



Convention on the Rights of the Child

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Summary record of the 2615th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 25 May 2022, at 10 a.m.

Chair: Ms. Otani

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Combined sixth and seventh periodic reports of Chile (continued) (CRC/C/CHL/6-7; CRC/C/HRV/QPR/6-7)

1. *At the invitation of the Chair, the delegation of Chile joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **Ms. Faúndez** (Chile) said that the Supervisory Unit of the National Service for the Special Protection of Children and Adolescents, commonly referred to as “Mejor Niñez” (A Better Childhood), had undertaken 124 inspections between February and April 2022. Those operations had yielded negative results in 67 cases and positive results in 57 cases. To date, punitive action was being taken in 28 cases.
4. All government ministries had been instructed to refrain from making any reduction in investment in child-related areas, and no such reductions had been made despite the ongoing health crisis. The new National Service and the Office of the Children’s Ombudsman had been spared from austerity measures and could therefore continue to operate normally. Under the 2022 Budget Act, the Office of the Undersecretary for Children was required to report on the funds allocated for child-related services and programmes in 2022.
5. The new National Service implemented financial, administrative and technical oversight measures on a monthly basis. Approximately 66 per cent of the staff of the now defunct National Service for Minors (SENAME) had been transferred to the National Service for the Special Protection of Children and Adolescents following a careful assessment of their performance records. A consultant had been recruited to lead the process of changing the institutional culture, and provision was being made for a special training programme; disciplinary measures were taken whenever a staff member breached the regulations. More information on the reform of the system would be provided in writing.
6. The new National Service had set up permanent mechanisms, including letterboxes in residential centres and web portals, that could be used by children and their families to file complaints and apply for compensation. Other procedures, including judicial proceedings, were also available under domestic and international law.
7. Once the comprehensive system to be established under the Act on Guarantees and Full Protection for the Rights of Children and Adolescents was in place, children would enjoy three levels of protection: universal social protection for all children and their families, which included monitoring and support mechanisms; the protection of rights that were under threat and the restoration of rights that had been violated; and special administrative or judicial protection when remedial action was required. Local childhood protection offices would play a crucial role in that context. Alternative care was the option of last resort. In 90 per cent of all cases, non-residential arrangements were used. Of the remaining 10 per cent, family placements accounted for 6.1 per cent of all cases and placements in residential centres for 3.9 per cent.
8. At the previous meeting, a question had been asked about the apparently slow progress being made towards the adoption of legislation setting the minimum age of marriage at 18 years. Actually, however, the bill in question had been submitted in November 2021, had been fast-tracked in April 2022 and had already been approved in the Chamber of Deputies.
9. No recent data were available on gender-related surgical interventions in the case of intersex children, but the new Administration was working to fill that gap. The executive branch would submit a bill in the second half of 2022 that would prohibit such surgery.
10. **Mr. González** (Chile) said that, in order to counter the adverse impact of the coronavirus disease (COVID-19) pandemic on children’s mental health, a multidisciplinary working group and subsequently a commission had been established focusing on mental health support for children. That commission had set up a web platform and public communication channels for obtaining assistance through digital strategies; the number of

mental health professionals providing remote care through telephone and video channels had also been increased.

11. With a view to facilitating children's return to in-person classes, the Ministry of Education had recently introduced a comprehensive educational reactivation policy to address the impact of the pandemic on schools and schoolchildren. The components of that policy focused on well-being, learning enhancement, restoration of school community ties and learning continuity, the digital transformation and infrastructure.

12. The treatment programme for children and adolescents run by the National Service for Drug and Alcohol Use Prevention and Rehabilitation (SENDA) was implemented in public and private centres throughout the country. The programme provided examinations and medication, where applicable, free of charge. SENDA also conducted a prevention programme in schools, workplaces and other facilities.

13. A comprehensive intersectoral health programme which placed emphasis on mental health provided support to young people in the country's special protection system and to youth who had been prosecuted under the Act on Adolescent Criminal Responsibility. It included preventive strategies aimed at averting general and mental health issues, ensuring early detection of such issues and providing timely access to health-care services.

