



Report to the Committee on the Rights of the Child of the United Nations on the implementation of the Convention on the Rights of the Child in Chile

**Geneva, 2014
NGO Network for Children and Youth Chile**

Abbreviations and Acronyms

CASEN	National Socio-Economic Survey
CAVAS	Center of Victims Support for Sexual Offences
CESFAM	Family Health Centers
COSAM	Mental Health Centers
CDN	Convention on the Rights of the Child
ESC	Commercial Sexual Exploitation
ESCNNA	Commercial Sexual Exploitation of Children and Adolescents
DDHH	Human Rights
ENS	National Health Strategy
FONASA	National Health Fund
GES	System for Explicit Health Guarantees
GSE	Socioeconomic group
IPEC	International Programme for the Elimination of Child Labour
LGE	General Education Law
LOCE	Organic Constitutional Law on Teaching
LRPA	Adolescent Criminal Responsibility Law
MINEDUC	Ministry of Education
MINSAL	Ministry of Health
NSE	Socioeconomic Status
NNA	Children and adolescents
OPD	Rights Protection Offices
OCDE	Organization for Economic Cooperation and Development
OMS	World Health Organization
OIT	International Labour Organization
PAS	Care programs for NNA sexual aggressors
PDI	Police Investigations
PLADECO	Communal Development Plan
RUN	National Identity Unique Rol
SERNAM	Women National Service
SENAME	National Minors Service
SENAME	National Service for the Elderly
SENADIS	National Service Disability
SENDA	National Service for Prevention and Rehabilitation of Drug and Alcohol
SIMCE	Measurement System of the quality of education
SEP	Preferential Scholar Subsidy Law
TDAH	Attention Deficit Hyperactivity Disorder
UNICEF	United Nations Fund for Children
VIF	Intrafamily violence

Introduction

The NGO Network for Children and Youth of Chile (ROIJ), consisting of 40 NGOs present in 4 regions of the country is pleased to greet and make available to the Committee on the Rights of the Child, United Nations, UN, this Report alternative Country concerning the status of implementation of the Convention on the Rights of the Child in Chile in the period 2007-2011. Document prepared in response to the official report submitted by Chile in September 2012 that gives account of national progress in legislation, institutions and social policies aimed at children and adolescents living in Chile.

Methodologically, this report has been prepared with the valuable support of various organizations that make up the ROIJ so as the support of organizations and persons who are not a permanent part of that instance, joined the task, exchanging and combining looks and experiences to make them available to the welfare and respect for rights of children and adolescents.

In terms of content, the document is organized into 8 sub-themes, each of which shows the current state of the exercise of children and adolescents rights in the light of the principles established in the CDN and protocols ratified by Chile. Taking aim, so as to recognize the progress made in the field of childhood and adolescence during the aforementioned period, as making major inconsistencies visible and evident internationally and nationally - limitations and challenges that prevent thousands of NNA the full enjoyment of their rights enshrined and ratified by Chile in 1990.

Document also includes comments and views raised by the children and adolescents, who since 2012 have been developing a process of co-protagonist participation, called Audit of Rights, in which young people themselves have developed tools and consultations to more than 2,500 children and adolescents from six regions of the country, and whose process of systematization and analysis has been completed.

Ending each topic with the respective inquiries and recommendations made as part of civil society aiming to the Chilean State to promote processes of social and political advocacy for all NNA who have participated actively and critically in this process.

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1. GENERAL MEASURES OF IMPLEMENTATION

In terms of general measures and legislative harmonization, although a number of developments over the period is valued, it is highlighted that in the context of the recommendations of the Committee on the Rights of the Child these advances remain in parceled character. Meanwhile, more than 23 years ratified the CRC, not yet adopted the Law of Integral Protection of Rights for all NNA Chileans and Chilean residents. After 46 years of existence has not repealed the Juvenile Act No. 16,618 (1967) which, although has undergone changes, does not meet the standards required by the CRC keeping stocks of a paradigm of childhood based on its irregular situation and with specific focus on the special protection of law, over the universal protection. Scenario that affects the full and effective exercise of the rights of NNA preventing them from having the legal, administrative and institutional tools to ensure all the rights and the enforceability against the Chilean state.

Recommendations to the State of Chile

a. On the harmonization of legislative measures

- Repeal of the Juvenile Act No. 16,618 and the enactment of a Law of Integral Protection of Rights.
- Readjust the laws and social policies that affect children and adolescents directly and indirectly, to the principles of best interests, non-discrimination and participation of the CRC.

b. In matters of institutionality

- Have a unique public institutionality for children and adolescents with allocation of powers and budget for implementation and articulation of policies at national, regional and community level.
- Create in the country the Defender of Rights of the Child, providing the state institutionality with powers, budget attached and relevant and specialized mechanisms of reporting which NNA can turn if their rights to be violated.
- Have an autonomous Observatory for Children and Adolescents that allows monitoring their exercise of rights such as the development and impact of public policies.

c. In matters of rights protection systems

- That State assumes its role of principal and active guarantor not only in the recognition, but additionally in the guarantee, respect and effective realization of rights for all children and adolescents, regardless of race or ethnicity, religion, economic or social status or another
- Extend the concept of protection to all rights under the CRC, without restricting it exclusively to special protection rights.

- Design and implement a National Integral Policy and Plan for Protection of Rights of Children and Adolescents.
- Design and implement a Integral Protection System of rights for all NNA. Recommendation previously indicated by the Committee on the Rights of the Child by the need to increase public resources, have a system of coordination and interagency articulation stable and effective for the design, implementation, monitoring and evaluation of compliance assurance of rights.
- Design and implement a National and Integrated Data System for Children and Adolescents allowing subminister, monitoring and measurement of relevant statistical indicators that reflect the status and condition of NNA rights. A key input to the design of public actions for their benefit.
- Build plans and programs not only based on the rights approach, but also on standards and concrete indicators that demonstrate it, - so that they can be measurable and auditable- so as from the access or services, so as from real changes in the life conditions of children and adolescents, their families and communities.
- Ratification of the Third Protocol, signed on February 28, 2012, as an international measure through which children and adolescents can inform and report violations of their rights to the Committee, strengthening the examination and enforceability of them.

2. CHILD DEFINITION

Under the ratification of the CRC, their definitions, principles and rights, child understood by anyone under the age of eighteen years unless under the law applicable to the child, majority age is attained earlier. (Section 1 CRC)

3. GENERAL PRINCIPLES ¹

This report has been prepared considering the CRC main frame and its four general principles, which act as guides and determine the outcome of the analysis regarding progress and remaining challenges that the Chilean State has to protect and ensure the full exercise of NNA rights. Stage from which emerge a number of concerns and inconsistencies with these principles, from which challenges the State the generation of urgent actions aimed to adapting their legislative frameworks and policies for the NNA benefit, in compliance with conventions and international treaties.

No discrimination. (Art 2)

All rights apply to all NNA without distinction. It is the obligation of the State to actively promote their rights and protect them from any form of discrimination.

Discrimination may be exercised by the governments, by adults, by a community or society, or between NNA themselves. May be the result of direct or deliberate actions or unconsciously happen through ignorance or insensitivity actions. Materializing in various ways, through laws, social policies developed, attitudes or by action or inaction.

As principle applies to all rights, without distinction: survival and development, special protection and participation, and challenges the state to generate actions for its safekeeping and materialization. This does not imply treating NNA in the same way, but to develop measures

for everyone to exercise their rights, developing specific actions for those who are at greatest condition infringement, ensuring that the prioritization does not lead to exclusionary measures and only focused on a specific population group.

Best interests of the Child. (Art. 3)

In any action involving children, their best interests must be a primary consideration. This includes actions taken by the State, by the authorities and by any private institution. It should develop procedures to ensure that governments and decision making bodies consider the interests of the child before taking actions that affect them. They remain the primary consideration when resources are mobilized and allocated.

Survival and Development. (Art. 6)

All NNA have the right to life. The State has an obligation to ensure their survival and development. This article provides that all NNA must be allowed to develop their full potential and will provide necessary support to such effect. So that everyone can develop their skills, taking into account their age and maturity.

Participation. (Art. 12)

The NNA has the right to be involved in decisions that affect them. This article obliges States parties to ensure that their views are sought and considered in matters affecting their lives. Includes the right to express their ideas and opinions and bodies or institutions (state, community or family) consider them according to their age and maturity. Provision applies to individual cases and collective and requires that they have relevant information presented in an understandable manner.

4. RIGHTS AND CIVIL FREEDOM

4.1. Right to express opinion and hold meetings (Art. 13)

In matters of civil rights and liberties, although the State reports that, following the recommendations of the Committee, has developed several initiatives, they have proved totally inadequate, timely and low incidence for the full realization of these rights, reason why its manifests concern about:

1. The permanent breach of the principle of participation and the right to express opinion and peaceful assembly by NNA. Naturalizing their violation either by the state, institutions, communities and individuals.
2. The instrumentalization with which the right to NNA express their opinion in matters that affect them is discussed. Giving priority to the development of pseudo participatory strategies that maintain adult-centered and reductionist view on what real and effective participation means while declaring their respect and work under warranty. What is reflected in most of the initiatives promoted by the State are restricted to consultation

processes reviewed by general population surveys, user satisfaction surveys or development of local advisory areas of low incidence.²

3. The lack of operationalization of this principle of the CRC into policies, plans and programs that are designed and implemented and that affect directly their lives. The aforementioned principle is not mainstreamed nor guaranteed by law. Similarly, there is a lack of effective mechanisms to materialize not only on an advisory basis, but incidence and actual interference of their views in matters that concern their lives.³
4. The limited opportunities for participation at the local or community, regional and national levels of NNA. Although when educational institutions are calling their students to organize and participate through the figure of Student Centers, spaces that postulates as operating mechanisms of management and maintenance of communication with students, without them having possibility for establishment as relevant actors to decision making. Meanwhile, at the community level effective child participation remains marginal. While there is Law No. 20,131 (2006), which decreased from 18 to 14 years old to participate in the Neighborhood Councils, the participation of young people is low, maintaining centralized in adults. NNA as they manifest in their own stories: "... schools should promote the participation" (*Group of children / Arica*). "Young people when they leave school stay here" (*Group of children / Huallepén*). *Audit Rights NNA. ROIJ 2012*.
5. The absolute absence in Law No. 20,500⁴ (2011), about Associations and Citizen Participation in Public Administration, of recognizing NNA as subjects entitled to participate, being invisible in consequence and not incorporated into this policy framework, even when in its title IV, Article 69, the State recognizes the right of people to participate in their policies, plans, programs and actions.
6. The violation of the right of assembly and peaceful assembly of which have been subject NNA, especially in the context of large public mobilization of high school students that began to take shape since 2006, and persisted from 2009 to 2011 in order to generate structural reforms to Chile's education system. Spaces in which young people have been repressed in contexts of marches and demonstrations by special police forces alluding to disorder in the streets, so while it is generated in small groups in conflict contexts, does not justify or validate the criminalization and Repression of their right to demonstrate and express ideas as social subjects, political and constitutive of social movements. Contradicting (Art. 1) which establishes that everyone has the right to freedom of association and the (Art. 2) that defines that is State's work that is to support and promote associative initiatives that civil society generates.

Recommendations:

- Ensure full and effective through the Integral Protection of Rights Law which must be approved, the right of children and adolescents to express their views on matters that affect them, having the resources, spaces and permanent mechanisms to make it effective.
- Extend the restrictive concept of the right to participation, conceived only as symbolic or consultative participation, so instead, be understood as participation of incidence according to the spirit of the CRC.
- Overcoming the instrumental participation mechanisms that reproduce passive citizenship models.

- To promote child participation in the various levels like family, school, community and local and national, according to their age, maturity and autonomy.
 - To safeguard the right to freedom of association and expression of NNA, ensuring that their exercise is not criminalized, repressed or neutralized. As well as the control of protocols for action by police.

