



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Seventieth session

### Summary record of the 2039th meeting

Held at the Palais Wilson, Geneva, on Thursday, 24 September 2015, at 10 a.m.

*Chairperson:* Mr. Mezmur

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

**Consideration of reports of States parties (continued)**

*Combined 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. Ortiz Rojas** (Chile) said that, since the entry into force of the Convention on the Rights of the Child, Chile had made significant progress in meeting its international obligations relating to family and juvenile justice, universal health care and early childhood development. Since 2014, the country had been implementing a range of important structural reforms, including through the adoption of the School Inclusion Act, which would enter into force in March 2016 and aimed to eliminate the profit-based rationale prevalent in the education system. That reform was expected to create a fairer system that guaranteed the universal right to education and development up to university level.

3. According to recent statistical findings, Chile boasted some of the highest indicators of children's well-being in Latin America, including the highest life expectancy at birth, the highest rate of primary school attendance, the greatest reduction in poverty and a very low rate of infant mortality. While those achievements were a source of pride, they were overshadowed by the inequality and discrimination that persisted in the country and the high prevalence of violence and abuse experienced by young people. According to a study of eighth-grade children conducted by the United Nations Children's Fund (UNICEF) in 2012, 25.9 per cent of children had suffered serious physical violence on the part of their parents. Furthermore, in 2013 more than 24,000 complaints of sexual abuse had been lodged with the Public Prosecution Service, 74 per cent of which had related to children and adolescents. In that context, it was vital to amend current legislation to create a more child-focused approach to children's rights and strengthen institutions serving young people in order to shape a coherent and integrated system of guarantees.

4. In order to address that challenge in a coordinated and effective manner, the President of Chile had established the National Council for Children and its Executive Secretariat, which had all the necessary human and financial resources to draw up a national policy and plan of action and prepare a set of bills that would create an institutional framework to ensure children's rights. The National Policy for Childhood and Adolescence 2015-2025 and related plan of action were currently being reviewed by the Council and would be presented to the public in October 2015. The President had recently introduced a set of bills, prepared in consultation with civil society, which included draft legislation to establish a system of guarantees for children's rights. That system included an interministerial council for social development and children and an undersecretariat for children. In addition, the Government would shortly be submitting a bill to create the office of a children's ombudsman. Another important step forward was the establishment of the best interests of the child as a fundamental principle underlying the actions of State bodies, notably the courts.

5. Since Chile had returned to democracy, children had become more aware of their rights and therefore more capable of exercising those rights. They had entered public debate and participated actively in the preparation of the National Policy for Childhood and Adolescence and the bill on children's rights. There was no doubt that the "Penguin Revolution" of 2006 had been a landmark in the process of structural reform. It had been the greatest social movement of secondary-school students since the country's return to democracy and had been followed by the student

demonstrations of 2011. In both cases, young people had drawn public attention to the inequality engendered by the crisis in the education system and Chilean society had consequently begun to question the legitimacy of various institutions and demand structural changes and policy reform to ensure the implementation of the standards established in the Convention on the Rights of the Child.

6. The harmonization of legislation and institutions with international standards would not be a simple process as many divergent views would have to be taken into account. State institutions would also face significant challenges in assuming a more active role in protecting children's rights. However, it was important to create strong alliances in order to find common ground and move forward. Children called on all stakeholders, irrespective of their ideological or religious views, to cooperate in implementing the Convention. The current process of structural and legislative reform provided an opportunity for the joining of efforts, in a spirit of love and responsibility, to protect the rights of young people, who represented the country's present and future.

7. **Ms. Maggi Ducommun** (Chile) said that the judiciary placed strong emphasis on the protection of human dignity and the universal enjoyment of human rights, in particular the rights of children and adolescents. That was reflected in the effective judicial protection of children's rights without discrimination. Progress had been made with regard to children's rights to justice, to be heard and to participate in judicial proceedings that affected them without being subject to revictimization, including their right to social and educational reintegration. She hoped that the current session would generate a constructive dialogue that took into account the progress made and difficulties experienced in ensuring children's rights and the impact of the action, or inaction, of the judiciary in that regard. A recent ruling by the Supreme Court had stated that the best interests of the child were a fundamental principle in the Chilean legal system and should form the basis on which judges made decisions.

