribed a heavier penalty if the victim was a minor.

34. In the area of sexual exploitation, article 367 of the Criminal Code prescribed penalties for anyone who promoted or facilitated the prostitution of minors or who, in exchange for money or any other form of consideration, procured sexual services from minors. Article 374 of the Criminal Code prohibited the production, sale, distribution, exhibition, reproduction, marketing, importing, exporting, dissemination, acquisition or storage of child pornographic material. Act No. 20536 provided for significant amendments to the Criminal Code in that area, expanding the concept of child pornographic material to any representation of a minor using their voice or image for primarily sexual purposes. In January 2015, a bill had been prepared that would criminalize the distribution, exhibition or reproduction of pornographic material in

which minors had appeared or had been used, irrespective of the geographic origin of the material.

35. **Ms. Maggi Ducommun** (Chile) said that juvenile court judges were required to have a specialization in family law. Act No. 20084 on the establishment of a system of juvenile criminal responsibility required criminal trial judges, due process judges and prosecutors and defence attorneys who handled juvenile cases to receive training in the Convention on the Rights of the Child, adolescent development and the system of criminal penalties prescribed by law for juveniles. However, any prosecutor, defender or judge with authority to act in criminal proceedings could preside over juvenile cases, should that become necessary owing to a backlog in a particular court. Some 87 per cent of judges who were authorized to conduct criminal proceedings had been trained in the provisions of the Act. In courts where there were sufficient judges and the caseload permitted, specialist chambers adjudicated only criminal cases involving juveniles.

36. Over the last two years, 27 per cent of the sentences imposed on young offenders were for community service, 60 per cent were for conditional release and only 17.5 per cent were for a term of imprisonment. To ensure that custodial sentencing was used only as a last resort, training was provided to judges and officials involved in juvenile criminal justice in the area of international human rights law, in particular the Convention on the Rights of the Child.

37. With regard to pretrial detention, in 2013, 5.3 per cent of juvenile offenders had been held in such detention for a minimum of 5.5 days and a maximum of 1,079 days. In 2014, that figure had risen slightly to 6.7 per cent. The average length of pretrial detention for young persons between the ages of 14 and 18 was 80 days.

38. In order to protect the rights of young persons in prisons, judges authorized to conduct juvenile criminal proceedings were required to make weekly visits to centres within their territorial jurisdiction. Meeting with the prison director and with adolescents who had requested an interview, they discussed such topics as the status of the adolescent's case and provided information on the dates of forthcoming hearings. Any complaints they received of alleged human rights violations were submitted to the Public Prosecution Service for investigation. Following their visit, judges were required to file a report on the conditions of detention they had observed, notifying the relevant institutions of the need to rectify any irregular situations and following up on the latter's compliance with previous notifications. A copy of the report was sent to the appropriate appeal courts, which could request the judge to conduct an additional visit for the purpose of monitoring an urgent situation. Twice a year, judges conducted a more extensive visit and submitted a report on the visit to the relevant institutions and the Supreme Court.

39. In coordination with the National Service for Minors and the Ministry of Justice, family judges conducted visits to residential centres where children who were subject to protective measures had been placed. In 2014, in order to improve and appropriately monitor the situation of such children, the Supreme Court had issued a directive requiring the establishment of a single, integrated register to ensure proper follow-up of family court decisions involving the internment of a child or adolescent. Guardians ad litem represented such children before the court.

40. **Ms. Olivares Urzúa** (Chile) said that a permanent, inter-institutional structure was in place to provide ongoing oversight and evaluation of living conditions in juvenile detention centres. Within that framework, random visits were carried out and interviews conducted with adolescents to ascertain any rights violations. That process had enabled protocols to be formulated in order to ensure that complaints were properly formalized and scrutinized. During the first quarter of 2015, nine complaints

of abuse had been received within the context of those visits and, in accordance with the protocol, duly investigated. Outcome reports detailing the steps taken in response to those complaints had so far been received by the National Service for Minors and the National Directorate of the Prison Service in four such cases. The National Service for Minors had issued a guidance note on the processes and procedures to be followed in cases of mistreatment of children and adolescents. Those guidelines included an obligation to file periodic reports, undertake systematic analyses and carry out inspections with a view to reducing and ultimately eliminating violence against children.

