



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 2852nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 25 November 2021, at 10 a.m.

Chair: Ms. Li

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The meeting was called to order at 10 a.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 (continued)
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1. *At the invitation of the Chair, the delegation of Chile joined the meeting.*
2. **Ms. Shepherd** (Country Rapporteur) said that, even before the impact of the coronavirus disease (COVID-19) pandemic, many people had been dissatisfied with the social and economic conditions in Chile. In October 2019, over 1.2 million people had taken to the streets to protest against social inequality, and some had been killed, injured or imprisoned. The Committee would be interested to know what actions had been taken to improve the situation in the aftermath of the protests.
3. The Committee had been informed that a lack of effective consultation with indigenous peoples on land-related issues had led to conflict and that indigenous persons were routinely subjected to various forms of discrimination. In addition, the indigenous peoples of Chile were the poorest segment of society and had unequal access to education and health care. Given that information, she wished to know what progress had been made in reducing poverty among indigenous peoples and what steps had been taken to improve their socioeconomic conditions. Could the delegation supply comparative figures on access to basic services, schooling, higher education and health care, especially in the Araucanía region?
4. The Committee would be interested to know what progress had been made in promoting inclusion and respect for diversity at all levels of the education system and whether textbooks explained the origins of the various indigenous groups and the reasons for their marginalization. It would also be useful to know the extent to which indigenous peoples were represented in local and national politics and how the State party planned to increase their participation and representation.
5. The Committee welcomed the information that Chile had included in its plans and practices an obligation to consult indigenous peoples. However, it had continued to receive complaints of environmentally damaging activities that had been carried out without the free, prior and informed consent of indigenous communities, and it was unclear to what extent the State acted upon the recommendations of indigenous peoples once it had consulted them. Had the authorities obtained consent for the Collipulli landfill project and the proposed waste incineration plant at Lautaro, for example? It would be interesting to know how many landfill sites located in Mapuche communities were still operating, whether landfill closure plans had been fully implemented and what steps had been taken to compensate Mapuche communities affected by landfills and sewage treatment plants in Araucanía.
6. The restitution of ancestral lands remained one of the main sources of tension between the State and the indigenous peoples. She wondered whether the State party might adopt a comprehensive approach to the issue, instead of the prevailing public security approach. She would also like to know whether the State party planned to strengthen its policies for the protection of indigenous cultural heritage, introduce a regulatory framework for linguistic rights and resume consultations on the revitalization of indigenous languages.
7. Regarding the situation of people of African descent, she wished to know whether the State party might introduce legislation that recognized not only the Chilean Afrodescendent tribal people, but the Afrodescendent identity in all its complexity. She wondered whether the State party planned to relax its restrictive immigration laws, which consigned persons of African descent to precarious jobs and impaired their access to basic services, and how the State party addressed medical negligence in cases in which women of African descent had reportedly been denied health services. Information on the extent to which people of African descent were subjected to racial profiling, and on any special measures that had been taken in respect of the Afrodescendent population, would also be welcome. The Committee would be interested to know about any national action plans, programmes or other measures that the

State party intended to carry out in the framework of the Durban Declaration and Programme of Action or the International Decade for People of African Descent.

8. The Committee would be grateful for information on the effectiveness and outcomes of the Inclusion Agenda 2015–2018, which aimed to facilitate migrant families' access to housing. It would be useful to know whether the State party organized training to counter stereotypes and allay fears about migrants competing with the resident population for jobs. The Committee would appreciate confirmation of whether the so-called humanitarian repatriation programme, in which participants were asked to sign a declaration that they would not re-enter Chile for nine years, had been discontinued following a recent Supreme Court ruling. It would be grateful for information on the Protected Borders Plan and its impact on migrants from the Bolivarian Republic of Venezuela and elsewhere in Latin America. Information might also be provided on the extraordinary regularization process established by the Undersecretary of the Interior and on migrants' access to social and health protection and to education.