5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

5.1. Services and family support programs

In services and support programs for families to guard and full protection of rights of children and adolescents, concern is expressed by:

1. Poverty and violations of economic and social rights affecting NNA, especially to children and infants. While between 2003 and 2011 poverty in the country declined from 26.6% to 22.8%, high levels of poverty persist in the population aged 0 to 13 years when compared with the population of adolescents.⁵
2. Inadequate family support programs for the development of NNA. While there are programs in the area of education and health, intended to guide the training and socialization work, fail to respond to the needs of families.
3. The short time to share with family, especially those family groups where both parents work and spend most of the time away from home, a highly sensitive situation to the NNA own.
4. The high degree of incompatibility between labor public policies regarding legally stipulated number of hours to work, annual leave and permits for workers in their role as parents, and the need for family time. This situation is reflected in the fact that *"almost half of Chileans work more than eight hours a day and 30% takes work home regularly to finish it at night"*, what at the level of comparative statistics, places Chile among countries in the Organization for Economic Cooperation and Development (OECD) where people work more.⁶
5. The State tendency to generate family support programs for families in poverty and extreme poverty, by implementing conditional cash transfer policies that do not solve the social and economic problems, perpetuating the cycle of exclusion, poverty and dependence that are limiting the effective right of welfare of NNA.
6. The scarcity of comprehensive programs to support the family. So if there are specific public experiences such as "Bridge Programs" interventions under the Chile Solidario system, such offer is oriented to integrate families in extreme poverty to the State social safety net, not responding effectively to social, economic, employment needs that family unit present to improve their quality of life and NNA.
7. The focusing of programs to support the family only in the classified population in poverty, regardless of the universal right of NNA in which their families have access to services and programs that contribute to their welfare and development.

Recommendations:

- Ensure full exercise of rights of the NNA, assuming the State the work to universally provide families with services and support programs for wellness, regardless of social class or NSE.
- Implement comprehensive support programs for families in coordination with the various departments and related public services, in order to achieve integrated services that genuinely meet their needs and those of NNA.
- Expand access to public programs and services for those families whose score on the Social Protection Data Sheet⁷ excludes them receiving state support. As is the case of vacancies in public kindergartens (JUNJI) whose criteria for admission is economic and social evaluation, benefit to families, that still needing it, cannot afford by non meeting the criteria of social targeting.
- Ensure the safeguard of family time by generating labor policies consistent with this objective, so that the number of hours spent at work and the conditions in which it develops, do not negatively impact the welfare and development of children and adolescents.

5.2. NNA separated from their parents

In terms of actions generated by the State to protect the right of children and adolescents who have been separated from their parents, although there has been progress and program offerings from residential arrangements for special protection of the National Service for Minors (SENAME) concern is expressed by:

1. Violations of rights which NNA are victims in SENAME residential centers. Rights violations that have come to light after complaints processes, studies and documented journalistic investigations, creating review processes and supervision of their centers.
2. The absence of systems for quality assurance of social protection services to NNA separated from their parents, so as in the direct management centers, so as in the centers belonging to the network of SENAME collaborators.
3. Improper Conditions of human resources and infrastructure in which are found some residential centers, despite having educators and professionals of direct treatment, they are overwhelmed in their ability to perform a psychosocial work quality, with comprehensive approach on individual, family and networks levels.
4. The lack of training of professionals and educators of direct treatment at residential centers caring for children and adolescents with high levels of psychological damage and violations. Generating complex and risky practices both for NNA and staff of the centers, which do not have the proper tools to respond to a necessary host, contention, and approach.
5. The low safeguard security of NNA in some closed protection residential centers, like CREAD where NNA are victims of other rights violations, *exemplified in the net of sexual exploitation of public transportation drivers, bareheaded in 2012 in the town of Penco-Lirquén. It was discovered that exploiters contacted NNA of these center to take them to places where they were subjected to ESC by them.*

6. Low staffing of direct treatment and lack of specialized psychosocial staff such as psychologists, psychiatrists, social workers, differentials educators and occupational therapists, to develop an educational intervention reparative with NNA.
7. Lack of systems for monitoring and tracking the status of welfare and protection of rights of children and adolescents that leave the residential centers.

Recommendations:

- Ensure effective protection of rights of children and adolescents separated from their parents or responsible guardians when their care and protection has been assumed by the state through its services of special rights protection in residential centers.
- Safeguard the maintenance of the link with the family of origin, if this is not contrary to the welfare and development of children and adolescents, having the resources and infrastructure to enable them to share and interact strengthening their emotional bond.
- Ensure families who are separated from their children access to programs of psychosocial, educational, employment and treatment support, strengthening their social and economic capacity to take personal care of them, watching over comprehensive family reunification, when there are possibilities of generating it. Avoiding the permanent institutionalization of children and adolescents in schools.
- Designing and implementing effective monitoring mechanisms, control and supervision to enable protect the physical, mental and social integrity of NNA.
- Larger staffing of professional of direct treatment in specialized centers. As resources for infrastructure and improving conditions.
- Ensure that residential centers guarantee labor rights of their workers. Just as establish effective mechanisms to prevent and punish abuse by staff to NNA.

5.3. NNA with parents deprived of liberty

In terms of progress, is valued have made visible and integrated into their programs work with children and adolescents whose parents are in prison condition. What has been materialized, since the year 2008, by implementing the program Abriendo Caminos, in the framework of the Intersectoral Social Protection System under the Ministry of Social Development (MDS).

Despite advances, concern is expressed by:

1. The various rights violations affecting NNA with parents deprived of liberty, such as living in socio-territorial marginalized populations, not be protected from drug trafficking and micro-traffic practices, the timely and expeditious lack of health services and quality education, the abuse many suffer due to the installation of practices of violence in their homes and environment, among other factors. Aspects that become highly complex to be fully approached by specific short-range interventions such as Abriendo Caminos program.
2. The limited financial resources account to operate what has given the current low coverage of NNA with parents deprived of liberty, while there is some of them that have not yet access to enter this attention.

3. Focused attention on the part of that program, only addresses those whose mother or father NNA are deprived of liberty, regardless NNA those whose guardian or primary caregiver is in seclusion.
4. The growing concern about the amount versus the quality of the interventions made. Due to the high assignment of cases to professionals, reducing time of direct intervention with children and adolescents and their families.
5. The exclusive focus of the program on NNA and families in -extreme poverty-⁸ and inefficient that the intervention is to meet the needs of children and adolescents and their families. The assessment made in 2011 by the Budget Office (DIPRES) of the Ministry of Finance, realizes that there is no effective performance in the 4 components⁹ of the program addressed.
6. The reduced intervention time (24 months) to work with children and adolescents and families¹⁰ as well as the high demand for administrative actions. Induces NNA to the output not necessarily by having reached expected results, but for having completed the maximum time stipulated in the program intervention.
7. The inability of the networks associated with the program to respond to the immediate and materials needs associated with poor living conditions of families in areas such as food or housing.¹¹
8. El maltrato y vulneración del derecho de resguardo a la intimidad a la que se ven expuestos NNA, con las exhaustivas revisiones de control, incluyendo revisión de zona genital, para efectuar su ingreso a recintos penitenciarios y así visitar a sus padres.
9. Abuse and violation of the right safeguard privacy of which children and adolescents are exposed with extensive control reviews, including review of genital area, to enter prisons and so visit his parents.

Recommendations:

- Evaluate the impact of interventions and make the necessary readjustments of the program offerings.
- Incorporate the network, rights and gender approach in the design of the proposals, overcoming segmented and parceled visions of a focused intervention.
- Adapt the intervention model to the experience and the Chilean case.¹²
- Consider the thoughts and experiences of the direct executors of the program so as to influence the co-construction strategies and improvements thereof.
- Provide greater support to families in order to prevent from being separated from their children, either through the provision of counseling, parenting guidance, financial support and benefits of labor alternatives.

5.4. Abuse, neglect and measures of physical repair, psychological and social reintegration of NNA. (Art. 19)

In terms of prevention of violence and abuse of NNA, although the existence of a public offer directed to care and repair of child victims rights is recognized, concern is expressed by:

1. The violence that continue to suffer NNA, reflected in that 76% of children and adolescents, according to a UNICEF study, claims to be a victim in any of its forms.

2. The structural violence affecting children and adolescents, "the fruit of injustice and inequality that characterizes the current social, economic and political structure".¹³
3. The growing factual violence affecting directly and visibly to NNA, such as physical, psychological, neglect, sexual abuse, rape and murder.
4. The rates of sexual violence against children in the years 2009 to 2011, increased of 21.5% and 17.2% respectively. The high rate of young girls sexual victims, five times higher than young boys.¹⁴
5. Extra-familial violence¹⁵ suffered by NNA and the absence of policies to address it, except the law school violence and emerging measures implemented.
6. The absence of reparation programs, especially in rural communities. In these cases are the Office for Protection of Rights, OPD, calls to meet NNA various towns and municipalities. It also regrets the low coverage of specialized reparation programs, limiting NNA access to this job.
7. La débil coordinación entre programas de intervención del SENAME, lo que provoca existencia de sobre intervención en familias de NNA.
8. Poor coordination between programs intervention of SENAME, what causes the presence of an over intervention on families of children and adolescents.
9. Secondary victimization to which child victims of sexual abuse are exposed, who on average must declare up to twelve different opportunities at different levels, with the negative impact that the remembrance of trauma generates.

Recommendations:

- Design and implement an integrated Plan of prevention and approach of violence against NNA.
- Improve inter-agency coordination systems and network programs SENAME avoiding over interventions and generating comprehensive approaches for NNA.
- Increase preventive and early detection of abuse and sexual abuse programs in kindergartens, schools and colleges.
- Increasing the supply of specialized reparation programs into rural communes, whose NNA do not have full access and protection of their rights.
- Improve systems for collecting testimonial evidence with child victims and in charge of specialists.
- Draw attention to the extra-familial violence policy and the need to cope with it, especially in communities with high levels of social exclusion, consumption, drug trafficking, micro-drug trafficking and gang presence.

5.5. Violence inside the family

Some actions taken by the State in the generation of program offerings aimed at providing protection and redress to victims NNA and women are recognized: the design of the National Action Plan 2011-2012, prepared by the National Women's Service, SERNAM,¹⁶ the enactment of Law No. 20,480 of femicide (2010) and the implementation of the first National Survey of Family Violence Victimization and Sexual Offences (2012).

Without prejudice to the foregoing, concern is expressed by:

1. Bias targeting the 2011-2012 National Plan has regard to the VIF approach, focusing on violence against women, and not the violence experienced by the entire family unit, including child victims of it, mainly falling in SERNAM the power to design and intervention in the issue.
2. The high percentage of child victims of violence in their homes. 75.1% reported having experienced violence or abuse at some time in their life for at least one parent, or who fulfill this role in the family¹⁷. According to reports by NNA, *"men attack much to women and also setback, everywhere" (Groups of children / Calebu). NNA Audit Rights. ROIJ.*
3. Uncoordinated actions of protection and access to redress for child victims of sexual abuse, who on average must tell their story in 12 separate occasions, with all the implications that the remembrance of the trauma generates. Still difficulties in accessing timely care because of the existence of waiting lists.
4. The high number of women who experience violence by a family member, partner or ex-partner (31.9%) and the high number of children and adolescents is a witness to it (30%).¹⁸
5. The inefficiency that the precautionary measures are in practice for the effective protection of the physical and psychological integrity of the victims.¹⁹
6. The increasing femicide, which between 2007 and 2012 amounted to 299 cases. And the limitations of the current definition of femicide contained in Law No. 20,480²⁰, which leaves out a variety of situations in which young women and girls are murdered by strangers or people who have had a relationship, as well as cases of girls and adolescents murdered after being sexually abused.

