



51st Regular Session of the Human Rights Council, 12 September – 7 October 2022

Item 3 & 5: Interactive Dialogue with the Expert Mechanism on the rights of indigenous peoples

Oral statement delivered by: Associazione Comunità Papa Giovanni XXIII (APG23)

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Mr. President,

APG23 welcomes the comprehensive study of the Expert Mechanism on Indigenous peoples on “Treaties, agreements and other constructive arrangements, including peace accords and reconciliation initiatives, and their constitutional recognition”.

Indeed, the recognition of indigenous peoples as such and of their rights are a key precondition for the enjoyment of all the rights enshrined in the United Nations Declaration on Indigenous Peoples, including Article 37.

However, the Declaration still lacks implementation at the national level in many countries and several indigenous communities keep struggling to affirm their individual and collective rights.

In this regard, APG23 would like to draw attention to the Mapuche communities, the largest indigenous group in Chile who still fight in affirming their rights.

The rejection of the new draft constitution has interrupted the long-awaited path toward the Mapuche’s recognition as original people. This lack of recognition is a deep and severe gap that negatively affects Mapuche lives and needs to be bridged.

The Mapuche keep living in a condition of marginalisation and denial, facing several abuses, inequalities, and violations, and surrounded by a discriminatory narrative, deeply rooted in the Chilean-society.

Moreover, their judicial guarantees are not always respected, among which the excessive use of preventive custody for long periods, and the confinement in prison instead of alternative methods of punishment as laid down by ILO Convention 169 to which Chile is a signatory.

Such attitude critically compromises equal access to justice and the exercise of Mapuche human rights.

Given the paramount importance of the recognition of indigenous people as such, we would like to ask the Expert Mechanism which role the civil society can further play in supporting the indigenous peoples in this process?

Thank you!