9. **Mr. Payandeh** (Country Task Force) said that the Committee was concerned at reports of a rise in hate speech and violence against migrants and refugees. It would therefore appreciate details of measures to protect the rights of migrants and refugees and hold the perpetrators of hate speech and violence accountable. In the light of reports that groups of migrants and refugees had been collectively expelled from Chile without due process and without means of legal redress, the Committee wished to know what steps had been taken to ensure that migrants were informed about their rights and the procedures to determine their status.

10. The Committee was also concerned that many migrants arriving in Chile, particularly Venezuelan migrants, were unable to regularize their status by applying for residence or international protection. The Committee wished to know what had been done to increase opportunities for regular migration so that people in need of refuge did not fall victim to traffickers or risk serious harm or death when attempting to enter the country. Lastly, the Committee would welcome an explanation of why, under the Migration and Aliens Act, some groups of migrants in an irregular situation were allowed to apply for a temporary residence visa, while others were not, and why certain social benefits were made available to migrants only after they had resided in the country for 24 months.

11. **Mr. Vega Luna** said that the Committee had been informed that school textbooks did not represent the diversity of the population of Chile and that indigenous and Afrodescendent persons were portrayed infrequently. He wondered what steps might be taken to improve the portrayal of minorities in educational materials.

The meeting was suspended at 10.30 a.m. and resumed at 10.50 a.m.

12. **Mr. Valderrama** (Chile) said that the Code of Military Justice had been amended in 2010 to remove cases in which the accused or victim was a civilian from the jurisdiction of the military courts. Consequently, cases in which a member of the military committed an offence against a civilian were heard by the ordinary courts.

13. **Mr. Garrido** (Chile) said that victims' rights were recognized under the Constitution and in the relevant criminal procedural laws. The Public Prosecution Service was responsible for ensuring the protection of victims in criminal proceedings and was obligated to provide them with information on the services available to them and the steps they might take to exercise their rights – for example, to obtain compensation. Prosecutors could order protection measures ex officio, or apply for the court to order them, and were obliged to hear the victims' views before taking any decision that might bring proceedings to a close. Victims' rights were upheld without distinction as to migration status, and the Public Prosecution Service had taken steps to strengthen the protection of victims who were migrants, especially victims of trafficking in persons. Support for victims took into account their culture and origin, and an interpreter was provided when necessary. Victims who wished to be repatriated received all relevant information so that they could decide freely and in accordance with their best interests.

14. The Public Prosecution Service was particularly concerned about crimes and human rights violations committed against migrants, such as those that had occurred in Iquique in

September 2021. In the wake of those events, a prosecutor had been appointed to conduct an investigation and had already brought charges against some of those involved. The outcome of the investigation was expected in the coming months.

15. **Mr. Urquizar** (Chile) said that the concept of “arbitrary discrimination”, as defined under article 2 of the Anti-Discrimination Act (Act No. 20609), was any unreasonable distinction, exclusion or restriction effected either by agents of the State or by private individuals that entailed deprivation of, interference with or threats to the legitimate exercise of the fundamental rights established in the Constitution or in the international human rights treaties ratified by Chile, particularly when such actions were based on race or ethnic background, nationality, language or other characteristics. Thus, the concept of arbitrary discrimination was fully aligned with the definition of racial discrimination under article 1 of the Convention.

16. Congress had approved an extension of the state of emergency in the southern zone until 11 December 2021 in order to combat terrorism, drug trafficking and organized crime. The violence occurring as a result of drug trafficking and organized crime in that region should not be associated with the Mapuche people, who were honest and hardworking and who were striving to advance their economic, social and cultural development. The Government was working with the Mapuche to that end through various initiatives, including the updating of the land register as part of the land restitution process. The Constitutional Convention, which was led by a Mapuche woman, would afford ample opportunity to advance the constitutional recognition and rights of indigenous peoples.

17. **Ms. Daneri** (Chile) said the Santiago Court of Appeals had ruled that it was unlawful to require migrants to sign a declaration whereby they agreed to refrain from returning to Chile for nine years. The humanitarian repatriation programme had been a time-limited measure applicable to Haitian nationals and was no longer in effect.

