



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

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## Committee on the Elimination of Racial Discrimination Seventy-sixth session

### Summary record of the 1977th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 February 2010, at 3 p.m.

*Chairperson:* Mr. Kemal

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*Nineteenth and twentieth periodic reports of Argentina*

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*The meeting was called to order at 3.05 p.m.*

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

*Nineteenth and twentieth periodic reports of Argentina* (CERD/C/ARG/19-20; CERD/C/ARG/Q/19-20 and Add.1; HRI/CORE/1/Add.74)

1. *At the invitation of the Chairperson, the members of the delegation of Argentina took places at the Committee table.*
2. **Mr. Acevedo Díaz** (Argentina), introducing his country's combined nineteenth and twentieth periodic reports (CERD/C/ARG/19-20), gave a brief summary of legislative and institutional developments during the reporting period, as detailed in paragraphs 5 to 13 and 108 of the consolidated report. They included ratifying several United Nations human rights instruments, enacting domestic legislation enabling individuals and groups to bring communications before the Committee under article 14 of the Convention and incorporating *amparo* proceedings into the Constitution.
3. **Mr. Morgado** (Argentina) said that the mandate of the National Institute against Discrimination, Xenophobia and Racism (INADI) was to formulate policies and measures to combat discrimination, xenophobia and racism and to promote and implement initiatives to that end. As described in paragraphs 15 to 20 of the periodic report, it was the body competent to receive and consider petitions from persons claiming to be victims of a violation under the Convention who had exhausted other available domestic remedies. Its management structure had been updated in 2006 in order to improve care for victims of discrimination, encourage civil society participation and raise public awareness of the problems caused by racial discrimination.
4. The National Plan against Discrimination, Xenophobia and Racism had been drawn up between 2002 and 2004, with support from the Office of the High Commissioner for Human Rights. It had been developed on the basis of nationwide consultations with sectors affected by discriminatory practices, in cooperation with government departments, NGOs and universities. Approved in September 2005, it had made many general, legislative and institutional proposals which had been implemented. Further details of the Plan were provided in paragraphs 79 to 90 of the report.
5. **Mr. Fernández** (Argentina) said that the National Institute of Indigenous Affairs (INAI) was a decentralized agency with indigenous participation, responsible for creating intercultural channels with the aim of implementing the rights of indigenous peoples. As described in paragraphs 21 and 22 of the periodic report, it promoted indigenous communities' inclusion in the National Registry of Indigenous Communities, their right to own the lands they occupied, identity development programmes, intercultural education, aboriginal teaching methods, cultural revitalization and historical research by the communities themselves, and mediation and indigenous involvement in areas affecting their interests.
6. **Mr. Mouratian** (Argentina), replying to question 1 of the list of issues (CERD/C/ARG/Q/19-20), said that no statistics on the Afro-Argentine community were currently available; the 2010 census would, however, include a question on that group. The census would also provide statistics on the indigenous population on the basis of self-recognition. Further details were available in paragraphs 1 to 6 of the written replies to the list of issues (CERD/C/ARG/Q/19-20/Add.1).
7. **Mr. Fernández** (Argentina) said that the Council on Indigenous Participation would assist in the 2010 census to ensure that accurate data were collected. The National Registry

of Indigenous Communities was also useful in that regard, and included information on the socio-economic situation of indigenous people.

8. Turning to question 2, he said that the term “aboriginal” had been used mostly since the entry into force of the 2005 National Education Act, which had introduced intercultural bilingual education. It was, however, widely recognized that the term “indigenous” better reflected the reality of those communities, all of which pre-dated the founding of the Republic.

9. **Mr. Morgado** (Argentina), replying to question 3, said that Act No. 26,162 (2006) recognized the competence of the Committee to receive and consider communications from individuals or groups of individuals within the jurisdiction of the State who claimed that the State had violated their rights under the Convention. INADI had been designated as the body competent to receive and consider petitions, in accordance with article 14 (2) of the Convention. Additional details had been provided in paragraphs 18 to 24 of the written replies.