41. **Mr. Salinas Rivera** (Chile), referring to the case of a Chilean peacekeeper who had been accused of an offence in Haiti, said that the Ministry of Foreign Affairs was awaiting information from the relevant office of the United Nations. In the meantime, the individual had been summarily dismissed and returned to Chile.

42. Regarding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, he said that the minimum age of enrolment in military schools was 18 years old and initial training did not include the use of firearms. Similarly, no person under the age of 18 could be deployed by the military, even in times of armed conflict.

43. **Mr. Correa Bluas** (Chile), referring to the draft bill on preventive identity checks, said that concerns raised as to whether it could lead to the possible criminalization of adolescents were unwarranted as, under article 85 of the Code of Criminal Procedure, production of an identity card was not the only means of establishing a person's identity.

44. Regarding cases of sexual abuse of children, the Government of Chile condemned all acts of violence and sexual abuse against children, irrespective of the perpetrator's position or status, including where they were a member of the Catholic Church. In that connection, the prosecution of an Irish priest had led to that individual's residence permit being revoked.

45. **Mr. Kotrane** (Country Rapporteur), while welcoming the information provided on children in detention, said that he would be interested to hear about those in pretrial detention, of which there seemed to be a high number. In particular, he wished to know the time frame between entering pretrial detention and going to court, the maximum period of pretrial detention allowed by law and whether there were instances in which that upper limit could be exceeded.

46. As to the Optional Protocol on the sale of children, child prostitution and child pornography, he sought clarification on whether possession of child pornography had been defined as a criminal offence, as required under that Optional Protocol. As to the trafficking and sale of children, he said that the sale of children had still yet to be fully covered under Chilean criminal law, despite the Committee's previous concluding observations. In particular, trafficking for forced labour and inducing consent, as an intermediary, for the adoption of a child had not been properly defined or criminalized. Information on those points should therefore be provided.

47. **Mr. Cardona Llorens** (Country Rapporteur) said that he wished to know whether the education quality indicators and standards had been altered from those in the 2012 legislation, which had focused exclusively on the acquisition of knowledge rather than values and attitudes. In that connection, the information provided seemed to indicate that inclusive education was voluntary for schools. Moreover, those children who had been offered inclusive education had had only temporarily disabling conditions. What provision had been made to ensure compulsory inclusive education for children with long-term or permanent disabilities?

48. As to the Chilean peacekeeper who had committed an offence in Haiti, he sought clarification on what had happened to that individual upon their return to Chile. For example, had any criminal proceedings been brought?

49. Regarding the draft bill enabling law enforcement officials to check the identity and perform body and property searches of any person in the vicinity of a designated "at-risk" area, he wished to know what provision had been made for under-18s who were not old enough for identity cards.

50. **Ms. Winters** said that she wished to know whether the appointment of a guardian ad litum for a child victim was mandatory or at the discretion of a judge. In that connection, she wondered whether courtrooms were equipped with the technology necessary to allow for a child's testimony to be recorded, thereby releasing them from having to recount their story again. Lastly, she sought clarification on official information that stated that 17-year-olds could enrol in air force schools.

51. **Ms. Monsalve Castillo** (Chile) said that one of the Ministry of Health's goals was to reduce underage smoking, alcohol consumption and drug and substance abuse. A broad range of measures had been adopted, including campaigns to promote a healthy lifestyle. Early detection of at-risk behaviours as well as preventive treatment was also available. Health-care goals had, since 2007, included intensive outpatient and residential detox programmes to treat drug and alcohol addiction among adults and adolescents alike.

52. After outlining the various prevention and treatment programmes available to children and adolescents affected by drug and substance abuse, including those in conflict with the law, she said that studies had recently been conducted on the general population over 12 years of age and on children of school age in 2014 and 2013, respectively. Lastly, she said that there were no specific programmes for rural areas over and above the basic health-care services.

