



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

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## Committee on the Elimination of Racial Discrimination 105th session

### Summary record of the 2851st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 24 November 2021, at 3 p.m.

*Chair:* Ms. Li

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Consideration of reports, comments and information submitted by States parties under  
article 9 of the Convention (*continued*)

*Combined twenty-second and twenty-third periodic reports of Chile*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Combined twenty-second and twenty-third periodic reports of Chile*  
([CERD/C/CHL/22-23](#); [CERD/C/CHL/Q/22-23](#))

1. *At the invitation of the Chair, the delegation of Chile joined the meeting.*
2. **Ms. Balladares** (Chile) said that her Government was proud of its progress in implementing the Convention, although it also recognized that challenges remained to overcome. The Government had made efforts to strengthen the public institutions responsible for promoting and protecting human rights, including the Office of the Undersecretary for Human Rights, which was responsible for promoting and coordinating human rights policies and legislation; the Interministerial Committee on Human Rights, which advised the President of the Republic on human rights matters; and the Ministry of Women and Gender Equality, which worked to promote equal rights and eliminate all forms of arbitrary discrimination against women, including indigenous women, migrant women and women of African descent.
3. The Migration and Aliens Act (Act No. 21325), adopted in April 2021, was intended to protect the fundamental rights of migrants and promote their access to social benefits on an equal footing with Chilean nationals, with special emphasis on the most vulnerable groups, including women, children, and victims of trafficking in persons. The Act provided for the establishment of a new institutional framework to ensure the protection and promotion of migrants' rights and for the promulgation by the President of a new national policy on migration and aliens.
4. Act No. 19253 provided for the recognition of 10 indigenous peoples: the Aymara, the Quechua, the Atacameño, the Diaguita, the Colla, the Rapa Nui, the Mapuche, the Kawésqar, the Yagan and the Chango. According to the 2017 population and housing census, 2,185,792 persons, over 12 per cent of the surveyed population, identified as indigenous.
5. In September 2018, the President had unveiled a national agreement for development and peace in Araucanía, which recognized the intercultural nature of the region and aimed to enable all its residents to develop on an equal footing with the rest of the country. The agreement provided, inter alia, for the development of new curricular guidelines on the teaching of indigenous language and culture and for promotion of the use of Mapuche medicine as a complement to the conventional health-care system.
6. Other relevant initiatives included the proclamation of National Indigenous Peoples Day, to be celebrated in June every year, and continued work on the bills for the establishment of a ministry of indigenous peoples, a national council of indigenous peoples, and councils of indigenous peoples, which were currently before the Senate. Consultation with indigenous peoples was regulated by Supreme Decree No. 66, which established that consultation was a duty of the State and a right of indigenous peoples likely to be affected by legislative or administrative measures. Since the entry into force of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) in Chile, 134 consultation processes had been initiated, of which 10 were currently under way. In 2018 and 2019, training on consultation processes and intercultural dialogue had been provided to more than 500 public officials throughout the country.
7. Act No. 19253 provided for the establishment of mechanisms for recognizing, restoring and protecting indigenous peoples' right to land. The budget allocated to the purchase of land for indigenous peoples had increased steadily, and 90,455 hectares of land had been purchased for over 12,000 indigenous families between 2014 and 2021.
8. Act No. 21151, published on 16 April 2019, granted legal recognition to Chileans of African descent as a tribal people and established that the Government had certain obligations towards them, including upholding their right to be consulted. A consultation process was currently being carried out with representatives of the Afrodescendent population, in line with ILO Convention No. 169. The process was due to be completed in the last quarter of 2021.

9. In August 2021, a working group had been set up to address the challenges facing the Afrodescendent population in the areas of health, education, housing, culture and agriculture. The group was headed by the Ministry of Social Development and had met eight times to date. As part of the preparations for the 2023 census, the National Institute of Statistics had invited members of organizations of the Afrodescendent population to complete the census form and provide feedback on it.

10. One of the major challenges currently facing Chile was the drafting of a new constitution. A Constitutional Convention had been elected for that purpose, in which a total of 17 of the 155 seats had been reserved for representatives of the 10 indigenous peoples. When the draft constitution was complete, it would be circulated for discussion by indigenous peoples in a consultation process in accordance with ILO Convention No. 169.