14. The Ministry of Health had instructed emergency outpatient services that they were prohibited from denying urgent mental health care. That had unfortunately failed to bring about the necessary changes, however. The strategy used to provide mental health support within the network of residential centres run by the National Service for the Special Protection of Children and Adolescents was therefore being reviewed and reworked in coordination with Carabineros (the police force) based on a new protocol designed to ensure timely access to medical assistance.

15. **Mr. Pacheco** (Chile) said that the Act on Guarantees and Full Protection for the Rights of Children and Adolescents enshrined the right to due process and the right of children and adolescents to have their own legal representation. The Act also called for the progressive establishment of programmes for guaranteeing the right to a defence through the appointment of independent lawyers for children whose rights needed to be protected. The Ministry of Justice and Human Rights was developing a programme called "My Lawyer" under which specialized lawyers would be appointed to defend children and adolescents who were in residential or family-based alternative care. The legal defence of those young people's rights would also be supported by a psychologist and a social worker; that support team would also help to promote the young person's return to family life and provide them with an avenue for securing compensation for the harm done.

16. In response to the rights violations that had been the object of an investigation by the Committee under the Optional Protocol on a communications procedure, President Gabriel Boric had launched an initiative providing for the establishment of a truth and reparation commission to investigate the situation of the victims of the residential alternative care system in Chile. It would review information collected by the Office of the Undersecretary for Children in collaboration with the United Nations Children's Fund (UNICEF), the Office of the Undersecretary for Justice and the Office of the Undersecretary for Human Rights and would take into account international experiences with reparation mechanisms for human rights violations.

17. **Mr. Sovino** (Chile) said that the investigation begun in 2016 into the sexual exploitation and violence perpetrated against children and adolescents who were in the care of SENAME had uncovered a total of 322 cases of such human rights violations. Those violations had eventually been grouped into a total of 185 cases. In all, 98 of those cases were ongoing and 87 had been concluded; 23 of those 87 cases had led to convictions, 7 had led to acquittals and 57 had been discontinued owing to a lack of sufficient evidence.

18. With respect to the question concerning the failure to conclude the prosecution of cases concerning sexual exploitation and abuse in a timely manner, as the Committee was well aware, commercial sexual exploitation was a complex form of violence in which a range of social, economic and cultural factors came into play that often impeded child and adolescent victims' access to justice. In many cases, the victims did not perceive themselves

as such and therefore did not file complaints; in many other cases, victims withdrew their complaints before the proceedings could be concluded. It was essential to compile reliable information for investigative purposes in such cases, but Chile currently lacked a national network of specialized personnel with expertise in the area of sexual exploitation who could support criminal investigations. More specialized law enforcement officers, prosecutors and lawyers were needed. In response to that situation, the National Subcommittee on Sexual Exploitation had just been established. The Subcommittee would focus on putting together a nationwide network of expert investigative teams. His Government also wished to take the opportunity to request the assistance of the Committee on the Rights of the Child in mounting a more effective response in that regard.

19. **Ms. Vega** (Chile) said that the authorities were embarking on an initiative for the creation of a new national care system. That wide-ranging initiative would involve the redistribution of caregiving responsibilities, which had previously been assumed primarily by women who had delayed their own personal and professional development in order to do so. Care would be provided under the new system for children, older adults and persons with disabilities. The first task to be undertaken as part of that initiative would be to establish a technical secretariat, which would then be in charge of designing a national care plan and drafting a framework law for the care system with the support of UN-Women and the United Nations Development Programme (UNDP).

20. There were numerous registries containing disaggregated data on children in all sectors. For example, there was the Social Registry of Households, which contained data on each member of all households that were below the poverty line. Child morbidity and mortality data were compiled. There was also an electronic medical record system covering the 80 per cent of children receiving public primary health care. Educational data included the results of national longitudinal surveys. The “Chile Grows with You” (*Chile Crece Contigo*) programme compiled disaggregated data on children in the 0–4 age group. The main challenge for the Ministry of Social Development and the Family lay in the area of data interoperability. Assistance was being sought from the World Bank and the Inter-American Development Bank for the development of an interoperable data management system.

