

Monitoring system methodology

Recommendations of the Committee on the Rights of the Child to Chile 2022



June 2025

Introduction

One of the functions of the Office of the Ombudsman for Children is to "Observe and monitor the actions of State Administration bodies, legal entities whose purpose is to promote or protect the rights of children and adolescents, and organizations whose actions may affect such rights, in accordance with a plan developed for this purpose" (Article 4, Law No. 21,067).

To achieve this goal, it has created the Children's Rights Observatory, which aims to "report to the public on the application, monitoring, and realization of the human rights of children and adolescents living in the country." Its functions include monitoring the State's compliance with various commitments assumed in international instruments and national action plans. Through the analysis of human rights indicators, documentary information, and participatory consultations with civil society, among others, different categories of compliance are determined according to the nature of the commitments.

In June 2022, the Committee on the Rights of the Child, the United Nations body responsible for monitoring the implementation of the Convention on the Rights of the Child (hereinafter the "Committee"), presented its final "Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Chile" in June 2022, based on its analysis of the combined sixth and seventh periodic reports in Chile.

This report details how the Ombudsman for Children, through its Rights Observatory, will provide participatory and continuous monitoring of compliance with the recommendations issued by this body. This design has been progressively developed since 2023 in conjunction with civil society organizations.

The Committee's 36 recommendations

The Committee's report makes a total of 36 recommendations across 15 thematic areas. As can be seen in Figure 1, the recommendations place a greater emphasis on public action than purely legislative action, although they do include measures that encompass both aspects. Furthermore, based on the Conceptualization and Categorization Model of the Children's Ombudsman's Rights Observatory, the vast majority of the recommendations are classifiable within the rights protection axis, accounting for 42% of the total. A significant number of recommendations are also identified in cross-cutting aspects, rights of survival, and priority groups.

Table 1. Number of recommendations according to the areas of the Committee's Observations



Source: own elaboration

It is worth noting that the 36 recommendations result in a total of 143 specific measures that require follow-up.

Definition of compliance criteria

In November 2023, work began on monitoring compliance with the recommendations issued by the Committee on the Rights of the Child to the State of Chile in 2022. This workshop was held with various civil society organizations. This workshop gathered their general views on these recommendations and identified the aspects that should be evaluated. The following aspects were recommended for consideration during this process:

