



Convention on the Rights of the Child

Distr.: General
22 June 2022

Original: English

Committee on the Rights of the Child

Concluding observations on the combined sixth and seventh periodic reports of Chile*

I. Introduction

1. The Committee considered the combined sixth and seventh periodic reports of Chile¹ at its 2614th and 2615th meetings,² held on 24 and 25 May 2022, and adopted the present concluding observations at its 2630th meeting, held on 3 June 2022.

2. The Committee welcomes the submission of combined sixth and seventh periodic reports of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, in particular the establishment of the Children's Ombudsman (in 2018) and the Office of the Undersecretary for Children (in 2018), and the creation of the System of Guarantees and Integral Protection of the Rights of Children and Adolescents (in 2022). It further welcomes the inclusion of children's rights in the drafting of the new Constitution.

4. The Committee also welcomes the accession to the following instruments:

- (a) The 1954 Convention relating to the Status of Stateless Persons, in April 2018;
- (b) The 1961 Convention on the Reduction of Statelessness, in April 2018;
- (c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in March 2020.

III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: freedom of association and

* Adopted by the Committee at its ninetieth session (3 May–3 June 2022).

¹ [CRC/C/CHL/6-7](#).

² See [CRC/C/SR.2614](#) and [CRC/C/SR.2615](#).



peaceful assembly (para. 17), violence against children (para. 19), children deprived of a family environment (para. 25), asylum-seeking, refugee and migrant children (para. 35), indigenous children (para. 37) and administration of child justice (para. 40).

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

7. **While welcoming Law No. 21.302 and Law No. 21.430 (Law of Guarantees), the Committee recommends the expeditious implementation in all respects of these laws for the further protection of children's rights. It also recommends that the State party develop child-rights impact assessment procedures for all national and subnational legislation and policies relevant to children.**

Allocation of resources

8. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, and recalling its previous recommendations, the Committee recommends that the State party:**

- (a) **Increase and continue to monitor budgetary allocations in all areas and sectors relevant to children's rights;**
- (b) **Put mechanisms in place for the effective participation of children in national and local budget processes and platforms;**
- (c) **Define budgetary lines for all children, paying special attention to those in vulnerable situations;**
- (d) **Ensure that budgetary allocations to sectors supporting the realization of children's rights are not affected by adverse economic conditions or emergencies;**
- (e) **Use budget classification systems that allow expenditures related to the rights of the child to be reported, tracked and analysed;**
- (f) **Establish a permanent national monitoring system of public investment in children to improve institutional accountability and public transparency, and monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for the implementation of the Convention.**

Data collection

9. **While noting improvements in the availability of statistical information concerning children, including in the Law of Guarantees, the Committee is concerned about the lack of a coordinated and integrated system of childhood statistics, with comprehensive and disaggregated data. The Committee reiterates its previous observation and recommends that the State party:**

- (a) **Facilitate intersectoral coordination between public institutions collecting information and develop a comparable, standardized evidence-based system to periodically monitor the achievement of the Sustainable Development Goals and the 2030 Agenda, and enable the adequate functioning of the Child Protection System at all levels;**

(b) Ensure collection of data disaggregated by age, sex, gender, disability, socioeconomic situation, nationality, ethnic origin, indigenous descent, rural/urban context, migration status and geographical location, for all areas of the Convention;

(c) Improve the collection and analysis of data on discrimination against children, mental health, younger children, children in alternative care, child poverty, children in the justice system, children whose nationality is unknown, child labour, and violence against children, including sexual exploitation, abuse and trafficking.

Independent monitoring

10. While welcoming the establishment of the Office of the Children's Ombudsman and its constitutional status given by the Constitutional Convention, the Committee is concerned about the budget allocated, and the process for removal that the Ombudsman was subjected to, and recommends that the State party:

(a) Urgently increase the human, technical and financial resources at its disposal to allow for the establishment of offices throughout the country;

(b) Guarantee its full independence, and ensure that it is able to autonomously fulfil its mandate (in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)).