21. There were no plans to abolish the Office of the Children’s Ombudsman. On the contrary, there were plans to increase its budget under the current Administration.

22. **Ms. Faúndez** (Chile) said that there was currently no overarching national plan for children with disabilities that encompassed the many different programmes for such children. However, the results of the four actions to benefit such children called for in the Plan of Action for Children and Adolescents for 2018–2025 had all been completed, and information on those actions would be submitted in writing.

23. The basic goal of the national survey on disability and dependency was to assess their prevalence in the country and to ascertain the living conditions of the persons concerned. For the first time, the survey had been designed to compile disaggregated data on a range of factors for children between 2 and 17 years of age.

24. The implementation of the law on the inclusion of persons with disabilities in employment had included the development of the National Classification and Certification Plan and the introduction of a new admissions system to guarantee access to the education system for children with disabilities; accommodations and curricular adjustments had also been made for that purpose. The State also financed multidisciplinary teams to provide support for diversity through educational integration programmes. Further information would be provided in writing.

25. The National Service for the Special Protection of Children and Adolescents had been transferred to the Ministry of Social Development and the Family in accordance with the Committee’s recommendation. Children with severe disabilities who were placed in the Service’s residential system were housed in specialized facilities. The Service’s non-residential programmes could accommodate children with slight or mild disabilities. In total, the Service cared for 1,740 children and adolescents with registered disabilities. A training plan would be implemented to upgrade the skills of all teams working with such children.

26. In April 2022, legal recognition had been accorded to the human right of access to drinking water and sanitation, and the authorities were taking vigorous action to guarantee access to safe drinking water. Many people benefited from the national rural drinking water programme, and the Ministry of Public Works monitored the situation in areas of water scarcity. However, it was difficult to assess how many children and adolescents had been affected by the water crisis.

27. The Aliens Act adopted during the dictatorship had been replaced by the new Migration and Aliens Act, which was in line with international human rights standards. That law, which had entered into force on 12 February 2022, established that children and adolescents required special protection and contained an explicit reference to the best interests of the child.

28. **Ms. Orsini** (Chile) said that there were two types of identity checks in Chile. Act No. 20931 authorized the police to perform a preventive identity check on any person over 18 years of age; the maximum amount of time allowed for that kind of identity check was one hour. The second type was an investigative identity check, which could be conducted in regard to persons over 14 years of age if they were directly connected with a criminal offence. The police could check a person's clothes, equipment and vehicle, and the maximum time period allowed for that type of identity check was eight hours. Any procedure leading to deprivation of liberty had to be reviewed by a due process judge within 24 hours. The parent or guardian of a minor must be informed of such procedures. If the police failed to do so, the detention would be declared illegal by a court of law.

29. Many experts were opposed to preventive identity checks, since they failed to reduce crime and opened the way for abuse and discrimination, particularly in the case of minors. For example, more than 70,000 preventive checks of persons under the age of 18 had been carried out in 2018, despite the express legal prohibition on performing such checks on minors. A bill that would abolish preventive identity checks had been submitted to the legislature in 2021 and was currently in its first reading.

30. There had been a number of legislative initiatives aimed at preventing the excessive use of force by the police but no specific bills to address police violence had yet been adopted, notwithstanding recommendations to that effect made by national and international human rights defenders. Unfortunately, the tendency among both the legislature and the general public was to favour measures that gave even more latitude to the police rather than the opposite. A bill that would prohibit the police from using non-lethal or less-lethal weapons that caused serious injuries to civilians during protests had recently been submitted and was being considered in the Senate, but it was unlikely to garner sufficient votes for passage.

31. The Chamber of Deputies had established a special committee to investigate human rights violations by government officials and the police since the social protests had begun in October 2019. The report submitted by that committee on 2 September 2021 contained a series of recommendations for the executive branch concerning criminal investigations. The President of Chile had announced the previous day that a committee would be formed to ensure full reparations for victims of human rights violations committed by public officials during the period of social unrest.