10. **Mr. Acevedo Díaz** (Argentina), replying to question 4, said that since 1994 it had been recognized that international instruments could be invoked directly before the courts. The Convention was among the international instruments that took precedence over domestic legislation. Further details were available in paragraphs 26 to 29 of the written replies.

11. **Mr. Rapisardi** (Argentina) provided three examples of cases in which the Convention had been invoked directly before domestic courts. In one case, the Supreme Court had banned a political party because it had refused membership to certain individuals on the grounds of their racial origin. In another decision, a court had convicted a young man who had insulted a woman and her family because of their skin colour. An appeal court had also upheld a decision against the members of a group that incited hatred and persecuted others out of racial motives.

12. **Mr. Mouratian** (Argentina), replying to question 5, said that 14 provinces and the Autonomous City of Buenos Aires had signed up to the National Plan against Discrimination. Over 200 provincial municipalities were supporting the Plan. INADI had offices in all 23 provinces, which had sufficient resources to ensure the implementation of all its policies. As described in paragraphs 32 and 33 of the written replies, policies to combat discrimination, xenophobia and racism were developed by a federal council on anti-discrimination policies, which was made up of representatives of all 23 provinces and the city of Buenos Aires. The council’s mandate included developing policies and measures to combat discrimination and promote social inclusion and equal rights, ensuring the National Plan was implemented throughout the country, and coordinating the efforts of all municipal, provincial and national bodies working to that end.

13. **Mr. Rapisardi** (Argentina) said that the proposals contained in the National Plan that had been adopted were embodied in Act No. 26,162 recognizing the competence of the Committee to receive complaints; Act No. 26,171 ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; Act No. 26,202 ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Act No. 26,331 establishing minimum provisions for the environmental protection of native forests; Act No. 26,160 on the possession and ownership of indigenous lands; Act No. 26,061 on the comprehensive protection of the rights of children and adolescents; Act No. 26,165 on the recognition of protection for refugees; and Act No. 26,554 on cadastral land regulation.

14. **Mr. Morgado** (Argentina) said that INADI had received 47 submissions on ethnic grounds in 2008 and 54 such submissions in 2009. The large majority of cases submitted had involved allegations of anti-Semitism and discrimination against indigenous peoples. The Institute offered legal advice and assistance in person at any of its numerous national

offices or by telephone. If appropriate, a direct and rapid dispute resolution procedure could be initiated through the good offices of trained professionals, who sought either to end the discrimination or resolve it positively by other means. Moreover, the Institute was legally empowered to draft reports on discrimination. In the course of its investigations, it filed and centralized complaints and applied the law on administrative regulations. While its technical opinions were not binding, the judicial authorities involved in cases did seek and act on them. In the period September 2008 to September 2009, the Institute had issued 286 such opinions. Since 2006, it had grown dramatically. Its budget was now over 6 million dollars, its staff had increased tenfold to 330 and it had offices in every province, as well as two headquarters offices in Buenos Aires.

15. **Mr. Mouratian** (Argentina) said that recognition of indigenous communities' possession and ownership of the lands they traditionally occupied was central to State policy. Act No. 26,160 offered some protection to indigenous peoples as it largely prevented the expropriation of lands in cases involving disputed land rights. Property ownership in Argentina was governed by the Civil Code, which recognized private and State property. The concept of communal property had first appeared in the 1994 Constitution; since the adoption of Act No. 26,160, there had been efforts at the State level to implement the relevant constitutional provision, although that had given rise to some contradictions.

16. Under Argentina's federal regime, the provinces had majority ownership of the natural resources in their territory and the decentralization process was therefore important with regard to land management. Some territories that had been marginal to the economy had now increased in value, which had created conflicts of interest and tension. Nevertheless, the office responsible for land management and surveys was creating the National Registry of Indigenous Communities and the State had recognized the concept of communal ownership, which contributed to recognition of ancestral lands and traditions and to understanding of cultural patterns.

17. INADI's budget had been approved by law in 2006 and extended for a further four years, with specific allocations to the land survey. The survey covered the entire country and ensured that communities were registered. The first phase of the survey, conducted with the national Military Geographical Institute, had considered public ownership of indigenous lands and established boundaries. The Institute was now working with the Ministry of Justice, Security and Human Rights and the National Registrar on the second phase, which involved drafting model communal property deeds.