18. In 2018, in the framework of a campaign to regularize the status of migrants in irregular situations, 155,707 persons had received residence permits. Only persons with a criminal record had been refused a permit. Persons who had entered Chile at authorized crossing points before 18 March 2020 were eligible to apply for regularization within 180 days of the date of promulgation of the new Migration and Aliens Act (Act No. 21325). To date, 196,005 migrants had done so. Persons who had entered Chile irregularly were free to leave and re-enter legally without facing penalties. There were no statistics on the number of persons having used that option. Under the new Act, persons wishing to apply for a residence permit were required to do so before entering the country, and persons entering on a tourist or temporary residence visa could not change their immigration status during their stay. Those restrictions did not apply to persons with family links in Chile or persons otherwise eligible for residence status.

19. There had been no collective expulsions of foreign nationals. While the persons concerned may have been transported in a single vehicle, each case had been examined individually and each expulsion had been the result of an administrative or judicial order. The new Migration and Aliens Act provided for the full range of due process guarantees, and numerous factors relating to each individual’s personal circumstances had to be taken into account. Persons subject to an expulsion order must be notified and given 10 days to appeal; if the expulsion order was upheld, a second appeal could be lodged with a court of appeals within 15 days.

20. Haitian nationals were treated the same as other foreign nationals under the Migration and Aliens Act, which provided that all foreigners must be afforded equal treatment in the exercise of their rights and must be protected from discrimination. Any foreigner who felt that his or her rights had been violated was entitled to take legal recourse. The Act guaranteed fair proceedings, without discrimination, in all migration matters. Migrants who could not afford legal counsel were entitled to free legal assistance.

21. **Mr. Soto** (Chile) said that the Supreme Court had ruled that international law prohibited collective expulsion of foreigners and that each case must be examined individually. In its jurisprudence, the Court had established a range of criteria to be taken into account in expulsion decisions, including migrants’ personal circumstances and family ties, the best interests of child migrants, humanitarian considerations such as those arising in the

current context of the COVID-19 pandemic, and the reasons that had led migrants to leave their home countries.

22. The Anti-Discrimination Act (Act No. 20609) did not establish any special rules on burden of proof in cases of alleged discrimination. Thus, the general rule, whereby it was for the claimant to prove the facts substantiating his or her claim, applied. Complaints of alleged discrimination could be lodged by the victim or, if the victim was unable to do so, by the victim's legal representative or any other persons having cognizance of the violation. As to remedies for discrimination, article 12 of Act No. 20609 provided for the Court to order the cessation of the violation, which might be an act or an omission; set a timeline for compliance; and take any other steps deemed necessary to ensure the protection of the victim, including the imposition of a fine.

23. The two planned pilot citizens' justice centres had never been set up, which did not mean that the project had been in vain. It had, for example, inspired deliberations on participatory citizen justice at the Ibero-American Judicial Summit in 2018.

24. **Ms. Balladares** (Chile) said that data disaggregated by gender, ethnicity, geographic location, and other variables were collected through the census, the national socioeconomic surveys, and the household registry. Statistics on poverty, access to education and health services, employment, and other issues raised by the Committee would be provided in writing.

25. The COVID-19 pandemic had contributed to the modernization of the social welfare system. The use of modern technologies had enabled the identification of vulnerable populations, improved access to benefits and helped expand coverage, and facilitated the delivery of food, cash transfers and other assistance, including to persons in rural areas, where the majority of the indigenous population lived. More detailed information on benefits and coverage would also be provided in writing.

26. Despite the challenges, the pandemic had provided an opportunity for learning and facilitated improvements in welfare coverage. While initial efforts had focused on the most vulnerable, it had quickly become clear that the pandemic had affected society as a whole and that assistance must be extended beyond the most vulnerable segments of society. The Government had introduced an emergency family income, delivering financial assistance to almost 17 million of the country's approximately 19 million inhabitants. The number of households benefiting from such support had increased from 5 to 8.3 million, and coverage of the most vulnerable was above 99 per cent. Direct cash transfers in the amount of \$3.8 billion had been disbursed to more than 1 million indigenous persons. Over \$2 billion had been provided to migrants, irrespective of immigration status.