Children's rights and the business sector

11. The Committee notes the national action plan on business and human rights. In view of reports of the negative impact of the business sector on children's rights and the environment, and the inadequate legal accountability for businesses, and recalling its previous recommendations, the Committee recommends that the State party:

(a) Continue to examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business in relation to international and national human rights, labour, environmental and other standards;

(b) Require businesses to undertake due diligence in their operations with regard to the harmful effects of environmental degradation on children's rights;

(c) Establish monitoring and evaluation mechanisms for the investigation and redress of violations of children's rights, with a view to improving accountability and transparency;

(d) Strengthen and guarantee the participation of children in the national action plan;

(e) Strengthen its international cooperation against sexual exploitation and abuse of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

B. Definition of the child (art. 1)

12. The Committee recommends that the State party amend its legislation to remove all exceptions that allow marriage under the age of 18 years.

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

13. Recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure that municipalities have a child-friendly anti-discrimination service where children can easily report cases of discrimination, and mechanisms to respond effectively and in a child-sensitive manner;

- (b) Ensure the investigation of cases of discrimination against children, including through specialized units or investigators;
- (c) Evaluate, with the participation of children and civil society actors, existing measures aimed at combating discrimination against children in vulnerable situations, to assess their impact and revise measures accordingly;
- (d) Ensure that children can effectively in practice access education and health services, particularly children with disabilities, and indigenous, asylum-seeking, migrant and LGBTI children;
- (e) In the context of enacting the gender identity law, allocate sufficient budget for professional counselling programmes for children considering gender change;
- (f) Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination, with a view to eliminating stereotyping of, and prejudice and discrimination against, inter alia, children belonging to minority groups;
- (g) Stop using “preventive identity check and control” for all children.

Best interests of the child

14. The Committee notes programmes and laws to protect and mainstream the best interests of the child, and recommends that the State party:

- (a) Ensure that the principle of the best interests of the child is consistently applied in the implementation of programmes and in legislative, administrative and judicial proceedings, including cases of separation of children from their families, high-conflict divorces, children in prison with incarcerated mothers, and children in care and in the child justice system;
- (b) Provide guidance or tools to all professionals working for and with children on how the best interests of the child are assessed and determined;
- (c) Expand specialized legal defence programmes across the State party to ensure the best interests of all children in contact with the justice system.

Respect for the views of the child

15. Noting the “Mi Abogado” programme, and the recognition of the right to effective participation in Law No. 21.430, the Committee recommends that the State party:

- (a) Address the deficit of legal representation of children, particularly in the areas of protection and domestic violence;
- (b) Continue to promote the meaningful participation of all children, within the family, the community, schools and the realm of policymaking at the municipal and national levels, by developing toolkits for consulting children on national policy issues and ensuring that the outcomes of children’s councils are systematically fed into public decision-making;
- (c) Ensure that all relevant professionals, including judges, teachers and youth care professionals, working with and for children, systematically receive appropriate training on the right of the child to be heard and have his or her opinion taken into account in accordance with the child’s age and maturity.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

Freedom of association and peaceful assembly

16. The Committee is deeply concerned about:

- (a) The excessive and disproportionate use of force, sexual violence, and torture and other cruel, inhuman and degrading treatment by the *carabineros* during the protests

(social uprising) that began in 2019, with more than 1,000 children affected and the continuous use of force by *carabineros* during demonstrations, including in schools and among indigenous communities;

(b) The updating of the *carabineros*' procedures that involve children not translating into visible improvements in their application, nor the necessary reparation measures having been made for the children affected;

(c) The level and frequency of institutional violence, and the limited and very slow progress in judicial cases;

(d) The promotion of laws violating freedom of opinion, of movement and of association and criminalizing social protest, including of children.

17. Recalling its recommendations, the Committee urges the State party to:

(a) **Ensure that protocols, guidance and procedures on dealing with public protests, detention of children, excessive use of force, harassment and sexual violence during peaceful demonstrations comply with the Convention and that children's right to peaceful assembly is implemented in practice at all times;**

(b) **Ensure that human rights violations that occurred during the social uprising and any future protests are independently and thoroughly investigated and that perpetrators are expeditiously brought to justice;**

(c) **Make the information on the outcome of investigations into acts of sexual violence committed by *carabineros* against girls during the protests publicly available;**

(d) **Adopt comprehensive reparation plans and programmes for child victims of the social uprising;**

(e) **Ensure that children can exercise the right to freely express their opinion and associate with peers without receiving violent treatment, and abolish Law No. 21.128 ("Aula Segura") and its application in schools by principals.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

18. The Committee takes note of the role of the Office of the Children's Ombudsman and the national human rights institution in monitoring cases of violence against children and in advocating for investigation and reparation. However, the Committee is deeply concerned about:

(a) Cases of deaths and abuse of children under the care of State institutions, while children are in alternative care and detention centres;

(b) High and increasing levels of institutional violence against children, including at schools, public demonstrations and residential homes and against indigenous children;

(c) The low number of investigations and the absence of a specialized legal team for investigations against State officials for the disproportionate use of force and sexual violence against children who have been detained;

(d) The lack of progress by the State party in the areas of truth, justice and reparation for victims of institutional violence.