32. Sex education courses currently focused on fertility and contraceptives and were shaped by the principles and values of each educational institution. A bill for the introduction of comprehensive, rights-based sex education courses incorporating the principles of equality and non-discrimination had been submitted in September 2021 but had been rejected by the Chamber of Deputies. The aim of that bill had been to prevent gender-based violence, sexual abuse, sexually transmitted infections and unplanned pregnancies. The Government had undertaken to submit a new bill on comprehensive sex education by the end of 2022.

33. Abortion had been legalized in 2017 if the woman's life was in danger, if the foetus was unviable or if the pregnancy had resulted from rape. It was permissible up to the twelfth week of pregnancy for females over 14 years of age and up to the fourteenth week for girls under that age. A study by the Centre for Reproductive Medicine and Integral Adolescent Development of the University of Chile indicated that 161 of the 2,207 women who had sought the voluntary interruption of a pregnancy between 2018 and 2020 had been under 18 years of age and 81 per cent of those women had been raped; 15 per cent of the 414 females

who had sought an abortion in that three-year period because the pregnancy was a result of rape had been under 14 years of age and 16 per cent had been between 14 and 16 years of age.

34. The law permitted doctors and other health-care professionals in public and private institutions to refuse to perform an abortion as a matter of conscience. In such cases, they were required to refer the pregnant woman to another medical facility that would perform the procedure. According to the study, however, 49 per cent of the obstetricians in the 57 public hospitals that had been surveyed objected to the procedure even when the woman had been raped. In addition, many children and adolescents were unaware of the possibility of the voluntary termination of pregnancy. However, the draft text of the new Constitution established the right to have an abortion up to the fourteenth week of pregnancy. If it was adopted in September 2022, discussions would instead focus on the manner in which the exercise of that right would be guaranteed.

35. **Mr. Pacheco** (Chile) said that the bill that would authorize the establishment of the National Juvenile Social Reintegration Service and amend the law on the criminal responsibility of adolescents would expand upon the reforms initiated in 2005 through the introduction of a specialized justice system for adolescents in conflict with the law, as had been recommended by the Committee. It would introduce a specialized intervention procedure focusing on the juvenile's needs and would also do away with the existing system of per-child subsidies for private alternative care centres. The intersectoral responsiveness of the system would be reinforced by a new institutional structure and a national rights-based social reintegration policy, along with a plan of action for putting the new policy into practice.

36. The introduction of a mediation-based restorative justice approach would improve the judicial system's response to minors in conflict with the law. Cases would be treated in a personalized manner, and both offenders and victims would be involved in devising reparations for the harm suffered. The bill also provided for the establishment of specialized courts to hear cases involving juvenile offenders that would be presented by specialized prosecutors and defence attorneys. The bill was designed to ensure that pretrial detention would be a last resort. It was expected that the bill would be passed into law quite soon.

37. Members of the judiciary were aware of the need for improved coordination in order to ensure that juveniles did not remain in pretrial detention for a longer period than that prescribed by law. The authorities would appreciate any support that could be provided by the Committee and UNICEF in achieving the goals of the new legislation and improving adolescents' access to justice.

38. The first stage of the implementation of Act No. 21057 on videotaped interviews had been launched in 2019 but the second and third stages had had to be postponed because of the pandemic, as the lockdown had impeded the training of interviewers. However, the second stage had been launched on 21 September 2020 and the third stage was to be launched on 3 October 2022 to ensure nationwide coverage.

39. **Mr. Soto** (Chile) said that there had been a marked and progressive decline in referrals to residential alternative care institutions and a concomitant increase in referrals to specialized host families. There had been over 7,000 referrals to residential centres in 2016, 5,400 in 2018, slightly more than 5,000 in 2020 and 4,300 in 2021. Placements in host families had increased from 6,161 in 2016 to 7,893 in 2021.

40. Unannounced visits by judges to residential centres were required by law at least once every six months pursuant to article 78 of the Family Courts Act. The Supreme Court had issued a decree in 2014 requiring judges to write a report on the outcome of such visits. The reports were compiled into a national publication that was used by government authorities, local monitoring units and appeals courts.