11. The Government had mounted an unprecedented effort to provide social assistance to persons affected by the economic crisis triggered by the coronavirus disease (COVID-19) pandemic. Special operations had been carried out to ensure the availability of vaccines for the indigenous peoples, 25 per cent of whom lived in rural areas. Nationals and non-nationals had an equal right to be tested and vaccinated and equal access to free health services. All persons who were required to spend time in isolation, including migrants in an irregular situation, had free access to a residential health centre. Emergency cash transfers had been provided to persons in need, including indigenous persons and migrants.

12. **Mr. Valderrama** (Chile) said that one of the first steps in tackling racial discrimination was to identify persons whose rights were being violated and determine their needs. In order to ensure access to justice for indigenous persons and foreign nationals interacting with the justice system, an online translation service had been established to facilitate communication between judges, justice officials and persons who spoke other languages. The service was currently being implemented throughout the country. The judiciary had taken a number of other measures, including the adoption of a policy and various protocols, to ensure access to justice for indigenous persons, migrants and members of other vulnerable groups. The Technical Secretariat for Gender Equality and Non-Discrimination of the Supreme Court had developed a procedural protocol on the provision of legal services with a gender and diversity approach. During the COVID-19 pandemic, significant progress had been made in developing tools and instruments that facilitated remote access to justice.

13. The Judicial Academy delivered regular courses designed to give judges and other justice officials a better understanding of issues such as racism, social exclusion, xenophobia, and the right to equality and non-discrimination. From 2022, a course would be taught on the cultural, legal and operational challenges facing the justice system in its dealings with indigenous peoples and the Chilean Afrodescendent tribal people.

14. The Government was aware that the Committee, civil society organizations and the National Human Rights Institute had raised concerns about legal cases brought in relation to Act No. 20609, the Anti-Discrimination Act, and Act No. 18314, the Counter-Terrorism Act. Concerns had also been raised about the treatment of appeals filed by migrants seeking legal protection against administrative expulsion measures. With regard to Act 20609, of the 504 cases heard by the Supreme Court, only 2 had concerned situations of discrimination on the basis of race, ethnicity or nationality. As to Act No. 18314, the Supreme Court had handed down 10 judgments on appeals for the annulment of the application of the Act in connection with criminal cases. In only one of those judgments had the Supreme Court upheld the conviction of the accused person, who had not had Mapuche surnames. With regard to applications for *amparo* filed by migrants against administrative expulsion measures, the case law of the Supreme Court showed that *amparo* was granted in most cases on humanitarian grounds or in consideration of the claimants' personal and family circumstances.

15. **Ms. Shepherd** (Country Rapporteur) said that the State party was to be commended for the steps it had taken to strengthen its institutional and legislative framework in order to strengthen the protection of human rights and meet the objectives of the Convention. The Committee recognized that the Constitutional Convention currently taking place presented a

promising opportunity to enshrine recognition of the indigenous peoples of Chile and their rights in the new constitution.

16. She noted that Act No. 21151 provided for the legal recognition of persons of African descent, who would henceforth be included in census data. However, she was concerned to note that persons of African descent would continue to be excluded from other important statistical data sets and that the Act applied only to Chilean nationals who were descendants of the transatlantic slave trade and not to other persons of African descent. She wondered what measures would be taken to ensure the recognition and inclusion of all persons of African descent living in the State party. She would also welcome data on the Roma population in Chile.

17. The Committee would be grateful to know when the State party would be in a position to implement the country's first national human rights plan and establish an ombudsman's office including, as recommended by the Committee in its previous concluding observations ([CERD/C/CHL/CO/19-21](#)), a section specializing in issues of racial discrimination whose staff would include intercultural facilitators at the local level.

18. As Act No. 20609, the Anti-Discrimination Act, did not prohibit all the motives for discrimination listed in article 1 of the Convention, she wished to know whether it would be amended to bring it fully into line with the Convention. She would welcome additional information on the resolution of the small number of complaints of discrimination based on race, ethnic origin or nationality submitted to the courts from 2012 to 2016. It would also be interesting to know whether the State party had taken any action to determine why there had been so few complaints. For example, might victims of discrimination be unaware of their rights or fear reprisals?