19. Recalling its previous recommendations, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and to the Committee's report on the inquiry concerning Chile under article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,³ and taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to:

(a) **Establish reparation mechanisms for victims, prioritizing their right to be heard and to express their pain, and ensure that all cases of death of children while**

³ CRC/C/CHL/IR/1.

under the care of the State party are promptly and impartially investigated by an independent body;

(b) Conduct prompt and thorough investigations ensuring accountability and no impunity, including of all cases of violence against children during the October 2019 demonstrations and of the several violent episodes against children perpetrated by *carabineros*, and ensure prosecution, sanctions and accountability of all *carabineros* and all other officials involved in torture, cruel or degrading treatment against children;

(c) Put in place measures, including the creation of a specialized independent legal team, to ensure the protection of and reparation for children who are victims of physical abuse and/or sexual violence committed by State officials;

(d) Ensure that there is a well-established reparation mechanism for Mapuche children who are victims of police violence;

(e) Ensure ongoing training, monitoring and evaluation in the development of strategies with regard to the protection of children;

(f) Ensure ongoing in-person human rights monitoring by the National Preventive Mechanism against Torture of youth centres, including centres where children are detained;

(g) Guarantee resources for the rapid implementation of the law that creates the System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents, and establish the right of children to protection against violence, including mental, physical and sexual abuse, and take effective and prompt measures to prevent, investigate and punish all forms of violence against children;

(h) Make information from the database system of all forms of violence against children publicly available and provide unified information across sectors;

(i) Implement the plan to end institutional violence in alternative residential care.

Sexual exploitation and abuse

20. While recognizing the steps taken on accountability for sexual offences and the progress in implementing a new residential care model, the Committee is concerned about the replication of a similar model on a small scale; the abductions and recruitment of girls in residential centres for sexual exploitation by organized crime groups, and the lack of response from the justice system which returns children to the same places; and the increase of cases of sexual abuse of children, including those under 14 years of age. It urges the State party to:

(a) Establish an independent, impartial, adequately funded truth commission to examine all cases of abuse of children in institutional settings, including within the Catholic Church and in residential centres;

(b) Allocate adequate resources, including to the National Prosecutor's Office, and ensure prompt investigation and prosecution of child sexual abuse and the compensation and rehabilitation of survivors;

(c) Enable all child victims of sexual abuse to access remedies and redress for sexual abuse, and prioritize survivors' right to be heard;

(d) Strengthen measures to address violence committed by criminal groups, including the co-option of children by gangs and drug-trafficking networks, including for sexual exploitation;

(e) Ensure that child sexual abuse is promptly reported, investigated and prosecuted, including sexual abuse in the circle of trust, applying a child-friendly and multisectoral approach to avoid retraumatization of the child victim;

(f) Consider as a standard procedure the acceptance of audiovisual recordings of the child's testimony as the main evidence, followed by cross-examination without delay in child-friendly facilities.

Corporal punishment

21. While noting with appreciation the incorporation of article 36 of the Law on Guarantees and Integral Protection which protects children from violence, the Committee recommends that the State party expeditiously implement policies and protocols and take prompt and effective measures to raise awareness of the harmful effects of corporal punishment and promote positive, non-violent and participatory forms of child-rearing and discipline.

Harmful practices

22. While noting steps taken regarding the eradication of harmful treatment of intersex children, the Committee recommends that the State party:

(a) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination;

(b) Investigate incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including appropriate compensation.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment

23. The Committee recommends that the State party:

(a) Ensure a minimum package of social protection service and access to quality integrated services such as nutrition, health, education, social security and housing, to all socioeconomically vulnerable families with children, with special emphasis on those living in poverty and extreme poverty;

(b) Strengthen parenting support programmes intended to build parenting skills and competencies to safeguard a rights-based upbringing of a child;

(c) Enhance legislative and policy measures to encourage fathers to assume their parental role.

