



Country fact sheet for the CRPD Committee

CHILE

REPORT N°	1 st periodic report for the CRPD
PRE-SESSION	Pre-session n° 4 (07-11.09.2015)
LAW (THC-1993, GUIDELINES, DOMESTIC LAWS)	<p>“Convention on the Rights of the Child (1989) ratified in 1990”; “Optional Protocol to the Convention on the Rights of the Child on a communications procedure, approved in April 2015”; “Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)” ratified on 13 July 1999; “<i>Ley de Menores N°16.618</i>” of 8 March 1967 and its subsequent amendments; “Law No. 20.032” on Child Support; “Act No. 20.422, February 2010” rules governing equal opportunities and social inclusion for persons with disabilities; “Act No. 20.379”, September 2009; “Act No. 20.609, Measures against discrimination; “<i>Ley sobre Adopción de Menores N°19.620</i>” of 5 August 1999 and its subsequent amendments; “<i>Reglamento N° 944 de la Ley N° 19.620</i>” of 8 March 2000; “<i>Ley que crea los tribunales de familia N°19.968</i>” of 30 August 2004 and its subsequent amendments.</p> <p>Ongoing institutional reforms (implementation between 2014 and 2017) which includes the National Law on Guarantees of Children’s Rights (NLGRC – <i>Ley de Garantías de los Derechos de Niñez y Adolescencia</i>) and the Law on the Defense of the Child (<i>Ley del Defensor del Niño</i>).</p>
GENERAL SITUATION OF CHILDREN WITH DISABILITIES (CWD)	<ul style="list-style-type: none"> ▪ SOS Children’s Villages: over 19,000 children abandoned by their parents; unknown percentage of children with disabilities (CWD) among this vulnerable group of children due to lack of statistics ▪ National Survey on Disability planned by the National Statistics Institute with UNICEF’ assistance ▪ National Policy for the Social Inclusion of Persons with Disabilities (2013-2020) addressing inclusive education, health and educational access, fight against discrimination etc. ▪ Support to families raising children with disabilities occurs through: <ul style="list-style-type: none"> a) Chile’s child protection system is based on an inter-sectoral model of different programs: <ul style="list-style-type: none"> → Chile Crece Contigo (Chile Grows with you): strengthening children’s development from birth to school age; parental assistance (e.g.: biopsychosocial development support programme or community network linking families to relevant services) and benefits (Foundations JUNJI and INTEGRA), technical aid, free access to extended day-care nurseries/crèche for children whose caregiver is working. Since 2012, promotion of equity and inclusion, as well as child protection. → “Security and Opportunities” (Ethical Family Income) and <i>Chile Solidario</i> for families and individuals to overcome extreme poverty or vulnerability. b) The National Service for the Disabled (SENADIS): decentralized local public service promotes equal opportunity, social integration, participation and accessibility for persons with disabilities: <ul style="list-style-type: none"> → Technical assistance programme for persons with limited resources (or NGOs working in this area); → Early Intervention programme (for children with physical and sensory disabilities between 0 and 6 years of age) provides technical aid and some rehabilitation facilities. Older children have to pass a certified assessment of socioeconomic level and degree of disability; → In 2010, 7,584 technical aids for 3,967 beneficiaries; In 2011, 9,516 technical aids for 5,033 beneficiaries. Since 2011 <i>Bureau of Children and Disabilities</i> organises how to optimise resources provided by State & private institutions through early interventions & inclusive education. <p>Sources: Consejo Nacional de la Infancia, http://www.consejoinfancia.gob.cl; SOS Children’s Villages, http://www.aldeasinfantilessos.cl/conozcanos/situacion-infancia-chilena/situacion-abandono ; Alternative Report Submitted by the Global Initiative for Social and Economic Rights and the Sciences Po Law School Clinic, December 2014, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CHL/INT_CRC_NGO_CHL_19447_E.pdf; UNCRC List of Issues, 70th Session, 2015/03/15 http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/043/55/PDF/G1504355.pdf?OpenElement; Chile’s Reply to List of Issues, 79th</p>