8. **Mr. Kotrane** (Country Rapporteur) expressed the Committee's solidarity with the victims of the recent earthquakes in Chile and commended the State party on the measures taken to limit the resulting human and financial losses, which demonstrated that the authorities had learned from the experience of the 2010 earthquake and tsunami. However, the Committee was concerned about the large number of families who, as a result of the 2010 disaster, were still living in camps where their children were exposed to health and safety risks and a lack of basic services. What measures were in place to resolve that situation?

9. He welcomed the measures taken by the State party to further promote children's rights and implement the Committee's recommendations from previous sessions, in particular the ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure and a number of other international instruments. However, he asked why the State party had not implemented the Committee's recommendation that the minimum age of marriage should be raised to 18.

10. He asked whether the law required judges to hear children in all matters affecting them and whether the Supreme Court had ever imposed sanctions in cases where that requirement had not been met.

11. He asked what measures were envisaged to ensure the registration of all children of migrants in an irregular situation and to recognize the right to identity of lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons, including those belonging to the indigenous population. With regard to nationality, he asked what follow-up had been given to the concluding observations of the Committee on the Elimination of Discrimination against Women set out in document CEDAW/C/CHL/CO/5-6,

particularly with regard to reviewing and amending legislation so that children born in the State party to migrants in an irregular situation could obtain Chilean nationality at birth.

12. He welcomed the adoption of Act No. 20536 of 2011 on school violence but noted that its scope was limited. He also noted the high incidence of domestic violence involving children, which was tolerated in the context of corporal punishment, and asked what was being done to expressly prohibit such forms of punishment in all settings and promote positive forms of discipline and education. Lastly, he requested more information on measures taken to investigate allegations of violence and sexual abuse committed by the police during the peaceful student demonstrations of 2011 and 2012.

13. **Mr. Cardona Llorens** (Country Rapporteur) said that the State party had provided an honest and clear report on the situation in the country and had expressed a willingness to implement changes; the current session was a good opportunity to discuss how those changes could be made. He noted that the National Council for Children, in a study on the protection of children's rights in Chile, had found that children were not viewed as right holders under the current system, that high levels of inequality and violence prevailed in the country, that there was no oversight body or ombudsman to protect children's rights and that specialized protection services were lacking. While the planned programme of reforms was on its face positive, no fine detail had been provided by the State party and no draft texts had been submitted or could be found online. He requested more information on the constitutional reform as it related to children and asked whether it set out specific rights or merely broad principles. What was contained in the draft legislation to guarantee children's rights and what were the next steps to ensure its adoption? He also asked for more detailed information on the National Policy for Childhood and Adolescence and related plan of action. With regard to the proposal for a children's ombudsman, he asked how the ombudsman would be appointed. Would that institution have an influence in the courts and how would the State party ensure its independence?

14. While welcoming the broad range of laws and institutions that were to be introduced, he stressed the need to ensure that they operated in harmony, in accordance with properly defined time frames.

15. He had been unable to find details online of the statistical information service on childhood and adolescence, mentioned in paragraph 9 of the State party's replies to the list of issues (CRC/C/CHL/Q/4/Add.1) as having been established by the National Observatory on Childhood and Adolescence. He requested further information in that regard. From what sources were data obtained? He noted that household surveys, for example, did not yield disaggregated data. What progress had been made in developing a system of indicators?

16. Turning to the issue of budgetary resources, he noted a lack of specific budget lines for children and adolescents. The State party had made a laudable effort to draft a gender-sensitive budget, but had unfortunately failed to make its budgetary planning child-sensitive. Although he understood that budgets needed to be adapted to cope with natural disasters, or the impact of the Chinese economic crisis, he stressed the importance of earmarking budgetary resources for the specific purpose of guaranteeing children's rights, as budgetary amendments and cuts could have a severe impact on those rights. The entire budgetary cycle needed to be based on a more child-sensitive approach.

17. He invited the State party to provide information on any awareness-raising campaigns being implemented with regard to children's rights, and asked about

training provided to professionals working with children, particularly in the judiciary and law enforcement services.

18. Expressing concern about the impact of business activities on children's rights, which extended beyond environmental issues to activities that perpetuated stereotypes or caused harm to indigenous communities, issues relating to advertising and marketing of products and the problem of child labour, he asked whether the State party had an action plan in that area. Specific regulations were required to prevent companies' actions from violating children's rights, and an accessible complaints mechanism was needed to deal with such violations when they occurred.

