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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fifth session

SUMMARY RECORD OF THE 1950th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 13 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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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)

Fifteenth to eighteenth periodic reports of Chile (CERD/C/CHL/15-18; CERD/C/CHL/Q/15-18; HRI/CORE/1/Add.103)

1. At the invitation of the Chairperson, the members of the delegation of Chile took places at the Committee table.
2. Ms. QUINTANA (Chile) said that Chile's periodic report (CERD/C/CHL/15-18) was the outcome of wide-ranging consultations among sectors and institutions involved in ensuring compliance with the country's obligations under the Convention.
3. In 1990 Chile had embarked on a path of restoration of democracy and respect for human rights, focusing on the principles of the inherent dignity and equality of all human beings and of non-discrimination. The building of a society that respected and felt proud of its diverse cultures and identities was a task not only for the State but for society as a whole and called for a long-term process of cultural change.
4. In particular, Chile was engaged in a process of recognition of the identity of indigenous peoples and of repairing past wrongs. It had a long way to go in that regard, but the balance to date was positive. The National Indigenous Development Corporation (CONADI), a participatory public body, was responsible for promoting, coordinating and implementing indigenous policy. A high-level CONADI commission had agreed on the need for reparations. Progress had been made in returning land to indigenous communities, and intercultural activities had been undertaken in the areas of health care, education, housing and agriculture. Above all, Chileans had for the first time acknowledged the fact that the rights of their country's different ethnic groups and cultures must be defended and respected by all.
5. With the ratification of the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169), after lengthy parliamentary negotiations, Chile had moved from an assistance-based policy to a policy founded on recognition of the rights of indigenous peoples. In April 2009 the President had laid down the basic principles governing indigenous policy in the Plan of Action "Re-Conocer ('Recognition'): A Social Pact for Multiculturalism". The Government's commitment extended to all persons who identified themselves as indigenous and hence to more than 1 million people, or about 6.6 per cent of the population, 70 per cent of whom lived in urban areas and 30 per cent in rural areas. The basic aims included enhancing the involvement of indigenous peoples in decision-making and ensuring that the voice of indigenous civil-society actors was heard.
6. Achievements to date included: the holding of consultations with indigenous peoples; adoption of ILO Convention No. 169; Senate agreement to legislation providing for constitutional recognition of the indigenous peoples; promulgation of a law creating and regulating an indigenous coastal zone; incorporation of multicultural norms in the General Education Act; adoption of a constitutional amendment creating the special territories of Easter Island and Juan Fernández Archipelago, as a result of which Congress was currently

debating a statute granting special status to Easter Island; restoration to date of more than 650,000 hectares of land to indigenous communities; boosting of the scholarship and residence programme for indigenous students; improvement of the intercultural health programme for indigenous peoples and building of multicultural kindergartens in the main towns; development of a rural infrastructure programme; and subsidies to indigenous people for the purchase of housing.

7. In addition, a Ministerial Council for Indigenous Affairs had been established as well as indigenous units in each ministry and regional prefecture. Public-sector bodies were taking preliminary steps to implement ILO Convention No. 169, which would enter into force on 15 September 2009. Since June 2008 they had been required to engage in indigenous consultation processes on issues directly affecting indigenous communities. The first consultation had focused on political participation, including the indigenous presence in Parliament and in the Regional Councils and the creation of a Council of Indigenous Peoples. A second consultation had been held recently on constitutional recognition of the indigenous peoples, and a “consultation on the procedure for conducting consultations” pursuant to article 6 of ILO Convention No. 169 would be held shortly. The country’s universities had also been asked to identify provisions of existing legislation that needed to be aligned with the ILO Convention.

8. Chile, which had formerly generated a large flow of emigrants, was experiencing a new process of immigration with pronounced regional and female components. High priority was given to promotion of the rights of migrants and their families. Of the 317,057 immigrants currently resident in Chile, only about 7,300, or 2.3 per cent, had irregular status. Recent regularization measures provided for the granting of a one-year residence permit to more than 47,600 immigrants. Chile had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. Two bills had been drafted to align domestic legislation with the Convention and Protocol.