18. Different provinces had reached different stages in the survey and some were proving reluctant to comply with the new law. However, it was hoped that work would progress and that the land would ultimately be transferred to the indigenous peoples, either through a process of dialogue and consensus or through more direct mechanisms.

19. **Mr. Morgado** (Argentina) said that INADI had drawn up its first "discrimination map" in 2006; the map was a quantitative tool that reflected perceptions of discrimination in each of the provinces. The network of researchers on discrimination had been incorporated in the website of INADI, which brought together researchers and teachers working on different discrimination issues in Argentina. The website published details of research groups, publications and individual researchers, and also information on national and regional meetings in which network members and institutions were participating.

20. **Mr. Fernández** (Argentina) said that the national survey conducted through the Institute had promoted the establishment of councils on indigenous participation within the communities and encouraged broad participation; there were now more than 300 members of the Council on Indigenous Participation (CIP) nationwide.

21. The Institute was working with the Ministry of Education on specific programmes to substantially strengthen the significant progress that had been made with regard to intercultural bilingual education. Funding and training were available for some 400 intercultural tutors elected by communities through the CIP, although more needed to be done to integrate indigenous teachers on an equal footing with teachers in the national system. The Institute sought to increase the financial incentives offered to intercultural tutors and to strengthen and expand their role to include social protection. There had been some progress, but more work remained to be done.

22. **Mr. Acevedo Díaz** (Argentina) said that racial discrimination fell within the scope of the National Migration Act, which recognized the human rights of all persons as individuals regardless of their national or racial origin and established migrants' rights, non-discriminatory criteria for admission and equal treatment for migrants and nationals. Moreover, it established actions deemed to be discriminatory and promoted the integration of foreigners in the community of residents. There were regulations for implementation of the law rather than a review process. The legislation could be applied directly in the majority of cases and the National Directorate of Migration had issued guidelines in that regard. Advances in migration policy included the simplified residence permit procedure for MERCOSUR citizens, and the administrative decision approving the organization of the Directorate. In 2008 criteria had been established for the admission of foreigners who wished to study in formal and informal institutions.

23. **Mr. Morgado** (Argentina) said that inclusion in the National Registry offered undoubted advantages to indigenous communities. Inclusion meant that communities were recognized and enabled them to participate directly in the land survey; it also allowed them to join in all INAI and Ministry of Social Development programmes. Moreover, the Registry facilitated coordination with the provinces, which had historically registered indigenous communities using criteria, in line with the Civil Code, whereas the Registry recognized the communities' cultural and ancestral traditions. To date, some 1,000 communities had been registered nationwide and had representatives on the Council on Indigenous Participation. Eighteen of the 24 provinces were currently working on the land survey and the remaining 6 were engaged in discussions on signature of the framework agreement.

24. Beyond community land titles, the Institute was considering other types of property, such as national reserves. In the context of the bicentenary, measures were being taken to expedite the devolution of land held by the State in order to accelerate the return of lands to indigenous communities.

25. **Mr. de Gouttes**, Country Rapporteur, said that the Government of Argentina had shown goodwill with regard to its treaty obligations in that it had submitted a comprehensive report focusing on government measures adopted since 2004, as requested. It would be helpful to know which NGOs had been consulted during preparation of the report, particularly in view of the discrepancies between the information contained in the report and that submitted separately by one NGO. It was clear from the report that there had been numerous developments with regard to discrimination in general; however, it would be useful to focus on developments specifically relating to racial and ethnic discrimination.

26. The report contained updated information on broad national demographic statistics but did not break down that information by race and ethnicity, even though an estimated 6 per cent of the population, or some 2 million people, were of African descent. Detailed information on the indigenous population was provided in the report; however, the delegation would certainly wish to comment on the lack of coherent tools available to measure demographic data.