53. Under a 1997 health-care provision, medication was available for children with attention deficit/hyperactivity disorder (ADHD). Clearly, that provision needed updating, and the clinical guidelines of 2008 still needed to be adopted. In that connection, a programme to foster a psychosocial approach to mental health was envisaged and a national mental health plan was being developed to include a special focus on ADHD. As part of the "Chile Grows with You" programme, home visits were being conducted by trained medical staff. It was hoped that training for and coverage of that initiative would be increased; however, there was currently no ongoing supervision of those home visits. Regarding HIV/AIDS prevention, there were various strategies in place, including awareness-raising campaigns, face-to-face assistance, distribution of condoms to vulnerable populations and efforts to prevent mother-to-child transmission.

54. **Ms. Maurás** (Chile) said that it was worth noting that Chile was on the cusp of eliminating vertical transmission of HIV/AIDS and, once that goal was finally achieved, Chile would become only the second country in Latin America to do so. Some 67 per cent of persons with HIV/AIDS were in receipt of antiretroviral drugs. However, international trading pacts currently prevented Chile from accessing low-cost generics and discussions were under way to secure agreements on negotiating down the cost of pharmaceuticals. Ten new cases of HIV/AIDS were diagnosed every day in Chile, the vast majority of which were in the capital city, and further efforts needed to be made to raise awareness among and protect the groups most vulnerable to infection. It was also worth noting that Chile was one of the founding members of the Fund to Fight Hunger and Poverty, which, from the outset, had focused on the fight against HIV/AIDS in the world's poorest countries.

55. **Ms. Urrejola Noguera** (Chile) said that a bill on decriminalizing abortion was being discussed but no concrete decisions had as yet been made. The Chamber of Deputies had recently approved a legal text making provision for abortions to be carried out in three specific circumstances, namely, where the life of the mother was in danger, where a foetal defect had been identified and where the pregnancy was the result of rape. In the latter scenario, an abortion had to be carried out within 12 weeks for over-14s and 14 weeks for under-14s.

56. Regarding the draft bill on adoption, she said that there had been broad political agreement to suspend further work on that bill so as to ensure consistency between it and the forthcoming bill establishing the system of guarantees for children's rights.

57. **Ms. Olivares Urzúa** said that pretrial detention for adolescents was used only as a measure of last resort and applied only to cases in which, had the offence been committed by an adult, it would have constituted a crime. While the maximum time frame for pretrial detention was 6 months, the public prosecutor could request an extension of up to 2 months in order to complete the investigation.

58. **Ms. Maggi Ducommun** (Chile) said that closed circuit television (CCTV) technology was available in 80 per cent of family and criminal courts, so that children who were summoned as witnesses or victims could give their testimony via video link. In general, the mother or father of a child would be appointed as guardian ad litem, although the judge could exercise some discretion where there was a conflict of interest.

59. **Mr. Cardona Llorens** (Country Rapporteur) said that, while many questions remained outstanding, the Committee had, nevertheless, had a fruitful and frank discussion with the State party. Clearly, however, many initiatives were still in progress in Chile and he therefore hoped that the Committee's forthcoming recommendations would prove useful in helping to complete or introduce those projects. Lastly, he said that with the National Council of Childhood leading the charge, it was clear that Chile was truly committed to standing up for children's rights.

60. **Ms. Ortiz Rojas** (Chile) said that the Government understood that there could be no real development and progress in a country unless children's rights were made a priority. To that end, a truly progressive rights-based budget was necessary to ensure that a system could be put in place that truly reflected the best interests of the child. Notwithstanding the major issues that still needed to be tackled, it was worth noting the progress already made, particularly in the light of the eight natural disasters that had befallen Chile in little more than 18 months. Despite those challenges, structural reforms had been made, demonstrating the Government's commitment to achieving its children's rights targets.

The meeting rose at 6 p.m.