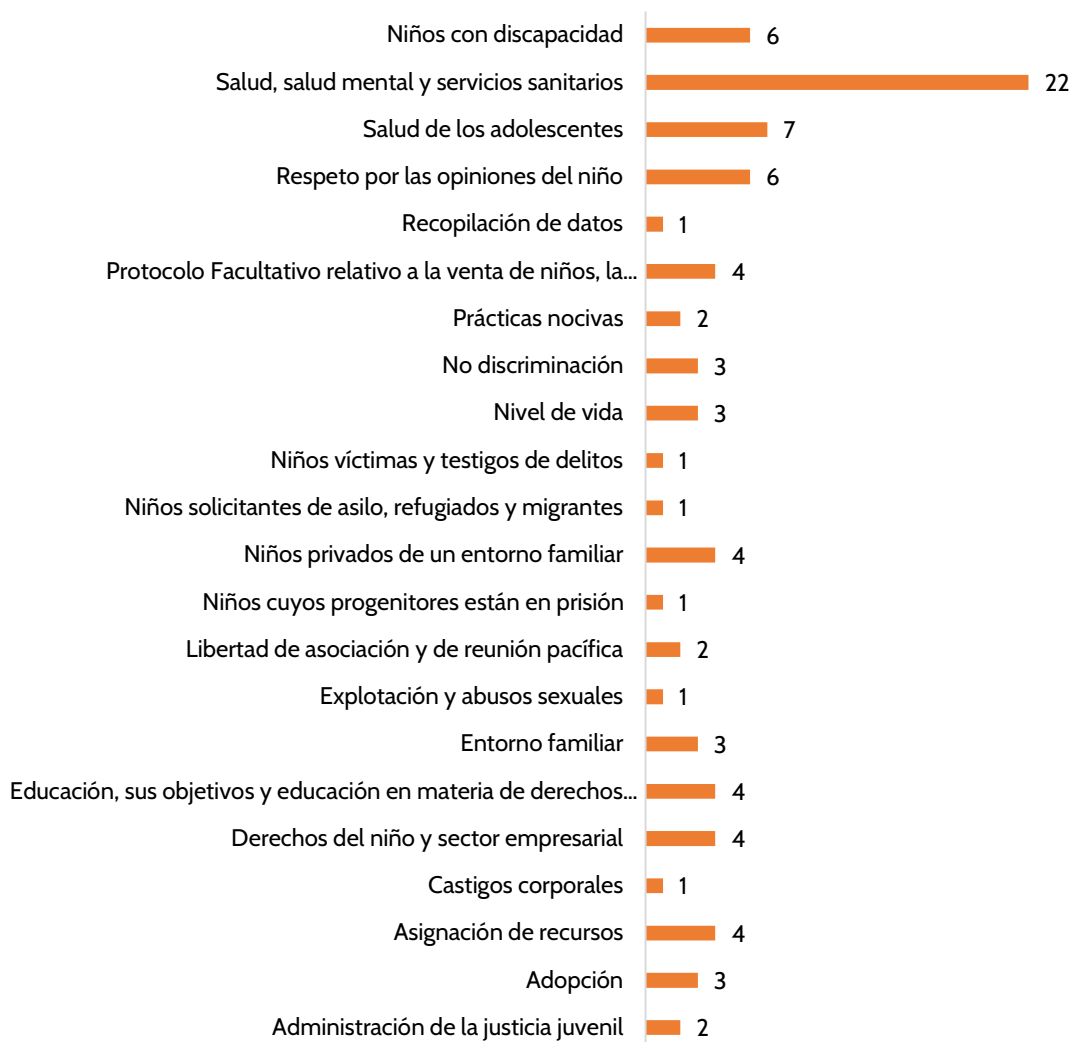
- ❖ The need for the recommendations to be understood in terms with a rights-based approach was identified, urging the State to fulfill its responsibilities. This is also relevant for all guarantors of the rights of children and adolescents.
- ❖ Topics addressed by the recommendations from a single perspective or thematic dimension were identified. During the workshop, other aspects, such as the level of integration between different components, were also addressed so that each recommendation can be evaluated in light of other related components. • General criteria are addressed for evaluating the recommendations, which must consider structural aspects, but also comprehensively consider the relevance, quality, and accessibility of existing responses or guarantees by the State, in addition to simply assessing their availability or coverage.
- ❖ The selected topics are identified as having a general impact on other rights of children and adolescents, either at the preventive level or due to the magnitude of the impact, thus allowing for the identification of certain issues that may require a more in-depth follow-up.

Subsequently, in 2024, a process of systematizing the organization's recommendations began. A list was drawn up of those that required, both in their general and specific content, a greater level of definition in the dimensions in which they should be followed up.

These recommendations were subject to a consultation process with civil society organizations and experts relevant to the different topics and issues involved. To this end, an initial consultation process was initiated. These stakeholders were also able to view the final version in advance for final review and final modifications.

A total of 49 recommendations issued by the international organization, covering a total of 22 topics, were submitted for consultation. During the consultation period, a total of 85 responses were received from 18 civil society organizations and experts in various fields that provided response content for a total of 46 recommendations. As can be seen in the following graph, the majority of responses focused on health-related topics, which also included a significant number of recommendations.