Session, 2015/07/13;
http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=CHL&Lang=EN ; Fourth and Fifth Periodic Report to the CRC, 2014/11/10, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/202/40/PDF/G1420240.pdf?OpenElement>

- **Foster care programme** (*Programa Familias de Acogida*) with different family profiles: simple (FAS), specialised (FAE), **for children with special needs (FAD)**; provided through 24 accredited agencies; recent reviews revealed the following areas for improvement: increased resources for a better evaluation of eligibility and professional continuous support; Sep. 2014: 933 children taken care of in FAS and 4,587 children taken care of in FAE; the number of CWD in FAD is unknown.
- **Guidelines for deinstitutionalisation process** (2014-2017) for children under eight: prevent the separation from their family and community of origin; strengthen the primary option of foster care; and ensure that judicial decisions on residential care are exceptional and provisional.
- **Inclusive approach** in the technical guidelines for all protection measures, avoiding new specific programmes that could result in CWD segregation. During transition: 22 homes for those with a disability with 1,586 places - 9 non-residential projects caring for 500 children.
- **Specific institutions** for the protection of children with light to moderate disabilities (**RDD**) and for the protection of children with severe disabilities (**RDG**); ambulatory disability programs (**PAD**). Available statistics (at 30 September 2014): the main reason for CWD's placement in residential care is their parent's inability to take care of them; no differentiation of disabilities.

		RDD	RDG	PAD
TOTAL (Sept'2014)		272	939	426
TOTAL CWD in residential care		1,637		
TOTAL children in residential care		80,899		
Entry Motives	Parental inability	131	434	97
	Sexual abuse/ maltreatment	86	100	169
	Abandon/ Adoption	26	267	
	Protection measure		68	
	Socio-economic problems		54	
Type of « incapacity »	Mental, audition, language, sensorial or motor deficiency,	232	636	337
	No schooling		261	

- A **Nursery School Programme** in educational institutions for infants from 0 to 4 years old caters for children with special needs. JUNJI has furthermore offered training for the education of students with multiple special educational needs and who are deaf and visually impaired.
- Since 2012: Campaign by *Red Latinoamericana de Acogimiento Familiar* (RELAF), UNICEF and the Chilean Government to end the institutionalisation of children under the age of three years.
- Residential care considered a transitional form of care; promotion of family reintegration and family strengthening; series of minimum standards of operation for its various institutions and foster care programmes. However, most children in alternative care remain in institutions (Sept'14): 80,899 children living in the various types of residences (including children with disabilities, etc.) compared to 5,520 children living in FAS and FAE.

Sources: List of accredited residential care facilities, <http://www.sename.cl/wsename/estructuras.php?name=Content&pa=showpage&pid=15;%20SENAME>; Boletín estadístico, tercer trimestre 2014, http://www.sename.cl/wsename/otros/bestnacionales/2014/Boletin_201409_Nacional.pdf ; Fourth and Fifth Periodic Report to the CRC, 2014/11/10, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/202/40/PDF/G1420240.pdf?OpenElement>; SENAME, <http://www.sename.cl/wsename/estructuras.php?name=Content&pa=showpage&pid=306>; RELAF, http://www.relaf.org/coop_chile.html; SENAME, <http://www.sename.cl/wsename/estructuras.php?name=Content&pa=showpage&pid=15>; Resumen ejecutivo: Caracterización del perfil de NNA, atendidos por centros residenciales de SENAME, 2010, http://www.sename.cl/wsename/otros/estudios_2012/Resumen_EJ_Estudio_Unicef_Residencias.pdf; Anuario Estadístico de 2014, http://www.sename.cl/wsename/otros/Anuario_Estadistico_2014_Ax3.pdf.

ALTERNATIVE CARE OPTIONS

ADOPTION

- **Adoption process** included in HCCH State profile http://www.hcch.net/upload/adopt2014cp_cl.pdf
- A **new Adoption Bill** is currently under discussion.