Children deprived of a family environment

24. While noting the closure of some large residential centres, the increase in the number of children under the care of a family, and the actions taken by the State party to address the systematic violations of children's rights in its care, the Committee remains deeply concerned about:

(a) The delays in establishing the new Child Protection Administration;

(b) The lack of adequate safeguards and clear criteria for the placement of children outside the family environment;

(c) The limited progress of the national deinstitutionalization plan, with delays in discussing and approving bills;

(d) The lack of access to family care and services to prevent separations;

(e) Problems in the implementation, running and accountability of family residences, including the increases in cases of psychological, physical and sexual violence, and of commercial sexual exploitation;

(f) Deaths of children in alternative care;

(g) The quality of care provided in residential centres, particularly concerning health care and mental health care for children with disabilities;

(h) The limited implementation of recommendations made by the Committee in its report on the inquiry concerning Chile under article 13 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁴

25. The Committee recalls its previous recommendations and urges the State party to:

(a) **Speed up the establishment of the new Child Protection Administration based on a new model of recruitment, selection and continuous training of all staff and managers who work in residences and in detention centres;**

(b) **Prioritize resources to close large residential centres and allocate adequate funds to families to promote and support care in a family environment and family reunification;**

(c) **Implement clear management of the individual cases of children in need of care, giving priority to the best interests of each child, including during judicial proceedings;**

(d) **Further strengthen its system of foster care, with a view to ending the institutionalization of young children;**

(e) **Ensure that children in residential care and mental health institutions have access to justice, including quality legal assistance that considers them as subjects in judicial proceedings, and that decisions made about them can be reviewed;**

(f) **Strengthen the complaints mechanism to ensure its confidentiality and the anonymity of complainants, and publish the number of complaints received, the outcome of investigations and the penalties applied;**

(g) **Investigate and redress the systematic violations made by public officials and by workers of private organizations subsidized by the State against children;**

(h) **Prevent frequent transfers of children in alternative care settings, provide timely mental health care, and regularly monitor and evaluate the quality of care in alternative care centres;**

(i) **Adopt a plan of action (containing diagnosis, identification of the coverage gap, special case management processes, remedies and deadlines) to address the waiting lists of outpatient programmes for children under care;**

(j) **Promptly implement the recommendations made by the Committee in its inquiry report to Chile⁵ and inform the Committee of the measures taken up to now;**

(k) **Strengthen, including through increased funding, measures aimed at providing education, skills and opportunities for independent living for children leaving alternative care.**

Adoption

26. The Committee notes that bills on adoption have been under discussion for eight years, and urges the State party to:

(a) **Develop transparent and efficient adoption procedures to ensure that the best interests of children are paramount and, where suitable, adoptions are concluded without undue delay;**

(b) **Ensure that fees for adoption services are not a barrier to adoption;**

(c) **Ensure that adoption of children is never tantamount to sale of children.**

⁴ CRC/C/CHL/IR/1.

⁵ Ibid., paras. 119–132.

Children of incarcerated parents

27. The Committee, in view of the response of the State party, recommends the adoption of measures to quickly remedy the lack of psychosocial care resulting from the recent legal reform.

G. Children with disabilities (art. 23)

28. While noting the inclusive education act of 2015, the Committee is concerned about its lack of implementation and the high number of children with a disability who remain out of school. The Committee recommends that the State party:

(a) Take immediate measures to ensure that children with disabilities have access to health care, including mental health and early detection and intervention programmes, and orthopaedic and other assistive devices;

(b) Enact strict regulations to prohibit forced sterilization of girls with disabilities and put systems in place to ensure it does not take place in the future;

(c) Ensure that all children with disabilities, including those with intellectual and psychosocial disabilities, have access to and benefit from inclusive education at all levels;

(d) Implement a plan and develop measures for ensuring inclusive education at all levels, including by adapting curricula and training and assigning specialized teachers and professionals in integrated classes so that children with learning difficulties receive individual support and due attention;

(e) Collect and publish disaggregated data on the situation of children with disabilities;

(f) End the practice of institutionalization of children with disabilities.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health, mental health and health services

29. The Committee recommends that the State party:

(a) Strengthen efforts to speedily ensure access to quality health services to all children, including mental health services, regardless of the age of the child, and to those in residential programmes, and provide data on results associated with improved mental health;

(b) Continue efforts to address overweight and obesity in children and actions to promote a healthy lifestyle, including by regulating the marketing of unhealthy foods to children, raising public awareness of nutrition issues, and developing intersectoral policies on nutritional health;