Recommendations:

a. In the design and policy implementation

- Designing a Comprehensive National Plan for the Prevention and Repair of VIF understanding it as a problem that affects all family members, especially children and adolescents and female victims. Considering gender, multiculturalism and territoriality in reparative intervention.
- Overcoming the annual planning of short-range and impact.
- Ensure the development of comprehensive and articulated action between services and programs, promoting the generation of Communal Local Plans.²¹
- Work more intentionally on the reality of children of women victims, whether as spectators or as direct victims.
- Increase dissemination and supply of care in different regions, with emphasis where it has been found more prevalent in children and adolescents and female victims.
- Develop plans for ongoing training in VIF prevention and intervention, mistreatment and sexual abuse, especially focused on education and health professionals.²²
- Advance in sustained specialization of court staff and police power, in order to generate criteria and standards of training, care and handling of cases.
- Strengthen support and expeditious and timely access to programs and redress services to all victims of VIF, maltreatment or sexual abuse.²³

b. On the legislative front

- Moving towards imprescriptibility of sexual offenses against children and adolescents.
- Expand the defining of the offense of femicide, extending it to the violent death of an adolescent girl or adult woman, depending on their gender, without restricting the type of bond with the perpetrator or "intimate femicide".

c. In terms of prevention and early detection

- Increase investment and development initiatives sustained over time, aimed at preventing the VIF, working in coordination services and ministries.
- Strengthen policies and early warning and preventive programs aimed at families, NNA, and professional networks of primary action.²⁴
- Integrate this problem on MINEDUC plans and curricula in order to be working with the entire educational community.

d. In terms of research

- Promote studies to reveal the extent of the phenomenon, identifying care needs and gaps in coverage. Especially in rural areas, with less information and networks for victims approach.

6. BASIC HEALTH AND WELFARE

6.1. Health and sanitation (art. 24)

In health is valued and recognized count on the design of the National Health Strategy 2011-2020 (ENS) aimed at improving health especially in the prenatal period, childhood and adolescence, the incorporation of the social determinants of health, the design and implementation of services for mothers and children up to 5 years of age using the Integral Protection System for Early Childhood -Chile Crece Contigo-.

Advancements without prejudice, concern is expressed by:

1. Persistent inequality that affects equal, timely and universal access of the population to health, especially of children and adolescents. Depending on the timing and quality of access directly to people NSE. As expressed by own NNA saying that "*Society is working on the basis of money and people end up dying.*" (Group of children / Metropolitan Region). *Audit Rights. ROIJ.*
2. Segmentation and discrimination of the current model of health, whose subsidiary principle absolutely contradicts the principles of universalism and protection of health as a fundamental human right, In which access and quality are not guaranteed for the population.²⁵
3. The continuing violation of the right to health of children and adolescents, who do not have full and timely protection with funding. Although we have implemented the system of Explicit Health Guarantees, AUGE²⁶, it does not resolve or guarantee access to care,

treatment and rehabilitation of children and adolescents whose illnesses are not built-in to the system. So for example the case of NNA with lysosomal diseases, where 7 of them died during 2007-2012 awaiting treatment in the public health system.²⁷ Identifying also that still for guaranteed pathologies there is failure to timely care.

4. The absence of a comprehensive system of health protection for all children and adolescents, even when Chile Crece Contigo System has enabled a cross-sectoral response for children up to 4 years old, there are no similar systems to meet and accompany the integral development up to 18 years old, leaving implementation to the available resources of the municipalities.
5. The increase in child and adolescent obesity in the country and its harmful consequences in the development of associates and preventable diseases that affect their health.²⁸
6. Insufficient investment in the public health system, considering that the average public expenditure in the reporting period amounted to 3.5% of Gross Domestic Product, GDP, where estimates show that a country like Chile should be close to 6% according to WHO recommendations.
7. The indiscriminate increase of NNA diagnostic with disorder of attention deficit with hyperactivity (ADHD) who are receiving medication, even when these diagnoses are not their effective health status.²⁹
8. Limited access to dental and mental health care for children and adolescents³⁰ and weak supply in sexual and reproductive health for adolescents. In spite there is friendly spaces designed for them at primary care level, they have not proven effective for their needs. *"When we go to the doctor, especially the matron, everyone finds out why, and gives shame." (Group of children / Bio Bio). "Lack of information through radio, television, newspapers about the places where we can guide about sexuality (...) schools neither inform" (Group of children / as Arica). NNA Audit Rights. ROIJ.*
9. The criminalization of therapeutic abortion in cases of NNA rape or medically and scientifically deemed necessary.³¹
10. Failure to meet the standards for food and nutrition required by the WHO. There is no effective legislation to allow have a clear and simple food labeling and differentiate between organic or genetically modified limiting the right to information and health care of children and adolescents.
11. The scarcity of disaggregated statistics of child and adolescent population. Although there is the National Socio-Economic Survey (Casen), it does not allow to have an integrated view.

Recommendations:

- Ensure the constitutional and human right to life as superior and universal law, granting access to medical treatment recovery or palliative to all NNA who need even if their condition or disease is degenerative and low survival.
- Design universal policies to reduce equity gaps affecting NNA and the general population, without discrimination of socioeconomic status, territoriality, or another factor tending to increase health inequalities.
- Protect the full exercise of the right to health of all children and adolescents, considering quality assurance, universal access, financial protection and opportunity beyond the pathologies included on AUGE.

- Increase public resources for health and an appropriate allowance in the primary, secondary and tertiary levels of care.
- Strengthen inter strategies and socio-community oriented to prevention of risk factors that negatively affect the health of children and adolescents.
- Allow and encourage open and participatory discussion on abortion, integrating the opinion of adolescents.
- Implement permanent and longitudinally a National Survey of Child and adolescent Health, which delivers a detailed picture of their health in order to monitor and evaluate the impact of public policies and care needs.

6.2. NNA with disabilities and different abilities (Art. 23)

It is appreciated that complying with the Committee's recommendation, the State ratified the Convention on Rights of Persons with Disabilities (2008) and the enactment of Law No. 20,422 (2010), which lays down rules on equal opportunities and social inclusion, creating in turn the National Disability Service (SENADIS).

Advancements without prejudice, concern is expressed by:

1. The situation of children and adolescents with disabilities, according to the Annual Report on Human Rights prepared by the INDH (2011) finds that they live in particularly adverse conditions due to various social, cultural, barriers to services, etc.. that limit the full exercise of rights.
2. Limited resources for care of children and adolescents with disabilities, which prevent provide comprehensive, timely, relevant and quality care³² based on an approach of rights and socio-community that exceeds the individual approach.
3. Existing limitations on school integration so that NNA with disabilities can effectively and fully integrated basic education and high school.³³
4. The exclusion that adolescents with disabilities, graduates of formal education, face in accessing training centers or occupational training, wich having completed their regular education are excluded from access to this type of offers that allow them to learn a skill for their later insertion.³⁴
5. In terms of social protection, the targeting state pension at 40% of the poorest children and adolescents with disabilities, existing NNA that presenting economic and social need are excluded from this type of state benefit. This situation also occurs with technical assistance at not being a universal benefit.
6. Low public and universal provision of appropriate rehabilitation services for children and adolescents with disabilities, including mental health care for them and their caregiver. Just as the limited integration of alternative therapies, having the civil society itself in form of parents and family groups, organized to provide such high-need services.³⁵
7. Concerning financial resources, although the State allocates resources for people with disabilities via SENADIS National Project Competition, it is insufficient strategy to comprehensively address the barriers affecting NNA.
8. Although the State reports that SENAME integrated in all its programs and projects the inclusion approach of the NNA with disabilities, in practice that is more declarative. While most of them, except for residences for NNA with disabilities and outpatient protection

programs, do not have staff or resources necessary for training or adaptation of infrastructure to provide adequate care.

9. The few national statistics on persons with disabilities. This because since 2004, when Chile developed its first study on disability and regional statistics, there have been no further studies to update the information regarding the status of this population.

Recommendations:

a. In terms of social inclusion and integration of children and adolescents with disabilities

- Design a universal policy of inclusion and integration of people with disabilities, especially children and adolescents.
- Strengthen access to inclusive education in their pre-school, primary and secondary levels of children and adolescents with disabilities whether physical, cognitive or sensory.
- Reduce discrimination against NNA with disabilities, developing communication strategies, awareness and advocacy at national and local levels.
- Reduce the several architectural and social barriers to transportation and services, which negatively affect social integration, especially for those with reduced mobility, with particular emphasis on living in regions or municipalities with greater geographical or territorial exclusion.
- To promote the participation of children and adolescents with disabilities in matters that affect them, adapting necessary strategies for effective social integration.
- Progress in the development of policies and public and private sector agreements to promote training of adolescents and youth with disabilities.
- Strengthening training of professionals for the proper integration of children and adolescents with disabilities.

b. In terms of access to treatment and rehabilitation

- Strengthen investment in rehabilitation services, because such experiences only cover 51% of the communes.³⁶
- Increase the availability of specialists to care for children and adolescents with disabilities, ensuring the actual granting of the various features required for maximum health and wellness condition.

c. Strengthening National and Local Public Policies

- Strengthen the design of diagnostic and local policies to improve the quality of life of children and adolescents with disabilities, incorporating the theme in Community Development Plans (PLADECO) of each municipality.
- Progress on interagency coordination and increase budgets to operate.
- Update statistics and national studies of children and adolescents with disabilities.
- Considering that the causes of disability are not only organic, urges the State to generate actions to prevent risk factors associated with the onset of disability in children and adolescents, as progress in changing the biomedical paradigm to rights paradigm, that see

subject in its entirety considering the family, community and society as central to social inclusion and integration.

d. Increased public investment for NNA with disabilities

- Increase public resources for addressing national and local policies, plans and programs for children and adolescents with disabilities, trying to put special emphasis on those with the highest Conditions of exclusion and violation.³⁷

7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

7.1. Right to quality education

Although they have implemented legislation and policies such as compulsory preschool education through the enactment of Law No. 20,162 (2007), the enactment of Law Educational Subsidy Preferential No. 20,248 (2008) aimed at reducing the equity gaps and low educational attainment, the repeal of the Organic Constitutional Law on Education, the enactment of the General Education Law (2009), the creation of the National System of Quality Assurance in Education (2011); is important noted that these initiatives keep playing the base of current education system without solving structural problems.

Reasons why concern manifested by:

1. Persistent inequality in the quality of education, reflected in indicators of educational attainment versus Socioeconomic Status (SES) and type of institution of origin of the students.³⁸
2. The wide and installed educational segregation of students according to income level, social and economic origin.³⁹ Add to this standardized tests measuring achievement, reproducing exclusion systems, especially for children and adolescents with special educational needs. According to the NNA, "... mainly in municipal schools do not require much in terms of learning, the opposite of what occurs in schools paid or subsidized demanding higher knowledge." (*Groups of children / as Arica*). *Audit Rights NNA. Roij.* (*Groups of children / Arica*). *Audit Rights NNA. ROIJ.*
3. The constant process of weakening and dismantling of public education, perpetuated by a number of compensatory measures implemented since the enactment of LOCE, the constitutional establishment of freedom of education, the decentralization of education up to change funding policy, now focusing on demand.⁴⁰
4. The scarce supply of quality educational methods for students who find school dropouts and lag situation.⁴¹
5. The precarious condition of education in rural areas. The strategies implemented by the State⁴² are insufficient plus the increasing closure of rural schools, forcing the migration of students to other distant educational institutions even outside their home communes.
6. The poor quality supervision so as safeguarding individual establishments providing pre-school education.

7. Weak training in human rights and the rights of children and adolescents in educational establishments.
8. The low child participation in decisions and issues affecting them in education.⁴³ According to NNA: (...) *report that there are places where one can participate, have fun and meet new friends, (...) motivate and encourage teens to participate.* "(Group of children / Arica). *Audit Rights NNA. ROIJ.*
9. The violation of the right to a quality education for pedagogy students that have deteriorated its formation, in response to the increasing availability of access to higher education without certification of quality teaching. A complex and sensitive issue, considering that much of the educational attainment is associated with the quality of teacher training.⁴⁴ According to the NNA: "... *I believe that education is bad because teachers cannot teach.*" (Group of children / as Valparaiso region) *NNA Audit Rights. ROIJ.*
10. The deterioration of working conditions for the practice of teaching, specifically with regard to materials and labor conditions in that most of the teachers work.⁴⁵ In addition to the lack of means and resources to develop training processes or continuous training.
11. Inadequate budget allocation for education. In this regard, the almost doubling of resources reported by the State does not meet the needs of the education system background required.