41. A consolidated registry had been established to provide judges, technical advisers and public officials with direct access to information on the cases of children in residential centres and those living with host families.

42. **Mr. González** (Chile) said that the Act on Food Labelling and Advertising of 2016 prohibited the sale of certain types of food in schools. Thanks to mass awareness-raising campaigns conducted since 2015, there had been a general change in consumption patterns.

Vigorous action was being taken to enforce the Act in schools and to regulate the sale of certain foods in areas in close proximity to schools.

43. With regard to action to combat food insecurity, the National Supplementary Food Programme of the Ministry of Health provided healthful food to pregnant women and breastfeeding mothers. The Ministry of Education was also implementing a meals programme for children in preschools and primary schools. Food had been distributed to households during the COVID-19 pandemic, and milk and food packets were currently being distributed, in cooperation with UNICEF, to migrants who were in transit. There were plans to expand that programme to cover all migrant camps in the country.

44. As part of the national suicide prevention programme, a 24-hour national health helpline referred children in crisis to appropriate health-care professionals. The suicide rate among adolescents had fallen thanks to intersectoral strategies pursued under the programme, including a school-based initiative focusing on the main risk factors for adolescent suicide. The “Choose to Live without Drugs” (*Elige Vivir sin Drogas*) initiative, which was based on the Icelandic model, deployed strategies in communities and schools throughout the country for preventing, reducing and delaying consumption of alcohol and other drugs. Over 212,000 children had been surveyed to gather inputs for use in laying the foundations for an action plan for tackling the problem over the coming decade.

45. With respect to the environmental recovery of Quintero and Puchuncaví, 22 per cent of the country’s electricity was generated from renewable sources as of 2021, and the Government was striving to increase that proportion to 40 per cent by 2030 and to 70 per cent by 2050. Coal-fired plants were to be eliminated altogether by 2030. A plan was in place to reduce emissions of particulate matter and carbon monoxide in the capital city by limiting vehicle traffic and fossil-fuel use and by introducing stricter industrial regulations.

46. **Ms. Vega** (Chile) said that financial support had been offered as an emergency and temporary measure to assist families whose members had been unable to work during the COVID-19 pandemic. Those payments had first been made to low-income households and had eventually been expanded to cover 90 per cent of all households in Chile. As the situation normalized, the support had been discontinued. Social protection spending had been increased 25-fold while the emergency support scheme was in place.

47. With regard to the Committee’s concerns regarding indigenous children being subjected to racism and discrimination, she would like to inform the Committee that a manual on police procedures had recently been issued which established specific measures for preventing torture and cruel, inhuman or degrading treatment and for facilitating the work of the National Human Rights Institute and the Office of the Children’s Ombudsman in protecting children involved in police procedures. The manual reinforced the principle of non-discrimination and set out specific protective measures for indigenous children. The Ministry of the Interior was working on a reform initiative that would provide for a review of training programmes, along with audits, enhanced accountability mechanisms and disciplinary measures.

48. A national action plan had recently been adopted to promote the rights of indigenous peoples by encouraging dialogue, taking action in cooperation with the Ministry of the Interior to ensure the safety and security of those communities, strengthening the land transfer plan and introducing an interministerial investment plan focusing primarily on the Araucanía Region. The budget for the purchase of land for indigenous communities had been doubled. The President had recently broken new ground by being the first Chilean President to attend a meeting of the National Indigenous Development Corporation.

49. In 2021, a temporary shelter had been set up in cooperation with UNICEF at the Colchane border crossing for migrant families awaiting transportation to other cities. Another temporary shelter had been established in Iquique where migrant families had access to various support networks. Clothing, food, mountain tents and other equipment were provided to migrant families in need of such supplies. The Ministry of Social Development and the Family had recently allocated an additional US\$ 15 million to enhance the support programme for migrants in street situations. By law, all migrant children had the right to health care and education regardless of their migration status, and a special protocol was in place for the protection of such children. Following a recent visit by the health authorities to

border areas in cooperation with various United Nations agencies, health and psychosocial support teams had been set up to facilitate migrants' access to health services.