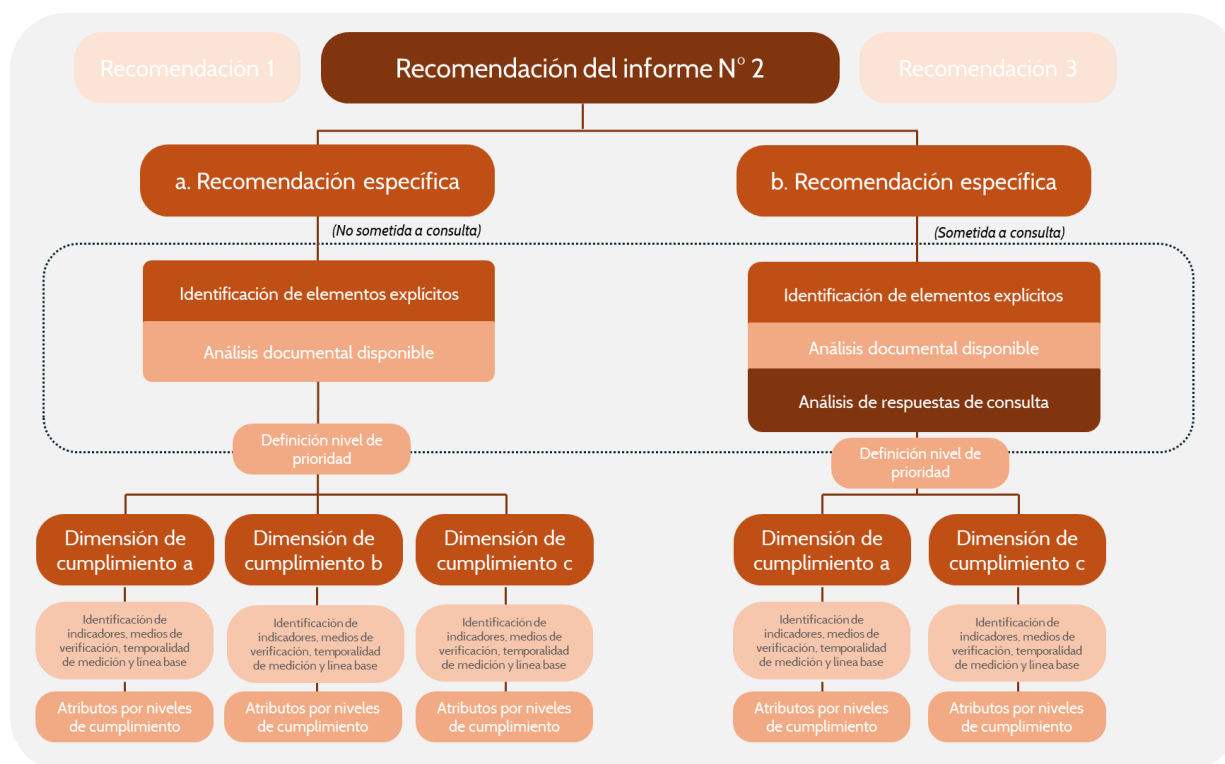
Chart 1. Number of responses by topic of consultation



Source: databases of query form responses

The responses to the queries were organized by the Human Rights Observatory team for each recommendation. Their content was systematized, along with the identification of explicit elements for follow-up on each recommendation, along with relevant documentary analysis. This allowed for the identification of dimensions of analysis, which in some cases could have been more than one per recommendation.

Illustration 2. Scheme for monitoring recommendations



Fuente: elaboración propia

For each of the specific recommendations, the highest priority recommendations were identified based on the emphasis placed on them during the consultation process. Based on the priority level, a percentage weight was determined based on the total number of specific recommendations for each recommendation, based on its level of relevance.

Then, for each dimension, the appropriate means of verification were sought to demonstrate the level of compliance. These were based on the identification of the Observatory's human rights indicators, government indicators, documentary sources, among others, depending on the nature of each recommendation or dimension analyzed.

Then, the attributes to designate the levels of compliance were defined, following the Human Rights Observatory's methodology for monitoring commitments (Figure 3). It should be noted that, due to the nature of the Committee's recommendations, most of the commitments are administrative or legislative measures, so the monitoring criteria for these types of commitments were primarily used. These means of verification can be used to analyze various dimensions or a specific one, depending on each case. It should be noted that not all recommendations necessarily have compliance criteria at all levels, especially those that can be measured dichotomously.

Illustration 3. Criteria for defining levels of compliance with commitments

Nivel de cumplimiento	Criterios según indicadores	Criterios según medidas administrativas o legislativas
Retroceso o sin Cumplimiento (0%)	Categoría para aquellos compromisos donde el o el conjunto de indicadores aplicables a éste muestran un retroceso en los últimos años en cuanto al resultado esperado o que no han presentado avances estadísticamente significativos o cualitativos.	Categoría para aquellas medidas en las que no se presentan o documentan avances que respalden avances en las medidas. En el caso de medidas legislativas no hay proyectos de ley vigentes.
Cumplimiento insuficiente (33%)	Categoría para aquellos compromisos donde el o el conjunto de indicadores aplicables a éste muestran un avance o mejoramiento en los últimos años, pero de forma marginal e insuficiente al problema o situación medida.	Categoría para aquellas medidas en las que se constata verificación insuficiente de avance mediante borradores o indicios, o en el caso de medidas implementadas pero que no corresponden a naturaleza y objetivos de la medida. En el caso de medidas legislativas se presentan proyectos de ley en primer trámite, veto o insistencia.
Cumplimiento parcial (66%)	Categoría para aquellos compromisos donde el o el conjunto de indicadores aplicables a éste muestran un avance o mejoramiento en los últimos años, de forma importante y significativa, pero no da cuenta de una resolución completa o cercana del problema o situación medida.	Categoría para aquellas medidas en las que se constata verificación parcial de avance sin efectos jurídicos o administrativos o en proceso de implementación. En el caso de medidas legislativas no hay proyectos de ley en segundo o tercer trámite, Comisión mixta, fase de tribunal constitucional o aprobación presidencial.
Cumplimiento (100%)	Categoría para aquellos compromisos donde el o el conjunto de indicadores aplicables a éste muestran un avance o mejoramiento en los últimos años de forma importante y significativa, dando cuenta además de una resolución completa del problema o situación medida.	Categoría para aquellas medidas en las que se constata verificación completa de avance mediante efectos jurídicos y administrativos completos e implementados. En el caso de medidas legislativas hay proyectos de ley ya promulgados.