27. The Protected Borders Plan and the enhanced humanitarian assistance efforts in the northern regions were complementary aspects the Government's efforts to promote safe, orderly and regular migration. The northern regions of the country had received unprecedented flows of irregular migrants. The Tarapacá region alone was seeing the biggest irregular migration movement in the country's history, with nearly 7,000 irregular border crossings thus far. Many families lived on the street or in makeshift tents; the situation was critical and had been exacerbated by the COVID-19 pandemic. The Government, in cooperation with civil society organizations and international partners, provided targeted support, with a particular focus on children in situations of heightened vulnerability who had entered the country irregularly and often lacked access to the social support network.

28. The Office of the Undersecretary for Children, in cooperation with the Servicio Jesuita a Migrantes (Jesuit Migrant Service), was implementing a protection programme for migrant children as part of efforts to assist irregular migrants in securing access to basic services, health care, social support, shelter and food. Migrants were also provided with advice on how to regularize their migration status and gain access to social services. Mobile devices and Internet access were made available to migrant children to ensure their right to education. Day centres and community centres had been established where migrants could find shelter and support. Some \$1 million from the budget of the Office of the Undersecretary for Social Services had been reallocated to fund accommodation and other support services for irregular migrants in need.

29. **Mr. Cortés** (Chile) said that Supreme Decree No. 66 governed prior consultation with indigenous peoples. The consultation process comprised five stages: the notification stage, during which the indigenous communities concerned were informed of the consultations using various means of communication; the planning stage, during which the public authorities and the indigenous communities agreed on the dates, meeting places and methods of the consultation, including whether to invite observers; the information-sharing stage, during which the authority concerned shared relevant information with the communities through culturally appropriate means; the dialogue stage, during which the talks and consultations were held with a view to reaching agreement; and the finalization stage, which consisted in the publication of a report on what had been discussed and agreed.

30. The State approached all consultations in good faith and with a great degree of flexibility. Recently, during the COVID-19 pandemic, consultations had been held remotely using videoconferencing technology. The State had taken steps to build its internal capacity to organize consultations; since 2018, more than 1,500 public officials had received training not only on the technical aspects of the consultation process but also on the essentials of intercultural communication. The Ministry of Social Development and the Family was currently developing regulations for a consultation process tailored to the needs of the Chilean Afrodescendent tribal people.

31. The environmental impact assessment system provided for the organization of consultations whenever an indigenous community would be directly affected by an investment project that could have an impact on its lands, sites of cultural significance or resources. The consultation process was regulated by Supreme Decree No. 40. To date, the Environmental Impact Assessment Service had carried out 44 such processes. To ensure follow-up to the consultations, a compendium containing information on all consultations carried out to date had been issued. The compendium facilitated follow-up both by all stakeholders. The Service's staff received adequate training to ensure genuine and fruitful dialogue with the indigenous communities.

32. With regard to indigenous peoples' access to communication media, a fund for the development of regional, provincial and community media, administered by the Office of the Minister and Secretary-General of Government, provided support for local communication initiatives, with a focus on social development and cultural programming.

33. **Mr. Malig** (Chile) said that the National Indigenous Development Corporation managed three funds: the Indigenous Land and Water Fund, the Indigenous Development Fund and the Culture and Education Fund. The Agency also handled various matters related to indigenous consultation and participation and the recognition of indigenous status.