50. **Ms. Todorova** (Country Task Force) said that she was concerned that the courts played too extensive a role in deciding on the placement of children in care. She wished to know how many children who were involved in such proceedings or who had already been placed in alternative care had parents or guardians who had been involved in making those decisions; whether there were lawyers who specialized in representing children and, if so, how many; whether children were entitled to free legal assistance; how many decisions on placement into care had been appealed; and what role the judiciary played in cases where unlawful placement decisions had been made, such as when children under 3 years of age had been placed in institutions. It would be helpful to have an explanation of the role of child protection services in the placement of minors in care and how judges took into consideration the best interests of the child when making decisions in that respect.

51. She would like to know what kind of follow-up was given to reports on judges' visits to residential care institutions. She would like to invite the delegation to comment on reports that girls in institutional care who had been raped had later been returned to the same institution where the rape had occurred. She would appreciate a response to concerns that children were also at risk of rights violations in the family-based arrangements that had been set up as an alternative to institutional care.

52. **Mr. Pedernera Reyna** (Country Task Force) said that he, too, would be interested to hear an explanation as to why courts might return a girl who had been raped to the same care institution. He wondered why the persons who represented children under the "My Lawyer" programme were classified as guardians ad litem rather than as legal counsel and why few or no appeals had been filed on children's behalf under that programme. He would appreciate clarification as to why special laws or regulations were needed to prevent ill-treatment of children by police officers. Would an order from police authorities indicating that such actions would simply not be tolerated not suffice?

53. He wished to know whether the Constitutional Court was the body that had established the principle of conscientious objection with respect to the performance of abortions. He would welcome an explanation as to why the solutions being found for the shortcomings of the juvenile criminal justice system, such as the changes being made in its funding model, had not also been applied to the child protection system.

54. He would be interested to learn why the number of children on the waiting list for outpatient medical and psychological treatment had more than doubled. Was it due to the COVID-19 pandemic? He would like to know why article 4 (c) had been removed from Act No. 20595, which had provided for psychosocial support for children with incarcerated parents or guardians, and what the impact of that amendment had been.

55. A case in which toxic waste had been sent from Sweden to the Chilean city of Arica and had caused serious and lasting health problems remained unresolved. He wondered whether negotiations were under way to repatriate the waste to Sweden as had been recommended by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. What measures had been taken to compensate those who had been affected?

56. **Mr. Van Keirsbilck** said that he wondered whether lawyers who represented children in court cases received specific training on the rights of the child. If so, he wished to know what kind of training they received, how long the courses lasted, whether only lawyers who had received such training could represent children and whether those lawyers were adequately remunerated for their services.

57. Given the long-term effects of the COVID-19 pandemic in terms of child poverty, he would be curious to hear whether the support programmes that had been available during the pandemic could be kept in place for vulnerable children. It would be helpful to know what campaigns had been carried out to change public attitudes regarding the use of violence as a disciplinary measure for children.

58. **Mr. Rodríguez Reyes** said that it was important to ensure that staff of the now defunct National Service for Minors who had committed violations were not transferred to the new

National Service for the Special Protection of Children and Adolescents. He wished to know how much and what type of training was provided to the staff of the new National Service.

59. He would appreciate further details on measures to transfer children from large residential centres to foster families. In particular, he would be interested to hear whether that placement programme had sufficient funding and what percentage of children had been rehomed compared to those who remained in institutions. Was something being done to reduce the excessive numbers of children with disabilities who were placed in institutional care?

60. **Mr. Gudbrandsson** said that he wished to know what measures were in place to preserve the evidence given in initial interviews with children in sexual abuse cases and whether officials who interviewed children received adequate training and followed an established protocol. Were the video recordings of the interviews accepted as evidence in court? Did children need to be present at the trial and be subject to cross-examination? It would be useful to know what kinds of therapy were made available to child victims of abuse, especially sexual abuse.