Recommendations:

a. In terms of quality

- Safeguard the right to a quality education reducing inequality and educational segregation, with special emphasis on schools in remote region centers, especially rural.
- Improve monitoring systems and effective monitoring of the quality of education by the superintendence of education.
- Set standards for quality management culturally relevant, for all establishments providing early childhood education, including private nurseries and kindergartens.

b. In terms of financing

- It enjoins the State to safeguard the free and universal access to education, looking for viable and studied ways of funding that allow it effective.
- Increase budget allocations for public education.
- Ensure the design of universal education policies, where focus is not at its use as a tool of segregation.

c. In terms of education policy and strengthening public education

- Strengthen public education, free, secular, comprehensive and inclusive, providing resources and technical assistance to establishments to improve infrastructure and quality of education.
- Tend to decrease demand subsidy, to instead install the funding of the offer, helping to avoid harmful tendency to create pseudo- economic markets of education, who are

struggling to have the largest number of enrolled students those who their subsistence depends.

- Create policies to improve working conditions for the practice of teaching, tending to make the teaching labor a social and economically profession valued and recognized.

d. In terms of designing and implementing protection and social compensation programs:

- Strengthen programs of support of school retention, expanding to other regions and seeking a comprehensive work on that the boarding and psychosocial intervention, do not remains in second place to economic allocation of grants.⁴⁶
- Maintain security measures and access to education for pregnant adolescents, preserving their right to attend it.
- Strengthen safeguarding the right of access to education for migrant children, in response to the constraints they face to access it.
- Generate policy aimed at ensuring fair and equitable distribution of income in Chile, so as the material, social and economic conditions in which are families.⁴⁷

e. In terms of comprehensive education for life

- Integrate plans and education programs in human rights and children's rights, approaching it with the entire educational community.
- Strengthen and increase investment in programs to develop interpersonal, cognitive and affective skills as part of the educational training programs.

7.2. School violence

It greets the state for the enactment of Law on school violence No. 20,536 (2011). While helping to define it establishes responsibility of actors, procedures and sanctions in addition to the incipient measures implemented by MINEDUC in educational establishments, such as the development of regulations of coexistence, as the appointment of a professor in charge of the subject.

Progress without prejudice, concern is expressed by:

1. The increasing prevalence and magnitude of school violence, especially in establishments catering to NNA of NSE low and lower-middle.⁴⁸
2. The absence of a National Policy and Plan of coexistence at school, even though it has the Law No. 20,536, has not generated a policy due to the budget to make it operational and effective.
3. Low awareness on the phenomenon of violence inside the educational community, and the importance of prevention and timely action against it. Persisting scarce critical reflection and action on the causes that generate it, simplifying diagnosis and solutions to address it. According to the NNA: *"... some start fighting right here in school, trouble occurs, some fight for revenge, because they don't like someone..."* (Group of children / Calebu). *Audit Rights NNA. ROIJ.*

4. Individual and casuistic approach that tends to address the problem, focusing it at the level of personal responsibility for NNA and minimizing the role of families and the school in its preventive duty and control against it.
5. The little systematic, longitudinal and national research on the subject. Especially considering it is not a phenomenon that is present only among peers, but in the whole school community.⁴⁹

Recommendations:

a. In terms of Design Policies and Plans

- Building a National Policy and Plan of medium term to address school violence that places it as a social phenomenon affecting all members of the educational community. Emphasizing prevention of risk factors and strengthening protective factors against it.
- Ensure that all educational institutions, regardless of type, have actually and not declaratively, a Plan of Coexistence in implementation to prevent and address school violence. Making available specialized technical and professional advice.

b. In terms of prevention, address and intervention

- Promote and strengthen the training and educational approach instead of the punitive approach and social control against violence. Thus avoiding that penalty or coercive rationality overlap above the internalization of values and principles of respect for the dignity.⁵⁰
- Design and implement national and regional training strategies aimed specifically at education staff and families, as well as include these issues as contained in the mandatory training for university teaching careers.
- Develop, evaluate and disseminate methodologies for prevention and intervention in school violence in the various regions.
- Increase programs for primary, secondary or tertiary prevention, according to risk factors arising in the educational community.

c. Promotion of research

- Increase investment in national research and studies and disaggregated of the subject, in order to nurture the knowledge of the phenomenon, as well as its causal or intervening variables to address it.
- Develop partnerships with universities and research centers in order to have supplies for building processes of policies and strategies.

8. SPECIAL PROTECTION MEASURES

8.1. Administration of juvenile justice (Art. 40) NNA

Considering the recoil evidenced by the State of Chile in the installation of the juvenile justice system, promoting the criminalization of NNA; considering the recommendations made by the Committee on the Rights of the Child about protecting the rights of children and adolescents who have committed offenses the law, concern is expressed by:

1. The trend towards criminalization and accountability of NNA without effectively safeguard their protection and reintegration⁵¹. While there is an inconsistency of articulation and real operationalization between pillar - "accountability" - and - "social reintegration" - in which the Law of Teen Penal Accountability, LRPA, is based. Meanwhile, it has made this system a control mechanism and punishment for on the objective of reintegration, shelter and protection.⁵² Evidencing the lack of common criteria for what comprises at reintegration and how it is materialized in the process of complying sanctions.
2. The construction and operation of the Detention Centers as juvenile prisons, in which remain paramount practices of violation of the rights of children and adolescents.
3. The weaknesses exist in implementation of LRPA, and politics to make it effective taking into account the rights of adolescents, their profile and needs.
4. Insufficient human and financial resources to adequately respond to the needs of adolescents, identifying critical nodes in areas of education, health, training and infrastructure.
5. Insufficient resources for the development of educational work at the centers of SENAME's direct management. Not all have learning resources needed for learning, as appropriate and motivating installations.

The inadequacy of the validation studies programs for adolescents that comply sanctions in free medium. The exams mode without accompaniment or attendance and educational support, does not fit or respond to their needs and conditions.⁵³

The constraints that are faced teens over 14 who want to finish their basic education. Do not have an offer different from the Centers for Integral Adult Education, CEIA.⁵⁴

6. Shortages and incipient coverage job training programs for independent living. The agreement with the National Training and Employment Service (SENCE) is not available in most regions, limiting the ability to learn skills and have access to certified training.
7. In health, concerned at the low supply of drug treatment for adolescents with non-custodial measures or additional penalties being difficult to access integral and specialized health attention, other than the public health universal network, with large waiting lists and not suited to their characteristics and needs.

The lack of timely and ongoing psychological and psychiatric attention, reproductive and sexual health - especially for adolescents with non-custodial or ancillary measures who, are referred to the primary attention network with no guarantees of relevant and timely attention.

8. The incipient and still limited coverage of Programs for NNA that have committed sexual assault (PAS) meanwhile they are not implemented in all regions. Their limit of 18 years to enter, do not allow young people who are complying sanctions, committed as minors, have access.
9. Lack of training of judicial officers. While there is still ignorance of those who do not have expertise, making it difficult to unify languages, looks and criteria when imparting justice.
10. The lack of full-time magistrates what affects the best interests of adolescents. Existing differences in criteria for issuing sanctions and measures even if the offenses, context and profile of adolescents charged are similar.

Insufficient infrastructure for managing specialized justice. While there are no courts for adolescents, which has sought to be remedied in implementing specialized rooms on Guarantee court, audiences into blocks on specific days, mitigation measures that do not solve the problem.

Recommendations:

- The implementation of a special and exclusive juvenile justice system, with courts and advocates for adolescents, aimed at count effectively with the installation of a system of restorative justice.
- Ensure effective protection of rights of adolescents who are alleged to have committed offenses or who is charged with or found guilty of having infringed the penal law. Increase allocation of human and financial resources for the implementation of the LRPA.
- Amend the Law No. 20,084, in order to extend the protection of rights of adolescents entering the system of criminal responsibility, materializing the best interests from its status as subjects protected by the state, without arrests and prosecutions that violate rights to safety, physical and psychological integrity.⁵⁵
- Strengthen strategies of interagency working in health, education, access to job training.
- Ensure respect for constitutional rights and guarantees ensuring that the custodial measures are used as the last sanction resort.
- Revise the supplementary application of the Criminal Code in respect of the precautionary measures because it is contrary to the established prevention CDN, about the imprisonment in NNA case.
- Ensure that the abbreviated judgments do not constitute a measure of pressure for teens to recognize their responsibility in order to avoid oral trials and burdensome measures as sanction. Reason why it pays attention on that -the principle of judicial economy- doesn't be considered over the rights they have established by law.
- Establish to the judiciary, orientation criteria to determine the nature and extent of sanctions, in order to reduce the disparity observed in similar situations.
- Increase investment of public resources in order to improve the infrastructure of privative and non-privative of freedom institutions, in order to achieve adequate security, dignity and privacy to the adolescents, plus access to recreation, education and training, taking into account their particular gender needs.

Finally call the attention of the State, not to lose sight of their responsibility and role in the prevention of risk factors and social exclusion highly linked to the commission of crimes by teenagers, developing proactive and relevant social policies.

8.2. Use of substances and drugs (Art. 33)

Valued the various actions undertaken in the prevention, control and treatment of drug abuse and illicit traffic, such as creating National Service for Prevention and Rehabilitation of Drug and Alcohol (SENDA), making the National Studies of Drugs in School Population (ENPE), the generation of the Drug and Alcohol National Strategy 2011-2014, among others. However, it is stressed that these strategies are presented as insufficient in terms of prevention and access

to treatment and rehabilitation according to the needs, profiles and interests of children and adolescents, aspects of which concern is expressed by:

1. The increased consumption of legal drugs such as alcohol and snuff between NNA, diminishing even more the age at first use.⁵⁶ In their view, *"drugs and alcohol is a problem because about 13 they start smoking and have drinks and drugs"* (Group of children / Metropolitan Region), (...) *there is much use of alcohol in adult, youth and even children / (...) there are 4 liquor stores near the school* "(Group of children / Calebu). *Audit Rights NNA. ROIJ.*
2. The emergence of new consumption practices such as inhaling household products in aerosol, or use of alcohol by its application in areas of the body that causes transfer of ethanol, causing serious health risks.
3. Limited access to treatment and rehabilitation programs for NNA. Although there is provision of treatment through the Health Service, under the AUGE system. Ambulatory Basic Programs for people with mild or moderate consumption are insufficient regarding the demands and needs of children and adolescents because of the low frequency of their attentions, limited level of intervention and poor adherence in this population. Likewise the limited access to programs of psychiatric and mental health and detoxification units, due to low coverage.
4. The absence in regions of the Clinic Diagnostic Assessment Program for Teen in conflict with the law, experience that has only been implemented in the metropolitan region, being limiting and excluding accordingly.
5. Low or decreasing shunt of adolescents to the Program of Comprehensive Treatment for Adolescent Offenders with Problematic consume of Drug-Alcohol and other Mental Health Disorders in its ambulatory modalities or therapeutic residential communities, because judges are not assigning as a sanction or penalty , which is why, despite being necessary in many cases, teenagers are excluded from this offer. Contradiction existing between the right to treatment and the notion of the pains and penalties to which the treatment is linked under the LRPA.
6. The precarious diagnostic information available to judges to determine the existence of drug use in adolescents prior to the issuance of its judgments.
7. The scarcity of specific studies and research on problematic drug use, treatment and comprehensive rehabilitation of adolescents.⁵⁷
8. Sustainability risks faced by the collaborating institutions for drug treatment, while the subsidy model to the demand, based on the state financial contribution by number of children and adolescents served, left exposed them to variations unmanaged of smaller number of users affecting the resources with which they operate.
9. In terms of prevention, weaknesses are identified in the model of territorial or community prevention, being intervention policy of SENDA focused on colleges and schools at the expense of an articulated local politics between different actors and spaces in the communities.