19. On the issue of discrimination, he noted that Chilean society was not inclusive, and that children faced multiple forms of discrimination, for example on the basis of gender, social status, sexual orientation, ethnic origin or disability. They risked denial of access to educational, health and leisure services, for example. Although domestic legislation prohibited discrimination, non-discrimination was not guaranteed in relation to children. For example, the bill on gender identity did not apply to minors under the age of 18, leaving children below the age of majority without that legal protection. The option to enter "indeterminate sex" on a birth certificate was undermined by the fact that a child's sex must be specified when registering for access to health services, such as childhood vaccinations. He asked about the status of the protocol on intersex children. Stressing that laws did not in themselves serve to change social attitudes, he asked what other measures, such as proactive policies or strategies, the Government had implemented to protect children's rights.

20. He noted that one form of discrimination targeted adolescents, who were frequently branded as "delinquents". Of particular concern was the bill on preventive identity checks. The proposed legislation could potentially discriminate against children under the age of 18, as minors — who were not obliged to carry identity documents — could be arrested simply for being in a certain place without proof of identity. Were there any plans to exclude children under 18 from the scope of that legislation?

21. **Ms. Sandberg** asked whether the principle of the best interests of the child was properly defined and applied by the courts. What plans did the State party have to ensure that children's best interests were properly assessed, rather than merely mentioned in court judgements. Was the principle applied in cases other than those relating to child custody? For example, was it taken into account in the penalties imposed on persons with children? The best interests of the child needed to be a cross-cutting consideration.

22. **Ms. Oviedo Fierro** expressed the hope that the process of legislative reform and harmonization would take into account best practices from other countries. She welcomed the detailed information provided on the various forms of coordination, and asked what mechanisms had been established to ensure comprehensive coverage and proper coordination for policies on children and adolescents. What measures was the Government taking to foster institutional coordination and cooperation?

23. In view of the current process of legislative and institutional change, she asked what role the National Service for Minors (SENAME) would play in the future. Would the proposed new services replace SENAME? If so, what measures would be taken to ensure that children and adolescents were not left without adequate protection in the interim period? She asked about the coordination between the work of the Ministries of Education and Health, within the framework of institutional reform, and encouraged the State party to implement the lessons learned from the "Chile Grows with You" programme.

24. Given the dual role played by civil society, in terms of its advisory and monitoring functions, and the specialized services it offered, what measures were planned to increase the visibility of the contribution made by civil society within the institutional framework, and to monitor the services provided by civil society organizations? She asked the State party to provide further information on the Advisory Council on Children and Adolescents.

25. Turning to the issue of children's right to participation, she asked whether it was planned to celebrate the "Participation Month" on an annual basis, as it was certainly a good practice. She also wished to know to what extent children were involved in developing the new Constitution.

26. On the issue of a complaints mechanism, she asked what kind of complaints had been received by the Government and SENAME. What responses had been provided and what follow-up measures undertaken?

27. **Mr. Rodríguez Reyes** said that he welcomed the system of guarantees for children's rights introduced by the State party, but wished to know what steps were currently being taken to address the needs of poor children, especially those under the age of 13?

28. He invited the State party to indicate the body responsible for supervising special protection services provided to children separated from their parents. How was the system monitored and how were complaints concerning alleged abuses handled? The Committee had received reports of violations of children's rights in certain centres run by SENAME.

29. **Ms. Ayoubi Idrissi** said that, although she welcomed the legislative progress that have been made, particularly the prohibition of corporal punishment in schools, she was concerned at reports of inhuman or degrading treatment in schools and other settings. What preventive measures were being taken in that regard? The Committee had received reports of a reluctance on the part of the authorities to investigate and swiftly prosecute such cases. What plans did the Government have to tackle the problem and handle allegations of cruel, inhuman or degrading treatment of children, especially at the hands of the judicial or law enforcement services? For example, what measures were being implemented to ensure that any use of force was proportionate?

30. Although corporal punishment was prohibited under the Civil Code, concerns remained that the legislation did not cover the so-called "right to correction" in a family setting. Did the State party plan to prohibit corporal punishment in all environments and under all circumstances? She requested data on allegations of cruel, inhuman or degrading treatment, and the outcomes of such cases, including any damages awarded or rehabilitation measures implemented.

31. **Mr. Nelson** asked whether the new office of ombudsman for children would have adequate administrative support. For example, would the Ombudsman employ administrative staff, an investigative team to act on complaints, or a legal team? Would staff be available to engage in public awareness-raising programmes?

32. **Ms. Khazova** asked whether the State party planned to reduce the minimum age at which children could obtain access to information relating to their identity, for example in adoption cases. Current legislation permitted only children who had reached the age of majority to access such information.