61. **Ms. Ayoubi Idrissi** said that she would be grateful to know whether mothers, as well as fathers, who were behind in their child support payments could be placed on the register of persons who had not met their child support obligations. She would be interested to learn whether a parent who was indigent and therefore unable to make such payments would also be entered on the register and whether the State provided financial assistance for the children in question.

62. **Ms. Aho** asked how the State party ensured that young people were provided with information on how to protect themselves from HIV infection and what the current HIV incidence rate was in Chile.

The meeting was suspended at 11.55 a.m. and resumed at 12.10 p.m.

63. **Ms. Faúndez** (Chile) said that the Ministry of Education had updated its plan to foster harmony in schools in order to address the impact of the crisis triggered by the COVID-19 pandemic. The Ministry had also launched a plan entitled “Let’s be a Community” (*Seamos Comunidad*) that allowed schools to maintain a flexible schedule without incurring a reduction in their funding. Under the plan, guidelines had been established to facilitate the reintegration of students into the school environment, improvements had been made to school infrastructure and funding for free school meals had been increased. The Ministry of Education had been working with the Ministry of Health on a comprehensive plan to address the effects of the pandemic on the mental health of students and school staff. As part of that plan, an amicable dispute settlement mechanism was to be established.

64. The new school admissions system provided for under the Inclusion Act of 2015 had been phased in and had been in place throughout the country since 2021. The Ministry of Education recognized the problems that had arisen in that regard and was seeking to improve its procedures for sharing information, particularly as regarded decision-making processes, with schoolchildren’s families.

65. The Government was currently drafting a bill to ensure that school assessments did not result in actions, such as the closure of underperforming schools, that would have harmful knock-on effects in terms of children’s learning outcomes. While the Safe Classrooms Act had not yet been repealed, neither the Ministry of Education nor the Government as a whole was enforcing it any longer.

66. **Mr. Pacheco** (Chile) said that the Government was aware of the problem related to the appointment of guardians ad litem under the “My Lawyer” programme. A time frame of 18 months had been set for the submission of an amendment to the Family Courts Act to ensure that children had comprehensive representation in court proceedings and that the role of the courts would be confined to cases that were brought to protect children who had been separated from their families.

67. The concept of restorative justice had been incorporated into the bill on the establishment of a new national juvenile social reintegration service. The Government, in coordination with interested parties in the judiciary, was running pilot projects on the use of

mediation services in the juvenile criminal justice system. The results were being monitored, and early indications pointed to a positive outcome.

68. **Mr. Sovino** (Chile) said that a law on the interviewing of child victims of serious crimes had been introduced following a decade of collaborative work with civil society organizations and international experts. Under that law, questions that might result in revictimization or influence the child's testimony were prohibited. Interviews were conducted by highly qualified professionals accredited by the Ministry of Justice and were video recorded. A standardized interview protocol developed by internationally recognized experts was followed, and the recordings of interviews were used in subsequent investigative proceedings. However, given the nature of criminal procedures, children were required to attend the trial; however, while there, they had contact only with the accredited professional, who acted as an intermediary with the court, and all relevant special protection measures were applied in line with the jurisprudence of the European Court of Human Rights.

69. The Public Prosecutor's Office was duty-bound under the Constitution to protect victims of crime and had allocated more than US\$ 1.3 million to services – primarily psychiatric support services – for child victims between 2016 and 2021. The Government was working to increase that amount further.

70. **Ms. Orsini** (Chile) said that the law on abortion had initially established conscientious objection as a personal choice that could be exercised by individuals but not institutions. However, the Constitutional Court had found the ban on the exercise of the right to conscientious objection by legal persons to be unconstitutional, and the relevant provision had therefore been amended.

71. The law governing the register of persons in arrears on child support payments made no distinction on the basis of gender, but the overwhelming majority of such persons were men. The State did not pay child support owed by indigent parents.

72. Apart from the judicial measures taken to tackle police violence, a manual had been approved in January 2022 for Carabineros that set out protocols for dealing with children and adolescents. The President had also announced a plan for addressing human rights violations committed during the period of social unrest in 2019 and 2020 based on the principles of truth, justice, reparation and non-repetition.