19. Given that a survey conducted by the National Human Rights Institute had revealed deeply rooted negative perceptions of indigenous peoples, she would like to know whether the State party had made any plans to conduct communication campaigns designed to combat prejudice against indigenous peoples. She also wondered what measures the State party might take to combat racist stereotyping in the media and how it could support media outlets run by indigenous peoples, in particular radio stations. In that connection, she noted that funds that the State had promised to 30 indigenous radio stations had not been disbursed. In the light of information indicating that it was often impossible to apply for a broadcasting licence, she wondered why broadcasting without a licence was a punishable offence. In addition, she wondered whether the State party intended to prohibit organizations that incited racial hatred.

20. She would welcome an update from the State party on the troubling case of the environmental and human rights defender Alberto Curamil. An indication of the charges he was facing would be particularly useful. Lastly, she wished to know what steps could be taken to train health workers so as to prevent stereotyping and intersectional discrimination, in particular against Haitian women and other women of African descent. Could the delegation provide further information about the circumstances of the deaths of Haitian immigrants Wislande Jean, Rebeka Pierre and Monise Joseph?

21. **Mr. Payandeh** (Country Task Force) said that he wished to know to what extent civil society organizations and representatives of indigenous communities had been consulted about the reforms to the institutional human rights framework, in particular as they related to the Office of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights. He also wished to know what the Office's mandate was, what power it had to develop human rights policy and whether it had a supervisory role. He would welcome examples of public policies or legislation concerning racial discrimination that had been adopted with the Office's involvement. In addition, he wondered whether the training programmes organized by the Office covered topics related to racial discrimination and what steps would be taken to ensure that increasing numbers of officials took part in those programmes.

22. It would be helpful to learn to what extent the Constitutional Convention was focusing on racial discrimination and the rights of indigenous people and what steps were being taken to ensure that the drafters addressed the concerns of all minorities, including people of African descent, and that indigenous people were full participants in the process.

23. He would welcome a comment on the status of bills on hate speech and incitement to racial hatred or on any other planned legislative measures to combat those phenomena. Data on court cases relating to hate speech would also be welcome, as would information on the regulation of hate speech in the media. More generally, he wondered how the State party intended to fulfil its obligations under article 4 of the Convention.

24. He would like more information on the new provisions of the Criminal Code relating to racial motivation or background as an aggravating circumstance and on how those provisions could be applied by the Public Prosecution Service and the courts. He would particularly like to know whether mechanisms were in place to ensure that any racist motives for a crime were identified at an early stage of the investigation and were taken into account in subsequent criminal proceedings.

25. It would be useful to know what was understood by “arbitrary discrimination” under Act. No. 20609 and how it limited the protection of people who were vulnerable to racial discrimination; whether there had been a comprehensive review of the Act’s effectiveness; and whether any amendments to the Act were under consideration. Since the Act did not provide for special measures as envisaged under the Convention, he wondered how such measures could be taken. He would appreciate information on the extent to which victims of racial discrimination had access to effective remedies, including compensation, and whether civil society organizations or the National Human Rights Institute could file actions on behalf of victims. In addition, he would welcome information on the status of the bills providing for the establishment of a national council of indigenous peoples, councils of indigenous peoples and a government ministry for indigenous peoples.

26. He wished to know more about the pilot project involving the establishment of two citizens’ justice centres, especially whether vulnerable people other than migrants, such as people of African descent, had access to the centres. The State party’s report indicated that specialized legal counsel was provided to indigenous persons involved in criminal cases. He wondered whether the characterization of a case as an “indigenous case” had procedural implications, what measures were taken to ensure that such characterization did not lead to a form of segregated justice, what qualifications counsel appointed for indigenous defendants were expected to have and whether the rules for assignment of counsel had been developed in consultation with indigenous people. He would also welcome more information about the work of the legal assistance agencies present in remote areas of the country.

27. He would be grateful if the delegation could provide an update on the status of the new prison regulations mentioned in the State party’s report. In particular, he wished to know whether measures had been taken to allow prisoners to live according to their cultures and traditions and to transfer Mapuche detainees, some of whom were reportedly held in facilities far from their home regions, to more suitably located facilities.