*The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.*

33. **Ms. Ortiz Rojas** (Chile) said that in the 18 months since the current Chilean Government had been in power, policies on children and adolescents had again become a priority. Evaluations of two of the major policy instruments of the past 25

years informed the development of current initiatives involving children's affairs. The National Policy on Childhood and Adolescence 2015-2025 and the related action plan were the product of joint efforts made by all relevant ministries and public agencies. Ensuring that children's issues were addressed on a genuinely intersectoral basis was a major challenge.

34. The National Policy and related action plan targeted all children and adolescents living in the country, including migrants. Its overarching goals were to create a system of safeguards and thus to enable children and adolescents to exercise their rights fully. Steps had therefore been taken to ensure that policies relating to children's issues cut across all the relevant segments of what was a highly compartmentalized administrative structure, as well as to involve children themselves. A lack of money was not necessarily the greatest roadblock to progress, even though the economic slowdown in the People's Republic of China and the latest earthquake and tsunami to strike Chile were by no means inconsequential; the greater challenge was effecting a broader cultural change.

35. A number of bills relating to the framework to safeguard the rights of children and adolescents had been delayed, but two had been signed by the President and were to be submitted to the Chilean legislature shortly. Previous legislative efforts to set up such a framework had fallen short, so the Government was making every effort, including through consultations with civil society, to win broad support for the proposed framework.

36. The National Service for Minors (SENAME) was not being fragmented; rather, it was to be split into two agencies, one specializing in compensation for damages and the restitution of rights and the other in juvenile justice. The bills regarding those reforms were to be submitted to the legislature in early 2016.

37. The establishment of public oversight bodies was planned; some would include children and adolescents. Responsibility for ensuring that effect was given to the rights of children would lie with the Office of the Under-Secretary for Children.

38. Work to amend the Family Courts Act was due to begin in early 2016. The Government had proposed a bill on videotaped interviews for child victims of crime. The aim was to prevent secondary victimization. A bill on adoption had been shelved temporarily, however, as it would have to be compatible with the framework to safeguard the rights of children and adolescents, the bill on which was expected to come before the Chamber of Deputies in the near future. Considerable efforts to collect proposals from the public, including children, had been made throughout the process of developing the proposed framework.

39. **Ms. Urrejola Noguera** (Chile) said that the Government was committed to convening a constituent assembly that would produce a new Constitution, in which children's rights would be explicitly recognized. More information would be available on the participation of children and adolescents in the constituent assembly in the coming months.

40. The bill on the office of the ombudsman for children had not yet been submitted to the legislature, as discussions on the exact position of the office in the Chilean institutional framework were still under way. In any event, the objective of the bill was to provide for the establishment of an autonomous institution with its own budget. Although it would be able to cooperate with institutions that took part in court proceedings, it was not expected to take part in such proceedings itself.

41. The bill on the framework to safeguard the rights of children and adolescents stressed the principle of the best interests of the child; more specifically, when decisions affecting children were made, their best interests, which were understood as

the full enjoyment of their rights, were to be the primary consideration. The bill further stated that to determine a child's best interests, the administrative or judicial authorities should take into consideration a number of factors, including the child's opinion.

42. **Ms. Maggi Ducommun** (Chile) said that the principle of the best interests of the child was already enshrined in a number of statutes, including article 17 of the Family Courts Act, articles 222 et seq. of the Civil Code and the Juvenile Criminal Responsibility Act. In all cases and in all kinds of courts, not just family courts, the best interests of the child were the primordial concern. "The child's best interests" was more than a slogan or motto; judges were obliged to show how their decisions served the best interests of the children whose cases they were considering.

43. As both the family courts and the criminal courts were required to hear children in cases affecting them, they had set up special rooms — so-called Gesell chambers — to allow children to express their opinions in an environment less intimidating than an ordinary courtroom. By late 2015, 80 per cent of the country's family courts were expected to have fully operational Gesell chambers and personnel with appropriate training in their use. An illustrated children's book, *¿Cómo es un juzgado de familia?* (What's a family court like?), had also been published. There were currently special rooms for children in 6 criminal courts; it was planned to have 30 more in operation by late 2015, or in roughly 80 per cent of the country's criminal courts.