Recommendations:

a. In terms of treatment and rehabilitation of drug

- Remove the restrictions on access to appropriate and quality treatment for both NNA, noninfringing as lawbreakers, in the public health system.
- Strengthen the reintegration component, social integration and networking in all treatment and rehabilitation strategies for children and adolescents.
- Increase investment in training of technical-professional teams.

b. In terms of prevention of licit and illicit drug consumption

- Strengthen socio-community prevention strategies based on ecological model and network. Expanding the coverage of prevention programs in all educational establishments.
- Carry out impact assessments of implemented preventive strategies.

c. In terms of financing

- Increase resources for prevention and development of and awareness campaigns education related to the problem.
- Improve financing strategy of Treatment Programs focus on demand, moving to a model focused on offering.

d. In terms of illicit traffic in narcotic drugs and psychotropic substances

- Intensify efforts to reduce traffic and micro-traffic, integrating control and monitoring policies, comprehensive strategies to reduce risk factors in populations that are living in poverty and exclusion.
- Extend the coverage of community care programs aimed at reducing violence, victimization and perception of insecurity of residents.⁵⁸

8.3. Exploitation, sexual abuse and trafficking of children and adolescents. (Art. 34)

In terms of progress, it is recognized as part of civil society, the legislative changes regarding to establish a longer period for prescription of sexual offenses. However, we call upon the State to advance in the imprescriptibility of such crimes. Thereby favoring the processes of re-significance of NNA damage and referred to the legal claim of their rights. It is valued increasing specialized projects Sexual Exploitation (ESC) of the NNA as counting the National level with the Second framework for action against.

Without limiting the foregoing, concern is expressed by:

1. Deprotection of NNA to all forms and types of ESC. And the existing legislative weaknesses and inconsistencies. At present only about NNA for sexual purposes and child pornography are offenses under the Criminal Code, not the ESC of NNA.⁵⁹
2. The low diffusion has had the registry system of persons disqualified from working with children and adolescents for having received convictions for sexual offenses.
3. The paucity of research and updated statistics on ESCNNA. The only reference study corresponds to the so-called "Prevalence of Sexual Exploitation of Children and Adolescents in Chile" (2003), which estimated, then, at about 3,719 child victims of ESC.

4. The low capacity of the 17 existing projects nationwide to meet the coverage needs. Reason why so many NNA victims receive care in special protection without specialty in the subject.
5. In health, the low supply of programs on sexual and reproductive health. And the limitations of access to timely and ongoing access to psychiatric care in cases of high psychosocial damage of NNA.
6. The weaknesses presented by the State for the integration of gender, disability and multiculturalism in the intervention with children and adolescents.
7. Insufficient resources allocated to prevention and education about ESCNNA in the various regions and territories. Centralized at the regional capitals at the expense of those with greater territorial or geographical remoteness.
8. The absence of a National Plan of training for the various stakeholders involved in the care or legal redress socio rights of NNA victims of ESC, as professional teams of direct intervention. Whereas the training developed to date have failed to overcome the isolated character, contingent and largely centralized in the main regions.
9. The low rate of effective penalties for NNA exploiters. While complaints are made, due to the complexity of crime evidence, many end up being filed provisionally without reopening of cases.
10. The insufficient control of tourism-related businesses such as cafes, hotels, clubs where ESC of NNA is generated.

Recommendations:

- Protect and effectively guarantee the rights of child victims of ESC.
- Criminalize Sexual Exploitation of Children and Adolescents as a crime under Chilean law.
- Increase the supply and specialized program coverage in psychosocial and legal redress of child victims of ESC across the country.
- Design a programmatic line of prevention of Sexual Exploitation of Children and Adolescents.
- Strengthen the intervention models and professional and technical training of the direct intervention teams such as the judiciary officials.
- Increase financial resources to develop a work according to the needs of children and adolescents.

Update statistics and national studies to determine the magnitude of the problem in the various regions and coverage gaps for victims. Providing inputs for designing plans and policies.

Sale and trafficking of NNA

State effort is valued by the definition of administrative and legal standards that prevent irregular output of minors at the authorized border posts; so as the referred "Protocol of cooperation between the Ministry of Interior and the SENAME reviewing residency applications submitted in Chile for unaccompanied children by their parents"; to count on "Santiago Guides, containing the minimum standards of performance of the Latin American prosecutors regarding victims and witnesses in criminal cases of trafficking in persons" (2008). As also have a National Observatory against NNA ESC and legislative progress, to criminalize trafficking in persons under 18 for sexual purposes, with or without border crossing.

However, concern is expressed:

1. The serious violation of rights of child and the vulnerability they suffer especially in regions and communities where there is no awareness of this crime, naturalizing their victim condition.
2. The scarce supply of programs and access to psychosocial and legal redress.
3. Insufficient resources to safeguard the protection, either temporary visa or shelter, of child victims.
4. The dispersion of the legislative measures in various bodies and normatives.
5. Insufficient prevention efforts especially in more complex areas.

Recommendations:

- Grouping the various legislative adjustments in one unifying legal body.
- Design plans for training on trafficking for justice operators and technical teams to object that they have the proper tools to care.
- Resources intended for implementation of the provisions of Law No. 20,507 towards the protection and recovery of child victims.
- Strengthen prevention strategies and education about NNA traffic directed to state operators, citizenship, mass media, etc. All of which contribute to breaking the invisibility and naturalization of this problem.
- Add a level of reparations offer, shelters for victims both male and female. As also consider compensation in their victimhood.

8.4. Child and Adolescent Labour. (Art. 32)

While it is appreciated that the subject has been incorporated into state initiatives, with technical support from the International Programme on the Elimination of Child Labour of the International Labour Office (ILO / IPEC), and plans were generated to address it, concern is expressed about:

1. The high number of child victims who work subject to economic exploitation, so as exposed to dangerous and / or degrading work, estimated at 219,000 NNA.⁶⁰
2. The significant number of children under 14 who work and which amount to 94 thousand. While 125,000 in hazardous work, risking their health, morals, education, security.⁶¹

3. Domestic work performed by girls and teens, especially between 5 and 14 years, exceeding even the 21-hour workweek.
4. Violations of law to which are exposed working children in terms of education, protection, family care.
5. The poverty and exclusion in which are most families of working children, whose condition directly affects in their early approach to employment as a strategy to support, subsistence and meeting basic needs not covered in the home.⁶² NNA opinion addressing this issue relates: *"The rights exist, but are not respected, one can see that the houses are not in good condition, it's because parents are the mainstay of the family but does not have the means to support that family"*(Group of children / Calebu) *" There is no work "*. (Group of children / Huallepén). *Audit Rights NNA. ROIJ.*
6. The decline in state resources to install specific programs regarding the topic. Opting to refer cases of working children to diverse network of programs of SENAME.
7. Lack of effective and permanent control mechanisms and sanctions for persons exercising labor exploitation of children.
8. Lack of a national policy and plan to comprehensively address the issue. The designed plans have failed to produce effective impacts, and developing awareness campaigns without further intervention framework does not solve the problem.
9. The inefficiency that the formation of working groups, networks and cross-cutting actions have demonstrated, which, not being sustained over time do not generate plans of medium and long term with budgets and powers.
10. The lack of statistical and qualitative studies conducted by the State that would give us updated and disaggregated data by regions and municipalities.

Recommendations:

- Generate a critical reflection on child labor at the country level, recognizing children and adolescents who develop it, and assessing their contribution to the development country, to their families and facing exploitation that affects them at different levels.
- Generate periodic and reliable diagnostic studies on working children. Complementing national statistics with MINEDUC databases where students are registered as workers.
- Visualize this violation of rights as a relevant social reality, against which you cannot just declare the intention of eradication when broad conditions of inequality and social exclusion, especially in the poorest households, remain at the country.⁶³
- Readjust the legal frameworks and public policies, safeguarding the effective and timely exercise of the rights of working children.
- Integrate the view and opinion of the NNA and civil society actors in the generation of plans, programs and proposals.
- Strengthen mechanisms to ensure the right to education and the maintenance in the educational system of working NNA.
- While it is legitimate for the state point to the elimination of child labor, it will remain an unfinished challenge as not create the minimum conditions to ensure families a decent life. While this does not happen, it is essential that social policies also aim to protect and safeguard the conditions under which working NNA perform.

8.5. NNA homeless ⁶⁴

Despite being very incipient the actions taken, is valued to count on the second Cadastre of Homeless People generated by the Ministry of Social Development and Universidad Alberto Hurtado (2011), and the design and implementation of the Pilot Plan for the care of homeless NNA.

Developments around which, concern is expressed by:

1. Serious rights violations and exposure to risk factors, to which NNA homeless are exposed daily.
2. Lack of a national policy and regulatory framework to address this problem. That impedes the sustainable development of plans and programs, coordinated actions, intersectoral and sufficient resources.⁶⁵
3. The precariousness of diagnostic and statistical information completed and publicly known concerning the situation of children and adolescents in street. The National Cadastre (2011), did not generate accurate and disaggregated information about NNA.
4. The rigidity of the health and education systems to suit the needs and conditions of children and adolescents living on the streets. Evidenced by: a) the requirement on the part of these services, that NNA necessarily have a responsible adult to access them. b) The absence from SENAME, of the figure of guardian to such conditions. c) The inadequacy of sexual and reproductive health, which mostly children and adolescents living on the streets do not have access. d) The existence of an educational system that does not meet their requirements, especially considering their high dropout and lag, or, e) The requirements of age or parenthood status requested by the National Training and Employment (SENCE), to access training in trades or alternative programs. All examples that effectively prevent homeless NNA to exercise their rights, perpetuating the conditions of exclusion in which they are.
5. The few existing programs of specialized intervention to provide adequate and timely care protection, recovery and reintegration of children and adolescents living on the streets.⁶⁶
6. La inexistencia de garantía de acceso en materia de tratamiento y rehabilitación de consumo problemático de drogas para NNA en situación de calle. Si bien ésta se encuentra cubierta para quienes se encuentran en condición de “infractores de ley”, no permite atender de forma adecuada a quienes no presentan ambas condiciones.
7. The lack of guaranteed access in treatment and rehabilitation of drug use for children and adolescents living on the streets. Although this cover is for those who are in a condition of "lawbreakers" it does not permit to attend properly those who don't have both conditions.
8. The lack of a systemic approach to intervention in street programs. Prioritizing accordingly, individual approaches, non-ecologic and comprehensive. With very limited time intervention (24 months),⁶⁷ which is inconsistent with the dynamic reality of NNA who are homeless.
9. The still scarce awareness actions of the issue nationally. Being developed sporadic actions, centralized and inefficient.

Recommendations:

- Integrate the theme of NNA in the streets, in the Integral Protection Policy of rights of NNA that the state must generate to accommodate the principles of the CDN. Allowing counting on an intersectoral plan and permanent resources to address them.
- Ensure access for NNA homeless to health services, social protection, job training and education. More flexible and adapting to their profiles and needs, requirements for access and benefit priority.
- Strengthen the design educational strategies, of job training and supplementary employment appropriate supported and appropriate to their needs, abilities and interests. Thus enabling them to strengthen tools for independent living.
- Expand the national supply of specialized programs for homeless NNA. Today is insufficient not only for coverage but also supply professional.⁶⁸ While developing permanent training processes and self-care strategies for intervening team.
- Build and strengthen coordination and management instances of for both the processes of design, implementation, monitoring and evaluation.
- To organize and share the results of pilot programs implemented. Redesigning accordingly intervention model.⁶⁹
- Have disaggregated and updated statistics on NNA on the streets, while promoting the development of studies and research.

8.6. Migrants and refugees NNA

At level of progress greets the State regarding the legislation permitting since 2003 that pregnant women access to regularize their situation to receive care in the public health system. The same way is valued the obligation to entering migrants NNA timely to SENAME protection system, such as supporting efforts to resolve those residence who are not accompanied by a parent or guardian, or are in the process of adoption.

Despite measures which, concern is expressed by:

1. Maintaining the principle of jus solis, which specifies that are Chilean those born in Chilean territory, excepting the children of transient foreigners (Constitution of the Republic of Chile, section 10).
2. The violation of the right to citizenship of child migrants, considering that if their parents are in undocumented immigration status, or transient foreigners category, are prevented from obtaining Chilean citizenship, regardless of their dwell time or residence, thus leaving exposed to stateless. *"In July Mrs. A. R. a Peruvian nationality, have denied the registration of her newborn in the Civil Registry of San José Hospital, demanding a presentation of Chilean identity card to perform such procedure, a situation that seriously violates the right to identity of the newborn".*⁷⁰
3. Violations and exclusions of the right to health of child migrants and refugees, either because their parents are hindered by their immigration status, or because are still

getting access the visa, have no guaranteed access to health, requiring to have the budget to finance or co-finance their care. Whereas the refugees are unprotected between the asylum and effective delivery of the visa.

