



General Assembly

Distr.: General
1 September 2016

English and Spanish only

Human Rights Council

Thirty-third session

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by Auspice Stella, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15338(E)



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Institutionalised Racism, Racial Discrimination, Xenophobia and Related Intolerance Relating to the Rights of Indigenous Mapuche People

As an NGO advocating for the rights of indigenous peoples, Auspice Stella would like to take this opportunity to congratulate the Human Rights Council during this 33rd session in successfully reaching its first decade anniversary. As such we recognise its great value as a vital platform of exchange from which we and other civil society actors are freely able, alongside state actors, to address serious human rights concerns emanating from the all aspects of diverse sectors of the global family.

In this regard indigenous peoples throughout the globe remain as some of the most marginalised and vulnerable of all social groups, demonstrating the highest mortality, poverty, discrimination, health, housing and education deficits, and lack of access to life sustaining resources and the associated physical and cultural genocide risks which ensue largely due to the actions which stem from the incompatible core ideals of the mainstream non-indigenous majority culture of globalisation and capitalism.

Without doubt the greatest challenge of the 21st century shall be just how a balance of mutual respect and accountability, arising definitively out of the needs, aspirations and guiding values of indigenous peoples may be met, as they come into direct practical and ethical conflict of interest with those of their non-indigenous counterparts in order to usher in a new dawn of peace, wellbeing, security, sustainability, equality and a mutually reinforcing coexistence for all.

To this end we both welcome and echo the findings of the outcome documents and recommendations made by both the Special Rapporteur on extreme poverty and human rights (A/HRC/32/31/Add.1) and that of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/32/36/Add.1) following their respective official visits to Chile, as a means of positive and reinforcing direction by which to assist the Chilean State to take some of the vital, yet basic steps in eliminating the existing obstacles to the attainment of justice and equality as an inclusive measure for all sectors of Chilean society. By the same token we equally affirm the findings of the Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/32/50) - 13 May 2016.

Much is yet to be done to extend the right to equality to include the 1.5 million indigenous Mapuche constituting 1 in 10 of the population, a transition which has thus far failed to occur due to easily identifiable, yet critical factors rooted in a state mentality of toxic institutionalised racism, xenophobia and related intolerance, the seeds of which were sewn at the very foundation of the Chilean State via propaganda disseminated as a means to dispossess the Mapuche of their inherent rights, fundamental freedoms and traditional ancestral territory during the forced and brutal military annexation of it. Throughout Chilean society its manifestation has remained intact to the present day, with its causes of origin remaining as relevant and contentious today as they have ever been.

Narratives taught in Chiles' schools are based in the historical events of the conquest of Mapuche territory by both states, promulgating the concept of a war between "civilization and barbarism" portraying the victim as the aggressor. Thus the struggle of indigenous peoples in defence of their human rights and territorial sovereignty was demonized as an act of barbarism against "civilization", a vision that is still maintained in textbooks of contemporary Chilean history today.

In February 2001, former Chilean President Lagos officially created the Historical Commission Truth and New Deal Commission with Indigenous Peoples whose aim was to draw up a report to explain the history of the relationship that has existed between indigenous peoples and the state of Chile and suggest proposals and recommendations for a new state policy for progress towards healing past wounds and restoring trust between the State and indigenous peoples, thus creating a renewed conduit of positivity from which to move forward from past injustices .

The report recognized for the first time, pivotal historical facts in an objective and impartial manner, laying the groundwork for a greater understanding of the history of indigenous peoples, especially the Mapuche nation.

Unfortunately the key objectives of the Commission failed to deliver and once again came to represent yet another series of false promises and good intentions. The official disclosure of historical information of the Commission could have been used to understand and explain the present conflict between the state and the Mapuche people and also help combat the endemic racism that exists in Chilean society toward indigenous peoples, yet the findings were not disseminated amongst the population in order to encourage broader social education on these vital issues.

According to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance - 13 May 2016- A/HRC/32/50, "Under the United Nations Declaration on the Rights of Indigenous Peoples, States are called upon to provide effective mechanisms for prevention of, and redress for, inter alia, any form of propaganda designed to promote or incite discrimination based on indigenous identity or origin (art. 8)."

The SR on extreme poverty and human rights rightly identifies that "the rights of Chile's indigenous peoples are the Achilles' heel of the human rights record of Chile in the 21st Century". Noting that, 'there seems to be all too little preparedness by the State to tackle, nor resolve the existing myriad of diverse and difficult matters of contention other than in a superficial way. Whilst clearly identifying that indigenous policy must be an essential element to ending extreme poverty and reducing inequality, if the government is in fact serious about its commitment to remedying them'.

This SR notes that "Chile remains a highly segregated and unequal society" due to its "failure to tackle poverty and inequalities including a lack of sufficient 'institutionality' to implement human rights, persistent discrimination against and absence of constitutional, legal and institutional protection of marginalised groups including indigenous peoples." Noting that "there exist profound inequalities between indigenous and non-indigenous groups in Chile."

He also acknowledges that "the response of the Chilean State to what is widely acknowledged as a problem of exclusion, marginalisation and discrimination has been piecemeal and that the state has been reluctant to address major issues of concern. As a result Chilean policies have been strongly criticised by a broad range of international bodies. The Committee on Racial Discrimination devoted an important part of its 2013 concluding observations to the marginalisation of indigenous peoples (CERD/C/CHL/CO/19-21)." Additionally, "the SR on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism highlighted problems faced by indigenous peoples in a compelling analysis in 2014 (A/HRC/25/59/Add.2)."

Poverty inequalities which disenfranchise the Mapuche from the full enjoyment of the right to prosper alongside non-indigenous Chilean citizens are intrinsically linked to these findings. These inequalities identified by the SR on extreme poverty and human rights is further underscored by the outcome findings contained in the country visit report of the SR on the Right the rights to freedom of peaceful assembly and of association.

The Mapuche right to life and to live unhindered in peace, to freely hold and to practice their traditional religious belief or to give voice to matters of concern to them during private or public meetings in accordance with international instruments and standards ratified by the Chilean State are severely infringed as identified in the outcome document of this SR.

From 2001 to date, 14 Mapuches have been killed by Chilean police as a result of their participation in peaceful demonstrations and as part of their struggle for restitution of their ancestral territory. Police personnel responsible for these murders have either failed to be punished for them or have received the minimum criminal penalties for these crimes, whilst by contrast Mapuches are arrested, charged and sentenced to severe penalties using the testimony of anonymous witnesses and without evidence.

Mapuche democratic descent is both silenced and controlled by the application of unjust and anachronistic State policy which fails to comply with international standards as identified by the SR Rapporteur on the rights to freedom of peaceful assembly and of association, thus impeding the right to freedom and the right of all persons to participate in public activities or protest demonstrations to exercise their just democratic right to express opinion freely regarding matters of societal importance to them, especially when expressing opposing views to those held by the State itself, in particular in relation to human rights, land disputes, or the imposition of development projects of national and multinational corporations within their own ancestral territory which directly benefit the State.

With unjustifiable State military presence in Mapuche communities deployed to suppress indigenous resistance to government policy; Police terrorisation of communities and ancestral authorities, used to silence democratic descent and

the exercise of the right to self-determination and the rise of far right wing paramilitary groups complicit with such aims, the issue of indigenous rights must be placed firmly at the centre of Chiles roadmap for urgent redress and reconciliation.

Mapuche Human Rights Commission, Mapuche International Link, Juan Paillalef Community, NGO(s) without consultative status, also share the views expressed in this statement.
