



Chile promotes justice with a gender approach



CHILE

Area:
GENDER EQUALITY
POLICIES

Line of action:
MAINSTREAMING



The “Good Practice Manual on Incorporating the Gender Perspective in Sentencing”, prepared by EUROsocial and the Chilean Supreme Court, begins to have an effect on judicial decisions in the country.



In 2014, the Plenary of the Chilean Supreme Court appointed Minister Andrea Muñoz to be in charge of matters relating to gender. She was, in turn, elected as the Chilean representative on the Permanent Commission on Gender and Access to Justice at the Ibero-American Judicial Summit. This commission has adopted a Work Plan (2014-2016) composed of two lines of action: one related to actions addressed to the Summit and the other related to making recommendations to the judicial powers in the countries that comprise it, with the aim of incorporating the gender perspective into the delivery of justice in the region.

In applying this plan, and as of 2017, the Judiciary Technical Secretariat for Gender Equality and Non-Discrimination began to operate in the Chilean Supreme Court, which is in charge of implementing the actions related to preparing a public policy on gender for the justice sector.

That same year, the EUROsocial+ programme initiated the technical support for the Chilean Supreme Court in including the gender perspective in the judiciary. The main objective of this action was to draft a good practices manual for the judiciary, to encourage the incorporation of the gender

perspective into the administration of justice and decrease the number of sentences based on stereotypes or that result in discrimination. The manual is a tool for analysing the socio-economic and cultural context and it contributes to preparing sentences with gender fundamentals, while respecting the autonomy of each judge in the way they resolve the cases that are submitted to them.

The technical advice was developed by peers, including members of the Judiciary in countries that have developed and implemented this type of instrument. EUROsocial+ mobilised a magistrate and a high-level expert from the Supreme Court and the Inter-American Court of Human Rights, respectively, who presented comparable experiences in Colombia, in terms of design and implementation. Exchange visits were also made to Europe, specifically Spain, France and Germany, as part of peer learning.

48%
of the women surveyed perceived discriminatory treatment
“because they were a woman”
Diagnostic Study of the Gender Equality Perspective in the Chilean Judicial System 2015

These exchange visits provided an understanding of good practices in Spain in the following institutional bodies: the District Court of Madrid; the gender equality and violence section of the General Council of the Judiciary; the Supreme Court of Justice and the Observatory against Domestic Violence and Gender. In Strasbourg, France, information was provided on anti-discrimination strategies by the Gender Equality Unit within the Council of Europe's Equality and Democracy Directorate, as well as by the European Council of Human Rights. In Germany, the exchange visited the Supreme Federal Court.

REASONS FOR SUCCESS

The support from EUROsociAL+ focussed entirely on the Chilean Supreme Court, including its presidency, which gave its full support to organising the workshops to study the proposals, the publication, official presentation and dissemination of the document "Good Practice Manual on Incorporating the Gender Perspective in Sentencing".

The manual aims to generate knowledge regarding the international conventions on which judges can support their decisions, as well as to raise awareness on the inequalities, direct or indirect discrimination, prejudices and stereotypes that affect women, and that can be aggravated if justice does not take them into account, considering itself "neutral" and alien to the common reality. The manual also develops specific tools related to the fight against gender violence.

The manual was launched at an international event, with the presence of eighty participants, in Santiago, Chile. The meeting presented the external experiences of Spain (District Court of Madrid), as well as the supreme courts in Germany, Argentina, Colombia and Sweden. The results were then presented to representatives from 16 Chilean courts of appeal in the city of Valdivia. This wide dissemination, at the national level and in the regions around the country, was supported by a methodological guide that outlines an implementation strategy to promote the daily use of the manual by justice officials.

As a complement to the manual, a guide containing recommendations and examples of good practices was also drawn up, which facilitates the daily application of the good practice manual and which allows the dissemination and training of the judiciary and other justice officials. This strategy, which made it possible to obtain national support, wide-scale dissemination outside the capital,



and a teaching method based on concrete examples, represents a serious commitment to generating a real institutional change in the administration of justice in Chile. This experience is considered the best way to promote the socially transformative role of justice. The creation of a repository/observatory of judgements with a gender perspective, as proposed in the Colombian

example, will be a way to monitor the impact of the good practice manual in the future. In the meantime, numerous press articles can be highlighted, where several failures are cited that give an account of the path travelled and the impact that the "Good Practices Manual on Incorporating the Gender Perspective in Sentencing" is already beginning to have.

Publications



 EUROsociAL LIBRARY

"Good Practices Manual on Incorporating the Gender Perspective in Sentencing"
Joint publication
2019



 EUROsociAL LIBRARY

"Good Practice and the Implementation of the Analysis Matrix to Incorporate the Gender Perspective in Sentencing"
Joint publication
2019