9. Steps had been taken to regularize the situation of pregnant immigrant women, and to ensure access to health care for immigrant children and adolescents, regardless of the status of their parents, as well as access to emergency health care in public facilities for all immigrants, irrespective of their status. Provision was also being made for regularization of the status of all immigrant children who were registered in educational establishments and for admission of all immigrant and refugee children to preschool education.

10. However, a great deal remained to be done and immigrants still had to contend with discrimination. The Government had therefore formulated a national migration policy aimed at coordinating action by the State and civil society on behalf of migrants.

11. Chile had hosted the Regional Conference of the Americas prior to the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. From 2002 to 2007 it had chaired the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and it had played an active role in the April 2009 Durban Review Conference.

12. A bill providing for the introduction of measures to counter discrimination and to punish discriminatory acts was currently being debated in Parliament and was likely to be promulgated before the end of the President's term of office.

13. Although the indigenous policy had led to inter-community dialogue, sources of conflict persisted on an extremely small scale among the almost 3,000 indigenous communities. A painful incident for her country had occurred the previous day when a Mapuche community member had died in one such conflict. The Government reaffirmed its commitment to the rule of law and to dialogue and indigenous participation. It rejected all forms of violence, which could only harm the indigenous cause.

14. Mr. ZANZI (Chile) said that international human rights treaties, including the Convention, had been incorporated in Chile's domestic legislation pursuant to article 5 of the Constitution, thereby acquiring intermediate status between the Constitution and ordinary law. Moreover, article 54 stipulated that the provisions of a treaty could not be derogated from, amended or suspended save in the manner envisaged in the treaties themselves or pursuant to the general norms of international law. The Constitution also guaranteed equality before the law.

15. Under a law promulgated on 18 July 2009, crimes against humanity, genocide and war crimes were defined on the basis of the Rome Statute, which recognized racial or ethnic discrimination as an aggravating circumstance and criminalized the intent to destroy, in whole or in part, an ethnic or racial group. The legislation governing churches and religious organizations prohibited discrimination on the ground of religious beliefs. The recently promulgated General Education Act required the State to promote educational policies that recognized and promoted indigenous cultures, including bilingual education, and prohibited all forms of discrimination against students and members of the academic community. Under the Indigenous Act, any act of manifest and intentional discrimination against indigenous people on the ground of their origin and culture was punishable by a fine of between one and five times the minimum monthly wage. The Labour Code also prohibited discrimination on a long list of grounds that breached the principle of equality of opportunity or treatment in employment.

16. In 2005 a bill had been drafted with a view to ensuring uniformity of the existing norms and identifying the different categories of acts that were liable to prosecution. It provided for a range of anti-discriminatory measures based on international law, including the Convention, and was currently being debated in Parliament. The bill prohibited all acts of distinction, exclusion, restriction or preference committed by public officials or individuals which impeded, undermined or jeopardized the exercise of the rights recognized in the Constitution, domestic legislation and international treaties ratified by Chile. It mentioned as grounds of discrimination, inter alia, race, ethnic group, nationality, socio-economic status, place of residence, language, ideology or political opinion, religion or belief, trade union membership, gender, sexual orientation, civil status, age, personal appearance, and infirmity or disability. Aggrieved parties would be able to apply to courts of second instance with a view to the prompt recovery of their rights. If their complaint was upheld, they could claim damages. Where an offence under criminal law was motivated by arbitrary discrimination, that fact would be treated as an aggravating circumstance. Incitement to hatred or hostility on grounds of race, sex, religion or nationality would also be defined as a criminal offence.

17. Mr. MARIFIL (Chile) said that Presidential Directive No. 5 of 25 June 2008 had been issued with a view to promoting consultations with indigenous peoples regarding legislative and administrative initiatives that might affect them. In conjunction with the “Re-Conocer” plan, it would gradually bring about a situation conducive to the implementation of the specific participatory measures required to ensure full compliance with ILO Convention No. 169. It would, of necessity, be a gradual process but one that would eventually result in appropriate consensual arrangements that were consistent with international standards.

18. The consultation that had just begun on the procedure for conducting consultations pursuant to article 6 of ILO Convention No. 169 was taking into account the guidelines laid down by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in April 2009. In line with his suggestion, steps were being taken to involve and obtain advice from independent experts. Special emphasis would be placed on lessons learned and best practices in order to remedy the shortcomings of the previous consultation processes.

