



BLOQUE POR LA INFANCIA

**ALTERNATIVE REPORT TO THE
COMMITTEE ON THE RIGHTS OF
THE CHILD ON THE
IMPLEMENTATION OF THE
CONVENTION ON THE RIGHTS
OF THE CHILD IN CHILE**

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PRESENTED BY MEMBERS OF THE BLOQUE POR LA INFANCIA AND OTHER ORGANIZATIONS: COMITÉ DE PEDIATRÍA SOCIAL DE LA SOCIEDAD CHILENA DE PEDIATRÍA, COMITÉ DE NNA DE LA SOCIEDAD CLÍNICA DE MEDICINA FAMILIAR; OBSERVA DERECHOS; CRISTO JOVEN, SODEM, CORPORACIÓN "LLEQUEN", UNIVERSIDAD DE ATACAMA, OBSERVATORIO PARA LA CONFIANZA, RED POR LA DEFENSA DE LA NIÑEZ MAPUCHE, FUNDACIÓN TODO MEJORA

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EXECUTIVE SUMMARY

1. INTRODUCTION

This report was jointly prepared by the institutions that make up the Bloque por la Infancia (Block for Childhood Protection) [1]. It has been working since 2012 for the promotion and defense of the rights of boys, girls and adolescents, focusing on advocacy work for the legislative agenda on childhood. Other organizations with expertise on issues which are of special interest for the report have also joined for its preparation.

The objective of the Bloque has been to prepare an alternative report which builds on civil society's experience and perspective and which serves to contrast and complement the answers provided by the government in February 2021. This way, relevant information and recommendations are expected to be provided for this sixth and seventh review of the State of Chile by the Committee on the Rights of the Child (hereinafter referred to as the Committee).

Twelve sections summarize the main improvements, concerns and recommendations on: a) general implementation measures, b) civil rights and civil liberties, c) education, recreation and cultural activities, d) family environment and alternative care, e) general principles (including participation), f) right to health and g) special protection measures: boys, girls and adolescents with adults deprived of liberty, indigenous, migrant, homeless and LGBTIQ+ children.

Chile has prepared its report in the midst of a global pandemic and the most significant social crisis in the last 40 years. In the midst of the upheaval, there remain concerns about the possible setbacks in the conquest of rights as a result of the economic crisis following the pandemic (data show inequality and increased poverty, especially among BGAs), while new possibilities are opening up within the framework of the drafting of a new fundamental charter for the country.

We hope that this report will contribute to the consideration of the changes required to build a society which is based on the unrestricted respect for human rights and the consideration of children as active subjects of their communities and country.

[107] The Bloque por la Infancia brings together institutions with different political, social, ideological and religious views. Their common concern is the urgency for Chile to have an Integral Protection Law that would give rise to an Institutional Protection System, focusing on the territories, with a priority guarantor role for the State administration and with an effective participation by civil society and boys, girls and adolescents.
<https://bloqueporlainfancia.cl/>



1. RECOMMENDATIONS BY TOPIC

TOPICS	RECOMMENDATIONS
GENERAL IMPLEMENTATION MEASURES	
Participation	<ul style="list-style-type: none"> ✓ Eliminate the minimum age restriction for joining the Councils of Boys, Girls and Adolescents; promote the representativeness of different groups and increase transparency by making it mandatory to prepare public minutes of their meetings. ✓ Measure the impact of children's opinions on municipal development plans and local government protection systems. ✓ Incorporate children and youth in the constituent process through transparent participation mechanisms, both in the elaboration as well as in the implementation of the new constitution. ✓ Facilitate the access of girls, boys and adolescents to quality Internet services; incorporating technological devices that facilitate their access to information.
Data management	<ul style="list-style-type: none"> ✓ Provide data that would allow identifying gaps in the exercise of rights in the different domains for those groups whose rights have been largely violated, such as migrant boys, girls and adolescents; children with disabilities, and children belonging to indigenous peoples, among others. ✓ Standardize the quality and the age range of the data that public institutions generate through the various available instruments; data production shall be oriented by a territorial approach that covers the communal and sub-communal levels and with a stable periodicity that allows for follow-up and comparison