4. Weakness in the effective implementation of policy developments in health⁷¹, establishing mechanisms for regularizing immigration of foreigners NNA, and consequently their access to public health system on equal footing with Chilean NNA. What are not widely applied due to ignorance, restrictive interpretations, neglect or discriminatory practices. As shown in the following example: *"In March 2011, the teen IPM (17, Dominican Republic) had rejected his enrollment in health office in the district of Central Station - RM requiring his Chilean identity document as a condition to care. Similarly, in April of the same year, the baby RTP (10 months, Peruvian), had denied his registration and medical office care in Peñalolén. In both cases officials manifest disregard standard MINSAL No. 3229, of 11.06.2008, establishing the incorporation of children to the public health system".*⁷²
5. The existing limitations to NNA can effectively exercise the right to education.⁷³ So as persisting limitations for equal access.⁷⁴ *"In June 2012, the girls K.P.V. and D.P.V. 13 and 11 years and a Colombian national, had denied their enrollment in educational institution in the district of Independencia - RM, this putting a requirement for submission of Chilean identity card. This meant the loss of the school year for these girls."* *Collective internal systematization, 2012.*
6. The lack of protection of refugees or migrants who before departure from their home country have not legalized study documents of their children. As in most cases is impossible to contact a family member or acquaintance that perform the procedure, which steps the Chilean government does not perform.
7. Discrimination and exclusion suffered by NNA refugees who have no legal identity card to participate and benefit from social protection programs, even if their social and economic situation warrants.
8. Infringement of the right that child migrants and refugees have on the right to live with their families. Whether for migratory policies or precarious conditions of employment and housing .
9. The scarcity of inter ministerially coordinated strategies to protect child migrants' rights.⁷⁵
10. The inadequacy that presents the current Foreigners Act, enacted in 1975 Military Dictatorship (Decree Law No. 1094). Which slogan does not express the principle of family reunification.

Recommendations:

a. General measures:

- Ensure that all children born in the country obtain the Chilean nationality. Delivering to all child migrants, refugees and asylum seekers an identity card, regardless of the immigration status of their parents.

b. Access to social services

- Ensure access to health of child migrants, refugees and asylum seekers, regardless of their immigration status.

- Approach the public health system to the migrant communities, especially NNA.
- Disseminate existing regulations in public services and institutions required by migrants and refugees.
- Install the specificity of addressing mental health needs immigrants, developing mental health protocols that apply.
- Ensure respect for the right to education of migrant children and refugee students, avoiding exclusionary and discriminatory practices.
- Formulate measures of coordination with countries of origin, in order to facilitate management certification procedures that allow them to study in Chile.
- Review the system for validating studies, to allow child migrants and their families recognize them in Chile.
- Implement a plan of social and educational integration for child migrants and refugees. Removing obstacles to benefit from social protection in Chile.

c. Remove discriminatory and exclusionary barriers

- Conduct awareness campaigns to promote respect and inclusion.
- Supervise discriminatory practices and ensure its appropriate punishment.
- Designing protocols attention to migrant population including the cultural aspect.
- Implement plans to train public officials.
- Implement a comprehensive plan for social inclusion of migrants, in coordination with various public actors.
- Right to protect the public, clear, accessible and expeditious information to migrant or refugee population, especially relating to NNA.

d. Legislative changes

- Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention seeking respect for their rights and the existence of cases of statelessness.
- Ensure effective implementation of the Official Letter No. 3229, of June 11, 2008, about access to health care of adult and NNA migrant.

e. Budgetary resources

- Increase the supply of human resources and infrastructure for various public care services to have an office and staff for migrants.

8.7. Mapuche NNA affected by state violence

Considering conflict recovering the ancestral lands of indigenous Mapuche people from where they were stripped; and current cultural, territorial, social and policy consequences derived therefrom, and the application of the State of the Anti Terrorism Act (LAT), and its disastrous consequences, concern is expressed by:

1. The permanent state of repression and tension that develops in the lives of families and NNA Mapuche communities who have had to live with law enforcement and trespass and intimidation practices within their communities.

2. The violence who are victims NNA Mapuche that in conflict situations have been eyewitnesses of brutal attacks on their parents and family members as well as physical and psychological abuse.

"Carabineros de Chile visited the local school, White Lépin kimun Rewe, Lautaro Commune, Araucanía Region, on three occasions during the month of October. On a visit proceeded to interrogate children in the community who were in classes at the school, about the whereabouts of some members of the community; and even photographed them without the consent of their parents or mothers. Violation typical of the practices of harassment that police perpetrate against communities"

"Special Forces police fired bullets in the leg, back and elbow FPM, boy of 14 years, while he was collecting herbs next to the Machi of their community. Police helicopter chases him flying low for about 3 kilometers. The child is caught, bound, beaten, targeted with gun and plunged into a canal under threat of death. It is then forced to get up to the helicopter, and once in flight, with the doors open, the police threatened to throw the boy if he not gave names of people involved in the occupation of the premises Santa Lucia area Maquehue. After being insulted in a discriminatory manner he is transferred to the Commissioner of Padre Las Casas, where is being held for about three hours without his parents were advised of his whereabouts".⁷⁶ (Report on Institutional Violence to mapuche childhood in Chile. Anide Foundation)

2. The psychosocial harm suffered by Mapuche communities NNA victims of state violence negatively impacts their basic fundamental rights. *"My son C, is introverted, does not have much conversation. We asked but he says no ... but I know he misses his brother. He is not accustomed ... before he walked playing and now because of those things he have suffered so, that have been chased. He is afraid ... afraid to talk ... afraid that they keep asking questions, of the police, that they torment him ... Walking in the streets, and that has affected him, like he is more violent ... "*

((Report on Institutional Violence to mapuche childhood in Chile. Anide Foundation)

3. Poverty and its relation to the warranty in breach of human rights affecting Mapuche NNA.⁷⁷

4. The application of criminal standards sociopolitical conflict situation of the Mapuche. Breach and violation of their rights, especially those of NNA.⁷⁸

5. The criminalization faced by Mapuche teenagers arrested on account of their claims. *They get burdensome injunctions prohibiting the incarceration and freedom for long periods, even without any trial has been initiated against him. "Case No. 1: Young Mapuche initial GVM, belonging to the community Winkul Wenté Mapu, who is being held in provisional detention since September 4, 2012, without trial initiation until submission of this report. Situation after which he did hunger strike for 54 days demanding immediate trial start, even risking his life. "(Anide Foundation Report)*

6. The lack of special justice in intercultural issues and rights of indigenous children.

7. The violation of the legitimate rights of Mapuche children and adolescents who have broken the law in the context of conflict. By developing formalizations without counsel or illegal interrogation, offering the accused to become "partners" of the prosecution in exchange for monetary rewards; DNA sampling without permission from a guardian or attorney, etc.

8. The application of the LAT as criminalization of social movements because it includes property crimes, allows forward the punishment (sanctioning attempt as completed crime) and aggravate punishment (disproportionate increase).
9. Restricting process guarantees, while allows the extension of detention periods up to 10 days, being the 24-hour rule. Law allowing for the extension of deadlines for secret investigations, the use of faceless witnesses- whose identities are not revealed, as the use of preventive detention measures based on expert statements of –identity reserved-.
10. The maintenance of application practices of LAT, although its application is prohibited.⁷⁹
11. The antiterrorism law No. 20,519, introduced a second paragraph to Art # 1 of the Anti Terrorism Act, explicitly stating: "This Act shall not apply to the behaviors performed by persons under 18", which means that teenagers cannot be judged for acts committed by them under the Act, but also none of the content of the law can be applied in respect of such behavior." The scope of this exclusion necessarily involves -the proof of facts-, so that testimonial evidence may be produced or valued with respect to such subjects under the Terrorism Act. So that in terms of rights of indigenous adolescents the state violates them falling in breach of the Constitution, Articles 19 No. 3, No. 26, art. 6 and 7. Reason why we are sorry to inform the committee that the Second Amendment to the LAT is not being respected. The Chilean state using this exception legislation surreptitiously against NNA, contravening the CDN and international treaties on the subject.

Recommendations:⁸⁰

- Ensure full protection and safeguarding rights of Mapuche NNA.
- Stop the practice of threat and intimidation that the police made against communities and relatives of NNA Mapuche, which affect their physical, psychological and moral integrity, violating their rights.
- Stop police practices that tortures and threats NNA to betray members of their communities, systematically violating the process.
- That the State repair the damage caused by police violence against Mapuche NNA, among other actions, with repair programs appropriate to their context and culture.
- Respond to Mapuche juvenile cases that have been charged by the Anti Terrorism Act and to date have no resolution of justice.
- Ensure effective no implementation of the antiterrorist law or acceptance of testing measures based on it.
- Generate measures for overcoming extreme poverty and inequality that affects NNA Mapuche communities and families.

8.8. Care and protection in emergencies and disasters

Considering the devastation wrought by the earthquake and tsunami in Chile registered on 27 February 2010, and other local experiences of emergencies and disasters; greet the state for being part of the Humanitarian Aid Chilean Network (RAHCh)⁸¹, so as the progress in public infrastructure and roads, reconstruction of health and education, as the implementation of plans of Urban Regeneration and Reconstruction.

Advances despite of which concern is expressed by⁸²:

1. The lack of a Integrated National Plan of Risk Management to ensure the safety and security of the general population, especially in children and adolescents who in these events are exposed to greater conditions of vulnerability and risk.⁸³
2. The lack of a single national system format Damage Assessment and Needs Analysis (EDAN).⁸⁴
3. The reactive property and emphasis on emergency, which has the current system of national response to emergencies and disasters.⁸⁵
4. The excessive centralization in decision making to act in emergency situations and disasters, limiting the resources available and appropriate action in regional and community levels to provide first response to NNA and families.
5. The fragmentation and lack of coordination between public and private actors at different levels in emergencies and disasters.
6. The use of schools and educational establishments as warehouses and shelters, which opposes the rules and suggestions made by UNICEF, United Nations, INEE, Save The Children.⁸⁶
7. The slow pace of reconstruction, especially in housing, which is evidence that to date, there are still families who do not have a permanent housing solution.
8. The families installation strategy in enabled villages without fulfillment of minimum health. Negatively impacting the quality of life and access to basic necessities for the people and especially of NNA.
9. The lack of coordination communication protocols between the government and the media, which in emergency and disaster situation increases the risk of distortion of information and an increase in public confusion.
10. The low level of public and private awareness about the importance of preventing unsafe conditions upon the occurrence of high-impact events.
11. Scarce financial resources to prevent and respond to emergencies and disasters at the local, regional and national levels.
12. The low provision of trained and prepared staff for effective and timely action or intervention in humanitarian or natural disasters. As is the case of public health officials, education, municipalities, etc.

Regarding camps concerns:⁸⁷

1. Violation of social, economic, environmental rights, affecting 27,378 families still living in 657 camps in the country.
2. The high number of children and adolescents living in them, equivalent to 32,541, representing 39% of total. Of which 3,500 are children under 6 years.
3. The high status of vulnerability and social exclusion of families and especially children and adolescents, those living in unsuitable territorial spaces, housing in poor conditions, poor access to basic services.
4. Exposure to risks life to which they are exposed. 62%, or 402 of the cadastral camps have been assessed at high risk for landslides or floods. While 32% have higher rates of poor health, by locating on landfills concentration areas.

5. Lowest access by NNA living in camps to education. 74% of children under 6 years do not attend nursery or pre-school education. While 8.6% of children and adolescents do not attend any educational establishment.