19. In line with the principle of flexibility laid down in ILO Convention No. 169, prestigious Chilean universities were being asked to conduct research on shortcomings in existing legislation.

20. The second indigenous consultation on constitutional recognition had almost been completed and the results would be submitted to Congress for a debate on the subject to be held in the near future. The idea had been endorsed in the Senate on 7 April 2009 and its Committee on the Constitution, Legislation, Justice and Regulation was prepared to support the initiative. Account would be taken of the workshops and other activities carried out by the CONADI indigenous counsellors. As soon as their work was completed, the results would be submitted to the Senate, which had also been provided with observations, suggestions and criticism from communities and organizations of indigenous peoples that were involved in the consultation process. The Special Rapporteur’s suggestions regarding the international principles applicable to the consultations would also be taken into account.

21. Mr. DURÁN (Chile) said that CONADI and the Ministry of National Assets had started to regularize indigenous land. Under the “Re-Conocer” plan, measures had also been taken to streamline the process of handing over land to settle historic land claims. Indigenous land policies implemented by CONADI were being reviewed and updated in the light of current developments, with a view to eventually amending the relevant regulations.

22. The Indigenous Act of 1993 recognized indigenous communities’ right to reclaim ownership of land and water and provided for a mechanism to settle land claims. Between 1994 and 2009, 657,520 hectares of land had been acquired and handed over to indigenous peoples, benefiting 69,200 families and 613 communities. Although the mechanism for the acquisition of land by indigenous peoples was very complex, clear objectives and timelines had been established under the “Re-Conocer” plan for the period 2008-2010, and funds had been earmarked for the implementation of relevant measures. Priority would be given to the acquisition of land by the 115 communities that had not been granted title in the period 2001-2007. Between April 2008 and March 2009, land had been acquired for

46 communities; the 2009 target was to acquire land for a total of 45 communities. By March 2008, 308 applications had been received and 98 eligible communities had been identified thus far for the period 2008-2010. Decisions on the admissibility of 200 further claims were expected before the end of 2009.

23. The Indigenous Act provided, in particular, for the acquisition of land of cultural significance to the communities in question and of land traditionally occupied and owned by indigenous persons and communities, provided that their title had been entered in the public register of indigenous lands. The Act afforded special protection to the ancestral water rights of the Aymará and Atacameño communities and stipulated the protection, constitution and restoration of those rights. The water resources on Aymará and Atacameño lands were regarded as assets owned and used by the community, without prejudice to any rights registered by third parties under the Water Code. Constitutional remedies were available to protect the rights of title holders. The Indigenous Act also provided that no further rights would be granted over water resources owned by various communities, unless a normal water supply was first ensured.

24. An agreement signed between the General Directorate of Water and CONADI in 1997 provided for the constitution and protection of ancestral water rights of the Aymará and Atacameño communities; the restoration of those rights fell under the purview of the Indigenous Land and Water Fund. The agreement also stipulated that CONADI must be consulted about all requests relating to the exploitation or exploration of water resources in the Arica, Parinacota and Tarapacá regions that might affect the Aymará and Atacameño communities. Any applications infringing on ancestral water rights were rejected.

25. Mr. MARIFIL (Chile) said that the “Re-Conocer” plan provided for a series of measures aimed at enhancing the political participation of indigenous peoples, including by participation in public debate through the election of indigenous representatives to the National Congress; participation in the Regional Councils; and the establishment of a Council of Indigenous Peoples. At present, there were no institutional mechanisms that facilitated the participation of indigenous peoples in the public or political life of the country.

26. The measures mentioned followed up on relevant recommendations made by the Historical Truth and New Deal Commission and indigenous peoples themselves, recognizing the need for institutional reforms in order to enable indigenous peoples to elect their own representatives to the Chamber of Deputies and the Regional Councils. The proposed Council of Indigenous Peoples would serve as a forum for consensus-building among indigenous groups, thus enabling them to express their opinion and enhance their participation in the formulation of public policies affecting them directly.

27. During the first quarter of 2009, indigenous peoples had been consulted about the initiatives mentioned. The outcome of the consultation had been published on the CONADI website and would provide guidance in formulating relevant legislation.