28. The Committee was concerned by reports of excessive use of force by law enforcement officials, particularly against Mapuche individuals. Could the delegation provide data on the use of force, examples of the measures that were taken to prevent excessive use of force and a comment on any efforts to improve relations between law enforcement officials and members of indigenous communities? It would also be interesting to know whether there were any independent bodies responsible for examining allegations of excessive use of force, whether members of the public were aware of how to submit complaints regarding excessive use of force and what the outcome of any such complaints had been. The Committee would be grateful if the delegation could provide data on cases of police abuse of members of indigenous communities and indicate what measures had been taken to prevent such abuse. He wondered whether cases against law enforcement officers were tried in military courts and, if so, why. The State party’s report mentioned that internal investigations relating to police abuse had led to criminal charges and disciplinary penalties. Could the delegation provide statistics in that regard? Information on the special indigenous community patrols organized by the Carabineros would also be welcome. Had indigenous communities been involved in the Carabineros’ decision to organize those patrols?

29. Noting that the State party’s report made no mention made of racial profiling, he said that he wished to know why that issue had not been touched on and what measures had been

taken to combat it. He would also welcome a comment on concerns that Act No. 20931 could facilitate racially motivated identity checks.

30. The Committee was concerned about the militarization of the conflict with the Mapuche people and would like more information about the incident on 3 November 2021 in which one Mapuche demonstrator had been killed and several others injured in the Biobío region during a protest against the ongoing state of emergency. What measures had been taken with regard to that incident and how did the State party ensure that the military did not use excessive force? The Committee was also troubled by reports that Act No. 18314, the Counter-Terrorism Act, was being applied almost exclusively against members of indigenous communities. It would be grateful if the delegation would provide data on the Act's application and explain why it was considered necessary to apply the Counter-Terrorism Act rather than ordinary criminal law in cases involving indigenous persons. Information on any plans to review or amend the Act would also be welcome.

31. **Mr. Kut** (Follow-up Coordinator) said that in its previous concluding observations, adopted in 2013, the Committee had requested the State party to provide information, within one year of the adoption of those concluding observations, on the action it had taken in follow-up to the recommendations contained in paragraphs 10, 12 and 14. Unfortunately, no such information appeared to have been submitted. The Committee attached great importance to the submission of such follow-up information, and its concluding observations on the current report would, like those adopted in 2013, include a paragraph requesting follow-up information on a select number of the Committee's recommendations. The Committee would expect to receive that information in a timely fashion.

32. **Mr. Diaby** said that he would welcome an explanation of what was meant by the term "arbitrary discrimination". He would also welcome an update on the results of the "Chile Recognizes" project, which had been launched to ensure that some 2,000 children who were at risk of statelessness could acquire Chilean nationality.

33. **Mr. Vega Luna** said that the drafting of a new constitution provided the State party with an opportunity to guarantee the enjoyment of human rights. Chile was one of the few countries in Latin America that had adopted a national action plan on human rights and business. He wished to know whether that plan reflected the United Nations Guiding Principles on Business and Human Rights. He welcomed the legislation governing prior consultation of indigenous peoples. It would be interesting to hear whether there had been any cases in which prior consultation had been denied and, if so, on what grounds. The National Human Rights Institute had informed the Committee in 2018 that certain administrative provisions of the Migration and Aliens Act might restrict the rights of migrants, particularly those of Haitian origin. He wished to know whether those warnings had been borne in mind in the final version of the legislation.

34. **Ms. Tlakula** said that she would appreciate additional information regarding any culturally appropriate policies, plans and programmes introduced by the National Service for Women and Gender Equality. She would also appreciate clarification of whether persons of African descent had been counted in previous censuses.

35. **Ms. Izsák-Ndiaye**, noting that the Roma community was not mentioned in the State party's report, said that she had been told during a workshop for Latin American Roma people several years earlier that the Roma community in Chile was not granted the status of a minority. Although there were currently no statistics, the Roma community was estimated to comprise some 50,000 people, about 17 per cent of whom maintained a nomadic lifestyle. The Roma reportedly encountered difficulties when they wished to settle in a community and they were frequently evicted. One man had informed her that he had been unable to enrol his child in school and had therefore been obliged to ask a non-Romani Chilean man to assume custody of the child. The Committee would welcome a comment from the delegation regarding the status of the Roma community and their integration into Chilean society.