Recommendations:

- Design and implement a comprehensive national policy for prevention and response to emergencies and disasters that allows having a public network, private and social, articulate and with power and relevant resources.
- Design regional and local plans for prevention and risk management in case of disaster, articulating various public, private and community actors who live in these spaces.⁸⁸
- Incorporate and comply with the various existing international standards and guidelines⁸⁹, with particular consideration of NNA.
- Progress in the development of policies to ensure the welfare of the population in the various milestones of risk management cycle.⁹⁰
- Understand risk management as an ongoing process that must consider the particular needs of the most vulnerable people, especially children and adolescents.⁹¹
- Implement prevention and awareness strategies that allow to install a preventive culture at medium and long time.⁹²
- Design and build strategies of psychosocial care to NNA in case of emergency and disaster, contributing to the psychological, social and community recovery.
- Strengthen the role of municipalities as relevant stakeholders, particularly in relation to the protection of children and adolescents in the first stages of response.
- Prevent, reduce and control risk factors of violence, abuse and sexual abuse of children and adolescents especially in disaster situations.

Ensure access to housing and decent conditions of families and NNA living in camps. As well as the social welfare services needed for their development.

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10. Notes and references

¹ Save The Children. (2002) Programming of Children's Rights. How to apply child rights approach to programming.

² While Community Prevention programs informed by the State include among their strategies the participation of NNA, are specific experiences and caseloads concentrated in the metropolitan region.

³ Although they have developed experiences of national consultation to NNA, as "My Opinion Counts" initiative held every two years, with participation by children between 3rd and 8th basics of schools in districts where there OPD. This may seem an improvement, however, is merely consultative processes without being effectively translated into concrete changes and responses

⁴ Law No. 20,500, Associations and Citizen Participation in governance.

⁵ Child and Adolescent Centre. (2013) First Report. Violence against children and adolescents. Santiago de Chile.

⁶ Measurement performed by Vizual Statistix site statistics.

⁷ Sheet social protection: social stratification tool used in Chile.

⁸ Excluding access to NNA in poverty and vulnerability that also require special protection.

⁹ Component 1: Delivery psychosocial support services and counseling to parents and / or caregivers aimed at improving parenting skills. Component 2: Provision of tutoring services for children aged 7 and under 19 years for the development of social skills. Component 3: Provision of network management to families that invoke a proper coordination between their needs and the network of public offering. Component 4: Provision of specialized services for participating in the program. (Psychologists, clinicians, psychologists, lawyers, etc.).

¹⁰ What is further reduced due to difficulties in attracting beneficiaries when providing information networks are not adequately articulated Databases of the Ministry of Social Development and Gendarmerie; plus SENAME residency programs within prisons.

¹¹ Seeing the professionals of program unable to use financial resources needed to respond to emergencies when networks have failed to resolve.

¹² Especially considering that the current program is based on the U.S. experience Children of Incarcerated Parents, A bill of rights, Bernstein, N. (2003)

¹³ Child and Adolescent Centre. (2013) First Report. Violence against children and adolescents. Santiago de Chile.

¹⁴ Child and Adolescent Centre. (2013) First Report. Violence against children and adolescents. Santiago de Chile.

¹⁵ Extrafamilial violence: referring to the violence of children and adolescents who are victims of persons not connected with the family or distant kinship relationship. (Source: Observatory for Children and Adolescents). And that creates physical or psychosocial harm in NNA.

¹⁶ National Plan for Domestic Violence in Chile. (2011-2012).

¹⁷ A 58.9% victims of psychological violence, a 51.37% victims of mild physical violence and 32.75% severe physical violence. Victimization Survey National Family Violence and Sexual Offences. Chile. (2012).

¹⁸ National Survey of Victimization by Family Violence and Sexual Offences. Chile 2012.

¹⁹ 70% of women victims of femicide registered in 2012 had such injunctions before being killed.

²⁰ Law 20,480 defines femicide as "The violent death of a woman by the abuse of power and gender that occurs within a relationship, current or past," which is known as "private or intimate femicide".

²¹ Ensuring that the actions do not result only in linkage or coordination triggered to the victim care.

²² Recommendation already made by the Committee in its previous report.

²³ Recommendation already made by the Committee in its previous report.

²⁴ Even when there is a Early Warning Programme to prevent and detect VIF from local, working with children, staff, parents and guardians of kindergarten, only implemented in 6 specific regions and at educational establishments within them, adding up to a low coverage, which does not exceed the total of 500 children.

²⁵ Situation that has intensified the need for care in medical specialties.

²⁶ AUGE: Public health system, called of Explicit Guarantees; against which the State determines targeting specific diseases for which assures access, quality, opportunity and funding for health treatment.

²⁷ System Explicit Health Guarantees that are not included, the 98 cases of children and adolescents aged 4 to 18 years belonging to different regions of the country who have registered lysosomal diseases . Achieving access to public treatment only 35 % of them, while 10% have received via donations of pharmaceutical and 55 % has failed to receive any treatment , and negatively impacting profound quality of life and their families , who see the deteriorating health and increased medical expenses not covered by the public system . Against which families have managed to organize to raise the awareness of the society and public and challenged in court the State. Actions that failed to prevent that 7 of them passed away in 2012 pending the State of Chile safeguard and guarantee because of their best interests their right to life and health.

²⁸ According to data from the Ministry of Health (2012), one in three children enters basic education overweight. Placing Chile according to the OECD as the 6th country with more childhood obesity worldwide and the highest in Latin America.

²⁹ Measure even improperly requested by some teachers as a condition of educational institutions so that some can join NNA study. Diagnoses of students with ADHD, 2011 in the metropolitan area totaled 2723 cases of both public schools and subsidized, while in 2012 the figure increased to 8,339 ostensibly. Phenomenon in the region of Biobío, went from 1492-6001 cases. While the total diagnoses tripled from 7940-28095 in 2012. Increasing imports to Chile medication MFD of 24.2 kilos in 2000 to 297.4 Kl. in 2011. increase as evidenced

by the increase in spending for the purchase of the drug in 2011 reached 174,536 boxes at a cost of \$ 413,650,320, while in 2012 the expenditure amounted to \$ 196,142,100.

³⁰ Studies realize that a third of the population of children and adolescents in Chile has a psychiatric disorder in a 12 month period, excluding most of them with health care, welfare gap that reaches 66% for any disorder, which amounts to 85% when it comes to the exclusive gap of the public health system.

³¹ Therapeutic abortion was regulated in the Health Code 1931 and was later repealed in 1989 by Law No. 18,826, qualifying as illegal in Chile and preventing practice before pregnancy resulting from rape girls and adolescents, as exemplified in the case of a 11 year old girl raped by her mother's partner, history that has garnered international attention, not only for its drama and legal obligation of having to take the pregnancy; but also by those of President Piñera, who said the girl, "surprised everyone" with her "words showing a depth and maturity when he said that, despite the pain that the man who raped her had caused her, she I was going to love and care her baby". (Human Rights Annual Report 2013, Universidad Diego Portales. P. 82)

³² Especially reflected in the lack of hours of medical care from specialists, having health checks extend beyond the time required.

³³ While there is Decree 170 standard integration allowing them to be incorporated into public educational institutions, its real and effective integration has been limited among other factors, because of the poor training of teachers, while supporting one or a special professional accompanying NNA with cognitive disabilities in the classroom, it is insufficient to meet the integration needs they have.

³⁴ Which is why an undetermined number of parents, choose their children not to finish or complete their general education or not issued their documents degree, in order to not preclude their sons and daughters to accede these centers job training. A real contradiction in social integration.

³⁵ Achieving be financed based on project mode and low resources for their livelihood and work. What Chile has been endorsed by organizations and foundations of civil society, being the most relevant for their experience, expertise and coverage of 12 institutes in 10 regions of the country, Telethon Foundation, which takes care of more than 26 thousand children, child and adolescents with disabilities, without discrimination by their geographical origin, social class or level. Answers that families found not in the national public system, constituting an important need.

³⁶ Information obtained from the National Foundation for Handicapped, Chile.

³⁷ Especially considering that in Chile 95% of people with a disability corresponds to the middle and lower socioeconomic levels of the population SENADIS 2004.

³⁸ Reflecting studies SIMCE 2011, in his 4th year measurement of basic education, the 58% of students are in the early and intermediate levels of achievement in language. As in mathematics, 70% of students are in initial or intermediate level and only 30% in advanced. Results that vary significantly according to Socioeconomic Status: NSE students obtaining medium-high and high-average 43-66 points more than students of low NSE, low or medium difference. Differences are sharpened on the results of 8th grade, where 64% of country average students reach optimal levels in mathematics, 25% intermediate and only 11% demonstrated satisfactory knowledge as expected by the respective plans and programs.

³⁹ This implies that students from low and middle NSE enrolled in his education mostly in lower quality local results, while medium or high NSE have choice of best local and results.

⁴⁰ Which is evidenced in the continued migration of students from the Municipal to the Subsidized Private education, generating closure of various institutions or merging many of them.

⁴¹ Although there is a mode of school integration projects or also called re-education projects, the difficulty is operating under mode of projects to content, which have a maximum of 1 year to implement, which prevents development a labor of continuity.

⁴² Such as training sessions for multigrade rural schools networks, delivery of learning materials, internet access and technology.

⁴³ While there is the figure of student centers, its ability to be installed as a renowned actor and capacity and interference is very limited in the educational system.

⁴⁴ Which in case of being deficient negatively affect the educational development and opportunities for thousands of students. This situation is evidenced by the negative INICIA test results provided by the Ministry of Education to evaluate the quality of training of graduates of Pedagogy (even with a very low and volunteer sample), which in 2011 revealed alarming results for graduates in basic education, identifying that 42% of the individuals I had an insufficient level of pedagogical knowledge to the practice of teaching. While knowledge of language and communication, mathematics, history, geography, social sciences and natural sciences, 69% of graduates qualified in inadequate, 29% acceptable and only 2% outstanding. And according to the 2012 INICIA trial, 60% of graduates and evaluated from early childhood education had no disciplinary knowledge and skills necessary for the exercise of his profession.

⁴⁵ While many low-paid and contract by honorary regime or form of contracts, equivalent to a fixed term of one year, with no access or limited access to basic social rights associated with the status of worker or worker.

⁴⁶ Especially considering that the risk of dropout is due not only to economic variables, but also the context and the social opportunities of the students' family. What merits networking and coordination of actors.

⁴⁷ Especially considering that at present is not enough focused and compensatory social policies for certain groups of students of the national population that must "compete" for access to the State system that generates very vices of the targeting systems public benefit.

⁴⁸ According to the 2010 study, 23.3% of children and adolescents, regardless of their type of institution, admitted to having been assaulted by peers within their educational establishment. (Chile, Ministry of Interior & Adimark GFK, 2010.) While in a study on Climate School Violence and Educational Establishments in Highly Vulnerable Social Contexts of the municipality of Santiago (2001), 61% of students reported being witnessed violence, 51% victim of it, 16% aggressive victim and only 3% admitted to having been aggressors. Phenomenon in 53% of cases is considered medium or high frequency, reaching a significantly increased percentage of low SES establishments reaching 69.7%, which in the opinion of teachers amounts to 83.4%. Prevailing psychological aggression with 91%, and physical attacks with 82%. According to a national study on school violence conducted by the Ministry of Education and Ministry of the Interior in 2008.

Statistics that are complemented by a study on bullying conducted by the Ministry of Education (2010) in local secondary schools, in which pupils say that insults and ridicule are attacks that occur sometimes or almost always (86.6%), fights in 71%, thefts and robberies 69%, threat and harassment with 50%, and assaults with weapons by 16%. While 60% of students broken or damaged infrastructure or spaces of their own educational institutions. Problems that GSE significantly increased in low and lower-middle, since as the frequency of violence is on average 54% for municipal and 44% in private subsidized, only occurs in 4% in private schools paid. Statistics with variations according to various studies and samples. Data according to the National Survey on Prevention, Aggression and Bullying, issued pursuant SIMCE by the MINEDUC in 2011, shows that 1 in 5 students say the threats and harassment are common among their peers, while one in 10 affirms have been a victim of bullying, and 50% of students indicated that principals and teachers do not perceive these situations when they arise, even when 70% of establishments has defined strategies and actions to address the problem.

⁴⁹ Also manifested in behaviors or violent behaviors of students to teachers, teachers to students, between parents and teachers, etc.. forming a complex social problem that involves all stakeholders.

⁵⁰ This because the law allows punitive measures according to the gravity of the acts committed, may result in expulsion from NNA, over the prevention and comprehensive approach of that.