28. Mr. FLORES (Chile) said that a series of initiatives had been developed, in cooperation with civil society, in order to promote the integration of migrants, including through the development of a national human rights action plan which would focus, inter alia, on migration and asylum. New migration legislation adopted in 2008 provided for a more flexible approach to regulations on residence permits, including longer deadlines for the submission of applications,

in order to prevent the precarious working conditions frequently affecting migrants. Reforms to existing migration legislation currently being debated in the National Congress would provide for dissociating the length of the employment contract from that of the residence permit.

29. In the context of a large-scale regularization campaign, 47,665 one-year residence permits had been granted thus far; at the end of the year the person concerned could apply for permanent residence in Chile. Pursuant to new rules governing violations of migration legislation, punishment meted out to employers was much more severe than that imposed on migrant workers.

30. Much progress had been made with regard to migrants' access to health and education, as illustrated by measures taken to grant access to health care for migrant children and pregnant women and emergency care for all migrants, irrespective of their migration status. Measures had also been taken to facilitate the enrolment of migrant children in preschool, primary or secondary education, irrespective of their migration status.

31. In cooperation with international organizations and civil society, a series of activities had been implemented to raise awareness of migration and asylum-related issues, including the problem of human trafficking, among migration officials and the police. Staff of public institutions working with migrants had also received relevant training.

32. Provision had been made within the framework of integration arrangements such as the Common Market of the South (MERCOSUR) and the Andean Community concerning the equivalence of diplomas and recognition of studies. Signatories of the Andrés Bello Agreement mutually recognized primary and non-vocational secondary school diplomas and leaving certificates. Also under the Andrés Bello Agreement, provision had been made for the recognition of professional diplomas, which was required for the exercise of one's profession in Chile. Nationals from countries other than signatories of the Agreement could apply for the recognition of degrees and diplomas through the University of Chile.

33. School textbooks were being reviewed in cooperation with neighbouring countries, including Peru and Bolivia. The review focused on such subjects as the way in which history was portrayed in educational materials and aimed at promoting integration and a culture of peace. A project was currently being implemented in cooperation with Argentina entitled: "A new model of citizenship, a culture of peace and integration" with the aim of developing a teaching manual for use in both countries that nurtured a culture of peace and integration.

34. Mr. AVTONOMOV (Country Rapporteur) commended the State party for its comprehensive report, which contained a certain amount of self-criticism and recognized the persistence of elements of structural discrimination. He had been pleased to learn that Chile had conducted a National Social and Economic Survey (CASEN) that included information on indigenous peoples and migrants, which was a good basis for the development of policies aimed at addressing the situation.

35. He further welcomed the constitutional recognition of indigenous peoples and the ratification by Chile of ILO Convention No. 169. The establishment of a wide range of institutions working on issues pertaining to indigenous peoples, including CONADI, the

Indigenous Land and Water Fund, the Indigenous Development Fund, the Historical Truth and New Deal Commission, and the Mapuche Public Defender's Office was also commendable.

36. He further welcomed the legal recognition of the right of coastal Lafkenche communities to the natural resources and areas they had traditionally used, but regretted the two-year delay in the entry into force of the draft act on an indigenous peoples' marine and coastal zone initially submitted in August 2005. Regrettably, amendments introduced to the Fisheries Act in the meantime threatened to annul many of the rights provided in the draft act. He enquired whether legislation governing indigenous rights had priority over conflicting parallel legislation and, if not, wished to know what measures had been taken to remedy the situation.

37. He commended the adoption of the comprehensive protection plan for the Kawésqar and Yagán peoples and enquired about the reasons for the steady decline of the Aymará population between 1996 and 2006. The territory occupied by the Aymará people stretched across areas of Chile, Peru and Bolivia and he wished to know what provisions were in place to guarantee their protection in the event of cross-border disputes and to ensure that they were able to maintain cultural and family links with members of the community living on the other side of the border.

38. He requested clarification of the criteria for the application of the Antiterrorist Act and the definition of terrorism contained in the Act. Recalling the concerns the Human Rights Committee had raised in that regard in its 2007 concluding observations to the State party (CCPR/C/CHL/CO/5, para. 7), he said it was important that the Act was not invoked in an attempt to alleviate the work of the police. He was particularly concerned because the Act implied the application of a special criminal procedure.