	<ul style="list-style-type: none"> ▪ Considerable promotion of domestic adoption (e.g. awareness raising campaigns); Intercountry adoption (ICA) truly subsidiary to domestic adoption, and targets children with special needs, children over the age of five years, groups of siblings, children with lengthy experience in institutions etc. The profile of internationally adoptable children: generally children (5-10 age) with delayed psychomotor development and younger children (under 4) with problems of physical health, organic, sensorial area and/or development. ▪ Children in complex situations of physical or psychological health fall, among others, under the Chilean definition of children with special needs. Significant increase in the number of ICA of children with special needs (51 in 2008 to 122 in 2011). Specific search and calls to accredited foreign agencies and central authorities ("reverse of influx of files") in order to locate prospective adoptive parents (PAP) according to the child's medical, social and psychological needs. ▪ Chilean legislation explicitly requires the preparation of PAP which shall include also the training for the care of children with physical pathology or obvious affective deficiencies. <p>Sources: SENAME, http://www.sename.cl/wsename/estructuras.php?name=News&file=article&sid=2490; SENAME, http://www.sename.cl/wsename/estructuras.php?name=Content&pa=showpage&pid=525; Fourth and Fifth Periodic Report to the CRC, 2014/11/10, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/202/40/PDF/G1420240.pdf?OpenElement.</p>
<p style="text-align: center;">STATISTICS</p>	<ul style="list-style-type: none"> ▪ Hcch statistics: 109 intercountry adoptions and 487 domestic adoptions in 2013. In 2010, 55 out of 84 children adopted internationally were CWD (mostly adopted to Italy and Norway); much lower number of CWD adopted on a national level was much less (57 out of 419 children). ▪ 1,200 children were subject to some stage of the adoption process between Jan.-Sept. 2014 <p>Sources: Fourth and Fifth Periodic Report to the CRC, 2014/11/10, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/202/40/PDF/G1420240.pdf?OpenElement; SENAME, http://www.sename.cl/wsename/otros/bestnacionales/2014/BE_DEPRODE_201409.pdf; Hague Conference on Private International Law, http://www.hcch.net/upload/adostat2010-2013cl.pdf; SENAME, http://www.sename.cl/wsename/otros/bestnacionales/2014/BE_ADOPCION_201409.pdf.</p>
<p style="text-align: center;">RISKS</p>	<ul style="list-style-type: none"> ▪ There is still a very high number of children placed in residential care, and there is a need to strengthen family-based alternative care. ▪ Lack of "external" foster carers (74 % are extended family members) which hinders the spreading of foster care as an alternative family based option ▪ Inadequate care of children with disabilities (e.g. false diagnostics and treatments; limited resources, lack of staff training and adapted infrastructures, low staffing of direct treatment, lack of specialized psychosocial staff) ▪ Insufficient resources allocated to SENADIS; no integral state benefits for all children with disabilities (economic and social reasons excluded) ▪ Cases of sexual abuse and severe mistreatment in educational and mental health institutions <p>Sources: RELAF, Institutionalised childhood and adolescence: making serious Human Rights violations visible.; August 2011, http://www.relaf.org/Documentoaugust2011Relaf.pdf; Estudio del proceso de implementación del Programa de Acogimiento Familiar, http://www.sename.cl/wsename/otros/estudios_2012/Resumen_EJ_Familias_Acogida.pdf; Alternative Report Submitted by the Global Initiative for Social and Economic Rights and the Sciences Po Law School Clinic, December 2014, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/CHL/INT_CRC_NGO_CHL_19447_E.pdf.</p>
<p style="text-align: center;">POTENTIAL QUESTIONS</p>	<ul style="list-style-type: none"> ▪ What is the government doing to protect families with a child with a disability and prevent unnecessary separation? ▪ What is being undertaken to strengthen family-based care and reduce institutionalisation of CWD? ▪ Does Policy for Social Inclusion of Persons with Disabilities cover alternative care for CWD? ▪ What measures are implemented to ensure independent living and full inclusion in community of CWD, e.g. access to training centres or occupational training (art. 19 CRPD)? ▪ How does the government plan to increase the quality of care for CWD? ▪ What is done to ensure that the care of CWD in institutions is in line with UN Guidelines for the Alternative Care of Children (http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf) ▪ Are there specific provisions in the "new adoption bill" on the adoption of children with special needs? (e.g.: promote the domestic adoption of children with special needs?)