Fuente: elaboración propia

Finally, the measurement schedule for each specific recommendation was defined, depending on its nature. Some recommendations can be evaluated year by year, while others require more detailed or in-depth measurements that take longer to complete or can be conducted only once.

Reporting and monitoring methodology

The monitoring system will include the following elements:

- ❖ Preparation of annual follow-up reports according to the methodology's indicators and metrics, as well as the specified measurement frequencies. These reports will be translated and sent to the current members of the Committee on the Rights of the Child and the Ministry of Foreign Affairs, in Spanish, English, and Portuguese.
- ❖ Conducting special consultations through calls and working groups during the process to prepare the reports with civil society organizations, experts, and children and adolescents who participated in the initial consultation and others who wish to participate, gradually establishing a network to monitor the recommendations.
- ❖ Conducting two consultation processes and participation processes for children and adolescents on the main topics addressed by the recommendations, with regional participation. The results will be incorporated into the measurement results and attached to the reports.

MONITORING SYSTEM FOR THE RECOMMENDATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD TO THE STATE OF CHILE 2022

- ❖ □ Publication of results and reports on the virtual platform <https://observatorio.defensorianinez.cl/seguimientocomite/>, which offers interactive consultation mechanisms for each recommendation and is available in different languages. It also offers the possibility of constantly receiving contributions and information from citizens.
- ❖ □ Presentation of the final report for the review process and drafting of a new report for the State of Chile in 2029. This report will contribute to the institution's persuasion and advocacy strategy with the organization and to the preparation of background information requested by the organization.
- ❖ □ Institutional support and collaborative actions for the drafting of alternative reports by civil society organizations before the Committee on the Rights of the Child.

Illustration 4. Virtual reporting of the monitoring system

Inicio » How is compliance with the recommendations of the Committee on the Rights of the Child progressing?

Seguimientos

How is compliance with the recommendations of the Committee on the Rights of the Child progressing?

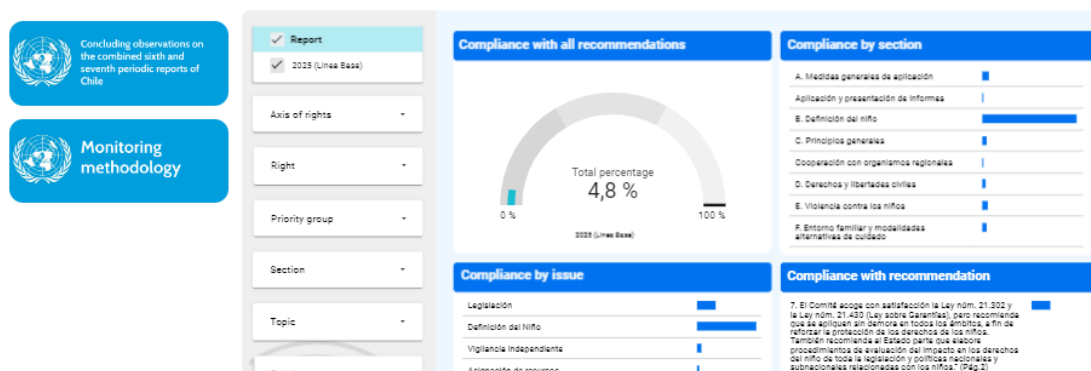


Languages



The Ombudsman's Office for Children monitors international commitments. One relevant one is that of the Committee on the Rights of the Child, the United Nations international body responsible for ensuring compliance with the Convention on the Rights of the Child in the States Parties. Below is the follow-up to compliance with its latest 2022 recommendations to our country.

Here you can access the database behind the tracking



<https://observatorio.defensorianinez.cl/seguimientocomite/>