



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: YH/follow-up/Chile/61

22 September 2015

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined fifth and sixth periodic reports of Chile at the Committee's fifty-third session, held in October 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/CHL/CO/5-6). You may recall that in the concluding observations, the Committee requested Chile to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 19 and in paragraph 25 of the concluding observations.

The Committee welcomes the follow-up report received with a four-month delay in February 2015 (CEDAW/C/CHL/CO/5-6/Add.1) under the CEDAW follow-up procedure. At its sixty-first session, held in July 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations that the State party “amend its law on domestic violence (Act No. 20.066) to include a specific definition of domestic violence as a criminal offence covering both physical and psychological violence and remove the requirement of “habitual ill-treatment” with a view to enabling the criminal investigation of all acts of domestic violence and the prosecution of perpetrators”: The State party indicated that Act No. 20.066, the current Law on Domestic Violence, does encompass both physical and psychological violence. It further mentioned that, on 10 September 2014, the Critical Aspects and Strengths of Act No. 20.066 Commission was established to highlight strengths and shortcomings in current implementation of the Act, as well as amendments needed to progress towards a more comprehensive set of legal provisions that address all forms of violence against women. Within this framework, the requirement of habitual ill-treatment will also be assessed. However, it is specified that perpetrators of psychological violence and physical violence without lesions are already prosecuted and punished by family courts, even when such violence is not deemed habitual. The Committee notes that the law on domestic violence (Act No. 20.066) includes a definition of domestic violence covering both physical and psychological violence. However, it is concerned that the State party has not amended the law to specifically define domestic violence as a criminal offence. Moreover, it notes with concern that the requirement of “habitual ill-treatment” has not been removed to enable the criminal investigation of all acts of domestic violence and the prosecution of perpetrators. It considers that that the recommendation **has not been implemented**.

Her Excellency
Ms. Marta Maurás Perez
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The Committee recommends that, in relation to paragraph 19 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to amend its law on domestic violence (Act No. 20.066) to specifically define domestic violence as a criminal offence and to remove the requirement of “habitual ill-treatment” with a view to enabling the criminal investigation of all acts of domestic violence and the prosecution of perpetrators.

Regarding the recommendation made in **paragraph 25** of the concluding observations that the State party “consider adopting, wherever necessary, temporary special measures, in order to accelerate the full and equal participation of women in public and political life”: The State party indicated that a bill, which stipulates that neither sex can be represented by more than 60 per cent in any lists of candidates for parliamentary elections, was approved in its third constitutional reading in the Chamber of Deputies on 20 January 2015. However, it is still pending the mandatory preliminary control by the Constitutional Court. The bill also establishes that failure to abide by that criterion will trigger rejection of all the party’s candidacies until it meets the said requirement. The Committee considers that the State party took significant steps towards the implementation of the recommendation. It considers that, for the period under consideration, the recommendation **has been implemented**.

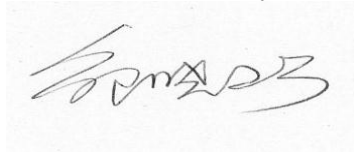
Regarding the recommendation that the State party “strengthen its efforts aimed at increasing the participation of women in political life at the national and municipal levels, including by conducting awareness-raising campaigns which also target indigenous women, by providing incentives for political parties to nominate equal numbers of women and men as candidates and adequately funding campaigns of women candidates”: The State party indicated that, in 2014, the National Service for Women set up 43 Leadership Training Schools in the country’s 15 regions, providing training to 746 women. It also organized, in coordination with the Indigenous Affairs Unit of the Ministry of Social Development, four meetings with indigenous women from all over the country. Those encounters sought to assess those women’s interests and demands, with a view to crafting a plan of action to address their rights, including their political rights. In addition, the State party mentioned the Executive’s bill for the strengthening and transparency of democracy, which provides for a quarterly contribution for political parties represented in either chamber of the Congress to be set aside for fostering the participation of women in politics. A financial incentive is also provided both for female candidates and for their parties, regardless of whether the candidate is elected or not. The State party added that both the gender quota and the financial incentives are temporary measures that will apply to the next four parliamentary elections. The Committee considers that the State party took some steps towards the implementation of the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 25 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to increase the participation of women in political life at the national and municipal levels, including by conducting awareness-raising campaigns which also target indigenous women, by providing incentives for political parties to nominate equal numbers of women and men as candidates and adequately funding campaigns of women candidates, and ensure that these incentive measures are maintained until substantive gender equality is achieved in public and political life.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Chile on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women