27. In view of the political, economic and social changes that had taken place in Argentina since the core document had been drafted in 1996, he requested updated information on the general context. In particular, it would be helpful to know the impact of the economic crises of 2001–2002 and 2008 on Argentina. In addition, the Committee awaited further information on the impending trials of numerous members of the armed forces and police, following the 2003 decision to repeal the laws on impunity in order to try offences committed under the military dictatorship. It would also appreciate information on judicial procedures followed in incidents involving anti-Semitism and the role of the Commission for the Clarification of Nazi Activities in Argentina.

28. The adoption of Act No. 26,162 recognizing the competence of the Committee to receive complaints in accordance with article 14 of the Convention was a positive development, as was the ratification by Argentina of a number of human rights instruments since 2006. The importance of the role played by various institutions such as INADI, INAI, the Office of the Secretary for Human Rights within the Ministry of Justice, Security and Human Rights, and the Discrimination in Radio and Television Observatory, and the importance of the National Plan against Discrimination were worthy of particular emphasis.

29. He requested further information on the role played by the Ombudsman in combating racial discrimination.

30. He would also welcome further information on the latest results of the National Plan against Discrimination and on the participation of the provinces, the city of Buenos Aires and provincial municipalities. He wondered, in particular, what measures had been taken to guarantee access to justice for indigenous people.

31. He wished to know more about the measures taken to strengthen the role of INADI. He requested further details on its activities, such as its handling of the complaints it received, its cooperation with civil society, its plan to create “discrimination maps” for each province, and its free legal advice service, mediation and rapid dispute resolution. He also wanted to know the results of INADI’s free hotline and the number of calls it had received and dealt with concerning racial or ethnic discrimination.

32. He requested further information on the main activities of INAI, such as its procedure for entering indigenous communities in the National Registry of Indigenous Communities, its arbitration machinery for the recognition of traditional land ownership rights, and its promotion of indigenous participation in programmes for intercultural education, training in law and the preservation of indigenous culture.

33. Certain NGOs had called into question the criteria used when electing indigenous representatives to the Council on Indigenous Participation and the Coordinating Council. They had also questioned the effectiveness of the consultation and participation mechanisms used by those Councils. He asked for further information on those points.

34. He would like to know more about the current project to create an “Afro national congress”. The report did not provide sufficient information on the text of the legislation criminalizing acts of racial or ethnic discrimination. He wished to know the exact provisions of Act No. 23,592 (1988) which criminalized such acts, and those which referred to aggravating circumstances in the case of racially motivated offences.

35. He reiterated the request for statistics on proceedings and sentences relating to such offences; the Committee had made the same request in its concluding observations on Argentina’s previous report in 2004.

36. He requested further information on the implementation of Act No. 26,160 (2006), which protected the lands of indigenous communities for four years and suspended all expulsions or evacuations from those lands. NGOs had highlighted cases of illegal and violent expulsions of indigenous communities in violation of that law.

37. He wished to know what progress had been made in guaranteeing access to justice for indigenous peoples and in their representation within the Government and the justice system. He would also welcome more information about the activities of the Directorate for the Development of Indigenous Communities.

38. He requested further information on how the latest implementing regulations for Act No. 25,871 (2004) would maintain the spirit of the original law, particularly with regard to migrant children and adolescents, respect for the right of family reunification, and people who had lived for a long time in the country but whose situation was still not regularized.

39. He requested further details on the implementation of Act No. 26,165 (2006) and on the role of the new National Commission for Refugees, in particular the measures introduced to allow an appeal at second instance against negative decisions by the Commission.

40. He asked for a response to the criticisms from NGOs concerning: unduly rapid rejection of requests for asylum, and refoulement, especially in the case of Senegalese migrants; insufficient protection of the rights of asylum-seekers at airports and border posts; and the abusive application of the “safe third country” concept in order to refuse refugee status to those persons who had transited through another country on their way to Argentina.

41. He observed with regret that the report had devoted only three paragraphs to article 6 of the Convention and asked the delegation to cite instances of case law directly relating to acts of racial discrimination. He wondered whether a solution had been found to the adjudications mentioned in annex II of the report concerning ancestral possession of communal lands.