73. **Mr. González** (Chile) said that the Government was working with non-governmental organizations on a national strategy to combat HIV/AIDS; significant progress had been made in controlling the spread of the disease and providing treatment. At present, around 60 children under 15 years of age were living with HIV, and rates of vertical transmission of HIV had been almost halved over the last five years. The Government had updated its assistance model to prioritize early treatment. It also ensured universal access to female condoms, rapid tests and pre-exposure prophylaxis. Post-exposure prophylaxis would also be available in the future. The Ministry of Health was preparing a national action plan, in consultation with local authorities, civil society and the wider public, to combat HIV and other sexually transmitted infections.

74. **Ms. Vega** (Chile) said that the incidence of HIV in the country was less than 0.5 per cent, and universal access to HIV treatment was guaranteed by law. A range of government assistance schemes for persons in vulnerable situations, including education grants and cash transfers, had continued to be available even after the COVID-19 pandemic had begun to subside.

75. **Ms. Faúndez** (Chile) said that the Pathways (*Abriendo Caminos*) Programme continued to form part of the system for protecting and supporting children of parents deprived of their liberty. Responsibility for the management of that programme had been transferred to the Office of the Undersecretary for Children, and a strategy for the implementation of the programme in 2022 and 2023 was being devised. As local children's offices became operational throughout the country over the next five years, the Office of the Undersecretary for Children would assume full responsibility for their oversight.

76. A bill was being drafted that would cover all forms of violence against children and would harmonize the existing legal framework in that area. The bill and the corresponding intersectoral plan were to be completed in 2023. In the current year, the second annual

awareness-raising campaign would address violence against children and adolescents, with a specific focus on combating violent forms of discipline based on a gender perspective. The third campaign would follow on by raising the issue of mental health, given the close link between violent experiences in childhood and mental health problems later in life.

77. The National Service for the Special Protection of Children and Adolescents was not merely a continuation of the National Service for Minors; the law under which it had been created set out a series of additional standards concerning auditing, professionalization and training. The Government planned to repeal the Subsidies Act provisions pertaining to special protection. Experience gained in the course of the formulation of the bill on the establishment of a national juvenile social reintegration service would be applied in the development of a new model for interactions between the Government and the private sector in the area of children's rights.

78. Twelve residential centres for children remained open. Work was being done with the National Service for the Special Protection of Children and Adolescents on a plan, to be launched by the end of 2022, to radically improve the centres and resolve the problems they faced.

79. The Act on Guarantees and Full Protection for the Rights of Children and Adolescents provided for the protection of children by administrative means as opposed to recourse to the judicial system. The Government worked with families and local health, education and housing authorities to find solutions in cases where a child was at risk. A clearly defined system for case follow-up was being put in place, and judicial measures would be employed only as a last resort. The new administrative approach would be implemented by the local children's offices.

80. **Mr. Sovino** (Chile) said that national law allowed the investigation of extraterritorial crimes related to the sale of children, child prostitution and child pornography. The Government had measures in place to ensure that evidence of such crimes was preserved, given the volatility of data stored online. Chile had been the first Latin American country to become party to the Council of Europe Convention on Cybercrime and had very recently signed the Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence, which allowed it to swiftly gain access to the necessary information. His country was also part of the Group of Seven's cybercrime network.

81. **Mr. Pedernera Reyna** said that the dialogue had been honest and fruitful. The Government should be mindful of the fact that simply changing the name of institutions or the letter of the law did not automatically change the situation on the ground. Chile had a solid foundation on which to base its future work, and the Government clearly had a strong desire to bring about positive change for children and adolescents.

82. **Ms. Vega** (Chile) said that her country had a young President and Government, and persons who had taken part in the 2019 demonstrations now held elected office. The Government was making history by holding discussions on what might be the first Constitution to be enacted by democratically elected officials with the involvement of indigenous communities. The new Constitution would help to root out the harmful neoliberal model of government, bolster the rule of law and allow for the structural reforms to the health-care, education and social protection systems necessary to advance the rights of children.

The meeting rose at 12.55 p.m.