TOPICS	RECOMMENDATIONS
CIVIL RIGHTS AND CIVIL LIBERTIES	<ul style="list-style-type: none"> ✓ Increase funding for the legal department of the Children's Ombudsman to expand the number of lawyers who work on cases of violence and detention of minors. ✓ Implement training plans on the human rights of children and adolescents aimed at the police and armed forces, preventing the excessive use of force and correcting existing shortcomings in the protocols, so as to eliminate the discretionary nature of the actions of riot control agents. ✓ The Ministry of Education should strengthen the Citizenship Education Plans taught in schools, including an orientation guide with content related to the right to demonstrate.



RIGHT TO EDUCATION AND TO RECREATION	<ul style="list-style-type: none"> ✓ Set the obligations of the State bodies for the implementation of the Citizenship Training Plan and the common minimum requirements, so that it fully responds to international human rights standards. ✓ The agencies regulating the rights of children should supervise and advise educational institutions in the educational process in order to prevent situations of violence. ✓ Approve an Integral Sex Education Law from early childhood, with a program which adjusts to the degree of maturity, and which is in line with the definition of sex education set forth by UNESCO.
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TOPICS	RECOMMENDATIONS
FAMILY ENVIRONMENT AND ALTERNATIVE CARE	
Family Environment	<ul style="list-style-type: none"> ✓ The State should define a legislative framework for the effective promotion of gender equality, as well as the recognition of caregiving as a social right. ✓ Create a public-private network of day care services in the territories, available to the families that need them, with support for the caregiving and protection abilities. ✓ Implement family-work conciliation policies, especially aimed at reducing or making the working day more flexible for families with children.
Alternative Care	<ul style="list-style-type: none"> ✓ Reform the funding system, so as to have comprehensive and flexible funding of the various services, which is based on strategic alliance agreements between non-profit collaborators and the State. ✓ The State should be responsible for the specialization of the specialized protection system, offering ongoing training to professionals and technicians working in the programs; facilitating the SENAINFO information system to enable decision-making; and having evaluations on the performance of the programs for their continuous improvement. ✓ There should be different types of residential care with different levels of specialization according to the characteristics and specific needs of boys, girls and adolescents. We urge the State to redesign the Foster Family care modality, and expand the availability of alternative care services. ✓ Ensure timely and relevant mental health care for boys, girls and adolescents in alternative care.



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TOPICS	RECOMMENDATIONS
BOYS, GIRLS AND ADOLESCENTS' RIGHT TO HEALTH	<ul style="list-style-type: none"> ✓ Ensuring the proper implementation of the Subsystem of Integral Protection for Children, considering universal coverage both regarding age (0 to 19 years) and effective coverage. ✓ Developing evidence-based programs and public policies for boys, girls and adolescents, that involve all culturally and territorially relevant stakeholders and that include the participation of boys, girls and adolescents in the design and evaluation of programs and public policies for them. ✓ Ensuring the coordination of health care levels and the intersector in the implementation of programs and public policies for boys, girls and adolescents, guaranteeing coverage, access and opportunity to meet their health needs. ✓ Recommending the implementation of a comprehensive and intersectoral national mental health program for boys, girls and adolescents, and the urgency of comprehensive and timely care for those in specialized protection programs.
BOYS, GIRLS AND ADOLESCENTS WITH SIGNIFICANT ADULTS DEPRIVED OF LIBERTY	<ul style="list-style-type: none"> ✓ Improve the protocols that expressly prohibit inhuman and degrading acts against boys, girls and adolescents so that their implementation or application is not left to the discretion of the warden or of the guard on duty; in addition to establishing standards that regulate the conditions that must be guaranteed in the visiting facilities. ✓ Social reinsertion programs for persons deprived of liberty should include training programs to acquire knowledge and tools related to the exercise of maternity and paternity, as well as information to facilitate communication with their children. ✓ Security policies should consider consulting adults about the existence of boys, girls and adolescents under their care at the time of detention, in order to be able to set up a support system for those boys, girls and adolescents who experience the detention of a significant family member.
ADOLESCENT OFFENDERS	<ul style="list-style-type: none"> ✓ Promote and regulate alternatives to the deprivation of liberty, so that it can be rationally applied, as well as the periodic revision of temporary confinement, and its rational application. ✓ Establish effective social reinsertion models that seek to restore the rights of boys, girls and adolescents that have been infringed, strengthening the implementation of ambulatory precautionary measures that do not hinder the social reinsertion of adolescents, and ensure that they comply with the obligations and restrictions imposed on them by the criminal process. ✓ Improve management of the interventions aimed at adolescent offenders, incorporating aspects related to the infrastructure of prisons and a comprehensive and quality intervention model, with a view to effectively interrupting the criminal careers. ✓ Optimize the technical training of the parties involved, as well as improve their working conditions, to guarantee access and quality of health and education services in prisons.
VIOLENCE AND MAPUCHE CHILDHOOD	<ul style="list-style-type: none"> ✓ Put an end to the militarization in the Araucanía Region, in order to stop institutional violence against Mapuche children, their families and communities, and create policies to repair the damage caused. ✓ Raise awareness among public institutions on institutional violence and ways to address it.