*The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.*

36. **Ms. Balladares** (Chile) said that the National Statistics Institute compiled data concerning indigenous peoples. According to the 2017 census, the Mapuche people accounted for 79.8 per cent of the indigenous population, the Aymara for 7.2 per cent, the

Diaguita for 4 per cent, the Quechua for 1.5 per cent, the Likan Antai for 1.4 per cent, the Colla for 0.9 per cent, the Rapanui for 0.4 per cent, the Kawésqar for 0.2 per cent, the Yagán for 0.1 per cent, other groups for 0.8 per cent and an undeclared community for 3.1 per cent. The “other groups” category included members of the Chango people, which had been officially recognized in 2020.

37. The National Statistics Institute had undertaken an intercultural participatory exercise focusing on indigenous peoples and persons of African descent, the results of which had been taken into account in preparing the 2023 census instrument. The same categories included in the census instrument would be used in the national socioeconomic surveys conducted by the Ministry of Social Development and the Family and in the instrument used to determine eligibility for social protection services and benefits.

38. According to the latest national socioeconomic survey, the majority of persons identifying themselves as indigenous lived in the Metropolitan Region and in the regions of Araucanía, Paríacota, Los Lagos and Aysén. With regard to age distribution, 32 per cent belonged to the 0 to 17 age group, 23.3 per cent to the 18 to 29 age group, 18.9 per cent to the 30 to 44 age group, 16.2 to the 45 to 69 age group and 2 per cent were aged 70 or over. Most of the indigenous population were therefore of working age. With regard to per capita income, 52.6 per cent of the indigenous population were in the first and second income quintiles. On the whole, therefore, their income was somewhat lower than that of the non-indigenous population, but they received higher monetary benefits.

39. **Mr. Cortés** (Chile) said that the Office of the Undersecretary for Human Rights was mandated primarily to promote the adoption of a human rights approach to public affairs in various State institutions and in the implementation of public policies. For example, the National Action Plan on Human Rights and Chilean Businesses was coordinated by the Ministry of Justice and Human Rights through the Office of the Undersecretary. The Plan did reflect the three pillars of the United Nations Guiding Principles on Business and Human Rights. The first National Action Plan on Human Rights and Chilean Businesses, adopted in 2017, had provided for the implementation of 146 actions by 17 public institutions during the period from August 2019 to September 2020. The Plan was being revised in the light of recommendations by international human rights organizations, the opinions of civil society experts and a study undertaken by the Law Faculty of the Pontifical Catholic University of Chile. Consultations had also been conducted with indigenous peoples and people of African descent.

40. **Ms. Daneri** (Chile) said that the concept of foreigners in transit had been reinterpreted in 2014 and it was no longer applicable to persons of irregular status or their children. The children of migrants of irregular status born in Chile were now recognized as Chilean pursuant to a ruling by the Supreme Court. Steps had been taken to ensure that the staff of the Civil Registry and Identity Service were aware of the new rules, and a national campaign had been launched to ensure that persons registered as children of foreigners in transit could have their birth certificates amended and acquire Chilean nationality. The Aliens and Migration Department was strictly adhering to the Supreme Court ruling. The new Migration and Aliens Act (Act No. 21325) recognized the right to nationality as a fundamental right, in accordance with the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, which had been ratified by Chile in 2008.

41. **Mr. Garrido** (Chile) said that the Public Prosecution Service adhered to the principle of equal treatment before the law. Investigations, including those concerning human rights defenders, must be based on the principles of independence and impartiality. Specialized teams had been formed to conduct investigations relating to human rights defenders and training courses for investigators had been organized at the regional and federal levels. As the statute of limitations occasionally rendered it difficult for the Public Prosecution Service to take action on behalf of human rights defenders, it was essential to prevent any unjustified delay in the conduct of investigations and to ensure that legal proceedings, even in extremely complex cases, were instituted as soon as possible. Human rights defenders were viewed as strategic partners. Where they were victims of acts that endangered their physical integrity or impeded their work, a special unit of the Public Prosecution Service assessed their need for protection and implemented security and safety measures where necessary, including stationing guards at their homes or, in extreme cases, relocating them to safe housing. Only

the Public Prosecution Service was empowered to initiate criminal proceedings, but it could be compelled to take action by bodies such as the National Human Rights Institute.