34. The Indigenous Peoples Act (Act No. 19253) established two mechanisms intended to help indigenous communities to acquire land. Article 20 (a) provided for land acquisition subsidies; between 2014 and 2021, the Agency had granted subsidies to over 3,000 indigenous families to facilitate the purchase of over 21,000 hectares of land, representing a total investment of \$96 million. A new call for subsidy applications had recently been put out; for the first time ever, the application process could be completed online, allowing indigenous persons to apply from their homes. Mobile outreach teams had been dispatched to remote areas to ensure that those without Internet access could also apply. To raise awareness of the subsidy programme, a large-scale communication campaign had been carried out through social and traditional media in various indigenous languages. Article 20 (b) of the Act provided for the funding of mechanisms for the resolution of land disputes. Under the current mechanism, the Agency purchased land from private owners and granted it to indigenous communities; between 2014 and 2021, it had acquired over 69,000 hectares of land, which had subsequently been allocated to almost 9,000 indigenous families.

35. The Agency ran various programmes aimed at promoting and strengthening indigenous cultures. Examples included the Management and Protection of Indigenous Cultural Heritage Programme, the aim of which was to preserve the material and immaterial cultural heritage of the indigenous peoples of Chile, and the Indigenous Intercultural Education Programme which provided intercultural education to all children under the age of 6 in educational centres where more than 20 per cent of students were of indigenous origin. Through its Culture and Education Fund, the Agency took special measures to preserve and

protect sites of cultural significance. Since 2001, 87 such sites had been identified. The Indigenous Development Fund provided financial, technical and material support through several programmes for the development of indigenous businesses and land management skills to enable indigenous peoples to make productive use of acquired and transferred land. Under the Indigenous Tourism Programme, funding was provided to help indigenous communities acquire the infrastructure and skills necessary to manage tourism in their areas.

36. In order to provide indigenous communities with a greater degree of legal certainty with regard to the restitution of land, the President had recently announced the establishment of an Indigenous Land Register, which would include records of land grants to indigenous peoples between 1884 and 1929, covering a total of over 500,000 hectares of land. The Register would facilitate the development of an appropriate policy for the restitution of land to indigenous communities.

37. **Ms. Millanao** (Chile) said that, the position of traditional educator had been officially recognized by a presidential decree in 2008. Since then, the State had taken a number of steps to promote the work of traditional educators in schools. In addition, new curriculum guidelines for the study of indigenous language and culture had been rolled out in more than 1,500 schools. Since many indigenous communities lacked access to online platforms, the Government had produced and distributed thousands of pocket dictionaries in indigenous languages. Another important step towards ensuring respect for the indigenous peoples in Chile was the recent adoption of a presidential decree requiring public authorities to invite indigenous leaders to public events taking place on indigenous land and to greet them in their own language.

38. Various ministries were taking steps to promote health traditional foods produced by indigenous peoples; for example, the “seal of indigenous origin” programme had been introduced to strengthen the production, marketing and sale of artisanal indigenous foodstuffs. Moreover, some hospitals in mainly indigenous areas offered treatments based in traditional medicine. A number of initiatives had been launched to promote the participation of indigenous women in public life, including workshops in which female ancestral and traditional leaders from indigenous communities were given the opportunity to share their knowledge and experience and express their desires for the future in their own languages. A number of universities were currently working on studies in ancestral leadership and knowledge as part of efforts to promote, protect and preserve the role of traditional leaders in indigenous communities.

39. Consultations were currently under way to determine the best possible approach to communal management of tourism in indigenous areas. However, in some regions, the local indigenous communities did not wish to allow tourism.

40. **Ms. Shepherd** said that she wished to know whether the State party had ever asked the Government of Spain for financial assistance in order to help it to address the legacy of colonialism. She was impressed that the Government was using new technologies to ensure communication during the COVID-19 pandemic but would be grateful for further information on the steps taken to make computer equipment and Internet access available to the indigenous communities. In addition, it would be useful if the delegation could provide further information on the situation of people of African descent in Chile. It remained unclear why the word “tribal” was used to describe the Afrodescendent population.

41. According to the 2017 national socioeconomic survey and the 2018 annual report of National Institute of Human Rights, the poverty and extreme poverty rates were much higher among the indigenous population than among the non-indigenous population, fewer indigenous women than indigenous men participated in the labour market and the average level of education and access to basic services was much lower among the indigenous population than among the non-indigenous population. She would welcome the delegation’s comments in that regard.