39. He wished to know whether police officers accused of committing offences were always tried under a special criminal procedure. The Committee had received reports criticizing the use of such a procedure as both systematic and unfair, as it implied that the victims of offences had significantly fewer guarantees than they would under the regular procedure.

40. He would welcome the delegation's comments on the problems implicit in the return of ancestral land to indigenous peoples, and any current disputes on that issue. He would also appreciate further information on the legislation aimed at the constitutional recognition of indigenous peoples and noted reports that several indigenous groups had not been consulted in its preparation.

41. He asked whether legal action had been brought against the leaders of the "Hernán Trizano Commando", an anti-Mapuche paramilitary group in Araucanía. In a newspaper article published on 19 July 2009, they had threatened Mapuche leaders with dynamite attacks.

42. Lastly, he welcomed the information that, in 2002, the Convention had been invoked in a court of first instance.

43. Mr. LAHIRI requested additional information on the restitution of land to indigenous peoples, particularly the reasons for the ongoing conflicts.

44. He welcomed the Government's efforts to change the fact that a significant proportion of the population held racist and socially retrogressive views, according to research and public

opinion polls. He urged the State party to continue those efforts, in addition to pursuing measures to improve the economic situation of the entire population in order to eliminate the substantial disparities that still existed.

45. While much progress had been made, the State party had not yet adopted legislation that brought it into conformity with the provisions of the Convention. Nonetheless, he welcomed the State party's active participation in the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference.

46. Mr. CALI TZAY requested information on the legal situation regarding the consultations held prior to the formulation of the anti-discrimination bill and ratification of ILO Convention No. 169. He wished to know whether provision had been made to secure indigenous groups' informed consent, in accordance with paragraph 4 (d) of the Committee's general recommendation XXIII on indigenous peoples. Given that domestic legislation required that indigenous groups should acquire legal personality in order to have the right to be consulted, it would be interesting to learn how many such groups had attained legal personality, how many had not, and the reasons for any applications being rejected.

47. He asked why the Antiterrorist Act appeared to be applied almost exclusively to the Mapuche people. It seemed that due process was lacking in cases under the Act, given that witnesses were apparently allowed to conceal their identity and that they were not cross-examined. In that connection, he asked why a military court, not a civil court, had tried the Mapuche leader, Mr. Aucan Wilcaman. He would welcome additional information on the Indigenous Act, and particularly the delegation's comments on reports that many victims of discrimination, including members of the Mapuche community, did not make formal complaints as they believed the Act to be largely ineffective. He also requested additional details on the increase in forestry activity and the resulting forced migration of Mapuche communities. Could the delegation confirm that the right to protest had been criminalized, resulting in the imprisonment of many Mapuche leaders? He also asked whether it was true that institutions wishing to acquire education concessions required over four years' experience, which excluded Mapuche communities from entitlement to educate their own people.

48. Lastly, he asked for more detail on the intercultural measures that had been taken in health, education, housing, agriculture and other social programmes. Did they include the application of Mapuche traditions by non-Mapuche sectors of society?

49. Mr. LINDGREN ALVES asked whether the image of Chilean society projected in the periodic report was not somewhat exaggerated. It was difficult to believe that racism was as prevalent as indicated, particularly by some of the surveys mentioned. He nonetheless commended the State party for its self-critical approach, which doubtless facilitated improvements in action to eliminate racial discrimination. The difficulty the Government faced in introducing legislative change was proof of the democratic nature of Chile's current political system.

50. He echoed the question posed by several colleagues as to why the Antiterrorist Act had been applied to the case of many Mapuche protestors. He wished to know whether the hooded individuals who had attempted to prevent the Mapuche from staking their claims had also been tried under that Act.

51. Mr. THORNBERRY, welcoming Chile's ratification of ILO Convention No. 169, which would inevitably entail changes to the country's legislation and practice, queried the term "moral minority" used in paragraph 23 of the periodic report. He applauded the State party's efforts to take identity into account in its development models.

52. He asked whether Chile witnessed any internal migration or internally displaced groups and requested figures for the number of Chilean citizens of African descent, not including recent migrant groups. Drawing attention to the conceptual difference between inherent rights, which were linked to self-determination and could evolve, and rights granted, which were fixed but could be revoked, he asked into which category the State party placed the rights of indigenous peoples. Under ILO Convention No. 169, traditional occupation gave rise to inherent rights.