42. He asked for examples of investigations carried out by the Discrimination in Radio and Television Observatory concerning radio and television programmes and of measures taken against broadcasters who had expressed discriminatory or racist views. He wished to know what radio and television campaigns INADI had organized to promote diversity, especially regarding reports on football and other sports.

43. He requested further information on the implementation of the National Education Act (No. 26,206), which was meant to guarantee intercultural bilingual education. Information from NGOs had shown that implementation had often been hindered by a lack of resources, lack of financing for scholarships, inadequate teaching materials and unqualified teachers. He would welcome examples of the work done by “intercultural tutors” to aid indigenous students in their studies. He also requested further information on the project to promote literacy and to safeguard indigenous ancestral knowledge.

44. He wished to know the current status of the draft decree intended to replace the 12 October celebration of “Race Day” (“Día de la raza”) with “Cultural Diversity Day”.

45. Finally, he wondered what measures the Government had taken to make its periodic reports public and to ensure widespread circulation of the Committee’s concluding observations.

46. **Mr. Diaconu** expressed satisfaction that Argentina had declared its acceptance of article 14 of the Convention. He noted that the Convention permitted the appointment of a national body responsible for transmitting communications from individuals to the Committee, though that body’s operations would need to be assessed.

47. The central Argentine Government must find a way to overcome the tensions between it and the provinces, and implement Act No. 26,160 (2002). That law had aimed to impose a moratorium on evictions of indigenous people and to find a solution to legalize their communal ownership or rehouse them.

48. While annex II had included a few relevant cases in which the Supreme Court had ruled in favour of indigenous peoples, there were in fact very few cases in the report specifically relating to racial discrimination. He wondered whether the Constitution and other enactments included a reference to ethnic origin in addition to race, religion and nationality, in keeping with the definition of racial discrimination in the Convention.

49. He believed a “discrimination map” would be a very useful tool, but he urged that it must be used in conjunction with reliable information from both INADI and INAI and must take into account all forms of racial discrimination. He wished to know the results thus far of the 2005 National Plan against Discrimination. He expressed his approval of the joint initiative of the Ministry of Education, UNESCO and INADI to modify the ethnocentric and sexist content of the “manual for secondary education”, and he was interested to see how they would achieve that.

50. He requested information on the economic and social situation of people of African descent. He wondered whether some indigenous groups might be left out of the National Registry of Indigenous Communities and, if so, what the consequences would be. He agreed that restrictions on migration would be counter-productive and appreciated Argentina’s focus on the protection of migrants’ rights rather than on immigration restrictions.

51. He requested statistics on the number of students, tutors and scholarships involved in the special measures for indigenous people. He wondered whether there were cases in which people had been refused entry to public places on the ground of race or ethnic origin. The most important problem for Argentina to solve was the implementation of the advanced legislation already in place, including in the provinces.

52. **Mr. Avtonomov** expressed satisfaction that Argentina had acted on several of the Committee’s previous recommendations, but noted that the current report stressed a number of issues that did not in fact involve racial discrimination. He reiterated that more information was needed on socio-economic indicators in order to determine where racial discrimination was taking place.

53. He wondered what happened to indigenous groups who did not apply for inclusion in the National Registry of Indigenous Communities. Racial discrimination was not always the result of a conscious policy; it could also be a failure to establish appropriate conditions for development. He requested further information on access to education for indigenous people. Bearing in mind that Roma were to be found in other Latin American countries, he asked for information on any Roma who might have settled in Argentina.

54. **Ms. Dah** said that it was unusual for a State party to comply so rigorously with the periodic reporting requirements laid down in the Convention. It made the Committee’s task of assessing progress a great deal easier. However, she noted with regret that the delegation was composed only of males, especially since Argentina reputedly had many feminists, with a high proportion of women politicians and a female Head of State.

55. The Committee attached great importance to the State party’s recognition of its competence under article 14 of the Convention to receive and consider communications from individuals or groups of individuals. Noting that INADI, the focal point for the receipt of communications, had already received a large number of complaints, she enquired about the likelihood of a complaint being submitted to the Committee in the near future.

