



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org) – [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

REFERENCE: AS/follow-up/Chile/76

14 July 2020

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the seventh periodic report of Chile, at the Committee's sixty-ninth session, held in February 2018. At the end of that session, the Committee's concluding observations (CEDAW/C/CHL/CO/7) were transmitted to your Permanent Mission. You may recall that in paragraph 55 on follow-up on the concluding observations, the Committee requested Chile to provide, within two years, written information on the steps taken to implement the recommendations contained in 13 (a) and (b), 17 (b) and 25 (b) of the concluding observations.

The Committee welcomes the follow-up report received on time in March 2020 (CEDAW/C/CHL/FCO/7) under the CEDAW follow-up procedure. At its seventy-sixth session, held remotely due to COVID-19 pandemic in July 2020, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 13 (a)** of the concluding observations, urging the State party to “**adopt, as a matter of priority, a comprehensive legal definition of all forms of discrimination against women, covering direct, indirect and intersecting forms of discrimination in the public and private spheres, and establish, in its Constitution or other legislation, the principle of formal and substantive equality between women and men, in accordance with article 2 (a) of the Convention**”:

The Committee welcomes the amendment of article 2 of the Act No. 20.609 adding “maternity, breastfeeding, nursing” as prohibited grounds of discrimination, in May 2019. It also notes the State party's legislative efforts to extend the scope of discrimination against women, including the Act No. 21.212, which extended the range of femicide, the Act 21.153, which recognized sexual harassment in public spaces as a manifestation of violence against women, and the bill to amend the Constitution. However, the Committee is concerned about the reported delay in the legislative process. It would also like to know whether the draft bill to amend the Constitution includes a comprehensive definition of all forms of discrimination against women in line with article 1 of the Convention. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

His Excellency  
Mr. Frank Tressler Zamorano  
Permanent Representative of Chile  
to the United Nations Office at Geneva  
Rue de Moillebeau 58 (4th Floor)  
1209 Geneva

Email: [misginchile@minrel.gob.cl](mailto:misginchile@minrel.gob.cl)

With regard to the recommendation made in **paragraph 13 (b)** of the concluding observations, urging the State party to “**establish a judicial complaint mechanism to deal specifically with cases of discrimination against women and ensure that adequate human, financial and technical resources are allocated for its implementation, including the provision of training for the judiciary on the adjudication of such cases**”:

The Committee notes the absence of a judicial complaint mechanism to deal specifically with cases of discrimination against women. Regarding training for the judiciary, it considers that the provision of training, article 6 of the draft law on the right of women to a life free from violence, has not been adopted. The guidelines and directives mentioned in the report deal with only violence against women. The Committee considers that the State party did not take steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 13** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

1. **Ensure the bills relating to discrimination against women, including the amendment of the Constitution, incorporate a comprehensive legal definition of all forms of discrimination against women, covering direct, indirect and intersecting forms of discrimination in the public and private spheres, and establish, in its Constitution or other legislation, the principle of formal and substantive equality between women and men, in accordance with article 2 (a) of the Convention;**

2. **Establish a judicial complaint mechanism to deal specifically with cases of discrimination against women and ensure that adequate human, financial and technical resources are allocated for its implementation, including the provision of training for the judiciary on the adjudication of such cases.**

In relation to the recommendation made in **paragraph 17 (b)** of the concluding observations, urging the State party to “**ensure the adequate allocation of human, technical and financial resources to the Ministry for Women and Gender Equity, thereby allowing for the full implementation of its fourth national plan on equality between women and men**”:

The Committee takes note of the information provided by the State party on human and financial resources allocated to the Ministry for Women and Gender Equality and the National Service for Women and Gender Equality for the implementation of the fourth national plan on equality between women and men, which guarantee the advancement of the goals of the national plan. Nevertheless, it regrets the lack of information on whether the State party has increased human, technical and financial resources allocated to the Ministry, including for the fourth national plan, since the dialogue with the Committee in 2018. The Committee is also concerned about the reported decrease of 2020 budget allocated to support women heads of households due to the COVID-19 pandemic. The Committee considers that there is a **lack of sufficient information to make an assessment**.

The Committee notes that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.



The Committee recommends that, in relation to **paragraph 17 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on:

- 1. The data of human, technical and financial resources allocated to the Ministry for Women and Gender Equity since February 2018;**
- 2. The impact of COVID-19 on the implementation of its fourth national plan on equality between women and men, and the measures take to mitigate such impact.**

Regarding the recommendation made in **paragraph 25 (b)** of the concluding observations, urging the State party to “**expedite the adoption of the draft law on the right of women to a life free from violence (bill No. 11077-07) and ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons**”:

The Committee notes that the draft law on the right of women to a life free from violence (bill No. 11077-07) has not been adopted and it is at the second stage in the Senate Women's Committee. While noting the information provided by the State party that the draft law aims at recognizing different forms of violence against women, children, older persons and persons with disabilities, the Committee considers that it does not recognize intersecting forms of discrimination against migrant women, indigenous women, women with disabilities, women and lesbian, bisexual and transgender women and intersex persons. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 25 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Expedite the adoption of the draft law on the right of women to a life free from violence (bill No. 11077-07) and ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons.**

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Lia Nadaraia

Rapporteur on follow-up

Committee on the Elimination of Discrimination against Women