44. Training was provided by the Judicial Academy; courses covered such topics as the Juvenile Criminal Responsibility Act and the standards that legal proceedings were required to meet under the Convention on the Rights of the Child. In 2014, more than 40 judges from all over Chile had taken part in a diploma course on the rights of child and adolescent victims of sex crimes, and in 2015 the course had also been offered to technical advisers to the family courts. Other relevant training activities included a recent seminar on sex crimes against children and videotaped interviews, which had been attended by judges from around the country.

45. **Ms. Ortiz Rojas** (Chile) said that a bill to be submitted to the legislature in the coming days explicitly prohibited discrimination against children on a number of grounds, including sexual orientation and self-identified gender. The bill also included provisions pertaining to the timely issuance of birth records for all children, regardless of their legal status.

46. **Mr. Soffia Vega** (Chile) said that the Ministry of Education, in cooperation with civil society, was taking specific initiatives to safeguard the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) children in the school system. In addition, the Ministry had initiated a project to collect data on violence and discrimination against LGBTI students. The Office of the Education Superintendent was responsible, inter alia, for ensuring that school systems were in compliance with all pertinent regulations. In 2014, the Office had received slightly more than 12,000 complaints. In August 2015, it had fined the legal representative of a school that had denied one of its students — a transsexual girl aged 5 — the right to use the girls' toilets and be called by her name.

47. **Ms. Monsalve Castillo** (Chile) said that, in Chile, newborns were classed as male, female or of indeterminate sex. The category of indeterminate sex had been introduced in 1982. Unfortunately, there was currently no comprehensive health-care policy for intersex children in Chile. However, the Ministry of Health had prepared a draft protocol to remedy the absence of such a policy. The Ministry had also dispensed training on intersex issues to health-care professionals and planned to lay down procedures to regulate intersex surgery.



48. **Mr. Cardona Llorens** recalled that the Committee considered the best interests of the child to be a substantive right and a fundamental, interpretative legal principle which could be invoked directly before the courts. He asked whether the State party intended to take measures to tackle bullying on the basis of discrimination.

49. **Ms. Muhamad Shariff** asked at what age children could be interviewed by a judge in civil and family cases.

50. **Ms. Oviedo Fierro** asked whether the State party had set a deadline for the introduction of special services for children and how the State party ensured that the necessary funding was received by all coordination bodies.

51. **Mr. Kotrane** asked whether the right of a child to be heard by the courts was enshrined in Chilean law and, if so, whether judges were required to hear children in all court proceedings to which they were a party or which concerned them directly. Could the Supreme Court overturn a decision taken by a lower court judge if the latter had failed to take account of a child's views?

52. **Ms. Sandberg** asked whether the courts were legally obliged to take the best interests of the child into account when sentencing one of the child's parents.

53. **Ms. Aldoseri** asked whether children born to migrants in Chile were automatically issued with a birth certificate, irrespective of the immigration status of their parents, or whether it was left to the discretion of a judge or the civil registration authority.

54. **Ms. Ortiz Rojas** (Chile) said that the Government would deal with the bills on children's rights as a matter of urgency, as they would become the pillars of the country's new human rights framework. The bills were the subject of consultations involving various experts, civil society representatives and parliamentarians, which should be finalized by June 2016 at the latest. The budgetary funds needed to support the measures provided for in the different bills had been requested from the Treasury but had not yet been allocated. The Government also planned to introduce child-responsive budgeting.

55. In 2014, the Government had introduced new regulations whereby children born of migrants in Chile could acquire Chilean nationality, irrespective of the immigration status of their parents, and obtain access to education and health-care services without restriction. The Government had monitored the implementation of those regulations and could confirm that they were observed in practice.

56. There were mechanisms in place to guarantee the right of a child to be heard in court proceedings. Judges were obliged to give due weight to the views of a child before taking a decision. Should a judge choose to disregard the views of a child or take a decision that ran counter to them, a statement of reasons had to be given.

57. **Ms. Maggi Ducommun** (Chile) said that family courts dealt with children who were in need of protective measures and specialized juvenile courts dealt with children who had committed a criminal offence. Only defendants who were over 14 years of age could appear before a criminal court. A child could be heard by a family court at any age. Special arrangements could be made in order to limit any negative impact that having to take part in court proceedings could have on the child. In family court proceedings, judges were obliged to hear the child and to take his or her views into account. Family court decisions that did not take due account of the views expressed by the child could be overturned. However, there was no obligation for family court judges to take the views of the child into account when passing sentence on a parent. Chilean judges viewed the best interests of the child as a fundamental, interpretative legal principle which should always be taken into account when applying the law, and as a substantive right that could be invoked directly before the courts.