42. With regard to border security, it was important for border guards to receive adequate training on discrimination and respect for diversity, since they were the ones who had the power to decide who could or could not enter Chile in practice, regardless of what was written in the law. In that connection, she would be grateful if the delegation could comment on

reports that there were significant delays in the visa application process and the issuance of identity documents to migrants and asylum seekers.

43. The Committee had received information indicating that the bill to amend Act No. 17288 on cultural heritage did not comply with international standards of recognition and protection of the rights of indigenous peoples. In particular, it did not provide for indigenous people to be represented on the governing bodies of the national and regional cultural heritage councils. In addition, it placed ancestral sites and other elements of the cultural heritage of indigenous peoples under the control of the State. How did the State party plan to bring the bill into compliance with international standards and ensure that indigenous peoples had control over the protection of their cultural heritage?

44. **Mr. Payandeh** said that he would like information on laws, policies and judicial practices in the State party aimed at combating hate speech; he would also like information on racial profiling. In particular, he wished to know whether police and border control identity checks disproportionately targeted specific groups, such as indigenous persons and persons of African descent. It would be useful to have clarification of whether the requirement was to conduct consultations with, or obtain the free, prior and informed consent of, indigenous peoples before implementing planning decisions that had an impact on their lives. He would welcome details of the outcome of the consultation processes that had been conducted to date, especially an indication of whether they had led to acceptance on the part of the affected communities or had resulted in modifications to or rejection of development projects.

45. **Ms. Balladares** (Chile) said that, during the consultations held in the process of drafting Act No. 21151, which had granted legal recognition to Chileans of African descent, the representative organizations of persons of African descent had specifically requested that they be recognized as the Chilean Afrodescendent tribal people.

46. **Mr. Cortés** (Chile) said that extensive efforts had been made to ensure that all indigenous peoples could participate in consultations on issues that affected them. In many cases, public spaces had been specially equipped with Internet and telephone facilities to that end. While the outcomes had not always been as positive as the authorities had hoped – particularly during the COVID-19 pandemic, although efforts had been made to adapt to the extraordinary circumstances – in many cases rural communities had been successfully included in meetings, either virtually or in person.

47. Supreme Decree No. 66 provided that all members of an indigenous people, community or organization had the right to request the authorities to conduct a consultation if they felt that they would be affected by a decision. The authorities were obliged to respond to such requests by reviewing all the relevant information in order to ascertain whether a consultation was indeed required. While the Government always strove to reach an agreement with indigenous peoples during the consultations, at times it had proved impossible. Nevertheless, in many cases, the original proposals had been modified as a result of the consultations.

48. **Mr. Valderrama** (Chile) said that, pursuant to article 85 of the Code of Criminal Procedure, members of the Carabineros and the investigative police were responsible for carrying out identity checks on all persons they suspected of having committed or attempting to commit a crime or offence or of preparing to do so. While the Supreme Court had overturned several decisions of lower courts in which it had found violations of the fundamental right of free movement, as officers had carried out identity checks without sufficient grounds for suspicion, the Court had not found that any identity checks had been conducted on the basis of race, colour, appearance or ethnic origin.

49. **Mr. Urquizar** (Chile) said that, pursuant to article 12 of Act No. 20931 of 2016, members of the Carabineros and the investigative police could carry out preventive identity checks, stopping any individual 18 years of age or older in a public place or a private place with public access and requesting that he or she show an identification document. Officers carrying out such checks were obliged to show their badge and provide their name, rank and squad. They were also required to respect the principles of equal treatment and non-discrimination and to report on all preventive checks conducted on a quarterly basis. Between June and September 2021, a total of 409,426 preventive identity checks had been conducted,

of which 2 had been challenged and would be duly investigated. Preventive identity checks were aimed at maintaining public order and safety and, between June and September 2021, had resulted in the detention of some 4,487 persons for whom arrest warrants had been issued.