56. She regretted that the Office of the Ombudsman, which enjoyed the status of a national human rights institution, had not sent a representative to attend the session. While such a representative would not have formed part of the delegation, the Committee would have permitted him or her to take the floor in order to comment on the human rights situation.



57. She asked whether the action taken on behalf of refugees and migrants in the context of MERCOSUR could be interpreted as a form of preferential treatment for citizens of MERCOSUR countries.

58. In its concluding observations on the sixteenth to eighteenth reports of Argentina (CERD/C/65/CO/1), the Committee had strongly recommended that the State party should ratify the amendment to article 8 (6) of the Convention adopted by the States parties in January 1992 and endorsed by the General Assembly in its resolution 47/111. The amendment requested the Secretary-General to take appropriate measures to provide for the financing of the Committee. She wondered whether there was a particular impediment that prevented Argentina from ratifying the amendment.

59. As to the lack of population statistics, especially regarding indigenous peoples and persons of African origin, Argentina had informed the Committee in 2004 that it was reviewing the results of the 2001 census and would include all relevant information in its next report. It now appeared that the State party was again asking the Committee to await the outcome of the forthcoming census. It was important to have detailed statistics, not only for the vulnerable populations concerned but also for the authorities who were implementing projects on their behalf. The existing statistics were based on self-identification, but it was important to examine the factors that prevented some members of such groups from registering. They might fear the social or cultural repercussions of being identified as indigenous or of African descent. She trusted that the next periodic report would contain figures that reflected the situation on the ground as closely as possible. In that connection, she welcomed Argentina's support for a resolution sponsored by Chile in the Third Committee of the United Nations General Assembly (A/C.3/64/L.44) to proclaim a United Nations Decade for People of African Descent.

60. According to the report, there were ongoing technical and legal-title surveys of land occupied by the country's indigenous communities. She understood, however, that a number of provinces were reluctant to sign the associated framework agreement. What action could be taken if the authorities were unable to reach an amicable settlement with the provinces concerned? With regard to the scope of the surveys, if they covered not only the land occupied but also the resident communities, they could perhaps provide useful data for the census of the indigenous population.

61. Turning to intercultural education, she asked whether non-indigenous students learned indigenous languages at bilingual intercultural schools.

62. **Mr. Cali Tzay** drew attention to paragraph 21 of the periodic report, according to which INAI was the national agency responsible for creating intercultural channels for implementation of the rights of indigenous peoples enshrined in article 75 (17) of the Constitution. Paragraph 17 stated that Congress was empowered to recognize the ethnic and cultural pre-existence of the indigenous peoples of Argentina; to guarantee respect for their identity and the right to bilingual and intercultural education; to recognize the legal capacity of their communities and the communal possession and ownership of the lands they traditionally occupied; and to regulate the granting of other lands that were suitable and adequate for human development. None of the lands would be alienable, transmissible or subject to liens or attachments. Congress was also empowered to guarantee their participation in the management of their natural resources and other interests affecting them. Lastly, paragraph 17 specified that the provinces could exercise such powers concurrently. The report further stated that INAI was responsible for fostering mediation and indigenous involvement in areas that had an impact on the interests of communities, including natural resources and biodiversity, sustainable development, health policies, communication and production, and the management and marketing of authentic handicrafts.

63. He asked how that mandate could be implemented in the Province of Chaco, where, according to the delegation, problems relating to the indigenous people needed to be addressed. Did such problems exist because of the presence of indigenous peoples or because of the failure of the State to take adequate action on their behalf? The Committee had been informed of evictions in Chaco, the seizure of indigenous land by force, the burning of fields and the planting of transgenic soya. As a result, malnutrition and diseases such as tuberculosis were widespread. Swarms of flies were the only remaining healthy living organisms. The subhuman conditions in which the indigenous peoples were living and their virtual disappearance in sociocultural terms could not, of course, be attributed to the Government. It was a structural situation. However, given that the State was taking action elsewhere to alleviate such situations and to restore legal title to land to the indigenous inhabitants, he wondered whether Chaco had simply been overlooked. If so, he asked what urgent measures were envisaged by the Federal Government to end violent evictions; to compensate the victims; to convict and punish the guilty parties – including landowners, police officers and judges; to demarcate land boundaries; and to transfer titles to indigenous peoples. The Committee had been informed that the victims of the most recent violent eviction had included one fatality, that no victim of eviction had yet succeeded in recovering seized land, and that no official had been punished for unlawful acts. The Government had also failed to introduce a training programme on indigenous rights for public officials, including information on the federal legislation prohibiting eviction.