58. **Mr. Cardona Llorens** asked why the text of the national plan for the inclusion of persons with disabilities contained virtually no references to children with disabilities. Noting that the text of the national strategy for social inclusion for the period 2015-2025 was not yet available for consultation, he asked whether the strategy included specific measures in favour of children with disabilities. He asked how the State party planned to remedy the lack of rehabilitation services for children with disabilities. He also wished to know what steps the State party had taken to eradicate negative practices and stereotypes that could make children with disabilities the target of discrimination. Had the State party secured the necessary funding to make the transition from a special to an inclusive education system? Had teachers been provided with training on inclusive education? What measures would be taken to facilitate the integration of children with disabilities who had only ever attended special schools into the mainstream education system? He also asked when the State party intended to begin adapting mainstream schools to the needs of students with disabilities and whether the latter had been involved in the planning process.

59. He enquired as to whether the fact of being a minor had been adopted as a criterion for excluding girls from the procedure of surgical sterilization under the technical standards referred to in paragraph 34 of the replies to the list of issues. The Committee had received reports that around 13 per cent of children living in rural areas could not attend a school close to their home. He asked what the State party was doing to remedy that situation. Noting that when the demand for places in a given school exceeded the supply, the school itself and not the education authority selected its students, he asked how the impartiality of the selection procedure could be guaranteed in such cases. The Committee had received reports that many schools continued to deny admission to teenage girls who had fallen pregnant. Would steps be taken to put an end to that practice?

60. Lastly, he asked how the Chilean soldier who had sexually abused children on a peacekeeping mission had been dealt with.

61. **Mr. Kotrane** asked whether the State party had considered decriminalizing abortion for girls under 18 years of age with a view to reducing recourse to illegal abortions, especially in cases of incest and rape. He requested more information on the measures taken by the State party to alleviate poverty in indigenous areas and to guarantee access to health-care services in rural areas. He also wished to know of the measures taken by the State party to guarantee an adequate standard of living for asylum-seeking children and refugees involved in administrative proceedings and to protect their rights in law and in practice.

62. The Committee noted with concern that the prevalence of child labour in the State party appeared to be increasing and that a large number of girls aged between 5 and 14 were reportedly engaged in domestic service. He asked whether the 2012 bill to improve the situation of domestic workers in Chile had been signed into law and whether it limited the number of hours that domestic workers could work. He requested additional information on the role of the labour inspectorate in combating child labour and on the penalties attaching to that offence.

63. Turning to the administration of juvenile justice, he requested additional information on the steps taken by the State party to bring the justice system fully into line with the Convention; the approach taken by judges to criminal proceedings involving children; the frequency of recourse to pretrial detention; the steps taken by the State party to improve children's detention conditions; and the complaint mechanisms for children in places of detention.

64. It was clear from the information provided by the delegation on the State party's efforts to criminalize the offences referred to in the Optional Protocol to the

Convention on the Rights of the Child on the sale of children, child prostitution and child pornography that Chilean domestic law was still not fully in line with the provisions of that instrument. The Committee still harboured doubts over whether the sale of children and the possession of child pornography were actually characterized as crimes under Chilean criminal law. He asked whether forcing a child to work amounted to the offence of the sale of children under Chilean criminal law and, if so, whether it carried the same penalties. He requested additional information on cases involving the abuse and sexual exploitation of girls and on the programmes and policies in place to protect and reintegrate the victims of such acts. Were teachers, public officials and medical professionals obliged to report acts of abuse and sexual exploitation? Were allegations of sexual abuse investigated as a matter of course? What was the State party doing to combat the stigmatization of girls who had been sexually abused?

65. Recalling that the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict required States parties to outlaw the recruitment of children for use in such hostilities, he asked whether Chilean criminal law did in fact prohibit that practice.

66. **Ms. Oviedo Fierro** said that additional information was needed on the planned changes to the special protection system for children and adolescents. She asked what measures the State party envisaged taking to obviate the need for families in a precarious situation to place their children in alternative care facilities and to expedite the return of children already in such facilities to the family home. She also enquired about the State party's approach to dealing with reports of ill-treatment and abuse in such facilities. She asked about housing arrangements for prisoners' children aged over 2.

67. Lastly, she wished to know what penalties were imposed on priests who sexually abused children and what measures were in place to prevent such abuse from reoccurring and to assist victims.

*The meeting rose at 1 p.m.*