42. The Counter-Terrorism Act (Act No. 18314), which dated from 1984, had been amended on several occasions, most recently in 2010, and was applied by the Public Prosecution Service only in exceptional circumstances – for instance when it considered that a crime entailed a threat of terrorist acts against certain segments of the population. The Act had been applied, for instance, in a case in Araucanía involving the killing of a couple of European descent because, in conjunction with that crime, a threat had been made against other persons of European descent.

43. **Mr. Cortés** (Chile) said that all 10 indigenous peoples were represented in the Constitutional Convention. The State was required, pursuant to the legislation in force and ILO Convention No. 169, to consult indigenous peoples on legislative and administrative measures that could have a direct impact on them, particularly the new constitution. A transitory commission for consultation of indigenous peoples had therefore been set up, and the advice of international bodies and experts had also been sought on how to pursue consultations. In addition, seven thematic commissions had been set up to address key constitutional issues, with a focal point in each commission to facilitate the participation of indigenous peoples and persons of African descent.

44. **Mr. Soto** (Chile), referring to the application of the Act No. 20609, the Anti-Discrimination Act, said that, according to data from June 2021, a total of 504 cases had been brought before the civil courts. A total of 85 cases had been heard by the courts of appeal and 42 had been heard by the Supreme Court. It was difficult to assess why relatively few parties had invoked the Act during the nine years since its entry into force, but victims of discrimination might prefer to file an application for protection, or *amparo*, as such proceedings were generally more expeditious.

45. The Anti-Discrimination Act covered numerous kinds of discrimination, not only racial discrimination. Data were collected from those involved in judicial proceedings in order to clarify their personal situation and the circumstances of the cases brought. However, the information was used only to ensure that cases could be processed within the legal time limits. Accordingly, no disaggregated statistics were available on the grounds for complaints.

46. One example of a case of arbitrary discrimination was that brought on behalf of Joane Florvil, a Haitian woman, against a municipal authority whose officials had not treated her properly. The Supreme Court had found arbitrary discrimination on the part of the municipality, ordering it to prevent any recurrence, to arrange training for its officials and to pay a fine.

47. Since the recognition of certain motives, including racial discrimination, as aggravating circumstances in criminal cases, the computerized case handling system had been able to identify cases where such circumstances applied. The courts had accepted the principle and applied the aggravating circumstance in accordance with the law. In one case, that of a Haitian man who had been assaulted at his workplace by a fellow worker, the trial court had applied the aggravating circumstance because the grounds for the attack had been explicitly racial.

48. **Mr. Valderrama** (Chile) said that, under Act No. 20477 of 2010, the jurisdiction of military courts had been restricted to offences committed by members of the military in the performance of their duties and directly connected with those duties. Anyone not defined as a member of the military was deemed a civilian and was tried in the ordinary courts. Cases involving both military and civilian perpetrators were also tried in the ordinary courts.

49. **Mr. Urquizar** (Chile) said that the state of emergency in the southern zone was in no way directed against the Mapuche people. Rather it was an attempt to address the serious disruption of law and order caused by terrorism, drug trafficking and organized crime, which had affected all families, Mapuche and non-Mapuche, in that part of the country. An overwhelming majority in the Chamber of Deputies had just extended the state of emergency in order to ensure that the State had at its disposal all possible means of protecting its citizens from the violence currently raging there. The state of emergency was applied in accordance



with international law. The armed forces had been deployed to work with, not replace, the police, providing support in areas such as transport, logistics and technology.

50. The impact on families in the area had been positive. Before the state of emergency, there had been nearly six incidents of violence a day; after it had been declared that rate had dropped to between three and four incidents a day. The frequency of land seizures had also dropped considerably. Moreover, according to a survey carried out at the beginning of November, the residents of the southern zone were themselves overwhelmingly in favour of the extension of the state of emergency. The state of emergency did not restrict fundamental rights. The imposition of measures such as curfew was not intended to restrict individual freedom of movement but rather to put an end to the violence that had necessitated the state of emergency.