⁵¹ Sepúlveda, Rodrigo (2008) Criminal law for children: The police control over human rights. NGO Network for Children and Youth. Chile.

⁵² Executive Report: "Major Problems at Detention Centers for Adolescents and Youth Criminal Sections", UNICEF, Santiago, March 2008.

⁵³ Existence of several years of lag, dropout status, low educational assistance adherence and weak formation of habits of self-study, among other relevant factors display.

⁵⁴ While the State refers to the educational offerings provided by the Comprehensive Adult Education Centers (CEIA), such offer is decreasing and today the CEIA that still offer the education, tend to have low number of vacancies and long waiting lists, so that the supply becomes reduced, untimely and sometimes inaccessible.

⁵⁵ Action that makes sense regarding the violent arrests that adolescents suffered in 2011 and 2012, being arrested for acts of mobilization and disruption to public order, among other.

⁵⁶ 30% of children and adolescents starts in cigarette consumption between 10 and 12 years. Focusing age of onset between 13 and 15 years. As the average age of onset of smoking at age 13.4 years (Survey commissioned by the Ministry of Health to Cadem Research, 2011), similar to the 13.3 of the survey of the National Council for the Control of figure narcotic, 2009.)

⁵⁷ Especially considering the first and only study on the subject dates from the year 2007 that corresponds to the one developed by the Catholic University of Chile. Against which the Stats are urged to stress the need for further investigations of multiple causes and not just the magnitude and prevalence of the phenomenon, but the interaction between the variables that contribute to public understanding and approach. Allowing among other things to have an approximation of access gaps, and to what extent the offer is still effective, based on impact assessments that contribute to the design or redesign of politics.

⁵⁸ Since to date has a very limited coverage of 50 of the 360 municipalities in the country, concentrating 50% of them mainly in districts of the capital city and the rest with very limited presence of 1 or 2 projects in some regions nationwide.

⁵⁹ In use today to achieve its association with binding sanction criminal figures as favoring child prostitution, rape and sexual abuse, which generates an invisible phenomenon and a lower penalty than could be set if there were such classification. Thus perpetuating their naturalization and legitimization from the apparent "consent of the victims," the national legislation being in clear contradiction with the international conceptualization states that NNA in situations of commercial sexual exploitation, hereinafter ESC suffers high handling and condition of psychological, social and sexual, possible to name as "modern form of slavery" subordination.

⁶⁰ Study by (ILO) in collaboration with the Ministry of Social Development and Ministry of Labour. Chile. 2012.

⁶¹ The numbers of the System of Registration of intervention in Worst Forms of Child Labour, realize that in December 2011, there were social programs in the state, 4,034 admitted cases, without considering the "hidden figures undetected." In which case the 48.5% of children and adolescents have school dropout.

⁶² In some rural or more away from the cities areas, such as the Santa Maria Island Coronel, Province of Concepción, Biobío Region, is generally known that there is a high percentage of children and adolescents who perform work activities prevent them from continuing their studies, not only because of the lack of regulation of their status as workers, but by the lack of access to secondary education, and the lack of social programs specialized, systematic and continuous way ensure timely and effective approach for the integral development of children and adolescents on the island. Limiting their education, capacity building and skills as full subjects of rights.

⁶³ Undoubtedly, the contexts that do not ensure minimum social conditions for families, and do not generate better pay and opportunities for adults promoting that NNA directly or indirectly, individually or collectively develop work activities at an early age, leading to generate higher conditions of inequality, inequity and social and economic injustice.

⁶⁴ Regarding NNA on the street, it is important to note that the manifestation of this problem has varied over time and the particular characteristics of each territory or area. Currently constituting a diffuse and complex social phenomenon, especially considering that most of NNA not living or residing permanently in street, but rather using it as a common circuit life and socialization, living occasionally with some relative, friend or familiar adult, usually manifest extreme poverty and exclusion, permanently exposed to risk factors and violation.

⁶⁵ Lacking in consequence of a suitable organic and ongoing management.

⁶⁶ Resulting Support Pilot Program implemented by MDS in 6 regions and SENAME program working with this population (it is present only in the metropolitan area); inadequate strategies, both for the lack of effectiveness in achieving results, as in the low coverage available.

At the present time a total coverage of six programs that are in step of "test or pilot" in the regions of Arica, Antofagasta, Tarapaca, AB, Valparaiso and Biobío. Programs that despite being in the indicated regions do not have provincial or regional coverage, being territorially bounded to a number of municipalities in the provincial capitals, territorial coverage that varies according to the official land register, for example in the province of Concepción region Biobío, territorially covered five communes, those with thirty seats of NNA care.

⁶⁷ That has been replicated in Mexico experience. Model who works under the logic of comprehensive protection, and consists of four phases of intervention: recognize, recreate, reinvent and egress, which would be encouraging independent living out of the street and safeguard their rights.

⁶⁸ In the Bio Bio region only three professionals involved in five districts of the province limited capacity for action.

⁶⁹ Among them the installation of day shelters, destined to meet, host and intervention with children and adolescents, offering basic conditions, ensuring psychosocial, educational, family-community intervention and alternatives to stay overnight, replicating the model of shelters for adults, strategies that proved not to be suitable for them and they, due to the lack of adhesion of the NNA to the proposed, for which reason they have changed the logic of work, choosing to intervene in the own community partner spaces in the NNA thereby achieving greater grip and link.

⁷⁰ This situation has been advised to Chile by the Committee on the Rights of the Child in its comments of 2007, recommending ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention to reduce the occurrence of these cases, a situation that to date has not happened. Violation which also are confronted NNA that are not enrolled in the Chilean Civil Registry and whose parents do not have the valid documents in their countries of origin. Source: Internal Systematization Corporation "Colectivo Sin Fronteras", Chile. 2012

⁷¹ Such as the Agreement between the Ministry of Health and the Department of Immigration and Migration (Ministry of Health, 2008).

⁷² Internal systematization Collective Sin Fronteras, Chile. 2012.

⁷³ While there are regulations and instructions (No. 07/2005 1008 years) conducted by the Ministry of Education, indicating that NNA "must be accepted and enrolled provisionally requirement being sufficient to establish that the applicant present an authorization granted by the respective Provincial Department

education and a document proving their identity and age. "Holder having the right to receive appropriate state grant. Source: Internal Systematization Collective Sin Fronteras, Chile. 2012.

⁷⁴ meanwhile, teachers and administrators are unable to enter notes to official monitoring system, issuing certificates of approved courses and consequently promote students formally course if applicable. This situation occurs whenever for those formalities are required to have a RUN NNA (National Unique Role), without which they are unable to be part of the official record of students in Chile (SIGE, General Information System for Education, ex RECH, Register of Education of Chile). RUN which in turn, is given only to NNA who have student visa or temporary resident visa.

⁷⁵ In this matter, the advisory group "Health of Immigrants and Refugees" (SIR-MINSAL), reported as advance by the State, although allowed to generate information and develop public strategies on the subject, was dissolved in 2010, without continuing to the date.

⁷⁶ Events that occurred on October 9, 2009, in the context of persecution Mapuche allegedly linked to the taking of Fundo Santa Lucia. On October 22, a criminal complaint against the police by those facts was presented; however, the Guarantee Court declined jurisdiction, transferring the case to Military Justice.

⁷⁷ The ECLAC-ITM study, realizes that in the commune of Ercilla. *"A pervasive pattern of inequity affecting Mapuche NNA is observed. Thus the proportion of these children who are violated his right to education quadruples recorded by non-Mapuche children. In terms of information, the percentage of children with deprivation is 70% higher than the rest, verifying also significant gaps in housing conditions and access to sanitation."* Having thus less access to benefits and services of the State as to their rights. Territorial inequalities and social exclusion of the Mapuche people in Chile. Situation in the commune of Ercilla from a rights perspective. Economic Commission for Latin America and the Caribbean (ECLAC), Mapuche Territorial Alliance (ATM), Santiago, April 2012).

⁷⁸ From 2001 to date, more than 100 children and adolescents have been victims of police violence, confirming physical and psychological damage direct product of militarization of Mapuche communities. The fatal victims of police violence against children are children and young people, as stated in the murders of minor Alex Lemun and young Catrileo, Mendoza Collio and Cisternas. (Public Statement Stop State Violence against children Mapuche. Anide Foundation, 2010)

⁷⁹ The first case of a Mapuche person under age accused by LAT dates from 2008, and corresponds to the Young with initials R.H.I. whose case was closed by conditional suspension of proceedings on 11 January 2011. Since then this emergency legislation has been used in four other opportunities with minor Mapuche, CCM, J.Ñ.P, LMC and PQM, whose processes are open to the filing date of this report. The prohibition on the application of LAT was generated after a group of 34 Mapuche political prisoners on hunger strike made more than 80 days, two of them minors. What motivated the incidence of civil society and international organizations, forcing the State to exclude minors. However; after deposed the strike and amended the law, prosecutors continue to apply it on Mapuche NNA, contrary to the sense of reform. Fact that mobilized the complaint to international bodies, for the second time modifying Law No. 20.519 of 2011, excluding exhaustively to minors in it. Despite which, it should be noted that of the 4 cases mentioned, whose cases are still ongoing, courts are accepting that evidence obtained under this exception legislation, such as the use of protected witnesses, to judge and condemn the young men when the moment of facts were minors.

⁸⁰ Anide Foundation. (2010) Public Declaration and called for national communities. Stop The Violence since 2011 that brings together organizations and networks to coordinate and articulate actions in responding to emergencies and disasters. against Mapuche Children!

⁸¹ Humanitarian Chilean Network (RAHCh), which since 2011 brings together organizations and networks to coordinate and articulate actions in responding to emergencies and disasters.

⁸² World Vision Chile. 2012. Case Study Final Report. Children and Risk Management in Chile.

⁸³ While there is an institutional framework and a set of laws and regulations in Chile, they are presented as a dispersed and fragmented system of information and sectoral structures whose characteristics denote lack of funds, high degree of centralization of decisions, outsourcing services, planning without risk approach, communication problems of early warning systems, lack of inter-institutional coordination, etc.

⁷⁷. As in other countries, which prevents efficient dialogue with international organizations when requesting help and preventing national and local decision-making. Chile World Vision Report, 2012.

⁸⁵ Giving particular relevance to the role of the Armed Forces (Armed Forces), neglecting the potential for coordination and utilization of capacity of civil society and local communities. The second and recent study in 2010 by a UN Interagency Committee organized by EIRD-ONU, which conducted an evaluation of the national risk management system to measure the progress made by Chile in implementing the Framework for Action Hyogo (MAH)

⁸⁶ Especially considering that the States should try to have alternative infrastructure for such purposes, so that educational establishments are in the shortest possible time available for NNA resume their routine, as far as possible.

⁸⁷ Executive Secretary camp. Ministry of Housing and Urban Development. Camps Comprehensive Plan 2010-2013. Government of Chile, 2010.

⁸⁸ World Vision Chile. 2012. Case Study Final Report. Children and Risk Management in Chile.

⁸⁹ ESFERA standards initiated in 1997, which provide essential and minimum standards, actions, indicators and guidance notes in emergencies and disasters. UNICEF recommendations on minimum in health and nutrition, education, child protection; water, sanitation and hygiene. Guidelines for Save The Children, IASC Guidelines which are the first set of provisions that directly addresses the safeguarding of human rights in situations of natural disaster and protection criteria for NNA. INEE Minimum Standards for Education in Emergencies designed by the International Rescue Committee. Protected Manual Red Cross School (2007), the Colombian experience "Disaster Prevention from the classroom." Manual NNA in emergencies World Vision (2008), among other relevant inputs.

⁹⁰ UN report evaluating their experience in the earthquake of February 27.

⁹¹ World Vision Chile. 2012. Case Study Final Report. Children and Risk Management in Chile.

⁹² World Vision Chile. 2012. Case Study Final Report. Children and Risk Management in Chile.

11. Annexes

- Audit Rights of Children and Adolescents. (2012) Chile ROIJ. NGO Network for Children and Youth and other networks and institutions. (2011).
- Report ANIDE on adolescent criminal responsibility and Anti Terrorism Act.
- EPU Report. Anide and ROIJ Foundation.