(c) Publish the outcomes of the guide for the prevention of suicidal behaviour, ensure access to comprehensive health services and early detection, especially in schools, and continue to support the 24-hour suicide prevention helpline;

(d) Provide adequate care and redress to children exposed to harmful substances, including sulphur dioxide;

(e) Strengthen efforts to prevent and address the high and increasing use of drugs, alcohol and tobacco among children; ensure early identification and adequate referral; and provide accessible and youth-friendly drug-dependence treatment and harm-reduction services;

(f) Ensure that indigenous children have access to quality health services, that are culturally sensitive and in their language.

Adolescent health

30. Taking note of the law to decriminalize abortion for three causes, and recalling its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and its previous recommendations, the Committee recommends that the State party:

- (a) Adopt a comprehensive and effective gender-sensitive sexual and reproductive health policy for adolescents;
- (b) Develop a strategy to promote voluntary terminations of pregnancies in hospitals that do not carry out terminations due to conscientious objection;
- (c) Adopt the Integral Sex Education Law and integrate sexual and reproductive health education into all levels of education, and ensure that it includes age-appropriate education on gender equality, sexual diversity, sexual and reproductive health rights, responsible parenthood and sexual behaviour, and violence prevention;
- (d) Increase access to sexual and reproductive health services, including safe abortion and post-abortion care services, to all adolescents who may need them;
- (e) Decriminalize abortion in all circumstances, eliminate conscientious objection and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;
- (f) Ensure that modern contraceptives are affordable and available to all adolescents, in particular in rural or remote areas.

Standard of living

31. The Committee welcomes the measures taken to combat child poverty but is concerned that the overall number of children living in poverty remains high. Recalling target 1.2 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Further strengthen its policies to ensure that all children have an adequate standard of living, including by increasing social benefits for low-income families with children, simplifying application procedures for financial support, strengthening the system of family benefits across all departments, developing measures to prevent homelessness and increasing budget allocations for the benefits system;
- (b) Strengthen measures to provide families in need with adequate and long-term social housing and other support measures, with a view to reducing homelessness and guaranteeing children's access to adequate housing;
- (c) Ensure an integrated and development-oriented approach to child poverty with a particular focus on children from disadvantaged families, including children in single-parent households, children in welfare-dependent families, migrant children, children without a regular residence status and children living in shelters;
- (d) Assess the impact of measures to combat poverty, including any negative effects on the enjoyment of other rights, with a view to ensuring that such measures are comprehensive and follow a child rights-based approach;
- (e) Increase access to sanitation services, particularly in rural areas, beyond grants improvements;
- (f) Prioritize the provision of adequate, properly treated and safe drinking water, and access to and the availability and affordability of food;
- (g) Ensure that children and their families living in poverty receive adequate financial support and free, accessible services without discrimination.

Environmental health

32. The Committee notes the inaction of the State party in addressing environmental damage and the slow progress in its stated aims in the field of renewable energy and its commitment to transition towards a low-carbon energy matrix, and recommends that the State party:

- (a) Strengthen and implement the current environmental recovery and repair plan for the population of Quintero and Puchuncaví, increase the efficacy of pollutant monitoring stations and provide reparations in respect of the episodes of pollution;
- (b) Speed up and expeditiously implement its stated plans for renewable energy and carbon reduction in line with international commitments;
- (c) Take immediate action on the adverse effects that environmental degradation in “environmental sacrifice zones” is having on the health of children;
- (d) Improve air quality in large urban areas, especially in cities such as Santiago.

H. Education, leisure and cultural activities (arts. 28–31)

Education, aims of education and human rights education

33. Welcoming the increased public spending on education and the first National Public Education Strategy (2020–2028), the Committee is concerned about the high proportion of students having no access to online schooling during the coronavirus disease (COVID-19) pandemic, and, recalling its previous recommendations, recommends that the State party:

- (a) Undertake efforts to address the shortcomings in learning outcomes that children have experienced during the COVID-19 pandemic and adopt contingency plans to ensure continuity in education in situations of emergency including pandemics and social protests;
- (b) Provide free education and further improve the accessibility and quality of education, and provide quality training for teachers, with particular emphasis on students with disabilities and students in rural areas;
- (c) Involve students in the impact assessment of the National Public Education Strategy and give due weight to their views;
- (d) Strengthen the teaching of children’s rights and the Convention within the mandatory school curricula in all educational settings, including in residential institutions, and in the training of teachers and education professionals;
- (e) Update curricula to be responsive to a rapidly changing environment and encourage the direct participation of children in issues that affect them and in environmental protection as a component of their learning process;
- (f) Ensure that all schools have internal regulations for retention and support for pregnant teenagers and adolescent mothers;
- (g) Strengthen efforts on decreasing violence in schools and provide informative workshops for children on practices for peaceful resolution of conflicts to develop their competencies, and develop an ongoing and integrated record of violence against children;
- (h) Provide quality infrastructure that facilitates access to free and appropriate recreational activities for children.

I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

34. The Committee takes note of improvements in access by migrant children to social services, and of the new Migration Law, which includes the best interests of the child as a guiding principle, access to health care, education and social benefits for children regardless of immigration status, and safeguards to prevent statelessness. However, the Committee is seriously concerned about:

- (a) The lack of specific safeguards in the Migration Law to protect the rights of children in need of international protection;
- (b) The exclusion in practice of migrant children from benefits, including those linked to the Social Registry of Households, which require the head of household to have regulated migratory status;
- (c) Limited access to services such as education, health care and housing for children who enter the country irregularly or whose parents do not have regular status;
- (d) The granting of reunification visas only to children whose parents or caregivers have a permanent visa;
- (e) Increasing pushbacks of Venezuelan children and systematic rejections of asylum petitions at the border;
- (f) The number of Venezuelan children and families stranded at the border at Tacna-Chacalluta (Peru-Chile) and Pisiga-Colchane (Plurinational State of Bolivia-Chile) due to Decree No. 42.386 and the suspension of the Democratic Visa for Venezuelans;
- (g) Criminalization of children with an irregular migratory status, including discrimination and xenophobia against them and their families;
- (h) Private companies without adequate child rights expertise managing migrant camps;
- (i) The children who do not have effective access to a nationality.

35. With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to:

- (a) Amend the law on migration to include safeguards related to entry requirements, procedures which take into account the special needs of children, and full respect for the principle of non-refoulement;
- (b) Improve reception conditions for asylum-seeking, refugee and migrant children, including undocumented and separated children; uphold the best interests of the child as a primary consideration in the status determination procedures; and provide free legal aid, interpretation services and other appropriate forms of assistance;
- (c) Consider that migrant children are part of a family and that decisions taken by the State party in relation to their family members have a direct impact on them, particularly when deportation is being assessed, and therefore evaluate each situation individually during decision-making or during expulsion procedures and follow due process, including assessing the best interests of the child and the right of the child to family life;
- (d) Facilitate access to the asylum system for children in need of international protection, in line with articles 6, 22 and 37 of the Convention and the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin;

(e) Adopt measures to allow all children, regardless of migratory status, to access benefits linked to the Social Registry of Households without discrimination;

(f) Facilitate reunification of children with their parents and grant reunification visas to children regardless of their parents' migration status or type of residence;

(g) Gather sex- and age-disaggregated statistics on the current number of asylum-seeking, refugee and stateless children as well as unaccompanied and separated children and those who are being rejected to formalize an asylum petition and expressly include these groups in planning activities and in economic and social indicators and statistical data;

(h) End the practices of forced returns ("pushbacks") of families and children in situations of migration and ensure they are individually identified, registered and protected against refoulement, including through effective access to asylum procedures;

(i) Consider registering all migrant children and assisting their regularization in the country, including through document provision. Develop public policies for the integration, dissemination and promotion of migrant rights and articulate actions with communities, civil society and autonomous human rights organizations to put an end to discrimination and xenophobia against migrants, including children in an irregular situation;

(j) Appoint organizations with migrant and human rights and protection expertise to manage migrant camps;

(k) Incorporate the right to a nationality, include legal safeguards to prevent statelessness, and define statelessness determination procedures, in the law on Guarantees for the Protection of Children.

Indigenous children

36. The Committee is seriously concerned about:

(a) The historical abandonment and neglect experienced by indigenous peoples' children, which places them among the poorest in Chilean society, and the institutional violence carried out by the State party against them;

(b) The large number of judicial actions for serious crimes against Mapuche children;

(c) Unequal access by indigenous children to health care, education and social protection.