51. The incidents that had taken place on 3 November in Arauco Province were being investigated by two special investigators from the Public Prosecutor's Office, of whom one was looking into the deaths and injuries that had occurred and the other was investigating the attack on the armed forces that had taken place.

52. **Mr. Malig** (Chile) said that the National Indigenous Development Corporation (CONADI), which had been established in 1993, had been empowered to design, propose and execute public policy on behalf of the indigenous peoples. Such a concentration of tasks in one body had subsequently been seen to be problematic and, following a survey of all the indigenous peoples of the country in 2015, the decision had been taken to establish a ministry of indigenous peoples, a national council of indigenous peoples, indigenous peoples' councils and an indigenous peoples' service. The relevant legislation was currently before the Senate. The key difference between the new and the old arrangements was that the design of public policy would be entrusted to the new ministry, the councils would be the indigenous peoples' representative bodies and the service would be responsible for the execution of policy on behalf of the 10 indigenous peoples of Chile.

53. **Ms. Millanao** (Chile) said that, as a member of the Mapuche people, she was taking part in a project to revitalize the indigenous languages of Chile. The project focused particularly on women, as the promoters of indigenous culture, identity and history, and was helping to develop leadership skills among indigenous women, not only in the southern regions but also in the northern part of the country. A major facet of the project was the development of materials to help disseminate information throughout the country on the domestic laws relating to indigenous peoples and on ILO Convention No. 169. Twenty initiatives were under way nationwide to promote women's empowerment and develop their leadership, addressing issues such as violence, women's physical and financial autonomy and the women's rights agenda.

54. **Ms. Balladares** (Chile) said that, in order to combat racial discrimination in the area of health care and to eliminate barriers to access to health services, the Ministry of Health had deployed 110 intercultural mediators to work with patients at various levels of health care across the country. Eighty per cent of the mediators worked in primary care and 20 per cent in hospitals; around three quarters of them worked full-time.

55. **Ms. Shepherd** said that she would be particularly interested to hear about the attitudes of medical staff towards persons of African descent seeking care, which could be affected by stereotypes or a lack of knowledge about the history of those groups. She would like to know whether the personnel working in medical facilities received training in avoiding discrimination. She would welcome information about the application of the term "tribal" to certain groups of African descent. In her own experience the term was derogatory. The background to her question regarding racial stereotypes was the survey conducted by the National Institute of Human Rights in 2017, which had found deep-rooted negative perceptions of indigenous peoples among a sizeable proportion of respondents. It was important to research the impact that such perceptions had on, for example, access to resources and services such as housing for members of indigenous groups. With regard to the seats reserved for members of indigenous peoples in the Constitutional Convention, she would like clarification of how the representatives of indigenous peoples had been chosen.

56. **Mr. Payandeh** said that he found it difficult to understand why more use was not made of the Anti-Discrimination Act (Act No. 20609), although he recognized that it was a

relatively new law. He wondered whether the Act provided for remedies such as restitution or compensation for victims of discrimination and whether it made provision, for example, for a shift in the burden of proof, which would make it easier for victims to bring a case. Was it possible for the National Institute for Human Rights to bring collective action? He appreciated the delegation's clear answer regarding military jurisdiction. He would like to know whether, in the context of the deployment of the military in the southern zone, any cases of excessive force arising could potentially be tried by military courts and if so, what the implications would be for the status and rights of victims. The progress of the draft legislation on the ministry of indigenous peoples and the councils of indigenous peoples through Congress seemed slow. He wondered whether that was normal in the State party. Or did it indicate a lack of political agreement?

57. **Mr. Diaby** said that he would be interested to know whether, in addition to the 10 indigenous peoples that had been recognized by the State party, others existed that had not received such recognition.

58. **Ms. Stavrinaki** said that she would appreciate information on the protection of witnesses and victims. In particular she wished to know how such protection affected undocumented migrants: were they protected from expulsion if they were witnesses or victims in court proceedings?

*The meeting rose at 5.55 p.m.*