64. In keeping with Ms. Dah's observations, he considered that a precise definition of intercultural education and its practical implementation would be useful.

65. Lastly, he enquired about measures aimed at aligning the actions of the provinces, which exercised autonomous control over land and resources, with constitutional norms and the provisions of international treaties.

66. **Mr. Murillo Martínez** said that he was struck by the ethnic composition of the delegation and wondered whether it reflected the problem of invisibility encountered by certain ethnic groups in the State party.

67. He commended the active role played by Argentina in the recent Durban Review Conference, in MERCOSUR anti-racist activities and in promoting the proclamation of a United Nations Decade for People of African Descent.

68. He enquired about intercultural relations between Mapuche communities living on the border between Argentina and Chile. Had some of them acquired dual nationality?

69. He asked what action was being taken by Argentina to implement the Declaration of the Rights of Indigenous Peoples.

70. The Committee would also be interested in hearing about practical measures to implement the ILO Convention concerning Indigenous and Tribal Peoples (No. 169). States parties were required, for instance, to establish procedures for prior consultation of indigenous peoples with a view to achieving their consent to proposed measures.

71. He was pleased to hear that the ethnic variable would be factored into the next census and enquired about the wording of the relevant question. What action was being taken to promote awareness of the procedure and to encourage the involvement of interested parties in preparing and publicizing the census?

72. The delegation had mentioned the "invisibility" of persons of African descent. He wondered whether it could offer any explanation for that situation and give practical examples.

73. **Mr. Lindgren Alves** said the report demonstrated that the Argentine Government was aware of the serious need to fight racial and other types of discrimination. He welcomed the section dealing with MERCOSUR migration policy and the idea of facilitating access to legal resident status throughout the region.

74. The definition of discrimination contained in the National Plan against Discrimination was very broad and failed to specify the objective bases for discrimination. According to paragraph 88 of the report, the Plan established that discriminatory social practices were not due to any characteristics possessed by the victim of such practices, but to the characteristics of the social group, society or State that was responsible for the discrimination. It therefore covered not only indigenous peoples but also migrants, persons with disabilities and many other vulnerable groups and, as such, was highly progressive. He suggested, however, that the regulations governing the National Plan should include a reference to the Convention definition of racial discrimination, which covered any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin.

75. He commended the references in paragraphs 44 to 47 of the report to specific judicial rulings in cases concerning discrimination against persons in a situation of poverty and/or exclusion.

76. The fact that some 6 per cent of the Argentine population were of African descent (about 2 million people) had apparently only just been discovered by the Gaviria Foundation and Oxford University. He welcomed the decision to include a question to that effect in the forthcoming census. He wondered where the 2 million Afro-Argentines lived and why they had previously remained “invisible”. Was it a manifestation of racism or a case of self-identification imposed by Oxford University with the assistance of the World Bank?

77. **Mr. Peter** noted that Argentina had ratified most of the core human rights treaties. He trusted that the remaining instruments would be ratified in due course.

78. He strongly commended the inclusion in the report of reference to specific case law with practical annotations that were directly or indirectly related to the Committee’s work. In that connection, he asked whether all Argentines, in both urban and rural areas, had equal access to law and justice. For instance, paragraphs 59 to 68 of the report provided highly impressive data on the free legal advice service offered by INADI. However, the geographical spread of the cases handled was missing. It would be interesting to know what proportion of the cases originated in urban, rural and indigenous areas. He also wished to know who qualified for free legal assistance, what criteria were applied and whether the assistance was provided by qualified lawyers or, for instance, by paralegal staff in rural or economically disadvantaged areas.

*The meeting rose at 6.05 p.m.*