37. Recalling its previous recommendations, the Committee urges the State party to:

(a) Stop all violence by security forces against indigenous children and their families, including in the Del Biobío Region and La Araucanía, and protect the Mapuche children who witnessed or were direct victims of violence, discrimination and abuse of power;

(b) Periodically accompany and monitor public institutions working with Mapuche children;

(c) Ensure that all indigenous children are a priority group in public policies and programmes and have de facto access to health, education and social protection services, without discrimination, and that the principle of interculturality is translated into practice in these areas.

Children in street situations

38. With reference to its general comment No. 21 (2017) on children in street situations, and reiterating its previous recommendations, the Committee recommends that the State party make advances in comprehensive policies for the protection of children in street situation.

Administration of child justice

39. While the Committee notes the discussions to reform Law No. 20.084, it is seriously concerned:

(a) About the length of time it is taking to adopt bills related to child justice (“*justicia juvenil*”);

(b) That the reform does not include clear criteria for the application of custodial measures, and that a maximum time limit for provisional admissions has not been established;

(c) About the lack of an anonymous and safe complaints mechanism for children in conflict with the law to have access to;

(d) About the precarious living conditions of children placed in detention centres, which include unsanitary areas, and an absence of recreational areas and specific areas for pregnant adolescents and mothers, and about children in pretrial detention being together with those serving a sentence;

(e) About the disproportionate use of the precautionary measure of remand of children in detention centres.

40. **With reference to its general comment No. 24 (2019) on children’s rights in the child justice system (“*justicia juvenil*”) and to Law No. 20.084, the Committee urges the State party to:**

(a) Expediently adopt laws on child justice (“*justicia juvenil*”) and ensure that all the principles and provisions of the Convention are fully incorporated;

(b) Improve specialized child justice procedures, including by establishing a safe and transparent complaint mechanism for children, and provide them with adequate human, technical and financial resources;

(c) Designate specialized judges for children and ensure that such specialized judges receive appropriate training on children’s rights;

(d) Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;

(e) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(f) Guarantee that when detention of children takes place it is indeed carried out under the law and that the child can have immediate access to legal assistance;

(g) Ensure the provision of quality legal aid to children alleged, accused of or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;

(h) Improve the conditions of detention centres for children, for those who have to be deprived of liberty, ensuring access to education, health care and vocational training, and ensure the physical security and well-being of the children in those centres;

(i) Ensure that children in pretrial detention are separated from children serving a sentence.

Child victims and witnesses of crimes

41. **Recalling its previous recommendations, the Committee recommends that the State party:**

(a) Strengthen measures to provide child victims and witnesses of crimes with adequate protection and rehabilitation services and to avoid revictimization during judicial proceedings;

(b) Reduce investigation times for cases of child sexual exploitation and abuse, and regulate the criminal investigation and resolution process to allow effective exercise of the right of access to justice;

(c) Advance the victim and witness protection programme, including with specific protections for children, especially child victims of commercial sexual exploitation, and ensure that child victims have immediate access to programmes.

J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography

42. Recalling its previous observations, the Committee recommends that the State party:

(a) Criminalize all the offences under article 3 of the Optional Protocol when committed or facilitated through information and communications technologies, as well as the use, procuring or offering of a child under 18 years of age for illicit activities;

(b) Ensure that Internet service providers control, block and promptly remove online sexual abuse material, and include tools to facilitate victim identification techniques and rescue operations into the mandatory training of law enforcement officials, lawyers, the judiciary and other relevant professionals.

Optional Protocol on the involvement of children in armed conflict

43. The Committee recommends the State party establish a mechanism for early identification of children who may have been involved in armed conflict abroad before entering the State party and to ensure that those children benefit from physical and psychological recovery and social reintegration measures.

K. Ratification of international human rights instruments

44. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the following core human rights instrument to which it is not yet a party:

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

L. Cooperation with regional bodies

45. The Committee recommends that the State party continue to cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

IV. Implementation and reporting

A. Follow-up and dissemination

46. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined sixth and seventh periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

47. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated with coordinating and preparing reports to and engaging with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

C. Next report

48. The Committee invites the State party to submit its eighth periodic report by 11 September 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines⁶ and should not exceed 21,200 words.⁷ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

49. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents⁸ and paragraph 16 of General Assembly resolution 68/268.

⁶ [CRC/C/58/Rev.3](#).

⁷ General Assembly resolution 68/268, para. 16.

⁸ [HRI/GEN/2/Rev.6](#), chap. I.