53. Referring to document A/HRC/EMRIP/2009/2 of the Expert Mechanism on the Rights of Indigenous Peoples, which contained a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education and expert mechanism advice No. 1 (2009) on the right of indigenous peoples to education, he enquired about the State party's approach to traditional education. He also requested further information on intercultural education and endorsed Mr. Cali Tzay's comments regarding privatization in the education sector.

54. With regard to paragraph 55 of the periodic report, he enquired about the formalities involved in the return of land to the Mapuche people through property registration, particularly in terms of what evidence would be considered admissible in proving a claim to land. Would oral testimony suffice? Furthermore, was the sacred nature of some sites taken into account and, if so, how were they protected under Chilean law? He also asked when and how Mapuche lands had been lost and whether native titles to land were considered to have survived the acquisition of sovereignty by the colonial power.

55. Referring to the work of the Historical Truth and New Deal Commission, he expressed the hope that it would contribute to the national narratives being reconstructed and that they would be incorporated into curricula, with a view to arriving at a more inclusive sense of national identity. Lastly, he requested more information with regard to article 4 of the Convention, which had been covered extremely briefly in the periodic report.

56. Mr. MURILLO MARTÍNEZ praised the State party's actions aimed at eliminating racial discrimination, particularly the ratification of ILO Convention No. 169, which, despite bringing its own challenges, would doubtless benefit the situation of indigenous peoples. With respect to the constitutional reforms being undertaken, he enquired about the processes involved. He also asked how it was envisaged that the 2007 act establishing the indigenous peoples' marine and coastal zone would be applied.

57. It would be interesting to know how the Government thought its efforts to pursue dialogue with indigenous communities, for example through the Historical Truth and New Deal Commission, had affected the indigenous peoples concerned and Chilean society as a whole. Had affirmative action been considered as a means of redressing the socio-economic imbalances between indigenous groups and the rest of the population? He echoed concerns regarding the application of the Antiterrorist Act to Mapuche people and sought clarification in that regard.

He requested comparative statistics concerning criminal prosecutions of indigenous people and asked whether any further information was available on the death of a member of the indigenous community in Chile the previous day.

58. Referring to the results of surveys by the Fundación Ideas and Department of Sociology of the University of Chile outlined in the report, he emphasized that the racial intolerance detected was not confined to Chile but was present in many parts of Latin America, largely as a result of historical factors.

59. Mr. de GOUTTES observed that there were certain discrepancies between the information provided by the State party and other organizations concerning, in particular, the occupation of land, the violation of ancestral Mapuche customs, the exploitation of forest resources, and violence and tension between Mapuche groups and law enforcement bodies. He echoed concerns regarding the application of the Antiterrorist Act to Mapuche people and invited the delegation to comment on the fact that, while paragraph 51 of the periodic report claimed that it was not the will of the State party to persecute the Mapuche and paragraph 56 indicated that the State of Chile had recognized the indigenous peoples' claims to land as legitimate, incidents of discrimination and violence against indigenous peoples still occurred. He urged the Government to continue its efforts to develop cooperation with indigenous peoples.

60. Concerning the lack of a specific provision in Chilean legislation prohibiting racial discrimination, he requested further information on the anti-discrimination bill referred to in paragraph 103 of the periodic report. He further requested statistical data on court rulings in cases of violations of the rights of indigenous individuals and communities, recalling the Committee's previously expressed view that a small number of complaints was not necessarily to be considered a positive indicator. He sought further information on alleged ill-treatment of Mapuche by law enforcement bodies and asked whether the Government planned to establish a national human rights institution in accordance with the Paris Principles. He invited the delegation to comment on the results of the surveys on discrimination and intolerance referred to in the periodic report.

61. Mr. AMIR endorsed the views of other Committee members concerning Chile's Antiterrorist Act, stressing that even good legislation, if unwisely applied, could have undesirable effects. Clarification was needed on the Act and its application for the benefit of all concerned, particularly as it affected indigenous peoples and their claims to land. He expressed the view that protecting the land rights of indigenous groups would strengthen the State party, rather than weakening it.

The meeting rose at 6 p.m.