



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Eighty-third session**

12–30 August 2013

Item 4 of the provisional agenda

**Consideration of reports, comments and information**

**submitted by States parties under article 9 of the Convention**

**List of themes in relation to the nineteenth to twenty-first  
periodic reports of Chile (CERD/C/CHL/19-21)**

**Note by the Country Rapporteur**

*Summary*

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list: other issues may also be raised in the course of the dialogue. No written replies are required.

**1. The Convention in domestic law and the legal, institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)**

- (a) Information on the mandate, activities and resources of the National Institute of Human Rights (CERD/C/CHL/CO/15-18, para. 14), in accordance with the Paris Principles;
- (b) Information on the status of various bills, including:
  - (i) The bill on the Office of the Ombudsman specializing in the protection of indigenous peoples and migrant workers;
  - (ii) The bill on constitutional recognition for indigenous peoples (CERD/C/CHL/19-21, para. 51);
  - (iii) The bill on the recognition of the Afro-descendant ethnic group in Chile (CERD/C/CHL/CO/15-18, para. 13);
- (c) Information on the setting up of the Under-Secretariat for Human Rights and the establishment of an interministerial committee, to be responsible for developing a national human rights plan;
- (d) The monitoring and effective application of various laws, including:
  - (i) The Act Establishing Measures against Discrimination (No. 20609). Number of legal proceedings brought and the results thereof;
  - (ii) Various laws on the recognition of indigenous peoples' right to the natural resources pertaining to their lands and territories;
- (e) Mechanisms for consultation with and the participation of indigenous peoples and the obstacles encountered, in accordance with the recommendations of the Special Rapporteur on the rights of indigenous peoples after his 2009 visit to Chile (A/HRC/12/34/Add.6), in relation to the laws adopted, particularly Act No. 20657 (Fisheries Act) and Act No. 20573 (on special territories), and the bills on the electricity highway (Legislative Bulletin No. 8566-08) and on geothermal energy concessions (Legislative Bulletin No. 7162-08);
- (f) Information on the application of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), including the concept of free, prior and informed consent, and the measures adopted to effectively implement that Convention;
- (g) Information on the activities of the Committee of Ministers for Indigenous Affairs;
- (h) Human rights training for law enforcement officials.

**2. Situation of indigenous peoples, ethnic communities and other minorities (arts. 1 and 2-7)**

- (a) The indigenous variable in statistical information systems, and consideration of the economic, cultural, social and geographical factors specific to indigenous peoples in the framework of federal and state legislation, as well as in the design and implementation of policy in such areas as health care, education and housing;

- (b) Situation of Chileans of African descent, and status of the first study to quantify that population;
- (c) Measures, including temporary special or affirmative measures, to remedy racial and ethnic discrimination related to economic, social and cultural rights, particularly the right to land, housing and access to drinking water;
- (d) Updated information on the implementation of the Cultural Development Plan for Indigenous Peoples (CERD/C/CHL/19-21, para. 149);
- (e) Statistical data on the use of excessive force by police officers against indigenous peoples — particularly the Mapuche and Rapa Nui — and women, and the measures taken to prevent, investigate and punish its use;
- (f) Detailed information on the implementation of the Counter-Terrorism Act (No. 20467), in particular in connection with the Mapuche people;
- (g) Migrant workers and racial discrimination in the light of the global economic crisis, especially information on people from Peru, Bolivia and Haiti. Updated information on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (h) Right to nationality of children born in Chile to fathers and mothers in an irregular situation;
- (i) Unequal status of Chileans of Xoraxane Roma (Gypsy) origin and racial discrimination;
- (j) Measures to overcome persistent prejudices and racial discrimination in Chilean society and to foster respect for diversity.

### **3. Effective participation of the different Chilean ethnic groups in political and public life (arts. 2, 5 and 6)**

- (a) Mechanisms enabling the effective participation of indigenous peoples and communities of African descent at all levels of government (CERD/C/CHL/CO/15-18, paras. 20 and 21);
- (b) The indigenous “Dialogue for a Historic Re-encounter” policy (CERD/C/CHL/19-21, para. 45);
- (c) Legitimacy and elections of the authorities appointed as spokespersons for indigenous peoples. Mechanisms needed to ensure that indigenous peoples are represented at all levels, including in parliament;
- (d) Measures to address racial discrimination against different groups in access to the labour market.

### **4. The justice system and combating racial discrimination (arts. 5 and 6)**

- (a) Measures taken to facilitate effective access to justice for vulnerable groups, including indigenous peoples, migrant workers, people of African descent and other minorities, in accordance with general recommendation No. 31 (2005) of the Committee on the Elimination of Racial Discrimination, on the prevention of racial discrimination in the administration and functioning of the criminal justice system;
- (b) Documentation and processing of complaints and reports of acts of racial discrimination against indigenous peoples and communities of African descent;

(c) Efforts to combat the disproportionate use of force and arbitrary detention of members of indigenous communities by State officials during social protests, and reports of the criminalization of indigenous demands.

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