50. **Mr. Garrido** (Chile) said that the Public Prosecution Service was aware that police officers might act in a discriminatory manner and recognized that every effort must be made to prevent such behaviour. Both the Public Prosecution Service and the Public Criminal Defender Service monitored all law enforcement work to ensure that it was conducted in accordance with the relevant domestic laws and international law. The Public Prosecution Service provided ongoing training for all members of the Carabineros, with particular focus on the Araucanía region. Inappropriate police behaviour, including unjustified identity checks, was punished pursuant to the Code of Criminal Procedure. The Public Prosecution Service had conducted investigations *ex officio* into many cases of inappropriate police behaviour, including behaviour based on discriminatory attitudes, and in some cases police officers had been sent to prison as a consequence.

51. **Ms. Daneri** (Chile) said that the number of migrants arriving in Chile had doubled since 2017. The processing time for residence permits had increased owing to the COVID-19 pandemic, particularly for permanent residence permits. In addition, those who had obtained temporary residence permits in the 2018 regularization process were now eligible to apply for permanent residence, which had increased the number of pending applications. Applicants for refugee status were automatically given a residence visa. Under the Migration and Aliens Act, all persons were allocated a civil registry identification number, which then gave them access to services such as health care, education and social welfare. Identity cards remained valid, regardless of the original date of expiry, until the holder received a new card. Those provisions ensured that all persons, including those in situations of vulnerability, could prove their identity and obtain access to public services.

52. **Mr. Rayess** said that he would appreciate clarification of whether the Public Prosecution Service was solely responsible for overseeing civil liberties. In other systems, plaintiffs, particularly those whose cases had been discontinued, could bring appeals before an investigating judge who was part of an independent judiciary.

53. **Mr. Yeung Sik Yuen** said that he would welcome data on the number of cases that had been brought before civil courts against military defendants, and on the percentage of the cases brought by civilians against members of the military in which the civilian had won. He wished to know whether, in that context, the term “civil jurisdiction” covered both civil claims for damages and criminal cases for offences relating to racial discrimination committed by members of the military. He would appreciate details of the prescription period within which complaints of racial discrimination had to be brought before the courts, and an indication of whether the time limit would apply if a court case was lodged by a third party on behalf of a victim of racial discrimination who was unable to do so.

54. **Mr. Diaby** said that he wished to know whether the State party had taken steps to ascertain whether there were any indigenous peoples in its territory that had not yet been recognized as such. It would be useful to learn whether, in the light of the decision of the Inter-American Court of Human Rights in the case of *Norín Catrimán et al. (leaders, members and activists of the Mapuche indigenous people) v. Chile*, the victims had been provided with reparation and the Counter-Terrorism Act had been amended. He also wondered whether the 2020 decision by the Chamber of Deputies to abolish the law requiring women to wait nine months between divorce or widowhood and remarriage had now entered into force.

55. **Mr. Guissé** said that he would like to know what degree of flexibility the State party had to take action in cases of environmental racism and what challenges it had encountered in that regard.

56. **Ms. Shepherd** said that she wished to thank the State party for its sincere engagement in the interactive dialogue, which had covered some troubling issues worthy of consideration. In general, the Committee had wished to receive assurances that the State party’s legislative and constitutional provisions and the programmes conducted by its institutions had benefited marginalized groups and individuals who lived in precarious conditions and whose socioeconomic vulnerability had increased as a result of the COVID-19 pandemic.

57. **Mr. Valderrama** (Chile) said that the judiciary was completely independent in Chile. Judges took into account the provisions of international law on human rights and paid particular attention to the most vulnerable sectors of society. The Supreme Court would consider the Committee's recommendations carefully in its efforts to strengthen access to justice for all.

58. **Ms. Balladares** (Chile) said that democracy and the rule of law, both of which were strong in Chile, were undoubtedly the best institutional mechanisms to prevent and punish discrimination. The Government of Chile was determined to continue fighting all forms of racial discrimination in an effort to build a more just society in which everyone enjoyed a better standard of living.

The meeting rose at 1.05 p.m.