TOPICS	RECOMMENDATIONS
	<ul style="list-style-type: none"> ✓ Demand that the police forces respect the international treaties to which Chile has subscribed and the internal regulations of the country regarding not infringing the rights of Mapuche boys, girls and adolescents, their families and communities.
MIGRANT CHILDREN	<ul style="list-style-type: none"> ✓ Provide a RUN (Unique National Identity Card) to all migrant, refugee and asylum-seeking boys, girls and adolescents, regardless of the immigration status of their parents. It is imperative to establish clear and simple procedures to regularize the immigration status of boys, girls and adolescents. ✓ Improve information and access to social services and benefits to which migrant boys, girls and adolescents are entitled, regardless of the migratory status of their families, and their access to social benefits (taking into account the 2-year moratorium), aimed at guaranteeing the right to education, health, housing, state benefits and other provisions. ✓ Endorse the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families² making the relevant adjustments to the Law on Migration and Aliens to guarantee the absolute prohibition of the detention of migrant boys, girls and adolescents (accompanied and unaccompanied) and the protection of the right to nationality of all children born in Chile, including those whose fathers and/or mothers are in an irregular migratory situation.
HOMELESS CHILDREN	<ul style="list-style-type: none"> ✓ Promote and sustain the initiatives of the MSDF to generate an integrated public policy aimed at homeless children and adolescents, based on human rights and specifically on the CRC. ✓ Focus the production of information and quantitative-qualitative data from a human rights, territorial, intercultural and gender approach that facilitates dimensioning the social and cultural reality of homeless boys, girls and adolescents. ✓ Promote public policies aimed at favoring networked and articulated community protection responses to the violation of the rights of homeless boys, girls and adolescents.
LGTBIQ+ CHILDREN	<ul style="list-style-type: none"> ✓ Prohibit "normalizing" surgical interventions on intersex boys, girls and adolescents. ✓ Modify the current Gender Identity Law to allow children under 14 years of age to change their name and sex according to their progressive autonomy. ✓ Implement with budgetary sustainability the program of companionship for trans and gender non-conforming children and adolescents as set forth in the Gender Identity Law. ✓ Approve and implement an integral sex education law and oversee compliance with Circular 768 of the Ministry of Education, to guarantee respect for the right to identity and social name of trans children and adolescents.

[2] Page 3, Concluding observations on the second periodic review of Chile <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QK1d%2fPPRiCAqhKb7yhsh5zSOGAktLwj8hRZOJLomFxrHk%2fH%2bXSNfj4Udciojrv%2b4n5kXOTSK46gBGzF4WC2125BjIMVPymglGlsvdP%2bQMmRTfIZ11UtyBLCPG>